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SENTENCING AND CORRECTIONAL PRACTICES IN ATLANTIC CANADA: VIEWS OF PROBATION AND PAROLE PERSONNEL



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**SENTENCING AND CORRECTIONAL
PRACTICES IN ATLANTIC CANADA:
VIEWS OF PROBATION AND PAROLE PERSONNEL**

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1988**

This report was written for the Canadian Sentencing Commission. The views expressed here are solely those of the authors and do not necessarily represent the views or policies of the Canadian Sentencing Commission or the Department of Justice Canada.

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I. INTRODUCTION

The objective of this research was to replicate, in the Atlantic region, a Quebec study of attitudes of non-legally trained correctional personnel about sentencing practices, alternative correctional measures and the quality and nature of supervision of probationers and released prisoners. Most of what we report here is based, then, on data generated from a 60-item mail questionnaire sent to probation and parole officers and administrators working in the four atlantic provinces. This questionnaire, constructed by a research firm in Quebec, was translated by the Commission. Other than adding a question on province, no changes were made to this instrument. At the time of writing, we had, after a reminder letter, received back 129 questionnaires, a response rate of 65 percent. While we had hoped for a somewhat higher rate of completion, this is, nevertheless, a more than acceptable rate for a mail survey.

In addition to the mail questionnaire, we also conducted 20 relatively unstructured interviews with probation and parole officers and administrators in Newfoundland (St.John's), Nova Scotia (Halifax) and New Brunswick (Fredericton, Moncton, Saint John). The purpose of these interviews was to develop qualitative data which would aid us in interpreting and assessing responses to the structured items in the mail questionnaire. In main, the interview schedule (Appendix A) covers essentially the same issues addressed in the questionnaire particularly as these were presented to us in discussions with the executive Director of the Commission. At the same time since those interviewed had already completed the questionnaire, respondents were encouraged to comment on what they personally see as the issues with respect to sentencing and corrections.

We make no claim that these 20 interviews comprise a representative sample of either probation or parole officers. However, having formed some general impressions from these few interviews and then analyzing the questionnaire data, we are reassured to see most of these borne out, statistically. Thus, in addressing the issues of concern to the Commission, we draw upon both sets of data.

In this brief report we do not intend to describe and comment on all of the results of the mail survey. Rather, we draw attention to patterns emerging from these data and those findings which directly address the Commission's main concerns. In Appendix B we provide, for each of the questions, the percentage distribution of responses. Crosstabulation tables, providing statistical comparisons between the responses of probation and parole personnel, are contained in a technical appendix which can be obtained from the Department of Justice. We begin with some general observations about the two services in Atlantic Canada.

II. GENERAL OBSERVATIONS

At the outset, it is, we think, worth noting that this study took place in the context of considerable concern and uncertainty on the part of parole officers about their future. All are upset and somewhat embittered by the recommendation in the Nielsen Task Force report that parole should become a provincial responsibility. For those in the Atlantic Region, the most obvious fear is the impact such a change might have on salaries. While, as most noted, those working in Alberta are doing better, financially, as provincial rather than federal employees, the opposite would be the case in this Region. Worst hit are likely to be those working in Newfoundland. There, despite similar qualifications, probation officers earn considerably less than

social workers and far less than those working in parole. Too, in all three jurisdictions, administrative staff fear demotion since if they were to become provincial employees there is no guarantee that a comparable position would be available within the provincial hierarchy. Of particular significance is that most expressed concern that provincialization would mean a deterioration in the quality of supervision and level of service. As we describe in more detail below, those working for CCS perceive existing probation services as understaffed and as having unmanageable caseloads, a perception shared by those who actually work in probation. Most felt it unlikely that caseloads for parole officers would rise to the level now usual in probation. But many are distrustful of what they see as the more short-term vision of provincial governments. They value the relative independence which comes from working in a federal agency.

We do not know whether there is an objective basis to these concerns. But, as perceptions, they are real to the extent that they overshadowed other issues in our discussions. In other words, while we received excellent cooperation, it was also apparent that changes in sentencing and correctional policies were not uppermost in peoples' minds. As one administrator commented, "it's hard for my people to think about philosophy when their job is on the line".

A second and perhaps obvious observation is that while we were requested to administer the same instrument to both probation and parole officers, there is not a very great overlap in their areas of experience and expertise. That is, they deal with quite different groups of clients and at markedly different stages in the criminal justice process. Probation officers, for example, when asked about minimum and maximum sentences, mandatory supervision and appropriate length of sentence before

parole and the like, often noted that they could only answer from the point of view of the ordinary person in the street. As a result, they were more likely than parole officers to be opposed to mandatory supervision, early parole, and more likely to view sentences as generally too short, differences which can be seen in the questionnaire data. In turn, parole officers we interviewed seemed far more distrustful about whether sentencing variations have a rational basis and are far less sanguine than probation officers that pre-sentence reports take precedence over the whims of judges. Again, this is a difference supported by the questionnaire data.

A difference between the two branches not so readily apparent from the questionnaire data centers on perceptions about working conditions. On the whole, and despite the fears about the future, our sense is that those working in parole are quite content with their situation and believe that they are able to do a good job. In contrast, probation officers in each of the three provinces we visited, seem demoralized and frustrated by the size of their caseload, their level of pay and their status within the criminal justice system. Caseloads for the latter average about 100, a number viewed by both groups as unrealistic and unmanageable. Parole officers generally carry a caseload of about 30 and, in special programmes it may be as few as seven or eight. They are, therefore, able to work closely with their clients who, as most noted are much more difficult to work with than probationers.

Some probation officers also commented on what they see as an apparent shift to a more conservative view of the objectives of probation. Control, protection of society, has supplanted any kind of therapeutic or treatment approach. This is also reflected in changing requirements for personnel. In one province, a social work degree is no longer an automatic expectation. In another, there is a talk of

downgrading qualifications to make the minimum a high school degree and, generally, that much of the supervisory work in probation could as easily be done by lay-volunteers (a view, as it happens, expressed also by parole officers we interviewed). In sum, while those we interviewed in parole expect and want to continue in corrections, this is not the case for probation officers. We encountered few who expect to make probation work their career and some who want to work in areas as unrelated to probation as possible.

Having noted these differences in attitudes and job situations, we should also make clear that, overall, it is the similarities rather than the differences which stand out and are worth remarking upon. For example, responses to most of the items in the questionnaire differ only trivially or inconsistently between the two groups. But, more crucially, our encounters with both groups shattered many of our preconceptions and stereotypes. Each has its own particular and unique set of problems, sets of constraints and frustrations. As we have seen, probation officers are faced with large, perhaps unmanageable caseloads and are, it seems, pushed towards the control end of the treatment - control continuum. In turn, parole officers also have their problems. Aside from recent concerns about who will be their employer, there is the more general tension that they are often responsible for predicting and controlling the behaviour of individuals who most of the public, the police and, at least some judges believe should still be in prison. Concern that those released back into the community before the end of their sentence will commit some heinous crime is an ongoing and underlying tension of those working with released prisoners. We had expected, then, to encounter toughness, cynicism, and perhaps, burnout. Instead, we found dedicated people, in both branches of corrections, who are both caring and are committed to a helping role and who expressed a strong commitment to and optimism

about alternative correctional programmes and measures. We turn now, to consider specific findings as they relate to the main issues of concern to the Commission.

III. SENTENCING AND CORRECTIONAL ISSUES

This section of the report is, in main, organized around the specific information needs conveyed to us at the outset of the research. The first two of these centers on workload and quality of supervision.

a) Workload and Quality of Supervision

As noted earlier, the workload of probation and parole officers differs considerably. Probation officers routinely carry case loads of from 80 (Nova Scotia) to over 100 (Newfoundland). In contrast, we found no parole officers with more than 30 individuals under their supervision. However, parole officers were quick to point out that the Nielsen Task Force report makes an unfair comparison when considering the relative workloads of the two services - since one must also take into account seriousness of the case and the level and intensity of supervision required. For example, as several parole officers noted, someone is on call at all times. And, for those working in Community Correctional Centres, individuals are seen on a constant day to day basis over an average six month period.

Overall, parole officers we interviewed seemed confident that existing caseloads do allow them to provide adequate supervision and to put as much emphasis on treatment and counselling as on control. This is reflected in responses to Question 46 where some 69% indicated that, on the whole, they are able to give effective supervision. As we learned, much of the supervision takes place in the community

and the clients' homes. Most also noted that the mix of control and treatment is not fixed but varies depending on the client, the seriousness of his offence and his situation in the community. Thus, community assessments are an important component of supervision. Finally, there was, among those interviewed, agreement that the major frustration and demand on their time is not the caseload but the amount of paperwork and reports which go along with it; there is general agreement that this aspect of their work has increased in recent years.

As noted above, the situation with respect to probation is quite the opposite. The average caseload is about 100, a number seen by both probation and parole officers as unmanageable. It is not surprising, then, that most probation officers (67%) feel that their caseload does not permit them to give effective supervision.

Rather, we were told that the most that can be done is to cover the legal aspects of the probation order. These are set by the Court and by the Risk-Need Classification which specifies which probationers are to receive maximum, medium or minimum supervision. Thus, despite the size of most caseloads, probation officers have little discretion in deciding how often to see a particular client. At the same time, as many recognized, they are able to offer only a bare minimum of supervision and to pay only lip service to the notion of rehabilitation. Particularly in the latter stages of a probation order, visits, though still face to face, appear to become more and more perfunctory.

The preceding comments raise the question of whether, in Atlantic Canada, probation is a very effective alternative to incarceration. Clearly, neither our interview schedule or the mail questionnaire was designed to evaluate outcomes of either of the two branches of corrections. Nevertheless, our questions about

probation did yield some insightful, if also somewhat contradictory responses, views which are worth noting. However, they must be seen for what they are - assessments by a small number of the people involved in the system.

Our interviews with probation officers and administrators show considerable consensus about two matters. First, for a large category of offenders, probation does work. For many we interviewed, the test is that their clients do not show up again in the system. And, while size of caseloads precludes any serious therapeutic work, officers are able to refer clients to other agencies, notably those involved with alcohol drug addiction and employment. Some, then, view their principal role not as supervisors or counsellors but as directors. Their task is to direct people to relevant agencies in the community.

A second area of consensus is that judges tend to abuse the probation alternative. Here, we heard rather contradictory views. First, some were frustrated by the tendency of judges, albeit for humane reasons, to grant probation to repeat offenders and those who had broken an existing parole order. It was generally felt that such cases should have been dealt with more severely and that a further probation order serves very little purpose. Second, and, perhaps contradictorally, a few probation officers did, in one way or another, raise the question as to whether judges are using probation, not as an alternative to prison, but as another form of punishment. Here the argument is that offenders who probably should have received a fine or a few days of community service, are put on probation. As one administrator pointed out, his officers often find themselves effectively invading the privacy of a family because a younger member has committed a rather trivial crime. He believes that there will soon be a case under the Charter.

Finally, a common theme is that judges tend to impose reporting and other conditions which are both onerous and unrealistic. For example, with respect to the second of these, except in the most blatant of circumstances, curfews and abstinence from alcohol are almost impossible to enforce and merely lead to a disdain and contempt for the whole process, especially given the size of caseload facing most probation officers. In contrast, parole officers, with a much smaller caseload, a more community-oriented kind of supervision and a clientele more likely to recidivate if intoxicated, are better able to enforce these kinds of conditions.

Some probation officers also view the length of probation and the conditions set by the judges as so onerous as to lead inevitably to parole violation and a return to Court. As several observed, the most important work is done in the first six months. After that, the individual has either straightened up or he or she is back in court on some other offense. If the former, there is little point in requiring the person to report week after week. Some come to resent it and refuse to show up for appointments; the probation officer has no choice but to report them as having violated their parole order even though they have committed no further crime.

If we have spent, in this section, an inordinate amount of time on probation and said very little about parole, it is because the caseload of the former is directly created by the decisions of judges sitting mainly in provincial courts. In the case of parole officers, the link between judicial decisions and release into supervision is more tenuous. Clearly, the sentence imposed by the judge sets limits as to when an individual is eligible for parole or mandatory supervision. But, it is a different body - Parole Board - which decides on the conditions and, if the present Bills go through, the eligibility of all of those to be released before the end of their sentence. In

short, parole officers may sometimes wonder about the wisdom of decisions made by the Parole Board. But, they do not, on a day to day basis, have to deal with the vicissitudes, idiosyncracies, and, sometimes, well meaning decisions of the various judges working in their local courts.*

b) Role of Probation and Parole Officer

In the interviews, we asked respondents whether they view their job as mainly one of control or mainly of treatment. And, the mail questionnaire asked which function should take precedence: supervision, assistance or orientation. About 59 percent of respondents feel that supervision should take precedence, 35 percent opted for assistance and only 11 percent chose orientation. There were virtually no differences between probation and parole officers.

Predictably, the answers to our interview question were more complex and qualified. There is, in both services, agreement that there has been a shift away from rehabilitation towards a greater emphasis on protection of society. And, as some probation officers explained, to the extent treatment is a goal, the "in thing" is "reality therapy" and "responsibility models" rather than the more psychoanalytic approaches of the past. At the same time, few were comfortable with a dichotomizing of their function. While, in the final analysis, they believe their role is one of

*We learned that in at least two provinces, judges are especially sensitive to whether the offender has a job. When they do, probation and/or community service is more likely than a prison sentence. Given that, aside from growing older and getting married, employment is a major factor in non-recidivism. We would, ordinarily, applaud the humaneness and perspicacity of these judges. However, we also know, independent of this study but also confirmed by our interviews that in each of the four provinces are "hanging judges" who, every once in a while, "throw the book" at groups of offenders in one category or another. We return to this when, below, we consider views of our respondents on sentencing variations.

control, many felt that a large part of supervision involves recognizing needs and assisting and directing people to the appropriate agencies in the community; making people aware of their options is seen as central to the process. As with the questionnaire data, we found little difference between the two groups of officers.

c) Non-custodial Services in Atlantic Canada

The emphasis placed on the directive function implies that there are places to which to direct people. A hypothesis of the Commission was that if there is, relative to the rest of Canada, a lack of non-custodial services, this would, in effect, create a form of disparity in sentencing. However, those we interviewed, feel, generally, that in at least the larger centres, these services exist and in adequate numbers. The exception to this is Nova Scotia where some of those interviewed do feel there is a lack of such services. But, in general, those we interviewed did not view adequacy or range of non-custodial services as a particular problem. This is, in part, reflected in responses to question 33 which asks about alternative programmes. Virtually all (98%) of probation officers answered this in the affirmative compared to about 54% of parole officers, a difference which no doubt arises from the different functions of probation and parole. We turn now to views on correctional measures and policies.

d) Correctional Measures

1) Mandatory supervision

According to our data opinions about mandatory supervision are sharply divided. Overall, 50% are fully or somewhat in agreement and 50% are either somewhat or totally against (Q.38-b). Probation officers are more likely (54%) to oppose mandatory

supervision than are parole officers (41%). At the same time, our interview data suggest there is, if not opposition to the concept, concern that dangerous offenders can be released back into the community, a view expressed often, but not exclusively, by probation officers.

Concerns of parole officers centre mainly around the impact of mandatory supervision on the parole system. Most recognize its necessity but, nevertheless, dislike it because neither they nor the Parole Board have any control over who is released into mandatory supervision. Overwhelmingly, the people we interviewed expressed considerable pride in the careful procedures used to determine who should be released on parole and confidence that the parole system is working well. For many, the irony of mandatory supervision is that they must supervise and take responsibility for the very individuals who, in most cases, were those earlier assessed as bad risks and denied parole. For the most part, the public and the media do not distinguish between parole and mandatory supervision. So when someone on the latter does go awry and commits a serious or heinous crime, this is seen as a parole offence. The result is that the service and the Parole Board are discredited and the concept of parole once more comes under attack. Thus, as one administrator concluded, mandatory supervision serves the penitentiary staff quite well but not the parole officers. Predictably, there is, then, in this group, considerable support for Bill C-67 and C-68 which give correctional authorities the power to deny mandatory supervision to some inmates, presumably those who until recently were being "gated".

Another irony noted by both groups is that most of the outrage when prisoners are released before the end of their sentence is directed to those who have committed violent crimes and who, in turn, received long sentences. Yet, in most cases, it is

those who have committed property crimes who are at highest risk of recidivism; those convicted of murder, for instance, tend not to repeat the crime.

2) Eligibility for Parole

About 65 percent of respondents are either fully or somewhat in agreement with eligibility for parole after one-third of the sentence has been served. However, this summary statistic masks the considerable difference between the two groups of officers. Some 61 percent of parole officers compared to only 21 percent of probation officers are in full agreement about this aspect of eligibility. In contrast, nearly 42 percent of probation officers as opposed to only 12 percent of parole officers are somewhat or totally against parole eligibility at one-third of the sentence.

We raised this matter during our interviews. Many pointed out that, at present, inmates are eligible for day parole when they have served one-sixth of their sentence or a minimum of four months. It was apparent that some probation officers found this problematic and, indeed, feel that even the present one-third rule tends to undermine the attempts by judges to use sentencing as a form of deterrent.

Parole officers, while content with the one-third rule seem committed to getting as many people out of prison as soon as is possible. In general, most stated a preference for no minimum time and in its place a flexible approach whereby parole would be granted case-by-case taking into account the progress of the individual, his or her objective circumstances and so on. Concerns about a reduction of time to one-sixth of the sentence or a minimum of four months centered mainly on the administrative problem that with short sentences, there would be too little time to carry out an assessment and prepare the necessary reports.

3) Temporary Absence

Both the interview data and the questionnaire data indicate that the concept of temporary absence, with or without escort, has a great deal of support and approval from both probation and parole personnel. Indeed, in the course of our interviews, we did not hear one criticism of this policy or in any way get a sense that it is being abused. These perceptions are reflected in the questionnaire data where only five percent and 10 percent respectively are against temporary absence with escort and without escort. Again, probation officers are less likely to be in full agreement and more likely to be somewhat in agreement than are parole officers.

Having said that, we should also note that there is some ambiguity about what is meant by temporary absence. It was apparent that where an escort is involved, the temporary absence is for such things as attending a funeral or visiting a sick relative and so forth. Unescorted absences can also be for the same purposes but may also mean what others referred to as day parole. That is, some TA's seem to be granted to allow individuals to attend an educational institution or to work in a job. Thus, the line between day parole and Temporary Absence is unclear or is used differently in different jurisdictions. The most we can conclude here is that both groups see little objection to prisoners being released, temporarily, in order to attend to family matters. And, at the same time, there is also agreement that it makes sense to release temporarily into the community those who have employment or who have the ability and motivation to upgrade their qualifications.

Much the same can also be said of views about the opposite approach - intermittent sentences. Again, a large majority (83%) are either in full or partial agreement with this approach to sentencing. Here, interestingly enough, probation

officers are more disposed to this alternative (87%) than are parole officers (76%). Presumably, the former have more experience and involvement with those given this kind of sentence.

e) Views on Sentencing

1) Maximum and Minimum Penalties

Over three-fifths of respondents believe that sentences handed down by judges in their province are fair. Yet, only 46 percent feel the same about sentences in Canada generally. As with attitudes about correctional measures, probation officers tend to be more conservative than parole officers. For example, about one-fifth of parole officers think sentences are too severe whereas about one-third of probation officers think the opposite: sentences in their province and in Canada, generally, are not severe enough.

Similar findings apply to questions about maximum penalties. While, overall, only 19 percent would raise the maximum, 25 percent of probation officers compared to only 7 percent of parole officers hold this view. As we would expect, parole officers are somewhat more likely than probation officers to favour lowering maximum penalties (42% compared to 26%). At the same time, and as we would expect, there is a high level of agreement that Courts rarely impose maximum penalties. And, about two-thirds believe that offences of very different degrees of seriousness have identical maximum penalties. Here what is of particular interest is that over one-fifth chose the "don't know" category. Finally, there is agreement between probation and parole officers that when maximum penalties are not imposed, their deterrent power is diminished or no longer exists (80%).

Comparisons of probation and parole officers with respect to criteria determining maximum penalties show considerable agreement. Both are almost unanimous that the key criteria are seriousness of the crime and protection of the public (98% and 97%). Damage done as result of the crime and deterrence (72% and 64%) rank considerably lower; while only 29 percent believe current practices of courts should enter into the criteria and 11 percent of respondents suggested other criteria, mainly remorse (6%) and criminal record (7%). In other words, the distribution of responses indicates support for a multiple set of criteria. It is also apparent that imprisonment is mainly associated with protection of the public (97%). Only about 40 percent of respondents view probation as serving this function with probation officers only somewhat more likely than parole officers to mention this sanction. Finally, there is little difference between the two groups as to provision of indeterminate sentences for recidivist offenders - some 70 percent favour this provision.*

Questions relating to minimum penalties yield responses which are less unanimous, generally and which show greater disagreement between probation and parole officers. In particular, respondents as a whole, are rather evenly divided as to whether restrictions which mandatory minimum penalties impose on judges and correctional authorities are desirable or undesirable. But, parole officers are twice as likely as probation officers to see these as undesirable. Similarly, while equal proportions (42%) of both groups favour retaining the present minimum for murder in the first degree, the other 60 percent differ dramatically as to whether to increase or decrease the minimum. Thus, 41 percent of probation officers compared to 5 percent

*Question 11 asked respondents to estimate the number of such criminals in Canadian penitentiaries. Most didn't know. Those that answered sometimes used numbers and sometimes percentages. We, therefore, did not attempt to code responses to this question.

of parole officers favour increasing the minimum term. Conversely, 11 percent of the former and 40 percent of the latter would reduce the minimum. And, seven and 10 percent respectively would abolish a minimum penalty entirely. For those of both groups who favour reduction, most (53%) prefer reducing the present minimum. While some 26 percent indicated "other", most did not specify their alternative.

In the context of our interview data, we do not find these differences between probation and parole officers particularly surprising. Probation officers do not, normally, have any more knowledge of those convicted of murder than anyone else in the society. Given the relatively low rate of murder in the Atlantic Region and, in Canada generally, parole officers will obviously not have had all that much contact with murderers either. But, they do have experience with the effects of long-term incarceration. As we have seen, they do not view non-pathological murderers as particularly high risks. As one administrator commented, he would take a murderer any day over a child molester (on mandatory supervision). Another parole officer who works with a small group of serious offenders feels that after eight years in prison there's not much left of the person. Moreover, in his experience, most who commit murder feel intense guilt and remorse and are very unlikely to murder again. In general, then, while the data suggest parole personnel are divided about this issue, it is nevertheless the case that at least half see little purpose served by a universal imposition of such a long minimum sentence for murder. As with other offenders, they believe that release from prison should be determined on a case-by-case basis.

2) Sentencing Disparities

Although the differences should not be exaggerated, the breakdown of responses to questions relating to sentencing variations and guidelines do show a fairly

consistent tendency for probation officers to be in favour of judges having sentencing discretion and for parole officers to be skeptical about the justification for these variations. For example, in answer to Question 16, 71 percent of parole officers compared to 47 percent of probation officers believe that the variations existing in their province are justified.

As mentioned earlier, this is one of the areas where the views of the two services are quite apart. Simply, probation officers we interviewed seem more committed to the concept of individualized justice. This may, as we discuss below, be because so much of their time is taken up with preparing pre-sentence reports; they have a vested interest in judges making decisions based on these assessments. Parole officers, on the other hand, seem to be encountering clients who, for apparently the same offence, have received very different sentences and are, as a result, embittered by and resentful of the criminal justice system. Thus, some parole officers do wonder whether sentences handed down by judges are not, in fact, based on how they personally feel on a given day rather than the circumstances of the case or even a desire to make a point (for example, after a rash of break and enter cases).

At the same time, these differences do not emerge in the two groups' assessment of what causes variations (question 16, Appendix B). Rather, both give particular importance to the subjectivity of judges (88%) and, secondly, the previous record of the offender (81%). Both are also equally likely to mention, though in lower percentages, other factors suggested in this question. Finally, parole officers are less likely (44%) to believe correctional authorities accentuate these disparities than are probation officers (29%). Views as to whether these additional disparities are justified are divided and show little difference between the two groups.

3) Sentencing Guidelines

The interview data indicate a desire on the part of both probation and parole officers for there to be sentencing guidelines. But as most freely admitted, they have no idea how these might best be established. For example, in answer to question 19, "should guidelines be established" over 90 percent answered "yes" or "possibly yes". But, only two of the methods suggested in the next question are favoured by a majority: a scale of seriousness and legislative directives. Still, the 72 percent who mentioned these two approaches does not suggest an overwhelming consensus.

Even those who would give more discretion to corrections and less to the judiciary qualified their views about guidelines and flat sentencing. For example, one individual in parole did point out that, while he has little love for the judiciary, "the outrage is usually about some poor bugger who got 10 years while some other guy got two years less a day for the same offence. What is ignored are the number of cases where people get individualized justice that works to their advantage". He, in other words, is not quite prepared to take all discretion away from the judges.

A careful look at responses to question 21, we think, suggests something of the uncertainty both groups feel about guidelines versus individualized justice. Overwhelmingly, factors which virtually everyone felt judges should take into account are objective circumstances (98%), criminal record (95%) and protection of the public (81%). There is, of course, little difference between the two services in the first two. However, probation officers are somewhat more likely to mention protection than are parole officers. Neither give particular prominence to the desire of judges to individualize the sentence. Perhaps, the first two of these do mean, in most of our respondents' minds, individualized justice but they could also imply rather strict

guidelines for the judiciary. Protection, in the sense of sending a message to would be offenders, does, however, suggest another objective of sentencing - deterrence - which is far removed from either individualized justice or strict guidelines. Clearly, deterrence as an objective of sentencing, creates in the individual case a form of disparity that does not take into account the offenders' objective circumstances or previous record. We are, then, presenting data which are in some ways contradictory and difficult to interpret. Perhaps, too, our respondents, in answering these various questions, are simply reflecting a more general confusion and uncertainty in society about how best to impose sanctions and what we hope to accomplish with these sanctions.

4) Pre-sentence Reports

About half of the workload of probation officers is taken up with preparation of pre-sentence reports. Most feel that this is an important, perhaps the most important, aspect of their job. Most expressed optimism that, generally, judges do rely on and take into account the officers' assessments and recommendations. Thus, in answer to question 22, we find that 89 percent think judges very often or often consider pre-sentence reports. Interestingly, three-fifths also feel that victims' views should be included in the pre-sentence report. As with question 22, there are almost no differences between probation and parole officers.

As we learned from probation officers, pre-sentence reports range in quality from the last-minute request for a "quick and dirty" assessment to a thorough community assessment which might be done over several weeks. While this aspect of their work is seen as important, most felt some frustration because they cannot predict how many requests they will receive and, therefore, must, at times give less

attention to their caseload. Judges, it seems, do not always recognize the time involved in preparing a report and either ask for too many or want them too quickly. As well, there is a feeling among those we interviewed that some requests are unnecessary since it is fairly obvious what the recommendation will be. It was also noted that, at times, judges request a report as a delaying tactic. For example, in December, to keep offenders out of jail over Christmas, some judges will request a sentencing report to be considered in early January. For these reasons and perhaps because of existing workloads, 58 percent of probation officers do not think pre-sentence reports should be mandatory. As we might expect, parole officers are just the opposite: 58 percent think they should be mandatory. In short, while there may be some problems administering pre-sentencing reports, we found no-one opposed to the principle and a high degree of confidence that they serve a useful purpose in the sentencing process.

5) Plea Bargaining

Plea bargaining, though an institutionalized part of the American criminal justice system, has generally been looked upon with disapproval in the Canadian system, so much so that at the official level, there is usually denial that it occurs at all. Research which has attempted to look at the role of plea bargaining in the sentencing process, then, faces the problem that it is exploring activity which officially does not exist. Clearly, this is not the view of probation and parole officers since 98 percent think plea bargaining is practiced in their province. The other two percent answered that they don't know. Recognition does not, however, signify approval since only 25 percent are in favour of this practice. Probation officers are about twice as likely to be in favour (29%) than parole officers (14%). Opinions seem to be divided as to

whether plea bargaining should be governed by legislative provisions (46% in favour, 30% not in favour and 25% indicating they don't know). In general, our brief mention of this in the interviews suggests that plea bargaining creates disparities in sentencing which cannot be justified in terms of any correctional philosophy or approach and is, therefore, viewed with a great deal of suspicion and, at times, contempt.

IV. RECOMMENDATIONS AND CONCLUSIONS

In the opening section of this report we attempted to set out our impressions after interviewing a rather limited sample of a group of people we knew little about. We are sociologists but not criminologists so that while we stand by these impressions, we also recognize that to those dealing regularly with either or both services, what we have reported here may seem "old hat" and perhaps naive. And, it is evident that in a delimited study such as this, there is neither time or resources to assess whether what people say about the effectiveness of the work they do is empirically grounded. We have not, for instance, tried to assess whether probation or parole are effective correctional measures. We have, rather, reported on the perceptions of those who work in the two systems as conveyed to us through interviews and the mail questionnaire, two data sources which we have, throughout, tried to dovetail and use in tandem. With those caveats, we briefly set out some conclusions and, at least, implicit recommendations.

First, if there is only one thing learned from this research, it is that there is no single approach to either sentencing or corrections. Certainly, we found, among our respondents, a deep commitment to alternatives which seek to maintain rather

than remove people from the community and measures which aid people to integrate into society after incarceration. But, we encountered no-one who would abolish prisons altogether or, at the opposite extreme, do away entirely with gradual release. Nor does anyone we encountered see any particular approach as the panacea, the cure for recidivism.

Rather, the criminal justice system is dealing with a group of people diverse and heterogeneous in backgrounds, circumstances and kinds of offences. It was pointed out to us that for some, the mere fact of being placed on probation is a sufficient deterrent, enough of a punishment that they never show up in the criminal courts again. And, at the opposite extreme are a group of offenders for whom various sanctions are, as one parole officer put it, not unlike collecting badges in cubs and then later scouts. Until these are earned reform is unlikely; they emerge from each level of sanction even more dangerous and anti-social than before. Some told us that the only way to deal with this group is to make prison even more awful than it already is. But, most admitted they have no solution other than tough and close supervision in an effort devoted not to rehabilitation but protection of society.

These are the extremes. It is, in dealing with the mass of offenders in between, that both probation and parole officers feel that they can make a contribution and what, in their view makes the job worthwhile. It is here that creative sentencing and correctional measures can potentially bring about change.

At the same time, no one is claiming that any of these measures, in isolation or as a total system will bring an end to recidivism. Indeed, many would argue that the value of a particular programme cannot be evaluated in terms of relative rates of non-recidivism. Since crucial factors in non-recidivism are such things as maturity,

marriage and employment, we have to ask not did the individual recidivate but how much worse would things have been without the programme. Some, then, would view an approach as successful if it keeps people out of serious trouble in the period before they achieve some degree of maturity and responsibility.

The preceding suggests, then, a continuing commitment by these officers to the notion of individualized justice at both the sentencing and correctional stages of the process. Differences between the two groups of correctional workers reflect mainly their respective positions and functions in that process and are matters of degree. Parole officers, as we have seen would, on the whole, prefer there to be more consistency at the point of sentencing, including tighter guidelines and more discretion in terms of how and when prisoners are released. On the other hand, probation officers tend to favour sentencing discretion but tend to be uncomfortable with early release from prison. But, to reiterate, these are differences in degree. On very few matters did we find there to be consensus about any of these issues. This is especially so with respect to views on maximum and minimum penalties and guidelines for judges. Neither group seems unduly concerned about present maximums, the exception being for drug trafficking which was mentioned by a few as being too long given that these are not violent offenders. Opinions are also divided as to whether minimum penalties for murder should be revised. On the basis of these data we have little basis for recommending a thorough revision of the Criminal Code.

Nor do these respondents provide a clear stand on the issue of sentencing disparities and the need for tighter sentencing guidelines. As we read the responses, when sentencing variations arise for reasons other than to individualize justice or for protection, they are unjustified. Thus, there is a semi-desire for guidelines and

maybe even flat sentencing. But when pushed, most seem to be saying that the good in sentencing discretion outweighs the bad, that while there are sometimes sentences which seem to have no rational basis and are simply unfair, this is the price to be paid for other sentences which are rational and enlightened. And, in setting out what might be factors in sentencing, the items chosen suggest the same mix of competing objectives and pressures which already characterize the sentencing process. Thus, we are unable to find in these views a very clear sense of how, if guidelines are to be established, this is to be done.

Along with the commitment to individualized justice is considerable satisfaction with the various non-custodial and gradual release programmes now in use. While none is seen as the answer for everyone, in combination, they are seen as offering flexibility in both sentencing and in re-integrating released prisoners back into society. One exception is, of course, mandatory supervision which, in its present form, is disliked by both groups of officers. However, the proposed amendments to the Parole Act and Penitentiaries Act will go some way towards allaying at least some of the concerns people have about this form of release.

As we have seen, the other exception is probation. Both parole and probation officers, of course, agree fully with the notion of probation but both also believe that, in Atlantic Canada, at least, the system is underfunded to the point that it is becoming largely ineffective. The obvious solution is, of course, more funding, an issue which goes beyond this report and the direct concerns of the commission. But, we would also suggest that underfunding may also be symptomatic of a changing conception of the role and function of probation and its place in the criminal justice system which ought to be examined more thoroughly. And, if, indeed, the emphasis is

to be on control rather than treatment, it may, as some suggest, be a better use of resources to give supervision to other agencies in the community including the police and to use the existing staff more fully in the evidently important work of providing pre-sentence reports and assessments.

Finally, while it goes beyond the scope of this report, we share the concerns of those working in parole about the implications of provincialization, particularly in this region of Canada. This in our view would be a step backwards for the correctional system in Atlantic Canada.

APPENDIX A

**Interview Schedule for
Probation and Parole
Personnel**

SENTENCING STUDY
INTERVIEW SCHEDULE

1. Could I first ask you about your caseload. About how many cases would you be carrying at one time?
2. Is that a manageable number?
If NO: What would be manageable number?
3. IF TOO MANY/TOO LARGE: How does that affect the quality of supervision you're able to offer?
4. Do you meet with those you supervise or is it mostly phone calls?
5. Aside from workload, are there other kinds of constraints that limit what you can do?
IF YES: Probe: can you tell me more about that?
6. How, generally, do you rate the quality of supervision you and your colleagues can offer?
7. On the whole, do you see your job as mainly one of control or mainly treatment of what?
IF CONTROL: Is that the way it should be or is that simply the reality?
8. Arguments for alternatives to imprisonment assume that there are non-custodial services available. Compared to the rest of Canada how does _____ fare in terms of these services?
9. IF POOR/LIMITED: Does this, in effect, lead to sentencing disparities compared to other parts of Canada?
10. As it is apparent in the questionnaire which you filled out, The Commission is interested in what those working in Corrections think about existing correctional measures. For example, what do you think about mandatory supervision? Does it work? Is it necessary?
11. And what about conditional release? What do you see as its problems?
12. Which do you prefer, mandatory supervision or conditional release?
PROBE: why is that? Is that true for all inmates?

13. In general, what proportion of time should be spent in jail before conditional release?
14. For those with long sentences would some sort of remission scheme help to reduce prison riots?
15. What about TA's, do they serve any useful purpose?
16. Should this approach be used more or less than at present?
17. Are TA's used properly or are they being abused?
18. Overall, would you say that probation is working?
19. Are too many offenders or too few being put on probation?
20. What do you see as the problems with probation?
21. Do conditions serve a purpose/are they useful do you think?
22. On the whole, do you think any of these alternatives to general release do much to reduce recidivism?
23. What do you think reduces recidivism?
24. In you experience, do pre-sentence reports have any impact on sentencing?
IF YES: In what sort of way?
25. Where prison workers write reports for parole board, do these have any impact?
Are they listened to?
26. The questionnaire covered the issue of maximum-minimum sentencing quite fully. Do you have any view on whether maximum sentences should be increased or decreased?
27. And what about individualized justice; should judges have the kind of discretion in sentencing which they have now?

APPENDIX B
DISTRIBUTION OF RESPONSES
BY ITEMS ON QUESTIONNAIRE

RESEARCH ON THE DETERMINATION OF SENTENCES

QUESTIONNAIRE

to be administered to criminal justice
professionals without official legal training

The Canadian Sentencing Commission
April 3, 1986

SEVERITY OF SENTENCES

1. Would you say that the sentences handed down by judges in you province are generally

1) too severe	<u>9%</u>
2) fair	<u>61%</u>
3) not severe enough	<u>29%</u>
4) don't know	<u>1%</u>

2. Would you say that the sentences handed down by judges in Canada are generally

1) too severe	<u>8%</u>
2) fair	<u>46%</u>
3) not severe enough	<u>24%</u>
4) don't know	<u>22%</u>

MAXIMUM PENALTIES

The criminal law provides maximum prison sentences for different types of crime. For example, armed robbery is liable to life imprisonment.

3. As things stand today, are the maximum penalties provided by the legislation in accord with principles of proportionality?

1) in most cases	<u>27%</u>
2) often	<u>24%</u>
3) rarely	<u>37%</u>
4) never	<u>0</u>
5) don't know	<u>11%</u>

4. If maximum penalties are rarely imposed, should they be

1) raised (on the whole)	<u>19%</u>
2) lowered (on the whole)	<u>31%</u>
3) left as they are	<u>47%</u>
4) don't know	<u>3%</u>

5. In your view, are maximum penalties often imposed by the courts?

1) very often	<u>0</u>
2) often	<u>1%</u>
3) rarely	<u>82%</u>
4) never	<u>16%</u>
5) don't know	<u>1%</u>

6. Are you of the opinion that there are offences of very different degrees of seriousness for which the maximum penalties are identical?

1) yes	<u>66%</u>
2) no	<u>7%</u>
3) don't know	<u>27%</u>

If yes, can you name some?

7. If maximum penalties are rarely imposed, do you believe their deterrent power

1) remains as strong	<u>15%</u>
2) is diminished	<u>56%</u>
3) no longer exists	<u>24%</u>
4) don't know	<u>5%</u>

8. In the eventuality of reform, what do you think should be the criteria determining maximum penalties? (tick off only one answer for each item)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
a) the seriousness of the crime	97%		
b) protection of the public	98%		
c) deterrence of potential criminals	64%		
d) the damage done as a result of the crime	72%		
e) the current practice of the courts regarding various types of infractions	29%		
f) others (specify)	11%		

9. Among the following sanctions, which do you normally associate with the protection of society?

1) imprisonment	<u>97%</u>
2) a fine	<u>14%</u>
3) probation	<u>41%</u>
4) community service order	<u>18%</u>
5) others (specify)	<u>12%</u>
6) don't know	<u>0</u>

10. Do you think it would be desirable to provide indeterminate sentences (of unlimited duration) for recidivist offenders considered dangerous according to section 688 of the Criminal Code?

1) yes	<u>70%</u>
2) no	<u>22%</u>
3) don't know	<u>8%</u>

11. How many criminals answering this description do you think there are today in Canadian penitentiaries?

Number _____

MINIMUM PENALTIES

The Criminal Code, the Narcotic Control Act and the Food and Drugs Act provide mandatory minimum penalties for certain crimes. For example, the importation of drugs is punishable by a minimum of seven years in prison.

12. In your opinion, are the restrictions on the discretionary power of the judge resulting from such mandatory minimum penalties:

1) desirable	<u>47%</u>
2) undesirable	<u>45%</u>
3) don't know	<u>8%</u>

13. Do you think the restrictions on the discretionary power of the correctional authorities that stem from these mandatory minimum penalties are:

1) desirable	<u>46%</u>
2) undesirable	<u>43%</u>
3) don't know	<u>11%</u>

14. Which of the following options do you favour regarding the minimum time in prison that an offender guilty of murder in the first degree should serve before being eligible for parole:

1) retain the present minimum	<u>41%</u>
2) increase the minimum term of imprisonment before eligibility for parole	<u>29%</u>
3) reduce the minimum term of imprisonment before eligibility for parole	<u>20%</u>
4) abolish the present minimum	<u>10%</u>

If you favour reduction of the parole eligibility period, which of the following options would you prefer?

- | | |
|--|------------|
| 1) reduce the present minimum term of incarceration to between 15 and 25 years, leaving it to the judge's discretion to set the date of eligibility of parole between 15 and 25 years, as is now the case for second degree murder (10-25) | <u>53%</u> |
| 2) abolish the minimum of 25 years before eligibility for parole, leaving it to the judges' discretion to determine the actual period of parole eligibility | <u>21%</u> |
| 3) other (specify) | <u>26%</u> |

15. Should legislation ever provide for mandatory minimum penalties?

- | | |
|----------------------------|------------|
| 1) yes, for all crimes | <u>10%</u> |
| 2) yes, for certain crimes | <u>57%</u> |
| 3) no, not for any | <u>22%</u> |
| 4) don't know | <u>11%</u> |

DISPARITY OF SENTENCES

16. Do you think the variations that exist in the sentences imposed by the courts in your province for similar crimes are:

- | | |
|----------------|------------|
| 1) justified | <u>33%</u> |
| 2) unjustified | <u>56%</u> |
| 3) don't know | <u>11%</u> |

17. To what do you attribute these variations? (tick off only one answer for each item)

- | | <u>Yes</u> | <u>No</u> | <u>Don't Know</u> |
|---|------------|-----------|-------------------|
| a) to the objective and factual circumstances surrounding the crime | 68% | | |
| b) to the previous record of the offender | 81% | | |
| c) to temporal variations in society's reaction to a given crime | 59% | | |

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
e) the judge's desire to individualize the sentence	62%		
g) the subjectivity (different attitudes) of judges	88%		

18. Do you think the correctional authorities accentuate disparity when administering sentences (for example, when granting parole)

1) yes	<u>56%</u>
2) no	<u>33%</u>
3) don't know	<u>10%</u>

If yes, do you consider this element of disparity justified?

1) yes	<u>35%</u>
2) depending on certain factors (example)	<u>29%</u>
3) no	<u>23%</u>
4) don't know	<u>14%</u>

GUIDELINES

The term "guidelines" usually refers to a method of structuring the decision process.

Such guidelines were initially established in order to set up criteria for decision-making with regard to parole.

19. Do you think sentencing guidelines should also be established to guide judges in the determination of sentences

1) yes	<u>71%</u>
2) possibly	<u>21%</u>
3) no	<u>7%</u>
4) don't know	<u>1%</u>

20. Of the following methods which one or ones would you favour?

	<u>For</u>	<u>Against</u>	<u>Don't Know</u>
a) Establish a scale of seriousness scoring the level of the offence, the circumstances surrounding its perpetration and the characteristics of the offender (e.g. criminal record)	72%		

	<u>For</u>	<u>Against</u>	<u>Don't Know</u>
b) A legislative statement specifying on the one hand, the objectives and principles that should be considered by the judge in determining the sentence, and on the other the weight to be given to the various factual elements (e.g. the gravity of the act, the harm done, the circumstances of its perpetration, etc.) in determining the sentence	72%		
c) A system of directives issued by the Court of Appeal of the province	34%		
d) The establishment of average sentences based on the statistical analysis of current practices in determining sentences	15%		
e) Give the judge full discretionary power on condition that when handing down the sentence he explains clearly the reasons for his choice and the objectives intended by the imposition of such a sentence	38%		
21. Which of the following factors should the judge consider in the determination of a sentence (even if apparent disparity may result from doing)?			
	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
a) the objective circumstances and elements of the offences	98%		
b) the criminal record of the offender	95%		
c) public reaction (as it may vary from time to time) to a given crime	44%		
d) the desire to individualize the sentence	53%		
e) the desire to protect the public in a given instance (e.g. because of the increased incidence of a given crime)	81%		

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
f) the desire to satisfy the victim	43%		
g) others (specify)	15%		
22. In your view, do judges consider pre-sentence reports			
1) very often	<u>33%</u>		
2) often	<u>57%</u>		
3) rarely	<u>7%</u>		
4) never	<u>0</u>		
5) don't know	<u>3%</u>		
23. In your view should pre-sentence reports include the views of the victim on the determination of the sentence?			
1) yes	<u>62%</u>		
2) no	<u>33%</u>		
3) don't know	<u>6%</u>		
24. Pre-sentence reports are normally prepared by order of the court, or upon the request of Crown and defence counsel. Should such reports be mandatory in all cases where the Crown is seeking a sentence of imprisonment?			
1) yes	<u>36%</u>		
2) possibly	<u>13%</u>		
3) no	<u>49%</u>		
4) don't know	<u>2%</u>		

PLEA BARGAINING

25. Do you think plea bargaining is currently practiced in your province?			
1) yes	<u>98%</u>		
2) no	<u>0</u>		
3) don't know	<u>2%</u>		
26. Are you in favour of this practice?			
1) yes	<u>25%</u>		
2) no	<u>62%</u>		
3) don't know	<u>14%</u>		

27. Should plea bargaining be governed by specific legislative provisions?

- | | |
|---------------|------------|
| 1) yes | <u>46%</u> |
| 2) no | <u>30%</u> |
| 3) don't know | <u>25%</u> |

Comments (if any)

PREVENTIVE DETENTION

28. What level of authority should determine the effect of the time spent in preventive detention in determining the exact duration of the sentence to be served:

- | | |
|--|------------|
| 1) the legislation | <u>21%</u> |
| 2) the judge on pronouncing the sentence | <u>27%</u> |
| 3) the correctional authorities | <u>41%</u> |
| 4) others (specify) | <u>11%</u> |

IMPRISONMENT AND ITS ALTERNATIVES

29. Do you think the courts in your province impose:

- | | |
|---------------------------------|------------|
| 1) too many prison sentences | <u>32%</u> |
| 2) just enough prison sentences | <u>26%</u> |
| 3) not enough prison sentences | <u>27%</u> |
| 4) don't know | <u>16%</u> |

30. What objectives do you think the courts should have in handing down a sentence of imprisonment?

- | | |
|---------------------------------|------------|
| 1) to protect society | <u>94%</u> |
| 2) make the guilty pay | <u>28%</u> |
| 3) to further treatment | <u>43%</u> |
| 4) to deter potential offenders | <u>59%</u> |
| 5) others (specify) | <u>9%</u> |

31. Should judges take into account the space available in the prisons when determining the sentence?

1) yes, for the majority of cases	<u>6%</u>
2) only for certain crimes	<u>22%</u>
3) no	<u>71%</u>
4) don't know	<u>1%</u>

32. Do you think judges are aware of the different alternatives to imprisonment, whether correctional or community programmes?

1) yes	<u>66%</u>
2) no	<u>27%</u>
3) don't know	<u>7%</u>

33. Does your service have alternative programmes available?

1) yes	<u>83%</u>
2) no	<u>14%</u>
3) don't know	<u>3%</u>

If yes, does your service take steps to keep agents of the criminal justice system informed about these programmes?

1) yes	<u>84%</u>
2) no	<u>5%</u>
3) don't know	<u>11%</u>

34. Do you think the judges and other agents of the criminal justice system (the Crown, the police) are generally open to these alternatives?

1) yes	<u>71%</u>
2) no	<u>20%</u>
3) don't know	<u>10%</u>

Comments:

35. What is your position with regard to alternatives to prison?

1) totally agree	<u>45%</u>
2) agree somewhat	<u>52%</u>
3) disagree somewhat	<u>2%</u>
4) totally disagree	<u>0</u>
5) don't know	<u>1%</u>

36. Do you think that alternative sanctions, such as sentences of community work, restitution or compensatory work, placement in a community training residence or halfway houses, etc. are valid alternatives to sentencing (Tick off only one answer to each of the items)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
a) in the eyes of the judge	82%		
b) in the eyes of the police	28%		
c) in the eyes of Crown Prosecutors	59%		
d) in the eyes of defence lawyers	85%		
e) in the eyes of offenders	75%		
f) in the eyes of the victims	24%		
g) in the eyes of the public	28%		

CORRECTIONAL MEASURES

37. Do you think that increasing the number of alternatives would reduce the number of sentences to imprisonment?

1) very much so	<u>16%</u>
2) a fair amount	<u>50%</u>
3) very little	<u>29%</u>
4) not at all	<u>5%</u>

38. What is your position on each of the following measures? (Tick off only one answer for each item)

a) Eligibility for parole after 1/3 of the sentence has ben served	
1) fully in agreement	<u>34%</u>
2) somewhat in agreement	<u>31%</u>
3) somewhat against	<u>24%</u>
4) totally against	<u>9%</u>
5) don't know	<u>2%</u>

b) Release under mandatory supervision after 2/3 of the sentence has been served.

1) fully in agreement	<u>16%</u>
2) somewhat in agreement	<u>34%</u>
3) somewhat against	<u>29%</u>
4) totally against	<u>21%</u>
5) don't know	<u>0</u>

c) Unconditional release (without supervision) at the end of the sentence, after time off for good behaviour.

1) fully in agreement	<u>10%</u>
2) somewhat in agreement	<u>34%</u>
3) somewhat against	<u>28%</u>
4) totally against	<u>27%</u>
5) don't know	<u>1%</u>

d) Temporary absences with escort.

1) fully in agreement	<u>62%</u>
2) somewhat in agreement	<u>31%</u>
3) somewhat against	<u>3%</u>
4) totally against	<u>2%</u>
5) don't know	<u>2%</u>

e) Temporary absences without escort

1) fully in agreement	<u>42%</u>
2) somewhat in agreement	<u>46%</u>
3) somewhat against	<u>9%</u>
4) totally against	<u>1%</u>
5) don't know	<u>2%</u>

f) Intermittent sentences (week-ends)

1) fully in agreement	<u>62%</u>
2) somewhat in agreement	<u>21%</u>
3) somewhat against	<u>10%</u>
4) totally against	<u>6%</u>
5) don't know	<u>1%</u>

39. Do you think the conditions imposed on released prisoners and probationers are realistic, useful?

1) on the whole, yes	<u>58%</u>
2) often not	<u>16%</u>
3) sometimes not	<u>22%</u>
4) on the whole, no	<u>3%</u>
5) don't know	<u>1%</u>

40. Among the conditions imposed on released prisoners, are there any that could be considered:

- | | |
|--|------------|
| 1) too restricting for the supervisor | <u>54%</u> |
| 2) unnecessarily restricting for the ex-prisoner | <u>31%</u> |
| 3) abusive | <u>0</u> |
| 4) unrealistic | <u>60%</u> |

Give some examples:

41. Probation and parole officers are said to perform the triple role of supervision, assistance and orientation. Which of these three functions do you think should take precedence in the approach of these agents?

- | | |
|----------------|------------|
| 1) supervision | <u>59%</u> |
| 2) assistance | <u>35%</u> |
| 3) orientation | <u>6%</u> |

42. In your opinion do the powers accorded the correctional authorities allow them enough flexibility for effective individualization?

- | | |
|---------------|------------|
| 1) yes | <u>60%</u> |
| 2) no | <u>36%</u> |
| 3) don't know | <u>4%</u> |

43. Do you think these powers should be:

- | | |
|---------------------------|------------|
| 1) increased | <u>47%</u> |
| 2) maintained as they are | <u>47%</u> |
| 3) diminished | <u>6%</u> |

44. Do you think the increase of these powers would be in conflict with those of the justice apparatus?

- | | |
|---------------|------------|
| 1) yes | <u>31%</u> |
| 2) no | <u>53%</u> |
| 3) don't know | <u>16%</u> |

45. Do you think the pre-release report has any influence on the decisions of parole boards?

- | | |
|---------------|------------|
| 1) very often | <u>42%</u> |
| 2) often | <u>44%</u> |
| 3) rarely | <u>4%</u> |
| 4) never | <u>2%</u> |

- | | |
|---|------------|
| 5) don't know | <u>9%</u> |
| 46. For those of you who have the task of supervising released prisoners, do you think your workload permits you to give effective supervision? | |
| 1) yes, absolutely | <u>7%</u> |
| 2) yes, with reservations | <u>34%</u> |
| 3) on the whole, no | <u>33%</u> |
| 4) absolutely not | <u>19%</u> |
| 5) don't know | <u>6%</u> |

N.B.: Please note that this questionnaire is strictly confidential. Only the data compiled will be transmitted to The Canadian Sentencing Commission.

8. For what type of offences was your clientele generally convicted?

Break, Enter, Theft	94%	Assault	32%
Mischief	57%	Other Crime	39%
Shoplifting	40%		

9. For the majority of your clientele was the latest conviction of on one or several counts?

1) one count	<u>38%</u>
2) several counts	<u>55%</u>

10. In what Province are you presently working?

1) New Brunswick	<u>34%</u>
2) Newfoundland	<u>14%</u>
3) Nova Scotia	<u>42%</u>
4) Prince Edward Island	<u>10%</u>