

REPORT
of
General R. B. Gibson

A Commissioner appointed under Order
in Council P. C. 1313, regarding the
Penitentiary System of Canada

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To the Right Honourable JAMES L. HUSLEY, P.C., K.C., M.P.
Minister of Justice,
O T T A W A .

SIR,— Pursuant to the terms of reference contained in Section 4A of the Penitentiary Act, 1939, as enacted in December, 1945, and Order in Council P. C. 1313 dated April 5th, 1946, which appointed me as a Commissioner for the following purposes:—

- (a) to consider the several recommendations contained in a certain report of a Royal Commission to investigate the penal system of Canada made on the fourth day of April, 1938, other than those relating to the subject matters referred to in sub-section two of section five of the Penitentiary Act, 1939, (i.e., Exercise of the Royal Prerogative and the Remission Service);
 - (b) to make inquiry, subject to the direction of the Minister into matters relative to the aforesaid recommendations;
 - (c) to report the results of such consideration and inquiry and to recommend to the Minister what is advisable or expedient to be done to implement the aforesaid recommendations; and
 - (d) to perform such other duties as may be assigned by the Minister.
- I have the honour to report as follows:—

1. Upon undertaking the duties of Commissioner, my first task was to make a detailed study of the Report of the Royal Commission to investigate the Penal System of Canada and to familiarize myself with the administration of the Penitentiaries Branch in its relation to the operation and management of the Penitentiaries.

2. In conjunction with this study, opportunity was taken to examine the reports, correspondence and memoranda from Wardens and officials of the Penitentiaries Branch contained in Branch files dealing with the many matters referred to in the Royal Commission's Report and to ascertain the extent to which the recommendations contained in the Report had been implemented since its publication.

3. During the ensuing period visits of inspection were made to each of the Federal Penitentiaries and to many of the Provincial institutions, particularly in Western Canada. Informal discussions took place with Provincial officials in the Provinces visited on matters of penal administration and policy, as well as with judges, magistrates, social workers, police officials and representatives of Prisoners' Aid Societies. Your Commissioner also had the opportunity of attending the Conference of Social Workers held in Halifax in June and the Canadian Penal Congress held in Windsor in October.

4. During the past six months, as a result of the untimely death of Mr. P. M. Anderson, K.C., of the Department of Justice, your Commissioner has been assigned to supervise directly the administration of the Penitentiaries Branch on behalf of the Department and has thus been afforded an opportunity of observing and participating in the day to day management of the Penitentiaries.

5. In the light of the experience thus gained and the knowledge of the actual conditions existing at the present time the recommendations of the Royal Commission have been considered in detail, and in subsequent paragraphs of this Report a résumé of the action already taken to implement these recommendations is set forth.

6. Broadly speaking, the Royal Commission's recommendations may be grouped under eight main headings:—

- (a) reorganization;
- (b) revision of the methods of classification and segregation;
- (c) reorganization of the reformative and treatment services, including the methods of discipline, prison employment and remuneration;
- (d) specific recommendations for improvements in the Penitentiaries.

This group of recommendations applies particularly to the conditions in the Penitentiaries themselves.

- (e) centralization of control of all penal institutions;
- (f) the establishment of separate reformatory institutions for young offenders;
- (g) extension of juvenile and family courts and of the adult probation system;
- (h) state responsibility for support of organizations assisting in the rehabilitation of discharged prisoners.

These refer to matters that are not within the exclusive jurisdiction of the Dominion Government but are particularly, and in some cases, primarily the concern of the provincial and municipal governments under the existing state of the law.

7. The reorganization of the Penitentiary administration recommended by the Royal Commission has not yet been undertaken. The former Superintendent left the Service in 1938 and his duties were assumed in an acting capacity by the Senior Inspector, Mr. G. L. Sauvant. During Mr. Sauvant's absence on active service, between 1943 and 1945, the duties of Superintendent were carried out by Major W. S. Lawson, the Chief Penitentiary Engineer. Since 1944 there has been only one Inspector available for duty, in addition to the Acting Superintendent. In spite of this shortage of Senior officials, considerable progress has been made in carrying out the recommendations of the Royal Commission with respect to the specific proposals for the improvement of conditions in the Penitentiaries. The staff of the Branch has recently been augmented by the appointment of a Supervisor of Penitentiary Farms whose duty it will be to supervise all farm operations and to advise and assist the Farm Instructors to increase production and provide further opportunity for the training of convicts in agricultural work. There has also been appointed a Supervisor of Stewards to supervise the methods of food preparation, diets and menus and the efficiency of the kitchens generally.

8. Among the changes affecting the treatment of the convicts that have been introduced as a result of the Royal Commission Report are the following:—

- (a) deprivation of the privilege of seeing visitors and receiving letters has been abolished as a punishment;

- (b) deprivation of library privileges as a punishment is only awarded where such privilege has been abused;
- (c) more liberal visiting and writing privileges are allowed. Provision has been made for the use of writing paper which does not disclose that the writer is confined in a penitentiary. The use of fountain pens is permitted. Extra time is allowed for visits when the relative comes from a distance. Visiting cages have been adapted in six penitentiaries for visiting across a counter by classes of visitors permitted by the regulations;
- (d) shaving and bathing have been made more frequent. In several penitentiaries, showers have been installed in the individual cell blocks;
- (e) improved lighting has been installed in cells;
- (f) convicts are now provided with lighters at public expense;
- (g) the daily period for free movement exercises has been increased. Smoking is now permitted during rest periods and convicts may converse during exercise and recreation periods, as well as during the periods permitted in their cells;
- (h) daily radio broadcasts are now made available at public expense;
- (i) arrangements have been made for the showing of educational and vocational training films, in addition to the periodic entertainment films shown;
- (j) increased grants have been made for libraries, as well as for the provision of additional shop manuals and instruction books on industrial, kitchen and farm work, and trade magazines;
- (k) the right to earn remission now commences on the date of admission instead of after six months as previously;
- (l) remission is now allowed for holidays and also for periods of sickness;
- (m) for purposes of remission, overlapping terms are considered as one;
- (n) convicts who are to be rearrested on discharge or deported, are allowed the remuneration earned during their sentence.

Many minor changes in procedure have also been introduced, thereby increasing the scope of the Wardens' authority. In all over 100 amendments to the Penitentiary Regulations have been put into effect since the date of the Report.

9. Substantial progress has been made in carrying out the recommendations of the Royal Commission with respect to the penitentiary farms. The acreage usefully employed for farm purposes has been increased from 3127 acres in 1937 to 4918 in 1946. Practically all vegetables used in the penitentiaries are now grown upon the farms, and during the past several years surpluses of over two million pounds were turned over to the Armed Forces and other Government departments. Herds of beef cattle have been established at Dorchester, Collin's Bay and Manitoba and dairy herds at St. Vincent de Paul, Dorchester and Manitoba with an additional dairy herd planned at

Saskatchewan as soon as the construction of a dairy barn can be completed. Poultry raising and the production of eggs have been undertaken at six penitentiaries. Additional buildings for the storage of roots and vegetables have been constructed. A canning plant for canning of vegetables has been established at Kingston Penitentiary and at two other institutions substantial quantities of vegetables are canned under arrangements with commercial firms. A detailed inspection of all farms was carried out by experts of the Department of Agriculture in 1942 and their recommendations for the improvement of crop rotations, drainage conditions and fertilization have been accepted in planning farming operations. The value of production from farming operations increased from \$68,232.20 for the fiscal year ending March 31st, 1936 to \$223,947.88 for the last fiscal year.

10. At the request of the Department of Justice an inspection of the penitentiary shops and industries was carried out by the Regional Directors of Vocational Training under the Department of Labour in 1942. Detailed reports were submitted by these Inspectors on the work being carried out, the facilities available for production and training, the efficiency of the instructors and the results being obtained in each institution. The results of these inspections showed that generally speaking the shop accommodation was adequate and the working conditions satisfactory except at one or two penitentiaries during the peak period of indoor employment in the winter months. The shops were found to be well equipped but a considerable part of the equipment, although maintained in good operating condition, was obsolete and required replacement with modern machines in order that the convicts might become familiar with modern industrial practices. A systematic programme of replacement and modernization was recommended. The Inspectors reported that the instructors in the various trades were capable tradesmen with good practical experience in the individual training of the men under them, but lacked training in modern teaching methods. They recommended that opportunity should be afforded instructors from time to time to visit modern industrial plants to improve their knowledge of teaching methods and outside working conditions. Emphasis in the penitentiary industries was found to be placed upon production for institutional requirements and for government contracts. Suggestions were made for the development of a vocational training programme for convicts considered capable of profiting by such training and willing to apply themselves to it separate from and supplementary to the work carried out in the production programme. It was appreciated by the Inspectors that this proposal would require additional shop space, machinery, instructors and materials.

These reports have been carefully studied by the officials of the Penitentiaries Branch in conjunction with the recommendations of the Royal Commission and the normal inspections carried out by officials of the Branch, and a planned programme for replacement of obsolete equipment and machinery in the penitentiary shops has been worked out. Its implementation has been limited by wartime priorities and shortages and by the funds available for the purpose. In spite of wartime handicaps the volume of employment in the penitentiaries has been very materially increased. The revenue derived from industrial production increased from \$54,266.47 for the fiscal year ending March 31st, 1936, to \$187,412.43 for the last fiscal year, an increase of more than 300%. The total value of industrial production in the penitentiaries during the last fiscal year amounted to \$436,038.22. Special shops have been allotted at certain penitentiaries for the training of young convicts in the motor mechanic, machinist, shoe repairing and printing and book-binding trades. Reference

will be made later in this Report to proposals for improving the quantity and quality of industrial training in the penitentiaries.

11. With respect to buildings, substantial additions and improvements have been carried out since the Royal Commission's Report. At Dorchester, the new cell block has been completed and is ready for occupation. Part of this building is already in use. A new Roman Catholic Chapel has been constructed and the existing chapel rearranged and refurnished for Protestant services. A satisfactory and adequate water supply from the Penitentiary Reserve is now available. The school room and library have been remodelled and movable dividing partitions installed. Additional kitchen equipment has been provided and a programme of renovation of the officers' houses has been commenced. Construction of a new cattle barn and milk house has been authorized when materials become available.

At St. Vincent de Paul a modern dairy barn, milk house and implement shed have been completed. New equipment was installed in the kitchen. A new boiler house was completed, new dissociation cells have been provided and extensive repairs and alterations to the ventilating system have been made. Work has recently been undertaken to complete the installation of five new shops in the large shop building on the Laval grounds adjacent to the penitentiary which upon completion will provide greatly improved facilities for industrial production and training at this penitentiary.

At Kingston the kitchens have been remodelled and tiled, with additional equipment installed. The library has been relocated in another building where adequate light and space are provided. The Protestant Chapel has been remodelled and renovated. Work is proceeding on the installation of a Psychiatric Ward in the North West Cell block and plans have been prepared for the construction of a new Dissociation Cell Block.

At Collin's Bay a new and modern kitchen was completed and taken into use. One floor of the Administration Building was converted into a hospital with provision for cots, sun-room, operating room, dispensary and sanitary facilities. A new Roman Catholic Chapel has been constructed and the former combined Chapel remodelled for the use of the Protestant Chaplain. An auditorium in the Administration Building will shortly be completed and ready for use. Plans have been prepared for a new garage and motor mechanics building and for the construction of a new modern building to accommodate an additional 100 convicts at this penitentiary as soon as building materials and supplies are available.

At Manitoba, a new dairy barn has been completed and the new Administration Building is nearing completion, part already being occupied by the Stores Department. A new Dissociation Cell Block has been authorized and work is in progress upon it. The former chapels were remodelled into a school and library building and new chapels provided.

At Saskatchewan no major construction projects have been undertaken in recent years although maintenance has been well kept up and a number of minor alterations carried out. It is planned to proceed with the construction of a dairy barn and milk house at this institution during the present year.

At British Columbia the new Cell Block was completed and occupied in 1939 and the new Roman Catholic Chapel in the following year. Recently a much enlarged exercise ground has been completed.

In all penitentiaries the normal maintenance work has provided employment for the convicts and a considerable amount of repair work which had to be postponed during the war because of shortages of materials is now being completed.

12. Following the Royal Commission's Report a survey of personnel was undertaken and in 1939 a selected group of officers was sent to the British Training School at Wakefield. Unfortunately the advent of war prevented the continuation of this project and during the war the establishment of a training school in Canada was held in abeyance. In-service training has been carried out in the institutions to some extent, in one or two penitentiaries with a considerable measure of success. There is, however, a definite need for a well planned training programme throughout the Service. The establishment of a Training School for penitentiary officers, as hereinafter proposed, will permit the development of a uniform standard of training and will afford facilities for the training of present officers and new recruits to the Service in the principles and methods of correctional and reformatory treatment that are the basis of the policy advocated by the Royal Commission.

13. While conscientious efforts have been made by the Wardens and their staffs to carry out the provisions of the Regulations with respect to the Classification Boards in the Penitentiaries, and these Boards have met regularly and performed very useful service in deciding the type of work to which the convicts should be assigned, it has not been possible to develop their full usefulness in planning individualized programmes of treatment because of the lack of facilities for the segregation of the different classes of the prison population.

14. It will be seen, therefore, that substantial progress has been made in carrying out the physical changes recommended by the Royal Commission but that much remains to be done to give that greater emphasis on the reformatory training and treatment of the convicts that formed the main theme of the Commission's Report.

15. It is now necessary to consider the recommendations of the Royal Commission that have not yet been implemented. For purposes of convenience, I propose to deal with them under the main headings referred to in paragraph 6 of this report.

Reorganization of Administration.

16. (a) The Royal Commission proposed the appointment of a Prison Commission composed of three members to administer the penal system of Canada responsible directly to the Minister of Justice. It is evident that in making this recommendation the Royal Commission had in mind its further recommendation that the Federal Government take over the administration of all the prisons in Canada, thus centralizing the control of the Canadian penal system under the Government of Canada. As will be stated later, it is not yet considered practicable to give effect to this recommendation and the Government has recently decided that for the present it is preferable to entrust the administration of the penitentiaries of Canada to a single Commissioner assisted by two Deputy Commissioners, with a headquarters organization consisting of the inspectors and staff of the present Penitentiaries Branch, the inspectors being reclassified as Assistant Commissioners.

(b) It is proposed that one Deputy Commissioner will be primarily

charged with the selection, training, assessment and further reconstruction of the staffs of the penitentiaries and with the organization and supervision of a training school for penitentiary officers. He will also be responsible for the supervision and development of the educational facilities in the institutions under the control of the Dominion Government.

(c) It is proposed that the second Deputy Commissioner will be primarily charged with supervision and development of the medical and psychiatric services, physical training and recreational facilities as well as the development of research and statistics to assess the adequacy and results of present and proposed methods of correctional treatment.

(d) The three Assistant Commissioners will assume the inspection duties now allotted to the inspectors and in addition will each be responsible for a particular phase of the administration. One will act as Assistant to the Commissioner in the general administrative duties devolving upon him, one will have supervision of the industrial and vocational training programme carried out in the institutions, while the third will assist in the supervision of methods of accounting and control of expenditures.

(e) It is proposed to organize a training school for penitentiary officers, selecting in the first instance presently serving officers for refresher training in order to develop further the present methods of in-service training being carried out in the penitentiaries and with the ultimate objective that all entrants to the penitentiary service will be required to take the course. Preliminary discussions with the Commissioner, Royal Canadian Mounted Police have indicated that facilities and accommodation in the R.C.M.P. Barracks at Rockcliffe and Regina can be made available for the institution of such courses initially. When further experience has been obtained in the requirements of the school, it appears desirable that appropriate quarters and accommodation be acquired in proximity to one of the existing institutions.

(f) As a result of increases granted by the Government in 1945 and the recent incorporation of the Cost of Living Bonus in the permanent salaries of the lower brackets, the pay of Prison Guards now has a range of \$1704—\$2004 per annum. There has not, however, been a proportionate increase in the middle and higher range of salaries of penitentiary employees and in your Commissioner's opinion a revision of salary rates is necessary to extend to these groups a similar proportionate increase and to provide a rate of remuneration that will attract to and retain in the Service the necessary qualified Senior officers, professional personnel and trade instructors required for the efficient administration of the penitentiaries and the carrying out of the reforms contemplated by the Royal Commission's Report. This recommendation has already been submitted for consideration in connection with the survey of salaries in the Government Service now being carried out by officials of the Treasury Board.

Classification and Segregation.

17. (a) The recommendations of the Royal Commission with respect

to the classification of prisoners are predicated upon the segregation of certain classes of prisoners in separate institution. In the present institutions, and under the present system of confining all persons sentenced to penitentiary terms in the Penitentiary for the Province in which they are convicted, it has been difficult, if not impossible, to carry out this institutional segregation as contemplated by the Commission. While the Penitentiary Act gives to the Minister power to transfer prisoners from one institution to another, it has not hitherto been found possible to exercise that power effectively except in the case of transfers of the reformable type of prisoner from Kingston to Collin's Bay Penitentiary in Ontario.

(b) As a first step in developing a plan of segregation, it is proposed to provide in Kingston Penitentiary in the East and in Manitoba Penitentiary in the West, for the detention of incorrigible and intractable prisoners whose conduct and anti-social attitude makes it desirable to separate them from the normal prison population in other institutions. With respect to Kingston, this proposal will be dependent upon obtaining additional accommodation in the main prison by the release of the present Women's Prison, as hereinafter proposed, for the reception and classification of newcomers and for the housing of prisoners employed on the Kingston Penitentiary Farm, and also by the provision of additional accommodation at Collin's Bay Penitentiary to reduce the present numbers at Kingston.

(c) With respect to the Women's Prison at Kingston, the Royal Commission recommended that women should not be confined in a central penitentiary but that their custodial care and reformatory treatment should be undertaken in reformatories closer to their homes and their families and relatives. The present Women's Prison has accommodation for 100 prisoners but has never been filled to 50% of its capacity. The proposal that it should be used in developing the system of classification and segregation of male prisoners is considered sound, and negotiations have already been initiated with the Provinces to ascertain whether arrangements can be made to provide custody and maintenance for female prisoners in their respective Provinces.

(d) It is proposed to develop Collin's Bay Penitentiary in the East and Saskatchewan Penitentiary in the West as institutions for the treatment of young convicts and the reformable type of prisoner, and to provide special facilities for vocational training at these institutions. Negotiations have already been initiated with the Department of Labour and with War Assets Corporation for the acquisition of equipment used in the Vocational Training Plan conducted by the Department of Labour for returned soldiers when its activities come to a close.

(e) The situation in the Province of Quebec must be dealt with as a separate problem because of the difficulty and undesirability of transferring persons who speak the French language to institutions staffed by English speaking personnel. It is proper that French speaking prisoners should have comparable facilities in their own language to those provided for prisoners in the rest of Canada. At present St. Vincent de Paul Penitentiary is filled to its capacity of 1100 and contains in its population some 165 young convicts under the age of

d'une prison-ferme centrale, ce qui fournirait de meilleurs aménagements pour la détention et la réforme de détenus purgeant des condamnations de moins de deux ans, que celles qui existent présentement dans les prisons de comté. Ce projet est en voie de discussion avec les provinces qui ont proposé qu'une telle institution soit régie pour elles par le gouvernement fédéral. Si on peut en arriver à une entente satisfaisante en vue de l'établissement d'une telle institution, avec des locaux séparés pour les jeunes détenus, on améliorera ainsi les moyens de classement et de ségrégation des détenus dans les Provinces maritimes.

g) En plus des mesures de ségrégation proposées dans les alinéas qui précèdent, votre commissaire a étudié les recommandations de la Commission royale pour la ségrégation des détenus aliénés et anormaux et la création d'une institution distincte pour les délinquants habituels. En ce qui concerne les détenus aliénés, le transfert de ces derniers aux institutions provinciales de maladies mentales, sous le régime des articles 53 ou 56 de la Loi des pénitenciers, donne satisfaction. Sous réserve de certains délais occasionnés par le manque d'aménagement dans les institutions provinciales, les provinces ont accepté les cas de maladies mentales véritables qui leur ont été signalés. Le nombre des détenus déclarés véritablement aliénés ne suffit pas pour justifier l'établissement et l'aménagement, par le gouvernement fédéral, d'une institution spéciale pour ces cas. En ce qui concerne les anormaux qui ne sont pas véritablement des aliénés, on est à compléter pour eux, au pénitencier de Kingston, une salle de psychiatrie où ils recevront les traitements. On étudiera les résultats obtenus à Kingston avant d'aménager des salles semblables dans les autres institutions. On a retenu les services d'un psychiatre pour le pénitencier de Kingston et on fera de même pour les autres institutions dès que le besoin s'en fera sentir. On étudiera de nouveau la question de retenir en permanence les services d'un psychiatre pour d'autres institutions dès que nous aurons établi définitivement la procédure concernant le classement recommandée par le rapport. Quant à la proposition de faire adopter des mesures législatives en vue de la détention permanente des récidivistes endurcis, nous n'avons pas actuellement d'institution disponible à cette fin et on est d'avis qu'une étude plus approfondie devrait être faite des résultats obtenus au Royaume-Uni et aux États-Unis par une telle mesure, ainsi que de la recommandation faite dans le rapport au sujet de la ségrégation, avant de recommander qu'une telle institution soit établie au Canada.

h) En vue d'appliquer un plan plus efficace de classement dans les pénitenciers du Canada, une recommandation a été faite pour la nomination d'un fonctionnaire spécialiste en la matière dans chaque institution; il agirait comme secrétaire du conseil de classement et serait chargé de recueillir les renseignements nécessaires au conseil pour appuyer ses décisions. Jusqu'à présent, les autorités du pénitencier ont eu peine à obtenir des renseignements sur les antécédents du détenu, sauf ceux fournis par ce dernier lui-même au moment de son admission. Le spécialiste devra se renseigner auprès des autorités, des institutions et des organismes d'œuvres sociales qui sont venus en contact avec le détenu, sur ses antécédents et ses habitudes sociales, afin de déterminer d'une façon plus scientifique le traitement et la formation qu'il devra recevoir à l'institution. Il sera aussi de son devoir de collaborer avec les diverses sociétés d'aide aux détenus dans leurs efforts en vue de leur trouver un emploi lors de leur libération.

i) On prévoit qu'il sera possible d'introduire un système de rang et de mérite façonné sur celui de l'Angleterre et recommandé par la Commission royale dès que les propositions de classement et de ségrégation ci-haut mentionnées auront été appliquées.

course of completion at Kingston Penitentiary and it is proposed to observe the results of the treatment provided there before proceeding with similar installations at other institutions. A psychiatrist has been provided at Kingston Penitentiary and the services of outside psychiatrists are retained at other institutions as necessary. The provision of full time psychiatrists at other penitentiaries will be considered further when the classification procedure has been developed as recommended in this report. With respect to the proposal that legislation be enacted to permit the permanent detention of habitual offenders, no institution is at present available for this purpose and it is considered that further study should be given to the results of such legislation in the United Kingdom and the United States and to the effect of the proposals for segregation in this Report before recommending that an institution for that purpose be established in Canada.

(h) In order to carry out a more effective scheme of classification in the Canadian Penitentiaries, a recommendation has already been submitted for the appointment of a qualified classification officer in each institution to act as Secretary of the Classification Board and to be responsible for assembling the necessary information on which the Board may base its decisions. Hitherto little information as to the prisoner's background has been available to the penitentiary officials other than that obtained from the prisoner upon his admission. It will be the duty of the Classification Officer to obtain further information as to the prisoner's previous history and his social habits and training from the officials, institutions and social agencies who may already have dealt with him in order that his treatment and training in the penitentiary may be planned on a more scientific basis. It will also be the duty of the Classification Officer to cooperate with the representatives of the various Prisoners' Aid Societies in their plans for obtaining employment for the prisoner upon his release.

(i) When the proposals for segregation and classification referred to have been put into effect, it is anticipated that it will be feasible to introduce a grade and merit system modelled on the system in use in England, as recommended by the Royal Commission.

Reorganization of the Reformative and Treatment Services.

18. (a) The Royal Commission recommended reorganization of the medical and educational services and of the prison industries in the Canadian penitentiaries. With respect to medical services, the Report expressed satisfaction with the medical services and facilities provided at Dorchester, Manitoba and British Columbia Penitentiaries and the inspection made by officials of the Department of National Health confirmed this opinion. At Collin's Bay a new hospital has been opened since the Report was made and is functioning satisfactorily. At St. Vincent de Paul and Saskatchewan Penitentiaries improvements have been made in the hospital arrangements to carry out in part the recommendations of the Royal Commission but additional equipment is still required. The hospital at Kingston is a very old building and was the subject of criticism by the Royal Commission. While every effort has been made to brighten the building and to alleviate the unsatisfactory conditions within the limitations imposed by the struc-

tural handicaps, there is no doubt that it would be unsound and uneconomical to undertake the very substantial structural changes that would be necessary to modernize the present old building. The only satisfactory solution is to proceed with the construction of a modern hospital building at this Penitentiary and your Commissioner so recommends. The present Physician at Kingston Penitentiary deserves great credit for the high standard of service he has provided in spite of the structural handicaps of the hospital. Your Commissioner has recommended that one of the Deputy Commissioners to be appointed be charged with the duty of making a comprehensive survey of the medical arrangements in the Penitentiaries with a view to carrying out such further changes as may be necessary.

(b) With regard to educational services, your Commissioner is of opinion that while efforts have been made to give effect to the recommendations of the Royal Commission with some degree of success, and the school accommodation has been improved, a thorough survey of the methods in each Penitentiary by an experienced educationalist is necessary. The results being obtained depend in large measure upon the individual ability, initiative and resourcefulness of the school teacher. Steps have been taken to enlist the cooperation of the Committee on Adult Education in providing advice and assistance to the school teachers, and it is planned to arrange conferences in conjunction with the universities to permit discussion and further training in modern methods of adult education. The proposed appointment of a Deputy Commissioner to supervise this branch of reformative treatment will, in your Commissioner's view, assist materially in achieving the desired improvement.

Prison Employment.

(c) Reference has already been made to the prison industries and the programme to replace obsolete and worn out machinery and equipment and to provide additional machinery to develop further production and training in the penitentiaries. In the estimates for the next fiscal year a substantial appropriation for this purpose has been proposed. A considerable portion of this sum will be necessary for the replacement of present machinery and equipment that has worn out during the war years and now requires continual maintenance to be kept in operation. The policy of the Branch has been to utilize the funds available in procuring machinery to expand those industries which provide the greatest amount of work for the convicts. It is proposed to develop industries which combine production with training value for employment after discharge. For that purpose expansion of shop facilities and the provision of some additional instructors and materials for use in training will be required. During the war years contracts from the Armed Services provided extensive and useful employment in the Penitentiaries. It has been well said that continuous and useful employment is a potent instrument of discipline and reformation, and the best means of training the prisoners in habits that will enable them to earn a living after they leave the prison. It is an accepted principle in Canada that the products of prison labour may be utilized within the prison system and by other Government departments, but may not be sold in competition with outside labour. It is

therefore of great importance, if the necessary continuity and variety of employment is to be available, that the fullest cooperation should be given by other Government Departments in placing orders for requirements which can be produced in the penitentiary in order that Government contracts should be available in greater volume. Only by the provision of ample, useful and instructive work can the full benefit of the facilities provided for industrial training in the Penitentiaries be achieved. Experiments are being carried out in the grading of jobs and skills with a view to giving greater reward to application and diligence in the performance of work.

Prison Discipline.

(d) A number of the specific recommendations of the Royal Commission with reference to the Penitentiary Regulations have already been made effective. The matter of a general revision of the Regulations has been under discussion with the Wardens and it is proposed in the near future to hold a conference of the Wardens in Ottawa in order that the whole question of prison discipline and the methods of dealing with prison offences may receive full consideration and discussion with a view to adopting such further changes as may be found practicable. At this conference a revision and simplification of the present Regulations will be fully considered, as well as the suggestion of the Royal Commission that Boards of Visitors should be authorized. Your Commissioner considers it essential that the Wardens, who are responsible for the administration of discipline, should be consulted and given the opportunity of expressing their views upon proposed changes in methods before they are taken into effect.

Specific Recommendations in Respect to the Individual Penitentiaries.

19. It is not proposed to discuss in detail in this Report the many recommendations in respect to the individual Penitentiaries referred to in Part III of the Royal Commission's Report. A considerable number of these have already been put into effect and are referred to earlier in this Report. Others come within the scope of the plans for the general measures proposed in this Report. The detailed comments of the Royal Commission have been of great value in bringing to light conditions which required correction.

Centralization of Control.

20. (a) The Royal Commission recommended that the Canadian penal system should be centralized under the control of the Government of Canada, with the Federal authorities taking charge of all the prisons in Canada, the provinces retaining only a sufficient number to provide for offenders against provincial statutes, prisoners on remand, and those serving short sentences.

(b) Under the British North America Act legislative authority for the establishment, maintenance and management of penitentiaries is assigned to the Parliament of Canada, whereas the provincial legislatures have authority to make laws in relation to the establishment, maintenance and management of public and reformatory prisons in and for the province. It thus appears that while the provincial legislatures alone have legislative authority to provide for reformatory institutions in and for their respective provinces, the establishment or

acquisition of reformatory institutions with Dominion wide scope is not excluded from the sphere of the Government of Canada.

(c) The Royal Commission suggested that centralization might be accomplished by two methods:—

(i) by amending the Criminal Code, the Penitentiary Act and the Prisons and Reformatories Act to change the minimum term for which a convicted person may be sentenced to a penitentiary to a period of less than two years;

or (ii) by an agreement being made between the Dominion and the Provinces for the former to take over the administration of provincial penal institutions, in order that persons committed to prison for terms of less than two years might be committed to Federal institutions.

(d) It is evident that in the present state of the law any comprehensive change in the control of penal institutions can only be reached by agreement between the Dominion and Provincial Governments. The financial implications of such a transfer would require careful consideration. The advantages of a coordinated plan for the treatment of offenders are indisputable. Whether such coordination can best be achieved by centralized control in a country the size of Canada, or whether it is feasible to develop a degree of cooperation between the Provinces and the Dominion in the methods of dealing with persons sentenced to imprisonment that will provide for the application of uniform principles can, in the opinion of your Commissioner, only be determined after a much more detailed study of the problem has been undertaken, and a conference held at which the views of the Provinces can be expressed. Your Commissioner has found that there is a considerable divergence of opinion on these questions between the various Provinces and is of the opinion that it is necessary to reach agreement on the principles involved before planned action can result. It is recommended that each Province be invited to prepare a comprehensive statement of its present situation, to include numbers being dealt with, facilities available and costs, and that thereafter a conference be held with a view to reaching agreement on the plan to be adopted.

Establishment of Separate Reformatory Institutions for Young Offenders.

21. The Royal Commission dealt at length with the methods of treatment of young offenders between the ages of 16 and 21 and recommended the adoption in Canada of the principles of the Borstal System which has been developed in the United Kingdom. Your Commissioner is convinced that the principles of that System offer the best known opportunity for the reformation and rehabilitation of youths who have not yet become hardened criminals, and considers that any new institutions to be established by the Government of Canada should be of a type to permit the adoption of those principles thereby enabling youths of the reformable type to be withdrawn from the penitentiaries for adults. It cannot be too strongly emphasized, however, that the success of the Borstal System depends primarily on the trained personnel it attracts to its service. It has been said that the foundations of the Borstal System are first the recruitment of the right men, then their proper training, and finally their full cooperation with one another in an atmosphere of freedom and mutual understanding.

The establishment of the training school recommended earlier in this report is a necessary preliminary to the development of new institutions and new methods of treatment. Reference has already been made to the proposals to set up separate institutions for young offenders in the Province of Quebec and in the Maritimes, and to the plan to develop Collin's Bay Penitentiary in the East and Saskatchewan Penitentiary in the West as institutions for the special treatment of young offenders sentenced to penitentiary terms. The Province of Ontario is presently engaged in developing plans for the treatment of young offenders and juveniles within the sphere of its responsibility and in several of the Western Provinces plans are under consideration for revision and improvement of existing facilities for young offenders. These developments emphasize the necessity for a conference of the responsible authorities to determine the respective responsibilities of Dominion and Provinces in dealing with this problem and to define and coordinate the action to be taken by each to avoid overlapping and duplication of facilities.

Extension of Juvenile and Family Courts and of the Probation System for Adults.

22. In the present state of the law the recommendations of the Royal Commission on these matters are primarily the concern of the Provincial authorities since they fall within the field of the administration of justice. By the Juvenile Delinquents Act the Dominion Parliament has made provision for the establishment of Juvenile Courts by the Provinces and under Section 1081 of the Criminal Code a Judge or Magistrate has power to release a convicted person on probation of good conduct instead of sentencing him at once to any punishment and may impose conditions that must be observed by the offender while on probation. Only in two Provinces, however, has legislation been passed to provide for the appointment of trained probation officers to assist the Courts by furnishing reports as to the antecedents, family history and background of adult convicted persons and to supervise and assist such persons during their period of probation. Because this responsibility is primarily provincial, your Commissioner refrains from submitting specific recommendations on these matters, but is convinced that the views of the Royal Commission on the question of adult probation are sound and that its extension in Canada under proper supervision would have beneficial results in reducing the prison population and preventing recidivism.

State Responsibility for Support of Organizations Assisting in the Rehabilitation of Discharged Prisoners.

23. The Royal Commission recommended the setting up of a central authority to supervise and organize measures for the rehabilitation and after care of prisoners released from the Federal penitentiaries. The Canadian Penal Association, under its new President, Major J. A. Edmison, K.C., has undertaken the task of coordinating the efforts of the Prisoners' Aid Societies in the various Provinces and of arousing greater public interest and cooperation in assisting discharged prisoners to obtain employment. Plans are being developed for the reorganization and further development of such societies in the areas that have not hitherto been served. Instructions have been issued to the Penitentiaries to cooperate fully with the accredited representatives of the Societies and to permit the representatives to interview prisoners well in advance of the date of discharge to discuss plans for employment and rehabilitation. Your Commissioner is of opinion that the activities of these Societies should be encouraged and recognized and recommend that when a Society demonstrates that it has

been organized to carry out its duties with a reasonable degree of efficiency, provision should be made for it to receive financial assistance from the Dominion Government, based on the numbers released from Federal institutions who have been assisted by its activities, to supplement the funds received from other sources. If the Canadian Penal Association is successful in developing into a well organized body representative of the Prisoners' Aid Societies of Canada, it might well be recognized as the central authority recommended by the Royal Commission through which contact with and assistance to the Societies could be maintained.

Parole and Ticket-of-Leave

24. The Royal Commission discussed at some length the matter of granting remission by exercise of the Royal prerogative and the operation of the Ticket-of-Leave Act. As these matters were expressly excluded in your Commissioner's terms of reference, no comments are submitted in regard to them.

25. The Royal Commission emphasized that the reconstruction of the penal system of Canada must be carried out in a gradual, well planned programme and that precipitate action without proper preparation would invite failure. It stressed the importance of personnel in the implementation of the programme. Its Report gave too little credit to the many conscientious officers in the Penitentiary Service who have made since efforts to encourage and assist those in their charge to benefit from their period of incarceration. Your Commissioner has been greatly impressed by the desire of the Wardens and the Senior officers of the Service to cooperate fully in the further development of a reformatory programme and is convinced that if the necessary facilities and trained staff are made available real progress will be made in carrying out that programme.

26. The proposals contained in this Report constitute the first stages in the further development of the Royal Commission's recommendations. The reorganization of the Headquarters Administration, the establishment of adequate procedure for the selection and training of staffs, the development of more scientific methods of classification and the provision of additional accommodation to facilitate the separation of the various classes of prisoners are essential preliminaries in the adoption of a broad policy that will place greater emphasis on the corrective and rehabilitative aspects of institutional treatment. As the carrying out of these proposals proceeds, it will be possible, in consultation with the Wardens, to apply in each institution the more detailed recommendations of the Royal Commission in respect to the treatment and training of prisoners. Your Commissioner submits that the implementation of the present proposals will provide a sound basis for the further development of the programme of penal reform.

I have the honour to be,

Sir

Your obedient servant,

R. B. GIBSON.

Commissioner.

OTTAWA, February 5, 1947.