

The Reporter

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FEATURE ARTICLE

In this issue of **The Reporter**, we draw together the issues that we have been highlighting over the past year with respect to the expanding use of community based correctional measures in our criminal justice system.

Community Based Criminal Justice: A Critical Examination

Beginning in September 2000, we addressed issues and concerns over conditional sentences, attendance centres and electronic monitoring. Each of these correctional initiatives is a community based approach to criminal justice. In this issue, we critically examine community based correctional initiatives and whether they are achieving their intended goals.

WHY DO CORRECTIONS IN THE COMMUNITY?

There are many practical and theoretical reasons why corrections should take place in the community. These range from reducing costs to increasing community responsibility for social problems.

The economic and social costs of incarceration are massive. In 1999-00, the rate of incarceration in Canada was 135 per 100,000. Although this figure is down 3.6% from the previous year, Canada still has one of the highest rates of incarceration in the world. Even though incarcerated individuals only represented 20% of all offenders under supervision in the correctional system in 1999-00, they accounted for almost 75% of some \$2.4 billion dollars spent on correctional services that year. This means that the remaining 80% of offenders, who were under some form of supervision in the community (such as probation, conditional sentences and parole), accounted for only 25% of spending on correctional services. These numbers tell us that it costs a lot less to supervise an offender in the community than to supervise an offender in a correctional institution.

In addition to the issue of cost is the issue of purpose. Why do we incarcerate people in Canada?

- ◆ **Is it to exact revenge?** If it is, then we are paying an extremely high price to get that eye for an eye.
- ◆ **Is it to teach them a lesson?** Many people believe that prison will “scare ‘em straight,” but there is strong evidence that this is not so. Recent research tells us that longer prison terms do not decrease the chance that an offender will reoffend.
- ◆ **Is it to ensure public safety?** If it is, then why are thousands of offenders incarcerated for fine defaults and property crimes, and why do we continue to incarcerate violent offenders who show signs that they can live safely in the community? We should be careful only to incarcerate those offenders who actually threaten public safety, leaving the remainder in the community with appropriate supervision and programming.

Corrections can achieve certain goals in the community as well or better than it can in an institutional setting. Community based criminal justice can include treatment and other rehabilitative activities and, at the same time, it may allow the offender to remain employed, housed and connected to established support systems.

Corrections in the community has several social advantages over incarceration as well. By resisting the urge to separate those who break the law from the rest of society, community based corrections acknowledges the

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role of the community in the causes and consequences of crime. Since virtually all offenders will one day complete their sentences and once again live freely in the community, it is important for families and neighbourhoods to remain connected to and invested in their futures.

All of these considerations have led to increased support for community based corrections, resulting in a wider variety of community based correctional measures. The following section details some of the types of community based correctional initiatives that are currently in place in Canada's criminal justice system.

TYPES OF COMMUNITY BASED CRIMINAL JUSTICE

Community based correctional initiatives may be found at all stages of the criminal justice system, from pre-charge to the period of conditional release.

Most community based correctional initiatives are intended for offenders who would not have been headed to prison in any event. These types of initiatives include fines, probation, conditional discharges and absolute discharges. By contrast, some initiatives have developed as a response to high incarceration rates. These initiatives are intended as alternatives to incarceration for people who would, without the availability of that initiative, have to serve all or part of their sentence in custody. These types of initiatives include conditional sentences and, in some circumstances, electronic monitoring. Other community based initiatives, such as parole and statutory release, may be part of a period of conditional release from prison.

Over the past year, we highlighted three examples of community based correctional initiatives. Following is a brief review of each of these initiatives.

- ◆ **Conditional Sentences.** An offender may be given a conditional sentence of imprisonment, which is intended for offenders who would be sentenced to a term of imprisonment of less than two years. Provided that the offender is not a danger to the community and provided that the sentence would be consistent with the purpose and principles of sentencing, the term of imprisonment can be substituted for a conditional sentence. One unique feature of the conditional sentence is that it is specifically intended for offenders who would otherwise be incarcerated. However, as we discussed in our September 2000 newsletter, the conditional sentence of imprisonment is remarkably similar to probation in almost every other way.

“Community based corrections acknowledges the role of the community in the causes and consequences of crime.”

- ◆ **Attendance Centres.** Attendance centres are non-residential facilities to which offenders report for programming and supervision. The requirement to report to an attendance centre may be part of an alternative to incarceration for those who have been given a conditional sentence of imprisonment or it may be an additional community based option for offenders who are not otherwise bound for custody, such as those given fines or probation. Attendance centres were the subject of the feature article in our December 2000 newsletter.

- ◆ **Electronic Monitoring.** Electronic monitoring is a technological form of supervision that allows correctional officials to monitor the whereabouts of an offender. Electronic monitoring may be found at any stage of the criminal justice system. Participation in electronic monitoring may be part of an alternative to incarceration or, as with attendance centres, it may be an additional requirement for probationers or other offenders whose sentence does not involve a term of imprisonment. As we

noted in our May 2001 newsletter article, electronic monitoring may also be used before trial so that offenders can return to their homes to await trial, rather than spending weeks or months in pre-trial custody, and electronic monitoring may also be required before an incarcerated

offender can be released into the community on parole or temporary absence.

The John Howard Society of Alberta supports community based correctional initiatives, provided that they are effective, just and humane. At this time of increasing government and public support for community based correctional initiatives, we take a step back and examine some of their potential pitfalls.

ISSUES SURROUNDING COMMUNITY BASED CRIMINAL JUSTICE

As discussed in the beginning of this article, there are a variety of excellent reasons to do corrections in the community. It is cheaper, it promotes community responsibility and it allows the offender to remain connected to family and other community supports while at the same time providing an appropriate degree of supervision. Community based criminal justice is not, however, without potential problems. Following are some of our most significant concerns.

Net Widening. As we discussed in the last three issues of *The Reporter*, the “net” of the correctional system is widened when enthusiasm for a correctional initiative results in its use in cases where it is not appropriate.

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Although the term “net widening” is often associated with incarceration rates, net widening can occur in any stage of the criminal justice system. At the pre-charge stage, net widening can occur when individuals who would previously have received little or no attention from law enforcement officials by being given a warning are instead put through a formal program such as alternative measures. Another example of net widening in the early stages of the criminal justice system is mandatory charging or “zero tolerance” of individuals who might have avoided a charge or sanction if law enforcement officials had discretion to deal with them in a less formal way. Net widening can also occur when a community based penal measure is introduced to reduce the use of custody but, in practice, the measure is applied to offenders who would otherwise have been given a less restrictive sentence such as unmonitored probation or community service. Put simply, net widening occurs whenever an offender is dealt with more formally than he would have been had the applied initiative not been available.

There is considerable evidence that some community based correctional initiatives widen the net of corrections. For example, during the three years after conditional sentences were introduced in Canada, the vast majority of people given conditional sentences were non-violent, non-sexual property offenders. Given that most of these types of offenders would also be eligible for probation, the conditional sentence has simply bumped offenders who would otherwise have received probation into a category of sentences that should properly be restricted to the custody bound. While the public and many government officials decry the use of the conditional sentence for more serious offenders, it must be remembered that the conditional sentence is actually a sentence of imprisonment that is substituted for time in the community. The practice of applying the conditional sentence to more serious offenders is perfectly sound provided that the offender meets the stated criteria, which include considerations of community safety.

Another example of a community based correctional initiative that may contribute to net widening is attendance centres. Because attendance centres are used for such a wide range of offenders, from probationers to offenders serving conditional sentences, they might come to be seen as a “one size fits all” method of supervision. As a result, lower risk offenders might be required to report to an attendance centre when they would otherwise have received unmonitored probation or some other less restrictive sanction, thereby receiving more intense supervision than they require.

Toughening. The John Howard Society of Alberta is also concerned that community based measures might be used as part of a “get tough on crime” agenda. As with net widening, toughening can occur at any stage of the criminal justice system.

An example of an initiative that has potential to create an overall toughening is the conditional sentence. It is a common belief that offenders given conditional sentences should have their liberty severely restricted through electronic monitoring, house arrest and other restrictive conditions. Some argue that such measures will increase the attractiveness of the sentence by making it more prison-like. If, however, these conditions do not contribute to the likelihood that the offender will learn to live crime free in the community, then they are just punishment for the sake of punishment.

Another area where toughening is an issue is electronic monitoring. Although it is community based, electronic monitoring is, nonetheless, a form of imprisonment. However, because it appears to be cheaper than institutional incarceration, there is potential for the media, the public, judges and prosecutors to see electronic monitoring as a way to get tough on crime without incurring the costs of building more or larger correctional institutions. The call to “lock ‘em up and throw away the key” that is so often made without due consideration of the offender’s needs becomes the call to “monitor their every move,” with the same effect: that offenders are treated more harshly than they need to be.

Cost. In addition to their many other positive effects, community based correctional initiatives are promoted as cost saving. Supervision in the community is undoubtedly less expensive than incarceration. However, there is no *overall* cost saving where a community based sanction is used in place of another, less restrictive sanction. For example, whenever electronic monitoring is imposed on an individual who would also be eligible for an unmonitored community sanction, the overall cost to the correctional system increases. The effect is a more intrusive and expensive alternative, not to incarceration, but to unmonitored probation and other community sanctions.

Effectiveness. Central to each of the above issues is effectiveness. More complex, tougher and more costly correctional measures have not been shown to reduce the likelihood that an offender will return to criminal activity. On the other hand, recidivism can be significantly reduced through appropriate treatment and programming. It is critical to understand the factors that lead to criminal involvement and the factors that lead to recidivism in order to deal most effectively with those who break the law. Net widening, toughening and increased costs are a concern for the John Howard Society of Alberta because they appear to occur when correctional measures are applied in a reactionary manner rather than with careful consideration of the needs of the offender. When these needs are ignored or not adequately met, the overall effect is not an increase in public safety but, rather, an increase in system failure rates.

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CONCLUSION: SO WHERE DO WE GO FROM HERE?

Proponents of community based alternatives to incarceration must watch that community based corrections does not result in net widening, toughening and increased costs to the criminal justice system. The John Howard Society of Alberta does not support the use of more restrictive community based sanctions where a less restrictive sanction would be adequate. Further, we do not support the current trend toward the “adding on” of community based measures that has the effect of toughening a sanction but not meeting the offender’s needs for rehabilitation and programming. These effects support a “tough on crime” agenda while silencing advocates of community based alternatives to incarceration because, to all the world, they appear to have achieved long sought after goals.

All of this is not to say that the John Howard Society of Alberta disagrees with the use of community based correctional initiatives. Quite the contrary. In their proper context, community based corrections can be effective and just. We are strong supporters of these initiatives when they represent a true alternative to incarceration and when they restrict the offender’s liberty as little as necessary. When community based criminal justice becomes a tool to further punish rather than rehabilitate offenders, nobody—neither offenders, victims, the community nor correctional officials—can win. On the other hand, when community based criminal justice is used as a tool to build stronger communities by addressing those factors that lead to continued criminal involvement, everybody can win.

References available upon request.

PROGRAMS IN BRIEF

John Howard Society of Grande Prairie

In 2000, following the completion of a pilot project, funding was granted from the Alberta Mental Health Board (AMHB) to the John Howard Society of Grande Prairie and Odyssey House for the delivery of two Anger Management for Youth programs per year in the Grande Prairie community. The program consists of 10 sessions that are targeted at youth ages 11 to 17 who are experiencing problems at school, at home and in the community due to inappropriate anger and aggression. The goal of the program is to improve the social and emotional health of youth at risk and focuses on teaching youth alternatives to violence. Referrals can be made by the client, the client's parents, court order, schools or other community agencies. All referrals are screened for suitability for acceptance into the group through an intake appointment.

In April 2000, EUREKA began with support from AMHB. EUREKA is a two day, community based workshop aimed at Grade 7 students. The goal of the program is to offer youth an opportunity to develop healthy conflict resolution skills. Our organization is currently partnering with Odyssey House and Crossroads to offer 10 EUREKA workshops per year.

For more information on these programs and the John Howard Society of Grande Prairie, visit the John Howard Society of Alberta’s website (www.johnhoward.ab.ca) under “Services.”

CONTACT US

The John Howard Society of Alberta Reporter is distributed free of charge to a wide audience of citizens, educators, agencies and criminal justice system staff. Our goal is to provide information and commentary on timely criminal justice issues. We welcome and encourage your feedback on The Reporter.

The John Howard Society of Alberta is an agency composed of citizens in Alberta who are interested in criminal justice reform and preventing crime in our communities. We recognize that dealing with crime is as much the responsibility of the community as it is of government.

We gratefully accept donations to help offset the costs of our efforts in criminal justice reform and crime prevention. Donations are income tax deductible.

To provide feedback, obtain information or make a donation, please contact us at:

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