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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 — BRIEFS SUBMITTED TO THE TASK FORCE

VOLUME III

COMMUNITY INVOLVEMENT IN CRIMINAL JUSTICE

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VOLUME III

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A(1)

Michael C. Bennett, M.S.W., submitted an article entitled "The Need for a Partnership in After-Care" published in the Canadian Journal of Criminology and Corrections (April 1971, 13, 2) as his personal brief to the Task Force. He indicated that he considers this article as his personal viewpoint regarding the appropriate position to be taken within the criminal justice system in Canada in the area of private voluntary organizations.

A(2)

Author:

Christine Daniels
In-House Coordinator
Poundmaker's Lodge
Edmonton, Alberta

Many people throughout most of the province of Canada are wondering what to do about Native people and their problems.

Questions and comments are being asked, what can we do with these people, who can help them or what are the answers to their problems. The judges are getting frustrated, they don't know what to do with them.

If one can understand that Native people are not orientated towards the business world and the conflicting tentures of every day living especially when they are inflicted with alcohol. They lack education lack of the know how to deal in a business like manner, language barrier, and the feeling of being conditioned to an environment that lacks moderization to the present standards of being real.

Indian Alcoholism programs are in existence, they try to help to combat alcoholism, still it's not enough. More long range rehabilitated programs are needed with a view towards providing better services as the need may arise.

Halfway houses are most helpful to the people who are suffering from alcohol. They provide not only shelter and food, most important of all they provide encouragement and strength to the individual, in order to acquire the strength needed by an individual he needs to stay in one place for a certain length of time to help him or her to gain a sense of independence and hope for their future.

In the city of Edmonton, there are at least three(3) Halfway Houses. All of them are organized and programmed by white people. Our people do not use them. The fact remains that Native people do not use them mainly due to the fact that they cannot relate to white people. Therefore

.../2

my plea, to this submission is that I would hope to see more Halfway Houses to be staffed by Native People, so that our people will have the opportunity to be properly programmed in the way they can understand. It would combat some of the judges frustrations. I work in a place called Poundmaker's Lodge. It's a Native Alcohol Treatment Centre. Clients come there for thirty (30) days, how much can a person accomplish with fifty (50) humans in thirty (30) days. We build them up for thirty (30) days and we have to turn back to the same unhealthy environment, while on the other hand if we were to handle our own Halfway Houses it would help to relief the people who wonder what to do with Indian Alcoholism.

Street Patrol

The Street Patrol is a function that is set up to help people on the street. This year is the 3rd year of Street Patrol Program. It runs on a L.I.P. grant funded by the Federal Government Manpower. The project only lasts 6 months out of a year. We feel that it is an important program. Many a time the street patrolers have saved individuals, from freezing to death on the streets during the winter months, also they make decisions with other treatment team members to a suitable program for each individual person, eg. Detox Centres, Halfway Houses, Overnight Shelters, Hostels and Hospitals.
They provide counselling to the people they meet in the streets, (one to one) counselling so that they may understand the nature and origin of problems to be overcomed.
The project has been successful, but we do require year round funding so that the people on the streets can benefit to a more gainful meaning towards their rehabilitation through Street Patrol.

A(3)

Professor Jacques Laplante submitted an article entitled "L'Information communautaire individualisée: un domaine pour les services correctionnels privés?" published in The Social Worker (Summer 1975, Vol. 43,2) as a personal brief. In his view the field of activities described in this article is of the private sector and he provides his rationale for this choice. He believes this rational could provide the basic principles that could be applied in other sectors when it is a matter of accessible services that are personalized, decentralized and oriented to communities.

B. I (a) (1)

The Elizabeth Fry Society
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The Elizabeth Fry Society of B.C. wishes to endorse the August 16, 1976, B.C. Provincial Review Brief - "Preliminary Report to the National Task Force on the Role of Private Agencies in Criminal Justice", Sections 1-C, 111, 1V and Appendix A (see attached). In particular, we would like to emphasize our support of the concepts outlined in Appendix A, "Value of Private Sector Services".

The E. Fry Society of B.C. runs 5 separate but often interconnected programs:

1. Court Workers in 9 Provincial Courts

2. Shoplifters Clinic - group therapy for depressed compulsive individuals who "act out" by shoplifting

3. Program at Oakalla & Twin Maples (Provincial) Corrections Institutions

4. Residence - Half Way House for women on parole, probation, Temporary Absence, Bail or short-term crisis situation.

5. 4 Group Homes for Emotionnally Disturbed Teenagers.

Our total budget for 1976-77 is $436,000.

From our direct experience in the above programs, we would like to comment specifically on several of the Task Force Issues.

1. COOPERATION BETWEEN GOVERNMENT AND NGO (Non Government Organizations)

The government does not interfere with policy or planning of our programs. Most have started in a small way,

as innovative programs, with volunteer participation and funding from the private sector. When the program has established itself and proved its worth, then government agencies have become involved with funding and, in some instances, with setting standards.

We have welcomed the recent Provincial government approach, as exemplified by the Legal Services Commission which deals with the delivery of all indirect legal services in the province (courtworkers, educational programs, community law information centres etc.). Our Court Work program is assessed and compared with the other court work programs before being funded by the Legal Services Commission. The Commission is also aware and supports our receiving some funding from the private sector. We had an opportunity to explain our program and give input to the Commission. We believe we will benefit from the information being compiled by the Legal Services Commission particularly in respect of training programs and most effective use of funds. We understand the Provincial government is moving towards coordinating all the programs dealing with drug dependency in a somewhat similar way.

This grouping of related service programs - both government and NGO - with similar goals should increase mutual understanding and cooperation, reduce unnecessary overlapping and make both government and NGOs more accountable for their use of tax dollars.

2. OVERLAP Some overlap is desireable; an example is our Shoplifters' Clinic. This program is now being jointly funded by the Attorney General's Department, United Way, a private Foundation and we are seeking support from the Municipal government, the Department stores and in future may approach the Mental Health Department. This overlap in funding is appropriate in that all these sources are involved in this program. It is also appropriate that our "clients" have the option of attending our clinic or a psychiatrist or Mental Health Clinic. These services are overlapping yet not identical. Many of our clients, referred by the courts, stores, probation, self, etc. would never come in contact with a mental health program to deal with their problems if our Clinic did not exist.

3. RIGHT TO APPROACH GOVERNMENT DIRECTLY We consider it essential that private agencies retain the right to approach all levels of government directly rather than channel their requests through an intermediary agency which would act on behalf of the private sector. As we have stated previously, we believe the grouping of government and NGOs by similar

Service Needs, rather than private versus government, results in more accountability and better distribution of available funds. The responsibility for the appropriate grouping of service needs has been assumed by the B.C. Provincial government (with input from the NGOs) and should similarly be assumed by the federal government.

On the provincial level, we have found the channels of communication to be quite good. On the federal level, it is more difficult. We would like to recommend that organizations with national affiliations make more use of their national office to explain their programs and requests to the appropriate government officials in Ottawa, or relay the information of the appropriate person to contact to the Provincial Branches. The onus should be on the federal government to provide current information and resource material to the national offices.

The situation in which our Residence finds itself demonstrates the problems in this area. i.e. It is government policy to encourage diversion in the criminal justicesystem. Our Residence offers an appropriate option for diversion and receives women from both National Parole and Community Corrections and Probation. All involved government agencies support our program and objectives in principle, yet the house runs at a substantial deficit because of inadequate financial support from both levels of government. With the transfer arrangements, more and more female offenders are serving their federal time in the Province. These women, as parolees and on Temporary Absences from Twin Maples, will put a further strain on facilities such as our Residence. As a NGO providing a service to the federal government we believe we must have more and better access to the responsible officials in Ottawa to explain our program, request appropriate funding and account for all money received from the federal government.

1-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 difficult to deal with. Consensus has not been reached on any specific solution to the issues raised. Individuals 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 everyones attention to the basic issues concerning program survival and left little time to work on a long term comprehensive national study and consultation process.

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 betwen public and private sectors. We feel that the primary problem between public and private sectors is not a matter or 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 wnat 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 themselves to 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 the 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 cooperation 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 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 coordination, 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 cooperation 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. Work Group 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 regardless 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 which may lead to criminal justice problems;

f) manages responsibility, identifies specific service goals and engages in program evaluation and is capable of modifying goals;

g) cooperates and coordinates 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 understudy is perceived as important, in all honesty, we do not believe the Task Force on Private Agencies 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 service 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 strenghthen our capacity to develop, coordinate, 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.

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 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 compatability 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 significant 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 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 inanimously expressed during the consultation process.

A. Public Agencies

1. Responsibility to enforce or ensure that statutory commitments are met.

2. Should maintain responsibility for exercising coercive power of the state

3. Must retain responsibility for ensuring that a minimum standard of justice is achieved

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

B. Private Sector

1. 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

2. 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.

3. Can meet specialized needs of specific client groups such as alcoholics, or particular ethnic groups

4. Able to identify community needs by mobilizing community energy and willingness to respond to local problems

5. Depending on the independence of the funding, private organizations have an opportunity to stimulate reform by challenging government institutions or by creating alternative institutions

6. Depending on independence of funding private organizations offer opportunity for innovative programs and more risk taking

7. Can provide opportunities for short term projects able to be terminated upon completion

B. I (a) (2)

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The John Howard Society of Vancouver Island, as a private or voluntary agency active in matters related to criminal justice and corrections since 1935, has long been concerned about the evolving relationships between private sector and government agencies in this field. We are pleased at the opportunity to submit our views to the Federal-Provincial Task Force on the Role of Private Agencies in Criminal Justice.

SUMMARY OF RECOMMENDATIONS:

1. We recommend continuing government support for the development of vehicles for on-going communication and cooperation between government agencies and elements of the private sector concerned with criminal justice policy and services.

2. We recommend that the Canadian Penitentiary Service initiate discussions with related private agencies and citizen groups at the local and regional levels for the purposes of developing a clear, functional mandate for institutional and regional Citizen Advisory Committees and of promoting the establishment and continuation of such committees at all federal institutions.

3. We recommend that all Provincial government corrections agencies initiate discussions with related private agencies and citizen groups for the purpose of establishing appropriate mechanisms for private sector advisory input to planning and review of criminal justice policies and programs.

4. We recommend that governments provide continuing recognition and financial support for the roles of voluntary agencies in promoting citizen involvement conducting public education, and encouraging responsible criticism and social action regarding reforms in criminal justice.

5. We recommend that the private sector, with substantial government support, should carry out a major role in the delivery of criminal-justice-related services which are of the nature of counselling, education, recruitment of volunteers, treatment, social development or residential services (i.e. services which do not involve the statutory control of individuals). We perceive these services as being complementary to those of legal or statutory control which are administered by governments. Increased use should be made of contractual arrangements between governments and private agencies for the delivery of such services.

6. We recommend that mechanisms be established for continuing joint review and planning by governments and the private sector with respect to the allocation of responsibility for the delivery of criminal justice services and related programs.

7. We recommend that Diversion programs, involving prevention or alternatives to the formal court process and imprisonment be developed and executed, insofar as possible, by private agencies with the support of governments.

8. We recommend that government agencies should make greater opportunities available for private agencies to share government's established resources for in-service training of staff, research and evaluation of programs.

9. We recommend that individuals making charitable donations should receive income tax relief which is at least as favourable as that accorded to contributors to political parties.

10. We recommend that governments and private agencies negotiate to determine appropriate levels and terms of government financial support in order to avoid the debilitating and energy-wasting uncertainty of inconsistent and inadequate year-to-year funding arrangements.

INTRODUCTION:

It is essential to approach this topic with an awareness of the important role played by private agencies and community volunteer groups in the development of criminal justice and correctional services in Canada. Historically, much of the impetus for penal reform, for improving the equality of justice for all citizens and for promoting progressive changes in public attitudes has originated from voluntary agencies such as the John Howard Society. In addition, such voluntary agencies have pioneered many improvements in correctional services for offenders, including

probation, parole and the provision of residential facilities for ex-prisoners. In the provision of some such direct services, there has been a tendency for government agencies to take over these services and to expand their operations, with the consequent diminution of the service role of voluntary agencies. At the same time, voluntary agencies have come to depend more and more upon funding from governments for the continuation of their work of service, public education and social action.

In recent years, study groups including the Canadian Committee on Corrections (Ouimet Report,1969) and the Task Force on Community-Based Residential Centres (Outerbridge Report, 1972) have addressed themselves, in part, to the continuing importance of private agencies in criminal justice and corrections. Both of these reports have recommended increased utilization of, and government support for, private sector agencies in promoting citizen involvement in the criminal justice system and in expanding community-based alternatives in corrections programs.

RESPONSIBILITY OF THE PRIVATE SECTOR IN CRIMINAL JUSTICE:

We believe that the government must take primary responsibility for assuring and overseeing the provision of a level of criminal justice services that is reasonable in terms of the requirements of social order and the expressed needs of citizens of our nation. Where possible and appropriate, government agencies should work closely with the members of our communities to encourage delegation of the provision of specific services, both in the community and in institutions, to community-based agencies of the private sector, including local institutions such as colleges, universities and libraries. Governments must take care to be responsive to initiatives from private sector agencies wishing to undertake service delivery or to contribute to government policy determination in the field of criminal justice. As a guiding principle, the desirability of community involvement in resolving the social problems related to crime must be recognized. We reiterate the recommendation of the Ouimet Report that it should "be a matter of policy in the appropriate government departments to encourage citizen participation in the field of corrections".1

The very existence of community-based voluntary agencies concerned with criminal justice is proof that citizens recognize and accept their right and responsibility to identify

1. Toward Unity - Criminal Justice and Corrections, Report of the Canadian Committee on Corrections, Queen's Printer, Ottawa, 1969, p. 374

and resolve special problems in their communities. We believe that increasing "institutionalization" of the criminal justice system errs in isolating attempts at resolution of the problems of crime from their roots in the community. We support the views of Robert Moffitt, President of the National Forum on Volunteers in Criminal Justice in the U.S.A., when he suggests that we

> "formally emphasize the right and responsibility of citizen involvement in the criminal justice system. I believe the problems existing in our criminal justice system will never be solved until there is a healthy amount of citizen input.... Many, if not most, of our institutions were initiated by volunteer concern and action. Unfortunately, our institutions, including the criminal justice system, have been forced to attempt solutions to their respective social problems with less and less direct citizen involvement. Nationally, we have come to the point at which we seem to feel it is the "institutions" responsibility to solve social problems. Institutions alone were never meant to solve social problems, but were designed to be catalysts in aiding citizenry to solve these problems. We must recognize, both intellectually and in practice, that citizen volunteers must be involved at all levels of our institutional operations. Only then will we, as a society, begin to solve our social problems."[2]

PARTNERSHIP - SHARING RESPONSIBILITIES

In view of our preceding comments on the responsibilities of citizens and government in criminal justice, the concept of a partnership between the public and private sectors is a natural conclusion. We believe such a partnership must involve, in practice, joint efforts in the planning, implementation and evaluation of criminal justice policies and services. It is not sufficient for government agencies merely to react to "pressure groups" on particular issues or to consult periodically with voluntary agencies on particular program developments. It is essential that vehicles be established for continuing cooperation and communication between government and the private, voluntary sector. The beginnings of such a

2. The VIP Examiner, Volunteers in Probation - National Council on Crime and Delinquency, Flint, Michigan. Summer 1976, Special Insert, p.D.

vehicle may be seen in the local Justice Councils in B.C. and the proposed Support Groups of the Nova Scotia Communications Project. Such bodies, comprised of criminal justice professionals, representatives of private agencies and interested lay citizens, are breaking new ground in terms of communication and co-ordination among government agencies and the private sector concerned with criminal justice.

Recommendation #1

We recommend continuing government support for the development of vehicles for on-going communication and co-operation between government agencies and elements of the private sector concerned with criminal justice policy and services.

We see such bodies, functioning at local, regional and provincial levels, as promoters of citizen awareness of, and participation in, the criminal justice system, as well as being vehicles for citizen input to bureaucratic planning and evaluation of the system. At the community level, there is the option of such groups becoming involved in non-judiciary resolution of minor social conflicts, as is the function proposed for "citizen's justice councils" by the Law Reform Commission of Canada in its Report, Guidelines - Dispositions and Sentences in the Criminal Process.

We recognize also the need for greater involvement of citizens as advisors and volunteers in individual correctional institutions and at higher levels of government corrections services. Despite a 1968 directive from the federal Commissioner of Penitentiaries providing for establishment of Citizen Advisory Committees at all penitentiaries, such committees still are not functional at some federal institutions and are not operative at regional levels of the system. Such committees do not, to our knowledge, exist at all for provincial correctional institutions, as we believe they should. Further, we suggest that provincial corrections agencies should have standing citizen committees or Corrections Commissions to advise on and/or co-ordinate correctional policies and programs.

Recommendation #2

We recommend that the Canadian Penitentiary Service initiate discussions with related private agencies and citizen groups at local and regional levels for the purpose of developing a clear, functional mandate for institutional and regional Citizen Advisory Committees and of promoting the establishment and continuation of such committees for all federal institutions.

Recommendation #3

We recommend that all Provincial government corrections agencies initiate discussions with related private agencies and citizen groups for the purpose of establishing mechanisms for private sector advisory input to planning and review of criminal justice policies and programs.

PARTNERSHIP - ALLOCATION OF FUNCTIONAL ROLES:

> "How, in practice, can the private agencies and the Government redefine their functions realistically? I suggest that we agree first on certain basic principles; then, in trust and fundamental harmony, we can hammer out working arrangements that will allow Government and agencies to complement each other in every way for the common good.
>
> The first principle I suggest proposes a natural division of labour. I believe that both agencies and Government could solve their problems of re-adaptation if they first agreed they are not rivals, but essentially different, and naturally complementary, colleagues. In practice, this means that each should be allowed to do whatever it does best."[3]

We believe it is essential that continuing recognition and support be given to the important and valuable role of voluntary agencies concerned with criminal justice in promoting citizen involvement, conducting programs of public education and encouraging public scrutiny and responsible criticism of the criminal justice system. The importance of these aspects of voluntary agency work is noted by the Ouimet Report.[4] Government agencies are not in a position to conduct unbiased public education programs nor to promote the necessary public scrutiny and criticism of their own programs.

Recommendation # 4

We recommend that governments provide continuing recognition and financial support for the roles of voluntary agencies in promoting citizen involvement, conducting public education and encouraging responsible criticism and social action regarding reforms in criminal justice.

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[3] Hon. Guy Favreau, Minister of Justice. "Parole Supervision and After-care: The Evolving Partnership of Government and Private Agencies" (Address to the JHS of Nova Scotia, Halifax, Feb. 4, 1965)

[4] op. cit., p. 376

We believe, also, that it is essential that private agencies play a significant role in the planning and provision of direct services in the criminal justice system. Too often direct services initiated by the private sector have been taken over by government agencies for various reasons, including the greater financial resources of governments and the need for wider availability and standardization of services. There is no reason why government cannot assist in providing the necessary financial resources to private agencies on a consistent basis so that private agencies could deliver services as widely as necessary while meeting required standards of similarly and quality of service. In the field of criminal justice, community-based voluntary agency services have the advantage of flexibility in response to local needs or to special needs of minority groups. Clients are often able to relate more confidently to private agency staff, who are seen as independent of the controlling arms of government services. In some instances, well-run private agencies may provide effective services more economically than government agencies.

As stated earlier, in allocating functional responsibility for the delivery of specific services it is of prime importance to determine whether the service may be provided best by government or voluntary agencies. We believe that there are certain services of law enforcement, functions of courts, statutory supervision of offenders while in the community on conditional release, or provision of secure custody for serious offenders, which must be provided directly by agencies of the government. However, there is a wide range of services at various stages of the system which are of a non-judiciary, non-police and non-custodial nature which could well be administered by community-based private agencies supported by government. Voluntary agencies have already demonstrated their capabilities in providing services of a counselling, educational, residential, social or treatment nature. With regard to these services, the government's role should be one of stimulation, support, evaluation and regulation. In respect of these types of services, we would concur with, and generalize from the view of the Outerbridge Report concerning residential centres that the government should first look to the private sector to satisfy service needs of this type.

> "When a new programme, based upon an identified need, is required, the.... government should look first to the private sector to see if that service is readily available and adequate. If it is not, the.... government should decide whether it could be developed by the private sector alone or in partnership with the government. Only after these possibilities have been ruled out, should the .... government create and administer new programmes independently. It should be noted that this policy leaves the decision-making function in the hands of the .... government to show cause why these new programmes should not be developed within the private sector."[5]

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5 Report of the Task Force on Community-based Residential Centres, Solicitor General of Canada, Ottawa, 1973, p. 44

We would suggest further that the allocation of administration of services of the nature described above should be reviewed on the same principle, re-allocating service delivery where appropriate.

In particular, we believe that services involving pre-trial assistance, legal aid, counselling or treatment and education of prisoners, post-release or after-care services (residential and counselling), recruitment of volunteers, and the currently developing range of diversion programs could, in many cases, be more appropriately handled by private sector agencies. The private sector could provide such services by means of expanding the present system of service contracts between government agencies and private sector agencies.

Of course, the institution of these proposals would require extensive joint consideration and planning by various levels of government and interested private agencies. At present, private agencies are too often caught in the difficult position of modifying their operations in response to changes in government policy or practice, without having had the opportunity to plan jointly with governments.

Recommendation #5

We recommend that the private sector, with substantial government support, should carry out a major role in the delivery of criminal justice-related services which are of the nature of counselling, education, recruitment of volunteers, treatment, social development or residential services (i.e. services which do not involve the statutory control of individuals). We perceive these services as being complementary to those of legal or statutory control which are administered by governments. Increased use should be made of contractual arrangements between governments and private agencies for the delivery of such services.

Recommendation #6

We recommend that mechanisms be established for continuing joint review and planning by governments and the private sector with respect to the allocation of responsibility for the delivery of criminal justice services and related programs.

Recommendation #7

We recommend that Diversion programs, involving prevention or alternatives to the formal court process and imprisonment be developed and executed, insofar as possible, by private agencies with the support of governments.

Because of their presently limited resources and usually limited size of operations, private agencies are often severely constrained in their capabilities for the training of staff, conducting of relevant research and effective evaluation of programs. Government agencies, being generally larger and richer, have developed extensive resources in these areas which could well be shared by private agencies to the ultimate benefit of the entire criminal justice system.

Recommendation #8

We recommend that government agencies should make greater opportunities available for private agencies to share government's established resources for in-service training of staff, research and evaluation of programs.

FINANCING THE VOLUNTARY AGENCIES:

Voluntary agencies have traditionally financed their operations by a mixture of funds raised from public giving, grants from private foundations, general grants from governments and fee-for-service arrangements with government agencies.

Funds available from private foundations have often been limited for voluntary agencies related to criminal justice. Much of the resources of private philanthropy through foundations go to agencies involved in education or medical research and treatment. Private foundations may temporarily fund innovative programs in social or criminal justice services,but are reluctant to provide continuing financial support for on-going service programs. Information on the availability of private foundation funds is often lacking for small, widely-dispersed voluntary agencies. We would encourage the federal government to adopt the proposals contained in the Department of Finance Discussion Paper, "The Tax Treatment of Charities". We believe that the requirements regarding reporting of assets and activities and the sanctions against excessive administrative costs for tax-free foundations would be beneficial to needy voluntary agencies.

The availability of funds from public giving is insufficient to meet the growing needs of private agencies, while such funds should continue to be a significant part of the revenues of such agencies. Voluntary public giving is an indication of community support for the work of private agencies. The present tax treatment of charitable donations with a $100 "no-receipt" deduction does not adequately encourage charitable donations. More favorable tax treatment is given to contributions to political parties! We believe this taxation inequity should be removed to encourage charitable donations by individuals. Consideration should also be given to equivalent recognition of charitable donations made in kind or in services and to out-of-pocket expenses incurred in voluntary service to charitable organizations.

Recommendation #9

We recommend that individuals making charitable donations should receive income tax relief which is at least as favorable as that accorded to contributors to political parties.

We are also concerned that the recent expansion of government into taxation by lotteries will have a serious adverse effect on the success of public fundraising efforts by voluntary agencies which cannot hold out the prospect of "making a million" to their contributors.

As indicated previously we believe that specified-service contracts providing fee-for-service funds from governments will continue to be important in the financing of private agencies. Efforts should be made to reduce the uncertainties inherent in some present fee-for-service arrangements by assuring some basic level of government funding so that private agency operations may ensure their capabilities to provide services when needed. Competent staff cannot be employed by private agencies on a month-to-month basis.

In addition to fee-for-service contracts which provide more certainty of continued operations, it is essential that governments provide appropriate general or "core" funding which recognizes the non-direct service aspects of many agencies' activities. Promotion of citizen involvement, public education and social action activities cannot appropriately be funded on a fee-for-service basis. The recurring and serious problem of year-to-year uncertainty of government funding introduces great constraints on the ability of private agencies to plan adequately and to retain experienced, skilled staff. These uncertainties could be much reduced by arrangements by government to provide an assured level of funding for a term of two, three or even five years at a time. Such funding would, of course, be subject to periodic evaluations of performance by the private agencies or possible renegotiation due to changing needs and circumstances.

Recommendation #10

We recommend that governments and private agencies negotiate to determine appropriate levels and terms of government financial support in order to avoid the debilitating and energy-wasting uncertainty of inconsistent and inadequate year-to-year funding arrangements.

SUMMARY:

We see important continuing roles for voluntary agencies in the criminal justice system. Indeed, we believe that strong and active private agencies offering services and programs which are complementary to those of government and a considerable degree of citizen involvement in the institutions of criminal justice are essential to the effective functioning of the criminal justice system in dealing with the social consequences of crime. We see a great need for comprehensive joint planning and review of criminal justice policies and services by governments and the private sector. We see a need for an effective partnership between government and private agencies in developing new programs and allocating responsibility for service delivery where services may most effectively be rendered.

We believe that continuing and increased government financial support will be essential to enable private agencies to fulfill their roles in the system. We believe, also, that governments can and should take steps to encourage non-governmental financial support of voluntary agencies.

We urge serious consideration of our specific recommendations and look forward to participating in the development of the government-private sector partnership that we believe is essential to a most effective criminal justice system.

B. I (a) (3)

Vancouver Justice Council
Women's Committee
309-1740 West Georgia Street
Vancouver, B.C. V6G 2V9

The Vancouver Justice Council has, over the past year, fully experienced the bureaucratic maze of Corrections. Our experiences may be of interest to your Task Force as having bearing on your first two objectives, and especially the area listed under, Content of Review; " -- the appropriateness of the existing government structures to respond to community groups".

Members of the Vancouver Justice Council's Sub-committee on Problems of Women Offenders, which is comprised of citizens, representatives of Allied Indian and Metis Society (A.I.M.S.) Elizabeth Fry Society, Vancouver City Police Force, staff and inmates of a correctional institution, accepted recommendations made by various government sponsored studies of incarcerated women that there is a need for a community-based facility, and that rehabilitation depends on the opportunities to develop different life styles. Our Committee has been working for one year on the development of such a facility.

We were supported by Corrections officials; the Deputy Minister supported us fully. We achieved community support and a development permit from the City for a house that was set aside for a women's residence. Hundreds of hours of work, both paid and volunteers, have been spent. We had out process recorded by a research person.

We are convinced that if Corrections, Federal or Provincial,wanted to test a well thought-out rehabilitative approach, our proposal would have been implemented. It is hard to believe that funds for this proposal are not available.

Our experience over the year could not have been better calculated to convince us of the actual impossibility of cooperation between governmental and private sectors. We suggest it could provide useful data for you.

MEMORANDUM

Corrections Branch
Lower Mainland Head Office
5501 Kingsway
Burnaby, B.C.
V5H 3Z1

TO Mr. J.W. Ekstedt
Acting Deputy Minister
Attorney-General's Department
625 Superior Street
Victoria, B.C.

March 8, 1976

Re: Agreement for Women's Facility

In response to the concerns raised at the meeting held January 21st and your memo of February 9th, we have revised the Agreement for the women's facility at 5 and 7 West 15th Avenue.

We received an informal communication from the City of Vancouver on March 3rd indicating that a development permit for one year has been granted. However, there is a fifteen day waiting period to provide the opportunity for a response from the citizens of the community.

A great deal of effort has been expended by the Vancouver Justice Council in conjunction with the Management Committee in securing the development permit. Several meetings have been held with the community to provide a basis for favourable consideration from the City.

You are probably aware of the tragic death of Linda Williams, staff member at Twin Maples who was involved from the beginning in the development of the proposal. Her humanistic approach to Corrections contributed significantly to the program. As a result we are suggesting that the facility be named in memorium to Linda and be called "The Linda Williams Centre".

In your memo you stated that Tom Hodgson in his role as a member of the Management Committee would be responsible for "relating the program requirements of the women's facility to the administration and management requirements of the Corrections Branch. In this capacity he will assure that statutory and regulatory requirements of the Branch (including Union agreements) are met and will assure that any new administrative processes required to meet the objectives of this program are clearly established with the Corrections system. This would include matters such as a process by which Provincial Classification and other institutions are involved in the transfer of persons into the Women's program and transfers of persons out of the Women's program if that becomes necessary." It seems that out of this has come two interpretations. One interpretation is that Tom as a member of the Management Committee will provide expertise to the Management Committee in the areas mentioned and will contribute to decisions relating to these matters. As a corrections staff employee, Tom would be responsible for conveying any new administrative processes developed between the Management Committee and yourself to the

other related sections. The initiation of new administrative processes within Corrections Required to meet the objectives of the program as determined by the Management Committee will also be the responsibility of Tom. The second interpretation is that Tom's accountability is to the Director of Community Correctional Centres in matters relating to his role on the Management Committee and that any changes in the program must go through community correctional centre channels rather than to you and your management group. It is suggested that Tom's role should be clarified. However, the committee unanimously endorses the first interpretation mentioned above.

In relation to point number 2 of your memo, we have attempted to respond to the concerns you indicated. In the new draft agreement we have incorporated your suggestions with two minor changes; the addition of police representation and one community representative being replaced by Judy Berkey who is from the original planning group. The addition of an original planner stems from the need to insure continuity of the Management Committee. The reason for establishing a program subcommittee under the Management Committee is to insure that our theoretical framework is continuously supported by resources who are not involved in decision-making.

The third point clarified for us was the use of short term passes and we have incorporated this into the agreement.

The Management Committee is anticipating a meeting with you at your earliest possible convenience to finalize the agreement. The need for the two additional Corrections staff members and a contract with Elizabeth Fry Society for the two agency staff requires urgent attention. Bill Turner is prepared to develop the Elizabeth Fry contract when he receives authorization from Institutional Services to do so.

The Committee is grateful to you for the time and support you have given in establishing this program.

Winona Stinson
for the Management Committee
Women's Facility

AGREEMENT FOR WOMEN'S FACILITY

NAME OF FACILITY

The residence for sentenced women at 5 and 7 West 15th Street, previously referred to as the Women's Facility, shall be called the "Linda Williams Centre".

OBJECTIVES

1. To establish a residence for sentenced women which is a self contained unit where those involved (staff and residents) are responsible for their own actions.

2. To provide an environment where all concerned can participate in the decision-making and are responsible for the house operation.

3. To develop concern with other peoples needs.

4. To facilitate constructive involvement of the residents in the community so that they learn to participate as contributing members of a community.

5. To develop an experimental model outside of the traditional structure of the Corrections System which can be used to test the effectiveness of a participatory style of management based on consensus decision-making.

INTENT

At the core of the program is group process and concensus decision-making. This demands a unique style of interpersonal relationships between the people involved. This program has the expressed purpose of structuring an environment for personal growth through: experiencial learning, developing trust relationships, interacting as 'people' rather than in traditional inmate-staff roles.

RESPONSIBILITY - ACCOUNTABILITY

The decision-making process will function at three levels: the House Group (made up of all staff and residents in the facility), the Management Committee, and the Deputy Minister of the Corrections Branch. The House Group will be directly accountable to the Management Committee which in turn will be accountable only to the Deputy Minister.

A program facilitator from the House staff will be selected on a rotational basis in a manner and for a period of time designated by the Management Committee. This person will be responsible for the coordination of the general administration and operation of the house. Decision-making will be communicated through the program facilitator, chairperson of the Management Committee, and the Deputy Minister. (Please see Appendix A).

The Corrections Branch representative on the Management Committee in consultation with the Management Committee will negotiate with the appropriate department staff where there is a need to establish new administrative processes or procedures to meet the program objectives.

AGENCY

The Elizabeth Fry Society has been selected by the Management Committee to be the agency responsible for employing two additional members who will augment the Corrections Branch personnel working in the facility. Funds for this purpose will be provided through the Corrections Branch and will be administered by this society. The contract for the agency services is being arranged through Tom Hodgson and Bill Turner with Elizabeth Fry.

MANAGEMENT COMMITTEE

The responsibilities of the Management Committee will be as follows:

1. Guarantee the right of the House Committee to make decisions within the context of the statutory and regulatory requirements of the Department and the law.

2. Participation in the selection and training of staff.

3. Negotiation and administration of the budget in conjunction with the Business Manager of the Vancouver Lower Mainland Community Correctional Centres and the Elizabeth Fry Society.

4. Provide ongoing training through the resources group.

5. Initial selection of inmates for the facility. (Responsibility for this will be assumed by the House Group when it becomes operative.)

6. Insuring that the participatory management style and concensus decision-making is maintained.

7. Mediation of problems arising from the operation of the program.

8. Liaison with the community through individuals, groups and agencies.

The Management Committee will be made up of a representative from each of the following:

- Police
- Community Correctional Centres
- The Community
- Justice Council
- The Staff - the program facilitator from the House Group
- The Resident Group - selected by a method established by the House Group
- Member of original planning group
- Elizabeth Fry Society

The Management Committee will determine whether or not appointments of new members to the Management Committee are acceptable.

RESOURCE GROUP

It has become evident that the theoretical framework can only be conveyed to staff and Management Committee over time.

In order that the framework does become operationalized resources who thoroughly understand the philosophy and are trained in methods of humanistic education must be in a position to analyze and evaluate on an ongoing basis how decisions are made.

Responsibilities

1. Participation with Management Committee in planning initial training, and participation in it.

2. To provide for ongoing training and support in the area of concensus decision-making.

3. To aid in operationalizing theoretical concepts.

This group is a resource to the Management and House Committees and has no power to make decisions.

Structure

This group will be made up of the following individuals:

A staff training representative, Director of Religious Programs, Individual from the original proposal group (Renée Jackson), External resource person in group facilitation.

RESEARCH

A part time research staff person will be directly involved in providing feedback and evaluation of the management process, evaluation of the staff/resident process, and evaluation of program effectiveness. This individual will be supervised by the Director of Research who will co-ordinate the research effort.

Information exchange will occur between the Research Component and the House Group, Management Committee, and the Deputy Minister.

Each level should work out and plan with research staff the focus of the data collection. The group's self evaluation will be ongoing.

At the end of the first year of operation the process and program will be evaluated at all levels by the research component. The Deputy Minister in conjunction with the Management Committee and the research component will consider all relevant concerns related to the operation of the program and changes considered necessary to improve the program's effectiveness.

BUDGETING

In addition to the funds provided through residents contribution to the upkeep of the facility, funds will be provided by the Provincial Government for the operation of the facility and the program.

Budgetary matters will be negotiated between the Management Committee and the business manager for Institutional Services.

TRAINING

A preliminary training session will involve all three levels and will entail a minimum of three consecutive days of participation. Additional preliminary training of staff will be co-ordinated by the Staff Training Section in conjunction with the resource group and Management Committee and will be of a duration established jointly. Emphasis will also be placed on ongoing developmental sessions for the house group and Management Committee members.

STAFFING

In addition to the staff employed through the Elizabeth Fry Society, four staff will be provided by the Corrections Branch.

Corrections staff will be selected by interviewing applicants from the Institutional Services Division. The Management Committee representation on the selection panel will be provided by two of its members: the Elizabeth Fry representative and the Justice Council representative.

Staff selected for the program should have the ability to acquire facilitative skills and the ability to relate on an individual and group basis with other staff and residents. Pursuant to Public Service regulations and union agreements, the Management Committee will have the option of transferring a staff member if it is found that the individual cannot function adequately in the program. Shift schedules will be drawn up by the House Committee as per the Union Agreement.

RESIDENTS

Residents who request placement in this program will submit an application to the institution and the House simultaneously. During the initial phase of operation admission to the House will be on the basis of an approved Work or Educational Release. However, once the facility is gazetted as a "Correctional Centre", residents may also be received on the basis of a direct transfer through Classification. In the case of a direct transfer, application for Temporary Absence would then be made through the house staff. Procedures for dealing with special cases, if they arise, may be worked out with the Deputy Minister. The procedure for placing residents in the program will be reviewed once the program becomes operational and if necessary, appropriate alternatives will be recommended. (For a flow chart description, please see Appendix B.)

Residents and staff will be involved in orientating applicants to the program prior to transfer. This will provide the information necessary for the applicant to make an informed decision as to whether or not she wants to participate in the program. For those individuals in institutions outside the Lower Mainland, information will be provided indicating the type of program offered and the procedure for admission to the House.

The admission of a new resident to the program will be on the basis of a decision to accept the individual by the house group. Under normal circumstances the individual must have a minimum of three months remaining in her sentence to be accepted into the residence. However, in all other instances eligibility will be maintained regardless of the length of time remaining in the persons sentence. There will be a 21 day trial period for all new arrivals in the program. If at any time during this period the house group considers that a particular resident is not functioning at an acceptable level, the house group through the house facilitator may recommend to Provincial Classification that the inmate concerned by removed from the program.

If problems arise with a resident(s) at any time, whether during the trial period or after, and the house group determines that due to the circumstances an immediate transfer is required, it will be the responsibility of this group to see that the said individual(s) is placed in the Women's Unit at Lower Mainland Regional Correctional Centre. The house group will assess the situation and make their recommendations to Provincial Classification within one working day of the transfer.

PASSES (Short Term)

Regular Passes

Regular passes allow the resident to participate in activities in the community on an ongoing basis. Staff and residents of the house group will discuss each pass application and make a concensus decision as to whether or not it should be granted. Passes granted by the house group will be authorized and signed by the house facilitator.

The Director of Temporary Absence Programs will be involved in the orientation and training of staff and residents in the area of granting passes. The Management Committee will evaluate the decision-making process for passes on an ongoing basis.

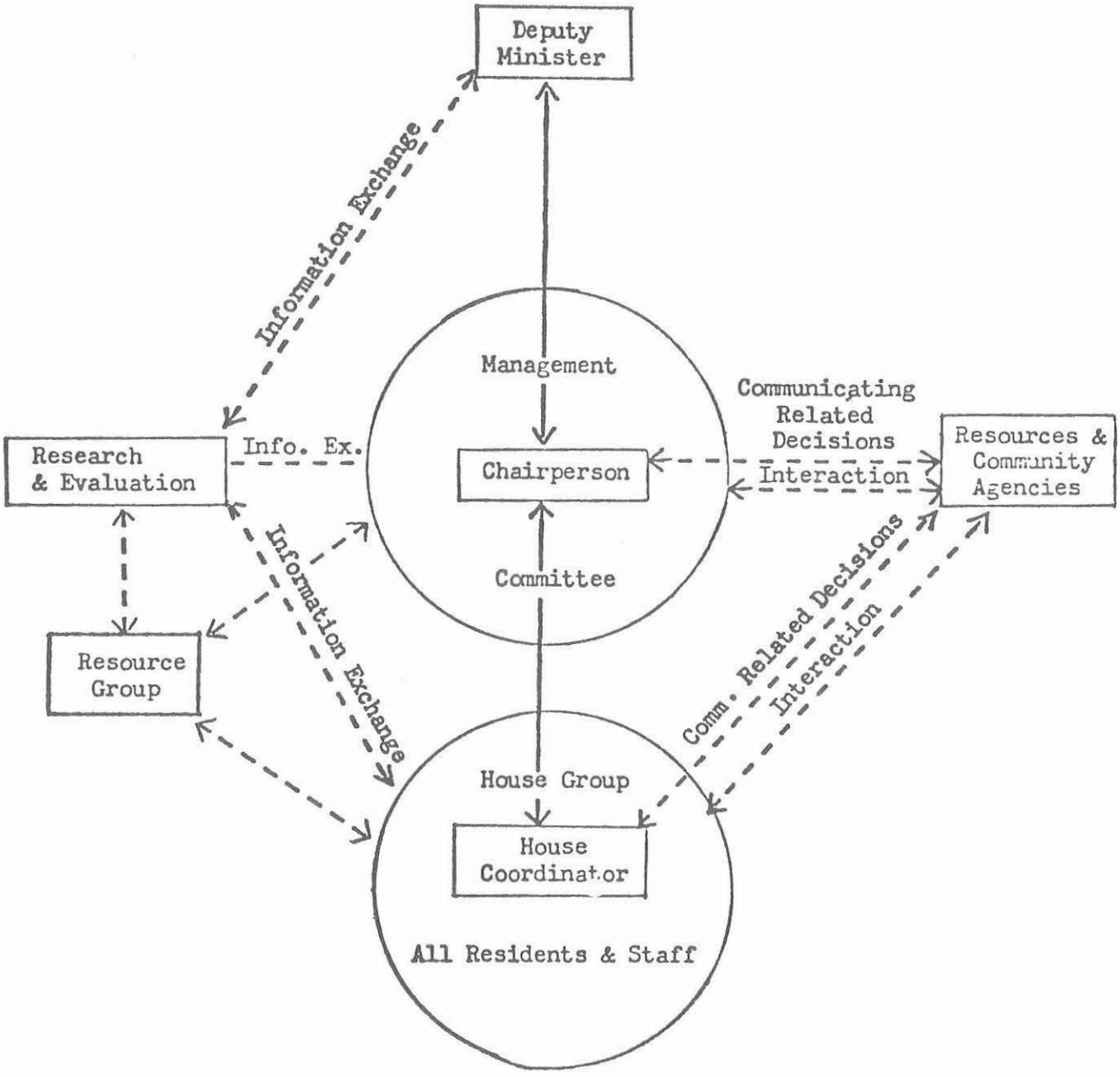
Emergency Passes

This type of pass will be granted for a short period of time (not exceeding 24 hours) for the purpose of providing for unforeseen circumstances. These will be granted at the discretion of the members of the house group and signed by the staff member on duty. Emergency passes will not replace "Regular Passes" and must be used with discretion.

PRE-RELEASE PLANNING

The house group will assist in individual release planning.

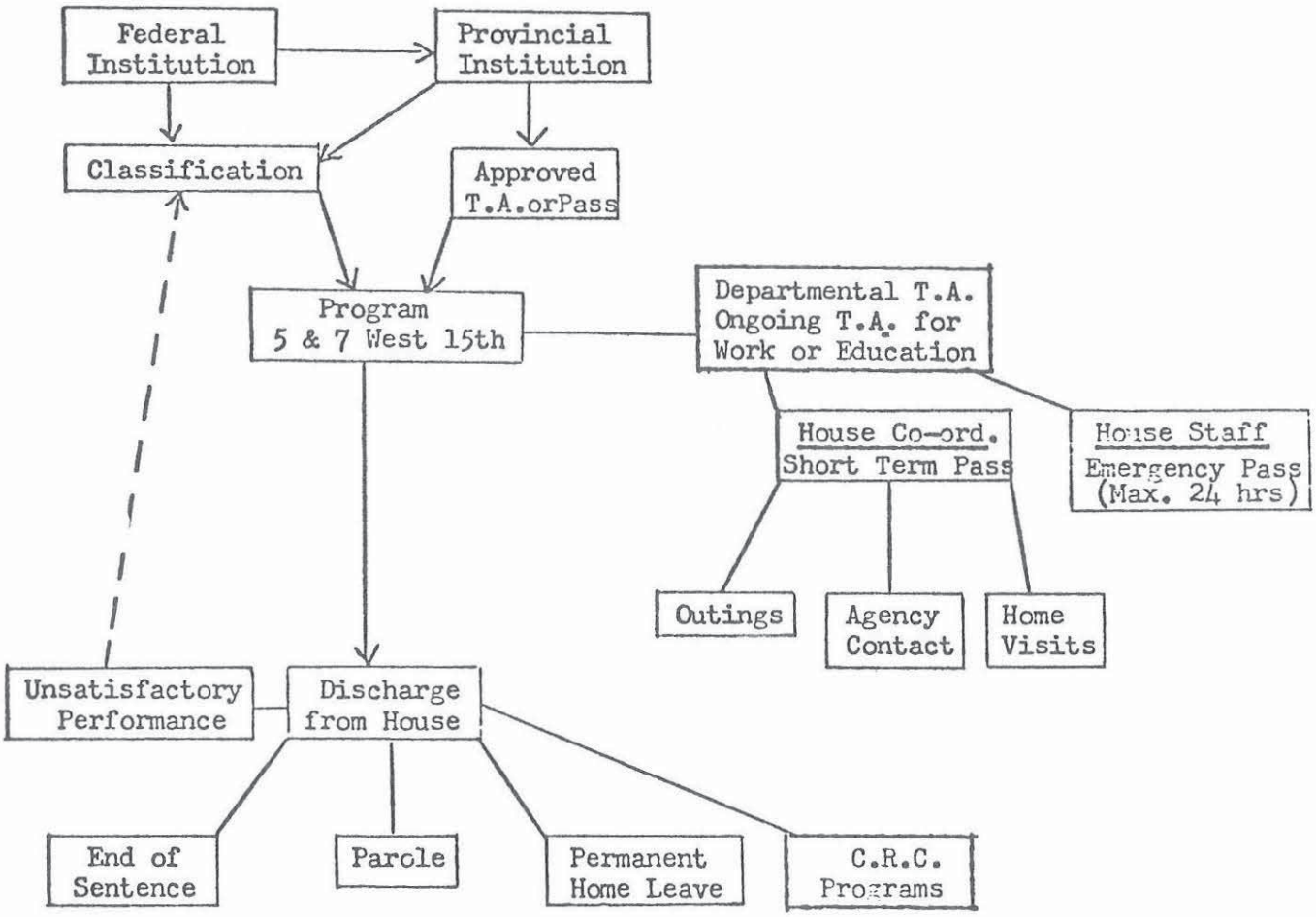
APPENDIX A



No unilateral decisions affecting other levels may be made

APPENDIX B

RESIDENT FLOW CHART



B. I (a) (4)

Victoria Justice Council

INTRODUCTION

This brief to the Federal-Provincial Task Force on the Role of Private Agencies in Criminal Justice is the product of a Workshop held by a Committee of the Victoria Justice Council and attended by more than 25 people. Workshop participants came from both federal and provincial government services,from private agencies, and from temporarily funded projects in the field of criminal justice. We were fortunate that some concerned citizens from the Justice Council and some inmates from William Head Institution also participated and added important points of view to the discussion.

The brief attempts to summarize the concerns and suggestions of those who attended the Workshop and has been circulated to them for their comments, which will be incorporated into the final draft.

The workshop used the Discussion Guide provided by the National Task Force as stimulus for small group discussion, with the small groups reporting to the full Workshop. In the body of this brief we have retained the question-response format, but the initial discussion of Basic Principles and the concluding session, which became much broader than simply Funding, seemed to call for a different approach in the brief.

There was frank discussion, willingness to listen to opinions and experience of others and a degree of consensus which is perhaps remarkable considering the mix of civil servants, community people, professionals, non-professionals, and recipients of 'service' who participated in the Workshop. Certainly the success of this process is reason for optimism about our ability to work together more effectively in the future.

It is the hope of the Justice Council Committee which has prepared the brief that it will not only contribute to the Federal-Provincial Task Force but will also serve as a spur to increased co-operation and constructive action among those concerned with Criminal Justice locally.

SUMMARY AND RECOMMENDATIONS

1. Present communication between government agencies, private agencies and the community is too vague and inadequate.

2. This must not continue and some partnership must be formed between these three groups.

3. As it stands there is a need for more community involvement. It was suggested that the government should make an effort to educate the community in the area of criminal justice and as a result more lay people would be in a position to offer constructive help. Then lay people and private agencies in a combined effort would complement the existing government services and fill the void in areas where services are lacking.

4. Private agencies and the community need a mechanism for input to government. Justice Councils might play this role, but the community does not use them as much as it could and the Councils do not have real access to government decision-making processes.

   It was also felt that both government and private agencies need to be more accountable to the community.

5. Concerning funding

   Private agencies are funded with approximately 5% of the budget of the provincial Corrections Branch but it is notknown what proportion of the monies available to other Departments of federal and provincial governments actually are spent financing private agencies.

   It was suggested that these agencies sometimes base their programs on their own survival rather than community need. Private agencies, government and the community must work together to establish the needs and work toward some answers. It was suggested that municipal governments might be in a better position to fund community justice programs, and that agencies or community groups bid for the services needed to improve the present system.

   At any rate the need is strong to break through red tape and minimize government takeover of services to get down to real community input.

BASIC PRINCIPLES - THE FIRST ROUND OF DISCUSSION

The general feeling coming from participants in the Workshop was that, at the present time, there are no real criteria for allocating responsibility for Justice Services. Within the government itself it appears the allocation can result for reasons as random as geographical location, emotional whim, and traditional role. The Workshop accepted as a fundamental statement of how responsibility should be allocated, the view that neither government nor community can ever be exclusively responsible for any phase of criminal justice. At all levels and at all stages of the process, both should be involved and should have responsibility.

There are some aspects of criminal justice where government must and should have primary responsibility, with private agencies and community groups playing a supportive role. In other parts of the system, the community and private agencies should have the major responsibility. It was generally felt that as long as the community, through private agencies and projects, is able to cope with a justice problem, primary responsibility should rest with the community. Only when the situation becomes so serious, dangerous, or violent that physical restraint or coercion is required, should government assume major responsibility. It follows from this that the community should, wherever possible, undertake programmes of prevention, treatment, and diversion. However, it can be seen that government has a role at this preliminary stage as well, especially through such agencies as the police who must be involved in any diversion programmes and through funding of prevention and diversion by community agencies and groups, as only two examples of government involvement in this area, which we feel should be largely and primarily a community responsibility. Aspects of the overall justice system where government must have major responsibility are in the maintenance of a uniform standard of law enforcement, civil liberties, the courts' system, etc. Thus prisons, courts, police, prosecutors, and so on are vital to law enforcement and thus the province of government, although the community should be involved here as well, in a supportive capacity in programmes such as court workers, legal services, and court committees or Justice Councils which may offer constructive criticism and other supportive services. When inmates who have spent time in prison are returned to the community, community groups should have major responsibility for working with the inmate (this should have begun from the time the inmate was sentenced) to assure that he will be able to function adequately in the community. At all stages, government has a major funding responsibility because of its control over tax dollars and, therefore, has a responsibility to the public to plan and evaluate the programmes it has funded. Planning, funding, and evaluation all require constant dialogue between government and community agencies in determining needs, proposing programmes and services to meet those needs, and assessment of the effectiveness of the programmes.

Where a community is unwilling or unable to provide a functional service, we felt that government might have to provide some initiative in terms of helping the community to organize and develop its own services. However, regardless of whether government or agencies are providing specific services in any context, we felt that some overriding concerns were that tax money be well spent on effective services and programmes and that bureaucracy not be expanded or multiplied in tiers of supervision that escalate cost and do not necessarily give the most effective service to the public.

Private agencies can relieve overloaded government services, provide less expensive service, generate new projects, provide probation and parole supervision, bail supervision, community correctional centres, Outward Pound programmes, diversion activities. Private agencies are relieved from some of the strictures of red tape and have the advantage of being small in size and thus usually able to provide a more spontaneous individualized service. They operate at a grassroots level where the needs are visible.

The enclosed diagram, number one, indicates the areas in which we felt communities should have primary responsibility and government a supportive and funding role and the areas in which we felt government should have primary responsibility with support and consultation from the community. We felt that responsibility must be shared in all areas and in all phases of the system.

PART II - The Issues

1. What are the issues which arise out of the present allocation of responsibilities?

Some participants referred to the apparent lack of a clear philosophy or rationale of operation which joins components of justice system together in a system which functions coherently, and the frequent failure to incorporate the potential contributions of the private sector (i.e. private agencies, community groups, citizen volunteers) into the functioning of the system.

Lack of coordination causes jurisdictional gaps or overlaps - "grey areas" - between departments or levels of government and functioning private agencies. Confusion of mandates as to who should do what.

Government agencies seem to grow spontaneously in providing more services, often to the exclusion of community and private agency involvement in the community problems of crime.

"Institutionalization" of services removes community from essential involvement in resolving community problems related to crime and justice. Citizens are increasingly alienated from their own justice system.

Government role should be more one of stimulating community resolution of social conflicts, assuring minimum standards of justice service through support and evaluation.

Great need to put into actual practice the often-talked-about partnership between government agencies and private sector.

2. To what extent does the private sector have input in setting policy and planning in the criminal justice field? Does this create problems? Why?

Generally agreed that private sector has very little continuing influence on policy and planning by government agencies. Citizen "pressure groups" emerge from time to time but their influence is sporadic and usually narrowly focused. No continuing mechanism for private sector input functions well at present. Justice Councils may evolve to do this.

Generally felt this is not a desirable situation. Regular and continuing private sector input would be beneficial.

Government planning and policy setting seems most often to be done in "backrooms" away from community. Lack of effective input stifles and discourages citizen and community interest in seeking solutions to problems. Interestingly, government staff at the service delivery level felt equally removed from policy-making.

Private agencies are hampered in planning their activities effectively. They are left in a position of reacting "post facto" to government policy changes and fitting in to over-changing and supplementary roles to government services.

Over-all better planning and policy-making in criminal justice system could be done by regularly drawing on the experience and involvement of community and private agencies.

Private sector input needed for partnership.

3. What is the governmental input in setting policy and planning for private organizations in the criminal justice field? Does this create problems? Why?

Government input is general and forceful in that they set the structure of the system and general priorities for allocation of resources within it. They exercise control over the money, information and access to participation in the system.

Government agency input may be specific to particular private agencies from time to time, through exercise of the controls mentioned.

Government agency input may not be from operational levels or branches that are related to the activities of a particular private agency. Government input may only occur at budget time.

Again, mechanisms for consultation and joint planning need to be created or strengthened - to the benefit of the whole system.

Partnership and consultation are important even where funding is not a consideration in the relations between a community agency or group and a government agency. Mutual knowledge is essential.

4. What are the services and other needs that are not met in the criminal justice field? Who should be asked to do this?

Comments indicate that a general inadequacy of services is perceived throughout all stages of the criminal justice system - from public education about citizens' rights and responsibilities under the Canadian system of criminal justice, through courts and legal services, community and institutional corrections services to post-release rehabilitative assistance once statutory involvement of the system with the offender reaches or nears an end. The inadequacies cited range from complete absence of service resources in some instances to inefficiencies, lack of coordination among, or lack of information about existing services. While often referred to as a "system", compartmentalization and lack of coordination and continuity of service among various operational components in criminal justice too frequently negate any systematic approach to service needs.

Concern was expressed that, while private agencies often identify service needs or initiate new services, these services are frequently taken over by expanding government agencies, apparently without regard to the concept that some types of services are more appropriately delivered through community-based private agencies.

Specific service needs which should be met by private agencies with the support of government include:

- supportive counselling and assistance for imprisoned offenders both before and after release to assist in their return to the community

- increased contact and involvement between prison inmates and the community, through visiting volunteers and community projects

- counselling and assistance for prisoner's families

- provision of halfway house and other accommodation to facilitate probation and post-release adjustment, as alternatives to pre-trial detention

- assistance with job-finding and job-readiness counselling (jointly with government agencies)

- diversion programs and community alternatives to imprisonment

Probation services felt to be inadequate, but the answer is not necessarily in expansion of government agencies. Probationer supervision could well be handled by private agencies, although the court-work of probation officers may more appropriately be done by government employees.

Lack of supportive-living services (housing, counselling, etc.) for those persons with special needs - minorities such as mentally or physically handicapped individuals, alcoholics, persons with low social or employment skills, must be met by joint efforts.

Need for improvement by government agencies in delivery of policing (emphasizing preventive work and team approach with other agencies), court services which are subject to terrible delays, and provision of correctional (detention) facilities which are smaller and more humane, less aberrant from outside life conditions and social mores. A growing concern is failure in dealing with female offenders.

5. Are there unnecessary areas of overlap between government and private criminal justice services? What action would be needed to correct the situation?

Overlap is not the problem - there are so many service needs and areas of concern that there cannot be too many people to deal with them, but better coordination of services and communication between them would facilitate better and more comprehensive service from collective effort.

Some overlap or duplication was seen as desirable to offer alternative service modes to suit different client needs - particularly for minority groups and in the complex communities of larger population centres.

Governments could consider "tendering" for private agency delivery of specific services in some areas.

6. Are government structures meeting the needs of private organizations in an appropriate manner? What needs to be changed?

More flow of information needed and there is great need for private sector access to government "head office" structures for planning and policy-making.

Governments have very good resources for research, staff training, evaluation and management consultation expertise of all kinds. Private agencies supported, wholly or in part, by government could benefit tremendously from access to these resources, as they are usually too small to develop their own systems or programs for such things. They are, however, much needed by most private agencies.

7. Are private organizations meeting the needs of government in an appropriate manner? What needs to be changed? Should some kind of coordinating mechanism be established?

Communication from government agencies to private agencies regarding the needs the latter might meet are too infrequent. It should be encouraged. Perhaps common response from private agencies would be willingness to help but lack of resources.

Coordinating mechanisms would be most helpful. For example, B.C. Legal Services Commission and B.C. Police Commission are managing great improvement in their respective segments of the justice system. Perhaps a Corrections Commission could assist similarly in that part of the system. Could a similar mechanism be established to deal with the planning and management of courts?

Justice Councils are having some beneficial effect on coordiantion of government and private sector in dealing with local concerns around specific issues and problems in the justice system. This effect should be expanded to deal with regional and provincial concerns by building from the local Justice Councils.

B. 1 (b) (1)

Community Corrections for Women
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Community Corrections for Women endorses wholeheartedly the brief submitted to the "Task Force on the Role of Private Agencies in the Criminal Justice System" by the Canadian Criminology and Corrections Association, and has prepared this submission to offer further specific views of the role of the private agency as it presently exists, and to offer for consideration how the private agency's role can be enhanced and expanded. The Law Reform Commission of Canada has been emphasizing the role of the community in criminal justice, and a private agency such as Community Corrections For Women demonstrates the effectiveness of the private agency to involve the community in this area.

PRESENT SITUATION

At present Community Corrections For Women offers the following services to women who are either
(a) in danger of becoming in conflict with the law and have come in contact with the agency through our "outreach" program. or
(b) are in the process of re-entering the community from the criminal justice system and are in the day-parole process, the parole process, participating in the temporary absence pass program or have emerged from the parole process and are preparing to establish themselves in the community.

1. a residence which serves as the nucleus for the agency's endeavours.

2. counselling services and access to specific professional help in the areas of continuing education, job selection, or medical and psychological help.

3. a weekly program at Fort Saskatchewan Correctional Institute which serves to familiarize the inmates with the agency.

4. daily visits to the Edmonton City Police cells

5. daily monitoring of the courts

6. a consistent after-care policy where women are encouraged to remain in contact with the agency after they are established independently in the community.

Society traditionally expects government to be responsible for the criminal justice system, and at present government does control the system with the exception of small responsibilities which are handed out here and there to private agencies. However, there is no specific plan as to how these responsibilities are distributed and services of the private agencies are generally limited by the extent of government funding provided. Further, private agencies can only obtain responsibilities for services by actively seeking out these responsibilities from government. There exists at present no consistent quality of service from agency to agency and, these agencies actually compete with each other for funding. No communication exists between the government and these private agencies and no joint planning is in effect. Presently a private agency only survives where government recognizes and desires access to that agency's specific service. There does not exist a means by which quality of service can be monitored.

SOME BASIC PHILOSOPHIES

It is significant in this area that clients of the system be confronted by individuals of the highest calibre whether, these be government staff or staff of a private agency. Counselling should be carried out by those individuals best qualified to supply in-depth relationships. It is very difficult for large institutions to provide the close, personal committment of counsellor to client. The private agency is able to move more easily in the aforementioned manner and is better able to be flexible and innovative in their approach. Further, the private agency is the natural catalyst to promote liaison between the community and the criminal justice system. By expanding volunteer programs, the agency can gradually educate and involve the community in this area.

It is recognized as a far greater challenge to expect a person re-entering the community, to cope in the community than to counsel such an individual while detaining him or her in a dependent environment. In addition, no individual will develop a feeling of loyalty or kinship with a large institution.

Community Corrections For Women feels that their existing services could be feasibly expanded to include -

(a) parole supervision

(b) probation

(c) public education

(d) provision of an alternative to incarceration for-

- first offenders
- child abuse offenders
- persons having committed "victimless" crimes
  e.g. prostitution and drug or alcohol abuse.

The above-mentioned individuals would, therefore, be prevented from penetrating further into the criminal justice system, and, hence making rehabilitation and re-entry more difficult.

In view of Community Corrections For Women's present situation, with the problems that exist, and keeping in mind specific basic philosophies, our agency would like to make the following recommendations that would allow for co-operative management of the criminal justice system jointly by the government and the private sector.

RECOMMENDATIONS

1. Means should be taken to ensure a free-flow of information back and forth between private agencies and the government, including an exchange of expectations, problems and criticisms.

2. Joint planning and service should be the thrust here. The private sector should be involved in advisory committees, and planning boards e.g. penitentiary placement committees - a committee which discusses the fate of an individual should certainly include a member of the staff of the community residence which housed this individual. Long-range joint planning would exclude the need for additional co-ordinators.
3. Consistency and quality in staffing be a priority of both government and the private sector. It is recommended that screening committees be set up involving both government and private agencies to accredit and continually assess criminal justice facilities and services.

4. It is recommended that financial support of private agencies be a priority of government, although it is recognized that diversity of funding is desirable.

5. It is recommended that government recognize when budgets are presented by private agencies that
   - special staff training and development needs must be acknowledged
   - per diem rates may not reflect realistically the expense entailed by a community residential program.

6. It is recommended that government work towards adopting a system of longer-range financial commitments, therefore, promising a better degree of continuity of service. Longer term contracts are desirable.

7. It is recommended that government develop guidelines for funding which will be made available to private agencies.

8. It is recommended that government assume the financial responsibility for research in this area.

9. It is recommended that a facility for women be built in Western Canada, as the further an offender is removed from her community, the more cumbersome her re-entry becomes.

10. It is recommended that an adequate forensic unit, separate and distinct from the unit connected with the mental hospital, be provided in Alberta, so that offenders involved in drug abuse may receive treatment.

11. It is recommended that government review the passing of legislation to decriminalize certain "victimless" crimes e.g. prostitution and drug and alcohol-abuse related offenses.

B. I (b) (2)

The John Howard Society of
Alberta

Introduction

The John Howard Society of Alberta, a member of the John Howard Society of Canada and the International Prisoners' Aid Association, is a non-government agency dealing with the offender and ex-offender. The John Howard Society has a long and well established history in Canada as a community organization for its active interest in penal reform and for the range of services it provides both in the community and in correctional institutions.

Through both qualified employed personnel and our volunteer members, we seek to provide counselling and rehabilitative services which help ex-offenders to re-establish themselves in the community. To this end, the programs of the John Howard Society of Alberta include, to cite but a few, pre-release planning, counselling services for individuals and their families, organization of family groups, institutional visiting programs and transportation for indigent relatives, job planning and placement services, agency referrals and the provision of such needed services and assistance not adequately available through other groups or agencies, parole supervision, and the operation of Community Residential Centres.

In addition, the Society operates a variety of preventive and public education programs in the community and deals with various levels of government as a community voice seeking improved policies and techniques in the Criminal Justice System. Government is well aware of our existence and of our responsible concern for both individuals and criminal justice in Canada.

The Issues of Concern

As representatives of a voluntary society and community agency, we welcome the opportunity to present our concerns to this Task Force. We further appreciate the concern of government for the role of private agencies in criminal justice as represented by the Task Force.

We would therefore direct the attention of the Task Force to the two fundamental issues which confront us.

1. What is the role of the private agencies in criminal justice; and

2. A related issue, but one deserving separate consideration, how are the functions of the private agencies to be funded?

Each of these issues may be further elaborated over three dimensions:

a. What is needed in the immediate present situation?

b. the situation through the next five years; and

c. the policies which will direct us towards the indefinite future.

We have thus six issues of concern which we would raise at this time. In the interests of brevity and conciseness, we shall mention only the more outstanding aspects of each concern.

1a. The Role at Present

The private agencies provide alternatives to government services as well as a range of uniques services to the community and our clients, some of which were outlined in the introduction to this presentation. However, we find that many of our programs and functions have not been fully articulated with the role of government and government policy. Too frequently we have tended to develop our historical mandate by responding on an ad hoc basis to emerging needs, opportunities and funding.

What is immediately required is to bring coherence to the role of the non-government agencies. And this, we suggest, is predicated upon adequate joint planning between the private agencies and government.

This does not intend that government should assume the role of an "enlightened" parent directing the development of his child. We are in urgent need of the opportunity to discuss together our priorities and goals and programs. It is only through common effort that the role of the private agencies in criminal justice may be rationally and coherently stabilized.

1b. The Role in the Immediate Future

Various governments and their agencies have repeatedly emphasized the valuable role of the non-government agencies in the criminal justice system. The Report of the Canadian Committee on Corrections strongly stressed the need for extensive community participation in criminal justice, noting that "what is required is a partnership between the government service and the voluntary agency" (p. 378), and recommended that "this partnership involve a major direct service function on the part of the voluntary agencies in relation to government correction services." (p. 379).

We are not so naive as to suggest that this gives us a claim on full partnership within the total criminal justice system. Our intentions are much more modest. We seek only a realistic partnership with government in determining the proper role for community agencies such as ours.

More recently the Law Reform Commission of Canada in its attempts to reorient and revitalize criminal justice in Canada, has, in a variety of working papers and briefs, recommended a movement towards the exercise of restraint and diversion in criminal justice. This position foresees an increased utilization of community resources. Specifically it intends a more salient role for the private agencies.

To see the problems of criminal justice more clearly, to come to grips with them at the community level, and to make it possible for our responses to crime to be more rational, informed, open, and selective, "all depends on governments supporting the community and its agencies to make that intelligent response in a timely way." (LRCC, Working Paper on Diversion, p. 22.)

If we are to thereby understand an increased saliency in the role of the private agencies in the immediate future, the realization of that role must begin with joint planning and policy development now. If this is to be our direction, and most would concede that it is, then we must begin now to ameliorate the conditions which currently restrict the functions of the private community agencies.

To cite but a few of the problem areas, we would note the following:

i. The comparative powerlessness of the private agencies in the face of the overwhelming power of government;

ii. The present lack of articulation between government and agency objectives;

iii. The relative lack of co-ordination both between the various agencies themselves as well as between the agencies and government;

iv. The frequent experience of government indifference toward the private agencies.

The resolution of these problems has two requirements. First, there must be, on the part of government, an increased sensitivity to the legitimate interests of the private agencies. The indiscriminate exercise of government prerogative and power, however well intentioned, can only serve to demoralize the community agencies.

Second, we again stress the need for joint planning and policy determination. There is an urgency here in that only in this way can the community agencies such as ours appropriately and adequately prepare for our emerging roles.

1c. The Indefinite Future

If we assume, as seemingly everyone does, that the role of the community agencies in criminal justice will continue to become more relevant and significant, then it is important that our common efforts for joint planning be formalized. In this way, not only may we deal more appropriately with our problems and our deficiencies, but we may effectively anticipate and plan for a more ordered future.

The failure to do this can only exacerbate the frustrations and limitations which presently plague and badger the non-government agencies.

2a. Present Funding of Private Agencies

At the present time the private agencies depend for their livelihood on the community and on both direct and indirect government funding. Our experience suggests that community resources are now close to being fully extended. Thus reliance on government funding is increasing and will increase.

We will forego the opportunity to elaborate at this point on a recital of the contributions of community agencies such as the John Howard Society to the criminal justice system in Canada except to note that services are both extensive and comparatively inexpensive. The community and government receive good value for their support.

Regretably, however, the instability and inadequacy of present funding practices critically limit both the day-to-day operation and the planning of the agencies. Funding practices must be immediately stabilized and regularized at a level sufficient to ensure the continued survival of the private agencies.

It is difficult to see the community agencies participating effectively in service to present needs and the development of community involvement in criminal justice when, at the same time, a great deal of effort must continually be given to securing sufficient funds simply to remain in operation.

In recent years, our agency has experienced the uncertainty, confusion and general inadequacy of three-level funding. We must receive some assurance of coherent support for both program needs and organizational maintenance now, if we are to participate meaningfully in criminal justice.

2b. Funding in the Immediate Future

It is unrealistic to expect that private agencies will ever attain the level of funding which would effectively eliminate all concerns for maintenance and financial support. It is the nature of such agencies that increased support produces an increase in services which in turn rebound back in the form of increased needs.

It is imperative, however, that joint planning for programs and services also consider the development of appropriate funding mechanisms. Immediate concerns for any efforts at joint planning must include consideration of the following issues:

i. the adequacy of private agency funding;

ii. the administration of funding for private agencies;

iii. the availability and dependability of such funding;

iv. the equitability of funding between different agencies; and

v. the resolution of conflicts and incongruity between the various funding sources.

Related to these issues, and to the development of policies and planning, is the need for joint elaboration of effective procedures for the accountability of non-government agencies.

2c. The Indefinite Future

As we contemplate the indefinite future, we are impressed by two relevant trends in Canadian society and in the Criminal Justice System. First, government has

assumed the primary role in the provision of services to citizens, and second, the Criminal Justice System is increasingly looking to the community and its non-government agencies.

Therefore, it is underscored that long-term and innovative planning of the role of the non-government agencies in criminal justice must also realistically consider and regularly provide for the funding needs of these agencies.

CONCLUSIONS

In conclusion, we may summarize our presentation with the following observations.

1. There is an immediate need for some stability and coherence in the role of the private agencies in criminal justice. For the moment, this would be effectively met by resolving the precarious financial circumstances which currently prevail.

2. For the immediate future there is the need for government to recognize the partnership that exists in criminal justice with the non-government agencies. This will involve joint planning for programs and the provision of services by the non-government agencies as well as realistic consideration of the funding needs of the agencies.

3. As we face the indefinite future, we recognize that the time has come to formalize the development and role of the private agencies and that criminal justice in Canada will require on-going, regular and meaningful collaboration between government and the private agencies.

4. Recognizing that these needs involve both Federal and Provincial jurisdictions, we would recommend:

    i. That the decision should be taken immediately to jointly review and stabilize existing agencies with regard to their historical role and present functions. This would involve a joint committee in each province composed of mandated representatives of both levels of government and of the relevant non-government agencies.

ii. That a directorate be established in the federal Solicitor General Department and in each of the appropriate provincial governments to work in co-operation with the various non-government agencies. The role of these directorates would include:

a. to jointly develop with the non-government agencies the role of the agencies in the criminal justice system for the immediate future;

b. to jointly develop with the agencies formal procedures and practices for the co-operation and partnership of government and non-government agencies in criminal justice; and

c. to co-operatively develop with representatives of the agencies the necessary policies and programs for direction in the indefinite future.

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We, of the John Howard Society of Alberta, appreciate the opportunity to appear before this Task Force. We are encouraged by the apparent concerns of government which are reflected in the work of the Task Force.

We are conscious, too, of the fact that our presentation has dealt largely with general issues and we are prepared to provide such written specification as you may require. Notwithstanding, we welcome the opportunity to respond now to any questions which the Task Force may wish to direct to the members of our delegation.

B. I (b) (3)

Native Counselling Services of Alberta

Introduction:

In response to the call for written submissions to the Task Force on Private Agencies in the Justice System, the Native Counselling Services of Alberta offers the following review of its programs and a series of recommendations based upon its experiences as a private agency in the Justice System.

Historical Background: Criminal Courtworker Program

The Native Counselling Services of Alberta developed from the Courtwork program offered by the Native Friendship Centre in Edmonton. The Friendship Centres in Western Canada were among the first formally organized Native organizations and they were originally established in the urban areas as recreational and social centres for Native people. The overall objective of the Centres was to help Native people in the cities, be they permanent residents, newcomers, or transients.

One constant problem encountered by the Centres was Native people appearing in Criminal Court. Several distinct problems were evident: a) frequently a language barrier existed, b) unfamiliarity with Court procedure, c) inability to pay fines, d) reluctance to speak up for oneself, e) lack of knowledge of agencies to turn to for assistance or guidance, f) confusion as to the law, and g) confusion as to Native rights. Added to these concerns was the problem of a distinct minority group which often felt confused, helpless, and at times resentful in the face of social, legal, economic and political institutions of the dominant groups in society.

The initial Courtwork program in Western Canada originated at the Winnipeg Friendship Centre in the early 1960's. This was the first organized attempt on the part of Native People themselves to tackle some of the problems faced by other Native people in Court. In a rather informal fashion, this Courtwork program tried to resolve some of the above-mentioned communication problems.

The Canadian Native Friendship Centre in Edmonton officially opened in 1963 in an attempt to meet social, recreational, and cultural needs of Native people in the city. As the Centre became established, it expanded its scope of operations in the hopes of better attaining its goals and meeting the variety of needs of Native people. As a result of this expansion, the Centre made provision for certain members to familiarize themselves with some of the special problems faced by Native people in Court as well as the operation of the Criminal Justice System at the Municipal (now Provincial) Court.

In the early 1960's, there had been two members of the Centre who had devoted a small portion of their time and effort to attending the Municipal Court with the purpose of making themselves available to discuss problems faced by Native people who were appearing or had appeared there. Gradually, the duties of attending Court and being present to offer assistance became associated with the responsibilities of the Executive Director of the Friendship Centre. The Executive Director soon found that the demands made upon him, primarily by Native people and to a lesser degree by some of the personnel involved in the operations at the Municipal Court, were increasing steadily. With this increasing demand for information about "What is going on; what can I do?" from Native people, plus requests for information such as, "Do you know this man; what are his circumstances?" from some of the people at Court, came the formalization of what is known today as the Courtwork service.

By 1964, the Courtworker was spending much of his time at the Municipal Court Building, trying to ensure that Native accused were fully aware of the charges, possible sentence and Court procedures such as making an election and plea and paying a fine. Other responsibilities accepted by the Courtworker included acting as interpretor, helping Native accused contact legal counsel, and referring people with special difficulties to the appropriate agencies that offered that assistance. The Courtworker made sure that Native accused were aware of the choices they could make, what services were available to them, their rights and their responsibilities. An additional service developed as the Courtworker became a permanent and accepted feature of the "Court scene". This service consisted of verbally providing background information concerning convicted Native persons to the Court when requested to do so.

By 1969, Native people throughout Alberta recognized and accepted the idea and operation of the Edmonton Courtworker. His help was solicited from outside the city, however, he could not respond adequately to these requests due to his ties with the Edmonton Friendship Centre. The demand for Courtwork services outside Edmonton came from the Native people and from some of the rural Courts.

In response to these demands, the Edmonton Courtworker left the Friendship Centre and formed the Native Courtworkers Services of Alberta in 1970. Three other Courtworkers were hired for the northern part of the province. Administratively, the Courtwork Program became part of the Metis Association of Alberta. Funding came in the form of grants from the Federal Government's Department of Indian Affairs and the Provincial Government's Human Resources Development Authority.

Political and jurisdictional difficulties resulting from their formal ties with the Metis Association forced the Courtworkers to consider alternate forms of organizing their program. With the support of the Metis Association and the Indian Association of Alberta, a provisional Board of Directors was established in 1970 to administer the Courtwork Program. The provisional Board became a permanent one in 1971 and the same structure still exists at the present time.

Alcohol Education:

In the early years of the program, the Courtworkers quickly realized the extent to which alcohol was involved with Native people in conflict with the Law. Alcohol counselling services for Native people at the time were most inadequate, given the magnitude of the problem. As a result, in 1971, the Native Courtworker Services approached the Federal and Provincial Governments and obtained funds to provide Alcohol Education and Counselling services to Native people at the "grassroots" level. With this expanded role also came an increase in the number of Courtworkers. The Courtworker Program also went into operation in the southern part of the province at that time. With this increase in the size and the scope of the organization came a change in name to the Native Counselling Services of Alberta. Native Counselling Services withdrew from the alcoholism field in 1974 as other Native and community organizations were developed and funded specifically to tackle the problem of alcoholism.

Parole Officers:

In 1970, the Courtworkers began helping Native inmates formulate acceptable parole plans and assisting Parole Service Officers in the supervision of Native parolees. This arrangement is now formalized into a fee-for-service contract with the National Parole Service to prepare Community Investigation reports and to provide supervision and counselling to Native parolees. Native Counselling Services of Alberta now has two full-time Parole Officers.

Liaison Officers:

As a result of the high proportion of Native inmates in most prisons, Native Counselling Services of Alberta entered into a contract with the Canadian Penitentiary Service in 1972 to provide the services of a Liaison Officer at the Drumheller Institution. A similar contract was signed with Alberta Correctional Services in 1973 for a Liaison Officer at the Fort Saskatchewan Correctional Institution. At the present time, there are eight Liaison Officers serving the Federal and Provincial Institutions in the Province.

The Liaison Officers act as contact and resource persons for Native people in Institutions and their families, friends, and other Native organizations. The Liaison Officers help obtain temporary absences, arrange transportation and counsel inmates. They sit on most classification and selection committees within the Institutions. The Liaison Officers work with the Native Brother/Sisterhoods and encourage Native inmate involvement in programs in the Institutions and in the community.

Family Courtworker:

In 1974, the Law Foundation of Alberta provided Native Counselling Services of Alberta with "seed money" for one Courtworker to work in the Family and Juvenile Courts in Edmonton. The demand for more Family Courtworkers was so great that there are presently twenty Courtworkers working in the Family and Juvenile Courts throughout the Province. These Courtworkers act as liaison between Native children and parents, Social Workers, and the Courts. They make sure Native people in these Courts are fully aware of their rights and responsibilities as well as the procedures involved at each stage of the process. The Family Courtworkers supervise Native juveniles on Probation. They work with Native families to prevent the apprehension of children and towards the re-uniting of Native families. The Family Courtworkers provide personal counselling, homemaking advise, and facilitate better communication between Native people and their social workers.

Legal Education:

For many years, the Courtworkers have been very active in organizing workshops where people from every part of the Justice System meet with Native communities to explain their duties. The workshops are designed to improve the understanding between Native people and the various parts of the Justice System.

In an attempt to make these workshops even more successful, Native Counselling Services of Alberta obtained funds from the Law Foundation of Alberta in 1976 to produce a series of slide/sound shows to show in Native communities. The presentations deal with issues such as glue-sniffing, arrest procedures, child welfare matters, and Native alcoholism. In addition, the program will produce shows designed to sensitize the Justice System to the concerns of Native people and the problems faced by Native people in conflict with the Law.

Formal Organization:

Native Counselling Services of Alberta is an organization of people of Native ancestry that is registered under the Societies Act of Alberta. It is governed by a seven-person Board of Directors, who were originally selected from a list of nominees submitted by the Indian Association and the Metis Association. New Board members are still chosen from persons nominated by the Native political organizations. Every effort is made to balance the Status/Non-Status representation of the Board. In addition, Board members are located throughout the Province, thus ensuring valuable geographic representation. These policies have provided Native Counselling Services of Alberta with stable, capable and independent leadership that has contributed significantly to its steady growth in the past six years. The Board is responsible for general matters such as the terms and conditions of employment, broad policy considerations in relation to program development and overall responsibility for the sound administration of the organization.

Staff members are chosen on the basis of personal stability, knowledge of English and a Native dialect, and willingness to cooperate with others involved in the Justice System. Most Courtworkers live and work in the same community. While Native Counselling Services of Alberta has the final say in selecting its staff, close attention is paid to the recommendations of Band Councils, Metis locals, and other Native organizations. Every effort is made to ensure a balanced representation of Status/Non-Status field staff.

Administratively, Native Counselling Services of Alberta has an Executive Director and two Assistant Directors (one in the northern part of the Province and one in the southern half). Area supervisors and regional offices are located in Standoff, Calgary, Hobbema, Edmonton, Peace River, and Lac La Biche. The Legal Education program, the accountant, and the training coordinator work from the head office in Edmonton.

Funding

Native Counselling Services of Alberta receives its funds from a number of sources. The National Parole Service provides funds for services performed on its behalf. The Canadian Penitentiary Services funds the Liaison Officers in the Federal Institutions. The Alberta Solicitor General funds the Liaison Officers in the Provincial Institutions. The Family Courtworkers are funded jointly by the Law Foundation of Alberta and the Alberta Department of Social Services and Community Health. The Criminal Courtworkers are funded by the Federal Department of Justice and the Provincial Solicitor General. The funds for the Legal Education Program and the Training Coordinator are provided by the Law Foundation of Alberta. The Law Foundation's financial support in each case is for a specific period of time. As a result, Native Counselling Services of Alberta must eventually seek additional funds from other sources.

Summary:

The strength of Native Counselling Services of Alberta lies in its relationship with the Native communities and the agencies of the Justice System. The structure of the Board and the hiring policies for field staff ensures cooperation with, yet independence from, the Native political organizations.

The key concept guiding Native Counselling Services of Alberta in its relationship with the agencies of the Justice System is liaison. It is the policy of the staff to cooperate with the personnel and programs of the Justice System. Native Counselling Services of Alberta attempts to bridge whatever gaps may exist between the Justice System and the Native people. In this way, it hopes to contribute to the achievement of the various goals of the Justice System as well as contributing to the development of a more complete understanding within the Justice System of the needs and concerns of the Native people.

Who are the courtworkers and liaison officers? They are men and women who possess a unique ability to successfully communicate between two often distinct groups. On the one hand, there is the different Indian dialects of the Native communities. On the other hand, there is the English speaking White community which makes up the Judiciary, Probation, Parole, Social Service, Enforcement and Institutional Services of the Justice System. To act as a bridge between these communities is not an easy task. Personal stability and an eagerness and ability to learn about the Justice System plus the ability to speak a Native dialect as well as English are the main qualifications sought by Native Counselling Services when recruiting new staff. Formal education and professional training are of little value if the Courtworker/ Liaison Officer cannot establish a workable degree of trust and respect in each community.

Recommendations:

Based on its experience as a private agency in the Justice System, Native Counselling Services of Alberta wishes to provide a number of observations and suggestions that have a practical application.

Allocations of Responsibility:

The basis of government participation in the Criminal Justice Process is historical, with its roots in legislation dating to the BNA Act. Traditionally, government agencies have been assigned responsibility in the areas of law enforcement, corrections, and the judicial process. It is assumed that this allocation was based on government's financial resources in addition to its command of authority. Any further discussion on this point would have to be philosophical and beyond the focus of this submission.

Private agencies have acquired their responsibilities through a process of evolution: Where gaps or inadequacies existed in services provided by public agencies, private agencies stepped in to provide supplementary services. The continuing existence of private agencies is justified by the effectiveness of their programs in areas over which they exercise their responsibility. This effectiveness rests in two factors:

a) their grass-roots involvement with the community.

b) their flexibility of organization and operation.

A governmental agency with the same function as that of a private agency, such as Native Counselling Services, would not be as capable of filling the gaps in its own services. The effectiveness of Native Counselling Services be traced to the following seven reasons:

a) the members of the community believe they are helping each other.

b) the community identifies with the Native Counsellor and the resulting trust enables the worker to gain a great deal of cooperation.

c) the agency is not stigmatized by the reputation which many government agencies have: i.e. bureaucracy, red tape, lack of sympathy, and lack of understanding.

d) programs can be implemented when the need arises. Anticipation of needs is possible because of the intimate community knowledge that Native Counselling Services of Alberta has.

e) special, unprecedented problems may be dealt with immediately.

f) new, innovative programs have a greater probability of being tested and getting off the ground.

g) since legislated wage and educational standards do not interfere with hiring practices, skilled and experienced workers who lack formal educational requirements can be employed.

Future Allocation of Responsibility:

It is anticipated that, unless radical changes occur in the criminal justice structure, allocation of responsibility featuring a partnership between private and public agencies will remain basically unchanged. The current trend indicates an extension of private agency services especially in corrections and after-care. This should not be discouraged. Ideally, the Criminal Justice Process is rooted in the community. The private agencies bring the Criminal Justice System closer to the community.

Ideally, the justice process should re-inegrate each offender into his community. Private agencies have more flexibility to encourage individuals in this re-integration. Therefore, it is suggested that:

Recommendation I: The basic allocation of responsibility, based on the concept of partnership, should remain as it is today with recognition that the trend of extension of private agency services in corrections and after-care can also be selectively applied to enforcement (diversion) and judicial (courtworker) functions.

Government Responsibilities

Government agencies must have the ultimate responsibility for law enforcement, corrections and the judicial process. No private agency can assemble the financial resources or authority needed to administer these programs.

Secondly, the maintenance of the sizeable pool of skilled personnel and technical facilities needed to operate these programs are far beyond the capabilities of private agencies.

A third and more theoretical consideration, is that it has long been debated whether it is possible for one entity to both punish and counsel. It may be desirable that only one entity play the "heavy". Because of their command of authority, the government agencies are the most likely candidates, thereby leaving counselling functions largely to the private sector.

Therefore it is recommended that:

Recommendation II: Government agencies should retain their overall responsibility in law enforcement, corrections and the judicial process. It must be realized, however, that public services cannot effectively be all things to all people all of the time.

Possible Private Agency Responsibilities:

As mentioned previously, the two factors that lead to the effectiveness of private agency programs are:

a) their grassroots involvement with the community.

b) their flexibility of organization and operation.

Although private agencies cannot be primarily responsible for law enforcement, corrections, and the judiciary, for reasons mentioned earlier, it would be advantageous for them to become involved as much as possible.

Several programs which are currently under government authority that could be relinquished in whole or in part, to private agencies with positive results are:

a) Fine Options - this program has been having some difficulty, due in part, to lack of community acceptance. A private agency, with its "grassroots" connections, may have more success.

b) the training of public agency personnel who are required to deal with special ethnic and minority groups. This "sensitizing" would aid them in understanding the special attitudes and problems of their clients.

c) Pre-release centres - Ideally, these centres would be most effective if placed in the community and staffed by community members. If the example of Native offenders is used, they would benefit most by a centre placed in a Native community and supervised by trained community members.

d) Halfway Houses - These could also be operated and supervised within the community by community members.

e) Parole & Probation supervision - This program is already being carried out by some private agencies, especially supervision of difficult cases. An extension of this program to include more private agencies and more cases is desirable.

At this point in time, private agencies have only been given limited opportunities to prove their capability in supervising any of these programs. Opportunity and funding should be made available to private agencies in order for them to continue to develop the services they can effectively provide.

Recommendation III: Private agencies should be allotted more opportunities and funding to further develop their capabilities in several areas presently administered by public agencies.

Unmet Services:

The main need in the Criminal Justice System that is not being met is resource-education. Resource-education is necessary because each part of the system often operates in isolation, seldom aware of the resources available from other agencies, both public and private. This lack of awareness not only leads to underuse of resources, but may lead to unnecessary duplication of services.

A catalyst is needed to bring the agencies together. Native Counselling Services of Alberta has been sponsoring small-scale workshops for private and public agencies for six years with resource-education workshops.

Recommendation IV: A resource-education, resource-sharing program, possibly based on a "workshop" model should be developed to bring together the private and public agencies within the Criminal Justice System.

Another need which is not being met by the Criminal Justice Structure is that of after-care of the offender. Recidivism rates give evidence that there is still a need for such a service and that the few programs that exist at present are inadequate to handle the problem. Since after-care should ideally be community based, it is suggested that private agencies be assigned the task.

Recommendation V: After-care programs should be established immediately under the responsibility of the private sector.

Unnecessary Overlap:

Although there may be duplication of services between private and public agencies this is not the same as overlap. What overlap exists is not unnecessary. Overlap between agencies results in discussion and usually leads to cooperation and the exchange of ideas. The end product is often the improvement of services.

Duplication, unfortunately, seldom has such positive results. An example of duplication is the situation which may exist wherein highly trained professionals are active in services which could be handled as well by trained paraprofessionals or 'lay people'. The professionals could be left free to devote their skill in areas where they are more urgently needed if the paraprofessionals were allowed to assume more of the professionals' traditional activities.

In the case of minority and/or ethnic groups, it must be taken into account that paraprofessionals drawn from these same groups may better elicit trust from their clients.

Recommendation VI: The increased use of paraprofessional workers should be the most favored alternative in areas where there is an overlap between public and private agencies.

Funding:

Public Funding of Private Agencies

A well established private agency such as Native Counselling Services of Alberta usually has satisfactory funding arrangements. It is possible to rely on a secure financial base from which programs can be planned for a relatively long period of time. In addition the agency remains free to approach other appropriate funding agencies to finance special projects.

Unfortunately the financial resources and future for many private agencies cannot be termed quite as satisfactory.

Adjustments in Funding Arrangements

It is suggested that a policy of "progressive funding" be implemented to ease the financial distress of private agencies, especially ones that are just getting started. This funding would proceed in three phases:

a) The initial stage. Beginning private agencies would be funded with limited sums for short periods of time (12 months). The management of this "seed money" would provide the beginning agency with experience necessary for the management of longer term funding. This phase would allow for the evaluation and monitoring of the agency's stability and the worthiness of its programs.

b) The intermediate stage. This stage would succeed the initial stage when the private agency shows an acceptable minimum level of achievement in its first short-term project. If it has demonstrated adequate financial and administrative responsibility and stability, the agency is awarded a biannual contract.

c) The permanent stage. This stage is reached when the agency is well accepted and showing a high level of goal achievement. At this point it will have proven its financial and administrative effectiveness. It should at this stage be awarded an open-ended contract on a permanent basis, which is not subject to cancellation without a written notice of at least one year.

This progressive funding program will enable private agencies to gradually increase their financial and administrative experience and thereby prevent some of the financial misfortunes which have in the past overwhelmed otherwise valuable programs.

Recommendation VII: A progressive funding program should be implemented by government funding agencies in order to give beginning private agencies an opportunity to learn financial and administrative abilities.

In addition to this progressive funding program it is also suggested that a fund be established to enable the financing of pilot projects. This fund should secondly, be available for projects that have proven their worth to the extent that they should be continued beyond the limits of the original 'pilot' contract. This would prevent the lack of continuity that has overcome many worthwhile projects that could not receive new funding quickly enough after their original funds were depleted.

Recommendation VIII: Funds should be established to finance pilot projects. This fund should also be accessible to successful projects which require further financing.

A third type of funding that should be made available is financing for on-going training and upgrading of private agency personnel. A partial solution to this need could also be effected if government agencies opened up their existing training programs. (e.g. in "Supervision Skills". "Organizational Development") to private agency senior personnel. The senior personnel should have the benefit of this training as early in the career of their agency as possible.

Recommendation IX: Government training programs should be opened up to senior private agency personnel, in addition to provisions for a special fund for this kind of training being established.

In addition to changes in funding procedure, three other adjustments in the existing policies and procedures of funding agencies would greatly ease the financial difficulties of private agencies:

a) The appointment of a "financial consultant to private agencies". This consultant would give advice on financing, accounting, and other financial areas of interest in which few private agencies, especially beginning agencies, would have expertise. Few private agencies have funds with which to hire a financial expert; their money is slated for service programs. This financial advisor could also give on-the-job training to members of the private agencies.

b) The government funding agency should produce financial guidelines and controls for the private agency. Financial management, however, must be left with the private agency, not the funding agency.

c) The final suggestion for financial assistance has two possible solutions. Because of the tax laws, many private funding agencies only fund charitable organizations. No provision is made for non-profit, but not charitable agencies such as Native Counselling Services. Not only is this an untapped resource, but also a means of increasing community involvement that has not been touched. The two possible solutions are:

a) a broadening of the tax laws to allow tax deductible donations to non-profit agencies, and

b) allowing non-profit agencies to designate a part of their services as "charitable", although they remain under the management of the private agency.

Recommendation X: Government should establish the following forms of financial assistance to private agencies:

a) a financial consultant
b) financial guidelines and controls
c) a change in tax laws or a change in status of some private agency programs.

Conclusion:

Native Counselling Services of Alberta strongly recommends and cautions that the implementation of the recommendations contained in this submission should proceed through joint action of both public and private agencies. Unilateral decisions by government could produce serious conflicts between the public and private agencies in an area where cooperation and goodwill are essential and where good relations have been established over the years. Native Counselling Services also emphasizes that the opinions and recommendations expressed are their own and may conflict with the feelings of other private agencies, - hence the need for cooperation with other agencies, both private and public in implementing policy changes.

APPENDIX I

What Other Writers and Researchers have said about Public and Private Agencies in the Justice System

In an effort to further assist the Task Force in its monumental assignment, the Native Counselling Services of Alberta has reviewed some of the literature that discusses Public and Private agencies in the Justice System. These reviews are presented below.

In the Canadian correctional system, public (i.e. government) and private agencies share the task of providing a variety of services for offenders and ex-offenders. Because of the recent proliferation of private agencies and the ensuring overlap of services with public agencies, debate has arisen over the appropriate roles for each.

Fattah (1965-66) made one of the earliest statements in the debate. According to his study, private agencies were the most effective for post-release assistance because of the difficulty of achieving "rehabilitation in a free community" with the presence of government agents providing constant reminders of authority.

The Canadian Committee on Corrections in 1969 sat in the middle of the pro and con arguments in their report Towards Unity: Criminal Justice and Corrections. They concluded that nothing was accomplished by pursuing arguments as to whether public or private agency workers could do a better job. They suggested a partnership, noting these positive characteristics of private agencies:

"Each has advantages and each has disadvantages. It is true that the demand for qualified workers created by the expanding correctional services will require the utilization of every available staff resource, but that situation may change. What does not change is the importance of the voluntary agencies in providing a channel for citizen participation and a second voice in government correctional planning". (p. 378)

As a potential model for the complementary roles to be played by private and public agencies they quote a statement made by the late Hon. Guy Favreau (in 1965): He suggested that private agencies would provide counselling, help with housing and unemployment and give "man to man fellowship". They would also advise the government on correctional problems "with a detachment and wisdom that derive only from a long history of independent experience." The public agencies, presumably, would continue to play their established role.

Bennett (1971) is also in favour of a partnership between private and public agencies, especially in the area of after-care. First of all he points out the main problems of private Canadian after-care agencies: lack of funding, lack of equipment and lack of trained personnel. The positive characteristics of private agencies that he mentions are: that they are a part of the free community; they can be sensitive to and adapt to local needs; they have a flexible approach; they have an ability to innovate and pioneer new programs; that through "grassroots" connections with the community at large, they have the ability to expand the limits of public tolerance and acceptance of new programs; that they offer acceptable alternatives to ex-inmates who see public after-care agencies as bureaucratic, rigid, and impersonal; and finally that they involve the client in the community. He regards this last point as very important because it is the community which originally deprived the offender of his freedom and therefore must help him regain it. It is especially at this point that professional agencies are inadequate; they can never really represent the community.

Pearce (1970) is also primarily interested in the responsibility of the community in after-care, but has some relevant points to make about the role of "volunteer" agencies. Volunteer agencies, he believes, can give the offender the optimum contact with the community especially as he attempts resettlement.

The volunteer agency can also provide the offender (or ex-offender) with a wider range of services, anything from babysitting to employment opportunities. Pearce seems to be one of the first researchers to suggest the desirability of ex-offenders as counsellors, because of the example they can give of behavior change rather than of the less effective example of socially desired behavior.

In addition, Pearce points out two problems to which private agencies are particularly prone:

a) that the volunteer may prove to be the antithesis of the client to such an extent that a communication and empathy problem may arise, and

b) that the volunteer may be identified by the client as a "second grade professional worker".

These problems can be coped with adequately in his opinion. On the positive side of private agencies, he points out that most parole breakdown occurs within 69 days of release. On the basis of this, he concludes that something is lacking in both the institutional preparation of the offender for release and the quality of support and supervision which is available to the offender. He concludes that volunteer agencies could provide something more effective.

Mounsey (1973) lists a number of characteristics of private volunteer based probation agencies that might increase their effectiveness over that of most public agencies:

a) volunteers can contribute more time, attention, and care to the individual.

b) they bring to the client a wide range of contacts in the educational and employment fields.

c) they reduce the workload of professional workers and allow them time to devote their skills in areas of greater need.

d) volunteer workers may have special meaning to the client because they are neither court-appointed nor paid.

e) the new information they put in and the criticisms of established services that they offer may lead to change and improvement.

f) the volunteer can lower barriers between corrections and the community because he can communicate the needs of both.

g) volunteers may provide juvenile offenders with someone to whom they can relate and identify and who can also teach them necessary social skills.

Barr (1971) mentions in his study that in Britain, where most correctional services are handled by the government, the private agencies were the pioneers in many areas of correctional innovation. He warns also that private agencies may become conservative and lag behind once they are established in their field.

Durham (1974), also in Britain, points out how professionalism and bureaucracy attempt to control innovation, experimentation and the "attempted implementation of wild ideas", because of the very nature of their organization. This clearly points to the importance of the role of the private agency in correctional reform.

The Canadian Committee on Corrections in 1969, pointed out that in Canada, as well, "there can be no doubt a great deal of the impetus towards penal reform in this country in the past came from voluntary agencies". (p. 376)

Native Services

The Canadian Corrections Association first implied the special role of private agencies in native services in their 1967 report, "Indians and the Law", their recommendations included a suggestion for services in educational programs on alcohol, civil rights, and criminal law; for provision of special services in court; to provide more flexible parole conditions for natives; for providing encouragement especially financial, to private after-care agencies and particularly to Native Friendship Centres.

The report pointed out the effectiveness of the Indian Friendship Centres when it came to filling in the service gaps left by the Indian Affairs Department. Also praised were the courtworker service and the practice of in-prison visitations. Thirdly, the report mentioned the success of the programs designed to use Natives for "law enforcement, judicial, and correctional services".

Two problems facing these agencies were brought up 1) the inadequate budgets and underpaid staffs due to inadequate government support, and 2) the lack of clearly defined policies and programs in some agencies.

The John Howard Society (1973) of Canada also has success to report in its Indian - Counsellor-in-training project. This was initiated as an attempt to ease the problems faced by Canadian Natives as a result of government agency inadequacies. The counsellor's duties included: "interpreting police charges and possible penalties for conviction; explaining court procedures; helping to make arrangements for bail, legal aid and interpreters; and dealing with a variety of domestic and personal matters". (Morris, 1964, and Pearce, 1970, also emphasize the role of the private agency, or agent in providing aid to the offender's family). By providing these services the counsellor is acting as a source of help in areas where Natives may previously have felt distress, confusion, and powerlessness.

In addition the courtworker is of great assistance to the court in such areas as preparing pre-sentence reports and providing other information relevant to cases. Lastly, the courtworker acts as a "watchdog" to insure that justice is done.

Summary and Discussion:

The problems attributed to public agencies by past research tend to centre on inadequate services as a result of bureaucratization and the maintenance of an unhealthy distance from the community. In contrast, the problems attributed to private agencies tend to centre more on lack of funding and equipment, a totally different kind of inadequacy.

This same trend is evident in the positive characteristics of public and private agencies. Public agencies are seldom praised; at most their work is called 'adequate'. Private agencies have whole lists of positive characteristics attached. While this may reflext some "wishful thinking" on the part of previous authors and researchers, it may also reflect the fact that private agencies do indeed provide more effective services, especially support services, than public agencies. The main points in their favor are described as community involvement, provision of a greater range of services and a greater ability to implement innovation.

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The Board of the John Howard Society of Saskatchewan is appreciative of the opportunity, provided by the calling of this Task Force, to articulate its opinions concerning its role and the role of other private agencies in the administration of criminal justice. We also look forward - anxiously - to the conclusions of the Task Force, as governments have postponed decisions of immediate importance to our organization to that time when they have received your recommendations.

AGENCY HISTORY

The John Howard Society of Saskatchewan has its origins in the dedicated efforts of citizens who organized in the late 1930's in this province to work for prison reform and the humanitarian treatment of prisoners during and following incarceration. The agency's contemporary philosophy has a firm basis in those early efforts - the pursuit of humanitarian and just responses to crime and criminal offenders expressed not only in social action but in direct assistance to persons affected.

The Society, after some 15 to 20 years of work carried out by volunteers, in 1959 incorporated under the Societies Act of Saskatchewan as a non-profit charitable organization employing salaried personnel. Through the 1960's and early 1970's, the Society allocated a majority of its resources to providing services to persons sentenced to and released from provincial and federal prisons. In relation to this, the Society played an enabling role in the development and establishment of the Canadian parole system in the Province of Saskatchewan.

Throughout the 1960's and to the present, the Society has maintained a basis of community support through its local councils. This base has provided the organization with stability in times of crisis (of which there have been more than a few) and credibility not only with government but within our local communities.

PRESENT STRUCTURE

The Society is organized provincially with membership in the John Howard Society of Canada. Local councils are located in Prince Albert, Saskatoon, Regina and Moose Jaw; each maintaining staff to carry out direct service programs and to aid in other Society activities. The Provincial Board is composed of members elected, in equal numbers, from each of the local councils. The Provincial office located in Regina has responsibility for the overall administration of finances, personnel and provincial programs. Local councils, depending upon their own priorities and resources, develop and administer local programs.

The agency's revenues are obtained from the Province of Saskatchewan, the National Parole Service and the Canadian Penitentiary Services, United Appeals, municipal governments and from other sources including volunteer contributions. Certain of these funds are obtained for specific program goals, others or portions of other grants are provided with more general objectives in mind.

In recruiting staff, emphasis is placed upon employing persons whose skills, values and interests are compatible with the objectives of the agency. There are no minimal educational standards imposed by agency personnel practices.

PROGRAMMING

In 1973-74 the Society initiated a thorough internal evaluation of its programs and activities. That exercise led to an expansion of our frame of reference and the establishment of new program initiatives in the following years. The result of this evaluation and expansion of services is expressed in our adoption, in the spring of 1975, of the descriptive lable, "Community Justice Services". This identifying label replaced earlier ones such as prisoners aid society and after-care agency.

Today the Society offers services to victims of crime, residential services to parolees and the families of inmates visiting Prince Albert, a juvenile program "Youth Activities & Resource Centre", a pre-trial diversion program incorporating the principles of offender-victim mediation, institutional services and general after-care. The agency is also active in pursuing legal and procedural reform in several areas affecting the administration of juvenile and adult criminal justice processes. In expanding our orientation, we have reaffirmed rather than abandoned our traditional roles with respect to prisons and released offenders.

Before turning to a general discussion of the issues confronting the Task Force and the John Howard Society of Saskatchewan, we would like to note that our conclusions are founded in our own experience and needs. While we hope that these have significance for other private agencies, we assume only that they are relevant to the goals and ambitions of this agency, the John Howard Society of Saskatchewan.

In pursuit of an effective and healthy private sector, the Board offer the following comments:

The Foundation of Private Agencies:

The existence of private agencies within Canadian society is not dependent upon the will of government but is an expression of fundamental liberties protected in our law: the right of association and the right to freedom of expression. The activities of private agencies are also an expression of the individual's right and responsibility to assist and offer help to other members of his community. This latter "right", while not legally defined, is a principle that is deeply imbedded in the tradition of Canadian society.

The issue here is not one of the right to existence of the private agency in the criminal justice field, but the relationship that might ideally be developed between government and such organizations. Consequently the major issue, as is so often the case, is one of funding rather than one of principle.

Rationale for Government Support:

The John Howard Society of Saskatchewan is convinced of the responsibility of government to provide for the financial support and the direct service participation of private agencies in criminal justice for the following reasons:

a) The private agency provides a forum through which citizens are able to offer informed critical commentary concerning legislation, policy and practice of governments. It further provides a forum for citizens to participate in the perpetual process of developing acceptable and effective societal goals in the field of criminal justice.

b) The involvement of private agencies provides a vehicle for local communities to pursue their particular goals and confront their particular problems without requiring the formal and total intervention of the state through its political structures and bureaucratic agencies.

c) The participation of private agencies offers clients and client groups reasonable opportunities for seeking assistance from organizations that are compatible with their experience and appropriate to their needs. Further such participation in direct service activity is supportive of, although not essential to, a provision of formed effective critical input to government and the community.

d) The private agency provides a unique opportunity for a partnership of lay and professional citizens. This partnership not only serves to enhance the understanding of lay people, but

provides the professional with an environment that is uniquely stimulating and frequently humbling.

Appropriate Activities:

The John Howard Society of Saskatchewan has taken the position, as a guiding principle rather than a binding policy, that private agencies should focus upon the provision of human services and not routinely assume responsibility for the provision of services which involve the formal intervention of the state in the lives of individuals. This is not motivated by any pristine attitude that this Society should not dirty its hands with the exercise of authority. Rather, this position arises from the recognition that a private agency, such as the John Howard Society of Saskatchewan, is not able to exercise such authority in the first place; that authority consistently and necessarily rests with the formal agencies of the state in our communities.

This agency's policy with respect to participation in parole supervision is offered by way of example. After more than 18 years of direct and routine participation in the provision of supervision to men and women on parole and later to persons under mandatory supervision, this Society has decided to discontinue its role as a routine parole supervision agency. In supervising a person under the jurisdiction of the National Parole Board, the John Howard Society finds itself in the somewhat untenable situation of being an agent of formal state control without possessing the power to exercise discretion in the use of that control. While we appear to have responsibility and authority in the supervision of parole, we, in fact, have neither. As a consequence, the Society finds that it cannot pursue effectively its primary goal of aiding the discharged offender or the more general goal of exercising control in a manner appropriate with its values and philosophy and those of the government. Without implying in any way that parole supervision is invalid, the agency considers it necessary to distinguish between the role of provider of human services and participant in formal state control strategies.

Additionally, we have become increasingly aware that there is every opportunity of providing human services without participating in the exercise of state control strategies. In fact it is apparent that such participation hinders the provision of human services and weakens our capacity for criticism and challenge of government and our communities.

With this position as a background, the John Howard Society of Saskatchewan identifies the following as areas of activity appropriate to private agencies, in general, although not necessarily to all private agencies:

Human Services:

Human services are most simply described as those services that can be offered by one person to another without the force of law. These would include residential services, but not incarceration; counselling, but not conditional release procedures; mediation of conflict, but not assessment of guilt or imposition of sanctions; financial aid, but not the provision of a minimum guaranteed standard of living as a legal right and so on. These services are appropriately offered by private agencies because they rest in the rights and responsibility of individual citizens, not the rights and responsibility of the state.

While the provision of human services is appropriate to private agencies, the role is not inappropriate to government agencies. Nevertheless, it would appear to be incompatible with Canadian social political values that government seek to assume total responsibility for such services, especially as governments appear to base the provision of human services on an immediate relation to social control strategies.

It is therefore recommended that governments support, through funding and programming policy, the role of the private agency as a major partner in the provision of human services. More specifically, government should not pursue the development and expansion of human service programming until it has been made clear that no private organization, existing or potentially existing, is ready to carry out that service.

Referring once more to the case of parole as an example, this would not require the abandonment of existing government philosophy and practice with respect to parole but would involve the amendment of their program policy and their funding procedures to allow for agencies such as the John Howard Society of Sask. to provide general or specific human services programming to those people under the supervision of the National Parole Service.

Criticism & Social Action:

There is no argument that the roles of critic or analyst and social activist are appropriate and possible ones for private agencies. It is only necessary that governments recognize that such activities require reasonable resources, especially in an increasingly sophisticated technological world. No organization should have a better knowledge of the resources required to carry out such activity than the government itself. Governments need only consider the budgets of organizations such as the Law Reform Commission of Canada or the efforts of the Task Force on the Role of Private Agencies to inform themselves fully of the resources necessary to effectively confront policy concerns and social issues.

Public Education:

In Canada, we have tended to view public education as similar to public relations. To the extent that they are similar, the responsibility for public education rests with individual agencies, government and private. However, public education also refers to a process of goal development within communities. The term chosen by the Saskatchewan workgroup to describe this activity, although virtually unpronounceable, is perhaps indicative of this latter role - community consciencization. This latter process is most appropriate to the private agency and goes hand in hand with the activity of social activism.

The Law Reform Commission of Canada has given evidence that such public education is achievable by specific government agencies. It is also evident however, that private agencies can and do provide for public education not only through such broad programming strategies, but through the unique partnership of lay people and professionals encouraged and provided for by boards, committees, councils and volunteerism in its many forms.

Research & Demonstration:

The John Howard Society of Saskatchewan is of the opinion that the private agency is uniquely suited to the task of research and demonstration. It is evident that the federal government and, increasingly, provincial governments are aware of this. However, we are of the opinion that governments at both levels have greatly underused the resource of the private agency in these cases.

Training & Education:

Very briefly, the training of employees for specific tasks must be the responsibility of particular agencies, however more general training and especially education should be carried out in environments independent from government.

FUNDING:

The Board of the John Howard Society of Saskatchewan consider it their right to request funds from government while recognizing that they have no right to receive funds. We consider it essential that government commit itself to providing reasonable funding opportunities for private agencies and that the effort by private organizations to seek funds should not be made by way of charitable appeal, but through a process of reasonable and shared searching for equitable distribution of limited resources.

In order that the process of funding be sufficiently flexible to provide not only for the needs of government but for the private agencies, the John Howard Society of Saskatchewan recommends that each of the following models be incorporated or developed into government funding policy.

Core Funding:

In order to assure that private agencies have a reasonable degree of independence in terms of the use of available resources, a policy of core funding is essential. Discussion of core funding practices is admittedly something of a thorny issue particularly in a time of government restraint and efforts to develop effective budgetary control. Nevertheless, in the viewpoint of the private agency and from the viewpoint of effective criminal justice development, we consider it essential that core funds be available. We recommend that the federal and provincial governments formally designate conditions under which core funds will be granted to private agencies. Those conditions should be sufficiently general so as not to impose upon private agencies strict control of their activities, philosophies and goals. It is also recommended that core funds be granted for periods of 3 to 5 years with the only conditions of discontinuation being misappropriation of funds or similar violation of basic administrative practice.

The John Howard Society of Saskatchewan at this point makes no attempt to define the extent or conditions of core funding. We do however offer the following recommendations:

1) that the Ministry of the Solicitor General and the Ministry of Justice of the Government of Canada provide certain core grants to enable private agencies to pursue general development of community justice practices in Canada. In the case of the Ministry of the Solicitor General, responsibility must be accepted for supporting agency activity in relationship to not only federal institutions but to persons under the jurisdiction of the National Parole Board. It is noted here that the federal government has indicated an unwillingness to provide core funds in this situation because of provincial responsibilities for general services to citizens. However, it is here considered that the fact of federal responsibility for certain areas of correctional programming demands that a similar responsibility for support of private agencies be accepted.

2) on a similar basis, provincial governments should provide for core grants recognizing that their constitutional areas of responsibility are more extensive than those of the federal government.

3) the federal government should amend necessary legislation to encourage the voluntary contribution of monies to private agencies to support essential agency activity. At the same time, private agencies and government must recognize that criminal justice is not now and will not likely be in the immediate future a particularly popular area of volunteer giving. This fact alone places a greater importance upon the availability of core funding through government departments.

4) federal and provincial governments should establish a policy of defining continuing budgets for the purposes of core funding as a percentage of their overall criminal justice budgets.

Program Funds:

In addition to the availability of core grants and in support of human service programming, public education and certain aspects of social action, governments should make program grants available to private agencies. Such grants should include contractual statements defining the service expectations of government and private agencies, the duration of the contract, means of payment, processes of accountability and evaluation, etc. Such grants should also recognize the real cost of administration and capital expenditures incurred in program development and delivery. It is noted that all too often funding agencies are reluctant to provide for capital costs with the consequence that programs are severely impaired in their ability to develop effectively. A classic example of this latter point is the difficulty incurred in the development of residential treatment resources for released offenders within the private sector.

The John Howard Society recommends that program grants should extend over periods of at least 3 years and in addition to the items mentioned above, should define the respective responsibilities and opportunities of government and the private agency with respect to client intake and accessibility.

Contractual Grants:

The present use of contractual grants for the purposes of experimentation, research and demonstration projects is considered to be appropriate and not in need of substantial amendment or revision. The John Howard Society of Saskatchewan however recommends that government more actively pursue the submission of bids for research efforts from the private sector and not limit such bids to particular academic or government organizations.

PLANNING

In recent years a considerable amount of attention has been devoted to the planning and policy development needs of criminal justice in Canada. Several structures have recently been developed, both provincially and federally, to accommodate for planning requirements. There is now pressure from several sources particularly in the private sector, for direct participation of private agencies in these planning structures. The John Howard Society of Saskatchewan however rejects this particular direction as both inappropriate and improbable. We are of the opinion that even where planning structures are able to provide for private agency participation the result is likely to be a

greater inefficiency in planning both within governmental and private sectors because of the diverse and often conflicting agendas of the two sectors.

While the present set of circumstances is often frustrating for all concerned, it is felt to be the more desirable and realistic alternative. Private agencies, in our opinion, should continue to employ traditional avenues of input and commentary, whether they be general political processes or specific consultation activities. In assuming this position however, the John Howard Society recommends that governments commit themselves to the following points:

1) While private agencies, the John Howard Society of Saskatchewan included, have not made total and effective use of available information resources, it is still considered necessary that governments directly confront the apparent tendency towards secrecy. Governments must commit themselves through legislation to the ideal of freedom of information..

2) In addition to a commitment to freedom of information, governments responsible for the administration of closed institutions, particularly prisons, must commit themselves to assuring reasonable access by private agencies. Situations have arisen in which the opportunity for entrance to closed institutions has been threatened by those responsible for their administration because of private agency activity which they have assessed as negative.

By way of example; in the spring of 1976 an employee of the John Howard Society of Saskatchewan, without the endorsement, permission or support of this agency, participated in a public demonstration supporting an inmate demonstration within the Saskatchewan Penitentiary. As a consequence of his actions and in response to statements formally made by the John Howard Society, authorities of the Canadian Penitentiary Services sought to bar the further admission of John Howard Society personnel and volunteers to that institution. For the Board of the John Howard Society of Saskatchewan, the potential implications of that incident were stratling. It brought to the forefront the reality that government controls, or can control, the private agency not only through funding but through their control of the client of the system.

Today the agency has access to the Saskatchewan Penitentiary however; we are concerned that our actions, in seeking the development of effective criminal justice policy, will deny us the opportunity of providing services to the inmates of institutions and potentially persons under the authority of community-based correctional agencies. That potentiality not only strikes deeply at the direct service role of the agency but potentially denies the agency the basis of informed and effective participation in policy development and the advocacy of procedural amendment.

The John Howard Society of Saskatchewan recommends that the federal and provincial governments provide, in their legislation, for protection of private agencies against denial of access to institutions because of their particular policies or goals. In requesting that such legislation be enacted, the John Howard Society of Saskatchewan is fully aware that a prime and fundamental responsibility of the administrators of secure facilities is the security and safety of that facility and its inmates. We accept that totally open institutions are not capable, at this point in our history, of achieving necessary levels of security and custody; nevertheless, we are vehement in requiring that governments not employ the excuse of security to deny or to limit access by private agencies. We consider that private agencies and inmates have a right to contact within the confines of secure facilities so long as the activities of the private agency do not in reality threaten the security of the institution. In this regard we are equally vehement that expressions of criticism concerning government practice or policy or commentary upon particular situations arising in particular institutions are not threats to the security of institutions.

3) Finally, we consider it essential that government agencies commit themselves to a process of prior consultation in the development of criminal justice programming. While we have rejected the idea of private agency participation in formal planning structures, we do not reject effective criminal justice planning. The development of plans to amend programming or to introduce new programming within the criminal justice system generally or within specific localities should be preceded by consultation with all agencies directly affected. The private agency cannot expect, and should not seek, veto power or similar authority in planning processes, however they do have a reasonable right to be informed of plans which will directly affect their activities and circumstances. We further recommend that where government fails to carry out planning in reasonable advance, that they be held responsible for the financial hardship incurred by the private agency.

FUTURE PROGRAM DEVELOPMENT

As has already been suggested by the previous comments, the John Howard Society of Saskatchewan supports a system of government policies which requires reasonable prior consultation with private agencies in the development of government programming and policy. Speaking specifically to the question of future program development, it is recommended that where programs are to be established that contain a significant human service component, that government seek the participation of private agencies in the provision of the human service, potentially in partnership with government to assure the effective development of control services. One objective of any program innovation should be effective evaluation of the program to determine the most appropriate location of future program responsibility (i.e. within the government or within the private sector).

CONCLUSION

The John Howard Society of Saskatchewan is convinced that the private agency is necessary to the effective development of criminal justice in Canada. It follows that responsible governments will support that participation through guarantees of funding, program participation and access to client populations, including inmates of prisons. Given limited resources and divergent value systems, tension between the governmental sector and the private sector is to be expected. We advocate that reasonable tension is accepted and welcomed.

Government can force the private sector to withdraw from direct service activity simply by withdrawing financial support and denying access to clients. We believe that this is undesirable and not a goal of governments. Government can seek to muzzle the private sector by manipulation of funding policy and conditions of program participation. We believe that this, albeit unintentionally, happens and is most undesirable.

We hope that government will work with the private sector to develop policy supportive of a philosophically and financially healthy private sector capable of providing the conceptual and direct service alternatives necessary to an effective criminal justice enterprise.

B. I (d) (1)

The John Howard and Elizabeth Fry
Society of Manitoba

Introduction

One of the stated objectives of the Task Force on the Role of Private Agencies in Criminal Justice is "to open communications between the private sector and governments at the federal and provincial levels and to ensure a thorough 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".

In this brief we will attempt to define the limits of these roles, both of the private and governmental sectors, in the light of the historical development of services, of the present situation and of what we feel would be desirable for the future.

Basic Principles

Traditionnally governments have assumed responsibility for law enforcement (police) adjudication (courts and separation from the community of offenders, (prisons) while concerned citizens in the community through the activities of philantropic and religious organizations have tried to fill perceived gaps in the criminal justice process, particularly those relating to prevention, public education, and community involvement in the integration of offenders back into the community.

The two sub-systems, if we may so call them, have developed and co-existed without any significant measure of coordination. The result is that at the present time we have a mixture of involvement of the governmental and private sectors.

It is our view that a co-existence of the governmental and of the private sectors is desirable and should be retained but that the responsibilities of each sector be limited mainly to those aspects of the criminal justice for which it is best qualified. We suggest therefore that the governmental sector be concerned mainly with the detection of crimes, apprehension of offenders, prosecution, trial and disposition involving incarceration.

Prevention, public education, penal reforms, disposition which does not involve incarceration, supervision in any form of anticipated release and in general assistance to the offender toward his integration back in the community, should be mainly the responsibility of the private sector. We believe that the deviant behaviour was manifested in the community and that, without the direct and real involvement of the community, there can be no effective rehabilitation or integration of the former offender in the community.

We believe also that the private sector should provide these services even in competition with the government sector in order to provide an alternative and the possibility of a choice, two conditions which are the necessary premises for an effective and democratic system.

Planning and Communication

The two activities of planning and communication are somewhat inter-related and will be dealt with together.

Planning involve the development of programs, policies and legislation and as such could benefit by the specific knowledge of the private sector in some areas of the criminal justice system.

We feel that it would be desirable and in the best interest of the system to have input from the private sector, by way of consultation at the time when policies are being formulated, and not, as often happens, after the fact.

The obvious advantages of such a consultation would be to reduce public disagreement on the part of the private sector when confronted with policies about which it had no prior knowledge or which it had no part in formulating.

We are proposing therefore that the private sector be represented at all consultative and policy formulating bodies at the national as well as provincial levels such as the Continuing Committee of Deputy Ministers responsible for correctional programs, the meetings of the Deputy Attorneys General etc.

In order to have an effective participation in planning it is necessary that a continuing and appropriate channel of communication be established between the governmental and the private sector and in this respect we suggest that in each province the private agencies active in the criminal justice system get together in some form of loosely knit council or federation which will serve, among other things, as the vehicle for the two-way flow of communication between the public and the private sectors. At the national level this function could be performed by the national office of the provincial organizations e.g. The John Howard Society of Canada, the Elizabeth Fry Society of Canada etc.

Prevention and public education

There seems to be general agreement about the need for increased activity in both the areas of prevention and of public education. Yet these appear to be rather neglected areas where little or no coordination exists between the public and private sectors.

We recognize that these areas require special skills as well as a considerable investment of manpower and financial resources but we feel they are of sufficient importance to warrant more attention.

It is our view that public education should go beyond public information and public relations activities and that the responsibility for it should rest mainly with the private sector. We believe, in fact, that private agencies by their very nature are closer to the community, have better acceptance and credibility, and may be more sensitive to the moods and feelings of their community. Private agencies are also free from political restrictions and independent from governments, business and labour.

We feel that the governmental sector should still share in the provision of a public information service but that it should essentially enable the private sector to carry out its responsibility in public education by providing adequate financial resources.

Direct Services

As indicated under the heading of "Basic Principle" we believe that both the public and private sectors should continue their efforts in the provision of direct services in the criminal justice system. We have also indicated that certain functions could be performed best by the public sector while others should be mainly left as a responsibility of the private sectors. These would include preventative programs, pre-trial diversion, court disposition not involving incarceration, institutional visiting, supervision in any form of anticipated or mandatory release and in general services to assist ex-offenders toward their integration in the community.

We believe that in the provision of the above-stated services the private agencies are in a particularly favorable position for the following considerations:

1) They provide an alternative to government services and the opportunity for a choice for the target population

2) They provide individualized services and a diversity of approach

3) They may generate more readily confidence in the clients and their families

4) They help the offenders maintain contacts with the community and significant persons

5) They can follow the clients from the beginning and through all the various stages of the criminal justice process

6) They have flexibility and independence which enables them to act as quickly as necessary

7) They can provide services more cheaply than the government

8) They can more easily generate community involvement through the use of volunteers

Funding

Presently the private agencies in the criminal justice field have two main sources of funds, i.e. private sources such as the United Way, foundations, individuals, fees etc. and tax dollars. The form under which these funds are received may be that of straight grants, fee for services and contracts, with greater emphasis on the latter two types.

Although we recognize the need for fiscal controls and accountability, it is of concern to us the fact that such funding models do not allow private agencies the possibility to design and implement staff development research and evaluative studies or to experiment with new programs. Evidence seems to show that private agencies in the criminal justice system are receiving a gradually diminishing support from the private sector and are becoming, therefore, increasingly dependent on government funding. The independence of the private agencies, however, need not to be lost if there is recognition that said private agencies do have a unique and essential role to play in the total criminal justice system. Private agencies should also be able to count on a basic guaranteed revenue through sustaining grants in order that they may maintain a minimum organizational structure to carry out their work.

In addition to the above, the governmental sector should recognize the need for specific funding of private agencies so that they may carry out their responsibility in the areas of prevention, public education and penal reform.

Standards and accreditation

The need for the establishment of standards is recognized and accepted. Without established and agreed upon standards there can be no basis for planning, coordination of efforts, assessment of programs or effective utilization of resources. Standards should cover both the private and public sectors.

Under the heading of "Communications" we suggested that private agencies in the criminal justice field should form a loosely knit provincial federation. Such a body should also be concerned with the establishment of standards in cooperation with the local government. National standards could then be determined on the basis of those agreed upon provincially.

Accreditation for services and for funding would then be regulated by the established standards.

B. I (e) (1)

The Elizabeth Fry Society of Kingston

SECTION 1 - Philosophical Issues

a) Governmental Responsibility

Governmental responsibility in the Criminal Justice field is allocated by legislation. The legislation has as a primary aim, the protection of core community values. The primary function appears to be protection of the Public, rehabilitation is a secondary concern. Our agency sees protection as a necessary function of government. No private agency could or should be responsible for universalistic programs, for example, parole; incarceration. As well government is the only organization with sufficient funds to incorporate universalistic treatment or protection programs.

The basic principles which determine allocation of responsibility for criminal justice services should not necessarily change in the future. Governments still have responsibility for ensuring that core community values are protected. This will continue to necessitate our legal system; courts and prisons. Government should still retain responsibility for prosecution and incarceration. This does not imply, however, that certain segments of our criminal code should not be changed and/or revised - for example minimum sentences of seven years for importing narcotics. The role of government should also expand. Useful programs that have been demonstrated as effective in terms of rehabilitation; humanitarian efforts; and cost savings benefits, could certainly be universalized within the total Canadian community.

More support should be allocated to private agencies in terms of new and promising programs. A greater emphasis should be placed on deterrency, public education and prevention models. Diversified programming should be encouraged. In terms of cost saving benefits more economical ways should be instituted as an alternative to incarceration for those individuals that do owe a dept to society but are not considered dangerous or security risks. A greater emphasis should be placed on restitution within the community.

b) Private Agency Involvement

Responsibility for the various criminal justice services has been allocated to private organizations mainly through community concern and involvement. Private agencies represent

a concerned segment of the community, and as such, are more in tune to existing feelings and attitudes. The public sees the role of the various private agencies as mainly fulfilling a watch-dog role, - a checks and balances system on governmental policy.

Certain responsibilities have been allocated to private agencies on a contractual basis with various governmental departments, for example, parole supervision; Residential Pre-Release services, etc. These, however, are mainly professional oriented activities. In retrospect all such services were initially started by private agencies. Thus private agencies, have, traditionally, been the initiator in a multiplicity of programs now under governmental control and/or sponsorship. (Pre-Release movement; Social Programs within Institutions; Volunteer use, etc.)

The Role of the private agency does not need to change. Their scope is broad and varied and ranges throughout the entire criminal justice framework. They are the community, and as such, they are concerned with any happenings that affect part of their community - the offender. Programs and issues can change with the times. Private agencies have always been innovators. Government, in the past, have modelled much of their programming after existing private agency model.

Our agency believes that there is a need for differential treatment of offenders through a variety of resources and experiences geared to individual needs. Thus there are individuals whose needs can be more effectively met under the umbrella of the private agency. For example, certain individuals can benefit greatly from Parole Supervision by a Private Agency. This does not entail duplication. There are individuals who can develop a more meaningful relationship under the auspices of the private agency. One should never get into the trap of thinking that government and private agencies cannot be involved in similar types of programming. Both are meeting different needs in a different framework.

We feel that private agencies can meet a greater diversity of needs in individual communities because of these influential factors: a) Smaller size b) Community closeness c) Use of Volunteers d) Cost-Savings advantage e) Humanitarian orientation. Because of their size and other unique characteristics private agencies can more easily implement and evaluate innovative programs, and if such programs are not "successful" the program can be stopped. Government, in such cases, cannot easily fold a program because of the bureaucratic machinery involved - staff, public pressure. Thus, the Private Agency has an obvious advantage in this area.

Government can least effectively be its own watchdog. Thus the Private Agency plays a major role in this area. As well, the community is more likely to listen to the Private Agency and its interpretation of governmental policy.

In summary, Private Agencies are the community. They represent community feelings and community attitudes. They are concerned with the total community including the offender. They realize that even though an individual may be incarcerated there are fundamental human rights which should apply. All too often this tends to be overlooked when dealing with large bureaucratic machinery like government.

ISSUES

1. Our agency feels that the issues are "non-issues" from an agency point of view. The private agency is the "concerned" community and, as such, should have input into the total framework of the criminal justice field. We are a little concerned re governmental involvement. Thus, the task force should be compiled mainly of individuals representing the private concern. Governmental representation should not be that evident!

2. Our agency feels that the private agency should be consulted in setting policy and future planning in the criminal justice field. At present our involvement is minimal, and usually is in the form of briefs commenting on policy. Our input is more significant when we appeal to the Canadian public.

3. The government does have some indirect input in setting policy and planning in private agencies. This is most apparent where contracts exist, for instance, provision of certain standards as set down in a contract.

4. There are many needs not been met in the criminal justice field, for example, diversion programs; restitution programs, counselling programs; etc. These could be met within the framework of both government and the private sector.

5. Government seems to be overly concerned with duplication. We feel that duplication exists only when one is serving the same client for the same purpose at the same time. Private agencies may have similar programs to Government, however they meet different needs in a different framework.

6. We feel that government should understand the fundamental difference in philosophy of the private agency and look at its historical development.

7. Our agency would very much resent a single coordinating mechanism with policy making and veto powers re the private agency.

FUNDING

Funding should be on a fee for service basis. We are the community, and as such, we should meet community needs with community funds, which include the tax dollar.

Grants should be dependent on the agency and its set-up and the needs it proposes to meet.

Government should take more initiative in supplying funds for new and innovative programs, especially programs that could be cost saving and more humanitarian and meeting existing needs which could eventually be universalized.

Government should not necessarily fund every agency for every project.

The funding of programs from the tax dollars does not have to create special problems. They only create problems when government wants it to be such. However, accountability should be involved. Private agencies should be accountable for public money, as well as government should be accountable to the public for its spending.

B. I (e) (2)

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The name assigned to the Task Force causes us concern. The Concise Oxford Dictionary defines "private" as "not open to the public" and "public" as "done by or for, representing, the people". Because the word "private" refers to the community where the "people" reside, we suggest that the term "private" as used in the name of the Task Force is inappropriate.

Therefore, we use the term "non-governmental" instead of private and designate those arms of government working in the criminal justice system as "government services".

Crime is essentially a community problem and must be solved in the community. The John Howard Society of Ontario is a non-governmental organization of citizens who acknowledge their responsibility for understanding and dealing with the problems of crime and the criminal justice system. We exist because concerned citizens accept their responsibility to respond to the problems of individuals caught up in the criminal justice system. In addition to this primary service function, we recognize and accept the responsibility

to act as one of the links between the community and the criminal justice system;

to provide opportunities for concerned citizens to participate in the criminal justice system and thereby develop appropriate responses to the problems of crime. We feel strongly that because non-governmental agencies are rooted in the community they are closer to the people than government services and are therefore in a position to react more quickly and in a more relevant way.

The John Howard Society of Ontario recognizes that the fundamental purpose of the Canadian criminal justice system is to protect society which has established the criminal law, the police, the courts, and correctional agencies for this purpose. But these institutions cannot attain this in isolation. Punishment of the offender is viewed as a method of deterrence to crime but it is not of itself a solution of the problem, and its limitations in this regard are now widely accepted. We all share the responsibility for and must participate in the solution to crime in society.

The ideal goal of justice is to effect a reconciliation between the offender, society, and the victim. This can be achieved only with the fullest degree of citizen participation and with government support.

Government and community cooperation in response to the problems of crime is thwarted, in our opinion, by two major factors:

1. Many people are reluctant to become directly involved in the problems of crime and prefer to look to government for solutions and, indeed, blame government for responding inadequately to the problems.

2. At the same time, government can only respond through its bureaucracy which tends to be perceived by people as impersonal, remote, and necessarily influenced by political considerations. Furthermore, the nature of large government bureaucracies is to incorporate and standardize citizen activity and response, in order to assure control and accountability. Inherent in this approach is the very serious danger of government taking over from the community rather than working with the community in a search for solutions.

Non-governmental agencies can be the ideal vehicle through which citizens can be encouraged, informed, and enabled to recognize and assume their responsibility. In keeping with the democratic tradition, government should involve itself when it is impossible for local communities alone to deal effectively with the problems presented. Such involvement should be limited to the degree necessary to support the community in its response and this support should be mainly financial.

The Right and Responsibility of Society

The right and responsibility of citizens to retain their involvement in the criminal justice system has been clearly established and is rooted in the following factors:

a long tradition of participation pre-dating that of the state;

community funding of non-government services under the direction of volunteer boards made up of local citizens, to address criminal justice problems and to assist individuals dealt with by the system.

The John Howard Society of Ontario began in 1929 as a result of the concern of a group of citizens for the welfare of young men released from Guelph Reformatory. The continuing concern and activity of citizens is responsible for this agency's interest and involvement in seeking improvement in the criminal justice system, involvement in community education, and the delivery of constructive services to citizens whose relationships to the community are impaired and who have been or are in conflict with the law. Because we are an expression of the "concerned community", we are in a position to involve citizens in the planning, development, and delivery of these services. Furthermore, as a non-governmental agency, rooted in the community, we can encourage the community to take more responsibility for services and to seek other solutions to problems unhindered by political factors.

The John Howard Society of Ontario identifies three basic areas of non-governmental activity of criminal justice:

1. Community responsibility for the control of crime

   To enable citizens to participate in the control of crime in their communities, through community education programmes, and by influencing government policy and legislation. This can be accomplished in a spirit of independence and freedom from political restrictions or government, business, labour, or professional biases.

2. Citizen participation in criminal justice

   To provide citizens with a means of uniting to address the problems, help formulate and monitor the standards of criminal justice policy and practice, and to advocate progressive changes in the criminal law and justice system.

3. Providing direct services

   To respond to the needs of offenders and potential offenders by providing direct services and opportunities to assume full, responsible citizenship, free of crime. Traditionally, in Canada, direct services to offenders have constituted the major role of non-governmental agencies in relation to the criminal justice system.

The community's willingness and ability to carry these responsibilities is clearly demonstrated through the development of the John Howard Society of Ontario. Sixteen branches now exist, each one directed by a board of concerned citizens, 260 in all. Approximately 300 volunteer citizens are involved in providing services directly to our clients. Various projects, both operational and proposed, exist in different branch communities. The efforts of these citizens are assisted by approximately 55 professional staff members.

The immense growth in government activity has been made possible only through increased government taxation of citizens. Consequently, the financial capacity of citizens to contribute to non-government services is increasingly impaired. While governments can raise taxes, and, in the case of the Federal Government, increase the money supply to meet expenditures, non-governmental organizations are required to balance their budgets and this is becoming more and more difficult.

What Responsibilities for Criminal Justice can be Assigned to Either Government or Non-Government Services?

Responsibilities of Government Services

By virtue of the fact that society has established the criminal justice system for its protection, services which are identified and agreed upon as required for the provision of this protection must be supplied by government.

These services include law enforcement, administration and management of sentences imposed by the courts, including probation, imprisonment and parole, and the administration of prisons set up to incarcerate offenders who require imprisonment for the protection of society.

While government services may negotiate with non-government services to carry out some of the sanctions imposed by the courts, the nature of the sanction essentially remains the responsibility of the courts and the correctional authorities as defined by the criminal code and other statutes.

Responsibilities of Non-Government Services

By virtue of the established rights and responsibilities of citizens to participate in the criminal justice system, and because this participation is frequently expressed through services by organizations of concerned citizens, non-government services should:

approach the existence of crime as a community problem and assist in the reduction of its social cost and incidence from the point of view of the victim, the community, and the offender;

press for and develop correctional alternatives which reduce the use of prison and increase the safe use of community-based sanctions;

encourage greater citizen involvement in the development and provision of programmes and services;

provide direct services at any point in the life of the offender or potential offender that communities will support for either adults or juveniles;

act as critics of government policy and programmes which involves pressing for reforms and changes in the criminal justice system and in legislation as indicated, and, on the other hand, the support and augmenting of government policy and programmes where necessary;

encourage and enable more citizens to become better informed about crime and more involved in the search for new solutions through community education and action programmes.

Some Current Problems for Non-Governmental Agencies

We have already pointed out that government services have increased in response to the problems of crime and are now involved to some extent in many of the above activities. In the Province of Ontario, the Ministry of Corrections includes a Volunteer Branch which sets out to engage citizens in volunteer services to offenders. There is, of course, no reason why a government department should not encourage and enable citizens to be involved in volunteer activity. However, the inherent danger in this is the basic demands of bureaucracies for loyalty and protection of the system. Thus, volunteerism becomes absorbed by government and loses its power to criticize the system effectively and work toward the resolution of the problems identified by the community, rather than the problems identified by the bureaucracy.

The growing activity of government services in areas that have traditionally been carried out by non-governmental services and the levelling off of funding from the community requiring citizen organizations to seek funds from government in order to assure the continued expression of citizen concerns poses several problems:

the most serious problem faced by non-government services today is a lack of sufficient funds from the community to plan on a continuing basis. This problem is exacerbated by the fact that usually government funds are available to non-governmental organizations only if they are participating in government programmes. If sufficient money was provided by governments in the form of sustaining grants to non-governmental organizations to remove

the financial threat to their survival, then they would be more free to develop and maintain needed services. Community funding would be retained as a basis for providing direct service and the sustaining grant would be used for overhead expenses;

there is a risk that small non-governmental organizations will elect to survive by implementing government fee for service programmes with government funds, rather than responding to the areas of community need that may not fit into government priorities, thus losing the genuine effectiveness of the citizen organization;

it encourages competition between non-governmental organizations for funds from government and thereby encourages concern for agency survival rather than responding to existing needs;

it requires the non-governmental agency to spend "charitable dollars" on planning and development of projects in order to obtain project funding from governments. Often this competitive effort is wasted because not all agencies will receive the funds they request;

related to problems of funding, there is a problem for the non-government organization in competing with government for qualified staff, because of generally higher government salaries and more as government services increase their activities and sources of community funding are depleted, citizen organizations will lose their identity and will be rendered incapable of carrying on their vital work;

increased activity in the community of government services may also inhibit non-governmental organizations from raising funds in the community because the community may say that the government is already providing the necessary services.

The current climate of confusion in the respective roles of non-governmental and government services gives rise to a situation in which government services appear to feel that they should provide all services and perform all functions within the criminal justice system. The non-governmental agencies feel that they are in danger of disappearing or becoming an impotent extension of the government services. Ultimately, the quality of life in the community as measured by the degree to which people are able to work together to shape the life of their community, is at risk.

Conclusion

The John Howard Society of Ontario affirms the rights and responsibilities of citizens to participate in the criminal justice system and recognizes the value of non-government services as a vehicle for citizens to address the problems of crime in their communities.

While non-government services share common goals and constraints with government, we are responsible to the community through membership, not through the ballot. We represent diversity and choice in society and have the potential for being more flexible in our use of resources, in our responses to need and for being connected to and representative of communities. We have the advantage of being small, not so structured, and capable of taking risks. We attempt to bring about changes through independent, free and constructive criticism of government policies and methodology, through demonstration of ideas, through involvement of citizens in learning and action.

To assist us in this vital work, this paper contains a number of recommendations for the Task Force's consideration.

Recommendations

To facilitate the participation of non-government services in the criminal justice system, the John Howard Society of Ontario makes the following recommendations:

1. That the government recognize the right and responsibility of non-governmental organizations to participate to the fullest possible extent in the criminal justice system.

2. That the government recognize that solutions to the problems of crime should occur in the local community and that the community must be involved in identifying the needs of offenders and potential offenders and in developing programmes and services to meet these needs.

3. That government consultation with non-governmental organizations should be conducted before any further expansion of government services occurs to avoid duplication and to determine who can render any specific service more effectively.

4. That the government develop an effective means of consultation with the non-government sector on policy developments and proposed legislative changes sufficiently in advance of their adoption.

5. That a research council independent of government ministries be set up under the Governor General in Council to coordinate studies and evaluations of the criminal justice system.

6. That a high priority be placed on assisting the community to respond to the problems of crime in its midst.

7. That the government assist in the development and maintenance of local coordinating committees for the criminal justice system with wide representation from non-government services.

8. That any move into the provision of direct service by government should be done in cooperation with non-government services to avoid the bidding game for staff through the offer of higher salaries and greater personnel benefits.

9. That donations to "charitable" organizations by individuals or corporations be fully deductible for income tax purposes.

10. That an income tax deduction be allowed to citizens who donate their time to voluntary service.

11. That non-government services have equal access to government lottery monies.

12. That while we recognize the Federal government's need for an accounting of tax dollars spent by non-governmental agencies, and that the fee for service and project funding models meet this need, we request that sustaining grants be made available to non-government services to assure that they are able to carry out their mandate. Such grants would not be a budget item of the non-governmental agency and therefore would not have to be accounted for specifically but would be subject to the annual audit along with the rest of the organization's activity.

B. I (f) (1)

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There is already general consensus that the private sector has played a significant and important role both in planning and providing direct services in the criminal justice field. This goes back over 100 years. In 1867 church workers were going into the Toronto jails. This early prisoner aid work led to the formation of a private agency known as "The Prisoners Aid Association" in 1874. The Quakers, John Howard Society, Elizabeth Fry Society, Salvation Army, St. Leonard's Society, and more recently such programs in Atlantic Canada as: - Let's Face It, Con-Employed, Unison, Coalition for Development, Con-Act, Native Brotherhood, Micmac Friendship Centres, among other neighbourhood justice programs and projects have been providing the initiative for a broad range of involvement by the private sector in the criminal justice field. These programs actively complement stated government policy in problem areas related to employment, family counselling, prisons, probation, parole, the courts, and law reform.

A variety of committee reports have already been produced which define the importance and significant role that the private sector played in the past and must continue to contribute in the future. The role of private agencies was described extensively in Chapter 10 of the Fauteux Report. The Ouimet Report (1969) devotes Chapter 20 to the importance of the private sector and this was reiterated in the Outerbridge Report (1973) which stresses community based correctional concepts and traces the importance of private agencies in initiating residential facilities across Canada. Further the role is defined specifically with respect to parole and after-care in the Report of the Standing Committee on Legal and Constitutional Affairs in March 1974. In view of the volume of official government paper that has been written on this issue, the question as to why another examination of the Role of Private Agencies in Criminal Justice appears valid.

The issue in the mid 1970's is not one requiring more definition of the role to be played by the private sector, but rather responsibility of public agencies to fund and assist private agencies in their endeavours.

In Atlantic Canada, 1975-76 proved to be a crucial time for the private sector. It saw the untimely demise of several community based and innovative private agencies for lack of financial support.

While many discussions involving private agencies quickly gravitate to financial and funding issues and difficulties there are a number of features that private agencies themselves must recognize and consider in aspiring to play a vital role in the field of criminal justice. These features include the following:

- Private agencies should have a commitment to a cause rather than merely being an executive who attends meetings.

- Private agencies should have public support, community support, etc., when it comes to generating funds, etc.

- Private agencies should have a demonstrated ability to deal with internal problems.

- Private agencies should be willing to confront other social forces, both private and public.

- Private agencies should reflect citizen demand and citizen consensus on specified areas, thereby stimulating government initiative in areas that are not considered politically attractive to governments. Really then, private agencies should demonstrate to government. On the other hand, government should operate where the private agencies can't or if private agencies can't continue in a given area, then government should be prepared to pick up in certain proven programs.

- Private agencies have a definite and strong function in a change agent role.

- Private agencies have a definite responsibility in participating in a public education role with government to the extent that everything, pro or con, concerning government or private agency programs, etc., is made known to the public. Thus to inform about and clear up misunderstandings about anything that may be sensitive to government.

- Private agencies have an integral role in monitoring government programs in a watch-dog fashion such as through citizen advocacy programs, etc.

- Private agencies at times may need to be an adversary of government - thus this is not a partnership or complementary role which may occur when private agency objectives, policy, philosophy is in conflict with that of other agencies or government.

- Private agencies should establish foremost in their programs what they want to do. In effect, private agencies should not plan in a patch-work way, they can't plan in a vacuum either, they must get their own act together, they must plan on a yearly basis or within a given time frame.

- Private agencies must develop standards and/or training principles and strive to achieve such standards and principles and not to sway in adopting what seems to be popular at any given point in time.

Given that private agencies give careful attention to the above factors, it should follow that they become much more credible in the eyes of possible funding sources.

When it comes to funding a private agency, to be an effective adversary on behalf of its consumers and/or membership, it must be acknowledged that the prevalent "fee for service" funding practice can't really be applied. Funding then should be by way of grants reviewed periodically and renewed after demonstrated effectiveness by the agency as achieved relative to its objectives.

If private agencies are answerable to their board and membership and not necessarily to government, then perhaps funding can be achieved by way of service clubs, foundations, industry, and other private sources or even other departments of government not related to their specific program area and interest. In effect, a given agency might not be able to function both in an effective social reform role and direct service role if it is acquiring its funding from the one source, particularly a government source.

Given that government and public agencies will for some time remain as the primary source of funding for private agencies, one must recognize the fragmented and over compartmentalized thinking that has been spelled out in various government studies including the Report of the Canadian Committee of Corrections "Toward Unity in Criminal Justice and Corrections". Is this the kind of phenomena that programs which are of a truly innovative nature designed to effectively meet actual and existing problems or express a community need must confront. Problems or community needs in the criminal justice field are often inter-related with family problems, housing problems, economic conditions, urban planning, and in some cases even recreational and health considerations. It becomes immediately obvious that to deal with the realities the responsibility to deal with a broad range of problem cases can quite easily cross-cut all three levels of government and numerous agencies.

From the point of view of the private sector an innovative program merely seems to make sense and it might appear to be quite simple to implement. Given the appropriate planning, the only impediment to implementation is a straight forward question of raising sufficient funds to go ahead and do it. Currently, private agencies write up proposals which seldom fit into the mandate of any one specific funding source or government agency.

This results in proposals for funding being shuffled from one agency to another. Not only is the proposal passed horizontally within one level of government which delays a decision, but it may well be passed vertically between federal, provincial, and municipal agencies in an effort to obtain some sort of consensus on cost sharing. The inevitable result is frustration, delay and indecision. Delay and uncertainty as to where the responsibility for decision-making properly lies within the various government departments can only lead to the destruction of incentive at the community level and cynicism regarding the competency of agencies that are entrusted with administering public funds. Following from the above, it is recommended that governments' move toward an inter-departmental committee process that can act in a decision-making capacity with respect to submissions from the private sector which cross-cut various government departments in that particular government structure. Where more than one government is involved, than an inter-governmental committee or mechanism is seen as desirable.

While this may appear to be another level of bureaucracy, it is in fact a suggestion to place some order into the present process to expedite decision-making. Also it should provide a better measure of accountability by recipient agencies.

It has been mentioned from time to time that private agencies become organized among themselves. While there is merit in this suggestion, it is sufficient to say that there is a basic feeling that to do this would stifle incentive and initiative in that such organization might well turn out to be just another level of a bureaucratic nature to penetrate. It is sincerely hoped that the Task Force on the Role of Private Agencies in Criminal Justice will not generate further frustration on the part of private agencies struggling to attain their much needed status in the criminal justice field.

The Atlantic Provinces Criminology and Corrections Association is indeed pleased that the Task Force could take part in the Association's 1976 Annual Conference in Moncton, New Brunswick.

The presence of Task Force members and their participation in the public/panel discussion on October 1, 1976, was considered meaningful and worthwhile. Certainly the attendance at that event would indicate so. No doubt the views expressed and level of discussion at that meeting would be of more benefit and meaning to the Task Force members present and to the Task Force as a whole than the points expressed in this somewhat abbreviated submission.

B. I (g) (1)

Halifax Friends Meeting

The Prison Committee of Halifax Friends Meeting has for a period of about three years been involved with the women's section of the Halifax County Correction Centre.

This rather limited involvement has nevertheless enabled us to have contact with inmates and with people working directly for government and with those working in private agencies funded by government.

We wish to submit the following observations and recommendations:

1. While the government sets policies, deals with numbers, is subject to political pressures and is in general mistrusted by offenders, the private agencies, working at grass root levels, are better equipped to work with individuals. Private agencies should not become involved in supervision and correction, but should develop and use their expertise in finding employment, housing, teaching life skills, assisting in establishing viable community contacts and counselling where clients express a need. They can function as an advocate of the client, when the system, though seemingly fair, perpetrates an injustice in his/her particular case.

2. Private agencies, funded by the government, suffer from uncertainty of their future, and too much time has to be spent on looking for alternative funding when contracts run out. Long range planning and funding with meaningful annual reviews are necessary.

The short term funding projects and fee for service schemes are destructive both to the program and the moral of the workers and reinforces the impression of clients that governments are indifferent, fickle and not trustworthy.

We recommend that the government make an alternative arrangement to the present method of deducting taxes from taxpayers. If donations to private agencies could be made directly deductible from the amount of taxes to be paid (as in the case of donations to political parties) the private agencies might not have to depend so heavily on government funding, which in many ways is an inhibiting factor. Also, people might start taking some interest in the problems of their own community.

3. The question of overlapping services should not be directed either to the private agencies or the direct

government service, but to the inmates or ex-inmates who have gone through the system.

4. With regard to the question if private agencies are meeting the needs of government, we would state that they have been established to meet recognized needs of clients. Whether or not they live up to that mandate should be annually examined. This would eliminate the need for a coordinating mechanism which might become another bureaucratic establishment.

5. Our committee has gained the most experience from working with women in the Halifax County Correction Centre.

Although we realize that this institution is not under the jurisdiction of the Solicitor General, the Federal government has a direct interest in what happens to offenders in the short term institutions.

As the Federal government spends considerable - though mostly considered inadequate - amounts of money on corrections in this province through the funding of private agencies and special projects, it should require from the provincial government a certain interest and financial involvement as well. The maintenance of a county jail should not be allowed in the hands of a Regional Authority which only deals with the financial aspects and which has disbanded its Citizens Advisory Board, and which is for instance also responsible for garbage disposal.

The frustration of our committee has been the fact that there is no one to turn to when we feel obstructed, overtly or covertly, in bringing programs in the prison. Although the Inspector of Prisons and his staff have been patient and sympathetic in listening to our complaints, they in fact cannot alter the situation as long as the provincial government does not take financial responsibility for the institution. A Citizens Advisory Board is crucial in our opinion in any institution. Discouraged though we may be, we keep a certain level of involvement, because we are convinced that there must be regular community involvement in all institutions.

We are extremely concerned that the experience of an inmate in a county jail may well contribute to further criminal involvement and longer sentences in federal prisons. We are observing the change in inmates' attitudes, especially those serving close to 2 years, in a situation of excruciating boredom and must conclude that this kind of treatment amounts to cruel and unusual punishment and is damaging to the human spirit. We would urge the federal government to use its influence on the provincial government to take responsibility for these local institutions and to establish a legal base for a Citizens Advisory Board.

6. Our Committee lastly, but strongly, recommends that a Judicial Review Board be established which examines the work of government services, including prisons and police, and private agencies and that its report be made public.

B. I (g) (2)

John Howard Society of
Nova Scotia

The John Howard Society of Nova Scotia was established in 1950 in Halifax following a desire on behalf of the community to provide services for inmates and ex-inmates, which up until that time, had been virtually non-existant in the Province of Nova Scotia. The John Howard Society of Nova Scotia was established as a non-authoritarian support group. Here is where we see the basic difference between federal and provincial agencies. We clearly perceive the role of the John Howard Society of Nova Scotia as that of a support-counselling, service agency. It is basically non-authoritarian in approach in that it does not have the power to arrest, incarcerate, suspend or revoke paroles. By its very nature it is a private agency in every aspect in that it is controlled by the community as represented in its Board of Directors.

The community, as represented in its Board of Directors, indicates the direction that the Agency is to take. This direction is not necessarily one that Government states it should follow, but a direction to provide a service that the community perceives as being necessary in order to make society a better place in which to live. Often the re-integration of former offenders is slowed down by a lack of adequate facilities or programs; therefore, to the extent of its limited financial abilities, the Agency helps create facilities or programs which are beneficial to former offenders.

PROGRAMS AND FUNCTIONS OF THE JOHN HOWARD SOCIETY OF NOVA SCOTIA

When the John Howard Society of Nova Scotia was established in 1950, in its constitution its objectives were stated as follows:
(Adopted in a general meeting, October 11, 1950)

1. To seek to bring about conditions which will reduce delinquency and crime.

2. To assist offenders while inmates of institutions and following discharge therefrom.

3. To work for the provision of adequate facilities and methods for the rehabilitation and training of those confined to penal and reformative institutions.

4. In cooperation with established welfare agencies to guide and help the families of those under detention.

5. To help discharged and parcled men and women to re-establish themselves.

6. To work for improved legislation with reference to court procedure and penal administration.

Basically, these primary functions have not changed and the role of the Agency has remained the same although current changes within the system have forced the Agency to expand and to develop new programs and facilities, always keeping in mind the need of the offenders as perceived by the community.

Basic Functions

Aftercare

Aftercare counselling from 1950 until the present date was the primary function of the John Howard Society of Nova Scotia. From 1950 until 1970 the greater portion of inmates released from federal and provincial institutions were not released on parole of any form and required help with employment, help in locating accommodations, financial assistance and liaison with other agencies. In 1970 Mandatory Supervision came into effect. In summation, this meant that an individual who, prior to 1970, if he did not receive a regular parole, would be released as an aftercare case. The advent of Mandatory Supervision reduced our role in aftercare services from federal institutions. In Nova Scotia, those released on Mandatory Supervision either reported to the National Parole Service or the John Howard Society of Nova Scotia. Mandatory Supervision is paid for by a fee for service contract with the National Parole Service. We will deal with this dilemma later on in our brief when we discuss funding problems. Basically, aftercare includes the following functions as we know them in Nova Scotia. These are:

1. Counselling - Those released from federal and provincial institutions and, in current years, the greater majority have been released from provincial institutions, require a great deal of counselling in relation to the establishment of release plans which include a whole gamut of community involvement.

2. Help with Employment - A primary function of the John Howard Society of Nova Scotia since the early 1950's. At times it is most difficult to place someone with a criminal record in an employment situation. A great deal of tact and expertise must be used in dealing with employers. In 1975 alone, over 1,000 jobs were obtained by the John Howard Society of Nova Scotia for cases of the Agency as well as cases of the National Parole Service and Adult Probation Services.

3. Family Counselling - the John Howard Society of Nova Scotia is still actively involved in family counselling. Not only do caseworkers work with the individual but also with his or her families which is an important aspect of the John Howard Society and is a service that we have continued since the inception of the Agency.

4. Help with Financial Assistance - Over the past twenty-five years, the John Howard Society has endeavoured to provide minimal financial assistance to those deserving clients who have been virtually destitute by the time they reach the Agency's doors. In recent years, agreements have been drawn up with Social Services Departments which allow the Agency to process applicants directly, thus enabling the clients to receive more in direct assistance in a shorter period of time than was possible under the old system. (Aftercare services are expensive not only from the man hours and counselling but also from the financial assistance that it is necessary for the Agency to have available.)

Penitentiary and Jail Visits

The John Howard Society of Nova Scotia has regularly visited provincial jails and federal institutions the past fifteen years. The reason for these visits are twofold: 1) to help the inmate adequately prepare for his release, and; 2) most important, to provide a liaison between the inmate, and his family and the community at large.

Community Facilities

The John Howard Society of Nova Scotia established the first Community Residential Centre run by the Agency East of Winnipeg. The need for that facility was perceived by the community of Sydney as represented in the Agency's Board of Directors. To establish the first Community Residential Centre the Board of Directors had, over a period of one and one-half years, to constantly prove the need to the general public. The Board of Directors did not take a back seat for something they believed in. Howard House, our Community Residential Centre in Sydney, has been recognized as a necessity in the re-integration of an individual back into society by both the federal and provincial governments. Howard House in Sydney has a capacity of ten residents, provides meals, accommodation, twenty-four hour supervision and programs geared to the needs of the individual.

Community House, Kentville

Similar to the situation in Cape Breton, members of the Board of Directors of the Kentville Branch perceived a need for a similar facility in that particular area of the Province. Community House was purchased, renovated, has a resident capacity of twelve and is presently negotiating for seed money from the federal government prior to its establishment.

Public Education

The past five years have seen a dramatic increase in public education programs through use of the media such as newspapers, radio and television. The John Howard Society of Nova Scotia operated to our knowledge, the first television program in Canada that dealt with a thorough examination of the Criminal Justice System. The program, "Crime, Corrections and You", was seen twice a week on Channel four in Dartmouth and ran for a period of three years. This program, in 1973, received the A.P.C.C.A. trophy for outstanding new developments in corrections in the Atlantic region. The John Howard Society conducted panels and seminars and dialogue with the community on major issues in Kentville, New Glasgow, Halifax and Sydney. We must continue to educate the public. An information booklet entitled, "It's Here, Answers for Your Questions", was prepared in 1974 which covered services and agencies throughout the Province of Nova Scotia which were available to inmates, upon release. Copies of this booklet were sent to every federal and provincial institution in Canada and to agencies and the general public at large throughout Nova Scotia.

One of the new avenues of public education for the John Howard Society of Nova Scotia over the past number of years has been bringing heads of various departments to Nova Scotia to speak to well-attended public meetings. Some of those guests include: Solicitor-General Warren Allmand, Executive Director of National Parole Service and National Parole Board, university professors and, currently, Commander Peter Marshall of Scotland Yard.

Penal and Institutional Reform

During the past number of years, the John Howard Society of Nova Scotia's approach to penal and institutional reform has changed dramatically. In the beginning the Agency used the news media to a great extent to portray the problems of the Criminal Justice System. In later years (1965-1975) brief writing and personal appearances before panels became more predominant. Also, during that time period the John Howard Society of Canada was

established and on numerous occasions through the use of briefs and appearances before committees of government, the views of the various Provincial Societies on current matters were made known. In Nova Scotia during the past few years the following briefs and proposals were prepared:

1. Appearances before the Mohr Committee outlining our ideas in regard to institutional design, location and programs in the Atlantic Region.

2. Direct input into the Mohr Committee was gained by a staff member being officially appointed to the Atlantic Provinces Advisory Committee to the Mohr Committee for one and one-half years.

3. Numerous contacts were held in the form of personal appearances, briefs and letters before the Attorney-General Department in an effort to seek solutions of the complex problems within our provincial jails.

4. A public meeting in Sydney to discuss the antiquated City Lockup and to discuss a solution.

5. A brief was sent to the Solicitor-General against the establishment of new security measures at Springhill Medium Institution.

6. A brief on the parole system in Canada was sent to the Senate.

7. A brief on the role of the private Agency in relation to the Federal Corrections Agency was sent to the Canadian Criminology and Corrections Association, the Solicitor-General's Department and the Attorney-General's Department.

8. Three public meetings were held in Sydney to explain the function of a Community Residential Centre in that area.

9. Inadequate mental health care for inmates was outlined in a brief sent to the minister of Health and the Attorney-General Department.

This list could go on 'infinitum' but it clearly establishes that the John Howard Society of Nova Scotia is still actively involved in reform measures.

Crime Prevention Programs

The John Howard Society of Nova Scotia was one of the frist Provinces in Canada to establish ongoing crime prevention programs in elementary, junior and high schools throughout the Province. At this point in history, almost 4,000 students have participated in our programs. These programs do not include

simply lectures, but include a follow-up with the students that are experiencing problems. Also included in this follow-up is a field placement with the Agency. The underlying motive behind the field placement is not that the student will become aware of the functions of the Agency but that he or she will have an opportunity to discuss their own problems. The following outline is typical of the crime prevention program extending over a ten week period in some of the schools in Nova Scotia. It examines the Criminal Justice System and has involved participants from RCMP, the legal profession, Adult Probation, National Parole Service, Penitentiary Service and other private agencies that operate within the system. The program is as follows:

1. Explanation of the Program and Causes of Crime
2. The Arrest.
3. The Trial.
4. Outcomes of the Trial.
5. Probation.
6. Incarceration in a Provincial Institution.
7. Incarceration in a Federal Institution.
8. Forms of Release: Parole - Aftercare.
9. Other Community Agencies.
10. The problems of the Former Offender.

These programs also include a very important ingredient in their programs and that is the use of the former offender, a development which the John Howard Society of Nova Scotia is firmly committed to.

Use of Former Offender as a Manpower Resource

Probably one of the most beneficial new programs developed by the Agency in recent years was the development of Con-Employed, a project funded by the Department of Manpower and Immigration under Outreach and sponsored by the Agency from 1973 until 1976. This project used exclusively former offenders in helping other former offenders to gain employment, accommodations and in some instances, acting as parole supervisors. During the duration of the project, eleven former offenders worked with the Agency in Nova Scotia; seven were actively on parole, two had terminated parole successfully with the Agency, one was a probationer and one was an aftercare case. While these offenders worked with the project, only one was returned to penitentiary and that was for a parole violation. The Agency firmly believes in utilizing former offenders in the system and this is one avenue that at present the federal government cannot pursue. The Agency has also hired two former offenders and approved the hiring of others. We feel that these programs could and should be practiced by the majority of private agencies working within the Criminal Justice System.

Use of Volunteers

Since it began in 1950, the John Howard Society of Nova Scotia has used numerous volunteers, excluding the forty or more volunteers that meet monthly in relation to the Society's operation and their serving on the Board of Directors, the Society in 1975 used twenty volunteers from the community in other capacities. These include; sponsorship of T.L.A.'s, help in locating employment, providing employment, showing of movies at the Correctional Centre, aftercare counselling, membership drives, etc. The volunteer is a valuable aspect once they have been screened and completed the orientation program. We have one volunteer at present who spends a total of thirty hours a week at the Halifax County Correctional Centre providing support services to female offenders. As long as people in the community have a desire to volunteer their services, the valuable work of the John Howard Society of Nova Scotia will continue to an even greater extent.

Research

During the past two years, the John Howard Society of Nova Scotia has conducted research and presented papers in relation to the following:

1. The length of sentence affecting an individual returning to penitentiary while on parole.

2. Success rates on terminations in a given year of Mandatory Supervision and regular parole cases.

3. Community understanding and acceptance of the John Howard Society of Nova Scotia in Kentville.

4. Other agencies in the Province of Nova Scotia that aid in the resocialization of the former offender.

Parole Supervision

Since 1950, the John Howard Society of Nova Scotia has been involved in the supervision of parolees. This was before the establishment of the present National Parole Service and it has been a service that the John Howard Society of Nova Scotia has conducted since its inception in 1950.

During the past number of years, the John Howard Society of Nova Scotia has also been involved in sponsorship of bus tours for wives and relatives, sponsorship of T.A. ball games and hockey games for federal inmates, bursaries to former offenders to attend university were given on three occasions.

THE FUNDING DILEMMA

From 1950 until 1970 the John Howard Society of Nova Scotia was funded almost entirely by block funding from the Province of Nova Scotia, various departments of the Federal Government and United Appeal. The only type of funding that the Agency would receive that would fluctuate would be funding from memberships and donations, therefore, for a period of twenty years, funding remained consistant in that the Agency knew prior to the start of the fiscal year the basic amount it would receive and with that amount of money was able to hire the necessary staff to carry out the services and programs that the community, as represented in its Board of Directors, felt it should.

While this funding was not of a grandiose nature, it did permit adequate budgeting and the desired number of services and programs within its financial limitations. In 1970, with the advent of Fee for Service Contracts, the funding base of the Agency took on a drastic 'about face'. The John Howard Society of Nova Scotia did not experience too many difficulties until 1975 when the following dilemmas took place.

1. Parole Supervision

In 1970 the John Howard Society of Nova Scotia signed the first fee for service contract in Canada with the National Parole Service. Payments were based on man months of supervision and individual community investigations completed for the National Parole Service. It might be interesting to note here that in the original negotiations for the contractual agreement in 1970, the John Howard Society of Nova Scotia requested $65.00 for a man month of supervision and $100.00 for a community assessment. Five years later, after three increases in the contractual agreement, we received $55.00 for a man month of supervision and $67.00 for a community assessment. From 1970 until mid-1975, the signing of this contract and a new form of payment increased our income substantially enabling the John Howard Society of Nova Scotia to hire additional staff and develop new programs. While the signing of this contract and the increase in income may have appeared to be a positive step, it proved to be a very disastrous agreement in that numbers fluctuated dramatically. In mid-1975, the reduction was so drastic in parole that it necessitated the laying off of five workers within the John Howard Society of Nova Scotia. Prior to mid-1975, we were able to budget adequately because numbers, or in common terms, man months and community assessments, did not fluctuate dramatically. Commencing 1975, the average amount received Provincially under the fee for service contract in Nova Scotia was $9,500.00. This amount by December of 1975 was reduced to $6,100.00 and subsequently continues to decline (see Appendix).

The reduction in parole and community assessments was brought about by a change in government attitude, government reaction to failures, stiffening up of the parole board regulations, dramatic increase in the staff of the National Parole Service and in two areas of the Province of Nova Scotia, a drop in the economy which resulted in many individuals not returning to their home town. The major pitfall in the fee for service contract is that it is not a stable base of funding as is shown on our flow chart and has a wide range of numerical fluctuations (see Appendix).

2. Community Residential Centre Contracts

In the mid-1970's, Community Residential Centres became recognized as an important phase in the re-integration of an individual back into society by both the federal and provincial governments. In establishing Community Residential Centres seed money becomes available through provincial and federal sources. In relation to Nova Scotia, seed money was made available for the establishment of Howard House in Sydney through the Consultation Centre and the Attorney-General Department of the Provincial Government. Commencing operation from the financial point of view, if seed money is available, is not a problem, but continuing operation of such a facility without minimum guarantees is a problem. During the fiscal year 1975, Howard House in Sydney operated with a minimum guarantee of five residents at a rate of $15.00 per day. Seven thousand dollars from the Provincial Government to house two probationers was transferred to Howard House. The House, in 1975, did not experience financial difficulty. The minimum guarantee for housing parolees is a good formula provided the guarantee is high enough. In relation to Howard House in Sydney, for 1976 the minimum guarantee based on a twelve month occupancy has been reduced from five to three. This in itself poses an extremely difficult problem and during the first year of operation that particular Community Residential Centre in Sydney had seed money, a guarantee of five, money from the Province and money from the City of Sydney. Because of restraint measures there is not anything forthcoming for fee for service contract from the Provincial Government in 1976. The per diem rate for residents is only $15.00 per day. For this $15,00 the Centre provides meals, accommodations and 24-hour supervision.

It is our understanding that many federal employees receive $16.25 per day expenses. This does not include accommodations. To house someone adequately in a provincial institution, providing the same facilities with less freedom, costs $37.50 per day. Federally based on the type of institution it could cost as high as $60.00 per day. There is no justification in the $15.00 per day per diem rate as it is drastically outdated.

We have outlined in the above-mentioned paragraphs, two dilemmas that we have faced in Nova Scotia in the past year. Both these dilemmas are related to the fee for service type of contract in one instance as we have mentioned there is too great a fluctuation in the number. In the second instance, the rate is too low. If the John Howard Society of Nova Scotia is to operate Community Residential Centres and supervise parolees for the National Parole Service, then we must have new type of funding.

NEW FUNDING FORMULA

Parole Supervision

The simplest form of funding in relation to the Agency making up a budget and staying within the guidelines of that budget is block funding. In that the Agency receives an amount no less than it has received the previous year for conducting a service and with a built in cost of living increase: e.g. - funding for 1976 with a built in percentage increase in relation to the cost of living increase will be explained as follows:

Total amount received from N.P.S.	$96,000.00
Requested amount 1977 - $96,000+10%	$105,600.00

This amount would enable us to more correctly set up a budget with a consistent income and we would not have dramatic increase or decrease in the amount of cash flow. This formula may be beneficial to us on paper but in reality in presenting it to the federal government would, I am sure, be disregarded because of the fact that by mid-1976 we could be only supervising ten parolees. If this is the case, then what is feasible? Since 1950 the John Howard Society of Nova Scotia as we had previously mentioned has been providing service to the community.

In Nova Scotia this service is not limited to the clients of its own Agency but also this service is provided to clients of the National Parole Service. We would be willing to provide support service to those clients requiring it who are being supervised by the National Parole Service. We have always, in Nova Scotia, provided willingly this support service and have received no remuneration. This support service could include:

Help with Employment. In 1975 alone over 300 jobs were obtained for clients of the National Parole Service in Nova Scotia. We would use in the obtaining of employment former offenders who could be actively on parole to the National Parole Service, thus providing direct employment to those on parole to National Parole Service. The Public Service Commission in a recent vote denied the former offender the right of employment with that organization. We believe in using the former offender and would continue to press the issue.

Financial Assistance. A necessary support ingredient we would continue to provide to clients of the National Parole Service.

Liaison With Other Agencies. Being a community based Agency, the scope of contract is much broader than that of a federal agency and we would be willing to provide this service.

Crises Intervention. Using former offenders with an Agency increases the scope of operation of that agency in that these workers usually frequent places within the community that are not easily accessable to parole officers. Often it has been our experience to have situations that may have resulted in a parolee's return to crime prevented by one of our workers who is a former offender and who is accepted in both worlds.

We would provide, specific areas of Nova Scotia, with indepth crime prevention programs utilizing the former offender and other members of the Criminal Justice System.

The John Howard Society of Nova Scotia wants to remain in parole supervision but feels that block funding, using the above-mentioned formula, when used can provide an extremely beneficial service to clients of the National Parole Service.

COMMUNITY RESIDENTIAL CENTRES

The dilemma involved in the day to day operation of the Community Residential Centre is based on too low a per diem rate and too low a minimum guarantee. If a Community Residential Centre is prepared to house a number of parolees out of its total capacity, then the federal government should be prepared to pay for that amount in relation to its budget. The same thing applies to Provincial clients: e.g. - the operating budget of Howard House for 1976 should be $45,000.00. The resident capacity is ten. Seven of those spaces are allocated to parolees. Therefore, seventy percent of the budget, to the tune of $31,500.00, should be provided as a block fund by the National Parole Service. In relation to the need in the particular community, this percentage allocation should fluctuate depending upon the availability of other facilities.

AS THE COMMUNITY SEES OUR ROLE

The role of the John Howard Society of Nova Scotia as we have mentioned previously is one that is established by the community. The community as represented in our Board of Directors and other members at large, decides the role the Agency should play in the Criminal Justice System. This role is also further developed through open dialogue through the use of seminars with all members of the community. We see our role in the John Howard Society of Nova Scotia, keeping in mind that we are the community, as follows:

As outlined in the beginning of our brief:

- Aftercare
- Penitentiary and Jail Visits
- Public Education
- Penitentiary and Institutional Reform
- Crime Prevention
- The Use of the Former Offender as a Manpower Resource
- Parole Supervision

The only service that is a duplication service of any agency in Nova Scotia is parole supervision and it is the desire of the community that we remain in parole supervision with a different funding basis.

APPENDIX

PRIVATE ORGANIZATIONS

The John Howard Society of Nova Scotia
1585 Barrington Street,
Suite 205
Halifax, Nova Scotia

Chief Administrator

C. Robert MacDonald
Executive Director

President of Board of Directors

James I. MacLean

Number of Board Members

Forty

Sources of Funds: (Based on 1974 Audit)

Public:	Federal	$92,361	- 57%
	Provincial	$20,500	- 14%
	Municipal	NIL	
Private:	United Way	$16,945	- 10%
	Other	$31,117	- 19%

Description of Services or Programs

(see preceeding pages)

Use of Volunteers

Yes. Approximately twenty

Client Population

Approximately 1777

NATIONAL PAROLE SERVICE MANAGEMENT

APRIL-MARCH, 1974

	SYDNEY			HALIFAX/KENTVILLE		
	MAN MONTHS	COMMUNI-TIES	TOTAL	MAN MONTHS	COMMUNI-TIES	TOTAL
APR	27	5	1,382.00	87	13	4,282.00
MAY	27	8	1,547.00	86	10	4,076.00
JUN	27	7	1,492.00	87	20	4,667.00
JUL	26	9	1,561.00	85	7	3,870.00
AUG	27	6	1,437.00	86	20	4,626.00
SEP	25	4	1,245.00	89	5	3,924.00
OCT	24	3	1,149.00	83	13	4,118.00
NOV	24	7	1,369.00	32	26	4,792.00
DEC	22	4	1,112.00	74	9	3,529.00
JAN	23	3	1,094.00	80	13	3,995.00
FEB	24	6	1,314.00	86	18	4,516.00
MAR	25	11	1,630.00	89	15	4,474.00

APRIL-MARCH, 1975

APR	25	3	1,190.00	83	9	3,898.00
MAY	29	6	1,519.00	84	20	4,544.00
JUN	31	5	1,546.00	85	15	4,310.00
JUL	31	5	1,546.00	86	8	3,966.00
AUG	32	6	1,642.00	88	20	4,708.00
SEP	34	2	1,504.00	84	8	3,884.00
OCT	30	3	1,395.00	91	14	4,501.00
NOV	31	4	1,491.00	93	22	5,023.00
DEC	29	5	1,464.00	85	29	5,080.00
JAN	30	5	1,505.00	88	16	4,488.00
FEB	30	4	1,450.00	91	16	4,611.00
MAR	35	5	1,710.00	92	25	5,147.00

APRIL-MARCH, 1976

APR	34	9	2,473.00	100	29	7,443.00
MAY	31	8	2,241.00	106	21	7,237.00
JUN	31	2	1,839.00	102	20	6,950.00
JUL	28	2	1,674.00	194	16	6,792.00
AUG	23	3	1,466.00	89	14	5,833.00
SEP	19	2	1,179.00	94	21	6,477.00
OCT	17	1	1,002.00	93	26	6,857.00
NOV	16	5	1,215.00	91	17	6,149.00
DEC	14	0	770.00	85	12	5,479.00
JAN	14	4	1,038.00	68	11	4,477.00
FEB	15	5	1,160.00	72	27	5,769.00
MAR	14	2	904.00	76	14	5,118.00

CASES UNDER SUPERVISION BY QUARTERS, 1973-1975

PROVINCE	SEPT. 30/75		DEC. 31/75	
	J.H.S.	TOTAL	J.H.S.	TOTAL
Newfoundland	10 - 9%	107	0 - 0%	88
Nova Scotia	93 -43%	251	80 -33%	241
New Brunswick	27 -23%	224	27 -19%	221
(Prince Edward Island)	24		14	
Ontario	252 -15%	1711	220 -14%	1628
Manitoba	75 -22%	347	76 -23%	325
Saskatchewan	21 -12%	177	14 - 9%	163
Alberta	85 -15%	583	96 -18%	544
Mainland	40 - 6%	657	33 - 6%	544
British Columbia - V.I.	3 - 3%	116	6 - 6%	103

B. I (g) (3)

The Nova Scotia Criminal
Justice Project

> When everyone has a distinct interest, men will not complain of one another, and they will make more progress, because every one will be attending to his own business.
>
> Aristotle, The Politics, Book II

A FOREWORD

That the private agencies in Nova Scotia have to date hesitated as a group to co-operate with the Task Force on the Private Sector suggests they believe, based on their past experiences, that the process is futile. They have submitted numerous briefs for years and participated in various Task Forces to little or no avail. The stark reality of the situation in which the private sector finds itself in Nova Scotia is characterized by the facts that essential services provided only by these agencies are being seriously curtailed and communities and individuals are suffering as a consequence. Moreover, long before the Federal Government can deal with the present Task Force's recommendations, many agencies will suffer further serious cutbacks and some may disappear altogether.

The Nova Scotia Criminal Justice Project believes many of the hardships faced by private agencies in the Province are underserved and present an undesirable state of affairs. This brief paper will discuss the role of the private sector in the criminal justice system; present disruptive influences; and, the consequences of eroding public participation which result. Our observations proceed from a broad, relatively detached point of view. Contact with agency personnel has suggested that they will be addressing specific problems in their submissions which may be forthcoming. The perspective here then is deliberately general and analytical with a consequent de-emphasis upon particulars and description.

A. AN HISTORICAL INTRODUCTION

Canada first recognized the need for the private sector in the criminal justice system in the middle of the 19th Century. The 1849 report of the Commission on Kingston Penitentiary, noting the work of prison societies in the U.S. commented, "we trust that such a society will, ere long, exist in our own country". However, it was not until 1874 that prisoner aid associations actually started in this country. Originally funded exclusively by the community, the private sector agencies faced official opposition and apathy for some time. Eventually, however, the Federal Remission Service utilized the private sector and the forthcoming financial grants led to official recognition of their role within the criminal justice system. In examining the Remission Service the 1956 Fauteux Report commented on this growing relationship, "This, we believe, constitutes one of Canada's most unique and valuable contributions to the science of corrections. It is fundamental that these grants should be increased to enable more effective work to be done by the aftercare agencies."

The Ouimet Report of 1969 recommended an even closer partnership with the private sector involving a major direct service function by the non-government agencies. This partnership grew in recent years with the full endorsement of the Federal Government. On April 28, 1971 Jean Pierre Goyer, then Solicitor General, stated in a speech, "I sincerely believe that, far from being anachronisms, the voluntary organizations, through citizen participation, will continue to be in the future, indispensible partners of democratic governments." This conception referred primarily to direct services and suggested that a 50/50 sharing was "equitable and will be maintained as a matter of correctional policy."

B. AN OVERVIEW OF ORGANIZATIONAL ROLES

Throughout N.S., non-government organizations have originated to fill gaps in the criminal justice delivery service, left by formal government agencies. In most respects these non-government agencies have competently carried out their roles through the utilization of qualified and trained staff. Only rarely has any criticism been offered in that regard. Of great significance is the fact that these organizations with their community focus and lack of direct ties to the formal governmental structure have the capacity and freedom to bring the concerns of their clientele and their communities forcefully before the general public. This process is of course basic to a truly democratic system.

In the recent past, most, if not all socially problematic behaviour was handled in the community by the community. However, with the increasing disappearance of cohesive neighbourhoods, and the trend towards centralization of services based on outmoded "growth-pole" conceptions of economic development, Nova Scotians are turning their social problem over to bureaucracies in the belief that their troubles are now too complex for successful local intervention. Being a compromise between complete community involvement and control of its affairs on the one hand and non-community involvement with centralized governmental handling all matters on the other, the private agency is a rare survivor from the errors of unplanned urban growth and centralization which have ravished many traditional community bonds. Yet its preservation, indeed strengthening, is essential if we believe in, or hope to have public participation in, the problems that arise as our society becomes more and more complex. Government appears increasingly aware of the need for community involvement and support if the criminal justice system is to function successfully. Accordingly, it has begun to emphasize mechanisms by which this may become a reality. Since it is difficult for local community people to become involved in formal government structures, the private agency serves as a valuable intermediary, allowing public contact with and direct participation in at least some aspects of our multifaceted system for the administration of criminal justice.

Government bodies by their intricate networks of information and resource sharing are able to mobilize considerable expertise. But they cannot and should not attempt to provide all the necessary services. The benefits of a mixed structure have been demonstrated through our historical blending of the public and private sector. Indeed, it can be stated at this point in our history that Canada - whether from wisdom or indecision - is committed to an approach to solving major societal problems which combines private and public structures and perspectives. In transportation, the media, education and elsewhere, it is realized that heavy involvement by the state brings both gains and losses and that a healthy private sector makes an admirable balance wheel, stimulant, and source of policy options. Nova Scotia at present has a variety of private organizations performing a variety of functions in criminal justice. A few examples will illustrate these services.

The largest of these agencies and the one servicing the widest area is the John Howard Society. Operating for over a century, this organization evolved as a counselling, family liaising and employment seeking body, geared to the needs of ex-offenders, and offered a service previously non-existent. With the advent of the ticket of leave and parole system, this agency provided needed supervisory service and evolved beyond its historical focus. It offers services to Federal prisons and municipal jails and provides a much needed, informed and non-governmental perspective on the criminal justice system.

Nineteen hundred seventy-four saw the inception of Unison, to deal primarily with female offenders and assist in liaising with the wives of imprisoned males. Motivated largely by the difference in the criminal justice system's treatment of female offenders, Unison has worked with many females who have been involved in or who have had contact with the system. It offers a daily court monitoring program in the Cape Breton and the Halifax areas to the obvious betterment of the court system and the agency's own clientele.

The Black United Front and the Union of Nova Scotia Indians as part of their broad program offer incidental assistance to the Probation and Parole Services and other correctional agencies for their members who come in contact with the criminal justice system. They bring to the system a deeper and more knowledgeable awareness of the problems of their particular minority groups. This contribution enhances the equity of the justice which the criminal justice system dispenses, helps to support the legitimacy of a predominantly white, male, middle and upper class system, discourages recourse to violent solutions for social problems and strengthens the peace, security and quality of life of the whole larger society.

A final example is provided by the Dalhousie Legal Aid Clinic in Halifax which provides legal services to low income persons. It is unfortunately restricted to the Halifax metropolitan area. Though limited by its manpower, its resources and its coverage area, it nonetheless provides a desperately needed supplement to the very sparse legal aid services provided by the Province. It also brings an innovative approach derived from its close connection with the research and training facilities of a major Canadian law school.

C. THE PRESENT "TROUBLES"

In recent years many agencies have experienced extreme financial hardships which have limited the effectiveness of their operations and curtailed their functions. In some cases this has come as a result of governmental takeovers of services previously provided by the private sector. In other cases, the crux of the problem lies with the burdens of obtaining requisite funding given financial restraints, inflation, hostile governmental priorities and limited Provincial wealth.

The recent experience of the John Howard Society, the largest non-governmental agency in the criminal justice system in Nova Scotia, provides a striking example of these difficulties. Within the last twelve months the Society has been forced to lay off half of its staff in Nova Scotia due largely to diminished parole supervision cases. Such a development might not have occurred if reliance and dependence on governmental dollars from fee-for-services contracts had not gradually grown-up. "Diminished parole cases" could in turn be part of a periodic, internal system adjustment, reflecting for example the granting of fewer paroles for certain larger policy reasons. Yet it is at least possible that private agencies may fall unfair victim to organizational politics in some circumstances. When, for example, there is a merger of existing organizations at a given governmental level or when competition ensues between different levels of government for dominance in the limited market for correctional, law enforcement, or other criminal justice services, it is possible, indeed likely, that the associated organizational "power-plays" will be executed to the disadvantage of such other components of the criminal justice system as the private sector, while also inflicting real damage upon those the criminal justice system is intended to serve.

Whatever the causes behind such developments, they leave private correctional agencies in a situation where they are almost forced to neglect important work such as family counselling, job finding and public education. Simple organizational survival becomes paramount - a sure sign of trouble and system dysfunctionality.

At a time when the Province is experiencing even more harsh restraints than the wealthy portions of the country, private organizations are being severely curtailed through lack of funds just as their services are most needed. High unemployment rates, rapidly rising prices and a tight economic squeeze on basic family expenses tend to bring more people into conflict with the law while also raising general stresses and tensions in society. Formal governmental agencies, which often carry very high caseloads in any circumstances are not equipped to handle all resulting problems by themselves. Private agencies, being indigenous to their communities, often possess the contacts and the flexibility needed to address themselves to the unique problems individuals and groups face in the concrete circumstances of their specific communities.

At present private agencies must unfortunately spend a great deal of their energy simply justifying their existence and seeking funding to carry on their essential services, let alone trying to deal with these new burdens.

D. IN CONCLUSION: A CALL FOR LONG-RANGE PLANNING

Simply stated the problem at hand is this: local communities very often lack the resources required to support private agencies. Formal governmental agencies on the other hand are organizationally ill-suited to deal with the full spectrum of the problems based at the community level. Yet private agencies which are specifically designed to function at a grass-roots level find themselves in the predicament of battling with governments to fulfill their funding requirements. It seems most doubtful that there can be an effective marrying of the public and private sectors until such time as governments, both Federal and Provincial, make firm commitments to provide more adequate funding arrangements. This in turn calls for a new, clarified, intermediate to long term plan for a division of labour between private and public criminal justice agencies.

The rise of a small number of dominant urban centres has been associated everywhere in Canada with a centralization of resources, decision-making personnel, and political power. In all other (i.e. non-dominant) localities this leads to a serious erosion of public participation and input into the formal decision-making processes of the country. In the wealthy and powerful urban centres the complex composition of neighbourhoods and the scale of population inhibits citizen interest and participation. In the smaller centres the decision-makers seem too far removed and local concerns of too little importance to encourage participation in the affairs of the community. This trend, if it is not reversed, promises increased public alienation from government, widespread disaffection of young Canadians, the growth of feelings of powerlessness and estrangement, and ultimately recourse to violent means for the solution of pressing concerns. This same trend also produces the paradox that both levels of government, if merely to maintain the appearances of a functioning democracy, must in fact subsidize the private sector in order to provide genuine public input for public policy decisions.

It is hoped that the Task Force will seriously consider our statements and will support our conclusion that the private sector has a vital role to play in the criminal justice system. This connection must, if it is to mean anything, be translated by both Federal and Provincial governments into adequate long-term funding. The reluctance of several agencies and governments to cooperate in this task force effort served notice that the time for delays and equivocation has past. The time for imaginative, constructive action is at hand. At stake may be nothing less than the long run health of Canada's system for administering justice and the preservation of our quality of life in Canada.

B. I (h) (1)

The John Howard Society of
Newfoundland
476 Water Street
Newfoundland
A1E 1B3

At an earlier meeting of our provincial work group I presented five specific points on behalf of the John Howard Society of Newfoundland. We feel that it would be appropriate to make our position known to the Task Force in the form of this general statement, which is as follows:

1) That the private sector provides a necessary and unique role in the criminal justice system by enabling representatives from the community to become meaningfully involved in the corrections process, and by handling requests from inmates and ex-offenders pertaining to a wide variety of matters - a service performed by no other single agency. It should work as a partner with government concerning developmental corrections policies while retaining an independent voice.

2) That the private sector, representative of the community and not constrained by bureaucracy, is likely to operate with more innovation and creativity and therefore is more suitable to operate a large scale, coordinated community education and prevention program, utilizing resource people from all facets of the criminal justice system and objectively educating the public of the various correctional needs and new community treatment methods.

3) That the private sector, mainly because of its community involvement and general flexibility is more suited to operate various types of community programs such as community residential centres.

4) That the private sector be encouraged to utilize ex-offenders as a manpower resource, particularly in the area of job placement. Experience has shown that the private agency when supplied with the funding to conduct this work, has been more successful than the public service in obtaining employment for ex-offenders.

5) That the private sector be adequately provided with permanent funding to enable it to operate securely and to efficiently fulfill the above roles.

I hope that this information is of use to the Task Force.

B. I (h) (2)

Labrador Legal Services

Labrador Legal Services is an incorporated non-profit organization which is attempting to fulfill the following objectives:

(a) To provide a community legal resource centre which will give free legal advice, education and representation to indigent Native persons in Northern Labrador.

(b) To promote legal education in all its many facets, to pursue preventive law programs and ideas and to foster a greater understanding of the law and its processes amongst the Inuit and Indian people of Labrador.

(c) To co-operate with all organizations, agencies, institutions or persons who are concerned with meeting the vast legal needs present amongst Native persons in Labrador.

The creation of Labrador Legal Services was a result of the concern of three Labrador Native organizations. These organizations are:

1) The Labrador Inuit Association;
2) The Naskaupi-Montagnais Council of Labrador; and
3) The Labrador Native Friendship Centre.

These three Native organizations were responsible for the proposal that resulted in the creation of Labrador Legal Services and are intimately involved in its day to day operation.

Labrador Legal Services provides service to those communities in Labrador designated as Native communities under the Federal - Provincial agreement, namely, Nain, Davis Inlet, Hopedale, Makkovid, Postville, Rigolet, Mud Lake, Black Tickle and Northwest River. In addition, by virtue of the participation of the Labrador Native Friendship Centre, the centre is accessible to native people who have migrated to the urban centre of Happy Valley - Goose Bay.

The main office of Labrador Legal Services is situated in Happy Valley. This is because Goose Bay represents the nerve centre of the north Labrador communication network. Further, the centre and its staff are readily accessible to the provincial court which is centered in Happy Valley but which also serves the entire North coast of Labrador.

Although one of the principle reasons for the establishment of Labrador Legal Services was the absence of any significant presence of the Newfoundland Legal Aid plan, the centre acts as a complement to the present Legal Aid scheme and is attempting to co-operate with and encourage greater participation by the private Bar.

HISTORICAL RESUME OF LABRADOR LEGAL SERVICES

In March, 1976 the three Labrador Native organizations submitted a proposal for a legal resource centre for Labrador to the Department of Recreation & Rehabilitation. This proposal was accepted. In April, 1976 the now Executive-Director of Labrador Legal Services visited the communities of Happy Valley, Northwest River and Nain. In May, 1976 he again visited coastal Labrador for the Combined Community Council meeting of the north coast at which time constitutional proposals for the structuring of the Association were presented to the delegates of all community councils of the Labrador North coast.

The Executive-Director arrived in Happy Valley on June 1, 1976 and the first Board meeting of the Board of Directors of Labrador Legal Services was held on June 25 and 26, 1976. On June 25, 1976 the Association received $25,000.00 from the Labrador Inuit Association. These initial funds had been provided to the Association on the basis of the March, 1976 proposal as a Development Grant.

The present staff consists of Veryan Haysom, Executive-Director; Lillian Mitchell, Secretary; William Kalleo, Inuit Courtworker; and Ben Michel, Indian Courtworker.

Office space has been located in a building near the centre of Happy Valley, office equipment and supplies have been purchased and a small library established.

At this early stage in the projects history the only real assessment which can be made is that the need for legal information and services in coastal Labrador is indeed vast.

CONSTITUTIONAL STRUCTURE OF LABRADOR LEGAL SERVICES

The Board of Directors of Labrador Legal Services bears the principle responsibility for the organization. The Board consists of eight members. The Board members are elected in the following manner:

1) Two members elected by the Combined Community Councils of the Labrador North coast.

2) Two Board members elected by the Labrador Inuit Association.

3) Two Board members elected by the Montagnais-Nascaupi Indian Association of Labrador.

4) Two Board members elected by the Labrador Friendship Centre.

Because the Board members are widely scattered throughout Labrador, an Advisory Committee of three Board members has been established for the purpose of monitoring the day to day operations of the centre, for providing advice on priorities, and for maintaining effective contact between the centre, its staff and the communities to be served.

The Advisory Committee meets at least once a month and the Board of Directors meets a minimum of four times annually.

FUNDING

The project receives its funding from the Provincial Treasury. The money is administered by the Labrador Services Division which was formerly a Division of the Department of Rehabilitation & Recreation but has recently been transferred to the Department of Rural Development.

The money becomes available by virtue of a Federal-Provincial Agreement on Native funding.

The budget for the first year of operation of the project amounted to $93,500.00 and it is anticipated that apart from the major expense of salary, the largest single area of expenditure will be in travelling up and down the Labrador North coast. This travel is vital to the operation as it is the only means of providing legal education, advice, and awareness.

PREMISES FOR OPERATION

A matter of great concern to Labrador Legal Services is that, in the past, the emphasis for citizen participation in the criminal justice system has been placed in the areas of sentencing, corrections, and aftercare. This emphasis is historically inevitable in view of the fact that native people are constantly in a conflict with the laws and the law administrators and consequently often form the major prison population. The consequent emphasis on the sentencing, correction and rehabilitation is therefore understandable and it is easy to appreciate the need for placing emphasis on this aspect of the criminal justice system. However, Labrador Legal Services does not view this aspect of the problem as being the primary area for reform.

Labrador Legal Services is placing its initial emphasis on the broad area of preventive law. We mean preventive law in the sense of achieving socio-economic justice. Consequently we will be concentrating our initial efforts on such areas of social (and non-legal) concerns as housing, recreation, education and economic opportunity. We believe that once socio-economic justice has been achieved the problems of legal and consequently criminal justice will be proportionately reduced.

Because of our very brief history we have not had an opportunity to assess fully the needs in the socio-economic sphere. However, to date, it is apparent that there is a very severe housing problem in the Happy Valley - Goose Bay area. This is because the area represents a centre for Native people who have been displaced from their traditional communities on the Labrador coast (most especially Hebron) who believe that economic opportunity is available in this relatively large urban centre, and who seek to escape the socio-economic limitations of small community life. In our experience the phenomenon of the migrant or displaced single person constitutes the root cause of many "legal" or courtroom problems.

The centre has become involved in major development and economic proposals concerning the Labrador North coast in the belief that development must be premised on an intermediate technology which is accessible to the Native peoples and that the institutional or organizational vehicles for development must remain accessible to the local population and must not fall under the control of distant and perhaps alien interests.

It is the opinion of the Legal Service centre that many of the so-called "criminal justice" problems in coastal Labrador are not strictly speaking "criminal". Entirely apart from the fact that courtroom problems have their principle cause in domestic, alcohol or housing pressure areas, we believe that the criminal law has been diluted and expanded to such a degree as to make minor "misdemeanors assume a criminal significance which they do not in all social reality possess. We believe that the criminal justice system should be relieved of the burden of dealing with misdemeanors such as nuisance, disturbance, public drunkenness and petty infractions of overstringent probation orders. Consequently, Labrador Legal Services is proposing to develop recommendations for a system of diversion which is tailored to the present social and cultural milieu of the various Labrador communities and population groups.

The Labrador communities have, in the past, been almost devoid of any "justice support" services. In other words, there is no adult Probation Officer, until recently there has been no parole supervision (parole supervision was provided by the Provincial Department of Social Services until very recently: the Parole Board now has a representative visiting the Happy Valley -

Goose Bay and Northwest River areas but it would appear that his terms of reference do not include travel to Northern coastal Labrador). Interpretation services are provided on an ad hoc and day to day basis, legal aid has had no real prominence or publicity on the coast and the private Bar is represented only by a handful of travelling lawyers whose visits to Happy Valley are brief and transient. The provincial court operates almost in a vacuum with its only support coming from the R.C.M.P. and a vastly overworked social service staff.

Labrador Legal Services is presently assessing the impact of this situation. We have resisted the temptation of calling on government to supply vital criminal justice support systems. We believe that the independence of the Native peoples of Labrador from the legal profession and the governmental agencies involved in the administration of criminal justice is a potentially healthy phenomenon. Consequently, it is hoped that the private sector can be encouraged and organized to fulfill the functions normally associated with governmental agencies. Accordingly, Labrador Legal Services has identified the following areas for possible involvement by the private Native sector in the criminal justice system:

(a) A diversion program (involving the legal resource centre, Native associations and organizations, the Departments of Justice and the R.C.M.P.) which would embrace the concepts of Peacemaker courts (Indians) and Councils of Elders (Inuit).

(b) Investigation and implementation of work service and fine options to replace imprisonment for non-payment of fines and petty breaches of probation with the intention of benefiting both the individual and his community and as well as relieving pressures on the courts and correctional institutions.

(c) To establish an organization which would embrace all aspects of the returning offender problem including:

(i) Education of the community as to its responsibilities;

(ii) The operation of a half-way house or houses;

(iii) The provision of counselling, guidance and supervision through a citizen corps of volunteers in probation (which would, hopefully, participate in pre-sentence activities as well as Parole Board and probation matters) and

(iv) Act as a liaison and referral agency for alcohol counselling and rehabilitation centres.

If involvement of the private sector in the manner described above is not feasible or possible, the centre will direct its energies toward establishing lay participation at all levels and stages of the criminal justice system. This will involve negotiation with all interested governmental agencies for the inclusion of Native lay participants in the Provincial Court, J.P. Court, Special Constables, Parole Board matters, probation and interpreter/translator corps. (Note: The provincial court system in the province of Newfoundland does not insist that Magistrates have legal training. Consequently, it is theoretically possible that a Native lay Magistrate could be appointed with full jurisdiction in all summary conviction matters under the Criminal Code, quasi criminal matters under provincial legislation and a small range of civil law matters.)

PRESENT OPERATIONS OF LABRADOR LEGAL SERVICES

The principal concern of the project at this early stage is the training of the two Courtworkers. The principal training method is to involve the Courtworkers directly with people who have legally related problems in order that they might learn by participation. Serious matters are conducted under the supervision of the Executive-Director. The centre is in the process of producing a Courtworker's Manual which acts as an after the fact summary of problems encountered and areas of law discussed and explored.

It is hoped that the role of Courtworker will be extended to that of Paralegal Assistant prior to the end of the program. Once the Courtworkers have received their basic training, been exposed to the problems encountered by their people in relation to the legal system and had an opportunity to identify areas for ongoing involvement and community participation, they will then work with their respective organizations and communities to establish private citizen organizations or actions to overcome the perceived problem areas. Further, it is hoped that the Courtworkers, once they begin to make the transition to becoming Paralegals, will be able to act with a fair degree of independence and autonomy in relation to minor and routine problems.

It is hoped that the Courtworkers will become involved in community education programs and workshops and that they will be responsible for interpreting and translating into Native languages the various materials upon which their training is based.

The principal project for the Inuit Courtworker to date has been the compilation of an Inuktitut Interpreter/Translator's Handbook. This handbook is primarily for his own use and reference but will become available to other persons in the field in due course. The Indian Courtworker has only recently joined our staff and has yet to determine what particular problem area he will first address himself to in the way of a Labrador Legal Service project.

Direct legal service in the way of representation in a traditional solicitor client relationship has been retarded by the fact that the Executive-Director is not yet licenced to practice law within the province of Newfoundland. Consequently, the Executive-Director is presently, himself, undergoing a period of Articled Clerkship which serves to underline the importance and necessity of a sound educational/training base for effective operations within the field.

THE TASK FORCE ON THE ROLE OF THE PRIVATE SECTOR IN CRIMINAL JUSTICE

While Labrador Legal Services welcomes this opportunity to present its opinions and beliefs to the Task Force, we nonetheless have some criticisms and questions concerning the Task Force.

Our principle criticism concerns notice of the existence of the Task Force and its hearings in St. John's. Because Labrador Legal Services is new and relatively unknown, we do not anticipate receiving direct notice ourselves. However, we would have anticipated that various well-known organizations in Labrador would have received formal notice of the Task Force's existence and the proposed hearings. This was not done. The only notice received by Labrador Legal Services came from the Labrador Friendship Centre which in turn obtained its information via the "bush telegraph".

The social milieu in Labrador is such that resource personnel and community leaders are few, widely scattered, and owing to the nature of the economy, out of contact with the communication facilities that do exist. Consequently, it is very difficult to organize participation on short notice. Further, short notice means that the views, opinions and submissions presented to groups such as the Task Force are the views, opinions and submissions of a small minority of people who have not had the opportunity to canvass those whom they represent.

The questions which we have concerning the Task Force are as follows:

(a) Will the Task Force be presenting to those who participate before it the information provided to the Task Force by other participants across the country? In short, is the Task Force providing information for government alone or will its information, views and recommendations be made available to all private sectors which have appeared before the Task Force?

(b) Will the Task Force be disbanded after presentation of its findings to government or will it continue in existence for purposes of monitoring the implementation by government of its proposals and recommendations? What areas of the country has the Task Force visited and what areas of the country does it yet have to visit?

(c) What are the Task Force's terms of reference?

CONCLUSION

This brief has been prepared on short notice, under pressures of other priorities and at the expense of other areas of activity. Consequently, it is disjunctive, disorganized and not as exhaustive as it should have been. However, it is hoped that some of the underlying philosophies and perceived problem areas have been elucidated and will be given serious consideration.

B. II (1)

Canadian Association in Support
of the Native Peoples

Background

CASNP recognizes the failures of the criminal justice system, but we do not accept the supposition that these failures must continue. We basically believe that until an informed Canadian public exists and becomes involved alongside governments, there will be little change for the better. We are pleased that your Task Force is looking carefully at this subject and we are hopeful that its recommendations will carry weight.

Our experience over many years has demonstrated to us that organized voluntary groups can mount some programmes more quickly and more effectively than government: their access to private sector resources and their qualities for innovation can lend a unique focus to such programmes. Special programmes carried out as an aid or supplement to government activities have made up a considerable proportion of the Association's efforts in recent years.

Unlike the Native organizations which are, for the most part, politically oriented, the Association operates without legal distinction on behalf of Status and non-Status Indians, Metis and Inuit peoples, being concerned primarily with their common problems and the translation of these problems to the non-Native public. This lack of distinction lends an objectivity, a credibility and a leverage which government -- through no fault of its own -- finds difficult to achieve.

Like other voluntary organizations, CASNP often sees areas where its involvement can work to the benefit of government while at the same time advancing its own objectives. To the extent of our time and energies, Natives and the Criminal Justice System has been one of these areas.

CASNP has long been active in this field. Members in the Kingston area, for example, have concentrated on Native inmate communications; on a national level, CASNP administered a Native Liaison Worker programme in Ontario penitentiaries under contract to the Canadian Penitentiary Services until A.I.M.S. was able to carry the ball. Invited to take part in the Edmonton Conference on an observer basis, the Association has maintained an active interest in the follow-up process of this important conference. CASNP's Annual Meeting in September 1975 featured a programme prepared and presented by the Allied Indian and Metis Society of Ontario, a rehabilitative programme operating in the Kingston and Toronto

areas. To coincide with the meeting, the CASNP Bulletin, a nationally distributed publication, reflected the views of The Native Brother and Sister Hoods functioning in many of Canada's correctional institutions.

To obtain the first hand views of the Native Brother and Sister Hoods toward the Edmonton resolutions and, in particular toward the guidelines for implementation under consideration by the Advisory Committee on Native Peoples and the Criminal Justice System, we sent two qualified researchers to the major institutions to meet with the Executive members of these organizations. We learned of the guidelines Native inmates considered the most and least important, the most and least realistic; and their own ideas for successful implementation. As well, we learned inmates' views of the effectiveness of existing courtworker, halfway house and alcohol rehabilitation programmes.

We believed, and still believe that the views of Native inmates on the criminal justice system insofar as it affects their lives, are valid. Like those of clients in any service delivery system, their understanding of, and attitudes toward reforms initiated on their behalf, will ultimately determine the success of such reforms.

The editorial of the Native Brother/Sisterhoods issue of the Bulletin asked for a wider recognition of the Native inmate groups. On a practical level, we are aware that this will not come about as long as the iron-rule autonomy of the individual institution persists.

As a result of contact made during our visits, CASNP finds itself on a "credibility" list -- with many inmates, some who have become ex-inmates, and in some cases, with the directors and Native liaison officers, courtworkers, etc. As in other areas of our work, we somehow manage both sides of the coin pretty effectively.

CASNP Resources

Education

Our major activities lie in the general category of public education. Besides developing and producing curriculum materials on People of Native Ancestry for the Ontario Ministry of Education, we have also coordinated teachers' workshops in cooperation with the Ministry and selected school boards in Southern Ontario. The workshops, which ran for two years and were considered quite successful in the sensitizing of teachers, utilized Native resource people articulate on a range of subjects, historical, cultural and contemporary. Our model of the workshop is one

which could be followed, with only slight alterations, for any segment of Canadian society.

Operating currently in Toronto and Ottawa are Native speakers' banks -- coordinated by CASNP -- and in increasing demand by schools, church and youth groups, service clubs and professional organizations of all kinds. 60 - 70 speakers are available in each city, and are classified according to the topic in which the requesting group shows interest. This program will be operating eventually on a national basis.

We attempt to educate and sensitize, as well, through our publications, and in doing so, we do not separate government departments from the rest of Canadian society. Our recent Native Housing Bulletin, for example, sparked a lengthy discussion last month in the House of Commons. And What About Canada's Native Peoples? was well received by a number of Federal Government departments and provincial governments. Sergeant Potts of the R.C.M.P. has informed me that this basic booklet is required reading for his recruits.

Membership

We now have on staff a full-time national membership coordinator, who is taking a hard look at our membership patterns across the country and is handling requests for CASNP groups on a local level. In several of the geographical areas where members wish to unite on local issues, there are correctional institutions, provincial and federal, where Native inmates are at the same time requesting help from outside groups. Two of these locations, for example, are at Guelph and Prince Albert.

In both the areas of sensitizing and member involvement, then, I wish to indicate to the Task Force that the interest is there, and the potential for a much more concerted involvement by our organization. Perhaps we need to be coordinated from outside in order to develop and use our resources where they are most needed.

B. II (2)

Canadian Criminology and
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FOREWORD

The matters discussed in this document will be clear to board and staff members of agencies active in criminal justice. They may not be as clear to members of the public. A short outline of the issues may help the citizen understand what he is reading.

The title of this document reflects the modern trend in criminal justice philosophy: crime is a community problem and members of the community must be involved if solutions are to be found. To carry out this responsibility citizens must be organized; they need the coordinating help of the private agencies.

Obviously, the private agencies cannot carry all responsibilities related to criminal justice. They cannot, for instance, operate the police services or the courts. The question is what the most effective division of responsibility between the public and private agencies would be.

There is a danger in a discussion of this kind that organizational and administrative issues become ends in themselves and that we lose sight of the only thing that matters: how to meet the crime problem more effectively. Debate must not be permitted to degenerate into a contest for power.

The Canadian Criminology and Corrections Association (CCCA) is a national organization and therefore this document tends to concentrate on national problems and relations with the national government. The same issues arise at the provincial level. Provincial counterparts of CCCA exist in all provinces and they would take on the kinds of responsibilities provincially recommended in this document for CCCA nationally.

INTRODUCTION

In response to the request for briefs from the Task Force on the Role of Private Agencies in Criminal Justice, the Canadian Criminology and Corrections Association (CCCA) established a committee to study the matter in detail. The committee was composed of people with experience in the criminal justice field as well as an interest in the private sector. The committee prepared a draft report which was circulated to a wide cross-section of private agencies and individuals throughout Canada for comment. The present brief was prepared in the light of the comments received and thus represents the end product of a six-month consultation and deliberation process.

In this brief the terms "private agency" and "criminal justice" have the meaning assigned to them in the Discussion Guide (January 1976) related to the Task Force on the Role of Private Agencies in Criminal Justice. There is some concern that the term private agency is not the most appropriate in this context since it might be wrongly interpreted to imply that these agencies are secretive or exclusive in their operations; terms such as community agency and voluntary agency seem more suitable but since the Task Force has adopted the term private agency we use it in this brief. The term "government" refers to government at all levels in Canada and is intended to reflect the political authority. The term "government agency" refers to agencies and programs operated or controlled by government in the field of criminal justice. The term "private sector" is used to describe a broader constituency than "private agency" by including individuals, groups and organizations which are non-governmental but which might not fit under the definition of private agency - for example volunteers operating on their own, corporations, foundations, universities or colleges which donate funds or provide resources in the field of criminal justice, or church groups.

HISTORY OF PRIVATE SECTOR INVOLVEMENT IN CRIMINAL JUSTICE

The involvement of the private sector in the field of criminal justice predates that of the public sector. In primitive societies, anti-social behaviour was dealt with by the citizens themselves. Justice was dispensed by peers based upon common values and standards of behaviour. The community was involved in the criminal justice process and restitution was used frequently in dealing with disputes between offenders and victims.

As society became more populated and sophisticated the state began to intervene in the criminal justice process. Eventually, fines payable to the state and imprisonment became the chief means of dealing with offenders. The private sector was forced to take a secondary role. Organizations such as the John Howard Society, the Elizabeth Fry Society and countless volunteer groups sprang up to perform valuable service in this secondary and supportive role. A good deal of innovation and

expertise was built up in the private agencies supported in the most part by private funding. Relationships between the public and private agencies were good and services tended to complement each other.

This situation has changed in recent years. Governments have invested large sums of money in building up their own human and physical resources to deal with crime in Canada. The result has been a hiring away of expertise from the private agencies and an almost total concentration of power for criminal justice within government. The private agencies have been given little encouragement by government. They find themselves left outside the decision-making process with little hope of playing a strong role unless conditions change. It would appear that in many instances government is deliberately limiting the role which the private agencies can play.

This development is taking place against a call by experts in the field to involve the community much more in criminal justice. The Canadian Committee on Corrections, the Law Reform Commission of Canada, and many other groups have gone on record as saying the future of criminal justice lies with the community. There have been serious and expensive failures in recent years with government programs, particularly in the area of rehabilitation. The number of people, particularly natives, in prison and returning to prison is intolerable. Government's main answer to date has been to plan for the construction of costly new prisons to handle yet further increases in prison population.

If the community is to have any impact with fresh approaches in public education, prevention, restitution, diversion, prison programs and aftercare, government and the community must come together in a way they have not done up to the present. Time is running out as a great many Canadians have already lost confidence in the criminal justice system. A feeling of hopelessness in dealing with offenders seems to be taking hold. More prisons and longer sentences will not solve the problems the system faces. Only a community interest and involvement will bring about major reforms to improve the manner in which crime is handled in Canada. It is time for the community to be brought into the decision-making and implementation process.

It is interesting to note that a similar course of events has taken place in other countries. In Great Britain, the National Association for the Care and Resettlement of Offenders (NACRO) was "formed in March 1966 at the time the Probation Service took over the prison welfare and after-care work until then carried out by the National Association of Discharged Prisoners' Aid Societies". NACRO as a national private association is now performing many of the functions suggested in this brief as needing development in Canada.

PRESENT SITUATION

A pattern of mixed public-private responsibility is not unique to criminal justice; it characterizes many aspects of Canadian public affairs. It appears in transportation with public and private airlines and railways, in communications, energy development, education, health, welfare and many other fields.

In most of these areas Canadian citizens have banded together to form associations through which they can speak with a united voice since there is little the individual can accomplish by himself. It is our thesis that in all areas of activity within the criminal justice field - policy formulation, public education, and direct service - the responsibilities of the private sector can be discharged effectively only through combined effort within the private agencies.

Efforts are already in progress under the aegis of the Secretary of State to establish policies to guide the Government of Canada in its relations with such associations. Two conferences of national voluntary associations have been held since November 1974 and these associations plan to meet every two years. The Secretary of State is sponsoring the National Advisory Council on Voluntary Action which is charged with responsibility to study the role of private agencies in all fields. The Department of Finance issued a discussion paper entitled The Tax Treatment of Charities in June 1975 inviting suggestions from the public on tax concessions related to charitable donations. This resulted in Bill C-97, introduced in 1976. Presumably decisions and recommendations coming out of these activities will affect private agencies in the criminal justice field.

At the present time government agencies have a mandate to operate in the field of criminal justice either by legislation or tradition. There is no mandate or general policy regarding the role of private agencies. This lack of policy has led to a haphazard and uneven utilization of the private agencies and has made it difficult for them to develop a stable role within the criminal justice system. The private agencies are not without blame in the matter of role development and will have to become better organized if they are to make a strong case for deeper involvement.

Some of the problems which have been identified as leading to an under-utilization of the private agencies are lack of:

a) a policy or mandate to operate in the criminal justice field;

b) adequate funding on an ongoing basis;

c) communications with government;

d) input in government decision-making;

e) coordination of effort among the private agencies.

A BASIC PRINCIPLE

Uncertainty arises in establishing the proper balance between government and private involvement in criminal justice. A balance must be found and it will be important to establish a basic principle on which to guide decision-makers in settling upon the proper balance. We would suggest that the basic principle involve a joint venture between government and the private agencies in the area of criminal justice. This joint venture would be designed to bring together the resources of both in a cooperative effort in joint planning and in service in order to avoid unnecessary duplication and non-productive competition. As a primary element in this principle we would recommend:

RECOMMENDATION 1 — It is recommended that private agencies be involved to the fullest extent possible in the criminal justice field. This involvement should be set out where feasible in formal policy statements.

It is recognized that the application of this recommendation in specific circumstances will require careful interpretation. For instance, it is not likely that the private sector could handle basic law enforcement, criminal prosecution, trial of actions or custodial responsibilities, but the private sector could play a leading role in public education, prevention, diversion, correctional programs, and aftercare. Efforts will be made in this document to indicate some of the implications in various settings.

Recommendation 1 tends to cut back against the flow of increased government activity in all aspects of Canadian society. Governments' efforts to meet the crime problem are bound to fail unless developed and managed jointly with the private agencies. The justification for a larger role by the private agencies in criminal justice rests on two developments: (1) a call by people knowledgeable in the field for a deeper involvement by the public, and (2) sufficient good results and experiences with private agency involvement in criminal justice to warrant a larger role. Private agency involvement on a large scale should result in reduced costs for operating the criminal justice system by using volunteers from the community and by keeping potential consumers out of the system through prevention and diversion.

Monopolies are undesirable in social as well as in commercial endeavours. No agency should have sole authority to provide services intended to meet a public need without competition. The alternative to government services in the social field generally and in the criminal field particularly are those provided by private agencies.

Competitive and complementary services have a number of beneficial results. The individual needing help may have a choice in where he goes for service. Financial contributors can earmark their contributions for particular services rather than having contributions all go into general government revenue. Government and private services serve as yardsticks against which each can be measured. The private agency as well as government agencies can experiment with better ways of doing things.

Many people in our modern society feel lost and have a strong sense of alienation. Opportunity for personal initiative and input in decision-making is limited. The private agency provides a partial remedy to this situation by offering a channel through which the individual citizen can participate directly in building a better community. The value of the private agency is hard to measure because in addition to the material advantages arising from the service provided there are hidden spiritual advantages that accrue to the whole community.

The board of directors of most private agencies is most effective when, in addition to representatives of the community, it contains representatives of all segments of the criminal justice field. Such a meeting-ground provides a rare opportunity for the exchange of ideas and experiences and for joint effort in discharging the agency's function, whether in planning or in direct service.

Care must be taken throughout all discussions of the respective responsibilities of the public and private agencies to keep in view the aim of the criminal justice system: to serve the community and offer legitimate assistance to the offender. The aim is not to promote the public or private agencies as such.

DIVISION OF RESPONSIBILITIES

The division of responsibilities between government agencies and private agencies and their working relationships will be dealt with below under five headings:

1) Policy Planning and Evaluation

2) Public Education

3) Direct Service

4) Research

5) Manpower Development

1) Policy Planning and Evaluation

Involved here is the whole range of activities that make up the field of criminal justice: developing policies, framing legislation, amending practice, and evaluating the various components of the system.

An independent, critical voice that is free of political or other restrictions is essential to this process. Private agencies can play a unique role here as they are independent and at the same time have the technical knowledge required to perform the function. Government does, of course, carry major planning functions and can assess its own activities to a point, but there are situations when this ability is restricted or eliminated. For example, many government officials are opposed to various aspects of the Peace and Security Package but can make no public comment.

Much of the time government agencies and private agencies can work in harmony in planning and the private agency can support agreed policies through public endorsement, public education and, if need be, through influencing the political authority. There will be times, however, when the private agency cannot support government policies and it must be free to take an independent course of action, including statements intended to influence public opinion and the political authority. This function must be recognized and respected by government.

The more completely and the earlier the private agencies are involved in planning the less likelihood of conflict. The private agency cannot be expected to support policies it had no hand in developing and with which it disagrees. It is faced with a choice of offering public criticism, accepting the new policy, or leaving the field.

RECOMMENDATION 2 — It is recommended that early and thorough consultation with the private agencies take place on all policy developments in the criminal justice field.

There have been both good and bad examples of public consultation with respect to policy decisions in the criminal justice field. One good example was the consultation process that led to a policy within the Ministry of the Solicitor General regarding community-based residential centres; another was the active participation by Native people in policy decisions taken at the National Conference on Native Peoples and the Criminal Justice System held in February 1975 (even though developments since the Conference have been disappointing).

Examples where the lack of public consultation had a deleterious effect on policy formulation were the Young Offenders proposals put forward by the Ministry of the Solicitor General in 1971 and the Peace and Security Package now before Parliament.

Some of the characteristics that distinguish good consultation from bad are these:

a) the private agencies are given sufficient time to undertake a study process involving their members as a group. Such a process takes many months;

b) good informational documentation is provided early in the exercise;

c) documentation containing even tentative recommendations is delayed so broad input can be incorporated.

Every correctional instutition should have a strong community advisory committee to assist in building a bridge between the institution and the community and in helping to co-ordinate the activities related to that institution carried on by the various private agencies in the community. However, these advisory committees will succeed only if they have clear and sensible terms of reference and if the staff of the institution welcome their presence. On the whole, Canadian experience with such committees has not always been rewarding. They are most effective when they are composed, at least in part, of individuals appointed by the private agencies active within that institution.

In the area of federal and provincial policy-making the concept of a task force to initiate a consultation process involving the public prior to decisions being reached is a good one and should be followed wherever possible. This type of process gives advance warning, a chance for input, an opportunity to make adjustments and a better chance of acceptance and workability. The private agencies for too long have had to react to decisions in which they had no input. Rather than attempt to list the many places where input might occur it would be preferable for government to adopt a general policy of involving the private agencies in decisions.

There is one special type of forum where the private agencies could have specific input on a regular and continuing basis. The following recommendation is made to cover this special type of input.

RECOMMENDATION 3 — It is recommended that government ensure that the private agencies are formally represented at meetings of the Continuing Committee of Deputy Ministers responsible for Corrections. This principle would also apply to meetings of the joint regional committees established by the Deputy Ministers and other forums where the voice of the private agencies in criminal justice should be heard.

This recommendation is designed to ensure consultation with the private agencies before policy decisions are taken. CCCA could play a role with respect to this matter by suggesting the names of individuals from the private agencies who would attempt to present the views of these agencies in policy deliberations. The individual representatives could change depending on the issue under consideration. A distinct advantage to government with this recommendation is the potential to use the private agency representation as a sounding board for future policy and as an interpreter of policy to the private agencies.

If the joint venture proposed in this brief is to be a workable one, government agencies and private agencies must have a common vehicle through which to relate and interact. Communication and information must flow both ways. As suggested above, CCCA can act as a recruiter for private agency representation at meetings of the Continuing Committee of Deputy Ministers, but there are many other areas where private agency input will be needed. In addition, there will be a need for information flow from government agencies to private agencies because private agencies badly need access to information on developments in criminal justice. The following recommendation is designed to ensure an orderly and regular exchange of information between the two.

RECOMMENDATION 4 — It is recommended that CCCA be asked to establish a national liaison channel between government agencies and private agencies involved in criminal justice; that the provincial associations be asked to assume responsibility for this liaison channel as it operates within each province; and that it be made clear that this liaison channel would NOT speak for the private agencies without their consent, and would NOT in any way block access to governments by private agencies or by governments to the agencies.

It should be stressed that this liaison channel would in no way interfere with existing channels. It is an additional facility intended to supplement and increase present interchange.

CCCA is suggested as the logical agency to take on the responsibilities assigned to it in Recommendations 3 and 4 for several reasons:

1) it is the only national association in the criminal justice field in Canada that is not committed to any one program or any one approach;

2) it already has a working relationship with many of the private agencies;

3) it has public credibility;

4) it has a long (since 1956) and stable history that demonstrates its independence and impartiality;

5) it is completing a major reorganization that will enable it to provide a broader base for such an undertaking; this includes broadening the base of its financial support from the private sector.

There are provincial counterparts to CCCA in all provinces. CCCA has a working relationship with all and an organizational relationship with several of them. These provincial associations would constitute an essential link in carrying out these responsibilities.

The alternative to CCCA would seem to be a new organization established to perform these specific functions. Several difficulties present themselves. Who would take the initiative in establishing the new organization? How would its independence be assured? How would its credibility with the private agencies and with the public be established? How could these specific functions be divorced from related functions? How would broad financial support be obtained?

The liaison channel set up to discharge these responsibilities could serve other purposes as well, for instance some of these associated with Recommendations 16 and 17. Appendix A sets out in some detail what would be involved with a budget included.

A directing committee would be needed to manage the liaison channel, made up exclusively of representatives of the private agencies. Representation on the committee from the larger private agencies would be relatively simple to arrange but providing for a truly representative voice from the many smaller agencies would present difficulties.

This liaison channel will be of more value to the smaller private agencies since the larger ones are better equipped to keep their views before government. Care will be needed to ensure the smaller agencies have ready access. The provincial criminology and corrections association would have a particular role to play in bringing this about. Local criminal justice councils will be needed if broad citizen participation is to be promoted. These local councils should be part of the provincial association.

Difficulties can arise for the private agency in serving as consultant to public services and care must be taken in any particular instance that the private agency does not 1) operate simply as an extension of government; 2) accept undue limitations on its right to speak publicly; or 3) carry or be assumed to carry responsibility for policies or services over which it has no control.

The danger lies in consultation of a continuing nature, such as permanent advisory committees or those of long-term duration. The terms of reference of these committees must be clearly set out and must be understood by the neutral observer. Has the advisory committee responsibility and authority to study all aspects of the service's operations and comment thereon? If comments are made, will they effect change? If they are ignored and the advisory committee continues to function, the private agency must consider whether its presence in effect condones poor practice.

The other extreme is for the advisory committee to act only on matters placed before it. The difficulty here is that the neutral observer may assume the advisory committee has wider terms of reference than it has and hold it responsible for failure to advise on matters on which, in fact, it had not been consulted.

Consultation to government on specific topics with a terminal date presents little difficulty.

The need for consultation and dialogue between government and the private sector was well documented by Professor John Crispo of the University of Toronto in an article which appeared in the Toronto Globe and Mail on May 18, 1976. A part of Professor Crispo's article, which focused on the manifesto and program of action of the Canadian Labour Congress adopted at its 1976 annual meeting, is reproduced below:

> Regardless of the merits of the basic questions involved, the point is that no government can hope to preside over this country effectively in the absence of full and open consultation with its major economic interest groups. This must obviously include the labour movement, which plays a much more significant role in the governance of other countries than is the case in Canada.
>
> To participate in such a process the Canadian labour movement must do much to put its own decentralized and fragmented house in order. The CLC's manifesto and program of action indicate a willingness to make an important start in this direction. If the labour movement can begin to speak with more authority from the Congress level then it more than deserves a chance to play a larger role in the consultative process required in this country.
>
> This consultative process cannot and should not entail any abdication by the Government of its ultimate responsibility for the country's management. Nor can or should it be thought that consultation must or need entail consensus. Wherever possible, agreement is desirable but not to the point of emasculating the need for moves to curb the powers of numerous vested interests which are bound to oppose such steps. Nonetheless, consultation will not only ensure more effective government policy initiatives but more ready acceptance of those initiatives even among those against whom they may have to be directed.

2) Public Education

The need for public education in criminal justice is generally recognized in Canada and many government departments and private agencies are involved in public education programs. However, there is no collated information on what programs exist, no co-ordination among them, no exchange on what is to be told to the public, or on what public education techniques are proving most effective.

Three steps are required to correct this situation:

a) collation of information on what public education programs in criminal justice now exist in Canada;

b) initiation of joint planning by all those found to be involved;

c) assumption by each of the involved departments and agencies of the public education responsibilities assigned to it through the joint planning process.

A national clearing-house on public education in criminal justice is needed to undertake these and related functions.

RECOMMENDATION 5 — It is recommended that a national clearing-house on public education in criminal justice be established under the auspices of CCCA, with initial funding supplied by the Government of Canada. Once established, this clearing-house should seek funding from diverse sources.

It is recommended that this clearing-house come under private rather than public auspices because private sources have greater credibility with the public. The public often consider what are called public education programs operated by government information services as really public relations campaigns set up to defend government policy.

CCCA is recommended as the logical agency to take responsibility for this clearing-house for reasons similar to those set out on page .... in connection with Recommendations 3 and 4. Appendix B sets out some of the details of what would be involved, including a budget.

The teaching of criminal justice concepts in the schools should be seen as part of the subject-matter coming within the scope of the clearing-house.

Recommendation 16, which deals with the preparation of a Manual of Criminal Justice Standards for Canada, is pertinent to public education. Until it is available, there will be disagreement as to what is to be said through public education programs.

The local private agencies have a vital role in public education. They have the local contacts not available to national or provincial public education programs. Probably the best public education device is direct involvement with a private agency, either in service or as a member of the board.

3) Direct Service

The decision on whether a particular function should be performed by a government or a private agency should not rest on simple assessments of who can perform it best. The legal responsibility of the government service must receive primary recognition but after that the guiding principle should be that every consideration be given to having the service performed by the private sector.

Comparisons of efficiency of government as against private agency operations are difficult since there are always hidden factors. A private agency may not perform some function more effectively but the fact that it is carrying this role may encourage more members of the community to become involved.

The days are past when the private agency can be seen only as an extension of the government agency or its chief function seen as demonstrating new services that will be taken over by the government agency if proved successful. With the increased sophistication of services real innovations are rare. The private agencies must be seen as having their own specific function.

The private agency enjoys some advantages in direct service because it:

a) is free to react to local community demands without restraint by policies developed to apply more generally;

b) gives the individual offender a choice in supervision;

c) has high acceptability with most individual offenders and their families;

d) helps the offender maintain a link with the community;

e) can carry a relationship with an offender through the various phases of the process;

f) can work directly with the victims of crime;

g) has flexibility and freedom to move quickly;

h) can provide cultural matching for the offender; for instance, Native workers to assist Native offenders;

i) can provide volunteers with special skills to meet unusual circumstances;

j) can provide some services at less expense because of volunteer time donated by citizens.

The importance of the direct service role to the planning role should be stressed. It is only through direct service that the private agency can gather the knowledge needed for rational planning.

A growing number of individual volunteers are working directly with government services in such programs as probation. The right of the individual to work directly has obviously to be respected but we are of the opinion that his development as a volunteer will be limited unless he has a contact with the larger volunteer movement through a private agency.

In order to provide some guidance on where and in what manner the private agencies can provide direct service in the field of criminal justice the following recommendation is made. It is impossible at this time to be more specific. Each form of direct service must be examined in detail before concise recommendations can be made. Such detailed examination will come during the preparation of the Manual of Criminal Justice Standards recommended later in this brief.

RECOMMENDATION 6	It is recommended that the private agencies carry the following direct service responsibility in the areas noted below:
1. Prevention	Assist educational authorities in putting on crime prevention programs in the school system. Develop community programs to divert people away from criminal activities. Motivate commercial enterprises to take better precautions to discourage theft and to utilize diversion and restitution wherever possible in dealing with cases of theft. In general, encourage communities to play a larger role in the prevention of crime.

2.	Diversion	Develop community diversion programs to screen minor offenders out of the criminal justice system into community-based services. Promote public interest in and understanding of diversion programs.
3.	Policing	Be represented on police commissions. Encourage the use of police-community programs by offering support services to the police in order to prevent and control crime.
4.	Courts	Seek a more dignified role for witnesses. Supply information about the accused's social characteristics to prosecution and defence to help reach a decision in diversion or disposition. Encourage the use of lay assessors in the sentencing process especially with respect to charges against Native people. Encourage the use of court-workers to help people appearing in court. Assist in establishing methods to utilize diversion, restitution and other forms of reparative sentencing.
5.	Probation	Promote the utilization of more volunteers and private agencies in probation activities.
6.	Prisons	Promote the utilization of more volunteers and private agencies in prison programs. Establish bridges from prisons to communities through service on prison advisory committees and in activities designed to maintain these bridges. Help develop literature and other devices to inform the inmate of the various service options open to him during incarceration and after.
7.	Half-Way Houses	Operate half-way houses for offenders and ex-offenders. Encourage the development of new and innovative methods by the community in assisting offenders back into society.
8.	Parole and Mandatory Supervision	Promote the utilization of more volunteers and private agencies in parole activities.
9.	Aftercare	Help to create a community climate receptive to ex-offenders. Develop programs under private auspices to help re-integrate ex-offenders into the community. Encourage potential employers to hire ex-offenders.

4) Research

Research operations are so expensive that only governments can finance them adequately. Governments are therefore in a position to determine research priorities. A partnership between the public and private sectors is essential if objectivity in research is to be maintained.

Some aspects of research, such as statistics-gathering, should be carried out directly by government. Other research is best done by universities or other private research centres. Evaluative research into the operation of either public or private agencies or programs needs particularly the objectivity of the independent researcher.

Governments should recognize the necessity of independent research facilities and particularly their use in promoting basic research. Funding that comes only from project grants is erratic; in addition to such grants, governments should contribute to the core budget of such facilities. This financial support should come in the form of a commitment. It is difficult to suggest an exact amount but a figure of one per cent of total expenditures on criminal justice would reflect recommendations in other fields.

To help develop a partnership between the public and private sectors, and to help maintain objectivity in the total criminal justice research operation, each government should accept a research advisory committee which include representatives of the private sector and of the private agencies.

RECOMMENDATION 7 It is recommended that:

a) the need for a partnership between the public and private sectors in research be recognized;

b) such research functions as statistics-gathering be performed directly by government, but that most other research be carried out by universities or other private research centres;

c) government recognize the necessity of independent research facilities and particularly their value in promoting basic research, and contribute to their core funding as well as project grants;

d) all governments accept multi-disciplinary advisory committees which include representatives of the private sector and of

the private agencies related to their research activities in criminal justice.

5) Manpower Development

A distinction should be drawn between staff training and staff development. Training consists of formal courses; development is a broader term and includes other means of increasing staff competence, some long-term and formal, others brief and informal.

Both public and private agencies require staff training and development. The private agencies, and particularly the smaller ones, are less able to meet these needs than are the public agencies. As formal standards are developed, the difficulties of the private agencies to meet staffing requirements will increase.

Native organizations have a special problem in staff training and development.

A specific anticipated benefit of staff training and development is better understanding between the staffs of the public and private agencies. This could be partly accomplished by opening public in-service courses to staff members of the private agencies. The exchange of staff members for a period of perhaps a year between public and private agencies would be another valuable development.

The special needs of the individual volunteer should also be recognized. In the beginning, the volunteer may require elementary training to introduce him to his new responsibilities. However, as he becomes more experienced the higher ranges of training and development should be open to him.

The cost of staff training and development should be accepted as a legitimate item in the budget of the private agency.

RECOMMENDATION 8 It is recommended that the following be recognized and embodied in government policy:

a) the special staff training and development needs of the private agencies, particularly the smaller ones;

b) the special staffing needs of the Native private agencies;

c) the special training and development needs of the individual volunteer, and particularly his need for advanced training at the appropriate time;

d) the legitimacy of an item in the budgets of the private agencies to cover the cost of staff training and development;

e) the opportunities to improve understanding between the staff members of public and private agencies presented through staff training and development.

Financing Private Agencies

The question of financing is vital to the continued development of private agencies in the field of criminal justice. Plans for maximum utilization remain speculative until the question of financing is dealt with.

There appear to be three regular sources of financing open to most private agencies;

1) subsidies from government;

2) lotteries;

3) private sources.

Some private agencies obtain all or part of their funds from such additional sources as sheltered workshops, sale of handcrafts, or public entertainment events. Such initiative is to be commended. Unfortunately, such opportunities are not open to all private agencies.

We believe that ideally a private agency's funds should come from a variety of sources. A diversity of funding protects against the situation where an agency might have to cease operations when a sole source of funding is cut off.

1) Subsidies from Government

Subsidies from government are of three types:

Core funding helps with the agency's overall budget;

Project funding is given for a specific purpose;

Purchase of service or fee-for-service payments involve set amounts based on unit cost of service.

Basic difficulties are faced by the private agencies in seeking government financial support. First, most private agencies are trying to meet local needs but must tailor applications for grants to national or provincial requirements. Second, each grant tends to be for a specific purpose or program which may not fit neatly into the operation carried on by the agency. As a result, several grants may be needed by the agency, each coming from a different section of government.

RECOMMENDATION 9 — It is recommended that government recognize the necessity of private agency participation in the criminal justice system and that financial support of private agencies be a priority of government.

RECOMMENDATION 10 — It is recommended that both capital and operational funding be linked together under more comprehensive program co-ordination.

RECOMMENDATION 11 — It is recommended that government move towards a system of longer-term (up to five years) funding commitments rather than ad hoc annual allotments in order to assure a greater sense of security and continuity of service at the agency level. The use of long-term contracts for both grants and fees for service arrangements seems desirable.

RECOMMENDATION 12 — It is recommended that standards of service and reporting should be the "quid pro quo" of funding between the government and the private agency and that these be developed conjointly and be known to all agencies in the field as well as those seeking entry.

RECOMMENDATION 13 — It is recommended that all levels of government, with the cooperation of the private agencies, establish guidelines and co-ordinate their funding policies. A comprehensive directory of the type of funding available, the criteria for qualifying and the agency, branch, division and department responsible should be prepared and made accessible to every private agency in the country.

2) Lotteries

Funding from lotteries run by government comes somewhere between government and private funding. It is under government control but arises from voluntary contributions from individual citizens. Not only do governments determine how tax money is to be spent but through these lotteries they are determining how an increasing share of voluntary funds are to be spent. Many such organizations as service clubs that formerly depended on local lotteries for much of their budget now find that source closed.

There are three basic issues here. The first is the moral issue whether governments should be involved in projects that may do harm if they teach people to seek something for nothing. However, governments seem to be committed to lotteries. If so, the other two basic issues arise: what kind of private endeavours are to be supported by lottery funds, and who is to determine which applications are to be approved. The profits from Wintario are spent exclusively on physical fitness and cultural activities. The idea of spreading Wintario monies more widely was developed in an article that appeared in the April 20, 1976 issue of the Toronto Globe and Mail:

> "Things won't be quite so grim in Ottawa on July 1 after all. Sure, the federal Secretary of State - as an austerity measure - has cancelled the fireworks. But Wintario, partnered by a brewery, will finance a giant community picnic to celebrate Confederation and the Olympics. (We can only hope that the one will be in a healthier state than the other.)
>
> Wintario is giving $20,000 for the picnic. A swell gesture. But then, Ontario's lottery has painlessly provided the Government with a very pretty fund for swell gestures. Profits in the last fiscal year amounted to $39-million, profits for next year are estimated at $60-million. It could never, surely, have crossed Government minds that they were accumulating a fund that would come in handy for providing election goodies at a time when the watchword- on the Darcy McKeough level - was pinch to fight inflation.
>
> Yet there are certain signs...

Like those billboards asking for suggestions from the public on how to spend the money. Like the fact that Mr. McKeough said in his budget that only $7-million had been spent by the end of March, while apparently Minister of Culture and Recreation Robert Welch had been busily awarding grants that amounted to three times this figure.

And has his ministry all toned up to continue the flow of money. Mr. Welch has said that he wants no changes in the act, which requires the money to be used for recreation, culture, sports or fitness, and only for non-professional, non-profit, one-shot community projects. "We are being very careful." he said, "that our Wintario grants don't create dependency."

Back in February Mr. McKeough was suggesting much more useful programs on which Wintario funds could be spent -such as medical research. He is probably closer to the electorate's heart than Mr. Welch.

While any number of projects considered valuable and important by the people are being axed because governments-quite rightly- say that spending has to be cut to reduce deficits, it goes against the grain to see millions poured out on frivolities. Wintario funds would strike most taxpayers as being more reasonably spent if they went into continuing recreation programs, into community programs that would provide summer employment for young people, into the maintenance of health services, into libraries that are languishing for lack of funds, even-this money need not burn a hole in our pockets- into retiring some of our vast public debt.

Mr. McKeough had the beginnings of a good idea he should bring forward and burnish."

The Olympic Lottery has now been taken over by the Government of Canada. It is understood that the profits for the first few years will go to pay off the Olympic deficit; when that is accomplished profits will go to physical fitness programs.

RECOMMENDATION 14 — It is recommended that all accredited voluntary and charitable organizations have equal access to all monies raised through government lotteries.

3) Private Sources

Funding from private sources comes from individuals, business and foundations. The private agencies have been facing increasing difficulties in raising money from these sources. United Way campaigns are losing ground every year due to the high rate of inflation and are therefore less able to support established programs, quite apart from taking on new responsibilities. Agencies in the field of criminal justice face particular difficulties because Canadian society has developed negative attitudes towards this field.

Nevertheless we are convinced that the private agencies have been too easily discouraged as to the prospects of raising private funds and have relied too heavily on government sources. We believe that a determined and concerted effort will increase the flow of private money to this field.

CCCA is basing its financial planning on this belief. Under the terms of the sustaining grant we receive from the Government of Canada, that government contributed 50 per cent of our operating budget for the fiscal year 1975-76. That percentage will drop by 5 per cent a year until the figure of 35 per cent is reached in 1978-79 and will stabilize at that percentage. The remainder of our budget will come from private sources.

It is our hope that we will soon be in a position to end our application to the provinces for grants, leaving that source to the provincial associations. It is anticipated the resulting loss will be made good through increased income from private sources.

A number of things are needed if additional funds are to accrue to the private agencies from private sources:

a) a public education program to reduce negative public attitudes (see Recommendation 5);

b) a generally-accepted Manual of Criminal Justice Standards (see Recommendation 16);

c) a system of accrediting private agencies (see Recommendation 17);

d) more energetic exploration by the private agencies of private sources of funding, and efforts to use those sources in appropriate ways. For instance, foundations tend to look favourably on innovative or unorthodox projects;

e) a determined and concerted promotional campaign. It is hoped CCCA can provide some of the facilities for this campaign.

Another way of increasing contributions to private agencies would be to introduce changes in the individual Income Tax Return. From research studies carried out recently it has been found that the ordinary citizens in this country are giving less money to charitable causes than was the case in the past.

Various suggestions have been made as to desirable changes in the income tax provisions:

1) Two options now exist for claiming charitable donations. The first is a standard claim of $100. The second is that the individual may claim over $100 provided he can produce supporting documentation. There is a suggestion that individuals claim the $100 but make no contributions and that they would be encouraged to give if the automatic deduction of $100 were terminated or, if that would involve too much clerical work in checking receipts for donations, reduced to $50.

2) That either 100 per cent or 50 per cent of charitable donations be deducted from tax payable. This would mean the same return to the poor donor as to the rich donor.

3) That deductions for charitable gifts be permitted on some such scale as:

salary under $15,000	deduct double the gift
salary over $15,000 and under $30,000	deduct one-and-one-half the gift
salary over $30,000	deduct amount of gift

This is also an effort to equalize the return to the poor and to the rich donor.

The main argument against 2) and 3) above is that the donation is made up out of tax money and therefore constitutes support by government. The arguments for them are that they would stimulate more giving than governments would lose and, more important, would give the individual encouragement to become involved in community affairs and would give him the power to direct how his money is to be spent.

However,there is insufficient knowledge as to what these plans would involve or what effect they would have. Perhaps the work being done by the National Advisory Council on Voluntary Action will provide some of the answers. If not, further studies should be done under other auspices.

RECOMMENDATION 15 — It is recommended that the voluntary sector continue to work with governments in seeking information on what changes in the Income Tax Act would increase charitable donations from individuals and corporations.

STANDARDS

No generally-approved set of standards for the criminal justice field exists in Canada. Some individual services have produced standards for their own use but these are not accepted by similar services elsewhere. Manuals of criminal justice standards have been produced in other countries but none applies fully to the situation in Canada. Useful examples come from other fields, such as the "Guide to Hospital Accreditation" prepared by the Canadian Council on Hospital Accreditation.

The need for a Manual of Criminal Justice Standards becomes ever more pressing. Without it there are no objective guides to planning, no basis for objective assessment of existing services and public education programs remain arbitrary. The Manual should cover all aspects of the field and include both public and private agencies.

The preparation of the Manual will provide an opportunity to examine in detail what the division of responsibility between the public and private agencies in direct service should be; specific recommendations on what this division of responsibility should be is most difficult without such detailed examination.

The private sector should be fully involved in drawing up the standards for every segment of the field.

RECOMMENDATION 16 It is recommended that immediate steps be taken to begin the preparation of a comprehensive Canadian Manual of Criminal Justice Standards. The preparation of this Manual should be in every aspect a joint undertaking of the public and private sectors.

Two national developments have occurred recently in Canada in respect to standards;

a) The Attorneys-General at their meeting in Calgary January 22-23, 1976, agreed to move on the preparation of standards. To date there has been little publicity on this project or how they intend to move. There seems to be no provision for involving the private sector.

b) CCCA has received a grant of $14,000 from the Canadian Donner Foundation to prepare a plan for developing a Manual of Criminal Justice Standards. The four university departments, schools or centres of criminology (Montreal, Ottawa, Toronto and Simon Fraser) are cooperating in this venture. Plans call for as broad participation by both public and private sectors as possible.

ACCREDITING

There are several hundred private agencies operating in criminal justice in Canada and the differences among them are great. Some are large and professionally-staffed; some are small and deliberately utilize only volunteers. Some are well-organized and have a long history; others appear for a brief period and then go out of business. Some offer a wide range of services, others concentrate on a single function. Some serve a wide geographic area, others work only in one community.

It is not surprising in this situation that the quality of service and the efficiency of operations vary considerably. There is duplication of service while other needs are not being met.

It cannot be assumed that the private agencies are able to take on all the possible functions suggested above. Private agencies can fall into ruts and lose that vital contact with their community that is their essential difference. Some channel for assessing their competence is needed.

RECOMMENDATION 17 It is recommended that evaluative committees be set up involving both the public and private agencies to accredit private agencies.

Great care will be needed to make wise assessments. Innovative ideas often come from less well-organized groups and too-rigid standards will kill initiative. Ex-offender groups and Native groups would require particular care in this process.

A Manual of Criminal Justice Standards would have obvious value in this undertaking. Without agreed standards, any accrediting is arbitrary.

Such accrediting would not only be useful to governments in determining which agencies are competent to carry out the surrogate role and which should receive financial support, but it would also be of assistance to business corporations, foundations and individuals in determining a response to requests for funds.

APPENDIX A

Liaison Channel for the Private Agencies

This project would be particularly pertinent to Recommendations 3, 4, 16 and 17.

There are probably a thousand private agencies active in criminal justice in Canada, varying greatly in function, size and administrative structure. Little coordination exists among them with resulting overlap in service and failure to provide some needed kinds of service. People interested in starting an agency may have no place to turn for information on what other agencies are doing or how to proceed with their own plans. Individuals who want to get involved in volunteer activities may not know where an appropriate opportunity can be found.

These agencies need a channel for the exchange of information on their own activities.

These agencies also lack a channel to keep them informed on government plans that may affect their operations and thus miss opportunities to place their opinions before government before plans are put in final form.

On the other hand, governments have no channel they can turn to

a) in seeking representatives from the private agencies to sit on commissions, committees, and study groups, or to sit as observers in planning sessions;

b) to get broad reaction from the private agencies on planned legislation or major administrative or program changes.

What is needed is a national channel for liaison among the private agencies that would:

1) prepare and keep up-to-date a listing of the private agencies active in this field in Canada;

2) keep these agencies informed on general developments among the private agencies;

3) keep these agencies informed on major government plans so that the agencies can place their opinions before government in time to be considered;

4) serve as a channel to the private agencies on behalf of governments seeking reaction to proposed changes in legislation or major administrative or program changes;

5) suggest to government names of representatives from the private agencies to sit members or observers on commissions, committees, or study groups;

6) consider the need for national, provincial or local workshops on matters pertinent to the private agencies;

7) press for a private agency voice in all criminal justice matters where that seems appropriate;

8) offer a consultative service to private agencies in this field and to individuals seeking an opportunity to do volunteer work.

It should be stressed that such a channel would NOT:

a) attempt to speak for the private agencies;

b) in any way block direct access to governments by the private agencies or by governments to the agencies. It is intended to facilitate such access.

It is suggested that funding to get this channel established come from the Government of Canada. Once established diverse funding should be sought to maintain it. Some of its funding could come as grants for special projects such as workshops or studies of specific problems. However, the private agencies might have difficulty in making major contributions and this would suggest that continuing partial support would be required from the Government of Canada.

Budgets for the first two years of operation are suggested below. This would be the trial period when the requirements of the field are tested. Later budgets would be set to meet the details of program requirements.

BUDGET

Year 1

Director	$25,000
Secretary	8,000
Employment benefits	1,800
Travel	5,000
Newsletter	6,000
Translation	1,000
Office expenses	3,000
Furniture and fixtures	1,500
	$51,300

Year 2

Director	$27,000
Assistant to the director	16,000
Secretary	8,640
Employment benefits	3,800
Travel	6,000
Newsletter	6,000
Translation	1,000
Office expenses	3,000
Listing of Private Agencies	3,000
	$74,440

APPENDIX B

Clearing-House on Public Education in Criminal Justice

This project is particularly pertinent to Recommendation 5 but has a bearing on all Recommendations.

Many government departments and private agencies are involved in public education programs in criminal justice in Canada. However, there is no collated information on what programs exist, no coordination among them, no exchange on what is to be told the public, or on what public education techniques are proving most effective.

A national clearing-house on public education in criminal justice is needed to take the following responsibilities:

1) collate information on what programs now exist in Canada;

2) initiate joint planning among all the agencies involved;

3) consider the potential value of conferences and workshops at the local, provincial and national levels;

4) maintain contact with editorial personnel of the media at the local, provincial and national levels;

5) foster agreement on what is to be said to the public; a Manual of Standards is vital to this;

6) foster experimentation in and exchange of information on effective public education techniques;

7) gather information on experiences in other countries on these matters;

8) offer a consultation service to those involved in public education in this field;

9) stress local programs since public education based on local events has great impact;

10) develop and maintain a library of audio-visual material; this would be of particular value to the smaller agencies;

11) publish a newsletter to keep all informed on pertinent developments.

Teaching criminal justice concepts in the schools would be seen as part of this project.

Financing for present public education programs comes from many sources, public and private, and this pattern of funding should be continued. It is suggested the Government of Canada assume financial responsibility for getting the national clearing-house set up, but once set up the clearing-house should seek funds from diverse sources. Some funds could take the form of project grants.

The budgets for the first two years of operation follow:

BUDGET

Year 1

Director	$25,000
Secretary	8,000
Employment benefits	1,800
Travel	4,000
Printing	2,000
Translation	1,000
Office expenses	3,000
Furniture and fixtures	1,500
National workshop	5,000
	$51,300

Year 2

Director	$27,000
Secretary	8,640
Employment benefits	3,000
Travel	4,000
Printing	2,000
Translation	1,000
Office expenses	3,000
Newsletter	6,000
	$54,640

B. II (3)

St. Leonard's Society of Canada
1787 Walker Road
Windsor, Ontario
N8W 3P2

THE PRIVATE SECTOR

"It is essential to the enhancement of unity, equality of opportunity and individual freedom that Canadians work together in a spirit of cooperation and mutual respect... It is appropriate, therefore, to define the role of government in social planning and action... The Government favours a middle road... (which) implies a reliance on the market...and that less costly, less interventionists ways must be found to pursue social goals... Obviously, the development of the new strategies...will demand the closest possible cooperation among governments, workers, businessmen, cooperative and voluntary organizations and all other sectors of society." - Speech from The Throne, October 12, 1976[1].

> While it is the exclusive authority of the State to legislate and to enact any legislation which constitutes the abrogation of the right to freedom of any citizen, it is recommended that all functions in the Criminal Justice System in Canada which do not have the basis of authority in law to intervene in the freedom of any individual be fulfilled by the private, "voluntary", non-governmental resources.

These DISTINCT ADVANTAGES of the private agency must be recognized and endorsed in policy and through funding by the Government:

1. Constitutionally, the private agency or organization is founded in a part of the private community and functions, therefore, as equal to and a part of the rest of the community represented.

2. When the private organization or agency is a non-profit, charitable entity with a voluntary base, it is perceived and experienced in a more sensitized personal sense by both the user and the community.

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[1] p. 4, House of Commons Debates, Vol. 120, No. 1, 2nd Session, 30th Parliament.

3. The small size of private organizations or agencies is also an element in its more personalized nature.

4. The local, un-bureaucratized private agency also enjoys a greater degree of economy and flexibility which not only facilitates but enhances adaptability to changing needs, responsiveness and relatively swift and appropriate action and innovative creativity.

5. The private individual, organization or agency has the constitutional freedom to communicate with and appeal directly to any level of authority in either the private or public sectors at any time.

6. Generally, the private sector does not incur the expense of a bureaucracy and can therefore deliver services economically.

7. Unique voluntary and manpower resources are often committed to the private sector.

> It is therefore, further recommended that government funding of the private resources be not only committed but adequate in all instances where the private sector might be functional in the over all criminal justice system.

FUNDING

"...all federal programs will be reviewed to identify those activities which could be transferred to the private sector without reducing the quality of service to the public."[2]

A. NATIONAL AGENCIES

1. The Budget An adequate budget to provide the manpower, communications and travel resources should be determined in order for a national agency related to direct service to clients to effectively and efficiently fulfill the functions of coordination, administration, joint-planning and programming, government liaison and community development on behalf of more localized agencies.

2. "Ex-Gratia" Funding. It is recommended that the federal government contribute 50% of the

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[2] p. 2, ibid

budget on an annual basis to national agencies and that the provincial/territorial governments contribute 30% of such budget annually. The balance (20%) is to be gained through member-agency support and private fund-raising.

3. Fee-For-Service. It is further recommended that demonstration projects, research and other functions be purchased by the governments on a time-limited, contractual basis whenever possible.

B. COMMUNITY RESIDENCES

1. Basic Residential Budget. Regionally uniform cost formulaw on a yearly basis should be determined in order for the private residence to effectively provide the following services at a more economical level than comparative government costs:

a) property and lodging to provide a specified number of beds;

b) the provision of board;

c) administrative/secretarial staff and costs;

d) supervision staff costs; and

e) additional programme costs such as:

i) employment/vocational counselling;

ii) recreational services;

iii) evaluation, follow-up and other research;

iv) prison visitation; and

v) court work.

2. Base Funding. It is recommended that the Federal/Provincial/Territorial governments commit and guarantee in advance annual funding to the private community residences in the amount of 80% of the agreed capital and operating budget relative to the services being provided.

3. Purchase of Service It is recommended that any additional units of service, or any other services or research projects, be purchased by the governments on a time-limited, contractual basis.

III CONSULTATION AND COMMUNICATIONS

1. It is recommended that individual private organizations maintain direct communications with the government authorities and that there be a mutual exchange of observers to the programme-planning and policy-making processes of each.

2. It is recommended that mutual commitments to each other be made by the Federal/Provincial/Territorial governments and the private organizations and agencies that there will always be communications with each other with regard to any social planning/action being undertaken and that there will generally be consultation whenever possible and time-permitting.

3. It is recommended that the Federal/Provincial/Territorial governments and the private sector jointly develop and finance the establishment and continued operation of local community criminal justice and corrections councils throughout the nation with a more simplified provincial/regional though national communications network.

   a) It is proposed that such local councils be comprised of any interested citizens and include employees of government services.

   b) It is proposed that such councils coordinate themselves on a provincial/territorial/regional basis, through existing bodies or associations where possible, for the purposes of simplifying communications and dealing with provincial/territorial/regional issues.

   c) It is proposed that these local councils, through the provincial/territorial/regional coordinating representatives, further develop a federal/national representation, expressly in the vehicle which can be provided by the Canadian Criminology and Corrections Association.

"...the Government will launch a major series of consultations throughout Canada to secure a greater sharing of economic and social responsibility among all Canadians.

Consultation in this context...means that the Government will place before interested Canadians its assessment of the major problems we must solve together... the people of this Country have the courage to tackle difficult problems, the will to take our own future into our own hands, and the wisdom to understand that we work effectively only when we work together."[3]

THE ST.LEONARD'S SOCIETY OF CANADA AND ITS MEMBERS ARE PREPARED TO ACCEPT ITS RESPONSIBILITY AS A PRIVATE RESOURCE IN THE CRIMINAL JUSTICE SYSTEM AND, WITH ADEQUATE AND SECURE GOVERNMENT FUNDING, WILL DO SO.

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[3] p. 4, ibid

B. II (4)

Salvation Army

A BRIEF REGARDING THE ROLE OF PRIVATE AGENCIES IN CRIMINAL JUSTICE

The opportunity of giving expression to views relevant to the role of the private agencies in criminal justice is much appreciated by The Salvation Army which has as one of those agencies, enjoyed a long history of serving both community and government by meeting the needs of those in unfortunate circumstance who have required support, counsel and direction.

It is our observation that the existing structures between government and private agencies are already on a good base of operation. We do feel however, that more clearly defined lines of communication as relate to goals and objectives, both long and short term, by each sector, should be an objective for future consideration. Government priorities and policy should be more freely expressed to the private agencies so that proper guidelines and direction can be received. It is noted in giving consideration to this area, that government resources and structures exist which would already aid in government-private agency relationships but unfortunately, many of these structures are not known either to the agencies or to members of the government who are in continuous dialogue with the agencies.

Our primary concerns are that there be a continued utilization and involvement of the private sector in the field of criminal-justice by government, and that the manner of funding from governments of the private sector reflects a formula which allows innovation and diversification by that sector in addition to specialized contractual services.

The existing system for financing allows this, in that there are general grants and contractual grants. There is however concern that persons wishing to seek funding experience a great deal of difficulty in descerning to whom their proposals should be directed and in persuing such information, fund much confusion within government departments in directing individuals and agencies to the proper source.

A comprehensive booklet giving general guidelines for all sources and procedures in seeking government funding would be most helpful. Such a document as A Directory of Federal Funding Sources Available to the Citizens' Organizations, issued by the Secretary of State, could be made available through all departments of government. This might be a positive step towards solving this problem.

We would still feel that considerations for government funding must be made by the relative and appropriate department of government rather than by a central government agency or local community agency board.

With regard to the Discussion Guide, January 1976, we would respond as follows:

1. At this time, on what basis is responsibility for the various criminal justice services allocated to:

(a) Government

The view expressed by the committee indicates that government's role should be one related to establishing legislation, overseeing the supervision of that legislation through the process of apprehension, detention and court administration.

In relation to this, it is felt that the private sector should be called on to provide supervision and care within the systems particularly the court and jail-prison systems. This supervision should be under the discretion of the judicial process and private agencies should not be expected or given capacity for forcible, physical retention or apprehension.

(b) Private Organizations

Private agencies should be able to maintain their own autonomy and terms of reference. It is felt that there is a role for both private and government agencies in the field of rehabilitation and community orientation.

The private agency has a number of positive factors in its favour in regard to its rapport both with the inmate and community:

- As it is a community-based operation, it identifies with community and acts as a liaison body between community and government agencies. In this role, it is able to also give an account to each group and similarily, give credible service.

- As it is community-based, it is more likely to establish a good rapport with the inmate. Because of the nature of his relationship with government, in that the government is seen as the legislative and punishing factor of society, there is a degree of resistance in the rehabilitative process. The private agency therefore presents community rehabilitation in a more positive context and is therefore more likely to receive inmate confidence in the community adjustment - rehabilitation process.

- Private agencies have long experience in the area of volunteers and volunteer services. Being community-based, they have wide access and availability to potential volunteer sources and are in a good position to generate volunteer interest.

- Private agencies provide a credible monitoring resource from community - the private agency by its very existence indicates a strong motive to give assistance in the criminal justice field and through this indicates a continued willingness to give care and guidance to the individual needing help within the justice system.

While it is agreed that prison services now provide a chaplaincy service, the spiritual dimension offered at all levels of contact in the criminal justice system by private agencies and in particular The Salvation Army, offers a very important aspect to the continuing life and personal development of each inmate while in custody and during his rehabilitation.

2. What are the basic principles which, in the future should determine the allocation of responsibility for criminal justice services to Government and private organizations?

It was felt by the Committee that in future, the principle of the agency's ability to identify with community and to procure community support should be a consideration.

Government should be expected to make an annual statement of perceived needs and service requirements as related to Government priorities within the system. With regard to the private agencies, it is felt that with the large number of splintered individual groups entering the private sector, that historic performance of existing agencies, their dependability and reliability, be considerations in the employment of private sector agents. Larger and proven private agencies could be utilized to give supervision and to encourage development of the innovative programs suggested by smaller and newer groups and individuals. Funding should therefore be provided to agencies in this regard.

3. What are the responsibilities in criminal justice that must be assigned to Government? Why?

Government should be responsible for all legislation and the implementation of that legislation, supervision of courts and all detention. The government should also establish and evaluate standard qualifications and capabilities of those rendering service to government-supported programs.

4. What are the responsibilities in criminal justice which could be carried out more effectively by private organizations and are assigned now to Government?

It was felt by the Committee that community-based residential centres should be handled by private agencies.

FUNDING

In the instance of established agencies, their ability to sustain a service over a period of time indicates a high degree of credible, practical, and functional service. Much of this service has been made possible through community support not only in volunteer services given, but also in funding provided from the community-based financial resources of individuals and corporate structures.

As private agencies are not bound to the same degree, by specialized departmental terms of reference, fixed budgetary considerations or formal legislation, they have a greater capacity for exploration, innovation and experimentation in diversification of approach and philosophy within the system. It is for this reason that the private sector has played such a major role in the development of the correctional processes and program and has filled many gaps of service which had been realized by government but not implemented.

To date, the private agency has in many instances, developed its resources on the basis of its perception of social need rather than by blending its service according to available government grants.

In future a blending of perceived need within the justice system by both private agency and the government may be necessary and in this instance, it would be helpful if Government could clearly establish for the private sector its immediate and long-run goals in the area of treatment approach and care operations.

As the private agency raises its funds to meet its perceived priorities of client need, it is recommended that there be greater dialogue and communication between government and private agencies with regard to the setting of priorities for service by each agency.

It is felt also that government should give some consideration to the peculiar problems of funding experienced by the private agency. Some of these problems include:

(1) uncertainty of ongoing funds for any maintenance program

(2) loss of investment related to changed policies with regard to capital investment

(3) long term financial commitments should be recognized by government in service agreements and some degree of security provision be given to the private agency.

As general principles, it is felt by The Army that:

- the formula prescription for government funding of agencies should not be too tight or binding but should indicate a degree of flexibility.

- private agencies desiring government funding should receive community funding as an expression to show community support for the agency and the service it provides.

- government funding should not approach 100% as agency autonomy decreases according to the amount received from government sources. It is most important that the agency maintains a high degree of autonomy and flexibility.

- - funding should be general as opposed to specific. The use of contractual agreements for services can be very binding and can also limit incentives and the development of new approaches. The existing formula in which an agency receives outright grants for service and is also able to enter into contractual agreements for specific services is felt to be acceptable.

- the consideration of private agency investment in developing and maintaining programs be a consideration of government in general funding policy. It would be hoped that government would be more consultative in informing agencies of its short and long run goals and financing policies with regard to future program and operations approach.