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## Appendix A

### VISITS BY MEMBERS OF THE COMMITTEE

*Meetings and consultations were held in the following Canadian cities*

<i>Alberta</i>	<i>Nova Scotia</i>
Calgary	Halifax
Edmonton	<i>Ontario</i>
<i>British Columbia</i>	Ottawa
Vancouver	Toronto
Victoria	<i>Prince Edward Island</i>
<i>Manitoba</i>	Charlottetown
St. Boniface	<i>Quebec</i>
Winnipeg	Hull
<i>New Brunswick</i>	Montreal
Fredericton	Quebec
Moncton	<i>Saskatchewan</i>
<i>Newfoundland</i>	Prince Albert
St. John's	Regina

*Federal correctional institutions visited by one or more members of the Committee*

<i>Minimum security institutions</i>	William Head Correctional Camp (British Columbia)
Blue Mountain Correctional Camp (New Brunswick)	<i>Medium security institutions</i>
Collins Bay Farm Annex (Ontario)	Collin's Bay (Ontario)
Dorchester Farm Annex (New Brunswick)	Cowansville (Quebec)
Gatineau Correctional Camp (Quebec)	Federal Training Centre (Quebec)
Joyceville Farm Annex (Ontario)	Joyceville (Ontario)
Manitoba Farm Annex (Manitoba)	Leclerc Institution (Quebec)
St. Vincent de Paul Farm Annex (Quebec)	Matsqui (Men and Women) (British Columbia)
St. Vincent de Paul Industrial Annex (Quebec)	Springhill (Nova Scotia)
Saskatchewan Farm Annex (Saskatchewan)	Manitoba Penitentiary (Manitoba)
Springhill Correctional Camp (Nova Scotia)	<i>Maximum security institutions</i>
Valleyfield Correctional Camp (Quebec)	Archambault (Quebec)
	British Columbia Penitentiary (British Columbia)
	Dorchester (New Brunswick)

Kingston (Ontario)	<i>Correctional staff colleges</i>
Kingston Prison for Women (Ontario)	Correctional Staff College at Kingston (Ontario)
Saskatchewan Penitentiary (Saskatchewan)	Correctional Staff College at St. Vincent de Paul (Quebec)
St. Vincent de Paul (Quebec)	Correctional Staff College at New Westminster (British Columbia)
Special Correctional Unit (Quebec)	

*Provincial correctional institutions visited by one or more members of the Committee*

Alouette River Unit (British Columbia)	Ontario Mental Hospital, Oakridge Unit (Penetanguishene, Ontario)
Andrew Mercer Reformatory for Women (Toronto, Ontario)	Ontario Women's Guidance Centre (Ingleside, Ontario)
Bordeaux Provincial Gaol (Montreal, Quebec)	Ottawa City Lock-up (Ottawa, Ontario)
Boscoville (Montreal, Quebec)	Prince County Gaol (Summerside, Prince Edward Island)
Calgary Provincial Gaol (Calgary, Alberta)	Provincial Correctional Centre (Regina, Saskatchewan)
Central Reformatory (Fredericton, New Brunswick)	Provincial Correctional Centre (Prince Albert, Saskatchewan)
Correctional Institution (Women) (Portage La Prairie, Manitoba)	Riverside Correctional Centre (Women) (Prince Albert, Saskatchewan)
Correctional Institution for Women (The Pas, Manitoba)	Quebec City Provincial Gaol (Quebec, Quebec)
Craig Street Detention Centre (Montreal, Quebec)	Quebec City Provincial Gaol (Quebec, Quebec) (Women)
Elizabeth Fry House (Toronto, Ontario)	Queen's County Gaol (Charlottetown, Prince Edward Island)
Halifax City Gaol, (Halifax, Nova Scotia)	Salmonier Correctional Camp (Salmonier, Newfoundland)
Halifax County Gaol, (Halifax, Nova Scotia)	St. Boniface Lock-up (St. Boniface, Manitoba)
Haney Correctional Institution (Haney, British Columbia)	St. Lawrence Halfway House (Montreal, Quebec)
Headingly Correctional Institution (Headingly, Manitoba)	St. Leonard's Halfway House (Windsor, Ontario)
Her Majesty's Penitentiary (St. John's, Newfoundland)	Tanguay Provincial Prison for Women (Montreal, Quebec)
Home of the Good Shepherd (Girls) (Halifax, Nova Scotia)	Vanier Correctional Institution for Women (Ingleside, Ontario)
Metropolitan Toronto Gaol (Women Section) (Toronto, Ontario)	Victoria City Gaol (Victoria, British Columbia)
New Haven (Burnaby, British Columbia)	Winnipeg City Lock-up (Winnipeg, Manitoba)
Oakalla Prison Farms (Men and Women) (S. Burnaby, British Columbia)	York County Gaol (Fredericton, New Brunswick)

*Meetings and consultations took place in the following cities outside Canada*

<i>Belgium</i>	Rotterdam
Brussels	The Hague
Liège	Utrecht
Malines	
<i>Denmark</i>	<i>Sweden</i>
Copenhagen	Stockholm
<i>England</i>	<i>United States of America</i>
London	Berkeley
	Los Angeles
<i>France</i>	Sacramento
Paris	San Francisco
	Chicago
<i>The Netherlands</i>	New York
Amsterdam	Washington

*Institutions visited*

<i>Belgium</i>	Complexe pénitentiaire de Fleury- Mérogis
Centre pénitentiaire école de Marneffe	École d'Administration Pénitentiaire à Plessis-le-Comte
Etablissement pénitentiaire de Merksplas	Maison Centrale de Fresnes
Prison à Nivelles	Maison Centrale de Melun
<i>Denmark</i>	Pavillon Psychiatrique, La Santé
Brøndbyhus Ungdomspension	<i>The Netherlands</i>
Herstedvester Detention Centre	Van der Hoeven Klinick
Holger Nielsen Youth College	
Kofoed Skole	<i>Sweden</i>
<i>England</i>	Astpuna
Broadmoor Hospital	Kumla
H.M. Prison Grendon	<i>United States of America</i>
H.M. Detention Centre for Senior Boys, Latchmere House	California Institution for Men, Chino
H.M. Prison Wormwood Scrubs	California Institution for Women, Frontera
Institute of Psychiatry, Maudsley Hospital	California Rehabilitation Center, Corona
Springhill Camp	California State Prison at Folsom
<i>France</i>	California State Prison at San Quentin
Centre de Formation et de Recherche de l'Éducation Suveillée à Vaucresson	California Medical Facility at Vacaville
Centre National d'Orientation, Prison des Fresnes	Central Narcotics Testing Unit at Los Angeles
Centre d'Observation de Chateau- Thierry	Community Delinquency Control Program at Sacramento

Community Delinquency Control Program at Watts	<i>Illinois</i>
Federal Correctional Institution, Terminal Island (men and women)	United States Penitentiary at Marion
Oakland Halfway House	<i>New York</i>
Pre-release Guidance Center at Los Angeles	Clinton Prison at Dannemora
Southern Conservation Centre at Chino	<i>Washington, D.C.</i>
	Pre-release Hostel

## **Appendix B**

### **CONFERENCES ATTENDED BY ONE OR MORE MEMBERS OF THE COMMITTEE**

During the course of its mandate the members of the Committee have attended the following congresses, meetings and conferences:

National Conference on the Prevention of Crime, Centre of Criminology, Toronto, Ontario	31st May-3rd June, 1965
Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Stockholm, Sweden	9th-18th August, 1965
5th International Criminological Congress, Montreal, Quebec	29th August-3rd September, 1965
60th Annual Conference of the Canadian Association of Chiefs of Police, Niagara Falls, Ontario	13th-16th September, 1965
Institute on the Operation of Pretrial Release Projects, Vera Foundation, New York, N.Y., U.S.A.	14th-15th October, 1965
Conference on Juvenile Delinquency, St. John's, Newfoundland	15th-16th November, 1965
Annual Meeting of the Canadian Bar Association (Criminal Justice and Civil Liberty Section Meetings) Winnipeg, Manitoba	31st August-1st September, 1966
61st Annual Conference of the Canadian Association of Chiefs of Police Vancouver, British Columbia	5th-8th September, 1966
British Columbia Corrections Association Institute, Vancouver, British Columbia	18th June, 1966
Canadian Conference on Social Welfare, Vancouver, British Columbia	20th-25th June, 1966
International Halfway House Convention, Windsor, Ontario	22nd-24th April, 1966

Annual Conference of Ontario Magistrates, Niagara Falls, Ontario	5th-7th May, 1966
First Quebec Congress of Criminology, Montreal, Quebec	15th-16th April, 1966
International Conference in honour of the 100th Anniversary of the Belgian Penal Code, Liège, Belgium	1st-3rd June, 1967
Canadian Congress of Corrections, Halifax, Nova Scotia	25th-30th June, 1967
International Course in Criminology, Montreal, Quebec	19th August-2nd September, 1967
Quebec Superior Court Judges' Conference, Quebec, Quebec	18th-19th November, 1967
Second Quebec Congress of Criminology, Sherbrooke, Quebec	29th-30th March, 1968
Ontario County Court Judge's Seminar on Sentencing, Toronto, Ontario	24th April, 1968
Canadian Conference on Social Welfare, Ottawa, Ontario	17th-20th June, 1968
Annual Meeting of the Association of Chiefs of Police, Granby, Quebec	1st-6th September, 1968

## Appendix C

### BRIEFS AND SUBMISSIONS RECEIVED BY THE COMMITTEE

#### *From associations or groups*

1. L'Association des Aumôniers du Québec qui œuvrent dans la champ de la Criminologie.
2. L'Association des chefs de groupes de détenus de l'Institution Leclerc (Québec).
3. L'Association des chefs de Police et de Pompiers de la province de Québec (District Saguenay, Lac St-Jean).
4. The Add-Can Group, Prince Albert Penitentiary (Saskatchewan).
5. The Alberta Association of Social Workers.
6. Alcoholism and Drug Addiction Research Foundation of Ontario.
7. The Anglican Church of Canada—Christian Social Service, Corrections Committee (Toronto).
8. The Baptist Convention of Ontario and Quebec—Social Action Committee, Department of Canadian Missions.
9. Canadian Association of Chiefs of Police.
10. Canadian Corrections Association.
11. City Prosecutor's Office (Vancouver).
12. Le Comité des détenus de langue Française du Pénitencier St-Vincent-de-Paul (Québec).
13. Le Conseil des œuvres et du bien-être de Québec.
14. The Canadian Bar Association.
15. The Canadian Correctional Chaplains' Association.
16. The Canadian Psychiatric Association—Committee on Psychiatry and the Law.
17. The Clarke Institute of Psychiatry—Section of Social Pathology (Toronto).
18. The Confrères (Toronto).
19. The Corrections Committee—Diocese of Toronto.
20. The Elizabeth Fry Society of British Columbia.
21. The Elizabeth Fry Society of Kingston.
22. The Elizabeth Fry Society of Ottawa.
23. The Elizabeth Fry Society of Toronto.
24. The English Speaking Inmates of St-Vincent-de-Paul Penitentiary (Quebec).
25. The Family Service Association of Edmonton.
26. Groupe des alcooliques anonymes de l'Institution Leclerc (Québec).
27. A Group of Ex-Inmates of Canadian Prisons under the Auspices of the Anglican Church of Canada, Corrections Committee—Diocese of Toronto.
28. A Group of Inmates of the Beaver Creek Correctional Camp (Ontario).
29. The Inter-Church Committee for Community Service (Ottawa).
30. The John Howard Society of Canada.



31. The John Howard Society of Newfoundland.
32. The John Howard Society of Ontario.
33. The John Howard Society of Quebec.
34. The John Howard Society of Saskatchewan.
35. The John Howard Society of Vancouver Island, the Cowichan Family and Children's Court Committee.
36. The JOHOSO Club of Hamilton.
37. The Manitoba Association of Social Workers.
38. The Manitoba Provincial Council of Women.
39. The Manitoba Teachers' Society.
40. Metropolitan Toronto Police Service.
41. The Montreal Transition Houses Inc., St. Lawrence House.
42. The National Council of Women of Canada.
43. New Brunswick Probation Service.
44. L'Office de la Prévention et du Traitement de l'alcoolisme et des Toxicomanies du Québec.
45. The Ontario Association of Corrections and Criminology.
46. The Ontario Magistrates' Association Corrections Committee.
47. Les Préposés au classement, Service Pénitentiaire Canadien, Institution Leclerc (Québec).
48. The Presbyterian Church in Canada—Board of Evangelism and Social Action (Don Mills, Ontario).
49. The Presbyterian Church in Canada—The Synod of British Columbia.
50. Probation Officers' Association (Ontario).
51. Probation Officers' Association—Public Relations Committee (Ontario).
52. The Royal Canadian Mounted Police.
53. The Salvation Army Correctional Services (Toronto).
54. The Saskatchewan Provincial Council of Women.
55. Service de la Police—Cité de Ste-Thérèse (Québec).
56. Service de la Police de Montreal.
57. Société de Recherches Économiques et Scientifiques (Montréal).
58. Town and Township, Thorold Police Department (Ontario).

*From individual inmates of Canadian correctional institutions*

59. Agassiz Correctional Work Camp (British Columbia).
60. Cowansville Medium Security Institution (Quebec).
61. Dorchester Penitentiary (New Brunswick).
62. Kingston Penitentiary (Ontario).
63. Leclerc Institution (Quebec).
64. Manitoba Penitentiary (Manitoba).
65. Matsqui Institution (British Columbia).
66. Prince Albert Penitentiary (Saskatchewan).

*From Individuals*

67. Anonymous.
68. Batstone, Mrs. Marion E. (Ontario).

69. Bedford, H. J. (Manitoba).
70. Benson, Miss Margaret (Ontario).
71. Campbell, I. L. (Quebec).
72. Carpenter, David J. (British Columbia).
73. Carter, Judge A. M. (Ontario).
74. Casey, Honourable Mr. Justice P. C. (Quebec).
75. Cassells, John (Ontario).
76. Clewes, J. (Alberta).
77. DeBruyne, John L. (Saskatchewan).
78. Doraty, Harvey McGuire (Ontario).
79. Dunlap, Angus D. (Ontario).
80. Dupliessie, Allen J. (British Columbia).
81. Edwards, J. L. J. (Ontario).
82. Elliott, Magistrate E. L. (Saskatchewan).
83. Gendreau, Gilles (Quebec).
84. Goettling, Edward (Ontario).
85. Grossman, Brian A. (Quebec).
86. Haines, Honourable Mr. Justice E. L. (Ontario).
87. Hart, Peter J. (Ontario).
88. Heggie, Miss Judith (Ontario).
89. Jobson, K. B. (Nova Scotia).
90. Kyle, Henry H. (Ontario).
91. McCaldon, Dr. R. J. (Ontario).
92. McCutcheon, Magistrate G. R. (New Brunswick).
93. Macneill, Miss Isabel (Ontario).
94. Morton, Prof. J. D. (Ontario).
95. Panaccio, Dr. Lucien (Quebec).
96. Price, Ronald R. (Ontario).
97. Richards, H. J. (Alberta).
98. Russon, Dr. G. W. (Saskatchewan).
99. Ryan, Stuart (Ontario).
100. Schrag, A. A. (Ontario).
101. Shannon, J. O. (Manitoba).
102. Selk, Eric (Ontario).
103. Smith, Magistrate Lloyd B. (New Brunswick).
104. Stenger, Miss K. (Quebec).
105. Street, T. G. (Ontario).
106. Tataryn, W. V. (Manitoba).
107. Williams, B. M. and Miss C. C. (Nova Scotia).
108. Zeitoun, Louis (Ontario).

## Appendix D

### SPECIAL STUDIES UNDERTAKEN AT THE REQUEST OF THE COMMITTEE

The following studies were made by various workgroups or individuals at the request of the Committee:

Aspects of Russian Criminal Justice	Dr. J. M. Sangowicz
Care of Insane Persons Under the Criminal Law	Canadian Mental Health Association
Confidentiality of Professional Information	Professor Jean-Louis Beaudoin
Correctional Philosophy	Dr. Tadeusz Grygier
Criminal Statistics	Professor P. J. Giffen
Dangerous and Habitual Offenders	Professor Peter J. Letkemann
Magistrate's Courtroom Facilities	Professor Martin L. Friedland
Mentally Disordered Persons Under the Criminal Law	Mr. B. B. Swadron
Parole	Professor Justin Ciale, Mr. S. Cumas, Mr. Emmanuel Grégoire, Inspector Donat Tardif, Judge Gérard Tourangeau
Plans of Maximum Security Penitentiaries	Mr. Harry B. Kohl, Architect
Prisons	Mr. John Braithwaite, Mr. Mervyn Davis, Prof. John A. MacDonald, Dr. Peter Middleton
Probation	Mr. Daniel Coughlan, Mr. A. M. Kirkpatrick, Chief Constable James Mackey, Magistrate Johnstone Roberts, Professor John Spencer
Resources for Education and Research in Criminology and Criminal Justice in Canadian Universities	Dr. Denis Szabo
Staff Development in Corrections	Mr. Douglas Penfold
Synthesis of the Written Briefs	Dr. Denis Szabo
Use of Various Sentencing Alternatives	Dr. Denis Szabo
Voluntary After-Care	Professor John Fornataro

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Dangerous and Habitual Offenders	Professor Peter J. Letkemann
Magistrate's Courtroom Facilities	Professor Martin L. Friedland
Mentally Disordered Persons Under the Criminal Law	Mr. B. B. Swadron
Parole	Professor Justin Ciale, Mr. S. Cumas, Mr. Emmanuel Grégoire, Inspector Donat Tardif, Judge Gérard Tourangeau
Plans of Maximum Security Penitentiaries	Mr. Harry B. Kohl, Architect
Prisons	Mr. John Braithwaite, Mr. Mervyn Davis, Prof. John A. MacDonald, Dr. Peter Middleton
Probation	Mr. Daniel Coughlan, Mr. A. M. Kirkpatrick, Chief Constable James Mackey, Magistrate Johnstone Roberts, Professor John Spencer
Resources for Education and Research in Criminology and Criminal Justice in Canadian Universities	Dr. Denis Szabo
Staff Development in Corrections	Mr. Douglas Penfold
Synthesis of the Written Briefs	Dr. Denis Szabo
Use of Various Sentencing Alternatives	Dr. Denis Szabo
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## Appendix E

### REPORT TO THE HONOURABLE THE SOLICITOR GENERAL

#### *Evaluation of Design for Maximum Security Prisons Developed by the Canadian Penitentiary Service*

As indicated in our preliminary letter of June 9th, and reiterated verbally when we met on July 21st, our examination of the plans for new maximum security institutions reveals a number of commendable features. Indeed, the plans generally represent a marked advance over the out-dated and condemned facilities presently in use, particularly at the St. Vincent de Paul institution.

#### *Commendable Features*

Some of the features which the Committee particularly commends are:

- (1) The size of the individual institution has been substantially reduced and provision has been made for subdivision of population into comparatively small living units;
- (2) All cells have outside windows;
- (3) Individual privacy and dignity are enhanced for the inmate through replacement of cell-front bars, by doors containing small windows;
- (4) Provision is made for adequate plumbing, furnishings, etc.;
- (5) Provision also has been made for such necessary and healthful activities as work, trades training, education, worship, out-door sports, recreation, visiting, medical attention, individual counselling;
- (6) Advantage has been taken of recent technological developments such as electronic locking and unlocking devices and means of effective and rapid communication among staff.

#### *Necessity for Security and Types of Security*

In planning a maximum security institution the security precautions used are obviously of considerable importance. A good deal of thought has evidently been devoted to these factors in planning the institution, and similarly our Committee has given considerable attention to the examining and evaluating, to the best of its ability, the various security measures used.

There are a number of different aspects to the security which is desired in such an institution.

For the protection of society through preventing the escape of the inmate from custody, security on the perimeter appears to be the major factor. However, for the prevention or control of organized group disturbances, for the protection of staff from attack by inmates, and the protection of inmates from attack by other inmates, additional internal security measures are required. In relation to each of these, it is important that attention first be given to prevention, and then to the problems of isolating and bringing under control, as quickly and

effectively as possible, any disturbance which may arise. It is also of great importance that, in addition to these problems of immediate security, the long-term security interests of society be kept constantly in mind. Since nearly all of the inmates will eventually be released into society, these long-term interests obviously are best served by a reduction in the hostility which is so marked a feature in these men, and by inducing to the greatest extent possible, positive attitude and behavioral changes in them. It is here, of course, that the importance of program and treatment, particularly through the relationship of inmates with staff, emerges. While total success cannot be expected in either the short-term or the long-term aspects of security, achieving a proper balance in attention to both is, we believe, a central problem in the effective operation of a maximum security institution.

In some instances, fortunately, factors desirable for direct security and factors desirable for treatment program, agree. An outstanding instance of this lies in limitation of the size of the institution and subdivision of the total population into comparatively small living units. As already noted, provision has been made for this in the existing plans. However, certain limitations to the effectiveness of these provisions are apparent, and we believe that they could be developed further, in ways which would bring Canada truly into the vanguard of progressive penal planning.

There are other types of security precautions which might be described either as neutral in relation to treatment or as having some positive value in addition to their security aspects. For instance, in the opinions of Committee members and of those persons experienced in working with prison inmates whom we have consulted, there appears to be unanimous acceptance of the need for and the value of providing for removal and special treatment of some psychiatrically disturbed inmates, providing for immediate removal and temporary segregation of any inmate who becomes extremely hostile or disruptive, and providing for closing off individual sections of the prison so as to isolate any disturbance which may arise.

In assessing total security measures, particularly those of a preventive nature, we suggest that recognition should be given to the important part played by certain aspects of program. Sport activities, for instance, may have security advantages in providing relief for tension and aggression. Certain other forms of program activity, such as guided group discussions and individual counselling also have desirable long-term effects in increasing security because they provide verbal outlets for pent-up feelings which may otherwise be discharged in physical attack, and because they provide indications to staff of dissatisfaction and tension, both group and individual, which may be building up, so that action can be taken to deflect or control these.

#### *Principles of Correctional Philosophy*

The following excerpt from a Report on Penal Facilities and Master Plan for The Commonwealth of Puerto Rico, dated April 15, 1965 (and which appears to have been drafted by Mr. Frank Loveland who is described as a Consultant), contains, in essence, the principles of a correctional philosophy which no member of this Committee would repudiate, namely:

The evaluation of a correctional system and its needs must be based upon a sound modern philosophy and upon established principles and standards.

The philosophy of corrections upon which this report is based is that generally accepted by the progressive penologists and correctional administrators of the Western World. It assumes that the major purpose of corrections is the protection of the public welfare. It recognizes that more than 98 percent of the offenders committed to custody are sooner or later released to the community.

It rejects the philosophy of retribution—of an eye for an eye and a tooth for a tooth. It rejects punishment *alone*, as non-productive as far as public protection is concerned.

It accepts as fundamental the concept that the treatment of the offender at the hands of the court and of the correctional authorities should be individualized and directed toward his needs and requirements, to the end that he become a law-abiding, productive member of the community, to the extent that is possible within the limits of present knowledge. It is based on the assumption that delinquents and criminals are made, not born, that anti-social behaviour is learned, and what can be learned, can be unlearned. It is necessary to apply principles of unlearning and re-education in its broadest sense to correctional programs designed to change the individual, thereby protecting the public. It accepts the principle that only through utilization of scientific knowledge of human behavior, through thorough diagnosis, and through treatment and training related to the needs of individual offenders, can society be protected to the fullest possible degree. (pp. 6 and 7).

These principles have been substantially reproduced in a brochure entitled "Correctional Facilities" published by the State of Wisconsin, Department of Resource Development and of Public Welfare, Division of Corrections, in 1965.

Capped by the statement that "The Corrections Philosophy of the State of Wisconsin recognizes the needs of all its citizens", it adds: (p. 7)

It is well recognized that people differ in attitudes, aptitudes, emotional tone, social and cultural background and the sum total of life's experience that characterize an individual personality. Treatment must therefore be individualized and tailored to meet the needs of each offender, whether adult or juvenile, male or female. . . . .

Presence of an individualized treatment oriented process in all phases of correctional work does not negate the importance of sound security measures. To the contrary, security—exercising consistent and impartial care to all offenders—is a necessary ingredient of the total program.

. . . . . Successful programs must be based on respect of the essential dignity of man aimed at increasing the offender's understanding of himself and his problems. It must improve his ability to form more satisfactory interpersonal relationships, and must inculcate within the individual the ability to live with increasing self-control and self-confidence.

(State Department of Public Welfare, Division of Corrections. "Corrections in the Wisconsin Tradition". July 1965.)

Incidentally, it is a known scientific fact that a treatment program can have disruptive effects on the short-term custodial aims of a security prison. The best way to develop a "quiet" prison might consist in leaving the inmate as undisturbed as possible, as long as he obeys the rules and keeps out of trouble. This is sometimes called "easy time" in the inmates' parlance. The resulting trouble-free institution may keep out of the headlines, but it will hardly accomplish anything towards influencing the inmate to become a law abiding citizen. The introduction of a treatment program may tend temporarily to upset this tranquillity and make for uncomfortable and dissatisfied inmates, as an initial consequence.

However, when the treatment program has reached the successful stage, the inmate's attitude and condition usually should become relaxed as a result of decreased tension and improved motivation.

*Staff-Inmate Relationship, Size and Design of Institutions*

Personal relationships between staff and inmate appears to be the major tool available in a prison for changing inmate motivation and bringing about eventual social adaptation.

To quote again from the Puerto Rico Report: (pp. 9 and 10)

The architectural facilities of an institution must be reflective of its program. Whether prisoners come out better suited to accept their responsibilities as law-abiding citizens, or worse, depends largely upon their experience while confined. That experience can be influenced to a considerable degree by the physical environment in which the program takes place.

In more specific terms, the Committee would make the following comments:

A prison should be small enough to permit two things:

- (a) All staff to work together as a team, to share information each has about an individual inmate, and to plan a treatment program for the individual inmate in which all pertinent staff participate;
- (b) All staff, and particularly the correctional officers, to know each inmate personally.

An institution of 460 inmates such as the proposed maximum security penitentiary, operated as a unit, would hardly allow for this kind of intimacy and teamwork. To be truly effective, segregation into groups will necessitate dividing the prison into several institutions sharing certain facilities.

We believe that a prison should be designated to encourage staff-inmate relationships. Overly rigid security controls certainly do hinder the development of such relationships, with the following results:

- (a) Reinforcement of the inmate sub-culture since the individual inmate has only other inmates to relate to;
- (b) Reinforcement of the inmates' belief that they are rejected by society;
- (c) Reinforcement of the inmates' belief that society, in the person of its representatives, the staff, is afraid of them (as shown by undue emphasis on security measures likely to increase rather than reduce their hostilities.)

In our opinion, there are three things in the proposed design that will tend to hinder the development of good staff-inmate relationship:

- (a) Movement along corridors will be very time-consuming, thus detracting from the time available for program and consequently for contact between inmate and staff;
- (b) Corridors are divided by a screen that will keep staff and inmate apart;
- (c) Program space is grouped around the control towers; logically, this will give the program a custodial connotation in the inmates' minds and block their participation.

There is also some apparent inconsistency since in work areas, auditorium, recreation grounds and chapel, staff will be facing inmates directly. Thus only



part of the staff (security) will be protected. This will have the effect of raising a barrier between *custodial* and *treatment staff*, an undesirable development and one that will imperil staff teamwork.

### *Grouping of Services*

To permit teamwork among staff and permit exchange of information, it is important that services be grouped functionally so that treatment staff are in close proximity to each other. This principle does not appear to be followed in the proposed design. For instance, the classification officers, chief vocational officer and the education supervisor are in the administration building while the psychiatrist and medical services are in the special services building. The chaplains, on the other hand, have offices in both administration and special services.

### *Segregation*

Prison inmates need training in social interaction. This is best fostered by the development of small inmate groups whose members feel a strong sense of "belonging" to the group. Under staff guidance, these groups seek to understand the reasons for anti-social behaviour in the individual members and then help reinforce socially-acceptable attitudes in each other. If this is not done, the mass inmate sub-culture takes over and reinforces anti-social attitudes, and a situation arises where staff are pitted against inmates in mass, with no hope of developing self-help techniques among inmate groups.

The proposed design does not seem to provide for group formation beyond mere physical separation. Although there is provision for separating the inmates by cell-blocks at night, this breaks down in work areas, exercise yards, gymnasium and day-rooms. Also, with 460 inmates in a "big-house" of this nature, a security atmosphere tuned to the most difficult inmates will likely dominate all parts of the institution and different regimes for different groups will be next to impossible. Staff psychology alone would make any real differences extremely difficult. Indeed, the individual staff member could hardly work one day under certain rules with one group and under different rules with another group the following day.

### *Program Space*

Program space in a prison should be generous enough and be so arranged as to contribute to group segregation. It seems to us that possible and probable changes in the use of some of the space should be contemplated, in keeping with foreseeable evolution and progress in the devising and application of future programs.

Moreover, when program space is to be used at different times for different purposes, care should be taken that no conflict among the various uses arises.

In the proposed design, although we are informed that inmates will not be permitted to congregate in groups larger than sixty (60), the facilities for congregating in larger groups, for instance in the auditorium and recreation grounds, appear better than those provided for smaller groups. These latter consist only of the "day-rooms" clustered around the control centre in each living unit. These facilities are to be used at different times as class-rooms, dining-rooms, for

group-therapy sessions, for such groups as Alcoholics Anonymous and public affairs talks, and for informal recreational activities such as television or card-playing.

Now, for all these purposes and activities, the plans provide for six (6) odd shaped rooms which, if translated into rectangles, works out as follows:

- (a) Two rooms on the ground floor, of an approximate area of 300 square feet (the equivalent of 20' × 15');
- (b) A third room on the ground floor with an area of 370 sq. ft. (equivalent of 20' × 19');
- (c) Two rooms on the second floor of an area of 470 sq. ft. (equivalent of 20' × 24'); and
- (d) One room of an area approximately 370 sq. ft. (equivalent of 20' × 19').

None of these rooms would be sufficiently large to hold thirty (30) inmates for classes, discussion group or recreation, so at any given time some inmates will have to be left in their cells or be in some other part of the building. Further, the day-rooms on the lower floor have no windows for light and air.

In relation to the above, the Committee would like to draw attention to the following factors:

- (a) No other space in the institution has such heavy multi-purpose demands made on it. The Committee is concerned that the practical difficulties of conversion from class-room, to meal time, to evening use may in fact mean that some of these anticipated activities will be crowded out, and thus, in effect, not be provided at all.
- (b) In our discussions with Commissioner MacLeod and members of his staff, we were told, in answer to questions regarding adequacy of program space, that originally somewhat more space had been envisaged but that it had been reduced for reasons of economy. We are informed that, in relation to costs of such items as electronic controls and individual plumbing, treatment space is probably the cheapest space, in construction terms, within the institution.

May we repeat that we understand the difficulties with which the Penitentiary Service has been faced, especially in view of the urgency of the situation both in Ontario and in Quebec. And we would be remiss in not recognizing the genuine efforts they have made in order to correct, in a relatively short period of time, mistakes that were made many, many years ago because of an inadequate correctional philosophy, coupled with stereotyped architectural concepts.

However, it seems that every effort should now be made to try to reconsider whether such economies will not be conducive to increased spending in the more or less distant future.

The location of the day-rooms immediately around the cell-block control tower has security advantages but the psychological effect, in relation to the use of the rooms for group therapy or informal relaxation, would appear to be the opposite to any contemplated treatment. The Committee suggests that program could be enhanced considerably if at least some additional space under less obvious and direct security vigilance were available.

### *School Facilities*

The importance of scholastic education in prisons is becoming increasingly recognized, as a preparation for trade-training, as a preparation for other occupations and as a preparation for living in the normal community.

In the proposed design, the only classrooms provided are the multi-purpose rooms clustered around the control tower. This could mean either that all classes will be duplicated in each living unit, or that segregation will be abandoned by permitting inmates from one living unit to enter another living unit to attend classes, all of which would tend to clip the wings of a progressive educational program.

The Committee suggests that a separate school building and proper audio-visual aids ought to be provided.

### *Hospital Facilities*

The Committee is not clear as to the function the hospital in the proposed design is intended to serve. Provision for psychiatric treatment appears inadequate, with no space, for instance, for EEG facilities. In contrast, the medical facilities seem rather large, if this hospital is intended to serve only 460 inmates. At St. Vincent de Paul Penitentiary, for example, with 880 inmates, there are never more than six (6) in hospital and usually only three (3) or four (4). If, on the other hand, this hospital is intended to serve as the medico-psychiatric centre for the complex, it may not be large enough.

The Committee would recommend that a study in depth be done of hospital requirements, both psychiatric and medical, in the light of past experience and in consultation with the psychiatric and medical staffs of the present institutions, and that the collective findings be used as the basis for re-planning these facilities.

### *Movement Control*

In the proposed design, all movement outside the individual cell-block must pass one (1) control point. This will require careful scheduling. Involved is the movement of men from their cell-block to work in the morning, back at noon, back to work after lunch and back to the cell-block for dinner; bringing food in and along the corridors three (3) times each day; sick parade and individuals moving to interviews. Just granting a half-hour statutory fresh-air exercise period will present a major movement problem. Even more difficult to schedule is the frequent unplanned for movement of individual inmates and staff throughout the day, movement that will require clear corridors. Any small disturbance, the finding of contraband or moving a violent prisoner to segregation would result in disruption of the schedule ending in confusion or chaos.

All this cannot help to be very time-consuming and to decrease the amount of time available for program, that is, in effect, the length of time during which staff and inmates are in contact with each other. Estimates of the proportion of the program-day that will be taken up in movement, which were furnished to the Committee by experts, run as high as fifty (50%) per cent.

### *Behaviour Expectation*

Prison inmates, like other people, tend to behave as they are expected to behave. The proposed design, as expressed in the "Ten Year Plan of Institutional Development" and the 1965 Interim Paper, assumes that every inmate of this institution is "likely to make active efforts to escape, would not hesitate to use violence in so doing, and is likely to use violence outside, after he has escaped". We suggest that many inmates who might not otherwise be necessarily inclined to do so will react accordingly.

In more specific terms, we would comment that the fact that an inmate is aggressive and potentially dangerous and therefore has been classified as a maximum security risk does not mean that he necessarily has low potential for change. He may have much greater potential than the more passive, possibly less intelligent, perhaps generally inadequate person who may be a docile prisoner. Since almost all these inmates will be released into society eventually, society stands to suffer most if they are released as hostile or more hostile than when they were incarcerated.

It is also important that expectations for the inmate, as far as humanly possible, should be consistent in all places and at all times. The proposed design does not seem to provide for this consistency. During the day—in works-shops, exercise area, or other occupation—emphasis is put on seeking the inmate's cooperation and giving him a chance to prove himself. During the night and during movement, he is looked upon as thoroughly dangerous.

### *Flexibility and Research*

The Committee wishes to emphasize again that correctional treatment is still in the process of evolution. Considerable research has been going on for a number of years and will undoubtedly proceed more and more in depth as new discoveries are made. It would appear, therefore, quite essential that the maximum security institutions should present possibilities for gradual adaptation to renovated and improved program and treatment. The proposed design does not appear to provide for enough flexibility in this respect.

### *Two-storey Construction*

The consensus of opinion expressed before us, both by representatives of the Penitentiary Service and other experts was that a two-story construction presents a real challenge because of the danger of violence during movement up and downstairs. Moreover, two-story living units offer a big ventilation problem.

However, it is felt that these difficulties could be minimized after a re-assessment of the plans and designs.

Subject to the foregoing comments and without limiting their extent and scope, the Canadian Committee on Corrections, fully recognizing the urgency of the situation and the pressure brought forth by the population explosion in our largest maximum security institutions, nevertheless, feels it is its duty to advise and recommend as follows:

- (1) The design for the new maximum security institution should be such as not to appear to be conducive to repression.

- (2) Treatment and program facilities should be emphasized and proper space provided for present and future flexibility.
- (3) Staff and inmates should not be so separated through screening as would prevent social interaction between the two groups.
- (4) Control should be devised in such a manner that movement of inmates will not too severely tax the ability of the staff to cope with it.
- (5) An assessment and study in depth of each program operation should be undertaken with a view to determining the factual requirements of sound inmate training and treatment programs susceptible of changes and improvements in the future.

In conclusion, the Committee feels that, in spite of the remarkable advances which are incorporated in the proposed design for maximum security institutions, the constructive criticisms expressed in the present report would justify the delay involved in drawing up a new design. It is to be remembered that once built these institutions will likely be in use for the greater part of a century.

As this new design is developed, it would seem appropriate that extensive discussions be held, bringing together all the different types of penitentiary staff: security, medicine, psychiatry, psychology, education, trade training, recreation, administration, building maintenance, etc.—so that the final design may represent a blending of the opinions of every discipline.

Our Committee has been working in conjunction with Mr. Harry B. Kohl with a view to having comprehensive sketches, which will reflect, in architectural terms, the Committee's thinking in relation to maximum security institutions, which is to provide adequate security in a physical environment conducive to the rehabilitation of the offender and thus offering suitable facilities for treatment and program. These sketches should be available in the early Fall. It is not the intention of the Committee to submit them as detailed plans for an alternative design for maximum security institutions, as we consider this to be outside our terms of reference, but rather as a visual supplement to this report.

The whole respectfully submitted.

Ottawa August 15, 1966.

The Canadian Committee on Corrections.

*Per: ROGER OUMET, J.S.C.  
Chairman.*

**LETTER TO THE HONOURABLE MR. JUSTICE ROGER  
OUMET FROM MR. HARRY B. KOHL**

October 13, 1966.

MR. JUSTICE ROGER OUMET,  
Chairman of the Canadian Committee  
on Corrections,  
251, Bank Street,  
Ottawa 4, Ontario.

Dear Sir:

*Re: Maximum Security Institution  
Our File # 66/28*

Enclosed please find drawing dated October 13th of Study K (A-B-C-D-E-F-G-H-I-J-K) our eleventh sketch of a maximum security institution, titled Federal Prisons Maximum Security Institution—Job # 66/28. This drawing represents a synthesis of studies of existing institutions, interviews with experts in the field (architectural, correctional, treatment, religious, administrative, educational, industrial, recreational, etc.) and opinions expressed and conclusions arrived at by the Committee:

In all instances the experts in the field had many years of experience. For example, one of them was the firm of LaPierre/Litchfield & Partners/Architects, New York who have done 32 correctional institutions in the last 34 years, 16 of which were built since 1960. This firm originally was the firm of Alfred Hopkins, who are considered one of the oldest reliable authorities in this field by many, including the United States Bureau of Prisons. For example see—Handbook of Correctional Institution Design and Construction, 1949 and Supplement published in 1960 produced by the United States Bureau of Prisons.

Further, among those contacted were:

Warden G. V. Richardson of U.S. Federal Penitentiary in Marion, Illinois.	Warden Lt. Gen. F. Reincke of the State of Connecticut Penitentiary in Somers, Connecticut.
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as well as their Deputy Wardens and other senior staff.

Also:

Warden Hazen Smith,  
of the Kingston Penitentiary,  
Kingston, Ontario.

Mr. Vic Richmond,  
Regional Director,  
Canadian Penitentiary Service,  
P.O. Box 1174,  
Kingston, Ontario.

Dr. Maurice Gauthier,  
Director of Prison Services,  
Department of Justice,  
Government Building,  
Quebec, P.Q.

Mr. Ray Slough,  
Director of Corrections and  
Inspector of Gaols,  
Legislative Building,  
Room 130,  
Winnipeg, Manitoba.

Warden John Braithwaite,  
Haney Correctional Institution,  
Box 1000, Haney, B.C.

Mr. Leo Hackl,  
Deputy Minister of Reform Institu-  
tions,  
Province of Ontario.

Warden Michel LeCorre,  
St. Vincent de Paul Penitentiary,  
St. Vincent de Paul, P.Q.

Mr. I. B. Simpson,  
Facilities Planning Officer,  
Canadian Penitentiary Service.

In all instances, the opinions of the above-mentioned authorities were fully considered but were not necessarily binding to the formulation of the concept shown on the drawing.

The concept shown on the Drawing attempts to resolve custodial and rehabilitative issues by embodying them in a building related to the following principles:

1. Zoning—(Grouping of facilities for related functions and activities identified with specific times of the day).
2. Compactness.
3. Security.
4. Flexibility—(Modification and variation of the use of the facilities to accommodate modification and variation in the programme).
5. State of Mind—(The result of the above on inmates—hopefully good).

The following are brief comments of the above topics as they are related to the design of the building.

#### *Zoning*

A successful design of an institution is one whose various related areas and facilities are grouped in zones. These zones are such that when they are not in use they can be shut off from the balance of the project. This is done in order to reduce the area of the building occupied by the inmates and therefore, reducing the area of the building requiring supervision.

You will note that the facilities are so arranged that industry, dining, treatment, education, recreation and housing are in precisely this order and sequence. All these facilities may be in use at the beginning of the day but as the day progresses some of these functions are terminated and their areas should be able to be shut off accordingly. For example, usually the industry area zone is not in use after approximately 4 o'clock whereas the dining area zone naturally has to be open until the end of the evening meal at approximately 6 o'clock. If the design is such that these can be cut off from the educational, recreational and housing zones, then these remaining zones can function in a compact evening pattern.

### *Compactness*

The above-mentioned zones are made compact so that there is the shortest possible distance for inmates and staff to travel between each zone. This is done in order to allow for minimum time for travel, and maximum time for programme facilitating good security. When the zoning is organized in a compact form it permits fewer conveniently located control points, which in turn creates good visibility of movement which produces a strong security potential without the repressiveness, caused by more frequent control points. Security doors and devices activated at the control points permits for the immediate, individual, or multiple cutting off of zones, to isolate trouble when it occurs. Further, proper zoning and compactness permits efficient security resulting from the short distances that personnel must travel to reach any point in a compact plan. On the other hand, devices and doors can be left open for what is frequently, extensive periods, when there is no trouble. During these periods, movement throughout the institution can occur with a sense of ease and speed because the short distances reduce the trouble potential which arises from the time lag identified with long corridors containing frequent locked gates.

### *Flexibility*

With the above-mentioned zoning, compactness, and security, the facilities are further arranged so as to permit a flexibility in programme. This in turn permits versatility in the degree of security applied to suit the inmate population state of mind (gates open or closed as mentioned above) resulting in an improved state of mind of both inmates and staff without the slightest reduction of security, e.g. this might be compared to a calm judo expert, known for power, speed and precision which he is disciplined not to use except when necessary. The respect of this authority can create a state of mind which deters violence and encourages by its calmness a sense of co-operation producing a state of relaxed participation in programme and is conducive to proper motivation.

The design incorporates the following accommodation:

1. Housing
  - a) Normal association
  - b) Abnormal disassociation.
2. Recreational and educational facilities.
3. Special treatment facilities.
4. Dining facilities.
5. Industry facilities.
6. Administrative facilities.
7. Ancillary facilities.

A brief explanation of the above-mentioned facilities and their content, location, and a few of the reasons for same, are hereinafter described:

#### 1. *Housing*

- a) The normal housing for co-operative and reasonably trouble-free inmates who are permitted to associate in groups is at one end of the zone series.



It consists of individual rooms in individual wings accommodating 18 to 30. These wings are arranged in a "T" shape and are stacked two storeys in height. These two storey wings have a solid floor between them and are not open cell ranges. These wings meet at a point of control where there are small assembly rooms (called day rooms) which are available for casual free time use or specific organized use by the small groups living in the adjacent wings. This layout permits a minimum of staff to have a maximum of observation and control with great ease and apparent casualness without a reduction of security. The housing shown in the drawing contemplates the accommodation of from 216 in 12 wings at 18 per wing to 360 in 12 wings at 30 per wing. If absolutely necessary (for economics) and a larger population is necessary an additional "T" shape can be added with 108 to 180 more, bringing the total to 540.

- b) The housing for the non-co-operative and troublesome inmates who are required to be disassociated from the group is separate and apart from them and located on the second floor. These inmates are accommodated in individual cells with indoor and outdoor (walled in roof area) activity space, preferably including small work area.

These facilities permit the difficult inmate to be handled as follows:

1. Removed from the general population.
2. Under careful supervision and observation.
3. Have facilities adjacent to them that will permit testing to determine whether and when they are ready to be returned and associate with the general population. You will note that this facility is closely related to the hospital rooms which are really cells that frequently house the troublesome inmate who needs medical or psychiatric treatment and therefore should have their accommodation conveniently located to the treatment specialist.

## *2. Educational and Recreational*

The facilities in this zone you will note are located close to the housing and between the housing and the dining and industry zones. The facilities of this zone are distributed around the control point at the inter-section of two wide corridors. You will note this permits for easy movement, short wide corridors and ease of observation by minimum staff with consequent maximum control. The accommodation provided for this purpose consists of classroom for the normal academic and specialized training such as drafting, music and art. These classrooms are grouped in a zone with the library and chapel as extensions of the educational process. The recreation facility of auditorium and gymnasium are similarly centrally located under a minimum staff, maximum observation control point and integrally related to the educational purpose so that as a zone it is convenient to inmates and housing, treatment staff facilities (for observation). This zone is located so that it is able to be used at a time of day while the other zones (industry, dining, treatment) are cut off.

The location of the zone in relationship to the housing is chosen in order to reduce inmate travel, distance and time, and to make evening educational and recreational activities simple for custodial control and, therefore, more likely to be viable in progressive programming.

### *3. Special Treatment Facilities*

This zone includes the facilities for medical, psychiatric, psychological and case work. The specific numbers of rooms is not final, and the drawing is not to be taken as a conclusion. This zone is located so that it is convenient for the classification of new inmates and the treatment of mind, body and attitude of the inmate population. This zone is centrally located so that it has easy access for observation and visiting by and for inmates. Further it is centrally located for the convenience of the senior administrative personnel.

This zone is located so that it can be cut off in order to reduce the supervisory area without interrupting the balance of the zones and programmes.

The compactness of the facilities in this zone is intended to create a comprehensive integration of the various treatment facilities for the rehabilitative purpose and for custodial benefits of observation by these experts.

### *4. Dining Facilities*

This zone is located between the route of travel from housing to industry. The dining and kitchen facility is included in this plan for the following reasons:

- (a) Reduction of contraband traffic routes arising from food preparation beyond the wall and delivery into the institution.
- (b) Activity and training for those suitable or desiring culinary education and training.
- (c) Economics and food production.
- (d) Opportunity for assembly in the rehabilitative process and a potential pleasant break in the work or educational programme.

The food preparation and dining zone are centrally located so as to permit for the delivery of food in hot wagons to special areas (disassociation, hospital or for special programme reasons in the day rooms).

### *5. Industry Facility*

This zone is located at the extremity, opposite the housing in order to facilitate the cut off of this zone and reduction of supervisory area.

Programming hours for industry, whose activity ends earlier in the day than any other activity, makes the location of the zone desirable as set out. This location is also selected to provide for easy delivery from the stores building beyond the wall, and ease of expansion without interfering with the existing building. The need of inspection regarding store house of the institution located within the wall, creates difficulty and delay in the careful examination that has to be made of commercial vehicles from private companies whose vehicles might be hiding contraband in the most remote and obsolete portions of the vehicle.

With the store house under the institution's control but beyond the wall, nothing is brought through the wall except by staff and personnel in vehicles belonging to the institution, thus reducing the potential contraband traffic.

### *6. Administration Facilities*

This zone is the front of the building and may be beyond the wall or within the wall. This zone accommodates the Warden and his related staff and the main reception of visitors and other than inmates and personnel.

The drawing indicates that the corridor connecting the administration to the balance of the institution with a broken line can be increased or decreased to suit the specific building project.

*7. Ancillary Facilities*

Ancillary facilities are really not a zone, but are indeed other facilities, and include such items as the double metal mesh wire fence, the control towers for perimeter security, the control gates and the store house beyond the perimeter enclosure referred to above.

The Laundry indicated as part of the workshop should only be within the perimeter if it deals only with the laundry of the staff and personnel and inmates of this institution alone. If the laundry is to service other than this institution it should be deleted from the project or be beyond the perimeter security fence.

Yours very truly,

HARRY B. KOHL

**LETTER TO THE HON. MR. JUSTICE ROGER OUMET  
FROM MR. HARRY B. KOHL**

November 5, 1966

MR. JUSTICE ROGER OUMET,  
Chairman of the Canadian Committee  
on Corrections,  
251 Bank Street,  
Ottawa 4, Ontario

DEAR SIR:

Re: *Maximum Security Institution*  
*Our File #66/28*

Pursuant to Committee Meeting of Wednesday, November 2nd, and in accordance with your instructions, I enclose herewith a new drawing— Study L. This drawing incorporates revisions made to drawing Study K.

The revisions are the result of the conclusions arrived at by the Committee after their consideration of Study K and the recommendations made by those to whom it was sent for comment.

I submit this drawing with a description of the revisions as an addendum to my letter of October 13th and drawing Study K.

As a preface, I wish to state that it must be understood that Study L (like all previous Studies) is prepared in accordance with Treasury Board Order as a sketch, and is not intended to include every minor detail. Time and authority do not permit the finalization of such things as, number and size of sanitary facilities, classrooms, staff facilities etc. If this general design concept is found acceptable, and I am instructed to provide additional information, I will be pleased to do so. Therefore, I request that it is with this understanding and on this premise that this drawing will be examined. I further hope that the layout of the building will be considered in this light and not be criticized because of the absence of details. You will note that on the drawing, each facility is shown in dotted line as able to be extended and marked "E", representing potential expansion. This is done in order to assure you that if a more detailed Study proves that more space in any area is required, it will be possible to provide such additional space without interference with the general layout. Further, the building is designed this way, in order to provide reduced or increased facility as may be in turn required by a reduced or increased housing capacity. (See housing below).

(a) *Administration Facility*

1. The administrative facility has been relocated with an indication that provision has been made for a separate possible entrance for inmates with a chain linked enclosed vehicle sallyport, if such is found desirable.

Further, the relocation is the result of a recommendation that it be considerably removed from the vehicle sallyport, storehouse, and industry yard, you will note that this has been accomplished.

2. The administration facility has been placed outside of the compound (beyond the perimeter security enclosure) and will house all administrative facilities, such as warden's office, other offices, conference room, lounge, record rooms, lobby, etc., and staff facilities such as lockers, cafeteria, showers, lounge etc.

(b) *Classification Unit*

Notwithstanding the general remarks referring to absence of detail, I have revised this area to specifically indicate a Board Room because of one of the comments made. Further, I have rearranged this area so that the offices of the psychiatrist, psychologist and other professionals is in reasonable proximity to the recreational, educational and medical facilities, while being only 150' from the disassociation and reception housing. This location at the administrative end permits for the inmate on being admitted or discharged to be able to be seen by those having jurisdiction of that function. The control points in this facility are by no means final, but are suggested to indicate the need for control in respect to the functions of visiting, admission, discharge and classification.

(c) *Housing—Cell Blocks*

1. The location of the housing units was criticized because they were separated by other facilities (gymnasium, auditorium, etc.) and by extensive corridors. They have been relocated so that they are in an uninterrupted housing zone, close together and tightly related to the central control for convenient "back-up". However, in compliance with a recommendation, the housing units have been equipped with two day rooms per housing unit of 30 inmates to function as an alternate for these men having a quiet or unquiet area for free time. These rooms will be available for group interview, but this programme will be further facilitated by the provision in Study L of interview rooms adjacent to the day rooms and control point of the housing unit. Further study might prove the possibility of relating each interview room to each wing as opposed to grouping them as shown.

2. The special housing for disassociation cells and hospital cells is brought down to the ground floor in the revised scheme and is adjacent to but separated from the other housing by controls.

In accordance with the Committee's request and as supported by comments received, Study L shows accommodation for a smaller inmate population. (Regular housing 240, reception 20, disassociated 10, and hospital 20—approximate total 290). This is all on one floor without expensive elevators or trouble making stairs. Should accommodation for a larger population be required, 240 additional cells could be provided on a second floor over the regular housing unit, retaining the disassociation, hospital and reception cells on the ground floor. Should the newly

received inmates be housed in the regular housing units, then the wing marked Reception Cells might be used for special categories of reward and reduced control or more secure housing for troublesome inmates of a category not sufficient to put them into the disassociation unit. Thus providing a variety of housing types to suit the programme.

(d) *Industry*

In Study L the location of the industry and related training facilities, has been changed from Study K in accordance with the comment made that inmate movement to industry should not be through the same corridor as inmate movement to other facilities (e.g., sick parade, disassociation, gymnasium etc.) Industry facilities in Study L are now so located that inmates would travel to industry in exactly the opposite direction from that which they would travel to other facilities.

(e) *Food*

From most of the comments and your instructions, I understand that the communal dining room was to be eliminated and that the kitchen was an unsettled item. In Study L therefore, I have shown the location of the kitchen, should it be desired to be kept, and indicated where the communal dining room might be located, should at some later date it be decided to be desirable.

At the risk of being impertinent, I would suggest we reconsider the dining room, because of the support to it as an idea provided by one of the comments which complimented us on the availability of a variety of feeding procedures permitting a warden to have a flexibility in feeding programme.

(f) *Storage and Warehousing*

Storage and warehousing is shown as being outside of the compound and beyond the limits of the perimeter security enclosure.

(g) *Recreational and Educational Facilities*

This control is intended for reasonable vision into the classrooms, library, auditorium, gymnasium, to the chapels, and access to the outdoor athletic fields. A canteen has been added adjacent to the library as requested in one of the letters with the storage facility adjacent to it.

(h) *Control Points*

In view of the fact that Study L has generally the same facilities (hospital, disassociation, chapels, gymnasium etc.) and houses the inmates in two buildings rather than three it follows that Study L will have one less control center than the Canadian Penitentiary Services' design. The exception to this statement is the special reception or reward housing unit which is a separate facility which may not be approved, and which Canadian Penitentiary Services does not have as such. Lack of time has prevented me from establishing which control centers in the Canadian Penitentiary Services'

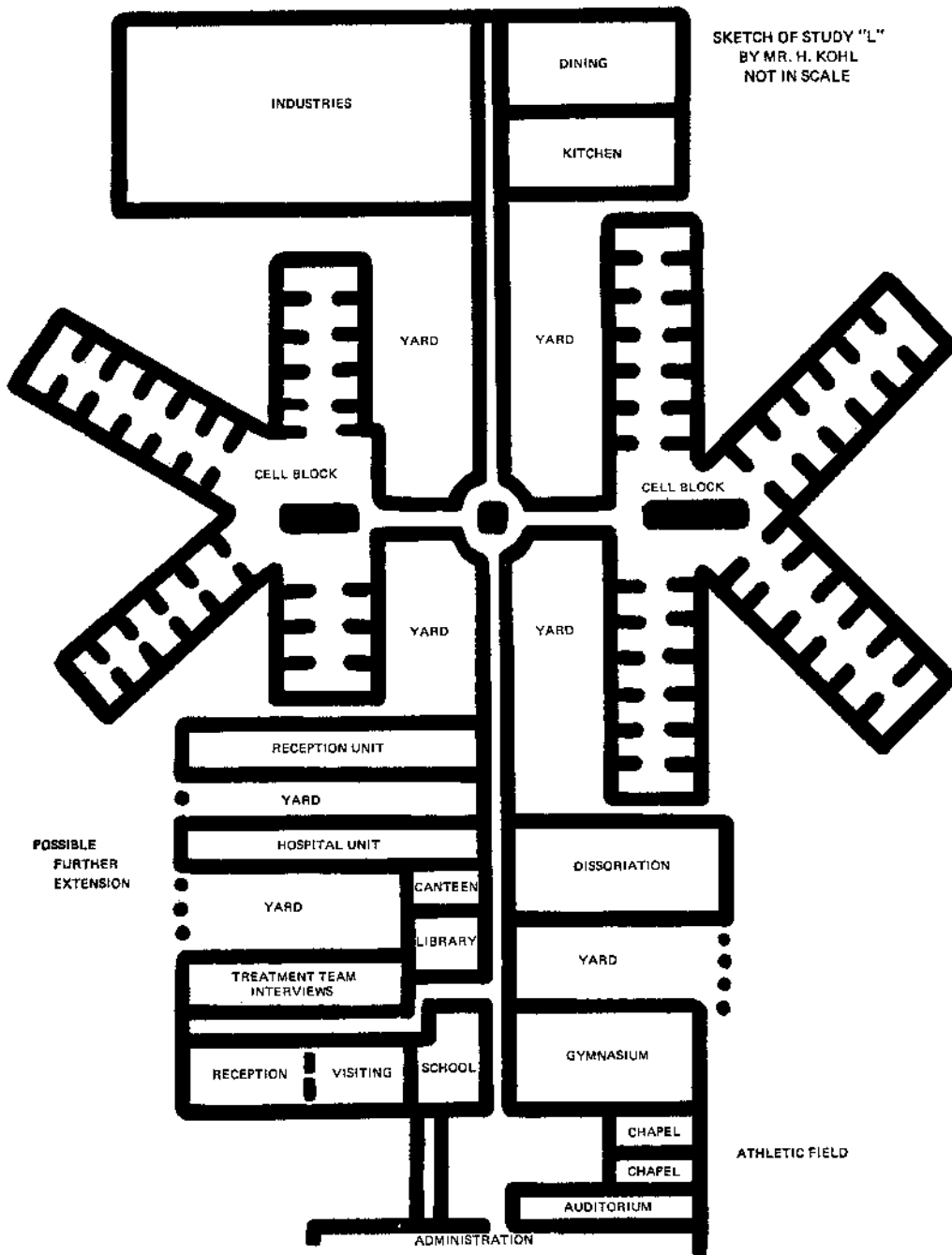
design are 24 hours and which are not, and therefore, I am unable to compare 24 hour posts. Logically, however, they occur in the housing buildings, where we have one less, and at main control, hospital, segregation, central control and front control where Study L and Canadian Penitentiary Services are identical in number.

Very truly yours,

HARRY B. KOHL

HBK:PFH

cc: Mrs. Dorothy McArton  
Mr. G. Arthur Martin  
Deputy Commissioner "Ret". J. R. Lemieux  
Mr. Claude Bouchard, Associate Secretary  
Canadian Committee on Corrections  
Mr. W. T. McGrath, Secretary



SKETCH OF STUDY "L"  
 BY MR. H. KOHL  
 NOT IN SCALE



**LETTER TO HON. L. T. PENNELL FROM  
HON. MR. JUSTICE ROGER OUIMET**

November 10, 1966

THE HONOURABLE L. T. PENNELL, P.C., Q.C., M.P.  
Solicitor General of Canada,  
Room 418 Justice Building,  
Kent and Wellington Streets,  
Ottawa, Ontario

DEAR MR. MINISTER:     Re: *Maximum Security Institutions Design*

In the last paragraph of our Committee's Evaluation of the Design for Maximum Security Prisons Developed by the Canadian Penitentiary Service forwarded to you on August 16, 1966, we advised you that we were working in conjunction with Mr. Harry B. Kohl, with a view to having comprehensive sketches reflecting, in architectural terms, our Committee's thinking in relation to maximum security institutions. We further informed you that it was not the intention of the Committee to submit these sketches as detailed plans for an alternative design (as we considered this to be outside our terms of reference) but rather as a visual supplement to our report.

Since then, representatives of this Committee have visited two recently constructed penitentiaries of maximum security type in the United States (at Marion, Illinois and Somers, Connecticut) as well as other institutions in California and Canada, housing inmates requiring varying degrees of custody.

In addition to talking with various officials of the Canadian Penitentiary Service itself, we have also consulted with and received opinions and evaluative comments from many other experts. These have included members of our panel of consultants with direct administrative experience in institutions for adult males; other persons with similar experience in institutions in several provinces of Canada, including Ontario and Quebec; and persons with extensive experience in prison administration in the United States, more particularly in penitentiaries of maximum security type. These persons could by no means be described as mere theorists or as being unfamiliar with the dangers and difficulties of dealing with maximum security inmates. Comments were also received from experienced American prison architects.

While the opinions expressed by this substantial group of knowledgeable people differed on a number of specific questions, such as location of certain areas in relation to one another; advantages and disadvantages of interior kitchen as against food preparation outside the walls, and central dining facilities as against smaller units, there was marked and striking consensus on three major points of criticism of the plans adopted by the Canadian Penitentiary Service, namely:

(1) That control of inmate movement is unnecessarily rigid and centralized, the consequent restrictive atmosphere resulting in serious loss of time and disrupting program.

(2) That division of staff from inmates by wire screening is unwise; that it could give the impression to prisoners that the staff is afraid of them; that emphasis needs to be placed on increasing contact of staff with inmates, rather than on increasing separation.

(3) That space allocated for program needs is inadequate.

In the course of the development of Mr. Kohl's sketches through a series of study drawings duly circulated, and subsequently revised in the light of comments received, the Committee has endeavoured to have due regard to all necessary security features including:

- (1) A secure perimeter.
- (2) Provision for closing off sections of the prisons from other sections.
- (3) Appropriate control points.
- (4) Reduction of mass movement through proper zoning of facilities.
- (5) Elimination of stairs in the event a one-floor plan is adopted.
- (6) Small living units with equal and independent facilities for certain specific functions.
- (7) Ready access to temporary segregation facilities and psychiatric facilities.

We are enclosing herewith Mr. Kohl's drawing Study K dated October 13th together with his explanatory letter of the same date, as well as the final revision entitled Study L, with accompanying letter of November 5th. These documents will provide a visual and recorded illustration of the work performed within a relatively short period of time.

May we add that the descriptive notes prepared by Mr. Kohl are to be construed in the light of the objectives expressed by him from an architectural point of view and may we particularly stress the fact that this represents a broad concept of a maximum security institution and does not imply completeness of detail.

However, it is our opinion that the accompanying revised sketch Study L, without sacrificing necessary security features, provides for proper emphasis on program.

Moreover, Mr. Kohl's design clearly appears to provide for flexibility, recognizing that all inmates do not require the same degree of security within the institution and foreseeing adaptation of program over the years.

In the course of its study of the design for maximum security institutions, our Committee became increasingly aware that the matter could not be dealt with as thoroughly as would be desirable without taking into consideration the basic correctional philosophy of an integrated system which is comprised of a variety of institutions with varying degrees of security, thus implying a distinct operational purpose and program for each institution. The study of plans for maximum security prisons must therefore be undertaken in relation to the system as a whole. Particularly pertinent are the proposed Special Correctional Units and the Medical Psychiatric Centres. If constructed as separate buildings, the Special Correctional Units will remove from the maximum security institutions some of the more violent inmates classed as non-psychotic, and the medical psychiatric centres will remove the psychotic inmates.

Also pertinent is the estimated percentage of penitentiary inmates requiring maximum security facilities, as expressed in the "Ten-year Plan", on which the Service's present building plans are based. This estimate has been questioned by a number of persons in the correctional field with whom the Committee has consulted, among whom were persons holding responsible positions in maximum security institutions, and the Committee is of the opinion that further research is required in this area.

In conclusion, may we say that this is meant to be the final portion of our Committee's Evaluation of the Design for Maximum Security Prisons Developed by the Canadian Penitentiary Service, within the terms of reference as expressed in your previous correspondence.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Roger Ouimet", with a long horizontal flourish extending to the right.

The Canadian Committee on Corrections

per: ROGER OUIMET  
*Chairman*

## Appendix F

### STATISTICS OF CRIME AND CORRECTIONS

The tables and graphs that follow are based on *Statistics of Criminal and Other Offences*, the annual series of court statistics issued by the Dominion Bureau of Statistics. At the request of the Committee, the Judicial Section of the Dominion Bureau of Statistics prepared detailed tables of statistics on some selected aspects of crime and corrections in Canada. Some of the general statistical questions of interest to the Committee could not be answered on the basis of the official statistics. As the original tables unfortunately are too lengthy to be reproduced here, some have been summarized in the tables that follow and in other instances graphs have been used instead of tables. The statistics and discussion of Chapter 3 have not been repeated. Unless otherwise noted the rates per 100,000 population are based on the number of Canadian residents 16 years and older, the population "at risk". Offenders below this age are classified as juvenile delinquents in the criminal statistics and are not dealt with in this report.

#### *Changes in the Volume of Crime*

Tables F-1 and F-2 contain the statistics on which Figures 1 and 2 of Chapter 3 are based. Since the traffic offences referred to in Table F-2 and in the graphs of Chapter 3 are summary convictions only, the changing part that motor vehicle offences have played in the total conviction rates for indictable offences is not shown. Much of the variation in the number of indictable convictions for motor vehicle offences is attributable to changes in the proportion of the more common Criminal Code automobile offences—impaired driving, driving while disqualified, failing to stop at the scene of accident, dangerous driving, and driving while intoxicated—proceeded against as summary rather than indictable offences.

Since the revised Criminal Code came into force in 1955, the trend has been to use the summary alternative in an increasing proportion of cases. Taking impaired driving as an example, we find that the proportion of the total convictions for this offence accounted for by indictable convictions dropped from 25 per cent in 1954, to 11 per cent in 1958, to one per cent in 1965—the remaining 99 per cent being summary convictions. The net result has been that motor vehicle offences have declined as a proportion of all indictable convictions from 13 per cent in 1954 (the high point) to 0.7 per cent in 1965, in a period that has seen a great increase in summary convictions for these same offences. If the prosecuting authorities had continued to use the indictable alternative to the same extent as in 1954, the total indictable conviction rates would have given the impression of an alarming increase in serious crime in Canada.

Figure F-1 shows the changes in the total indictable conviction rates over a 30 year period. No trend is discernible. The sharp decline in 1959 is known to be due, in part at least, to the failure of several courts, including that of a large urban centre, to submit returns to the Dominion Bureau of Statistics. No reasons for other sharp fluctuations are readily apparent.

*The Age and Sex of Offenders*

The tables and graphs in this section are based on the number of persons convicted rather than on the number of convictions, corresponding to a change in the unit of tabulation used in reporting court statistics which was introduced by the Dominion Bureau of Statistics in 1949. As some offenders account for more than one conviction, these "person" rates are somewhat lower than the rates based on convictions reported in the previous section. However, they give a more accurate account of the relative proportion of men and women of various ages in the offender population.

Table F-3 states indictable rates by sex for the years 1950 to 1966. The rates for both sexes declined from 1950 to 1956 and rose thereafter but the proportionate increase was much greater for women. Whereas the men's rate in 1966 was 28 per cent higher than their 1956 rate, the women's rate was up 193 per cent.

A crime rate index is used in Figure F-2 to indicate the relative change in rates by age as well as sex for the same period. The index expresses the rate of persons convicted for indictable offences each year as a percentage of the 1950 rate. Among women the rate has increased in all age groups. The male rate, in contrast, has declined in all but the three youngest age categories.

Table F-4 shows the very large contribution of the youngest age groups to the total crime rate.

TABLE F-3  
Persons Convicted of Indictable Offences  
Rate per 100,000 Population by Sex  
1950-1966

Year	Male	Female	Total Rate	(Total Number)
1950.....	613	42	333	(31,385)
1951.....	562	41	303	(29,980)
1952.....	562	41	304	(29,761)
1953.....	551	36	296	(29,567)
1954.....	562	36	302	(30,848)
1955.....	505	33	271	(28,273)
1956.....	482	30	258	(27,413)
1957.....	545	33	292	(31,765)
1958.....	579	37	311	(34,546)
1959.....	506	38	274	(31,092)
1960.....	566	44	307	(35,443)
1961.....	603	54	330	(38,679)
1962.....	594	53	324	(38,663)
1963.....	644	61	353	(42,914)
1964.....	612	67	340	(42,097)
1965.....	584	76	329	(41,832)
1966.....	615	88	351	(45,670)

FIGURE F-2 — GRAPHIQUE F-2

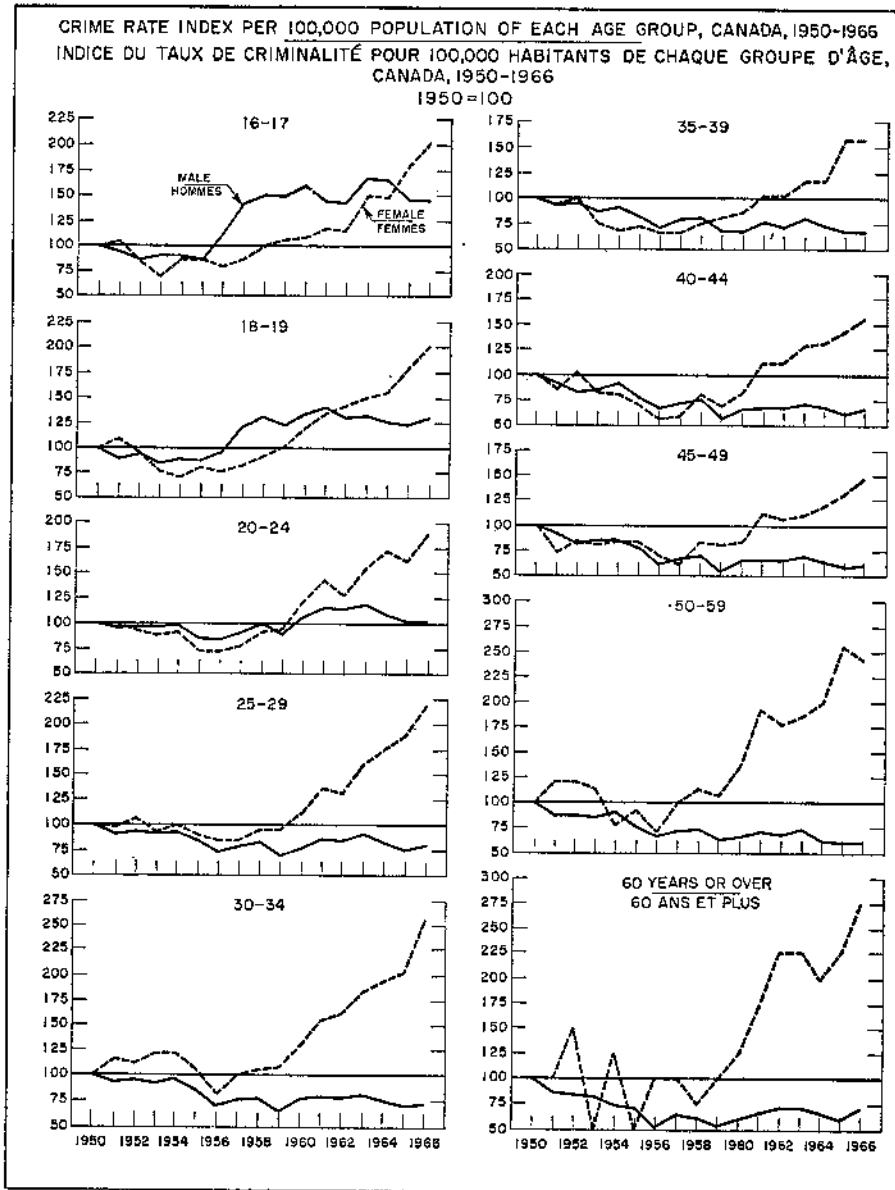


TABLE F-5  
Male Crime Rate Index by Class of Offence 1950-1966  
Offence Groups

Year	Against Persons	Against Property with Violence	Against Property without Violence	Malicious Offences against Property	Other Criminal Code	Other Federal Statutes
1950.....	100	100	100	100	100	100
1951.....	85	89	95	73	93	80
1952.....	90	89	92	73	93	80
1953.....	90	91	84	40	103	60
1954.....	87	101	83	40	114	50
1955.....	75	97	77	60	93	50
1956.....	75	93	82	60	65	50
1957.....	79	111	99	67	63	60
1958.....	73	134	107	67	61	60
1959.....	64	123	103	67	27	70
1960.....	70	144	116	73	28	50
1961.....	77	145	122	87	35	50
1962.....	79	142	117	87	38	40
1963.....	82	157	126	100	46	50
1964.....	83	148	120	100	39	40
1965.....	82	138	113	100	39	40
1966.....	86	133	120	120	45	50

The female index for the two main property crimes has increased even more than the male index, reaching a level of 300 in recent years. However, the rarity on the part of women of crimes of violence against property should be emphasized. A 300 per cent increase in such crimes was brought about by an increase in rate from 1 conviction per 100,000 in 1950 to 3 convictions per 100,000 in 1965. Non-violent property crimes, as noted earlier, account for most of the overall increase in female rates.

Finally, Table F-7 shows the differences between selected age groups of men and women in their conviction rates for the 6 classes of offences in 1966. It can be seen that among women the contrast between the young and the middle-aged in both the amount and pattern of crimes is much less than it is among males. The younger males appear to be involved in an unduly large proportion of the violent crimes against both property and persons.

**TABLE F-6**  
**Female Crime Rate Index by Class of Offence 1950-1966**  
**Offence Groups**

Year	Against Persons	Against Property with Violence	Against Property without Violence	Malicious Offences against Property	Other Criminal Code	Other Federal Statutes
1950.....	100	100	100	100	100	100
1951.....	86	100	96	—*	100	150
1952.....	86	100	96	—	100	100
1953.....	71	100	83	—	100	100
1954.....	71	100	83	—	100	50
1955.....	57	100	78	—	87	100
1956.....	57	100	78	—	37	100
1957.....	57	100	87	—	50	100
1958.....	43	200	104	—	50	150
1959.....	57	200	109	—	37	150
1960.....	57	200	135	—	50	150
1961.....	71	200	165	—	62	150
1962.....	57	200	169	100	62	100
1963.....	57	200	204	100	100	75
1964.....	57	300	226	100	75	100
1965.....	71	300	261	100	62	100
1966.....	86	200	313	100	75	50

\* Where no index is given, rate is less than one.

**TABLE F-7**  
**Persons Convicted of Indictable Offences by Sex for Selected Age Groups, 1966**  
**Rate per 100,000 Population**

Offence Class.....	Age Groups			
	16-17	18-19	35-39	40-44
	Males			
Against the Person.....	100	209	80	68
Against Property with Violence.....	593	443	37	24
Against Property without Violence.....	1,032	910	188	162
Malicious Offences against Property.....	60	57	8	6
Other Criminal Code.....	75	119	48	37
Other Federal Statutes.....	1	6	5	3
	Females			
Against the Person.....	4	7	5	6
Against Property with Violence.....	15	8	1	1
Against Property without Violence.....	144	144	59	46
Malicious Offences against Property.....	1	3	1	—
Other Criminal Code.....	7	12	4	4
Other Federal Statutes.....	1	3	1	—



### *Courts: Trends in Sentencing*

Changes in the sentencing patterns of the courts might be expected on the basis of the trends toward more younger and more female offenders, and toward an increase in the relative importance of conventional property offences. Moreover, change might be expected as a response to long term changes in opinion within the correctional field in favour, among other things, of less imprisonment and greater use of probation and parole. The Criminal Code revision of 1955 would have facilitated lighter sentencing for several offences by no longer laying down minimum penalties.

The sentences given to persons convicted of indictable offences, yearly from 1950 to 1966, is represented in Figure F-4 as a proportion of the total. No striking changes are evident. The tendency to use probation has been somewhat higher since 1958 (12.5 per cent of sentences in that year but 18.7 per cent in 1966) and the proportion of gaol sentences has declined slightly since the early 1950's (38.1 per cent of sentences in 1950 compared to 29.7 per cent in 1966).

It is possible, however, that the constancy of sentencing shown in Figure F-4 is specious; that the sentencing patterns have changed but that the changes have differed by type of offence and offender in such a way that they have cancelled each other. To test one aspect of this contingency the sentencing patterns were calculated separately for five offences; theft, breaking and entering, robbery and extortion, manslaughter, and rape—and have been presented graphically in Figures F-5 to F-9.

A change in the pattern of sentencing for theft is clearly discernible in Figure F-5. Starting in 1955, the proportion of offenders sent to gaol has tended to decline and the proportion given a fine, to increase. The courts sent 44.5 per cent to gaol in 1954; 25.0 per cent in 1966. In the same years, the courts fined 18.7 per cent and 33.3 per cent. The proportion sent to penitentiary has declined from 4.8 per cent in 1955 to 1.9 per cent in 1966. No marked trend is to be seen in the use of the other sentencing choices for persons convicted of theft.

The notable change in sentences for breaking and entering (Figure F-6) has been the increased use of probation; whereas in 1950 only 9.2 per cent of persons convicted of this offence were put on probation, in 1966 the proportion was 30.4 per cent. This has meant a decline in the role of all the types of incarceration—gaol, reformatory and training school, and penitentiary.

The only trend that emerges in regard to sentencing for robbery and extortion, shown in Figure F-7, is an increase in the proportion put on probation from 3.4 per cent in 1950 to 12.0 per cent in 1966. The great majority of these offenders (82.6 per cent in 1966) are still sent to prison.

Sentencing for manslaughter (Figure F-8) shows a clear pattern of increasing severity after 1956. This may be due in part to changes in the Criminal Code which made it possible to charge motorists with criminal negligence in the operation of a motor vehicle instead of manslaughter, thus removing from the population under sentence some of the persons most likely to be dealt with leniently. It is also noteworthy that 10.7 per cent of the guilty were fined in 1960, but none in most years since 1956.

Sentencing for rape (Figure F-9) shows no pattern either of constancy or change. The only element of stability is that in most years all or most of the offenders have been sent to prison, but the length of sentences has fluctuated widely. For example, in 1957 penitentiary sentences of 2 to 5 years were given to 17.8 per cent of the offenders, while in 1964 sentences in this range were given to 40.3 per cent of the offenders. The degree of fluctuation may be attributed to the fact that rape convictions are so infrequent (ranging from 27 to 74 per year in the period under survey) that a change of a few sentences in any category is enough to alter greatly the percentages.

The difference between the sentencing patterns for these five offences is striking. Although there is a tendency to use alternatives to imprisonment more frequently for the major property offences, quite different patterns are found in sentencing for the two types of offence against the person. All that we can conclude at this point is that there is no dominant trend of change in sentencing that applies to all types of offences.

It should also be kept in mind that our classification of imprisonment by type of institution is only a crude indication of severity of sentencing. The average length of sentence within each category of imprisonment may also have changed. To test this, the reformatory sentences for breaking and entering were examined. It was found that the proportion of reformatory sentences of one year and over diminished from 63.9 per cent in 1950 to 43.8 in 1966. More marked trends in sentencing than those noted above might emerge if we had the data necessary to calculate average lengths of sentence for each offence.

FIGURE F-4 — GRAPHIQUE F-4

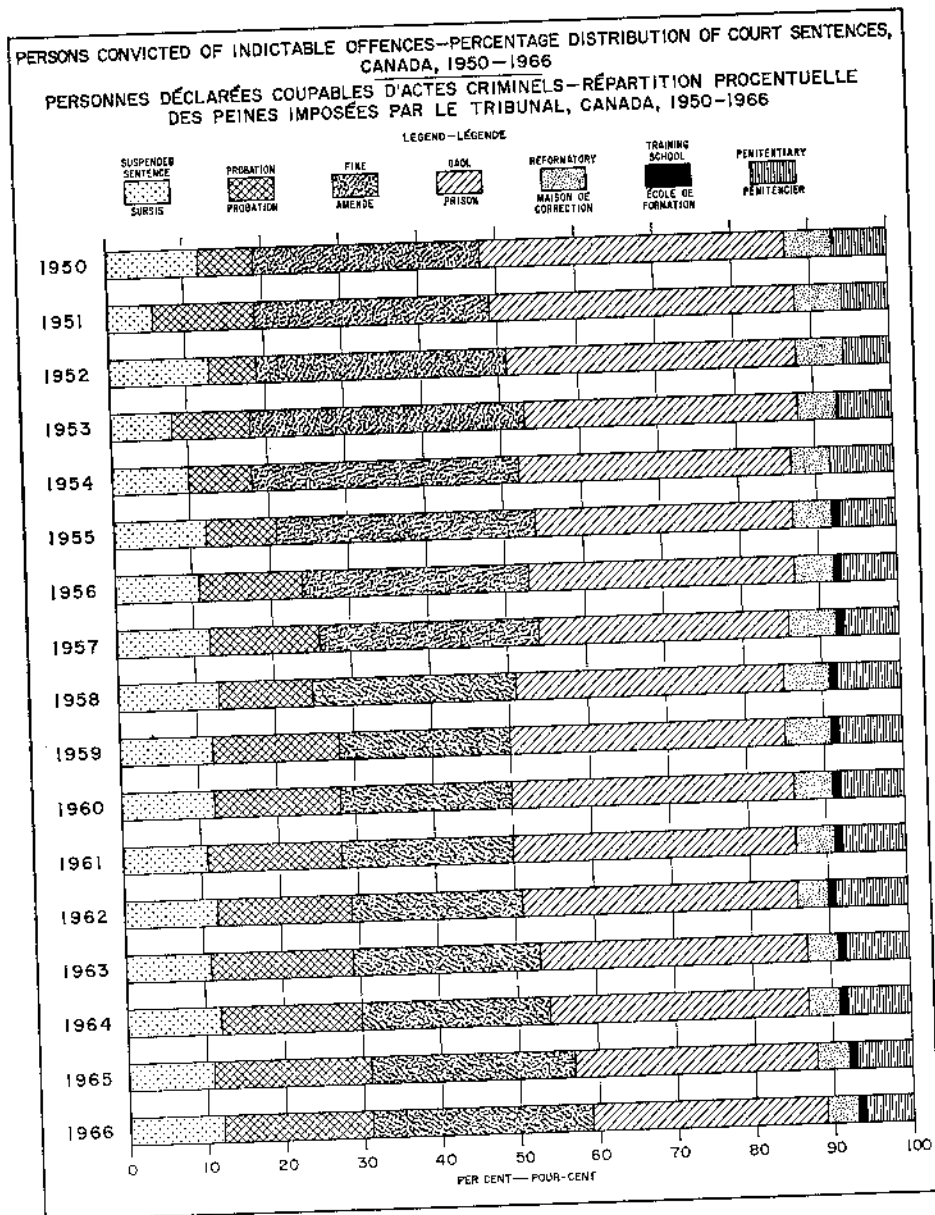


FIGURE F-5 — GRAPHIQUE F-5

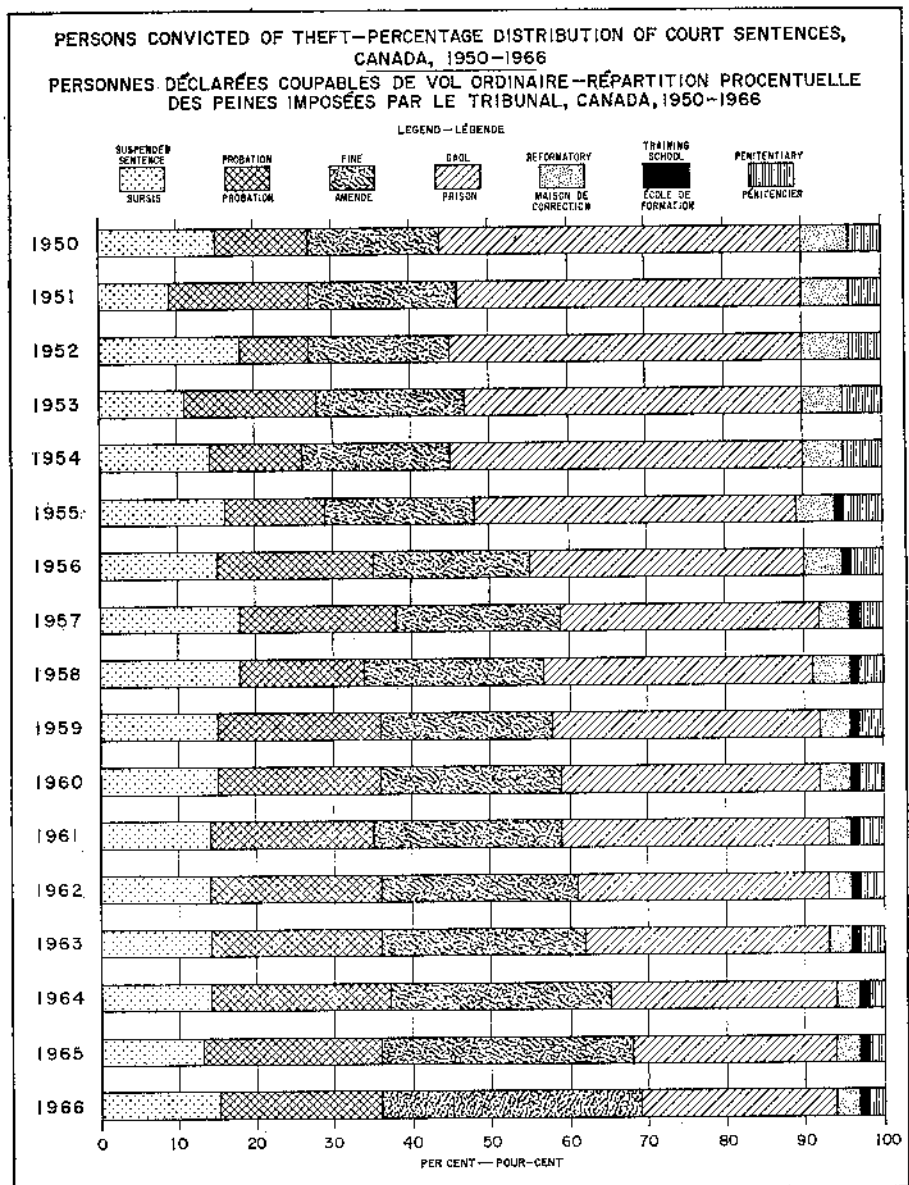


FIGURE F-6 — GRAPHIQUE F-6

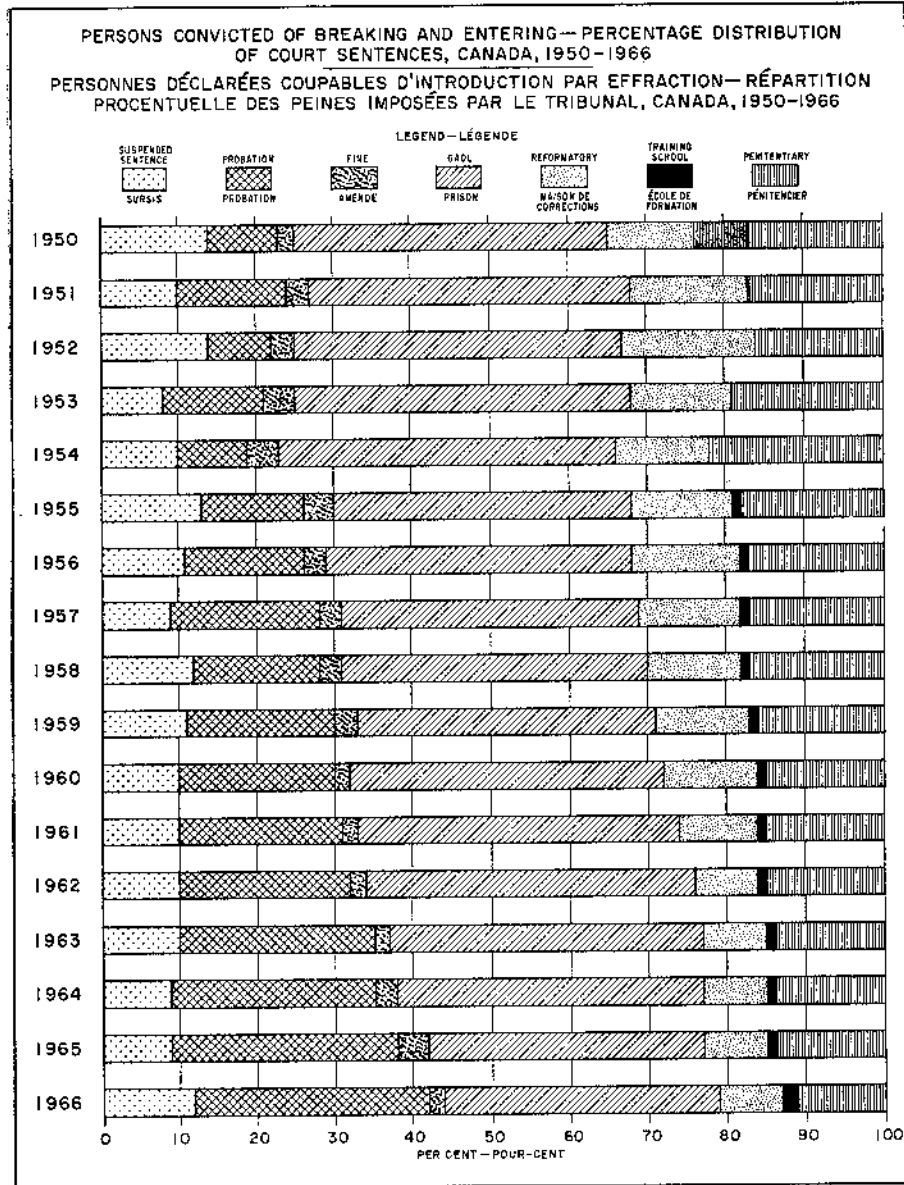


FIGURE F-7 — GRAPHIQUE F-7

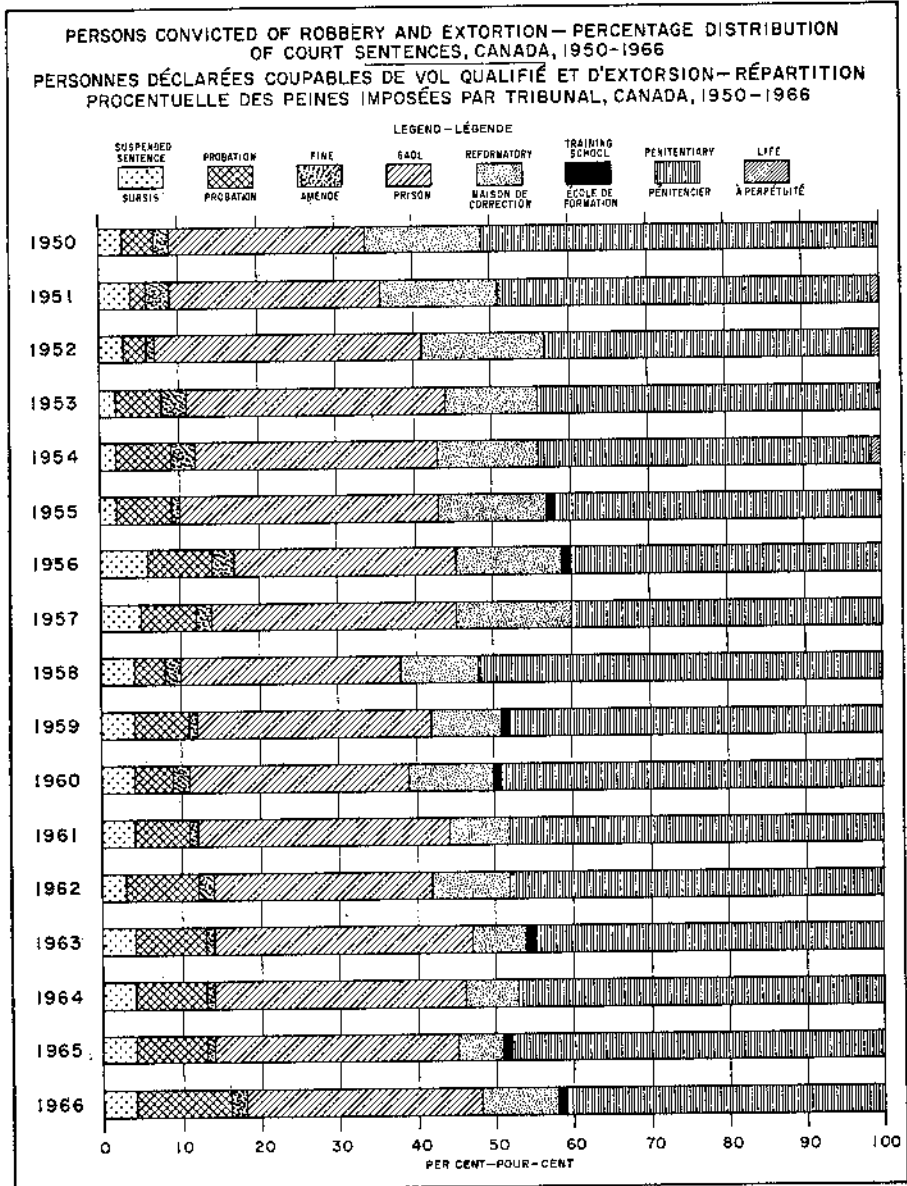


FIGURE F-8 --- GRAPHIQUE F-8

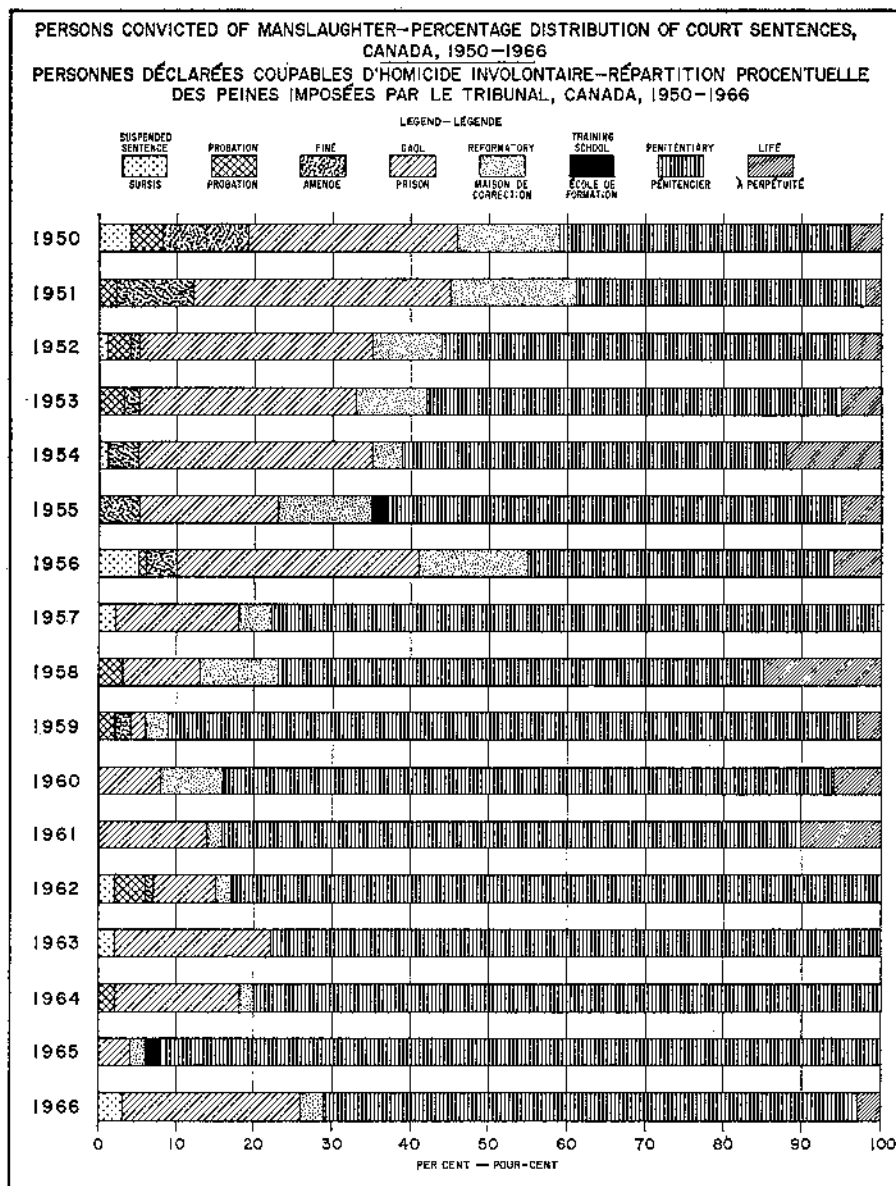
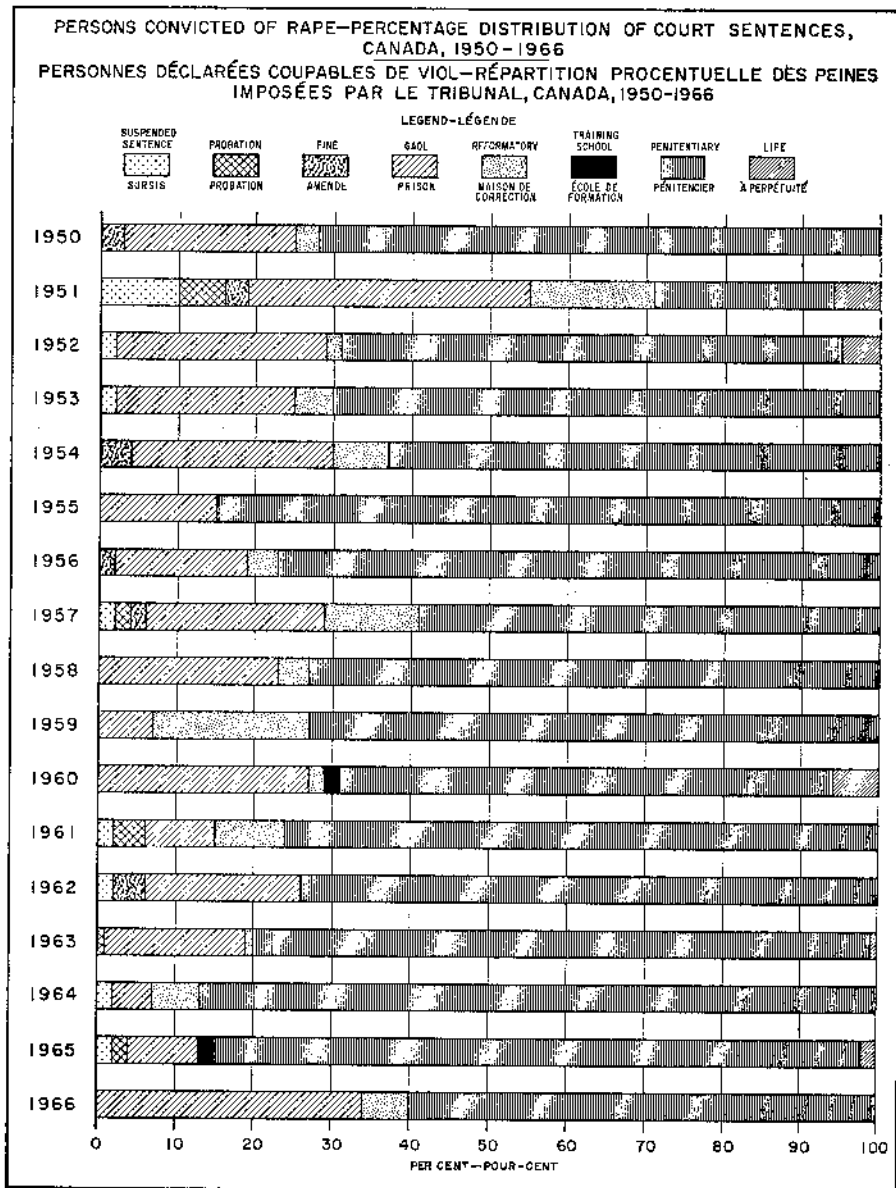


FIGURE F-9 — GRAPHIQUE F-9





### *The Population of Correctional Institutions*

The number of persons in custody in Canadian correctional institutions in a given day each year (December 31 for Quebec and March 31 for the rest of Canada) is shown in Table F-8 and Figure F-10 for the years 1950-1966. These figures, like the sentencing data, are a simple accounting and not an index of something else. Since correctional institutions at all levels place a high value on keeping track of their inmates and are required to report these statistics regularly to the government departments that administer them, the figures are probably fairly accurate. The census type figures reported here yield a measure of trends of change in the use being made of the three categories of correctional institution. They do not, of course, give us an accurate picture of the number of persons admitted to each type. The number admitted to gaols in a year greatly exceeds the number present on the census day and the number admitted to penitentiaries in a year is less than the accumulated population of any one day.

The general impression given by these statistics is, again, one of relative stability. This is in keeping with the small range of fluctuations that we have noted for the same period in the rates of persons convicted for indictable offences and in the distribution of sentences for indictable offences as a class. The one aspect that raises a question is the fairly sharp decline in the population of provincial adult institutions (gaols and reformatories) since 1963 and in training school and penitentiary populations since 1964. The change is unlikely to be a reporting artifact since it takes place in all three types; nor does it correspond with changes in conviction rates.

FIGURE F-10 — GRAPHIQUE F-10

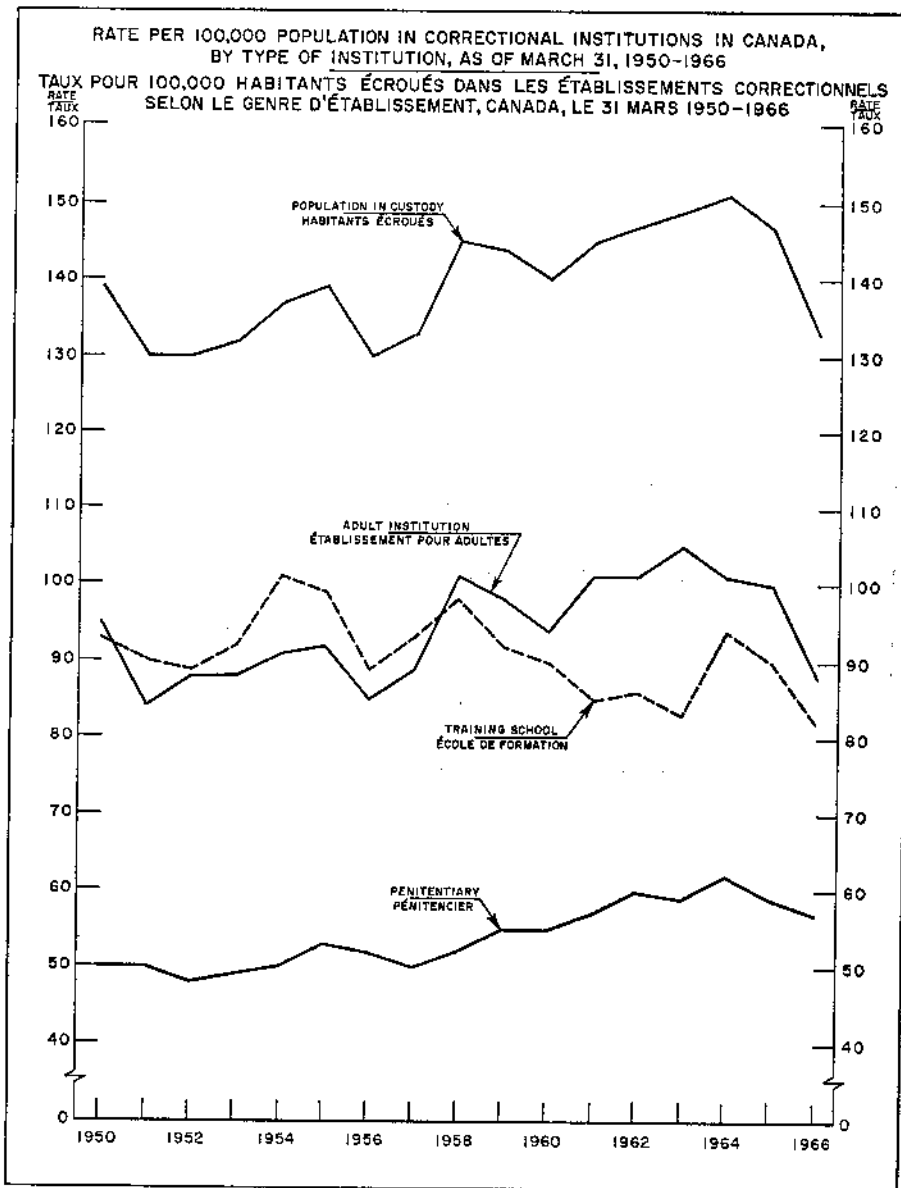


TABLE F-8

Persons in Custody in Correctional Institutions in Canada as of March 31\*, 1950-1966  
Rate per 100,000 Population

Year	Type of Institution			Total	(Number)
	Training Schools	Provincial Adult Institutions	Penitentiaries		
1950.....	93	95	50	139	(16,012)
1951.....	90	84	50	130	(15,153)
1952.....	89	88	48	130	(15,658)
1953.....	92	88	49	132	(16,246)
1954.....	101	91	50	137	(17,369)
1955.....	99	92	53	139	(18,049)
1956.....	89	85	52	130	(17,352)
1957.....	93	89	50	133	(18,301)
1958.....	98	101	52	145	(20,382)
1959.....	92	98	55	144	(20,790)
1960.....	90	94	55	140	(20,628)
1961.....	85	101	57	145	(21,960)
1962.....	86	101	60	147	(22,747)
1963.....	83	105	59	149	(23,512)
1964.....	94	101	62	151	(24,288)
1965.....	90	100	59	147	(24,179)
1966.....	82	88	57	133	(23,455)

\*Quebec figures are expressed as of December 31.

### Separate Statement by Mrs. McArton

While as a member of the Canadian Committee on Corrections I have taken active part in its work and concur fully in its report, there are nevertheless two issues which, in my opinion, do not receive in the report as adequate an examination as they merit. My point of view differs somewhat from that of other members of the Committee on these issues. The differences are not in essentials, but in emphasis and sometimes in specific application of mutually accepted principles. These two issues are the division of responsibility between the federal and provincial governments for correctional services, and the division of responsibility between the criminal justice system and other available measures for "social defence".

It also appears to me that there are aspects of the present correctional services in Canada concerning which more specific evaluative comment than is contained in the report would be useful.

#### *Division of Responsibility between Federal and Provincial Jurisdictions*

Reports following two previous federal studies, those of the Archambault Commission and the Fauteux Committee, made recommendations in the direction of extending the area of federal jurisdiction over correctional services. As Chapter 14 of the present report notes, the Fauteux Report recommended that the federal government assume responsibility for all prisoners sentenced to a term of more than one year, and also that parole of prisoners from both federal and provincial institutions be under the jurisdiction of the National Parole Board.

The present report recommends that the division of responsibility for prison sentences remain at its present point, with provinces retaining responsibility for offenders sentenced for periods up to two years, and also that the provinces accept responsibility for the parole of prisoners from provincial institutions.

The logical basis for these recommendations is apparent, I believe, only in the light of certain other recommendations in this report, as well as certain developments which have taken place in Canada since the time the Fauteux Committee reported.

The concept of parole held by the Canadian Committee on Corrections is that parole should form an integral part of a normal prison sentence. Since the correctional aim is to alter the offender's behaviour *when he is in the outside community*, a gradual release from imprisonment with a period of

partial control, together with active help and guidance, *while he is living in the community*, is as logical and necessary a step as was the original removal to a situation of direct physical control.

If this concept of the normal way of serving a sentence is implemented, a sentence of up to two years in length would very seldom involve a period longer than a year actually spent in prison. This means that from the standpoint of prison planning, the provinces would be freed to concentrate their efforts on developing institutions for short-term prisoners, with an emphasis on use of educational, health and welfare resources in the outside community which would continue to be available to the offender after his release on parole. The federal services could concentrate on institutions and services for those offenders who present a greater danger to the community, and therefore require longer periods, and frequently a greater degree, of control. The Committee's recommendation concerning division of responsibility for parole services, so that the jurisdiction having responsibility for correctional treatment of the offender within the institution will have it also during the portion of his sentence spent outside the institution, is logically related to this concept.

It should of course be noted that the administrative unity of a single jurisdiction is valuable only in strengthening the potential for continuity, consistency and appropriate flexibility in treatment of each offender. Its purpose will be achieved only if policies, procedures and working relationships within a jurisdiction, whether federal or provincial, make this continuity, flexibility and consistency actual.

It should also be noted, as it is in Chapter 14 of this report, that a division according to length of sentence is only one possible method of determining the appropriate division of responsibility between the federal government and the provinces for correctional services. It is an arbitrary division, and one which offers only a rough measurement of relevant factors. Because of the complexity of the factors which have to be taken into consideration in determining sentence, as discussed in Chapter 11, and the similar complexity of factors which would have to be taken into consideration by an alternative body such as a diagnostic or classification board, there are serious difficulties in arriving at any general criteria. No better criteria are evident to the Committee at this time.

Any time measurement, however, is relative to the conditions under which it is served. Both the Archambault and Fauteux Reports strongly criticized Canadian sentencing practices in terms of excessive length of sentence. They pointed out both the deteriorating effect upon the prisoner which commonly follows the long periods spent in the traditional prison, and secondarily the expense of this form of treatment to the community. In these respects it is evident that the Canadian Committee on Corrections agrees with its predecessors.

However, there have been significant developments in the correctional field in Canada since the publication of the two previous reports. Length of time served within prisons has been reduced, both by provisions for remission

of a portion of the sentence as provided in the Penitentiaries Act revision of 1961, and by the development of Canada's parole system. In addition, there have been significant and encouraging developments in probation services, which have meant that some offenders have not been sent to prison who otherwise would have gone there, although these developments have been somewhat uneven as among the provinces. Development of more minimum security facilities, work camps, and resources such as pre-release and after-care hostels, have further affected the conditions under which some prisoners serve their sentences or portions thereof. Recommendations made in this report for more extensive use of these resources and for development of facilities for part-time imprisonment for certain offenders, will, if implemented, also change the situation materially.

As noted in Chapter 14, there are already certain exceptions to the use of the two year sentence period as sole criterion to determine the jurisdiction responsible for a particular offender. Chapter 14 also recommends the removal of certain anomalies in the present situation; if these recommendations are adopted there will be further exceptions. In my opinion the specific anomalies quoted in Chapter 14 should be considered merely as examples of situations requiring a greater flexibility of decision as to the appropriate jurisdiction to be responsible for a particular offender.

There are many aspects of government and government services which are presently the subject of discussion between the federal government and the provinces, in order that there can be joint planning in areas of mutual concern and that the respective roles of each jurisdiction may be appropriately defined. I suggest that there is need for such discussions in relation to the correctional services, and that through such discussions it is quite possible that guide lines will emerge which will lead to a division of responsibility different from the present one. As stated previously, however, an improved basis for such division is not at this time apparent to the Committee.

It is also evident to an observer of the Canadian political scene that while there was a period in history of Canadian Confederation during which the responsibilities of the federal government tended to increase in relation to that of the provinces, an opposite trend is presently apparent. The growing importance of organized educational, health and welfare services from the proportionate position they occupied at the time of Confederation, is an important factor in this trend. Chapter 14 points out that as an emphasis on correction replaces an emphasis on punishment, a close relationship between correctional services and these other community services becomes increasingly necessary.

Canada's federalism reflects certain facts: that Canada is a large country, containing within its borders regions which differ from one another in geography, history, cultural and ethnic characteristics and economic conditions. This means that in establishing an integrated system of corrections, and an integrated criminal justice system of which the corrections services form a part, Canada faces certain problems which would not be faced by a small, comparatively homogeneous country, or even by a more populous

but less geographically or culturally diverse country. Both the Archambault Commission and the Fauteux Committee were conscious of the values of an integrated and consistent system of corrections and tended to see the most rapid and effective method of achieving this aim as being the extension of direct jurisdiction of the central government. The present Committee however, perhaps because it has had a much wider frame of reference than had been given to its predecessors, has been keenly conscious of the fact that Canada's federal type of government affects all aspects of the criminal justice system. While high court judges are federally appointed, the administration of the courts and appointment of those members of the judiciary who hear the large majority of criminal cases are provincial. With the exception of the Royal Canadian Mounted Police, police forces are under provincial or local jurisdiction. Lawyers are called to the Bar of the province in which they practice. Probation services and general health, welfare and education services which bear upon corrections are under the jurisdiction of the provinces.

On the other hand, in assigning to the central government responsibility for the criminal law, the Fathers of Confederation endeavoured to ensure that any citizen of Canada should be subject to the same laws governing criminally prohibited conduct wherever he lives or travels within the borders of the country. The increasing mobility of the population, associated with the economic interdependence of different sections of the country and with general technological advances, together with the emergence of a type of organized criminal activity which operates across international as well as interprovincial boundaries, would appear to emphasize rather than detract from the wisdom of this provision. I wish to record emphatically my opinion that it would be most unfortunate for all Canadians if a strengthened role for the provinces in corrections should result in fragmentation of the Canadian system of criminal justice. It may be useful to note here that a comment frequently volunteered to Committee members during their travels and discussions in the United States, concerned Canada's good fortune in possessing a uniform criminal code, which the United States does not enjoy.

The position reflected in this Committee's report is based on the belief that achieving integration through centralizing all relevant services under the direct administration of the federal government is not possible for Canada and is incompatible with our system of government. Therefore the Committee accepts that the desired integration must be sought and achieved through cooperation among the various levels of government. Such a position does not, however, undervalue the importance of the responsibility of the federal government. On the contrary, an active and statesmanlike role by the Government of Canada is essential if the goal of equal justice for all Canadian citizens, which is such an important constituent in the "peace, order and good government" of Canada, is to be achieved.

The Committee's report suggests that the responsibility of the central government does not end with ensuring that services under its direct control are well administered and effective. It has a responsibility, which

in many respects is more difficult and complex, to ensure establishment of an adequate minimum level of correctional services throughout Canada, while encouraging variety and experiment. The report suggests that this responsibility can be carried out through appropriate fiscal arrangements, and through promoting co-operative working relationships and the interchange of ideas and experience.

It is frequently assumed that it would be preferable if responsibility for corrections lay either entirely with the federal government, or entirely with the provinces. This is suggested in Chapter 14 of the report. I would suggest however that there are advantages as well as disadvantages in a divided jurisdictional responsibility for corrections. Variety in jurisdictions usually means that different governments select different aspects of the system for priority and emphasis, and thus may develop these areas to a level higher than the average found elsewhere. Progress often comes through such differences. Moreover within any jurisdiction political winds change from time to time, leadership changes, and the quality of service fluctuates. The visible presence of a comparable second service within each province gives both citizens and governments an opportunity to assess and compare the quality of both services, and provides a source of stimulation to the personnel responsible for each service.

In my opinion, there is a widespread tendency to over-emphasize the importance of administrative unity in achieving integrated and effective services. Interrelationship and interdependence in matters affecting the social well-being of people are so great that there is no conceivable administrative umbrella under which all related services can be gathered. In corrections this is evident from an examination of the wide variety of administrative structures existing in different provinces. For instance, a province may have a separate Department of Corrections, or corrections services may be within a Department of Justice or of the Attorney-General, or within a Department of Welfare Services. Some provinces stress integration of all adult correctional services, whether institutional or community-based; others have an administrative division between reform institutions and adult probation and parole. Some integrate administration of adult and juvenile correctional services; in others the adult programs are separate and the juvenile program integrated with other child welfare services. Such differences reflect not only different local conditions in geography, size of population, and stage of program development, but also different answers to the question, "Integration with what?"

Further, it should be noted that as the size of any administrative system grows, it is necessary to break the system down again into smaller units for practical administrative purposes. A closer administrative relationship with one part of the system has to be at the expense of greater administrative distance from another part.

For these reasons, it appears to me that effort sometimes expended in the search for a perfect administrative structure would often be more wisely invested in searching out ways to develop open communication and co-operative



working relationships between all parts of the system and with related systems. Without such communication and co-operation, no administrative structure can work well. With them, any one of several different structures can work effectively.

For these same reasons, it is my opinion that specific recommendations concerning organizational structures or administrative divisions of responsibility, such as are made in Chapter 14, Chapter 22, and Chapter 25 of this report, should be regarded primarily as examples or suggestions. Details of administrative structure must be worked out by the governments responsible and may require attention to factors of which this Committee is not fully aware. It is my hope, that these specifics will be worked out in ways which will best promote the purposes and accord with the principles discussed in these chapters and throughout the report.

#### *Evaluation of Existing Services*

If the overall responsibility of the Government of Canada has been correctly stated, it is important that the government have as complete and accurate an overall view as possible of the present state of corrections in Canada. The Committee's report, I believe, contains information and comment which contributes significantly to such an overview. The Committee has in general however, avoided overall evaluative comment concerning existing services.

There is no question that broad general evaluations are difficult to make with accuracy and fairness. Nevertheless, members of the Committee have had unusual opportunities for observation and comparison. Like other members of the Committee I have formed from these certain overall impressions. In this statement I, of course, speak only for myself, and I am fully conscious of the degree to which my judgment is subject to human error. Nevertheless, I intend to state these impressions.

Reformers in Canada have evidenced a persistent tendency to draw public attention to the need for change in Canada's system of criminal justice by comparing it unfavorably with the systems of other countries. Such wholesale comparisons are almost inevitably misleading and inaccurate. A country such as Sweden, for instance, has achieved a well-planned, logical and progressive system of criminal justice which is consistent and well-integrated both internally and with other, broader, social legislation and resources. There is no question that, in comparison with such a country, Canada has to pay a price in both administrative convenience and overall consistency, for its geographic vastness and cultural variety. Comparisons are frequently made with our neighboring country, the United States, and such comparisons are nearly always made with the best services existing there. It is of course wise that we should examine the best, since it is from this that we have most to learn, but it would also be wise to remember that the worst, as well as the best, in the United States tends to be more extreme than in Canada. I suggest that

Canadians would be wise to pay more attention to the wide range of difference in services existing within Canada. From the opportunities for observation and study which I have had as a member of the Committee, I would assert confidently that, whatever may have been the situation at the time of earlier reports, in 1969 the difference between the best and the worst within Canada is much greater than between the "average" in Canada and the "average" in any other country whose system we have examined.

There have been significant advances in the services under the direct administration of the Government of Canada since the publication of the Fauteux Report.

In the penitentiary service, the proportion of inmates held under conditions of medium or minimum security, with consequently a closer approximation to normal community living, has increased substantially. Size of individual institutions has been reduced, below and usually well below the maximum of 600 suggested by the Fauteux Committee. Classification has improved, and there is greater specialization in the programs of different institutions. Staff salaries and recruitment standards have improved, and staff training facilities extended, so that all staff having direct relationship to inmates now receive at least a basic training, and more advanced courses are given for those being promoted in the service. Many traditional petty restrictions on inmates, which had an effect opposite to rehabilitative, have been removed.

Greater variety and modernization is evident in educational and work programs for inmates; there have been adjustments in prison pay, and development in programs of sports, recreation, and informal education.

In visiting newly-constructed medium security institutions at Cowansville and Matsqui, I was impressed with the fact that necessary security provisions had been built in ways which were much less oppressive psychologically than the traditional prison bars; for instance, covered walkways sided with semiopen brickwork, and windows using strong mesh screening and concrete louvres. A decent respect for privacy was also evident — something which unfortunately cannot be said of many local jails.

I was well impressed by the active program of informal education and recreation which has been developed at Joyceville, for example, and by the overall educational focus in the program of the minimum security institution at William Head. The visiting facilities at the latter institution, both for indoor visiting and the outdoor facilities for family picnics, were the most attractive and informal I have seen anywhere.

These reforms represent substantial achievement. What the public does not fully realize, however, is that reforms which have taken place in penal institutions in recent years have in the main served only to offset the most harmful and deteriorating effects of prolonged imprisonment. The most difficult task, that of transforming prisons into institutions which will be positively effective in their announced purpose of "correcting" the attitudes and behaviour of the offender, is for the most part still ahead for the Canadian Penitentiary Service, as for other prison systems throughout the world.

In my opinion, the degree of success which the penitentiary service will achieve in meeting this next challenge will be heavily dependent on its success in attracting and making effective use of able and creative people from among the treatment professions. These two things—recruitment and effective use—are closely related, since able and creative people in any profession choose employment which they believe will offer scope and freedom, and will enable them to make full use of their skills to produce positive results. While numbers of professional staff in the penitentiary service have increased substantially since the time of the Fauteux report, it is my impression that in the main they have been grafted somewhat tentatively onto the main plant. They are not being used as fully as they might be in affecting the total program in a therapeutic direction.

Responsibility for this is undoubtedly not one-sided. It has been traditional in prison services to place heavy reliance on the use of authority, producing an outward conformity which unfortunately has usually disappeared promptly after the external pressures have been withdrawn. It has been traditional in the treatment professions, pursuing inner change, to place reliance on free expression of feelings and on the individual's right to self-determination; often any use of authority has been disavowed. Thus, alliances between the two groups have typically been uneasy, particularly in the initial stages.

Changes which are taking place in both groups, however, are producing brighter prospects for future collaboration. The changes which I see as relevant within the treatment professions are, first, an increased tendency to make use of confrontation and to define the therapist's own position in relation to certain choices which face the client or patient, and second, a decreased emphasis on treatment of the individual through a direct relationship with the professional, in favor of increased attention to the effect of the total environment. In a correctional institution this means that the professional spends a considerable amount of his time helping non-professional staff in their work with offenders. It means also that he accepts rather than ignores the significance which inmates have for one another, and encourage and helps them to work together towards their mutual rehabilitation. A group of offenders, like any other group of people, contains within itself positive personal characteristics and insights which can help its members in solving their personal problems.

Beginnings have been made within the penitentiary service in the use of these methods, specifically in the Pilot Treatment project in the institution for drug-addicted offenders at Matsqui. The service is also developing an experimental program in a Special Correctional Unit for offenders who have proved particularly difficult and intractable within regular institutions. In my opinion, the service deserves credit for attempting to organize a program for this group, since the type of offender for whom it is designed spends a great deal of his time, if in a regular institution, in isolation and therefore in idleness. However, there is a good deal of questioning and controversy about selection and treatment methods in this program, and it is to be hoped that results will be documented and examined, as is being done in the Matsqui

project. It must be admitted that the treatment professions have been less than spectacular in their success with this type of offender. Nevertheless, there have been recent breakthroughs, and it is to be hoped that full use will be made of available professional expertise in what could become a valuable contribution to correctional experience.

Plans now beginning to be implemented within the penitentiary system for special Diagnostic and Reception Centres, Psychiatric Treatment Units, and Pre-Release Hostels, will also make increased demands for professional expertise.

Development of National Parole Service, which followed publication of the Fauteux Report, is discussed and evaluated in Chapter 18 of this report. Achievements during the twelve-year period have been substantial. Recommendations are made in the report for certain changes in procedure, and the need to extend parole or statutory conditional release to a wider group of offenders is discussed. I have a few comments to add, which relate to staffing and to the desirability of certain additional resources.

In the development of any new service, difficult choices have to be made as to timing and rate of expansion. On the one hand, it is desirable to develop such a necessary service as rapidly as possible, but this may often be at the expense of quality, particularly when staff of desired qualifications is in short supply. The alternative is to build soundly but more slowly, and to ensure that key positions are filled with capable and well qualified personnel. The National Parole Service has on the whole followed the latter option. In my opinion, this was a wise choice, since I believe it is better to build a foundation carefully; expansion may then be more rapid in later stages.

If the major transfer of emphasis recommended in our report is to be achieved, from traditional prisons to community centred services, the National Parole Service is on the verge of a period of rapid expansion. As has been noted in our report, it has only been possible to achieve the degree of growth to date because the parole service has made extensive use of voluntary agencies and of staffs of provincial services. Such cooperation will still be needed, and our report recommends continuance of this policy. Nevertheless, as parole becomes accepted as an integral part of correctional services, as basic and essential as prisons, the proportionate importance of directly-administered public services may be expected to increase.

Like the prison services, community-centred correctional services such as parole must be constantly alert to screen and eliminate from their staffs persons with actively harmful, anti-rehabilitative attitudes: persons who delight in the authority they hold and use it with petty tyranny or even sadism; persons who are corruptible; persons who are vague, indecisive and inconsistent in use of their authority, thus tempting offenders to further offences. Elimination of such people is only a beginning, since clearly it is necessary to develop staff who have not merely negative qualifications, but who are actively helpful and effective.

As the proportionate size and importance of community-centred correctional services grows, it will clearly be no more possible to staff such services entirely with professionally-qualified people than it is to staff prisons in this way (or hospitals, or welfare agencies). Development of other levels and types of education relevant to direct work with people in trouble has been noted in our report, and should be of assistance at this stage. Considerable responsibility will remain with the parole service, however, for both selection and in-training of staff. It should be remembered that staffs of such community services as parole operate under less direct scrutiny of their daily work by senior staff, than is true in prisons.

I wish to highlight also, in their direct relevance to the parole service, certain comments made in our report concerning need for additional facilities such as hostels, approved boarding homes, attendance centres and drop-in centres. While I do not believe that such facilities must necessarily be developed by the parole service directly, I nevertheless believe that an expanded use of parole will require their availability if it is to be successful.

While there is now wide acceptance of the fact that a prison system needs to include a range of facilities, varying from those closely related to normal community living to those operating within conditions of maximum physical security, I think there is less clear realization that a range in proportion of control and freedom is also required in community-centred services such as parole.

As discussed in relation to the penitentiary service, the traditional approach in corrections has been characterized by over-reliance on authority and control, while the newer professionals have sometimes tended to disavow any need for these. I believe that some re-adjustments are required from both groups. Unless the shift of emphasis to community-central treatment which our Committee recommends is accompanied by recognition of the range in degree of control and freedom appropriate for each offender at a specific time, there will, I believe, be an inevitable backlash towards more traditional correctional methods.

This means, I suggest, that for some parolees or conditional releasees there will be need for required approval of living arrangements, and attendance for specific periods at part-time attendance centres. For others, a more informal kind of help through availability of a drop-in centre would be appropriate.

Like many newer developments in corrections, the use of attendance centres has been pioneered mainly in relation to youthful offenders. With other members of the Committee I was privileged to observe two of these in operation in California. It is important, obviously, that attendance at such centres not be used merely as a control requirement, but for positive support to the offender's efforts towards a law-abiding life.

Committee members were permitted, when visiting Oakalla prison in British Columbia, to take part in discussion with a group of inmates who were drug-addicted, and who were being prepared, in a special small living

unit developed within the prison, for release on parole. I was struck by a comment by one member of the group, who said that the regular group discussions taking place within the unit had been very significant for him, but who questioned his own ability to withstand the pressures of community living when such support was withdrawn. I think that, as a community, we should listen to him.

In view of the fact that this report differs from two preceding federal reports in suggesting a greater emphasis on services under the jurisdiction of the provinces, it appears to me that in addition to comment on the federal services, some plain words are necessary concerning the present state of provincial and local services. The Canadian Committee on Corrections, like its two predecessors, was a federally appointed committee. In order to discharge its task it was necessary to enlist the co-operation of the provinces, and without exception, such co-operation has been courteously extended. In such circumstances, being in a sense a federal representative and a guest, one is bound to feel some inhibition about direct public criticism of provincial and local services. Despite these feelings however, I find it necessary to state flatly my opinion that in Canada provincial and local services are on the whole considerably behind federal services in level of development.

Being scattered and more numerous, local lock-ups and provincial institutions are less visible to public scrutiny than the federal penitentiaries. For instance, certain conditions in older maximum security penitentiaries, particularly St. Vincent de Paul, have been widely reported and have aroused justifiable public indignation. Yet nothing in this or any other federal institution which I have seen is in my opinion as bad as conditions existing in certain local and provincial jails, which, for the most part, house less serious offenders and include accused later found not guilty.

There are jails still in use in Canada which could have been taken physically out of a novel by Dickens. Many institutions in the Maritimes, for instance, were built in the early 1900's or earlier; in some the date of construction has been listed as "not known". Similar institutions are still in use in other provinces. Yet perhaps even more disturbing is the fact that in various parts of Canada certain institutions of recent construction give physical expression to penal concepts which have no place in an effective modern correctional system. To my shame, I must admit that one of the most striking examples of the latter is found in my home city of Winnipeg. Recently constructed detention quarters, housing persons still awaiting trial, consist of barred cages, furnished with several metal bunks (many of them without mattresses), benches and a table for eating purposes, and an open toilet situated a few feet away from the latter. Money has not been spared, however, on expensive electronic locking devices which are far in excess of security requirements for the majority of people housed in these quarters.

Certainly there are individual institutions in many of the provinces which are of excellent quality. Examples which come to mind are the Correctional Centre at Regina, Saskatchewan, the Correctional Institution at Haney, British Columbia, and the Vanier Centre for Women in Ontario. The Oak

Ridge Unit of the Ontario Hospital at Penetanguishene has developed, even in a mediocre building, an outstanding program of treatment for offenders who suffer varying degrees and kinds of mental disorder.

Often, wide variations in quality of institutions exist within the same province. At The Pas, Manitoba, a small institution for women offenders serving short terms, which is extremely simple and inexpensive in construction and unsophisticated in program and staffing, nevertheless evidenced the common sense and humanity which I found so lacking in the detention quarters in Winnipeg's "Public Safety Building".

British Columbia is a province which has pioneered many fine correctional programs, particularly for young offenders. Yet it still maintains, at Oakalla, an old institution of over a thousand inmates, including many still awaiting trial.

Quebec holds over 1,200 inmates in the Montreal Men's Jail ("Bordeaux Jail"). I was appalled at this institution. Yet a few miles away in the same province there is an institution for youthful offenders, at Boscoville, which impressed me as much as anything seen in Canada or abroad. The unique blend of education and therapy in this institution's program derives from a European tradition and has a great deal to teach English-speaking Canada and other parts of North America.

It must be emphasized, however, that the achievements of such individual institutions are unfortunately not representative of the general level. It ought to be a matter of grave concern for all Canadians that some of our worst penal institutions are local lock-ups in which first or minor offenders and persons later found not guilty of the charges against them, are held. It is by no means unusual for individuals to be held in such quarters for weeks or even months, in complete idleness, under conditions which would cause deterioration in the most mentally, physically and socially healthy individual. Staffs of these lock-ups are nearly always completely untrained, and medical, psychiatric and social services entirely lacking.

Because federal prisoners are held for longer terms, and thus the effect of the federal institutions is cumulative over a longer period of time, there must certainly be no slackening of efforts to ensure that their programs are of high quality. But first arrest and early incarceration are typically times of crisis, and it is almost incredible that society can be so careless about what happens at this important stage of a process intended to be "correctional".

Our report contains several recommendations concerning steps which can be taken to change this situation. Reform of pre-trial procedures can ensure that people who do not have to be held in custody at this stage are not held in custody; thus the size of the problem and the expense of meeting it can be reduced. For those who must be held before trial, and for others in the first weeks of incarceration, Chapter 15 of the report discusses how present facilities for human storage can be replaced by centres for diagnosis, classification and beginning treatment. Like other Committee members, I see these reforms as urgent and having highest priority.

Development of probation services is discussed in Chapter 16 of this report. The developments which have taken place are of course attributable to the provinces responsible, and in the past twelve years have been substantial. Nevertheless, there is a wide range of difference in the availability and quality of probation services as between provinces, and sometimes between different regions within a province. The large and important province of Ontario has achieved considerable success in the rapid development of necessary services without sacrifice of essential quality. In the equally large and important province of Quebec, however, such development is only in its beginning stages. Nevertheless, recent action by the responsible government department in that province, as well as statements contained in Volume 1 of the report of the Commission of Enquiry into the Administration of Justice on Criminal and Penal Matters in Quebec, suggest that significant developments may be looked for in Quebec in the near future.

Comments which have been made concerning the staffing and the necessary supporting services for effective administration of a parole program have equal relevance to probation. In fact, the requirements of the two programs are so similar that in some provinces, and in sparsely settled regions of other provinces, they will be administered by the same staff, and some of the same facilities could be used in both programs.

*Comparative Responsibilities of the Criminal Justice System and  
other Social Defence Measures*

Having discussed the division of responsibility in corrections between the federal government and the provinces in somewhat more detail than is contained in the report, and having made certain evaluative comments and suggestions related to services under both jurisdictions, I have a few further comments regarding the appropriate responsibility to be taken by the criminal justice system, in comparison with responsibility which might in my opinion be taken more appropriately by other social institutions, for the general purpose sometimes described as "social defence".

The basic function of the criminal justice system in society, and the general area which should be its concern, is set out in Chapter 2 of the Committee's report. As a Committee member, I am proud of this statement. I consider it to be of encouraging significance in relation to the type of unity envisioned in the report's title, that such consensus has been achieved by a committee representing varied backgrounds and points of view. My comments therefore are merely to develop somewhat more fully what I see as the basis for this position, and to discuss in a little greater detail some applications of it.

The system of criminal justice cannot in my view be adequately understood if it is considered only as a planned social institution which has developed on a logical basis. I suggest that it has the same roots as had the "taboo" provisions of primitive societies. It is a way in which the ordinary members



of society have projected, institutionalized, and attempted to separate themselves from, their own aggressive impulses, which they fear. Thus the drama and the strong emotions which are attached to the operations of criminal justice are not irrelevant trappings, but are part of its essence.

From the point of view of the system's generally deterrent effect in strengthening avoidance of violently disruptive behaviour by the majority of people, it may be that this emotional component is one of the most effective aspects of the system. Certainly the system works best from the generally deterrent point of view when the majority of citizens avoid criminally prohibited behaviour on a basis which seems almost "instinctive", and does not call for conscious choice. If this is so, it follows that extension of the criminal justice process to deal with familiar and less seriously regarded aspects of behaviour in the general society, tends to reduce its essential effectiveness.

From the point of view of the individual offender, however, the strong and often irrational emotions associated with the system of criminal justice have serious negative effects. It is desirable that feelings of revulsion towards such acts as murder, gang rape, or robbery with violence, should be general. When these emotions, appropriate to the acts themselves, are transferred to the offenders who committed the acts, however, they constitute the most serious existing obstacle to their rehabilitation. It is these feelings which underlie brutal punishments, various forms of banishment, and the attitude that the offender is society's outcast. It is these feelings which result in the persistence of punitive attitudes and methods in the face of evidence that they are self-defeating.

Developments in the social and behavioral sciences during recent decades have certainly modified these attitudes. Sociology has pointed out the co-relation between crime and poverty, lack of education and other forms of social disadvantage. Psychiatry and psychology have discovered a great deal about the complicated motivations of human behaviour, and revealed areas which are beyond the conscious control of the individual.

The fact that separation of feelings about an act from attitudes about and treatment of the person who did the act is not impossible is demonstrated by the fact that it is even now done in relation, for instance, to certain brutal and revolting murders. The multiple murderer, who "goes berserk" and kills six or seven people would at times in the past have been literally torn to pieces by society. Now he is usually found "not guilty by reason of insanity". While the conditions under which he is held and the psychiatric treatment available to him may leave something to be desired, it is at least formally recognized that punishing him is not appropriate and will serve no useful purpose.

With regard to the varying degrees of individual responsibility which accompany other criminal or anti-social acts, we are as yet much less clear.

It is sometimes assumed that because discoveries in the behavioral sciences have pointed to a narrowing in areas of behaviour which are controlled by

conscious choice, a logical application of their findings would eliminate the concept of individual responsibility entirely. In my opinion, this is a misapplication of the findings of the behavioral sciences. The existentialist movement in philosophy and its applications in psychology, represent, in opposition to earlier mechanistic trends of thought, a reaffirmation that man has an active, conscious and creative role in his own destiny. Both educators and therapists know that responsibility and maturity are promoted by treating the individual "as if" he were responsible, in areas where responsibility and choice are in fact possible.

One of the most controversial and difficult questions in relation to achieving a consistent philosophical base for criminal justice and corrections, is the meaning and use of punishment. Our statement of basic principles in Chapter 2 repudiates the idea of punishment in the sense of retribution or vengeance. It recognizes however a valid function for punishment as a deterrent for rationally-motivated crimes, though it suggests that attention first be paid to removal of profit from such crimes. The chapter points out that the reward-penalty concept applies widely throughout our society and cannot be separated from the criminal justice system. It points out that some of the most civilized and least freedom-restricting sanctions which can be used, such as the fine, are punishments in this sense. What should be kept clearly in mind, however, is the fact that in every other aspect of society, punishment is only half of a reward-punishment duality. This is its proper use in corrections, as through restriction or increase in rights and privileges according to the degree of responsibility demonstrated in behaviour.

The relation between the concept of punishment and that of restitution or compensation for an injury should also be examined. It is an unfortunate fact that while some injuries can be compensated for and the original condition restored, the most serious kinds of physical and psychological injury cannot. In primitive societies, punishment for such an injury often represented a kind of symbolic restitution or compensation; such symbolic compensation could be accomplished by the sacrifice of a life, a part of the body, or payment of material compensation by someone other than the offender. In my opinion, there is still some confusion of these two ideas in the present operation of the criminal justice system.

The state may collect a fine but does not pay it to the injured party. He may of course seek civil redress, but this is usually so complicated and disproportionately costly as to be useless. I believe that both criminal justice and corrections would be greatly strengthened if the concept of compensation to the injured party could be rescued from confusion and obscurity, and recognized as a valid guiding principle.

There is discussion in Chapter 22, and occasional reference elsewhere in the report, in regard to certain types of behaviour which may be categorized as "offences without a victim" (though this is surely a contradiction in terms) or alternatively as "self-victimizing offences". While there may be indirect harm to society from such behaviour, the major sufferer, or victim, is clearly the offender himself.

The kinds of behaviour which I consider are appropriately viewed in this light include vagrancy, attempted suicide, use of harmful drugs, excessive use of alcohol, sexually deviant behaviour which does not involve violence or the corruption of minors, and most forms of prostitution. In view of the principles outlined in Chapter 2 of our report, I do not believe these forms of behaviour to be appropriate to the jurisdiction of the criminal law or the methods of the criminal justice system. They should be considered primarily as social problems, to be met by social treatment measures.

As discussed in Chapter 22, I recognize that there is a "grey area" in which behaviour associated with these kinds of problems must remain the concern of criminal justice and corrections. The drug addict may become a "pusher" or steal to support his habit; excessive consumption of alcohol may contribute to violent or dangerous behaviour; protection is necessary against sexual exploitation or physical or psychological damage from sexual attack.

It is also necessary and desirable, in my opinion, that the police continue to have the right and duty to intervene protectively in relation to much of this behaviour. I see it as self-evident that the police should attempt to prevent a suicide, to prevent drunken driving, or to protect the excessive imbiber from the hazards of the elements or of traffic. I do not see it as necessary that the full machinery of the law should thereupon inexorably be put in motion.

I recognize that different methods of social control in these areas will require new resources, and will also require defined areas of administrative discretion, with due regard for civil liberties. As Chapter 2 points out, any form of action which may restrict individual liberty requires safeguards; the fact that such procedures are intended for the individual's own protection, and may be carried out in the name of medical or social treatment, does not change this fact.

I also point out that removing certain social problems from the direct concern of the criminal justice system does not ensure their solution. Causative factors in many instances are complex and widespread so that broad preventive social measures are needed. It is often more difficult to effect change in the behaviour of addicted, vagrant or sexually deviant individuals than in that of persons who have evidenced violent, aggressive behaviour.

However, treatment under social and health auspices involves less stigma and social rejection than that encountered by the person who is labelled as an offender against the law. Energies of the individual are not expended or his defences against change strengthened by opposition to procedures he considers unjust. Certain unnecessary kinds of expense are eliminated. There is a greatly reduced hazard of escalation from minor to more serious offences.

In addition, I believe that a clear legal distinction between this kind of behaviour and behaviour which is readily accepted as the proper concern of the criminal law, would do much to restore the dignity and respect presently being undermined in both the offender and the general society, for the formal system of criminal justice.

I have a final comment on the unity between criminal justice and corrections which is envisaged in the title of our report. It is clear that this unity is still a goal and not a fact. Differences in philosophy, attitude and methods among people who perform different functions necessary to the total system are often so great as to leave both the offender and the public confused and cynical.

Complete unanimity in philosophy and approach is of course not to be expected, nor perhaps desired. Personnel who perform different functions will differ in their emphasis, values and specific methods. It is not desirable that police, crown attorneys, defence lawyers, judges, doctors, clergy, educators, and social workers, should be indistinguishable from one another in their points of view. Working arrangements which afford regular and frequent opportunities to discuss mutual concerns and differences can be expected, however, to reduce differences which are based on misunderstanding, and to clarify and increase mutual respect for those which result from different functions and experience.