

COMMUNITY CORRECTIONS

**JOHN HOWARD SOCIETY OF ALBERTA
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EXECUTIVE SUMMARY

It is only in the last 30 years that community corrections have become a substantial part of the correctional system. In recent years, the push for alternatives to incarceration has, in large part, been in response to rapidly increasing prison populations in Canada and the United States. Legislators in Canada and the United States have passed legislation in recent years aimed at reducing or stabilizing prison populations.

Community corrections offers viable alternatives to incarceration for offenders at various stages of the criminal justice process. The alternatives which may be available to offenders include: bail supervision programs, alternative measures programs, restitution programs, fine options programs, community service order, probation, intensive supervision probation, conditional sentence of imprisonment, attendance centre programs, electronic monitoring, community-based centres, temporary absence programs and parole.

There are several issues related to community corrections, including cost-savings, reduction of prison populations, effectiveness, humanitarianism, and public opinion. The cost of community corrections is an issue continually debated. Most community correctional programs emphasize that the use of community alternatives is not as costly as traditional incarceration, while adversaries argue that community programs end up costing more than traditional incarceration. While community corrections programs are apparently less costly than incarceration, some caution against misusing cost comparisons in lobbying for community corrections alternatives. Approximately 90% of the cost of running an existing prison is relatively fixed (eg., administrative costs); therefore, a small reduction in prison counts will not produce tremendous cost savings.

Community sanctions are often referred to as alternatives to incarceration. However, community corrections programs have often failed to reduce prison populations. One reason for this is that alternatives to incarceration are often introduced in the absence of mechanisms to ensure that they are actually used as alternatives. Another potential barrier to the use of alternatives to imprisonment is judicial reluctance to impose community sanctions. Finally, alternatives to imprisonment may have minimal impact on the prison population if community corrections failures are automatically given prison terms.

Another aspect of community corrections increasingly examined is whether such programs "widen the net" of social control. Widening the net of social control refers to a situation in which individuals who previously would have been managed informally are now dealt with by the justice system simply because, with the existence of and expansion of community programs, there is a "suitable" program now available to handle them. It is increasingly apparent that commitment to community-based programs usually entails longer periods under supervision than does commitment to traditional prisons and training schools, leading to an increase in the total number of people under correctional supervision at any given time.

Community corrections alternatives may not be used to divert offenders from prison, in which case they can actually increase correctional costs because jail populations remain constant and there are the additional costs of the community programs. Indeed, the British experience with the suspended

sentence, intended as an alternative to imprisonment, resulted in considerable net widening. There is some concern that the new conditional sentence in Canada may show similar results. However, the Alberta experience with conditional sentences has been promising. Since conditional sentences were introduced in September, 1996, Alberta has imposed 2,079 conditional sentences. Since the introduction of conditional sentences in Alberta, the provincial prison population has declined and the community corrections caseload has remained constant or increased slightly, suggesting that net widening may not be a problem with conditional sentences in Alberta.

In Canada, changes to corrections and conditional release over the past 25 years have resulted in increased use of community corrections to extend the correctional supervision of certain classes of offenders. The detention provisions of the Corrections and Conditional Release Act and the new long-term offender designation that targets sex offenders and adds a period of community supervision of up to ten years upon warrant expiry of a minimum two year prison sentence are just two examples of the use of community corrections not as an alternative to imprisonment but rather as an add-on to prison sentences.

Advocates of community corrections argue that community programs are more effective than incarceration. Effectiveness can be measured in terms of reducing recidivism, avoiding exposure to undesirable effects and promoting the successful re-integration of offenders into the community. Studies have shown that incarceration is not more effective than community corrections in preventing re-offending and treatment programs have been shown to be more effective when delivered in a community setting. Furthermore, community corrections programs spare offenders many of the negative effects of incarceration. Community corrections programs also facilitate many of the factors associated with an offender's successful re-integration into the community. The proven ineffectiveness of incarceration at reducing recidivism and the perceived effectiveness of community corrections has led the province of New Brunswick to commit to closing provincial institutions and re-directing corrections dollars to community-based programs.

Community corrections programs are said to be an obvious improvement over traditional corrections programs for humanitarian reasons. Community corrections are considered humanitarian in that they provide less serious offenders with alternatives that let them continue with various aspects of their lives. Community corrections programs are also considered to be humanitarian because they avoid many of the negative effects of incarceration, including stigmatization, damage to physical and/or mental health and constant exposure to criminal peers. Community corrections programs also present opportunities to be more responsive to the needs of offenders, victims and communities. An excellent example is the Restorative Resolutions program in Manitoba. The program targets offenders who are facing a prison term of at least nine months. An alternative sentencing plan is developed for offenders referred to the program which aims to address victim concerns and the individual needs of the offender, which is then submitted to the sentencing judge for consideration. Offenders approved for the Restorative Resolutions program are held accountable in their own communities and are assisted in taking responsibility for their actions.

At present, community-based alternatives do not enjoy wide acceptance among the general public and this opposition manifests itself in various ways. For example, the public has never fully accepted community corrections programs such as probation, fines, day and full parole, temporary absences and

intermittent prison sentences. Most communities are hostile to the idea of having halfway houses or residential centres for law violators located in their midst for fear that crime will increase and adjacent property values will drop, a phenomenon known as the NIMBY or Not In My Back Yard syndrome. Several factors likely contribute to the current conservative and punitive mood of the public; however, the prime contributing factor to public opinion seems to be a lack of knowledge of the criminal justice system.

Community correction programs were developed in response to a recognition that traditional incarceration was not working. The new approaches are a step in the progression toward a more humane and effective correctional system. However, community corrections programs are not without their problems. For instance, community corrections have often served as a supplement rather than a supplant to traditional incarceration. In such cases, net widening effects result in no reduction in the prison population or correctional costs. Despite such problems, there are numerous examples of community corrections initiatives which have been highly successful. Further research is needed into the advantages of new alternatives in community corrections, as, for example, electronic monitoring and attendance centres. With a better educated public, more informed government and an urgent need for changes to the system, community corrections will undoubtedly become an even more significant aspect of the criminal justice system.

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INTRODUCTION

Underlying the community corrections movement has been an attempt to reduce the over-reliance on the use of incarceration by providing less serious offenders with community program alternatives. Proponents of community corrections argue that these alternatives are more humane, more cost effective and generally more successful approaches to corrections than traditional incarceration. Rather than examining in detail the specific types of community corrections alternatives, the focus of this paper is on the issues related to community corrections in general, including cost-savings, humanitarianism, effectiveness, and public opinion.

HISTORY

It is only in the last 30 years that community corrections have become a substantial part of the correctional system. Beginning in the 1950s, national attention was focussed on the development of alternative, community-based correctional services. In the early stages of the community corrections movement, local institutions, residential centres, group homes and specialized probation services were promoted as alternatives to incarceration. In the late 1960s, a second phase of the community corrections movement stimulated an explosion of diversion programs that were promoted as alternatives to the criminal justice system altogether (Blomberg, 1984).

As fiscal pressure on the state intensified in the 1960s and 1970s, alternatives to incarceration became an even greater fascination for criminal justice planners and policy makers. Community corrections presented an opportunity for governments to save money while simultaneously giving their policy a humanitarian gloss (Scull, 1977).

In recent years, the push for alternatives to incarceration has, in large part, been in response to rapidly increasing prison populations in Canada and the United States. Canada and the United States have the highest rates of incarceration of all Western democratic countries, at 130 and 529 per 100,000 population respectively (Correctional Service of Canada, 1995, p. 4). Canadian prison and penitentiary populations are increasing rapidly, up 12% and 22% respectively between 1989/90 and 1994/95 (Deputy Solicitor General of Canada & Deputy Ministers and Heads of Corrections, 1996, p. 1). In the United States, there are currently over 1.5 million incarcerated people (Deputy Solicitor General of Canada & Deputy Ministers and Heads of Corrections, 1996, p. 3).

Legislators in Canada and the United States have passed legislation in recent years aimed at reducing or stabilizing prison populations. In Canada, the proclamation of Bill C-41 (Sentencing Reform) introduced a new section of the Criminal Code which sets out the purpose and principles of sentencing. The section is intended to provide direction to the courts in making sentencing decisions. One of the principles stipulates that all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders. In the United States, sentencing guidelines have been introduced in some states to curb prison population growth

(Marvell, 1995). Sentencing guidelines were originally intended to encourage similar sentences for different offenders convicted of similar crimes.

COMMUNITY CORRECTIONS

Community corrections offers viable alternatives to incarceration for offenders at various stages of the criminal justice process. The following is a brief description of many of the alternatives which may be available to offenders:

- 1) **Bail Supervision Programs:** While awaiting trial, the accused, rather than being held in custody, is supervised by a member of the community.
- 2) **Alternative Measures Programs:** The offender is diverted from the criminal justice system before or after a charge is laid. The offender enters into a kind of contractual agreement to answer for his/her crime. The agreement can include performing community service work, personal service to the victim, charitable donation, participating in counselling or any other reasonable task or condition.
- 3) **Restitution Programs:** The offender must pay back the victim for damages or loss.
- 4) **Fine Options Programs:** The offender may work off a fine by performing approved community work for a set hourly rate of pay. The rate varies among provinces but in Alberta it is currently \$5 per hour.
- 5) **Community Service Order:** A condition on a probation order, or a separate disposition in the case of young offenders, which requires the offender to perform work in the community.
- 6) **Probation:** The offender is supervised in the community and must follow the set of conditions (rules) set out in his/her probation order. Conditions of probation include keeping the peace, being of good behaviour and obeying the law and reporting regularly to a probation officer and may include a range of other, optional conditions.
- 7) **Intensive Supervision Probation:** An alternative to incarceration in the United States which is similar to probation but involves more frequent surveillance and greater controls.
- 8) **Conditional Sentence of Imprisonment:** A prison sentence of less than two years which the judge allows the offender to serve in the community. Offenders serving conditional sentences are more closely supervised than probation clients and must abide by certain conditions, similar to the conditions of a probation order.

- 9) Attendance Centre Programs: A non-residential, community facility to which some offenders on temporary absence from correctional institutions report frequently for supervision or programs.
- 10) Electronic Monitoring: The offender is fitted with an anklet or bracelet that transmits signals of his or her whereabouts to a correctional officer, allowing the offender to continue with employment or education commitments in the community.
- 11) Community-Based Centres: Community-based residential facilities are privately operated, while community correctional centres are operated by the government. Inmates are often released to community-based centres as part of their gradual re-integration into the community. The residents of these centres are usually in the process of returning to school or looking for employment.
- 12) Temporary Absence Programs: An inmate is released into the community for a specified amount of time for reasons such as seeking employment, medical treatment or family visitation.
- 13) Parole: A form of conditional release available to offenders who are incarcerated. It is similar to probation but the offender is in the community while still serving some of the prison sentence.

ECONOMICS

There are three related issues in examining the economics of community corrections: the cost of community corrections compared with incarceration, the ability for community corrections to reduce the prison population and the potential for "widening the net" of social control. Each of these economic aspects of community corrections will be discussed below.

The Cost of Community Corrections

The cost of community corrections is an issue continually debated. Most community correctional programs emphasize that the use of community alternatives is not as costly as traditional incarceration, while adversaries argue that community programs end up costing more than traditional incarceration. Canadian Centre for Justice Statistics (1996, June) figures show that it cost approximately \$45,753 to house a federal inmate and \$39,000 to house a provincial inmate for one year in 1994/95. In comparison, it cost only about \$8,527 to supervise an offender in the community on parole or statutory release for a year in 1994/95 (Canadian Centre for Justice Statistics, 1996, June).

While community corrections programs are apparently less costly than incarceration, some (Landreville, 1995; Helber, cited in Reeves, 1992) caution against misusing cost comparisons in lobbying for community corrections alternatives. Landreville (1995, pp. 53-54) warns:

We often point to the savings that community measures can achieve, particularly when they are presented as alternatives to imprisonment and are suggested as a means of reducing overpopulation. The argument is valid and deserves our attention, on the condition that it is presented prudently and is well documented. We too often find, in this domain, statements that are superficial, unfounded, and sometimes even erroneous. Such an approach is, to say the least, hardly convincing, but it can also badly damage the credibility of its defenders and endanger any undertaking of reform that would deserve to be presented with better arguments.

Approximately 90% of the cost of running an existing prison is relatively fixed (eg., administrative costs); therefore, a small reduction in prison counts will not produce tremendous cost savings (Landreville, 1995). However, if new prisons need to be built to accommodate increasing prison populations, the cost savings of community alternatives would be substantial. Similarly, if alternatives to incarceration result in institutional closures, considerable cost savings can be realized. In Alberta, the Belmont Correctional Centre was closed in favour of house arrest and attendance centre programs. The closure of Belmont Correctional Centre resulted in an annual savings of \$1.5 million (Alberta Justice, 1995).

Reduction of Prison Population

Community sanctions are often referred to as alternatives to incarceration. Doob (1990, p. 421) asserts that there are three basic assumptions underlying the introduction of alternatives to imprisonment:

- 1) In the absence of a wide range of alternatives, judges are reluctantly imprisoning offenders.
- 2) Those offenders who are presently being given community sanctions are receiving sentences that involve, from the judges' perspective, sufficient control, punishment, or rehabilitative opportunities.
- 3) Judges will automatically see the new community sanction as appropriate for a wide range of offenders who, previously, were predominantly receiving sentences of imprisonment.

However, alternatives to incarceration are often introduced in the absence of mechanisms to ensure that they are actually used as alternatives (Doob, 1990).

The often minimal impact of community sanctions on institutional populations has been demonstrated in England, following the passage of the Criminal Justice Act of 1967 which introduced the suspended sentence as a community alternative to incarceration. The suspended sentence allowed the court to suspend a prison sentence of up to two years for a period between one and two years. The offender was released into the community and the prison sentence could be activated if the offender was convicted of an offence subject to a term of imprisonment during the suspension period. In the years following the introduction of the suspended sentence, it was estimated that 50% to 60% of offenders given a suspended sentence would not have received a prison sentence anyway (Gemmell, 1990). In addition, the suspended sentence was suspected to be increasing rather than decreasing the prison population due to activations of suspended prison sentences. According to Sparks (1971, as cited in Gemmell, 1997, p. 344):

This failure of legislative and appellate control arose in part because the sentencing judges treated suspended sentences, not as an alternative to imprisonment but rather as a sanction in its own right - a rung in the penalty ladder lying just below the ultimate sanction of imprisonment.

Another potential barrier to the use of alternatives to imprisonment is judicial reluctance to impose community sanctions. For example, in Kenya, despite a wide variety of sentencing options available, the courts overwhelmingly impose terms of imprisonment (Vyas, 1995). Judges are often reluctant to impose community corrections alternatives due to negative community sentiment toward community corrections. The public tends to disregard community corrections as real sentences; to much of the public, the very word "sentence" implies incarceration.

Finally, alternatives to imprisonment may have minimal impact on the prison population if community corrections failures are automatically given prison terms. Community corrections failures are those offenders who are unsuccessful under community supervision. Failure may result from breaking a condition of community supervision, such as breaking curfew or failing to report to correctional authorities as required. Another example of failure is committing a new offence while under community supervision. In the United States, community supervision failures represent the fastest growing segment of the prison population (Taxman & Byrne, 1994). In order to convince the public of the seriousness of community sanctions, many jurisdictions have made incarceration the consequence for community supervision failures. However, this response is counterproductive to the overall goal of reducing prison populations.

In the United States, sentencing guidelines which require judges to consider prison capacity in sentencing have been associated with slower prison population growth (Marvell, 1995). However, it is not clear whether the slowdown in prison population growth in states which have implemented such sentencing guidelines is due to the sentencing guidelines themselves or to broader efforts to reduce growth in prison populations, such as early release programs and reduced funding for prison construction.

Net Widening

One aspect of community corrections increasingly examined is whether such programs "widen the net" of social control (Blomberg, 1984). Widening the net of social control refers to a situation in which individuals who previously would have been managed informally are now dealt with by the justice system simply because, with the existence of and expansion of community programs, there is a "suitable" program now available to handle them. The last 15 years have seen the publication of extensive literature on the net widening effects identified by Blomberg. It is increasingly apparent that commitment to community-based programs usually entails longer periods under supervision than does commitment to traditional prisons and training schools (Hylton, 1982). Furthermore, McMahon (1988, cited in Doob, 1990) suggests that "certain forms of use of 'alternatives' can *inevitably* lead to an increase in the total number of people under 'social control' at any given point."

The question of net widening obscures the cost-savings debate. If community corrections alternatives are not used to divert offenders from prison, then they can actually increase correctional costs because jail populations remain constant and there are the additional costs of the community programs. Indeed, the British experience with alternatives to incarceration resulted in considerable net widening (Gemmell, 1997). The Criminal Justice Act of 1967 created a new sentencing option called the suspended sentence. Intended as an alternative to imprisonment, the suspended sentence allowed the court to suspend a prison sentence of up to two years for a period between one and two years. The offender was released into the community and the prison sentence could be activated if the offender was convicted of an offence subject to a term of imprisonment during the suspension period. In the first year following the introduction of the suspended sentence, "the net effect was a 56% increase in the number of offenders facing immediate imprisonment or a suspended sentence" (Gemmell, 1997, pp. 341-342).

There is some concern that the new conditional sentence in Canada may show similar results (Gemmell, 1997; Lilles, 1997). A conditional sentence is a prison sentence of less than two years which the judge allows the offender to serve in the community. The duration of a conditional sentence is not intended to be longer than the term of imprisonment which would have been imposed (Lilles, 1997). Therefore, if the offender would have received a 6 month prison sentence, then the offender should receive a 6 month conditional sentence. However, since the length of the conditions on a suspended sentence can only last as long as the sentence which has been suspended, it stands to reason that the sentence may be lengthened to accommodate a reasonable period of conditions. If the offender would be sentenced to a month in jail, it would not be realistic to expect that a month of conditions would be a suitable alternative. Furthermore, the conditional sentence is a more onerous sanction than probation. Yet, a sentence of probation can be for up to 3 years, while a conditional sentence can only be for a maximum of 2 years. Therefore, it is possible that a sentence of probation would be longer than a conditional sentence. It seems questionable that an offender sentenced to a "less severe" sentence of probation would get a longer sentence than an offender who is sentenced to a conditional sentence, which is supposed to be a more onerous disposition. In fact, a recent appeal in Ontario suggested that a conditional sentence could be imposed for a longer duration than a prison term would have been in a given case (Lilles, 1997).

Despite these concerns, the Alberta experience with conditional sentences has been promising. Since conditional sentences were introduced in September, 1996, Alberta has imposed 2,079 conditional sentences (McLellan supports court ruling..., 1998). Since the introduction of conditional sentences in Alberta, the provincial prison population has declined (Alberta Justice, personal communication, January 16, 1998). In addition, the community corrections caseload has remained constant or increased slightly during that time. These reports suggest that net widening may not be a problem with conditional sentences in Alberta.

However, evaluations of the intensive supervision programs (ISP) in the United States have shown that offenders placed on intensive supervision would not have received prison sentences (Clear & Braga, 1994; Jones & Wells, 1994). Rather, the intensive supervision program was used for those offenders sentenced to community sanctions but for whom regular supervision was deemed inadequate (Clear & Braga, 1994). Even in states where intensive supervision candidates were drawn directly from the prison population, there was evidence suggesting that these offenders would normally have been sentenced to probation but were sentenced to a term of imprisonment instead on the premise that they will be eligible for the intensive supervision program. These findings suggest that intensive supervision programs may not be realizing cost savings:

Inasmuch as the ISP is less costly than housing high-risk offenders in a secure facility, it is an attractive alternative to incarceration. However, it is substantially more expensive than regular supervision wherein a single officer may supervise 100 or more clients. (Beyer, 1994, p. 26)

In Canada, changes to corrections and conditional release over the past 25 years have resulted in increased use of community corrections to extend the correctional supervision of certain classes of offenders. For example, in June, 1986, Bill C-67 was proclaimed in force which contains provisions authorizing the National Parole Board to detain in a penitentiary until the end of sentence (warrant expiry) or compel to reside in a halfway house during the period of mandatory supervision (between two thirds and the end of sentence) certain offenders, including those convicted of "scheduled" violent offences. Most recently, Bill C-55 was proclaimed in force in August, 1997. The Bill creates a new long-term offender designation that targets sex offenders and adds a period of community supervision of up to 10 years upon warrant expiry of a minimum 2 year prison sentence. The use of community corrections in these cases is clearly not as an alternative to imprisonment but rather as an add-on to prison sentences.

EFFECTIVENESS

Advocates of community corrections argue that community programs are more effective than incarceration. Effectiveness can be measured in terms of reducing recidivism, avoiding exposure to undesirable effects and promoting the successful re-integration of offenders into the community. Studies have shown that incarceration is not more effective than community corrections in preventing re-offending (Vyas, 1995) and treatment programs have been shown to be more effective when delivered in a community setting (Gendreau & Andrews, 1990). Furthermore, community corrections programs spare offenders many of the negative effects of incarceration.

Community corrections programs also facilitate many of the factors associated with an offender's successful re-integration into the community. For offenders being released from incarceration into a community residential facility or community correctional centre, the benefits of community corrections are obvious. Not only is the offender provided with the opportunity to gradually re-integrate into society, he or she is also able to pursue employment and educational opportunities. Further, family ties are better maintained when an offender is residing at a community-based facility rather than a prison.

The proven ineffectiveness of incarceration at reducing recidivism and the perceived effectiveness of community corrections has led the province of New Brunswick to commit to closing provincial institutions and re-directing corrections dollars to community-based programs. The province will be closing 5 of its 12 correctional facilities. The province expects to reduce institutional beds by 25% by the end of its 3 year plan which began in 1995. The actual closure of correctional facilities may increase the likelihood that cost savings will be achieved and net widening will not be a problem.

HUMANITARIANISM

Community corrections programs are said to be an obvious improvement over traditional corrections programs for humanitarian reasons. Community corrections are considered humanitarian in that they provide less serious offenders with alternatives that let them continue with various aspects of their lives. For example, the innovation of electronic monitoring has allowed offenders in some Canadian provinces (British Columbia, Saskatchewan, Ontario and Newfoundland) and numerous American states to remain in their homes and continue with their jobs, while at the same time being monitored by a correctional officer (Solicitor General Canada, 1996, November). Community corrections programs are also considered to be humanitarian because they avoid many of the negative effects of incarceration, including stigmatization, damage to physical and/or mental health and constant exposure to criminal peers (Vyas, 1995).

Community corrections programs also present opportunities to be more responsive to the needs of offenders, victims and communities. For example, the Restorative Resolutions program in Manitoba is a community alternative to incarceration. The program targets offenders who are facing a prison term of at least 9 months. An alternative sentencing plan is developed for offenders referred to the

program which aims to address victim concerns and the individual needs of the offender. The plan is then submitted to the sentencing judge for consideration. Over 90% of alternative sentencing plans developed by Restorative Resolutions are accepted by judges at the point of sentencing. Offenders in the Restorative Resolutions program are held accountable in their own communities and are assisted in taking responsibility for their actions.

PUBLIC OPINION

To achieve any success in the political arena, proponents of community alternatives must have strong evidence to support their claims that:

- (1) alternatives do not significantly increase risks to public safety; and
- (2) non-incarcerative sanctions are acceptable to the public, criminal justice practitioners and victims. (Austin & Krisberg, 1982, p. 408)

At present, community-based alternatives do not enjoy wide acceptance among the general public and this opposition manifests itself in various ways. For example, the public has never fully accepted community corrections programs such as probation, fines, day and full parole, temporary absences and intermittent prison sentences. Most communities are hostile to the idea of having halfway houses or residential centres for law violators located in their midst for fear that crime will increase and adjacent property values will drop, a phenomenon known as the NIMBY or Not In My Back Yard syndrome:

Fear of crime among Canadians has risen dramatically over the past few years although it is disproportionate to the actual crime rate.

Services for offenders tend to be perceived as more detrimental to community life than services for other special needs clients such as the disabled or the developmentally handicapped.

Studies have shown that neighbourhood hostility toward correctional facilities in the community is based on fear and lack of information. (Webber, 1987, p. 1)

Benzvy-Miller, in her article on NIMBY syndrome, reiterates Webber's observations:

People have attitudes toward and perceptions of offenders that have little to do with reality; people fear crime and expect that close physical proximity to offenders will expose them to greater risk; and people are afraid that a group home will somehow taint the neighbourhood and cause property values to plummet. (Benzvy-Miller, 1990, p. 19)

Several factors likely contribute to the current conservative and punitive mood of the public; however, the prime contributing factor to public opinion seems to be a lack of knowledge of the criminal justice system. For example, sentencing means imprisonment to much of the general public. Two studies have shown that when focus group participants are asked to sentence hypothetical offenders, they overwhelmingly choose incarceration (Doble & Klein, 1989, English, Crouch & Pullen, 1989, both cited in Roberts, 1992). However, when subjects are given information about alternative dispositions, the subjects "sentence" only a small percentage of the offenders to incarceration. These findings suggest that the public tends to equate imprisonment with sentencing due to a lack of information about community alternatives to imprisonment.

Similarly, members of the Canadian public tend to overestimate the number of offenders granted parole and the recidivism rates of parolees (Roberts, 1992). Polls have shown that the Canadian public regards the parole board as too lenient, granting too many offenders parole (Roberts, 1988, Canadian Criminal Justice Association, 1987, both cited in Roberts, 1992). Thus, while the Canadian public supports the underlying principles of parole, public misconceptions about parole generate negative attitudes toward parole overall.

The public's misconceptions about the criminal justice system are largely attributed to the media. With respect to parole, media coverage of sensational events and isolated incidents regarding errors made within the criminal justice system are largely responsible for the public's overestimate of parolee recidivism. For example, in 1987, while on an escorted birthday temporary absence day pass to a local Edmonton, Alberta mall, convicted killer Daniel Gingras escaped from his escort (Dutton, 1987). Although a massive manhunt was initiated, Gingras remained at large for 6 weeks. After his recapture, Gingras and acquaintance Calvin Smoker were each charged with two counts of first-degree murder, abduction, armed robbery and possession of both stolen goods and unregistered firearms. Incidents such as this are continually rehashed by the media, thus contributing to the public's unfavourable opinion toward alternatives to incarceration, particularly parole and temporary absences. However, as Reeves (1992, p. 76) points out:

Citizens must be helped to understand that effective community-based programs are not simply another manifestation of a "soft on crime" philosophy. Instead, they offer a combination of rehabilitation and punishment. In short, they provide a chance to return offenders to the community as productive members of society.

There is some evidence that the Canadian public can be receptive to community corrections. For example, the New Brunswick experience with community corrections has found that most people just want the correctional system to work and are willing to listen to reasoned discussions about what works. Most people agree that the current correctional system does not work and many are willing to consider community corrections alternatives.

DISCUSSION

Members of the public, when discussing crime and justice, tend to speak in generalities and stereotypes based on information received from the media. They use phrases like “you do the crime you do the time.” They operate from an “us and them” mindset where the law abiding people are in the community and the bad guys are in jail. They tend to enter into discussions based on the premise that offenders are locked up.

In fact, this assumption that incarceration is the benchmark or starting point for sentencing against which all other sentences are “alternatives” is fostered by professionals in the justice system. The academics discuss community sentences in terms of their measured success compared to incarceration in reducing costs, reducing jail counts, or being more humane. A great deal of the information presented in this paper uses these assumptions.

The problem is that, in spite of how these discussions tend to evolve, it is hard to believe that citizens feel that incarceration should be the first option for all offenders. We know from research that the more information the public has about the circumstances of a case, the more accepting they are of sentences other than incarceration and, in fact, they select sentences that are quite similar to the sentences judges hand out. The challenge for groups like the John Howard Society is to question the public’s language and assumptions and remind them of what they know - that not all offenders need to be in jail. We also need to continually assert that it is our best interest to keep offenders in community as much as possible, contributing to the community.

The John Howard Society has long been an advocate for and leader in community corrections. We believe that the vast majority of offenders should be in the community serving their sentences where they can continue to contribute to society and maintain family and social ties. We believe that a range of sentencing options should be available to courts that deal with the variety of crimes and circumstances that exist. While we are mindful of the cautions that exist around expansion of community corrections, we believe that there are two mechanisms that can protect against the concerns: purpose and principles of sentencing and a comprehensive system of sentencing guidelines. Canada adopted a clear set of purpose and principles of sentencing in 1996 when Bill C-41 was implemented. These statements act as a reference for sentencing decisions and a touchstone against which potential sentencing law amendments should be examined. While Canada has expressed little formal interest in a system of sentencing guidelines, the proposed Youth Criminal Justice Act (YCJA) goes a long way toward putting sentencing guidelines into law. The YCJA includes lists and criteria and prohibitions around the use of the various sentences which get more restrictive as the penalties get more serious. We look forward to seeing whether the Act will be successful in both ensuring the use of incarceration as a last resort and in convincing the public that community sentences are sentences in their own right.

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