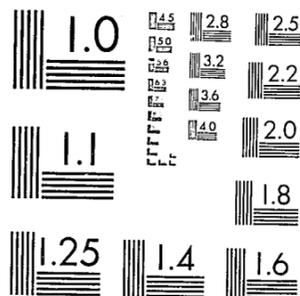


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CORRECTIONAL OBJECTIVES: A SET OF CANADIAN OPTIONS

REPORT #1

CORRECTIONAL EFFECTIVENESS PROJECT
RESEARCH DIVISION
MINISTRY OF THE SOLICITOR GENERAL

PREPARED BY:

HUGH J. HALEY
Chief, Corrections Research

PETER LERETTE
Research Officer

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In spite of these numerous contributions, the authors alone are responsible for the material and opinions found in this paper. In no way is this report meant to reflect the views of the Ministry of the Solicitor General.

PREFACE

This is the first report to be generated from work done on the Correctional Effectiveness Project. The Research Division of the Federal Ministry of the Solicitor General started this project to look beyond the current "nothing works" debate in order to reassess conceptual issues and programs as well as to generate future research strategies. It is expected that this reassessment will place a knowledge base at the disposal of both federal and provincial governments with which they can respond more adequately to the increasing demands for economic and correctional program accountability.

Because there was no clear structure to the existing correctional literature, it was necessary to define and organize the literature before objectives and programs could be described and evaluated. In order to overcome arbitrariness, the project team began a deductive analysis from the basic premise that corrections is the administration of the criminal sanction. Consideration of correctional accountability was therefore the analysis of what correctional agencies were responsible for in the administration of the sanction. This structure is the base from which one can analyse the correctional research literature so as to delineate the potential effectiveness of specific programs, policy options and research directions, as well as an appropriate balance between the objectives enunciated.

Rather than outline an organizational structure by which correctional objectives may be attained, this report directs itself to what is unique to correctional objectives as opposed to the objectives of other components of the Criminal Justice process. The authors believe that all the possible objectives for which corrections might be held accountable are dealt with within the structure of the major headings of Punishment, Offender Welfare, Non-punitive Crime Control, and Reconciliation. They argue that correctional agencies should consider each of these objectives in their entirety before outlining individual organizational objectives which might be a modification or selection of the global areas outlined here.

The present report is therefore an outline of the rationale by which particular correctional objectives can be established, defined and evaluated. Further work is required to assess how corrections might attain these objectives and how specific programs might be evaluated as to the extent to which they have attained them. Continuing work under the Correctional Effectiveness Project has begun this assessment and will be reported in later publications.

EXECUTIVE SUMMARY

In light of the current pressure towards fiscal restraint, governments have begun to more carefully scrutinize their spending on social programs and services. A major part of this effort has focused upon determining to what extent social programs are effective in achieving their intended effects. However, in order to assess effectiveness, a precise understanding is required of how and for what public officials shall be held accountable. This pressure to become more accountable is occurring at a time when those objectives and practices that have been accepted for correctional organizations over the past few decades are being severely questioned. A clarification of this controversy requires that, if corrections is to be held accountable for the effectiveness of their programs, there must be a fundamental reassessment of correctional objectives.

Traditionally the criminological debate has focused on the objectives of sentencing. However, an assessment of correctional objectives must consider those specific objectives that must be set for corrections to ensure that the sentence of the court is appropriately administered. Corrections will need to interpret their particular responsibility to meet sentencing objectives and to set additional objectives which arise from public expectations and legal requirements which constrain as well as make demands upon the way an offender is to be dealt with while under sentence.

Historically, present day criminal sanctions developed as a reaction to the use of harsh penal measures as well as a growing acceptance of utilitarian ideas within western culture. In contrast to the earlier criminal sanctions of corporal and capital punishment the new sanctions of imprisonment and probation take place over extended periods of time. The administration of these sanctions have led to the development of correctional bureaucracies which, although charged with administering the sentences of the courts, have had little guidance as to what courses of action must be taken in order to ensure that the purposes of such sentences are fulfilled. At the same time societal concerns for justice, humaneness and utility have placed additional responsibility upon corrections which have tended to constrain its discretion in choosing means consistent with the purpose of the sentence. An assessment of these influences, combined with the recent recognition of existing offender's rights, has concluded that corrections should be held accountable for some combination of punishment, offender welfare, non-punitive crime control and/or reconciliation.

CORRECTIONS AND PUNISHMENT

By definition criminal penalties are punishments imposed upon those who violate state laws. Such punishments are justified by the counterbalancing principles of utility, which allow punishment to be used to promote a greater social good, and retribution, which places a limit on the extent to which utilitarian goals can be pursued. Retribution provides justification for punishing the offender but it

offers little or no guidance as to how punishment is to be managed or achieved. Utility might provide guidance on how punishment is to be administered but the degree to which corrections can pursue punishment is limited by the principle that, as citizens, offenders retain all rights not expressly removed by law. In effect, recognition of residual offender rights set limits below which corrections must not go in meeting the punitive ends of criminal sanctions.

In most western democratic societies punishment is restricted to the deprivation of liberty (imprisonment or supervision) and the severity of punishment is measured as the length of time over which deprivation of liberty is to occur. There are those who advocate that the conditions under which liberty is to be restricted should be sufficiently harsh so as to meet the punitive ends of the sanction. However, there are no clear guidelines which inform correctional administrators as to how the punitive ends of the criminal sanction are actually to be managed.

CORRECTIONS AND OFFENDER WELFARE

If attaining the punitive ends of the criminal sanction is a court responsibility and adjudicated offenders still retain certain rights of citizenship, corrections must be held accountable for ensuring that those rights retained by the offender are protected. In Canada while

the rights available to citizens generally are not articulated in a codified form, legal opinion favours the position that convicted offenders retain all rights of citizenship except those explicitly denied them by the sentence. The focus of the inmate rights issue has often been on what corrections must not do to the offender rather than on what corrections should do in seeing that those rights retained by the offender are satisfied. The recognition of offender's rights also implies that they, like other citizens, have the right that their personal welfare be ensured. This could result in a requirement that corrections be held accountable for providing programs and services aimed at improving or protecting the offender's general welfare. Such responsibility might require programs to ensure that:

1. the offender can participate in the normal process of social maturation,
2. unintended consequences of criminal sanctions be mitigated, such as psychological deterioration, threats to personal safety and negative effects upon the offender's family,
3. as part of a disadvantaged group, offenders not be denied programs that deal with specific deficits such as, retardation, reading/learning disabilities, lack of education/employment skills and psychological, emotional or behavioural difficulties.

CORRECTIONS AND NON-PUNITIVE CRIME CONTROL

It has been generally recognized that the underlying purpose of the Criminal Justice System is the protection of society. After restricting correction's role in attaining punitive objectives, the options available to corrections in contributing to the achievement of crime control include containment, the negation of sanction-related criminogenic factors, and application of non-punitive behavioural change strategies (rehabilitation).

Containment denotes an attempt to restrict the offender's opportunities to commit further offences while under sentence. This encompasses not only the physical restraints of incarceration but also the containment effects of correctional supervision strategies such as parole and probation. In carrying out this task, however, corrections may also assume the further responsibility of reducing the criminogenic influences that may exist in correctional environments as well as the crime producing consequences that may result from the societal practice of labelling the offender as a different kind of person.

In contrast to changing the offender's behaviour through the use of intimidation under punishment strategies, rehabilitation has stressed accomplishing this end through non-punitive measures. Such non-punitive attempts to change the offender have often been

based upon some notion of pathology of the offender. The pathology notion has supported the application of rehabilitative strategies in conjunction with containment. Correctional systems based upon this conception have recently been criticized for violating the offender's basic civil rights and for using arbitrary discretion in applying coercive measures to enforce offender participation in correctional treatment programs. Given the present state of knowledge, the pathology model of criminal behaviour and the use of coercion to ensure participation in behavioural change programs are questionable. This does not deny, however, the legitimacy of correctional agencies attempting to change criminal behaviour patterns through certain types of interventions and motivational programs. For example, it may be appropriate to expose offenders to social interactions that highlight the tangible benefits that can accrue as a result of participating in a non-criminal life style. The determination of exactly what types of rehabilitative programs are appropriate, however, will necessitate a closer examination of the complex ethical, legal, and behavioural science issues involved in the state's intervention into individuals' behaviour.

CORRECTIONS AND RECONCILIATION

The criminal justice process is traditionally conceived as a conflict between the state and one of its citizens. Resolution of this conflict is believed to be achieved during trial proceedings

through either a determination of guilt or a finding of innocence. The former, however, leads to labelling the citizen as a criminal and therefore deserving of being alienated from general society.

The above model might be questioned on the grounds that a finding of guilt leads to a resolution of the conflict only from the perspective of the general society. Recognition of this fact has led some to conclude that the interests of the individual and those of society should be reconciled in a manner that mitigates against the further alienation of one party from the other. It is further recognized that in contrast to the offender's weak position in putting his interests forward under a punitive, reformatory or welfare regime the pursuit of a reconciliatory strategy would require that the offender have constructive input into the administration of his/her sentence. Given the present state of knowledge it will be necessary to articulate strategies and programs that emphasize a negotiation process in which both the interests of the state and the offender are mutually reconciled.

CONCLUSION

This assessment of the administration of the criminal sanction has led the definition of objectives for which correctional agencies might be held accountable as well as criteria by which the attainment of these objectives might be assured. A schematic summary of the

definitions, supporting rationales and evaluation criteria for the four correctional objectives of punishment, offender welfare, non-punitive crime control, and reconciliation are contained in Table 1. The policy decision of whether correctional agencies should be held accountable for these objectives will be determined by the value judgements made in defining correctional programs. The difficulty of these decisions will be reduced by the availability of knowledge on the feasibility of emphasizing programs to respond to each of these objectives. In order to provide policy makers with this information, further work is required to determine the availability of existing knowledge and to undertake relevant research to increase understanding of the effectiveness of correctional programs.

TABLE 1

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
I PUNISHMENT	Enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation	If the punitiveness of the sentence is limited to legally defined restrictions of liberty or other rights, then correctional accountability is strictly limited to the enforcement of those restrictions that are defined by the conditions of the sentence.	Degree to which those liberties to be restricted by the sentence or supporting legislation are enforced (i.e., escapes from custody, non-compliance with conditions of probation or parole, non-payment of fines).
II OFFENDER WELFARE	The provision for, and protection of, those liberties which are retained by offenders after conviction and sentencing through judicial proceedings - This might imply responsibility for: a) Removal of unintended negative effects of a criminal sanction, such as interruption of social maturation, disintegration of social ties, and threats to physical and psychological well-being, b) Removal of social, psychological and economic inequalities found within offender populations.	If particular rights of citizenship are retained after sentencing, then the administration of the sentence must not restrict these rights	Degree to which recognized offenders' rights are infringed upon a) Degree to which specified needs of disadvantaged offenders are met. b) Degree to which the needs of disadvantaged offenders are met.

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
<p>III NON-PUNITIVE CRIME CONTROL</p>	<p>Provision for the protection of society through the reduction in the probability of criminal activity by convicted offenders</p> <p>- This might imply responsibility for:</p> <p>a) Restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (Containment)</p> <p>b) Provision of appropriate incentives and programs to offenders in order to effect the necessary change to reduce criminal activity after expiration of sentence (Rehabilitation).</p> <p>c) Removal from the administration of the criminal sanction of conditions which may increase an offender's probability of further criminal activity.</p>	<p>If corrections is conceived as being part of the larger Criminal Justice System, which is responsible for the protection of society through crime control, then the corrections component of that system must share in this ultimate responsibility</p>	<p>Number of crimes committed by offenders after sentencing (i.e. offences against criminal code).</p> <p>a) Number of crimes committed by offenders while under correctional custody (escapes, non-compliance with conditions of probation or parole, offences against criminal code).</p> <p>b) Number of crimes committed by offenders after release from correctional custody (offences against the criminal code).</p> <p>c) Number of crimes committed by offenders after sentencing, which can be identified as resulting from administration of the sentence.</p>
<p>IV RECONCILIATION</p>	<p>Implementation of a program that has been mutually agreed upon by both the offender and the state for the purpose of assisting that offender to pursue a preferred life style after expiration of sentence.</p>	<p>If the Criminal Justice System is viewed as an instrument of reducing conflict in society, then the correctional component of that system must attempt to reduce that conflict by responding to the offender's personal aspirations as well as society's responsibility to assist in their fulfillment.</p>	<p>Degree to which the offender attains his legitimate aspirations to participate in the routine functioning of society after release from correctional custody (employment status, marital/family status, community participation).</p>

During the past two decades budgetary expenditures by the federal government have been steadily increasing (The Auditor General, 1978). For example, during the 1962-63 fiscal year, federal spending totalled some 7,304 million dollars. In comparison, during the 1977-78 fiscal year, expenditures by Ottawa totalled 42,882 million dollars. This represents a 487 percent increase since the early 1960's (The Auditor General of Canada, 1978). Federal spending in the area of Criminal Justice is no exception to this general trend. For example, the Ministry of the Solicitor General spent \$1.1 billion in the 1979 fiscal year as compared to \$162 million in fiscal year 1966. This represents a 470% increase in absolute spending. While they are dramatic in absolute terms, it has been noted that these increases in criminal justice expenditures are small relative increases once inflationary and general growth factors are taken into account (Demers, 1979). However, these general increases in spending have focussed an increased attention to the need to examine government expenditures.

During the economic boom of the 1960's emphasis upon financial accountability was subservient to the emphasis being placed upon the expansion and development of social programs and services (The Auditor General of Canada, 1978). The recent advent of economic uncertainty, however, has spurred a renewed interest in assuring that the programs and services provided by

Government are economically, efficiently and effectively achieved. In his annual report to Parliament tabled in November of 1978; the Auditor General made the following observation:

There is, in my opinion, widespread lack of due regard for economy and efficiency in the operations of the Government, and inadequate attention to determining whether programs costing many millions of dollars are accomplishing what Parliament intended.
(Auditor General of Canada, 1978, p. 6)

This observation was based in part upon the information contained in an interim report of the Spice Project Team (The Auditor General of Canada, 1978). Spice (Study in procedures in cost effectiveness), organized in 1976, conducted comprehensive audits of some 23 government departments to determine if appropriate information systems existed to aid public administrators in achieving adequate financial control within their departments.

The primary focus of the Spice audits revolved around questions concerning "value for money". In this context audit responsibilities centered upon three concerns - economy (low cost acquisition of the appropriate quality and quantity of human and material resources), efficiency (to maximize output in terms of resource input) and effectiveness (achievement of objectives or intended effects). In general, the Spice team found that in all three auditing areas the departments examined did not adequately meet the value for money criteria applied (The Auditor General of Canada, 1978).

The philosophy and concerns underlying the need to evaluate government programs is summed up in the following statement made before the Standing Committee on Public Accounts, on December 4, 1979, by Mr. R.B. Robinson, Deputy Director General of Spice:

Effectiveness of programs is the most important single aspect of value for money in Government. It provides the essential feedback to decision-makers on whether or not they are accomplishing what they intended in the expenditure of public funds. As we have suggested, although there may be some merit in doing the right thing badly, there is none whatever in doing the wrong thing well. If a program is accomplishing its objectives, we may justifiably tolerate administrative inefficiency. But if the program is not accomplishing its intended purposes, it has no merit regardless of the quality of internal administration.

(Canada, House of Commons Standing Committee on Public Accounts 1979, p. 2-3)

Success in attaining economic accountability is therefore dependent upon the clarity of objectives of the organization concerned.

The issue of attaining appropriate objectives can be viewed within a broader concern as to how public officials can be held accountable for the funds they administer. This wider perspective involves not only the installation of appropriate auditing and reporting systems but also calls for a thorough and systematic examination of existing government programs. The key focus of such

examination is spelled out in a general policy statement issued by the Federal Treasury Board in 1977:

Departments and agencies of the federal government will periodically review their programs to evaluate their effectiveness in meeting their objectives and the efficiency with which they are administered (T.B. 1977, -47, p.2).

The implementation of the above directive within agencies of government is expected to produce results which will aid in: 1) Changing ways in which the programs are operated, 2) "Clarifying program objectives"; 3) reducing or eliminating programs, or aspects of programs, which have become redundant or of low priority; 4), identifying programs or aspects of programs which have increased in relative priority (T.B. 1977, -47, pp.3-4).

In essence, this means that managers are required to ask questions, the answers to which provide them with the information necessary to aid in assuring that they remain accountable to the Parliament of Canada. A partial list of such questions (T.B. 1977, -47), which are by necessity an intricate part of the program evaluation process, would include:

1. Are the original objectives of the program still relevant?
2. Are the activities, outputs and effects of the program plausibly linked to the attainment of the objectives?
3. To what extent were appropriate program objectives and intended effects achieved as a result of the program?

4. What are the intended and unintended impacts and effects of the program, including distributional considerations?
5. To what extent does the program duplicate, overlap or work at cross-purposes with other programs?
6. Are there better ways of achieving the objectives and intended effects?
7. What would be the effect of discontinuing the program or of significantly increasing or decreasing the program's budget?

While aimed at the federal public service generally, these developments have specific implications for the field of Corrections. Correctional organizations have been strongly criticized for adopting numerous inconsistent programs without the systematic analysis required for economic accountability. This has resulted in correctional management by trends rather than through the planning and organization which leads to efficient administration.

There has been a tendency for the correctional field to adopt new or seemingly new programs in an impulsive, sometimes faddish manner, only to replace them later with a more recent innovation. Much supposed progress really only has been circular movement. 'New' approaches turn out to be the devices tried elsewhere under a different name. (The President's Commission on Law Enforcement and Administration of Justice, 1967b, p. 164).

In Canada, the superordinate task for correctional administrators has been

to administer the sentence imposed by the courts. Until recently this sentence administration has been equated with the objectives of short-term social protection and reducing long-term recidivism. It was expected that the latter goal of recidivism reduction could be achieved by exposing offenders to a variety of rehabilitative programs. Inconsistencies in correctional programming can be explained by a lack of consensus of how these objectives might be attained. Recent reviews of the evaluation literature, however, suggest that no rehabilitative programs have been identified which to produce a reliable reduction in the rate of recidivism (Bailey, 1966; Brody, 1976; Greenberg, 1977; Lipton, Martinson and Wilks, 1975; Martinson, 1974; Robinson & Smith, 1971). Although a sizable number of counter examples can be listed (Palmer, 1978; Ross and Gendreau, 1980), the number of unsuccessful attempts to document rehabilitation effects have prompted strong suggestions that the goal of rehabilitation should be dropped from correctional practice (American Friends Service Committee, 1971; Fogel, 1975; Law Reform Commission of Canada, 1976; Morris, 1974). There has been no clear directions, however, on what is to replace rehabilitation as a correctional objective. The controversy concerning the appropriateness of rehabilitation, therefore, necessitates a reassessment of the goals for which correctional officials can be held accountable if they are to respond to the evaluation requirements of the Treasury Board.

The controversy over the appropriateness of rehabilitation has concentrated on the purposes of criminal sanctions which has led to redefining or justifying the more traditional goals of sentencing - deterrence, retribution, denunciation (Canadian Law Reform Commission, 1974; Van den Haag, 1975; Von Hirsch, 1976). It is often assumed that this emphasis on sentencing objectives clarified the goals of corrections as well as those of sentencing. However, in holding

correctional officials accountable it is necessary to define their particular responsibilities in attaining sentencing objectives as well as criteria by which they can realistically be evaluated. It has also been noted that the primary focus of different components of the criminal justice system changes as the offender moves through the successive processes of detection, conviction, sentencing and correction (Hart, 1958). Even a strictly punitive model of sentencing may provide little or no guidance as to how the prescribed punishment is to be applied. The concentration on the rationale for punishment has focussed upon justifying the application of punishment by the court rather than upon defining how that punishment will be administered. In other words, these justifications legitimize sentencing an offender to prison or probation but do not address the issue of what is to be done by the offender once his/her sentence commences.

To satisfactorily resolve the issue of correctional accountability, it will be necessary to undertake a comprehensive examination of objectives for which correctional agencies might be held accountable. These objectives must be clearly articulated and policy options proposed as to which objectives, or set of objectives, will guide correctional practices into the future. Such a review recognizes that the courts and correctional agencies are parts of the criminal justice system and must be consistent with one another. They may not, however, be completely integrated at the level of objectives. A differentiation between sentencing, which is a court function, and corrections, which administers the sentence will clarify those objectives for which each component of the criminal justice system can realistically be held accountable.

The formulation of the objectives of any social organization involves value decisions based upon the reasons for which the organization exists and how it is

expected to attain its mandate. One reason for the inconsistency in correctional programming is that the rationale for choosing various correctional objectives has not been clarified. An explication of the various options for correctional objectives will define the issues around various policy choices so that policy makers can more knowledgeably choose between them. It will also allow for a clear definition of what is meant by differing or confusing correctional objectives so that programs can be directed towards legitimate activities, and evaluations to measure the degree to which they meet intended purposes can be put into place.

To meet the need for correctional accountability, therefore, it will be necessary to define the various objectives for which correctional organizations might be held accountable. After correctional objectives are defined, programs that might attain these objectives will be more easily developed and evaluated. When offenders were sentenced under a rehabilitative philosophy, the correctional mandate was easily defined as administering programs to change those offenders. In questioning the rehabilitative ideal, the reason for the existence of correctional organizations has been clouded. The rehabilitative ideal, however, is relatively new in criminal justice history and has had differing prominence in different criminal justice traditions. Therefore, in re-examining correctional objectives, it will be necessary to first examine the history of why correctional organizations developed and assess the relevance of these organizations to a modern criminal justice system. An understanding of what correctional organizations are and the ramifications of attaining the objectives of those organizations will be necessary before the value decisions for the formulation of long-term correctional policies are possible.

THE EVOLUTION OF STATE IMPOSED PUNISHMENT

The rise of the modern criminal justice system can be traced to the collapse of earlier kinship systems and their replacement by a centralized authority (Kennedy, 1970). Originally, regulation of custom and kinship responsibility was by means of blood feuds or vendettas which eventually came into direct conflict with the evolving need to have general order and stability. This need led to the development of a centralized state authority which began to exercise social control by holding individuals accountable to codified laws. Although these laws were originally enforced through fines, more general disruptions of peace and order were gradually designated as offenses against the state itself and were often seen to require harsher penalties. Such offenders were viewed to be enemies of the state to the extent that Rousseau was eventually able to say:

Every malfactor, by attacking the social rights, becomes, by his crimes, a rebel and a traitor to his country; by violating its laws he ceases to be a member of it; he even makes war upon it. In such a case the preservation of the state is inconsistent with his own, and one or the other must perish; in putting the guilty to death we slay not so much the citizen as the enemy (quoted in Foucault, 1977, p. 90)

While offenders against criminal laws were viewed as enemies of the social system, a sentence for a felony involved the loss of all rights of citizenship which included the rights to property, to bequest inheritances and other civil rights (Rubin, 1973). The purposes of the sentence for such felonies were the elimination of the undesirable element of society, as well as justified revenge and general deterrence. In order to serve these purposes, penalties were extremely severe, usually involving corporal punishment and/or mutilation (Foucault, 1977). Capital punishment through boiling, burning and/or hanging became the penalty for a variety of common offences. The extent to which society would go in punishing those who violated its laws is illustrated by the following description of an execution in 1594:

"A vast crowd was assembled to enjoy the spectacle. The doctor, standing on the scaffold, attempted in vain to make a dying speech; the riot was too angry and too delighted to be quiet; it howled with laughter...and the old man was hurried to the gallows. He was strung up and - such as the routine of the law - cut down while life was still in him. Then the rest of the time-honored punishment - castration, disembowelling, and quartering - was carried out. Ferriere was the next to suffer. After that, it was the turn of Tinoco. He had seen what was to be his fate, twice repeated, and close enough. His ears were filled with shrieks and moans of his companions, and his eyes with every detail of the contortions and the blood....Tinoco, cut down too soon, recovered his feet after the hanging. He was fiesty and desperate and fell upon his executioners. The crowd, wild with excitement, and cheering on the plunky foreigner, broke through the guards, and made a ring to watch the fight. But, before long, the instincts of law and order reasserted themselves, two stalwart fellows seeing that the executioner was giving ground, rushed forward to his rescue. Tinoco was felled by a blow on the head; he was held firmly down on the scaffold; and like the others, castrated, disembowelled, and quartered (quoted in Rubin, 1973, p. 419).

The exercise of these extreme powers by the state had to be tempered by the needs of individuals to conduct their lives without unnecessary state interference. This was legitimized by the development of a philosophy of individual rights that defined the limits of state power to take action against its citizens. This philosophy emphasized the need to limit the state's ability to take penal action against citizens (Baccaria, 1819). For this reason a complicated system of jurisprudence was developed to define the process by which criminal guilt or innocence would be decided. The State's power to take punitive action against citizens was thereby restricted to those who could be legally defined as truly 'enemies of the state'.

Legal procedures were thereby developed which emphasized the valid identification of offenders, as well as their just punishment. Little attention was given to the actual administration of the penal sanction after conviction (Fogel, 1975; Jobson, 1978; Price, 1976; Vogelmann, 1971). This is still evident in the current administration of correctional facilities where there still exists "virtually total delegation of authority by the legislature to correctional authorities and the entire responsibility for determining an inmate's circumstances during the term of his sentence is entrusted to the professional judgement of correctional personnel....Matters dealing with the manner in which a sentence is to be served are altogether a

matter of 'grace'...or 'privilege' rather than a 'right' (Price, 1976, p.211). However, other factors influenced the early development of alternative criminal sanctions (Barnes and Teeters, 1959; Fogel, 1975; Foucault, 1977; Rothman, 1971). Towards the end of the Middle Ages, the intellectual tradition arising from the 'age of enlightenment' supported a change in the perception of man's relationship with other men and society generally. Rather than viewing man as evil by volition, he was now seen as subject to corrupting influences in his environment or other factors not directly under his control.

The age of enlightenment, which gave rise to the philosophical concepts of utilitarianism and the development of an industrial society, led to the challenging of the usefulness and justice of harsh corporal punishments for criminal offences (Foucault, 1977). The acceptance of the utilitarian philosophy that a society should be organized to provide the greatest good for the greatest number of individuals implied that punishment simply for the sake of revenge was unjustified. To be consistent with this philosophy, penalties should serve the useful end of reducing the crime rate and directing behaviour toward 'productive' societal activities (Bentham, 1843). Specifically, offenders should serve as an example to deter the general population from criminal activity, or the penalties should be directed toward the offender himself to ensure that he become a more productive citizen. The increase in the value of an individual's labour as industrialization grew, magnified the importance of such diversion of criminal activity.

The humanistic and utilitarian notions spawned during the Enlightenment had guided various early penal reformers to advocate both secular and non-secular means to change the offender for the benefit of himself and society. These developments led to the gradual substitution of capital and corporal punishments by new forms of criminal sanctions which has eventually given rise to the need for complex correctional bureaucracies. Towards the end of the 16th century in England, for example, serious offenders who had previously faced the death penalty might now be subject to penal servitude either by way of military service or galley slavery. After the 16th century, galleys were beginning to be replaced by sailing ships as the primary means of sea transportation. This fact, coupled with the growing need for labour in the colonies, were two of many factors underlying the rise of transportation as a penal measure. However, the use of transportation as a means to punish criminals had to be gradually discontinued as the colonies gained autonomy and as the need for convict labour dwindled. The discontinuation of transportation, as well as society's abhorrence of a return to the original harsh and brutal punishments, left imprisonment as the major criminal sanction available to the state.

Incarceration had existed during the middle ages, but its use as a disciplinary device was limited to dealing with petty offences such as violations of municipal ordinances. Offenders were only held for short periods and no pretence was made at correcting or changing those incarcerated. From the 1700's onward, however, the concept of imprisonment, as we now understand it, began to evolve.

This evolution occurred through a number of early experiments that were a compromise between divergent penal objectives, a growing humanitarianism and an acceptance of utility as a principle to guide state activity. The gradual adoption of imprisonment over this period is marked by a number of discrete events that suggested that each of these divergent objectives might be more effectively responded to through what developed into the modern penitentiary.

The Bridewell House of Corrections had opened in England, shortly after the reign of Edward VI. In 1576, by an Act of the English Parliament, similar institutions of corrections were established in every English county. Bridewell type facilities were soon established in most European countries, and shared the common purpose "to cope with caring for and punishing the increasing volume of vagrants, beggars, and destitute women, mixed with actors without licenses, students expelled from school, and other undesirable elements of society. The goal was to deter them from leading a wanton and idle life by forcing the inmates to hard and constructive work" (Schafer, 1976, p. 212).

Although Bridewell initially embodied a humanitarian and utilitarian attempt to deal with displaced persons and petty offenders, their condition gradually deteriorated over time. The misery and squalid conditions of these early prisons were detailed in

John Howard's report "The State of Prisons in England and Wales" published in the mid 1770's (McKelvey, 1977). In addition to exposing the lurid details of prison life in Britain during this period, Howard also described some successful examples of the use of imprisonment then taking place on the continent.

Two of the more important of these "model regimes" were the hospice of St. Michel and the Maison de Force. The hospice of St. Michel, established in the city of Rome by the Catholic Church in 1703, emphasized changing offenders through disciplined spiritual resocialization rather than by intimidation. This purpose differed substantially from the Bridewell model:

it was erected primarily for 'bad boys' and its goal was inscribed above the entrance 'it is not enough to restrain the wicked by punishment, unless rendering them virtuous by reforming discipline'....The major work was spinning textile materials for the staff of the papal state or for the crews of galleys. However, in addition to work the inmates also received, as a method of correction, religious education; even their work was saturated by religious ideas. To help their atonement they were not permitted to talk to each other while working....In this silence they worked together in the day time, and they were separated at night. (Schafer, 1976, pp. 213-214).

In 1773 the ideas intrinsic to both the papal prison reformatory and the British houses of correction was adopted when the Maison de Force near Ghent in Flanders was established. Inmates in this institution were under strict discipline and were to be involved in productive labour which would help them to learn a trade which would

be useful for them upon their release. To some extent a crude form of classification, as well as early release programs, were practiced (Schafer, 1976).

A similar desire for a humane approach to punishment and reform prompted a reduction of the number of harsh penalties contained in the Pennsylvania criminal code of 1718 (Barnes, 1972). By 1794 the number of offences subject to capital punishment had been substantially reduced and corporal punishment for lesser offences had been replaced by fines, state labour and imprisonment. In time, however, it was realized that not all offenders could pay fines, and the visibility of inmate labour generated public resistance, with the result that imprisonment developed as the principle response to petty offenders.

By 1790, the Walnut Street Jail, which originally housed British prisoners of war, was used to house criminals. As well as housing petty offenders, a limited number of solitary confinement cells were set aside for an experimental program for hardened offenders. These cells were used to institute what soon became known as the Pennsylvania system of prison discipline. The philosophy of the Pennsylvania system was strikingly similar to that of the papal prison system, in that reform by way of solitary reflection and productive labour, tempered by Christian Charity, were its primary features.

The decrease in the use of capital and corporal punishment, with the consequent increase in imprisonment, caused severe overcrowding,

which resulted in the abandonment of the Walnut St. Jail experiment with solitary confinement. To accommodate the increasing flow of offenders, two new penitentiaries, the Western and the Eastern State penitentiaries, were established. Lobbying by such groups as the Philadelphia Society for Alleviating the Miseries of Public Prisons, had resulted in establishing solitary confinement and in-cell labour as essential features of these institutions.

The Society was active in communicating these legal and penal reforms to the officials in other states within the Union. The State of New York, which was impressed by these reforms and was unhappy with the idle, punitive, and overcrowded conditions in its own penal system, erected Newgate prison, which was based on a congregate rather than a solitary confinement cells system. As with the Walnut St. Jail, Newgate soon became overcrowded which resulted in the construction of a new prison at Auburn. Reform groups succeeded in having congregate and solitary confinement cells compared within the new prison (Barnes, 1972). The experiment ended in 1823 when it appeared evident that convicts held in solitary confinement were frequently subject to sickness and insanity. This information prompted New York officials to completely abandon the Pennsylvania system within their State and to develop what is now known as the Auburn system.

The principles of this new form of prison administration consisted of congregate labour during the day, solitary confinement during the evening, and enforced silence at all times. Although a compromise of the Pennsylvania system, this new prison regime did encourage the isolation of inmates from one another during their confinement.

It also allowed for a more rigorous application of the then popular idea that offenders could be changed for the better through the "development of industrious habits" (McKelvey, 1977).

Throughout the 1800's, a great deal of rivalry existed between advocates of the Pennsylvania and Auburn systems (Barnes, 1972; McKelvey, 1977). Eventually in the United States, as well as in Canada, the Auburn system appears to have been favoured by most penal reformers. The acceptance of the Auburn system in the United States was probably due to the fact that congregate work during the day was much more conducive to utilizing convict labour than was the solitary confinement system of the Pennsylvania model (McKelvey, 1977).

Imposing on the offender a high level of discipline coupled with productive labour within an institutional environment appeared to meet the differing concerns of the criminal sanction. Imprisonment appeared to be harsh enough to satisfy the deterrent goal of punishment and at the same time was flexible enough to accommodate the principle of just deserts. In addition, incarceration of the offender was seen by many as a more humane means to punish offenders when compared with corporal and capital punishments. Finally, imprisonment by incapacitating the offender allowed state authority the opportunity to use or change the offender for socially productive ends, an idea which appears to gain momentum during most of the 19th century.

Support for the reformation idea supported the replacement of the practice of flat time sentencing by staged release mechanisms. For example, in the penal colony at Norfolk Island near Australia, Alexendar Maconochie began to develop a grade system of prison discipline around 1840. Convicts at Norfolk could earn marks for productive labour and good conduct which, when accumulated, could help them receive an early release. Although Maconochie's regime at Norfolk was short lived, his ideas were enthusiastically received by some penal reformers on the European continent. One admirer of Norfolk, Sir Walter Crofton, was responsible for introducing Maconochie's ideas into the British Isles. Under the so called Irish system, the length of the offender's sentence was made contingent upon his behaviour within the institution. In addition, Crofton was responsible for instituting in Europe what is now known as parole. Offenders under the Irish system could earn marks which when accumulated to a certain level would allow them to be released to a half-way house located within the community. Through these developments the meaning of a prison term changed to encompass the discretionary release and subsequent supervision of offenders during the latter part of their sentence.

These innovations to some extent influenced American penologists who incorporated similar innovations into their correctional systems. Elmira Reformatory, established in 1877, represented the most prominent example. While still oppressive by present day standards the program at Elmira was based totally on the philosophy of reforming

the offender (McKelvey, 1977; Schafer, 1976). Under Brockway's leadership, Elmira was one of the first penal regimes to adopt a thorough indeterminate sentence strategy incorporating a grade system coupled with staged release of offenders back into the community. Elmira formed the example for the establishment of similar reformatory regimes across most of the United States during the last two decades of the 1800's (McKelvey, 1977). This formed the basis for the development of numerous isolated experimental clinical programs that, although relatively unsuccessful, have continued to the present day.

The adoption of reformation as the principle penal objective can be viewed as the end of a process which began in the 17th century. From an emphasis on punishment as the symbol of society's organized revenge, which was most effectively accomplished through cruel corporal punishments, the principles of utilitarian philosophy shifted the emphasis to changing the offender. Whether reform was to be achieved through intimidation, vocational training or through spiritual resocialization, the primary objective remained the same. Since the original punishments no longer responded to these requirements, there was a search for more effective alternative sanctions. From a sanction for petty and nuisance offences the use of imprisonment increased until it became, for a time, the major criminal sanction.

The search for alternative criminal sanctions did not end with the rise of the prison as the major penal mechanism. While imprisonment

was originally viewed as a less harsh alternative to corporal and capital punishment, as its general use increased some jurisdictions began to experiment with even less punitive dispositions for both juveniles and adult petty offenders. Specifically, around the middle of the 1800's the courts used their discretion in suspending sentence and placing the offender under the supervision of a guardian. This practice was not only viewed as a means to avoid harsher punishment but also served to meet the utilitarian concern for reforming undesirable elements within society. Even today most commentators argue that rehabilitating the offender through supervision and treatment is the primary goal of a probationary sentence (Canadian Committee in Corrections, 1979; Carney, 1979; Parizeau and Szabo, 1977; Rubin, 1973). Furthermore, the use of fines which have had a long history extending back as far as Greek and Roman times, were increased as a means to punish less severe offences in cases where a reformatory sentence, such as probation, was thought not to be appropriate. The imposition of a fine is today "...tantamount to a declaration that neither the safety of the community nor the reformation of the criminal requires the imprisonment of the offender and that the assumed value of punishment, deterrence, denunciation or retribution can be accomplished without imprisonment" (Sutherland and Cressey, 1978, p. 324).

The application of fines and probation as alternatives to imprisonment have emphasized the same concern to develop more just and humane means to deal with certain categories of offenders as was

evident in the earlier development of imprisonment. The continuation of this concern is best illustrated with the recommendation of the President's Commission on Law Enforcement and Administration of Justice (1967b) that a major objective of the Criminal Justice System should be the development of a broader range of alternatives for dealing with offenders. Such modifications of probation, as community work orders or restitution programs, emphasize the desire to find sanctions which take into consideration the individual nature of both offences and offenders by applying the least severe sanctions that would be necessary to meet the requirements of the Criminal Justice System.

With each modification that has occurred during the past two centuries of searching for alternative sanctions the administration of that sanction, as well as its form, have each been salient issues. The imposition of punishment by the state has led to the development of criminal sanctions which require the supervision, care, and reformation of offenders over time. While the differential merits of various forms of these sanctions remain controversial, they all necessitate a concomitant development of organizations to administer them and, as the expectations of their application increases, the complexity of these resulting organizations also increases. For example, when the sanction was limited to corporal punishment, the

requirements for the administration of this sanction consisted of little more than its actual execution. However, as there developed such sanctions as imprisonment, which had to be administered over an extended period of time to meet poorly defined requirements under limitations of economy and humaneness, the problems in administration of criminal sanctions magnified. In a modern Criminal Justice System the administration of the sanction becomes increasingly complex as the complexity of the penalty increases through fines, probation and incarceration. Therefore, discussions on the administration of such sanctions draw more heavily on the issues of institution and probation management, with considerably less attention to fines which, in a similar fashion to corporal punishment, require little more than its actual imposition.

In order to clarify the issues of correctional accountability it will be necessary to distinguish the responsibilities of organizations that administer criminal sanctions. In modern common law, it is the responsibility of the judiciary to determine, firstly, if the accused can be justly condemned for his behaviour, and secondly, the form of condemnation that is appropriate for the particular unlawful act. Corrections is responsible for administering the penalty that is imposed by the judiciary after the offender's guilt has been lawfully determined. As such, the corrections system is not accountable for the actual sentence that is imposed, but is accountable to carry out the sentence of the court in a manner consistent with the purposes of

that sentence. However, the responsibility of corrections in attaining the purpose of the sentence is sometimes unclear. Furthermore, expectations about the manner in which the sanction will be administered impose additional responsibilities that are unique to correctional organizations as compared to other sectors of the Criminal Justice System. Corrections often has objectives additional to those that follow directly from the criminal sanction. An analysis of correctional accountability will enunciate these issues so as to clarify what the objectives of corrections might be.

CORRECTIONS AND PUNISHMENT

The purpose of a criminal sanction, by definition, is to punish an individual for an offence. This infliction of punishment resides in the societal practice of defining official prescriptions which, if they are to fulfill their function of maintaining standards of social conduct, must have a coercive power attached to them. While, initially, retribution or revenge was a major objective of sanctions, this emphasis on punishment for its own sake was challenged by the utilitarian principle that institutions of a well ordered society must achieve the maximum aggregate satisfaction and the minimum aggregate suffering (Rawls, 1971; Ruby, 1968). Punishment would therefore have justification only to the extent that it serves particular social purposes. These societal ends have been generally described as protection of society (Ruby, 1968) or, more specifically, as the reduction of crime (Walker, 1969). The punitive purposes of the sanction are based upon the assumption that protection of society required the infliction of aversive conditions upon offenders. The utilitarian models, however, which emphasize the rights of the majority to use punitive action against individuals, provide no logical restriction on the severity of punitiveness. The degree to which society is justified in punishing an offender must be moderated by the severity of the offense. Utility and retribution, therefore, function as counterbalancing principles of sentencing, the former emphasizing the general good and the latter emphasizing the guilt of the offender as a limitation of the rights of the majority to inflict its will on the offender (Morris, 1974; Packer, 1968; Ruby, 1968; Weiler, 1974).

In arguing for the necessity of the concept of retribution, a recent committee for the study of incarceration emphasized that sentences should be

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graduated according to the guilt of the offender (Von Hirsch, 1976), as was originally advocated in the Kantian imperative of "deserts". According to Kant, retribution is justified because, in committing a criminal act, an individual citizen violates the obligation to limit his behaviour so as not to interfere with the freedom of others. By criminal behaviour one gains an unfair advantage over others, and punishment, imposing a counterbalancing disadvantage on the violator, restores an original societal equilibrium. Von Hirsch (1976) takes a stronger position in noting that restoring the equilibrium does not necessarily require punishment. He argues that punishment is required because the offender, in being responsible for his wrong doing, is blameworthy and sentences should be graduated according to the seriousness of the infraction and previous legal records of the offender. By this system, society's rights to punish individuals will be limited by the individual's behaviour, rather than utilitarian objectives, which Von Hirsch argues can be more cruel and punitive.

Von Hirsch's report, however, does not make the distinction between sentencing and correctional objectives that has been outlined in earlier sections of this paper. His rationale does provide justification for punishment (why punish) and the distribution of the penalties (who to punish), but in the absence of lex talionis it does not explain the form that the punishment should take (Brodeur and Landreville, 1977). Von Hirsch's report partially recognizes this in suggesting that the effectiveness of obtaining the utilitarian goal of general deterrence should determine the upper and lower limits of lengths of imprisonment. A strictly punitive model, however, while limiting the power of correctional officials, provides no guidance to the management of the punishment itself. It therefore appears that while retribution may be an

appropriate concern for legislation and courts, it provides little positive direction in the administration of the sanction.

The utilitarian purposes for which punishment is inflicted could provide the rationale for the form of punitive sanctions by the expectation that they will be the means to attain certain ends. These utilitarian purposes are either to deter the offender from further criminal activity (intimidation) or to demonstrate to a wider part of society that offenders will receive deserved penalties (general prevention) (Andenaes, 1966; 1974; 1975). In order to achieve these ends, it is assumed that in the case of general prevention, the form of the penalty must be perceived as punitive by the general society, or in the case of intimidation, by the offender himself. This rationale would suggest that the administration of the penalty must have the required degree of visibility and severity.

A limited amount of research evidence indicates that, while a minimal amount of severity might be required, there is little known about the effects of increasing severity on the rate of crime (Zimring and Hawkins, 1973). The important factors that have been demonstrated to have a deterrent effect are the likelihood of the offender being apprehended or punished (Fattah, 1976; Tittle, 1973), both of which are not correctional responsibilities. Furthermore, social factors (degree of urbanization, social class, etc.) appear to have more impact on crime rates than does the threat of penal sanctions (Fattah, 1976). In terms of intimidation, while recidivism tends to vary with the type of offence and type of offender, severity of punishment appears to have little effect in significantly reducing the overall rate of recidivism (Fattah, 1976).

This research evidence has led to the conclusion that the severity and visibility of the punishment has little utility for the criminal justice system. Where severity has been researched, however, it is usually defined as different lengths of imprisonment, or other restrictions of liberty, with little or no attention given to how these restrictions might be enforced or managed. This is consistent with modern criminal justice practice which has emphasized effectiveness in the attainment of sentencing goals in terms of the denunciatory aspect of conviction and the severity of the sentence, as determined by sentence lengths (Ruby, 1968). The punitive sanction is therefore considered to be the loss of particular rights for the period of the sentence and not some characteristic intrinsic to the manner in which a particular sanction is managed.

To assess correctional accountability in meeting the punitive ends of the sanction, it will be necessary to identify the meaning of the loss of particular rights and the effect that this has on the attainment of desired punitive goals. Under ancient social systems a sentence for a felony meant that the offender was automatically deprived of all rights of citizenship and he therefore retained no protection against the application of punishment for utilitarian purposes. This allowed the social system to brand offenders as 'enemies of the state' and take whatever punitive measures considered beneficial for broader social concerns. The demise of this system left no general rationale of what rights were lost (Rubin, 1971), but concerns for the excesses of the administration of punishment lead to a recognition that considerable restraint was required. The administration of punishment is limited by the common law principle that officials cannot deprive individuals of their liberties, except insofar as the law expressly permits it (Jackson, 1974; Jobson, 1978; Price 1976). It is now generally agreed that a person under

sentence preserves all rights and liberties, except - "insofar as his freedom of association may be limited by sentence of probation or imprisonment, or his property be taken from him through a judicially imposed fine or order of restitution or except insofar as his liberties may be interfered with in carrying out the lawful order of the court in a reasonable way" (Jobson, 1978, p. 170). This principle reverses the earlier perception of convicted offenders as individuals devoid of legal rights to considering them as citizens who have had their rights restricted by a judicial order. In administering the sanction, corrections is concerned with enforcing the appropriate limitations upon specified legal rights without unjustly limiting those residual rights the offender still retains.

Sanctions differ in the degree as well as the kind of limitation that they impose upon an offender according to their intended severity and purpose (Ruby, 1968). The terms of a sanction, such as a fine for which the sentence clearly describes not only the restriction but also how it is to be carried out, presents few problems in its administration. Administration becomes more difficult, however, as sentences increase in the severity with which they infringe upon rights and liberties which is defined by the nature of the sanction itself, or supporting legislation (Damaska, 1971; Rubin, 1971). Canadian law recognizes that imprisonment, as the sentence of last resort, is the most punitive sanction, and that the sanction of probation is a more adequate mechanism for supervision when the principal requirements of the sentence are guidance and counselling (Ruby, 1968). While this provides some guidance as to what is required in the administration of a sentence of probation, it gives no positive direction as to the punitive component of that sentence and provides no direction at all to those who must administer an institutional sentence.

In the case of the sanction of imprisonment, the U.N. Standard Minimum Rules of Treatment of Prisoners explicitly limits correctional responsibility to the enforcement of deprivation of liberty. Rule 57 states:

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the rights of self-determination by depriving him of his liberty. Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation. (United Nations, 1958, p.5)

The principle that an offender loses only those rights that are explicitly or implicitly taken away from him offers a rough guide of how correctional officials are limited in the administration of punishment. It will be necessary, however, to examine the rationale for the recognition of prisoner's rights in order to see how penal policy should be shaped (Zellick, 1978).

The rationale for how the sanction of imprisonment can be managed without infringing upon inmate residual rights is most often based upon the principles of fundamental human rights and natural justice which together establish minimum requirements for the management of criminal sanctions. The acknowledgement that inmates still retain fundamental human rights establishes a level below which correctional authorities cannot go in the treatment of offenders. This constrains authorities to eschew torture, or inhumane or degrading treatment in all its forms. While there appears to be differences of opinion as to what

constitute torture and inhumane treatment, this principle appears to deny such punishments as deprivation of food, removal of clothes, use of dark or cold cells, corporal punishment and techniques of sensory deprivation (Zellick, 1978). The principles of Natural Justice (Jackson, 1973) go even further by requiring that proper and fair procedures be implemented and that rules and regulations should be readily available. Together the concept of Natural Justice and fundamental human rights impose minimal requirements on correctional authorities. These restrictions remove any correctional responsibility to establish discretionary programs to ensure that the punitive ends of sanctions are met.

The removal of discretionary responsibility for the attainment of punishment limits correctional responsibility to ensuring that designated deprivations of liberty are enforced. Judicial authorities, and not correctional, would therefore be responsible to ensure that the prescribed deprivations are sufficient to meet the punitive ends of criminal sanctions. In order for corrections to fulfill this function the sanction must be clearly defined. The required explication of the sanction appears to exist in the conditions of fines and probation, but it becomes more complicated in the administration of sanctions which remove the offender from his normal environment. In the case of sanctions which require an individual to spend specified periods of time in a particular environment, by the very nature of the sanction there might be an expectation that the conditions of that environment meet certain specifications. It is generally accepted, however, that "a prisoner retains all the rights of an ordinary citizen except those expressly, or by necessary implication, taken away from him by law" (quoted in Vogelmann, 1971, p. 53). A prison sentence, however, often involves the loss of additional rights, such as the right to vote and hold office (Damaska, 1971; Rubin, 1971).

While the justification for this might be debated, the enforcement of the regulation poses no practical difficulties for corrections. The difficulty with this principle is in defining what rights are taken away 'by necessary implication'.

The conditions under which a sentence of a deprivation of liberty are met could be as benevolent as economy, or other necessary conditions of the administration of the sanction will allow. It has been argued, however, that prisoners experience additional deprivations (Mandel, 1977). If restriction of liberty, such as enforced confinement or limited freedom of movement, are sufficiently punitive, any additional restrictions or conditions are excessive. On the other hand, attempts to humanize the conditions of imprisonment have also been perceived as leading to creating prison environments in which neither the offender nor the public would perceive either a retributive or a deterrent intent. Although more recent examples can be found, the following quote cited by Austin McCormick summarizes the sentiment underlying the harsh ends argument:

"...He (inmate) usually is granted the benefits of a private radio, of the daily newspaper, selected magazines, the latest motion picture show, orchestras, travelling bands, hand-decorated cells, baseball, football, and basket-ball, and any other amusements which over sympathetic and sob-sister wardens or prison boards may continue to make his stay in prison more enjoyable. Many of our prisons today may well be classed as country-clubs....I do not believe that the majesty of justice can appear in white and unrammed garments so long as such disgraceful, sentimental convict-coddling is allowed to persist in our alledged penal institutions.

(quoted in Barnes & Teeters, 1959, p.459)

This discrepancy as to whether or not conditions of punitive environments, such as penitentiary, are sufficiently harsh or too lenient to meet the purposes of punishment is based on the lack of definition provided on what constitutes adequate punishment under particular sentencing structures (Barnes & Teeters, 1959; Sutherland and Cressey, 1978). If criminal justice policy wishes the conditions of confinement or other sanctions to be punitive in themselves, the conditions under which this is to occur require further clarification.

Correctional responsibility to ensure that the punitive ends of a sanction are met is, therefore, limited to the enforcement of prescribed limitations of rights and liberties. The details of how they are to administer the sanction could be determined by other objectives such as the general welfare of the inmate population or ensuring that offenders do not reoffend. Under this rationale the correctional environment would be determined by other objectives than punishment and could be as benevolent as such other social policy or economy allows. However, social policy may wish to define conditions under which a sentence is served, so that the sanction is sufficiently severe to meet utilitarian goals of punishment. In the past this has not been the practice of criminal justice policy although there has been social debate as to what constitutes adequate conditions for a punitive environment. If such conditions were to be defined, their form would be dependent not only upon policy requirements but also the required degree of severity to serve the utilitarian goals of general prevention and intimidation. Without such additional descriptions of the conditions of the sentence, the recognition of the offender's retention of significant civil rights shifts correctional accountability away from punishment towards the provision of programs that provide for these rights.

CORRECTIONS AND OFFENDER WELFARE

If criminal sanctions do not revoke all of the offender's rights of citizenship there is a correctional responsibility to administer punishment in a manner which respects those rights retained after sentencing. This recognition of offenders' rights not only imposes limitations on the punitiveness of correctional programs, but also places a clear responsibility on correctional authorities to take active measures to alleviate any infringement on the remaining rights of offenders. Therefore, while stating what correctional authorities cannot do in respect to punishing the offender, the acknowledgement of offenders rights also gives direction as to what they must do in regards to the welfare of offenders (Zellick, 1978). This recognition shifts the focus of correctional accountability from punishment towards offender welfare.

To hold corrections accountable for the protection of offenders' rights, it will be necessary to determine to what extent the status of a convicted offender interferes with other rights guaranteed as part of his status as a citizen (Price, 1976). One difficulty with this task resides in the fact that, in borrowing the common law system from Britain, Canada has not attempted to list all the rights that the state must ensure for it's citizens (Jobson, 1978). By limiting the punishment to the restriction of those rights and liberties specifically revoked by the sentence of the court, or its necessary implications, a sanction should not involve any more than a restriction of freedom of movement and association or removal of property (Jobson, 1978). Other restrictions, however, might be defined by supporting legislation.

However, while a number of authors have debated that this leaves offenders with a wide range of entitlements (Hofley, Cohen & Nuffield, 1977; Vogelmann, 1971; Zellick, 1978), clear-cut standards of what is retained and/or removed have not been developed. This is particularly evident for the sanction of imprisonment where the intended conditions under which inmates are to be confined have been inadequately defined.

A recognition of inmate's rights requires that institutional programs conform to the perceptions of justice, due process, or the rule of law. Such a "regime based on prisoners' rights is one which respects the prisoner's inherent dignity as a person, recognizes that he does not surrender the law's protection on being imprisoned, and accords procedures and facilities for ensuring that his treatment is at all times just, fair and humane" (Zellick, 1978, pp. 105-106). Humane treatment obliges correctional authorities to ensure prison inmates are provided with a satisfactory standard of accommodation, food, medical attention, hygiene and safety. This would require that basic standards of care be established and that correctional facilities be assessed as to their maintenance of those standards.

Providing offenders with a basic level of care would not appear to come into conflict with the punishment objective. However, the principle of Natural Justice further demands that inmates be treated fairly, their dignity not be needlessly undermined, and their personality and individual responsibility be respected (Zellick, 1978). The Criminal Justice literature often suggests strongly that the conditions of modern correctional institutions infringe upon individual's dignity and individuality in unfair and arbitrary ways. These conditions have been interpreted as having both temporary and long term unintended negative effects upon inmates.

Defining satisfactory standards of accommodation and care that do not have unintended negative effects upon inmates cannot be done in isolation of defining the conditions of correctional environments that meet the goals of punishment. As noted earlier, to meet the utilitarian objectives of punishment, a sanction might require a certain degree of visibility and severity. Focusing correctional accountability on offender rights, may cause correctional environments to be perceived as offering inmates unique opportunities that might negate any punitive intent of the sanction or even act as a further incentive to commit crimes. If they are to be punished, offenders should not appear to be given welfare opportunities not easily available to members of the general public. However, attitudes regarding the punitive effect of sanctions vary. If we are to develop programs that meet the requirements of both offender welfare and sentencing objectives, it will be necessary to delineate how these two objectives may come into conflict with one another and develop procedures to minimize a continuation of any such conflict.

While there is general agreement that inmates experience broad-ranging negative effects, these have not been specified or quantified in a manner in which correctional authorities can be expected to develop comprehensive responses to them. Research which is focussed upon the social, psychological and physical consequences of incarceration is incomplete and suffers from poor conceptualization and a lack of methodological rigour (McKay, Jayewardene & Reddie, 1979). Without knowing the specific impact of various sanctions, it is impossible to either determine whether these are intended or unintended consequences or to define the expected conditions of various sanctions. More complete documentation of the effects of various sanctions will be required before the objectives of punishment and offender welfare can be adequately accommodated.

It might be argued that corrections should be held accountable to undertake an assessment of the effects of various sanctions. To some extent this already occurs at an individual level in the administration of probation where the correctional authorities monitor the offender in order to determine the impact of that sanction. When the conditions do not appear to be fulfilling their intent, corrections can refer back to the sentencing authority and ask for their modification. One might argue that a comparable process is occurring in the case of parole release, where the Parole Board is fulfilling a combined corrections and sentencing modification function. Corrections might also fulfill a similar function at the general level by monitoring effects of various sanctions and informing sentencing and legislative authorities of what these effects are. Probation officers already perform some of this function, as it relates to individual offenders, when they prepare pre-sentence reports for the judiciary. If this function was further expanded, social policy makers would be informed of the general effects of sanctions and could, on this basis, determine whether these are intended or unintended consequences of the sanction. Corrections could then be held accountable to remove any such effects which are unintended and sentencing authorities would be more informed on what the ramifications were on choosing between various sanctions.

To the extent that broad negative unintended effects have already been identified, the concept of offenders' rights would hold correctional officials accountable to take alleviative action. Concerns regarding the negative effects of the sanction are particularly evident in the case of imprisonment, which by its very nature separates offenders from the mainstream of society. This, in itself, prevents offenders from pursuing, if they wished to, the normal maturational processes which are a characteristic of western culture (career

development, accumulation of economic and material benefits, the establishment of a family unit, preparation for retirement, etc.). There are also indications that for young offenders a period of incarceration retards the formation of values of self-sufficiency, a process which is usually associated with "normal" maturation (Cochrane, 1974). Similar effects, although less evident, may occur in the case of other sanctions where an identification with a criminal subculture may retard normal maturation processes. As part of their status as citizens, offenders may be entitled to the same opportunities other societal members are entitled to in pursuing culturally prescribed patterns of development.

The imposition of punishment, particularly incarceration, does more, however, than interfere with the social maturational processes in which members of society normally participate. Once imprisoned the offender begins to adapt and become socialized into an environment much different to the one that exists in free society. This is a slow but gradual process in which the inmate takes on "...in greater or lesser degree the folkways, mores, customs and general culture of the penitentiary" (Clemmer, 1940, p. 249). Support for this hypothesis can be found in one study in which values associated with achievement, kindness, honesty and religiousness were found to be less accepted by inmates as they progress through their sentence (Hautaluoma and Scott, 1973). Other research has focused upon how incarceration contributes to disintegration of social ties over time (Cohen and Taylor, 1972). This is particularly evident in the negative effects upon the emotional-sexual bond between offender and spouse upon release (Schneller, 1975). These general effects place the inmate in a disadvantageous position at the time of release. In effect the inmate has become ill-prepared to assume successfully his previous

position in society. To some extent correctional authorities have recognized this responsibility by attempting to "normalize" the prison environment, by encouraging increased interaction between the community and the penitentiary population, and by introducing staged release programs as a normal part of the administration of an offender's sentence. Correctional authorities have also accepted responsibility to help reintegrate recently released offenders back into the mainstream of social life through community support systems affiliated with parole supervision programs. The question as to whether these activities should be maintained, strengthened, or even abandoned, is again dependent upon the social policy decision of the extent to which disruption of social ties are unintended negative effects of the sanction as opposed to an unnecessary implication of being imprisoned.

Another negative effect of being incarcerated is the possible threat to one's personal safety. There is some evidence that assault rates within prison are higher than the rate for the general population (Bailey and Cohen, 1976). In addition, the suicide rate among offenders in some jurisdictions has been shown to be twice the rate existant outside of prison walls even when age and sex are controlled for (Sylvester, Reed and Nelson, 1977). The problems of self-mutilation and suicide within institutionalized populations is also a concern of considerable salience (Burch & Ericson, 1979; Ross & McKay, 1979). Although the homicide rates in and outside of prison may be comparable (Sylvester, Reed and Nelson, 1977), the recent events at Attica, Kingston, and more recently the State penitentiary of New Mexico, testify to the potential threat to life offenders must contend with as a result of being in an incarcerated environment. If it was agreed that correctional officials should be held accountable for ameliorating, as far as possible, the conditions that

contribute to the high rates of assault, suicide and self-mutilation experienced within offender populations, policy makers could decide that, as a ward of the state, every effort should be made to ensure the offender's personal safety during the term of his/her wardship.

The difficulties that the acceptance of responsibility for the offender's safety poses for correctional officials is a magnification of the programs of balancing the rights of the citizen from undue infringement by state authorities and the state's right to take sufficient action to provide equal protection to all individuals (Packer, 1968). In holding institutional managers accountable for this dual responsibility it will be necessary to take into account the particularly unique conditions of a large concentration of offenders within a restricted environment. This may require that the procedures to ensure justice and fairness in a correctional environment reflect the loss of some of the rights that protect the non-offender population from unfair conviction. A similar argument can be made that parolees and probationers, by the loss of some of their civil rights upon conviction, can be more easily convicted for additional offences in order to serve a greater good. This does not, however, remove the obligation of corrections to be fair and just, but recognizes that how it fulfills that obligation might have to be more restrictive on offenders than would be tolerated in free society. The establishment of appropriate procedures to protect offenders' rights as far as possible will be dependent upon the extent to which we understand offenders' behaviour, particularly under different environmental conditions, as well as what we understand to be the necessary implications of their sanction.

There may be other more subtle negative effects of penal sanctions that

correctional authorities should alleviate. Adverse effects upon the offender's family including the frustration, loneliness and child management problems experienced by spouses (Morris, 1965), the poor school and social adjustment by the offender's children (Friedman and Esselstyn, 1965), have been documented. While psychological suffering may be an accepted consequence of the criminal sanction, concerns of offenders for their own and their family's welfare may be an unintended consequence of the punishment. For example, the fear of physical harm that pervades correctional institutions (Hamburger, 1967; Toch, 1975), and the anticipation of possible psychological and social deterioration that is common among long-term inmates (Cohen and Taylor, 1972), may be unintended consequences of incarceration. Not only may these conditions cause psychological suffering, but they may also be the basis of adjustment difficulties that should be alleviated by counselling and therapy programs.

Concerns for offenders' welfare have not only been based on the unintended negative effects of the sanction, but also on the existence of social, psychological, or economic inequalities that are believed to predominate among this population. Offenders tend to be young males from a low socio-economic bracket of society, and, as such, may possess personal and social deficits for which they require assistance. Since in western culture an attempt is made to reduce social and economic inequities by providing welfare services to the disadvantaged, it can be argued that offenders retain the right to such assistance in spite of their sentence. The concentration of individuals with similar types of problems in correctional settings may, on the ground of economic efficiency, enhance the position that corrections should provide welfare services appropriate to the offender population.

A strong indication that offenders represent a disadvantaged segment of the population is evidence that prior to arrest they have experienced interrelated difficulties of low income, lack of work skills, and unemployment. The U.S. Department of Justice (1976), in a survey of 91,400 inmates, reported that 31% were unemployed prior to arrest. This same research indicated that of those inmates who were employed, 59% earned less than \$6,000 during the year prior to arrest. Other research indicated that of those inmates who were employed prior to arrest, 35% were employed as labourers, as compared with only 10% in the general population (President's Commission on Law Enforcement and Administration of Justice, 1967a) and only 2.2% were professional or technical workers, as compared to 10.4% of the general population. Lysakowski (1980) found from a sample of Canadian inmates that 43% were unemployed at the time the offence was committed and most inmates were classified as low socio-economic class.

Offenders have been noted to also suffer particular psychological and psychiatric problems such as alcoholism, drug addiction, and various other forms of behavioural disorders. Research in the area, however, is conflicting and confusing. Reports on the rates of alcoholism among prisoners, varying from as much as 72% (Burns, 1975) to as little as 5% (Washbrook, 1977), may be explained by differences in definitions, sampling and measurement instruments used. However, it is widely held that alcohol abuse is a serious problem affecting offenders (Burns, 1975; Gendreau, Madden and Leipziger, 1979; Globetti, Bennett, & Alsikafi, 1977; Haines, 1978; Lysakowski, 1980, Roffman & Froland, 1976; Slugocki and Slugocki, 1977). Similar problems are

evident when determining the extent of drug dependency among offenders. The U.S. Department of Justice (1976) found that of a sample of 191,400 inmates, 161,509 used drugs. Of these inmates, 71,200 (61%) reported using them daily. Lysakowski (1980), in her Canadian study, found that 29% reported using hard drugs, such as heroin, and 15% said they were addicted to a drug. These data, however, do not provide concrete documentation of the extent of drug dependency, as compared to drug involvement, among the offender populations.

The prevalence of less specific behavioural disorders among offender populations is also a confused area. While it has been strongly advocated that a large percentage of offenders require psychiatric assistance (Jones, 1976; Menninger, 1968), systematic national surveys are nonexistent. Estimates in the United States of state and federal inmates that have serious mental problems range from 10 to 35 percent (Wilson, 1980). Ricks (1981) notes that a group of psychiatric consultants estimated in 1972 at least one in every 10 inmates in Canadian federal institutions require psychiatric care. In a recent study of a 10% random sample of federal inmates, Davidson and Brown (1981) found that almost 20% of those inmates had a diagnosable mental disorder. In that sample 4.9% of the subjects were diagnosed as thought disordered or psychotic, 7.6% were diagnosed as neurotic, 6.0% were diagnosed as having 'pathological drug reaction' and 1.0% had some organic disorder, the most prevalent of which was epilepsy. The adequacy of these diagnostic categories to objectively document psychological difficulties, however, might be questioned. What these data do indicate is further research on the behavioural disorders of offenders is warranted.

One of the most characteristic and persistent attributes identified as a deficiency among prison inmates is level of educational attainment (French, 1971; Goldcamp, 1978; Lawrence, Wood, Mannino, Conn and Austin, 1977; McCaskill, 1970; Petersilia, 1979; Statistics Canada, 1976a; U.S. Department of Justice, 1976; President's Commission on Law Enforcement and Administration of Justice, 1967a). The U.S. Task Force on Corrections (1967) reports that over 54% of the inmate population in the U.S. have no more than eight years of elementary school. This is compared with 34% of the general population who had achieved a similar level of education. In Canada, of the 4,541 admissions to federal institutions in 1976, approximately 41% had reported less than a grade nine education, and 80% had less than grade eleven (Statistics Canada, 1976a). These figures compare with 26% and 45% of the general population with similar level of education (Statistics Canada, 1976b). While 40% of the general population had some post secondary education (Statistics Canada, 1976b), only 3.8% of inmates admitted in 1976 had some education beyond high school (Statistics Canada, 1976a). These data may be distorted by the fact that 18% of those admitted in 1976 did not report their educational level (Statistics Canada, 1976a). Furthermore, the accuracy of such self reported data have been questioned by a number of authors who have suggested that inmates have measured achievements that are in fact below the grade reported (Megargee and Bohn, 1979, Powers, 1968; Seashore, Haberfeld, Irwin, & Baker, 1976; Taggart, 1972).

It has been suggested that low educational attainment among offenders may, in part, be due to difficulties in intellectual functioning such as mental retardation and learning disabilities. The concern for mentally retarded offenders relates not only to their educational achievement, but also to the fear that they are not amenable to traditional rehabilitation programs (Benoit, 1968; Chandler, Shafter and Coe, 1959). One indicator of this is that retarded

inmates were older, more poorly educated and spent more time in prison than a comparison group of non-retarded offenders (Brown, Courtless, and Silber, 1970). Although the extent of mental retardation in Canadian penitentiaries is not known, a number of investigators have attempted to determine its incidence in U.S. penal institutions (Brown & Courtless, 1971; Robinson and Robinson, 1965). In a national survey, Brown, Courtless and Silber (1970) reported that out of 200,000 serious criminal offenders, 9.5% of the inmates scored below 70 of the Wechsler Adult Intelligence Scale (WAIS), as compared to an estimated 3% among the general population who demonstrate comparable levels of mental retardation. Research in individual states report further data supporting the position that there is a higher than average incidence of mental retardation in correctional facilities (Cull, 1975; Virginia Annual Statistical Report, 1970).

In addition to the position that there is a higher than average incidence of mental retardation among offenders, a recent contention holds that there is a particularly high incidence of learning disabilities among this population (Abbot and Frank, 1975; Duling, Eddy and Risko, 1970; Rappaport, 1979). Others have argued that in fact the incidence of learning disabilities is not different than the general population which ranges between 6% to 16% (Lysakowski, 1980). However, the instruments used in testing for disabilities, and the very definition of the term, are presently confused and there exists no reliable or valid measure of the incidence of learning disability among incarcerated individuals (Silverman, Waksman & Wesser, 1979).

The strongest indication that offenders suffer from learning disabilities is the suggestion of a relationship between crime and reading deficits (Fabian, 1955; Miller and Windhauser, 1971; Ross, 1977). Estimates of the incidence of

reading problems in the juvenile and adult offender populations range from a low of 2.4% to a high of 84% (American Bar Association, 1974; Martinson, Petterson and Gerardson, 1974; Mills, 1972; Palfrey, 1974). Ross (1977), in a review of these studies, reports that, since they all suffer major methodological shortcomings, an adequate estimate of the incidence of reading disability in offender populations cannot be made. In spite of the limited reliability of the available research, Ross (1977) concludes that there is such an abundance of clinical reports and qualitative or anecdotal information (Critchley, 1970; King, 1975; Saunders, 1931; Weinschenk, 1971) that, although one cannot make a definitive statement as to prevalence, there is little doubt that a substantial number of offenders have reading disabilities. Further research is warranted to establish the validity of these opinions.

On the basis of the above, it might be argued that corrections should be accountable for identifying specific difficulties among the offender population which would reduce their opportunities to take advantage of correctional services that are available to them for other than welfare reasons (See Crime Control Section). However, the interrelationship, if any, between the variables of retardation, reading and learning deficits, and lack of education, employment and other socio-psychological skills is not only unclear, but the effects these variables have, either separately or jointly, upon the production of criminal behaviour has not been adequately articulated. Whether or not subsequent research will deny or confirm a relationship between crime and the disadvantages offenders experience does not interfere with the argument that they should be provided with welfare services on the basis of their rights as citizens.

Since legislation does not explicitly deny offenders the right to seek training and other services that will improve their lot, it could be argued that the criminal sanction should be administered in a manner that either does not interfere with the normal access to these programs, or, if access is limited by the sanction, that such opportunities be provided to those offenders who require or wish them. It is the responsibility of policy makers, however, to decide whether this argument is adequate justification for holding corrections accountable for delivering the appropriate welfare services to those in their charge. A decision on the extent of this responsibility should be dependent upon the expected implications of the particular sanction involved.

It is therefore determined that corrections has a strong responsibility for ensuring that offenders rights are not violated, but the actual dimensions of that responsibility in modern jurisprudence is difficult to determine. Elucidation of this issue will be greatly aided by a determination of the effects of imposing the various sanctions used by the Criminal Justice System and then making the policy decisions of what are the accepted, as opposed to the unintended negative effects of these sanctions. This will facilitate the policy decisions on how the sanctions are to be administered to meet the objectives of punishment within the restraints necessary to protect the residual rights of offenders. This counterbalancing of the residual rights of the offender against the society's right to punish will, therefore, more truly reflect the demands of 'Just Deserts' that the offenders degree of blameworthiness moderate the utilitarian objective of punishment.

CORRECTIONS AND NON-PUNITIVE CRIME CONTROL

It is generally recognized that the ultimate purpose of criminal sanctions is protection of society (Canadian Committee on Corrections, 1969; Ruby, 1968) through reduction of crime (Walker, 1969). Punishment of offenders is expected to support this objective through intimidation or general prevention. However, as argued earlier correctional responsibility for the imposition of punishment is limited to the actual administration of the conditions of the sanction. Corrections should therefore be evaluated in terms of how the conditions of the sanction are adhered to rather than by the degree to which the different sentencing objectives of punishment are met. This is difficult because the aversive conditions necessary for punishment, while dependent upon the expected effects of the sanction, are poorly defined. In the absence of a clear definition of punitive conditions, correctional responsibility to ensure that there are no unintended consequences from the sanction shifts correctional attention away from punitive crime control to the welfare of the offender. This emphasis on offenders' welfare leads to serious questions regarding the consistency in the manner in which the sanction is administered and the ultimate purpose of that sanction. In order to further define the administration of the sanction it is necessary to examine non-punitive means by which corrections can be expected to attain the criminal justice system's objective of controlling crime for the protection of society.

The non-punitive sentencing objectives available to the court are incapacitation and rehabilitation. At the level of correctional implementation these objectives have been perceived as working together as a temporary

restraint on the offender (incapacitation) until he can be redirected into noncriminal activities (rehabilitation). There appears therefore to be a close compatibility between these two crime control measures when they are considered objectives of both sentencing and corrections. If accepted as legitimate purposes of sentencing, the sanctions of the court must clearly involve the restriction of rights necessary for correctional authorities to attain them. When they are questioned as legitimate sentencing objectives, however, defining correctional accountability for these non-punitive crime control measures becomes quite complicated.

The expectation that crime might be successfully curtailed through a sentencing strategy emphasizing the conviction and subsequent correction of individual offenders has been challenged on the basis of the limited success of the criminal justice system to obtain convictions for a significant number of crimes and then effectively changing those offenders for whom conviction is received. It has been clearly documented that a limited number of crimes are reported and, of those reported, few are resolved by a conviction of the offender (Feldman, 1977; Neitzel, 1979). Since so many crimes are left unpunished by the criminal justice system and it has been argued that the application of a criminal sanction should not be directed to the offender but to the general society at large. This emphasis on either general deterrence or denunciation has shifted the attention back to the punitive sentencing objectives but this again leaves corrections with little guidance as to the manner in which it can be expected to administer the sentence imposed by the court. Thus if the non-punitive sentencing objectives were rejected, correctional responsibility in attaining the purpose of the sanction would be strictly limited to the sanction's enforcement as outlined in the previous section on punishment.

In the absence of direction on how corrections is to contribute to the general purpose of crime control, corrections would still be held accountable for the offender's welfare while administering the sanction. This emphasis on the offender's welfare would, however, most likely lead to a societal expectation that the offender not only discontinue criminal activity but also that the administration of that sanction support such behavioural change. Therefore, while the purpose of the sentence might not have been to effect a significant reduction in the offender's criminal behaviour, there is a logical expectation that the sanction be administered in a manner consistent with the possibility of behavioural change on the part of that offender. This position is supported by the possibility that repeat offenders have a greater likelihood of being convicted for a crime and that chronic offenders are more likely to be exposed to the correctional system. In this way while the purpose for the actions of the court and the correctional systems may not be similar to one another, they are consistent in that they share the ultimate objective of protection of society. In order to ensure full consistency, however, corrections, in attaining the objective of crime control, must recognize the existence of offenders' rights to the same degree it does so in attaining the objective of punishment. It will be necessary, therefore, to analyze the various ways in which the correctional system can realistically be expected to influence the criminal behaviour of offenders.

The simplest form of correctional responsibility for crime reduction is the offender's containment which is often a natural consequence of the criminal sanction. Recent advocates of the benefits of incapacitation as a sentencing objective have argued that, at least for certain types of offences, crime rates might be substantially reduced by increasing the length of incarceration (Wilson, 1975; Van den Haag, 1975). An examination of the effectiveness of

this sentencing strategy has concluded that the reduction in crime would be minimal in comparison with the economic and social costs of the increased imprisonment (Blumstein, Cohen and Nagin, 1978; Evans, 1979; Petersillia and Greenwood, 1977; Van Dine, Conrad and Dinitz, 1977). However, this literature has again emphasized the disposition of offences and as such, provides little additional direction to the management of the sanction than does the concept of punishment.

The sentencing objective of Incapacitation would require correctional officials to restrict the offender's activity and opportunities sufficiently to prevent future offences during the length of the sentence. This responsibility, referred to as containment to separate it from the sentencing objective, appears to be a universally accepted mandate of correctional agencies and is assumed in the above noted literature on incapacitation as a sentencing strategy. Containment requires that the offender's opportunity to reoffend should be restricted regardless of the length, form, or reason for the sanction. Variations exist between jurisdictions and dispositions in the latitude and format by which correctional officials are able to enforce containment strategies in the administration of the sanction. In this sense a sentence of probation has less latitude than one of imprisonment with an option for parole, and a jurisdiction with an indefinite sentence structure provides considerably more options than one with a definite sentencing structure. However, within all these sentencing structures, corrections has considerable responsibility for ensuring that further offending is avoided and, in the case where this is unsuccessful, taking appropriate action in response to the additional offence.

When incapacitation is an accepted sentencing objective, the restriction of rights imposed by the sanction would be consistent with the correctional responsibility for containment. If it was not an accepted sentencing strategy the restriction of rights imposed for the the purpose of punishment would have to be consistent with providing corrections with the possibility of fulfilling this responsibility. Therefore, while the length of the sentence would not be dependent upon the need to incapacitate, the definition of the sanction would have to be determined by the recognition of correction's obligation to contain the offender for the period of time that he is under correctional authority. In either case, the form of the sanction as defined by the legislation and the judiciary would determine the degree to which corrections could realistically be expected to attain this objective.

The main emphasis in considering containment is the prevention of crimes against the general public. This requires corrections to prevent escapes from institutions, select individuals for release through valid parole decision procedures, and to effectively supervise probationers and parolees. The recognition of correctional responsibility for welfare of offenders further expands this responsibility to the management of offender populations in correctional settings. It has already been noted that a fear of physical harm is pervasive within correctional institutions and most correctional commentators agree that there is a high degree of criminal activity within correctional settings. The management of such criminal activity has relevance not only to the training and rehabilitation of offenders but also to the protection of other inmates under the care of correctional officials. The restriction of liberties inherent in any sanction must therefore provide correctional officials with the necessary authority to contain offender's behaviour to the degree to which it is expected that criminal activity will be restricted.

Imprisonment is the most obvious sanction for which containment is a major responsibility for corrections. It has been pointed out, however, that containment by way of imprisonment places the offender in a milieu that may aggravate his/her propensity towards further criminality (Clark, 1970). Other sanctions have been criticized for also being criminogenic. It has been suggested that the very fact of identifying an individual as an offender places him in a position which encourages, rather than discourages, criminal activity. For example, criminogenic conditions are seen to result from the labelling process which forms part of society's usual reaction to those who are identified as violating social rules. The core of the labelling argument reflects "...the possibility that an actor will become deviant as a result of experiencing the social reaction to an initial infraction. In short, reaction by 'social control agencies' to an initial deviant act is so powerful in its implications for self that an individual comes to see himself as deviant and becomes increasingly committed to deviation" (Taylor, Walton & Young, 1973; p. 141). The labelling hypothesis thus focuses upon the commitment the offender makes to a life of crime as a result of being adjudicated and punished by the agencies of social control.

If the primary goal of criminal justice is to protect society, then exposing offenders to situations that would amplify their criminal behaviour would be a self defeating practice. This implies that correctional officials should be made accountable for eliminating, as far as possible, those conditions that have been identified as having criminogenic effects. This can be justified not only on the principle that society should be protected, but also on

the basis that the state should not purposely create, maintain, or ignore conditions that contribute to further criminal behaviour on the part of its citizens.

Reducing the offender's exposure to criminogenic environments is a moral and utilitarian concern which arises from realization that the state should not consciously contribute to the production of behaviour patterns which could be subject to state imposed punishment at a later date. The idea of treating offenders in a manner that will reduce the probability of their future involvement in crime after their release from correctional responsibility, as opposed to simply not contributing to it, is a further extension of correction's responsibility to reduce the criminal activity of offenders. While this is generally referred to as recidivism reduction, the terms commonly used to describe the means by which corrections should accomplish this goal complicates most discussions of correctional accountability for the reduction of further criminal activity.

The terms treatment, rehabilitation and reform are often used interchangeably within correctional literature. It has been suggested, however, that the term reform refers to a broader concept than either treatment or rehabilitation:

But the conflict between the fourth goal of Prisons (Changing its offender) and the other three goals (retribution, deterrence and incapacitation) become, in the 1940's and 1950's more than a controversy about alternative kinds and degrees of punishment in prison. The idea of intervention hit at the very roots of the idea that prisons would change criminals by hurting them. Rather than being reformed (i.e., changed through punishment producing specific deterrence) prisoners were to be rehabilitated or corrected (i.e., changed by nonpunitive means) (Sutherland and Cressy, 1978, p. 536).

Achieving recidivism reduction through reform ("hurting the offender") is compatible with the punitive implications intrinsic to the goals of retribution and deterrence. As noted earlier, the limitations placed upon corrections in the degree to which it should take active measures to attain the punitive objectives of criminal sanctions severely restrict the degree to which corrections can be held accountable to attain recidivism reduction through these means. Reformation, as the term is used here, might be accomplished if the conditions of criminal sanctions were defined more clearly than in the past. However, in the absence of this, correctional programs to reduce further criminality have tended to be primarily nonpunitive in orientation.

The term treatment, as used within the correctional literature, has been used to describe a large number of diverse programs included under this umbrella. In the words of one author:

Psychotherapy and counselling were viewed as treatment, but so were vocational education, library privileges, work assignments, a balanced diet, and softball games. These programs have one thing in common: they were all nonpunitive. They were called treatment because they were nonpunitive, not because they had been shown to be effective ways to implement scientific diagnoses of the cause of an inmate's criminal conduct. (Sutherland and Cressy, 1978, p. 532).

This usage of the term treatment, however, often leads to confusion between the objective of reducing recidivism and that of providing programs and services for offenders as part of a broader concern for their general welfare as citizens. Since these objectives are not necessarily compatible with one another, a thesis on correctional

accountability must distinguish between them. This does not deny the possibility that the same programs could not efficiently attain both objectives, but merely recognizes that, for conceptual and evaluation purposes, corrections could be held accountable for one or the other, or both, with greater priority perhaps given to the most important.

In order to overcome further semantic confusion from this discussion, rehabilitation shall be used to denote only those programs which attempt to reduce recidivism through non-punitive means. In this way a distinction is made between the three correctional objectives of punishment, offender welfare, and this type of recidivism reduction. The National Academy of Sciences thus stated that:

Rehabilitation is the result of any planned intervention that reduces an offender's further criminal activity, whether that reduction is mediated by personality, behaviour, abilities, attitudes, values or other factors. The effects of maturation and the effects associated with "fear" or "intimidation" are excluded, the results of the latter having traditionally been labelled as specific deterrence (Sechrest, White, and Brown, 1979, pp.4-5).

Such non-punitive programs to change the offender's behaviour after termination of the sanction can be justified on more than society's expectation that the administration of the sanction be consistent with a reduction in criminal activity. If citizens are to be punished for criminal activity, justice would demand that they also be given the opportunity to change their personalities, abilities, attitudes, etc. to reduce the probability of their engaging in activities that might result in additional punishment (Ministry of the Solicitor General, 1977). Thus while the purpose of sentencing might

not be to expose the offender to nonpunitive correctional programs, these forces might still retain rehabilitation as a correctional objective.

In the development of modern criminal sanctions, the concepts of rehabilitation and incapacitation have been intricately connected. This combination was based upon the rationale that offenders had personality traits that determined their criminal behaviour and, as such, distinguished them from law-abiding citizens. Sentences which restricted the freedom of movement of offenders appeared to respond to both objectives of incapacitation and reformation by, firstly, temporally limiting the opportunities for offenders to commit further crimes and, secondly, placing them in an environment where they could be exposed to programs that would change their criminal tendencies. An acceptance of these assumptions justified sentences for the purpose of depriving offenders of freedom of movement until such time as they demonstrated that they no longer possessed the personality characteristics which had determined their criminal behaviour. At that time correctional officials were able to release the offender to the community either under supervision or on his own responsibility.

Sentencing strategies based upon the rationale of temporary containment in order to accomplish long term rehabilitation have been attacked because of the power that they give to correctional officials (Fogel, 1975; Morris and Howard, 1964). In the United States, where this rationale was carried to the extreme through an indefinite sentencing structure, offender rights were significantly eroded because of correctional authorities' ultimate power to determine their

release date. Similar criticisms have been raised against the discretionary power of parole and classification decisions in other jurisdictions which have not adopted an indeterminate sentencing structure, but have accepted the interrelationship of containment and rehabilitation in their sentencing philosophies. Reservations regarding correctional programs based upon this rationale have been strengthened by evidence that rehabilitation programs are ineffective in reducing recidivism and, as such, the power over offenders' freedoms under this rationale is unjustified. The scientific and philosophical basis of rehabilitation programs developed under this rationale should be examined to determine if rehabilitation in its totality, or a specific orientation towards recidivism reduction, should be abandoned.

The application of containment and rehabilitation strategies in concert with one another has its conceptual roots in a psychiatric model which confines dangerous individuals in physical settings until such time as they can be cured of the malady which causes their behaviour (Menninger, 1968). The implicit assumption in the adoption of this sentencing model is that offenders are sick and in need of treatment to control their illness. An integral part of this conceptualization of criminality is that since the offender's behaviour is determined by his malady, he is not responsible for his conduct. This conceptualization allows sentencing authorities to justify removing the rights of self determination from offenders, not only for the protection of society but also for the good of the offender. This model of criminal behaviour is difficult to defend in light of modern jurisprudence and scientific evidence.

There is no scientific evidence that a significant amount of criminal behaviour can be explained by what is commonly understood by the term mental illness. It has been clearly documented that criminal conduct is manifested by large segments of the normal population and as such can hardly be considered a behavioural deviation (Feldman, 1977). Repetitive criminal behaviour has been demonstrated under certain environmental conditions but it has been pointed out that use of the concept of pathology to explain any unusual or unacceptable behaviour is unnecessarily complex and simpler explanations are more feasible (Bandura, 1969; Szasz, 1961). The adoption of simpler explanations of human behaviour have had demonstrated success in modifying other problem behaviours that have traditionally been conceptualized under a sickness model (Bandura, 1969). It has also been demonstrated that the definitions of behavioural pathology that are used to explain criminal behaviour lack the level of reliability that would be necessary for them to have any practical usefulness to the modification of criminal behaviour (Ennis & Litwack, 1974). Most modern interpretations of repetitive criminal conduct, therefore, emphasizes the influences of established values, motivations, and coping strategies rather than the deviations of psychic functioning that are required to justify the adoption of a sickness model (Nettler, 1974; Nietzel, 1979).

It might appear that the maintenance of a pathology model for correctional policy could be explained because of a practical utility that the model provided. However, it has been pointed out that the explanation of one's behaviour in pathological terms poses

considerable difficulties in the ability of people to deal with their own undesirable behaviours. In this sense, the modification of these behaviours by those who wish to change is made more difficult because of the assumption of underlying pathology (Bandura, 1969). This assumption would also be problematic for modern jurisprudence in that lack of responsibility for one's behaviour removes any justification for punishment and the application of criminal sanctions would be unacceptable (Von Hirsch, 1976). This would not only involve considerable modification of criminal justice practice, but would raise monumental difficulties in the balance of the rights of the majority with those of the individual (Weiler, 1974). The removal of responsibility implied in these assumptions raises fears of the potential overzealous application of paternalistic, but none the less coercive, measures on the assumption of pathology (Kittrie, 1971). If repetitive criminal behaviour were considered pathological, the state could exercise considerable power over individuals by the mere defining of undesirable or inconvenient behaviour as criminal. This would raise considerable difficulties for a modern democratic society.

A modification of the pathology model which would not necessitate defining the offender as pathological, but would explain behaviours in terms of established personality traits would pose similar practical problems to the rights of individual offenders. Fears regarding the potential application of a behavioural technology that would change the basic psychic of individuals have been expressed by offenders, legal authorities and literary writers. Even if such technology does not exist, the assumption of its existence could lead to the abuse of

the power of correctional authorities. Justification for such fears can be found in literary descriptions of the potential dangers of the scientific advances of psychosurgery and aversive conditioning. The obtrusiveness of these technologies could clearly violate the standards of offender welfare that have been outlined earlier. However, it has also been demonstrated that these technologies, to the extent that they appear possible, not only violate the very psychic of offenders, but have serious concurrent effects on desirable behavioural patterns and therefore such blunt instruments not only violate the offender's rights but also might work against the ultimate behavioural objectives of corrections.

Attacks upon sentencing strategies which accept the pathology model of criminality have not distinguished between the two separate correctional objectives contained within this model. Incapacitation could still remain as a sentencing objective if the offender was fully responsible for his behaviour. Further, the rejection of both the concept of pathology to explain repetitive criminal conduct and the application of obtrusive technologies to change these behaviours, does not necessarily reject the correctional goal of establishing programs to foster change in criminal career patterns. While the recognition of the rights of the convicted offender has called into question some traditional correctional practises, especially as they relate to coercive measures to change that offender, all social institutions control individual behaviours through legitimate education, incentives, and appropriate punishments. The entire criminal justice system is established as a control mechanism for the protection of the

individual rights of not only the victim but also the accused offender. Concern for the violation of offender's rights and the potential obtrusiveness of technologies that may be applied in the name of rehabilitation does not deny these legitimate control measures. The correctional challenge is to develop systems that protect the offender by the application of a technology of behavioural control that will effectively reduce offenders' criminal involvement without violating his dignity and ultimate rights to a degree of self determination.

The conflict between the offender's rights and society's wish that he refrain from future criminal activity may be more apparent than real. It has been recognized earlier that offenders tend to be a disadvantaged segment of society and it has been suggested that criminal behaviour patterns become established within an environmental and social context in which few socially acceptable opportunities for cultural and economic advancement were available. This implies that offenders are normal individuals who are responsible for their criminal behaviour, but they lack the opportunity to participate in a socially responsible manner because of social, physical or psychological inequalities. This supports the assumption that crime could be reduced by removing social and economic inequalities to which offenders have been exposed. In this way the provision of welfare services, to which the offenders may already have a right, could be further justified as a means to reduce recidivism (McArthur, 1974; Ministry of the Solicitor General, 1977; Stanley, 1976; Waller, 1974). This would result in the recognition of a correctional responsibility to

provide programs and services that would augment the offender's ability to function in a socially prescribed way. This support of the offender would not be limited to providing direct assistance but would also involve training and therapy programs that would compensate, where necessary for recidivism reduction, the offender for deficiencies in his psychological, emotional, and economic adjustment.

Expanding corrections' role from providing the offender with welfare services to that of providing these programs in a manner consistent with rehabilitation goals is not without difficulties. Many offenders, perhaps because of the environmental conditions which have created their disadvantaged status, appear to be unmotivated to participate in programs that would result in their using socially acceptable means for cultural and economic advancement. The real conflict between offenders may reside in this apparent discrepancy between the objectives of the criminal justice system and the objectives of individual offenders. Fears regarding the coerciveness with which motivational strategies may be developed by correctional officials have been expressed in the criminal justice literature. The potential for injustice in this conflict exists because of the offender's relative weakness against the majority's power to inflict its will upon him. One response to this dilemma is an elaboration of the dictum that correctional authorities should not be responsible for imposing punishment on offenders, but that this function should be left entirely within the sentencing or judicial domain (Morris, 1974). Thus in concurrence with recent legal opinions on the limitation of correctional discretion, the punishment of the offender

would be limited to the terms of the sentence. This rationale assumes that the conditions of the sanction would be determined by sentencing objectives such as retribution or general deterrence, as well as intimidation, and that this latter would be sufficient to coerce the offender to limit his criminal activities. It further assumes that the sentence would be sufficient to intimidate at least some offenders to participate in rehabilitation or welfare programs that would be made available to them. Under this system, such practices as indeterminate sentencing, with correctional officials having the power to retain the offender in incarceration as a punishment for his behaviour, would no longer be acceptable.

Limiting intimidation of the offender to the sentencing process might be appropriate if the only criminal activity under consideration was the crime for which he was convicted. It does not, however, respond to the possible requirement that corrections also contain the offender during the period of his sentence. This concern becomes particularly relevant if the requirement for containment is expanded to include responsibility for limiting criminal activity between inmates within correctional environments. It can be argued that these criminal behaviours should also be dealt with by the judiciary. Therefore, the protections against false accusation and excessive punishment that have developed over a long history of jurisprudence would be available to the offender in any further attempt to intimidate him.

Practical difficulties of the judiciary undertaking this responsibility may reside in the apparent need of corrections to have greater authority to take punitive action quickly and effectively within a population which does not demonstrate many of the social constraints assumed to exist within the general population. However, comparable mechanisms based upon the same philosophy might be developed within correctional environments (Fogel, 1978). If due process procedures were instituted to administer intimidation, correctional authorities would become responsible for intimidating the offender, at least in regards to his behaviour within correctional settings, but this responsibility would be exercised within prescribed procedures that could be given the force of law. The limitation of rights for the purpose of punishment, however, would have to be consistent with providing correctional officials with the authority necessary to control crime within the conditions of particular sanctions.

Relying on intimidation to motivate offenders to participate in rehabilitation programs would also have its limitations. Research on the effectiveness of punishment suggests that while it can eliminate undesirable behaviour, it also has other uncontrollable effects which can negate any benefits derived from its use (Aronfreed, 1968; Azrin & Holtz, 1966). Such procedures might have the opposite effect than intended if they increased the conflict between the criminal justice system and the offender. The punished individual (i.e. the offender) may be driven away from the punisher (i.e. correctional official or criminal justice system), thereby destroying any social relationship

that may exist between them. Furthermore, punishment may not only eliminate the undesirable behaviour but also other, perhaps socially desirable, behaviours that may be necessary to adequately function in a free society (Bandura, 1969). It may also demonstrate to the offender the enormous effectiveness of intimidation in a way that would encourage him to further victimize others (Bandura & Walters, 1963).

These undesirable effects of punishment may be more evident for offenders who perceive the punishment as unjust or undeservingly harsh and these individuals are likely to reject attempts by correctional workers to involve them in programs that they perceive are designed to satisfy the desires of the punishing officials. However, even among those offenders who participate in programs, if they interpret this participation as not involving some free choice on their part, there is considerable evidence that they will reject the behavioural changes desired under the program. Therefore, the full effect of a criminal justice system which punishes the offender while also adequately providing for his welfare, could be an individual who is not only further alienated from the larger social system, but who also has learned that counteraggression against the larger system is the best means of survival available to him. In this way, what is meant to be a crime control measure might become criminogenic.

If the conflict between the individual offender and the general population is to be resolved, it may be necessary to convince the offender that it is to his benefit that he adopt non-criminal attitudes and behaviours. Repetitive criminal behaviour can be

explained quite simply by the offender's rejection of this conviction and the adoption of the contrary attitude that criminal behaviour is the best available to him. If offenders are to accept society's codes of conduct it might be necessary to demonstrate to them that there are tangible benefits that can accrue to them through participation in a non-criminal life style. It might therefore be argued that corrections should be responsible for exposing offenders to opportunities for positive participation in social activities and then ensuring that they are rewarded for appropriate conduct under these conditions. It has been suggested that this rehabilitative goal is consistent with correction's responsibility for ensuring that offenders' rights are protected. This position holds that "prisoners did not use lawful means to guide themselves outside the prison and should therefore be provided greater (not lesser) opportunities to learn lawful behaviour while in the institution. The staff effort should be turned to teaching a prisoner how to use lawful processes to achieve his ends" (Fogel, 1978, p. 165).

The consequences of the adoption of this policy would be the establishment of systems within corrections that would not only eliminate any unnecessary discretion but also structure arbitrary discretion so that offenders would view any decisions influencing them as fair. The expected consequences of this model is that the offender would accept the lawful use of power and adopt established legal processes to obtain their wishes. However, the 'justice model' still relies primarily on the application of intimidation to change the offender and it can be expected that under this system there will

remain an undetermined number of offenders who will maintain their alienation from the criminal justice system.

It is usually accepted that positive social interactions are not based on punishment or intimidation, but on the acceptance of common values and behaviours that are seen to be mutually beneficial. Offenders are often viewed as individuals who, because of previous life experiences, have either partially or totally rejected this social orientation. A motivational system based totally on intimidation may increase this alienation. In order to overcome this conflict, it may be necessary to compensate by more than a demonstration of the effectiveness of justice; it might be necessary to provide sufficient incentives that the offender attempts alternative strategies that would demonstrate to him the positive benefits of social participation. In this sense, corrections would be responsible for ensuring that the offender adopt alternative behavioural strategies that are incompatible with criminal involvement and/or are more rewarding to him than the totality of rewards and costs he experiences from criminal conduct. From one perspective, this application of incentives could be as coercive as intimidation, since in order to obtain desired rewards, the offender must perform in a prescribed way. However, this form of coercion may not be any different from normal social interactions where individuals are continuously rewarded for mutually desirable behaviours (Homans, 1974). From this latter perspective, the performance of prescribed behaviours and the administration of rewards are part of a mutually agreed upon contract with the ultimate objective that the offender adopt alternative behaviours that he views as beneficial.

The degree to which an incentive rehabilitative program can be viewed as coercive is dependent upon the degree of autonomy that remains with the offender to accept or reject the benefits of participation. If the correctional environment in which the offender is forced to live lacks basic necessities and benefits unless he earns them, it can be argued that the incentive programs are as coercive as any intimidation program. However, if basic conditions are prescribed on the rationale of offender welfare and additional benefits can accrue through responding to reasonable demands of the correctional system, it would be difficult to argue that an incentive program is any more coercive than normal daily social interactions. There are differences of opinion, however, on what constitutes reasonable demands and basic rights to benefits, and these would have to be defined through the normal processes by which policies are made in a democratic society. Policies enunciating acceptable conditions of correctional environments, and safeguards against excessive use of power on the part of correctional officials, would assist in ensuring that rehabilitative programs are truly based upon the just administration of benefits, rather than the coercive application of punishments.

The extent to which rehabilitative strategies must be extended beyond the provision of welfare services to offenders is an empirical, as well as a policy issue. There has been no demonstration within correctional settings of either the effectiveness of basic welfare services in the reduction of recidivism, or the extent to which intimidation objectives can motivate offenders to take advantage of

these programs as a means to orientate themselves away from criminal activity. While there is research evidence suggesting that intimidation and welfare programs will not in themselves be sufficient to change all offenders' criminal orientation, effective incentive programs have not been developed. Further research to reduce recidivism through such incentive programs may be considered unnecessary in view of expected economic and social costs of such systems. However, if corrections is to be held accountable for rehabilitation of the offenders, the manner and degree to which they are expected to do so through welfare and incentive programs must be clarified. This policy decision will be dependent upon not only the social values involved, but also upon the varying costs at which these programs can be expected to be effective and the availability of other options by which criminal sanctions may be administered consistently with the ultimate goals of the overall justice system.

In summary, it appears that while corrections has some responsibility for non-punitive means of crime control, the details of this responsibility are complicated. The first factor in an examination of this issue is the degree of acceptance of the sentencing objectives of incapacitation and rehabilitation which would require corrections to contain the offender while changing his criminal orientation. However, these objectives are not necessarily interconnected for either sentencing or correctional authorities. Furthermore, even if rejected as sentencing objectives, corrections would probably retain responsibility for them because of an expectation that the administration of the sanction support a

reduction in the offender's criminal activity. Non-punitive intervention into criminal behaviour could occur by restricting the offender's behaviour while under sentence. This containment of the offender is particularly difficult if this responsibility includes protection of inmates of correctional facilities where procedures will be required to ensure offenders' rights are adequately protected. Changing the offender so that he abides by social restraints is also non-punitive and is expected to be of greater permanence. Such an offender change might occur simply through welfare programs in conjunction with the punitive conditions of the sanctions, although incentive programs will more likely be required to rehabilitate the more difficult offender. The attainment of this objective will be dependent upon the acquisition of additional knowledge of criminal behaviour, as well as social policy decisions balancing the importance of offender welfare, social protection and the cost of correctional programs.

CORRECTIONS AND RECONCILIATION

Since crime is primarily a conflict of interests between the state and the individual, the criminal justice system is the state's representative in dealing with this conflict in a legally prescribed manner. How the criminal justice system represents the state's interests in this conflict is based upon the philosophical orientation taken towards crime and offenders. The three objectives identified for which correctional agencies might be held accountable - punishment, offender welfare and non-punitive crime control - all share the common philosophical orientation that crime must be controlled by the state's intervention into criminal behaviour patterns.

Punishment aims at controlling the criminal activity of either the specific offender or a larger portion of society by the restriction of certain rights and liberties. Non-punitive crime control assumes a similar orientation in that it uses non-aversive means to change the offender's criminal behaviour either while under custody or after release. The implementation of both these crime control measures necessitate the application of considerable force by the state, which has led to a recognition of the need to put controls on this power. The objective of offender welfare in emphasizing the residual rights of the offender ensures that, irrespective of the state's right to reduce criminal behaviour, it should not unjustly impose its more powerful position upon individual citizens. However, in acknowledging the appropriateness of any state intervention, offender welfare

shares the same philosophical orientation of crime control as the crime control measures.

Under this orientation, the state alone defines the criteria to be used in deciding when an adequate resolution of the conflict between itself and the offender has taken place. This is the case whether the goal is to change the offender through punitive or non-punitive means or whether the state has an interest in placing a limitation on its power to punish in order to preserve the principle of just deserts. In taking the dominant role in deciding whether there has been an adequate resolution of the conflict arising from crime, the state assumes no responsibility to ensure that the offender is satisfied with so called "resolutions" that may take place. In other words, the objectives of punishment, offender welfare and non-punitive crime control would be achieved if the offender avoided further criminal activity even though he harboured oppositional and hostile attitudes or he felt unsettled or unfulfilled. It might be argued that the state should assume responsibility for ensuring that offenders, after receiving punishment, were more positively reconciled to the general social system.

This possibility is ignored in a criminal justice process which is generally perceived as an irreconcilable conflict between two opposing forces: the individual citizen and the state. The former emphasizes the necessity to provide maximum protection against any arbitrariness on the part of the state (due process), while the latter emphasizes

the effectiveness of crime control strategies. This conceptualization, made explicit by Packer (1968), views the individual and the state in a perpetual struggle which results in the triumph of either the individual through acquittal, or of the state through conviction, with the latter characterizing the offender as a special kind of person who is deserving to be cut off from the total community. As Griffiths (1970) points out, this common conceptualization explains why the criminal justice system has been slow to recognize offender rights after the final adjudication of guilt has been determined. The recent acknowledgement of offender rights focuses upon providing for the offender's welfare as a means to limit the state's discretion in this application of punishment. After conviction, however, the offender is still regulated to a status which places certain restrictions upon his/her liberties during the course of correctional supervision as defined in the imposed sanction. Since the current emphasis in the criminal procedure is adversarial in nature, it allows for little consideration of how the conflict relationship between the offender and society generally is to be reconciled.

As an alternative to Packer's (1968) conceptualization, Griffiths (1970) proposes that criminal behaviour might be viewed as isolated behavioural events in which individuals have failed to exercise a required degree of self control. These behaviours, which are deserving of punishment, result in a conflict of interest between the offender and society in the process of deciding if and how the offender should be punished. Most, if not all citizens, however,

function within a range and variety of relationships between the state and its citizens, the majority of which are based upon the satisfaction of mutual interests rather than conflict. By emphasizing these mutual interests that exist among both offenders and non-offenders, the criminal justice process might be expected to facilitate a reconciliation of the interests of the offender with those of general society. This emphasis on reconciliation of the conflict between the individual offender and the majority of the population provides an alternative model by which the criminal justice system can balance their conflicting interests. In this way, the reliance on incapacitation and rehabilitation may be replaced by a broader model which accepts the offender's responsibility for his behaviour, but also recognizes that he may require assistance and encouragement to develop the necessary self controls to adopt alternative behavioural patterns (Galaway and Hudson, 1975). While this would still require that the offender be punished, it would broaden the limitation on the offender's sacrifice for the general good that exists under offender welfare to the expectation that the offender's personal interests within the social system be pursued in every way consistent with the social need for punishment.

It could be argued that the welfare objective would include consideration of the positive ties and interests the offender shares with the social system. However, since the primary aim of offender welfare is to place limitations upon the state's power to punish, there is no necessity that the offender have constructive

input into the definition of those programs. As with crime control the programs provided under an offender welfare strategy for what the state considers to be in the offender's best interests may be imposed upon the offender with little or no consultation between the offender and the criminal justice authorities. In contrast, a reconciliatory approach to the administration of the sanction would emphasize the determination of mutually satisfactory goals that would meet the specific needs of both parties. This would have to be attained through an on-going negotiation between the offender and the state with neither party unilaterally imposing their interests upon the other without the prior establishment of a significant degree of mutual agreement.

If it is decided that reconciliation should become a goal of criminal justice, it would be necessary not only to identify the means to pursue this goal but also to specify who would be held accountable for its achievement. Although it could be argued that the courts would be in a privileged position in ensuring that reconciliation takes place, it has been pointed out that the current acceptance of adversary proceedings to determine guilt and to protect the individual's right to due process would not be conducive to promoting a reconciliatory stance between the contending parties involved (Deming, 1976). The task of achieving reconciliation might be better made a correctional responsibility once the issue of guilt has been determined.

A further argument for the location of responsibility for achieving reconciliation might deny this task to both corrections and the courts. In this case, both the victim and the offender become

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parties to a dispute resolution process aimed at negotiating a satisfactory settlement between them. Practical applications of this model of reconciliation is embodied in the dispute resolution centres now established in many U.S. states (Garofalo and Connelly, 1980). However, these centres deal only with civil disputes and disputes involving less serious violations of criminal laws. It is felt more serious crimes demand state adjudication because society as a whole has a vested interest in denouncing the offending act and in reinforcing its denunciation through appropriate punishment. Since society demands that punitive consequences should be attached to serious offences every effort is made to ensure that due process proceedings protect the innocent from an undeserved finding of guilt. In western culture the adversary strategy which is employed to ensure that this due process protection is provided is inconsistent with the goal of reconciliation. Corrections then becomes an obvious choice for the responsibility for this objective.

If policy makers made reconciliation a goal of corrections, then means to achieve it would need to be developed. Some supporters of the reconciliatory goal of corrections have advocated offender restitution to the victim as the primary means for it's achievement (Deming, 1976; Galaway and Hudson, 1975). However, the various commentators who have advocated the use of restitution have done so with reference to achieving other than reconciliatory objectives: punishment, reform, victim compensation or conflict management (Deming, 1976; English, 1958; Fry, 1959; Schafer, 1960; Smith, 1975). A careful review of the various restitution strategies proposed reveal not only a lack of theoretical articulation (Lerette and McKay, 1979)

but also a set of processes in which the offender has little input into the decision as to how the administration of the sanction is to proceed. If restitution is to be useful for furthering the objective of reconciliation, then it must go beyond its narrow focus of monetary offender restitution to the victim and expand to include a process where the conflicting interests of the state and the offender are reconciled.

It is doubtful that a single strategy or a small subset of unrelated programs will be adequate to the goal of achieving a negotiated reconciliation between the offender and society. In any event an emphasis upon the offender's role in the negotiation may expand the tasks corrections are be obliged to perform in order to adhere to its part in the process. Furthermore, both the social system and its component parts must be prepared to accept their responsibility for the criminal behaviour of its citizens and be prepared to consider change and compensation for past actions. The President's Commission on Law Enforcement and Administration of Justice (1967a) has recognized the need for this balance between society's interests and those of the offenders:

The task of corrections therefore includes building or rebuilding solid ties between offender and community, integrating or re-integrating the offender into community life - restoring family ties, obtaining employment and education, securing in the larger sense a place for the offender in the routine functioning of society. This requires not only efforts directed towards changing the individual offender, which has been almost the exclusive focus of rehabilitaiton but also mobilization and change of

the community and its institutions (President's Commission on Law Enforcement and Administration of Justice, 1967a, p.7).

The correctional objective of reconciliation, therefore, recognizes not only the need for offender change but also that the administration of the sanction might involve supporting a reciprocal obligation on the part of the social system. The details of how reconciliation is likely to occur will be dependent upon the specifics of the criminal act, the offender's perception of his own needs and what might be the offender's future behaviour patterns. These three factors would have to be identified through a process of negotiation and resource assessment, followed by participation of both the offender and the larger social system in mutually agreed upon programs. In this way the offender will be encouraged to actualize his own perceived potential in a socially satisfactory manner.

Defining reconciliation as a correctional objective brings the examination of the administration of the criminal sanction to its ultimate conclusion. In the search for alternative criminal sanctions, corrections has developed from an instrument to impose prescribed punishments to a bureaucratic organization charged with varying degrees of responsibility for attending to crime control and the offender's welfare. A further recognition of the offender as an independently functioning citizen imposes a correctional responsibility for the much more elusive objective of balancing society's interests with the legitimate aspirations of the convicted offender. Acceptance or rejection of any of these objectives will be dependent firstly upon

the values applied by the social system in the prescription of its sanctions. The priority given to these objectives will influence the emphasis given in the continuing search for alternative sanctions through behavioural science research and experimentation. A growing knowledge base will influence the further definition of correctional objectives and the programs to attain them.

CONCLUSION

The development of criminal sanctions which require administration over extended periods of time, as exemplified in imprisonment and probation, have resulted in the establishment of correctional organizations which have a potential set of unique objectives for which they may be held accountable. These objectives can be considered under the major headings of punishment, offender welfare, non-punitive crime control, and reconciliation. Offender welfare and crime control may be further defined into several sub-options by which the principle objective might be attained. These objectives define how corrections may be held accountable independently of, while not in conflict with, the larger criminal justice system, as well as outlining measurement criteria by which they could be assessed. As such, corrections may be considered as an independent organization in that it can report directly to parliament on the effectiveness of its programs.

The correctional role in furthering the punitive ends of a criminal sanction is limited to the imposition of the sentence as defined by the court and the restrictions implied by that sentence as defined in supporting legislation. Therefore correctional responsibility for punishment can be defined as 'enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation'. In keeping with this

definition, effectiveness criteria for evaluating goal attainment would be concerned with measuring the degree to which those liberties to be restricted by the sentence or supporting legislation are successfully enforced. Examples of specific indices of this effectiveness criteria would be minimizing the number of escapes and enforcing the conditions of probation and parole.

When considering the objective of offender welfare it was reasoned that the offender retained certain rights of citizenship after sentencing. This premise places a responsibility upon corrections to ensure that rights retained by the offender are protected and their exercise encouraged during the course of his or her sentence. Correctional responsibility for offender welfare can therefore be defined as 'The provision for, and the protection of, those liberties which are retained by offenders after conviction and sentencing through judicial proceedings'. This definition might imply responsibility for the removal of the unintended negative effects of the criminal sanction as well as provision of opportunities to aid offenders in removing identifiable social, psychological and/or economic inequalities they may suffer. To evaluate the correctional role in pursuing the welfare objective, effectiveness criteria would centre upon measuring the degree to which identified offender rights are infringed upon. Additionally, the extent to which unintended negative effects of the criminal sanction are ameliorated and determination of the degree to which the needs of disadvantaged offenders are met would provide further indices for evaluating the correctional effort in meeting the welfare objective.

While corrections is restricted in meeting the punitive ends of the sanction, corrections as a component within the larger criminal justice system might share this system's ultimate responsibility for the protection of society through the application of non-punitive crime control measures. This rationale lays the foundation from which correctional responsibility for non-punitive control is defined as 'provision for the protection of society through the reduction in the probability of criminal activity by convicted offenders.'

Implications derived from this definition may include correctional responsibility for three sub-objectives of crime control which are defined as:

- (a) The restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (containment).
- (b) The provision of appropriate incentives and programs to offenders in order to effect the necessary change to reduce future criminal activity after expiration of sentence (rehabilitation).
- (c) Removal from the administration of the Criminal sanction of conditions which may increase an offenders' probability of further criminal activity.

In general, effectiveness criteria for crime control would measure the number of crimes committed by offenders after sentencing. Containment as a means to further this objective would be evaluated

in terms of crimes committed while the offender is under direct correctional custody (escapes, non compliance with probation or parole conditions, other criminal code offences). On the other hand the application of a rehabilitative crime control strategy would necessitate the use of effectiveness criteria which measure the extent to which criminal behaviour is reduced after offenders have been released from correctional custody. When, however, further criminal activity within either time period can be demonstrated as being a function of the sentence, or its administration, correctional responsibility would focus upon the neutralization of these criminogenic effects.

The fourth objective identified is reconciliation. This objective follows from the perception of the criminal justice system as an instrument for reducing societal conflict, rather than as simply an institution for the control of crime. It assumes that the correctional component of that system should encourage conflict reduction between the offender and society. Correctional responsibility for reconciliation would be defined as 'implementation of a program that has been mutually agreed upon by both the offender and the state for the purpose of assisting that offender to pursue a preferred life style after expiration of sentence'. Effectiveness criteria to evaluate reconciliatory strategies would focus upon evaluating the degree to which offenders participate in society after release from correctional supervision. Indices of such participation would include a comparison between the

offender's aspired and actual employment status, maintenance of marital and family ties and the degree of participation in community institutions, of any other similar interests the offender wishes to pursue.

The definition of these potential objectives of punishment, offender welfare, non-punitive crime control and reconciliation provides a structure from which policy makers may hold corrections accountable for any one or combination of them. The decision of what corrections will actually be held accountable for primarily rests upon value judgements that are made through the procedures developed for forming social policy within democratic societies. As such this document does not attempt to formulate policy, but rather attempts to outline the issues that should be considered in the weighing of various options available to correctional decision-makers. However, in outlining these issues various judgements have had to be made that might unintentionally bias value decisions. In order to eliminate this factor as much as possible the bases of such decisions have been documented so that they might be subject to critical review. In this way, it is hoped that an objective and systematic outline of potential correctional objectives, while not necessarily produced within the document, will be a final outcome from it.

The assessment presented here indicated that, while criminal sanctions are imposed as punishment, correctional responsibility for the administration of that punishment is poorly defined and confounded

with the responsibility of providing for and protecting offenders' welfare. Previous attempts to define correctional responsibility have inadequately acknowledged how the needs to punish and care for the offender are integrally involved with one another. If this dual responsibility of correctional administration is to be adequately defined, it will be necessary to specify the intended and unintended effects of sanctions. As part of this process it will also be necessary to define how the administration of the sanction must respond to inequalities that might exist within offender populations. To the extent that this difficult exercise might be effective, it will be possible to define correctional accountability within the direct structure and philosophy of a modern criminal justice system.

The responsibility to punish and care for offenders follows directly from an analysis of the current conception of the role of criminal justice. However, it is difficult to consider a correctional system that is not also responsible for crime control, even while recognizing that the extent of this responsibility is limited by the number of offenders who are actually convicted and sentenced. How this accountability is to be defined rests once again upon value judgements. It is generally accepted that corrections is responsible for ensuring offenders do not commit crimes while under sentence and that this responsibility will be exercised in a manner that does not aggravate an offender's propensity for further criminal activity. More difficult value judgements are involved in the consideration of whether corrections will be responsible for rehabilitation.

Traditional concerns regarding this objective are that the coerciveness of such programs infringe upon basic human rights and therefore conflict with the goal of offender's welfare. This concern appears warranted in the case of programs based upon a pathology model which combines containment and rehabilitative strategies. However, it can be argued that after providing for the basic needs of offenders' motivational structures could be put into place that are no more coercive than normal social interactions. The degree and type of coercion warranted to meet rehabilitative aims involve complex ethical, legal, and behavioural science issues. The analysis that was undertaken here indicates that the present debate on rehabilitative effectiveness has not adequately considered all these issues.

The value judgements of what corrections will be held accountable for are particularly difficult when one attempts to balance the complex objectives of punishment, offender welfare, crime control and reconciliation. One possible solution to this difficulty is the combination of these goals under one basic objective, such as reconciliation. Support for this can be found in the fact that the attainment of this objective would appear to require the satisfaction of each of the other three. The social system is not likely to accept an offender who appears to go unpunished for crimes or who is likely to repeat criminal activity after punishment. On the other hand, an offender will be unmotivated to participate in a social system which unjustly infringes upon his remaining rights. However, while reconciliation provides a conceptual structure that appears to

coordinate many of the programs to attain the other three objectives, it has not been put to a critical test. The experience of how a noncritical adoption of rehabilitation resulted in conflict and confusion within the criminal justice system should demonstrate the difficulties inherent in the easy acceptance of any new coordinating principle. On the other hand, principles such as reconciliation, or even rehabilitation, might be accepted as ultimate ideals that could direct policies and operational goals of a correctional system. The degree to which this or any other balancing of objectives might be feasible depends upon how effective programs to attain these objectives could be operationalized.

An objective and systematic outline of potential correctional objectives not only outlines policy options, but also provides a structure for an analysis of how these various options might be attained and the basis on which correctional programs might be evaluated. Analyses of program possibilities and evaluation results will in their turn impinge upon the reality of various policy options available and, as such, form an integral part of social policy formulation. This is particularly evident when some combination of these objectives is considered and it is not known how the choice of one potential objective increases or decreases the latitude in choosing another. With these considerations in mind, a thesis on correctional accountability will require a detailed analysis of how corrections might realistically attain these objectives and how they might be effectively evaluated, once appropriate programs were put into place.

The interdependence of policy decisions and the need for information and knowledge pervades all the objectives that have been outlined. Given the nature of knowledge regarding the sentencing options available to modern jurisprudence, it is difficult to define how corrections is to respond to the dual responsibility of punishing and caring for the offender as required by the objective of punishment and offender welfare. If the total effect of such sanctions on both offenders and the public were understood, policy decisions may be made regarding whether they are intended or unintended. Similar information is required as to the social, psychological, and economic inequalities existing within offender populations, as well as the way corrections might be held accountable for responding to such inequalities. While research has influenced the development of programs to control crime in the past, confusion that has existed in the definition of correctional objectives has made interpretation of the results of such correctional research difficult. A re-analysis of this research within a more realistic outline of correctional objectives appears warranted.

The history of corrections is the story of society's search for appropriate and effective criminal sanctions. Analyses of behavioural science research within the structure of defined correctional objectives should have a positive impact upon this continuing pursuit. It is only after we clearly define what is expected from the administration of criminal sanctions, and then assess the degree to which these objectives are or are not being accomplished by present procedures, that realistic efforts will be made to develop new ways to

respond to offenders. The continuation of this search is necessary if we expect to respond to the need to punish within the constraints of modern concerns for justice and humaneness while adapting to changing needs and values.

REFERENCES

- Abbott, R. & Frank, B. A follow-up of LD children in a private special school. Academic Therapy, 1975, 10 (3), 291-298.
- Andenaes, J. The general preventative effects of punishment. University of Pennsylvania Law Review, 1966, 114 (7), 949-983.
- Andenaes, J. Punishment and deterrence. Ann Arbor: The University of Michigan Press, 1974.
- Andenaes, J. General prevention revisited: Research and policy implications. Journal of Criminal Law and Criminology, 1975, 66(3), 338-365.
- American Bar Association Reading - where its at in prison. Washington, D.C.: Clearinghouse for Offender Literacy Programs, 1974.
- American Friends Service Committee. Struggle for justice. New York: Hill & Wang, 1971.
- Aronfreed, J. Conduct and conscience: The socialization of internalized control over behavior. New York: Academic Press, 1968.
- Azrin, N.H. & Holtz, W.C. Punishment. In W.K. Honig (ed.), Operant behaviour: Areas of research and application. New York: Appleton, 1966.
- Auditor General of Canada, 100th annual report of the auditor general of Canada to the House of Commons. Ottawa: Ministry of Supply and Services, 1978.
- Bailey, R.S. & Cohen, A.K. Prison violence. Lexington Mass.: D.C. Heath & Co., 1976.
- Bailey, W.C. Correctional outcome: An evaluation of 100 reports. Journal of Criminal Law, Criminology and Police Science, 1966, 57 (2), 153-160.
- Bandura, A. Principles of behaviour modification. New York: Holt, Rinehart and Winston, 1969.
- Bandura, A. & Walters, R.H. Social learning and personality development. New York: Holt, Rinehart and Winston, 1963.
- Barnes, H.E. The story of punishment: A record of man's inhumanity to man (2nd ed). Montclair, N.J.: Patterson Smith, 1972.
- Barnes, H.E. & Teeters, N.K. New horizons in criminology (3rd ed.). Englewood Cliffs, N.J.: Prentice-Hall Inc., 1959.

- Beccaria, C. An essay on crimes and punishment. Philadelphia: P.H. Nicklin, 1819.
- Benoit, L.P. The mentally retarded before the law. Proceedings: Southeast Regional Conference on Youthful Offenders, South Carolina Department of Mental Retardation, Nov. 1968.
- Bentham, J. The works of Jeremy Bentham. Publication supervised by John Bowring. 5 vols. Edinburgh: William Trait, 1843.
- Blumstein, A., Cohen, J. & Nagin, D. Deterrence and incapacitation: estimating the effects of criminal sanctions on crime rates. Washington, D.C.: National Academy of Science, 1978.
- Brodeur, J.P. & Landreville, P. Aims of the system of criminal justice administration and policy planning, unpublished manuscript, Feb. 15, 1977.
- Brody, S.R. The effectiveness of sentencing - A review of the literature. London: Home Office Research Unit, 1976.
- Brown, B.S. & Courtless, T.F. The mentally retarded offender. Washington, D.C.: Department of Health, Education and Welfare, 1971.
- Brown, B.S., Courtless, T.F., & Silber, D.B. Fantasy and force: A study of the dynamics of the mentally retarded offender. Journal of Criminal Law, Criminology and Police Science, 1970, 61(1), 71-77.
- Burns, G.W. Training social drinking behaviours in penal institutions. Australian and New Zealand Journal of Criminology, 1975, 8, 259-265.
- Burch, B.E., & Ericson, R.V. The silent system: An inquiry into prisoners who suicide and annotated bibliography. Toronto: University of Toronto Centre of Criminology, 1979.
- Canada, Parliament. House of Commons Standing Committee on Public Accounts. Minutes of Proceedings, 31st Parliament, First Session, 1979, 10: Dec. 4, 1979. Ottawa: Queen's Printer, 1979.
- Canadian Committee on Corrections. Towards unity: Criminal justice and corrections. Ottawa: Queens Printer, 1969.
- Carney, L.P. Introduction to correctional science (2nd Edition). New York: McGraw-Hill, 1979.
- Chandler, C.S., Shafter, A.J. and Coe, R.M. Arraignment examination and confinement of the mentally defective delinquent. American Journal of Mental Deficiency, 1959, 63, 723-729.
- Clark, R. Crime in America. New York: Simon and Schuster Inc., 1970.
- Clemmer, D. The prison community. Boston: Christopher Publishing House, 1940.

- Cochrane, R. Impact of a training school experience on the value system of young offenders. British Journal of Criminology, 1974, 14 (4), 336-344.
- Cohen, S. & Taylor, L. Psychological survival: The experience of long term imprisonment. Harmondsworth: Penguin Books Ltd., 1972.
- Critchley, M. The dyslexia child. London: Whitefriars, 1970.
- Cull, W.H. Mentally retarded offenders in adult and juvenile institutions: Part 1, (Research report 125). Frankfurt, KY.: Legislative Research Commission, 1975.
- Davisdon, P. & Brown, P. Census of inmates psychiatric involvement, Ontario Region. Paper presented at the Annual Meeting of the Ontario Psychological Association, Toronto, February, 1981.
- Damaska, M.R. Consequences of conviction in various countries. In L. Radzinowicz & M.E. Wolfgang (eds). Crime and Justice. New York: Basic Books, 1971, 3, 41-46.
- Demers, D.J. Criminal justice administration expenditures in Canada: An examination of recent trends. Report of the Ministry of the Solicitor General, Canada, 1979.
- Deming, R. Correctional restitution: A strategy for correctional conflict management. Federal Probation, 1976, 40 (3), 23-27.
- Duling, F., Eddy, S. & Risko, V. Learning disabilities of juvenile delinquents. Morgantown, West Virginia: Department of Educational Services, Robert F. Kennedy Youth Centre, 1970.
- Englash, A. Creative restitution - A broader meaning for an old term. Journal of Criminal Law, Criminology and Police Science, 1958, 48, 619-622.
- Ennis, B.J. & Litwack, T.R. Psychiatry and the presumption of expertise: Flipping coins in the courtroom. California Law Review, 1974, 62, 693-752.
- Evans, J.L. Incapacitation policies and crime rates. Paper presented to Ontario Psychological Association Conference, Toronto, Ontario, Feb. 8, 1979.
- Fabian, A.A. Reading Disability: An Index of Pathology. American Journal of Orthopsychiatry, 1955, 25, 319-329.
- Fattah, E.A. Deterrence: A review of the literature. In Law Reform Commission of Canada, Fear of Punishment, Ottawa, Ministry of Supply and Services, 1976, 1-114.
- Feldman, M.P. Criminal behaviour: A psychological analysis. New York: Wiley, 1977.
- Fogel, D. We are the living proof: The justice model for corrections. Cincinnati: W.H. Anderson, 1975.

- Fogel, D. The justice model of corrections. In John C. Freeman (ed.), Prisons past and future. London, Heinemann, 1978.
- Foucault, M. Discipline and punishment: The birth of the prison. New York: Pantheon Books, 1977.
- French, L. A profile of the inmate population at the New Hampshire State penitentiary. Canadian Journal of Criminology and Corrections, 1971, 13 (1), 45-51.
- Freidman, S. & Esselstyn, C.T. The adjustment of children of jail inmates. Federal Probation, 1965, 29 (4), 55-59.
- Fry, M. Justice for victims. Journal of Public Law, 1959, 8, 191-194.
- Galaway, B. & Hudson, J. Sin, sickness, restitution - Toward a reconciliative correctional model. In B. Galaway and J. Hudson (Eds.), Considering the victim. Springfield: Charles C. Thomas, 1975, 59-70.
- Garofalo, J. & Connelly, K.J. Dispute resolution centres part 1: Major features and processes. Criminal Justice Abstracts, 1980, 11 (3), 416-439.
- Gendreau, P., Madden, P., & Leipziger, M. Norms and recidivism for first incarcerates: Implications for programming. Canadian Journal of Criminology, 1979, 21, 416-441.
- Globetti, G., Bennett, W. & Alsikafi M. Alcohol and crime: Previous drinking careers of convicted offenders. Offender Rehabilitation, 1977, 1, 361-371.
- Goldkamp, J.S. Inmates of American jails: A descriptive study. New York: Criminal Justice Research Centre, Working Paper 1, 1978.
- Greenberg, D.F. The correctional effects of corrections: A survey of evaluation. In D.F. Greenberg (Ed), Corrections and Punishment. Beverly Hills, California: Sage, 1977.
- Griffiths, J. Ideology in criminal procedure on a third "model" of the criminal process. The Yale Law Journal, 1970, 79 (3), 359-417.
- Haines, D. Alcoholism in prison. International Journal of Offender Therapy and Comparative Criminology, 1978, 22 (2), 127-132.
- Hamburger, E. The penitentiary and paranoia. Correctional Psychiatry and Journal of Social Therapy, 1967, 13, 225-230.
- Hart, H.M. Jr. The aims of the criminal law. Law and Contemporary Problems, 1958, 23, 401-441.
- Hautaluoma, J.E. & Scott, W.A. Values and sociometric choices of incarcerated juveniles. Journal of Social Psychology, 1973, 91, 24-36.

Hofley, B., Cohen, L. & Nuffield, J. A working paper relating to the protection of the rights of persons confined in penal institutions. Ottawa: Solicitor General of Canada, October, 1977.

Homans, G.C. Social behaviour: Its elementary forms. (2nd ed.), New York: Harcourt Brace, 1974.

Jackson, M. Justice behind the walls - A study of the disciplinary process in a Canadian penitentiary. Osgood Hall Law Journal, 1974, 12, 56-62.

Jackson, P. Natural justice. London: Sweet & Maxwell, 1973.

Jobson, R.B. The inmate as a citizen. International Journal of Offender Therapy and Comparative Criminology, 1978, 22 (2), 164-178.

Jones, D. A. The health risk of imprisonment. Lexington Mass.: Lexington Books, 1976.

Kennedy, M.C. Beyond incrimination. Catalyst, 1970, 6, 1-37.

King, C.H. The ego and the integration of violence in homicidal youth. American Journal of Orthopsychiatry, 1975, 45 (1), 134-145.

Kittrie, N.N. The right to be different. Baltimore: John Hopkins Press, 1971.

Law Reform Commission of Canada. Studies on sentencing. Ottawa: Information Canada, 1974.

Law Reform Commission of Canada. Disposition and sentences in the criminal process. Ottawa: Information Canada, 1976.

Lawrence, L.A., Wood, R.W., Mannino, B.R., Conn, D.C., & Austin, J. Survey of correctional institutions. Quarterly Journal of Corrections, 1977, 1 (3), 35-42.

Lerette, P. & McKay, H.B. Restitution and the Rideau-Carleton program: Concepts, observations, and an evaluation strategy. A report prepared for the Research and Planning Branch of the Ontario Ministry of Correctional Services, Ottawa, 1979.

Lipton, D., Martinson, R.M. & Wilks, J. The effectiveness of correctional treatment. New York: Praeger, 1975.

Lysakowski, B. Incidence of learning disabilities in an inmate population in B.C. Unpublished Masters of Arts Thesis, University of British Columbia October, 1980.

Mandel, M. The philosophy of prisoners rights. In B.C. Hofley, L. Cohen and J. Nuffield: A working paper relating to the projection of the rights of persons confined in penal institutions. Ottawa: Solicitor General of Canada, October 1977.

Martinson, B., Petterson, N.G. & Gerardson, S. Educational deficiencies among adult correctional institution inmate clients. Sweden, Washington: N.C.J.R.S. Microfiche, 1974.

Martinson, R. What works? - Questions and answers about prison reform. The Public Interest, 1974, 35, 22-54.

McArthur, A.V. Coming out cold: Community re-entry from a state reformatory. Lexington: Heath, 1974.

McCaskill, D. A study of the needs and resources related to offenders of native origin in Manitoba. Correctional Planning Branch, Solicitor General's Department, Ottawa, 1970.

McKay, H.B., Jayewardene, C.H.S. & Reddie, P.B. The effects of long-term incarceration. Ottawa: Ministry of Supply and Services, 1979.

McKelvey, B. American prisons: A history of good intentions. Monclair, N.J.: Patterson Smith, 1977.

Megargee, E.I. & Bohn, M.J. Jr. Classifying criminal offenders. A new system based on the MMPI. Beverly Hills: Sage Publications, 1979.

Menninger, R.A. The crime of punishment. New York: Viking Press, 1968.

Miller, W.H. & Windhauser, G. Reading disability, tendency toward delinquency. Clearing House, November, 1971, 183-187.

Mills, C.L. A study of the educational and psychological aspects of a prison population. M.A. thesis. Kansas State Teachers' College, 1972.

Ministry of the Solicitor General, Canada. The role of federal corrections in Canada. A report of the Task Force in the creation of an integrated Canadian Corrections Service. Ottawa, Supply and Services, 1977.

Morris, N. The future of imprisonment. Chicago: University of Chicago Press, 1974.

Morris, N. and Howard, C. Studies in criminal law. Oxford: Clarendon Press, 1964.

Morris, P. Prisoners and their families. London: Allen & Unwin, 1965.

Nettler, G. Explaining crime. New York: McGraw-Hill, 1974.

Nietzel, M.T. Crime and its modification. New York: Pergamon Press, 1979.

- Packer, J.P. Limits of the criminal sanctions. Stanford, CA.: Stanford University Press, 1968.
- Palfrey, C. Remedial education and the adult offender. Howard Journal of Penology and Crime Prevention, 1974, 14 (1), 78-84.
- Palmer, T.J. Correctional intervention and research. Toronto: Lexington Books, 1978.
- Parizeau, A. & Szabo, D. The Canadian criminal justice system. Toronto: Lexington Books, 1977.
- Petersilia, J. & Greenwood, P.W. Mandatory prison sentences: Their projected effects on crime and prison populations. Santa Monica, Calif.: Rano, 1977.
- Petersilia, J. Which inmates participate in prison treatment programs? Journal of Offender Counselling Services and Rehabilitation, 1979, 4 (2), 121-135.
- Powers, S. Banquet Address. In center for studies in vocational and technical education. Education and Training in Correctional Institutions, Madison, Wisconsin: The University of Wisconsin, 1968.
- Price, R.R. Doing justice to corrections? Prisoners, parolees and the Canadian courts. In Edited Proceedings, Rights of Prisoners. The Law Society of Upper Canada, Osgood Hall, December 4, 1976.
- Rappaport, S. Public education for children with brain dysfunction. New York: Syracuse V. Press, 1979.
- Rawls, J. A theory of justice. Cambridge Mass.: The Belknap Press of Harvard University Press, 1971.
- Ricks, M. Mental health care in Canada. Corrections Today, 1981, 43 (1), 30-36.
- Robinson, H.B. & Robinson, N.M. The mentally retarded child. New York: McGraw-Hill, 1965.
- Robinson, J. & Smith, G. The effectiveness of correctional programs. Crime and Delinquency, 1971, 17, 67-80.
- Roffman, R.A. & Froland, C. Drugs and alcohol dependencies in prison. Crime and Delinquency, 1976, 72 (3), 13-59.
- Ross, R.R. Reading disability and crime: In search of a link. Crime and Justice, 1977, 5 (1), 10-21.
- Ross, R.R. & Gendreau, P. Effective correctional treatment. Toronto: Butterworths, 1980.

- Ross, R.R. & McKay, H.B. Self mutilation. Toronto: Heath Publishing Co., 1979.
- Rothman, D.J. The discovery of the asylum. Toronto: Little, Brown and Company, 1971.
- Rubin, S. Loss and curtailment of rights. In L. Radzinowicz & M.E. Wolfgang (eds.). Crime and Justice. New York: Basic Books, 1971, 3, 25-41.
- Rubin, S. Law of criminal correction (2nd ed.). St. Paul: West Publishing Co., 1973.
- Ruby, C.C. Sentencing. Toronto: Butterworths, 1968.
- Rusche, G. & Kirchheimer, O. Punishment and social structure. New York: Columbia University Press, 1939.
- Saunders, M.J. The short auditory span disability. Childhood Education, 1931, 8, 59-65.
- Schafer, S. Introduction to criminology. Reston Virginia: Reston Publishing Co., 1976.
- Schafer, S. Restitution to the victims of crime. New York: Quadrangle Books, 1960.
- Schneller, D.P. Prisoners' families: A study of some social and psychological effects on the families of negro prisoners. Criminology, 1975, 12(4), 402-412.
- Seashore, M.J., Haberfeld, S., Irwin, J. & Baker, K. Prisoner education: Project New Gate and other college programs. New York: Praeger Publishers, 1976.
- Sechrest, L., White, S.O. & Brown, E.D. The rehabilitation of criminal offenders: Problems and prospects. Washington, D.C.: National Academy of Sciences, 1979.
- Silverman, H., Waksman, M., & Wesser, K. Assessing the learning potential of penitentiary inmates - An application of Feurstein's learning potential assessment device. Report of an educational research project conducted for the Education and Training Division of the Correctional Service of Canada, Ottawa, 1979.
- Slugocki, P. & Slugocki, P. Alcoholism and female crime in Poland. International Journal of Offender Therapy and Comparative Criminology, 1977, 22 (2), 174-180.
- Smith, N.J. A cure for crime. In J. Hudson and B. Galaway (eds.), Considering the victim. Springfield: Charles Thomas, 1975, 340-350.

Stanley, D. Prisoners Among Us: The problem of parole. Washington D.C.: Bookings Institution, 1976.

Statistics Canada. Correctional Institution Statistics. (Catalogue 85 - 207) Annual, 1976a.

Statistics Canada. Census of Canada, population: Demographic characteristics - school attendance and level of schooling. Catalogue 92-826 (Bulletin 2.7), 1976b.

Sutherland, E.H. & Cressey, D.R. Criminology (10th Ed). Toronto: J.B. Lippincott Company, 1978.

Sylvester, S.F., Reed, J.H. & Nelson, D.O. Prison homicide. New York: Spectrum Publications Inc., 1977.

Szasz, T.S. The myth of mental illness. New York: Harper & Row, 1961.

Taggart, R. The prison of unemployment: Manpower programs for offenders. Baltimore: John Hopkins University Press, 1972.

Taylor, I. Walton, P. & Young J. The new criminology. London and Boston: Routledge and Kegan Paul, 1973.

The President's Commission on Law Enforcement and Administration of Justice. Task force on corrections. Washington, D.C.: U.S. Government Printing Office, 1967a.

The President's Commission on Law Enforcement and Administration of Justice. The challenge of crime in a free society. Washington, D.C.: Printing Office, 1967b.

Title, C.R. Punishment and deterrence of deviance. In S. Rottenberg, (ed.) The economics of crime and punishment. Washington D.C.: American Enterprise Institute, 1973.

Toch, H. Men in crises: Human breakdowns in prisons. Chicago: Achine, 1975.

Treasury Board. Program Evaluation. Circular, 1977-47. Ottawa: Supply and Services, 1977.

United Nations. Standard minimum rules for the treatment of prisoners and related recommendations. New York, 1958.

United States, Department of Justice. Law Enforcement Assistance Administration. Survey of inmates of state correctional facilities 1974. Advance Report, Washington D.C. U.S. Government Printing Office, 1976.

Van den Haag, E. Punishing criminals: Concerning a very old and painful question. New York: Basic Books, 1975.

Van Dine, S.W., Dinitz, S. & Conrad, J.P. The incapacitation of the dangerous offender: A statistical experiment. Journal of Research in Crime and Delinquency, 1977, 14 (1), 22-34.

Virginia. Welfare and Institutions Department. Annual statistical report of felons and misdemeanants committed to the state penal system during the year ending June 30, 1970, and felons confined in the penal system on June 30, 1970. Richmond 1970. Table IX.

Vogelman, R.P. Prison restrictions - prisoner rights. In L. Radzinowicz & M.E. Wolfgang (eds). Crime and Justice. New York: Basic Books, 1971, 3, 52-68.

Von Hirsch, A. Doing justice: The choice of punishment. New York: Hill and Wang, 1976.

Walker, N. Sentencing in a rational society. London: Penguin, 1969.

Waller, I. Men released from prison. Toronto: University of Toronto Press, 1974.

Washbrook, R.A.H. Alcoholism Versus Crime in Birmingham, England. International Journal of Offender Therapy and Comparative Criminology, 1977, 21 (2), 166-172.

Weiler, P. C. The reform of punishment. In Law Reform Commission of Canada. Studies on sentencing. Ottawa: Information Canada, 1974.

Weinschenck, C. Definition, symptomatology, diagnosis and therapy of congenital degasthenia. Acta Paedophysiologica, 1971, 38 (4), 111-118,

Wilson, J.Q. Thinking about crime. New York: Basic Books, 1975.

Wilson, R. Who will care for the 'mad and the bad'. Corrections Magazine, 6 (1), 5-9, 12-17.

Zellick, G. The case for prisoners' rights. In J. Freeman (ed.), Prisons Past and Future. London: MacMillan & Co., 1978.

Zimring, F.E. & Hawkins, G.J. Deterrence: The legal threat in crime control. Chicago: University of Chicago Press, 1973.

CORRECTIONAL EFFECTIVENESS PROJECT

Research Division
Ministry of the Solicitor General
Canada
Principal Investigator: Hugh J. Haley

OBJECTIVE -

- To improve the potential effectiveness of Correctional Agencies
- by developing a logical outline by which correctional effectiveness might be systematically assessed.
 - by analyzing existing correctional knowledge within this systematic outline
 - by extending this analysis to the development of strategies for program development, evaluation and research

WORK PLAN -

Phase I

Identification of objectives for which corrections might be held accountable.

Statement of Criteria by which Correctional Effectiveness might be evaluated.

Phase II -

Outline of programs by which corrections might economically, efficiently and effectively attain objectives

Phase III -

Development of evaluation strategies to aid management to assess the efficiency and effectiveness of existing correctional programs.

Develop research strategies that will assist correctional management in the planning and implementation of new correctional programs.

Phase IV -

Implementation of research strategies to improve behavioural science knowledge base relevant to the planning and implementation of correctional programs.

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PHASE I

Correctional Objectives: A Set of Canadian Options

Purpose Identification of objectives for which corrections might be held accountable.

Rationale Current government policy dealing with economic accountability magnifies the need that correctional programs be examined as to their effectiveness and efficiency. The initial step in meeting this requirement is a clear enunciation of correctional objectives. In the past unclear and poorly defined objectives have made it difficult to develop independent and consistent measurable criteria for the purpose of evaluating correctional initiatives.

The task of defining what corrections should be held accountable for has not been satisfactorily accomplished to date because:

(a) Correctional objectives, as differentiated from broader criminal justice objectives, have not been clearly defined

(b) The previous emphasis on reducing recidivism by rehabilitative programs as the primary correctional objective has de-emphasized the importance of research and policy directions by which corrections could respond to other legal, public and organizational demands.

APPROACH In order to organize correctional literature as non-arbitrarily as possible, a deductive approach was used, with the basic premise being that corrections is the administration of the Criminal sanction. Analysis of what those government agencies which were responsible for the administration of the criminal sanction could be held accountable for was undertaken. This analysis defined four major objectives which were logically deduced from the responsibility of administering the criminal sanction. These objectives, their definition, underlying rationale and criteria by which they might be evaluated, as well as preliminary policy and research implications, are outlined in the attached table.

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
I PUNISHMENT	Enforcement of prescribed restrictions of liberty and/or other rights as defined by a legal sentence or other supporting legislation	If the punitiveness of the sentence is limited to legally defined restrictions of liberty, then correctional accountability is strictly limited to the enforcement of these restrictions. However, the conditions under which the sentence is administered may require additional definition.	Degree to which those liberties to be restricted by the sentence or supporting legislation are enforced (i.e., escapes from custody, non-compliance with conditions of probation or parole).
II OFFENDER WELFARE	<p>The provision for, and protection of, those liberties which are retained by offenders after conviction and sentencing through judicial proceedings</p> <p>- This might imply responsibility for:</p> <p>a) Removal of unintended negative effects of a criminal sanction, such as interruption of social maturation, disintegration of social ties, and threats to physical and psychological well-being,</p> <p>b) Removal of social, psychological and economic inequalities found within offender populations.</p>	If particular rights of citizenship are retained after sentencing, then the administration of the sentence must not restrict these rights	<p>Degree to which recognized offenders' rights are infringed upon</p> <p>a) Degree to which unintended negative effects of the criminal sanction occur and/or are eliminated.</p> <p>b) Degree to which the needs of disadvantaged offenders are met.</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
I PUNISHMENT	<p>The conditions under which sentences of imprisonment and probation are to be administered are not adequately defined in either legislation or policy.</p>	<p>The effects on the offender of various sanctions are unclear and such effects must be empirically examined.</p>	<p>Depending upon the extent to which liberties are restricted, the pursuit of punishment might interfere with the achievement of other correctional objectives, especially offender welfare. However, the punitive administration of the sentence may be consistent with the requirement to achieve crime control through intimidation alone or as a means to motivate offenders to avoid future criminal behaviour by participating in rehabilitative programs.</p>
II OFFENDER WELFARE	<p>Rights or liberties retained by offenders have not been adequately defined.</p> <p>a) the intended and unintended effects of criminal sanctions are not clearly defined in legislation or policy.</p> <p>b) Correctional responsibility to respond to inequalities among offender populations may need clarification.</p>	<p>a) The effects on the offender of sanctions are unclear and such effects must be empirically examined.</p> <p>b) Inequalities within offender populations have been inadequately defined. Developmental research may be required before programs to alleviate such inequalities would be feasible.</p>	<p>The active pursuit of offender welfare may be consistent with the objective of crime control since rehabilitative and reintegrative programs may be rationalized as specific welfare requirements. Additionally, offender welfare is one means to aid in the goal of reconciliation. However, making offender welfare a correctional priority may interfere with the goals of both reconciliation and punishment by creating conditions that may be perceived by the public as not meeting their desire to have offenders punished for crimes they have committed.</p>

POTENTIAL OBJECTIVES	DEFINITION	RATIONALE	EFFECTIVENESS CRITERIA
III CRIME CONTROL	<p>Provision for the protection of society through the reduction in the probability of criminal activity by convicted offenders</p> <p>- This might imply responsibility for:</p> <ul style="list-style-type: none"> a) Restriction of activities of convicted offenders in order to prevent future offences during the length of the sentence (Containment). b) Provision of appropriate incentives and programs to offenders in order to effect the necessary behaviour changes to reduce future criminal activity (Rehabilitation). c) Removal of effects from the administration of the criminal sanction which may increase an offender's probability of further criminal activity. 	<p>If corrections is conceived as being part of the larger Criminal Justice System, which is responsible for the protection of society through crime control, then the corrections component of that system must share in this ultimate responsibility</p>	<p>Number of crimes committed by offenders after sentencing (i.e. offences against criminal code).</p> <ul style="list-style-type: none"> a) Number of crimes committed by offenders while under correctional custody (escapes, non-compliance with conditions of probation or parole, offences against criminal code). b) Number of crimes committed by offenders after release from correctional custody (offences against the criminal code). c) Number of crimes committed by offenders after sentencing, which can be identified as resulting from administration of the sentence.
IV RECONCILIATION	<p>Preparation of the offender and/or the community for restoration to offender of those rights and privileges available to other citizens in a free society.</p>	<p>If the Criminal Justice System is viewed as an instrument of reducing conflict in society, then the correctional component of that system should develop conflict reducing strategies between the offender and society and/or specific victims of crime.</p>	<p>Degree to which the offender participates in the routine functioning of society after release from correctional custody (employment status, marital/family status, community participation).</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
<p>III CRIME CONTROL</p>	<p>Several policy options as to the definition of Crime Control and the programs by which corrections may attain these goals have not been clearly conceptualized. Crime Control Responsibility and appropriate procedures to respond to that responsibility may be more clearly enunciated.</p> <p>a) Appropriate restrictions of offenders as well as the discretionary procedures to define and enforce such restrictions, may need re-examination.</p> <p>b) The acceptability of various strategies to change individual offender's propensity for criminal activity may need re-examination.</p>	<p>The effectiveness of on-going crime control programs is controversial. Increased understanding of individual patterns of criminal activity would clarify appropriate crime control strategies.</p> <p>a) Necessary and sufficient restrictions needed to prevent a continuation of criminal activity must be understood in order to define effective environmental controls to meet incapacitation objectives.</p> <p>b) Criminal behaviour must be understood to define the effectiveness of incentives and programs in reducing criminal activity. Developmental research may then be required before rehabilitative strategies are feasible.</p>	<p>- Depending upon what crime control strategy is employed this objective may be inconsistent with or complement other correctional objectives</p> <p>a) May interfere with offender welfare and rehabilitative objectives by placing limitations of movement and social participation. However, these may be consistent with punishment goals.</p> <p>b) May limit the pursuit of punishment and containment objectives, but can be supportive of offender welfare, rehabilitation and reconciliation objectives.</p>

POTENTIAL OBJECTIVES	POLICY CONSIDERATIONS	RESEARCH CONSIDERATIONS	LOGICAL IMPLICATIONS OF CHOOSING VARIOUS OPTIONS
III CRIME CONTROL CONT'D	c) Correctional responsibility to eliminate criminogenic aspects from the administration of the criminal sanction may require the development of appropriate procedures.	c) Research is required to identify the existence and extent of criminogenic factors arising from the sentence. Development Research may then be required to remove such criminogenic factors.	c) May be inconsistent with punishment and containment objectives, but complementary to offender welfare and reconciliation objectives.
IV RECONCILIATION	Correctional responsibility for reconciliation strategies may need clarification.	The process of integration offenders into the society must be understood. Developmental research may be required before reconciliation programs are feasible.	The pursuit of this objective will require a balancing of each of the other correctional objectives. As such, reconciliation can be viewed as a coordinating principle.

END