



History of the Canadian Correctional System

Description

The *History of the Canadian Correctional System* module provides students with an overview of how the correctional system has evolved, from the perspective of a constantly changing Canadian society. From repressive methods to the concepts of rehabilitation and reintegration, students will be able to better understand current social realities by placing them in their historical context. Students will be asked to compare the different approaches used over the centuries and to reflect on the development of our correctional system and the reasons why we came to adopt treatment that is less repressive.

Classroom time required

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

Proposed external resource

Visit to an old-institution museum or the Correctional Service Canada Museum in Kingston.

Learning objectives

Integrated with their Canadian history course, this module will allow participants to:

- Reflect on their beliefs, attitudes and values;
- Explore social realities in light of the past;
- Try to understand the viewpoints of the players and witnesses of the social reality of the past;
- Understand the social, political and economic issues that have influenced past and present events, and plan the future on the basis of this knowledge;
- Relate historical events to one or more of the following themes or factors: social change, political events, economic development, technological progress, ideology, geography;
- Demonstrate the ability to understand the motivations, intentions, hopes and fears of people of another time and another situation;
- Describe the impact of the main social and political movements on Canadian society.

Crime and punishment (pre-1920)

Canada was officially created as a country in 1867, with the signing of the *British North America Act*. However, its correctional history dates back to the earliest days of English and French colonial settlement.

At that time, all crimes were deemed deserving of punishment, and punishment was often meted out in public. **Offenders** were whipped or branded. They could also be pilloried, meaning that they were put in wooden frames with openings for the head and arms or the arms and legs; they were exposed in public squares for hours or even entire days. In other cases, offenders were simply transported to other countries, where they were abandoned to their fate. Physical pain and humiliation were the preferred forms of punishment.

It was the **Quakers** of Philadelphia, in the United States, who in 1789 introduced the **penitentiary** as an alternative to such harsh punishment. They felt it was possible to make offenders “penitent” and put them back on the straight and narrow by segregating them through imprisonment and offering them opportunities for labour and reflection. The concept of long-term imprisonment then spread to England as an alternative to exiling offenders to the **penal colonies**.

In Canada, the first penitentiary was built in Kingston in 1835. Initially under provincial jurisdiction, it came under federal responsibility with the passage of the first *Penitentiary Act* (1868). Many more institutions were built across the country up to the end of the 19th century. These were all maximum-security penitentiaries where inmates were subjected to a strict regime of forced labour during the day and confinement at night and during “leisure” times, with food often limited to bread and water. As well, silence at all times was strictly enforced!

The first warden of Kingston Penitentiary, Henry Smith, was blamed for the mistreatment that went on at that time. Smith would abuse the whip, even flogging women and children; he punished inmates by chaining them up in cells with no light, or in the “box,” a kind of vertical casket. Fortunately, an investigation brought this to light and led to his dismissal. Things had to change.

Classroom activities

Crime and punishment: In your opinion, what was the impact of a “crime and punishment” system on the offender? If you were an offender at that time, how would you feel after being subjected to public punishment or sentenced to a penitentiary with hard labour?

Note to instructor: *Students can be encouraged to draw a parallel with physical cruelty versus discussion/negotiation in resolving conflicts with their parents, friends or teachers. Point out the advantages of a system of rehabilitation-reintegration (discussion-negotiation) that does not result in feelings of humiliation and vengeance, but instead encourages reflection and the changing of wrong behaviour.*

Glossary

British North America Act: On March 29, 1867, the British Parliament enacted the *British North America Act* establishing the terms of the Confederation of the Province of Canada (Quebec and Ontario), New Brunswick and Nova Scotia with a parliamentary system directly modelled on the British one. This Act established the division of powers or jurisdictions between the central Parliament and the provincial legislatures.

Offender: The term “offender” is used to refer to any person who commits an offence.

Quaker: Known also as the Religious Society of Friends, this is a religious movement founded in England in the 17th century by some Anglican dissidents led by George Fox. Quakerism advocates pacifism and a simple lifestyle.

Penitentiary: A correctional facility where inmates are offered the chance to educate themselves and work; correctional facility is the generic term for any place of detention.

Penal colonies: Countries such as Canada and Australia were used as penal colonies, to which the colonizing countries (France, England) sent their common-law offenders; the latter often hoped to build a better life in this New World, which seemed to them less hostile than the institutions of the time.

Treatment: A step toward reintegration (1920-1960)

During the **Great Depression** of the thirties, over a quarter of Canadian workers lost their jobs; poverty led to a rise in crime and a significant increase in the number of inmates in Canadian institutions. Despite some progress, such as the opening of the first institution for women (the Prison for Women) in 1934, the situation continued to deteriorate. Starting in 1932 and for the next five years, many riots broke out, drawing public attention to the situation in correctional institutions. The Royal Commission to Investigate the Penal System in Canada (the Archambault Commission) was created, and its report was the first to emphasize crime prevention and offender rehabilitation. This marked a step toward the adoption of a new philosophy and real improvement in conditions for inmates.

But the outbreak of World War II brought this movement of change to a halt. Correctional officers and offenders were allowed to enlist in the army; the penitentiary farms produced thousands of tonnes of vegetables to feed the armed forces, and offenders manufactured millions of necessities.

After the war, the crime rate went back up on account of poverty, and so did the inmate population, leading in 1954 to a major riot at Kingston Penitentiary: 200 of the 1,000 inmates rose up and set fire to the building. A debate then ensued between those who wanted inmates stripped of what liberties they had and those who wanted to continue reforming the system. Fortunately, it was the latter who won out, and the government launched the Fauteux Commission to investigate the correctional system further.

The Commission recommended the creation of a new type of correctional institution that went beyond simple detention to encompass interesting creative activities through programs designed to modify the core behaviours, attitudes and habits of inmates. It recommended that specialized personnel be hired who were trained in social work, psychology, psychiatry, criminology and law. At last, sweeping changes were made with the establishment of the National Parole Board in 1959; the *Penitentiary Act* was amended in 1961 to put new institutional operating procedures in place; and construction began on 10 new penitentiaries across Canada.

Classroom activities

Toward a concept of rehabilitation: We have seen that crime increased after the Great Depression and World War II, on account of poverty; what links do you see between a person's economic situation and criminal behaviour?

Glossary

Great Depression: Period of American history following Black Thursday on October 24, 1929, the day of the New York stock market crash. The events of that day triggered a worldwide economic crisis generating unemployment and poverty.

New social realities (1960-1999)

In the 1960s, new approaches to rehabilitation and reintegration were adopted: the first gradual release program was introduced at Collins Bay Institution, near Kingston. Inmates were allowed to work outside the institution during the day and return in the evening. In 1969, an experimental living unit was even opened at medium-security Springhill Institution in Nova Scotia, as part of a community pilot program to help inmates prepare themselves for life “on the outside.”

However, these changes were still not enough. In 1971, to draw attention to their conditions, 500 inmates at Kingston Penitentiary started another riot, which resulted in two deaths and major damage to the facility. This marked the beginning of some 10 years of turmoil in Canada’s penitentiaries.

These new challenges led to the recognition of offenders’ rights. The old impersonal number system was abandoned and inmates were called by their names, they were permitted to write as many letters as they wanted, and old sanctions such as flogging were eliminated. Finally, a major step was taken in 1976 with the abolition of the **death penalty**.

As part of this human rights movement underway in Canadian society, other reforms of the correctional system were introduced, such as the classification of offenders and institutions according to **medium and maximum levels of security**. This ensured that the conditions of inmate detention were better suited to the seriousness of their offence.

The special needs of women inmates began to be considered, and mental illness and substance abuse issues also began to receive attention. Finally, it was at this time that emphasis began to be placed on reintegration and the importance of providing for the transition of ex-offenders from the penitentiary to society. Inmates were monitored from the moment they were admitted to the penitentiary, where they were interviewed individually to collect information about them in the interest of better supervision; they were also offered counselling to prepare them for their release. New measures provided for remission in cases of good behaviour.

Outside the penitentiary, religious organizations such as the Catholic Church and the Salvation Army were the first to offer refuge to former inmates. In the sixties and seventies, numerous halfway houses were opened, and governments and community groups met the essential needs of ex-inmates by providing them with room and board, and often helping them find work, enrol in school and obtain counselling services. This new approach was designed to help inmates resume a normal life, for the extent to which social setting and economic status impact on offender behaviour was now understood: by helping offenders regain their dignity and better integrate society, the risks of their re-offending were reduced.

Classroom activities

Responding to new realities: The death penalty was abolished in Canada in 1976, but many American states still have it. Debate the pros and cons of the death penalty.

Note to instructor: This activity aims to encourage students to develop their argumentation skills – how to persuade using solid arguments, comparisons, concessions, series of hypotheses/consequences.

Glossary

Death penalty: In Canada, hanging was the only method of execution used. In 1859, the offences punishable by death in Canada included murder, rape, treason, poisoning or injuring a person with the intent to commit murder, mistreatment of a girl under 10 years of age, arson, etc.

As of 1869, only three offences were punishable by death: murder, rape and treason.

After many years of debate, the death penalty was struck from the *Criminal Code* of Canada in 1976. Parliament made this decision because it felt that the State could not put an end to a person's life, that there was always the risk of convicting an innocent person, and that there was no certainty that the death penalty is an effective deterrent.

Parliament replaced the death penalty for murder with a mandatory life sentence with no eligibility for parole for 25 years in the case of first-degree murder, and for 10 to 25 years in the case of second-degree murder.

Security levels: Canadian penitentiaries are classified by security level, which is related to the danger to the community posed by the inmate. There are minimum security, medium-security, maximum-security and multi-level security institutions.

And now...

In the 1990s, this more humane approach to treating offenders was still developing. Programs were developed specifically for women, based on the following principles: empowerment, meaningful and responsible choices, respect and dignity, a supportive environment, and shared responsibility. It was also at this time that the Prison for Women was closed in favour of institutions that better meet the specific needs of female offenders and help them resume a normal life once they are back in society.

Similarly, new approaches were developed for Aboriginal inmates. It was acknowledged that certain historical factors and socio-economic conditions have contributed significantly to the disproportionate number of Aboriginal people in correctional institutions. Healing lodges designed specifically for Aboriginal offenders were opened, and community participation in the programs and services for them was enhanced.

Another growing trend was prevention. After spending many years improving the conditions of detention, and then focussing on offenders' reintegration in society—i.e., on the “during” and “after”—attention now turned to the “before”: what more can be done to help persons who are at risk of adopting a criminal lifestyle? A close look was taken at economic and social factors to find answers. For as the saying goes, an ounce of prevention is worth a pound of cure.

At the dawn of the 21st century, reality struck hard: on September 11, 2001, the attacks on the World Trade Center in New York and the Pentagon, near Washington, drove Canada to step up public safety measures: the Department of the Solicitor General was replaced by a new body, Public Safety Canada. The intention of the government was to better protect its citizens and its borders against terrorist threats.

But is public safety really a “new” watchword? Through the history of the Correctional Service of Canada, we see that the creation of a safe society that is just for all its members has always been a prime concern. Preventing crime, treating inmates fairly and humanely, and providing for the rehabilitation and reintegration of offenders—these are all ways to ensure public safety.

Classroom activities

And now...: What effect did September 11, 2001, have on your sense of security? Discuss fear as a motivation for more severe treatment of offenders.