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MINISTERIAL STATEMENTS, AGENDA, COMMUNIQUÉ AND OTHER RELATED DOCUMENTS

Federal-Provincial Conference on Corrections
December 12-14, 1973
Ottawa

Chairman: Hon. Warren Allmand,
Solicitor General of Canada

FEDERAL–PROVINCIAL CONFERENCE ON CORRECTIONS

OTTAWA

December 12, 13, 14, 1973

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INTRODUCTION

The material contained in this volume relates to a Federal-Provincial Conference of Ministers responsible for corrections in Canada. The Conference was held at Ottawa on December 12, 13 and 14, 1973. It was hosted by the Government of Canada and chaired by The Honourable Warren Allman, Solicitor General of Canada.

It had been more than fifteen years since a similar meeting of Ministers had taken place. In the intervening years federal and provincial policies and programs respecting corrections had developed an array of sometimes parallel, often diverging, and, occasionally, coordinated efforts. The need to make a determined attempt to achieve greater federal-provincial communication, cooperation and coordination of correctional programs has been recognized in all areas of the correctional community and was a fundamental concern of the Canadian Committee on Corrections.

The purpose of this volume is to provide a source of general information to all components of the criminal justice system, to the private correctional agencies and to the public, concerning the issues that attracted the attention of the Corrections Ministers during the December 1973 Conference. Contained herein are the conference agenda, the opening remarks of each Minister, a report of concerns tabled by the chief delegate of each Territorial Government, the joint communiqué agreed to by Ministers at the conclusion of the Conference, a list of working groups and committees established to pursue decisions and commitments, and a list of participating Ministers.

L. McCafferty
Federal-Provincial
Conference Co-ordinator

February 4, 1974

AGENDA

Wednesday, December 12

Morning Session

9:00 – 9:30	Distribution of Conference Material
9:30 – 10:[illegible]	Opening Statements (limited 5 minutes per delegation)
10:30 – 10:45	Coffee
10:45 – 12:00	Agenda Planning Sub-committee to draft communiqué
12:00 – 14:00	Lunch

Afternoon Session

14:00 – 17:00

1. Parole Jurisdiction (Parole Decision-Making and Parole Services)
   – The Minister of Correctional Services, Ontario
2. Exchange and Joint Use of Institutional Services and Facilities
   – The Solicitor General, Alberta
3. Revision of the Prisons and Reformatories Act
   – Ministre de la Justice, Province du Québec
4. Report on Status of Ouimet Recommendations

Thursday, December 13

Morning Session

9:00 – 12:00

5. Young Persons in Conflict With The Law
   – Minister of Correctional Services, Ontario
6. Canada Assistance Plan

   Minister and Deputy Minister of National Health and Welfare invited to attend entire morning session.

12:00 – 14:00 Lunch

Afternoon Session

14:00 – 17:00

7. Continuous Federal-Provincial Joint Planning
8. Specific Subjects For Joint Planning
   a. Joint Federal-Provincial Planning of Services and Facilities
   b. Diversion Programs and Alternatives to Incarceration
      – Attorney General, British Columbia
   c. Criminal Information and Statistics
   d. Native Offenders
      – Minister of Health & Social Services, Manitoba
   e. Medical and Psychiatric Services
      (Chalke Report)
   f. Community-Based Residential Centres
      (Outerbridge Report)
   g. Correctional Standards and Staff Development
   h. The Criminal in Canadian Society: A Perspective on Corrections

Friday, December 14

Morning Session

9:00 – 12:00 9. Funding of Correctional Programs

12:00 – 14:00 Lunch

Afternoon Session

14:00 – 17:00 10. Items Carried Over From Previous Sessions

11. Conference Communiqué

Opening Remarks

by the

Honourable Warren Allmand

It is my pleasure to welcome ministers and delegations including representatives from our two territorial governments, to this conference on corrections. It is now some fifteen years since a ministerial discussion on this subject took place.

Since the last conference, there have been many changes within our federal and provincial correctional systems. In recent years, developments have been profoundly affected by the recommendations of the Canadian Committee on Corrections. One of the fundamental propositions of the Committee was that law enforcement, judicial and correctional processes, should form an interrelated sequence, all sharing a common overall aim – the protection of society from criminal activity, this conference presents us with an opportunity to take another step forward towards a coordinated approach to criminal justice administration that the Committee on Corrections regarded as a major aim.

The criminal justice system is made up of fragmented areas of responsibilities and concerns, shared among federal, provincial and municipal governments, private agencies, volunteer groups, universities, and the general public. All of these have an important role; all share a common problem – protection of society, not forgetting the well-being of the individual going through the one criminal justice system. This fragmentation calls for a high degree of consultation and cooperative effort. Yet attaining that cooperative effort, as we know all too well, is far from easy. Today, we have brought two orders of government together to work towards greater cooperation. But we must be mindful that governments cannot, by themselves, reduce the level of crime and delinquency. The individual coming in conflict with the law is a problem of the total society. Public understanding, awareness and support are vital.

Without going into great detail, I would like to state, in a general way, what I hope we can together accomplish at this conference.

I appreciate that the two-year sentence as the demarcation point between sentences to provincial prisons and federal penitentiaries is arbitrary and somewhat artificial, but I believe that we can build flexibility into our approach to enable us to take best advantage of available federal and provincial resources. In this respect, I will recommend that both orders of governments enter into enabling agreements for the exchange of services. For example, certain groups of federal inmates, such as female and native offenders now in federal institutions, might well better respond to correctional programs if they were transferred to provincial prisons close to their home communities. Similarly, federal penitentiaries can provide special programs in a high security setting for some offenders in a provincial institution.

I will recommend that the Prisons and Reformatories Act be amended at the next session of Parliament to remove anachronistic provisions and leave Provinces with wide discretion in the operation of their prison systems.

In response to requests from a number of provincial governments, I will recommend the transfer to Provinces who choose to have it, the responsibility for parole decision-making and supervision of federal offenders incarcerated in provincial institutions.

I place a high priority on the problem of juveniles or young persons who come in conflict with the law. I have initiated with the Department of National Health and Welfare, comprehensive reviews of the Juvenile Delinquents Act and the programs, services and funding

arrangements dealing with young persons in conflict with the law. I will be recommending, at this conference, participation of the Provinces in these reviews. While the federal government is responsible for any legislation to amend or replace the Juvenile Delinquents Act, the responsibility for programs and services dealing with young persons belong to the Provinces. Any proposed changes in federal legislation will have to be integrated with provincial programs, services and resources.

I will be recommending that ministers approve a continuing mechanism for the joint development of long-term plans for corrections in Canada. The paper – "The Criminal in Canadian Society – A Perspective on Corrections", which I tabled in the House of Commons last Friday, and of which you have copies, might usefully serve as a possible conceptual framework for joint planning.

One of the grave problems facing the Canadian Penitentiary Service is the very sharp rise in the number of offenders sentenced to federal penitentiaries. Accommodating this increase will require a massive and expensive building program over the next five years. Concerns have been raised about the difficulty of motivating and correcting individual behaviour within an institutional environment. I am, therefore, keenly interested in the proposed discussion of diversion programs and alternatives to incarceration. I recognize that this subject is broad and encompasses other aspects of the criminal justice system, including law enforcement and the judicial programs as well as provincial correctional and social programs and services.

Another subject of particular concern to me is the problem of native offenders. The problem, while national in scope is most alarming in the Prairie Provinces. Approximately twenty-five per cent of the penitentiary population in the Prairie Provinces are native people, and the percentage in the provincial prisons of these provinces is even higher. These figures are in stark contrast to the fact that native people represent only 3 to 5% of the population of the Prairie Provinces. I appreciate that the causes are very complex arising from their cultural differences and the unfavourable socio-economic conditions of our native people. I hope that we will agree to a federal-provincial conference of officials from departments and agencies of both orders of government to more clearly identify the problem and to suggest appropriate action programs.

I am confident that as our discussions proceed, we will be able to take effective joint action to meet current problems, and to launch a coordinated attack on several more fundamental issues. If we succeed in solving some problems, if we can agree that we will work together to solve others over time, then we can also be assured that we will not wait another 15 years before we meet again.

Opening Remarks

by the

Honourable A. B. Macdonald, Q.C.

Honourable Colleagues, Ladies and Gentlemen:

I take pleasure in joining my colleagues who are responsible for corrections in the Provinces and Territories of our country, in extending an expression of appreciation to The Honourable Warren Allmand, Solicitor General of Canada, for having made this Conference possible.

Such meeting is obviously long overdue, a fact that is perhaps indicative of the relatively low priority traditionally given to correctional services! There is much catching up to do if we are to bring corrections on line with modern theories of human behaviour and social justice. Not the least among the needs to upgrade is that of finding a functional method for delineating federal-provincial responsibilities. We need to replace the present arbitrary arrangement for decision-making with respect to incarceration.

If we mean to be serious about protecting the public against victimization, then we must take hard look at a total justice system, from prevention through rehabilitation. It is obviously no protection to the public, if preventive measures are not taken, if policing and general crime detection are inadequate, if our laws are archaic and do not reflect the mood of a people in the 1970's, or if the sanctions imposed by our courts have little positive and perhaps even a negative effect on the offender. Nor does it make any economic sense if we continue to fund a criminal justice system that exists only in part because it is wanting in justice and lacking in system.

A year ago my Department, which has responsibility for both a Justice and a Corrections Branch, established a Task Force on Correctional Services and Facilities, under the chairmanship of Dr. M.A. Matheson. That report is available, and no doubt many of you have already seen it. I take this opportunity to reiterate a summarized statement of the crime problem as it is outlined on page 13 of the "Summary":

Crime Capsule:

- Criminal Code offences doubled in eight years from 1962 to 1970;
- British Columbia has a significantly higher overall crime rate than the national average;
- Crime is occuring at the rate of one criminal offence for every 12 citizens in British Columbia;
- Drug offences for opiate drugs run five times higher than the national rate;
- Crimes of violence against the person up 150% over past nine years 1962 – 1971;
- Rape and other sexual offences up 152% 1962 – 1971;
- Crimes against property up 140% over past nine years 1962 – 1971;
- Juveniles account for one third of the total number of actual offences committed against property;
- The number of females convicted of indictable offences 1962 – 1970 has increased 200%;
- Criminal offence total will double again by 1980.

Action has already been taken on a number of the 214 recommendations made in the report. Of considerable significance is the establishment of a Justice Co-ordinating Council, comprised of Dr. Matheson as Chairman, and members being the Deputy Attorney-General, the Deputy Minister of Corrections, the Chief Justice of the Supreme Court, the Chief Judge of the Provincial Court, the Chairman of the B.C. Board of Parole, the Assistant Commissioner of the Royal Canadian Mounted Police, and a representative of the B.C. Bar Association.

I have found the committee's counsel and advice exceedingly helpful in the discharge of my responsibilities as Attorney-General of the Province. We are not confining ourselves merely to a "criminal" justice system; I feel we are moving rapidly toward an integrated, total justice system in the province, a system which will reflect as much concern for the rights of the offended as it will the rights of the offender.

We cannot however, nor do we intend to work in isolation from the rest of Canada. Problems relating to crime and social justice defy geographic or jurisdictional confinement. We are therefore pleased to see on the agenda, items relating to parole jurisdiction, exchange and joint uses of services and facilities, joint Federal-Provincial planning of services and facilities, etc.

We will be speaking also to the matter of funding adult correctional services and amendments to the Canada Assistance Plan. The Prisons and Reformatories Act, we contend, has outlived its usefulness and we heartily endorse the idea of revising it. Special categories of offenders, or offenders with special problems, such as youth and native peoples, are also deserving of an intense examination so that we may produce better solutions than have been found to date.

We will be presenting a discussion paper later in the Conference, setting forth certain proposals aimed at seeking solutions to a number of problems as we see them. Included are: (a) diversion programs for those whose problems are basically non-criminal, such as the addict, (b) alternative, non-custodial penalties and programs for those whose problems are compounded by the fact of their poverty, and for others who are not necessarily in need of a total institutional experience, and (c) incentive programs designed to encourage provincial and territorial jurisdictions to keep offenders out of the Federal penitentiary system.

To help clarify our position and attitude, I have attached for your perusal, a statement giving the philosophy and purpose of corrections in British Columbia, together with a broad outline of the methods we intend to employ in reaching our objectives.

While it would be presumptous to assume that we shall reach full agreement on the solutions to any but a select few of the agenda items, we are encouraged by the fact that broad agreement has already been reached with respect to the problems we hope to examine at this Conference. My Deputy Minister of Corrections, Mr. Edgar Epp, and I look forward to a profitable sharing of ideas with you. We dare to hope at least for a consensus in terms of priorities, directions and the establishment of a medium for a continued working together toward reaching our objectives. We look to this Conference as a beginning in finding rational solutions to our nation's sometimes irrational problems in the field of corrections.

Statement on Corrections in British Columbia

Philosophy

1. Justice must be done and must appear, both to the offender and the offended, to be done.

2. Legal sanctions imposed upon the offender must be designed to provide for the protection of society, while upholding the dignity and worth of both the offender and the offended.

3. The protection of society is seen as being best served through:

(a) Holding in high regard the life and worth of all its members;

(b) Holding all of its members responsible for the maintenance of social order and the prevention of victimization or wrongful hurt to or by any of its members;

(c) Utilizing every appropriate means to correct the relationship between the offender and the offended.

Purpose

The Corrections Branch of the Department of the Attorney-General is the agency established by the Government of British Columbia to:

(1) Carry out the legal duties imposed upon it;

(2) Aid in the process of restoring the relationship between the offender and the offended;

(3) Develop correctional programs designed to protect the public from further victimization;

(4) Assist the community in developing programs for the prevention of crime and delinquency;

(5) Provide maximum opportunity and assistance to all persons in its care, in order that they may achieve successful personal and social adjustment in the community

Method

Specifically, and notwithstanding its involvement in preventive and other pre-court services, the Corrections Branch will provide for youth and adults:

(1) Probation programs and services which shall be available as resources to the Courts;

(2) Institutional facilities where necessary, which shall be as small in size as feasible, and located as near as possible to the domicile of its residents;

(3) Community service programs for the imposition of non-custodial penalties;

(4) Counselling supervision, training, and such other treatment and human relationship services deemed necessary or appropriate for persons in its care;

(5) Opportunity whenever possible, and where public safety is not considered thus endangered, for incarcerated persons to avail themselves of community resources through programs such as temporary absence and parole;

(6) Assistance, such as counselling services, where required and voluntarily requested by persons discharged from its care;

(7) Opportunity for citizens to participate in its various programs through community-based agencies, or as individuals who volunteer their services;

(8) Purchase of necessary services which would otherwise not be available to persons in its care, or more effectively provided by another agency;

(9) Ongoing research, planning and assessment to assist in the upgrading of its program methods, treatment techniques and staff development, and to ensure that appropriate objectives are established and achieved;

(10) Staff who, by recruitment, selection, training and development, demonstrate and maintain the maturity and other personal qualifications necessary to offer competent counsel and supervision to those in their care, and who will do so faithfully and diligently.

Opening Remarks

by the

Honourable W. H. Hunley

Mr. Chairman, I would like, first of all, to say on behalf of the Government of Alberta that we welcome this Federal-Provincial Conference on Corrections, and we look forward to three days of productive discussion. I would also like to thank the Solicitor General of Canada and his department for the hospitality with which they have received us.

In looking at the agenda that has been suggested, I am struck by the large number of items for discussion. I suppose this can be attributed largely to the fact that there has not been a federal-provincial conference in the area of corrections for almost fifteen years. I intend to concentrate my opening remarks on five areas which are of particular concern to the Province of Alberta, namely:

(a) Parole jurisdiction,

(b) The exchange and joint use of institutional services and facilities,

(c) Young persons in conflict with the law,

(d) Native offenders, and

(e) The funding of correctional programs.

Parole Jurisdiction

The first question I would like to deal with is that of parole jurisdiction. The existing situation with regard to parole jurisdiction seems to me to lack consistency. On the one hand the Province is given responsibility for the incarceration of criminals sentenced to less than two years, while longer-term prisoners are the responsibility of the federal penitentiaries. But, on the other hand, the National Parole Board has the decision-making and supervisory responsibility over parole for inmates of both federal and provincial institutions, leaving no say to the provinces. This provincial lack of control over the granting of parole has, on occasion, led to the unfortunate situation where a successful treatment program being administered to an inmate of a provincial institution must be interrupted, because parole is granted by federal authorities. The federal administration of parole has also resulted in serious time lapses, sometimes up to 90 days, between the time a parole violator has been suspended and apprehended and the time a decision has been rendered by the Board.

There are a number of other areas in which we feel provincial jurisdiction over people would result in more humane and effective treatment of offenders through a greater flexibility of regulations. For instance, the present regulation, which requires that our inmates serve one-third of their sentences before parole can be considered, gives us some concern. Because of the time required to process the parole application, inmates in our institutions — whose stays average about nine months — may become impatient and frustrated by the time parole is finally granted. This frustration may, in fact, create an inmate who is no longer an acceptable risk for parole. The criteria for granting parole should be the frame of mind of the inmate, his acceptance by family and community and the availability of a job, and should not be based on the arbitrary figure of one-third of his sentence. Similarly, with the application of criteria for the granting of temporary absence permits and day parole, the Alberta Government feels that flexibility rather than hard and fast regulations must be the rule. These have proven to be effective correctional tools and neither should be eliminated because of the actions of a few who violate those privileges. Alberta would, therefore, continue to use temporary absence permits and day parole as part of the total parole system, should the responsibility for parole administration in provincial institutions be transferred.

Since July of 1969 the Government of Alberta has been requesting that the Solicitor General of Canada give to the province responsibility for the granting and supervision of parole for provincial inmates. In recent years, both the Ouimet and the Hugessen Reports have recommended that "the provinces assum responsibility for parole as it affects all inmates of provincial institutions". We in Alberta have made provision in the Alberta Corrections Act for the establishment of a Provincial Parole Board, which would be appointed without delay if the Province were given the necessary authority. I would, therefore, respectfully ask the Federal Government for an early decision on this matter of parole jurisdiction so that the planning of our correctional services may be completed.

Exchange and Joint Use of Institutional Services and Facilities

I turn now to the question of the exchange and joint use of institutional services and facilities between the two levels of government. I believe there are a number of areas where such an exchange could prove beneficial by increasing efficiency and reducing costs, and, most important, by improving the effectiveness of the rehabilitation process. Such an exchange of service is currently being carried out by the Federal Government with some provinces, whereby female offenders are incarcerated in the provincial institutions close to their homes rather than being sent to far-away Kingston. We should also investigate the question of establishing national standards for the training of correctional staff. We should explore further the possibility of transferring inmates from one institution to another, regardless of jurisdiction, for such things as educational and training programs, psychiatric and medical attention, or special alcoholism and drug abuse programs which are not available in our own particular institutions. We should be made aware of pilot projects in other jurisdictions which may be of use in our own correctional system, and I am reminded here of the federal program for native offenders at the Prince Albert penitentiary. We should continue to do community investigations and mandatory supervision of federal inmates for the National Parole Board, in the event that the Provincial Governments attain some parole responsibility. And finally, we should explore the great need for an exchange of statistical information which is both timely and comparable.

Young Persons in Conflict with the Law

I turn now to the problem of juvenile delinquents (those under 16 years of age) and youthful offenders (those 16 to 20 years). This problem holds a priority position in the Alberta correctional system. We recognize that this area of corrections is one where probation and community treatment must be of primary importance, and where incarceration of young offenders should be employed only as a last resort. Unlike other areas of social work, however, the compulsory component must play a significant role in the rehabilitation of juvenile delinquents and youthful offenders. This area also calls for carefully selected Probation Officers and for a specialized and on-going staff-training program. In keeping with this view of juvenile delinquency as primarily a social work problem, Alberta has no training schools or reformatories for juveniles. Instead, we have specialized child care centres which emphasize positive behaviour and attitude development, followed by reintegration into the community at the earliest possible time. Other facilities available to delinquent juveniles include foster homes, group homes and rural camps. Alberta takes the position that a uniform cross-Canada juvenile age limit, applicable to both males and females, would be desirable. We would recommend that those between the ages of twelve and sixteen be dealt with in Juvenile and Family Courts, while those aged 16 to 20 be dealt with in the regular Court system. Such a uniform juvenile age limit would coincide logically with the legal driving age in most provinces, so that driving offences would not be dealt with in a Juvenile Court.

Native Offenders

Alberta, like many other jurisdictions in Canada, is particularly concerned at the high proportion of native people who come into conflict with the law. We look forward to a continuing investigation by all interested governments in Canada of the causes of and possible remedies to this problem. We in Alberta feel we have a successful program in this area which

should be studied and emulated by other concerned governments. The Native Court Worker Agreement is a Federal-Provincial cost-sharing arrangement which funds the Native Counselling Services of Alberta. This organization is a native-staffed group providing pre-trial counselling to natives, who often may not understand the nature of our legal system, nor even speak our language. It is anticipated that practically all Magistrate's and Family Courts in Alberta will have such native court workers by 1975. The Native Counselling Service also seeks to explain the native viewpoint to those involved in law enforcement, in the courts and in corrections, while on the other side it sponsors community workshops in native communities on the whole criminal justice system. Alberta is anxious to share its experience in this field with other governments in Canada, and to learn from their experiments and studies.

Funding of Correctional Programs

The question of funding correctional programs is one which will require careful consideration. In the field of juvenile delinquency, Alberta would like to see the Canada Assistance Plan expanded to cover not only the cost of in-house care, but also the probationary costs which are a follow-up to release from an institution, and which may be even more significant in the rehabilitation process. With regard to the funding of the exchange and joint-use of facilities and services, Alberta feels that some sort of fee-for-service basis can be worked out between the Provinces and the Federal Government. If parole jurisdiction or any other program of services is transferred to the province, we would be willing to assume the cost of the provincial program. In all these areas, however, including the Canada Assistance Plan, Alberta feels that the federal involvement in areas of provincial jurisdiction should not impinge upon the social and economic priorities of the Provinces.

Conclusion

Before closing, I would like to touch briefly on a number of other matters which are included on the agenda. With regard to the revision of the Prisons and Reformatories Act, Alberta considers that the Act should be repealed and replaced by a new and more concise Act, which could retain the sections which have proven useful, such as those dealing with remission and temporary absence, while deleting much of what is already included in provincial statutes. With regard to the Chalke Report's recommendations for regional forensic psychiatric units in Matsqui, Saskatoon and Halifax, my Government feels that this, by itself, would not be a desirable development. We feel that all forensic medical health services for persons coming under Alberta's jurisdiction should be provided in Alberta, close to the community from which the patient comes. With regard to the Outerbridge Report on Community-Based Residential Centres (CRC's), Alberta feels that the further expansion of this program should await more definite results than those reported to date by the Outerbridge Task Force.

In closing, may I express my hope that this conference is able to make considerable progress in the solution of problems in the correctional area.

Opening Remarks

by the

Honourable Alex Taylor

Although there are many items on the agenda which are individually of particular interest to our Province, including Parole, Prisons and Reformatories Act, and Young Persons in Conflict with the Law, I will confine my opening statement to a few remarks concerning two related topics which we feel are fundamental to all matters to be discussed at this Conference.

The first topic concerns the division of responsibility for corrections between the federal and provincial governments. The second concerns the financing of provincial correctional services for persons sentenced under federal statutes. I look first at the question of the division of responsibility. There appears to be very little in the way of authoritative material related to the constitutional aspects of corrections. In simple words, the British North America Act grants parallel powers to both levels of government, with respect to the passage of laws, the imposition of sentences and therefore, by implication, the modification of such sentences. Both levels of government are also granted parallel powers with respect to the "establishment, maintenance and management" of prisons on the one hand and penitentiaries on the other. However, the anomaly in this arrangement is the so-called "two year rule" under which persons convicted of offences under federal laws and sentenced to terms of less than two years are, in fact, housed in provincial facilities. There is a similar anomaly in that persons sentenced to a term of probation under federal law are supervised by provincial probation services. Because of this, we feel the time has come to question the two-year arrangement. The fact is, however, that the provinces presently have the responsibility of providing care and treatment for a large clientele which is determined by federal law – a law which can be changed unilaterally by the federal authorities. The two questions which, from our viewpoint, remain unanswered, however, are as follows:

(1) What is the extent of the federal power to legislate for or control correctional services provided by the province for federal offenders?

(2) What is the extent of the federal responsibility for the care and treatment of federal prisoners who are placed in a provincial corrections sytem?

We have come to the conclusion that provincial corrections legislation is soundly based, and not subject to being overridden by federal legislation, insofar as the provincial enactment restricts itself to persons sentenced for violation of provincial laws and to the administration of provincial prisons. Accordingly, we believe that regulatory provisions dealing with these matters should be contained in a provincial statute, or regulations passed pursuant to a provincial statute. In our opinion, Parliament has no regulatory authority to delegate to the provinces in that regard and regulations based solely on a federal statute would not be soundly based. To put our position on this matter very simply, then, we feel that the provinces should and do have the authority to manage and program their own correctional systems independently of federal regulation. From this viewpoint, we would oppose the proposal that a revised Prisons and Reformatories Act should replace existing provincial corrections acts and that provinces should manage their systems solely by regulations under the federal statute.

It is this which leads us to the consideration of the second important question – that of financing correctional services provided by the provinces to persons convicted under federal laws. At the present time, although the federal authorities pass and implement the laws, the province is left with the responsibility of financing the treatment and custodial care. What this means is that one level of government is not only imposing, but determining the extent of, the

financial burden which another level of government must bear. In this respect, it should be noted that as a general principle the constitution does not separate legislative authority from financial responsibility in respect of a particular subject matter. This being the case, in my opinion it seems only rational that the authority which provides the law under which people are convicted should also be the authority to provide the financing for the correction of their behaviour or their incarceration. We would hold that this should be true not only in terms of those incarcerated in correctional centres, but also in terms of those serving suspended sentence or on parole.

In conclusion, I might say that this makes it extremely difficult for us to find our way through the other agenda items without first solving this basic anomaly. It is difficult, for example, to consider exchange of services should be provided by another jurisdiction in the first place. We would suggest that a good place to start discussions on corrections in Canada would be to start with the question of the two year division in sentencing and the question of financial responsibility. Once this is satisfactorily resolved there should be no difficulty in coming to agreement on many of the other matters before us. I would like to say that our delegation is prepared to contribute to the consultation process to the fullest extent and to cooperate with the other provinces and the federal government in attempting to find solutions to the problems facing corrections today. We are interested in examining the positions and ideas presented by our colleagues in the other provinces and the federal government as they relate to these matters. We will be willing to participate in any future studies related to any aspect of corrections.

Opening Remarks

by the

Honourable Rene E. Toupin

Mr. Chairman, Distinguished Guests:

It is with the most profound interest that I approach this Conference on Corrections and I wish to congratulate the Honourable Solicitor General on its timeliness. Never in the past has there been a greater need for mutual understanding between all segments of the Correctional system.

There are many areas of government service which are presently the subject of discussion between the Federal and Provincial Governments, and as a result of these discussions we trust that co-operative joint planning will emerge. Co-operation is not a luxury but a necessity if an effective Criminal Justice System is to be developed.

One of the most controversial and difficult questions relating to the achievement of an integrated Criminal Justice System has been the development of a consistent philosophical base for the practice of the correctional process. In Manitoba we have attempted by means of our White Paper, *The Rise of the Sparrow,* to produce a synthesis of philosophy and specific planning which will act as a blueprint for the future development of corrections in Manitoba in a rational and coherent manner.

It is appropriate to emphasize the importance of the beliefs, attitudes and concepts that underlie correctional programs. The history of crime and punishment has demonstrated that correctional theory, reflecting as it does prevailing modes of morality, translates directly into the actual treatment of the offender. While a philosophy is meaningless without application in method and practice, its clear articulation is a prime necessity. It is, therefore, important clear'y to reaffirm the philosophical underpininning.

While the emphasis and focus of corrections is protection, the emphasis and focus from the point of view of our correctional service is rehabilitation. No contradiction exists. While society has established the correctional sequency for the purpose of protecting its members from the aberrant behaviour of a minority, the correctional system takes as its working goal the positive reintegration of the offender into the larger society. In all cases the focus of the correctional service will be directed toward rehabilitation and will be part of a spectrum of interrelated public services designed to protect and enhance human potential in Manitoba.

It is a basic premise of our plan in Manitoba that corrections should, and can, effectively consist of a sequence of programs differentiated on the basis of the needs of the individual offender who will be dealth with consistently and with single mindedness as he moves from his first contact with the police to his final contact with Correctional officials. The development of functional relationships and a philosophical accord is seen as essential if we are to develop a continuum within the Criminal Justice System.

Nonetheless, it is recognized that there is often the need for a special group programming to deal with individuals whose problems relate to their membership in a particular ethnic or social group. We are most conscious, Mr. Chairman, of the need to glean some understanding of the high incidence of criminality among the native offenders. It is our wish, at a time you desire, to introduce the subject of the disproportionally large numbers of Indian and Metis offenders within our correctional system. Concern will be directed specifically at problems associated with cultural barriers which hamper the rehabilitation of native persons.

The problems confronting the native in Canadian society today are varied, complex and numerous and have made it difficult for him to function adequately within society. As a result, the native person as an offender against the law has become commonplace and disproportionate in comparison with the Canadian populace as a whole.

We are most pleased to note that the agenda includes a discussion of an exchange of service between the federal and provincial levels. We are in favour of a combined effort which would permit prisoners, be they provincial or federal, to serve their sentences in institutions best equipped to satisfy their particular program and security needs. This closer integration of both provincial and federal correctional resources will build increased flexibility into the system as a whole and permit of specialization where it is warranted.

Of interest is the funding of correctional programs. Both the Department of Justice Committee on Juvenile Delinquency in Canada and the Canadian Committee on Corrections recommended that the Federal Government enter into cost sharing agreements with the provinces. The Committee on Juvenile Delinquency has made suggestions in pursuance of this objective, especially in relation to the implementation of the Juvenile Court concept. It has been recommended that the Federal Government should establish standards in relation to relevant services and develop programs of financial assistance to enable the required standards of service to be met. The Canadian Committee on Corrections has recommended that the Federal Government should assume a leadership and stimulation role. This role might include the offering of a financial incentive grant program to help the provinces meet the required standards of service.

The Federal and Provincial Governments have not been involved previously in serious discussion of a comprehensive cost sharing program in corrections. In specific cases, financial assistance toward projects has been provided by the Federal Government. In Manitoba, architectural and program consultation were provided in planning the Youth Centre and cost sharing has been provided through the Solicitor General's Department for the Probation Volunteer program.

Of particular interest is funding in the juvenile services field. Training Schools have been cost shared for three years under the Canada Assistance Plan. This has, however, presented difficulties. The removal of these institutions from the Juvenile Corrections continuum of service to the care of Child Welfare was necessitated as correctional services are not shareable under the Canada Assistance Act. This has had the effect of negating the primary purpose of recommendation of the Justice Committee on Juveniles referred to earlier, which was the establishment of standards and services to approximate equality throughout Canada. It has also created at the working level confusion of authority role and function between Juvenile Court, Child Welfare and Juvenile Correctional services.

In closing, Mr. Chairman, may I reiterate the importance of developing a close working relationship among the various levels of the Criminal Justice System, both Federal and Provincial. I regard this Conference of Ministers as further evidence of the growing realization that mutual endeavour and co-operation is not only desirable but necessary if progress is to be made.

Opening Remarks

by the

Honourable C.J.S. Apps

At the outset I wish to express my pleasure that this opportunity has been afforded to bring together those elected representatives from across the country who have the ultimate responsibility for the supervision, care and rehabilitation of the offender. Such a meeting is long overdue and the fact that it is some fifteen years since a meeting of this nature was last held is an indication of the lack of communication which has existed in the past between the federal and the provincial governments in the field of corrections.

It is my hope that this meeting marks the end of that era and the beginning of a new one, and I do not consider this a pious hope since I am confident that my colleagues will join with me in helping to ensure that a federal-provincial conference on corrections is at least an annual event. The present Solicitor General of Canada in the relatively short time he has been in office has indicated a willingness to open lines of communication, and he is to be commended for taking the first essential step toward that end by arranging for this conference.

While specific provincial and federal responsibilities differ in the correctional field we all have two responsibilities in common – the protection of society and the care and rehabilitation of the offender. To truly assume this responsibility we must recognize the fact that we cannot afford to work in isolation from each other. Whatever occurs in one jurisdiction, be it good or bad, can affect another jurisdiction and we live in an era when the bad things can no longer be localized and the good things need no longer be localized. Past experience has illustrated, for example, that a riot or disturbance in one system can spark a similar event in another system while, on the other hand, good programmes, sound policies and carefully planned procedures developed in one system can be of immeasurable help to others. Moreover, in the eyes of the public we tend to be judged as one system since in general the public does not distinguish between a federal programme and a provincial programme, between a penitentiary and a reformatory, between a decision of the National Parole Board and a decision of a provincial parole board.

This latter point illustrates the need for the sharing of information of another kind, for as well as there being a need for us, as governments, to communicate and share information with each other, there is the need for us to inform the public of our plans, our purposes and our programmes. Indeed it may well be that our inability to state our case to the public is one of the main reasons why the field of corrections has not advanced at a similar pace to other institutions and agencies in society. Unfortunately the attitude of most correctional jurisdictions throughout the world has been such as to give credence to the old saying that "prison walls exist as much for the purpose of keeping the public out as for keeping the offender in."

Let me hasten to add that until very recently Ontario was no less guilty than many other jurisdictions in helping to perpetuate such an attitude. But we have reaped benefits from changing that approach – an increased understanding of the magnitude and complexity of our task – a willingness on the part of the public to pitch in and help (to the extent that we have over 1,000 volunteers working with us) – and, in general, responsible accounting by the media of what they observe and record. As a consequence I cannot help but feel that we miss a great opportunity when we close our doors to the media at a conference of this kind. We do not even have the one reason which the correctional institutions must from time to time invoke for non-involvement, namely that of security.

The Conference presents us with many opportunities to identify areas of common interest and to develop ways and means of cooperating so that those interests are pursued, but I sincerely hope that something more tangible and immediate is achieved than this. Federal/provincial relations in corrections – and here I must emphasize that I can speak of course of our experience in Ontario – have been a source of constant frustration, and a look at the agenda only serves to remind me of the reasons for that frustration. Let me illustrate with a new examples.

Parole. It is now some seven years since the Ouimet Committee recommended that those provinces which wish to operate their own parole system be permitted to do so and concurrently recommended the abolition of the indeterminate sentence in those two provinces which already have their own parole system to deal with those serving indeterminate terms. Even prior to this, the Ontario government had sought for the right to control the granting of parole to all inmates of Ontario correctional institutions. So, far seven years at least we have continued to seek the implementation of this recommendation and obviate the problems which are a natural consequence of the National Parole Board having sole jurisdiction over those in Ontario's correctional institutions who are serving definite terms and the Ontario Parole Board having jurisdiction over those serving a combination of definite and indefinite terms. The present system is clearly wasteful, inefficient, uneconomical and confusing to the offender. My reasons for categorically stating this are on record and will be given in detail when that item is dicussed.

I would hope that this Conference does not conclude with merely one more assurance that Ontario's views in this area will be given consideration.

Cost-sharing of Juvenile Programmes. It is now four years since the then Federal Minister of Welfare announced that funding under the Canada Assistance Plan would be available to the provinces but only to those provinces whose Training Schools or equivalent caring facilities were operated by provincial departments of welfare. Thus Ontario and New Brunswick were excluded since in those provinces Training Schools fall under the purview of a Ministry of Correctional Services in one case and a Department of Justice in the other. This arrangement is totally unjust and its purpose inexplicable. Again my reasons for saying so are on record and, moreover, individual federal ministers have stated that they understand and accept our positions, but after four years the injustice is still perpetuated.

Again I would hope that this Conference does not conclude with merely one more assurance to Ontario that our wishes in this area will be given consideration.

Perhaps what really adds most to the frustration is the direct contrast when our positions are reversed. I cannot help but contrast the procrastination and delay to which Ontario has been subject in these two areas to the haste with which the Appropriations Act was invoked when the federal government desperately needed help from the provinces to house prisoners from an overcrowded federal system and had to find the means to provide payments for this purpose. In the light of circumstances such as outlined in these three instances, I believe it to be understandable that Ontario's present reluctance to engage in any exchange of service is not likely to be changed unless there is *real* reciprocity and not merely assurances that our views will be given further consideration.

Having expressed with frankness the frustration which not only Ontario but other provinces have experienced in our relations with the federal government regarding items on the agenda which could have been settled long ago, given a measure of understanding, cooperation and goodwill, let me now express my hopes for this meeting.

Since taking office the present Solicitor General has impressed us as being a man who has every intention of working closely with the Provinces and I believe that now is the time for those intentions to be translated into action.

While the agenda items relating to parole and to the funding of juvenile programmes are important to Ontario, probably the most important agenda item to all of us is that pertaining to planning. As I emphasized at the beginning of this statement, we are engaged in a joint endeavour and can no longer work in isolation. I share with the Solitor General his belief that a mechanism must be established at this Conference which will ensure joint planning on a nationwide level in the correctional field by senior officials representing every jurisdiction. However, cognizant of the fact that Canada's correctional system and certain of its aspects have been studied again and again – by Archambault, by Fauteux, by Cardin, by Ouimet, by Chalke, by Outerbridge, by Hugessen – I would hope that more than sound planning results; that the planning is followed by conrete and practical action and that monies are provided at both the federal and provincial level to ensure that action is taken.

It is only natural that we shall each have our own priorities in correctional planning but I would be surprised – and dismayed – if my colleagues did not join me in giving the highest priority to the area of staff training and career development. (Strangely enough, this most important topic receives only one very brief mention in the otherwise very comprehensive booklet which the Solicitor General circulated to us entitled "The Criminal in Canadian Society.") The work of the correctional institution administrator has been described as one of the most stressful jobs in this country; the work of the correctional officer has changed from that of being a simple turnkey to being a counsellor, motivator, guide, teacher, father figure; he is asked to perform a superhuman task and is not recompensed accordingly. Our expectations and demands on correctional staff today are prodigious and we do them a disservice if we engage them and put them to work without ensuring that they have been adequately trained. While methods of recruitment, selection and training will inevitably differ from one jurisdiction to another, basic standards need to be developed which should apply to all.

My concern is not limited to those who work in correctional institutions; I am equally concerned with the training of those who work in the community. In the last few years increasing emphasis has been placed on community corrections and the success of such measures as parole, probation and temporary absence have helped to preserve the offender's dignity and self-respect, have given him the opportunity of contributing to society rather than being its ward, and have diverted him from some of the negative effects of institutionalization. There is no doubt in our minds that the temporary absence programme has been the most successful programme in the history of my Ministry and the extremely low rate of violations (2%) has emphasized to us that the protection of society is not compromised by its utilization. Parole, probation and temporary absence however are only as good as the supervision and counselling which are their essential ingredients. Any planning for the future which is directed at expanding community corrections to the utmost consistent with public safety should also be concerned with the particular training needs of those involved in such programmes.

We should also work together on developing new sources of recruitment such as the ex-offender. While I can understand why some jurisdictions are hesitant to employ ex-offenders, it has been Ontario's experience – and over the past 5 years we have recruited 157 of them – that they are well-motivated and good workers. I put it to you that we are poor salesmen if we are not prepared to use our own product, particularly since we are busily engated in exhorting other to do so.

Plans also need to be developed which will enable us to deal effectively and sensibly with other issues, some of which are only just beginning to emerge. The issue of the self-styled political prisoners; how shall we "rehabilitate" someone who feels that it is we, rather than he, who requires the "treatment"? The issue of inmate rights; are our procedures and standards in our institutions of such a calibre that this will not be the issue it is in the U.S.A. or have we not even engaged ourselves in what I believe to be a race against time? The increasing numbers of women offenders; are our facilities and programmes adequate? – Are our youth preventative services still oriented only to the male?

A comment, finally, upon one other item on the agenda – the Prisons and Reformatories Act. The Solicitor General is to be congratulated on the action he is taking in this regard and the draft of the new Act which he has circulated to us is a most decided improvement on the old. One aspect however deserves further discussion and that is the subject of statutory remission. Presently, no offender sentenced to prison serves the term that is imposed. A 4-year sentence means in effect 3 years at the most, a 12-month sentence means 9 months at the most. Perhaps the Conference will be prepared to discuss the proposal that statutory remission be abolished and that earned remission be increased proportionately. It is my belief that by doing so we would provide the offender with a very real and positive incentive, something which he has to work for and earn rather than give him something as a right, but a right for which there is no valid rationale.

This has been a frank statement of some of my concerns with, and some of my hopes for, this Conference. Yet I feel that this is a time for frankness and that until and unless we are prepared to air our dissatisfactions honestly and reveal our intentions openly, we shall never have a sound basis for future cooperation. Cooperation between us all is no longer something which prudence commends, it is now something which necessity dictates. Let us all be conscious of that necessity and deal justly and in harmony with each other. In no other way could we better serve the public, including that section of the public which is our specific responsibility.

Opening Remarks

by the

Honourable Jérôme Choquette

There is a dilemma in the field of corrections that arises from the conflict between the need to protect society, which can be met by means of a policy based on security and the serving in full of sentences imposed by the courts, and the various humanitarian approaches usually recommended by modern criminology to prevent recidivism, encourage rehabilitation and reduce the prison population.

The emphasis is placed on one or other of these two extremes of correctional policy according to circumstances or to individual or community attitudes. Thus, if a very dangerous prisoner escapes from a maximum security penitentiary, or if a parolee commits a crime, there will be demands for stringent security measures on the grounds that society must be protected. In calmer times, on the other hand, there will be calls for policies based on unrestraited liberalism.

The judgment of the public with respect to the dilemma I have referred to is generally influenced, if not determined, by current events.

In the case of sentences imposed on persons guilty of lesser crimes or misdemeanours, or who do not constitute a danger for society – except where the purpose of the sentence was to make an example of the offender – we should consciously pursue a policy of reducing the length of time spent in prison. For in these circumstances, prison serves no useful purpose either for the offender or for society, and it further represents a charge on the public treasury.

The Commission of Enquiry on the Administration of Justice in Criminal and Penal Matters in Quebec dealt with this question. I would refer you *inter alia* to the first volume of its report, which discusses fundamental principles for a new social action program.

The report is dated 1968 and it contained the conclusion that penalties imposed were largely ineffective; the report has influenced the attitudes of the Quebec Department of Justice and of all agencies involved in the administration of justice. Since we are responsible only for accused persons and for offenders sentenced to less than two years' imprisonment – that is, not to a penitentiary term – you will understand why I am limiting my remarks to a discussion of the manner in which the machinery of justice in Quebec treats such persons.

Quebec, which during the 1960s held the Canadian record for detention in terms of the number of persons committed for trial and imprisoned by head of population, has completely revised its attitudes and today the average of accused persons and inmates in Quebec prisons is the lowest of all the provinces of Canada.

This transformation has occurred within a period of five or six years. During this time, the Quebec statistics show that the crime rate has remained almost constant in terms of population. The figures on reported crimes indicate that the overall crime rate in Quebec has been stable for several years.

The intensified criminal court activity of the police and prosecutors, moreover, reflects the fact that the drop in our prison population is the result, not of laxity in the administration of justice, but of a deliberate policy of avoiding prison sentences as far as possible when the only justification for them is punishment as such, and where no other considerations are present than the necessity of punishing the crime or offence committed.

The breakdown of our average daily prison population during 1969 was as follows:

1969

Jan.	Feb.	March	April	May	June
1972	1899	1920	1884	1093	1802

July	Aug.	Sept.	Oct.	Nov.	Dec.
1835	1906	1961	1969	2049	1757

You will note that the daily average was stable at 1,900 a substantial decrease over 1965 when we had almost constant population of over 2,000.

1965

Jan.	Feb.	March	April	May	June
1831	2107	2132	2216	2113	2149

July	Aug.	Sept.	Oct.	Nov.	Dec.
2001	1953	2011	2002	2008	2030

Since the beginning of the 1970s, Quebec has, however, succeeded in strengthening impressively the already apparent trend to becoming the province with the smallest prison population in Canada. The figures taken from a study by Robert Evans entitled "Developing Policies for Public Security and Criminal Justice", which reflect the situation in 1970, clearly demonstrate this. (See appendix)

This table shows that, in 1970, Quebec incarcerated 72 out of every 100,000 inhabitants, the lowest percentage in Canada.

It is encouraging for us to observe that we have continued this trend of lowering our daily prison population since 1970, as is shown by the following statistics for 1972 and 1973.

Comparative table

Average daily population

Men and Women

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.
1972:	1374	1164	1217	1319	1319	1218	1188	1181	1302
1973:	1195	1378	1421	1406	1398	1339	1196	1205	1235

Pursuing our analysis further, we have discovered that the recidivism rate in our penal institutions is dropping at an increasing rate.

We have reviewed our individual cards on persons released during 1969 and who have not subsequently returned to a penal institution. Our research has involved 13,767 individual cards, distributed as follows:

Men:	11,809 cards
Women:	1,958 cards
TOTAL:	13,767 cards

Analysis of this data indicates that in the last five years the recidivism rate in our detention centres has fallen to about 60% for men and remained stable at slightly over 40% for women. It we compare these figures with those for 1965, when the rates were 75% to 80%, we can see that progress has been made.

This spectacular drop in our prison population can be attributed to the following factors.

(1) The police are making more frequent use of summonses rather than imprisoning accused persons until they appear in court.

(2) The interpretation given to the new Bail Reform Act by judges and Crown prosecutors has led to an appreciable decrease in the number of accused held in custody in Quebec's institutions.

(3) A Probation Service has been established, with 23 branch offices throughout Quebec and a staff of 132 university-trained probation officers.

(4) The day parole system is being used in our institutions.

(5) The availability of legal aid and the Legal Aid Act have enabled even the poorest persons to obtain an adequate defence, thus often avoiding imprisonment.

Furthermore, we should not under-estimate the value of the institutional programs. However, such a program is effective only to the extent that it is tailored to the persons for whom it is intended. Before speaking of institutional programs, we must define the group of inmates with whom we want to work. In Quebec we have preferred to proceed in stages, first doing our utmost to release from the prisons all those who should not be in them, and then developing a program adapted to the specific needs of those for whom imprisonment proves unavoidable.

Our institutional program has accordingly been based on the following considerations.

(1) Since 80% of sentences imposed in Quebec are for less than three months, we have had to design the work programs to allow for this fact. Thus we have had to propose that the inmates learn trades which are easy to master and to teach, and whose final products can be made quickly; at the same time we are concerned with teaching them good work habits. Specific programs of treatment, education, recreation and so on must be designed in close cooperation with outside organizations.

(2) Our probation offices and detention centres have established functional relations with the social service centres and the hospital centres created by the Health Services and Social Services Act, S.Q. 1971, c. 48.

(3) We have created the position of community participation officer in the Justice Department, and we have made some efforts to interest citizens in the rehabilitation and resocialization of inmates. These efforts have produced such results as the program in the Chicoutimi detention centre, where a community charitable organization has been given the task of setting up a program of activities for the inmates. By so doing we were able both to occupy the inmates time profitably and to have the community participate actively in their resocialization. What is more, the Department of Justice has even agreed in this case that a Board of Directors, composed of members of this community organization, be established in accordance with Part III of the Companies Act. The Board of Directors will assume responsibility for operational efficiency, and will exercise control over profits so that the inmates and former inmates will eventually be able to derive full benefit from them. From the profits it has made, the organization has since then managed to get a workshop on the outside which provides work for inmates on temporary absence and for former inmates. We were very satisfied to note on the balance sheet for the 1972-73 fiscal year a profit of more than $10,000.

(4) We are planning to extend and, depending on circumstances, to vary the Chicoutimi experiment, and also to promote community participation in all regions of Quebec. The community participation officer has in fact been instructed to visit each region, where, together with the regional officers of the parole service and detention establishments, he is to get in touch with the persons in charge of the social service centres and the hospital centres so that we shall be able to obtain an inventory of existing resources in each region and, in cooperation with local organizations, to set up the necessary coordination machinery. In this way, we expect to establish a program adapted to the specific needs of the incarcerated persons in each region and to facilitate their readjustment to society. As we have had the opportunity to mention in the past, our aim, in short, is to develop a community participation program whose basic principles will meet the needs of Quebec, as a whole, and will at the same time be flexible enough to adapt to the ways of thinking of each region.

(5) We are now working on the setting up of treatment teams inside the prisons. We might add that at the present time half of our regions have on staff at least one graduate in the human sciences. Furthermore, in the main institutions in Montreal and Quebec City, we are in the final stages of setting up our multidisciplinary teams.

In conclusion, I would like to say that instead of concentrating solely on punishment, the Quebec correctional system is concerned with the treatment of inmates, with emphasis on their social readjustment.

DISTRIBUTION OF INCARCERATED PERSONS
CANADA, 1970

(From "Developing Policies for Public Security and Criminal Justice", Economic Council of Canada, 1973)

	1969 Estimated Population	In Training Schools	In Adult Institutions	In Federal Penitentiaries	Total	Rate per 100,000 Population
	(Thousands)					
Newfoundland	514	89	171	128	388	76
Prince Edward Island	110	—	54	40	94	85
Nova Scotia	763	204	261	452	917	120
New Brunswick	625	83	328	319	730	117
Quebec	5,984	1,174	1,730	1,396	4,300	72
Ontario	7,452	1,243	4,554	2,129	7,926	106
Manitoba	979	164	535	432	1,131	116
Saskatchewan	959	39	527	331	897	93
Alberta	1,561	95	1,485	852	2,432	155
British Columbia	2,067	—	2,089	1,270	3,359	162
Northwest Territories & Yukon	47	20	147	15	82	174
Canada	21,061	3,111	11,881	7,337	22,329	106

Note: 1970 data are as of March 31, except for Quebec where the date is December 31, 1969. Not all persons in training schools are delinquent; in Quebec, approximately one-third were admitted as "children in need of protection". Since the Quebec figure is 90 per cent of the total in this group, it is the only one that would need an adjusted rate. The federal total has been allocated to provinces on the basis of their proportionate incarceration rate in 1967. It should be noted that all figures refer to persons incarcerated by the provinces and not to their citizens defined in any other way.

Source: Dominion Bureau of Statistics, *Correctional Institution Statistics, 1969–70* (Ottawa: Information Canada).

Opening Remarks

by the

Honourable J.B.M. Baxter

In participating in this Conference, I am optimistic that out exchange of ideas during the next three days will result in the identification of a number of federal, regional and provincial correctional issues, particularly in the areas of regionalism and the division of governmental responsibility and funding.

The concept of "regionalism" should imply the acceptance of the fact that Canada is composed of identifiable regions with identifiable attitudes and aspirations. This further requires that the federal government's policies and programs must be designed in a flexibility way to fit the needs of the different regions.

The meeting of Atlantic Attorneys General in November clearly identified the common outlook of the region in many aspects of corrections. For example, there was general agreement that a five member regional parole board financed by the federal government and with similar authority to the presently constituted National Parole Board is required for Atlantic Canada if the objectives of parole legislation are to be successfully achieved. Appointments to this board should be made only after meaningful prior consultation with the Attorneys General of the Atlantic Provinces, as there is considerable feeling that the proposed two-member board is inadequate to meet the parole needs of Atlantic Canada. It is further recommended that the board be constituted in such a manner that each of the Atlantic Provinces be represented.

Further examples where the Atlantic Provinces as a region can cooperate and develop joint programs with the federal government include institutional services for female offenders, maximum security facilities, and psychiatric services for dangerous offenders. I suggest that the Solicitor General examine these shared views respecting the establishment of regional parole boards, the deficiencies of federal and provincial institutions throughout the region, and the relatively small number of juvenile and female offenders that renders the construction of separate facilities uneconomical.

The Atlantic Provinces have similar correctional needs and similar problems, but as a region they are unique as are the other regions of Canada.

The Province of New Brunswick has demonstrated its support of the concept of federal-provincial consultation and planning, and the joint use of facilities and services. We have adopted this attitude on the basis that the objectives of correctional programming, whether at the federal or provincial level, are basically similar, and that the duplication of correctional services, serving similar functions is both wasteful of resources and often detrimental to sound correctional programming. The Governments of New Brunswick and Canada have a contract for the exchange of facilities and services. This agreement has been in effect for several years and is functioning to the benefit of both governments.

The British North America Act created an arbitrary division of federal and provincial jurisdiction. That may have been suitable in 1867 but it is no longer acceptable.

Today we divide our responsibilities at the point of a two-year sentence – under two years to the province, over two years to the federal government. Such a system defies logic and must be viewed with bewilderment from a unitary state.

Canada and the provinces must work through agreements and complementary legislation to erase the artificial barrier of the two-year sentence. We must create a unified correctional system in which both levels of government contribute their efforts and expertise — a system that appears as one effort to the offender, regardless of the length of his sentence.

Like all government programs, correctional programming requires funding and, since the federal government determines the criminal law and the penal sanctions, it is our firm belief that the federal government is obligated to provide funding to provinces and regions desirous of developing its systems in line with the purpose and intent of the criminal law.

The Canada Assistance Plan discriminates against a province wishing to develop a juvenile corrections program within its corrections or justice framework. New Brunswick is one such province.

We are of the opinion that until such time as the C.A.P. is amended to permit provinces to determine where it can best administer its juvenile correctional program, that the federal government is less than serious in its expressed intent to be sensitive and responsive to assisting provinces in dealing with the problems of the youthful offender.

There appears to be a growing need to not only modify the C.A.P. but to devise alternative funding methods whereby the Solicitor General's Department has the capacity to provide direct financial assistance to the provinces, in order to ensure the development of juvenile correction programs, adult probation, family courts and institutional construction.

Finally, I would like to make reference to the lack of discipline which pervades many family units involving particularly young people from fourteen to twenty years of age.

It may well be that we should be exploring new policies in the area of national defence as a positive training answer to the problems of drop-out and aimlessness which increasingly beset the youth of our country and thus our greatest national resource.

Opening Remarks

by the

Honourable A. Sullivan

The primary objective of the Province of Nova Scotia is to reduce the amount of contact between citizens and the criminal justice system to the least amount necessary. The assumption is that contact with the system is generally harmful and should not occur unless absolutely necessary. This province is presently investigating methods of diversion to meet this objective.

The first stage in the diversion process is that of crime prevention. It will be necessary for Nova Scotia to continue concentrating on an organized effort in such a way as to have impact on crime. Government departments and agencies must co-ordinate and unify their attack on such problems as inadequate housing, meaningful employment opportunities, poverty, job training, adult education programs, etc.

In its approach to crime and the diversion process for its citizens, the Province of Nova Scotia must concentrate on its legislation and remove from the books acts which have been classified as criminal, for example, the common drunkeness offender, and have the individual placed in a more appropriate treatment centre rather than our correctional institutions. We are also determined to work and consider with the Government of Canada ways in which our peoples can be diverted from the system and the stigma to it, i.e. victimless crimes, drug offenders, etc. who represent a large portion of court cases, but might be better processed by health and medical authorities than by the often time primitive activities of the criminal justice system.

The Province of Nova Scotia is also concentrating on its criminal justice system and as part of that system it is making significant effort to up-grade its correctional services to the offender by developing to a large measure its community-based treatment program and concentrating on more meaningful measures to be taken on programs within our correctional institutions. It is to the advantage of all our citizens that very determined efforts and decisions be made in the very broad and complex area of criminal justice.

The Province of Nova Scotia welcomes this opportunity to discuss with attorneys general across Canada the means in which impact can be made for very significant change. We have to review very carefully the agenda and items for discussion and, if impact is to be made on crime and correction, then positive action must be taken at this conference.

Reference was made that Nova Scotia intends to continue to assume responsibility for up-grading its present programs and provide its citizens with a more effective means for dealing with the offender and the crime problem in general. We, therefore, call upon the government of Canada to assume its share of responsibility by recognizing that the Province has very definite needs and that assistance must be provided to the province(s) for flexibility of correctional programming, funding, planning and consulation, etc.

1. The Province of Nova Scotia has been concerned with parole as it has been applied by the Government of Canada and we shall remain concerned until such time as the Province assumes responsibility for parole supervision. We are concerned with fragmented service and we find it is necessary that direct service in the areas of pre-parole investigations and parolee supervision should be the responsibility of the Province.

On the other hand, it is our opinion that the authority for parole decisions should remain the responsibility of the Government of Canada. We are prepared to meet the standards as set by the Government of Canada or by national uniform standards which do not exist and must be developed and implemented.

We have already made it known that the Government of Canada must increase the number of parole member representation for the Atlantic region in order that more adequate parole review numbers can be made. The proposed two additional parole board members for the Atlantic region remains unsatisfactory if we are to meet the needs of the Atlantic region and Nova Scotia in particular. We propose a five member parole board for the Atlantic Region, based in the region, to serve the needs of that region. Parole decision-making should continue to remain the responsibility of the Government of Canada. Rental of provincial services by the Government of Canada must be negotiated.

2. The Province of Nova Scotia has taken the position that it is prepared to enter into an *exchange and joint use of institutional services and facilities.* Nova Scotia wants to make it clear, however, that such a contractual arrangement must be entered upon only if it is in the best interest of the offender and that provincial or federal institutions do not become a dumping ground because of overcrowding in institutions as is now being experienced in the federal system. We are prepared to enter into an arrangement for the gradual release of inmates to the community from the federal institution through the provincial institution and then to the community. This can only be done when adequate vacancies exist and must be done on a per-diem cost basis to be negotiated. The Province of Nova Scotia clearly agrees that the interests of some long term provincial inmates could best be served by having them transferred to federal institutions for specialized treatment and/or training.

It is our opinion that any such agreement should contain additional assistance from the Government of Canada by funding for input into operational and extension to institutional correctional programming, and should be discussed and considered at this conference under the item "Funding".

The Province of Nova Scotia has very real concern for the female offender as it relates not just to institutions but also to an effective community-based treatment program. Any exchange of services in the area of the female offender must be in consultation together and joint planning undertaken before steps are taken to enter into agreement on joint use of institutional services.

3. The Province of Nova Scotia recognizes the fact that The Prison And Reformatories Act must be amended and in general concurs with the working paper as presented by the Government of Canada. It is our position that any new act should delete reference to corporal punishment but provide the provinces with broad flexibility for correctional programming. It is our position that provinces should be given the flexibility to enter into contractural arrangements for programming in the areas of specialized treatment and provision made for the exchange of institutional services. Due to our desire to assume parole supervision responsibility, it will be necessary to discuss the Prison and Reformatories Act in that light. It is proposed that the amended act be as simple as possible which would provide maximum opportunity for flexibility in provincial regulations as an extension to the act.

4. This province is of the opinion that the broad topic of funding should be given high priority, and, further, that it should be discussed separately from the Government of Canada's policy in the Canada Assistance Plan. We are of the position that these items are of significant importance to all provinces that the agenda, as proposed, must be amended to take this into consideration.

(a) The Canada Assistance Plan restricts the Province of Nova Scotia, and other provinces which wish to do so, from developing a highly integrated corrections program within the framework of the criminal justice system. This matter has been made known to the Government of Canada many times in the past and it is our opinion that time has come to make positive action to change this policy. It is our position that funding must be made available to those provincial departments and other social services which wish to assume responsibility for correctional activities. It is our further opinion that financial assistance can, and should, be made available for capital and operating costs as an extension to the Canada Assistance Plan.

(b) In the broad area of funding, it is the position of Nova Scotia that it has been far too long that the provinces have had to assume the financial burden of developing adult correctional institutions and field services without assistance from the Government of Canada. We would request that considerable thought be given to funding for the development of crime prevention programs, sharing of institution capital and operational costs, community-based treatment programs such as the further development of probation services. The Government of Canada, with its many task forces such as the Outerbridge Report, has recognized the need for probation hostels, residential centres, half-way houses, etc., and we, therefore, call on the Government of Canada for financial assistance in these areas.

5. The Province of Nova Scotia would agree joint federal-provincial planning as encompassing the two broad categories identified as continuous federal-provincial planning and specific subjects for joint planning.

It is the opinion of Nova Scotia that, if we are to make an impact on crime and corrections, neither the federal government nor the provinces can continue as has been the case in the past. It is of utmost importance that planning, consultation and sharing commence between the two levels of government. We have as recent as two weeks ago heard statements that the Government of Canada is to proceed with a building program in the Atlantic region. The provinces have not been consulted nor involved in joint-planning as advocated by the Government of Canada. If meaningful and effective programs are to be implemented, it would seem only logical that senior correctional officials define needs before action is taken.

There are many specific subjects for joint planning.

(a) Decentralization of the federal penitentiary system in the Atlantic region.

(b) Decentralization of Kingston Prison for Women and the development of female correctional programs either regionally or provincially.

(c) Development of residential centres on a joint basis for use by federal and provincial offenders.

(d) Diversion tactics to prevent as many as possible from entering the system.

(e) Uniform minimum standards for corrections.

(f) The Consultation Division of the Ministry of the Solicitor General assuming a more consultative role and being made available to a province that requests expertise in specific areas of programming.

6. Young persons in conflict with the law is an area of concern experienced by many and it would be my opinion that very little will be accomplished at this conference because of the time allocation. It is the position of Nova Scotia, however, that the Government of Canada make a commitment that no action on the basic principles of a proposed act be taken until there is thorough consultation among respective correctional representatives. We fully

appreciate the fact the Government of Canada has commenced meetings with respective provincial representatives which we support and wish to continue. Nova Scotia has specific areas to be worked out and our representatives should reconcile these matters in due course.

I am confident from this conference will come meaningful dialogue and very positive action in our attempts to cope with the complex area of criminal activity and the offender. We in Nova Scotia are aware of the magnitude and complexity of inherent problems within the criminal justice system but we categorically commit ourselves to alleviating many of the existing problems and readily accept the challenge which lies ahead.

Opening Remarks

by the

Honourable G.L. Bennett

Mr. Chairman:

A few years ago the P.E.I. Department of Justice took a close, searching look at the whole area of administration of justice in our province and we didn't like what we saw.

We saw laws on our books which were outdated, outmoded and outworn. We saw penal institutions which had been built over a century ago and which were no longer capable of functioning by modern concepts of rehabilitation and reform. We saw legal and judicial systems, structures, and procedures designed for a horse and buggy society struggling unsuccessfully to keep abreast of today's needs. We saw men employed by law enforcement agencies without any formal police training. We saw people accused of serious criminal offences appear before our courts without counsel. In fact, wherever we looked we saw obsolescence.

Mr. Chairman, I can assure you that periodic self-examinations of that kind can have a very sobering and abasing effect. Individually, no one was to blame, but collectively we were all responsible. There should be an ongoing and continuous review by government of all its public services in order to ascertain if they are giving, at the best possible cost, the services they were originally designed to provide.

This applies to all governments, federal and provincial, and, Mr. Chairman, if you will forgive a personal reference, I think this conference is a good illustration of the point I wish to make. It is fifteen years, I understand, since the last Federal-Provincial conference of this kind, and while I don't wish to imply that nothing has been done during that time, it does, I think, effectively illustrate the need of some mechanism for continuous evaluation by the country as a whole.

Our review was a stimulus for action and if I were to select one word to characterize the activity in the Justice Ministry of Prince Edward Island for the last several years, it would be "reform".

Immediate attention was directed to reform of the laws. A Law Reform Commission was appointed and a revision of statutes undertaken. A comprehensive study of our whole corrections system was jointly sponsored with the Solicitor General of Canada. It recommended sweeping changes and many of these changes have been brought about; others, including a new, central Correctional Centre to replace all existing jails, are underway. We engaged an outstanding member of the Canadian Bar, Ross MacKimmie, Q.C., of Calgary, to examine our legal and judicial systems and we are now committed to major reforms in that area. One of the recommendations of MacKimmie's Report was the adoption of the Public Defender system of legal aid and two full-time Public Defenders are now on the job. Finally, the serious deficiency of adequate training facilities for municipal police and correctional personnel was substantially resolved by the establishment of a Police Training School in Charlottetown.

Now, Mr. Chairman, some of my comments may appear somewhat irrelevant to a conference on corrections, but it is our view that the concept of corrections, by its very nature, cannot be looked at separate and apart from other areas of the legal, judicial and social processes. The term, *correction,* I am told, comes from the Latin, *correctus,* to set right, to rectify, and there are some among us who firmly believe that the first step in any programme of corrections begins with prevention.

The Prince Edward Island delegation comes to this conference with an open mind and in a spirit of co-operative enterprise. If we were to express a paramount concern at this time it would be this: Canada is a unique and diversified country and in our view it is not possible to design blanket federal programmes having equal or uniform application across the country. We believe programmes should be designed and be sufficiently flexible to meet the needs of each individual province rather than the province having to adjust its particular circumstances to conform to the programme.

Opening Remarks

by the

Honourable T. A. Hickman

The Federal-Provincial Conference on Conference on Corrections will begin Wednesday, December 12 in Ottawa. The three day conference had been convened by the Solicitor-General of Canada, the Honourable Warren Almand.

The agenda for the conference contains a number of important items to be discussed. I have attached to this statement a summary of Newfoundland's position on the following agenda items: Parole Jurisdiction and Services, Joint Planning, the Exchange of Federal-Provincial Services, the Canada Assistance Plan, the Native Offender and Funding.

We, in Newfoundland, recognize the urgent need for the upgrading of correctional services and facilities. It is my hope that this conference will help us attain this goal.

I. Parole

Parole jurisdiction presently rests with the Federal Government. Under the present system, applications for parole from prisoners incarcerated in Newfoundland are dealt with in Halifax. The Parole Board members do not visit the Penitentiary in St. John's.

Newfoundland favors the retention of parole jurisdiction in the federal government, but the service needs to be improved. The policy of regionalizing the Board is endorsed. Newfoundland would like to see an Atlantic Regional Board constituted as follows: a five member board with one member nominated by each province and a chairman nominated by Ottawa.

It is also felt to be an absolute necessity that the Board members commence regular visits to the Penitentiary in St. John's for the purpose of parole interview.

In Newfoundland at present there is no adult probation service. Parole supervision is carried out by the federal parole service staff and by a certain number of provincial personnel on a contract basis. While it is felt that the number of people engaged in this type of work is insufficient, this sytem should be preserved for the time being.

As the provincial adult probation system is developed, then more and more of the parole supervision could be borne by it through the medium of contract with the federal parole service.

With relation to provincial prisoners and parole, it is felt that the same system should apply.

The eventual goal is a federal decision-making parole board on a regional basis for all prisoners with the parole supervision being carried out by a federally funded provincial service.

II. Exchange of Federal — Provincial Services

There have been negotiations underway now for some time concerning the exchange of federal and provincial institutional services.

There has been recognized in Newfoundland for some time the need for an agreement with the federal government which would enable us to transfer certain types of provincial prisoners to federal institutions. In the past year, the Newfoundland Prisons Act was amended

to allow the Minister of Justice to enter in an exchange agreement. The complementary federal provision has been in the Penitentiary Act since 1961. A draft agreement has been circulated and Newfoundland agrees in principle to the conditions set out. The essence of the agreement is that any prison, federal or provincial, may take any prisoner, federal or provincial providing the provincial prisoner has been sentenced to more than six months. If the provincial institution is unable to provide adequate facilities and care for the prisoner or if fourteen days notice is given, the prisoner may be returned to the Canadian Penitentiary Service. A similar provision applies to federal institution.

This type of agreement allows for flexibility in providing a continuous and comprehensive, correctional service while avoiding wasteful duplicity.

The ultimate goal has to be a quality correctional service using the most expendient and efficient means.

III. Federal – Provincial Consultation and Joint Planning

Newfoundland endorses the policy of establishing mechanisms for federal-provincial consultation and joint planning in the correctional field.

Some areas which are in immediate need of such planning are: parole decision making and services, establishment of new institutions, Young Offenders Act, staff training, and the native offender.

The establishment of a permanent mechanism for these purposes presents enormous problems in a country the size and scope of Canada.

Newfoundland would recommend some form of regional advisory council. Each region would work within itself to develop a policy and then work with the Department of the Solicitor-General on a national basis. This procedure would seem to be more efficient than attempting to deal with ten separate provinces and the territories.

IV. Canada Assistance Plan

Newfoundland endorses the proposal to amend the Canada Assistance Plan.

As it stands now, the Canada Assistance Plan partially funds correctional services. In Newfoundland probation services are being supplied by Child Welfare Officers and because they are welfare officers they are funded federally through the Canada Assistance Plan. If probation services are provided by personnel not labelled welfare officers, then there is no federal funding.

This is not a desirable situation. It at least two provinces, New Brunswick and Ontario, it was decided that probation services would be provided by personnel in a separate correctional department or division. As a result of this, these provinces had to forfeit substantial federal funding.

A recent correctional study has recommended that all correctional services in Newfoundland should come administratively under common direction as soon as possible. At present, responsibility is shared by three separate government departments. It was felt that if the Province is to improve services to delinquent juveniles and adult offenders, leadership must be located in one department of government.

The department recommended for a number of reasons was the Department of Justice. If the Government were to act on this recommendation, Newfoundland would also have to forfeit considerable revenues.

Newfoundland feels that if probation services are to be federally funded, then they should be funded regardless of who administers them. Therefore, the Canada Assistance Plan should be amended accordingly.

V. Native Offender

One of Newfoundland's main problems with the native offenders stems from geography. The majority of the Indians and Eskimos in the Province live in Labrador. If they are sentenced to prison, they have to be incarcerated in Her Majesty's Penitentiary at St. John's or the Prison Camp just outside St. John's.

The type of environment the native finds there is totally foreign to him. He has no possibility of visits from friends and relations. He becomes almost totally cut off from his home.

It is felt that some sort of holding institution in the Happy Valley area of Labrador is a possible solution. It would not only serve Labrador but also Northern Quebec and the Eastern end of the Northwest Territories.

As most native offenders do not present a security risk while incarcerated, the institution need only be a minimum or medium security institution.

VI. Funding

Funding represents the essential operational consideration for Newfoundland in the correctional field.

Constitutionally speaking, the federal government has the power to enact the criminal law and the provincial governments have the responsibility to enforce it. The Provinces end up making the cash outlay to enforce laws which, constitutionally, they have no control over. The vast majority of people who are injected into the criminal justice system are violators of a federal statute, i.e., the Criminal Code. The Provinces have the constitutional responsibility but not the financial capabilities. Newfoundland feels that it is time to re-think this situation. If we are to perform this type of service an equitable financial formula should be evolved.

The agenda for this conference includes an item calling for the Amendment of the Canada Assistance Plan. This should not be the only funding emphasis. When dealing with corrections, the Provinces work with the federal Department of the Solicitor General. Perhaps what we should be concerned with is a new scheme of departmental funding separate from the Canada Assistance Plan. The same principles as those used in the Legal Aid funding scheme might be applied here.

Now that the Newfoundland Corrections Study Report has been received, the Newfoundland Government is preparing to make several advances in the correctional field. A new penitentiary in St. John's is imperative. Some sort of holding institution in the Happy Valley area of Labrador for the native offender is a necessity. The establishment of an adult probation service and the upgrading of the juvenile probation service also have high priorities.

All of these items have been recognized as necessities. With federal-provincial co-operation they can become a reality.

Opening Remarks

Northwest Territories

Tabled by
The Honourable Warren Allmand

We are pleased to be included in the current deliberations concerning correctional services in Canada.

The Territories operate a small but active corrections program encompassing preventive, institutional, probation and aftercare services and acts as agent for the National Parole Service.

We are deeply interested in all items on the agenda of this conference, not only because of their timeliness in this age of increased concern over the treatment of offenders against Canadian laws, but because of the rapid development and growth of economic and social activities in the north.

With due concern for the expenditure of public funds we are obligated to the establishment of critical priorities in the development of our social services in general and the correctional system in particular. We must ensure that the most effective techniques of offender treatment are implemented in a manner calculated to accomplish the desired result of returning the offender to his community as a law-abiding citizen as rapidly, effectively and economically as possible.

On the subject of parole jurisdiction it is our hope that a greater measure of responsibility will be delegated to our Territorial Parole Board in a manner which will permit us to grant paroles to all offenders serving sentences under our jurisdiction.

We have recently entered into an agreement with the Department of the Solicitor General whereby offenders who would normally serve penitentiary sentences in a canadian penitentiary may now serve these sentences in our territorial institution at Yellowknife. This permits the native offender to remain in his own environment, serving his sentence with native persons who are also incarcerated.

We have a particular interest in examining what we believe to be a disproportionate ratio of Indian persons serving prison sentences in relation to Eskimo and other ethnic groups, since there are indications that the excessive use of alcohol may not be the total reason for the high ratios of imprisonment of Indians, and to this end we would like to read the results of a Canada-wide study of the subject.

While the young persons in conflict with the law in our territories have not reached the degrees of sophistication and the propensities for crime noted among youth in other areas of Canada, there is some evidence of undesirable growth in this sector, also. We are currently dealing with juveniles before the law as neglected children, and these are served within a broad range of child and family services.

Our area of grestest concern in this sector is the care and treatment for youth in the 14 to 18 years age bracket, for which we have the least answers both in the terms of philosophy and in service resources, particularly when it is realized that the nature of offences committed by this age group are crimes of violence, often alcohol-related.

Therefore the interest of the Territories will be alert to all discussions and conclusions on this subject during this conference.

In summary I would reiterate our complete interest in all aspects of the current studies since we believe that all behavioural problems in the Canadian social structure are similar, regardless of ethnic origin or climate, thus solutions in our mutual regions of concern will be applicable in the south, east, west or north.

Opening Remarks

Yukon Territory

Tabled by
The Honourable Warren Allmand

Mr. Chairman,

On behalf of the Commissioner and the Government of the Yukon Territory, some 4,000 air line miles from Ottawa, I bring you greetings and good wishes.

It gives me a great deal of pleasure, as I am sure it does the other delegates to this conference, to be present at what is an historic occasion, a first meeting of government ministers and officials at the federal, provincial and territorial levels aimed at dealing with the specific problems facing us all in the corrections field today.

There is full representation here, today, of corrections services operating across the country and we describe ourselves in many different ways. Our operating authorities glory in a variety of departmental titles. We have departments of the Solicitor General, Justice, Attorney General, Social Welfare, Social Improvement, Social Development and, of course, Corrections.

Each of these departments is staffed with a wealth of capable and dedicated people in the various professions and disciplines. I doubt very much, however, if any one provincial jurisdiction has been able to muster a total corrections programme under a single guiding authority.

We in the Yukon would define a total programme as one which is able to cater for all those people who have come in conflict with the law, adults and juveniles, and for whom preventive programmes are being developed both before and after their involvement with law enforcement agencies.

To a high proportion of the general public corrections is synonymous with jails and, perhaps to a lesser extent, parole. This has come about as a result of negative publicity brought upon us by a combination of unfortunate circumstances never fully understood by the average citizen.

What has caught up with corrections, at the end of the law enforcement and judicial processes, is the disregard for some of the moral values and principles by which our fathers lived and which helped establish this great country.

We can point to particular regions of Canada and regard them as economically depressed or as privileged areas. Not any one geographical area of this vast country, however, can claim to have a concession on crime.

The Yukon Territory recently had two dubious distinctions bestowed upon it. We are reported to be the hardest drinkers in the country and we enjoy the highest average monthly earnings of anywhere in Canada. Whether the latter contributes to the former we will leave for others to pass judgement. It might be noted here that, while the population of the Yukon Territory is 20,000 we play host to some 300,000 tourists each year.

Out of this affluent Canadian society have come two major medical and social problems, those of alcoholism and drug abuse. In these areas also the Yukon has not escaped unscathed and the related side effects of their sources have added to our problems in corrections.

Corrections was introduced to the Yukon in 1967, as a total package, incorporating adult and juvenile probation services, medium and minimum security adult institutions and a juvenile training facility. We have since utilized our Probation Branch as agents for the National Parole Service.

In spite of innovative programmes in our branches, which have resulted in a low recidivist rate in our institutions, we are feeling the pressures brought about by the varying attitudes to, and lack of respect for, law and order.

In the first six months of 1973 the R.C.M. Police has reported an increase of 30% in offences reported to them in the Yukon Territory. In the year ended March 31st, 1973, our adult probation case-load rose by 32% while the juvenile probation case-load rose by an alarming 93%. At the same time there was an increase of 39% in the number of boys and 83% in the number of girls who were admitted to juvenile training home care. This was in spite of the concern of our Juvenile Court Judges, who are as compassionate and have as much feeling as any of their fellow judges elsewhere in Canada.

The agenda for these three days is broad in scope and involvement. Some items high in order of priority have received initial treatment at preliminary meetings. In particular I refer to the consideration of parole jurisdiction and the revision of the Prisons and Reformatories Act. Separate joint consultations have led to the imminent implementation of an exchange of services between the Government of Canada and the Government of the Yukon Territory with respect to penitentiary and territorial inmates.

It is hoped that general support will be given to proposals that amendments to the Canada Assistance Plan will be forthcoming to provide federal funding for those jurisdiction who choose to link their juvenile programmes into a total corrections system of operations. At the same time we would propose that federal funding of adult correctional services in the provincial and territorial systems with regard to certain programmes be considered.

The discussion paper circulated to delegates would appear to hint at the possibility of funding being made available to the provinces to support preventive programmes which may be devised. The acknowledgement that inter-dependence of federal and provincial authority will be maintained should encourage serious consideration of many of the proposals it contains.

We can only hope to scratch the surface in some of our areas of endeavour. In spite of some issues which will evoke deep discussion, and find some disagreement, there is the necessary material and some preliminary agreement from earlier brief meetings to provide a framework for future design and positive action. Whatever results ensue from these three days of deliberation it can be assumed, and perhaps even be guaranteed, that some of the barriers that have impeded progress in this important field of corrections will be removed.

JOINT COMMUNIQUÉ

Federal and provincial ministers and representatives from the Yukon and the Northwest Territories responsible for corrections met in Ottawa from December 12 - 14 under the chairmanship of the Solicitor General of Canada to discuss matters of common concern and to work toward closer coordination of effort in the field of corrections. The agenda for the conference and a list of participants are attached.

Ministers put forward various proposals for federal funding of corrections programs. The Solicitor General of Canada recognized the importance of proper funding arrangements and agreed to assess suggestions made bilaterally and collectively with the provinces. It was also agreed that these funding proposals be assessed forthwith by the continuing committee of Deputy Ministers.

The Conference agreed in principle that there should be a more flexible system of parole decision-making and supervision with regard to all offenders sentenced to incarceration in provincial institutions. Several provinces sought immediate amendment to legislation to provide for the exercise of parole jurisdiction by provincial authorities. The Solicitor General of Canada agreed with the provinces that authority for provincial exercise of the parole function be established under one federal act which would also contain minimum national standards applicable to the National Parole Board and provincial boards equally. A joint working committee was established to recommend such a set of standards by March 1, 1974. It was also agreed that the system of indeterminate sentences now in effect in Ontario and B.C. be abolished if paroling authority was granted and assumed by these two provinces.

The number of provinces which will assume parole jurisdiction under the proposed enabling authority may depend upon the financial arrangements to be discussed in the near future.

Other provinces indicated that they do not intend, at this time, to assume parole jurisdiction, particularly parole decision-making. These provinces, however, urged the Solicitor General to expand and improve the work of the National Parole Board both by increasing the size of the Board and by establishing regional boards with regional representation to meet specific regional needs. Assurance was given that the federal government would continue to improve the parole function in these provinces. It was agreed that the matter of regional boards and other more general questions could be considered by a Continuing Committee of Deputy Ministers established at this Conference.

Ministers agreed to the principle of exchange of institutional services including the transfer of inmates between provincial and federal institutions. This flexibility would enable federal and provincial correctional authorities to take full advantage of available resources. Agreement was conditional upon the following factors: availability of space, development of a mutually acceptable process of selection, and appropriate financial arrangements.

Joint regional committees will be formed to work out the approved approach of a coordinated use of services, facilities and resources within each region to avoid duplication. Through these regional committees, both orders of government will consult each other on the planning and location of new services and facilities.

Several provinces questioned the constitutional validity of one of the proposals put forward by the Solicitor General for legislation to replace the Prisons and Reformatories Act. This proposal would have replaced certain sections of the present Act with a new provision that would authorize the Lieutenant Governor of a province to provide by regulations for the custody, treatment, discipline, training and employment of persons in custody in a provincial institution. These provinces referred to the provision in the BNA Act which conferred to provinces the power to make laws in relation to the "establishment, maintenance and management of public and reformatory prisons in and for the province".

Notwithstanding this constitutional question, to avoid delay, Ministers agreed that the Solicitor General would submit, in detailed form, proposals for an Act to replace the exiting Prisons and Reformatories Act, removing anomalies and anachronisms contained in the present legislation and respecting the constitutional rights of the provinces.

It was also agreed that statutory remission should be reviewed to develop a more effective policy. The Solicitor General of Canada will develop proposals to bring this about.

Provincial ministers sought immediate elimination of the existing provision of the Canada Assistance Plan whereby juvenile correctional institutions administered by provincial correctional authorities are excluded from cost sharing. They stated that federal funding should not direct how provinces should organize to carry out programs which meet the objectives and criteria for cost sharing.

The Minister of National Health and Welfare and the Solicitor General of Canada both agreed to consider interim legislation to resolve this problem but only after acertaining the general direction that would likely evolve from the proposed joint review of programs, services and funding arrangements dealing with young persons in conflict with the law. Provincial ministers were assured that they would receive an answer by March 31, 1974.

The Solicitor General of Canada informed the Conference that his Ministry was giving priority to developing proposals for legislation to revise the Juvenile Delinquents Act. It was recognized that any changes to the Juvenile Delinquents Act will affect provincial services and resources. The Conference agreed to establish a joint working group made up of federal and provincial officials to review the programs, services and funding arrangements dealing with young persons in conflict with the law. This group would also be asked to examine the implications of proposals for legislation to revise the Juvenile Delinquents Act. The report of this joint working group is to be submitted to their appropriate Ministers by March 31, 1974.

Ministers agreed in principle to a continuing mechanism for the joint development of long-term plans for corrections in Canada. It was agreed that the Ministers would meet annually and would be supported by a continuing committee of Deputy Ministers.

The Conference agreed to support the development of programs which would prevent persons from entering the criminal justice system, to divert persons out of this system, and to establish non-custodial penalties and programs as alternatives to sentences of incarceration in institutions. Coordinated efforts aimed in this direction together with appropriate funding arrangements could lead to a more effective and less costly criminal justice system.

The Solicitor General of Canada undertook to make a detailed study of this proposition and to present a report to the Committee of Deputy Ministers in early 1974. Provincial Ministers agreed to assist the Solicitor General in this study by forwarding various reports and studies in this area.

Ministers expressed concern over the urgent and growing problem of the disproportionate number of native people sentenced to prisons and penitentiaries. While the basic causes of this problem are rooted in the cultural differences and the socio-economic conditions of our native people, ministers agreed that many short-term measures dealing with native offenders could be adopted. The Conference agreed to hold a ministerial conference before the summer of 1974 to more clearly identify the problem and to propose appropriate action programs. Ministers and officials of other departments which administer programs which serve native people as well as representatives of the native people would be invited to this conference.

The need to develop relevant and timely and compatible criminal information and statistics systems was acknowledged by the Ministers. It was agreed to hold a conference of officials on criminal information and statistics before next summer to discuss mutual needs and to establish principles that could guide the development of compatible information systems.

The Solicitor General of Canada informed Ministers that plans were being developed to build a regional psychiatric centre in Saskatoon and one in the Maritime Provinces in line with the recommendations contained in the report of the Advisory Board of Psychiatric Consultants. Some reservations were noted that there was a need for smaller community based facilities and that the federal government should not duplicate existing provincial psychiatric services.

The concept of community based residential centres to assist the gradual release of offenders back into the community was endorsed by Ministers. It was agreed that the Ministry of the Solicitor General should undertake to convene a national conference on the subject of community based residential centres to be attended by representatives of federal, provincial, municipal, and voluntary agencies and the community.

The Conference agreed to ask the Committee of Deputy Ministers to consider ways to deal with the important subject of correctional standards and staff development. The Deputy Ministers will consider, as one alternative, a proposal submitted by the Canadian Criminology and Corrections Association.

The subject of inmates rights was raised at the Conference. Inmates rights were considered to be an important subject and it was agreed that this will be considered more fully at the next conference. Studies are being conducted on this subject at the present time.

LIST OF COMMITTEES AND CONFERENCES ESTABLISHED BY MINISTERS

Parole Jurisdiction

Joint Working Group of Officials

Terms of Reference:

To develop minimum national standards and criteria applicable to the National Parole Board and Provincial parole boards.

Reporting:

To individual ministers responsible for corrections.

Time Frame – March 1, 1974

Chairman – André Therrien, Vice-Chairman, National Parole Board

Exchange and Joint Use and Planning of Institutional Services and Facilities

Regional Committees

Terms of Reference:

Follow-up on a coordinated regional approach to the exchange of services and facilities.

Forum for consultation on proposed plans and location of new services and facilities.

Time Frame –

Chairman –

Young Persons in Conflict with the Law

Joint working group of federal and provincial officials

Terms of Reference:

To review programs, services and funding arrangements dealing with young persons in conflict with the law. Review is to assist ministers in identifying principles, assumptions, issues and alternative approaches and implications of each.

To examine implications of proposals for legislation to revise the Juvenile Delinquents Act.

Reporting – To respective appropriate ministers.

Time Frame – March 31, 1974

Chairman – A. T. Wakabayashi, Assistant Deputy Minister (Policy Planning and Evaluation), Ministry of the Solicitor General, Canada.

Continuous Federal-Provincial Joint Planning

Continuing committee of Deputy Ministers

Terms of Reference

To consider appropriate mechanism and develop policy framework for continuous joint federal-provincial planning. (Corrections paper -- The Criminal in Canadian Society -- to be referred to the Committee of Deputy Ministers as a possible policy framework.)

To establish and consider reports of specific working groups.

To serve as a forum where problems can be discussed.

To consider specific subjects referred by Ministers to the Committee of Deputy Ministers: (1) regional parole boards and other more general questions of parole; (2) correctional standards and staff development; (3) Ministry of Solicitor General study on diversion and alternatives to incarceration.

Reporting — to respective Ministers
— to next Federal-Provincial Conference of Ministers

Time Frame — First meeting

Chairman — R. Tassé, Deputy Solicitor General, Canada

Criminal Information and Statistics

Steering committee of federal and provincial officials.

Terms of Reference:

To plan for a conference on criminal information and statistics

Reporting — To respective ministers

Time Frame — Conference to be held before Summer of 1974

Chairman — B. Hofley, Assistant Deputy Minister (Research and Systems Development), Ministry of the Solicitor General, Canada.

The Native Offender

Steering committee of federal and provincial officials.

Terms of Reference:

To plan for a ministerial conference on native offenders.

Reporting — to respective ministers

Time Frame — Conference to be held before Summer of 1974

Chairman — Mr. Hans Schneider, Deputy Minister of Health and Social Development, Province of Manitoba

Community-Based Residential Centres

National conference on the subject of community-based residential centres to be convened by Minister of Solicitor General.

LIST OF MINISTERS WHO ATTENDED CORRECTIONS CONFERENCE

The Honourable Warren Allmand,
Solicitor General of Canada.

The Honourable Marc Lalonde,
Minister of National Health and Welfare

The Honourable Alex Macdonald,
Attorney General of British Columbia.

The Honourable W. Helen Hunley,
Solicitor General of Alberta.

The Honourable Alex Taylor,
Minister of Social Services of Saskatchewan.

The Honourable H. Pauley,
Attorney General of Manitoba.

The Honourable C.J.S. Apps,
Minister of Correctional Services of Ontario.

M. le Ministre Jérôme Choquette,
Ministre de la Justice, province de Québec.

M. le Ministre F. Lalonde,
Ministre d'Etat, province de Québec.

The Honourable J.B.M. Baxter,
Minister of Justice of New Brunswick.

The Honourable A.E. Sullivan,
Attorney General of Nova Scotia.

The Honourable G.L. Bennett,
Minister of Justice of Prince Edward Island.

The Honourable T.A. Hickman,
Minister of Justice of Newfoundland.

Territories Government Representatives

Mr. S. Hancock,
Assistant Commissioner,
Government of the Northwest Territories.

Mr. V.L. Ogison,
Director of Corrections,
Government of Yukon Territory.

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