ALBERTA

Fine Option

A pilot project was implemented in the judicial district of Calgary from December 1976 to June 1977 and included only those individuals with "no funds or marginal income". Its purposes were to avoid incarceration of young first offenders and reduce the prison population. Results indicated success referring to work done and money saved through TA programming. Although the programme may have reduced fine defaulters incarcerated, the incarcerated population did not change appreciably.

The programme continued and most recent statistics reveal over 1300 fine option cases handled in the 1983/84 fiscal year (*Annual Report*, 1983/84). The objectives are: to provide offenders with the opportunity to work to satisfy a fine in lieu of payment in cash; to reduce the number of offenders incarcerated for non-payment of fines; and to reduce time in custody for non-payment of fines.

There is both a pre-institutional phase of fine option as well as an institutional phase, similar to that of Saskatchewan. Clients of the latter phase may be granted a temporary absence to work off assigned community hours or they may remain in the institution to satisfy the fine. In the community they are supervised by placement agencies such as the Red Cross, local hospitals, Salvation Army or any charitable non-profit

organization previously assigned by Correctional Services. The fines are worked off at $5/hr. and placement is a function of the district probation offices.

The operation of the programme is similar to that of its model in Saskatchewan. However, placement caseloads are the responsibility of probation officers, a system some feel is more costly that the system of voluntary supervision by the employing agency (*Sentencing Alternatives: an Overview*, 1979). Possibly in an effort to compensate for this, Correctional Services have recently been in negotiations with community agencies such as the John Howard Society, to privatize much of their alternative sentencing programmes like fine option, community service orders, and restitution.

Community Service Orders

This province originally envisioned community service programmes as an alternative to a period of incarceration, but through usage it has also developed the programme as an alternative to traditional methods of sentencing. In this way, it is used as a condition of probation. It is coordinated by the local community corrections office.

In the overview provided it was indicated that the CSO programme has been established for five years, with approximately 80-90 individuals each month being processed through the programme. This is done through provincial funding

out of the community corrections budget. There is no restriction by previous criminal record for clients considered for the programme. Some of the weaknesses indicated from the survey suggest that it does not provide or promote victim/offender reconciliation, because victims generally are omitted in the process. As well it is sometimes difficult to tie the work assignment to the offence. The cause and effect are not always obvious as the offence may occur many months before the actual placement. In the *Annual Report, 1983/84*, put out for the Solicitor General by Dr. Ian Reed, it was indicated that there was a 17% increase of referrals from 1,948 during 1982/83 to 2,275 during 1983/84.

Restitution Programmes

The Pilot Alberta Restitution Centre, PARC, was in operation from September 1, 1975 to October 3, 1977. Funding was provided by both the federal and provincial governments within this two year period. In the view of the provincial government, the programme was to be a diversion project focussed on the diversion of selected offenders from imprisonment. However, a second model was also put into place consistent with the federal government's working definition of diversion which was based on a post-charge, pre-trial model. The final model that was also adopted during the early stages of the project was a pre-charge version in which offenders, without having been formally charged, were diverted. The result was a confusion as to the

exact definition of diversion within the programme. Thus the payment of restitution was established throughout all phases of the criminal justice process, from pre-charge through to post-release from incarceration.

Along with this lack of a target population, there was also a lack of systematic referrals. A large percentage (48%), came from the probation division, while 13% came from defence counsel in the hope that payment or promise to pay would mitigate the sentence. Other referrals came from the offender at the post-sentence incarceration stage with the hope that payment or promise to pay would obtain early release. Victim referrals accounted for three percent of referrals while the police accounted for every three out of six referrals. Because of the inability to operationalize the definition of the target population or source of referrals, the study that was undertaken to evaluate the programme was exploratory rather than experimental.

The majority of referrals to the project involved situations where a business was the victim and charges related to offences of break and enter, theft over $200 and fraud. The criteria for selection of cases suggest that the offender must be an adult convicted of a non-violent offence where the offender has the ability to pay back the victim within about a 6 to 24 month time period. There were 286 offenders referred to PARC, comprising 246 cases. Of these, 24% signed a restitution contract to promise to pay back the money. In almost all cases, restitution

was made in the form of a payment into the project's trust account and then paid to the victim.

By the time PARC terminated its operation on July 3, 1977, at the time the Community Services Branch of the Alberta Solicitor General Department assumed responsibility for all active contracts and cases, 40% of the contracts had been paid in full and 15% were being maintained. For 11% of the contracts, 11% were in arrears and 33% were in default.

While only 38% of the offenders were in arrears or default of their obligation, the respective figure for contracts was 44%. The data indicated that the offenders who tended not to honour the terms of their contract were those over the age of 26 who had previous convictions, those for whom the offence was fraud, false pretenses over $200, or for whom the amount exceeded $300, and cases where the contract extended over a long period of time. Thus, it is the minor offender who is more likely to fulfill the terms of a restitution agreement. Contrary to popular belief, large businesses, banks and insurance companies did better in receiving their restutition payment than did small business and private citizens.

The fact that more 'sophisticated' criminals were allowed into the programme may have skewed the results. These criminals often took their chances and did not pay, which is not too surprising, since the project was unable to enforce the agreements. The only course of action against default was for

the victim to take the offender who entered a contract to civil court. But rather than simply limiting restitution to minor criminals, more attention needs to be focussed toward properly enforcing restitution orders.

Attendance Programmes

Most programmes run within privately managed community residential centres are "...designed to treat alcoholism and drug addiction, or to provide general guidance in developing living-skills and seeking employment" (*Alberta Adult Community Corrections Programs* - pamphlet). These programme oriented facilities house individuals on probation or on temporary absence from provincial correctional centres. Close supervision is maintained by the centres' staff in conjunction with probation officers.

Browning (1984: 66-67) recorded four programmes for assaultive males in Alberta and again funding is split regarding private and government funds. Referrals are both voluntary and court mandated, however, two of the programmes run by Forenic Services, (Calgary General Hospital and Violence Clinic, Edmonton) appear to have a much higher rate of court mandated clients than most other programmes. Given the range of community-based organizations with the potential to establish therapy programmes for specific offenders it is difficult to include an exhaustive list. These programmes for assaultive

males have increased with one being established as recently as February 1986, in Grand Prairie.

The Forensic Assessment and Community Services (FACS) programme in Edmonton is likely the most comprehensive of these. FACS provides a consultative and theraputic resource to the criminal justice system and the community in their delivery of a wide range of mental health services. The majority of the referrals are from the Edmonton area and they number approximately 1,000 annually. Group therapy is used extensively in order to utilize peer interaction dynamics. Treatment may include individual psychotherapy, behaviour therapy, and educational and support programmes in conjunction with medication as required.

The variety of programmes offered, of interest to this study, include:

1. A treatment programme for domestic violence directed toward the family in addition to the offender;
2. Treatment for individuals suffering from a variety of sexual deviations including pedophiles, minor sexual assaults, rapists, and non-aggressive sex offenders involved in voyeurism, exhibitionism, etc.;
3. A treatment programme dealing with sexual assault in the family. Treatment is provided for the offender and the family members in a three stage programme including therapy for the offender, dyadic counselling and family therapy; and
4. Female offenders with special treatment needs e.g., offences

such as shoplifting and forgery which may indicate social and psychological problems that may be addressed in a treatment setting.

The Elizabeth Fry Society of Calgary operate a Shoplifting Intervention Programme which offers a ten week counselling session for those motivated to quit shoplifting. The majority of the clients are women and are referred by various groups in the criminal justice system and the social services network in Calgary, such as, social workers, probation officers, psychiatrists and psychologists. The programme is funded federally by the Solicitor General.

Temporary Absence Programme

For approximately ten years the temporary absence programme has been used to motivate inmates toward rehabilitation. In Alberta, minimum security inmates are eligible for early release after serving one-sixth of their sentence. After careful screening and an investigation by probation officers of the inmate's release plans, the prisoner may be permitted to enter the community for medical or treatment purposes, to maintain employment and for educational and community programmes. Offenders are supervised by probation officers until their sentence is completed. A type of cascading process may be employed whereby the inmate is first granted a day-release from a correctional facility, then moved to a community residential

centre, and finally allowed to reside in his/her home within the community. Temporary absences may be given to offenders at any point in this process (*Alberta Adult Community Corrections Programs* - pamphlet). Not only does the programme involve the community in correctional programmes, but it is viewed as a cost-effective use of manpower. Occasionally, incorrect assessments are made and poor planning sometimes results in insufficient controls on some inmates. However, less than one percent of the offender population re-offend while on the programme. Discrimination against natives who have fewer favourable family factors and fewer job opportunities may occur.

The programme is strongly supported by staff and the public and provides a motivating force for inmates to obtain passes for weekends and on-going educational or employment activities. Approximately 28% of the inmate population are on temporary absences daily.

Intermittent Sentences

Intermittent sentences have been used for five to six years in conjunction with a sentence of probation. The courts utilize this type of sentence in rural areas, where inmates may be bussed to the Centre or held in police lock-ups. Offenders serving their sentence intermittently are still able to maintain family relationships as well as their employment. It is felt that there are a number of problems created by this sentencing

option: the additional administrative requirements place a strain on the facilities and manpower; the security requirements are unique; and the programmes available on weekends are limited.

Other Alternatives

A project for the electronic monitoring of adult offenders had been proposed and ready for launch last year, however, a change in priority delayed it at least until the fall of 1986.[1] The primary intent of the programme was that it be part of the disposition in court and that the judiciary would agree to the eligibility of the offender for the programme. In this way, those gaining access to the programme would be those individuals who would have been incarcerated had there been no programme. The programme was also to be considered for those individual eligible for a temporary absence pass and for those who were close to the criteria for the pass, but the corrections personnel had reservations about releasing the person. Those on a temporary absence would then be eligible to release to a home environment at an earlier stage in the process. The cost of the programme is certainly prohibitive and thus, a concern for those provinces wishing to move in this direction. The three month pilot project would cost approximately $800,000.

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[1]Information gather in personal correspondence with the Director of Planning Operations, Correctional Services of Alberta.

Summary

The trend in Alberta with regard to alternatives to incarceration is the privatization of services, and the desire to keep the offender in the community. The latter is emphasized in the development of electronic monitoring of offenders which has been delayed but is intended to be operational shortly. It is felt that in many cases the offender should remain in the community, if at all possible.

BRITISH COLUMBIA

Fine Option

A pilot project was instituted in the Vancouver Island region using elements of both the Alberta and Saskatchewan programmes, for nine months from January 1 to September 30, 1979. The objectives were to reduce the number of admissions to Vancouver Island Regional Correctional Centre (VIRCC); reduce the economic disparity (ability to pay); and to determine the feasibility of expanding the programme to the rest of the province.

The judiciary was reluctant to support the programme. It was felt that it interferred with the sentence of the court and had no basis in legislation. It was considered unsuccessful at reducing incarceration of the targetted population due to non-compliance of judiciary. The project was implemented in two court locations:

1. Nanaimo, Ladysmith, Parksville areas; and the
2. Victoria area.

The Nanaimo area used the Alberta model of community service officers as assigning agents and the Victoria area employed the Saskatchewan model using the John Howard Society.

There is presently no fine option programme operating in British Columbia although field staff in some jurisdictions

expressed a desire to see the programme incorporated. The Corrections Branch is undertaking a policy initiative in this area to determine if such a programme would be feasible in the province. Currently, persons cannot be jailed for defaulting on fines related to provincial statute violations.

During the fiscal year 1984/85 there were a total of 12,111 sentenced admissions in British Columbia of which 1986 were admitted for non-payment of fines only.

Community Service Orders

In British Columbia, the Corrections Association Biannual Institute, as a result of a meeting in June, 1970, became responsible for the development of community service as a sentencing alternative. Subsequently, the Department of the Attorney General requested a feasibility study and the recommendation which followed was that community service be developed on a pilot basis for both juveniles and adults. Staff were hired to manage these pilot projects in 1974/75 and later in 1975 the decision was made to expand the program to all parts of the Province.

A March 1982 publication of the Ministry of the Attorney General in British Columbia (S.D. Sandulak) indicates that the community service programme has two objectives. One being to provide the courts with additional sentencing options to those which are historically available. The second objective is to

provide a direct tangible means for people to make amends to the community for violating its laws (p. xxv). This document attempts to define the community service order and does so in the following statement:

> Community service is defined as unpaid work directed toward the community as a whole or toward specific groups in the community who are in need of extra services. The work assists, benefits, improves or enhances the quality of life of community members (p. xxv).

In its recommendation for improvement in policy and procedures, that same monograph indicates that community service should establish a philosophical statement enabling the order to be both reparative and punitive. As well, it suggests that alternative objectives be specified as to the nature and justification of the programme. For example, in addition to the idea of service to the community, it was recommended that some alternatives should also be articulated for providing skill development and job training; development of feelings of self-worth; teaching life-skills and socialization; and exposing offenders to positive role models by contact with non-offender volunteers in placement personnel.

The one programme evaluation highlighted in the report, performed in Terrace, B.C., was completed in February 1980 by Robert Watts. Here the evaluation findings indicated that the programme had developed great credibility, and that judges used the program extensively. It had developed a well-known reputation especially amongst the community's younger members. The *per diem* costs using intake hours, was $1.58 per hour; using

completed hours, the rate was $4.82 per hour. Some of the other statistics indicated an average of 7.5 persons on intake per month with an average of 951 hours intake per month. Using completed hours as a costing measure leaves, of course, many hours not considered as the orders are still in progress (p.185). The method used to evaluate the programme over a seven month period was an examination of 53 orders, representing 6,660 hours ordered.

Community service orders form part of probation orders whether or not the probationer is required to report to a probation officer for the purpose of supervision. The caseload data or community service orders available from the automated provincial case file and manual systems are not at this time accurate enough to be relied upon. According to a special survey carried out in November 1984, about 15% of the average number of persons on probation were also completing community service *orders; 1,386 people out of 9,450 on probation.*

Nearly all community service order programmes are operated and supervised by private agencies working under contract to the Corrections Branch. Some costs are incurred by the probation services inasmuch that probation officers do supervise the community service orders in small locations where there are no contracted services. In addition, probation officers are responsible for the intake procedures, for referrals to the contracted services and for contract administration. On occasion, probation officers will provide the private agencies

with assistance in supervising the completion of community service orders. The cost of contracted services to supervise community service orders in British Columbia was $1,264,738.

Restitution Programme

Restitution/compensation forms part of two correctional programmes in British Columbia; diversion or alternative measures and probation orders. The court may make a restitution/compensation order as part of a probation order whether or not the probationer is required to report to a probation officer. If the probationer need not report to a probation officer, the amount of restitution/compensation is paid into court and is passed on to the recipient.

There is little organized caseload and staff time data available from the Corrections Branch automated or manual information systems. The amount of time spent by probation officers supervising restitution/compensation orders could only be determined by undertaking a special study or by implementing an information system which would capture the required data. Likewise, the cost to the court registries would have to be determined through a special survey.

Victim/Offender Reconciliation Programme

The Corrections Branch has a policy which requires probation officers to interview victims in the course of preparing pre-sentence reports. There are no information systems in place which would allow an assessment to be made as to whether or not this policy is uniformly adhered to throughout the province.

At present, there is a special programme which is operated by the Victoria police. The police, through interviews with victims, complete Victim Impact Statements which briefly describe material loss and/or damage, personal injuries and 'pain and suffering' incurred. These reports are submitted to Crown counsel.

Elsewhere in the province, Crown counsel are completing these forms for their own use, although it is unknown whether or not such reports are completed for all criminal cases for which they would be applicable.

It is estimated that it takes two hours to interview a witness and another hour to prepare the Victim Impact Statement.

There are three Victim/Offender Reconcilation programmes currently operating in British Columbia. They are considered to be alternatives to court proceedings, generally in property offences or summary conviction offences although some serious offences, such as assault causing bodily harm, or assault with a deadly weapon, are dealt with occasionally. Their activities

include reconciliation, restitution and counselling to the victim and the offender. The Community Diversion Centre in Victoria, enters at the pre-trial stage with referrals coming from the Crown attorney while the VORP in Langley, enters mediation at the pre-trial and post-trial stages as does the VORP in North Vancouver operated by the St. Leonard's Society. The VORP in Langley has been operating for five years and was funded solely by the Langley Mennonite Fellowship for the first four years, after which it received additional assistance from the Corrections Branch of British Columbia. Total costing is approximately $7,200. Their contract deals exclusively with young offenders, however, the programme does accept adult offenders. In 1985, they dealt with 24 offenders, 13 of whom were adult court ordered referrals. The problems encountered in Langley centre are around the under-utilization of the programme by the courts and Crown counsel and the difficulty in dealing with turnover, and subsequent re-education of the individuals in the crown counsel office.

The programme in North Vancouver, modelled after the VORP in Kitchener, Ontario, has been operating for four years. It deals essentially with the major property offences of breaking and entering, theft over and under $200, fraud and vandalism. These offences comprise approximately 80% of the crimes in the area. The majority of the funding comes from the St. Leonard Society to cover the $30,000 annual costs of the programme with minimal funding from the province. Due to a series of regional problems

in 1985, such as changes in court boundaries, their referral rate was down to only 44 offenders and approximately 75 victims, from 150 offenders and 190 victims in the previous years. Judging from past experience however, the response should increase to the previous level shortly.

As with similar programmes the major difficulty in the operation of the programme is in the turnover of civil servants and the need to continually re-educate Crown counsel, probation officers and judges in the area. An evaluation funded by the Solicitor General in 1984, reviewed the entire programme examining objectives and programme effectiveness. The report was most favourable and noted that the programme surpassed its objectives and goals in the first year and continues to do so. Ironically, as a result the programme lost its funding. It was felt that continued seed money was unnecessary. What appears to have been overlooked are the reasons for the programme achieving its objectives. The prgoramme was strongly rooted in the dependence on the seed funding. The workers question whether the St. Leonard's Society can continue to fund the programme as it currently operates.

Attendance Programmes

The possibility of setting up an impaired driving programme is currently being considered by an inter-ministerial committee. Interest has been focussed on the possibility of a programme by

an earlier proposal.

Browning (1984: 64-65) notes three programmes for assaultive males in British Columbia, the most prominent, and long lasting, being the Vancouver therapy groups for assaultive males. The present programme began in June 1982, but was derived from experiments beginning in 1977. It involves therapy through discussion, confrontation and is aimed at providing the courts with a therapy group sentencing option. Its primary and priority referrals are court mandated clients.

Wachtel and Levens (1983) conducted an evaluation and found problems with the referral base and criteria used by the court (i.e., loss of some clients because of post conviction criteria in programme), as well as an uneven referral rate from probation offices. Procedural problems in the early stages included such concerns as the number of clients referred by the court did not meet original expectations and the stage of intervention was 'opened' after the initial flow.

Wormith & Borzecki (1985) in their survey of sex offender treatment programmes identify three treatment programmes in British Columbia offering a variety of treatments and target populations. The Regional Psychiatric Centre, in Abbottsford, deals with all offenders in an intensive group psychotherapy regimen although a behavioural assessment is also included. This programme was seen as unique among the resident programmes in Canada. Its referral sources are from institutional

psychologists and on a voluntary basis. The other programmes, in Campbell River and the University of British Columbia hospital, are attended voluntarily and by court and parole and probation board referrals.

The Elizabeth Fry Society of British Columbia has been operating a counselling group service for shoplifters since 1972. It is based on the belief that in some instances the criminal act is symptomatic of a personal problem which may be ameliorated by counselling. Thus a reoccurrence may be prevented. The programme is intended to act as a complement to existing services of probation and diversion as well as to serve as a sentencing alternative to the courts.

Referrals come from a variety of individuals in the social services and the criminal justice network in the Lower Mainland. All clients are screened to determine the need for intervention and the level of motivation to participate. Attendance may be either self-referred or voluntary pre-court diversion, or as a condition of probation or other court order.

The Corrections Branch assumed primary funding of the programme in the 1978/79 fiscal year, following a number of years of funding provided by a variety of organizations. The programme was originally established as a demonstration project jointly sponsored by Forensic Psychiatric Services and Elizabeth Fry. An evaluation was conducted in 1981 which focussed on recidivism, direct needs of offenders and on policy review. It

was seen as being very successful in achieving its objectives. In a two-year follow-up, the evaluator indicated less than a 12% recidivism rate for related offences.

The Corrections Branch operates six community correctional centres which house inmates who participate in community-based educational and work programmes. During 1984/85, $2,071,676 was spent on these centres. In addition, the Branch contracted three other community-based residential centres one of which has a special alcohol treatment programme. The cost of these three centres was $894,288.

A variety of daytime attendance and diversion programmes are provided through contracted services. These programmes are aimed at providing general counselling, drug and alcohol treatment and life and job skill improvement. A total of $2,902,473 was spent on these services. Of this total, $53,200 was specifically designated to daytime attendance contracts and $29,360 to alcohol and drug counselling contracts.

Temporary Absence Programme

Temporary absence programmes are operated by the Corrections Branch from secure correctional centres, camps, community correctional centres, and community-based correctional centres. Most persons sentenced to custody that are housed in community correctional centres are released on temporary absence programmes. Of the persons accommodated in community-based

residential centres which are not gazetted as correctional centres, 80% were on temporary absence releases, one percent on bail supervision, five percent on probation orders and 14% on parole during the fiscal year 1984/85.

In British Columbia, temporary absences are used to reduce the negative effects of imprisonment and to encourage inmates to accept some degree of personal responsibility with regard to self-maintenance, family support and restitution (Harrison, 1977).

A maximum five-day extraordinary leave may be granted to any inmate on emergency or compassionate grounds. The types of temporary absences available are employment, educational, medical and for participation in a total programme of community re-entry.

In addition to the cost of housing inmates, the Corrections Branch incurred costs related to the temporary absence programmes with respect to:

- admissions and release procedures;
- pre-release enquiries by probation officers and temporary absence supervision;
- finding community placements;
- inmate management/supervision within centres;
- keeping beds unoccupied for short-term releases; and
- the operation of specialized counselling programmes.

The branch has between seven and eight positions in the correctional centres allocated to the functions carried out by temporary absence coordinators. The expenditures related to the above functions and to the temporary absence coordinators are included in the operating costs of the correctional centres and probation services.

The number of temporary absence releases which were granted between April to November 1985 are shown in Table 2.

The aim of the Re-entry Programme - Temporary Absence is to restore the offender to full community participation (*Re-entry Program* - pamphlet). The applicants are carefully screened before selection and those who have committed serious crimes or have an extensive criminal record are excluded from the programme. Participants are supervised on a daily basis while in the community. While they are on the programme, offenders may reside in Community Correctional Centres (run by the Corrections Branch) or in community-based residential centres (run by private agencies or organizations other than the Board) which provide a more 'normal' environment.

Table 2

Breakdown of Temporary Absence Releases for British Columbia

Purpose		Number	Percent	
Employment:	Short	828	18	
	Long	349	8	
	Terminal	35	1	
	Total			27
Education:	Short	114	3	
	Long	34	1	
	Terminal	1	-	
	Total			4
Medical:	Emergency	80	2	
	Non-Emergency	230	5	
	Total			7
Reparative		424		9
Compassionate		111		2
Socialization		2046		46
Terminal		53		1
Day Jail		91		2
Other		81		2
Total		4477		100%

Not only does the programme allow the community an opportunity to participate in corrections but the cost of keeping an offender on a temporary absence is much less than the

cost of keeping this individual incarcerated. The programme benefits the offender in the sense that he/she can:

- maintain a job,
- develop good working habits,
- have some sense of normal daily living,
- support his/her family,
- pay off debts,
- make restitution,
- accumulate savings, and
- develop positive relationships and contacts with members of the community (*Re-entry Program* - pamphlet).

Intermittent Sentences

The Task Force on Municipal Police Costs in British Columbia (Ross, Lister, Cumming & Gleason, 1978) cites similar difficulties as those experienced by Ontario. In addition, problems arise when inmates require special diets or medication. At the time of the Task Force report, intermittent sentences could be served in police detachment cells. The courts occasionally imposed an intermittent sentence without prior notice or enquiry regarding facilities in the detachment. This lead to overcrowded conditions and a lack of proper exercise and hygiene facilities. Internal rules of provincial jails with respect to admission hours had also caused problems.

Some of the recommendations put forth by the Task Force were:

1. Intermittent sentences should be served in correctional facilities and community service orders should be encouraged where such facilities are not available. The RCMP and municipal police support intermittent sentences for certain offences, as long as they are not served in detachment cells.
2. A probation order or recognizance should be mandatory as part of an intermittent sentence.
3. The maximum time period of an intermittent sentence should be 30 days served on consecutive weekends (p. 386-387).

It was found that the majority of intermittent sentences are given for drinking driving offences, which is consistent with statements from Prince Edward Island and the results of the Ontario study by Crispino and Carey (1978).[1]

Currently, approximately 12% of the sentenced admissions to British Columbia institutions involved persons serving intermittent sentences. The *per diem* cost associated with this sentence cannot be readily separated from the total costs of operating institutions. There are, however, additional costs associated with these sentences. They include the costs related to:

- admission and release;

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[1]In Ontario, though, the proportion of persons convicted of liquor offences on intermittent sentences is significantly lower than that found in the general inmate population (p. 15).

- increased supervision costs within the institutions;
- holding additional beds open and/or peak-loading resulting in overtime costs; and
- the release of persons serving continuous sentences on temporary absences to make space available for those serving intermittent sentences.

Prison Industries

The Corrections Branch is at this time undertaking a major policy initiative on all matters regarding inmate work programmes. The Branch is identifying work programmes which fall generally into five categories:

1. traditional work programmes needed to maintain institutional operations such as grounds maintenance, building repair and laundry services;
2. community work projects which are of benefit to the community and/or victims i.e., playground construction and property repair;
3. production of goods and services for the public sector including municipal, provincial and federal government agencies as well as non-profit organizations;
4. goods and services to the public sector through cooperative ventures; and
5. inmate crafts or cottage industries.

There are only two programmes now in operation in British Columbia which fall into the category of providing goods and services to the private sector and which produce revenue. These are located in Terrace and Pine Ridge Community Correctional *Centre. About 20 to 30 sentenced persons participate in these* programmes of the total of 1,660 persons on average in custody during 1984/85. Inmates employed in these programmes and who receive income must pay up to $10 per day for accommodation and may be required to pay family maintenance and restitution from their earnings.

The Inmate Welfare Contracting Society at Terrace Correctional Centre has an employment arrangement with a private company (*Corrections Information*, Fall 1985: 6). The objectives of this programme are twofold: 1) to create a "...constructive social programme of benefit to inmates, the local community, and the province" (p. 3); and 2) to offset some of the institutional expenses. After the company completed logging, the inmates salvaged any remaining firewood, then cleared and burned the plot. The inmate society earns a profit through the sale of firewood cords and the company pays the correctional centre for the debris removal.

In addition, the shake mill at Pine Ridge Correctional Centre is not labour intensive but is run at community service enterprise standards. A minimum of four months training is required before offenders may participate fully (*Corrections Information*, 1985: 7).

One respondent to the survey indicated that a prison industry whose profits were given to the Workman's Compensation Board Criminal Injuries Fund would be an alternative worth developing.

Other Alternatives

A proposal has been forwarded by a number of probation officers for an intensive supervision programme for high risk offenders. It is intended as a true alternative sentence in that the authority of the court will not be usurped by other players within the criminal justice system. Protection of the public is of primary concern, and the option is based on the pre-sentence report by the probation officer and the approval of everyone concerned in the investigation. The process would begin with a submission to the court for the offender to be placed on the programme following which a pre-sentence report would be written to determine the suitability of the offender for the programme. Once agreement is reached the individual would be escorted to jail then released within 48 hours on a temporary absence and subject to its conditions. The latter condition is to circumvent the problems which surface in dealing with the enforcement of a breach of probation. Following this, the individual would be subject to intensive supervision by probation officers assigned to the programme including *ad hoc* visitations to work or home to ensure adherence to the conditions of release, e.g., attend a community therapy programme. This is at an early proposal stage,

however it may be worth pursuing if funding could be made available for its implementation.

The government has also examined proposals dealing with electronic monitoring of offenders. This alternative is not necessarily an alternative to incarceration *per se*, but is to be operated on a temporary absence basis to reduce offender populations.

Summary

There appears to be a strong desire on the part of some field personnel in a number of regions in British Columbia to see the development of a fine option programme in the province, as opposed to the desire of senior level management who do not retain this position. The government is investigating the feasibility of the programme at the moment. There appears to be an emphasis on keeping the offender in the community through various attendance programmes and a desire to develop innovative programmes to deal with victim services and supervision of offenders. Trends suggested by the study identify intensive supervision of offenders in the community and the possibility of the development of electronic monitoring.

Table 3 British Columbia - Summary Caseload Data - 1984/85

Probation Admission		
- Probation	9,994	
- Pretrial Supervision	3,946	
- Parole	790	14,730
Probation Average Monthly Caseload		
- Probation	9,449	
- Pretrial Supervision	1,496	
- Parole	456	
- Family	5,627	17,028
Community Service Orders		
Average Count/Month*	1,379	
Institutions Average Count		
- Sentenced	12,111	
- Remand	4,437	16,548
Fine in Default		
- Admissions	1,988	
- Average Count	48	
Residential Attendance		
Average Count/Month at CBRC's		
- Temporary Absence	65	
- Bail Supervision	1	
- Probation	4	
- Parole	11	81
Intermittent Sentences		
- Drugs	32	
- Motor Vehicle	1,196	
- Persons	39	
- Property	126	
- Other	52	1,445
Intermittent Sentences		
Sentence Length:		
1 - 7 days	210	
8 - 14	618	
15 - 21	221	
22 - 30	163	
31 - 45	30	
46 - 60	56	
61 - 90	145	
Over 90	2	1,445

*based on a special study in November, 1984

NORTHWEST TERRITORIES

Fine Option

By January 1986 a fine option programme had been established in 15 NWT communities (in every region except Kitikmoot) and will be fully operational in all by March 1986. Currently the costs include $25 per placement and costs covering the headquarters and regional administration. The objectives of the corrections services in the NWT are to develop diversion programmes as alternatives to court action and to develop and use special programmes as alternatives to prison sentences. The regions of Fort Smith, Baffin and Inuvik will have combined CSO and fine option programmes by March 1986 and an evaluation of the fine options is hoped to be submitted by March 1987. Yellowknife Correctional Centre will have an institutional fine option programme by March 1986. One is already operational at South MacKenzie Correctional Centre.

The philosophical framework the government is based on a continuing concern with the establishment, promotion and evaluation of community-based programmes such as fine option, community sevice and probation as well as community residential centres. They will continue to define suitable alternatives to prison.

No formal mediation programme is currently operating in the Northwest Territories, however, elder's councils will often be

used in minor dispute resolution.

Community Service Orders

The community service order programme is used as an alternative to the traditional method of sentencing in the Territories. In addition, it is also used in place of short term and ineffective jail terms. The necessity for this is of particular importance in view of the high cost involved in transporting prisoners to correctional facilities and the traditional problem throughout Canada of a lack of bed space.

The unique location of the Northwest Territories has an impact on the principles established for these programmes. Although certain placements may be used more than others, it was suggested that placements should not become dependent on the quota of community service orders. His Honor, Judge Slaven, has indicated also that the nature of the work placements should not be humiliating to the offender and should not constitute cruel and unusual punishment. An optional condition in the orders handed down in the courts allows for an early termination of the order, upon completion of the required number of hours. The Inuvik Northwest Territories study suggests that lengthy orders may overload or exhaust the job bank.

In a separate document entitled *NWT Plan in Corrections: Goals & Objectives, 1985-87* published by the Northwest Territories Social Services Department, there is a statement

indicating a continued emphasis to be placed on community correctional programming. Different programmes are being explored to meet more effectively the needs of the largely native population. In small settlements the RCMP and community organisors have assisted in implementing community work projects.

Restitution Programmes

There is no restitution programme operating in the province at the present time. However, in accordance to the goals and objectives of the social services of the province there will be one victim/offender reconciliation programme operational in one community by March 31, 1986.

Victim/Offender Reconciliation Programme

In an effort to achieve one of its general goals of encouraging diversion programmes as alternatives to court action, the government has an objective to implement a VORP in one community by March 31,1986 (*NWT Plan in Corrections: Goals & Objectives, 1985-87*). The government supports the joint effort of the RCMP, the Crown counsel and the court administration in developing guidelines for determining which conflicts should be resolved through mediation. In addition, they examine appropriate situations for the intervention of social agencies in the community, and make necessary referrals.

Temporary Absence Programme

This programme "...will be used as a tool to both provide inmates with access to employment and vocational opportunities as well as alleviating overcrowding in the Centres" (*NWT Plan in Corrections: Goals & Objectives 1985-87: 83*). The report further notes that 100% of classifiable inmates are released on temporary absences (when the availability of placements and season are considered).

Both daily and full temporary absences are available to those who wish to attend educational courses, seek employment, require treatment, or for humanitarian reasons. For individuals convicted of certain offences a full community investigation is required and Chief of Corrections approval is necessary. The Superintendent may grant a full temporary absence for up to five days and a daily temporary absence for up to 15 days. (Back-to-back 15 day renewals may also be granted.) Approval by the Chief of Corrections must be given for full temporary absences of more than five days or renewals within the 30 day interval and for those individuals on the restricted list. Exceptions are made for renewals of release to half-way houses and wilderness camps.

The temporary absence application is assessed by the Classification Committee or the Superintendent in terms of the offender's conduct, "...the availability of an adequate release plan and a favourable community investigation" (*Institutional*

Operations Manual Directive - Chief of Corrections, 1984: 5).

Intermittent Sentences

An intermittent sentence has been available as a sentencing option since 1972. There is, however, no indication of how successful the programme is nor any problems encountered with its operation.

Summary

Strongly stated objectives of the Territorial government indicate a commitment to the development of community-based alternatives to incarceration. The fine option programme is developing rapidly and reconciliation programmes are being considered.

Fine Option

The structure for a fine option programme is in place; the coordinators are waiting for the minister responsible to provide final approval for the programme. It will be administered by probation services in the Department of Justice. It is anticipated that the programme will be introduced in the throne speech in March.

Community Service Orders

Community Service commenced in the Yukon in the Spring of 1978 as an alternative to jail terms of 30 days or less. In addition, it was to be used as a rehabilitative technique following short term periods of incarceration. The work service hours are between 40 to 200 hours. Two of the objectives indicated are reparation to victims and the increased public visibility of justice being served.

The CSO programme accepts all ages of clientele. It is administered by Social Services as a condition of probation. Placements are made with non-profit community groups according to the needs of the community. There were 188 clients admitted for the 1984/85 fiscal year. The weaknesses for the programme specified in the overview were that it required full-time

supervision and monitoring, and there was a shortage of manpower to serve this function. Also, that a method for recruiting and training of community service order work supervisors was needed to ensure consistency of programme delivery throughout the Territory. The programme is scheduled to be evaluated in the summer of 1986.

Restitution Programmes

The study on the Yukon restitution programme provided quantitative information of the practice of restitution in that province and was not an experimental design or a programme evaluation. Probation orders of restitution constituted the entire range of cases examined. During the period of April 1, 1981 to March 31, 1983, there were 1473 probation orders made in the Yukon Territory of which 22% involved a condition of restitution. Interestingly, natives receive restitution orders more often than white offenders. This is rather unusual since the literature suggests mostly white middle class offenders receive a restitution order. However, it was found that white offenders showed a slightly higher rate of full payment than did natives. Similarly, it was found that a greater proportion of women paid their restitution in full than men.

Compliance rates also varied according to the actual condition of payment. Payment forthwith, not surprisingly, had the highest compliance rate of 100%, while installment orders

had the poorest rate of 26.7% for full payment. A condition issued for optional duration was moderately successful at 59.9% for full payment. Overall, full payment rate in the Yukon was 60.8% while partial payment was quite low at 3.8%. When looking at these completion rates in dollars, 43.2% of the total restitution money was collected. But two orders in the Yukon which went unpaid were over $10,000 skewing the total figure. If these two orders were excluded, the proportion of restitution collected jumps to 54%.

One rather unexpected finding is the fact that orders of restitution in the Yukon often did not require a reporting order (36.7%). This is unusual since Yukon probation officers have requested the judiciary to include a reporting condition in a restitution order to establish a realistic payment plan and may assist in future efforts to locate the offender if the order is unpaid. In addition, when an order went unpaid, in 70.4% of these cases no breach charge was laid by the probation officer. Several reasons were given for this, such as the fact that it would be difficult to prove wilful refusal to pay in court or that these restitution conditions could have been lost or forgotten. Even in those cases where breaches had been laid, 70% did not proceed, often because the offenders left the Yukon and it would have been too expensive to bring them back to make them pay. Only in three cases was the offender ordered to pay the original restitution.

From this brief review, several weak areas have been identified and improvements are relatively straightforward. Efforts should be directed at encouraging the judiciary to include a reporting condition and a period of review time with each order involving restitution. It was also suggested, concerning probation files, that a central log designed to alert a probation officer to unpaid or nearly paid orders be considered. Some sort of routine measure of accountability for probation officers should be required for every unpaid order where no breach is made. Overall, most of the work that has to be done is in the area of structural organization. The judiciary needs to be educated as to how to properly deliver a restitution decision, the probation officers need to establish a better system of monitoring individuals making these payments; staff should also be assigned to keep the victim informed of the developments in a case. If restitution was more formally implemented into a programme model, a higher success rate may be achieved.

Since this study, a restitution programme is now being operated under the Department of Justice Community Correctional Service and is receiving provincial funding. During the 1984/5 fiscal year, 71 offenders were admitted to the programme but, as of yet, this programme has not been formally evaluated.

Victim/Offender Reconciliation Programme

In 1984 a family mediation programme was established at the Department of Justice. It deals mainly with resolutions involving custody, maintenance and support situations. The territorial court also assists in resolving small debt claims out of court. The aim is to re-establish goodwill between parties and is currently offered without charge to the clients. There is currently a consideration to establish mediation for spousal assaults, although this is not finalized. The major problem appears to be financial support, or lack thereof, despite the increased support of the current NDP government over the support from the past Conservative government.

Attendance Programmes

The Attendance Centre programme has only been in operation since January 1986 and it is therefore too soon to identify any problems. One attendance programme identified in the Yukon gives intense group supervision for six to eight offenders who are at risk of failing to complete their community service work order and provides a service to senior citizens in the community.

Evans (1985: 86) identifies an impaired driver programme which is referred to as a Remedial Drivers Training Programme. It involves offenders who have been suspended from driving by the Territorial Driving Board, accumulated an excess of demerit

points, or those individuals deemed to be 'dangerous drivers'. In order to have one's licence reinstated one must successfully complete this programme. The course itself focusses substantially on defensive driving skills, while approximately 30% of the content focusses on the effects of driving under the influence of alcohol or drugs. The referrals are from the territorial court and from the Justice of the Peace Court while the funding comes from the territorial government.

There is an Alcohol and Drug Services programme in Whitehorse which provides counselling to offenders and assessments to the court. Referrals for the programme are from probation officers and assessment may be ordered from the court prior to sentencing or as an alternative to incarceration. In addition, there is a treatment centre running an alcohol counselling programme to which individuals may be referred by the court or by a probation officer. It is currently funded by the Territorial Court.

Temporary Absence Programme

The temporary absence programme has been operating in the Yukon since legislation was enacted to permit the short-term release of sentenced prisoners from custody for humanitarian, medical or rehabilitative purposes. One of the strengths identified by the Department of Justice is that this programme provides considerable discretion to correctional administrators

in offender management. On the other hand, the 15-day time limitation imposed on humanitarian and rehabilitative temporary absences is considered to be too restrictive. Furthermore, the legislation does not provide temporary absences for remanded prisoners.

The programme, administered by the Whitehorse Correctional Centre, has been operating for 18 years. It enables sentenced inmates to maintain contact with their family, friends and society as well as allowing them to participate in community programmes and educational endeavors. In 1984/85 approximately 263 applications were received of which 235 temporary absences were granted. Also, ten work releases were granted during this period. Violations of temporary absence conditions are quite rare; five violations (2%) in 1984/85. The programme can be time consuming to administer but according to the director at the Institutional Services Branch the benefit to the inmates and the institution outweigh the minor problems. New procedures which were instituted in March of 1985 have yet to be evaluated.

The types of temporary absences available are similar to those mentioned previously (*Temporary Absence Summary, April 1985 - September 1985*). The number of inmates on temporary absences and the number of temporary absence days granted varies from month to month - anywhere from 1,261 inmate temporary absence days for 151 inmates in May 1985 to 520 inmate temporary absence days for 67 inmates in July 1985. From April to September 1985 there were no breaches of conditions.

Temporary absence requests are submitted to the Classification Board within the institution for consideration although final approval lies with the office of the Superintendent.

Intermittent Sentences

Since legislation was enacted, the courts have been allowed to impose intermittent sentences where an incarceral term is mandatory or warranted by the circumstances. Such a sentence ensures that no undue financial hardship will befall the offender and his/her family. This type of sentence must be imposed in conjunction with a probation order and may not exceed a maximum of 90 days. It is reported that the enforcement of the attendant standard probation conditions regarding "maintaining the peace and being of good behaviour" is not uniform and that many offenders are reporting on weekends in an intoxicated state.

According to the Annual Report for 1984/85, intermittent sentences account for only five percent of admissions. Thus, it is felt that the existing structure is well able to manage this type of admission with existing resources at no additional cost to the corrections division. There are, however, significant demands on the 50 RCMP detachment lockups, particularly in remote areas of the province, where such offenders are ordered to report in order to satisfy the sentence. The Department of

Justice states that in these cases, costs associated with the casual employment of "civilian guards" to provide security for only one prisoner in an RCMP lockup become rather extraordinary, often requiring a *per diem* expenditure of $300/inmate.

At the Whitehorse Correctional Centre, intermittent sentences account for 13% of total sentenced admissions in the fiscal year 1984/85 (63 admissions). This type of programme has been in existence for ten years, and permits the offender to maintain employment and family responsibilities while at the same time minimizing the potential for adverse effects associated with imprisonment. One problem identified with the operation of the programme is that occasionally it becomes difficult to keep track of the conditions (reporting days) of the sentences. Furthermore, some inmates arrive at the centre without the necessary documentation.

Summary

There is no fine option programme available in the Yukon, however, there is a desire to see the development of one. This, in conjunction with a recent development of mediation services indicated a general move toward the community alternatives, and a more informalize justice. There is, however, a stated lack of resources hindering this movement.

FEDERAL

Temporary Absence Programme

The temporary absence programme went into effect at the federal level in the early 1960's to allow inmates the opportunity to leave the institution and be in the community (Needham, Labelle & Pinder, 1981). When it was discovered that temporary absences were being used to circumvent parole denial, the decision-making power was taken away from Correctional Service of Canada authorities and placed in the hands of the National Parole Board. Many of the inmates previously on temporary absences were now diverted to day parole.

A temporary absence is usually the first form of conditional release a prisoner experiences (Woods and Sim, 1981: 57). To be eligible, prisoners must first serve six months or one sixth of their sentence, whichever is longer. Lifers and those offenders receiving indeterminate sentences have different time eligibility criteria.

Since 1977, two forms of temporary absences are allowed: escorted and unescorted. Escorted temporary absences are usually granted by the Warden at any time. Unescorted temporary absences are granted by the National Parole Board, but in practise Correctional Service of Canada authorities make the decisions for those serving less than five years and may also grant second or subsequent unescorted temporary absences. An unescorted

temporary absence may be granted if the "...release of the inmate does not constitute an undue risk to society" (*National Parole Board Policy and Procedures Manual*: 132). According to the *National Parole Board Policy and Procedures Manual* (section 7, p. 131), there are two reasons for granting a temporary absence:

Medical Reasons:

The need for medical care or treatment which cannot be provided in the institution.

Humanitarian Reasons:

Compassionate grounds (e.g., family funeral).

Family and community contacts (e.g., sports or recreational activities).

Administrative (e.g., court appearance).

A duration limit is placed on unescorted temporary absences for humanitarian reasons depending on the security level of the institution: 48 hours/month at maximum and medium security institutions and 72 hours/month at a minimum security level. The National Parole Board does, however, have the authority to grant temporary absences on compassionate grounds for a maximum of 15 days.

The success rate of the temporary absence programme is extremely high. The Solicitor General's study (Needham, Labelle & Pinder, 1981) claimed that of approximately 50,000 releases per year less than one percent are declared unlawfully at large, detained by the police or terminated for misbehaviour (1981:

148).

Prison Industries

In the mid and late 1800's, prisoners were used as a source of cheap labour to produce goods for private entrepreneurs. These goods were then sold on the open market for private profit. As this profit factor increased to major prominence within the correctional setting the abuses became more visable and harder to ignore. The humanitarian treatment of prisoners was becoming a profiled issue and together with private entrepreneurs and the emerging organized labour movement pressure was brought to bear on government (Lightman, 1979). The *Penitentiary Act of 1906* officially banned contract prison labour and stressed that government projects should provide work for prisoners (*Let's Talk*, Dec. 30, 1984: 2).

There are, now, a paucity of federal prison industries which fall within the definition of prison industry employed for this report. Presently, the federal prison industry programme under the trade name CORCAN sells its products exclusively to governments at all levels and to non-profit organizations. The goals of CORCAN are as follows:

- to produce goods in a cost efficient manner so as to maximize CORCAN's contribution to overhead;
- to develop good work habits for inmates;
- to give prisoners the opportunity to learn transferable

skills; and

to aid the offender, through training, in his return to society (Watson & Smith, 1984: 5-6).

The Joyceville Pilot Project in Ontario, is an experimental CORCAN industry which sells goods to the private sector.

The Springhill Tree Nursery, located at Springhill Institution in the Atlantic, is one example of a current prison industry (*Let's Talk*, Dec. 30, 1984: 7). This is a joint venture between Correctional Service Canada and Scott Pulp and Paper Company (a private industry). Seventeen inmates a year are employed to nurture containerized seedlings to the point where they can be planted. The greenhouse facilities are within the security parameters and supervision is provided by Scott Paper staff. The capital funding for the tree nursery was provided by Employment and Immigration Canada. Money earned by inmates assists in family financial responsibilities and is a source of support once released. They receive the provincial minimum wage, but must pay for room and board plus the standard government deductions. The programme has a stabilizing effect on the inmates and is, therefore, beneficial to the institution.

Scott Pulp and Paper Company also operates a tree harvesting business jointly with Sand River logging camp, a Community Correctional Centre (*Let's Talk*, Dec. 30, 1984: 7). An average of 20 inmates are employed to harvest trees to be used for lumber or pulp and paper and to plant the trees grown at Springhill Institution. Inmates are paid according to production

and charged for room and board.

RESOURCES OF PROGRAMMES

The cost data in Table 3 was provided by the Canadian Centre for Justice Statistics. The figures represent the major expenditures by programme and province.[1] This information, cost data which was provided on the questionnaires and expenditure information obtained through discussions with the ministries responsible for correctional services are discussed below.

Fine Options

In the Province of Nova Scotia, the fine option pilot project is supervised by a probation officer who also carries out all the other normal probation officer's duties. The amount of time spent on the fine option programme is unknown.

In Quebec, about $924,500 was spent on the contracted agencies supervising the work done in communities in lieu of serving prison terms. In addition, both the court and correctional services spent staff resources to administer the programme and to carry out civil proceedings to seize assets.

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[1]The 1984/85 fiscal year expenditure for the provinces and territories have not been confirmed by the Centre and as such there may be some difference between these estimates and the final figures reported by the Canadian Centre for Justice Statistics.

Table 4

PROVINCIAL EXPENDITURES 1984-85

CATEGORY/PROVINCE	NFLD.	P.E.I.	N.S.	N.B.	QUEBEC	ONTARIO	MANITOBA	SASK.	ALBERTA	B.C.	YUKON	N.W.T.
I HEADQUARTERS & CENTRAL SERVICES	108.4	43.2	562.0	719.4	5,223.6	18,657.0	609.4	1,287.6	3,971.1	2,596.7	214.6	185.2
II CUSTODY CENTRES												
A. Gov't. operated												
(i) Secure	8,712.9	2,270.4	11,772.4	10,483.3	77,935.8	190,801.1	17,594.4	22,578.7	52,961.3	32,427.9	2,630.1	6,652.6
(ii) Open	1,617.9	0	0	0	0	0	1,137.6	5,512.6	0	18,687.8	0	0
(iii) C.C.C.	0	0	0	784.3	0	0	0	2,687.1	4,884.7	2,705.3	0	0
B. Purchased Services												
(i) C.R.C.	28.0	0	16.1	0	4,000.5	7,009.9	193.6	0	2,166.0	936.6	0	130.0
(ii) C.T.C.	0	0	0	0	1,313.8	0	0	428.6	0	0	0	0
(iii) Other Serv./ Grants	50.0	0	26.5	19.2	1,279.7	0	0	0	0	0	0	15.3
III COMMUNITY SUPERVISION												
A. Gov't. operated	499.3	355.8	2,347.9	1,504.1	7,222.3	38,056.4	3,146.6	3,549.8	10,153.2	7,973.1	498.9	0
B. Purchased Services												
(i) Supervision	100.0	0	69.0	0	0	5,237.7	0	0	0	0	0	350.0
(ii) Other Serv./ Grants	12.0	0	9.0	23.3	1,439.9	412.8	333.7	174.3	10.4	4,167.2	0	70.0
IV PAROLE BOARDS	N.A.	N.A.	N.A.	0	1,057.2	2,468.6	N.A.	N.A.	N.A.	466.6	N.A.	N.A.
TOTAL	11,128.5	2,669.4	14,802.9	13,533.6	99,472.7	262,643.5	23,015.3	36,218.7	74,146.7	69,961.2	3,343.6	7,403.1

Source: Canadian Centre for Justice Statistics

In Ontario, the two pilot fine option programmes administered by private agencies cost $99,684 during 1984/85. In New Brunswick, Manitoba, and Alberta, the fine option programmes are primarily administered by probation services. Some services are obtained from contracted private agencies. The expenditures on these programmes cannot be identified since they form part of the overall probation services or part of contracts under which other services are purchased.

In the Northwest Territories, the contracted agencies supervising the fine option programme also provide other services. The cost attributable to the fine option programme cannot be readily separated. In Saskatchewan, fine options are administered by probation services, who contract out to private agencies to supervise work placements.

Community Service Orders

With the exception of Ontario and British Columbia, community service orders are primarily administered by probation services, although some of these provinces may contract private agencies to perform some duties related to community service orders. In Ontario and British Columbia the community service orders are primarily supervised by contracted agencies. During 1984/85, Ontario spent $2,357,000 and British Columbia $1,264,700 for these contracted services.

Quebec estimated that approximately six percent of the probation resources are spent supervising the completion of community service orders; six percent of $7,222,300 = $433,338. If the amounts paid in Ontario and British Columbia for contracted services were added to the amounts spent for government-operated probation supervision, the percent spent on community service orders would have been six percent in Ontario and 14% in British Columbia. Caution should be used in comparing the above ratios to each other and should not be used to extrapolate the relative costs of administering community service orders elsewhere in Canada since no information is available on caseloads on operating policies and standards in this area.

Restitution Programmes

Except for the special contracts in Ontario totalling $16,700 in 1984/85, all other expenditures incurred in administering restitution orders form part of the overall court and probation service expenditures. In some provinces such as Quebec, the responsibility is primarily found in court services. In others, such as Nova Scotia, probation services have a more extensive involvement in that they are required to confirm restitution payments. The costs of receiving funds, account and for disbursements to victims cannot be readily determined.

Victim/Offender Reconciliation Programmes

These programmes are being operated in the Provinces of Quebec, Manitoba and Saskatchewan. The pilot programme in Quebec has three full-time staff paid by the Ministry of Justice. Most of the programmes in Ontario are operated by contracted agencies who also supervise restitution and community service orders, and as such, the amounts spent specifically on victim/offender reconciliation programmes cannot be clearly identified.

In Ontario, Manitoba and Saskatchewan, the programmes are funded by the government of Canada on pilot projects and by charitable organizations, churches and municipal grants. In some instances, the services are provided by volunteers. The amounts received from the above sources have not been ascertained.

The victim/offender programmes in British Columbia and New Brunswick are aimed at reconciliation and restitution. In British Columbia the police and Crown counsel interview victims in order to assess damages or losses incurred. There is one programme which involves reconciliation in operation in North Vancouver, and a second operating in Langley. In New Brunswick, the programme is primarily a witness management programme based in the provincial court. Inasmuch as some witnesses are victims, they are assisted through the court process. Two contracted staff manage this programme.

Attendance Programmes

The Provinces of Prince Edward Island and the Yukon Territory are the only two jurisdictions which do not have government owned or contracted community residential resources. Newfoundland, Nova Scotia and the Northwest Territories contract some residential services from private agencies; during 1984/85 they spent $28,000; $16,000; and $130,00 respectively for these services.

The Provinces of New Brunswick and Saskatchewan have government-operated community residential resources; respectively, they spend $784,300 and $2,687,100. The Provinces of Quebec and Ontario do not have government operated community residential resources but make extensive use of contracted residential services; in 1984/85, Quebec spent $4,000,500 and Ontario, $7,009,900 for contracted bed-spaces.

Manitoba, Alberta and British Columbia use both government operated and contracted community residential services. The 1984/85 combined expenditures for these services in Manitoba was $1,331,200; Alberta, $7,050,700; and British Columbia, $3,641,900.

In 1984/85, the Correctional Service of Canada spent $8,930,500 on government run community correctional centres and $9,943,900 for contracted community residential centres.

In nearly all instances, the community residential centres are used by inmates who are on release to a temporary absence programme, who have been placed in a residential centre as a condition of a probation order, or, are parolees who must reside in these facilities as a condition of parole release. The cost of operating the centres can vary significantly depending on their function. Most residential resources fall generally into three categories:

- provision of room and board only;
- provision of accommodation plus supervision and some counselling; and
- a specialized residences offering special programmes such as drug and alcohol treatment, mental and physical handicap programmes, intensive counselling and/or training programmes.

There are basically three types of programmes which are employed by correctional services which could be defined as falling within this category:

1. employment placements in the private sector;
2. placements in other government operated programmes such as drug and alcohol treatment, psychiatric centres, sex offender programmes, education and life/work skills; and
3. placement in programmes operated or contracted directly by correctional services such as those mentioned above.

The costs associated with operating these programmes are extremely difficult to determine. Even though some of the services are provided through specific contracts for which the expenditures can be identified, most are not. As an example, Quebec contracts with three agencies to provide employment

related training for inmates, probationers and parolees; in 1984/85, $454,100 was spent on these services. In other provinces, such as British Columbia and Ontario, significant sums are allocated for these services under both institutional and probation budgets.

In order to obtain a relatively complete picture of these daytime attendance programmes, a detailed analysis would have to be made of all correctional services' budgets and, in particular, the expenditures which fall under budget categories such as purchased services and professional fees. The costs borne by other government departments for service to corrections would also have to be estimated.

Temporary Absence Programmes

The costs associated with temporary absence programmes are borne by correctional centres and/or probation staff across Canada. These costs are incorporated in the overall budgets for these services and cannot be separated out without conducting special studies to prepare cost-estimates. The costs incurred are those associated with carrying out the followng functions:

1. determining suitability for release and conducting field inquiries regarding a candidate's behavior, residential resources and type of placement or activity in which the candidate is to participate;
2. arranging placement in programmes;

3. supervising inmates while on release for the centres;
4. admission and discharge procedures; and
5. initiate and administer suspension of releases.

Intermittent Sentences

In discussing the costs of administering intermittent sentences with representatives of correctional services it is generally agreed that intermittent sentences are more costly than continuous sentences. Intermittent sentences require more staff resources to carry out the following functions:

1. making bed-spaces available for short stays during peak periods - usually the weekends;
2. multiple admissions and releases;
3. provisions of meaningful programmes; and
4. controlling the flow of contraband into institutions.

Special studies would have to be conducted to determine these costs.

Prison Industries

The following provinces indicated that they operated prison industries where goods and/or services were sold to the private sector and revenue was generated.

- Nova Scotia
- Quebec

- Ontario
- Saskatchewan
- British Columbia

By and large, prison industries of this type represent a very small proportion of the inmates' activities in all jurisdictions in Canada.

The Correctional Services of Canada, reported three locations where such industries were operational. Scott Paper has contracts to employ inmates at Springhill and Sand River and there is a pilot project at Joyceville involving the manufacture of products. A financial statement regarding these projects is contained in Appendix 'E'.

The costs and revenues related to these prison industries in provincial institutions are not available at this time.

Recommendations: Expenditures, Resources, Caseloads

In order to examine the extent to which the programmes which are the subject of this study are in use in Canada today it would be necessary to conduct:

1. a detailed examination of correctional service budgets of each ministry responsible for correction services;
2. within the correctional budgets, carry out a detailed examination of all discretionary funds used to contract services;

3. for government and contracted services providing more than one of the specified programmes, special studies would have to be carried out to estimate the costs attributable to each programme;
4. all services provided to correctional clientele by other government departments would have to be identified and the costs of such services estimated;
5. the number of cases handled in each programme would have to be identified or estimated in order to calculate the unit costs for services in each province; and
6. determine the ratio of the specified services to other services provided by corrections and/or courts.

Table 5

Types of Alternative Sentence Programmes - 1984/85

	Restitution	Fine Option	CSO	VORP	Temp. Absence	Attendance	Intermittent	Prison Industry Prov/Fed.
Newfoundland	*	-	*	-	*	*	*	-
Prince Edward Is.	*	-	*	-	*	-	*	-
Nova Scotia	*	*	*	-	*	*	*	*
New Brunswick	*	*	*	*	*	*	*	-
Quebec	*	*	*	*	*	*	*	*
Ontario	*	*	*	*	*	*	*	*
Manitoba	-	*	*	*	*	*	*	-
Saskatchewan	*	*	*	*	*	*	*	*
Alberta	*	*	*	-	*	*	*	-
British Columbia	*	-	*	*	*	*	*	*
Yukon	*	-	*	-	*	-	*	-
Northwest Territories	*	*	*	-	*	*	*	-

CONCLUSORY COMMENTS

Micro-level Issues

One of the reasons for the increase in alternatives is obviously the economic necessity for relieving jail overcrowding. Because of this, it is predicted that the trend toward alternative programme development will continue, although slowed by restraint. The construction of new penal institutions is simply too costly, this is not to ignore the humanitarian arguments, however, that it is simply more humane to maintain an individual in a residential centre than in a jail and, of course, the fact that it allows more access to other outside government services, and it means that corrections may not have to duplicate these resources. For example, they may not have to fund a drug treatment programme, or work release programme if inmates have access through TAP's. However, it has become obvious that the purpose of alternatives to relieve jail overcrowding has not happened for many of the programmes. Studies in different locales have indicated that while the number of individuals being sent to prison has not changed, or has even increased, the numbers admitted to community programmes have steadily increased, even tripling in one jurisdiction (Hylton, 1981; Polonoski, 1981). On the other hand, the use of TAP's has been on the increase in recent times and certainly operates to release the pressure on the jails.

Another issue is who comprises the alternatives clientele? The classification systems of corrections have been shown to select certain groups for closed institutional confinement. Therefore, the selection process determines the client group for community programmes. As well, the judiciary has been shown to make the same type of selection of individuals considered 'appropriate' for alternatives. Therefore, those being diverted to community corrections appear to be low risk 'tolerated' offenders. Thus, the comparison of recidivism rates between institutions and alternatives is most difficult to assess (Sarri, 1981), and, therefore, the evaluation of alternatives is made more difficult.

Problems have also arisen due to administrative weaknesses with alternative programmes. The profiled example in Alberta described earlier of a 'failed' community alternative programme for natives, is a case in point. Lack of autonomy appeared to be the culprit reason for failure of the High Level Diversion Project; there were simply too many administrators responsible for controlling the programme. The power of decision-making did not lie with the community group which was in charge (Native Counselling Sources of Alberta, 1982: 3).

Also the shifting of alternative programme concept from one jurisdiction to another appears problematic. When original personalities and enthusiasms are no longer responsible for implementation of normal alternative programmes, success is no longer assured. Also, the target client group will change, so

the argument is substantiated that what is effective for the original client type is not necessarily true for others. Fine option programmes are current illustrations of the problem.

Finally, along with the shift to the community for alternatives some jurisdictions in Canada have gone the privatized route to reduce costing expenditures as well as to "balance the dominance of government and provide an alternative framework for the delivery of social services" (Sapers, 1985: 3).

There appears to be a two-edged sword in this movement. First, concerns have been voiced over the lack of standards in monitoring other private sector programmes. How can corrections be certain, for example, that a private CSO agency is keeping track of its clients adequately? Where are the standards manuals of many privately run attendance centres diversion projects? On the other hand, the private sector agencies are continually made vulnerable to cutbacks and ever increasing requirements for obtaining funds for operation. Administrative costs "undermine their dependence and divert their energies away from their main purpose which is to assist offenders" (p. 16).

With these problems in mind, what directions remain available for relieving overcrowded jails, other than with corrections or the judiciary? A possibility lies with the other two components that function earlier in the system, the police and the Crown. It is speculated that the police may not be the

source to look to, because their discretion has been limited by due process concerns. The options to divert individuals has narrowed. On the other hand, the Crown could filter out numbers more efficiently. However, even that power has diminished with concerns about structuring of decision-making at that level, for example, with plea bargaining problems. Relative to the issue of balance of power, therefore, it may be that the tasks related to victim/offender reconciliation and the informal resolution of cases previously handled by the police and Crown counsel have been passed to the judiciary.

Most of the above issues described are micro-level concerns dealing with process and procedure, not policy. The stated objectives of the present study relate to evaluation of policy and a consideration of direction emerging from the programme survey review. These issues are spoken to in the following section on macro-level issues.

Macro-level Issues

The macro-level issues surrounding alternative programmes require a more fundamental questioning of the purpose and existence of alternative sentencing. For example, it is interesting to note that the corrections thrust after the MacGuigan report in 1977 was not toward personal reformation within the institution, but toward reintegration. Reintegration should not necessitate individual rehabilitation, an approach

which did not 'work', in any case. Why then did the development of alternatives evolve around attempts to match offender to programme? It appears there was still the belief that the solution to recidivism lies upon finding a right combination of offender/programme/worker that will 'reform' the criminal (Adam, 1977).

The articulated philosophy behind the CSO would seem to confirm this. Although in more recent times, the punitive aspect of alternatives is emerging as an important objective (in keeping with a just deserts model), the idea that the offender will be positively affected by his service in the community nevertheless looms overall. But again, an appropriate fit must be made for this transformation to occur. Therefore, there is the perceived need for many options that are constantly being updated or made more relevant.

The confusing combination of the alternatives is another example of this phenomenon; CSO's with fine option, with a probation order or without, attendance centres with a number of programmes, and intermittents. It is a never ending attempt to find the right fit for the offender, never mind his offence. We are still in the age of concern for the individual and his reformation, although such profiled trends as the focus on sexual abusers as a group may change that somewhat.

But, one is left once again with the question: What works? As has become clear, it is doubtful if the present scattered

attempts at inconsistent, incomplete evaluation will determine if the traditional measures of success are being achieved by the alternatives, particularly if using standard gauges of penal effectiveness, recidivism rates and costs.

The issue for the Sentencing Commission then becomes a question of how does this affect sentencing policy; that is, if the assigning of an alternative disposition is of doubtful or unproven benefit relative to the unfamiliar criteria mentioned, how does one sort out what should be done, what directions are to be taken, or what reforms to develop?

It has been suggested that it is necessary to return to a consideration of the purposes of sentencing. In an earlier study completed for the Commission it was found that offenders who were surveyed indicated they thought the purpose of sentencing was punishment. Certainly in an era of popularity for the return to harsher penalties, this is not surprising. Indeed, since the offender is also a member of the public this should be perhaps expected. The report on the public's views on sentencing completed for the Department of Justice in 1983 by Doob and Roberts, for example, found that the public (79.5% of those surveyed) believed sentences handed down by the court were not severe enough (p. 12).

On the other hand, in a parallel survey for the Sentencing Commission of provincial court judges the expressed or projected purpose indicated for sentencing was protection of society.

Again, this is not surprising in light of recent proposed legislative changes emphasizing that purpose for the judiciaries' consideration (Bill C-19). Obviously, however, the same exercise and consequence have quite different meanings for these two important participants in the sentencing process.

To carry this discussion logically further, it has been shown that individual judges' perceptions about the sentencing process differ widely. For example, in a 1982 study examining judicial attitudes towards sentencing options, it was concluded that there were varying attitudes towards sentencing, depending upon whether the disposition was for an alternative such as the CSO or for incarceration (Jackson, 1982). It appeared that the judges possessed two entirely different cognitive sets for the two possible disposition types. For the alternatives, the judge indicated that factors relating to the offender's characteristics were primarily considered (e.g., such factors as age, health, remorse, need for treatment). Whereas for incarceration, the important factors to weigh were listed as being those related to the offence (e.g., weapon used, amount of harm done, past criminality). One of the points made in the study was that it was understandable why the newly-developed alternatives were not successfully serving to reduce the overcrowded jails, as true alternatives were created to do, because the judges still perceived them as they did probation generally, that is, as a more lenient sentence.

Therefore, as the judges were made more aware of options available for individual offender's needs, such as treatment or job skills training, whatever, and at the same time, made more aware of these specific needs through an increased use of presentence reports and psychiatric reports, then the alternatives were there to be used, and use them they did. However, they were not used for the same individuals they would normally send to jail, because there was a primary purpose of protection of society to keep in mind; alternatives are simply not secure custody.

Returning to the *Canadian Public Survey* we see this dichotomous thinking at work as well. Whereas the public thinks sentences handed down are not severe enough, at the same time 68% were supportive of assigning either probation, a fine, or probation and a fine, as opposed to a term in prison, to a first offender convicted of a break and enter of a private home, resulting in $250 of property being stolen (p. 16).

This is not an indulgent exercise to go through; perceptions, attitudes and opinions have a real consequence. One can determine what sentencing purposes are perceived to be, but who and how does one determine what they should be?

Who is Responsible - What are the Objectives?

There are two possible avenues which lead to the effecting of the same alternative sentencing outcome, the legal one or the administrative one. The judiciary could easily hand over the power inherent in alternative sentencing to corrections. They have certainly done so with TAP's, and not done so with intermittents.

Balance of Authority Between the Judiciary and Corrections (or the Executive)

Recent federal legislation and in particular the *Young Offenders Act* and Bill C-19, suggest that the intention of the federal government is to extend the powers of the court, as opposed to corrections, to specify the types of sanctions which can be imposed for offenders. As these powers to the courts increase, the corresponding power of corrections administration decreases. The controversy and concerns which arose in response to the *Young Offenders Act* would seem to indicate that policy planning in this area should consider other stake holders' interests before such major shifts are implemented, otherwise the system becomes disengaged, with unitary goals and objectives lost in the process.

The inherent tensions between the courts and corrections administration have tradionally been balanced in the sentencing

process. In Table 4 the various sanctions and accompanying conditions controlled by each element are briefly outlined. It is of interest to note that for the most punishing of the sanctions, imprisonment, the judiciary has the least control in specifying actual placement detail, but as one moves to the alternatives, more authority is placed in the hands of the judiciary for specification of conditions and placement.

In any earlier study conducted in British Columbia, examining the relationship between judicial recommendations made at sentencing for incarcerative dispositions and actual outcome, it was first of all found that only eight percent of the warrants of committal contained recommendations for specific conditions such as work release, or psychological treatment. Second, many of the provincial court judges interviewed for the study stated they did not feel it was their authority to specify conditions or placement detail for corrections; that was the function of classification (Ostrowski & Stevens, 1982: 132).

Compare that, however, with the analogous power judges have in determining alternative placements: hours of community service work, the amount of time to pay, time to perform, and fine option.

From the present survey, corrections' perspective suggests that the authority and administrative options open to corrections are being further limited in this regard, in the interest of providing equality before the law. This is

Table 6

Range of Sanctions

Type	Objectives	Court	Sentence Administrators
Jail or Penitentiary:			
	protect society deterrence - general - specific punishment rehabilitation	length intermittent	type of custody level of security type of programme T.A. release parole and conditions
Residential Centre (Non-Gazetted):			
	punishment rehabilitation reintegration provide housing supervise	condition of probation	type of residence level of supervision type of programme - inside - in community T.A. release parole condition
Attendance Programme (Daytime):			
	rehabilitation	condition of probation	type of programme T.A. release parole condition

Range of Sanctions (continued)

Type	Objectives	Court	Sentence Administrators
Probation or Parole:			
	supervise punish deterrence rehabilitation	length of probation parole eligibility date conditions of probation - reporting - curfews - associations - movement - activity school work, etc.	conditions of parole "as directed by probation officer"
Monetary or Service Orders:			
	punish compensate - state - agency - business - individual rehabilitation	type - CSO - restitution - compensation - fine option - fine amount time to pay time to perform jail length in default	enforcement - criminal - civil fine or fine option time to pay payment schedule maximum amounts equivalences - work - jail

served by increasing the discretion exercised by the courts. The questions they raise deal directly with this issue.

Are the courts in the best position to prescribe the types of programmes which are made available to convicted persons through correctional practices? Can the courts respond to, or anticipate changes in circumstances which individual offenders face over time, or the changes in individual behaviour - at the time the sentences are imposed? Should such decisions be left with those responsible for the administration of sentences?

If on the other hand, powers or authority of the courts are limited with an increase of discretion given to corrections, is it possible for that authority to increase to the point at which discrepancies of the distribution of correctional services in programmes result in unfair or unequal treatment of offenders? This certainly would be a concern if sentencing equity and Section 15 of the Charter, on equality before the law, are considered sentencing policy foci.

If the sentencing options open to the court are only general in nature, that is, only the specification of the type of sanction such as custody, probation, and/or monetary sanction with the amount imposed, then where are the monitoring and appeal mechanisms?

Or another obvious suggestion, is for some sort of parallel direction of power to be enforced, such as was noted with the courts' power to order intermittent sentences and with

corrections agencies' authority to grant temporary absences. This is probably not a viable direction, however, in light of the functioning of that very type of arrangement at present. Corrections administrators appear not to be committed to the use of intermittent sentencing for various problematic reasons dealing with provision of services and resources.

Finally, should the amounts of monetary sanctions which include fines, restitution, compensation and community service be determined by the criminal courts, or through civil procedure as seems to be the direction in Quebec? Are monetary sanctions to be enforced through civil remedies? Again, this represents a determination of power between the courts and the executive.

Convergence

No matter who possesses the actual authority over alternatives, the key focus in determining between policy and practice should be upon the relationship among the various purposes of sentencing, the alternatives themselves and ultimately the actual sentences. If there are principles of sentencing that specify 1) a sentence should be proportionate to the gravity of the offence; 2) sentences should be similar among offenders charged with similar offences committed in similar circumstances; and 3) sentences should be the least onerous in a circumstance (proposed Bill C-19 (section 645 (3)(a-c))), the question then is, how is this to be achieved? It is suggested

and recommended that only with a table of equivalences for the various sanctions is this possible.

The need for such an exercise is highlighted when considering current concerns over victim compensation. Whether or not the victim is the state, federal, provincial or municipal properties, private properties or individuals, the alternatives, as well as incarceration, need to have a cohesive set of tariffs. Specifically, how many dollars in a fine, equals how many days in jail, equals how many hours in a CSO program?

Further, actual practices need to be equated with one another. Is an individual in a small northern community with no CSO program in operation, being punished more because of this deficiency when compared with an offender in the south? In this sense, the sentence is truly determined by what is available, or what is not available. Also, how is the need for consistency to be balanced by community standards? That is, if a monetary equivalent is established for fine/jail option, is this a true equivalent in a less economically viable jurisdiction when compared with a wealthier community?

One of the trends apparent at present is one of convergence of alternatives, a confusing convergence at that, which is another argument for the need for equivalences. The range of options are often being traded off one against the other, or in combination with one another, for example, victim/offender reconciliation with restitution, CSO with fine option, fine in

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place of CSO. This seems to have at least partly emerged from the increased concern over victims of crime and their needs. More programme options which are compensatory in nature have thus developed, or are being considered for development; for example, the fine option proposal in British Columbia.

A final reason for the need for equivalences is, of course, the proposal for a just deserts model in order to better fit the offence to the sanction. The model would also seem to encourage the emphasis upon the potentially punitive nature of all sanctions. This is, obviously, an easier exercise in the case of incarcerative sanctions. Nevertheless, it can be done for alternatives as well. For example, the community service order has a community involvement component for the offender but it also has the more punitive objectives of restitution through compensation (Cohen, 1979: 377). It provides 'punishment' in full view of the citizenry in much more concrete terms than the more vaguely specified traditional probation order. There is a fixed objective ordered by the court (Young, 1979: 41).

It has also been argued that these alternatives will continue to intrude into the every day life of the released or diverted offender. That in fact <u>is</u> the punishment aspect, loss of personal autonomy outside the institution; however, this will be done more in terms of group offender monitoring rather than individual offender monitoring (Mathiesen, 1980: 157). This can be demonstrated with reference to current trends in alternatives.

For example, the development of electronic monitoring technology provides the ultimate in an 'alternatives to incarceration' mentality. The provinces of Ontario, Alberta and British Columbia are currently considering this alternative. Once again it is a measure tauted to be cost effective, relieve prisons of overcrowding and more humane than incarceration. The theme continues.

In a considered review of the topic, Burtch (1986) indicates that the technique probably is more appropriately applied to minor offenders such as impaired drivers for control purposes, "since it allows them to pursue their social obligations and work while ostensibly reducing state expenditures on incarceration and promoting public safety" (p. 7). But as with many of the alternative proposals, it is not clear that 1) the electronic devices will act as a deterrent, 2) they will be effective for offenders, such as white collar criminals, 3) it would be in fact an inexpensive enterprise for corrections, or 4) the technology is advanced to the point where such an alternative would be viable.

The monitoring by electronic surveillance has been perceived as either a monstrous 'big brother' development of the state machine to control its citizens, even for less serious crimes, or a marvel of social freedom which allows the offender free access to work in family. It is punishment for some; it is not for others.

Again, we must sort out whose opinion it is to determine such direction. What is a 'community'; who defines it? Who is it that wants a just deserts model? It cannot just be the community, since that does not appear to be a necessary or sufficient cause for policy action, e.g., the capital punishment issue which the public has rather consistently advocated for, but which has as regularly been rejected by government decision-makers.

The Sentencing Commission has been mandated to examine sentencing reform and it not unreasonably expressed a desire to discover what exists in the way of sentencing alternatives and options to inform its recommendations. Also, the Ministry of Justice, the Ministry of the Solicitor General, the Centre for Justice Statistics, etc., have undertaken similar projects. It is suggested that the interpretation that each of these invested interests would make could differ widely, even given the same information on the alternatives, never mind four or five different data sets. The interpretation must be placed into the context and interests of the interpreter.

As stated earlier, the primary focus for this study requires an examination of the two major stake holders in a sentencing policy surrounding alternatives, the courts and corrections. If we are to view the problem from corrections' perspective, the directions are clear; reduce overcrowding in jails with cost effective alternatives, perhaps with private agencies who are carefully monitored and standardized, but will not cost

corrections on paper; develop many options for not only sentencing, but even at probation and parole revocation hearings (and possibly even in the initial classification sessions) (Harris, 1985), and for humanizing and reintegration purposes.

The need is not in question. Jails cannot hold increasingly more offenders, nor can more institutions be built. There is no money.

But, in order to implement these objectives as policy from the Commission's point of view, and the pressure is there for implementation from corrections and the public, one needs a rationale, a justification, a philosophy, and it can no longer be rehabilitation with the accompanying soft ideology of probation. Times are hard, what must be done? The answer may come by way of the courts, by way of sentencing policy, and the just deserts model could fill the bill. If the concepts can operate on sentencing guidelines, which control the stream to corrections, or out of it, by reference to dispositions more equated with offence concerns rather then individual offender concerns then the overloading of the system with conflicting purposes could end. If the judge becomes less concerned with matching an offender's needs to a programme either within or without an institution (i.e., if his cognitive set can be changed about alternatives at this stage), then the need for such programmes logically declines.

At the same time, if non-custodial options come to be more onerously perceived then the just deserts model can consistently operate to relieve the jails of certain offenders who are, nevertheless, 'punished' and not pampered by the alternatives.

Thus, one now finds advocates for not setting maximums for CSO work length, clearly because they limit its utility as an alternative for some of the more serious offences (and offenders). The weight of these 'penalties' (used instead of the terms 'diversion' or 'options') has to be increased so that the deterrent features are highlighted for all involved: the offender; the public; the judiciary; corrections; and the police. Otherwise, as has been suggested by some provincial court judges, if a just desert model is advocated, the judiciary will find it <u>easier</u> to sentence offenders to jail, rather than to alternatives.

In contrast to this perspective, one finds some doubt expressed by upper level management and administrators in corrections regarding the possibility of alternatives becoming transformed to a more punitive state. Perhaps sentencing alternatives are a luxury, which can be no longer afforded in this rigorous time of restraint. A straight just deserts model limited to sentencing to incarceration on a grading of seriousness of offences, appears to be their preference with no alternative 'frills'.

On the other hand, corrections line workers are individuals who often, when interviewed about the value of alternatives and the continuance of them, suggest that there is a real need, no matter what the current philosophy, policy, or rationale for alternatives. Offenders cannot simply be dumped back into the community without some assistance or monitoring. The two different perspectives are, of course, not unusual to a huge bureaucratic setting such as exists in corrections, where there are tiers of commands. Nevertheless, again it suggests a disjuncture of perception and purpose.

Both corrections and sentencing policies must be shifted together if an articulated shift is deemed necessary. However, it is suggested that the long term consequences of such a model have not yet been thought out empirically. For example, how would a just deserts model actually be applied? Through shorter incarcerative sentences? How does one go about grading the seriousness of offence in order to match the seriousness of penalty? What would happen to the consideration of offender characteristics, or mitigating circumstances for alternatives or incarceration? Also, one not unreasonable result of a just deserts model, is the changing inmate profile, such that only dangerous individuals are incarcerated. How does that affect the management of the institutions? The concerns of securing facilities filled with intractable, explosive offenders, deserves some attention.

As well, with the entry of Charter concerns about equal treatment, and the Sentencing Commission's concerns about equity, the question again arises with regard to what is available in various jursidictions. It will also be difficult to determine the extent of punishment arising from alternatives' participation. Criteria now relate to cost/benefit factors and recidivism rates, which are extremely hard to compare with institutional figures, but in the future, degree of harshness may have to be weighed in some manner, if the just deserts model prevails. It is true that presently pilot studies are looking at the use of computerized guidelines, but they are not as yet at the stage for providing reliable or valid feedback.

The dilemma between rhetoric and reality, policy and practice, emerge concretely on this issue. The present report has merely provided descriptive information on the programmes, their costing, their availability, their stated objectives; an innocuous task in light of the stated purposes of the Sentencing Commission. However, it may well assist in the exercise of considering if the just deserts model is feasible. It is hoped that it will help in determining what questions should be addressed, what directions does the system appear to be taking in terms of alternatives, and how do they meld with with proposed reforms?

Just as Doob and Roberts (1982) conclude that only a naive politician or judge would urge a poorly informed public to be followed blindly, it is suggested that a poorly informed

Sentencing Commission must not lead us blindly. That it will not is indicated by its sincere conscientious efforts to obtain the opinion and perceptions, not only of academics and researchers, but of the public, the offenders, and those who are ultimately responsible for the sentencing outcome.

APPENDICES

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APPENDIX
'B'

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
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Adult Alternative Sentencing Survey
(For the Canadian Sentencing Commission)

Please accept our sincere appreciation for your agreement to act as contact person in your jurisdiction relative to the adult alternative sentencing survey we are undertaking for the Canadian Sentencing Commission.

We are providing you with copies of the general survey instrument entitled "Adult Alternative Sentencing Survey" which we would like to have distributed to persons in the following categories:

> Administrative personnel with overall responsibility for the administration of alternative programs;
>
> Persons who have administrative responsibility for specific alternative programs; and,
>
> Research or planning personnel who have responsibility for evaluation, monitoring or program planning and whose responsibility would encompass alternative programs.

We would ask that you identify these persons (or a representative sample of them) and submit this survey to them. Because of the time limitations on our project, any effort you can make to effect immediate return of these survey instruments would be appreciated. A member of our research team will liaise with you to provide any assistance you require and to gather the completed surveys once they are returned to you.

/.....

In addition, we are submitting to you one copy of the survey instrument entitled "Administrative Overview - Adult Alternative Sentencing Survey". It would be most appreciated if you would take personal responsibility for completing this questionnaire, either by filling it out yourself, or identifying someone more appropriate to complete it. One of us will make arrangements with you for the return of this survey instrument as well.

A member of our research team will be discussing with you the possibility of accessing any documentation from your jurisdiction on alternative programs, as well as arrangements for a possible field visit to a selected program.

There are two general questions which were not appropriate to include in the overview instrument which we hope you can answer for us. The first is, how much funding is allocated yearly to adult alternative programs and how much to incarceral programs; and second, how many adults are annually streamed to alternative programs and how many to incarceral facilities?

Again, your assistance in this matter is sincerely appreciated.

Sincerely,

John W. Ekstedt, Ph.D.
Director,
Institute for Studies in Criminal Justice Policy

December, 1985

APPENDIX
'C'

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
SIMON FRASER UNIVERSITY

Adult Alternative Sentencing Survey

This survey, on behalf of the Canadian Sentencing Commission, is part of a national review of alternative sentence dispositions for adult offenders in Canada. Your response and opinion with regard to sentencing alternatives for adults in your jurisdiction would be greatly appreciated.

Please feel free to make additional comments, or explanations, at any point in the questionnaire. You may lack precise information or knowledge related to some categories of questions. However, we are most interested in your perception of the state of alternative programming in your jurisdiction. Please try to answer the questions as completely as possible. If you have any questions you may contact David Williams or Liz Szockyj at (604)291-4469.

Your Jurisdiction (province or territory and agency) _____

Your Name and Official Title _____

1. Which of the following programs are currently in existence in your jurisdiction? (please check)

   Restitution ___ Fine Option ___ Community Service Order ___
   Victim/Offender Reconciliation ___ Temporary Absence ___
   Attendance ___ Intermittent Sentence ___ Prison Industry ___
   Other (please specify) _____

2. Please estimate the percentage of government expenditures committed to traditional sentencing practices (i.e., imprisonment) in comparison to alternative sentencing.

   Traditional ___ % and Alternatives ___ %

3. Please give an example of an alternative program which is operating successfully in your jurisdiction.

   _____
   _____
   _____
   _____

4. Are you aware of any adult alternative program initiatives currently being considered in your jurisdiction? (If so, briefly describe)

5. Please indicate any alternative adult program not available in your jurisdiction which you would like to see developed. (Please explain)

6. What do you consider to be the trend or emphasis in alternative programs for adults in your jurisdiction (services to victims, payment of fines, service to the community, life-skills for the offender, therapeutic interventions, etc.)?

If you are administratively responsible for a <u>specific</u> alternative program, please complete the following:

Program title: _____

Location: _____

1. Is this program administered by:

   1) Government agency (identify) _____

   2) Private agency (identify) _____

2. How long has this type of program been in existence in your jurisdiction?

___ years ___ months

3. Please check the program's major source of funding

Provincial ___

Federal ___

Private (please specify) ___

4. What are the goals/objectives of the program?

5. Approximately how many adults were admitted to the program in 1985?

6. Please identify any problems that have been encountered with the operation of the program.

7. Has the program been formally evaluated? Yes ___ No ___

8. If no, what was the purpose of the evaluation? (funding submission, program review, general research interest, etc.).

What criteria were used in the evaluation?

Recidivism ___

Cost/effectiveness ___

Management efficiency ___

Other ___

December, 1985

INSTITUTE FOR STUDIES IN CRIMINAL JUSTICE POLICY
SIMON FRASER UNIVERSITY

Administrative Overview
Adult Alternative Sentencing Survey

(Please complete an "overview" for the following program category).

Program Category: **

How long has this type of program been operating in your jurisidiction:

_____

Funding:

Government ___ Federal ___ Institution ___
Private ___ Provincial ___ Community ___

Type of Client:

Age ___
Previous Criminal Record? Yes ___ No ___
Specialized Needs _____

Stage of Intervention:

Pre-trial ___
Pre-sentence ___
Post-sentence ___

** This form was filled out for each of the eight programmes investigated, e.g., fine-option, community service order, restitution, victim-offender reconciliation, attendance centres, temporary absence programmes, prison industries, and other.

Administrative Overview (continued)

Goals/Objectives:

Program in conjunction with sentence of:

Evaluations:

Strengths -

Weaknesses -

Principal Criticisms:

Cost of Program:

Comments:

December, 1985

APPENDIX
'D'

SENTENCING ALTERNATIVES PROJECT

SUMMARY SHEET

Reference:

Program Title:

Program Category:
Restitution __ Fine Option __ C.S.O. __ V.O.R.P. __
T.A.P. __ Therapy __ Prison Industries __ Intermittent Sentence __
Attendance Programs __ Other Probation Alternatives _____
Other _____

Program Location:

Time Duration:

Funding:
Government __ Federal __ Institution __
Private __ Provincial __ Community __

Type of Client:
Age ___
Previous Criminal Record __
Specialized Needs _____

Stage of Intervention:
Pre-trial __
Pre-sentence __
Post-sentence __

Goals/Objectives:

Program in conjunction with sentence of:

Program Purpose:
Rehabilitation __
Restitution __
Reintegration __
Reparation __
Deterrence __
Other _____

Evaluations:

Date:

Effectiveness:

Recidivism __
Community Support __
Policy Review __
Other _____

Efficiency:

Management Review __
Cost/Benefit __
Other _____

Interval Monitoring:

Strengths:

Weaknesses:

Principal Criticisms:

Administrative Criteria:

Cost of Program:

Staff Training Requirements:

Procedural Problems:

Comments:

APPENDIX
'E'

Financial Statement of Federal Prison Industries

	Sand River 1984/85	Springhill Tree Nursery 1984/85	Joyceville Pilot 1985/86 YTD
Revenue	0	17378	1513496
Direct Costs:			
-Salaries	147638	87139	304172
-O&M	0	41274	78432
-Direct Production Costs			1066170
Total Direct Costs	147638	128413	1448774
Net Cost:	-147638	-111035	64722
Average No. of Inmates	24	16	63
Average Cost/Inmate	6152	6940	1027
Inmate Wages Paid	164648	93374	200703
Deductions:			
-Room and Board to CSC	18077	17378	22650
-Income Tax	11300	4199	221
-Canada Pension	2813	1382	1450
-Unemployment Insurance	5052	3430	4665
-Equipment	30814		
-Safety Supplies	9300		
-Maintenance Supplies	10100		
-Recreation Deduction			3632
-Inmate Welfare Fund			1270
Total Deducations	87456	26389	33889
Net Wages:	77192	66985	166815
Average Wages/Inmate	3216	4187	2648

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