Highlights of Federal Initiatives in Criminal Justice: 1966-1980

Canada

HIGHLIGHTS OF FEDERAL INITIATIVES IN CRIMINAL JUSTICE: 1966-1980

Research Division
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SCOPE OF THIS HANDBOOK

This handbook is a compendium of federal initiatives in criminal justice since 1966. Most often, these initiatives have been developed in consultation with the provinces and the private sector. The handbook is not exhaustive, but presents major developments at the federal level during the past fifteen years. Legislation and continuing programs predating 1966 are discussed only in the introductory overview of the justice system. The major sources of data are cited in the Bibliography.

The data reveal several trends. In general, penalties for non-violent offences have been reduced, and penalties for violent crimes have been increased. Federal-provincial and federal-private sector cooperation have undergone a large and productive expansion. Law enforcement and correctional agencies are becoming more open and accountable to the public. A continuing movement toward an equitable and humane justice system, in which the rights of offenders as well as the rights of the innocent are defined and guarded, is clearly identifiable.

The Canadian public, the federal and provincial governments, and criminal justice professionals can take pride in the accomplishments of the past fifteen years. Upon these foundations the justice system of the future will be built.

HIGHLIGHTS OF FEDERAL INITIATIVES IN CRIMINAL JUSTICE: 1966-1980

TABLE OF CONTENTS

DETAILED TABLE OF CONTENTS

I. OVERVIEW OF THE CANADIAN SYSTEM OF CRIMINAL JUSTICE

A. THE FIRST HUNDRED YEARS OF THE FEDERAL JUSTICE SYSTEM: 1867-1966

1. CONFEDERATION TO WORLD WAR I

During the period 1729-1867, English common law and criminal statutes were introduced into the regions that now constitute the Dominion of Canada. The British North American colonies subsequently developed justice institutions based on British models. At Confederation, although the adopted British institutions had been modified where necessary to meet local requirements, the justice systems of the colonial provinces were markedly similar to the system in the United Kingdom.

With the passage of the British North America Act (1867), the development of a distinctively Canadian justice system began. As provinces of Canada, the former colonies retained primary responsibility for the administration of justice, but a strong federal presence in the justice system was established. A Canadian precedent was entrenched—the "two year rule" for separating federal penitentiary sentences from provincial prison or reformatory sentences, and a number of "first" Canadian justice institutions were created.

BRIEF CHRONOLOGY

1868 - Department of Justice established, responsible for federal police and penitentiaries;

- First Penitentiary Act, bringing pre-Confederation prisons in Kingston, Halifax, and Saint John under federal jurisdiction, created the federal penitentiary system;

- Dominion Police established to conduct federal investigations (merged into RCMP in 1920).

1873 - North-West Mounted Police formed (becoming, in 1904, the Royal North-West Mounted Police).

1875 - Supreme Court of Canada created.

1880 - Completion of the first federal penitentiary construction program--St. Vincent de Paul (1873), Manitoba (1877), British Columbia (1878), Dorchester (1880)—extended the penitentiary system across Canada. (Dorchester replaced the old institutions at Halifax and Saint John.)

1886 - Prisons and Reformatories Act specified general conditions for the maintenance of provincial institutions;

- Office of the Solicitor General established in the Department of Justice.

1892 - First Criminal Code of Canada enacted.

1899 - First parole statutes (Ticket of Leave Acts).

1905 - First Dominion Parole Officer appointed.

- First policing contracts, between Royal Northwest Mounted Police (RNWMP) and Alberta and Saskatchewan (cancelled, 1917).

1906 - Alberta Penitentiary at Edmonton opened (closed 1920).

1908 - First Juvenile Delinquents Act.

- First narcotic control legislation (Opium Act).

1911 - Saskatchewan Penitentiary opened.

2. WORLD WAR I - WORLD WAR II

Between the world wars, the opening of the first federal prison for women and the first federal reformatory penitentiary realized two long-proposed correctional reforms. However, the establishment of the RCMP as a national force, following the Winnipeg General Strike of 1919, and the Archambault Commission inquiry into the penitentiary strikes and riots of the Depression era, suggested that unforeseen events could have as great an impact on the justice system as planned change based on correctional ideals.

1920 - RCMP Act established the Royal Canadian Mounted Police, amalgamating the Dominion Police and the RNWMP.

1928 - RCMP provincial policing contracts reinstituted.

1934 - Kingston Penitentiary for Women opened.

1935 - First RCMP municipal policing contract (Flin Flon, Manitoba).

1937 - Collins Bay Penitentiary, a reformatory facility for young adult first offenders and other reformable non-violent prisoners, opened near Kingston.

1938 - Archambault Commission of Inquiry into the management of federal penitentiaries, appointed following inmate strikes and riots, recommended comprehensive reform of the federal corrections system.

1939 - Penitentiary Act revised.

3. POST WAR YEARS: 1945-1966

Following World War II, federal officials responsible for gradual implementation of the Archambault recommendations were overtaken by events--rising penitentiary populations, overcrowding and prison disturbances. In the mid-1950s, the recommendations of the Fauteux Committee initiated a new era of legislative and institutional reform and expansion without parallel since the first decade of Confederation.

1945 - "Rule of Silence" abolished in federal institutions.

1952 - The Federal Training Centre at Laval, Quebec, a reformatory prison similar to Collins Bay, opened.

1955 - Criminal Code entirely revised.

1956 - Fauteux Commission recommendations initiated recent period of expansion and reform of the federal corrections system.

1958 - The Parole Act, replacing the Ticket of Leave Act, established the first National Parole Board.

1959 - New RCMP Act enacted.

1959 - First minimum security institution opened at William Head, British Columbia, and the first institution constructed specifically as a medium security facility opened at Joyceville, Ontario. Previously, the system had consisted of nine maximum security penitentiaries. In 1960, Collins Bay Penitentiary and the Federal Training Centre at Laval were reclassified as medium security institutions. By 1962, the penitentiary system included 15 minimum, 4 medium, and 7 maximum security institutions.

1961 - New Penitentiary Act enacted.

1963 - "Ten-Year Plan" for penitentiary accommodation initiated. Ten new penitentiaries of varying sizes and security classifications were constructed. Four temporary minimum security institutions were phased out.

1966 - The Government Organization Act created the Department of the Solicitor General of Canada, responsible for federal police, penitentiaries and parole.

B. LEGAL FRAMEWORK OF THE FEDERAL JUSTICE SYSTEM

The most important federal legislation governing the justice system is listed below. These acts define federal powers with respect to criminal justice, define crimes and provide penalties, establish judicial procedure, and provide for the institutional management of crimes and punishments.

1. LEGISLATION GOVERNING THE FEDERAL-PROVINCIAL DISTRIBUTION OF POWERS OVER THE ADMINISTRATION OF JUSTICE

British North America Act (1867)

The B.N.A. Act sets out the respective jurisdictions of the federal government and the provinces in criminal justice. Generally speaking, authority is divided as follows:

Federal Jurisdiction	Provincial Jurisdiction
. legislation of criminal law, procedure, and sentencing (Criminal Code and other statutes containing criminal provisions)	. legislation of provincial statutes, e.g., highway traffic acts
. investigation of violations of federal statutes other than the Criminal Code (e.g., Narcotic Control Act), conducted by RCMP or other federal investigators	. investigation of Criminal Code violations and violations of provincial law, conducted by provincial or municipal police forces, including RCMP under contract
. prosecution of violations of federal statutes other than the Criminal Code, carried out by Attorney General of Canada and federal Crown attorneys	. prosecution of Criminal Code violations and violations of provincial laws or municipal by-laws, carried out by provincial Attorneys General, provincial Crown prosecutors, provincial prosecutors and municipal solicitors
. establishment, organization and maintenance of the Federal Court and the Supreme Court of Canada	. establishment, organization and maintenance of all other courts (Superior, District, and County)

Federal Jurisdiction	Provincial Jurisdiction
. appointment of federal and provincial judges on advice of the Minister of Justice and the provinces; payment of salaries to all judges	. appointment of magistrates
. establishment, maintenance and management of penitentiaries (sentences of two years or more)*	. establishment, maintenance and management of prisons and reformatories (sentences of less than two years)*
. legislation of juvenile offences	. juvenile courts, custodial facilities and other sentence dispositions

* Provisions exist for the transfer of inmates between the two systems.

2. ADMINISTRATION OF THE CRIMINAL JUSTICE SYSTEM

The Department of Justice and the Department of the Solicitor General bear the major responsibility for the administration of justice at the federal level. Legislation governing the operation of these two departments and the government agencies responsible for federal law enforcement, incarceration, and parole, are described below. The cited Penitentiary, Parole and RCMP Acts replace earlier legislation.

An Act Respecting the Department of Justice (1868) (As amended)

- describes the duties of the Minister of Justice and the powers and duties of the Attorney General of Canada.

Parole Act (1958) (As amended)

- established the National Parole Board, with authority over parole for federal inmates and provincial inmates, other than juveniles, convicted of federal offences. The Act defines the powers and duties of the Board and establishes procedures for granting, suspending and revoking parole. An amendment to the Parole Act in 1977 allows the provinces to create parole boards with jurisdiction over most provincial inmates. (See Parole section.)

Royal Canadian Mounted Police Act (1959) (As amended)

- establishes the RCMP as a federal police force, establishes procedures for governance of the Force, and enables the RCMP to undertake provincial and municipal policing duties under federal-provincial agreement.

Penitentiary Act (1960-61) (As amended)

- in addition to establishing procedures for the operation of penitentiaries, the Act initiated regionalization of the system, reorganized the personnel selection, promotion and transfer systems, authorized statutory remission and temporary absence, and permitted transfer of inmates between the federal and provincial systems.

Government Organization Act (1966)

- created the Department of the Solicitor General, and transferred responsibility for the National Parole Board, the RCMP, and the Canadian Penitentiary Service (now part of the Correctional Service of Canada) from the Minister of Justice to the Solicitor General of Canada.

Prisons and Reformatories Act (1886) (As amended)

- specifies general regulations for the operation of provincial prisons and reformatories. The provinces establish regulations and supplementary legislation.

Other Related Federal Statutes

- Identification of Criminals Act
- Canada Evidence Act
- Criminal Records Act
- Extradition Act
- Fugitive Offenders Act

3. FEDERAL LEGISLATION CREATING CRIMINAL OFFENCES

The Criminal Code (1955) (As amended)

- defines criminal offences and establishes penalties for violations, e.g., imprisonment, fines, probation, etc., and establishes legal procedure in criminal matters.

Juvenile Delinquents Act (1908) (As amended)

- creates the legal offence of "juvenile delinquency" under which youthful offenders are prosecuted for criminal acts and non-criminal misbehaviour.

Narcotic Control Act (1960-61) (As amended)

- prohibits, and establishes penalties for, the possession, sale, importation and cultivation of opiates, cocaine and cannabis. (See also Legislation and Sentencing: Item 5, p. 24).

Food and Drugs Act (1920) (As amended)

- sets standards for the manufacture of foods and drugs, and makes it an offence to traffic in, or possess for the purposes of trafficking, controlled drugs such as barbituates and amphetamines. (See also Legislation and Sentencing: Item 6, p. 24).

Official Secrets Act (1939) (As amended)

- provides for the conviction of persons acting in the interests of a foreign power in a manner prejudicial to the safety and interests of Canada.

Other Relevant Federal Statutes

- Income Tax Act
- Immigration Act
- Customs and Excise Act
- Combines Investigation Act
- Bankruptcy Act
- Migratory Birds Convention Act
- Canada Shipping Act

C. THE MINISTER OF JUSTICE AND THE SOLICITOR GENERAL OF CANADA

Department of Justice: The federal Minister of Justice is also the Attorney General of Canada and is the official legal advisor to Parliament and Cabinet. The Minister is also responsible for the nomination of judges and federal Crown Prosecutors and for the prosecution of federal offences.

The Department of Justice frames legislation and is responsible for amendments to Canadian criminal law. It develops policies, and initiates research and programs to improve legal techniques and judicial structures.

Department of the Solicitor General: The Solicitor General is responsible for the Royal Canadian Mounted Police, The Correctional Service of Canada (formerly the Canadian Penitentiary Service and the National Parole Service) and the National Parole Board. The CSC and the RCMP report to the Solicitor General. The NPB reports to Parliament through the Solicitor General.

The Ministry Secretariat develops and co-ordinates policies in criminal justice, law enforcement, corrections and national security, undertakes research, compiles statistics and initiates experimental projects. The Secretariat has three branches, Policy, Programs, and Police and Security, each reporting through an Assistant Deputy Minister to the Deputy Solicitor General, who is chief policy advisor to the Solicitor General. The Deputy Solicitor General is chairman of the Senior Policy Advisory Committee, which includes the Commissioner of the RCMP, the Commissioner of The CSC, and the Chairman of the NPB.

D. FEDERAL-PROVINCIAL COOPERATION AND CONSULTATION

The local administration of justice is the responsibility of the provincial governments. In 1979, approximately 70% of all criminal justice expenditures were made by the provinces. The provinces provide services under contract with the federal government, and are involved in frequent consultation with the federal government on matters of criminal justice policy. The provinces also administer federally-assisted programs such as legal aid.

During the 1970s, three Federal-Provincial Conferences were held to develop a more co-ordinated approach to criminal justice issues. Since 1974, the Continuing Committee of Deputy Ministers has provided a forum for continued federal-provincial consultation. Working committees formed from this group consider issues of mutual concern, such as inmates' rights, diversion, and young offenders' legislation. In June, 1981, the federal and provincial Deputy Ministers met at Quebec. In November, 1981, the federal and provincial ministers responsible for law enforcement and corrections will meet at Ottawa.

E. THE PRIVATE SECTOR

Voluntary associations such as prisoners' aid groups, community-based half-way houses, and correctional policy associations have been active in the Canadian criminal justice system since the nineteenth century. The federal government has increasingly sought the services and advice of such non-government organizations in the development of its programs and policies.

Professional associations such as the Canadian Association of Chiefs of Police and the Canadian Association for the Prevention of Crime provide forums for discussion of criminal justice matters. National conferences on broad topics such as Diversion bring together experts from government, the university and the voluntary organizations to define issues and suggest directions for the criminal justice system.

II. SPECIAL INQUIRIES

A commission of inquiry is an independent body established outside regular political and judicial structures to investigate and offer recommendations on specified matters of governmental concern. A commission usually is established for a limited period, but may have a permanent mandate, as in the case of the federal Law Reform Commission of Canada. A commission may investigate a broad sector of government activity or inquire into a single event. Commissioners are selected from experts in the field under investigation, but may include notable individuals from unrelated fields. Major inquiries are generally established under the Inquiries Act, which grants special powers to subpeona witnesses and documents. In some cases, commissions have the power to fine or imprison for contempt of commission authority.

Parliament, a minister of the Crown, or officials of the public service may establish task forces, advisory committees or working groups to examine selected topics and offer advice on government policies. These ad hoc bodies have no special legal powers.

Commissions and committees provide guidelines for redefinition of the criminal justice system. Their work often leads to new administrative or judicial measures, to the passing of new legislation, or expands the conceptual framework of the criminal justice system. Among the most notable examples are the Archambault Commission of 1938 and the Fauteux Commission of 1956, both of which recommended comprehensive reorganization of the federal justice system.

1. ROYAL COMMISSION ON SECURITY (MacKenzie, 1968)

In November 1966, the federal Cabinet appointed a commission under the chairmanship of H.W. MacKenzie to inquire into Canadian government security methods and procedures. The Commission reviewed organizational structures with respect to security, privacy and the individual, screening procedures of various kinds, physical and industrial security, and security of information.

The Commission report (1968) recommended that the formulation of security policy and procedures be assigned to a formal security secretariat within the Privy Council; that a new, civilian security agency be established, in place of the RCMP security service, to undertake operational and investigative functions; and that an independent, Cabinet-appointed review board investigate individual complaints about security decisions affecting employment, landed immigrant and citizenship status.

The report also recommended screening procedures for government employees, immigrants and prospective citizens, and made proposals relevant to the classification of documents and to physical, industrial and departmental security.

The federal government subsequently proposed a Security Service within the RCMP which would be increasingly separate in structure and civilian in nature. The recommendation for an independent security review board was accepted. In 1975, regulations were made pursuant to the Financial Administration Act for an inquiry in any case where a public servant was dismissed on security grounds. Recently, the Government directed the Security Policy Review Task Force to examine the adequacy of these arrangements, as part of a comprehensive review of security provisions. (See Item 19, SPUR Task Force, p. 36).

2. CANADIAN COMMITTEE ON CORRECTIONS (Ouimet, 1969)

The Minister of Justice appointed the Canadian Committee on Corrections in June 1965, under the chairmanship of Mr. Justice Roger Ouimet, to "study the broad field of corrections ... from the initial investigation of an offence through to the final discharge of a prisoner from imprisonment or parole."

The Ouimet Committee report (1969) asserted that the law enforcement, judicial and correctional processes should form a sequence. The aim of corrections had been rehabilitative, while the objectives of criminal law included retribution, deterrence, and the declaration of moral principles. The Committee suggested that the system be rationalized, and that recognition be given to the fundamental principle of the justice system—the protection of all members of society, including the offender. In the long run rehabilitation would be the best means of affording this protection to society. The Committee suggested that the absence of a clearly articulated sentencing policy and the inadequacy of rehabilitative services and facilities were the greatest obstacles to the development of a unified system of criminal law and corrections.

The report presented 118 recommendations aimed at the development of a unified justice system. Priority was given to re-classification of substantive criminal law, a sentencing code, community treatment of the offender where possible, and the development of sophisticated, professional classification procedures, treatment techniques and training programs within correctional institutions.

The Ouimet Committee emphasized justice and rationality as guiding principles in the administration of the criminal law. Many substantive recommendations based on these principles have been translated into legislative change and regulatory amendment since the report was published.

3. LAW REFORM COMMISSION (1970)

The Law Reform Commission of Canada is a permanent commission established by the Law Reform Commission Act of 1970 "to study and review the statutes and other laws of Canada with a view to making recommendations for their improvement, modernization and reform." The Commission reports to the Minister of Justice.

Between 1971 and 1979, the Commission published more than 85 study papers, working papers and other documents on various aspects of Canadian law. Twelve of these publications were reports to Parliament on such topics as sentencing, family law, evidence, criminal procedure, sexual offences, theft, and fraud. The Commission has recommended a general reorganization of the Criminal Code of Canada.

Recommendations of the Law Reform Commission have been noted and considered in the judgments of several Canadian courts, including the Supreme Court, and the federal government has initiated the process leading to a comprehensive revision of the Canadian Criminal Code.

4. WORKING GROUP ON FEDERAL MAXIMUM SECURITY INSTITUTIONS (Mohr, 1971)

In 1971, a joint working group of the Canadian Criminology and Correctional Association and the Canadian Penitentiary Service was established to make recommendations to the Solicitor General concerning accommodation for federal maximum security inmates. The Working Group report, Design of Federal Maximum Security Institutions, suggested that imprisonment should be viewed as only one part of the correctional process and that the planning of maximum security prisons should be seen in the context of the inmate's eventual return to society. In administering the sentence of the court, the Working Group argued, correctional authorities should subject an inmate only to that degree of restraint necessary to prevent violence and reduce the risk of escape. Inmate programs and public participation in institutional life should be kept in mind as well as security in the design of new instititions. The report proposed that maximum security accommodation be developed around the concept of living group modules of twelve inmates each, and that new maximum security facilities not exceed 144 inmates.

In 1973, a Five-Year Strategic Accommodation Plan for the construction of new institutions was approved. The program included plans to close a number of older institutions and reduce populations in certain large penitentiaries. Between 1973-77, four institutions with a capacity of less than 200 inmates each were constructed. Later, the Penitentiary Service raised the upper capacity limit for maximum security institutions to establish a more cost-efficient inmate-to-staff ratio. The program was discontinued in 1977 due to the increasing cost of capital construction. In 1979 a new accommodation plan was approved, authorizing construction of institutions holding as many as 450 inmates. (See Item 21, Penitentiary Construction Program, p. 51).

5. ADVISORY BOARD OF PSYCHIATRIC CONSULTANTS (Chalke, 1972)

The Advisory Board of Psychiatric Consultants, under the direction of Dr. F.C.R. Chalke, was appointed in 1971 to advise the Solicitor General on the treatment of mentally ill inmates. The Committee report (1972) identified problems in the delivery of psychiatric services to federal inmates and noted shortcomings in the classification of the mentally disordered, inadequacy of facilities, overcrowding, and a lack of suitable personnel for the care and treatment of patients.

The Board recommended a unified psychiatric service in each Region that would recognize local variations in needs, programs, and facilities. It recommended regional psychiatric centres to provide treatment for acute, sub-acute, and chronically ill mental patients and to offer a focus for research, training, and the advancement of professional standards in forensic psychiatry.

The Chalke Committee recommendations provided a basis for psychiatric policy in the federal penitentiary system. The development of Regional Psychiatric Centres began in 1972 and continues into the 1980s. The Advisory Board of Psychiatric Consultants was replaced in 1978 by the Medical Advisory Committee. The Committee mandate includes systematic review of the general program for the development of psychiatric services recommended by the Chalke group. (See Item 8, Regional Psychiatric Centres, p. 47).

6. TASK FORCE ON COMMUNITY-BASED RESIDENTIAL CENTRES (Outerbridge, 1972)

The Task Force on Community-Based Residential Centres, under the chairmanship of Professor William Outerbridge, noted a growing trend toward placement of offenders in community facilities as an alternative to imprisonment. The Task Force surveyed 156 community-based residential centres (CRCs) across Canada. The research indicated a wide diversity among residential centres in quality of facilities, operating principles, degree of community involvement, and funding arrangements.

The Task Force recommended that the federal government, provincial authorities and the private sector encourage the growth and development of private sector CRCs. The report also proposed that funds be made available for innovative, replicative and continuing programs, with special attention directed to the development of services for natives and ex-offenders. Long-range studies were recommended to help articulate objectives for CRCs, to develop standards and to devise methods for evaluating CRC programs.

In 1975, after consultation with the provinces and the private sector, the Solicitor General committed the Department to the use of community-based residential facilities. The Department indicated that it would use privately-operated CRCs where possible, rather than develop similar federal institutions, and would actively support the growth and expansion of private-sector CRCs. Money has been made available for the establishment of new CRCs, which then become eligible for continuing per diem federal funding. (See Item 6, Community-Based Residential Centres, p. 47).

The Department has funded a number of CRCs staffed by ex-offenders and by Natives. The Department also financed a study of uniform information-gathering systems for CRCs, and publishes a national directory of CRC facilities. The establishment of a training institute for staff of community-based residential facilities is under consideration.

7. TASK FORCE ON THE RELEASE OF INMATES (Hugessen, 1972)

The Task Force, appointed by the Solicitor General under the Chairmanship of Mr. Justice J.K. Hugessen, examined existing procedures for the release of prisoners prior to the completion of their sentences.

The Task Force report (1972) described parole as a means to ensure that inmates spent as little time as possible in prison, consistent with preventing further crime, particularly serious violent crime. The Task Force viewed incarceration as an undesirable method of ensuring that society would be protected against its own failures. Thus, parole was necessary to ensure that the social and humane costs of imprisonment would not outweigh its benefits.

The Task Force presented 58 recommendations intended to encourage public acceptance of parole while respecting humanitarian and economic restraints. The central recommendation proposed a decentralized but co-ordinated parole system, closely linked to the public and to the police and other professional groups in the criminal justice system. The report also emphasized a monitoring system and procedural safeguards for the rights of inmates.

Other recommendations included the creation of five regional parole boards; the appointment of part-time board members such as judges, police, criminologists, prison directors, parole supervisors and community members; legislation permitting provinces to create their own parole boards subject to federal criteria; a parole institute for research and public information; the collection of data for use in structuring parole decisions; a limitation of eighteen months on parole supervision; Parole Board jurisdiction over unescorted temporary absences, with eligibility restricted to inmates who had served 6 months; and the integration of federal parole staff with penitentiary staff.

In 1974, the National Parole Board was decentralized. Recommendations to facilitate police, professional and community representation in the parole process were implemented in amendments authorizing the addition of Regional Community Board members to the NPB for certain categories of parole candidates. Other Task Force recommendations were reflected in amendments made to the Parole Act in 1977. (See p. 57).

8. COMMISSION OF INQUIRY INTO THE NON-MEDICAL USE OF DRUGS (LeDain, 1973)

The Commission of Inquiry into the Non-Medical Use of Drugs was appointed in 1969 on the recommendation of the Minister of Health and Welfare, to inquire into patterns of drug use in Canada. Preliminary recommendations (Interim Report, 1970) emphasized the reduction of penalties for offences involving possession and sale of cannabis. The Commission recommended that control of cannabis be removed from the Narcotic Control Act and placed under the Food and Drugs Act. A second report (Treatment, 1972) outlined treatment options, particularly for opiate addiction, high dose amphetamine dependence, and alcoholism. A third (Cannabis, 1972) presented extensive review of scientific research on the properties and effects of the drug, and included an examination of the patterns of use and distribution of cannabis and related social factors.

The Commission concluded that the existing penalties for illegal distribution of cannabis were out of proportion to the harmfulness of the drug. A majority of Commissioners recommended abolition of penalties for simple possession of cannabis, and the reduction of penalties for trafficking, possession for the purpose of trafficking, and importing. Two minority reports were released, one recommending the retention of the offence of possession, but with reduced penalties, the other recommending legalized distribution.

The Final Report (1973) dealt in particular with opiate narcotics, amphetamines and strong hallucinogens. The Commission recommended that sanctions against the use of these drugs be retained in the Narcotic Control Act. The Commissioners asserted that the law should be used to manage drug dependence, particularly opiate addiction. The goal should not be to imprison the user, but to divert him to treatment.

In 1972, the Criminal Code was amended to permit the use of absolute and conditional discharge as sentencing options for cannabis offences. In 1979, the Departments of the Solicitor General, Justice and National Health and Welfare began a review of existing narcotics legislation with a view to reducing the social consequences of criminal convictions for simple possession of cannabis.

9. NATIONAL CONSULTATION TEAM (Sheppard, 1974)

In 1973, the Solicitor General commissioned a study team, under the chairmanship of C.S. Sheppard, to examine the feasibility of employing ex-inmates in the criminal justice system. The group compiled case studies and held regional workshops. The Committee report, The Offender and Ex-Offender as a Correctional Manpower Resource, was published in 1974.

The report recommended that permanent barriers to the employment of ex-inmates in the criminal justice system be removed, regardless of the type of offence committed, and that the main criteria in the selection of an ex-inmate for employment be the length of time spent in the community since last release, and the inmate's positive accomplishments in the community.

On February 1, 1977, the Department officially endorsed the Public Service Commission policy that ex-offenders may be employed, and that the placement of an ex-offender should be on the merit of the individual, taking into account the particular position to be filled and its relationship to the nature of the offence, the time since the offence occurred, the applicant's record since the commitment of the offence and the special responsibilities of the position. The policy is subject to specific employment regulations established for the federal corrections and law enforcement agencies. No account is taken of an offence for which a pardon has been granted.

10. NATIONAL HEALTH SERVICES ADVISORY COMMITTEE (1975)

The National Health Services Advisory Committee was formed in 1973 to advise penitentiary officials on the development of medical and health care services. The Committee members were selected from nominees presented by Canadian medical, dental, and nursing professional organizations.

In two reports (1974, 1975) the Committee made 124 recommendations, including the establishment of a separate Medical and Health Services Branch within CSC to provide professional medical services to federal inmates. The Committee also noted the uneven quality of health care across Canada and the absence of terms of reference for the delivery of services.

The majority of the recommendations were subsequently implemented. Reorganization of medical services into the Medical and Health Care Services Branch was completed in 1975. The Medical Advisory Committee was formed in 1978 to replace the National Health Services Advisory Committee. (See Item 12, p. 49).

11. STUDY GROUP ON DISSOCIATION (Vantour, 1975)

In 1975, the Solicitor General appointed a Study Group on Dissociation, under the chairmanship of Professor James Vantour. The Study Group report (1975) identified three types of dissociation; that is, protective custody, punitive dissociation, and administrative segregation.

Protective Custody is used when an inmate believed to be in personal danger (sexual offender, informer, etc.), is separated from the rest of the inmate population for his own protection. The report recommended a screening and evaluation process for protective custody candidates and suggested that a separate institution be created with a complete range of programs for inmates requiring protective custody.

Punitive Dissociation is used when an inmate is found guilty of a disciplinary offence and separated from the general population. The Study Group found that inmates did not recognize the legitimacy of disciplinary hearings because they were conducted by penitentiary staff who represented the institution and hence the offended party. The report recommended the appointment of an independent chairperson to preside over disciplinary hearings.

Administrative Segregation is used when an inmate considered to be a problem to the general functioning of an institution is removed from the general population at the discretion of the institutional head.

The Study Group endorsed the segregation procedure, but recommended a more clearly defined process for doing so. Special units were proposed for inmates requiring long-term segregation. These units would have a clearly defined, phased program. Inmates could earn their return to the general penitentiary population through a gradual and monitored reintegration, subject to strict review procedures.

Most of the recommendations of the Vantour report have been implemented. The penitentiary construction program approved in 1979 includes a number of protective custody institutions. Independent chairpersons for disciplinary hearings were introduced into the penitentiary system in November 1977. Two Special Handling Units have been established in the penitentiary system as long-term administrative segregation facilities. Review procedures governing both short and long-term segregation were re-organized in January 1979, and additional review levels at the regional and national levels were added. (See Items 16, 17 and 22, pp. 50-52).

12. COMMISSION OF INQUIRY RELATING TO PUBLIC COMPLAINTS, INTERNAL DISCIPLINE AND GRIEVANCE PROCEDURES WITHIN THE ROYAL CANADIAN MOUNTED POLICE (Marin, 1976)

In 1974, the Solicitor General appointed a commission, headed by Judge René Marin, to examine RCMP procedures for dealing with public complaints against officers, internal disciplinary offences and employee grievances. The Commission recommended comprehensive reform in each area, with provision for adequate legal safeguards and public scrutiny of the process. The Commission also proposed the appointment of a police ombudsman to provide external review of public complaints and to hear appeals from internal disciplinary and grievance decisions.

Future amendments to the RCMP Act will incorporate some of the Commission recommendations. In the absence of legislation, the Commissioner of the RCMP has revised certain procedures along lines similar to the Marin proposals. Public complaint data is being compiled to permit regular statistical analysis. Special Internal Investigation Sections have been established in each Division to carry out investigations pertaining to public complaints and other internal Force matters.

Members of the RCMP facing discharge or demotion are now permitted a hearing before a Board at which they are permitted representation by counsel, the right to present evidence, the right, with leave, to call witnesses and the right to object to appointments to the Board. Decisions of the Board must be presented, with reasons, in writing and may be appealed to a Board of Review. The Commissioner is the final level of appeal.

13. TASK FORCE ON THE ROLE OF THE PRIVATE SECTOR IN CRIMINAL JUSTICE (Sauvé, 1977)

In October 1975, the Continuing Committee of Deputy Ministers Responsible for Corrections commissioned a Task Force, under the chairmanship of Judge R. Sauvé, to review the relationship between the private sector and government in the field of criminal justice.

The Task Force report (1977) recommended that governments involve non-governmental organizations (NGOs) and private citizens in program planning, policy development, resource allocation, and the legislative process, through committees, community consultation, advisory boards and local criminal justice councils. The Task Force suggested that basic policy development in government would benefit from the establishment of an independent Canada-wide association to provide strong, critical policy analysis in the criminal justice field, and to coordinate the relationship of NGOs with government. Participating members of NGOs, planning bodies and public hearings should include some private citizens with no professional links to the criminal justice system.

The report stated that working relationships between the private and governmental sectors should be negotiated, rather than imposed by government. With respect to division of labour, the government should have primary responsibility for law enforcement, prosecution, adjudication and custody, whereas the private sector should be mainly concerned with prevention, diversion, human services, critical reform and advocacy.

The Task Force report provided a context for interdepartmental and federal-provincial consultations. In November 1978, the Deputy Solicitor General and the Deputy Minister of Justice indicated their intention to use the National Associations Active in Criminal Justice (NAACJ) as the major channel of communication with the private sector. Subsequently, officials of the NAACJ and the federal government met to consider sentencing options, diversion, and young offender legislation. Private sector funding and review of the Criminal Code were identified as priorities for the 1980s.

14. PARLIAMENTARY SUB-COMMITTEE ON THE PENITENTIARY SYSTEM IN CANADA (1977)

In 1976, after a series of disturbances in federal prisons, the Solicitor General requested that the parliamentary Standing Committee on Justice and Legal Affairs inquire into the operation of federal maximum security penitentiaries. The Standing Committee established the Sub-Committee on the Penitentiary System in Canada, which reported in 1977.

The report stated thirteen general principles and sixty-five specific recommendations for reform. The recommendations emphasized treatment programs based on the "therapeutic community" model, inmate training programs that met provincial standards for certification, and work programs with adequate payment and incentives whereby the products of inmate labour would compete on the open market.

The Sub-Committee identified the Rule of Law as a principle fundamental to rational discipline, and proposed that it be reflected in a consistent code of regulations having the force of law for both inmates and staff. Inmates' rights should be protected through grievance committees, independent chairpersons, a correctional investigator and functioning inmates' committees. Access to the penitentiary by outside groups should be increased and all federal institutions should have functioning Citizens' Advisory Committees. Public involvement should be sought in correctional policy development. The Sub-Committee also recommended that an outside policy-making board oversee the penitentiary system, and that The Correctional Service of Canada become an independent or "separate" employer.

The Response of the Solicitor General to the Parliamentary Sub-Committee Report on the Penitentiary System (August, 1977) endorsed all thirteen principles as general statements of philosophy, attitude and policy, and accepted the majority of the recommendations in toto or in principle. By the end of 1979, 40 of the 65 recommendations had been implemented, 16 were accepted for long-term implementation, 7 had been rejected, and 2 were still under study.

The recommendation for a policy-making board to oversee the pententiary system was rejected as being impractical and inconsistent with the principle of Ministerial accountability. The recommendation that The Correctional Service of Canada become an independent or separate employer was studied by the CSC Task Force on Correctional Careers. The Task Force report (1980) is under review by government departments and employee organizations.

15. TASK FORCE ON THE CREATION OF AN INTEGRATED CANADIAN CORRECTIONS SERVICE (1977)

In 1973, the Solicitor General appointed the Task Force to study the possible integration of the National Parole Service (then part of the National Parole Board) with the Canadian Penitentiary Service. Two reports, The Role of Federal Corrections in Canada (1977), and The Canadian Corrections Service: Organization and Management (1977), recommended integration and provided a method to implement the process. (See Item 18, p. 51).

The Task Force observed that rehabilitation is often an unrealistic goal that cannot be imposed on an individual, and recommended that incarceration per se should constitute the sole punishment for offenders sentenced to the penitentiary. Accordingly, the correctional service should develop an "opportunities model", in which the offender plans his own rehabilitative program and is held accountable for meeting the objectives. Federal corrections agencies should provide the circumstances and resources required by the offender to achieve projected goals. This "opportunities model" would require effective management, skilled staff, sophisticated classification procedures, diversified program options and an equilibrium between control measures and program opportunities.

In August 1977, responsibility for the National Parole Service was transferred to the Commissioner of Corrections, and the newly amalgamated service was named The Correctional Service of Canada. The CSC has adopted the "opportunities model" for many of its institutional programs, and has designated work as the major focus of inmate programs.

16. COMMISSION OF INQUIRY CONCERNING CERTAIN ACTIVITIES OF THE ROYAL CANADIAN MOUNTED POLICE (McDonald, 1979)

On July 6, 1977, the federal Cabinet appointed a Commission of Inquiry, under the chairmanship of Mr. Justice D.C. McDonald, to inquire into possible unauthorized or illegal activities by the RCMP Security Service in the past, and to advise the government on the policies, procedures and laws needed to govern future security activities.

The Commission report, Security and Information: First Report (1979) recommended that the Official Secrets Act, which provides judicial sanctions for the unauthorized disclosure of government information, be replaced by separate acts dealing with espionage and with "leakage" of government information. Under the proposed legislation, espionage offences would apply only to the communication of information to a foreign power. Legislative provisions relating to "leakage" would cover improperly disclosed information relating to —

(a) security and intelligence;

(b) the administration of criminal justice where disclosure would adversely affect

(i) the investigation of criminal offences,

(ii) the gathering of criminal intelligence on criminal organizations or individuals,

(iii) the security of persons or institutions or might otherwise be helpful in the commission of criminal offences.

The Commission recommended that espionage and leakage be defined as indictable offences, and that any statutory public right of access to government information be qualified by the specific exemption of certain security and intelligence documents and certain information relating to the administration of criminal justice.

Subsequently, the government published the Access to Information Act, qualifying any statutory public right of access to information pertaining to security and intelligence, the administration of justice, and the security of penal institutions. The government also initiated a review of the Official Secrets Act, with a view to separating matters relating to espionage from those relating to leakage of information. The McDonald Commission inquiry was completed early in 1981.

17. WORKING GROUP ON CONDITIONAL RELEASE (1980)

In 1980, the federal Solicitor General directed that an inquiry be made into all forms of conditional release from federal institutions, including temporary absence, day parole, full parole, earned remission and mandatory supervision. The report of the Working Group (Solicitor General's Study of Conditional Release, 1981) described the objectives and functions of conditional release and the extent to which these goals were achieved in Canada.

The report examined a wide range of issues and concerns. The Working Group found that the incidence of violent behaviour and other illegal activity by persons granted conditional release was lower than generally perceived by the press and the public.

In general, the report recommended the continuation of existing release programs, and encouraged the greater use of successful methods such as Temporary Absence (escorted and unescorted; see No. 14, p. 49). The Working Group proposed that there be more specific criteria governing conditional release, that parole decisions be more consistent over-all and more visible to the public, and that stronger procedural safeguards govern the decision-making process. The Group also noted that conditional release systems should be made more accountable to the public, to the criminal justice system, and to the offender.

The Appendices to the report include some of the most comprehensive statistics yet collected on systems of conditional release.

III. LEGISLATION AND SENTENCING

The Criminal Code of Canada has been significantly amended since 1966. Judicial discretion has been extended and the law made less punitive by adding provisions for absolute and conditional discharge, by allowing summary proceedings for some previously indictable offences, and by removing certain former offences from the Criminal Code. At the same time, several new offences have been defined, and penalties have been increased for some violent crimes.

Other federal statutes relevant to criminal justice, amended or enacted since 1966, include the Narcotic Control Act, the Food and Drugs Act, the Criminal Records Act (1970), the Protection of Privacy Act (1974), sections of the Human Rights Act (1978) and the Transfer of Offenders Act (1978). Amendments to the Penitentiary Act (1960-61) and the Parole Act (1958) are noted in the Incarceration and Parole sections of this report.

1. CONSENTING ADULTS (1968-69)

Provisions prohibiting sexual conduct defined as "gross indecency" were made inapplicable to acts in private between a husband and wife or between any two persons, twenty-one years or more of age.

2. RIGHTS OF MENTALLY UNFIT OFFENDERS PROTECTED (1968-69)

Medical and Procedural safeguards for the mentally unfit offender were enacted in 1969. These provisions were further extended and clarified in 1972 and 1975.

3. DANGEROUS WEAPONS RESTRICTED (1968-69)

A comprehensive set of restrictions was created governing the sale, purchase and use of restricted weapons (e.g., certain semi-automatic weapons, firearms less than 26" in length, and handguns). The definition of prohibited weapons was expanded (e.g., automatic rifles).

4. USE OF BREATHALYZER (1968-69)

The use of the breathalyzer by law enforcement officers was authorized. Amendments in 1976 permitted road-side testing.

5. NARCOTIC CONTROL ACT AMENDED (1969)

In 1969, the Narcotic Control Act was amended to permit summary trial proceedings for possession of narcotics, in addition to the existing provision for indictment. The amendment permits a maximum fine of $1,000 or six months imprisonment, or both, on summary conviction. The maximum penalty on indictment is imprisonment for seven years.

6. FOOD AND DRUGS ACT, PART IV (1969)

Part IV was added to the Food and Drugs Act, making it an offence to possess, traffic in, or possess for the purpose of trafficking in, "restricted" drugs which are listed in Schedule H as follows: Lysergic Acid Diethylyamed (LSD); N_1N - Diethyltryptamine (DET) or any salt thereof; N_1N - Dimethyltryptamine (DMT) or any salt thereof; and, 4-Methyl-2,5-Dimethoxyamphetamine STP (DOM).

7. ABORTION (1970)

The Criminal Code was amended to permit "therapeutic" abortion committees in accredited or approved Canadian hospitals. The committees, comprised of three or more qualified medical practitioners appointed by the board of the hospital, can approve abortions for women whose life or health might be endangered by the continuation of pregnancy.

8. HATE PROPAGANDA (1970)

Hate propaganda, materials which advocate genocide, or wilfully promote hatred against any identifiable group, were forbidden by law. When sold or distributed in public places, hate propaganda may be seized under warrant.

9. CRIMINAL RECORDS ACT (1970)

The Criminal Records Act provides relief for persons convicted of federal offences who subsequently rehabilitate themselves. After a mandatory time period, the ex-offender may apply for pardon. Pardon removes certain disqualifications to which a convicted person might be subject, such as denial of a visa or certain kinds of employment.

Judicial records and evidence in federal custody of convictions for which pardons have been granted, are kept separate and may not be disclosed without the prior approval of the Solicitor General of Canada. The mandatory waiting period varies according to the type of offence (summary or indictable) and is calculated from the completion of the sentence. Pardon can be revoked upon reconviction, or upon evidence that the holder is no longer of good conduct or acted deceptively in relation to the application for pardon.

10. BAIL REFORM (1971)

Bail reform legislation was designed to reduce interference with the freedom of persons awaiting trial, to encourage use of the summons in preference to incarceration, and to eliminate where possible the limitations placed upon persons unable to provide cash bail. Subsequently (1976), the legislation was amended to impose restrictions on alleged offenders who are arrested for a subsequent offence while on bail for an earlier offence, on persons not ordinarily resident in Canada, or persons unlawfully at large at the time of the offence. A justice may, since 1976, require cash, other security, and sureties from any accused person, whereas the 1972 Act limited this provision to persons resident more than 100 miles from the court.

11. ATTEMPTED SUICIDE (1972)

Attempted suicide as a punishable offence was removed from the Criminal Code.

12. CORPORAL PUNISHMENT (1972)

Corporal punishment was abolished as a sentencing option and as an administrative punishment for incarcerated offenders. (See Item 7, p. 47).

13. ABSOLUTE AND CONDITIONAL DISCHARGE (1972)

Absolute and conditional discharge, and the intermittent sentence (less than 90 days) were introduced as sentencing options.

14. COMMON ASSAULT (1972)

Common assault was reduced from an indictable to a summary offence. Assault on a law enforcement officer was made a summary as well as an indictable offence, but the maximum penalty was raised from two years to five years, as was the maximum for assault causing bodily harm.

15. HOUSEBREAKING INSTRUMENTS (1972)

The offence of possession of a housebreaking instrument was modified to require a reasonable inference that the instrument had been or would be used to commit an offence.

16. AIRCRAFT HIJACKING (1972)

Offences relating to aircraft hijacking were defined, with a maximum penalty of life imprisonment. Taking explosives aboard an aircraft is subject to a maximum penitentiary term of fourteen years.

17. PROTECTION OF PRIVACY (1974)

The Protection of Privacy Act limited the use of wiretaps to police officers acting under an authorization; declared evidence obtained through wiretaps to be inadmissible unless conducted under an authorization or with the consent of a party to the conversation being monitored; and permitted law suits against police officials for unlawful interception of private communications. Authorizations were limited to thirty days and the police were required to inform the person monitored within ninety days after the wiretap was completed. In 1977, court authorization periods were increased to a period not exceeding 60 days, and the allowable notification period became deferrable for a period of up to three years.

The amendments of 1977 reduced the scope and increased the effectiveness of electronic surveillance. Henceforth, authorization to intercept communications of a solicitor may only be granted if the solicitor, or person employed by him, another solicitor practising with him, or a member of the solicitor's household, has been or is about to become a party to an offence. The courts may authorize interception of private communications in relation to certain offences under the Criminal Code and the Small Loans Act, punishable by five years or more, which are related to organized crime. The transcript of an unauthorized intercepted communication is inadmissible as evidence, but evidence arising from information contained therein is admissible.

The Official Secrets Act also was amended by the Protection of Privacy Act (1974). Section 16 now provides enabling legislation for the detection or prevention of subversive activity directed against or detrimental to the security of Canada, and for the gathering of foreign intelligence information essential to Canadian security.

18. CONDUCT OF RAPE VICTIMS (1975)

The sexual conduct of a rape victim with persons other than the alleged offender became inadmissible evidence, unless a judge decided otherwise after conducting a closed hearing on the issue. Judges were permitted to preserve the anonymity of rape victims.

19. APPEAL OF JURY VERDICT (1975)

The power of an appelate court to reverse a jury acquittal and enter a conviction was revoked, but in the case of a successful appeal by the Crown, a new trial may be ordered.

20. CREDIT CARD AND TELEPHONE COMPANY FRAUD (1975)

Sections dealing with credit card fraud and the use of apparatus to defraud telephone companies were added to the Criminal Code.

21. CAPITAL PUNISHMENT ABOLISHED (1976)

Capital punishment for civil crimes was abolished by a free vote of Parliament and replaced with a mandatory sentence of life imprisonment.

Persons convicted of first-degree murder (including premeditated murder, murder of law enforcement or correctional officers, and murder committed during the course of crimes such as kidnapping and rape) must serve a mandatory minimum 25 year sentence before becoming eligible for parole. This term may be reduced by a panel of three Superior Court Justices after the offender has served 15 years in penitentiary.

Persons convicted of second-degree murder must serve not less than 10 years before becoming eligible for parole.

22. PEACE AND SECURITY (1976)

A bill to curb violent offences and organized crime--the Peace and Security Program--was introduced at the same time as the bill to abolish executions. To protect the public against violent crime the government controlled the general availability of firearms; created a specific category of "dangerous offenders" who, under certain circumstances, could be sentenced to indefinite prison terms; and provided broader powers of electronic surveillance for police officers. The program also included arrangements for national inquiries into crime; increased penalties for escape from prison; and more restrictive regulations governing remission, temporary absence and parole.

23. GUN CONTROL (1978)

Federal gun control legislation has three major objectives: to reduce the criminal use of guns, to keep guns out of the hands of dangerous persons, and to encourage and ensure responsible gun ownership and use.

Persons who intend to acquire weapons of any type must first obtain a Firearms Acquisition Certificate Permit. Owners of "restricted weapons" (handguns, short-barreled rifles and shotguns not considered sporting weapons) must obtain a Restricted Weapon Registration Certificate for each firearm. Restricted weapons may not be carried outside the residence or place of business without a permit, which is issued only in special circumstances.

24. NATIONAL FIREARMS AMNESTY (1978)

November 1978 was proclaimed Firearms Amnesty Month, because the reclassification of weapons meant that owners of previously unrestricted weapons were in violation of the law. The penalties for possession or transportation of prohibited weapons or unregistered restricted weapons were temporarily suspended provided that the weapons were surrendered to the police for disposal or registration. The amnesty encouraged compliance by relaxing the penalties and increasing public awareness of the requirements of the new gun laws.

25. PROHIBITION OF DISCRIMINATION AGAINST EX-OFFENDERS TO WHOM A PARDON HAS BEEN GRANTED (1978)

The Canadian Human Rights Act of 1978 prohibits discrimination based on a conviction for which a pardon has been granted, with respect to the provision of goods and services, accommodation, or employment. The Act is limited to matters under the legislative authority of Parliament.

26. PROTECTION OF PERSONAL RECORDS (1978)

The Human Rights Act establishes the right of the citizen to examine records pertaining to him which are included in federal information banks, to learn the uses to which these records have been put, to request corrections where errors or omissions can be identified, and, where a request for correction is refused, to require that a notation be placed on the record. The Act prohibits the use of personal data provided by an individual for any purpose other than that for which it was provided, or a purpose consistent with that purpose, unless the consent of the individual has been obtained or the use is otherwise authorized by law.

The government is not required to disclose certain specified types of information such as information obtained during the course of criminal investigations and information which, if disclosed, might be injurious to national defence or security or international or federal-provincial relations.

27. LANGUAGE OF ACCUSED (1978)

Amendments to the Criminal Code grant an accused individual the right to be tried in either official language, and facilitate transfer of these cases within a particular province. These provisions are only gradually being brought into force because of the scarcity of bilingual staff in certain provinces.

28. TRANSFER OF OFFENDERS ACT (1978)

This legislation permits Canadian offenders confined or under supervision in a foreign state to be transferred to Canadian jurisdiction, and foreign offenders to be transferred from Canada to their native countries, where a treaty has been entered into by Canada and the country in which the offender is being detained. At present, Canada has entered into treaties with the United States, Mexico and Peru. The federal Department of the Solicitor General is seeking similar treaties with other countries.

IV. LAW ENFORCEMENT

The British North America Act (1867) authorizes federal and provincial police forces. Federal authority is derived from the "peace, order and good government" clause of Section 91. Section 92 reserves responsibility for the "administration of justice," including policing, to the provinces.

The RCMP is the primary federal law enforcement agency, although other federal departments conduct investigations pursuant to statutes such as the Income Tax Act. The RCMP enforces federal statutes other than the Criminal Code (for example, the Narcotic Control Act), guards federal property, protects certain Canadian and foreign officials, and is responsible for national security and intelligence. The Commissioner of the RCMP reports to the Solicitor General of Canada, who is responsible to Parliament for the federal police force.

The federal police force is also deeply involved in local law enforcement. Under federal-provincial contracts, the RCMP provides provincial police services to all of the provinces except Ontario and Quebec, and municipal police services to about 200 municipalities in the Atlantic, Prairie and Pacific regions. As provincial and municipal police, the RCMP enforces the Criminal Code, federal and provincial statutes, and municipal bylaws.

In addition to the policing contracts, the federal government cooperates with the provinces to coordinate and advance the state of Canadian law enforcement. The Department of the Solicitor General has organized and funded several policing conferences and experimental law enforcement programs, and maintains permanent police research and educational programs available to Canadian police departments. The RCMP provides international liaison, crime laboratory, criminal intelligence, identification and management training services to the national police community.

The coordination and direction of federal law enforcement initiatives is furthered by committees of representatives from provincial and municipal police forces, most notably the Canadian Association of Chiefs of Police. The CACP, representing senior police managers, provides a nationwide police perspective to the federal government. The Association also works in conjunction with federal criminal justice agencies to examine issues and projects of mutual interest.

A. GENERAL POLICING

This section highlights federal-provincial policing initiatives, police services developed by the RCMP, certain major organizational changes, and some recent educational and research programs.

1. FEDERAL-PROVINCIAL CONFERENCE ON ORGANIZED CRIME (1966)

In January 1966, federal and provincial Ministers responsible for law enforcement identified a need for greater coordination among Canadian police forces. The Ministers endorsed a number of new programs and facilities for combatting organized crime, including a federal police college, a central repository for the storage and rapid retrieval of operational police information, a wire-photo service and a coordinating body for the exchange of criminal intelligence.

These proposals were subsequently implemented with the establishment of the Canadian Police College (CPC), Canadian Police Information Centre (CPIC), Photo Fax, and the Criminal Intelligence Service Canada (CISC).

2. FEDERAL-PROVINCIAL ATTORNEYS GENERAL CONFERENCE ON FINANCIAL DISCLOSURE AND SECURITIES REGULATION (1966)

In 1966, federal and provincial officials met twice to study financial disclosures and anti-securities fraud legislation, administration and enforcement. The Conference endorsed RCMP proposals for a repository for securities fraud information at RCMP Headquarters, and for investigative units to enforce the laws relating to securities regulation.

3. PHOTO FAX (1966)

Between 1966 and 1968, the RCMP installed 13 photographic transmission terminals to transmit high resolution photocopies of fingerprints and photographs for identification purposes. The Photo Fax terminals are located in 12 Canadian municipalities and in Washington, D.C.

4. RCMP COMMERCIAL CRIME INITIATIVES (1967)

In 1967 and 1968, the RCMP created commercial fraud investigation sections and the Securities Fraud Information Centre, a repository of securities fraud intelligence. The Securities Fraud Information Center and the Commercial Fraud sections together form the Commercial Crime Branch. The Branch includes 31 field sections with over 400 field investigators dealing with bankruptcy, commercial crime, counterfeiting, government fraud and income tax investigations related to organized crime.

5. EXPANSION OF RCMP LABORATORY FACILITIES (1968)

RCMP laboratory services to Canadian police forces were extended by new Crime Detection Laboratories at Edmonton (1968), Winnipeg (1970), Montreal (1978), and Halifax (1979). The laboratories provide free services in the fields of toxicology, serology, hairs and fibres, chemistry, documents, firearms, alcohol, and photography. Standards and equipment have continually been upgraded. In 1981, the laboratories will receive Scanning Electron Microscopes.

6. CRIMINAL INTELLIGENCE SERVICE CANADA (CISC) (1969)

As a consequence of the 1966 Federal Provincial Conference on Organized Crime, the Criminal Intelligence Service Canada (CISC) was formed to gather, correlate and disseminate organized crime intelligence.

The CISC consists of a central bureau in Ottawa and regional bureaus in the provinces, under the guidance of an Executive Committee comprising representatives from the RCMP and major provincial and municipal police forces. These bureaus provide a repository for intelligence on suspected criminal activity and a channel for the systematic dissemination of information between member police forces. Some 100 police forces and government agencies participate in this service.

7. CONFERENCE ON THE POLICE FUNCTION IN OUR CHANGING SOCIETY (1971)

In 1971, a conference of training representatives from several major Canadian police forces was held under the joint sponsorship of the Solicitor General and the Foundation for Human Development. The Conference identified three major problems: the need to define the police role in a changing society; the selection and training of police personnel at all levels; and the lack of coordinated Canadian police research.

The Solicitor General subsequently sponsored three national conferences, attended by police and government personnel and participants from universities and the private sector, to discuss these problems. The themes were:

- The Role of the Police (1971)

- The Selection and Training of the Police (1972)

- Police Research and Communication (1973)

These conferences stimulated the development of the law enforcement research program of the Department of the Solicitor General.

8. CACP ANNUAL GRANT (1971)

Since 1971, the Department of the Solicitor General has provided an annual sustaining grant to assist the Canadian Association of Chiefs of Police in defraying the expenses of its committees, which work in conjunction with the Department and other federal and provincial departments and agencies on criminal justice matters. The grant, at present $50,000 per year, is intended to match provincial contributions to the organization. The federal government also funds individual projects of the Association such as the CACP/Justice Law Students Summer Program.

9. CANADIAN POLICE INFORMATION CENTRE (CPIC) (1972)

On July 1, 1972, the computer facilities of the CPIC System became operational. The system, connected to police offices across Canada, stores records on stolen vehicles, licences, property, wanted and missing persons and synopses of criminal records. CPIC was developed in cooperation with major Canadian police forces, and is staffed and operated by the RCMP. Policies and guidelines regulating use of the CPIC System are formulated by an advisory group of senior police officials from each of the provinces.

10. NATIONAL JOINT COMMITTEE (NJC) (1973)

In 1973, the Canadian Association of Chiefs of Police and the National Parole Board created the NJC to develop national uniformity of police practices in parole matters. The Association subsequently expanded to include representatives of all federal correctional services.

The NJC allows police and correctional officials to discuss and resolve problems that cut across agency lines. The Committee has examined such topics as mandatory supervision and has been responsible for a criminal profile project, a temporary absence project, and an I.D. card project.

It is expected that the judiciary, the legal profession and Crown prosecutors will become involved in the Committee, providing communication and consultation among all the components of the justice system.

11. PROTECTIVE POLICING (1973)

In 1973, "P" Directorate (RCMP) assumed responsibility for protecting federal government assets, including material, persons, essential services, information and property, against such threats as destruction, removal, interruption, disclosure and corruption through accidental or deliberate means. While each federal Deputy Minister

is essentially responsible for the security of his or her department, "P" Directorate, assisted by a security staff in each province, --

a) provides security advice to government departments and the private sector under contract to the government;

b) coordinates and provides personal and residential protection to Canadian and foreign dignitaries, embassies, consulates and trade missions;

c) implements personal and physical security requirements for national and international major events and conferences in Canada;

d) provides security for civil aviation at international and a number of domestic airports in Canada, and enforces federal statutes and regulations at airports;

e) researches, develops, tests and evaluates all forms of security equipment, materials and concepts for use in government security;

f) maintains and coordinates "operational readiness" contingency plans for the RCMP role in peacetime disaster and emergency situations and for wartime;

g) operates an Explosives Disposal Program, and an Emergency Response Procedures Program for transportation accidents involving dangerous goods which includes research and development for bomb disposal equipment and techniques, training and validation of Canadian police bomb disposal specialists;

h) operates the Canadian Bomb Data Centre which maintains a national repository of data on bomb related incidents and thefts of hazardous material. This service is made available to government and police on a national and international level;

i) provides a counter intrusion technical inspection service to protect government assets against compromise by electronic eavesdropping;

j) houses the Protection of Human Rights Branch (since 1978).

12. SECURITY EVALUATION AND INSPECTION TEAM (SEIT) (1973)

The SEIT provides security consultations and inspections to Electronic Data Processing (EDP) facilities processing government information, including those operated by private companies under contract to federal departments and agencies. The teams ensure that EDP facilities meet security standards designed to protect federal EDP assets against accidental loss or modification and criminal acts such as espionage, fraud, embezzlement, invasion of privacy, sabotage or vandalism.

SEIT is a component of the Protective Policing Directorate and is part of a security program which includes research and development of EDP security methods and equipment, the publication of an EDP Security Bulletin, and the training of security coordinators for government departments.

13. RCMP DIVISION STAFF RELATIONS REPRESENTATIVES PROGRAM (1974)

The DSRR program was developed to improve staff relations between management and members. Members of RCMP Divisions elect representatives who assist members with problems or grievances and bring their concerns to the attention of Force management. A Staff Relations Branch was created at RCMP Headquarters in 1975 to process and evaluate member grievances at the Deputy Commissioner and Commissioner levels. Formal meetings are held between representatives and senior management at Headquarters every six months.

14. RECRUITMENT OF FEMALES AND MARRIED PERSONS AS REGULAR MEMBERS OF THE RCMP (1974)

In May 1974, a decision was made by the Commissioner of the Royal Canadian Mounted Police to accept women and married persons as regular members of the RCMP.

Female and married members follow the same training programs as unmarried men and are eligible for all postings and duties.

15. ELECTRONIC SURVEILLANCE (1974)

See Legislation and Sentencing: Item 17, Protection of Privacy Act (1974), p. 26.

16. RCMP RESEARCH AND DEVELOPMENT CO-ORDINATING CENTRE (1975)

The RCMP Research and Development Co-ordinating Centre co-ordinates natural and human sciences research relating to law enforcement. The Centre keeps abreast of research and development undertaken by the RCMP and disseminates this information within the Force. The Centre also works in conjunction with the Research Division of the Secretariat of the Solicitor General on human science research projects and, since 1979, manages a research program with the advice of the Operational Research Committee of Canadian Association of Chiefs of Police. Secondary functions of the Centre include information services, management of unsolicited research proposals and international liaison. (See also Item 27, p. 40).

17. RCMP FOREIGN SERVICE OPERATIONS (1975)

Since 1946, RCMP officers have been posted abroad to aid immigration officials in security screening of proposed immigrants. Contacts between RCMP members and foreign service and criminal police authorities in host countries led to a limited liaison function for the RCMP abroad.

In 1975, new terms of reference for the RCMP foreign services activities established RCMP responsibility for reporting on matters relating to international security and crime, and assigned RCMP Liaison Officers an integral role in program responsibilities of Canadian missions. No provision exists in this mandate for the RCMP to engage in intelligence gathering activities.

On April 1, 1979, a separate RCMP Foreign Service Directorate was established to coordinate the policing and immigration functions of Liaison Officers abroad. As of 1979, the RCMP maintained 48 permanent and 6 temporary members in 29 separate posts abroad. Through diplomatic cross-accreditation, these 54 RCMP members maintain liaison with over 120 countries with which Canada has formal agreements. No RCMP liaison is maintained in Communist countries or with countries with whom Canada has no foreign relations.

18. RCMP TRAINING INITIATIVES (1975)

In response to changing emphasis in law enforcement techniques, the RCMP initiated a number of specialized training courses in the late 1970s. These courses are available when needed to RCMP officers across Canada:

- Commercial Crime Investigators' Introductory Course (1975)
- Cross Cultural Education Course (1976)
- Emergency Response Team Course (1978)
- Immigration and Passport Course (1979)
- Customs Fraud Investigators Course (1979)
- Computer Crime Investigative Techniques Course (1979)

19. SPUR TASK FORCE (1976)

The interdepartmental Security Policy Under Review (SPUR) Task Force was established in 1976 to develop a comprehensive security policy for the protection of classified information and material assets of the federal government.

SPUR is responsible for the development of a new classification system for government assets which require special protection. The comprehensive security policy and the new classification system will be directed to administration of security, personnel security, physical security, communications and electronic security, electronic data processing security and technical intrusion security.

20. RCMP NATIVE POLICING BRANCH (1976)

In 1976, the RCMP established a Native Policing Branch at Ottawa to coordinate a special native recruitment program. The RCMP Special Constable Program, initiated in 1974, is designed to provide a more effective and efficient policing service to native communities. Natives (Indian, Inuit, and Métis) are hired as regular members with the rank of Special Constable, given 15 weeks comprehensive training at Regina, and posted to RCMP detachments policing native communities. The Special Constables are regular members of the Force with the full powers of a peace officer. Their duties involve law enforcement, crime prevention, police/community relations, and liaison, as acceptable to and required by the local native community. By 1979, 128 natives were employed in the program, with an increase to 160 scheduled for 1981. (For other federal initiatives in native policing see Item 1, p. 65).

21. PREVENTIVE POLICING (1976)

The "Peace and Security" proposals of 1976 presented a number of measures to reduce crime. Proposed "preventive" policing programs included improved crisis intervention training; a clearing house for information on police programs and techniques; experimental programs in team policing and community policing; and the development of model crime prevention programs. Systematic victimization studies were recommended to more accurately assess the incidence of crime and its effect on victims. "Target hardening" and environmental design strategies were proposed to assist citizens to protect their homes.

A Secretariat Steering Committee within the Department of the Solicitor General developed strategies for preventive policing projects across Canada. In 1976, the Committee created the post of National Consultant on Preventive Policing, to be filled by municipal police officers seconded to the Department of the Solicitor General for 18-month terms.

The National Consultant advises police departments in the development of preventive policing programs, and encourages public support for crime prevention. National consultants developed a national crime prevention logo, and organized a national symposium on preventive policing. Diversion projects and a variety of prevention programs such as "Operation Identification" and "Neighbourhood Watch" have been initiated in cooperation with Canadian police forces.

22. THE CANADIAN POLICE COLLEGE (1976)

The Canadian Police College is a federal response to the growing need, perceived by delegates to several federal-provincial conferences, for sophisticated police management training. (See Law Enforcement: Items 1 and 7.) The CPC mandate therefore is to develop effective methods of police agency and police personnel management. The objectives, goals and priorities of the CPC are guided by an Advisory Committee representing the Solicitor General of Canada, the provincial attorneys general or solicitors general, and the Canadian Association of Chiefs of Police.

The College is an ultramodern educational facility where up to 223 officers may be billeted at one time. CPC is funded and managed by the RCMP, but is open to all Canadian police forces. Each year, more than 2,000 officers from the RCMP and other police forces are trained at the College. There is no charge for registration, tuition or accommodation. Reimbursement of travel costs to the student ensures that advanced training is available to officers from small departments or from remote areas. A small charge is levied for meals.

The College has three branches:

Research and Program Development Branch conducts studies and develops police force management and police personnel management programs. The branch also ensures that the College participates in advancing the "state-of-the-art" in policing, and that new developments are communicated in the classroom and disseminated to the police community across Canada. The CPC Information Service, a major branch function, provides information and expert advice at the request of law enforcement officials. The CPC Journal, a widely-distributed, quarterly publication of significant law enforcement studies, is also a branch responsibility.

Curriculum Implementation and Evaluation Branch conducts and evaluates CPC courses, employing a small number of skilled instructional personnel augmented by resource persons from the criminal justice system, government, business, the press and académe.

The CPC offers more than twenty advanced management and training programs, including Executive Development, Senior Police Administration, Instructional Techniques, Gambling Investigational Techniques, Police Explosives Techniques and Computer Crime.

Operational Planning Branch is responsible for planning and co-ordinating College logistics and budget functions and determining short and long-range training requirements. The Reference Centre is a part of this Branch.

The Branch also administers the "Continuing Education for the Police Profession" program, which encourages continuing education by giving police officers credit for a combination of university and CPC courses. The successful completion of each of three phases earns the

student formal Professional Certification. Phase I lays a broad foundation of courses in a number of academic disciplines. Phase II permits specialization in one or two areas of university study. Phase III completes that specialization at university and requires the completion of the Senior Police Administration Course or the Executive Development Course to earn certification.

23. TRANSBORDER CANADA/U.S. AGREEMENT (DRAFT 1977)

Following an exchange of memoranda between the United States and Canada, the Department of External Affairs and the U.S. State Department considered the regulation of American law enforcement agents operating within Canadian territorial boundaries and Canadian agents working in the United States.

In January 1977, Canadian officials presented a draft of a Transborder Canada/U.S. Agreement to the U.S. Justice Department. The draft agreement, subsequently amended by both parties, is still under consideration.

24. PROTECTION OF HUMAN RIGHTS BRANCH: RCMP (1978)

The RCMP established the Protection of Human Rights Branch following the enactment of the Human Rights Act. The Branch provides, on request from individuals, personal information which may be held in RCMP files, and is responsible for providing and controlling access to information banks. Protection of individuals against discrimination is also the responsibility of the Branch.

25. WORKSHOP ON POLICE PRODUCTIVITY AND PERFORMANCE (1978)

The Research Division of the Ministry of the Solicitor General, the Canadian Association of Chiefs of Police, and the RCMP sponsored a workshop on police productivity to assist police officials to set objectives and formulate policies aimed at maximizing the efficiency and effectiveness of their operations.

The Workshop, held at the Canadian Police College, acquainted the Canadian police and research communities with research and experience relevant to the conceptualization, measurement and critical evaluation of police productivity and performance. Participants identified police concerns in seeking to maximize productivity and assisted the Ministry of the Solicitor General in formulating a research program in the area of police productivity and performance.

26. NATIONAL SYMPOSIUM ON PREVENTIVE POLICING (1979)

In February 1979, a National Symposium on Preventive Policing was held in Mont Ste-Marie, Québec, bringing together over 100 criminal justice professionals including senior police executives, members of police commissions and representatives of the Solicitor General.

Symposium delegates discussed preventive policing philosophy and identified major problems to its implementation. Work groups developed a series of action plans which were integrated into a detailed National Action Plan organized into federal, provincial, municipal and community prevention strategies.

The Conference report has been widely circulated and is used by senior police and government officials across Canada as a planning tool in the development of preventive policing programs.

27. LEAD AGENCY ROLE: SCIENCE AND TECHNOLOGY PROGRAM (1979)

In 1979, the Lead Agency Role in the Canadian Program of Science and Technology in the Support of Law Enforcement was awarded to the RCMP by the Solicitor General. Under the program, the Canadian police community brings their research requirements to the Operational Research Committee of the Canadian Association of Chiefs of Police. In consultation with advisors, the ORC then identifies police research needs and priorities to the RCMP. The Research and Development Co-ordination Centre of the RCMP contracts, finances, and monitors the projects.

28. INTERPOL BRANCH: WORKS OF ART UNIT (1979)

The Canadian National Central Bureau of the International Criminal Police Organization (Interpol) was established at RCMP Headquarters in 1949. The bureau coordinates the exchange of information on a wide range of criminal activity on behalf of Canadian and approximately 130 foreign police forces. The organization promotes mutual assistance between members, but does not undertake any intervention of a political, military, religious or racial character.

In April 1979, the Interpol Branch of the RCMP established a Works of Art Unit. The Unit has developed a computerized data bank capable of storing information on valuable stolen cultural artifacts that are without serial numbers. The Unit provides information to Canadian police forces, government institutions, and to foreign police agencies.

29. AUDIT PROGRAM (1979)

The RCMP system of internal inspections, initiated in 1873, recently evolved into four components: management audit, financial audit, operational audit, and public service personnel audit. Following the 1978 Audit Report of the Auditor General of Canada, the Audit Branch of the RCMP adopted a comprehensive auditing system to examine areas such as the propriety and legality of operations, managerial controls, operational controls, financial controls, personnel systems and EDP systems.

The Branch has no policy role. It conducts an independent, systematic examination of the total organization on a two-year cycle with reports submitted directly to the Commissioner.

30. MARIN COMMISSION INQUIRY IMPLEMENTATION (1979)

See Item 12, p. 18.

B. NATIONAL SECURITY

National security policy is a concern of several federal government departments and the RCMP. The RCMP provides advice to the federal government on security methods and policies, and operates the national Security Service. The Police and Security Branch of the Secretariat of the Solicitor General was established in 1971 to complement the work of existing security bodies. Broad security policy formulation and inter-agency coordination is undertaken by Cabinet and interdepartmental committees. (See also Special Inquiries: Items 1 and 16.)

1. APPOINTMENT OF A CIVILIAN HEAD FOR THE RCMP SECURITY SERVICE (1970)

Following the publication of the report of the Royal Commission on Security, the first civilian Director General of the Security Service from outside the ranks of the RCMP, was appointed. Since 1970 there have been two such appointments.

2. POLICE AND SECURITY BRANCH (1971)

In 1971, a civilian Security Policy and Research Group (SPARG) was created in the Secretariat of the Department of the Solicitor General, to review and analyze data on subversive and criminal activities associated with social unrest. SPARG also reviewed and developed proposals for security policies and procedures.

SPARG subsequently become the Police and Security Branch of the Secretariat. The Branch has been increasingly involved in the development of federal policing and crime prevention policy and undertakes contingency planning for internal security crises such as riots and hostage-taking. It produces and disseminates weekly internal Security Situations Reports, and administers the Protection of Privacy Act and the VIP Protection Program.

3. RCMP SECURITY SERVICE MANDATE (1975)

The RCMP Security Service is responsible for operations and investigations against espionage, subversion, and terrorism. The Security Service also conducts security investigations of prospective immigrants and federal government employees who require security clearance.

On March 27, 1975, the federal Cabinet defined the mandate of the Security Service of the RCMP as follows:

a) the RCMP Security Service is authorized to maintain internal security by discerning, monitoring, investigating, deterring, preventing and countering individuals and groups in Canada when there are reasonable and probable grounds to believe that they may be engaged in or may be planning to engage in --

   i) espionage or sabotage,

   ii) foreign intelligence activities directed toward gathering intelligence information relating to Canada,

   iii) activities directed toward accomplishing governmental change within Canada or elsewhere by force or violence or any criminal means,

   iv) activities by a foreign power directed toward actual or potential attack or other hostile acts against Canada,

   v) activities of a foreign or domestic group directed toward the commission of terrorist acts in or against Canada, or

   vi) the use or the encouragement of the use of force, violence or any criminal means, or the creation or exploitation of civil disorder, for the purpose of accomplishing any of the activities referred to above;

b) the RCMP Security Service is required to submit an annual report on its activities to the Cabinet Committee on Security and Intelligence.

4. RCMP SECURITY SERVICE: NATIONAL DIVISION STATUS (1977)

On April 1, 1977, the Security Service became a separate National Division of the RCMP. Division commands of the Force are divided roughly along provincial lines. Prior to 1977, divisional commanding officers directed all RCMP members operating in their respective regions including those assigned to security duties. National Division status brought about detachment of Security Service operations from the control of the divisional commanders, so that senior Security Service officers in the regions report directly to senior management at RCMP Headquarters in Ottawa.

5. SUPERVISION OF RCMP SECURITY SERVICE OPERATIONS (1977)

In November 1977, the Commissioner of the RCMP implemented a new administrative structure for the supervision of the operational activities of the Security Service. Security Service investigations now must first be submitted to the Operational Priorities Review (OPR) Committee. The Committee is responsible for the initiation, continuation or rejection of limited investigations. Full investigations must be submitted to the Director General of the Security Service for approval. Each operation is reviewed annually to assess its continued legitimacy.

The Committee ensures that operations are legitimate under the Security Service mandate and assigns the appropriate level of investigative resources to the investigation. The Committee chairman is the Deputy Director General (Operations). The membership includes Security Service operational branch heads, the Assistant Director of Criminal Investigation (Federal), and the Director, Legal Services to the RCMP (Justice Department).

V. INCARCERATION

Offenders sentenced to two years or more normally serve their sentences in federal penitentiaries. Penitentiary policy and operations are the responsibility of the Commissioner of Corrections, who directs the Correctional Service of Canada (CSC). The Commissioner is appointed by the Governor-in-Council and reports to the Solicitor General.

The CSC was formed in 1978, when the Canadian Penitentiary Service and the National Parole Service were amalgamated. The CSC is divided into Pacific, Prairie, Ontario, Quebec and Atlantic regional administrative units. Ten headquarters branches are responsible for security, offender programs, medical and health services, personnel, technical services, inmate employment, finance, policy and planning, communications, and inspection of policy effectiveness and operations. (See Item 15, p. 20; Item 18, p. 51).

Federal-Provincial Consultation

Certain areas of corrections concern both federal and provincial governments. A number of significant agreements between federal and provincial governments were reached in the early 1970s, allowing exchange of correctional and parole services between the two jurisdictions.

In December 1973, Ministers responsible for corrections attended a Federal-Provincial Conference on Corrections to develop a more co-ordinated approach to correctional issues. The Ministers decided to meet periodically and established a Continuing Committee of Deputy Ministers (CCDM) to provide administrative continuity.

The CCDM shares information and seeks federal-provincial co-ordination in the correctional field, and has established other committees to examine specific issues:

- National Advisory Network on Correctional Human Resource Planning, Training and Development (1974);
- Federal-Provincial Steering Committee on Inmates' Rights and Responsibilities (1974);
- Federal-Provincial Coordinating Committee on Young Offenders (1974);
- Federal-Provincial Committee on Diversion (1974);
- National Planning Committee on Female Offenders (1974);
- Steering Committee on Split in Jurisdiction in Corrections (1978);
- Federal-Provincial Task Force on National Standards for Community-Based Residential Centres (1978).

In 1977, federal and provincial Ministers responsible for corrections met again and were joined by federal and provincial Attorneys-General. The Deputy Ministers for Corrections also met in 1977 and again in 1978, in conjunction with Deputy Attorneys General. In 1979, this extended federal-provincial co-ordination was marked by the Federal-Provincial Conference of Ministers Responsible for Criminal Justice and a corresponding meeting of Deputy Ministers Responsible for Criminal Justice. The federal and provincial Ministers and Deputy Ministers Responsible for Criminal Justice will meet again in the Autumn of 1981.

At the operational level, the Federal Commissioner of Corrections is chairman of a committee of provincial heads of correction. The committee, which meets twice yearly, has been in existence for two years.

Federal Government-Private Sector Cooperation

In recent years, federal correctional activity has been marked by increasing private sector participation. Organizations such as the Salvation Army, the John Howard Society, the Elizabeth Fry Society, St. Leonard's Society, the Allied Indian and Métis Society, and Service de réadaption social, inc., began by providing direct services, particularly in the administration of the community-based portion of an offender's sentence, but have become more involved in formal federal/private sector consultation in the correctional field.

In 1978, the National Associations Active in Criminal Justice became a major channel of communication between the federal government and the non-governmental organizations (NGOs). Since January, 1980, the Canadian Association for the Prevention of Crime has provided a means of continuing liaison between the federal correctional agencies and the private sector. Advisory Councils make significant contributions to the development of educational, industrial and vocational training programs. Ad hoc committees, such as the family visiting advisory group, also provide valuable aid and counsel to the federal corrections system.

1. COMMUNITY CORRECTIONAL CENTRES (1968)

In 1968, the penitentiary service opened the first Community Correctional Centre, in Montreal.

The CCC, a form of halfway house, accommodates a small group of offenders on day parole. (See Parole: Item 1.) These inmates, although still in custody, are released daily or periodically to carry out programs approved by the National Parole Board, and are normally under parole supervision. The director of the correctional centre works closely with local community organizations, businesses, and law enforcement authorities. Counsellors help the inmate re-adjust to society and to find employment. An inmate receives an allowance while job-hunting, then pays nominal rent when employed.

Violations of house regulations are usually dealt with internally. More serious infractions may involve the parole officer, the National Parole Board, or law enforcement agencies. The number of Community Correctional Centres has grown to eighteen, with others under consideration.

2. BONDING PROGRAM FOR EX-OFFENDERS (1968)

A program to facilitate the bonding of ex-offenders for employment in positions of trust was initiated by the Department of the Solicitor General of Canada in cooperation with the Insurance Bureau of Canada (then called the All Canada Insurance Federation). Under this agreement with the bonding companies, the Correctional Service of Canada, the provincial probation services and the aftercare agencies provide evaluations of ex-offenders who wish to apply for bonding. Approximately 95 per cent of applicants have been accepted by the insurance companies.

3. THE LIVING UNIT SYSTEM (1969)

In 1969, the penitentiary service initiated an experimental Living Unit System, a method of staff deployment whereby small groups of inmates are assigned permanent staff teams. These teams consist of social science specialists who provide functional leadership, and Living Unit officers with behavioural science training responsible for case management and security. The Living Unit System is based on a therapeutic community model, and features weekly meetings in which inmates and staff make decisions concerning living situations and group programs.

The Living Unit System has been introduced in all minimum and most medium security penitentiaries, and in three maximum security institutions.

4. INMATE CORRESPONDENCE (1971)

In 1971, restrictions on the number of letters an inmate might write or receive were rescinded. Correspondence was forbidden only with other prison inmates, or with juveniles whose parents objected. Inmates received the right to correspond with Members of Parliament, the Solicitor General, or the Commissioner of Corrections without having their letters opened or censored by penitentiary officials.

In 1974, censorship of correspondence was reduced to the "minimum practical." Letters are examined for contraband, but censored only to the extent necessary for the security of the institution or to aid in the reform and release of inmates. The list of officials to whom an inmate might send correspondence unopened was extended to include provincial ombudsmen, the Federal Correctional Investigator, and the Canadian Human Rights Commissioner.

5. INMATE VISITING RIGHTS (1971)

In 1971, the Penitentiary Service initiated a program to increase physical contact between inmates and their friends and families. Visits between inmates and their families were encouraged under less restrictive conditions and extended visiting hours. Provisions were made for entire family units to meet on special occasions. All federal penitentiaries, with the exception of Laval, now have available facilities for "contact" visits between inmates and their families. In 1980, an experiment in family visiting was initiated in several institutions. Selected inmates are permitted to spend up to 72 hours with family members in private accommodation within the penitentiary.

6. COMMUNITY-BASED RESIDENTIAL CENTRES (1971)

In 1971, the Solicitor General initiated contracts with community-based private sector residential centres (CRCs) to accommodate federal offenders. CRCs receive a per diem rate for each offender and are guaranteed a minimum number of referrals per year. This permits the placement of offenders in supervised residences as an interim step between incarceration and full release.

Since 1975, the Department has been committed to the development and expansion of community residential centres where there is an identified need for such facilities. Approximately 123 community-based residential centres are under contract to the Solicitor General.

7. ABOLITION OF CORPORAL PUNISHMENT AS AN ADMINISTRATIVE MEASURE (1972)

In June 1972, the use of whipping in penitentiaries as a punishment for disciplinary offences was abolished. Offences remain punishable by loss of remission time earned through good behaviour, or by dissociation. (See also Item 12, p. 25).

8. REGIONAL PSYCHIATRIC CENTRES (1972)

The first Regional Psychiatric Centre (RPC) was opened in 1972. RPCs provide treatment for offenders who are mentally ill and emotionally disturbed. The Centres offer consultative services to penitentiaries and other parts of the criminal justice system; conduct programs of psychiatric research; and provide psychiatric assessments to the National Parole Board, other outside agencies, and, where federal-provinical agreements exist, to the courts.

Three federal RPCs are in operation:

- RPC-Pacific, Abbotsford, British Columbia: 138 beds (1972) (received 3-year accreditation from the Canadian Council on Hospital Accreditation);

- RPC-Ontario, Kingston, Ontario: 85 beds (1973);

- RPC-Prairies, Saskatoon, Saskatchewan: 110 beds (1979);

Since April 1977, psychiatric services for federal inmates in the province of Québec have been contracted from Institut Phillippe Pinel in Montreal. Inmates from the Atlantic Region who need psychiatric treatment are sent to Ontario or treated in local hospitals. Improvements are contemplated in the Ontario Region and this may include a health centre to replace facilities in the Kingston penitentiary.

9. FEDERAL CORRECTIONAL INVESTIGATOR (1973)

The first Correctional Investigator was appointed by the Solicitor General in 1973. The Correctional Investigator is a "prison ombudsman" who investigates and makes advisory recommendations on prisoners' complaints. The investigator also may initiate inquiries or act on complaints made on behalf of inmates. The investigator deals primarily with problems in implementing existing policy, but may recommend changes in policy. About 1,000 complaints are investigated each year.

10. FEDERAL-PROVINCIAL TRANSFER OF INMATES (1973)

In 1973, the Solicitor General was authorized to enter into agreements with the provinces for the confinement of federal inmates in provincial institutions, and provincial inmates in federal institutions, with appropriate financial compensation to the receiving jurisdictions. Agreements are now in effect with all of the provinces except Ontario and Prince Edward Island.

11. INMATES' RIGHTS (1974)

In 1974, the Continuing Committee of Deputy Ministers Responsible for Corrections created a special federal-provincial Steering Committee on Inmates' Rights and Responsibilities. In 1975, the Canadian delegation to the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders recommended that a prisoner should retain all the rights of an ordinary citizen except those expressly taken away by law or by necessary implication, and that the U.N. Standard Minimum Rules for the Treatment of Prisoners, to which Canada is a signatory, should be implemented in full.

A CCDM Steering Committee working paper (1977) provided a basis for federal-provincial discussions of inmates' rights and the U.N. Minimum Rules. A subsequent study by The Correctional Service of Canada (1979) endorsed the U.N. standards. The new CSC handbook, Inmates' Rights, which is designed to meet the U.N. Standard Minimum Rules, has been issued to each federal inmate.

12. HEALTH CARE SERVICES (1975)

In 1975, the CSC created the Medical and Health Care Services Branch to provide comprehensive health care to federal inmates, including medical-surgical, psychiatric, dental, nursing, laboratory, radiology and rehabilitation therapy services.

Health Care Centres are maintained in each maximum and medium security prison. Regional Psychiatric Centres are available for mentally-ill inmates. A program to upgrade institutional health care staff has been in effect since 1975. Drug reporting, recording, and review procedures were standardized in 1978. A Medical Management Information System (MMIS) to standardize medical records and ensure consistency of use will become functional in 1981.

13. COMPENSATION FOR DISABILITY OR DEATH (1977)

The Penitentiary Act was amended in 1977 to allow an inmate or his family to receive compensation for disabilities or death occurring during participation in the normal program of a penitentiary. The compensation program is administered by Labour Canada. There is also a program for staff members or their survivors, which was completely revised and improved in 1980.

14. TEMPORARY ABSENCE: ESCORTED AND UNESCORTED (1977)

Temporary absence (T.A.), initiated in 1961, allows an inmate to leave prison for limited periods of time to deal with life "on the outside." An inmate who meets the requirements for T.A. may be released for a job interview, to attend a conference or cultural/recreational event, to receive medical treatment, to resolve family crises, or for other rehabilitative purposes.

Since 1977, both escorted and unescorted T.A. are permitted. Escorted T.A. is within the jurisdiction of the Commissioner of Corrections or the warden of the penitentiary. A CSC staff member accompanies an inmate on escorted T.A. The National Parole Board is responsible for unescorted T.A., but the authority may be delegated to the Commissioner of Corrections or to a warden. Inmates on unescorted T.A. may be required to report to a supervisor in the community.

15. REMISSION (1977)

Prior to July 1978, an offender automatically received a remission of one-quarter of the sentence, in addition to three days per month "good time" for conforming to the penitentiary program. These were known as "statutory remission" and "earned remission." Statutory remission, but not earned remission, could be forfeited for disciplinary offences.

In 1978, statutory remission was abolished. Remission now depends entirely on the inmate's disciplinary record and performance in institutional programs. A major violation of regulations may cost the inmate some or all of the remission time accumulated at the time of the disciplinary hearing.

16. SPECIAL HANDLING UNITS (1977)

The first Special Handling Unit was established at Millhaven Penitentiary (Kingston, Ontario). Inmates who have committed or are believed likely to commit violent acts while incarcerated are transferred to these units from other penitentiaries with the concurrence of Regional and National Review Committees for SHUs. After an offender is transferred to SHU, the National Review Committee approves a program and a tentative date for the inmate's conditional release back into the general penitentiary population.

Inmates in SHU are under close observation by security officers and professional staff during all phases of the program. During Phase I, social contact is limited to a half hour or an hour a day with two or three other inmates. In Phase II, an inmate may spend four to six hours a day in association with eleven or twelve other inmates. In Phase III, association with other inmates is increased, a work program may be required and additional time for recreation may be allowed. In Phase IV, an inmate is granted a conditional release into the general penitentiary population.

Since 1980, SHU policy requires that the offender spend at least two years (in total) in Phases I through III. Phase IV normally requires one year to complete.

17. INDEPENDENT CHAIRPERSONS (1977)

Independent chairpersons, selected from members of the Bar and the judiciary, are appointed by the Solicitor General to preside at disciplinary hearings in federal prisons. The chairpersons discharge the warden's duty to hear charges and award punishment when an inmate is accused of a serious disciplinary offence. The program was introduced into maximum security penitentiaries in November 1977, following a recommendation by the Parliamentary Sub-Committee on the Penitentiary System. In 1980, the use of independent chairpersons was extended to medium security institutions.

18. INTEGRATION OF CORRECTIONAL SERVICES (1977)

Responsibility for the National Parole Service was transferred from the Chairman of the National Parole Board to the Commissioner of Corrections. The service is now known as CSC (Parole) and reports to the CSC Regional Directors General. Functional supervision is provided by the Case Management Division of the Offender Programs Branch (Criminal Law Amendment Act, 1977).

19. INMATE WORK PROGRAMS (1978)

Since 1978, inmate job opportunities, and vocational or academic training have been designated as core activities of the CSC correctional training program. Inmates in industrial programs produce goods and services to be sold to governmental and non-profit organizations, receive on-the-job training in agriculture, horticulture and fisheries, or learn data processing skills in market simulations. Inmates employed in institutional maintenance and service produce goods and services used by other inmates.

An inmate may receive educational and vocational training or become involved in the production of arts and crafts as an alternative to regular work programs. Where possible, the CSC involves the private sector in the creation of jobs for inmates and may assist inmates in setting up their own business enterprises. The private sector may, where feasible, establish plants within penitentiaries to employ inmate labour.

20. INMATE COMMITTEES (1978)

Inmate committees were established to provide a channel of communication between the inmate body and the penitentiary administration. In 1978, the committees were redefined as advisory bodies to be elected by secret ballot. The new purpose is to facilitate inmate participation in the development, operation and administration of programs and activities in the institution. Officials in each institution ensure the establishment and continuation of an inmate committee, and provide the necessary facilities and equipment. Most federal penitentiaries now have functioning inmate committees.

21. PENITENTIARY CONSTRUCTION PROGRAM:
LONG RANGE ACCOMMODATION PLAN (1980)

The Long Range Accommodation Plan, based on forecasts of inmate population to 1990, provides for the construction of several new penitentiaries, the expansion of some recently built institutions, and the renovation or phasing out of some older facilities. The new policy authorizes the construction of institutions to accomodate more than 200 persons, based on management studies indicating the increased cost effectiveness of larger institutions and research suggesting that larger institutional populations do not demonstrably interfere with rehabilitative goals.

The accommodation plan predicts the number of inmates by region and security classification. A variety of regional institutions is planned to allow for the progressive movement of qualified inmates to medium and minimum security facilities. Special protective custody facilities will permit a wider range of institutional programs in lower security facilities by removing the most dangerous inmates from the general inmate population.

Completion of the program will raise total inmate capacity from the present 10,844 to 11,285.

22. PARTICIPATORY GRIEVANCE PROCEDURE (1979)

In 1978, a pilot project at the Saskatchewan Penitentiary tested a new Inmates' Grievance Procedure which subsequently was extended to all federal institutions. The procedure allows any inmate to submit a written complaint to the officer responsible for the sector in which the problem is believed to exist.

Since the implementation of this procedure, over 90% of the problems have been dealt with at the written complaint stage. If the inmate is not satisfied with the solution offered at this level, a grievance may be filed.

The grievance procedure allows appeal through four levels:

1. the inmate Grievance Committee, composed of two staff and two inmate members and chaired by a non-voting person who may be either a staff member or an inmate;

2. the warden of the penitentiary;

3. the Regional Director General of CSC;

4. the Commissioner of Corrections.

After the second grievance level, the inmate may request a review of the grievance by an Outside Review Board composed of two community volunteers, with a staff member and an inmate representative acting as advisors. The Board makes a recommendation to the warden who may confirm or modify the decision made at the second level. Whether or not the matter is submitted to the Outside Review Board, the inmate may proceed to the third and fourth levels.

23. CITIZENS' ADVISORY COMMITTEES (1979)

Citizen participation programs have been in effect in federal penitentiaries since 1968. Citizens' Advisory Committees began as community groups whose purpose was to complement and support the work of the penitentiary administration and provide a link between the penitentiary and the local community.

In 1979, a new policy established a more independent role for CACs--to ensure that a body of independent citizens has access to the penitentiaries and can assess their operation. CACs confer regularly with Inmate Committees and other groups of inmates and are allowed reasonable access to files. The Committees provide advice to the penitentiary administration, perform a liaison role with the community, and serve as outside parties in the Participatory Grievance Procedure.

All federal penitentiaries, including Community Correctional Centres, have CACs attached to them. Additional CACs are being established to work through District Parole Offices, where they will be involved in the community-based portion of an offender's sentence. Recommendations developed at the annual conference of CACs are acted upon by The Correctional Service of Canada.

24. LIAISON WITH THE U.S. FEDERAL PRISON SYSTEM (1980)

The Correctional Service of Canada and the U.S. Federal Prison System signed a memorandum of understanding in 1980, to facilitate increased cooperation between the two federal corrections systems. A steering committee will coordinate joint research and study projects, seminars on topics of mutual interest, exchange of personnel, and visits by staff of each nation to examine the institutions and programs of the other.

25. COMMUNICATIONS POLICY: MAKING THE SYSTEM ACCOUNTABLE (1980)

The Senior Management Committee of the CSC in 1980 adopted a policy through which the Correctional Service would be, and be seen to be, open and accountable to the public. To implement this policy, the Communications Branch establishes and maintains effective communications with federal, provincial and municipal legislators, the judiciary, provincial officials responsible for corrections, professional corrections associations, public service unions, citizen advisory groups, offender organizations, other criminal justice agencies, the news media and the general public.

26. STAFF TRAINING AND DEVELOPMENT (1966-1980)

The professionalization of the staff training process has been a continuing priority of the CSC. In addition to the first staff college at Kingston, Ontario (1963), formal training facilities have been established at Laval, Quebec (1968), Edmonton, Alberta (1974) and Mission, B.C. (1980). (A college opened in the Atlantic Region in 1975 has since been closed.) New correctional officers undergo nine to thirteen weeks of training prior to assignment. The curriculum is taught by professionals, and includes other specialized courses and refresher courses in addition to custodial officer training.

VI. PAROLE

Parole is the conditional release of selected inmates from the prison system before the completion of their full sentences. A paroled inmate serves the remainder of his sentence in the community under supervision and must meet certain conditions during this period. Failure to comply may result in revocation of parole.

The current parole system was created by the Parole Act of 1958, which grants the National Parole Board (NPB) exclusive jurisdiction and absolute discretion to grant, refuse or revoke parole. The Chairman of the National Parole Board reports to Parliament through the Solicitor General of Canada.

Parole Board authority extends to all federal inmates and to provincial inmates in provinces where provincial parole boards have not been established. The Board is responsible for temporary absence without escort for federal inmates in federal institutions, and Board approval is required (since 26 July 1976) for escorted temporary absence for offenders sentenced to a minimum twenty-five year term. The NPB also conducts inquiries and makes recommendations to the Solicitor General regarding the granting of pardons under the Criminal Records Act and the exercise of the Royal Prerogative of Mercy.

An inmate normally becomes eligible for full parole after serving one-third of the sentence or seven years, whichever is shorter. Inmates in provincial institutions must apply for parole; in federal penitentiaries, each case is systematically reviewed by the Parole Board. The NPB may grant parole if, as required by Section 10 of the Act,--

(i) an inmate has derived maximum benefit from imprisonment;

(ii) the reform and rehabilitation of the inmate will be aided by the grant of parole; and

(iii) the release of the inmate on parole would not constitute an undue risk to society.

Parole investigations are conducted to determine the suitability of inmates for release. The investigations are conducted by CSC (Parole), which gathers information from police, courts, social service agencies, psychiatrists, prison staff, friends and family, to determine an inmate's background, institutional adjustment and the community situation to which the offender will return. Unless they request otherwise, federal inmates also receive personal interviews by at least two members of the National Parole Board.

Parole Board members vote for or against release of the applicant. The number of members involved in the vote is determined by the length and type of an inmate's sentence. For example, two Parole Board members vote on the release of an inmate serving less

than five years, three must vote on sentences of five to ten years, five votes are required when the inmate is serving more than ten years, and seven votes, including two votes from Regional Community Board members, must be cast in a decision involving an indeterminate or life sentence.

The Chairman, NPB, may direct that more than the minimum number of votes be cast in any specific case. Any Board member may request additional votes in any specific case, provided that the total votes cast does not exceed nine.

An inmate who is refused parole usually remains eligible for subsequent review. Standard conditions apply to all paroled inmates, but special conditions or limitations may be added at the discretion of the Parole Board.

If parole is granted, the inmate is released under the supervision of CSC (Parole). CSC (Parole) may suspend a parole for breach of release conditions or if there are indications that a breach is imminent. If a post-suspension investigation reveals that, in the interest of the public, parole should not be continued, parole will be revoked by the Parole Board.

1. DAY PAROLE (1969)

Under the Parole Act, the conditions of day parole require the inmate to whom it is granted to return to prison from time to time during the duration of such parole or to return to prison after a specified period. Authority to grant, terminate or revoke day parole rests with the National Parole Board. Inmates of federal penitentiaries, and those provincial institutions under NPB jurisdiction, are entitled to apply.

Day parole release is generally limited to a period of four months and can serve as a testing period prior to full parole review. Day parole programs vary. One inmate may be released to attend daily classes at a local college, another might be paroled to a community residential centre to seek employment. Inmates are encouraged to participate in designing their own day parole plans.

2. MANDATORY SUPERVISION (1970)

Remission credits for good behaviour accumulated during incarceration may entitle an inmate to be released before completion of the sentence. Amendments to the Parole Act in 1969 required that, after 1 August 1970, an inmate released as a result of remission be supervised in the community for the remainder of the sentence. This is termed mandatory supervision. Release under mandatory supervison may be suspended if the offender violates specified conditions, and may be revoked by the Parole Board if an investigation shows that the suspension was warranted.

An inmate usually is released under mandatory supervision when two-thirds of the sentence has been served. Since 1977, an inmate eligible for release under mandatory supervision may complete the sentence in the institution, rather than accept release under supervision. Provincial inmates are not subject to mandatory supervision.

3. FEDERAL-PROVINCIAL CONTRACTS FOR COMMUNITY ASSESSMENTS AND PAROLE SUPERVISION SERVICES (1972)

In 1972, the Treasury Board authorized the Solicitor General to enter into agreements with provincial and private after-care agencies for federal case preparation and parole supervision services. Under these agreements, provincial correctional agencies and private sector organizations such as the John Howard Society conduct community assessments and supervise inmates released on full parole, day parole, mandatory supervision, or unescorted temporary absence. The private and provincial agencies are compensated by the federal government, which retains ultimate responsibility for these functions.

The federal government has agreements with most provincial departments of corrections and with thirty-seven private agencies across Canada.

4. REGIONALIZATION (1974)

In 1974, the federal parole system was decentralized, to provide more efficient parole review and to make the Board more accessible to inmates, their families, the courts and social service agencies. Five regional divisions were created: Atlantic, Québec, Ontario, Prairies, and British Columbia. Eighteen of the twenty-six Parole Board members are stationed in the Regions, their distribution reflecting inmate concentration across the country.

The Chairman, Vice-Chairman, and six Board members are stationed at National Headquarters in Ottawa, but travel to the Regions to assist in reviewing cases. Ottawa members vote in all cases involving inmates serving life or indeterminate sentences and where regulations specify that more than three votes are required. Review of unfavourable decisions is the responsibility of the Internal Review Committee of the Parole Board, comprised of members who did not vote on the original decision.

5. FUND FOR SPECIAL COMMUNITY PROJECTS (1975)

During the 1975-76 fiscal year, a fund was established by the federal government for community projects intended to assist the paroled offender to re-enter society. Under this program, private agencies receive financial support for projects providing employment counselling to inmates, survival experiences for parolees, or training

workshops for volunteers working with offenders at the point of re-entry into society. The fund was originally established by the National Parole Service and is presently administered by CSC (Parole). About forty-four community projects annually receive financial assistance.

6. THE PAROLE ACT AMENDMENTS OF 1977

The Criminal Law Amendment Act of 1977 made seven significant changes to the operation of the federal parole system.

a. REGIONAL COMMUNITY BOARD MEMBERS

The Solicitor General may appoint panels of Regional Community Board representatives, on the recommendation of the Chairman of the National Parole Board. When a hearing is scheduled for an offender serving a life sentence or an indeterminate sentence, two Regional Community Board members join the National Parole Board in voting whether to release the offender.

b. TEMPORARY BOARD MEMBERS

Temporary Members may be appointed to the National Parole Board to assist regular Members during peak workload periods and to replace them in cases of sickness, annual leave, etc. Temporary Members are appointed for one year, and have the same powers as a regular Member.

c. UNESCORTED TEMPORARY ABSENCE

The National Parole Board may grant federal inmates temporary absence without escort. The Board may delegate this authority to the Commissioner of Corrections, or to a warden. Temporary absence for provincial inmates is the responsibility of provincial correctional authorities. Unescorted temporary absence is usually granted for a period of about three days, and is generally the first type of conditional release that an inmate experiences.

d. PROVINCIAL PAROLE BOARDS

Each province may establish provincial parole jurisdiction over provincial inmates, other than those serving life or indeterminate sentences. As of December 31, 1980, Ontario, Quebec, and British Columbia had established provincial parole boards. All other provincial inmates are under the jurisdiction of the National Parole Board.

e. REVOCATION PROCEDURES

Prior to 1977, parole was automatically forfeited when a parolee was convicted of an indictable offence punishable by imprisonment for two years or more. Revocation of parole now results in loss of all remission standing to the offender's credit at the time of release. Some or all remission time may later be recredited at the discretion of the Parole Board. Time spent in the community under parole supervision, prior to the time of revocation, counts toward the completion of an inmate's sentence after he is returned to custody.

f. PROCEDURAL SAFEGUARDS

Certain procedural safeguards for parole applicants, parolees, and persons released on mandatory supervision were formally embodied in National Parole Board Regulations. (Prior to 1977, the Board had introduced a number of such safeguards, but these were not required by law.) The procedural safeguards include—

- written notification to federal inmates, within six months of admission to penitentiary, of the eligibility dates for full parole, day parole and unescorted temporary absence;

- automatic full parole review for federal inmates on or before the full parole eligibility date;

- review of federal parole applicants by way of a hearing on or before the full parole eligibility date;

- required parole review at least once every two years from the full parole eligibility date or immediately preceeding review, in federal cases where parole is not granted on or before the full parole eligibility date;

- the provision to federal parole applicants, either in writing or orally at the time of the hearing, at the option of the Board, of all relevant information in the possession of the Board (unless obtained under a promise of confidentiality). At present, the Board, because of its caseload of cases, provides oral rather than written information to inmates in connection with their hearings for the granting of parole. The Board is in the process of determining the effect that providing written information prior to hearings would have on Board policies, procedures and resources.

- written notification to both federal and provincial inmates of Board decisions regarding the granting of full parole;

- written notification to both federal and provincial parole applicants within 15 days of adverse full parole decisions of the reasons for the decision and the time when the Board will again review the case;

- the granting of a post-suspension hearing to federal inmates who are in custody following suspension of their conditional release if the case has been referred to the Board for a decision regarding revocation. A hearing must begin as soon as practical following receipt, by the Board, of the inmate's application for a hearing.

- the provision of written notification to federal and provincial inmates of the reasons for the revocation of full parole.

- the right of inmates to request a re-examination, by the Internal Review Committee of NFB, of specified Board decisions such as day and full parole denied, day or full parole revoked or mandatory supervision revoked.

Allowing an inmate to have assistance at a hearing has been identified as a future priority as a procedural safeguard. Because of the impact that assistance at panel hearings will have upon the The Correctional Service of Canada, joint negotiations have been undertaken to ensure effective and efficient implementation of this measure. The program was implemented on 1 April 1981 for federal prisoners in federal institutions, and on 1 May 1981 for federal inmates in provincial institutions who come under NPB authority, and for Post-Suspension hearings for federal offenders under temporary detention (suspension) in provincial institutions.

The National Parole Board also has initiated an examination of measures to improve services to provincial inmates under NPB jurisdiction. This could include extending to provincial inmates, where feasible, the procedural safeguards available to federal inmates.

VII. DIVERSION

Diversion refers to programs and procedures whereby individuals who would otherwise proceed to trial are dealt with through community-based alternatives. The objective of diversion is to promote, where appropriate, community-based non-judicial management of minor criminal offences. It may also result in the more effective use of criminal justice and community resources, and in better opportunities for victim/offender and offender/community reconciliation.

Diversion was indentified as an area of mutual federal-provincial interest by the Continuing Committee of Deputy Ministers in 1974. (For a further discussion of the CCDM, see the introduction to the Corrections section.) In response to a request by a federal-provincial sub-committee of the CCDM, the position of National Consultant on Diversion was established in the Consultation Centre of the Ministry of the Solicitor General.

1. DIVERSION PROJECTS (1974)

The Ministry of the Solicitor General and the Department of Justice have supported the development and evaluation of diversion projects across Canada. The first federally-assisted project, the Community Diversion Centre in Victoria, B.C., was initiated in 1974. By 1979, there were 54 diversion projects involving federal participation.

A variety of diversion project models exist. Some introduce the diversion process prior to the laying of charges, others after charges have been laid but prior to trial. Referrals may come from the police, from the Crown, from the court, or even from citizens, but participation must be voluntary and there must be substantial agreement between all parties on the facts indicating guilt.

A candidate becomes eligible for the project--

a) after he has reached an informal understanding of the program and of the legal implications of his participation;

b) when he establishes his willingness to participate; and,

c) when (where appropriate) the victim agrees to participate.

At this point, a contract is drawn up between the offender and the project. The terms may involve restitution, an apology to the victim, or voluntary community service. Where the contract is successfully completed, further legal action against the offender is suspended.

2. QUEBEC CONFERENCE: "DIVERSION: A CANADIAN CONCEPT AND PRACTICE" (1977)

The Ministry of the Solicitor General and the Department of Justice sponsored the first national conference on diversion on the recommendation of the Continuing Committee of Deputy Ministers Responsible for Corrections. More than 500 delegates from the judiciary, corrections, law enforcement, universities and the private sector met to develop a generally acceptable definition of diversion, to assess past experience and to develop guiding principles for policy and legislation.

3. INTERDEPARTMENTAL STEERING COMMITTEE ON DIVERSION (1978)

The Committee is composed of representatives from the Ministry of the Solicitor General and the Federal Department of Justice, with a mandate to develop federal diversion policy, in liaison with provincial representatives.

In May 1979, consultative workshops were held with provincial/territorial liaison designates, and with diversion practitioners from projects across Canada, to assist the Committee in the development of a position paper on diversion. The Committee is continuing its work into the 1980s.

4. MEDIATION WORKSHOP (1978)

In November 1978, a National Workshop on Mediation Skills was held at Montabello, Quebec. This Workshop exposed criminal justice practitioners to the technical merits of mediation for community-based projects.

VIII. SPECIAL GROUPS

A. WOMEN

The female offender sentenced to two years or more normally serves her sentence in the Prison for Women at Kingston (KPW), Ontario, the only federal penitentiary for females. The average inmate population in recent years has been about 125 women. Some female offenders under federal jurisdiction are transferred under federal-provincial agreement to provincial institutions. A few women serving less than two years are incarcerated at KPW, usually for violation of parole or mandatory supervision.

Because most federal female offenders are concentrated in one penitentiary, the suitability of KPW as a correctional institution has been the focus of discussion and inquiry. The Archambault Commission (1938) recommended closure of the prison as part of its recommendations on the penal system. The Fauteux Inquiry (1956) supported the idea of one central institution, but noted the problem, in such a large country, of inmate separation from family and friends. The Ouimet Committee (1969) also recommended closure, suggesting that inmates might be transferred to institutions in their home provinces. Where proper provincial facilities were lacking, prison services might be purchased from larger provinces or established by the federal government.

In the 1970s, several national comittees addressed the question of the female offender in Canada. The Correctional Service of Canada projects that by 1985, female federal inmates will be housed in other facilities, and that KPW will be used for some other purpose (see Item 10, p. 48).

1. NATIONAL ADVISORY COMMITTEE ON THE FEMALE OFFENDER (Clark, 1977)

In 1974, the Solicitor General appointed representatives from the judiciary, the National Parole Board and the Elizabeth Fry Society, under the chairmanship of Donna Clark, to study issues relevant to the female offender. The Committee report (1977) emphasized the need for more community-based residences, temporary release, and better institutional programs linked wherever possible to the community.

The Clark Committee also recommended that the Kingston Prison for Women be closed. Two alternative plans were proposed. Under Plan 1, the federal government would provide small, secure institutions for females in each region. Under Plan 2, the provinces would assume responsibility for the custody of female offenders, with the federal government providing funds and monitoring institutional standards.

2. NATIONAL PLANNING COMMITTEE ON THE FEMALE OFFENDER (1978)

In 1977, the Continuing Committee of Deputy Ministers formed the National Planning Committee on the Female Offender, to assess the Clark Committee report. The Planning Committee included members from the Department of the Solicitor General and from each of the provinces except Quebec.

The Committee report (1978) supported the closure of the Prison for Women in Kingston, and endorsed Plan 1. The Committee recommended that regional federal facilities for women be established, with at least one facility in the east and one in the west. The report emphasized the need for the development of community-based residential centres for women and safeguards for the rights of Francophone offenders, and proposed that a task force of representatives from federal and provincial governments and the private sector determine minimum standards for all Canadian institutions housing female offenders.

3. JOINT COMMITTEE TO STUDY ALTERNATIVES FOR THE HOUSING OF THE FEDERAL FEMALE OFFENDER (1978)

This committee, under the chairmanship of the Director of the Prison for Women, was appointed by the Commissioner of Corrections. The Committee included representatives from the private sector and was assisted by a Working Group from The Correctional Service of Canada.

The Committee examined a number of housing options in terms of correctional objectives such as maintenance, security, program opportunities, location, and cost efficiency. The Committee recommended that the federal government purchase Vanier Institution (near Toronto) from the Ontario government, to be used as a central facility, and the use of one of the living units of Mission Institution (for males) in British Columbia as a "co-correctional" western facility.

The second choice was to use Mission as a co-correctional institution in the west and to rebuild the existing Prison for Women in Kingston. The Committee also favoured the continued use of provincial institutions through exchange of service agreements and community-based facilities.

B. NATIVES

During the 1970s, the federal government engaged in a number of initiatives directed to the particular problems of the native offender. The term "native" includes status and non-status Indians, Métis, and Inuit.

In Canada, an "Indian" is legally defined as a person registered, or entitled to be registered, under the Indian Act. Registered Indians, known also as "status" Indians, numbered approximately 300,000 in 1978.

Non-status Indians or Métis are persons whose ethnic background is wholly or partially Indian, but who do not have status under the Indian Act. They or their ancestors may never have had status under the Act, or may have lost it through marriage to a non-Indian or through enfranchisement. No accurate information exists about the number of Métis and non-status Indians living in Canada and estimates range from 300,000 to over a million.

Inuit or Eskimo persons numbered approximately 25,000 in the late 1970s.

Information on native involvement with the law is often inaccurate and incomplete. However, it is known that native persons are convicted and incarcerated in numbers out of proportion to their representation in the general population. Correctional Service records indicate that in 1979 approximately 9% of penitentiary inmates were native, although they constituted only about 4% of the general population. Status Indians are the most over-represented native group in federal institutions. They constitute 6.5% of the total prison population, although they comprise only 1.3% of the general population of Canada.

Some 50% of federal native inmates are from the prairie provinces as compared with only 15% of the others. Seventy percent of federal native prisoners are serving sentences for violent crimes, compared with 60% of the non-native penitentiary population. Independent studies have indicated that about 90% of native offences were committed under the influence of alcohol or drugs. Approximately 80% of natives in federal institutions have been in adult provincial institutions prior to entering the federal system. The Law Reform Commission of Canada, in The Native Offender and the Law (1974), indicated that native offenders in provincial institutions are generally imprisoned for less serious crimes than are other inmates. Many are incarcerated for breaches of provincial or municipal statutes, particulary liquor and motor vehicle legislation, or for non-payment of fines. Native women in provincial prisons may account for 90% of the female inmate population.

1. NATIVE POLICING (1971)

Several native policing programs were put into operation across Canada in the 1970s to involve more natives in the administration of criminal justice on Indian reserves.

In September 1971, a Band Constable Program was initiated, using native constables on reserves to enforce local band by-laws. The program is in effect in all provinces except British Columbia, Quebec and the Territories and is funded by the Department of Indian and Northern Affairs.

An RCMP Special Constable Program, Program 3-B, was established in Saskatchewan in September 1974 to allow the RCMP, in consultation with local band councils, to recruit Indian constables as members of the Force on reserves. (See Law Enforcement: Item 20.) The program is in effect in all provinces except Quebec and Ontario, which established similar provincial programs in 1975. This program is cost-shared between federal and provincial governments.

The federal government also has participated in the development and implementation of native policing programs, whereby native people trained by the RCMP form autonomous tribal police forces for policing Indian reserves. The Dakota Ojibway Tribal Council (DOTC) police, which operates under limited jurisdiction, enforces the law on eight reserves in southern Manitoba, under the guidance of the DOTC Police Committee.

This experimental policing program, which was initiated by the DOTC and developed in cooperation with the provincial and federal governments, is the first stage of a process in which natives will assume greater responsibility in the area of courts and corrections. Similar projects have been approved in Alberta for the Blood Reserve, Hobbema and Saddle Lake. Native policing projects may be redesigned in 1981, following an evaluation of the DOTC program.

2. NATIVE COURTWORKER PROGRAM (1973)

Native courtworkers provide counselling and information services to native people in conflict with the law. The courtworkers are native people who have received training on criminal law and the legal system. The Department of Justice provides funding assistance to provinces and territories for the operation of native courtworker programs.

3. NATIONAL CONFERENCE AND FEDERAL-PROVINCIAL CONFERENCE ON NATIVE PEOPLES AND THE CRIMINAL JUSTICE SYSTEM (1975)

The Edmonton Conference was attended by delegates from every major native organization in Canada and by federal and provincial cabinet ministers and other government officials. Workshops on various aspects of the criminal justice system as they relate to native peoples developed recommendations which were presented to a plenary session of delegates.

The Conference ended with a meeting of Federal and Provincial Ministers at which a series of resolutions identified the need for improved services for native people, called for more involvement of native peoples in the administration of the criminal justice system, and emphasized the importance of alternatives to imprisonment so that minor offenders could be diverted from the criminal justice system. The need to respect the special nature of native cultures was a central theme of the resolutions.

A Federal Advisory Council was established to follow-up on Conference recommendations.

4. FEDERAL ADVISORY COUNCIL (1975)

The Federal Advisory Council on Native People and the Criminal Justice System, established at the Edmonton Conference in February 1975, was composed of representatives of the six national native organizations and officials of five federal government departments.

The Council, subsequently re-named the Canadian Aboriginal Justice Council, provided advice to the federal government until December 1978. Cabinet ministers and national native presidents later met to discuss the possible re-establishment of the advisory council.

5. NATIONAL CONSULTANT ON NATIVES AND THE CRIMINAL JUSTICE SYSTEM (1976)

In response to the Edmonton Conference recommendations, the position of National Consultant on Natives and the Criminal Justice System was established within the Department of the Solicitor General, to provide a focal point for federal activities relating to native offenders. The National Consultant advises the Solicitor General and other departmental officials on natives in conflict with the law, represents the Department on relevant committees, and acts as a liaison between government, native groups and the private sector. The Consultant is responsible for encouraging project development in the Native sector and is involved in establishing experimental programs funded by the Department's Secretariat. Many of these projects are diversion and prevention programs designed to promote cultural awareness as a means of combatting law-breaking behaviour.

6. METIS AND NON-STATUS INDIAN CRIME AND JUSTICE COMMISSION (1977)

The Métis and Non-Status Indian Crime and Justice Commission was created by the Native Council of Canada in 1975 to study the native inmate population. The Commission was financed by the Departments of Justice and the Solicitor General.

The Commission report (1977) noted the over-representation of native peoples in federal and provincial institutions, attributing it to the poor economic base of native communities and to the lack of

native peoples in correctional and judicial policy-making and programs. The report recommended the employment of more native peoples in the correctional system, greater participation by native peoples in setting correctional policy, more federal funding and greater independence for Native Brotherhoods and Sisterhoods, and more realistic educational opportunities for native inmates.

7. NATIONAL COORDINATOR FOR NATIVE OFFENDERS PROGRAMS (1979)

The Correctional Service of Canada established the post of National Coordinator for Native Offenders Programs. The National Coordinator develops national policy on native offenders incarcerated in federal penitentiaries or on parole, and programs to fill gaps in services for native offenders. The coordinator also conducts systematic evaluations of native programs to assess their effectiveness in achieving objectives. The National Coordinator is stationed in Saskatoon and travels to Ottawa regularly.

C. JUVENILES

In the early years of Confederation, children charged with criminal offences were brought before ordinary criminal courts. In 1908, the Parliament of Canada enacted the Juvenile Delinquents Act, providing for the establishment of juvenile courts by the provinces and setting out special procedures for dealing with juvenile offenders.

The Act defines juvenile delinquency as an offence and a juvenile delinquent as a child who violates the Criminal Code, a federal or provincial statute or municipal by-law, or who commits a "status offence" such as incorrigibility or sexual promiscuity, that would not normally be considered an offence for an adult. Under the Act a juvenile is any child over the age of 7 and under 16, although the individual provinces may alter the maximum age to under 17 or under 18.

The court may impose fines, probation or custody. The provinces carry out the sentence of the court and are responsible for juvenile probation services and custodial facilities such as training schools and group homes. Custodial sentences are "indeterminate" in that the offender is not sentenced to a specific term, but is held until correctional officials and the court are satisfied that release will be beneficial.

In 1961, the Department of Justice appointed a Commission on Juvenile Delinquency to inquire into the nature and extent of juvenile delinquency in Canada and to make recommendations to the government on the subject. The Committee report, Juvenile Delinquency in Canada (1965), recommended substantive revision of the Juvenile Delinquents Act.

1. FEDERAL-PROVINCIAL CONFERENCE ON JUVENILE DELINQUENCY (1968)

The conference of federal and provincial ministers of corrections, departmental officials and welfare authorities considered the recommendations made in 1965 by the Justice Committee on Juvenile Delinquency. A draft model Act provided the basis for discussions of legislative changes.

2. THE YOUNG OFFENDERS ACT, BILL C-192 (1970)

Following the Federal-Provincial Conference, the Young Offenders Act, Bill C-192, was introduced in 1970. The proposed Act would have revised the minimum age of legal responsibility to 10 years, and established the upper age limit for a youthful offender at "under 17", with the option in special cases to have it extended to "under 18."

The Bill also would have abolished the broad offence of juvenile delinquency, required that a young offender be charged with a specific offence, removed provincial, municipal, and status offences from the jurisdiction of juvenile courts, and emphasized legal procedures, including representation by counsel and the right to appeal. After considerable debate, the Bill died on the Order Paper.

3. FEDERAL-PROVINCIAL JOINT REVIEW GROUP (1973)

A Federal-Provincial Joint Review Group was established by the Conference of Corrections Ministers, to review existing programs, services, and legislation relating to young persons in conflict with the law. The group report (1974) asserted that the federal government had responsibility in promoting equal access to treatment and equal standards of services across the nation, and that this should include the development of appropriate funding arrangements.

4. YOUNG PERSONS IN CONFLICT WITH THE LAW:
REPORT OF THE SOLICITOR GENERAL'S COMMITTEE (1975)

The Committee report identified issues and alternatives in the juvenile justice field, and made 108 recommendations which were incorporated in a draft model Act. This report provided the basis for federal-provincial and private sector consultations on the subject of legislative reform.

5. HIGHLIGHTS OF THE PROPOSED NEW LEGISLATION FOR YOUNG OFFENDERS (1977)

This document, tabled in the House of Commons by the Solicitor General, proposed that young persons who commit offences should bear responsibility for their acts but should be accorded rights and freedoms equal to those of adults; that the general offence of "delinquency" be abolished; and that minor misconduct be excluded from criminal law.

The new policy recommended a more specific but wider range of sentence dispositions, and stricter guidelines for custody and detention. A minimum age of 12 for young offenders and a maximum age of "under 18" were suggested, with a provincial option to lower the maximum to seventeen or sixteen years.

6. LEGISLATIVE PROPOSALS TO REPLACE THE JUVENILE DELINQUENTS ACT (1979)

Following federal-provincial discussions on the proposed young offenders legislation, new federal proposals to replace the Juvenile Delinquents Act reiterated the principle that young persons be held responsible for their offences, emphasizing the right to counsel and the abolition of indeterminate sentences. It was proposed that the maximum age for juvenile offences be standardized at "under 16" with an option of raising it to a uniform "under 17" or "under 18" if provincial consensus on the age limit were achieved.

In June 1981, a new Act was introduced in the House of Commons.

IX. FEDERAL-PROVINCIAL PROGRAMS PROVIDING AID TO INDIVIDUALS

The federal government makes contributions to certain provincially-administered programs providing aid to specific categories of individuals involved in the criminal justice process.

1. LEGAL AID (1972)

In 1972 and 1973, the Department of Justice entered into cost-sharing agreements with the provinces, to provide legal services to economically disadvantaged individuals unable to provide themselves with effective representation in criminal matters.

The agreements provide legal representation in indictable and serious summary conviction matters and require the application of a flexible eligibility test. Choice of counsel is required in cases where a mandatory sentence of life imprisonment may be imposed.

The federal government contributes 90% of the cost per capita of shareable legal aid services to a per capita maximum determined with reference to increases in national legal costs and the gross national product.

In 1972, the Department of Justice instituted a program of financial assistance to community legal services clinics. In 1975-76 the program was expanded to include experimental and research work in the field of legal aid.

2. VICTIM COMPENSATION (1973)

Between 1973 and 1979, the federal government entered into crime compensation cost-sharing agreements with all of the provinces and territories except Nova Scotia and Prince Edward Island. The provinces and territories administer the programs. The federal government assists in program funding and the establishment of uniform, minimum standards. Approximately forty crimes of violence are presently covered by the agreements. Federal objectives in these agreements are--

(a) to encourage provinces and territories to fairly and justly compensate innocent victims of violent crime by sharing the costs involved;

(b) to encourage uniformity and to set minimum standards for the fair and just compensation of such innocent victims;

(c) to encourage the provinces and territories to make the public aware of the availability of compensation should they become a victim; and,

(d) to encourage members of the public to apprehend, or to assist the police to apprehend, lawbreakers.

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