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CANADIAN 1969

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**THE REPORT  
OF  
THE NEW BRUNSWICK CORRECTIONS  
STUDY COMMITTEE**

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The Department of the Solicitor General, Canada  
The Department of Justice, Province of New Brunswick



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REPORT

of the

NEW BRUNSWICK CORRECTIONS STUDY COMMITTEE

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## F O R W A R D

The New Brunswick Corrections Study Committee was organized by agreement between the Department of the Solicitor General of the Federal Government, the Department of Justice of the Province of New Brunswick and the Center of Criminology, University of Ottawa. The membership of the committee is representative of both governments, the various aspects of corrections practice and the legal profession.

This has been a co-operative effort which, we are advised, is unprecedented in Canada. We trust that this has demonstrated the desirability of Federal - Provincial co-operation in the field of corrections, but in addition, has revealed a new area of service which a specialized branch of the academic community can perform in the fulfilment of its extension responsibility.

We have undertaken an extensive investigation of Corrections in New Brunswick. The inmate population has been evaluated. Committee members have met with a large number of staff members and interested citizens. Program practices in other jurisdictions have been reviewed as to their usefulness here and technical questions have been discussed with well-known authorities in the field.

Early in our work it was apparent that specific recommendations for the use of existing institution and jail space, future construction and staffing patterns could not be completely made without reference to whether certain of the least suitable jails could be abandoned. In order to know this, it was necessary to make recommendations and request decisions from the government concerning acquisition and use of available alternatives. This was done on July 29 when we recommended that the Springhill Minimum Institution, which was being closed by the Federal Government, be acquired and used on an inter-provincial basis as an alcoholic treatment centre for convicted alcoholic offenders.

As cursory examination of the jail population had revealed the obvious need for an alcoholic treatment program, we were not

reluctant to recommend the Springhill facility, although further observations were by now leading to the conclusion that changes in the laws and in pre-trial practices would inevitably come in response to national legal trends, and that these would radically alter the jail population and probably make any fixed institution program based on present legal practice, at least partially obsolete within a few years.

Therefore, when it was decided not to accept the Springhill recommendation, we looked at properties which could be quickly adopted to corrections use in order to meet immediate needs and provide a base around which a flexible program could be developed.

The most suitable seemed to be the unused Camp Gagetown disciplinary barracks. We planned a program which would have utilized this building as a core facility and permitted the early closing of some jails.

Our recommendation that the government attempt to acquire this property was made on August 15, and we were very gratified with the speed with which our recommendation was accepted and efforts made to acquire the facility. When New Brunswick's request to purchase this property was not accepted by the Federal Government we were faced with the necessity of requesting that the completion date for this phase of our study be retarded until the first week of November.

Further exploration of available facilities has resulted in recent major recommendations on which action is pending.

We were not unaware of previous recommendations for jail construction, nor were we unaware that these recommendations for one reason or another had not been implemented. By not repeating them we are not now implying that when they were made they were invalid nor that new construction strategically located through the Province should not be undertaken at a later date when the precise need for this will have been established. We should like it known also, that by not recommending new maximum security construction immediately we are not endorsing the present situation.

Though there is every likelihood of fundamental changes in the handling of offenders in the near future, we think the record

should show that we expect that the kind of institution programming which will seem necessary in two or three years will probably be the construction of a youthful offender institution, of rather secure type, near a metropolitan area which could take advantage of certain educational and treatment resources in the community and yet could provide program for those who could not be released to the community for these opportunities. We believe that some basic preliminary planning for this possibility should begin next year in light of developments in the meantime.

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The committee recommendations are in capital letters. Specific wording of each of these recommendations was unanimously approved except in a few instances when committee members abstained from taking a position on certain recommendations which were closely related to, or in conflict with, established policy in their respective organizations. In each such instance, the member advised the other committee members of his organization's policy in advance of a vote.

The rationale, as it appears in the text, was written by the Chairman and does not necessarily reflect the perspective of the individual members nor adequately reveal their reasons for supporting the recommendations.

—//—

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## I N D E X

### SECTION I - CO-ORDINATED ADMINISTRATION

#### Recommendations:

1. Establishment of a Central Office (Page 1)  
(See Chart #1 - Page 5)
  - (a) Decision Making (Page 2)
  - (b) Temporary employment of outside Assistant to Director (Page 2)
  - (c) Assistant Deputy Minister (Page 3)
2. Staff Development (Page 4) (See Chart #1 - Page 5)
3. Classification Section (Page 6) (See Chart #2 - Page 7)
4. Institution Services Section (Page 8)  
(See Chart #3 - Page 10)
5. Probation and Parole (Page 11) (See Chart #4 - Page 16)
  - (a) Re-integration as Section of Branch (Page 11)
  - (b) Regional Supervisors (Page 11)
  - (c) Pay Ranges (Page 11)
  - (d) Standards (Page 12)
  - (e) Employment of female field staff (Page 15)
6. Parole Board (Page 17)
7. Staffing Requirements (Page 21)
  - (a) Probation and Parole Services (Page 21)
  - (b) Institutional Services (Pages 21 - 22)
  - (c) Classification Services (Page 23)
  - (d) Staff Training and Staff Development (Page 23)

### SECTION II - COMMUNITY BASED PROGRAM

1. Community Based Programs (Page 24)
2. Juvenile Group Home Pilot Project (Page 28)

SECTION III - LEGISLATION

1. Protection of Juveniles - Right to Counsel and Court (Page 30)
2. Minimum Age for Commitment to N.B.T.S. (Page 30)
3. Repeal Section 25 of Summary Convictions Act (Page 30)
4. Amendment of Section 140 of Liquor Control Act (Page 31)
5. Uniform Jail Terms for Default of Payment of Fines (Page 31)
6. Minimum Age for Penitentiary Commitment (Page 31)
7. Amend Statute to Permit Remand Prisoners to go to Coverdale (Page 32)
8. Committee Statement in Support of Right to Counsel (Page 32)
9. Probation for Provincial Offences (Page 32)
10. Amendment of Canada Assistance Plan - Cost Sharing  
Re: Juvenile Corrections Program (Page 33)
11. New Regulations under Corrections Act (Page 35)

SECTION IV - JAILS AND OTHER FACILITIES

1. Inspections (Page 36)
2. Reclassification of Positions (All Correctional Officer II Positions) (Page 37)
3. Reclassification of Position (Superintendent, Saint John Jail) (Page 37)
4. Reclassification of position (Correctional Officer III, Camp Utopia) (Page 37)
5. Discontinued Use of Jails for Juvenile Detention (Page 38)
6. Continued Use of Coverdale with Provisions for More Parole (Page 39)
7. Use of Jails for Lock-up Purposes Only in Emergency Cases (Page 39)

8. Review of Pay Ranges of Correctional Officer II Position (Page 40)
9. Small Jail Staffing Patterns (Page 40)
10. Uncensored Letters (Page 40)
11. Province-wide Implementation of Section 15 of the Corrections Act (Page 41)
12. Remand Prisoners (Page 42)
13. Fire Fighting and Prevention -- Fire Drills (Page 42)
14. Preparation of Manual of Standards (Page 43)

SECTION V - LOCK-UPS

1. Committee on Bail System (Page 44)
2. Continue Present Contractual Agreement as Temporary Measure (Page 46)

SECTION VI - INSTITUTION FACILITIES, MODIFICATIONS AND DEVELOPMENTS

1. Interdepartmental Alcoholic Program (Page 47)
2. Use of Jailer's Quarters for Inmate Space (Dorchester and Fredericton) (Page 47)
3. Deferment of Construction of Girls School (Page 48)
4. Use Superintendents' Residences for Program Purposes (Page 49)
5. Negotiate for Coverdale (Page 50)
6. Development of Minimum Security Forestry Camps (Page 50)
7. Acquisition of Available Properties (Page 51)

SECTION VII - SPECIAL TRAINING PROGRAMS

1. Sentencing Seminars (Page 52)
2. Inmate Training (Page 52)
3. Bursaries (Page 53)

4. Student Apprenticeship (Page 53)

SECTION VIII - POLICIES

1. Proper Enforcement of Provincial Hospitals Act (Page 54)
2. Continued Negotiations for Selected Prisoners to Federal Institutions (Page 54)
3. Closing of Jails (Page 55)
4. Continue Negotiations for Transfer of Warrant Patients (Page 55)
5. Policies for Admission of Selected Cases Under 18 to Trade Schools (Page 56)
6. The Pre-Sentence Investigation (Page 57)
7. The Young Adult Offender (Page 58)
8. Equal Opportunity in Employment and Service (Page 59)
9. Encourage Private Aftercare Agencies to Assume New Responsibilities (Page 60)
10. Re-definition of Role of Private Aftercare Agency (Page 62)
11. Greater Inter-provincial Co-operation in all Areas of Corrections of Mutual Concern (Page 65)

APPENDICES

1. Appendix A (Pages 66 - 70)
2. Appendix B (Page 71)
3. Appendix C (Pages 72 - 74)
4. Appendix D (Pages 75 - 76)

SECTION I

A CO-ORDINATED ADMINISTRATION - CENTRAL OFFICE

1) Central Office

(a) Staff Training and Staff Development

(b) Institutional Services

(c) Classification

(d) Probation and Parole Services

2) N. B. Board of Parole

RECOMMENDATION

THAT A CENTRAL OFFICE BE ESTABLISHED SO THAT ALL JUVENILE AND ADULT CORRECTIONAL SERVICES CAN BE UNIFIED UNDER A DIRECTOR OF CORRECTIONAL SERVICES, WITH RESPONSIBILITY FOR CO-ORDINATING ALL PHASES OF AN INTEGRATED CORRECTIONAL PROGRAM.

The Director of Correctional Services would co-ordinate the activities of three distinct sections (1) Probation and Parole Services (2) Correctional Institutions and (3) Classification Services. In addition, there would be a Staff Training and Staff Development unit, attached to the office of the Director. (See Chart #1).

An Assistant Director of Correctional Services would report to the Director and be responsible for administrative routine. The Supervisors of the three distinct sections would report to the Assistant Director on all matters relative to the daily, weekly and monthly operation of their respective sections, but would meet regularly with the Director on policy and procedure matters. (Refer to committee recommendation number 2 relating to decision making).

An organizational structure such as outlined above allows for consistency of policy formation and implementation. Equally important is the need for continuity between one phase of a correctional program and another. Unit co-ordination, under proper administration, allows for greater flexibility in the treatment of the offender and eliminates the need for costly duplication of services.

With the development of community release programs, the growth of residential release centres and the increasing use of furloughs, the need for an integrated program where there is continuity, consistency, and an easy flow of communication between one area of service and another becomes all the more crucial.

The New Brunswick Correctional System is large enough to gain in efficiency from the implementation of an integrated, closely co-ordinated structure but small enough to allow open communication between middle management and the Director and between the Director and his superiors. As in any successful organization it is necessary for the administrator to be accountable. He should answer to someone who is competent in the same field and knowledgeable in program detail.

RECOMMENDATION

IT SHOULD BE THE POLICY OF THE DEPARTMENT AND THE RESPONSIBILITY OF ALL OF ITS ADMINISTRATORS TO BE SATISFIED THAT ADMINISTRATIVE DECISIONS ARE MADE IN A MANNER CONSISTENT WITH MODERN EXECUTIVE PRACTICE. MAJOR DECISIONS SHOULD RESULT FROM A CONSENSUS AMONG THE EXECUTIVES OF THE BRANCH WITH EACH UNIT RECEIVING EQUAL CONSIDERATION AND ATTENTION. WHEN CONSENSUS CANNOT BE REACHED, HOWEVER, EXECUTIVE AUTHORITY SHOULD BE EXERCISED BY THE DIRECTOR AS NECESSARY TO IMPLEMENT THE POLICY OF THE DEPARTMENT.

Delay and indecision beyond the point where free and full consideration has been given is unconscionable in those areas of the program where the Department exercises direct responsibility for the physical control and care of people. In matters of long range policy, however, it appears often to be best to consider again the decisions which have been previously made in order that second thoughts, which sometime contain the most creative ideas, can be heard. (Refer to Appendix C for further comments).

RECOMMENDATION

FOR THE COMING YEAR THE DEPARTMENT OF JUSTICE SHOULD EMPLOY AN EXPERIENCED PERSON ON A TEMPORARY BASIS TO ASSIST IN THE IMPLEMENTATION OF THE COMMITTEE'S RECOMMENDATIONS. THIS PERSON SHOULD BE RECRUITED FROM OUTSIDE THE PROVINCE IF NECESSARY. HE SHOULD BE UNDER THE DIRECTION OF THE DIRECTOR OF CORRECTIONAL SERVICES.

His duties should be to:-

1. Inspect all the jails for housekeeping and sanitation, safety, and fire hazards and consult with the administration on various

methods of remodelling and renovation which could constructively employ inmate labour.

2. Recommend and help establish program in jails.
3. Assist in the selection of site, the planning and preliminary work on establishing a minimum security forestry camp.
4. Other duties, as required.

RECOMMENDATION

IT IS RECOMMENDED THAT CONSIDERATION BE GIVEN TO THE ESTABLISHMENT OF AN ASSISTANT DEPUTY MINISTER FOR CORRECTIONAL SERVICES WITH THE VIEW TO STRENGTHENING THE DEPARTMENT'S RELATIONSHIP WITH OTHER DEPARTMENTS IN MATTERS RELATING TO CORRECTIONS.

Administration of the corrections branch is a substantial task requiring specialized knowledge and administrative skill. The assumption of heavy responsibility for the lives and welfare of hundreds of persons is a burden which should be recognized by adequate compensation.

RECOMMENDATION

THAT A STAFF TRAINING AND STAFF DEVELOPMENT PROGRAM  
BE UNDERTAKEN UNDER THE DIRECTION OF A FULL TIME SUPERVISOR.

Staff Training is a universally accepted principle of good correctional practice. The recruitment process now in use in New Brunswick is not attracting qualified candidates for positions in the field of corrections, especially at the Correctional Officer level. A well-balanced training program can provide the knowledge that a person should have to be effective in the correctional program. In the long run this will upgrade the quality of the entire Service.

An on-going program of personnel development is essential both to the training of staff and growth of the correctional program. Methods of personnel development should be designed to meet the needs of a particular group or a particular phase of the program. There should be opportunities for the rotation of staff who have promotion potential, for the purpose of broadening the experience of key personnel and opportunities should be provided for specific professional training for key personnel who have proven administrative ability.

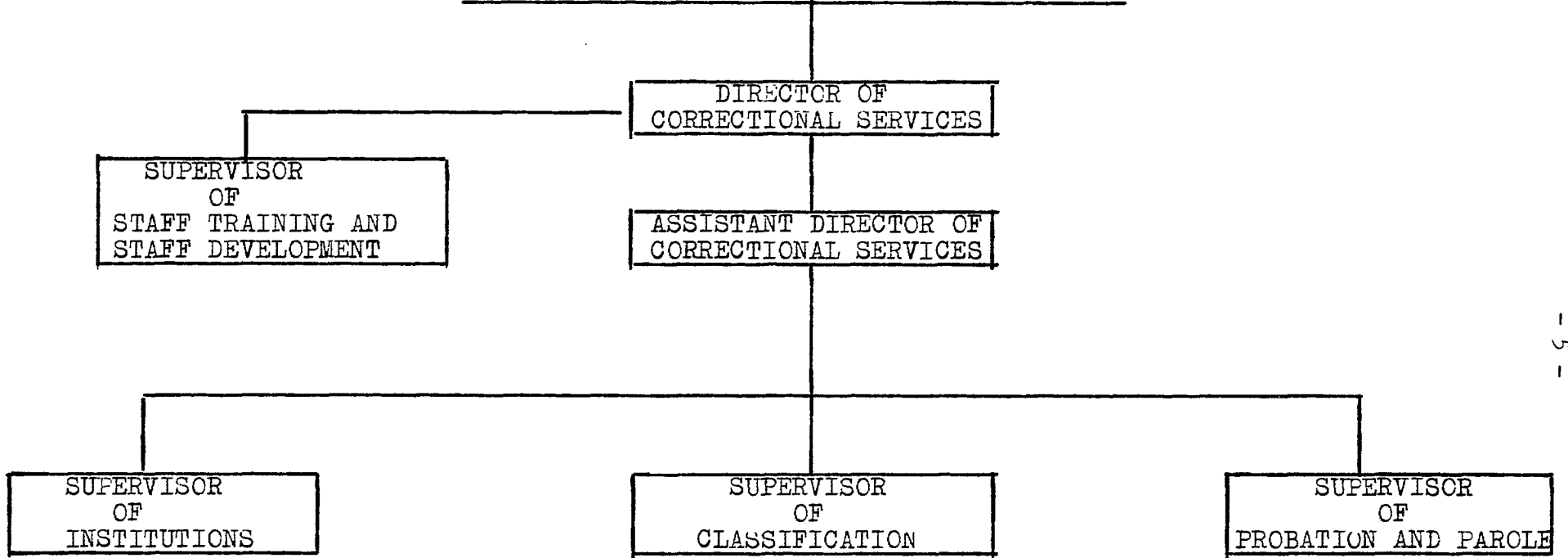
The position of Supervisor of Staff Training and Staff Development is a key position and will require someone who has worked in many phases of a correctional program, and has sufficient "line knowledge" so that he will be able to relate well to training participants and also so he will be able to give new staff the benefit of his experience.

In addition, this person should be a university graduate in Criminology, Psychology, Social Work, or Sociology or have had at least two years experience as a Staff Training Officer in a modern correctional system. Very important will be his ability to impart knowledge to others. His salary should be established at Range 45 (\$10,308 - \$12,528). This position should be established so that someone could be brought on staff no later than April 1970.

RECOMMENDED PLAN OF ORGANIZATION

CENTRAL OFFICE

CORRECTIONS BRANCH - DEPARTMENT OF JUSTICE



RECOMMENDATION

IT IS RECOMMENDED THAT THE DEPARTMENT OF JUSTICE  
ESTABLISH A CLASSIFICATION SECTION WITHIN THE CORRECTIONS BRANCH  
UNDER THE SUPERVISION OF A SUPERVISOR OF CLASSIFICATION.

The Supervisor of Classification would be responsible for the selection of inmates for transfer between institutions and, under Parole Board policy, from institution to community release programs, and assisting in the development of other community based activities. His background and training should be such as to give him a practical understanding of the many facets of the correctional process. It is essential that this person have professional training in Psychology, Social Work, Sociology, Criminology or a related field at least at the Bachelor Degree level.

Initially this section would have one position only at a Pay Range of 44. After the first year of operation the needs of this section should be assessed to determine if additional positions should be established.

Although the committee recommends the establishment of a Classification Section within the Corrections Branch, it does not endorse the establishment of a Classification Centre to which inmates would be transferred from throughout the Province. The committee feels that a mobile classification system is more flexible, less expensive and, from a treatment point of view, will result in better programming for the type of inmate that will occupy the jails in this Province after implementation of recommendations contained elsewhere in this report.

CORRECTIONS BRANCH  
CLASSIFICATION SERVICES

SUPERVISOR  
OF  
CLASSIFICATION

ADULT  
CORRECTIONAL SERVICES

JUVENILE  
CORRECTIONAL SERVICES

PROVINCIAL  
JAILS

CENTRAL  
REFORMATORY

COMMUNITY  
RELEASE  
CENTERS

CAMP UTOPIA  
AND  
FUTURE MINIMUM  
SECURITY WORK CAMPS

TRAINING  
SCHOOL

JUVENILE PROBATION  
AND  
PAROLE GROUP  
HOMES

RECOMMENDATION

THAT AN INSTITUTIONAL SERVICES SECTION BE ESTABLISHED  
IN THE CORRECTIONS BRANCH FOR THE PURPOSE OF CO-ORDINATING THE  
ACTIVITIES OF ALL PROVINCIAL INSTITUTIONS.

Under this structure all Jailers and Superintendents would report directly to the Supervisor of Institutions. He would be primarily responsible for the inspection of institutions to ensure that standards are maintained and that the institutions are operating in accordance with Department and Branch policy. He would work closely with the Supervisor of Classification to assist in the movement of prisoners between institutions. He would work closely with the Supervisor of Probation and Parole Services to ensure that all inmates involved in a community release program are receiving proper supervision. One key area of responsibility would be the development of uniform standards and regulations for all institutions.

In addition to the establishment of the Central Office position of Supervisor of Institutions, the following positions should be established so that the Jailer's quarters can be made available as soon as possible and so a rehabilitative program can be developed in the provincial jail system.

(A) Fredericton Jail

- (a) Two positions: Correctional Officer I
- (b) One position: Correctional Group Worker
- (c) Reclassification of one Correctional Officer I position to Correctional Officer II.

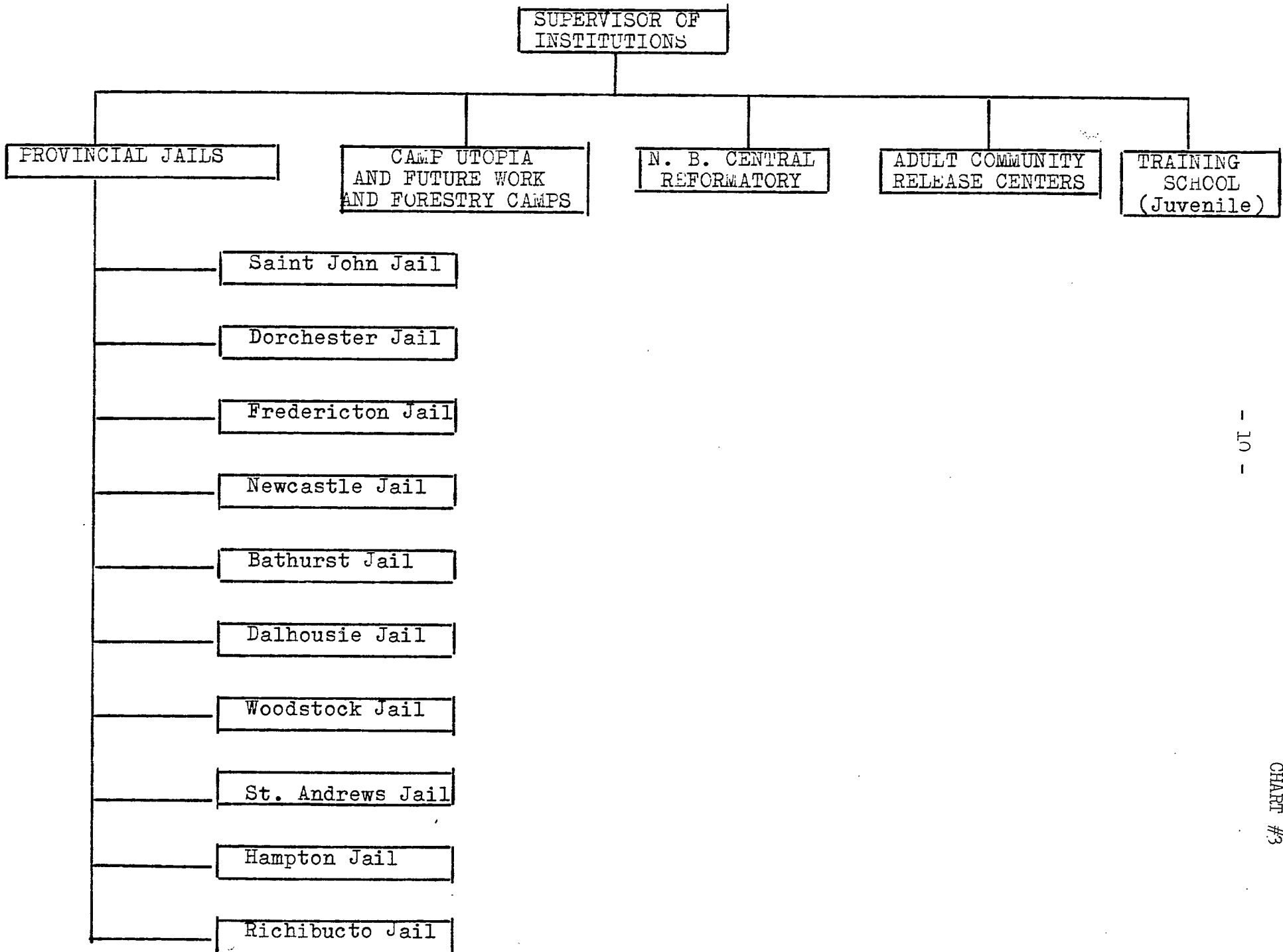
(B) Dorchester Jail

- (a) Two positions: Correctional Officer I
- (b) One position: Cook III
- (c) One position: Group Worker
- (d) Reclassification of one Correctional Officer I position to Correctional Officer II.

Although there is an immediate need for additional staff in the smaller jails, no additional positions should be established for these smaller institutions until future institutional needs are

determined and whether or not some of these institutions should be retained, closed or phased out of use. The establishment of several additional Correctional Officer I positions at this time for the smaller jails could result in the Corrections Branch being "top heavy" in this position should a decision be made in two or three years to close all the present jails. The committee feels that it is better to delay in hiring too many unskilled, non-professional staff until future staff needs are more precisely determined.

INSTITUTIONAL SERVICES



RECOMMENDATION

IT IS RECOMMENDED THAT PROBATION SERVICES BE RE-INTEGRATED INTO THE CORRECTIONS BRANCH AND THAT ITS FUNCTIONS AND ADMINISTRATION BE CO-ORDINATED WITH OTHER CORRECTIONAL SERVICES.

Under the recommended Plan of Organization, Probation and Parole Services would be under the direct administration of a Supervisor of Probation and Parole Services who in turn would report to an Assistant Director of Correctional Services on routine administrative matters but would also have access to the Director of Correctional Services on all matters involving policy and program development.

RECOMMENDATION

IT IS RECOMMENDED THAT THE DEPARTMENT OF JUSTICE APPOINT TWO (2) REGIONAL SUPERVISORS -- ONE FOR THE NORTHERN PORTION OF NEW BRUNSWICK AND ONE FOR THE SOUTHERN PORTION OF THE PROVINCE.

The two Regional Supervisors would also act as the field representative of the office of the Supervisor of Probation and Parole Services and would report directly to him. The Regional Supervisors would also be responsible for conducting some in-service training for Probation Officers assigned to his region. One Regional Supervisor should have his office in Bathurst, one in Saint John.

As the Probation and Parole Service develops, consideration should be given to the establishment of districts each with its District Probation Officer who would be responsible to the Regional Supervisor and would be responsible for one or more probation offices. These District Probation Officers would not have supervisory status even though they would be responsible for certain staff supervisory duties.

RECOMMENDATION

IT IS RECOMMENDED THAT PAY RANGES FOR ALL CATEGORIES BE SUCH AS TO ATTRACT COMPETENT AND CAREER-ORIENTED PERSONNEL,

AND MOTIVATE PRESENT STAFF TO PARTICIPATE FULLY IN STAFF TRAINING PROGRAMS.

Not only will this system upgrade the Service, but would also prepare probation and parole staff for promotion and higher salary -- two areas of importance lacking in the present system.

Salary plans should include periodic increases in order to provide incentive. Salary scales should be such as to attract competent, qualified and career-oriented individuals. Increased pay incentives should be utilized to promote professional growth among the staff.

Salaries for administrators and supervisors should be higher than those of field officers, depending upon the size of staff and/or degree of responsibility.

- (a) Supervisor of Probation and Parole Services  
(Range 44: \$9,816 - \$11,928)
- (b) Regional Probation and Parole Supervisors  
(Range 40: \$8,076 - \$9,816)
- (c) District Probation and Parole Officer  
(Range 37.5: \$7,152 - \$8,700)
- (d) Probation and Parole Officer  
(Range 35: \$6,324 - \$7,692)

For Civil Service purposes these four categories could be classified as Probation and Parole Officer I, II, III and IV.

#### RECOMMENDATION

IT IS RECOMMENDED THAT STANDARDS FOR FUTURE RECRUITMENT, APPOINTMENT AND PROMOTION OF PROBATION AND PAROLE OFFICERS BE REVIEWED AND ESTABLISHED IN LINE WITH THE SPECIALIZED SKILLS REQUIRED OF THIS CATEGORY OF STAFF.

(A) Qualifications for Probation Officers should be broken down into two areas:-

(a) Personality - Under this heading are irreplaceable requirements for work in the probation and parole field -- emotional maturity; integrity; ability to establish effective interpersonal relationships; a firm conviction of the dignity and value of an individual; belief in the capacity of people to change; genuine interest in helping people; intellectual depth; mature judgement; wide experience and the ability to learn from it; continuing interest in improving professionally; and a basic respect for the legal base upon which our society rests; and ability to use authority with a firm but gentle hand.

(b) Education and Experience - A Bachelor's Degree with a major in the social or behavioural sciences or other related field. Additional training of at least one year in the field of criminology, social work, guidance or counselling should be a pre-requisite.

(B) The qualifications for senior supervisor and administrative personnel should include the following if a professional service is to be developed:-

(a) Personality - Administrative ability to plan, organize and direct is imperative. A desire and talent for participation in community activity, and with related agencies, and ability to interpret the program to the public and governing bodies. An understanding of human problems. Leadership, that inspires and maintains good staff morale. An ability to make decisions. Sound health -- mentally and emotionally.

(b) Skills - Regional Supervisors should have the same basic skills as field staff, plus (a) an ability to develop social skills in others in an authoritative setting, and to interpret departmental policies and procedures to staff; (b) administrative and organizing abilities; (c) demonstrated ability to write and speak effectively; (d) demonstrated ability to establish and maintain effective working relationships with individuals and groups.

(c) Education and Experience - Although a Master's Degree is the basic requirement for a similar position with the Federal Service and many States in the U. S. A., it is anticipated that

candidates with a minimum of a B. A. in the social behavioural sciences plus a minimum of three years supervisory experience in a correctional service or social agency (preferably in an authoritative setting), would be acceptable. To perform his supervisory and staff training function successfully, Regional Supervisors must have the ability to impart knowledge to untrained and partly-trained staff.

(C) Selection of all probation and parole personnel should be based upon suitability for this position as determined by a thorough evaluation of education, experience and personal qualifications. The Civil Service method appears to be the most effective in recruiting qualified staff.

All persons entering the provincial field of probation and parole should be required to go through an initial probationary period of employment of one year duration. Permanent appointment should be based on a written examination, and an evaluation of job performance.

Promotions should come within the ranks of the present staff where possible, however, where no qualified candidate is available such a person should be recruited from outside the probation and parole ranks.

All evaluations or examinations used in the recruitment process should be related to basic knowledge and skills required for effective performance, not content which would normally be learned on the job. All new staff should be required to take part in an extensive in-service training program in conjunction with on the job training during the first year of employment. An examination could be administered before the granting of a permanent appointment.

#### Implementation

##### (A) First Year

(a) Probation Supervisor position upgraded from Range 39 to Range 44. Position re-defined from Probation Supervisor to Supervisor of Probation and Parole Services.

(b) Appointment of two Regional Supervisors, Pay Range 40, from among present staff is indicated. One office in Bathurst or Newcastle and other office in Saint John.

(c) Appointment of three additional Probation and Parole Officers -- one for Woodstock District, one for Richibucto District and one additional officer for the Dalhousie Campbellton area; Pay Range 35.

(d) Appointment of House Supervisor to manage juvenile group home. Salary Range 40. (PILOT PROJECT)

(e) Two female Probation and Parole Officers

(f) Development of Volunteer Program to supplement Service.

(B) Second Year

Appointment of District Supervisors and further development of quality of field services.

Costs of New Personnel

\$52,632 (first year only).

It should be understood that a substantial increase in probation and parole staff will be needed in the years ahead. The cost of this, however, will be modest as compared with the cost of the new construction which, experience elsewhere has shown, can be avoided by such staff increases if they are coupled with increases in staff competence.

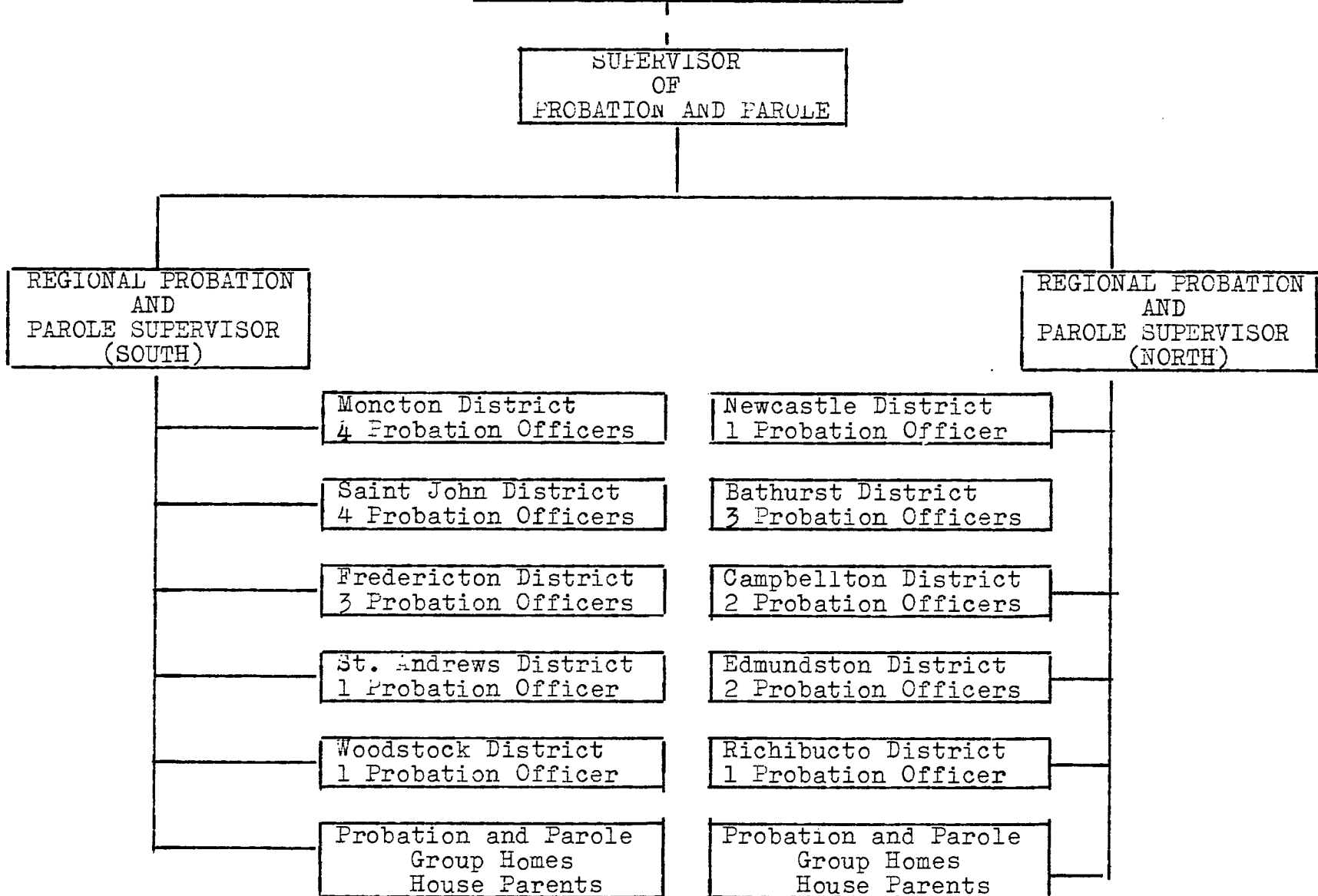
RECOMMENDATION

THE NEW BRUNSWICK PROBATION AND PAROLE SERVICES SHOULD EMPLOY TWO WELL-QUALIFIED FEMALE PAROLE OFFICERS IN THE NEXT FISCAL YEAR AND SHOULD BEGIN THE DEVELOPMENT OF A COMMUNITY BASED PROGRAM APPROPRIATE FOR THE FEMALE OFFENDERS IN THIS PROVINCE.

It is anticipated that the number of delinquent girls coming to the attention of the courts will increase over the next decade with the increase in complexity and mobility in society and the increasingly serious problem with drugs.

CORRECTIONS BRANCH

PROBATION AND PAROLE SERVICES



RECOMMENDATION

A SINGLE NEW BRUNSWICK BOARD OF PAROLE SHOULD BE CREATED TO EXERCISE RELEASE AUTHORITY OVER THE ADULT AND JUVENILE INSTITUTION COMMITMENTS. ITS AUTHORITY SHOULD EXTEND TO ALL FORMS OF EARLY RELEASE FROM A SENTENCE. THE BOARD SHOULD BE EMPOWERED TO DELEGATE RESPONSIBILITY FOR CERTAIN TYPES OF RELEASE DECISIONS TO VARIOUS EMPLOYEES OF THE DEPARTMENT OF JUSTICE FOR REASONS IT CONSIDERS SUFFICIENT.

The members of the Parole Board should be appointed on the basis of their professional qualifications. The majority should have training in the social sciences and experience in correctional work. It should meet regularly to exercise independent judgements over release decisions, and its duty should be to ensure that uniform consideration is given all inmates for all forms of early release according to a fair and impartial process. This is particularly important since the further extension of the adversary type of proceeding into administration of the post-conviction aspect of corrections is contra-indicated by accumulating evidence that this trend has in many places reached the point of diminishing returns in actually furthering fair play and equal treatment within the complicated environment of the inmate community. The adversary process is abused when it is concluded that in all situations it is a superior method of bringing justice.

Parole consideration should be automatically scheduled for all inmates whose sentences exceed three months. Inmates should be allowed to waive their right to a hearing but should not have to formally apply. Attorneys should be permitted to present arguments for parole and prosecutors permitted to present arguments against parole to the Board members prior to the decision, but they should not be present at the hearing in order that the inmate may express himself in confidence to the Board members.

Inmates should be promptly advised by the Board of its decision and the reasons for it.

The decision to confine a person in an institution is very serious. The decision to release him at a date earlier than the maximum he would have to serve is also very serious. The commitment decision and the release decision are the two pressure points in the process by which rights are officially terminated and by which they begin to be re-established. As the sentencing decision must be just, so likewise must be the release decision.

With the advent of a variety of phased release devices the point at which the actuality of parole is experienced may bear little relation to an official and formal act of granting parole. We suggest that a new definition of parole be established.

Parole should be thought of as that point in the execution of the sentence at which the community is obliged to accept whatever risk may be involved in a man's return at a date earlier than the maximum prescribed by the sentence.

By urging this definition of parole we do not imply that the Parole Board must approve all furloughs, day paroles, etc., in advance. It is rather to say that the power to grant such releases should be clearly assigned to the established board and delegated to administration as is necessary to ensure implementation. The Board, however, should scrutinize the practice and be familiar with the cases and the justification for such releases as well as the rationale for denials. It should establish policy guidelines when these are not spelled out by statute or orders-in-council. The Board should, of course, be able to withdraw authority it has delegated but it should not interfere in the decisions for which it has delegated its responsibility nor should it cause needless delay.

It is suggested that furloughs or other early releases of persons who have assaultive histories or were known or thought to be dangerous should have prior approval by the Board. (In answer to the question, "Why should such persons be given furloughs or day paroles?" It is well to note that it is generally safer for such people to be given opportunities to demonstrate controls while they are still under close scrutiny and supervision).

The New Brunswick jail population is too small to justify a full time professional parole board. With the transfer of some

prisoners to federal institutions, and expansion of probation, there may be less cases in need of parole board attention but the difficulty of decision may be increased as less tractable inmates will form a larger percentage of a smaller jail population.

Until the Atlantic Provinces merge their various correctional programs, New Brunswick will not benefit from the services of a full time professional board. The part time board which can be established now, however, should be professional in nature and prepared to devote several days per month to its work. Board members should be paid on a per diem basis at a rate commensurate with their level of professional qualifications. They should be appointed for a two year term on the recommendation of the Corrections Program Director with the approval of the Civil Service Commission, and should report to the Minister or his Deputy.

In the light of the recommendations made by the Canadian Committee on Corrections, New Brunswick should prepare itself to assume a measure of responsibility for parole under the Criminal Code. Since we have recommended transfer of persons whose sentences exceed one year, we are suggesting that the New Brunswick Board be granted authority for the parole decisions of all persons in the provincial jails and institutions whether under Criminal Code or Provincial Statutes. This will reduce the danger that two boards making parole decisions for a common inmate body will impose sharply different standards.

The National Parole Board should continue exclusive jurisdiction over the parole decisions for all persons in the federal institutions who are transferred under the recommended procedure.

All persons paroled from provincial institutions should be supervised by provincial probation and parole officers. Persons paroled by the federal board from federal institutions should continue to be assigned and supervised by the federal parole service as previously. As indicated elsewhere, we think the federal parole service should be funded so as to be able to supervise all persons under their charge with the exception of those special cases described in the comments relating to private aftercare agencies.

We think it should be the policy of the provincial parole board to expand the use of parole to cover a greater percentage of the individuals in jail. Intensive parole supervision for short periods of time has been demonstrated in this province to be an effective device in certain circumstances. During the month of August, a short term intensive parole supervision experiment was undertaken in the

City of Saint John which verified that with careful selection and intensive supervision the use of parole could be substantially increased.

Our suggestion with respect to automatic consideration for parole may sound strange but is made out of concern for the strange impact of the inmate society upon an individual. Each institution has one or more "jail house lawyers" whose bad advice on parole policy matters is as notorious as the bad advice they frequently give on legal matters. To impress others, youthful offenders will often make bold statements about not wanting parole and then find it awkward to apply in the face of inmate ridicule. Occasionally weak inmates who are already being victimized by others are afraid to apply. Sometimes staff will mistakenly feel it their duty to determine parole readiness and advise an inmate not to apply. Sometimes inmates are afraid to leave the protection of the institution and can be helped through the hearing process to face up to the realities of life. For these reasons we feel that it is not appropriate to extend to parole determination the assumption, which may be appropriate in civiliam courts, that a petition can be accepted at its face value and that the Board need look no farther than the cases on which applications are received in order to deal fairly with all.

The division of responsibility between the federal and provincial governments as outlined previously, will allow for each to specialize. Continuing close contact between federal parole representative in the area and the provincial authorities is essential to assure continuity during a period of changing policy.

RECOMMENDED STAFFING REQUIREMENTS

(Excluding Clerical Staff)

A. PROBATION AND PAROLE SERVICES

Central Office

Supervisor of Probation and Parole Services.  
Range 44 (\$9,816 - \$11,928).

Other

(a) Establishment of two (2) Regional Supervisors.  
Range 40 (\$8,076 - \$9,816).

(b) One additional Probation and Parole Officer  
for Moncton Office (Female). Range 35 (\$6,324 - \$7,692).

(c) One additional Probation and Parole Officer  
for Bathurst Office (Female). Range 35 (\$6,324 - \$7,692).

(d) One Probation and Parole Officer for Woodstock.  
New Office. Range 35 (\$6,324 - \$7,692).

(e) One Probation and Parole Officer for Richibucto.  
New Office. Range 35 (\$6,324 - \$7,692).

(f) One Probation and Parole Officer for Campbellton.  
Range 35 (\$6,324 - \$7,692).

(g) One Juvenile Group Home Supervisor (husband and  
wife team). Pilot Project. Range 40 (\$8,076 - \$9,816).

(h) Filling of positions left vacant if promotions to  
Regional Supervisors are made from among the present probation  
and parole staff.

B. INSTITUTIONAL SERVICES

Central Office

Supervisor of Institutions, one position, Central Office,  
Range 44 (\$9,816 - \$11,928).

Other

(a) Reclassification of position of Superintendent I to Superintendent II, Saint John Jail. Pay Range 42 (\$8,904 - \$10,824).

(b) Reclassification of position of Correctional Officer III to Correctional Officer IV, Saint John Jail. Pay Range 34.5 (\$6,180 - \$7,512).

(c) Reclassification of position of Correctional Officer III, Camp Utopia, to Superintendent I. Range 39 (\$7,692 - \$9,348).

(d) Correctional Group Worker, Saint John Jail, one position. New position. Range 30 (\$4,944 - \$6,024).

(e) Storekeeper I, Saint John Jail, one position. New position. Range 25.5 (\$3,960 - \$4,824).

(f) Correctional Officer I, two positions, Fredericton Jail. Range 27.5 (\$4,368 - \$5,328).

(g) Correctional Group Worker, one position, Fredericton Jail. Range 30 (\$4,944 - \$6,024).

(h) Reclassification, Correctional Officer I to Correctional Officer II, one position. Range 29.5 (\$4,824 - \$5,880).

(i) Reclassification of Jailer II to Superintendent I, Fredericton Jail, Pay Range 39 (\$7,962 - \$9,348).

(j) Correctional Officer I, two positions, Dorchester Jail. Range 27.5 (\$4,368 - \$5,328).

(k) Cook III, one position, Dorchester Jail. Range 28.5 (\$4,596 - \$5,604).

(l) Correctional Group Worker, Dorchester Jail. Range 30 (\$4,944 - \$6,024).

(m) Reclassification, Correctional Officer I to Correctional Officer II. Range 29.5 (\$4,824 - \$5,880).

(n) Reclassification of Jailer III to Superintendent I, Dorchester Jail, Pay Range 39 (\$7,692 - \$9,348).

(o) Supervisor, Community Release Center, one position. (Pilot Project). Range 40 (\$8,076 - \$9,816).

(p) Other positions will have to be established as facilities are expanded or constructed.

C. CLASSIFICATION SERVICES

Central Office

Supervisor of Classification, one position, Central Office. Range 44 (\$9,816 - \$11,928).

D. STAFF TRAINING AND STAFF DEVELOPMENT

Central Office

Supervisor of Staff Training and Staff Development, one position, Central Office. Range 45 (\$10,308 - \$12,528).

SECTION II

A COMMUNITY BASED PROGRAM

RECOMMENDATION

FOR THE NEXT THREE YEARS IT SHOULD BE THE POLICY OF THE DEPARTMENT OF JUSTICE TO CONCENTRATE ITS EFFORTS TOWARD THE DEVELOPMENT OF A SUBSTANTIALLY EXPANDED BUT CENTRALLY CO-ORDINATED COMMUNITY BASED PROGRAM. THE CONSTRUCTION OF NEW MAXIMUM SECURITY FACILITIES IS NOT RECOMMENDED UNTIL ALTERNATIVES TO THIS HAVE BEEN FULLY EXPLORED AND THE NUMBER OF PERSONS IN NEED OF SUCH CONTROL ESTABLISHED.

The elements of a community based program are described at various places throughout this report but they are discussed here in order to illustrate the need for co-ordination of these many inter-related activities.

1. THE DAY PAROLE CONCEPT

This program should include substantial development of the day parole method in which inmates are released during working hours to hold jobs. Wages can be collected by the authorities and disbursed according to legally established procedures.

Moving a person from jail to work at regular employment during working hours only is so obviously in his best interest that it needs no defence in terms of its rehabilitative value. More significant, however, is the fact that the moneys thus earned can be controlled and inmates can be allowed to continue supporting their dependents while at the same time satisfying the intent of a jail sentence. If it is well managed, the savings to the welfare budget from this practice can be substantial and the revenues received by the government in the form of income tax can account for something towards the cost of law enforcement. Inmates with an income should be expected to pay their own board.

More important even than these points, however, is the additional possibility that the victim of property offences can have a realistic chance to recover restitution. Many indigent inmates would be willing to make restitution if they had the ability to earn funds with which to do it. (With good counselling others might elect

to do it. Some might be required to do it as a condition of release). After serving a full sentence in idleness, however, few feel an obligation as they have paid their debt to society by "doing time". The victim of crime is thus doubly victimized. He cannot recoup his loss nor can he escape paying taxes to support the man who has wronged him.

## 2. THE WEEKEND SENTENCE

On a weekend sentence plan a man is permitted to live with his family with the exception of his weekends which he must serve in jail. This allows the individual who is a periodic excessive weekend drinker to have some control imposed during this period of time and stretches out through several months the sense of reality about the seriousness of his problem which in some cases jail experience tends to instill. This device might profitably be used in conjunction with a probation sentence.

## 3. HALFWAY HOUSES

The halfway house movement has spread throughout North America under the sponsorship of St. Leonards Society and other interested groups usually affiliated with religious denominations. These programs have met with some very good success but have also experienced difficulties in establishing adequate communications with public officials, and sometimes in being unable to provide continuity of management staff.

The committee feels that halfway houses for adults should be located in urban areas having employment opportunities and a large enough case load to allow full use of the facility. If the jails can be more flexibly used the committee felt that the halfway house program for New Brunswick jail inmates would not be a high priority need at locations other than Saint John and possibly Moncton. Co-ordination of this kind of program with the federal programs should be considered.

## 4. TEMPORARY ABSENCE

The statutes provide for temporary absences for specific purposes. The committee's concerns in this respect are described in the section of the report covering the parole board and its responsibilities. As necessary, Probation Officers should scrutinize the behaviour of inmates on temporary absence and be advised in all

cases of the presence of such a person in his territory.

Care should be exercised by administration in recommending temporary absences that something which starts out as a privilege does not over the years develop into a right in the way which the remission time allowance has done. The burden of proof of need for special temporary absence should remain with the inmate. The administration should always verify the need and, it should not allow the granting of leave in one case to be used as precedent for another of less merit.

#### 5. PROBATION

The use of probation in this Province can be expanded at a minimum risk and with payoff in rehabilitative potential and reduced cost.

The Probation and Parole Officers should undertake an expanded role in the jail program and try to co-ordinate their community activities with inmates in a way which does not unduly inconvenience the jail administration. They must be familiar with jail routines including the feeding schedule, and other matters, in order to reduce the potential for conflict situations to arise when because of an outside activity the necessary jail routines are interrupted. Goodwill and co-operation between the jail and the probation staff is vital and, for their part, jail personnel must anticipate some additional inconvenience and make every effort to accommodate the routines to the outside program.

In general, responsibility for supervision of a person outside a jail or an institution on any of the various programs should rest with the probation and parole unit of the branch. Conditions of flexibility should exist so that probation and parole officers can make prompt and efficient use of the jail as necessary to protect the public. It is obvious that some individuals released under these procedures will get into difficulty. Some may again violate the law but in this connection it should be noted that all evidence suggests that the public will be much better protected by this system in the long run. All evidence suggests that the public is better protected by a system which faces dangers while the possibilities of control are available than one which ignores them for a brief time only to face them later without legal means of control.

The other elements of a community based program we are suggesting are described elsewhere in this report. They are:-

6. THE FOSTER AND GROUP HOME PROGRAM
7. INCREASED USE OF PAROLE
8. EXTENDED FAMILY VISITS
9. DEVELOPMENT OF GROUP COUNSELLING AND INDIVIDUAL COUNSELLING IN THE JAILS
10. EXPANDED USE OF PROBATION IN CONJUNCTION WITH ALCOHOLIC TREATMENT PROGRAM
11. PRIVATE AGENCY COUNSELLING
12. SERVICE CLUBS CONTACT IN JAIL AND THEIR ACTIVITY FOLLOWING RELEASE
13. EXPANDED USE OF INTERESTED CHURCH MEN, LAYMEN AS WELL AS CLERGY, IN CONTACTS WITH INMATES
14. CITIZEN ACTION GROUPS.

Conspicuous by its absence from the above list may be the subject of recreation. There is considerable misunderstanding about the purposes of recreation in correctional institutions. Too often it has been an alternative to idleness and boredom and undertaken on the basis of "give them something to do".

In general, taking inmates to outside recreational activities is inappropriate in a well-managed program except in very special circumstances. Incarceration is a serious matter and it is not wrong that the structure and atmosphere of the jail communicate the seriousness of criminal behaviour. The outside activities, therefore, should not be viewed as rewards and should never be undertaken in an attempt to purchase goodwill from inmates.

A jail should be viewed as a community correctional center which attempts to prepare a person to assume personal responsibility, to face his problems, to improve his legitimate skills, to understand himself and society better, and to appreciate that his freedom depends upon his respect for the rights and freedom of others. These insights usually do not come to a person who is confined in idleness and boredom, but neither do they come to those who find it possible to manipulate the system in a way which allows them to receive unearned rewards on the basis

of specious promises of good intent or the perverse gratifications which come to certain inmates when they sense they have either outwitted or frightened the staff.

The outside activities we suggest, therefore, should be granted with enough restraint so that it is understood by all that the inmate is being allowed to accept responsibility and not being given something for nothing.

#### RECOMMENDATION

WE RECOMMEND THAT THE JUSTICE DEPARTMENT BE FUNDED TO FINANCE AN EXPANDED FOSTER AND GROUP HOME PROGRAM FOR JUVENILES. A GROUP HOME SHOULD BE ESTABLISHED AS SOON AS POSSIBLE IN THE FREDERICTON AREA SO THAT ADMINISTRATORS CAN GAIN EXPERIENCE WITH THIS VALUABLE BUT DIFFICULT PROGRAM AND WITH THE ADDITION OF RECOMMENDED STAFF, GEAR ITSELF TO RAPID EXPANSION THROUGHOUT THE PROVINCE.

IT SHOULD BE THE POLICY OF THE PROVINCE TO PAY FOSTER PARENTS AT THE SAME SCALE USED BY THE DEPARTMENT OF HEALTH AND WELFARE. NEITHER DEPARTMENT SHOULD CHANGE ITS RATES WITHOUT PRIOR AGREEMENT WITH THE OTHER.

In implementing this program it will be necessary to provide opportunities for some meetings and training experiences for group parents and the Department of Justice should bring in consultants who have had experience in management of a centralized foster and group home program and in house parent training.

The committee believes that group homes should be located in both small and large communities. Experimentation with different types of management styles should be undertaken. A variety of personality types should be employed in the group homes so that the

Department will have maximum amount of flexibility in placing youngsters according to their needs.

The recommendation for this program is based on the fact that these programs are quite successful elsewhere and their effectiveness had been validated by research. An extensive study of all of the training schools in the Province of Ontario, for instance, suggests that the use of group homes gives a high treatment potential at relatively low cost as compared with institutions whose treatment potential is limited despite more elaborate and costly facilities.

SECTION III

LEGISLATION

RECOMMENDATION

IN ALL JUVENILE COURT PROCEEDINGS WE RECOMMEND THAT THE ACCUSED CHILD BE ACCORDED THE PROTECTION OF THE COURT IN RESPECT TO HIS DETENTION AND USE OF JUVENILE PROTECTIVE FACILITIES WITHOUT AT THE SAME TIME DEPRIVING HIM OF THE LEGAL PROTECTION AFFORDED BY RIGHT TO COUNSEL.

RECOMMENDATION

WE RECOMMEND THAT THE MINIMUM AGE AT WHICH A CHILD MAY BE PLACED IN THE NEW BRUNSWICK TRAINING SCHOOL BE RAISED TO 12. EXCEPTION FROM THIS STANDARD SHOULD BE MADE ONLY WHEN THERE IS REASON TO BELIEVE SUCH CHILD IS DANGEROUS AND ONLY IF HE HAS HAD LEGAL COUNSEL AND THEN, ONLY BY SPECIAL ORDER OF THE MINISTER OF JUSTICE.

It is our opinion that pre-adolescent children should not be confined in an institution program with adolescents.

RECOMMENDATION

IT IS RECOMMENDED THAT SECTION 25 OF THE SUMMARY CONVICTIONS ACT BE REPEALED AND A NEW SECTION 25, INCORPORATING THE PROVISIONS OF SECTION 694(3) and (4) OF THE CRIMINAL CODE BE ENACTED, AND ALSO THAT ALL OTHER PROVINCIAL STATUTES WHICH PROVIDE FOR A JAIL PENALTY IN DEFAULT OF PAYMENT OF A SUM OF MONEY AND WHICH DISREGARD THE ABILITY TO PAY, BE AMENDED TO ALLOW THE COURT THE DISCRETION TO GIVE TIME TO PAY.

Section 25 much like Section 140 of the Liquor Control Act often results in a jail term for someone who could otherwise avoid going to jail if the "time to pay" clause were allowed at the discretion of the court. This present legislation under Section 25 of the Summary Convictions Act does little to further the aims of a modern criminal justice system.

RECOMMENDATION

IT IS RECOMMENDED THAT SECTION 140 OF THE LIQUOR CONTROL ACT BE AMENDED BY DELETING THE WORD "IMMEDIATE" THEREFROM.

The demand of this section for "immediate payment" precludes anything but a jail sentence in cases where the convicted person cannot forthwith pay his fine. This section often results in jail sentences which could be otherwise avoided if "time to pay" were allowed at the court's discretion.

RECOMMENDATION

IT IS RECOMMENDED THAT, WHERE POSSIBLE, JAIL TERMS PROVIDED BY THE VARIOUS PROVINCIAL STATUTES IN DEFAULT OF PAYMENT OF A FINE BE MADE UNIFORM.

There are many discrepancies between the Liquor Control Act, the Motor Vehicle Act, and the Game Act and a review should be made of these specific sections and revisions made where necessary to make fines and sentences in default of fines as uniform as is possible throughout the Province.

RECOMMENDATION

WE RECOMMEND THAT THE CRIMINAL CODE OF CANADA BE AMENDED SO AS TO MAKE IT IMPOSSIBLE TO COMMIT PERSONS UNDER THE AGE OF 16 TO A PENITENTIARY WHICH IS DESIGNED FOR AND PRIMARILY USED FOR ADULT OFFENDERS.

While Dorchester Penitentiary has been used sparingly for this purpose it is nevertheless true that as of now children under the age of 16 may be committed there from the Atlantic Provinces.

RECOMMENDATION

THAT STATUTES SHOULD BE AMENDED TO PERMIT WOMEN ON REMAND STATUS FROM THE MONCTON AND SURROUNDING AREA TO BE HELD AT THE COVERDALE INTERPROVINCIAL HOME FOR YOUNG WOMEN WHEN IN THE OPINION OF THE JUDGE AND DEFENCE COUNSEL SUCH PLACEMENT WOULD PROVIDE A BETTER ENVIRONMENT AND WOULD BE IN THE INTEREST OF THE INDIVIDUAL SO DETAINED.

A COMMITTEE STATEMENT

THE COMMITTEE WANTS TO GO ON RECORD AS ENDORSING THE PRINCIPLE THAT EVERY PERSON BEING CHARGED BY THE CROWN FOR AN INDICTABLE OFFENCE SHOULD HAVE ADEQUATE DEFENCE.

The committee was unable to competently assess the relative merit of the public defender system as opposed to legal aid or other arrangements. We were encouraged by word that the Bar Association is studying this problem.

RECOMMENDATION

WE RECOMMEND THAT THE NECESSARY LEGISLATIVE CHANGE BE MADE TO ALLOW ANY OFFENDER CONVICTED UNDER A PROVINCIAL STATUTE TO BE PLACED ON PROBATION.

This type of legislation would allow the court greater flexibility when imposing sentence and in many cases where it is in the best interest of the individual to be given a period of supervision rather than a short mandatory jail term, the court should be empowered to do so.

RECOMMENDATION

THE GOVERNMENT SHOULD DEFER THE PROPOSAL TO TRANSFER THE JUVENILE INSTITUTIONAL PROGRAM TO HEALTH AND WELFARE AT THIS TIME. REPRESENTATION TO THE FEDERAL GOVERNMENT SHOULD BE MADE TO AMEND THE CANADA ASSISTANCE PLAN SO AS TO REMOVE THE PRESENT EXCLUSION OF CORRECTIONS AND TO ESTABLISH CONDITIONS OF ELIGIBILITY FOR COST SHARING WHICH ARE BASED SOLELY ON OBJECTIVE STANDARDS OF SERVICE TO THE CHILD.

The Canada Assistance Plan unfairly discriminates against the children in the Provinces which elect to organize their provincial government activities in a way which does not place the juvenile program within welfare departments. When this legislation was passed the assumption must have been that juvenile institution programs so placed would give better service. There is no foundation for this assumption. The quality of service depends upon the implementation of standards and not upon the name of the Department to which the service is attached.

Considerable sentiment for basic changes in the welfare system exists. There is strong sentiment for changes which would allow more local control as well as greater tax sharing benefits for the provinces. Other federated nations are moving in this direction.

Delinquency prevention programs, juvenile probation for juvenile delinquents, institutional care, and juvenile parole supervision should be co-ordinated and administered by only one provincial agency. The Canada Assistance Act, however, limits cost

sharing benefits to the institution aspect of the juvenile program. Other provinces qualify their probation and parole work for cost sharing by placing these functions under welfare workers and thereby, to some extent, obscure the fact of probation.

New Brunswick has only three cities large enough to have sufficient case load to justify specialized juvenile probation officers. Throughout the rest of the Province, therefore, social workers whose primary responsibility is to an assistance program would have to take on this additional burden.

It is obvious that there are conflicting philosophies as to the best method of helping delinquents make better adjustment to life. That New Brunswick welfare workers would experience some of the same role conflict which is experienced elsewhere is very likely. If it agrees to this transfer, therefore, the government must also decide to make probation officers as well as social workers out of the welfare staff in all of the sparsely populated sections of the Province. We think this would be to the detriment of both programs. To identify probation supervision with welfare assistance is to further the welfare recipients feeling of unworthiness. Since the implication of need or illness is inherent in welfare, this identification may tend to help some probationers feel justified in having done wrong. It is essential that the distinctions between corrections and welfare be sharply drawn in order to maintain the quality of each. The credibility of the legal sanctions, as well as the integrity of the "non-judgmental welfare approach", are in the long run threatened by this proposal.

Some very troublesome human rights questions have been raised by these transfers elsewhere. In Ontario, for instance, where the provincial government is on record as opposing the transfer of the juvenile program, it is common for a juvenile to receive a commitment of a year or two for an offence which if it were committed in provinces which viewed delinquency in a welfare frame of reference could result in commitment until 21. Surprisingly, we have heard no one justify the transfer of the juvenile program on the basis that this would necessarily result in better service and, in fact, there are indications that officials of the provincial Department of Health and Welfare are not in agreement as to the desirability of such a transfer at this time. (See Brief - Appendix A).

Proponents of the transfer argue that it must be done out of concern for the financial position of the province on a completely pragmatic basis.

Opponents to this change raised constitutional issues. Their position is that the exclusion of corrections from cost sharing under the Canada Assistance Plan requires the provinces to order their affairs in a way prescribed by persons not responsible to the local electorate under penalty of depriving its children of benefits to which they are entitled as are other Canadian children, and that this constitutes an unwarranted intrusion into provincial affairs that has much larger social and political implications. They argued that while New Brunswick is not a wealthy province, it is not so poor that it need compromise its sovereignty. The committee found itself in agreement with this point of view.

#### RECOMMENDATION

ACTION SHOULD BE TAKEN UNDER SECTION 30 OF THE CORRECTIONS ACT TO PROVIDE REGULATIONS FOR THE EFFICIENT ADMINISTRATION OF THE PROVINCIAL INSTITUTION SYSTEM.

Since the repeal of the Gaol Act, Chapter 96 of the Revised Statutes, 1952, there have been no specific regulations governing the administration of the provincial jail system. Both the New Brunswick Training School and the New Brunswick Central Reformatory are governed by distinct acts.

SECTION IV  
JAILS AND OTHER FACILITIES

RECOMMENDATION

FOR THE NEXT YEAR JAILS AND INSTITUTIONS SHOULD BE INSPECTED BY THE SUPERVISOR OF INSTITUTIONS OR HIS DELEGATE FOR CLEANLINESS, SAFETY, AND MANAGEMENT OF PROGRAM AT UNSCHEDULED HOURS AT LEAST TWICE MONTHLY. FOLLOWING EACH INSPECTION A SIGNED INSPECTION REPORT SHOULD GO TO THE DIRECTOR OF CORRECTIONS WITH A COPY FOR THE SUPERINTENDENT OR JAILER RESPONSIBLE FOR THE FACILITY DIRECTING HIS ATTENTION TO PROBLEMS.

There is need for "catch up" maintenance activities in several jails. An active maintenance and repair program should be undertaken as soon as possible whether or not these buildings may be replaced or abandoned at a later date. Technical advice and some temporary supervision may have to be employed as necessary or provided by the Public Works Department if available.

Staff attitudes, which can produce good long term maintenance must be developed. There should be incentive and reward for accomplishment in this area. A preventive maintenance program can be effective only to the extent that all staff feel responsible for it.

There are some splendid examples of facilities constructed by prisoners which have been of genuine value. A remodelling program which seeks to involve inmates in activities in which they can feel some sense of accomplishment is compatible with the most advanced treatment precepts.

Wherever possible, inmate labour should be used. Remodelling and maintenance should be viewed as a means by which inmates can be constructively occupied, can learn skills and establish work habits. To view these activities as a chore rather than a program opportunity is wasteful of one of the few readily accessible constructive program opportunities in the jail system.

The point of this is that purposeless work is not an adequate substitute for idleness. The maintenance and remodelling program in all institutions should expect more from inmates. It

should reward accomplishment and discourage, but not punish, indolence. It should try to raise the level of expectation from all; staff as well as inmates.

RECOMMENDATION

THAT ALL CORRECTIONAL OFFICERS WHO ARE RESPONSIBLE FOR SUPERVISING STAFF BE CLASSIFIED AT THE CORRECTIONAL OFFICER III LEVEL AND THAT AVENUES OF ADVANCEMENT BASED ON EXAMINATIONS BE ESTABLISHED.

The present system does not have built-in incentives. When a Correctional Officer I reaches Step E of the pay range, he cannot be promoted unless one of the four Correctional Officer II positions become vacant. Many of the Correctional Officer I incumbents who have considerable potential feel little incentive to get further training.

RECOMMENDATION

THAT THE POSITION OF SUPERINTENDENT I, SAINT JOHN JAIL, BE RECLASSIFIED TO SUPERINTENDENT II.

The responsibilities of this position are such as to warrant a higher pay scale. Saint John Jail has a larger daily population and compares with the two central institutions in order of complexity. A high level of administrative skill is required.

RECOMMENDATION

THAT THE POSITION OF CORRECTIONAL OFFICER III, CAMP UTOPIA, BE RECLASSIFIED TO SUPERINTENDENT I AND THAT THE PROGRAM BE EXPANDED TO ACCOMMODATE THIRTY INMATES.

With the announcement that the Province will develop a park in the Lake Utopia area of Charlotte County, the Department of Justice could easily co-ordinate its Camp Utopia program with that of the Department of Natural Resources which presumably will be primarily responsible for developing the new park.

RECOMMENDATION

THE USE OF JAILS FOR JUVENILE DETENTION SERVICES SHOULD BE DISCONTINUED. JUVENILES WHO CANNOT BE SAFELY RELEASED TO THEIR PARENTS OR GUARDIANS PENDING COURT APPEARANCE SHOULD BE PLACED WHENEVER POSSIBLE IN FOSTER OR GROUP HOMES. THOSE CHILDREN WHO CANNOT BE SAFELY PLACED IN GROUP HOMES SHOULD BE HELD AT THE NEW BRUNSWICK TRAINING SCHOOL FOR BOYS PENDING COURT APPEARANCE. NO CHILD SHOULD BE SO DETAINED FOR MORE THAN TWO WEEKS AND EVERY CHILD SO DETAINED SHOULD HAVE BENEFIT OF COURT APPOINTED COUNSEL IN ORDER THAT HIS RIGHTS AND INTERESTS ARE PROTECTED. ADEQUATE DETENTION FACILITIES SHOULD BE CONSTRUCTED AT THE NEW BRUNSWICK TRAINING SCHOOL, IF NECESSARY.

Detention can be a most difficult period in the juvenile corrections process. Associations with adult inmates is obviously to be avoided and it is generally undesirable but, nevertheless, the committee is concerned that it be recognized that youth can and do influence each other adversely. Isolation during the detention period also can be a bad experience. Juvenile detention suicide attempts are highest for isolated juveniles. While some of these may be attention getting devices nevertheless, they must be given attention and facilities planned in such fashion that professional staff can be available to assess the significance of such attempts, and other detention problems and recommend appropriate action.

The committee considered various possibilities but concluded that its recommendation would best meet the immediate need for improvement in an inadequate detention situation.

We feel it is imperative that the child's rights be fully protected in placing him in the boy's school for detention and might be considered to indicate that in a sense he was sentenced to the facility in which he would later be sentenced if the juvenile court proceedings were concluded. However, the alternative to this is to place him in jail in a situation very similar to that in which he would be placed if he were an adult and convicted of an offence. We believe that with the skillful use of group homes most youngsters who cannot be released to parents or guardians may be cared for locally and those few who must be held at the School for Boys can assure that their cases will be properly handled by the fact they have an attorney, appointed by the court, to safeguard their rights and assure timely action.

RECOMMENDATION

THE PROVINCE OF NEW BRUNSWICK SHOULD CONTINUE TO USE COVERDALE INSTITUTION DURING THE COMING YEAR. IT SHOULD ASSESS ITS NEED FOR INSTITUTION SPACE AFTER IT HAS HAD OPPORTUNITY TO DEVELOP AN EXPANDED FOSTER HOME PROGRAM AND HAS FULLY UTILIZED THE POTENTIAL OF COMMUNITY PLACEMENT ON PROBATION AND PAROLE.

The policy with regard to regular parole consideration for all inmates, whether or not they apply, should be undertaken at Coverdale as elsewhere in the institution services. We feel that the Coverdale Institution is suitably located in respect to its ability to figure in a strong community oriented program. Professional counselling opportunities should be strengthened by the addition of professional staff.

RECOMMENDATION

THAT THE COUNTY JAILS BE USED AS A LOCK-UP FACILITY ONLY WHERE NO OTHER LOCK-UP FACILITY IS AVAILABLE AND ONLY WHERE SECURITY IS REQUIRED IN PARTICULAR CASES.

While noisy and aggressive prisoners who must be admitted to a jail, usually at night, do often create a disturbance which may keep the jail in a tense situation, the committee feels the jail will be better equipped to handle such people when around the clock coverage is provided.

RECOMMENDATION

THAT THE PAY RANGE OF THE CORRECTIONAL OFFICER II POSITION BE REVIEWED AND BROUGHT MORE INTO LINE WITH THE RESPONSIBILITIES OF THE POSITION.

At the present time a Correctional Officer who is responsible for supervisory responsibilities earns only \$38 - \$46 per month more than a Correctional Officer who has no supervisory responsibilities.

RECOMMENDATION

WE RECOMMEND THAT STAFFING PATTERN OF THE PROVINCIAL JAIL SYSTEM BE CHANGED SO THAT INMATES ARE GIVEN 24 HOUR SUPERVISION.

Under the present system only four jails (Saint John, Dorchester, Newcastle and Fredericton) can provide this type of supervision. In smaller jails staffed by only two men there is a 6 - 8 hour period when the jailer or his assistant has to sleep during the evening hours. This means that there may be no one awake in a jail building from which men cannot escape in the event of fire.

A further problem is experienced by police who during these hours are unable to admit a person to these jails for lock-up purposes. Since these hours are the ones during which many arrests for drunkenness take place the problem is additionally aggravated.

RECOMMENDATION

WE RECOMMEND THAT THE DEPARTMENT OF JUSTICE MAKE ITS POLICY KNOWN THAT AN INMATE IN ANY CORRECTIONAL INSTITUTION IS ALLOWED TO

POST AN UNCENSORED LETTER TO THE MINISTER OF JUSTICE, THE CORRECTIONAL PROGRAM DIRECTOR, THE PAROLE BOARD AND OTHER OFFICIALS AS APPROPRIATE.

The receipt of inmate letters in the central office is somewhat less common occurrence in this Province than in other jurisdictions. While complaints inmates may make about their conditions may often be exaggerated or designed to embarrass a staff member with whom they are irritated, it does, nevertheless, serve to reduce tensions if complaints can be freely made.

Furthermore, on occasion, inadequacies in programming can be brought to life through inmate complaints.

Great care needs to be exercised by the central office staff and the staff of the Minister in answering inmate complaints. A thorough knowledge of the conditions in the institutions is necessary in order to draft a proper response or to adequately investigate. It is vital that subordinate staff be supported against inmate resentment over the implementation of unpopular policies over which subordinate staff had no control.

#### RECOMMENDATION

WE RECOMMEND THAT THE DEPARTMENT IMPLEMENT SECTION 15 OF THE CORRECTIONS ACT WHICH PERMITS IT TO PROVIDE TRANSPORTATION TO INMATES BEING DISCHARGED FROM A JAIL FACILITY DISTANT FROM THEIR HOMES.

This recommendation should be interpreted to allow a certain degree of administrative flexibility in providing transportation for some persons to homes outside the Province. Certainly no transient should be accommodated with a free trip to a distant place simply by declaring it his residence. On the other hand, it is not in the interest of New Brunswick to fail to provide some assistance to help a person get to his legitimate home in a nearby area. Failure to do so, as conditions now stand, will see him discharged penniless and all logic would suggest, more likely to steal again.

Construing this policy in a way which would provide transportation to the border, as is done in some jurisdictions, merely tends to concentrate problems in the border areas.

RECOMMENDATION

NO PRISONER BEING DETAINED ON REMAND SHOULD BE ACCEPTED BY THE JAILER OR SUPERINTENDENT WITHOUT RECEIPT OF A WRITTEN COURT ORDER AUTHORIZING HIS DETENTION. SUCH DOCUMENTS SHOULD INCLUDE A STATEMENT OF THE OFFENCE COMMITTED OR ALLEGED TO HAVE BEEN COMMITTED AND THE LENGTH OF TIME THE PERSON IS TO BE HELD.

It is important that jail staff be protected against any possibility of being held responsible for accepting a prisoner illegally due to a misunderstanding elsewhere in the court process which may have lead to a mistake in identity or to a misunderstanding of the court's intent. This is particularly important if changes in bail procedures and other matters are to take place in the near future. This item should be included in the manual of procedures which is recommended elsewhere in our report. We are mentioning it here, however, to underscore its importance.

RECOMMENDATION

A PRIORITY TASK FOR THE PRESENT ADMINISTRATION IS TO EMPHASIZE INSPECTION OF FIRE FIGHTING AND EVACUATION FACILITIES AND TO REVIEW FIRE EVACUATION PROCEDURES WITH THE OFFICE OF THE FIRE MARSHAL AND THE STAFF OF THE INSTITUTIONS. REGULAR FIRE DRILLS WITH PARTICIPATION OF INMATES SHOULD BE HELD IN EACH INSTITUTION. ALL INMATES SHOULD BE GIVEN PROPER INSTRUCTION IN FIRE EVACUATION PROCEDURES AS A REGULAR PART OF THE INTAKE PROCESS.

RECOMMENDATION

A PRIORITY TASK FOR THE ADMINISTRATION IS THE PREPARATION OF A MANUAL OF STANDARDS FOR JAILS AND INSTITUTIONS AND A MANUAL OF OPERATING PROCEDURES FOR ALL UNITS OF THE CORRECTIONS BRANCH.

SECTION V

LOCK-UPS

RECOMMENDATION

AS AN INTERIM MEASURE, THE DEPARTMENT OF JUSTICE SHOULD ENCOURAGE POLICE FORCES FROM CONTIGUOUS AREAS TO UTILIZE LOCK-UP SPACE ON EITHER A SHARED COST OR PER DIEM BASIS. LOCK-UPS NOW IN USE SHOULD CONTINUE TO BE USED UNTIL SUCH TIME AS THE PROVINCE REVIEWS ITS ENTIRE BAIL STRUCTURE.

THE COMMITTEE ALSO FEELS THAT A GREATER USE OF BAIL WITHOUT DEPOSIT SHOULD BE USED IN CASES EVEN AFTER AN ACCUSED HAS BEEN COMMITTED FOR TRIAL. SECTION 463 OF THE CRIMINAL CODE ALLOWS FOR THIS PROCEDURE.

A SEVEN MAN COMMITTEE CONSISTING OF ONE JUDGE, ONE CROWN PROSECUTOR, ONE BARRISTER, ONE R. C. M. P. OFFICAL AND ONE MUNICIPAL POLICE OFFICIAL, ONE CORRECTIONAL OFFICIAL AND A REPRESENTATIVE OF THE OFFICE OF THE MINISTER SHOULD BE ESTABLISHED TO DEVISE WAYS TO:

1. ADVISE THE JUSTICE DEPARTMENT HOW BEST TO IMPLEMENT THOSE RECOMMENDATIONS OF THE CANADIAN COMMITTEE ON CORRECTIONS CONCERNING BAIL AND PRE-TRIAL DETENTION PRACTICES WHICH CAN BE LEGALLY UNDERTAKEN IN NEW BRUNSWICK AT THIS TIME.

2. MAKE RECOMMENDATIONS TO THE JUSTICE DEPARTMENT FOR SUITABLE INSTRUCTIONS CONCERNING PRE-TRIAL PROCESS TO BE GIVEN TO THE JUDICIARY, CROWN PROSECUTORS, HEADS OF R. C. M. P. AND MUNICIPAL POLICE FORCES.

3. RECOMMEND NECESSARY CHANGES IN PROVINCIAL LEGISLATION

IN ORDER TO ADVANCE THE PRINCIPLES RECOMMENDED BY THE CANADIAN COMMITTEE ON CORRECTIONS IN RELATION TO THE PRE-TRIAL PROCESS.

4. RECOMMEND A SET OF UNIFORM STANDARDS FOR LOCK-UPS.
5. CONSIDERING THAT THE PROVINCE PAYS 50 TO 75 PER CENT MAINTAINING LOCK-UPS IN INCORPORATED MUNICIPALITIES, MAKE A RECOMMENDATION FOR A UNIFORM FEE, IF ANY, WHICH MUNICIPALITIES MAY CHARGE THE R. C. M. P. FOR USE OF THEIR LOCK-UP FACILITIES.
6. RECOMMEND LEGISLATION, IF NECESSARY, TO AUTHORIZE AN OFFICIAL OF THE DEPARTMENT OF JUSTICE TO INSPECT LOCK-UPS AND ORDER NECESSARY CHANGES.
7. ENTER INTO DISCUSSION WITH THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PURPOSE OF ESTABLISHING A SECURE LOCK-UP FACILITY AT A LOCAL HOSPITAL ON AN EXPERIMENTAL BASIS.

It is suggested that appropriate professional organizations be requested to nominate suitable candidates from their membership for appointment to this committee.

In the time allotted we were unable to visit all of the lock-ups in the Province. We found it necessary therefore to make the above recommendations as we were not in a position to adequately assess the many local factors which ought to be considered.

In respect to the above recommendation, the arguments for bail reform are covered in the Canadian Committee on Corrections report and therefore not repeated here. The duties of this special committee would seem self-explanatory with the exception of number 7. In this connection reference is made to a recommendation in relation to joint activities between the Department of Justice and the Department of Health and Welfare. The suggestion that lock-up facilities might be successfully co-ordinated with a local hospital was given the committee by Mr. Douglas Penfold, Administrator of

Professional Services, Department of Correctional Services for the Province of Ontario. To our knowledge this arrangement has not been previously tried and we are not suggesting it on anything but a highly experimental basis. Obviously there are many problems which would have to be worked out and they may be of such magnitude as to cancel the potential advantages. The reasons why it might be well to attach them to a hospital are:-

1. Medical examinations are frequently needed.
2. The detoxification process for alcoholics which is eluded to elsewhere in this report should be under medical supervision, and if the lock-up were attached to a hospital, this attention could be given more intensely and earlier in the withdrawal period.

#### RECOMMENDATION

PRESENT CONTRACTUAL ARRANGEMENTS BETWEEN THE PROVINCE AND THE R. C. M. P. SHOULD CONTINUE IN EFFECT FOR THE PRESENT TIME. THE R. C. M. P. SHOULD CONTINUE TO BE RESPONSIBLE FOR LOCK-UP FACILITIES FOR AN ACCUSED UNTIL HE MAKES A COURT APPEARANCE. THIS SHOULD APPLY IN THE UNINCORPORATED AREAS OF NEW BRUNSWICK.

The R. C. M. P. and some of the municipal police forces, most notably Fredericton, have a serious problem in dealing with the defendant who needs lock-up supervision. We would urge the police representative on the five man committee which was previously recommended to bring to the attention of that body those problems and observations which time did not permit us to hear. We believe that the bail reforms will greatly ease the present problems.

SECTION VI

INSTITUTIONS, FACILITIES, MODIFICATIONS AND DEVELOPMENTS

RECOMMENDATION

THE DEPARTMENT OF JUSTICE SHOULD ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP A PROVINCE WIDE ALCOHOLIC TREATMENT PROGRAM.

The two Departments should:-

1. Jointly review existing alcoholic treatment programs and co-ordinate efforts. Despite the progress in developing an alcoholic program in the provincial hospitals and at the Lonewater Farm a substantial portion of the jail population is composed of persistent alcoholics whose convictions are incidental to their alcoholism. Many of these people will require some form of publicly supported institutional care on a more or less permanent basis.

2. In co-operation with Department of Health and Welfare an additional minimum security institution near Saint John to which court committed nuisance alcoholic offenders could be housed for periods of sufficient duration to allow for constructive program and thorough detoxification. The program of this institution should emphasize medical examination and treatment, Alcoholic Anonymous participation and a work program which allows for employment on some type of piece work, such as, mail bag repair through contract with federal postal authorities. Payment for inmate labour should be on an incentive basis and inmates encouraged to earn their keep so far as possible.

3. A combination of probation supervision with concurrent and intermittent use of this institution should be considered when provincial probation and parole staff is sufficient to undertake this additional work.

RECOMMENDATION

THAT THE JAILER'S QUARTERS IN THE JAILS AT DORCHESTER AND FREDERICTON BE UTILIZED WITHIN THE NEXT TWO MONTHS OR AS SOON AS POSSIBLE AS DORMITORIES, RECREATIONAL, VISITING AND DINING SPACE FOR INMATES.

It is evident that by converting space presently occupied by the Jailer the overcrowding in these two jails will be greatly reduced. Minor renovation (using inmate labour) can provide a dormitory setting for the non-violent offender who does not require a maximum security cell.

There is a need for space where the inmate can take part in the constructive program activities which should be developed. The need for adequate visiting space is desirable in the development of attitudinal changes in the inmate and in the maintenance of family ties that often become weakened during a jail sentence.

Very few jailers like to "live in". They can seldom enjoy the kind of family life which most people take for granted. They cannot escape the 24 hour per day awareness of the jail presence and quite understandably would prefer to raise their families elsewhere.

#### RECOMMENDATION

THE PROVINCE OF NEW BRUNSWICK SHOULD NOT CONSTRUCT A SEPARATE INSTITUTION FOR DELINQUENT GIRLS FROM THIS PROVINCE AT THIS TIME.

With the development of a community based program it is anticipated that one or more group homes for girls might be organized which would supplement an expanded probation and parole service. Two new female probation and parole officers should help further reduce the need for institution space.

New Brunswick should continue to use the Nova Scotia School for Girls for three years during which time it can be determined whether the combination of field services and the minimum use of Nova Scotia facility will in the long run meet the need. At the present time, numbers are so few that it clearly would not be

wise to build and attempt to properly staff a girls school in this Province. In this matter, as in other similar decisions, the committee feels that it is in the interest of the Maritime Provinces to pool their resources for necessary minimum institution program while emphasizing community based services.

As indicated elsewhere in this report it is difficult to project population figures because the sample is very small. More significantly, the present mobility and increasingly serious drug problem may require institution programming of a specialized type within a few years.

#### RECOMMENDATION

THAT THE SUPERINTENDENTS OF THE TWO CENTRAL INSTITUTIONS NO LONGER BE REQUIRED TO "LIVE ON GROUNDS" AND THAT THE FACILITIES PRESENTLY OCCUPIED BY THE SUPERINTENDENTS BE CONVERTED TO RESIDENTIAL LIVING UNITS CLOSELY CO-ORDINATED WITH COMMUNITY BASED PROGRAMS.

The Superintendent's residence (Training School) could be utilized as a group home on a trial basis, under the management of qualified house parents. Treatment services would be provided, as required, by the Training School treatment staff. Boys in this group home would go to school in the community and, in effect, would be part of the community. This group home should be independent of the Training School but closely co-ordinated with the Training School program.

The Superintendent's residence (Central Reformatory) could be converted into a community release centre on a trial basis. All inmates living in the centre would work in the Fredericton area under day parole arrangements. Transportation would be provided by a Reformatory vehicle or other arrangements. A release centre director should be appointed to oversee and co-ordinate the program.

It should be pointed out that the Penitentiary Service no longer requires its staff to live "on grounds" and in fact have found it more desirable that their senior officials become part of a community rather than be living in close proximity to the institution.

RECOMMENDATION

AS PART OF ITS LONG RANGE INTEGRATED INSTITUTION PROGRAM THE PROVINCE OF NEW BRUNSWICK SHOULD CONSIDER THE PURCHASE OF THE COVERDALE INSTITUTION IF SATISFACTORY TERMS CAN BE NEGOTIATED. THIS RECOMMENDATION ASSUMES THAT THE PROVINCE WILL THEREAFTER ACCEPT TRANSFERS FROM OTHER MARITIME PROVINCES ON A MUTUALLY BENEFICIAL RECIPROCAL PROGRAM ESTABLISHED BY CONTRACT.

Acquiring this facility as recommended above should not be undertaken as a high priority need. The continued use of the facility as previously recommended should be established by contract with the institution at a per diem rate for service.

RECOMMENDATION

WE RECOMMEND THAT THE PRESENT CAMP UTOPIA BECOME ONE OF THREE SEPARATE FORESTRY CAMPS UNDER THE DIRECTION OF THE INSTITUTION SERVICES SECTION OF THE CENTRAL OFFICE.

THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF NATURAL RESOURCES SHOULD SEEK WAYS TO CO-OPERATE IN DEVELOPING A JOINT CORRECTIONAL-FOREST CONSERVATION, REFORESTATION AND PARK DEVELOPMENT PROGRAM AT TWO LOCATIONS THROUGHOUT THE PROVINCE AND THAT SUITABLE ACCOMMODATIONS BE CONSTRUCTED ALONG MINIMUM SECURITY STANDARDS DESIGNED TO HOUSE 30 TO 40 INMATES.

The correctional program should service whatever public need it can. One must only drive through New Brunswick to observe that there is substantial need for clearing the dead brush and debris from road building away from the road sides as a fire protection measure. Large burnt over areas should be cleaned and

much timber stand improvement work on Crown Lands would be of long range economic value to the Province.

While these needs are observed by even the casual traveller in the Province, there are young men sitting in idleness in the jails who under some skillful supervision could be doing this work. Abundant precedent for such occupations of inmates exists throughout Canada and in the United States and, most significantly, in New Brunswick itself. The Camp Utopia facility has over the past several years accomplished a substantial amount of work which would not have been done otherwise.

#### RECOMMENDATION

AS IT IS FOUND NECESSARY, WE RECOMMEND THAT THE PROVINCE ACQUIRE THOSE AVAILABLE BUILDINGS, WHICH ARE PUBLICLY OR PRIVATELY OWNED WHICH CAN BE EFFICIENTLY CONVERTED TO MINIMUM OR, IF URGENTLY NEEDED, MEDIUM SECURITY USE CONSISTENT WITH A COMMUNITY BASED PROGRAM.

New buildings specifically designed for institutional use are usually more functional, but they are also more costly and frequently, less suitable for a community based program. In general, the more a building has the architectural style of a classical correctional institution or the more it has antiseptic sameness of a hospital, the more it will tend to be separate from the community. We think, therefore, that older homes in average neighbourhoods should be considered for urban group homes. It is not necessary to repeat here the earlier recommendations we have made in regard to the acquisition of surplus public buildings and their modification and use in the institutional program. We are reporting at this time, however, that our files do contain detailed information about facilities which may become available or are available now and our notes on these discussions and investigation will be left with the Province. Our suggestions respecting those possibilities which are presently under study by the New Brunswick Government are not appropriate matters for this report.

SECTION VII

SPECIAL TRAINING PROGRAMS

SECTION VII

SPECIAL TRAINING PROGRAMS

RECOMMENDATION

WE RECOMMEND THAT THE DEPARTMENT OF JUSTICE SPONSOR A SERIES OF SEMINARS FOR PROVINCIAL COURT JUDGES AND CROWN PROSECUTORS. PRIORITY CONSIDERATION SHOULD BE GIVEN TO THE VERY COMPLICATED LEGAL-SOCIAL ISSUES WHICH RELATE TO THE SENTENCING DECISION.

Among the various difficult decisions which judges must make none has greater significance in a democracy than that which imposes conditions on a citizen's behaviour or removes him from society and denies him his freedom. Disparity in sentencing can create serious problems in the corrections services.

New Brunswick is not alone in experiencing this problem. It is common throughout North America and several serious efforts are being made by the legal profession in conjunction with universities and government departments to rectify it. We suggest that the Department of Justice approach the Solicitor General's Department of the federal government for possible funding of a demonstration project in this area.

RECOMMENDATION

THAT THE DEPARTMENT OF JUSTICE EVALUATE A FEW OF THE BETTER INMATE PROGRAMS IN OTHER PROVINCES OF CANADA AND IN THE FEDERAL PENITENTIARY SERVICES FOR THE PURPOSE OF DEVELOPING AN INSTITUTIONAL EDUCATION PROGRAM REALISTICALLY DIRECTED TOWARD THE WORLD TO WHICH THE OFFENDER WILL RETURN.

The Federal Penitentiary Service has moved in this direction on a trial basis in its institution at Warkworth, Ontario, and is a program worth reviewing to determine whether the concept could be applied to the New Brunswick Correctional System. It is the feeling of the Committee that it can. (See also-Staff Training, Staff Development under Section 1.)

RECOMMENDATION

THAT THE DEPARTMENT OF JUSTICE ESTABLISH TWO BURSARIES --  
ONE TO THE UNIVERSITY OF MONCTON AND ONE TO THE UNIVERSITY OF  
NEW BRUNSWICK, THROUGH THE DEPARTMENT OF YOUTH, TO BE GIVEN TO  
THIRD OR FOURTH YEAR STUDENTS (MALE OR FEMALE) WHO HAVE BEEN  
EMPLOYED BY THE DEPARTMENT OF JUSTICE AND WHO HAVE PROVEN CORRECTIONAL  
POTENTIAL.

RECOMMENDATION

THAT THE DEPARTMENT OF JUSTICE MAKE AN EFFORT TO EMPLOY  
SENIOR UNIVERSITY AND POST-GRADUATE STUDENTS ON A CASUAL BASIS  
THROUGHOUT THE YEAR AND ON SUMMER REPLACEMENT, WHO HAVE SHOWN AN  
EXCEPTIONAL INTEREST IN ENTERING THE FIELD OF CORRECTIONS.

This arrangement has proven to be an effective method of  
attracting career-oriented, highly motivated, well-trained young men  
and women to the field of corrections.

SECTION VIII

POLICIES

RECOMMENDATION

THERE ARE AREAS OF NEW BRUNSWICK WHERE THE PRACTICE IS TO ALLOW A PERSON TO BE BROUGHT TO JAIL AND HELD IN JAIL ON WARRANT OR WITHOUT WARRANT WHEN THAT PERSON IS ALLEGEDLY MENTALLY ILL OR MENTALLY DEFECTIVE AND WHERE THAT PERSON DOES NOT APPEAR BEFORE A JUDGE BEFORE BEING SUBJECTED TO A MEDICAL EXAMINATION WHICH COULD RESULT IN HIS BEING COMMITTED TO A PROVINCIAL HOSPITAL. WE RECOMMEND THAT THIS PRACTICE BE STOPPED.

The Provincial Hospital Act specifically outlines the proper legal procedures that are to be followed when a person is taken into custody by a warrant issued by a Judge or without a warrant if a peace officer or any constable has reason to believe that a person is "apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly".

Sections 26, 27, 28 and 29 of the Provincial Hospital Act are clearly defined and should be enforced if the rights of individuals are to be safeguarded.

RECOMMENDATION

NEW BRUNSWICK SHOULD CONTINUE NEGOTIATIONS WITH THE FEDERAL GOVERNMENT FOR A CONTRACT UNDER WHICH THE FEDERAL INSTITUTIONS WOULD ACCEPT TRANSFERS OF PRISONERS SELECTED BY THE PROVINCE WHOSE SENTENCES EXCEED ONE YEAR.

Subsequent to a previously submitted recommendation regarding transfers of such prisoners and the resultant discussions between Ministers, the Committee has further considered various technical and managerial problems which will be experienced if this practice is undertaken.

We are re-affirming our recommendation at this time and indicating that we believe transfers can start quickly upon completion of an agreement.

Refer to committee memorandum to the Minister of Justice on this subject October 6, 1969. (Appendix B).

RECOMMENDATION

THERE ARE SEVERAL JAILS WHICH FOR VARIOUS REASONS SHOULD BE CLOSED AS SOON AS POSSIBLE. WITH THE ESTABLISHMENT OF A CONTRACT BETWEEN FEDERAL AND PROVINCIAL GOVERNMENTS, AS SUGGESTED ELSEWHERE IN THIS REPORT, AND A SMALL INCREASE IN THE USE OF ALTERNATIVES TO INCARCERATION WE BELIEVE THE PROVINCE WILL BE ABLE TO CLOSE AT LEAST ONE JAIL.

WE, THEREFORE, RECOMMEND TO BOTH GOVERNMENTS THAT THEY NEGOTIATE OUT OF MUTUAL CONCERN FOR THE INDIVIDUALS WHOSE LIVES ARE EFFECTED BY THE PRESENT SITUATION AND MAKE EVERY REASONABLE CONCESSION SO THAT AN AGREEMENT CAN BE PROMPTLY REACHED, OR SO THAT IT CAN BECOME QUICKLY APPARENT THAT AGREEMENT IS IMPOSSIBLE.

RECOMMENDATION

IT IS RECOMMENDED THAT THE PROVINCE OF NEW BRUNSWICK CONTINUE NEGOTIATIONS WITH THE FEDERAL DEPARTMENT OF THE SOLICITOR GENERAL TO DEVELOP LEGISLATION, IF NECESSARY, FOR THE TRANSFER OF CERTAIN LIEUTENANT GOVERNOR WARRANT PATIENTS PRESENTLY CONFINED IN

THE PROVINCIAL HOSPITALS TO A SPECIAL MEDICAL UNIT TO BE ESTABLISHED WITHIN THE DORCHESTER PENITENTIARY.

Subsequent to our previously submitted recommendation regarding the Warrant Patient and the resultant discussions between Ministers, the committee has further considered some of the more detailed problems of implementation and is suggesting that the Department of Justice should co-operate with the Department of Health and Welfare in this matter but should not have to assume responsibility for program planning or implementation.

The committee strongly supports the proposal that an agreement be reached between the governments of the Atlantic Provinces for mutual use of this valuable space.

#### RECOMMENDATION

WE RECOMMEND THAT THE DEPARTMENT OF JUSTICE ENCOURAGE THE DEPARTMENT OF EDUCATION TO AMEND ITS POLICIES SO AS TO ADMIT TO TRADE AND TECHNICAL SCHOOLS CERTAIN PERSONS UNDER THE AGE OF 18 WHO MAY BE ON DAY PAROLE FROM THE INSTITUTIONS OR UNDER PROBATION OR PAROLE SUPERVISION.

There are a number of young persons whose delinquent behaviour seems to have resulted from strong feelings of inadequacy which in large measure are related to school adjustment problems. During the late adolescent period many of these youngsters are unsuited to the conventional academic school but can adjust in special programs or with the special attention provided at the New Brunswick Training School. There are some among this group, however, who we feel could more profitably be enrolled in the provincial Trade and Technical Schools than in other facilities. Their educational and social needs, and not their age, should be the basis on which assignments are made. At the present time, many youngsters who are unsuited for academic placement, experience a period of "lost time" in their education between the ages of 16 and 18.

RECOMMENDATION

A PRE-SENTENCE INVESTIGATION SHOULD BE CONSIDERED A CONFIDENTIAL DOCUMENT PREPARED FOR THE EXCLUSIVE ATTENTION OF THE JUDGE WHO IS TO PASS SENTENCE. PRE-SENTENCE INVESTIGATIVE WORK SHOULD NOT BEGIN PRIOR TO A FINDING OF GUILT. IT SHOULD NOT BECOME INVOLVED IN PLEA BARGAINING OR BE ALLOWED TO BECOME A SILENT ELEMENT IN THE PRE-TRIAL OR TRIAL PROCESS. THE PRE-SENTENCE REPORT SHOULD CONTAIN A GENUINE APPRAISAL OF THE POSSIBILITIES INHERENT IN A DECISION TO IMPOSE A CERTAIN SENTENCE, OR THE DECISION NOT TO DO SO, BUT THE PROBATION OFFICER SHOULD NOT MAKE A RECOMMENDATION WHICH WOULD INDICATE HIS PREFERENCE.

The burden of decision belongs to the judge alone. He should not be influenced by a reluctance to publicly overrule the probation officer's recommendation. Neither should he allow the probation officer to be viewed by the inmate body or the families of inmates as the person whose recommendation caused sentence to be imposed or whose recommendation prevented it. The wide spread belief among inmates that probation officers can in fact "tell the judge what to do" tends to diminish respect for the bench and to make the probation officer's job ever more difficult. These problems can be reduced considerably if probation officers are no longer required to give a recommendation either for or against sentence. The probation officer's outlook should be that he will accept whatever sentence the judge may decide upon and try his best to make it work.

A pre-sentence investigation prepared by a probation officer in the knowledge that its significant passages will become public property by disclosure in court can hardly be expected to contain any sensitive information. Thus, by making its contents known the courts ensure that its contents will be slim. Frequently, this process is reduced to a sort of game in which the probation officer learns to communicate with the judge "between the lines" or through use of

subtle innuendo or by attempts to write into the known attitude of the judge in other matters in order to effect the desired result for the wrong reasons. The practice of giving sensitive information to the judge verbally and only in chambers may satisfy the communication problem but it defeats the purpose of public disclosure.

If the adversary process must continue to be a part of the pre-sentence phase of court work, then the defence and prosecution should be responsible for collecting evidence, pro and con, and the probation officer be kept out of it. It would appear, however, that if adequate defence is provided in the pre-trial and trial phase the probation officer will not then need feel obliged, as he often does now, to let his report become something of a defence for the otherwise defenceless. NOTE: Implementation of this recommendation will require revision of 637(2) Criminal Code of Canada, as amended by Criminal Law Amendment Act, 1968-69.

#### RECOMMENDATION

WE RECOMMEND THAT THE DEFINITION OF A YOUNG ADULT OFFENDER AS SUGGESTED BY THE CANADIAN COMMITTEE ON CORRECTIONS BE ADOPTED. SEE CHAPTER 21, PAGE 383 - 388, REPORT OF THE CANADIAN COMMITTEE ON CORRECTIONS, PUBLISHED MARCH 1969. (APPENDIX D).

While we concur with the thinking of the Canadian Committee on Corrections we urge that when making the determination to bind a person over to adult court great caution should be exercised to observe in the defendant those traces of emotional immaturity which may not be consistent with chronological age but which nevertheless would render it appropriate that juvenile process continue to be used.

Elsewhere in this report we have expressed our concern about the possibility of children under 16 being committed to the penitentiary. This should not be interpreted to indicate, as we also said elsewhere, that it is always better to divide youth and adult. Fear of sexual molestation and schooling in crime techniques seems to have produced attention to this one easily observable aspect of institution problems. In reality, there are times when young offenders are safer confined with a mixture of youth and adults than when with youth exclusively. The degree of risk depends upon the kinds of personalities in the groups, the degree of staff surveillance, the program which is available, the amount of congestion in the facility and numerous other technical and management factors which are considered by a sophisticated classification process. Therefore,

while it is usually better programming and while it may be better understood by the public, we suggest that the Department not bind itself to a rigid policy against allowing any association between young adults and older and more adult inmates.

At the present time, with possibilities of segregation by age group so limited, we suggest that every effort be made to classify inmates as discreetly as possible and segregate out of the general population those individuals, youthful or adult, who show potential for aggressive homosexuality and transfer them as necessary to another jail where the inmate composition is such that control of this potential is easier. This sort of classification decision can best be made by central classification service knowledgeable of the situation in all institutions and qualified to exercise professional judgement.

#### RECOMMENDATION

IN THE PLANNING, PROGRAMMING AND ADMINISTRATION OF THE CORRECTIONS BRANCH CONSIDERATION SHOULD BE GIVEN TO THE BICULTURAL MAKE-UP OF THIS PROVINCE AND THE PRINCIPLES OF EQUAL OPPORTUNITY IN EMPLOYMENT AND EQUAL SERVICE TO PEOPLE.

When the committee's terms of reference were established it was not the intent, and certainly not our desire, to consider such a vast social issue as biculturalism. We found, however, that try as we would, we could not avoid noting the connection between this issue and some of the problems within the Corrections Service.

A solution will be found in applying uniform high standards of performance and expectation. There is a common respect for excellence which cuts across all language barriers and ethnic differences. In every respect of its operation, therefore, corrections must exemplify integrity. It must practice the best values of society even though these very values may be unpopular and sometimes hypocritically practised in society itself.

Corrections must be an equal opportunity employer and it must provide a program which gives individual attention to individual needs. This means that everyone must have an equal opportunity for selection and promotion with all personnel decisions being based on

individual merit; nothing less and nothing else. This means that government facilities must provide equal opportunity for meaningful program for all inmates of whatever background; nothing less and nothing else.

These observations and suggestions were incorporated in this report only after the most careful thought to the various ways in which they might be interpreted and to the possibilities for misunderstanding. We decided to accept the risk that there may be misunderstanding in order to express the hope that people on every level of administration and in all political parties will look inward for the answers and in so doing, re-define the problem.

#### RECOMMENDATION

IT SHOULD BE THE POLICY OF THE DEPARTMENT OF JUSTICE TO ENCOURAGE ALL PRIVATE AFTERCARE AGENCIES, SERVICE CLUBS, AND RELIGIOUS ORGANIZATIONS THAT HAVE SHOWN AN INTEREST IN CORRECTIONS TO ASSUME DEFINED RESPONSIBILITIES IN THE COMMUNITY BASED CORRECTIONS PROGRAM WHICH ARE CONSISTENT WITH THEIR SPECIALIZED KNOWLEDGE AND SKILL.

The citizen's role in stimulating progress in corrections has led to substantial changes in recent years in many places. Citizen action groups have taken an active part in working for reform legislation. They need to be able to draw on consultative services of independent, knowledgeable professionals who are employed by privately financed foundations or organizations. While experience elsewhere in Canada suggests that it is not impossible for a John Howard Society to be partially funded by the government and at the same time exercise this reform function; that it is much more difficult to do so would seem to be self-evident. The John Howard Society's position in this respect should be strengthened by entering into contract financing, as suggested elsewhere in this report, rather than through requesting a yearly grant.

Voluntary agencies and service clubs obviously should be encouraged by knowledgeable civilian organizations to involve themselves in youth work and should support such activities as detached street workers for school drop outs, funding of police departments to provide youth bureaus, support halfway houses, public education measures and many others.

In the community based program which we are recommending to the government, the committee feels that the role of civilians must be of enormous importance. We are encouraged by the interest which some provincial probation officers are showing in the volunteer probation officer movement. Volunteer work has been effective in some jurisdictions in the United States and in Vancouver and Winnipeg. We are confident that it can also be effective in New Brunswick.

In the past ten years, civilians in many places have taken a much more active role in institution programming. Outstanding in this respect has been the Cursello Movement within the Catholic faith which brings civilians into correctional institutions for intense and personal interaction with inmates. The Faith at Work and Yoke Fellow Organization in the Protestant faith have been very active and effective in many places. Other organizations affiliated with churches also have done much constructive work and they are not mentioned here only because they are already well known.

Service clubs have also brought very valuable community influence into the institutions. The Junior Chamber of Commerce work at Dorchester Penitentiary is outstanding. This kind of activity, and others of related nature should become part of the jail program in this Province.

RECOMMENDATION

THE ROLE OF THE PRIVATE AFTERCARE AGENCIES IN THE CORRECTIONS SERVICE SHOULD BE REDEFINED AND THESE ORGANIZATIONS SHOULD BE ASSISTED TO MOVE INTO NEW AREAS OF SERVICE.

The principle of parole is so well accepted and its advantages so obvious that it need no longer be defended as a matter of charity. Thus, the government should not expect to utilize the John Howard Society for professional calibre service, which were it not available from this source, would have to be otherwise provided. Private aftercare organizations have been financed through charitable donations and they have, therefore, been able to give service at less than actual cost or at no cost to the government. They have quite properly viewed their role in parole supervision, as meeting needs at the request of the governments. Had they accepted this service for nothing the governments would, in effect, have been placing themselves in the role of accepting charity which was given with the intent that it be used for clients who could not otherwise be served. As this would have affected the integrity of organized fund raising the governments have given direct grants to private agencies. The problem arising with this, however, is that they have thereafter not been able to exercise control over how the grant is utilized. This has led to proposals that, if the governments are to use private agencies for parolee supervision, they should set standards which must be met and pay the private agencies for the service at its actual cost.

Our committee has endorsed this approach but members have expressed concern that in years of tight budgeting this might tend to encourage private agencies to solicit volume business at an expense in service quality. It was agreed that contracts should be made well in advance so that agencies can plan their staffing patterns and their programs.

The committee's feeling was, however, that the John Howard Society will be entering a period of transition if the direct service role is to be modified and that the government should recognize its obligation to help sustain the organization during this period. We think that the John Howard Society direct service role to ex-inmates should be in very specialized areas which complement but do not overlap the parole supervision role of the government offices.

1. It should work on a highly professional level of competence with ex-inmates who are classified as being potentially dangerous but who nevertheless have a short sentence and will receive little or no post-release supervision due to failure to earn remission time or from legally waiving same. Upon the recommendation of the Regional Representative of the National Parole Service, the federal government should in these cases pay a fee for a certain number of voluntary contacts (providing, of course, that the individual in question agrees to accept this help). The criteria for this service should be dangerousness, as defined by professional people in the prison service. This use of government funds in crime prevention is justified by the need for public protection which legally cannot be given through parole supervision. Time limits should be established on this kind of service through contract. The effect of this suggestion would be to extend the public responsibility in helping avert offences on the part of known dangerous ex-offenders past the expiration date of a sentence.

2. There are many chronic nuisance offenders who have a short sentence but will clearly need continuing supportive supervision, counselling, guidance and case work help of a type not available from a welfare department. The John Howard Agency's work with this type of case should be financed by private sources.

Research data show that for dangerous offenders high quality professional counselling reduces the risk of recidivism in greater measure than superficial non-professional aftercare. On the other hand, correctional measures including counselling seem relatively unable to reduce recidivism in petty offenders. These offenders, however, also need help and protection to reduce human misery if not necessarily to reduce petty crime.

The Canadian Committee on Corrections has recommended that on-going discussions are needed between government and private agencies. We endorse this recommendation and suggest that these discussions be entered into in New Brunswick. Both parties are urged to consider that a conflict situation is built into any system of shared territory when responsibility and authority are indistinctly defined.

The committee believes that the government has clear authority and responsibility for establishing standards of service and supervision for all individuals who exercise a relationship with a convicted person, either within or without the institution, which were it not adequately handled, or events transpiring between parties improperly reported, could result in the imposition of sanctions against

the convicted persons. Thus, if the private agencies are to have the inevitably somewhat authoritative role, which anyone who supervises a parolee must accept, they in turn must submit to imposition of standards over their practice. Anything short of this tends to submit parolees to inconsistency in expectation and can become quite unfair.

This is not to say that the private agency's work with parolees has been of an inferior nature. On the contrary, in many places in Canada it has performed on a very high level of professional competence.

As negotiations between the parties begin it should be recognized that agencies cannot plan long range goals and supply service unless they are responsibly assured of long term income.

It is for these reasons that we have suggested these background considerations to negotiations and we wish to indicate that we feel both parties should recognize that there are persons whose attitude about public expenditures is to save money at all costs. They are prepared to argue that the existence of the John Howard Society's direct service role reduces the need for increased parole staff. Likewise, those who seek ways to justify a penurious contribution to the Red Feather Campaign only need declare that the John Howard Society is duplicating work being performed at public expense. Though both of these accusations are invalid, they have been, and it is inevitable they will continue to be, voiced about the situation as it exists today. Private agencies and public corrections services are described by the Canadian Committee on Corrections as partners. In terms of service this is certainly true but in another sense, however, they are competitors for funds as the existence of each tends to inhibit the ability of the other to be adequately funded without either party intending it this way. Negotiations, therefore, must be entered into by both parties with a sense of urgency about the need for a re-definition of roles.

We are suggesting that the John Howard organization begin planning its long range objectives in terms of increasing professionalism and, as discussed elsewhere in this report, entering into an expanded community action role. The Executive Director has announced her intention to retire by May 1971 and we hope that a suitable professional person might be recruited reasonably soon to begin internship for that significant position so as to ease the transition of leadership.

RECOMMENDATION

IT IS OUR RECOMMENDATION THAT THE DEPARTMENT OF JUSTICE ADOPT A POLICY OF SEEKING TO FIND WAYS TO EFFICIENTLY AND FAIRLY SHARE CORRECTIONAL FACILITIES, AND SPECIALIZED STAFF, WITH OTHER ATLANTIC PROVINCES.

THE ATLANTIC PROVINCES CORRECTIONS ASSOCIATION SHOULD BE ASKED TO APPOINT A COMMITTEE OF ITS MEMBERS TO:-

1. EVALUATE THE EFFECTIVENESS AND PROBLEMS WHICH ARE BEING EXPERIENCED THROUGHOUT THE ATLANTIC AREA WITH THOSE PROGRAMS WHICH PRESENTLY SHARE RESOURCES.

2. SUGGEST TO THE RESPECTIVE GOVERNMENTS VARIOUS WAYS IN WHICH CO-OPERATION MIGHT BE EXPANDED.

The committee discussed various ways by which co-ordination of programs between provinces might be undertaken and we came to the conclusion that the practice of formulating agreement by contract between jurisdictions, and between public and private correctional services should be extended.

POST SCRIPT

It will have been observed that this report has expounded some principles and defended some concepts but it has not set forth in exacting detail advice on all particulars of organization and administration, nor has it spoken to every conceivable issue. It has tried, instead, to suggest an outlook and a structure which would be better able to respond to obviously changing needs, yet support the philosophy of New Brunswick society.

We have suggested alternatives to present arrangements which in some instances will quickly effect improvement without compromising long-range goals or committing the province to a course of construction which in a short while will likely be out of date.

We have suggested boundaries to areas of responsibility which would allow ordinary growth for the coming decade with a minimum of complication between public and private, provincial and federal, inter-provincial and within various intra-provincial units.

We tried to look forward, pointing out things which appeared unfair or inherently inconsistent and suggested that problems be avoided so that they would not need to be solved.

There are, we know, many personnel problems associated with program changes. We hope, therefore, that change will be such that it will anticipate the consequences as fully as possible in advance and that it will inflict no more discomfort than necessary.

APPENDICES

APPENDIX A

PROPOSAL FOR A DIVISION OF RESPONSIBILITY BETWEEN  
THE DEPARTMENTS OF JUSTICE AND HEALTH AND WELFARE  
IN CERTAIN PROGRAM AREAS

Introduction

This paper is an attempt to establish a rationale for division of responsibility between the Departments of Justice and Health and Welfare in areas of common concern. At the present time, our main areas of common concern are Juvenile Delinquency, Chronic Alcoholism Offenders and the Criminally Insane.

In the following sections, we have outlined the problem briefly from our point of view, suggested a rationale for dividing responsibility between the two Departments, and finally, set out how this rationale would apply in each of the areas of concern.

The recommendations represent an eventual position towards which we think the two Departments should be moving. However, there are a number of intermediate steps required in strengthening our own programs as they are now operated. This paper does not attempt to provide a complete list of those steps, though some of the most important are mentioned.

We have assumed that Justice should and would accept full responsibility for adult offenders, though there are some that would question that assumption.

Present Problems

In the area of Juvenile Delinquency, we think there is some duplication of effort between the two Departments, and some confusion of roles. The Department of Justice has a program for boys; our Department takes responsibility for female juvenile offenders. There was, until recently, further confusion because our Department took responsibility for female adult offenders.

The lack of an integrated program for boys exhibiting behaviour problems is for us a major concern. We think that a more effective job could be done if fewer agencies were involved, or at least if one could take a coordinating role. Further, we lack a facility to hold and treat the very difficult problem cases where no offence has been committed. At the same time, we think there are some boys who are sent to the Training School when another less specialized facility might serve their needs as well.

Also of concern, when resources are limited, is the fact that the present assignment of responsibility for Juvenile Delinquency does not permit New Brunswick to obtain Federal cost sharing of the program.

The lack of a facility for the criminally insane is of major concern to us. Without such a facility we have difficulty establishing and maintaining an effective treatment program for the main bulk of the mentally ill patients in our hospitals.

Further, we understand that a major concern of the Justice Department is the problem of the chronic alcoholism offender. It is probably reasonable to assume that at least part of this problem stems from the lack of an adequate program of prevention, treatment and rehabilitation in the Department of Health and Welfare.

#### Rationale for Division of Responsibility

We think that a philosophical basis for dividing program responsibility between the two Departments might be along the following lines:

- (1) The Department of justice would have a primary responsibility for providing society with protection by removing persons who have committed offences from society. At the same time, they would be responsible for ensuring that in the process of convicting a person, his rights are protected.
- (2) Health and Welfare would be primarily concerned with individuals and their relationship to society. This Department tends to the view that the social problems that we are concerned with here represent problems requiring individual treatment and counselling to enable the person to adjust to society. As well, the community in which the problem developed may be a contributing element and require a preventive-type program to help alleviate the demand for treatment and other special services.

We do not think this basic approach is seriously altered by the fact that at any time, the Department of Health and Welfare may find it necessary to provide protection to society while trying to get a treatment program under way for a particular individual, or that Justice, as part of their program to reduce recidivism, may provide a treatment program for persons sentenced to prison. The

difficulty that the Department of Justice may encounter is that the treatment program must be fitted into a period of time that was not established with the program of treatment in mind. The Department of Health and Welfare, on the other hand, may find it difficult to maintain a therapeutic environment while keeping persons in close custody. In fact, the programs as operated by each of the two Departments may be difficult to distinguish one from the other. Ideally, programs should be set up in such a way that a whole range of approaches from punitive to therapeutic can be applied to a particular individual. The main point is that under this approach, the Department of Justice is limited to programs for persons convicted of an offence and thus their program is limited to dealing with the end products of social problems in the community. Health and Welfare, on the other hand, can develop a program for all cases where the problem is manifest.

This represents a philosophical framework which we, in the Department of Health and Welfare, think could form the basis of our approach to the programs and the basis for a division of responsibility between the two Departments of Government.

#### Application of the Approach

Within this overall framework, as presented above, the following is an attempt to apply the rationale for division of responsibility in each of the areas of Juvenile Delinquency, Chronic Alcoholism Offenders and the Criminally Insane.

#### Juvenile Delinquency

Our approach to this problem is based on the following premises:

- (a) Juveniles - persons under the age of 16 years - are incapable of committing an offence in that they cannot be expected to be fully aware of society's rules and laws. Rather, they are misdirected and misguided children requiring encouragement, counselling and professional treatment;

We recognize that this is a rather broad statement open to question. We think the principle applies, but it is difficult in practice to establish an age at which to cut off. To repeat, we think that, ideally, programs should not be so limited that at any particular age a certain approach cannot be employed.

- (b) The treatment of a problem child can be most effective if the rehabilitation program is completely flexible and can, at any time, be adjusted to meet the needs of the individual child and can be provided in the most appropriate facility - own home, foster home, group home, or formal institutional setting;
- (c) The Province of New Brunswick should avoid the duplication of services and division of scarce resources. Based on these premisses, any child committing an offence would, by definition, be a child requiring protection, and as such, would need to be provided with a substitute parent and provided with the necessary services of counselling, treatment and rehabilitation. This would allow the case workers to develop a program of treatment tailored as much as possible to meet the needs of each individual utilizing all available services. This over-all program responsibility would be assigned to the Department of Health and Welfare.

The Department of Justice's role in this program would be to ensure that the rights of the individual child were protected and that an offence had, in fact, been committed by that child, and therefor, it was in need of protection, and that the parents were not capable of supervising its activities.

Such an approach would require a complete rewriting of the Child Welfare Legislation, considerable strengthening of the staff resources in the Department of Health and Welfare, both in terms of quality and quantity. We must stress that, at the present time, we do not think we have the trained personnel required to implement a program such as we have outline in (c) preceding. As well, the treatment resources would have to be expanded and strengthened. On the Justice side, we would support the development of special family courts staffed by persons with a good understanding of children and their problems.

#### Criminally Insane

The criminally insane, because they are found by the Courts to be not guilty due to insanity, are therefore the responsibility of the Department of Health and Welfare. They would be provided with treatment services under the Mental Health Program. At the same time even though they were found "not guilty", there is a very definite need to protect society by keeping them in close custody. In order

to discharge its responsibilities, the Department of Health and Welfare must create a Maximum Security Unit under its Mental Health Program.

Of even greater concern are those persons who are alleged to have committed an offence, but are found insane and not fit to plead. It is not at all clear how these cases should be handled if the treatment services are successful.

We think that the Department of Health and Welfare has a responsibility to establish a good forensic psychiatric unit that could provide services to the courts and the Department of Justice.

#### Chronic Alcoholism Offenders

We view alcoholism as a disease requiring a structured treatment program. We think that it is essential that this Department develop an effective treatment program for alcoholics in the community generally. As the resources, both in terms of money and professional staff, for such a program are scarce, it would seem reasonable to expect that it should include services to alcoholics convicted of an offence.

We have the impression that alcoholism offenders fall into two categories:

- (a) those found drunk in a public place where no specific offence is involved;
- (b) those that committed an offence while under the influence of alcohol, or in order to obtain funds for the purchase of alcoholic beverages.

We think that in the case of the first group, if a program with adequate staff and facilities were available, the police and/or the magistrates would be prepared to turn these people over to that program for treatment.

As regards the second group, treatment services could be extended into the penal institution, at the request of the Department of Justice, and could include day parole arrangements for treatment purposes.

Health and Welfare  
October 21, 1969

APPENDIX B

The Federal Penitentiary Services has surplus accommodation in the Maritime area. It is willing to accept prisoners whose commitments exceed one year. I am advised that an agreement can be worked out for the transfer of these prisoners.

The federal authorities have indicated they would expect such an agreement to contain provisions for reciprocity, but they recognize that there are only a few prisoners whose programme needs would suggest transfer into a provincial institution from a federal facility.

During my discussions it was understood that the provincial authorities would exercise the classification function and would not be required to transfer all prisoners whose sentences exceed one year.

RECOMMENDATIONS

I am recommending that New Brunswick begin negotiations for this service immediately.

ADDITIONAL INFORMATION

1. Approximately 60 inmates of New Brunswick jails have sentences exceeding one year. The survey of the jail population, which was conducted by a committee staff in August, confirms the impression that the majority of these could benefit more from a penitentiary programme and would not be inappropriately placed there.
2. When operative this procedure will reduce the population pressure in the Saint John Jail, but it will not necessarily eliminate all the "troublemakers".

To illustrate the inter-relatedness of problems and the way in which we think the administration should consider issues and facilitate change, we are submitting two related suggestions. We believe these are typical of the kind of proposals which will come out of the latent creativity in the staff when suggestions are welcomed and when the staff is motivated, perhaps by in-service training, to think about alternatives and improvements. These ideas came out of a general impression we received as we evaluated the two central institutions. By placing them in this report we are not necessarily recommending them to anything beyond the scrutiny of the newly formed central office staff which we believe should take ideas such as these, subject them to study, discuss them with involved subordinate staff and develop policy recommendations to the Minister which are supported by consensus.

#### Suggestion I

The two institutions should share their administrative, food preparation, business management and professional staff but should not merge inmate population or custody staff.

Operations - Food preparation could be done at the Reformatory and hot food delivered in insulated containers to the Boy's School where food service and scullery would continue. (This is being done successfully in many large decentralized institutions). This would permit more efficient use of older inmate labour at the Reformatory in food preparation work, which for them would have greater vocational training importance, and would result in a reduction of wasted food, staff time and, possibly, an improvement in food quality.

Central Purchasing, Menu Planning, Business Management and Records Keeping - This could be centralized under one business management with savings in staff time and office space.

Surplus Boy's School kitchen equipment might be transferred to jails where such is needed.

Education - One school principal could plan and co-ordinate an education program for both institutions. With teaching resources shared and spread over a larger population a greater degree of specialization would develop which could permit more specific remedial programs, justify a larger faculty and allow specially qualified

teachers to have a wider influence. Inmate teaching assistants are used in other prison systems and might be used at the Reformatory. A central classification service could locate suitable candidates for this work throughout the jails and effect transfer to the Reformatory for this assignment as appropriate.

Counselling - Professional staff could work in both institutions and develop appropriate programs, standardize professional records, facilitate the co-ordination of parole board activities and present a wider range of professional skills to a larger population. In counselling as well as in education the most efficient use could be made of the limited number of bilingual professional staff. One supervisor for treatment could serve both programs.

Administration - A single administrator could direct both programs.

Custody - The core group on which all programs ultimately depend is a custody staff. Transfers in assignments for this group should therefore be minimized. As necessary, however, assignments to a shift in the other unit might be made. The concept of therapeutic community which is currently in vogue relies heavily on involvement of the custody staff in all areas of institutional life affecting the inmate. This kind of re-organization of functions and authority might lead to greater solidarity of objectives between all elements of staff.

#### Suggestion II

The farm should serve both institutions as a source of work habit training.

The farm operation at the Reformatory is subject to accusations that it is not as efficient as a commercial farm. It should not be expected to be. Its function is not primarily to raise economical food. Rather it should be viewed as a way in which young men can learn the discipline of work. To the extent that its use of inmates contributes to this, it is of value. Care must be exercised, therefore, not to over staff the farm with inmates simply because they are available. It may be better training to work hard for only a few hours per day than to put in a full day at a pace which outside industry would not accept.

If properly selected and supervised, the Boy's School inmates could be allowed a few hours of work experience on the farm so that if it is true that work habits can be learned in this way, these youngsters whose life style is not yet established, would not miss this opportunity. Allowing the boys this kind of assignment would also be of value to the treatment staff as it would give them an additional opportunity to study the boys in other roles. The unit system which has recently been established at the School for Boys could, we would think, continue through this kind of placement. We would see the whole unit going to do its share of work on the farm.

The farm, like maintenance, should be viewed as a program opportunity with many possibilities for modification. It is not simply a means of raising economical food but, the food that it does raise should be consumed at the institutions by the people who have raised it and the funds which accrue from the sale of surplus food applied to the betterment of the inmate program in a way which is tangible to them and not merely absorbed into the general funds. If, for instance, a necessary piece of recreational equipment is purchased with funds which the inmates themselves have earned it will tend to be more highly valued and better cared for.

APPENDIX D

"The term "young adult offender" is used internationally to identify the age group immediately above the juvenile delinquent group. These individuals can no longer be considered children but they are not fully mature and their personality and their social habits are still flexible.

The exact definition in terms of age is arbitrary and varies from country to country. No age definition is fully satisfactory because individuals mature at different rates.

The lower age limit is set by the definition of juvenile delinquent, and for this reason the Committee feels impelled to recommend age limits to be used in the definition of juvenile. The Committee is of the opinion that children who have not reached the age of 16 should be subject to the jurisdiction of the juvenile court only and that transfer to the adult court should not be possible for this age group. Those who have attained the age of 16 but have not reached the age of 18 should appear first in the juvenile court. The juvenile court should assess the accused individual's maturity. If the juvenile court is of the opinion that the maturity of the accused properly permits the case to be heard in the juvenile court the hearing should be held in that court. If the juvenile court is of the opinion that the accused is sufficiently mature to indicate the case should be transferred to adult court, that should be ordered.

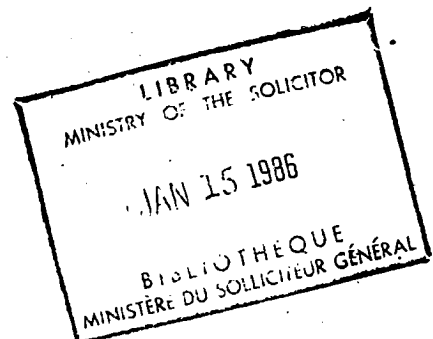
Those who have reached the age of 18 would fall within the young adult group who are the subject to this chapter.

The Committee has come to the conclusion that the upper age in defining the young adult group should be set at 21. Twenty-one seems to be a recognized division point and is the age when the individual assumes many of the legal rights and duties of adulthood. The international trend seems to be towards raising this age (as high as 26 as set out in The Federal Youth Correction Act of the United States of America) and it may well be that the age will be raised in Canada in later years. In the meantime, this seems like a practical point to make a start.

THE COMMITTEE RECOMMENDS THAT A YOUNG ADULT BE DEFINED AS ONE WHO HAS ATTAINED THE AGE OF 18 BUT HAS NOT REACHED THE AGE OF 21.

When an accused between the ages of 16 and 18 is transferred from the juvenile court to the adult court, he should be considered a young adult and the special provisions for that age group should apply to him.

\*Definition quoted in its entirety from the "Report of the Canadian Committee on Corrections," page 383-384.



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HV      New Brunswick. Corrections  
9309    Study Committee.  
.N2      Report of the New  
C6      Brunswick Corrections  
1969    Study Committee.  
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