

## Remarks on the Report of the Task Force on Long-Term Sentences

In March 1990, a group of inmates serving life sentences at Leclerc Institution (Quebec Region) met with Ole Ingstrup, Commissioner of the Correctional Service of Canada. The inmates presented the Commissioner with a written summary of their thoughts on incarceration. This document expressed their frustration with the shortage of services and programs to help them address their criminality and make amends to society.

Following the Correctional Service of Canada's Mission which is based on the principle that human beings are capable of changing and which sets forth corporate objectives that call for the development of programs for certain groups of offenders, the Commissioner initiated follow-up on the inmates' grievances.

In April 1990, Mr. Ingstrup created a national task force to study the issue of long-term sentences and to present recommendations for action. Jean-Claude Perron, Deputy Commissioner, Quebec Region, was appointed to head the Task Force.

A year later, in April 1991, the Executive Committee of the Correctional Service of Canada accepted the Task Force's report by approving the implementation of its 37 recommendations.

### What Does the Report Teach Us?

This study clearly articulates the problems linked to long-term sentences. Specifically, it:

1. identifies, quantitatively and qualitatively, those inmates serving long sentences;
2. extracts the main ideas from the literature on long-term sentences;
3. establishes a study approach based on nine guidelines;
4. identifies the specific needs of long-term inmates in light of programs and services currently offered;
5. analyzes the impact of the Judicial Review process;
6. suggests a four-stage management and intervention model; and
7. recommends concrete measures for the management of long-term offenders.

This article summarizes the content of the report with brief discussions of each of these points.

### 1. A Profile of Inmates Serving Long-Term Sentences

For some individuals, a sentence of two years may be perceived as long, while others may see it as a relatively short sentence. For its report, the Task Force defined long-term sentences as being those of 10 years or longer.

According to the study, 3,670 male and female inmates were serving sentences of 10 years or more in Canadian institutions; they accounted for 28% of the 13,203 inmates who fall under federal

jurisdiction.<sup>(1)</sup> Therefore, the group targetted by this study represented almost a third of the entire population of male and female inmates and parolees in Canada.

The Task Force then gathered information on the psychological and social characteristics of long-termers.

A questionnaire was designed to create a profile of 557 inmates serving life sentences with a 15-year parole restriction period before Judicial Review. This questionnaire was distributed to case management officers responsible for these inmates in all Canadian institutions.

The results compiled from the 495 completed questionnaires proved a valuable insight into the current situation of lifers who are eligible for a Judicial Review<sup>(2)</sup> in Canada. Generally, the following characteristics were recorded for these lifers:

- they were older (average of 36 years) than the general prison population (average of 30 years);
- only 29% (144) were married when they arrived at the institution; this rate drops to 22% (109) after a few years, thus contributing to the inmates' alienation from the outside world;
- two thirds (327) were held in maximum-security institutions, and only 3% <sup>(15)</sup> in minimum-security institutions;
- the case management officers reported that 45.3% (224) of the lifers would be eligible for "security cascading" (moving to a lower security level) were it not for the length of their sentence. The length of the sentence therefore plays a major role in the determination of transfers to lower security institutions;
- 17% <sup>(84)</sup> had no previous convictions;
- 72% (356) had no record of violent behaviour during incarceration;
- 62% (307) had no more than seven years of formal education;
- 18% <sup>(89)</sup> had a history of self-mutilation which is no higher than the national average according to a 1988 study by the Pinel Institute;
- there was no psychological assessment on file for half (247) of these inmates, and no psychiatric assessment for 71% (351); and
- 68.6% (340) of these inmates had never taken part in any program.

**Table 1**

<b>National Profile of Male Inmates* by Length of Sentence as of 31 January 1992</b>						
<b>Length of Sentence</b>	<b>Atlantic</b>	<b>Quebec</b>	<b>Ontario</b>	<b>Prairies</b>	<b>Pacific</b>	<b>Total</b>
less than 2 years	64 (5.2%)	181 (4.3%)	157 (4.1%)	248 (8.3%)	138 (7.7%)	788 (5.6%)

2-3 years	391 (31.6%)	924 (22.1%)	655 (17.1%)	633 (21.2%)	249 (13.8%)	2,852 (20.3%)
3-4 years	219 (17.7%)	580 (13.9%)	625 (16.3%)	548 (18.3%)	247 (13.7%)	2,220 (15.8%)
4-5 years	110 (8.9%)	424 (10.1%)	404 (10.5%)	315 (10.5%)	165 (9.1%)	1,418 (10.1%)
5-6 years	78 (6.3%)	307 (7.3%)	307 (8.0%)	214 (7.2%)	117 (6.5%)	1,023 (7.3%)
6-7 years	55 (4.5%)	191 (4.6%)	206 (5.4%)	136 (4.6%)	107 (5.9%)	695 (5.0%)
7-8 years	45 (3.6%)	153 (3.7%)	138 (3.6%)	116 (3.9%)	83 (4.6%)	535 (3.8%)
8-9 years	34 (2.8%)	127 (3.0%)	130 (3.4%)	89 (3.0%)	71 (3.9%)	451 (3.2%)
9-10 years	15 (1.2%)	105 (2.5%)	107 (2.8%)	38 (1.3%)	42 (2.3%)	307 (2.2%)
10-15** years	40 (3.2%)	362 (8.7%)	277 (7.2%)	171 (5.7%)	138 (7.7%)	988 (7.0%)
15-20 years	16 (1.3%)	144 (3.4%)	83 (2.2%)	43 (1.4%)	54 (3.0%)	340 (2.4%)
more than 20 years	8 (0.7%)	77 (1.8%)	27 (0.7%)	22 (0.7%)	17 (0.9%)	151 (1.1%)
life and indeter	161 (13.0%)	607 (14.5%)	721 (18.8%)	415 (13.9%)	377 (20.9%)	2,281 (16.2%)
Total	1,236	4,182	3,837	2,988	1,805	14,049
* On-register offender population: inmates in institutions as well as those on day partol or temporary absence						
** Boldface type indicates long-term sentences						

These results underscore, among other things, that the level of isolation from the community is considerable, that the management of these cases is not always based on individual evaluation, that the degree of conformism (versus violent behaviour) is very high, that the educational level is low and that efforts made to encourage these inmates to make use of professional and personal development opportunities appear to be very limited. This profile can easily be extended to apply to all inmates serving long-term sentences, as was corroborated by the extensive consultations undertaken by the Task Force through interviews with inmates, corrections staff, inmates' families and community groups.

## 2. What Can We Learn from the Literature on Long-Term Sentences?

The works of leading authors on the issue were researched with emphasis on the following subjects: the

effects of prolonged imprisonment, the future orientation of long-term incarceration (to protect, to punish, to rehabilitate), the need to develop specific programs, psychological support, Judicial Review, training and employment, and the family and community.

The following conclusions have been extracted from this research:

- the adverse effects of prolonged incarceration can be countered by meeting certain basic human needs (comfort, control, purpose);<sup>(3)</sup>
- inmates faced with long-term sentences react differently depending on the circumstances of their prolonged confinement. Case management strategies must therefore take into account individual differences;<sup>(4)</sup>
- the development and implementation of specific policies and programs must meet the perceived needs of long-term inmates;<sup>(5)</sup>
- long-term sentences must be broken down into measurable stages, allowing the offender to remain motivated and hopeful;<sup>(6)</sup>
- the shortage of relevant training and employment programs for long-term inmates is considered to have more serious consequences than the initial effect of exclusion from society;<sup>(7)</sup>
- contacts with the outside world must be encouraged as a way to resist isolation and to reduce aggressiveness;<sup>(8)</sup>
- Judicial Review remains the most important element in the lives of long-term inmates, which is why they must be offered information and specialized support.<sup>(9)</sup>

### 3. Guiding Principles

The Task Force's analysis was directed by nine guiding principles derived from the Correctional Service of Canada's Mission and by an approach that focused on motivating long-term inmates. **An inmate's needs must be identified at the beginning of the sentence and followed up with programs to meet these specific needs on an individual basis.**

The study's conceptual framework was based on the following guiding principles:

1. Inmates should be personally involved in the management of their sentence;
2. Programs and the decision-making process should be customized to individual inmates;
3. Programs should be geared to the specific needs of long-term offenders;
4. Greater community involvement should be sought, both during incarceration as well as upon release;
5. Change as the way to successful social reintegration should be encouraged;
6. Inmates and staff must be kept informed on a continuous basis;
7. There should be consistent and equitable services and programs between regions, institutions and communities;
8. Protection of society should be ensured through individual risk assessment; and
9. The inmates' need to reach their full potential should be considered.

#### 4. Specific Needs of Long-Term Inmates

The consultations carried out by the Task Force linked the shortage of programs with the difficulty in accurately determining the needs of inmates. A whole chapter of the Report (Chapter 2) deals with the specific needs of long-term inmates.

**That long-term inmates have specific needs is linked to the considerable length of their sentences as well as to the diversity of the problems which are at the root of their violent criminal behaviour.**

Long-term inmates must be informed on all matters that concern them, so that they can take on greater responsibility for their own development. They must be allowed to take part in penitentiary life in a useful and constructive way in order to preserve their self-esteem. Life in prison must allow for flexibility and breaks in routine to avoid the demoralizing effect of repetition. Periods of privacy must be scheduled to allow an escape from group living. Programs should be constantly updated to reflect life in the community. Ties with the community must be maintained to act as a source of motivation, encouraging the will to survive.

Evaluation and therapeutic follow-up must be matched to the nature of the offences. Interventions must be consistent and focused on the specific situation of inmates serving long-term sentences. Whenever possible, continuity of approach must be maintained in all interventions. Long-term inmates need personalized case management which recognizes that not all offenders react the same way. Peer support must be encouraged. As well, continuity of services between the institutions and the community must be maintained. Adequate preparation for any form of release and good community support often separate success from failure.

These needs were reviewed in light of the programs and services currently offered to inmates. From this analysis came 23 recommendations on the following issues: grouping of inmate units, personal belongings, double occupancy, wages, visits, training and employment, penitentiary placement and "security cascading," leaves, self-improvement programs, special requirements related to ethnic minorities, involvement of families and community organizations, and release programs.

**Table 2**

<b>Stage I - Adaptation</b>			
<b>Objective: To assist inmates in accepting their sentence. Guide and support them in their adaptation to a new life. Specify their needs in all areas to establish a correctional plan and an immediate acceptance of responsibility.</b>			
<b>Characteristics</b>	<b>Needs</b>	<b>Recommendation No.</b>	<b>Programs/Services</b>

Denial (appeal)	- information on the environment		Assessment Module
Aggressiveness	- Support and psychological		
Rebellion	counselling (assessment	3	
Depression	of the mental State)	5	Information Module
Severance (addiction, substances)	- Outlet for rebellion	6	
	- Give a new meaning to life	7	Orientation Module
At odds with family/ community	- Review the situation	8	
	- Plan	9	Family/Community Module
Culture Shock	- Self-actualization	10	
- law of the underworld	- Job/training- Medical supervision	11	
- security context	if	13	Support-Counselling Module
- freedom reduced/ actions controlled	required - Family counselling	17	
New daily routine	- Family/community presence to maintain ties		

**Table 3**

**Stage II - Integration into Prison Environment (Institutionalization)**

**Objective: To encourage inmates to take full advantage of the opportunities for personal growth inside prison, whether of a professional or personal nature, while maintaining contact with important community-resource persons.**

Characteristics	Needs	Recommendation No.	Programs/Services
Acceptance of the sentence	- Orientation		Training/Employment Module
	- Involvement in prison life	4	
	- Realization of a correctional career	5	Personal Growth Module
	- Maintain and strengthen ties with the community	6	
Implementation of the correction plan		7	
	- Accept responsibility for identified problems	8	Family/Community Module
	- Sexual life	9	
Programs/activities that focus on institutional life	- Privacy	10	Re-orientation/ Re-evaluation Module
	- Contacts with peers	11	
	- Feel useful in daily prison life	12	
	- Feel useful to the outside world	13	
		17	

**5. The Impact of the Judicial Review Process**

The Task Force report deals extensively with Judicial Review which was introduced by Parliament in July 1976. The Canadian *Criminal Code* was amended to revoke all clauses related to the death penalty, carried out for the last time in Canada in December 1962. Parliament replaced the death penalty with a life sentence with eligibility for parole after 25 years for murder in the first degree and with 10- and 25-

year sentences for murder in the second degree.

To offer hope to individuals serving these extremely long sentences, the *Criminal Code* holds that, after serving 15 years, inmates can apply for a reduction in the number of additional years they must serve before becoming eligible for parole. This application is made to the chief justice of the province in which the inmate was sentenced.

When the first cases of Judicial Review came up in 1988, the entire criminal justice system had to adjust to this new process. Fourteen of the recommendations put forth in the Task Force report pertain to the Judicial Review process. These recommendations relate to issues including:

- identification and training of qualified personnel;
- the need to keep inmates who are subject to this review process informed;
- the need to communicate new information regarding this review process to Correctional Service of Canada staff and to the authorities of provinces in which the inmates were sentenced;
- legal support for the corrections staff involved;
- the development of a management information system;
- a periodic evaluation by specialists;
- information for victims; and
- administrative clarifications.

**Table 4**

<b>Stage III - Preparation for Release (De-institutionalization)</b>				
<b>Objective: To prepare inmates to reintegrate into society as law-abiding citizens</b>				
<b>Characteristics</b>	<b>Needs</b>	<b>Recommendation No.</b>	<b>Programs/Services</b>	
Activities and programs that focus on the release process	- Strengthen acquired knowledge	3	Training/Employment Module	
	- Reach a good level of competitiveness/employability on the job market	4		
	Gradual acceptance of the community	- Reunion with spouse and family	5	Personal Growth Module
		- Understand criminal factors	6	
Acceptance of responsibility when facing life on the outside	- Reunion with spouse and family	7	Community Module Internal/External	
	- Test life on the outside	8		
	- Test social skills	9		
	- Learn financial management (budget)	10		
		11		
		12	Re-orientation/ Re-evaluation Module	
		13		
		17		

**Table 5**

<b>Stage IV- Return to Society</b>			
<b>Objective: To help inmates adapt to outside life</b>			
<b>Characteristics</b>	<b>Needs</b>	<b>Recommendation No.</b>	<b>Programs/Services</b>
Establishment of a new social network	- Counselling - Support - Escort		Training/Employment Module
Transference of acquired knowledge to outside life	- Sponsorship - Marital and parental counselling	3 5	Personal Growth Module
Management of failures in the community	- Continuity in the institution/ community interventions - Integration into the job market - Take charge when relapse occurs in privacy/isolation	19 20 21	Community Module

**6. A Four-Stage Management and Intervention Model**

The *Report of the Task Force on Long-Term Sentences* introduces an operational framework based on the Palmer principle,<sup>(10)</sup> which states that all sentences should be broken down into measurable segments.

The proposed intervention model breaks long sentences into four stages (see tables 2 to 5):

- adaptation;
- integration into the prison environment (institutionalization);
- preparation for release (de-institutionalization); and
- return to society.

This intervention model depends upon the early mobilization of staff and affected inmates to identify and prioritize the factors (needs) related to each inmate's criminal behaviour. On an individual basis, each long-term inmate should be provided with a treatment plan setting out the desired objectives for each segment of incarceration and for supervised release in the community.

**Conclusion**

We are convinced that the *Report of the Task Force on Long-Term Sentences* has undoubtedly shed more light on the approach to be taken in the management of long-term inmates. Since approval of the Report, operational units have developed action plans which have led to the development of programs and initiatives specifically aimed at long-term inmates and which closely reflect several of the recommendations set out in the report.

In closing, we would like once again to express our gratitude to our collaborators who, by sharing their experiences, made this report possible.

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(1)According to the statistical data profile on corrections published quarterly by the Correctional Service of Canada, 30 September 1990 issue. Updated 31 January 1992 (see Table 1).

(2)The 495 profiles reviewed represent 13.5% of all inmates serving a sentence of 10 years or longer. This sample seems representative of the population of inmates serving long sentences.

(3)B.H. McKay, C.H.S. Jayewardene and P.D. Reedie, "The Effects of Long-term Incarceration and a Proposed Strategy Future Research." (Ottawa: Solicitor General Canada, 1979).

(4)F.J. Porporino, Differences in Response to Long-term Imprisonment: Implications for the Management of Long-term Offenders. Report No. R-10. (Ottawa: Research and Statistics Branch, Correctional Service of Canada, 1991).

(5)T.J. Flanagan, "Correctional Policy and the Long-term Prisoner," Crime and Delinquency, 28, 1 (1982): 82-95. See also T. Hattem, "Projet d'intervention auprès des personnes purgeant une sentence minimale de 25 ans à l'intérieur de la province de Québec, Phase I: Identification des besoins et recommandations quant aux programmes." Unpublished report: Correctional Service of Canada, 1986. See also J.J. Carson, Report of the Advisory Committee to the Solicitor General of Canada on the Management of Correctional Institutions. (Ottawa: Solicitor General Canada, 1984). And see D. Daubney, Taking Responsibility: Report of the Standing Committee on Justice and Solicitor General on Its Review of Sentencing, Conditional Release and Related Aspects of Corrections. (Ottawa: Queen's Printer, 1988).

(6)W.R. Palmer, "The Effects of Long-term Incarceration: Programs for Long-term Offenders." (Ottawa: Correctional Service of Canada, 1983). Report presented at the Second World Congress on Prison Health Care, Ottawa, August 1983.

(7)Flanagan, "Correctional Policy and the Long-term Prisoner."

(8)Council of Europe, Treatment of Long-term Prisoners. Strasbourg: European committee on crime Problems, 1977.

(9)G. Lemire, "The 25-Year Minimum Sentence: Principles and Practice," Canadian Journal of Criminology, 26, 4 (1984): 459-466.

(10)W.R. Palmer, "The Effects of Long-term Incarceration: Programs for Long-term Offenders."