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The Impact of the Harper Government's “Tough on Crime” Strategy:

Hearing from Frontline Workers

By Elizabeth Comack, Cara Fabre,
and Shanise Burgher

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Hearing from Frontline Workers**

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The Report in Brief

Crime rates in Canada have been steadily dropping for over a decade, while prison populations have been increasing in recent years. Commentators have attributed this disconnection between falling crime rates and increasing incarceration numbers to the Harper government’s “tough on crime” strategy. Since coming to power in 2006, the Harper government has implemented a host of legislative and policy changes designed to “tackle crime,” “hold offenders accountable,” and “make communities safer.” At the same time, the government also enacted significant budget cuts that have affected the ability of the correctional system to uphold its mandate.

To learn about the on-the-ground impact of these changes, we interviewed 16 frontline workers in two provinces (Manitoba and Ontario). In their capacities as correctional, parole, and probation officers, and as prisoner advocates, counsellors, and support workers in the community, these workers have a cumulative record of over 200 years of knowledge and experience to draw on.

Frontline workers told us that the Harper government’s “tough on crime” agenda, combined with the mandated budget cuts, has not made our communities any safer. In fact, the Harper

government has moved the country in the *opposite* direction by framing its policies more on ideology and “making people afraid of the boogeyman” rather than on evidence of what actually works to tackle crime.

Under the Harper government’s reign, prisons and jails in Canada have become increasingly overcrowded and dangerous places — for both the prisoners and those who work there. The majority of prisoners in provincial custody — 66 percent in Manitoba — are being held on remand awaiting their trial dates and federal inmates are being kept in custody long past their eligibility dates for release, exacerbating the costs of an already burgeoning prison industry.

The “tough on crime” measures and budget cuts have shifted the orientation from rehabilitation to warehousing prisoners. Reduced access to meaningful programming, along with other cost-cutting measures — charging inmates more for room and board and the use of phones, closing full kitchens in the prisons and trucking in frozen meals, and reducing pay levels for prison work — has heightened prisoners’ levels of frustration, creating conditions for unrest and violence within the prisons. The families of prisoners, who end up doing time along with them,

have also been affected by the longer sentences, pay cuts, and less access to visits and telephones. Once prisoners are released back to the community, they are more likely to face poverty and homelessness due to the lack of resources and supports, thereby inhibiting their ability to move forward in their lives and increasing the likelihood of returning to crime as a survival strategy.

According to frontline workers, the Harper government's "tough on crime" strategy and restrictive budgetary measures undermine public safety. They characterized the strategy as "one size fits all" designed with the dangerous few in mind but applied to everyone. Workers were firm in their position that criminal justice policies should be supported by empirical evidence about strategies proven to decrease recidivism and de-escalate conflict, such as transitional supports and other service-oriented measures. While the overriding rhetoric of the Harper government's "tough on crime" strategy is to "make communities safer," workers maintain that the strategy has the opposite effect of setting the community up for danger by keeping people in prison longer without effective programming and by dismantling transitional supports that assist with community reintegration.

Drawing on their wealth of knowledge and experience about what works in order to tackle crime, workers offered a number of recommendations for countering the negative legacy that

the Harper government's "tough on crime" strategy has created.

Workers pointed to the need to challenge discourses that demonize people convicted of criminal offences — some 3.8 million Canadians — and reaffirm that people who are or have been in prison are still members of the community by treating them as such.

Community-based organizations have a key role to play in this effort by helping to connect families across prison walls, as well as working to support prisoners by creating transitional supports, helping them to navigate the system, and trying to make the system more accessible and equitable.

Workers also pointed to the role of law as an important avenue of resistance. Correctional officers have been successful in resisting some of the changes by drawing on the Canada Labour Code, and prisoners and their advocates are mounting legal challenges. The courts are also declaring elements of the "tough on crime" strategy to be unconstitutional. Nevertheless, as one worker pointed out, relying on legal strategies that take a long time is troublesome because "people are suffering now."

The Harper government's "tough on crime" strategy has been premised on the rhetoric of "making communities safer." Frontline workers, however, tell us that by providing people with the resources and supports they need to live productive and healthy lives, all of us will be safer.

Introduction

Canadian crime rates have been dropping — a trend that began over a decade ago. According to Statistics Canada, the Crime Severity Index, which measures the volume and severity of police-reported crime, decreased 3 percent between 2013 and 2014 and had declined each year for the previous eleven years. The police-reported crime rate, which measures the volume of crime reported to police, also declined by 3 percent in 2014 and was at its lowest rate recorded since 1969 (Boyce 2015). At the same time, however, prison populations have been increasing. According to Public Safety Canada (2015: 36), 33,188 people were incarcerated in federal and provincial/territorial facilities in 2004–05. That number rose each year to 2011/12, when 39,958 people were incarcerated — a 20 percent increase over the eight-year period.

At the federal level, the incarcerated population (those with sentences of two years or more) increased by 14 percent (from 12,623 to 14,335) between 2005 and 2015. Increases were especially evident for women, Aboriginal peoples, and Black people. The number of women prisoners increased 77 percent (from 368 to 653) while for men the increase was 12 percent (from 12,255 to 13,682). The number of Aboriginal pris-

oners increased 52 percent (from 2,296 to 3,500) while the number of non-Aboriginal prisoners increased 5 percent (from 10,327 to 10,835). The number of Black prisoners increased 78 percent (from 792 to 1,406) while white prisoners actually decreased by 6 percent (from 8,815 to 8,821) (OCI 2015: 2).

Among the provinces, Manitoba has the highest incarceration rate. Provincial facilities hold people in custody who are on remand awaiting their trial and those serving sentences of less than two years. In 2013/14, 242 adults, on average, were incarcerated in Manitoba's correctional centres for every 100,000 adults (Correctional Services Program 2015). The vast majority of adults held in custody in the province are men (90 percent), but the number of women has increased rapidly in recent years, growing from 78 in 2003 to 260 in 2012 (a 233 percent increase). Aboriginal people are vastly over-represented in Manitoba's jails. While Aboriginal people make up 15 percent of Manitoba's population, they accounted for 70 percent of the province's incarcerated adults in 2011 (Office of the Auditor General Manitoba 2014: 242).

Commentators have attributed this disconnection between falling crime rates and increas-

ing prison populations to the Harper government’s “tough on crime” strategy (Mangat 2014; Green 2014; Mallea 2012). Since coming to power in 2006, the Harper government has implemented a host of legislative and policy changes designed to “tackle crime,” “hold offenders accountable,” and “make communities safer.” At the same time, the Conservative government’s neo-liberal economic policies of restraint have produced a series of budget cuts, affecting the ability of the correctional system to uphold its mission to contribute “to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure, and humane control” (CSC 2010).

Under the Harper government’s reign, prisons and jails in Canada have become increasingly overcrowded and dangerous places — for both the prisoners and those who work there.

While statistical information garnered from government reports indicates some effects, very little is known about the on-the-ground impact of the Harper government’s “tough on crime” strategy. Frontline workers — those working with criminalized individuals both within the correctional system and through community-based organizations — have an extensive working knowledge of the ongoing effects of the Harper government’s strategy. To gain access to that knowledge, we in-

terviewed 16 frontline workers in two provinces (Manitoba and Ontario). In their various capacities as correctional, parole, and probation officers, and as prisoner advocates, counsellors, and support workers in the community, these 16 frontline workers have a cumulative record of over 200 years of knowledge and experience to draw from.¹

In hearing from frontline workers, we learned that the Harper government’s “tough on crime” agenda — combined with mandated budget cuts — has not made our streets or communities any safer. In fact, the Harper government has moved the country in the *opposite* direction by framing its policies more on ideology than on evidence of what actually works to “tackle crime.” Under the Harper government’s reign, prisons and jails in Canada have become increasingly overcrowded and dangerous places — for both the prisoners and those who work there. The majority of prisoners in provincial custody are being held on remand awaiting their trials and federal inmates are being kept in custody long past their eligibility dates for release under more rigorous conditions, creating stress and frustration and exacerbating the costs of an already burgeoning prison industry. Once prisoners are released back to the community, they are more likely to face poverty and homelessness due to the lack of resources and supports, thereby inhibiting their ability to move forward in their lives and increasing the likelihood of returning to crime as a survival strategy.

¹ The project was approved by the Psychology/Sociology Research Ethics Board at the University of Manitoba. To maintain confidentiality and anonymity, participants’ names and their organizational affiliations have not been revealed in the discussion. Unless otherwise noted, quotations are from the interviews with the frontline workers.

The Harper Government's “Tough On Crime” Crime Strategy

Crime was identified as one of five priorities of the Conservative Party's platform in the 2006 federal election.² In his April 4, 2006 Speech from the Throne, Prime Minister Steven Harper cited the government's commitment to “tackle crime” by proposing changes to the Criminal Code “to provide tougher sentences for violent and repeat offenders, particularly those involved in weapons-related crimes.” Carrying through on that commitment, on May 4, 2006, Justice Minister Vic Toews introduced legislation to toughen sentencing for crimes involving firearms, saying: “By ensuring that tougher mandatory minimum sentences are imposed for serious and repeat firearms crime, we will restore confidence in the justice system, and make our streets safer. There will be clear consequences for gun crime — prison sentences that are in keeping with the gravity of the offence. Serious crime will mean serious time.” Similarly, Minister of Public Safety Stockwell Day indicated, “With this initiative the Government will deliver on its promise to get tough on crime and make communities safer” (Government of Canada 2006).

During its tenure as a minority government (2006 to 2011), some 61 crime bills were introduced by the Conservative government in the House of Commons (53) and the Senate (8), although only 20 of them were made into law (Doob 2012). One bill in particular received considerable attention. Bill C-25, the *Truth in Sentencing Act*, was given royal assent on October 22, 2009. The Act limited the amount of credit for time spent in pre-trial (or remand) custody a judge could administer on sentencing. Previously, judges were typically giving a 2-for-1 credit with the rationale that time spent in pre-trial custody does not count toward parole eligibility, prisoners are exposed to stricter and harsher conditions, and few opportunities for training or treatment programs are offered. The Act reduced that amount to 1-to-1, with a provision that a 1.5-to-1 credit could be imposed “if circumstances justify it.” The government rationale for this change was that lawyers were deliberately delaying proceedings so their clients would be given double time credit and thus shorter sentences. The government's belief was that this new provision would unplug the criminal justice system.

² Federal accountability, tax reform, child care, and health care were the other four policy priorities.

Just prior to issuing the writ on March 26th for the federal election of May 2, 2011, a number of other crime bills were initiated by the Harper government. In March 2011, the *Abolition of Early Parole Act* (Bill C-59) was passed. The Act abolished Accelerated Parole Review, which entitled non-violent, first-time offenders a chance to seek parole after serving one-sixth of their sentences. Bill S-6, which repealed the Faint Hope Clause from the Criminal Code, was given royal assent on March 23, 2011. Previously, if a prisoner was serving a life sentence with a parole eligibility period of more than 15 years, he or she could apply for judicial review after serving 15 years — first to a judge and, if the

While the federal government did not provide a complete cost analysis of Bill C-10, it did acknowledge that two of the nine bills would add costs federally.

judge determined the case had merit, then to a jury. If the jury unanimously recommended that they be allowed to apply for parole, the prisoner could then go before the Parole Board. Prisoners sentenced to murder committed on or after December 2, 2011 are no longer eligible to be considered for parole before the parole eligibility date determined when they were sentenced. As such, those convicted of first-degree murder will serve 25 years; those convicted of second-degree murder will serve until the judge's imposed parole eligibility date (15 to 25 years). If a prisoner's parole application is denied, he or she now has to wait five years, rather than two years, to reapply.

The Harper government won a majority (166 seats) in the 2011 federal election. The Conservative election platform during the campaign included a commitment to consolidate a number of crime bills into one omnibus bill and pass it within 100 days of forming a majority government. On September 10, 2011, the *Safe Streets and Communi-*

ties Act (Bill C-10) was introduced in the House of Commons. The Act received royal assent on March 13, 2012. Bill C-10 combined nine bills that had been separately introduced during the previous Parliament and had died on the order paper on March 26, 2011 when the election was called. Included in the bill were provisions to:

- impose mandatory minimum sentences for drug-related offences and increase the maximum sentences for certain drug trafficking offences;
- institute a number of new mandatory minimum sentences for sexual offences;
- implement new exceptions to eligibility for conditional sentences to be served in the community;
- increase restrictions on applying for pardons (now termed “record suspensions”); and
- impose harsher sentences on young offenders.

While the federal government did not provide a complete cost analysis of Bill C-10, it did acknowledge that two of the nine bills would add costs federally: the increased penalties for drug crimes was estimated to cost \$67.7 million over five years, and the new mandatory minimum sentences for sexual offences were estimated to cost \$10.9 million over two years. The Parliamentary Budget Office estimated that another component of Bill C-10, the new exceptions to eligibility for a conditional sentence, would cost an additional \$156 million in trial, corrections, and parole costs. No cost accounting was provided for the impact of these legislative changes on the provincial governments (BCCLA n.d.).

Expenditures on corrections at both the federal and provincial levels grew steadily from 2003/04 to 2012/13. According to Public Safety Canada (2015), expenditures on federal corrections increased from \$1.56 billion in 2003/04 to

\$2.69 billion in 2012/13, representing an increase of 65 percent in constant dollars. Provincial/territorial expenditures on corrections totalled about \$1.92 billion in 2010/11, representing an increase of 37 percent in constant dollars since 2003/04 (p. 21). Manitoba spent \$173 million in 2012/13 to maintain its correctional system, 123 percent more than the \$75.5 million spent in 2004/05 (Office of the Auditor General Manitoba 2014: 243). In 2012/13, the annual average cost of keeping a federal prisoner incarcerated was \$112,197 per year, up from \$109,699 per year in 2008/09. While it cost \$108,376 to incarcerate a man, the cost of incarcerating a woman was \$210,695 (due to economies of scale). The costs of maintaining an individual in the community is 70 percent less than maintaining them in custody; \$33,799 per year versus \$112,197 per year (Public Safety Canada 2015: 25).

Nevertheless, despite increasing incarceration numbers, expenditures on federal corrections *decreased* in 2012/13. Per capita spending (in constant 2002 dollars) went from \$72.27 in 2011/12 to \$71.48 in 2012/13 (Public Safety Canada 2015: 22). A significant reason for this reduction was the Harper government's Deficit Reduction Action Plan.

The Deficit Reduction Action Plan (DRAP) Introduced in the 2012 federal budget, the aim of DRAP was to return to a balanced budget by 2014/15 through a minimum of \$4 billion of cuts to federal government expenditures. DRAP was expected to result in \$295 million in cost saving measures to Correctional Service Canada operations over the three-year period. These measures included closing three institutions, modernizing food services, streamlining case management in the institutions and in the community, and increasing prisoner accountability (CSC n.d.).

On May 9th 2012, Public Safety Minister Vic Toews announced a number of correctional changes geared toward public safety and prisoner

accountability. Toews said at the press conference, "As Minister of Public Safety, I'm committed to ensuring that the safety and security of law abiding Canadians comes first while criminals are held fully accountable for their actions. In fact, this is one of the greatest responsibility [sic] entrusted to any government" (Fitzpatrick 2012). The new measures to be implemented included:

The costs of maintaining an individual in the community is 70 percent less than maintaining them in custody; \$33,799 per year versus \$112,197 per year.

- increasing prisoners' portion of the costs of their incarceration by charging them more for room and board;
- charging prisoners more for the use of telephones;
- eliminating incentive pay for prisoners working in the CORCAN job-training program; and
- changing the way in which prisoners purchase goods from prison canteens and outside suppliers.

The Minister maintained that "these tangible steps will save taxpayers over \$10 million" (Fitzpatrick 2012).

The combination of the Harper government's "tough on crime" strategy and fiscal restraint measures produced what Correctional Investigator Howard Sapers referred to in his 2012–2013 *Annual Report* as "challenging times":

In the coming year, the cumulative impact of a series of legal and policy reforms will be more fully felt, placing additional strain on the CSC to do more with less. By the end of 2014, the Service's contribution to the government's Deficit Reduction Action Plan (DRAP) will mean a reduction in its operating budget of \$295 million. CSC's planned spending for 2013–14 is \$2.6B, which marks a 14 percent

decrease from the previous year. The closing of three penitentiaries (Leclerc, Kingston and the Ontario Regional Treatment Centre) and relocation of 1,000 inmates in the Ontario and Quebec regions, some with complex mental health needs, involves a huge logistical and operational undertaking. Meantime, the massive \$637M construction effort to commission 2,700 new or refurbished cells at more than 30 operational sites by the end of 2014 adds to the Service's considerable operational and budgetary pressures. (OCI 2013: 38)

“There's an international principle that people go to prison *as* punishment, but the Harper government has taken the view that people should go to prison *for* punishment.”

In his subsequent *2013–14 Annual Report*, Sapers noted that, “Funding of CSC's budget is set to decrease again in 2014–15 by \$262.9M representing an overall reduction of 10.1 percent from the previous year” (OCI 2014: 50).

Resorting to imprisonment as a response to crime — despite the fact that crime rates al-

ready had been declining — is a key component of the Harper government's “tough on crime” strategy. It bears noting, however, that historically Conservative governments in Canada have maintained that imprisonment should be a “last resort.” As Anthony Doob (2012: para 60) points out, previous Conservative governments considered imprisonment as “a necessary evil and was, therefore, to be used sparingly.” Kim Campbell, for instance, during her tenure as Minister of Justice, stated in a 1990 report, “Imprisonment is expensive and it accomplishes very little, apart from separating offenders from society for a period of time.... Crowded prisons are not schools of citizenship. Advocates of intermediate sanctions have suggested expanding the range of options available to provide for effective, tough, non-incarcerative penalties that would require offenders to take responsibility for their actions” (cited in Doob 2012: para 32).

As Mary Campbell, former Director General of the Corrections and Criminal Justice Directorate at Public Safety Canada, has noted, “There's an international principle that people go to prison *as* punishment, but the Harper government has taken the view that people should go to prison *for* punishment” (Quan 2013).

Hearing From Frontline Workers

Frontline workers can tell us what impact the Harper government's "tough on crime" strategy and concomitant fiscal restraint measures has had the on-the-ground. Here we relay what they have to say in relation to a number of issues: the imposition of mandatory minimum sentences; the elimination of the 2-for-1 credit for those held in custody on remand awaiting their trials; the changes that have transpired with federal imprisonment; the limitations placed on conditional release; and the prospects for reintegration back into the community.

Mandatory Minimum Sentences

The Harper government implemented a number of new mandatory minimum sentences during its tenure. For instance, the *Tackling Violent Crime Act* (Bill C-2) passed in February 2008 increased the mandatory minimum penalty for an offence carried out with a firearm and committed in connection to a criminal organization from four years to five years on a first offence. The 2012 *Safe Streets and Communities Act* (Bill C-10) imposed a mandatory minimum sentence of six months' incarceration for possession of six or more marijuana plants and one year in prison

for trafficking or possession for the purposes of trafficking. The Act also imposed new and increased existing mandatory minimum sentences for sexual offences involving children.

Frontline workers were of the view that such mandatory minimum sentences amounted to "arbitrary sentencing." A key principle of Canadian sentencing law is that sentences imposed by a judge should be proportionate to the harm

"When the state is going to use its authority to hurt people, then it has an obligation to use that power no more than necessary to achieve a goal."

done and the culpability of the offender. As one worker said, "It should be the least onerous under the circumstances. They should always look for alternatives.... When the state is going to use its authority to hurt people, then it has an obligation to use that power no more than necessary to achieve a goal." Yet, mandatory minimums, according to this same worker, "just blow that away."

They're completely inconsistent. There's nothing proportional about it, nothing restrained. It

uses prison as the first alternative — because mandatory minimums always involve prison. It completely eliminates discretion at the lowest end. I mean, the most serious offences always got what the mandatory minimum was anyways. It's where there are exceptions, you know.... So you've got a bill that arbitrarily gives harsher penalties to the least serious situation.... And in the process, it's just vindictive.

The Harper government increased the mandatory minimum penalty for a first firearms offence from four years to five years. As one worker noted, “there's no reason to think that a few more months is going to make a difference whether they reoffend except what it does is it uses all these resources in prisons for detention and less and less is available for programs and treatment, which does make a difference.”

Manitoba not only has the highest incarceration rate of all the provinces but also the highest percentage of adults held in custody on remand awaiting trial.

Mandatory minimums for drug offences were seen as targeting users lower down in the drug chain. As another worker commented, “What we see is that it's absolutely low-level dealers or people using who because they're street involved or, you know, can't get a dealer to come to their house or whatever — those circumstances that makes, you know, buying less safe — those are the people that are getting picked up.” Similarly, mandatory minimums for sex offences involving children were seen as putting more pressure on the young victims to not disclose the abuse. As one worker said, “Seventy to eighty percent are intra-familial or family-related offences, where already there's pressure in terms of ‘If I disclose, this impacts our family.’”

Moreover, frontline workers pointed out that imposing mandatory minimum sentences means

that the Crown and the defense have no opportunity to entertain a plea negotiation. Consequently, the accused is more likely to take the case to trial, which has created a backlog in the courts and led to an increase in the number of individuals held in custody on remand awaiting their court date.

And of course with that I saw more backlog in the courts, you know, because people are just sitting there. They're more and more being warehoused because we don't have the capacity to move them through the system, you know. It's just too many people in jail, too many people in remand.... They're all in a holding pattern, hey. That's what you are when you're in remand. You're in a holding pattern. You're waiting, you know.

Eliminating the 2-for-1 Credit

In implementing the *Truth in Sentencing Act* (Bill C-25), which reduced the credit for time spent in pre-sentencing or remand custody, the Harper government maintained that the new provision would unclog the criminal justice system. According to frontline workers, however, the provision “had very little effect.” As one worker said, “The thinking was, if you take away two-for-one you'll get people to leave custody and to go and apply for bail, and we're going, ‘Are you kidding me? Anyone that could get bail was getting bail. The people that weren't getting bail weren't going to get bail, and they weren't voluntarily staying there.’” As a result, “The numbers didn't go down. In fact, they went up almost immediately.”

This viewpoint is affirmed by the official statistics. According to Statistics Canada, more adults are held in remand than in sentenced custody in Canada. In 2013/14, on an average day, 11,493 adults were in remand custody and 9,889 in sentenced custody in the 12 reporting provinces and territories. In other words, adults in remand accounted for over half (54 percent) of the custodial population in 2013/14 (Correctional

Services Program 2015). Manitoba not only has the highest incarceration rate of all the provinces but also the highest percentage of adults held in custody on remand awaiting trial. In 2012/13, almost two-thirds (66 percent) of the custody population in Manitoba jails was being held on remand awaiting their trial (Office of the Auditor General Manitoba 2014: 251). The high percentage of individuals being held in custody on remand has led to overcrowded conditions in Manitoba's jails. According to Manitoba's Auditor General (2014: 237), the occupancy rate in the province's correctional centres on May 15, 2013 was 126 percent, and ranged from 100 percent to 145 percent in the different centres. This was in spite of the fact that capacity had been increased 52 percent since 2008 by adding 651 beds at a cost of \$182 million.

While part of the reason for the high remand numbers may be attributed to the imposition of mandatory sentences (and thus more cases being taken to trial), another factor involves the number and nature of bail conditions being imposed. If found in breach of bail conditions, individuals will have their bail rescinded — and end up with further criminal charges. Indeed, an administration of justice charge was the most serious charge in 22 percent of adult criminal court cases completed in 2011/12; 44 percent of these administration of justice charges stemmed from violations of bail conditions (Canadian Civil Liberties Association and Educational Trust 2014: 8).

Frontline workers report that several issues may be at play here. For one, "as public policy becomes more conservative and restrictive ... prosecutors orient towards that way and conditions become that way, and what we see is offenders often being given a huge host of conditions. Sometimes those conditions have nothing to do with risk and risk factors." For another, "the wording leaves lots of ambiguity. So 'not to reside,' I mean, the research on residential restrictions is fairly consistent in showing that it makes no difference. I mean, telling someone that they can't

live in a certain place only makes it more difficult for people to find a place to live. It doesn't increase public safety, short of, you know, very specific cases." As well, the situation is further complicated "if they've got a major mental illness where their ability to even comply with these things is questionable. So, in some sense, their mental disorder or their mental health or cognitive challenges become somewhat criminalized."

The ability to comply with unreasonable bail conditions was also an issue raised by another worker: "We are locking people up for having a drink, maybe for being alcoholics, for smoking a joint, for not getting up in the morning. Maybe we're locking people up for getting home late, for not having a watch, for not having an alarm clock — for having the audacity to live with people that don't have an alarm clock."

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Imposing unreasonable bail conditions is especially a matter of concern for Aboriginal people. One issue that many Aboriginal people encounter is the distances they have to travel to attend court: "You may have a community that's prepared to support you. They're in Norway House. You got arrested in Winnipeg. The judge goes, 'Ah, it's too far. You're staying here in jail because there's no guarantee we're going to get you back from Norway House for the trial.'" Another issue is having the economic resources to post a surety:

The courts require somebody to be in court in person to do a surety.... If you live in any one of the fifty communities in Manitoba that isn't connected to Thompson by road, that could

be a \$1,000 plane ride, and then you do get the money to go in and the court's adjourned today because the court party didn't make it up or the judge, you know, or it didn't get heard on the docket or whatever. And so the next time, they're not there and the person doesn't get bailed out.

As well, cash or financial sureties are not as common in Manitoba as in other provinces. "But in some cases you might be asked to do that," especially in terms of equity in a house. "If you are a First Nation person living on a First Nation, you don't own a house. So that's an asset that a lot of people, it's taken away. So that would make it harder as well." According to this same worker, cultural issues could also be at work:

"They put us behind the eight ball. They've increased our populations then they cut the budgets. And when they cut the budgets, they cut a lot of programming."

A lot of the Aboriginal people I know and I've worked with and I've met up North in particular, especially in the smaller communities that are more isolated, are part of a high context culture, which means no direct confrontation, you wouldn't disagree with somebody. You know, speaking up and saying, "No, that's wrong" would be very much against the person's cultural background. It would just be unheard of because it would be causing someone in authority to lose face.... Somebody goes into court, they never say anything. It's their cultural background. You don't disagree. You don't argue. "Well, we're going to give you this and we're going to give you this and we're going to give you this, and can you handle that?" You're not going to disagree. It's a cultural thing. And so that's part of it as well.

Manitoba's Aboriginal Justice Inquiry also drew attention to such cultural issues, suggesting that

"When the justice system of the dominant society is applied to Aboriginal individuals and communities, many of its principles are at odds with the life philosophies which govern the behaviour of Aboriginal people" (Hamilton and Sinclair 1991: 36).

For frontline workers, then, imposing mandatory minimum sentences and eliminating the 2-for-1 credit for time served on remand "are forcing more people to serve time in a provincial jail or to wait on remand." More and more individuals are being incarcerated in overcrowded provincial jails, the majority of whom are simply waiting for their day in court — and all of whom are innocent until proven guilty. At the same time, however, the "tough on crime" strategy and budget cuts to Correctional Service Canada (CSC) have had a dramatic impact on the federal correctional system.

Federal Imprisonment

When you lock up more people for longer, it costs more money. And you can't *not* feed the prisoners — although they'd probably like to — or turn off the lights or not hire guards. So there's fixed costs, and that's sort of the incarceration side of things. The only place the money is soft is on the rehabilitation side.

One of the most obvious changes in the federal correctional system brought on by the "tough on crime" strategy has been a shift from rehabilitating to warehousing prisoners. As one worker described it, "With the different public policy changes and the changes in Federal Corrections what we've seen is there's been, you know, the orientation has really moved away from a rehabilitation model to an incarceration and a containment model." This shift in orientation has occurred at the same time as incarceration numbers are increasing — and budgets are being cut. One frontline worker remarked, "They put us behind the eight ball.

They've increased our populations then they cut the budgets. And when they cut the budgets, they cut a lot of programming."

The frontline workers we interviewed, however, emphasized the importance of offering meaningful programming within the prisons. As one worker commented, "Prison doesn't leave you the way it took you. You're either better or you're worse. You can be more hardened, you can have some new strategies for crime, or you can be really desirous of turning things around. And often programming within the prison helps that." The consequences of reduced or eliminated programming are significant. As another worker explained,

You've got to actually give people some tools to learn. So if I'm angry, what do I do with my anger now? How do I handle my anger so I don't hit someone when that's all I've ever seen in my life? How do I parent, you know, when I never learned how to parent? So those are all tools you have to give people. How do I change my opportunity for employment if I don't have a good education? So you need to give me that chance too, you know. I see it as all, how do I know if I'm going down the wrong path if you don't show me? So why don't you give me some tools so I know? As soon as you start taking away that programming, how are you going to give anybody those tools?... If you don't give anybody any more tools than when you let them in, you know what you now have? You have somebody that's more angry than when they went in. You just have a more pissed off criminal instead of any kind of reform.

One of the factors that has influenced the provision of programming is the restructuring and rationalization of the federal penitentiaries: "Most of the funding's moved over to infrastructure — we're building new prisons — than it has been to intervention." In that regard, three of the federal penitentiaries (Leclerc, Kingston, and the Ontario Regional Treatment

Centre) were closed and several penitentiaries were amalgamated (for instance, Joyceville and Pittsburgh are now Joyceville; Collins Bay and Frontenac are now Collins Bay; Fenbrook and Beaver Creek are now Beaver Creek). The amalgamation has meant that prisoner transfers are now likely to occur within an institution. "So for some people that means it's much easier to send [them] up in security because it's not technically a transfer, it's just a reassignment in the same institution." As well, in the government's effort to create 2,700 new cells to accommodate the increase in incarceration numbers, new units were added on to existing prisons, a change which has had implications for prisoner security classifications.

"Prison doesn't leave you the way it took you. You're either better or you're worse. You can be more hardened, you can have some new strategies for crime, or you can be really desirous of turning things around. And often programming within the prison helps that."

Each prisoner is assessed on admission to a penitentiary and assigned a security classification of maximum, medium, or minimum based on their probability to escape and risk to the public in the event of an escape, and their degree of supervision and control required within the prison (CSC Commissioner's Directive 705-7). Similarly, each federal institution has a security classification that determines its layout, operations, and the programs offered. For instance, movement, association, and privileges are most restrictive in maximum security institutions, and prisoners are cascaded down to medium and minimum security facilities in preparation for their eventual release into the community (CSC Commissioner's Directive 706). As of March 2014, approximately two-thirds (64 percent) of federal prisoners were classified as a medium security risk; 22 percent were classified as minimum security

and 14 percent as maximum security. Aboriginal prisoners are more likely to be classified as medium or maximum security than non-Aboriginal prisoners (85 percent versus 77 percent) (Public Safety Canada 2015: 55). Nevertheless, while the majority of prisoners are classified as medium security, they are being held under maximum security conditions. As one worker commented:

“Guys that are coming in for the two- or three-year sentences are coming in and they are not getting programmed. And they are not getting access to that because we have waitlists on programming for periods of time.”

When they closed Kingston Pen they said, “We’re not going to open new prisons,” but instead they created 227 units onto existing medium security prisons and, of course, the huge impact of that is that they just become max prisons.... They would never admit to that but suddenly they’re all maximum security. And so there’s a reduction in people’s movement and freedom and access to visits. It happened in Joyceville recently because they moved what had been an assessment unit into Joyceville and, yeah, that had a huge impact ... because anyone who’s in an assessment unit is considered maximum.

The restructuring has had an impact on access to programming:

The reality of the majority of the mediums is that they’re a higher level of security, and we don’t have the freedoms, which means we don’t have the ability for a bigger group to go and see that one programs person.... So it really has created a backlog in that area, and a lot less ability for us to actually get involved with inmates to try to assist and getting them to be a law abiding citizen when they leave.

As a result, waiting lists for programs have been getting longer, especially for federal prisoners

serving shorter sentences: “Guys that are coming in for the two- or three-year sentences are coming in and they are not getting programmed. And they are not getting access to that because we have waitlists on programming for periods of time.”

The nature of the programs offered within the prisons has also undergone a shift in orientation. CSC relies on several scales (for example, the Custody Rating Scale and the Statistical Inventory of Recidivism) to measure a prisoner’s level of need and risk of reoffending and, on that basis, determine the intensity of programming (low, moderate, or high) required. We were told, however, that the penitentiaries no longer offer low intensity programming; the focus is on moderate and high intensity programming. “We don’t provide low intensity programming so it’s hard for inmates to demonstrate how they’ve changed. We may say that they have to see a psychologist, but those resources are simply not available.” The elimination of low intensity programs makes it more difficult to support people for release: “Like, I may be able to say that they’re a lower risk of reoffending, but how do you demonstrate to the Parole Board that they’ve addressed their risk factors?”

Moreover, with pressures to implement cost efficiencies, CSC has moved to more in-house programming. Programming previously provided by community-based organizations such as Forensic Psychological Services (FPS) is now the responsibility of correctional program officers inside the prisons.

CSC has moved in-house and they’ve moved to more generic programs. So, in terms of the sex offender program as an example, one of the things they decided they’d do is they wanted to get rid of psychology from the program because of their difficulty retaining psychologists and not wanting to deal with outside contractors. So they said, “Well, let’s take out the parts of treatment that require that kind of skill level.

So we're not going to deal with their family of origin and developmental experiences because that's too much for our program officers, and we're not going to deal with their deviant sexual interests and arousal patterns, and so we'll just remove those from the program description." So it's like, well, so you're giving treatment, but you're taking out central components for meaningful intervention.

Frontline workers saw this shift to more in-house programming as having an impact on the effectiveness of the correctional system in the delivery of programs, especially for sex offenders:

Absolutely. I just don't think we're as effective. I can have a program officer that's, you know, gone through some training — but versus ... a professional who's been in the field for 20 years. I mean, there's a lot of knowledge that's been lost over the years. I just don't think it's effective.

You knew when a guy was really at risk and that you could send him back to jail because of public safety, right, that's paramount. But then they got rid of those services, and they offer sex offender treatment through psychology, so it's all internal now. And the psychologists don't specialize at all in sex offender treatment. And if an individual doesn't follow psychology because that type of person doesn't do well in psychological sessions or whatever, then they're referred to sex offender management or sex offender maintenance....

So when you're a parole officer and you're supervising these high risk individuals and you're dealing with these cutbacks that they've taken away the Forensic Psychological Services, and you're being given a program officer whose been trained for two weeks to offer these programs, it's really, it's not helpful.

In addition to changes in programming and program delivery, access to education within the prisons has been affected by the budget cuts:

They cut education from full-time positions inside and actual schools inside the prisons to a contract and the contract being cut so minimalistically that we don't have an operating prison school system anymore. A majority of it's gone to self-studies, which is "Here's your book, here's your grade two test, and I'll come back and pick that up in a week."

Frontline workers also talked about the impact of the cost-cutting measures announced by Public Safety Minister Vic Toews in 2012. One of those measures involved charging prisoners more for the use of phones, ostensibly to cover administrative costs:

"On the Public Safety website Vic Toews actually said it was because prison staff had to go through phone bills and figure out whose costs were whose, which is just like an outright lie."

On the Public Safety website Vic Toews actually said it was because prison staff had to go through phone bills and figure out whose costs were whose, which is just like an outright lie. And people are already paying for all their own phone calls. They're already paying for phone cards.... Like, phone cards are such a big thing and being able to send money out to families, and just it reduced so much people's ability to do that and, you know, some people completely lost contact with their families for extended periods of time, and especially people that have to call internationally or, you know, don't have support locally.

Another cost cutting measure involved reducing the amount of pay received for prison work. In addition to eliminating incentive pay for prisoners working in CORCAN facilities, as of 2013/14 all prisoners at levels 3 to 6 in the pay scale were required to contribute 30 percent of their stipend (ranging from \$1.58 to \$2.08 per day) towards room and board (Fitzpatrick 2012). Front-

line workers noted that pay levels are also now being tied to prisoners' correctional plans and their accountability for their crimes:

So what they've actually done now is they've tied pay to how well you're performing in your correctional plan, as opposed to your work performance. So it's no longer your work supervisor who just makes a recommendation, it's also your parole officer looking at how accountable you are for your crime, and that's part of how much you get paid.

As part of its cost cutting measures, CSC closed full kitchens in the prisons and implemented a "cook-chill food preservation system." Designed to save \$6.3 million over a two-year period, the new cooking system involves trucking in frozen meals and reheating them in prep kitchens on-site (Clancy 2015). The new system has raised concerns about the quality of the food provided to prisoners — and their limited options. As one frontline worker points out, "People are often encouraged to supplement their diet with canteen. Like, if they don't like what's on the menu, go buy it off canteen. If they don't like this, they can go buy it off canteen. It's like, well, with what money? Like, you just cut our pay."

"It just seems like these are very intentional decisions that will lead only to violence and, you know, just create such a level of unrest and frustration that it's going to explode."

As one worker described it, the budget cuts have meant that, "Everything has become dollars and cents and mostly pennies at this point." A second worker commented that, "The effect of all these things is to make people very discouraged." According to a third worker, the changes are likely to increase the level of unrest within the prisons:

It just seems like these are very intentional decisions that will lead only to violence and,

you know, just create such a level of unrest and frustration that it's going to explode. And then in that explosion I would imagine that they can then say, "See, like, these are really dangerous people and this is why we have to keep them inside." And I really do feel like it's intentional.

One of the frontline workers reflected on what the Harper government changes have meant for Canada's international reputation in the field of corrections: "It's sad because we've gone from a leader in the world ... [in terms of] our contribution in this area. And now, I mean, it's an embarrassment is what it is. I mean, we're archaic in how we do our work in the federal level."

Conditional Release

If people aren't getting parole in a timely fashion, they're staying in longer for no good reason. If they were eligible for parole and would be a good candidate for parole, they should be in the community. Frankly, the longer they stay incarcerated would probably increase the likelihood that they're going to recidivate.

Under the *Corrections and Conditional Release Act*, the release of a prisoner from federal custody can take a number of forms. Prisoners are eligible to apply for a temporary absence — either escorted (ETA) or unescorted (UTA) — in order to receive medical treatment, have contact with family members, undergo counselling, or participate in community work projects. ETAs can be granted anytime throughout a sentence while UTAs vary depending upon the length and type of sentence and security classification of the prisoner (maximum security prisoners are not eligible for UTAs). Prisoners are also eligible to apply for day parole to assist in their gradual release into the community. In most cases, they are required to return nightly to prison or a halfway house. Eligibility for day parole varies according to the sentence; for example, those serving

sentences of two to three years are eligible to apply for day parole after serving six months of their sentence, while those serving three years or more are eligible to apply six months prior to their full parole eligibility date (Parole Board of Canada n.d.).

Previous to March 2011, when the Harper government eliminated Accelerated Parole Reviews, non-violent, first-time offenders were eligible for full parole after serving one-sixth of their sentence in custody. As a result of this amendment, these prisoners may now apply for full parole only later in their sentence. Conditional release (or parole) means that the offender is supervised in the community by a parole officer, often with special conditions (such as abstaining from the use of drugs or alcohol or residing in a halfway house). All offenders must be considered for some form of conditional release after serving one-third of their sentence in custody. CSC assesses whether the prisoner would be a good candidate for parole — including a consideration of their risk to reoffend and whether that risk can be managed in the community — and makes a recommendation to the Parole Board of Canada, which determines whether parole will be granted and establishes the conditions. If a prisoner is denied parole, there is a waiting period for a subsequent eligibility hearing. In March 2012, the Harper government extended the waiting period from 6 months to 12 months (Office of the Auditor General of Canada 2015: 2).

If not otherwise released on parole, all prisoners (excluding those serving a life or indeterminate sentence) will be released from custody to serve the last third of their sentence in the community, known as statutory release. The decision is not made by the Parole Board, although individuals on statutory release are required to follow standard conditions that include re-

porting to a parole officer, remaining in a geographical area, and obeying the law and keeping the peace for the remainder of their sentence. In exceptional circumstances, individuals who pose a threat of serious harm and violence may be held in custody until their sentence ends at the warrant expiry date, at which time they are no longer under the supervision of CSC or the Parole Board (Office of the Auditor General of Canada 2015: 1-2; Parole Board of Canada n.d.).

“It’s sad because we’ve gone from a leader in the world ... [in terms of] our contribution in this area. And now, I mean, it’s an embarrassment is what it is. I mean, we’re archaic in how we do our work in the federal level.”

One of the trends apparent in the official statistics is that more federal prisoners are now being held in custody for longer periods. While 68 percent of prisoners were released from federal institutions at statutory release (two-thirds of their sentence) in 2003/04, this number increased to 73 percent in 2013/14. This trend is more pronounced for Aboriginal prisoners, who are more likely to be released on statutory release or warrant expiry, not parole (OCI 2013: 30). In 2013/14, for instance, 85 percent of Aboriginal prisoners were released at their statutory release dates (Public Safety Canada 2015: 79). Over the same ten-year period, day parole releases decreased from 29 percent to 25 percent and full parole releases decreased from 3 percent to 2 percent (p. 81). The number of people granted provincial parole has decreased as well.³ Between 2002/03 and 2011/12, the number of offenders on provincial parole decreased 35 percent, from 1,209 in 2002/03 to 790 in 2011/12 (p. 77).

Notably, those prisoners who are released on parole have high rates of success. In 2013/14,

³ The Parole Board of Canada is responsible for granting parole to federal inmates and to provincial inmates in the provinces and territories except Ontario and Quebec, which have their own parole boards (Parole Board of Canada 2011).

for example, of the 966 people on full parole, 85 percent were successfully completed, meaning that the person was not returned to prison for breaching conditions or a new offence. By contrast, in that same year, of the 6,140 people on statutory release, 62 percent were successfully completed. Although, in both cases revocations were most likely to occur for Breach of Conditions and not for committing a new offence; 79 percent (114) of revoked paroles and 77.5 percent (1,800) of revoked statutory releases involved breaches and very few (2 percent and 3 percent, respectively) were revoked for a violent offence (Public Safety Canada 2015: 96 and 98).

“They’ve just brought in the discretion of the prison and the Parole Board in a way that makes it much more difficult to get out.”

The reduction in parole releases, according to the frontline workers we interviewed, is due to the Parole Board becoming more litigious and judgemental. In their view, the government’s focus on “offender accountability” has filtered into the parole hearings: “It is easily three-quarters of the weight that they place on things, easily.... Changes in legislation have driven that.... Now they’re basically retrying the case almost. They’re saying, ‘Oh, we want court records,’ and things that are not readily available and, in many cases, are non-existent. And so it really can make a big difference.” Another worker explained the changes in how accountability is considered and measured:

Accountability didn’t used to be part of your correctional plan at all. They would have things like, you know, level of motivation, institutional adjustment, you know, like, people’s security ratings — all these things would be used. But then they just introduced this idea of accountability. And my experience has been that, for them, accountability is not just

saying, “Yes, I did this thing I’m in prison for.” Accountability is completely agreeing with the Crown’s case, with what your case management team says about you, and it’s fitting into that narrative. And if you don’t fit into that narrative, they say you’re not accountable. So if you say, “Yes, I was responsible for the death of that person, but I completely disagree with a lot of the facts that the Crown and the police brought forward,” then you’re not accountable.

A key issue raised with regard to the focus on accountability during parole hearings is that “your sentence is supposed to be the punishment.” As this worker explained,

If the prison staff or the Parole Board is allowed to make decisions — so they’ll say, they’ll use the severity of the crime to decide whether someone should be able to apply for parole, where someone is in their correctional plan. But that actually shouldn’t be their role. Like, they’ve already been sentenced. That should be the end of it. And then it should just be, “Well, you do these programs that you’ve been asked to do, and you follow your correctional plan.” The end. And then you should get parole. So they’ve just brought in the discretion of the prison and the Parole Board in a way that makes it much more difficult to get out.

Other workers noted that the composition of the Parole Board has changed under the Harper government — most are Harper appointees and currently no Aboriginal members serve on the board. One worker commented:

They fight so that they don’t have to go to the *Okimaw Ohci* Healing Lodge to do Parole Board hearings. And when they did do Parole Board hearings at *Okimaw Ohci*, we looked at the cases that were being supported for day parole, and they were all being denied because you had maybe a male, white, Parole Board member go to the hearings and not even ask anything

about the cultural healing or learnings that that person, you know, developed or grew or learnt or whatever. Very adversarial way of conducting hearings.

In addition, workers remarked that the decision-making process of the Parole Board has been eroded. Hearings are now often done through paper decisions and videoconferencing as opposed to an in-person hearing.

When offenders were suspended and they would have an opportunity to have a hearing if you were recommending that their release be revoked, I think some of that has been removed. I think they do paper decisions on that now. And they're also doing, like, you know, they've cut back on travel, so a lot of stuff is done through videoconference. It's not the same. Like, those Parole Board hearings, like, you felt the weight of them, those decisions that were being made. And, you know, a lot of times that was a really important event for an inmate or an offender to experience was the power of the parole hearing. And that's been really watered down through videoconferencing. It's not the same. I don't think that's fair to victims either because I think it's important for victims to see, experience that 'cause they're quite powerful.

A significant reason as to why prisoners are not getting released earlier is that they are not being recommended for parole by Correctional Service Canada. In April 2015, Auditor General Michael Ferguson released an audit based on data for non-Aboriginal male prisoners (Office of the Auditor General Canada 2015). The audit revealed that CSC officials made fewer recommendations for early release to the Parole Board in 2013/14 than it did in 2011/12, and that "only a small portion of offenders (20 percent) had their cases prepared for a parole hearing by the time they were first eligible" (p. 5). The majority (54 percent) were released at their

statutory release date rather than on parole at an earlier point in their sentence — and most of those entered the community directly from medium- and maximum-security institutions, as opposed to being cascaded down to a minimum security level, thus "limiting their ability to benefit from gradual and supervised release that supports safe reintegration" (p. 6). This was the case even for prisoners who had been assessed as a low risk to re-offend. According to the audit, low-risk offenders accounted for half (49 percent) of those staying in custody longer (p. 6). The Auditor General noted that CSC data consistently show that low-risk offenders who serve longer portions of their sentence in the community have more positive reintegration results; "As such, the supervised release of offenders who have demonstrated responsibility to change contributes to public safety and the successful reintegration of offenders into the community" (p. 3).

Although the crime rate in Canada has decreased and new admissions to federal custody have not increased, the total federal male population has grown "largely due to offenders now serving longer portions of their sentences in custody."

The Auditor General also pointed to the significant costs associated with keeping people in prison longer than is necessary: "It is three times more costly to hold an offender in custody than to supervise him in the community" (p. 3). Although the crime rate in Canada has decreased and new admissions to federal custody have not increased, the total federal male population has grown "largely due to offenders now serving longer portions of their sentences in custody. Since March 2011 CSC costs of custody have increased by \$91 million because of increased numbers of offenders in custody" (pp. 5–6).

Part of the difficulty identified by the Auditor General was that 65 percent of prisoners in 2013/14 did not complete their programs before

they were eligible for release (p. 8). The frontline workers we interviewed were alive to this issue:

There are a lot of people that are just staying to statutory release ... because it's just too darn hard to get parole because they can't take the programs they need in a timely fashion in order to go in front of a Parole Board and be released. And they can't get the programs because the government is taking the money.

Workers also noted that in addition to access to programming, temporary absences are more difficult to get:

They're making it so much more difficult to get escorted temporary absences, unescorted temporary absences, or work releases, which are all considered requirements of a corrections plan. So if you can't get those things, they're not going to cascade you down to minimum security from medium. And so basically everyone is stuck. Like, people are just stuck in mediums. Like, people are not moving through.

"Most people that are in jail are going to be our neighbours, you know. They're going to be out there somewhere, right. You know, because there's not very many people in our Canadian system that don't get out."

Indeed, while the overall number of federal prisoners increased by 14 percent between 2004/05 and 2014/15 (OCI 2015: 2), the number of federal prisoners issued ETAs only went from 2,502 in 2004/05 to 2,711 in 2013/14 (an 8 percent increase). The number of prisoners issued UTAs declined from 519 to 446 and the number of work releases declined from 333 to 318 during that same period (Public Safety Canada 2015: 102). The restructuring of the federal prisons (such that medium security institutions are effectively being considered as maximum security facilities) may explain some of that decline, since maximum security prisoners are not eli-

gible for UTAs. Also significant, however, is the lack of resources to support people on temporary absences. Lifeline was one organization, for instance, that provided support to prisoners serving life sentences. This award-winning program provided a bridge to the community for the lifers, as one worker described it, by "taking the guys out on various conditional releases, particularly UTAs or driving them on UTAs, taking them on day parole, which the guys really value ... because it's a huge psychological transition." Due to the Harper government's funding cuts, Lifeline is no longer able to provide that support (CBC News 2012).

Community Reintegration

Most people that are in jail are going to be our neighbours, you know. They're going to be out there somewhere, right. You know, because there's not very many people in our Canadian system that don't get out.

A key component of the correctional system's mandate is to assist in the reintegration of prisoners back into the community (CSC 2010). In that regard, frontline workers emphasized that for reintegration to be successful, transitional supports are "absolutely essential," especially given that many of the people they work with are in and out of prison over time and become institutionalized: "They have really low self-confidence, they feel very co-dependent, like, they can't achieve much on their own. Some are terrified by the prospect of getting out." Another worker commented that without supports on release, "it's back to poverty and homelessness."

One worker elaborated on the challenges that prisoners encounter on their release:

When people just suddenly finish incarceration and are expected to land back on their feet in society. I mean, it's such a sudden, abrupt change. It's just like a complete shock. In many instances, these people have lost their housing.

In fact, unless it was a very short stay, they've almost always lost their housing. And going along with that, they've often lost all of their possessions, too. Like, they can't pay their rent so the landlord after a certain amount of time has the right to just clear out all their belongings, throw it out. Very often they've lost all their, basically, their social network. So they're released from prison. They have no possessions, no job, no housing. Basically their option is just to stay on the street and, I mean, before, you know it, they're back with the people that they used to hang out with, doing the things that ended them up in prison in the first place. So it turns into what's called like a "revolving door situation." You're released from prison and you're basically in a worse situation than you were when you arrived in prison. So, I mean, it's just a never-ending cycle, basically.

Workers also emphasized the advantages to the community of releasing people earlier on parole as opposed to waiting for their statutory release dates:

If somebody is released on parole, there's more support and supervision than if they just go out on statutory release.... There are certain advantages for the community that are being lost because guys aren't getting parole in a timely way. And it's not about worry about, "Oh these poor guys." It's about saying, you know, "I think they should come out and get the full range of supports."

Another worker put it this way:

As an ordinary citizen wouldn't you want a guy that's been in there and some violent crimes or mugging and that, and he's started to turn things around — would you prefer to have him somewhere roaming the streets or would you prefer him at a halfway house where he at least has a schedule? He will be sent back if he doesn't make it, but he has to be in at 11 at night and, you know, that someone's checking that, and

they're also giving him a regular urinalysis so if he's back on drugs that will be spotted.

A third worker concurred with this viewpoint, saying that if prisoners are released closer to the end of their sentence, "they're basically completely out of the hands of the criminal justice system, which I actually think isn't a good thing. I think it's better to sort of gradually get back into society. There should be multiple steps along the way." As a fourth worker commented, when prisoners are released later in their sentence, "instead of having a halfway house for temporary shelter and time to try to get a job or whatever, they sometimes leave the prison with no money and no place to stay."

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Frontline workers also commented on the lack of resources in the community to assist with reintegration:

No one knows where they're going, when they're being released because increasingly people are getting a residency requirement, which means they have to go to either a halfway house or potentially a community correctional centre depending on their specific situation, and the halfway houses are like completely full.... Some people are getting day parole and they still have to stay at the institution and do their day parole from the institution because there's nowhere for them to go or the place that they're supposed to go doesn't have room.

As a result of the pressure on reintegration resources in the community, one person this worker is working with "doesn't know which community he's going to and neither does his parole officer. She has no idea which community he's going to

go to, and he's going to be released next week. So it's very stressful for people." The lack of community resources has also put more pressure on the non-profit sector to fill the gap. As another worker commented, "From what I'm hearing from my

co-workers and whatnot, waiting lists for services are getting much lengthier. It's becoming much more difficult to access them.... So I think we're having to, in the non-profit sector, kind of fill that void where services used to be more and more."

The Impact On Prisoners

With the changes to legislation and the operational changes in Corrections — [which is] where the rubber hits the road — that made it much, much more difficult to just do time, to settle in and do time. They keep thinking they won't be able to take anything else away, and they keep finding things to take away.

According to frontline workers, the “tough on crime” strategy and concomitant budget cuts have had a dramatic impact on those who are doing time in Canada. One of the workers commented on the impact of the lack of activities — programming, schooling, work — for prisoners to do: “That’s going to create a very anxious person for the most part, and really fidgety and really, just, you know, lock a person anywhere and they’re just, they just want to explode when they get out.” According to another worker, the Harper changes have bred resentment on the part of prisoners: “They’re angry with the system. What might have at an earlier point been, you know, a realistic and a healthy acknowledgement of the inappropriateness of what they’ve done, you know, that gets erased by a system where they don’t think they’re being treated fairly.” The changes have also produced a lot of uncertainty: “There

was a time when you could tell, if they were doing well in all the rest, that the likelihood would be that they’d be granted parole. So we live constantly, and so do they, that no matter how hard they try, there is a great level of uncertainty. It’s not a sure thing that if they do their best they will get granted parole.”

“With the changes to legislation and the operational changes in Corrections — [which is] where the rubber hits the road — that made it much, much more difficult to just do time, to settle in and do time.”

Workers also commented on the impact of making changes to the rules (such as parole eligibility): “Inmates sit there and they have, sort of, a hope. They’ve got this understanding of how we operate now, and then you go and you take the credibility out of it, and you just sort of throw it off to the side. Well, the inmates throw it off to the side, too. So they don’t believe in that shit anymore.... So it becomes more of a ‘give up’ attitude. ‘I’m going to do my time, and screw you.’” As a result, frontline workers have noted a change in the attitude of prisoners: “It’s a very different

mentality. That guy's going to come away with his first day in prison is not a 'Okay, maybe I should think about this or change or here's the options or —' Now it's, 'Holy shit, I got to survive.' And that's his game now."

Lifers — those individuals serving a life sentence — have been especially targeted by the Harper government's "tough on crime" strategy. In March 2014, 4,709 people were serving a life sentence, representing 20 percent of the total population of federal prisoners; 64 percent were in custody and 36 percent were in the community under supervision (Public Safety Canada 2015: 60). Once released from custody, lifers are on parole for the remainder of their lives.

"The very real risk is that the prisons themselves are going to get far more dangerous, and it's going to be a much more difficult and dangerous work environment for correctional officers and police, let's not forget."

Lifers play an important role within the prison. Given that they are sentenced to long periods of confinement, prison becomes their home. As such, they have a stake in ensuring that the climate in the prison is calm. As one worker explained,

As long as they have hope, as long as they think they're on the path to parole and they're going to get out, they are a calming influence. They're there for 10 years or 15 years. They're going to someone and saying, "Hey, settle down," you know, and "Don't shit in my nest. Like, you may be gone but I'm going to be here for the next five years."... They don't have the lifers segregated because they want the lifers to be there as that calming influence.

In March 2013, however, the government repealed the Faint Hope Clause of the *Corrections and Conditional Release Act*, which eliminated the possibility of being considered for an early parole (at 15 years) for prisoners serving a life sentence for murder. According to the frontline

workers, this move has had "an emotional impact on a lot of guys." It also has the potential for making Canadian prisons much more unsafe and violent places in which to live and work. As one of the workers noted,

The very real risk is that the prisons themselves are going to get far more dangerous, and it's going to be a much more difficult and dangerous work environment for correctional officers and police, let's not forget. And a much more dangerous living environment for the inmates, who are not sent to jail to be killed, murdered, or raped. That's not part of the deal. They've given up their liberty, but the government has an obligation to keep them safe. And if somebody thinks that they're never going to get out, then they've just taken away any kind of incentive to behave at all. And that's scary, frankly, and stupid.

One frontline worker relayed the experience of a lifer that s/he had worked with. The lifer had entered the prison in his early twenties and by his mid-thirties "he was moving forward." One of his responsibilities involved painting murals. "They had a project for him to do areas in the prison, and he would do these murals in the prison, and everybody was — it was very good, it would bring the area up. They wouldn't, nobody would put like graffiti over it, so if you found a heavily graffiti area, 'Here's the paint, here's your job, go ahead, man, do whatever you want on the wall.' So that's what he did, and he really enjoyed it, and it was soothing for him. It was almost therapeutic for him." But then,

The cuts come in. The ability to get out of your cell drops, and his programs person was cut. So at that point, the individual goes from a prison that he's known all his life, and ... starts to get aggressive, starts to become assaultive with some of the younger inmates, and moves from an inmate on a very positive path with that support, with the, you know, the

counselling here and there and with that the job and something to do, and he was proud of it. Take that completely away by funding cuts, and you've just taken one of our success stories and you've thrown it right in the gutter. And the guy really took a turn, and now he's just another hard-core inmate. And it's unfortunate to see that.... They shipped him to maximum security. You've gone from a person who, we were looking at moving him to minimum security and having a murderer in minimum security, which does happen all the time, but it changed it completely. Completely.

The impact of the Harper government's "tough on crime" strategy and budget cuts has also extended to the families of prisoners, who end up "doing time" along with them. One worker remarked,

There's no income for the family. I know of one guy who got into, just one time, selling drugs

in prison because his partner, the mother of four of his children, had crashed the little used vehicle she used to drive out to see him. And the pressure of her not being able to get the kids

"I think the minute you take an adult who is a parent or a legal guardian out for an extended period of time, you place the family and the children at risk. End of story."

anywhere or whatever and to not come and see him at all was — it wasn't, if you wish, a reason, I mean, a good reason, but it was a cause.

Another worker also commented on the impact on prisoners' families: "I think the minute you take an adult who is a parent or a legal guardian out for an extended period of time, you place the family and the children at risk. End of story."

The Impact On Frontline Workers

These guys' living conditions are our working conditions. You're making our jobs more difficult and dangerous.

Just as the changes have had a dramatic impact on those doing time, they have also affected those working on the frontlines in the correctional system. As one community worker commented, "I give credit to a lot of people working in great difficulty in prison because they're working in a very negative climate." Another community worker remarked on the enormity of the challenges confronting prison staff: "Program people that are working in prison with addictions, anger management, things like that, how do you help them to manage anger when everything around them makes them more angry?"

"These guys' living conditions are our working conditions. You're making our jobs more difficult and dangerous."

Because of the increases in the incarcerated population, some 20 percent of prisoners in the federal system are now double bunked, confined in cells originally designed for one person (OCI 2013: 1). Long-term double bunking goes against

the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, which states,

Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room. (United Nations Office on Drugs and Crime Prevention 2006: 5)

As one worker pointed out, double bunking has serious implications for both staff and prisoner safety:

When you open the door on one person, it's very easy to control one person, or they don't have another person to wind them up. And when we open the door with two people in there, we don't know what we're getting into. Is this one trying to just wind the other one up, or is this a game or not a game? We've had an inmate that was in custody that flat out told us at the beginning, "Don't double bunk me. I will kill my partner." And he did. And it's things like that where we can't control how this is all going to play out.

With the increasing number of prisoners — and the budget cuts — the ability for Correctional Officers to implement dynamic security in the prison has been hampered:

The dynamic security is the interaction, and that's one of the most valuable parts of security, actually, is that interaction. Without the interaction, without having that ability, I don't know what's going on around me or what's going on with the inmates. So I have to have relationships to understand what's going on and to be involved in their social sort of environment that they've created. We have a lot less of that now. We've had our security intelligence department cut, so as all these numbers come in and as the gangs come in and the more violence comes in, our security intelligence has been cut. So we don't have that same access to the information.

Other workers noted that their caseloads have increased as a result of the budget cuts. Previously a parole officer would have a caseload of 18 to 20 inmates at a minimum security facility such as Rockwood Institution. "And that was manageable. Like, 18 to 20 was good. You could focus on reintegration." The caseload numbers are now around 28; "So that means not as many people are going to get TAs [temporary absences]."

Budget cuts have also had an impact on the management teams within the prisons. One worker talked about a memo from the Prime Minister's Office that was read out to all of the correctional staff: "\$355 million in cuts that nobody knew was coming. So when the budget came down, and they did that, that was a huge change in Corrections for everybody. It demoralized all of the management teams because they just got shredded in this thing.... And when you have a stressed out management team, that results in even more stress being placed on the frontline workers."

The increasing stress has taken its toll on the mental health of correctional officers. Yet, officers are finding that there are less resources available because "in this whole wonderful game of cuts they've cut the employee assistance program." We were told that the program used to be contracted out to a community organization, but now Health Canada does it and far fewer counsellors are available for correctional officers to access.

"I give credit to a lot of people working in great difficulty in prison because they're working in a very negative climate."

For those working inside the prisons, therefore, "the burnout is tremendous," and "the turnover has increased as the support decreases." Similarly, frontline workers in the community are asking for transfers because of the lack of safety in doing their jobs. For instance, all of the clients on Long Term Supervision Orders in Winnipeg used to be supervised by Forensic Psychological Services (FPS). With the elimination of the contract with FPS due to the budget cuts, parole officers working with sex offenders are finding that they do not have the same level of support and information. As one worker commented, "The level of service to that high risk, high need population has really dramatically changed." Another worker noted, "Staff safety is huge, and when you have all those sex offenders and you have no, really no supports ... it makes it really difficult to supervise them and to get them to become pro-social, law abiding, when you don't have any supports in place." The worker noted that, thankfully, something serious involving a sex offender being supervised in the community has not yet happened — "and when it does, you know, they'll blame the parole officer."

Assessing the “Tough On Crime” Strategy

In prison there are people that I’m glad are in prison. I think I’m safer because they’re in prison, right. That’s true. But they are a minority.... And if we can change them through programming, give them support as they get out, we are all going to be safer.

The stated purpose of the Canadian correctional system is “to contribute to the maintenance of a just, peaceful and safe society by (a) carrying

“It’s counterproductive and it’s not at all about public safety and it’s not at all about public wellness.”

out sentences imposed by courts through the safe and humane custody and supervision of offenders; and (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community” (CSC 2010). Frontline workers were of the view that the “tough on crime” strategy has worked against the mandate of the correctional system — and for a number of reasons.

One problem identified with the “tough on crime” strategy is that it’s a “one-size-fits-all” approach, which means,

So we’re going to take the most dangerous offenders, and we’re going to create our policy around this group of people, and that’s the public policy, and that’s the legislation we’re going to orient towards putting into place. The problem is those dangerous people, I mean, if they’re 5 percent of that offender population, that’s who you’re orienting to. So everybody else is then swept up in that same legislation.

Another problem is the lack of sophistication of the strategy in dealing with such complicated issues:

It’s counterproductive and it’s not at all about public safety and it’s not at all about public wellness. And these are complicated issues. And to look at it with such a lack of sophistication, you know, that we need to “get tough on crime” and that’s going to make things better is just so misinformed.

Frontline workers were firm in their position that criminal justice policies should be supported by empirical evidence:

What we're doing is backwards. And it also, just from a political perspective, it's not an easy area to challenge, right, because then, you know, you get people like Vic Toews coming out saying, "Well, are you a pedophile lover?" Well, it's not about being a pedophile lover. It's about what we do know about corrections, and what do we know about crime, and what do we know about what helps people desist, and what do we know about what escalates risk, and what do we know about what community safety measures are actually effective?

Instead, they consider the "tough on crime" strategy to be based on ideology — and not on the evidence of what works:

It should be results based, not just ideology based.... It should be something that's cost-effective. And we know that taking the service-oriented route, providing services to offenders, is more cost-effective. We know that recidivism rates drop drastically when there are transitional supports in place, which makes the community safer.

Many of the changes implemented by the correctional system, such as moving to more in-house programming, have been prompted by the budget cuts and the pressures to become more fiscally efficient. According to frontline workers, however,

In reality, it's not [fiscally efficient].... It doesn't cost them more to contract. They lose an enormous amount of value added stuff from what you're talking about — the consultation to their staff, the professional staff development that they get, all these add-on services that I think help make these cases successful. So, you go back and say, "Why would anyone make that decision?" Because it doesn't make sense fiscally, really, and it doesn't make sense in terms of pragmatics of what we know about effective correctional programming. So it's about, you know, something else.

That "something else," according to frontline workers, is the fact that "a lot of change in public policy and legislation is really oriented about political gain and has nothing to do with public safety or community risk management." As this worker explains,

It's about making people afraid of the boogeyman, of that horrible person who could do something terrible. And so we have to do all these things. We have to have more prisons, we have to have tougher sentences, we have to have community notification, we have to have more restrictions, we have to get rid of statutory release, we have to send all lifers to a maximum security institution as soon as they come in.... When you start looking at all of these things from an empirical perspective, there's very little evidence that any of those things have anything to do with risk management. And, in fact, a lot of those things actually destabilize the risk management process.

"We know that recidivism rates drop drastically when there are transitional supports in place, which makes the community safer."

While the overriding rhetoric of the Harper government's "tough on crime" strategy is to "make communities safer," frontline workers believe that the strategy has the *opposite* effect. Several workers commented on how the strategy has set the community up for danger:

Certainly I feel less safe with the idea of someone coming straight out of prison who's done their entire sentence inside is coming right from the institution and dropped off at the bus stop or whatever. Like, that's terrifying to me. Like, I'm afraid of that guy, like, it's not his fault that he's in that situation but, yeah, I think it's putting people in very precarious, very stressful situations and it's not preparing them for life on the outside. And people are squeezed, so I don't really know what we expect them to do. Like, what do we expect is going to happen to these folks?

If you pick up anybody — a gang member, a criminal, or any kind — you pick up somebody who's into crime for whatever reason, often it is their own backgrounds, addiction and poverty. It's not just because they're bad people. We know that. They go to prison. If you keep them there longer and don't build as much programming in, and they know that and there's fewer chances to go out on passes or connect with some sort of support groups, they're eventually going to be released. Like, the lifers are in a very small

“They're vocal about all the things they're doing to make the community safer, yet their policies actually create more harm and more danger to kids and communities that they say they're so committed to protecting.”

minority. The others will be released whether it's in four years or six years or eight years. My thought, from being in the system and also living in the inner city, is that if they're there longer and there's a sense of less available, perhaps more longer punishment, and the attitude of, “Yeah. They need to be punished” — which they admit to, I mean, they accept that — but the longer they're in prison the more hardened, the more they have to survive and the more that they figure out. They don't come out so that we're safer.

We've got a system where we're saying how concerned we are with public safety, but we're

going to get rid of statutory release, we're going to reduce the number of day paroles, we're going to — I mean, full parole is unheard of. But we're going to dump people out — the most dangerous people — at the opportunity when we don't have to have anything to do with them anymore. We wash our hands of them and it's not our problem. That's not community safety. That's setting the community up for danger. And that's what our government is doing is, you know, they're vocal about all the things they're doing to make the community safer, yet their policies actually create more harm and more danger to kids and communities that they say they're so committed to protecting.

A key problem with the Harper government's “tough on crime” agenda, according to frontline workers, is that “it's appealing to the emotions rather than knowledge of what actually works.” As one worker surmised,

At the end of the day, it really can't be explained by anything other than ideology. And really it's just speaking to a very visceral level. I mean, with other areas of governmental policy, you would never tolerate something that's just not practical, something that doesn't work, that costs so much more money. But it tends to resonate with people who don't necessarily, who aren't necessarily seeing the research that's being done, who aren't aware of, I mean, how much we know, what actually works.

Challenging the Legacy of the “Tough on Crime” Strategy

At this point, there are no excuses. Like, we know what works. We know what works best for the clients, the people in the criminal justice system, is also what makes the community safer. It's also what is most cost-effective. And that's getting away from “tough on crime” legislation, mandatory minimums. We know it's counterproductive. We know transitional supports are so much more effective, so much more cost-effective. I mean, at this point, there's just no excuse for bad policy.

The question of how to challenge or resist the changes brought about by the Harper government's “tough on crime” strategy was an urgent one for many frontline workers. Drawing on their wealth of knowledge and experience about what works in order to tackle crime, frontline workers offered a number of recommendations for countering the negative legacy that the Harper government's strategy has created.

One strategy involves opposing the “tough on crime” discourse that demonizes people who have been convicted of a criminal offence. Approximately 3.8 million Canadians have a criminal record, which represents about 14 percent of the adult Canadian population (Public Safety Canada 2015: 111;

Statistics Canada 2015). Rather than vilifying and ostracizing those individuals, a more reasonable strategy would be to make them feel that they are part of a community. As one worker put it,

“At this point, there are no excuses. Like, we know what works. We know what works best for the clients, the people in the criminal justice system, is also what makes the community safer. It's also what is most cost-effective.”

We're all human, including those of us that might have broken a law at one point or another — and there's quite a lot of us in Canada. And we want people to see themselves as still part of the community because then, let's face it, they're much less likely to re-offend if they feel that they are part of the community and have an obligation. But if we ostracize them, if we push them away, it we keep calling someone a dirty, lousy criminal — duh!

Community-based organizations and support groups have a central role to play in that effort. As one worker explained, “a big part of our work is to help our clients see and feel like they are still part of the community. Even though they

went to jail, that doesn't mean that they stopped being a father or a mother, a parent, a brother, a cousin, a grandfather."

Frontline workers also maintain that community engagement is needed to counter the misinformation being propagated by the "tough on crime" discourse. "It's become a situation where you've got to get community as a whole vocal and active.... The emphasis needs to be on public engagement, public education, and promulgating that kind of information." Social media provide one avenue for disseminating more accurate information, especially since "the things that are going on inside [the prisons] are mostly invisible to people unless they're directly impacted or they directly do this work."

"The emphasis needs to be on public engagement, public education, and promulgating that kind of information."

Also important for frontline workers was the need to support those on the inside. "Even if it's something as simple as showing some kind of support, well, that can have a big impact, too." Community-based organizations are also endeavouring to "double our efforts" to provide supports as prisoners are being released, although their work has become more difficult as funding continues to be drastically restricted. As one worker remarked, "It would be nice if all of the money and resources that we're spending on building new institutions and enhancing security and all those things could be spent on supports and rehabilitation. That would be really huge."

Supporting prisoners to navigate the system, while also trying to make the system more accessible and equitable, would also make a difference. One worker suggested that plain language versions of legal materials would assist inmates in advocating for themselves with more knowledge. Another suggested that the five core values of the Correctional Service — respect, fairness, professionalism, inclusiveness, and accountabil-

ity — could be used as a lever to hold the correctional system to account.

Using law and legal challenges is another strategy identified by frontline workers. Correctional officers have been successful in resisting some of the changes by drawing on the Canada Labour Code. As one worker noted, "that's what has saved us from moving beyond double-bunking." Officers have also been able to draw on the code to ensure they have the equipment (such as stab-proof vests) to enhance their safety on the job. Prisoners have also turned to law to resist the Harper government's "tough on crime" agenda. In April 2014, a group of Manitoba prisoners filed a lawsuit that challenges the elimination of Accelerated Parole Review for non-violent, first-time offenders (Turner 2014). In August 2014, a group of Ontario prisoners launched a lawsuit against the CSC to challenge the cuts in pay they receive for prison work (Brosnahan 2014).

Also noteworthy, the courts have declared elements of the "tough on crime" strategy to be unconstitutional. In April 2014, the Supreme Court, in a unanimous decision, ruled that the credit given for time served in pre-trial custody should normally be 1.5-to-1 — and not the 1-to-1 that was imposed in the *Truth in Sentencing Act* (Fine 2014). In April 2015, the Court struck down the mandatory minimum sentences of three years for illegal gun possession and five years for possession by people with repeat weapons offences, saying that they amount to cruel and unusual punishment (Fine 2015). Lower court judges have been declaring other mandatory minimum sentences to be unconstitutional. In January 2014, a B.C. judge ruled mandatory minimum sentences for repeat drug offenders violate their *Charter* rights (Meuse 2014).

One of the problems with legal challenges identified by frontline workers, however, is that it "takes forever. It's a huge problem. And even if you do have the money, you know, often these things can take ten or eleven years just to work

their way through the system in the lower courts. It took 18 years with voting.” As one worker pointed out, relying on strategies that take a long time is troublesome because “people are suffering now.”

The “tough on crime” strategy was imported into Canada from the United States. As the Harper government was increasingly embracing the strategy, however, the United States was moving away from what has proven to be a failed project. As Howard Sapers notes, “The hard learned lesson from the U.S. experience is that you cannot incarcerate your way to greater public safety. In fact, one-third of U.S. states are in the process of closing prison cells and two-thirds are enacting serious sentencing reforms reducing sentence length and time served prior to release” (Fine 2013). Frontline workers know this

all too well. They possess an extensive, on-the-ground knowledge of what works — and doesn’t work — to tackle the problem of crime. It’s time we listened to what they have to say. The Harper government’s “tough on crime” strategy has been premised on the rhetoric of “making com-

“It would be nice if all of the money and resources that we’re spending on building new institutions and enhancing security and all those things could be spent on supports and rehabilitation. That would be really huge.”

munities safer.” Frontline workers, however, tell us that by providing people with the resources and supports they need to live productive and healthy lives, all of us will be safer.

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