

**Sociology 3395: Criminal Justice & Corrections**  
**Overheads Class 25: Community Reintegration**

- \* Over 90% of incarcerated offenders are released by CSC & the parole board on some form of conditional release
  
- \* In this chapter we review the history, philosophies, & types of such programs, & assess their effectiveness

**Community Release Under Attack:**

- \* Attack began in 1970's: some believed community sanctions “too soft”; others that they avoided due process
  
- \* U.S. States began to remove parole: Canadian Sentencing Commission recommended abolition of parole as well
  
- \* Robert Martinson (1974): “Nothing works”
  - conducted survey of evaluation studies of rehabilitation programs
  - concluded that programs have little effect on recidivism
  - undermined support for rehabilitation
  
- \* New research (1979):
  - some treatment programs do work
  - Martinson’s newer research was ignored

**Discretion & Disparity:**

- \* Criticisms of parole boards:
  - decisions are arbitrary

- parole boards don't have expertise, lack criteria for assessment
- parole favors those with longer sentences

### **Conditional Release programs in Canada:**

#### \* History:

- 1868: system of remission with merit/demerit points (until 1961)
- 1899: ticket of leave: "clemency" granted on discretionary basis
- 1958: Parole Act: National Parole Board established. Given authority over statutory release, temporary absence, & day parole. "Mandatory supervision" gradually added.
- 1992: Corrections & Conditional Release Act: Parole Board members must have risk assessment training. "Risk assessment" based on offender's behavioral history, immediate situation, mental & behavioral outlook, social supports & other personal factors

### **The Reintegration Approach:**

#### \* Assumptions:

- only the most serious offenders should be incarcerated
- alternative sanctions should be maximized

#### \* Recidivism results from:

- pro-criminal values
- pro-criminal associates
- antisocial personality (also family, education, job, etc.)

\* Risk assessment: 3 factors

- (1) *Risk*: devote more resources to high risk cases
- (2) *Need*: target the criminogenic needs of offenders through rehabilitation programs
- (3) *Responsivity*: match the particular service with the special needs of the offender

### **The Case Management Process:**

\* Individualized program tailored to each offender

\* Objectives:

- to provide monitoring in prison
- to ease release back into the community
- to prevent re-offending after release

### **The National Parole Board:**

\* Overview:

- 1958 established with little guidance
- 1973: applicants allowed to appear before board; written reasons required for denial of parole
- 1981: list of factors provided to consider when determining parole

\* Factors to consider (1981):

- prior criminal record
- current offence (e.g. whether a “schedule offence”)
- inmate’s insight into behavior

- involvement in treatment & training programs
- institutional behavior & offences
- previous parole violations
- inmate plans for employment & training

\* Correctional plan:

- developed by Parole Board with correctional officials
- specifies individualized risk management strategy, interventions & monitoring, prohibited activities, & required activities

\* Release into the community:

- supervision (10-20% not contacted regularly - 1999 Report)
- programming (participation requirements)
- community involvement (programs are community-based)

### **Contemporary Community Sanctions:**

\* 2000-2001: 120,000 offenders under community sanction. Rationale:

- cheaper
- offenders work/pay taxes
- maintaining connections to family/community

### **Risk of Recidivism:**

\* Depends on type of program:

- full parole (30% readmitted)
- mandatory supervision (58% readmitted)
- majority who get in trouble do so within 12 months
- those on mandatory supervision do so earlier (first 6 months)

\* Corrections and Conditional Release Act:

- the purpose of the correctional system is to maintain a just, peaceful & safe society
- this is to be implemented through safe & humane custody & supervision, along with rehabilitation & reintegration of offenders
- transparency is important, with policies to disclose information to offenders, victims & the National Parole Board

**Risk Assessment:**

\* This links “risk levels” to types of intervention:

- low risk: release oriented
- moderate risk: institutional /community oriented
- high risk: high intensity

**Conditional Release Programs:**

\* Varieties:

- (1) *Full parole*: can apply after 1/3 of sentence completed
- (2) *Day parole*: release for short periods of time for school or work: eligible 6 months before eligible for full parole
- (3) *Temporary Absence*: for medical, compassionate, administrative or family reasons
- (4) *Statutory release*: generally released after 2/3 of sentence expired: may be denied by Parole Board

\* Parole hearings:

- 2000-2001: slightly over 40% of federal/provincial applicants granted full parole (women more likely)

- releases declining in Ontario, B.C. & Quebec
- some may never get early release (e.g. dangerous offenders, sex offenders, & drug offenders)

### **The Effectiveness of Conditional Release Programs:**

#### \* Recidivism rates: considerations

- types of recidivism (technical violations vs. new offences)
- outcome of recidivism: whether offender returned to institution (readmission rate)
- rates are affected by length of time being evaluated
- type of release: day parole has low recidivism/ mandatory supervision much higher
- gender: males recidivate more
- mental health problems: more technical violations but fewer new offences
- type of crime: homicide low but sex offences high

### **The Issue of Due Process:**

- \* 1978 Parole Act: right to a hearing, disclosure of information, & reasons for denial of parole
- \* 1992: Corrections & Conditional Release Act: right to appeal decisions based on “fundamental justice,” special needs, error, etc. Right to federal & provincial judicial review

### **The “Faint Hope Clause”**

- \* Allows lifers to apply for a judicial review of their “minimum” 25 year sentence after 15 years

- \* A jury may then grant the offender the right to apply for parole earlier
- \* Denial may be appealed to the Supreme Court
- \* Implementation: less than 20% of eligible offenders apply, but 82% of applicants who do are successful
- \* “Olson amendment”: passed in 1996 in reaction to the case of serial killer Clifford Olsen. Now, murderers with multiple victims may not apply, & early release requires the jury to be unanimous

### **Risk Factors for Recidivism:**

- \* Andrews (1996) found a high risk of recidivism to be based on:
  - antisocial cognitions
  - antisocial associates
  - antisocial personality
  - antisocial behavior
- \* Yet predictions are not always accurate
- \* Risk factors:
  - (1) *Gender*: women have fewer new offences & respond well to drug abuse programs
  - (2) *Race*: Native people have higher recidivism rates, participate less in early release programs. Some regions now include native healing ceremonies & lodges to improve chances of success
  - (3) *Other Factors*: age, marriage, education, & employment affect recidivism rates

## **How Inmates View Recidivism:**

\* Bezozzi (1993) found that inmates expressed the following:

- you get used to being in prison
- prison staff set you up to fail
- prisons lack the resources to help you change
- prison may give you time to think about things & change (based on own effort)
- most prisoners are vague & ambiguous about life on the outside

## **Summary & Conclusion:**

\* Conditional release programs have come a long way since 1868, now comprising a wide variety of programs

\* Still, it is important to remember that probation remains the largest conditional release program in sheer numbers (but not under the jurisdiction of CSC or the NPB)

\* Increased legal rights of inmates encourage these/ further changes

\* Nowadays, the predominant tension lies between the risk factors emphasized by institutions & the legal rights relied on by offenders - both in granting conditional release & handling recidivism



