

## Incarceration in Canada

The purpose of this publication is to provide the public with an overview of incarceration in Canada and to encourage public dialogue.

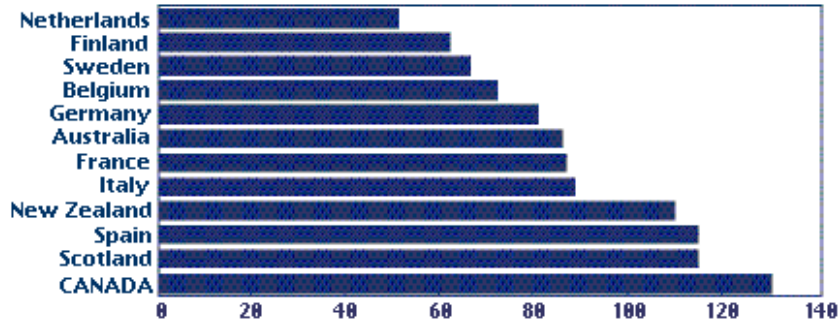
This document focuses on the growth and costs of the corrections system and the value in both human and economic terms of considering effective alternatives to incarceration.

Consider the following facts;

- From 1989-90 to 1994-95 the federal prison population grew by 22%.
- Over the same period, the average provincial prison population grew by 12%.
- In 1995-96 there was a daily average of 33,791 adult prisoners in federal and provincial institutions (Statistics Canada, CCJS, "Adult Correctional Services in Canada, 1995-96," *Juristat*, Vol. 17, No. 4, March 1997).
- Over the course of 1995-96, a total of 230,330 adults were admitted to provincial correctional facilities. This number shows a slight drop (1%) from the previous year, but is 15% higher than the figure recorded in 1990-91 (Statistics Canada, CCJS, "Adult Correctional Services in Canada 1995-96," *Juristat*, Vol. 17, No. 4, March 1997).
- Canada incarcerates two of every 1,000 youths in the country (219 per every 100,000 youths ages 12 to 17) (Correctional Service of Canada, *Basic Facts About Corrections in Canada 1994*, 1995, p. 3).
- There are 4,900 young people in jail in Canada on any given day, an increase of 26% since 1986-87 (Statistics Canada, CCJS, "Justice Data Factfinder," *Juristat*, Vol. 16, No.9, July 1996, p. 16).
- Aboriginal people continue to account for a disproportionate percentage of the inmate population in provincial and federal institutions. Less than 4% of the population in Canada is aboriginal, yet they represent 17% of all provincial inmates in custody and 13% of all federal prisoners (Statistics Canada, CCJS, "Adult Correctional Services in Canada: Highlights for 1994-95," *Juristat*, Vol. 16, No. 7, June 1996, pp. 5-6).

Despite the escalating rates of incarceration in Canada, through the same time period (1989-1996) the crime rate has remained relatively constant.

**Table 1: Number of Prisoners Per 100,000 Population: 1993 (Daily Average)**



Note: The United States of America has **529** prisoners per 100,000

(Solicitor General Canada, *Corrections Population Growth*, 1996, p. 19; and Correctional Service of Canada, *Basic Facts About Corrections in Canada 1994, 1995*, p. 4.)

## Incarceration Rates

Canada has always had high incarceration rates compared to those of other countries. To some extent, this is due to variations in the age of majority among countries and different classifications of prison sentences. However, simply put, Canada relies heavily on prisons, and we incarcerate at a rate of 130 of every 100,000 adult and juvenile Canadians (Canada, Solicitor General Canada, *Corrections Population Growth*, 1996, p.2).

Table 1 compares Canada's incarceration rate with those of some other western countries.

The public seems to believe that crime continues to escalate in Canada, although this is not supported by police statistics or victimization surveys. As a result, there have been calls for both mandatory minimum sentences and longer sentences, and Canada has seen significant increases in prison populations.

Canada has somewhat higher levels of property crimes than other countries, and far lower levels of violent crime. More than half (58%) of all *Criminal Code* infractions reported to police in 1995 were for property offences -- a figure that has changed little over the years. Examples of property offences include break- and-enter, theft, fraud, motor vehicle theft, and possession of stolen goods. A considerable percentage of crimes (30%) belongs in the "Other" category, covering such offences as mischief, prostitution, possession of restricted weapons, and arson. In reality, in 1995 only 11% of crimes reported to police involved violence.

Non-violent offenders constitute a significant proportion of the Canadian provincial and federal inmate populations. Generally, they pose a minimal risk to the public, yet they are incarcerated at great public and human expense. The use of community options to incarceration would likely be a more effective and economical approach to dealing with them.

### Profile of Federal Prisoners (as of March 1994)

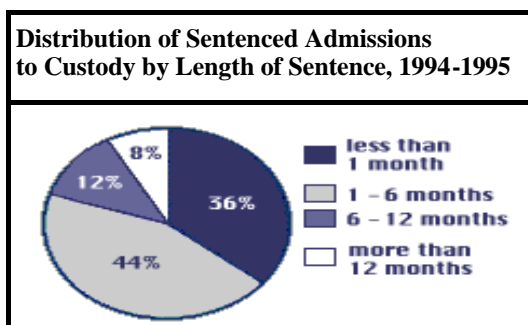
A sketch of the inmate population in federal jails may help provide an idea of incarcerated people. We know that:

- 97.7% of incarcerated people are male, and 2.3% are female;
- most prisoners (53.6%) are young males from 20 to 34 years old;
- most prisoners have criminal records that began when they were juveniles, but are serving their first federal jail term (74.3%);
- 68% test at below the Grade 8 level in language and mathematics;
- 37% have been users of cocaine and heroin;
- 52.2% were using alcohol or drugs at the time of their offence;
- more than half claim to have been abused as children;
- three quarters have unstable job histories; and
- A high proportion of their offences, including the most violent ones, occurred within the family or involved people they knew within their communities. What has become known in the United States as "stranger danger" is not as prevalent in Canada as some well-publicized cases might suggest.

(Correctional Service of Canada, *Basic Facts About Corrections in Canada 1994, 1995*)

### The Overuse of Incarceration in Sentencing

The majority of sentences handed down by the courts are for non-violent offences. Canadians are generally not that concerned about crimes which do not involve violence, yet there is great public expense involved in imprisoning non-violent people. Further, considering accountability and recidivism, incarceration is not the most effective way of dealing with many of these individuals.



- 82% of provincial prisoners serve sentences of less than six months. The typical prisoner serving a provincial sentence in 1996 was a 31-year-old male serving 31 days for a property offence (Statistics, CCJS, "Adult Correctional Services in Canada, 1995-96," *Juristat*, Vol.17, No.4, March 1997).

- Most provincial admissions are for property offences and other non-violent offences - 29,739 (about 25%) of provincial admissions in 1994-95 were to serve a sentence for non-payment of fines (Statistics Canada, CCJS, "Adult Correctional Services in Canada: Highlights for 1994-95," *Juristat*, Vol. 16 No. 7, June 1996, p. 4, and Statistics Canada, CCJS, "Justice Data Factfinder," *Juristat*, Vol. 16, No.9, p. 13).

(Note: Jurisdiction for the operation of = prisons is divided between the provinces and territories and the federal government. Under the "two-year rule," prisoners serving sentences of two years or more do so in penitentiaries operated by the federal government. Prisoners serving sentences of less than two years do so in provincial or territorial facilities.)

### **The Costs of Incarceration**

Prison costs continue to grow because of the increasing operating costs associated with housing more people in these institutions. There is a huge fiscal burden to taxpayers of over 1.8 billion dollars each year. While these expenses increase each year, education, health and other social services suffer cuts to funding and services. The Council believes that these cuts increase the number of people who turn to criminal activities in response to the erosion of our social safety net and welfare programs.

### **The Role of Incarceration in Preventing Crime**

Imprisonment can play only a limited role at best in a crime prevention strategy. When restricted to violent offenders who are likely to re-offend, removal of people from the community is necessary and effective. It is an expensive alternative, and therefore should be reserved for this profile of offender as opposed to non-violent offenders.

Federal And Provincial Adult Prison Expenditures, 1988-89 To 1994-95	
<b>Year</b>	<b>Total (\$'000)</b>
1988-89	1,477,416
1989-90	1,653,785
1990-91	1,791,705
1991-92	1,872,371
1992-93	1,879,819
1993-94	1,878,892
1994-95	1,893,530

Annual expenditures have not increased dramatically since 1992. However since 1988-8, costs have risen 19% on a constant-dollar basis.

(Statistics Canada, CCJS, "Justice Data Factfinder," *Juristat*, Vol. 16, No.9, July 1996, p. 16)

The resources currently used to incarcerate many offenders who do not pose a risk to society could be more effectively used on community options. We know that many

prisoners emerge from prison more isolated and marginalized, which may increase their likelihood of re-offending and returning to prison. We must begin to look seriously at community options that not only decrease recidivism but also improve the offender's chance of becoming a responsible member of society.

It is important to understand two basic facts about the sentencing process in order to fully appreciate the role that prisons and punishment play in a criminal justice policy:

- Only a small minority of crimes are reported, and of those, relatively few result in the imposition of a sentence.
- Of the sentences that are imposed, only a minority involve terms of imprisonment.

As sentences become longer and as we increase the overall incarceration rate, there has been no impact on the overall victimization rate, but there is a significant impact on our use of resources. Incarceration rates are more a reflection of our social and economic policies than a simple reflection of crime rates. Also, we know that those who are most marginalized by class, race, and colour are in particular the most likely to turn to crime.

There are three theories put forth in support of the use of incarceration as a solution to the crime rate. The first theory is a belief that the prisoner may be deterred by the experience of incarceration and then return to life in the community at the end of the sentence. The idea is that the prisoner may not wish to run the risk of further incarceration. This notion is known as *individual deterrence*.

The second theory is that the threat of punishment, especially imprisonment, will prevent people from committing crimes in the first place. This is known as *general deterrence*.

The third theory is that crimes can be prevented by removing offenders from society and keeping them in prison. This is known as *incapacitation*. For example, if an offender is imprisoned for three years, this means that he will not re-offend against society before the three years have passed.

### ***Does individual deterrence work?***

Over the past 20 years research has shown the limits of incarceration as an effective deterrent. Other sentences, such as a period of supervision in the community under a probation order, are just as effective as incarceration and in some cases more effective.

- A major study conducted in the U.S. compared the recidivism rates of offenders sentenced to probation and offenders sentenced to prison. Rates of re-offending were the same for the two groups, indicating that prison is no more effective than probation at preventing crime (Champion, D. *Measuring Offender Risk*, Westport, Connecticut, Greenwood Press, 1994).
- British research has demonstrated that young people sent to prison were more likely to re-offend than offenders punished with community-based sanctions (Brownlee, I. "Intensive Probation With Young Adult Offenders," *British Journal of Criminology*, Vol. 35, 1995. pp. 599-612).

- Longer institutional sentences have not been shown to be more effective in preventing future offending than shorter sentences (Brody, S., *The Effectiveness of Sentencing*, London, Her Majesty's Stationary Office, 1976).

### ***Does general deterrence work?***

Does incarceration serve as a good general deterrent? The question is rather whether incarceration is a more effective deterrent than some alternative sanction. The evidence seems to suggest that it is not the thought of imprisonment that deters people from committing crimes, but rather the possibility that they will be caught and punished. This implies that societal sanctions are likely to be more effective in preventing crime than building more prisons and incarcerating more offenders.

### ***Does Incapacitation Work?***

The idea behind incapacitation is that separating offenders from society prevents them from re-offending. It may be the best way to use incarceration, as it guarantees that the person will not commit crimes against the public while in custody. However, it must be used very selectively. Not all offenders re-offend; if we imprison all offenders, some will have been imprisoned at considerable cost to society for no reason. The greatest potential preventative impact of incarceration is its use for high-risk, violent individuals. However, it is difficult to predict just who should be incarcerated, and for how long.

- A recent study by Statistics Canada found only one third (35%) of all offenders were convicted of another offence. The recidivism rate for women is only one in five (Canada, Campbell, G. *An Examination of Recidivism in Relation to Offence Histories and Offender Profiles*. Statistics Canada, 1995).

The question is not *whether* non-violent offenders should be held accountable, but how. If more non-violent offenders were held accountable by means of effective options, then presumably the system would be able to focus its resources on violent and high-risk offenders. More resources would also presumably be available for prevention programs, in particular those programs that help protect women, children, and the elderly in our communities.

### **Recommendations**

The National Crime Prevention Council is very conscious of the fact that Canada has one of the highest rates of incarceration of any industrialized country in the world -- one that is rising at a higher rate than at any other time in the past quarter century. The Canadian criminal justice system is facing severe fiscal pressures, while at the same time public concern about crime is escalating and demands for harsher sentences are increasing. This is particularly true concerning violent crime. Prison overcrowding and lack of resources for programming, counselling, and alternatives to incarceration are some symptoms of this dilemma.

Following an extensive review and debate, the National Crime Prevention Council fully supports the development of initiatives to improve the effectiveness of the sentencing process.

We recommend:

1. A criminal justice system which emphasizes the principles of harm reduction and the use of community-based initiatives. We need a system that develops non-prison sentences while at the same time holding offenders accountable and responsible for their actions, and that helps victims to heal.
2. The further development of alternatives to incarceration, especially for non-violent offenders. A wide range of pre-charge and post-charge alternatives such as counselling, conferencing, and programming options should be explored. Collaboration between federal, provincial and community sources should be encouraged.
3. A mobilization effort that encourages communities to take responsibility for alternative measures.
4. More support for the use of discretion by judges, prosecutors, police, and probation officers to encourage their use of alternatives to arrest and prosecution, and to reduce their overreliance on imprisonment.
5. The development of programs and communication strategies to educate the Canadian public and increase their confidence in alternatives to imprisonment under the proper circumstances.
6. More attention be given to the individuals who work within the correctional system. Front-line workers merit special attention in the areas of support and education. Human resources are the key to success within the correctional system.

## **Conclusion**

The National Crime Prevention Council's goal is to prevent crime by addressing its root causes. Research shows that early childhood experiences often influence later involvement in crime. The roots of crime often lie within the systemic social, racial, and economic inequalities experienced by children.

A comprehensive approach to crime involves many sectors, including education, health, social services, corrections, courts and police. To reduce crime and victimization, we must continue to support people and to provide opportunities for children from the very beginning of their lives.

Research continues to show that locking up offenders does not significantly reduce the crime rate.

It is important to recognize that community corrections and other alternatives cost money and must be implemented properly. Proper resources are required to run an effective alternative sentencing program, and there is a need to consider the appropriate levels of investment that will enable communities to support non-custodial sentences. However, decreasing the costly and ineffective uses of incarceration may help us as a society to

move our scarce resources to those areas that could prove to be much more effective and efficient.

### **Minority Statement**

The National Crime Prevention Council (NCPC) released a document entitled, **Incarceration in Canada**. In keeping with the policy of the NCPC, the following is the minority statement of one member.

I cannot endorse this NCPC paper. To do so would be to participate in a fraudulent depiction of the problems of our current use of imprisonment. As one Australian prison administrator has stated:

"they are misused by society as an inappropriate means of social control... they are, in the main, inhuman and unnatural places; ... each year they take large numbers of hopeless people and turn them into bitter people; ... they are part, among other things, of the systematic destruction of (Aboriginal peoples); ... they institutionalize and make captive the people who work there ... for hundreds of years the people who work in the system, the influential people in the criminal justice system as a whole -- politicians and community leaders -- have used prison to perpetuate the longest running biggest social fraud in the history of the modern world ... that prisons serve a useful purpose in social control and crime prevention."

Prisons do not work. To participate in pretending otherwise is our crime.

Kim Pate

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Several other National Crime Prevention Council publications provide information on the issues surrounding crime prevention. These include:

- Picture of Crime in Canada

- Offender Profiles
- Preventing Crime by Investing in Families
- Risks or Threats to Children
- Money Well Spent: Investing in Crime Prevention
- Safety and Savings: Crime Prevention Through Social Development
- Resiliency in Young Children
- The Determinants of Health and Children
- A Compendium of Approaches from Across Canada
- The Dollars and Sense of a Comprehensive Crime Prevention Strategy for Canada

For further information on crime prevention through social development, contact the National Crime Prevention Council by telephone (613) 941-9306, fax (613) 952-3515, or e-mail : [ncpc@web.net](mailto:ncpc@web.net)

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