**Sociology 3395: Criminal Justice & Corrections**

 **Overheads Class 25: Community Reintegration**

\* Over 90% of incarcerated offenders are released by CSC & the parole board on some form of conditional release

\* In this chapter we review the history, philosophies, & types of such programs, & assess their effectiveness

 **Community Release Under Attack:**

\* Attack began in 1970's: some believed community sanctions “too soft”; others that they avoided due process

\* U.S. States began to remove parole: Canadian Sentencing Commission recommended abolition of parole as well

\* Robert Martinson (1974): “Nothing works”

 - conducted survey of evaluation studies of rehabilitation programs

 - concluded that programs have little effect on recidivism

 - undermined support for rehabilitation

\* New research (1979):

 - some treatment programs do work

 - Martinson’s newer research was ignored

 **Discretion & Disparity:**

\* Criticisms of parole boards:

 - decisions are arbitrary

 - parole boards don’t have expertise, lack criteria for assessment

 - parole favors those with longer sentences

 **Conditional Release programs in Canada:**

\* History:

 - 1868: system of remission with merit/demerit points (until 1961)

 - 1899: ticket of leave: “clemency” granted on discretionary basis

 - 1958: Parole Act: National Parole Board established. Given

 authority over statutory release, temporary absence, & day

 parole.

 “Mandatory supervision” gradually added.

 - 1992: Corrections & Conditional Release Act: Parole Board

 members must have risk assessment training. “Risk

 assessment” based on offender’s behavioral history,

 immediate situation, mental & behavioral outlook, social

 supports & other personal factors

 **The Reintegration Approach:**

\* Assumptions:

 - only the most serious offenders should be incarcerated

 - alternative sanctions should be maximized

\* Recidivism results from:

 - pro-criminal values

 - pro-criminal associates

 - antisocial personality (also family, education, job, etc.)

\* Risk assessment: 3 factors

 (1) *Risk*: devote more resources to high risk cases

 (2) *Need*: target the criminogenic needs of offenders through

 rehabilitation programs

 (3) *Responsivity*: match the particular service with the special

 needs of the offender

  **The Case Management Process:**

\* Individualized program tailored to each offender

\* Objectives:

 - to provide monitoring in prison

 - to ease release back into the community

 - to prevent re-offending after release

  **The National Parole Board:**

\* Overview:

 -1958 established with little guidance

 -1973: applicants allowed to appear before board; written reasons

 required for denial of parole

 -1981: list of factors provided to consider when determining parole

\* Factors to consider (1981):

 - prior criminal record

 - current offence (e.g. whether a “schedule offence”)

 - inmate’s insight into behavior

 - involvement in treatment & training programs

 - institutional behavior & offences

 - previous parole violations

 - inmate plans for employment & training

\* Correctional plan:

 - developed by Parole Board with correctional officials

 - specifies individualized risk management strategy, interventions

 & monitoring, prohibited activities, & required activities

\* Release into the community:

 - supervision (10-20% not contacted regularly - 1999 Report)

 - programming (participation requirements)

 - community involvement (programs are community-based)

 **Contemporary Community Sanctions:**

\* 2000-2001: 120,000 offenders under community sanction. Rationale:

 - cheaper

 - offenders work/pay taxes

 - maintaining connections to family/community

  **Risk of Recidivism:**

\* Depends on type of program:

 - full parole (30% readmitted)

 - mandatory supervision (58% readmitted)

 - majority who get in trouble do so within 12 months

 - those on mandatory supervision do so earlier (first 6 months)

\* Corrections and Conditional Release Act:

 - the purpose of the correctional system is to maintain a just,

 peaceful & safe society

 - this is to be implemented through safe & humane custody &

 supervision, along with rehabilitation & reintegration of

 offenders

 - transparency is important, with policies to disclose information

 to offenders, victims & the National Parole Board

 **Risk Assessment:**

\* This links “risk levels” to types of intervention:

 - low risk: release oriented

 - moderate risk: institutional /community oriented

 - high risk: high intensity

  **Conditional Release Programs:**

\* Varieties:

 (1) *Full parole*: can apply after 1/3 of sentence completed

 (2) *Day parole*: release for short periods of time for school or

 work: eligible 6 months before eligible for full

 parole

 (3) *Temporary Absence*: for medical, compassionate,

 administrative or family reasons

 (4) *Statutory release*: generally released after 2/3 of sentence

 expired: may be denied by Parole Board

\* Parole hearings:

 -2000-2001: slightly over 40% of federal/provincial applicants

 granted full parole (women more likely)

 - releases declining in Ontario, B.C. & Quebec

 - some may never get early release (e.g. dangerous offenders, sex

 offenders, & drug offenders)

 **The Effectiveness of Conditional Release Programs:**

\* Recidivism rates: considerations

 - types of recidivism (technical violations vs. new offences)

- outcome of recidivism: whether offender returned to institution (readmission rate)

 - rates are affected by length of time being evaluated

 - type of release: day parole has low recidivism/ mandatory

 supervision much higher

 - gender: males recidivate more

 - mental health problems: more technical violations but fewer new

 offences

 - type of crime: homicide low but sex offences high

 **The Issue of Due Process:**

\* 1978 Parole Act: right to a hearing, disclosure of information, &

reasons for denial of parole

\* 1992: Corrections & Conditional Release Act: right to appeal decisions based on “fundamental justice,” special needs, error, etc. Right to federal & provincial judicial review

 **The “Faint Hope Clause”**

\* Allows lifers to apply for a judicial review of their “minimum” 25 year sentence after 15 years

\* A jury may then grant the offender the right to apply for parole earlier

\* Denial may be appealed to the Supreme Court

\* Implementation: less than 20% of eligible offenders apply, but 82% of applicants who do are successful

\* “Olson amendment”: passed in 1996 in reaction to the case of serial

killer Clifford Olsen. Now, murderers with multiple victims may not

apply, & early release requires the jury to be unanimous.

* The faint hope clause was ultimately repealed by the Harper government.

 **Risk Factors for Recidivism:**

\* Andrews (1996) found a high risk of recidivism to be based on:

 - antisocial cognitions

 - antisocial associates

 - antisocial personality

 - antisocial bahavior

\* Yet predictions are not always accurate

\* Risk factors:

 (1) *Gender:* women have fewer new offences & respond well to

 drug abuse programs

 (2) *Race:* Native people have higher recidivism rates, participate

 less in early release programs. Some regions now include native

 healing ceremonies & lodges to improve chances of success

 (3) *Other Factors:* age, marriage, education, & employment affect

 recidivism rates

 **How Inmates View Recidivism:**

\* Bezozzi (1993) found that inmates expressed the following:

 - you get used to being in prison

 - prison staff set you up to fail

 - prisons lack the resources to help you change

 - prison may give you time to think about things & change (based

 on own effort)

 - most prisoners are vague & ambiguous about life on the outside

  **Summary & Conclusion:**

\* Conditional release programs have come a long way since 1868, now comprising a wide variety of programs

\* Still, it is important to remember that probation remains the largest conditional release program in sheer numbers (but not under the jurisdiction of CSC or the NPB)

\* Increased legal rights of inmates encourage these/ further changes

\* Nowadays, the predominant tension lies between the risk factors emphasized by institutions & the legal rights relied on by offenders - both in granting conditional release & handling recidivism.