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THE CORRECTIONAL SERVICE OF CANADA, 1968-1979:

A Brief Historical Overview

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SUMMARY

The Correctional Service of Canada has existed in one form or another for 111 years. In 1868, the first Directors of Penitentiaries oversaw three penal institutions and an asylum, containing about 1,100 inmates and employing perhaps 150 staff members. The annual expenditure — approximately $230,000 — amounted to $200 per inmate, or about seven cents a year for each of three and a half million Canadians.

In 1979, the Commissioner of Corrections was responsible for more than sixty institutions containing about 10,000 inmates and employing 8,500 staff members. The annual budget of $355 million amounted to nearly $40,000 per inmate, or $15 for each of 23 million Canadians. The Commissioner was also responsible for parole supervision, which required a further 800 employees working from about 65 locations, and a budget of $25 million.

CANADIAN CORRECTIONS: THREE STAGES OF GROWTH

I. 1868-1880

At Confederation, Section 91 of the British North America Act reserved "The Establishment, Maintenance, and Management of Penitentiaries" to federal jurisdiction. (The reason for this decision is not known.) The Penitentiary Act of 1868 established three Directors of Penitentiaries (under the Department of Justice) to administer the asylum and penitentiary at Kingston, and the old provincial jails at St. John, N.B., Halifax, N.S. At Kingston, the "two year rule" for penitentiary sentences had been in effect since the 1840's, but St. John and Halifax held a mixture of offenders serving anywhere from a few days to life imprisonment. Moreover, whereas Kingston was a large maximum security institution with a rigid system of regulation governing its 852 inmates, discipline in the provincial jails was lackadaisical at best.

The first major federal initiative in corrections, therefore, was the construction of penitentiaries in each of the regions of the country. St. Vincent de Paul, a renovated boys' reformatory, was opened in 1873, followed by Manitoba (1877), British Columbia (1878) and Dorchester (1880). All were maximum security institutions modelled on the Kingston penitentiary (1835), and followed a similar "rehabilitative" regimen of work, isolation and punishment.

II. 1906-1952

Between 1880 and 1906, no new penitentiaries were opened. In 1906 a temporary federal institution at Edmonton was opened (the Alberta penitentiary) but was closed in 1920. The inmates were transferred to the Saskatchewan...
penitentiary at Prince Albert, which had been completed in 1911, again on the Kingston model. The prison for women, which had been requested at intervals since Confederation, was opened at Kingston in 1934. The "reformatory" prison for first offenders at Collins Bay, which had been discussed for at least the previous half-century, was opened in 1937. All were maximum security facilities. No further federal institutions became operational until 1952, when the Federal Training Centre at Laval was opened. Laval was intended as a reformatory prison for young first offenders, similar to Collins Bay.

III. 1959-1979

By 1958, the penitentiary system was near collapse. The inmate population (6,295) had increased by 50% in a single decade. Prison disturbances in 1952, 1954 and 1955 were largely traceable to intolerable overcrowding, to the extent that beds were set up in prison workshop areas. In 1959, irregular minimum security facilities set up at Joyceville, Ontario; William Head, B.C.; and Valleyfield, Quebec; released some of the pressure, while work proceeded the permanent medium security institution at Joyceville (opened 1-10-59) and a minimum facility at Springhill, N.S. In 1960, Collins Bay and the Federal Training Centre became medium security. In the following year four minimum security camps were opened, and six others were under construction. The LeClerc medium security institution near St. Vincent de Paul also became operational. By 1962, CPS operated seven maximum, four medium and fifteen minimum security institutions. Justice Minister, E.D. Fulton and CPS Commissioner Allan McLeod had made an historic move toward the proper classification of inmates.

In 1963, a "Ten Year Plan of Institutional Development" was formulated. The objective was to construct reception centres, special correctional units, medical and psychiatric institutions, medium and maximum security institutions, and community release centres. While this plan and subsequent construction schedules were subject to change and to interruption, by 1979, CSC institutions encompassed the original objectives, including two medical facilities of such high quality that they were accredited for teaching purposes, and five correctional staff training colleges. Furthermore, management of the system had been decentralized, and new regional headquarters established in the Maritimes, Quebec, Ontario, the Prairies and British Columbia.

PENAL PHILOSOPHY, 1868-1979

The penitentiary was invented by late 18th century reformers to replace capital punishment, transportation, and various sorts of ritual torture. Reformers generally believed that man was rational and redeemable. Incarceration at hard labour would both punish and deter the offender, while
separating him from the evil influences of his fellows, teaching him a trade, and providing religious instruction would enable the convict to become a productive citizen. The name "penitentiary" implied a place for erring sinners to do penance, rather than a retaliatory and punitive dungeon.

Two sorts of penitentiaries were developed in North America. The "Philadelphia system" required that the convict serve his entire sentence in silent solitary confinement, doing only the kinds of work that could be done alone in a cell. The "Auburn system" required that the prisoners work together in silence during the day, and spend the evenings and nights in solitary confinement. The Auburn style was adopted at Kingston in the 1830's and became the standard Canadian model. Canadians and most Americans agreed that the congregate prison was less cruel and more practical, since the profits of prison labour could defray the costs of the institution and reduce the taxpayer's burden.

PUNISHMENT AND REWARD

Cooperative prisoners were granted certain privileges, including the right to send and receive "family" visits; to obtain books and a reading lamp; and to earn five days per month remission of sentence. Attendance at rudimentary prison schools also was permitted. Uncooperative prisoners could be punished through forfeiture of privileges and remission, a restricted diet, the "dark cell", irons, and the lash. The frequency and severity of punishments varied widely from year to year and from institution to institution, depending upon the Warden.

The punitive and restrictive nature of prison discipline was very gradually relaxed, sometimes as a result of prison disturbances which led to public inquiries. In the 1930's, the rule of silence was ameliorated, but not until about 1945 did it become imperative. Prisoners were allowed short periods of exercise in the fresh air. Gradually simple games - checkers, bowling, etc., were introduced, and eventually competitive sports were added. Smoking, under specified conditions, was permitted.

A wide range of educational facilities was made available: books, newspapers, films, radio and television, and inmate newspapers. Restrictions on letter writing and family visits were relaxed. Cultural and occupational hobbies were encouraged and vocational and trades training provided. Corporal punishment was abolished (1972). Various programs, such as the Living Unit Program and Temporary Absence, were introduced in an effort to make incarceration more humane and to prepare the inmate to live in free society. A correctional ombudsman has been appointed (1974). Experimental programs related to "inmate grievance procedures" has been cautiously initiated, and even the possibility of a code of "inmates' rights" has been discussed.
INDUSTRY AND LABOUR

The Directors of Penitentiaries envisioned a ten-hour work day for every able-bodied convict. This safeguarded the mental and physical health of the convicts and the financial health of the institution. In practice the ideal was rarely realized. Most of the inmates worked on building and maintaining the institution. The prison shops produced uniforms, boots and other items for the custodial staff and the inmate population, but this was not entered in the books as "productive" labour. The contract-system worked erratically before Confederation, and declined further in 1867. "Free" labour and management opposed competition from penitentiary industries, and in the 1880's Parliament denied permission to fabricate anything in competition with the free market. Moreover, for a hundred years after Confederation, Parliament consistently refused to order government departments to purchase from the penitentiaries, and so permit the introduction of regular production lines and long-range planning. As the institutions were completed, and populations rose, there was less and less for inmates to do. This situation completely negated both the rehabilitative ideal and the idea that convicts should help to pay for their upkeep.

During the post-World War II economic boom, attention turned away from productive labour and industry toward a wide variety of special programs for inmates. The percentage of inmates involved in full-time, productive work continued to decline. In the mid-1970's, attention was again turned to the idea that every able-bodied convict should have full-time employment. Furthermore, the idea that inmates should be adequately rewarded for their labour, a suggestion that had been repeated from time to time since 1868, became an acceptable proposition. The Federal government became a more willing consumer of penitentiary production. There were signs that one of the oldest ideas in Canadian penology would be given another try.

REMISSION AND PAROLE

The Penitentiary Act of 1868 permitted five days remission per month, during good behaviour. The only other mitigation of sentence was implemented through the pardoning power, a method which was open to abuse. In 1899, having assessed British and American parole experiments, the government instituted a ticket-of-leave system. Parole was granted to first offenders and well-behaved convicts who had served a substantial portion of their sentences. The failure rate over a long period remained relatively constant at 4%-6%, about half of which was due to violation of conditions, and half to conviction for a new offense.
The application of parole was gradually broadened. After the Remissions Service was replaced by the National Parole Board, in 1959, all prisoners were systemically reviewed for parole, whether they requested parole or not. A significant reduction in inmate population occurred. In very recent years, the percentage of inmates receiving parole had declined, and there is again an annual increase in the inmate population. During the 1959-1978 period, one-quarter of an inmate's sentence was automatically remitted. Good conduct could earn additional days up to one third of sentence to be served "on the street" under Parole Service supervision.

The current law replaces automatic revision with a provision for earned remission of fifteen days for each month served. Remission for any month can be lost for misconduct, and cannot be regained. Inmates who do not want to be supervised may refuse parole. Other forms of remission include day parole (initiated in 1972) which permits an offender to obtain training, seek employment or to work at a job during the day, and be supervised in a penitentiary or community institution at night.

ORGANIZATION AND MANAGEMENT

The BNA Act (1867) reserved penitentiaries to federal jurisdiction. The Act of 1868 which created the Department of Justice also gave that Department responsibility for penitentiaries, and the Penitentiary Act of 1868 created a three member committee, the Directors of Penitentiaries, to exercise immediate supervision over the institutions. Somewhat later the title was changed to Inspectors of Penitentiaries, and later still control was placed in the hands of a single official, the Commissioner of Penitentiaries.

The early Directors had little real power. They inspected the prisons and made reports and recommendations to the government, but power rested above, in the hands of the Minister, and below, in the hands of the Wardens. Thus repeated requests by the Directors for action on a wide variety of matters were ignored by their superiors.

The Wardens had, in theory, complete control of the institutions, but their powers were minimal in certain important areas, such as hiring and dismissal of staff. This function was largely in the hands of local politicians, whose representations to Ottawa resulted in instructions to Wardens to hire specific individuals. This situation undermined discipline and caused repeated scandals resulting in half a dozen parliamentary inquiries throughout the last quarter of the 19th century and the first third of the 20th century. While the earlier inquiries were ignored, the later commissions had a dramatic impact upon penitentiary management.
The Archambeault Commission, which issued its report in 1938, differed somewhat from previous commissions in that its work received wide publicity, and some of its recommendations were taken seriously by the government. However, economic depression and war hindered implementation of the report, which dealt, among other things, with administration, staff training, classification of inmates, prison discipline, recreation, education, medical and religious services, labour and industry, and the formation of a Parole Board in lieu of the Remissions Service.

The Fauteux Commission (1956) was perhaps the most influential of all federal investigatory bodies because its report appeared just when booming economic conditions, a reformist government, a progressive Minister of Justice and a dynamic Commissioner of Penitentiaries could combine to generate the most coherent and sustained correctional reform movement in Canadian history. This transformation of the correctional system, which produced dozens of federal-provincial and international conferences, reports by the score and recommendations by the hundred, is still in progress, although its momentum has slowed and its philosophy is much less optimistic than before.

The most recent inquiry, by the Parliamentary Subcommitteee (1977), has also been influential and has produced a considerable number of changes in penitentiary management and procedures.

In 1966, the Department of the Solicitor General was created to place the national police, penitentiaries, and parole under the direction of a single Minister, separate from the Department of Justice. A number of subsequent reorganizations took place within the Ministry, most recently the combination of CPS and NPS in the Correctional Service of Canada.
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