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MILES FROM ABOLITION: PRISON REFORM IN CANADA

INTRODUCTION:

The Canadian Penitentiary Service (1) started a major expansion program in 1958 which produced a massive increase in the number of penitentiaries, penitentiary staff, public expenditure, and invariably, and increase in the number of prisoners. When the new penology of "rehabilitation" dawned in Canada there was a total of nine maximum security penitentiaries housing 5,770 prisoners, and employing 2152 staff. This 25 years of "penal reform" has left us with sixty-three penitentiaries housing 11,680 prisoners with a penitentiary staff of 10,111. (2) Approximately 31 percent of prisoners are kept in super maximum and maximum security facilities, with an additional 51 percent in medium security institution. (3) In this time staff to prisoner ratios have changed from approximately one to three, to, one to one. Costs have sky rocketed from a budget of \$16 million in 1958 to \$556 million for the 1983-84 fiscal year. The largest growth in institutional staff (64 percent) occurred between 1968 and 1977, outstripping prison population increases of 28 percent.

Though the prison population has increased throughout the period, the largest numerical increases post date the expansion phase. More than 2500 prisoners have been added to the day to day count since 1978. The relationship between the growth of the system and prison reform programs needs to be examined.

The expansion of the penitentiary service was undertaken in the name of "rehabilitation", which can be equated to conventional social control "treatment" of the criminal. Though the Royal Commission of 1938 (Archambault Report) recommended that the penitentiaries change their focus to that of prisoner reform, it was not until the Fauteux Report of 1956 that a clear call for "modern scientific methods of rehabilitation" was officially voiced. The Conservative governments' Justice Minister, David Fulton, appointed a Correctional Planning Committee in 1959 to oversee the planning and construction of the new facilities and programs which were required for prison "rehabilitation".

The terms of reference of the Correctional Planning Committee provide that it shall plan, insofar as penal institutions are concerned, a program for the custody, treatment and training of adult offenders with the object of achieving the reform and ultimate rehabilitation in society of as large a number of

inmates as possible ... Another duty will be the design of a system of diversified institutions by means of which, in accordance with generally accepted, modern correctional principles, the program of custody, treatment and training can be carried out effectively and efficiently. (Fulton, 1960, p.6).

The latest in an over growing number of Solicitor General Department studies, The Carson Committee Report (1984), argues that by 1969 "rehabilitation" as a correctional strategy was in dispute, within penology generally and specifically within the Canadian penitentiary service. From that point onward, adjustment, then centralized control, of the greatly expanded system was the predominant concern of government and senior management. A major implication of the Carson Report and a legion of earlier studies is that rehabilitation and training programs had been put into place as well as could be expected, and that the system then moved into a period of adjustment. While I do not support "treatment" programs of the psychological positivist variety, the form of "rehabilitation" proposed by the state, I do wish to take issue with the "fact" that such programs ever have been available to most federal prisoners. I maintain that treatment and training programs were not implemented, except as a means of extending

control, or as ideological facades used to justify a massive expansion of the system.

Yet, all was not peaceful in this carceral heaven. When Kingston Penitentiary (4) exploded in 1971, producing one of the most horrific riots in our history, Canada entered a period of prison violence, death and destruction that was unprecedented. For the next five years our penitentiaries were racked with violence, these events culminating in the riots that swept the system in 1975-76. The Parliamentary Subcommittee established to investigate the situation reported:

In the 42 years between 1932 and 1974 there were a total of 65 major incidents in federal penitentiaries. Yet in two years - 1975 and 1976 - there was a total of 69 major incidents, including 35 hostage takings, involving 92 victims, one of whom (a prison officer) (5) was killed. (MacGuigan, 1977, p. 5).

The Committee stated:

A crisis exists in the Canadian Penitentiary System. It can only be met by the immediate implementation of large scale reform. It is imperative that the

Solicitor General Department act immediately on this report as a matter of utmost urgency. (MacGuigan, 1977, (p. 7).

The Carson Report (1984, p.36) tells us that in 150 years only twenty-five staff have been killed in our penitentiaries, but of this total fifteen have died in the last ten years. The climate of violence and despair in the system, particularly in the medium and maximum security prisons has continued to grow.

	77	78	79	80	81	82	83	84*
Average Inmate Population	9376	9320	9294	9401	9908	10777	11372	11788
Inmate Murder	7	5	11	8	8	6	7	13
Inmate Suicide	11	6	9	10	12	11	16	14
Staff Murder	0	4	0	1	0	3	1	2
Assaults on Fellow Inmates	N/A	53	152	172	247	303	389	345
Attempted Suicide/ Self-Inflicted Injury	N/A	92	209	311	373	356	329	383
Assaults on Staff	N/A	33	62	64	104	114	121	110

* as of October 31, 1984

(Carson, 1984, p.36).

The Carson Committee locates the problem within the character of the prisoners (a conventional, one-sided dispositional hypothesis) arguing that increased violence is the

product of the overcrowding which started in 1973, and "a noticeable increase in the number of difficult and dangerous offenders ... (and) inmates becoming more and more militant in demanding their rights and privileges (p. 8). J. Vantour, a leading ideologue and apologist for the penitentiary service, recently chaired a study on the increased violence in the Ontario region's prisons. In that report, they argued that the most fundamental contributing factor to prison violence in the high security institutions was "the lack of meaningful communication - between both management and staff and staff and inmates". This was attributed to the "non-interventionist approach - the normalization of the inmate's life - which has been translated into a lack of a sense of purpose" and the lack of autonomy and sense of powerlessness of staff.(6) They listed a number of compounding factors such as, the changing characteristics of prisoners (needless to say, for the worst), overcrowding, a highly transient prison population, the product of the massive use of involuntary transfers, and external factors such as "The ascendance of inmate rights" and policy changes which "impinge on the quality and consistency of the custodial function". (7)

What is clearly absent from these Solicitor General's Department reports is any suggestion of the pathology of these institutions, especially the maximums. Even more noticeably

absent is a discussion of the adverse influence on prison life of the custodial staff and their constant aggression and brutalization of prisoners. At best this "staff-inmate" relationship is addressed under the guise of managerial jargon and vague generalities about management-employee relations. The critical struggle over control of the penitentiaries, between line staff and their Union, and government and senior management, is passed over as a problem of management strategy.

(8) This conflict has dominated the system since 1968. The Carson Committee claim this conflict is now undercontrol. This position flies in the face of reality as clearly outlined in more independent studies, such as the MacGuigan Hearings (1977), and the investigative reporting of authors like Clair Culhane (1979; 1985), McNeil and Vance (1978), and Gosselin (1982). The latest indictment has come from Amnesty International (1984), whose investigation of the aftermath of the 1982 riot at Archambault Maximum Security Penitentiary resulted in findings of torture. The latest example of the "new regime" the Carson Committee claims is now in place, is the prison demonstrations and eventual hostage-taking which occurred in March at Kingston Penitentiary. The conspiratorial cloak of silence that has hung over this incident is now being challenged in the courts by the local Kingston Newspaper, and the inmate committee of the penitentiary.

But the system continues to expand, unimpeded by escalating prison violence and despair, assured of its competence by reports like that of Vantour (1984) and Carson (1984). More large maximum security penitentiaries are being built to house the rapidly growing prison population. This increase is in part due to a considerable increase in the length of prison sentences, including the 25 year minimum life sentences for first degree murder legislated in the fall of 1976. There are currently some 300 people serving these 25 year minimum life sentences, and twenty-five percent of all Federal prisoners are serving sentences of ten years to life. (9) At the same time the awarding of parole has decreased sharply from its peak in the 1969-72 period when parole accounted for between forty-nine and sixty one percent of all releases. This percentage had dropped to thirty-three percent by 1973, (10) and has remained at that level despite the increases in the length of sentences.

In this presentation I will discuss the development and present situation of the staff-management conflict; examine how prison reform has been appropriated by custodial staff for control and destibalization purposes; and suggest that the continual violence in our prisons has important ideological

ramifications for an increases in social control and criminal justice generally.

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