

Fact Sheet

#23

*in a series of fact sheets
that examine questions
frequently asked about
the criminal justice
system*

A Publication of the John Howard Society of Ontario

April 2007

Updates on ...

...Incarceration Trends

As we reported in December 1998 (Fact Sheet #12), international comparison shows that our national incarceration rate (both adults - in provincial and federal prisons - and youth) is still high relative to many other similar democracies in the world (Chart 1).

Canada's rate of incarceration from 1994 to 2003 showed a moderate decrease - from 133 per 100,000 population to 106. This trend has not resulted in increasing crime rates; in fact, the national crime rate has generally decreased over the past decade (Chart 2).

... Adult Corrections

Further to what we reported in December 1998 (Fact Sheet #12), 38% of the 32,117 people held in Canadian prisons on any given day in 2004/05 were in federal prisons (sentenced to two years or more) and 62% in provincial prisons (sentenced to less than two years, remand and "other" which includes temporary detention and immigration holds). Ontario's share of the provincial total represents 39%.

Number in Ontario provincial prisons increases

Further to what we reported in January 2006 (Fact Sheet #22), the data on the number of people in Ontario prisons on any given day show that from 2004/05 to 2005/06:

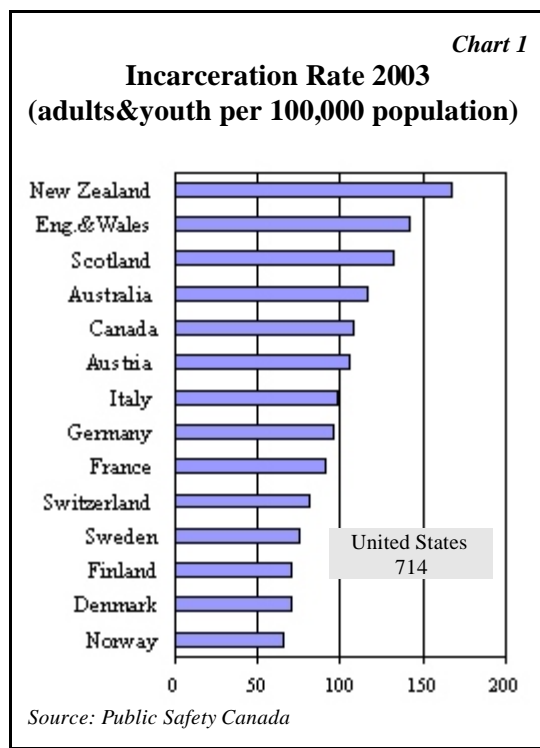
- The total population increased by 4% to 8,112. Most are on remand or

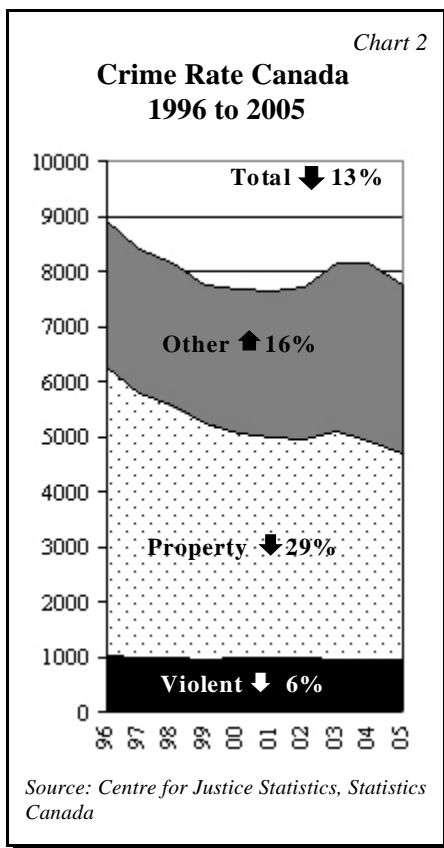
servicing a provincial sentence, with a small number (349) of immigration holds, federally sentenced or "other".

- While sentenced admissions increased slightly, the sentenced population decreased 3% to 2,796. The trend to a greater percentage being sentenced to shorter sentences continues - almost a quarter of sentences were for one to seven days, compared to 14% a decade ago.
- Correspondingly, the remand population increased by 10% to 5,123.

Growing proportion of untried in prison

This trend, which we last reported on in January 2006 (Fact Sheet #22), has continued unabated since the mid-1990's. In 2005/06, 63.2% of the population in Ontario provincial prisons were on remand, the vast majority of whom have yet to be tried (some have been found guilty but are awaiting sentence). While remand populations are an issue for all of the provinces, Ontario has the





dubious honour of being the province with the highest proportion of those on remand.

Overcrowding and lack of programs and services, even access to meaningful activities such as library and recreation, continue to characterize the facilities which hold remand prisoners. As the law permits in sentencing, judges are typically giving additional credit for time spent on remand in recognition of the hardships related to the status. When the offence is a relatively minor one where the judge is considering a short sentence anyway and with the average time spent on remand increasing, a short sentence

What is happening more frequently in Ontario is the equivalent of serving all or most of one's sentence before being found guilty

becomes shorter or even one of time served. In this way, remand has been a factor contributing to the decreasing sentenced population. However, what is the equivalent of serving one's sentence before being found guilty has obvious justice implications.

For further information on the consequences and likely causes, see "Remand in Ontario: A background" <http://www.johnhoward.on.ca/Library/remand/remand.pdf>

End of the private prison in Ontario

As reported in August 2000 (Fact Sheet #15), the agenda of the previous provincial government included the privatization of prisons. The initial step towards privatization was the awarding of a five year contract in 2001 to Management and Training Corporation, a U.S.-based private company, to operate the Central North Correctional Centre (CNCC) in Penetanguishene. The government indicated that it would be comparing the performance of CNCC with Central East Correctional Centre (CECC) in Lindsay, a similar institution but one that would be publicly operated. The results of the comparison, it said, would inform the decision around further privatization initiatives.

With the contract to end in November 2006, the new government had to decide six months in advance of the end of the contract whether to extend/renew the contract or allow it to expire. To help inform that decision Pricewaterhouse-Coopers (PwC) was hired to analyze the comparative performance of CNCC and CECC by way of cost and security, programming, health and community impact indicators and outline the options.

On April 27, 2006, the government announced that it would allow the contract to expire and transfer the operation of CNCC to public sector

operation. The executive summary of the PwC report shows that while there was a cost savings with CNCC, CECC rated higher with respect to security, classification, programming quality and effectiveness, continuum on services, positive impact on the community and significantly higher on health and recidivism.

CNCC ceased to be privately-operated on November 10, 2006, the date it was officially transferred to public sector operation.

After five years, there has been no appreciable benefit from the private operation of Central North Correctional Centre ... the evidence clearly indicates that the public facility produced better results in key performance indicators.

Monte Kwinter, Minister, Community Safety and Correctional Services Ontario
April 27, 2006

New Electronic Monitoring program

We last reported on the use of electronic monitoring of offenders under provincial authority in December 1999 (Fact Sheet #14). It continues to be used as a correctional intervention, now as the Electronic Surveillance Program (ESP), which commenced in January 2003. ESP operates differently from the previous program in a number of ways:

- Now operates as a public-private partnership, with JEMTEC (a for-profit Canadian company) currently holding the contract for supplying the equipment, and for the monitoring and reporting.
- Available to those serving Conditional Sentences or those released on Ontario Parole or Temporary Absence Programs (TAP), including temporary absences

for the purpose of participating in the Intermittent Community Work Program (ICWP).

- Anyone eligible for the above sentence/release options is eligible for ESP; however, only those who are assessed as having a residence that can accommodate the technology (must have a land line) can be on ESP.
- Authority to impose ESP as an *optional* condition of release rests with the judiciary for Conditional Sentences and with the Ontario Parole and Earned Release Board for those released on parole or a temporary absence over 72 hours, and used to enhance the monitoring of clients' compliance with house arrest or curfew conditions.
- Participation in ESP is *mandatory* for those released on ICWP to ensure compliance to curfew conditions (Note: An intermittent sentence is a prison term to be served on the weekends, generally given to maintain employment or educational activities. ICWP allows these individuals to serve this sentence in the community by working in a community project during the day and remaining at home under a curfew at night. The authority to grant a temporary absence for this purpose lies with the Superintendent of the institution).
- A user fee of \$12 a day for Employment TAP only is applicable, but the fee can be reduced or waived. There are no fees for those on a Conditional Sentence or Ontario Parole.
- Supervision takes place in the same manner as any other person on a conditional sentence order, parole or TAP, with assigned Case Managers who are responsible for all intake, assessment, supervision and enforcement duties.
- Two types of technologies are used:

a radio frequency based system (the ankle bracelet linked to the phone) and a voice verification system (calls to home phone at random times) -- the assigned Case Manager determines the type to be used in each case.

The program is now available in most areas of the province, with some exceptions in the North.

In 2005/06, there were 932 admission to ESP, up from 520 in 2003/04. Snapshot data (on February 9/07) shows a total of 352 individuals on ESP across the province, consisting of:

- 121 serving Intermittent Sentences
- 3 on regular TAP
- 226 serving Conditional Sentences
- 2 on Ontario Parole

The type of monitoring was as follows:

- 207 radio frequency technologies
- 145 voice verification

To date, no research has been conducted or is being planned on either the previous or current program to assess effectiveness in reducing re-offending and/or prison populations.

Still few on Ontario Parole

Since the last time we reported on Ontario Parole in Fact Sheet #20 (May 2004), the use of provincial parole continues to be minimal. In 2005/06, there were 288 paroles granted and 727 denied, for a grant rate of 28%. In that year, the average count was 152.

There had been speculation that the stagnation was connected to the intention of the government to cease operating its own provincial Parole Board, leaving the authority over decisions regarding parole for its provincial prisoners to the National Parole Board. Only two provinces currently have their own parole board while the other provinces and territories rely on the federal parole system to handle their caseloads. (Note: As of

April 1, 2007, British Columbia no longer operates its own Parole Board). However, in December 2005, the Minister of Community Safety and Correctional Services announced the government's commitment to retaining its authority over provincial parole. A new Chair was appointed in October 2006, new members are being appointed and a re-organization is taking place. Hopefully this will lead to a renewal of provincial parole in Ontario.

... Youth Corrections

Boot Camp closes

When we last reported on Project Turnaround in December 1999 (Fact Sheet #14), the strict discipline facility (conventionally known as "boot camp") for young offenders had been operating for approximately two years, with results of the interim evaluation available. In March 2001, the report of the full three year evaluation by T3 Associates was released.

The evaluation compared the Project Turnaround group with a comparison group selected from traditional youth custody facilities and found:

- no statistically significant difference in the re-offending rates,
 - generally equal positive gains by both groups on the majority of measures of psychological, attitudinal and living skills change.
- These results mirrored the preponderance of evidence (from the

The decision to close Project Turnaround is operationally and fiscally sound.

Monte Kwinter, Minister, Community Safety and Correctional Services Ontario
November 11, 2003

U.S. for the most part) on the effectiveness of boot camps.,

Despite the lack of scientific evidence, the government of the day persisted in its continued support of the operation of Project Turnaround and even spoke to expanding the model to other youth custody facilities.

A new government was subsequently elected and, in November 2003, announced its decision to close Project Turnaround at the end of the contract, citing fiscal and operational reasons. Project Turnaround was closed at the end of January 2004.

Change in the delivery of youth justice services in Ontario

As we reported in Fact Sheet #22, youth justice in Ontario appears to be continuing to move in the direction of more diversion and other least intrusive measures and less custody. From 2004/05 and 2005/06 (the first two years of data that includes all youth age 12 to 17) the average count of young persons in sentenced custody fell by 10% to 434. (Note: Fact Sheet #22 quoted a figure of 410 for 2003/04 sentenced custody, as reported in per Statistics Canada's *The Daily* December 1, 2005. It appears that this number was for 16 and 17 year olds only. The data has been revised as 598

to include estimates for those age 12 to 15. See *Juristat* Vol 27 No. 2 March, 2007). At the same time the average of those on extrajudicial sanctions and conditional discharge increased by 24% and 27% respectively.

The new legislation, the *Youth Criminal Justice Act (YCJA)* enacted by the federal government, must be considered in large part responsible for this change. However, how the law is implemented by the provincial government who has responsibility for the delivery of youth justice programs and services must also be considered a factor.

The government elected in Ontario in 2003 moved quickly to signal a new approach to young persons in conflict with the law. In March 2004, the Ontario government announced the creation of the new Ministry of Children and Youth Services. Its mandate encompasses not only child welfare and children's mental health but also youth justice services for all youth covered under the *YCJA* (age 12 to 17). Particularly significant was the inclusion of programs and services for 16 and 17 year olds, previously administered by the Ministry of Community Safety and Correctional Services which is responsible for adult offenders under provincial jurisdiction. This reorganization signaled a move

toward a dedicated youth justice system better able to meet the needs of young people as different from adults and the importance of responding differently to their offending behaviour than we do with adult offenders.

Other steps taken by the current Ontario government demonstrate support of the principles of the *YCJA*:

- In response to the dramatic decrease in the use of custody, beds in custody facilities have been closed and the financial resources redirected to the expansion of community-based initiatives and sanctions to support diversion and alternatives to custody.
- Some co-located youth facilities (units for youth in adult prisons) have been closed. However, the government has yet to achieve its commitment to close all of these units.
- The Toronto Youth Assessment Centre, a secure youth detention facility identified as not suitable for youth by both the Child Advocate and a Coroner's Inquest into the death of a young person at that facility of concern, was closed.

It will be important to continue to monitor government actions on youth justice matters by following trends in the statistical data and the emerging research .

Effective, just and humane responses to crime and its causes

For more information, please contact us at:

John Howard Society of Ontario
111 Peter St., Suite 603
Toronto, Ontario
M5V 2H1
Tel: (416) 408-4282
Fax: (416) 408-2991
E-mail: jhsont@johnhoward.on.ca

