**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.