



Helping the Offender

Description



The goal of the Correctional Service of Canada’s (CSC) mandate is to safely reintegrate offenders into the community. Although changes in the attitudes and behaviours of the offender are, of course, the basis of successful implementation of this mandate, the road to reintegration must also have regard to the specific needs of the offender’s family, and the community. CSC has therefore developed various approaches to support all those affected both by the crime as such and by the reintegration process.

Classroom time required

Two hours (or more, depending on the time spent on proposed discussion activities).

Proposed external resources

A meeting with a chaplain or someone who has participated in a restorative justice process.

The Correctional Service of Canada’s Speakers Bureau can help. Contact us at <http://appsweb.csc-scc.gc.ca/bureau/welu.do?lang=eng>

Learning objectives

As part of their law and/or sociology coursework, this module will allow students to:

Law

- Gain the knowledge required to better understand the causes of injustice;
- Apply critical and ethical reasoning to various problems of social justice;
- Understand the meaning of the expression “acting in a socially just way”;
- Distinguish traditional conflict resolution methods from alternative methods, and appreciate progress made in the area of conflict resolution options.

Sociology

- Evaluate one’s personal opinions or judgments so as to gain broader appreciation of a subject or problem;
- Understand the functions of the family and of society, their dynamics and their diversity;
- Identify effective communication skills allowing healthy relationships to be established within the family and within society as a whole.

Restorative justice

Restorative justice is an approach that views crime as harm done to people and relationships. Therefore, the focus is to address the harm affecting the victim, the offender and the community. Programs based on the principles and values of restorative justice involve voluntary participation by the victim, the offender and community members in an honest, safe and respectful dialogue. The goal of the process is determined by the needs identified by the participants. These may include: addressing unanswered questions, providing participants with a voice, addressing wrongs and preventing the offender from re-offending. In a restorative justice process, the offenders must recognize the harm they have done, accept responsibility for their actions and participate actively in addressing the situation. There are a number of different restorative processes but all are respectful of the values and principles of restorative justice including an opportunity for healing and voluntary participation. Restorative justice programs may use a variety of processes:

- **victim-offender mediation;**
- **family group conferencing;**
- **sentencing circles;** and/or
- **surrogate victim-offender mediation.**

Through the restorative justice process, victims can express the harms they have suffered, ask questions directly to the offender and express what needs to be done to address the situation. This approach can help victims to address their needs and reduce their fears.

Restorative justice programs can take time in order to ensure that all participants are well prepared for the process and to ensure safety so that no greater harm is caused. It is also a process that is far from being “soft” on crime. It can be very difficult emotionally for all participants.

Most offenders who have participated in a restorative justice process say that they found it much more difficult to acknowledge their crime and face their victim and members of the community, than to serve a sentence of imprisonment. Victims say that they are more satisfied with the results than with the traditional justice system. The Correctional Service of Canada (CSC) therefore supports many restorative justice initiatives across Canada.

Classroom activities

If the group is willing, a conflict resolution activity in the form of mediation or a healing circle could allow specific application of the concepts explained in this module. A real or simulated conflict could be chosen and an attempt to resolve it made through discussion, expression of the feelings experienced by the victim or victims and the offender or offenders, in order to reach a restitution agreement. Restorative justice could be a regular activity in the classroom, to resolve problems throughout the school year.

Glossary

Victim-offender mediation: Victim-offender mediation is a process that prepares and provides interested victims and offenders the opportunity to communicate, directly or indirectly in a safe and structured manner with the assistance of a trained mediator. Victims often tell the offender about the crime's physical, emotional, and financial impact on their lives, receive answers to lingering questions about the crime and the offender, and participate directly in developing options for trying to make things right. The offender is afforded opportunities to make apologies, provide information and to develop reparative plans and gain insight for personal growth.

Family group conferencing: Rooted in Maori culture in New Zealand. The Maori concept involves the offender's family in the process of holding the offender accountable, in teaching individual responsibility and in addressing the harm done. It was introduced to the juvenile system in New Zealand as an alternative to youth court and later expanded to Australia, North America and other countries.

Sentencing circles: A process used mainly by Aboriginal communities, bringing together the victim, the offender, their families, community members and Elders to discuss the impacts of the crime committed. This approach is based on the belief that the primary responsibility for addressing the problems of crime lies in the community and not just with those directly impacted by the crime and their immediate families. There is also the belief that it is important to address not only the presenting criminal problem but also to build a community. Participants arrange themselves in a circle, thus reducing the feeling of authority and facilitating discussion. The victim and community members discuss how the crime affected them while focusing on trying to uncover the underlying problems, and to restore balance where possible. The group then recommends a sentence to the judge and the criminal justice officers (who are also present). The judge decides whether the sentence is appropriate and complies with the directives of the court.

Surrogate victim-offender mediation: A variation of the victim-offender mediation model, this model provides an opportunity for dialogue between victims and offenders who are not associated by a particular offence. These programs can be very helpful when it is not possible for a victim and their offender to meet for any number of reasons. Surrogate victim offender dialogues can also be helpful in preparing victims and offenders for an anticipated meeting in the future.

Maximum support

Although an offender who commits a crime harms the victim and those close to the victim, the behaviour also affects the offender's own family and members of their community. To ensure healthy and safe rehabilitation, it is therefore essential to support the offender, their family and their community members, so as to restore a climate of trust and balanced relationships.

Families of offenders

CSC has made available on-line the families of offenders support Portal, a major resource providing information on the services available to them. This is a way to break their isolation and provide these families with information about various initiatives that can help them through this experience, as well as existing support groups.

Private family visiting is a vital tool to maintain family links. Under this program, private family visits are allowed once every two months for periods of up to 72 hours per inmate. The actual frequency and duration of visits, however, are determined by the number of inmates participating in the program and the facilities available at the institution.

Visits take place in special family visiting units located within the institutional reserve in an area that provides as much privacy as reasonably possible. The fully furnished units have at least two bedrooms, a living room, kitchen and bathroom.

All offenders are eligible for the program except those who are: assessed as being at risk of becoming involved in family violence; in receipt of unescorted temporary absences for family contact purposes; or in a Special Handling Unit or awaiting a decision or have been approved for transfer to a Special Handling Unit.

Eligible family members are spouses, common-law partners, children, parents, **foster parents**, siblings, grandparents, and persons with whom, in the opinion of the institutional head, the inmate has a close familial bond.

International transfers

Imprisonment of a family member is already a trying experience; the additional problems this involves if the offender has committed a crime in a foreign country can be imagined. The offenders then face, in addition to their sentence of imprisonment, culture shock, isolation, the language barrier and inability to communicate with friends and family; inadequate food and medical care are also common problems.

To enable offenders to serve their sentences close to their families and support groups, Canada has signed **bilateral treaties for transfer of offenders** with a large number of countries. This means that Canadian offenders sentenced to imprisonment in a foreign country can, if they wish and subject to obtaining approval from the sentencing country and Canada, serve their sentence here. Naturally, these treaties work in both directions, enabling foreign offenders to serve sentences in their countries of origin.

Maximum support (continued)

Giving back to the community

Last, many offenders need to find a meaning for their experience. They often achieve this by giving something back to the community supporting them. Across the country, community associations, charitable institutions and non-profit organizations benefit from work done by inmates who grow vegetables for soup kitchens, or rejuvenate bikes for children in need.

Other offenders become involved in the community by meeting young people to talk to them about their experience and help them make good choices. Last, offenders who have successfully reintegrated into the community for a number of years help others who have just been released, becoming mentors and models for those starting again from square one, who want to reintegrate into the community.

This is often a way to rectify the harm caused to the community and show that safe and healthy reintegration is possible.

Classroom activities

1. Divide the class into small groups; each group will research a specific type of restorative justice and present their findings to the whole class.
2. Discuss the impact of the crime on the immediate family and the community as a whole. What may be the feelings of those close to an inmate? Who could help them overcome their problems?

Glossary

Foster parents: Parents who have adopted a child and assumed responsibility for his or her upbringing.

Bilateral treaties on transfer of offenders: Canada has signed 14 bilateral treaties and acceded to three multilateral agreements on transfer of offenders, covering more than 60 sovereign legal entities. In the United States, in addition to the federal authorities, the 50 states accede to treaties on transfer of offenders.