

The End of Corrections as We Know It: A Review

by Robin J. Wilson*

Political and community focus on crime and deviance has grown exponentially over the past quarter century. Similarly, it appears that scientific inquiry into these matters has also increased; however, there seems to be something of a disconnect between these two camps. Some Western governments are well known for their “get tough on crime” agendas, but whether or not such approaches actually reduce crime and deviance remains a source of considerable debate. Many international corrections officials point to a “crisis” regarding prison populations and overcrowding, especially because some of these jurisdictions continue to have a particularly high per capita imprisonment rate in comparison to other democratic nations.

During a recent American Corrections Association (ACA) conference, a symposium sponsored by ACA’s International Relations Committee highlighted reports on correctional reform emanating from Canada and Scotland. Each report consists of a review of correctional policies and practices and makes a series of recommendations on how to do better. Although these two nations have many aspects in common, their approaches to correctional review and revision—as outlined in their respective reports—are substantially different.

Canada’s Report on Correctional Reform

A Roadmap to Strengthening Public Safety (CSC, 2007) outlines recommendations for “transforming” the Correctional Service of Canada (CSC). Indeed, “transformations” is the tagline applied by the CSC to the planned response to the report, which is widely available at <http://www.ps-sp.gc.ca/csc-scc/cscrpreport-eng.pdf> and is also discussed in the CSC periodical *Let’s Talk* (available at <http://www.csc-scc.gc.ca/text/pblct/lt-en/2008/33-1/4-eng.shtml>).

The CSC *Roadmap* document (also known as the “Correctional Service of Canada Review Panel Report,” and colloquially known in Canada as the “Sampson Report,” after its chair, former Ontario Minister of Corrections Rob Sampson), was released

on December 13, 2007, and reflects findings amassed during a consultation process of six-months duration. The CSC Review Panel consisted of a former deputy police chief; a former chair of the National Parole Board of Canada; an aboriginal (native) Canadian chief; and a victims’ advocate. According to the report, the panel was tasked with providing the minister of public safety with an independent review of CSC’s contributions to public safety. Consultation with a variety of government departments, nongovernmental organizations (NGOs), special interest groups, and citizens appears to have been broadly sought.

Mr. Sampson is well known in Canadian correctional circles. While he was minister

more hardened and more violent, which has an attendant effect on public perspective regarding crime and punishment (or, inferring from the report, a general tendency to a lack of the latter in Canada):

This dramatic change in the profile of the average federal offender means that CSC now has an offender population that is more violent and requires either more interventions or different types of interventions, which must be provided in an even shorter timeframe (CSC, 2007, p. 4).

Solutions to problems identified in these key areas were to:

- Build regional correctional mega-com-

Some of these jurisdictions continue to have a particularly high per capita imprisonment rate in comparison to other democratic nations.

of corrections during the Conservative Party government of June 1995 to April 2002, the Province of Ontario’s correctional system experienced considerable change and upheaval, including experimentation with boot camps for young offenders, the building of “super jails,” and privatization of one of those super jails (later reclaimed by the provincial government). A number of smaller, regional facilities were also slated for closure, including half-way houses. The CSC Review Panel’s report includes a number of focus areas that are, not surprisingly, reminiscent of Sampson’s prior policies and practice. In total, the panel made 109 recommendations as to how the current Canadian federal correctional system could be improved, focusing on five key areas:

1. Increasing offender accountability;
2. Eliminating drugs from prison;
3. Developing employability/employment skills;
4. Renewing physical infrastructure;
5. Eliminating statutory release and moving to earned parole.

Central to the Canadian plan is a contention that the offender population has become

plexes (described as four to five penitentiaries within one perimeter, a solution that is largely similar in spirit to the aforementioned super-jails);

- Increase the rehabilitative focus on job readiness and employment skills training;
- Increase efforts to manage substance abuse and drug trafficking within institutions; and
- Start a process of sentence reform.

According to CSC, the average profile of an offender who reoffends while on statutory release is an Aboriginal male under 35 years of age, with low educational attainment (no high school diploma), unemployed at arrest, with gang affiliation, serving a sentence of less than three years usually for robbery. In addition, the typical offender tends to have a history of substance abuse, a previous criminal history, a previous negative correctional history (escape, segregation, revocation of parole), low program completion rates and higher levels of imposed residency conditions at release (CSC, 2007, p. 109).

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It is clear to all in Canadian corrections that aboriginal peoples are over-represented in corrections (16.7% of CSC's clientele vs. 2.7% of the Canadian population; see CSC, *Quick Facts, Aboriginal Offenders*, at <http://www.yccsc-scc.gc.ca/text/pblct/qf/01-eng.shtml>). However, the fact that the "average" person who reoffends while on statutory release is aboriginal speaks more, perhaps, to a need to revisit how this cultural group is approached, rather than a need to completely revamp the statutory release process for all. The original intent of statutory release was to ensure that, no matter what, all determinate incarcerative sentences would necessarily include a period of supervised community decompression.

Moving to a system of earned parole will mean that more offenders at high levels of risk and need will be held until the end of their sentences. This was exactly the sort of effect that resulted from allowing the National Parole Board to "detain" certain (usually sexual) offenders until their warrant expiry date. Indeed, that sort of detention was a good part of the genesis of innovative community responses such as Circles of

Support & Accountability (Wilson et al., 2005; 2008; Wilson, Cortoni & Vermani, 2007); however, it would be dangerous to assume that such initiatives are going to be able to pick up after a correctional service that would be effectively releasing its worst offenders to the street with little or no supervision or support. In addition, there are good examples of community-based aftercare services available to offenders on conditional release to assist them in the reintegration process (Wilson, Cortoni, Picheca & Nunes, 2007).

Furthermore, persons of aboriginal descent typically reside on reserves or in remote areas (e.g., Nunavut territory). The proposal to build regional correctional mega-complexes could potentially remove the possibility of links with the community for many aboriginal offenders. For example, most aboriginal offenders in Canada originate from either the Prairies Region or the North, both of which are quite large in area. Removing access to relatively more "local" correctional facilities would make visitation by families and native elders quite problematic. Indeed, it was exactly this sort of issue (access to family and other community supports, among other reasons) that led to the

closing of Kingston's Prison for Women, a centrally located, national correctional facility for women, in favor of regional facilities for women offenders.

Scotland's Report on Correctional Reform

As a member nation of the United Kingdom, Scotland has made significant contributions to the various debates in the corrections and community risk management domain. Since the Scottish parliament was reestablished in 1999, the government has set about reviewing its constituent agencies and services. *Scotland's Choice: The Report of the Scottish Prisons Commission* (Scottish Prisons Commission, 2008) reflects the findings and recommendations of a review panel that consisted of a former first minister of Scotland, a senior Austrian Prison Service bureaucrat, a sheriff, an administrator from the Prince's Trust in Scotland, the president of the Edinburgh Chamber of Commerce, a broadcaster/journalist, and a chief constable. In comparison to the Canadian panel, the Scottish contingent included a greater influence from non-correctional and non-law-

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enforcement-oriented members. In its findings, this panel makes 23 recommendations designed to help Scotland deal with prison overcrowding, increase public safety, and respond more effectively to serious crime.

In its first two recommendations, the Scottish panel suggests that incarceration be used only for those offenses so serious that no other form of punishment will suffice, or for those offenders too dangerous to be safely managed in the community. However, the Scottish report also emphasizes a need to "move beyond [a] reliance on imprisonment as a means of punishing offenders" (Scottish Prisons Commission, 2008, p. 26):

We have to make a choice between . . . two futures. A negative future is not inevitable and a positive one is not unattainable. Both are possible. One requires us to do nothing at all; the other will require us to think differently about what we want punishment to do and to make some changes in how we go about achieving this (Scottish Prisons Commission, 2008, p. 1).

What is most interesting about the Scottish report is its primary focus on methods to reduce rates of imprisonment, albeit while acknowledging a need to maintain public safety through "evidence informed policy" (p. 2). Some of this focus is on sentencing practices, where the panel suggests that judges have greater freedom in choosing community-based alternatives to incarceration. In fact, the report suggests that sentencing judges be required to impose a community sentence in situations where a sentence of six months or less would have normally been appropriate.

Overall, the Scottish panel expressed grave concerns about current management practices regarding offenders and emphasized that its suggestions to reform Scotland's approach were not rooted in finances. Rather, the panel noted compelling reasons to believe that high levels of incarceration actually result in a more substantial human cost:

We are clear that Scotland will not have a world-leading prison service and a well-run open estate until we reduce the unnecessary, costly, damaging and dangerous overuse of custody (Scottish Prisons Commission, 2008, p. 5).

Canada and Scotland Compared

In reviewing the two reports, it is clear that both nations are grappling with similar issues: violence, youth crime, problems with alcohol and drugs, and a need to revisit the role of corrections (specifically, imprison-

ment). However, it appears that these similar processes of review resulted in markedly different outcomes and suggested remedial approaches.

Simplistically, the Scottish report is about prison reform and the means by which to decrease correctional populations while maintaining public safety. The Canadian report also purports to have public safety as its overall goal but seems slanted more toward a tradition of law and order, as typified in "get tough on crime" approaches.

Prison Reform in Scotland

From where does this difference stem? Although they have a great deal in common—both Canada and Scotland are social welfare states and are British Commonwealth nations, influenced to a great degree by their affiliation with the United Kingdom—Canada and Scotland appear to be different in regard to how they see themselves in comparison to their neighbors. In the Scottish report, the following observations are made:

To the south, England is engaged in the most significant expansion of its penal system in UK history, where the addition of 30,000 prison spaces over the past decade has not reduced crowding.

To the north, in Scandinavia, high levels of social equality and welfare go hand in hand with low imprisonment rates.

To the west, in Ireland, a small nation has emerged to become an economic leader, while imprisoning offenders at half the rate of the UK (Scottish Prisons Commission, 2008, p. 10).

Law and Order in Canada. Interestingly, while the Scots seem to be advocating a more tempered approach to sentencing, so as to make sure that those sent to prison are actually the ones most in need of such measures, the Canadian report speaks of the need to increase sentences in some cases. Specifically, it is popularly known in Canada that the current Conservative government headed by Prime Minister Stephen Harper is much in favor of instituting a variety of mandatory minimum sentences. Harper's agenda specifically targets gun-related crimes and substance abuse offenders, including marijuana users. Regarding the latter:

Every smart person or group who has looked at this issue—from the 1970s' LeDain Royal Commission to the more recent Senate subcommittee, from the B.C. Court of Appeal to the B.C. Medical Officers of Health, from ex-mayor New-Liberal Senator Larry Campbell to Fraser Institute economist Stephen

Easton, all have concluded tougher penalties and longer jail terms do not and will not work ("Harper's War Will Have No Exit Strategy," *Vancouver Sun*, December 6, 2005).

The "Heyday" of Canadian Corrections.

Many might point to the turn of the millennium as the "heyday" of Canadian corrections. At that time, many of the major advances in criminal justice understanding and practice were coming out of Canada. Andrews' and Bonta's seminal work *The Psychology of Criminal Conduct* (1994; reissued 2007) addressed Martinson's (1974) "Nothing Works" findings through meta-analysis and, in the process, helped define modern approaches to correctional programming in what has become known as the risk, needs, responsivity (RNR) model. In many ways, this model became the lynchpin of the Canadian arm of the "What Works?" movement that has revolutionized corrections and been a mainstay of ACA conferences and of the ICCA, among other affiliated organizations. Simply put, the RNR model decrees that correctional programs must match level of intensity of treatment to assessed level of risk, while specifically targeting criminogenic needs in a manner that is attendant to participant idiosyncrasies and that maximizes motivation to change.

Concurrent with efforts to maximize treatment benefit, other Canadians were working hard to refine methods of assessing risk, particularly to address concerns raised by Monahan (1981) that unstructured clinical judgment regarding risk to reoffend led to accuracy levels below chance (i.e., we would have been better off flipping a coin than asking a risk assessment professional for an opinion).

Canadians were at the vanguard of the development of actuarial risk assessment tools, and many of these tools are now widely used internationally. For instance, the Level of Service Inventory-Revised (LSI-R; Andrews & Bonta, 2000) is an industry standard for the prediction of general criminality, while the Violence Risk Appraisal Guide (VRAG; Quinsey et al., 2005) is the equivalent for violent recidivism. Regarding risk for sexual recidivism, Karl Hanson's work began with the Rapid Risk Assessment for Sex Offender Recidivism (RRA-SOR; Hanson, 1997) and culminated in the STATIC-99 (Hanson & Thornton, 1999), which is currently the most widely used tool of its kind in the world.

Alongside advancements in program provision and risk assessment, Canada also led the way in effecting sensible policies

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regarding conditional release and community-based programming. On the strength of works by Andrews, Bonta, Gendreau, and others (e.g., Andrews & Bonta, 2007; Gendreau et al., 1996), Canadian corrections focused on offering evidence-based interventions in institutional settings, with aftercare and coordinated supervision upon release.

Indeed, much as the Scots are advocating, there were many occasions when community-based sentencing options were applied in Canada because the evidence was clear that persons at low risk were likely better served by such approaches. Accelerated parole review (evaluation for day parole after six months of incarceration) was applied to first-time, nonviolent offenders, and all offenders (save those serving indeterminate sentences) were afforded statutory release (an unearned, legislated release at the two-thirds point of any determinate incarceration sentence). Canada's conditional release program was the envy of many, and advice and consultation were sought by delegations from such countries as China, Lithuania, Bermuda, and jurisdictions of the former Yugoslavia following military conflict in the Balkans.

Response and Deconstruction in Canada. What happened? Some might contend that, over the past several years, Canada has slowly deconstructed its correctional system through a series of what appear to be well-intentioned but, ultimately, poorly considered responses to high-profile but rare events that are understandably upsetting to citizens and politicians alike. Indeed, the research literature (see Andrews & Bonta, 2007) provides little evidence to suggest that Canada's current "get tough on crime" agenda will have any measurable effect on the sorts of crimes that spurred their inception.

In many cases, such policies have been instituted as a means to assuage fear and guilt in the wake of the death of an innocent at the hands of a particularly distasteful character. However, that is where the logical non sequitur is most apparent. Those particularly distasteful characters are often psychopathic (i.e., exceptionally antisocial) and unlikely to respond to extreme measures in sentencing and offender handling—other than to be removed from the possibility of reoffending by being assessed indeterminate sentences. These psychopathic individuals simply do not care and are far too consumed by their own narcissism to recognize legislators' attempts to deter their behavior:

Increased use of prisons is the result of using it for those who are troubled and

troubling rather than dangerous (Scottish Prisons Commission, 2008, p. 2).

"Get-Tough" Measures vs. Social Welfare. "Get-tough-on-crime" measures are more likely to affect average criminals—those who find themselves on the wrong side of the law for reasons other than a taste for criminal behavior. A majority of such persons have lifelong social and personal inadequacies that often have their roots in problematic developmental conditions. Farrington's (2005) recent research on the childhood origins of antisocial behavior is particularly illuminating in this regard. Issues related to impulsivity and low IQ/poor school performance are key internal (personal) factors, while external (environmental) factors such as parent-related difficulties and issues related to community disintegration/social decay also appear to wield considerable influence. Add these to the Andrews and Bonta (2007) "big four" predictors of reoffending (antisocial associates, antisocial values and attitudes, antisocial behavior, and antisocial personality structure), and it is not hard to see how some persons find themselves on the "anti" side of the social coin.

But, the big question is, will the current Canadian trend toward "get tough" measures actually positively influence what many Canadians believe to be an unchecked criminal population? And, why are the Scottish people not following a similar path?

To answer this question, we first have to consider whether there really is a problem. Both reports note that, overall, crime rates are down in their respective countries. Each report points to a small increase in youth violence; however, we likely need to recognize that some of the key economic and social policy decisions of the past 25 years may very well have led to the sort of difficulties noted by Farrington.

The Scottish report states, "Prisons draw their inmates from the least well-off communities" (Scottish Prisons Commission, 2008, p. 2). This is true of both nations and speaks to a, perhaps, greater need to address social welfare issues as a means to better manage how many underprivileged persons end up in the criminal justice system.

One might ask whether there are potential differences between these two nations that lead to disparate approaches in regard to correctional reform. A cursory review of the websites of the respective governments of both Canada and Scotland clearly indicates that both nations are grappling with concerns regarding gun crimes, substance abuse, and perceived increases in levels of violent crime:

The most recent figures for Scotland, published in October, showed that

recorded firearms offences had risen to their highest level in ten years during 2006-07—with a 25 per cent rise in those suffering injuries from the weapons ("Need for Action on Gun Crime," January 24, 2008; at <http://www.scotland.gov.uk/News/Releases/2008/01/24154837>)

As you know, cracking down on gang, gun and drug crime has been one of the top priorities of Canada's New Government since we took office nearly ten months ago," the Prime Minister told his audience at the Sheraton Centre Toronto Hotel. "We made it a priority because Canadians had made it very clear to us that they wanted the scales of justice rebalanced ("Tackling Crime Through Bail Reform," November 23, 2006; at <http://pm.gc.ca/eng/media.asp?id=1413>)

Conclusions

So, is this the end of corrections as we know it? There is little doubt that both Canada and Scotland will continue to require correctional services; however, it is clear that both nations are advocating at least moderate to potentially radical changes in the way they do business. The two reports featured in this article stem from the same premise, that something is wrong with the state of each country's correctional system. However, while the Scottish panel moves toward greater consideration of other measures, as a means to potentially decrease rates of incarceration, the Canadian panel seems to favor actions that could potentially increase or prolong incarceration. This is puzzling in light of the fact that the literature supporting the Scottish approach enjoys a substantial contribution from Canadian researchers and theorists. Part of the reason for this is likely political in nature. During periods of financial and geopolitical unrest (e.g., recession and military conflict), many citizens find comfort in more conservative approaches to government.

This article contains an obvious bias. It is a politically charged response to a pair of politically driven documents. The author believes that effective correctional endeavors must necessarily weigh the needs of the offender(s) for rehabilitation and a chance at restoration against the needs of victims and vulnerable others to feel safe. It is not my intent to suggest that we do away with corrections or correctional facilities. Rather, as professionals dedicated to best-practice models and evidence-based decision making (and not "decision-based evidence making"), we are duty bound to make the most

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appropriate use of all rehabilitative services available to us in the furtherance of ensuring safety and security for all stakeholders.

Central to this proposition is the contention that all persons (offenders vs. victims and others in the community) in this dynamic are members of the *same* community and that each side of the scale requires attention in order to ensure balance. Indeed, although not always apparent to all, successful corrections *must* include the safe and humane repatriation of rehabilitated offenders to the community. These offenders came from our communities and, in most cases, will return to our communities. The responsibility for ensuring that they do so successfully rests on all our shoulders.

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community organizations, and law enforcement worked together to create the Comprehensive Reentry Strategy. The Strategy contains an action agenda for reentry service providers that includes community education and the pursuit of legislative priorities. The document and other reentry-related materials are available on CSOSA's website at www.csosa.gov.

So What Is Possible?

Research on community-based anti-crime programs indicates that law enforcement personnel are seen as primary leaders in the

fight against crime. Citizens naturally look to police executives and officers for guidance and reassurance when crime problems seem to get out of hand.

The same can hold true for offender reentry. Parole and probation agencies need the power of partnerships to get the job done. While law enforcement agencies feel that they are overwhelmed with current duties, a partnership with community corrections can pay off with fewer crimes, safer communities, and a renewed emphasis on getting the truly dangerous offenders off the streets.

Law enforcement officers can assist offenders, and, as stated above, many already do. Offenders out of prison or on probation need structure to change their lives. If they

know that officers are watching them, then maybe they will begin the process of change. Officers can encourage or insist that those under supervision enroll in drug treatment or job readiness classes. They can be the authority figures that so many young men and women need if the youth are approached in the correct manner.

Many offenders want to change and can change with the right support. Police officers have been change agents in the lives of many caught up in lawbreaking behavior. If police and sheriff's agencies can come together with parole and probation officials and community and business leaders to form an active partnership, then the community will be better off for the effort. It's up to us to try. ■

a job are essential components. Indeed, these things are now managed online by many in the community. These are valuable skills that offenders need to be able to develop in order for them to resettle effectively.

A number of organizations have begun using the term "e-citizen," and, indeed, there are a number of qualifications with this phrase in the title. For learners to successfully achieve this qualification, they are required to demonstrate familiarity with the Internet and email, sadly impossible in everyday prison life.

Local and Relevant

When it comes to reentry, IT has an important role to play. It is easy to use the terms "resettlement" or "reentry" to summarize a complex process involving multiple agencies or organizations, but the process itself is one of the most individually complex elements of working with offenders. The needs of the individual must be directly matched to the opportunities presented within the community and must be sign-posted appropriately. IT, when managed effectively, can facilitate a more cohesive delivery and provide direct access to services. There is a danger, as in many situations involving offenders, that

the process of resettlement/reentry, with its constituent elements of learning, cognitive development, and transformation, is something that is *done* to someone rather than *with* someone.

The Flexibility of Existing Resources. The standard definition of IT as a computer belies the flexibility presented by existing resources. Convergent media mean that we now have the ability to present opportunities in the most dynamic and individualized fashion. Media-rich (audio and video) applications can be delivered across

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