

Risk Management: The Views of the Public and the Challenge to Corrections

Concern over risk management in corrections is not restricted to criminal justice professionals; it is a public issue as well. This brief article provides a summary of some survey findings about public views in this area, and ends with a more personal comment on recent relations between the criminal justice system and the public following a breakdown of risk management.

It is important to understand that from the perspective of the public, risk only becomes an issue when things go wrong, for example when a parolee commits additional crimes of violence. Tragically, we have had several such events in Canada in recent years. For the sake of brevity, I discuss the issues of risk by focusing on parole decisions, although risk in the correctional system clearly has a broader application than this. How should the criminal justice system respond to public concern about risk in the context of community-based corrections? To answer this question, we need to understand the nature of public opinion, and this is where we turn to systematic research.

In light of recent, well-publicized tragedies (see below), it is not surprising that the public is viewed as having a uniformly negative attitude toward parole. This appears to be confirmed by surveys, as well as by focus group research. Thus, a couple of years ago a nation-wide survey found that almost two thirds of the public was dissatisfied with the parole system in Canada.⁽²⁾ Does this mean that the public will tolerate no degree of risk at all? I do not believe so. The challenge to researchers is to determine exactly what this result means.

To do so, we must distinguish between public opposition founded on mere misperceptions and public opposition based on more-informed differences of opinion regarding criminal justice policy. For example, the public does not seem to object to the concept of conditional release from prison, but to the way they perceive, or rather misperceive, it to be administered. Thus, only about 5% of Canadians endorse the total abolition of parole. At the same time, there is consensus that fewer inmates should be granted conditional release in this way. Part of the public's opposition to parole is founded on false perceptions of the correctional system in general and of parole in particular. Let us begin by examining some public misperceptions regarding parole. **Public Misperceptions About Parole and Corrections** Surveys have demonstrated that most people think the parole grant rate has increased in recent years, but this is in fact not the case. As well, Canadians overestimate the number of inmates receiving parole. Finally, research has also shown that the public over estimates the levels of recidivism that are associated with parole releases.⁽³⁾

Canadians are not unique in this regard: research in the United Kingdom and the United States reaches similar conclusions. For example, even though the incarcerated populations have risen dramatically in those countries, surveys of the public reveal widespread ignorance of the true numbers of people in prison.

The challenge to the correctional system is clear: these public misperceptions must be corrected, so that the public has an accurate idea of the actual costs and benefits of a system of conditional release. At this point I turn to public antipathy to early release that may not be founded on misperception. **Issues of Public Concern** Although parole boards do not change the sentence per se but only the location in which

the sentence is discharged, from the public's perspective, the sentence is changed. The public takes exception to this kind of "resentencing." As a recent focus group study noted: "Many groups felt that because of parole, a sentence is not what it should be."⁽⁴⁾ This notion has to be addressed by the correctional system.

In risk management, the issue arises because public reaction to parole failures is likely to be that much greater when they learn that the offender served only a small portion of the original sentence. The public's criticism of parole authorities would be less strident if there were more truth in sentencing. The criminal justice system must either do a better job convincing the public of the necessity for a conditional release process, or make some changes to promote a closer relationship between the sentence imposed in court and the time actually served in prison.

Many Canadians are also concerned that the government is not sensitive to their views. The same focus group study noted earlier, conducted for the Solicitor General of Canada, found that many participants thought the government has no real interest in reforming the criminal justice system. The participants also felt that the government did not have any interest in public opinion with regard to law reform. I am not arguing that criminal justice policy be determined by public opinion surveys, but clearly, the government has to be more attentive to the views of the public than it has been to date. The challenge to correctional authorities is to demonstrate greater sensitivity to the views of the community.

It is important to point out that public reaction to corrections is not universally negative, nor is the public totally uninformed on criminal justice issues. This is clear from polls conducted in Canada, the United States and Great Britain.⁽⁵⁾ For example, in 1988, a representative sample of Canadians was asked to rate the Parole Board compared with other branches of the criminal justice system, including the police who typically get high public approval ratings. Only 17% of the sample viewed the Parole Board in a more negative light than the other branches of the system.⁽⁶⁾

Moreover, the public was aware of the difficulties confronting correctional officials in terms of predicting who will reoffend. Specifically, the public was asked the following question: "If you were to hear that a parolee committed an offence involving violence before the expiry of his sentence, which of these most likely explains his release in the first place?" They were then provided with a list of explanations. Only 6% responded that they would attribute the inmate's release to administrative error. Forty-one percent stated that they would attribute the incident to "an inability to predict dangerousness accurately." More recent research has also shown that the public is in fact aware that they hear about the failures of the criminal justice system far more often than they hear about its successes.⁽⁷⁾ Informing the Public One of the central findings of research on public attitudes toward criminal justice is that, when provided with more information than is usually conveyed by the average newspaper article, the public responds with sophistication and flexibility regarding criminal justice policies. We have seen this happen concerning capital punishment in the U.S., and sentencing in general in Canada.⁽⁸⁾ The correctional system should try harder to provide the public with information on correctional issues, including parole decision making. This would reduce, not eliminate, public hostility, and differences between the public's perception of the system and the system itself would still remain. Educating the public is a major challenge for the correctional system, one to which it should dedicate greater resources.

What exactly does the public want? In the area of parole, the public is unlikely ever to be comfortable with the notion of sex offenders serving substantial proportions of their sentences in the community under supervision. But public hostility toward early release for this particular group of offenders should not be interpreted to mean that Canadians oppose early release for all inmates, nor should it become the grounds for adopting more repressive detention policy for the general inmate population.

This, in my view, is one of the dangers of the current debate about reform of sentencing and parole. Members of the public have a very specific offender in mind when they express disapproval of the parole process - inmates serving time for violent offences, particularly crimes of sexual aggression. The debate should be restricted to this category of offender. Bill C-36, to take one recent piece of legislation, supports the opposite view. Although originally designed to focus on a very specific number of offenders, the offences listed in the bill as being eligible for judicial determination (delayed eligibility for release on parole) include a wide and diverse assortment of individuals.⁽⁹⁾

Any criminal justice system that releases a significant proportion of its inmate population before their court-imposed warrant expires has to face the inevitable result that some offenders completing their sentences in the community under supervision will reoffend. And in a small percent age of these cases, the reoffending will assume a tragic and fatal form. When they occur, these tragedies must be turned into opportunities to examine the system de nouveau.

In this regard, the relatives of victims - such as the Ruygroks and the Stephensons - have provided sterling examples for both the criminal justice system and the community. Canadian readers of this publication will recall that both these families lost children in tragic circumstances involving offenders on release in the community. These families have made enormous sacrifices to bring to light the circumstances that led to these homicides. Their considerable investment of time and energy has not been wasted. They have had an important impact: Gerald Ruygrok and Jim and Anna Stephenson have probably done more to provoke public debate and advance criminal law reform on these issues than any number of academics working in the area.

Clearly, the criminal justice system should try harder to attend to the public, and to incorporate the voice of the victim, or the relatives of the victim. Recent examples show that victims are not always accorded sufficient attention. Sometimes the system even fails to provide support when it is merely a question of modest financial assistance. Some years ago, the federal government was asked to pay the costs of transcribing the Ruygrok Inquiry proceedings, but refused to do so. A more recent example occurred at the inquest into the death of Christopher Stephenson. The family of the victim had to bear the cost of their counsel themselves, which came to almost half a million dollars.

Both the provincial and federal governments initially refused to pay these legal fees. It was only after a great deal of pressure was brought to bear upon the provincial and federal governments that financial assistance was finally forthcoming. Considering that the criminal justice budget in Canada is approximately \$7 billion,⁽¹⁰⁾ it seemed incomprehensible to the public that we could not find the necessary funds. This kind of response only serves to alienate individual victims further, as well as the public in general.

To minimize public hostility after a risk management failure, there must also be a clear response from the correctional system once the findings of various inquiries are made public. Moreover, the correctional system should do more to inform the public of how it plans to respond, and how it does ultimately respond, to the recommendations of these various inquiries.

For example, in December 1988, the verdict of the Coroner's Jury into the death of Tema Conter⁽¹⁰⁾ was made public. It contained 38 recommendations. How many of these were actually implemented? How many of the recommendations that emerged from the Ruygrok case have come to pass? A review of the impact of the recommendations of recent Coroner's juries would make an interesting research project.

The jury in the Stephenson Inquiry has just released its report, containing 71 recommendations to improve the criminal justice response in cases of sexual offending. Some of these, such as the proposal to create some kind of sexual predator law in Canada or to promote increased use of the Dangerous Offender provisions, will be controversial and will require careful scrutiny. Many of the other recommendations, however, are straightforward and can be readily implemented. Conclusions Recent events and surveys of the public in Canada lead to several conclusions. First, the correctional system must respond more vigorously and more attentively to the community in general, and to victims of the crime in particular. Second, the Canadian public is not a monolithic group that demands the abolition of all forms of early release, or that does not understand the complexities and challenges of dealing with offenders. Rather, the public is interested in tightening parole release regulations for very specific kinds of offenders who account for a small percentage of the federal custodial population. Third, greater efforts should be made to provide the public with information on the correctional process, because some of the public's opposition is founded on misperceptions of the way the system functions as well as of the statistics themselves.

(1) *Julian V Roberts, Department of Criminology, Faculty of Social Science, University of Ottawa, 1 Stewart Avenue, Ottawa, Ontario K1N 6H7.*

(2) *See Gallup Canada, Gallup National Omnibus Attitudes Toward Parole (Toronto: Gallup Canada Ltd., 1988).*

(3) *See Canadian Sentencing Commission, Sentencing Reform: A Canadian Approach (Ottawa: Supply and Services Canada, 1987). See also J. Roberts, "Early Release from Prison: What Do the Canadian Public Really Think?" Canadian Journal of Criminology, 30(1988): 231-239.*

(4) *Envionics Research Group Limited, A Qualitative Investigation of Public Opinion on Sentencing, Corrections and Parole (Toronto: Envionics Research Group*

(5) *See J. V Roberts, "Public Opinion, Crime and Criminal Justice," in M. Tonry (ed.), Crime and Justice: A Review of Research (Chicago: University of Chicago Press, 1992).*

(6) *J.V. Roberts, Public Opinion and Sentencing: The Surveys of the Canadian Sentencing Commission (Ottawa: Department of Justice Canada, 1988).*

(7) *Envionics Research Group Limited, A Qualitative Investigation of Public Opinion.*

(8) *See E. Zamble, "Public Support for Criminal Justice Policies: Some Specific Findings," Forum on Corrections Research, 2, 2 (1990): 16-22. And see A. Doob and J. Roberts, "Public Punitiveness and*

Public Knowledge of the Facts: Some Canadian Surveys," Chapter 6 in N. Walker and M. Hough (eds.), Public Attitudes to Sentencing (Aldershot: Gower, 1988).

⁽⁹⁾*See J. Roberts and A. von Hirsch, "Sentencing Reform in Canada: Recent Developments," Revue générale de droit, 23 (1992): 319-355.*

⁽¹⁰⁾*See I. Waller, Putting Crime Prevention on the Map. Introductory Report on the International Conference on Urban Safety, and Drug and Crime Prevention, Paris, France, 18-20 November 1991.*

⁽¹¹⁾*Tema Conter was murdered by Melvin Stanton who, at the time, had been granted an unescorted, temporary-absence pass by the National Parole Board.*