

Sentencing Options

- **Incapacitation**
 - Definition: The imprisonment or incarceration of offenders, which separates offenders from society protecting its law abiding citizens
 - Newer forms includes electronic monitoring of offenders and home confinement
 - Historically, the banished were transported to Australia by the British
 - Studies show that it doesn't really work, that incarceration rates do not impact crime rates
- Deterrence
 - **General Deterrence**
 - Definition: Involves discouraging criminal acts through penalties, which include fear of punishment
 - **Specific Deterrence**
 - Definition: Refers to inflicting punishments on specific individuals to deter them from future criminality
 - Assumes rationality within the offender, however drugs and alcohol are major factors in some behaviour may have impeded rationality
 - Generally speaking, deterrence has not shown to have a major impact on either crime rates or recidivism (reoffending rates)
- Rehabilitation

 - Intended to provide opportunities for offenders to change themselves and thus avoid future involvement in crime
 - Involves training, education, and treatment programmes (such as anger management, cognitive behavioural programs, drug and alcohol etc.)
 - Robert Martinson's "nothing works" phrase suggests that rehabilitation programs do not work, however it was taken out of context and most researchers find that "something works"
 - Contingent on the type of programme, type of offender
 - Key is to place the offender in the right programme
 - Those drawn from the lower socio-economic strata of the society "social junk" to be constantly recycled for criminalization and imprisonment
- **Just Desserts/ Retribution**
 - To punish offenders for their crime
 - Focuses on the underlying philosophy is that the criminal has benefited from the crime and now must pay society back for his or her misdeeds
 - Corporations are often guilty of malfeasance, yet do not "pay the price" for their transgressions
 - Large financial penalties would be imposed for the crime of engaging in fraudulent business practices
 - Found that individuals paid penalties roughly equivalent to those of corporations charged with similar offenses
 - What you've done determines what your punishment is
 - Derived from the theories of Immanuel Kant
 - Aims to make the person recognize the consequences of his or her actions and accept the "deserts" of his or her deeds
 - Argues that offenders should be punished, but only because they deserve it
- Restorative Justice

- Places the victim more centrally in the criminal justice system by focusing on the harm that the offender inflicts not only on the community but also the victim
- Victim impact statements, circle sentencing
- May not work very effectively for violent crimes, but is promising for less serious offenders
- Post-crime victim aid:
 - Victim-witness assistance programs
 - Programmes that assist victims and witnesses in their journey through the criminal justice process
 - Victim funds
 - Require offenders to pay into funds that compensate victims for medical expenses, physical or psychological damage, and wages lost as a result of victimization
 - Restorative programmes
 - Programmes that allow offenders to meet with victims
 - Useful in helping victims to deal with psychological trauma and in assisting criminals to understand the extent of the suffering they have inflicted

Sentencing Dispositions

- Five types of sentencing in Canada:
 - a. Fines
 - b. Suspended Sentence
 - c. Probation
 - d. Incarceration
 - e. Capital punishment (historically speaking)
- **Suspended sentence**
 - Court perceives that the offender needs treatment rather than confinement
 - More effective and positive for some offenders to remain in the community
 - Supervision is rarely imposed upon the person
 - Failure to obtain proper treatment or rehabilitative intervention can result in the offender's committing a new offence, which will bring him or her back before the courts
- **Probation**
 - "community supervision"
 - Individual is required to report regularly to a probation officer for supervision and to abide by certain conditions in order to avoid returning to court
- **Plea Bargaining**
 - Process involves consultation between the defence attorney for the accused and the Crown attorney representing the state
 - A period of negotiation follows until a sentence agreeable to both parties is decided on
 - Accused enters a plea of guilty at court
 - **Karla Homolka**
 - Former wife of multiple murderer Paul Bernardo
 - Willingness to provide information as the only living witness to torture and murders
 - Supposed to have a minimum of 25 years

- Received a 12 year sentence (which is reduced by parole eligibility) and charged with manslaughter
- Served her full sentence and denied contact with victims' families
- Settled in Quebec

The Imposition of the Sentence

- The key duty of judges
- **Presentence Report**
 - Definition: Documents the social, precriminal, and personal history of the offender
 - Helps determine treatment options
- **Concurrent Sentence**
 - Convicted of two or more offences
 - Definition: Offender will serve the longest term imposed
- **Consecutive Sentence**
 - Definition: The offender will serve two sentences, one after the other
- Determinant vs. Indeterminate Sentences
 - **Determinate Sentences**
 - Definition: Fixed or limited to an established amount of time
 - Most prison sentences are determinate because the judge usually orders a specific length
 - **Indeterminate Sentence**
 - Definition: Detains the offender for an indefinite amount of time
 - Option when someone is declared a dangerous offender
 - Offender remains in prison for as long as is seen as required because they are a threat to the safety of society

Factors Considered in Sentencing

- In the U.S., misdemeanor offenses are less serious offenses
 - Serious offenses = felony offenses
- In Canada, they are called summary offenses that carry less than two years a day
 - Serious offenses = indictable offenses
- Mandatory Minimum Sentences
 - For:
 - General and specific deterrent
 - Prevents crime by removing offenders from the community
 - Symbolic of denunciation for certain behaviours
 - Reduces sentencing disparity
 - Against:
 - Little or no deterrent value
 - Limit judicial discretion
 - Significant cost implications
 - May lead to unfair sentencing practices
- Mandatory Minimum Sentence and Research Evidence
 - Modest effect on crime prevention
 - No effect on drug consumption on drug-related crime
 - No effect in reducing sentencing disparity
 - Increased cost:
 - Increase in guilty pleas
 - Increase in prison populations

- MMS: Lack of evidence
 - Essentially is a political initiative
- Other Factors
 - Pre-sentence reports
 - Socio-biographical and offence-specific information
 - Suitability of sentencing options
 - PSR increases likelihood of community sentence rather than custodial sentence
 - Plea bargains
 - May result in dropping of charges, conviction on a less serious charge, joint submission for sentence by defence and crown
- **Aggravating Factor**
 - Sentences should be enhanced in cases of
 - Crimes motivated by hate
 - Spousal abuse and child abuse
 - Abusing a position of trust or authority
 - Crim committed in connection with a criminal organization
- **Mitigating Factor**
 - Lessens the severity of the sentence
 - First offence
 - Young age
 - Non-violent
 - Mental health of perpetrator
- Three categories of factors to consider
 - i. Personal circumstances
 - Criminal record
 - Age
 - Employment
 - Effect on employment and status
 - Degree of remorse and attitude
 - Addiction and substance abuse
 - Biological and psychiatric factors (mental health)
 - Cultural background
 - Sympathy and compassion
 - Effect on immigration
 - ii. Circumstances of the offence
 - Degree of planning
 - Duration of the offence
 - Age of the offence
 - Role in offence
 - Breach of trust
 - Harm or risk of harm on victim
 - Victim under 18
 - iii. Circumstances of the proceedings
 - Guilty plea
 - Bail conditions
 - Delay
 - Pre-trial custody

- Civil liability
- Prohibited Factors
 - Comments of the public or media
 - Past acquittal or pardons
 - Conduct of defence counsel
 - Character of the victim or other parties
 - Risk of harm while incarcerated

The Objectives of Punishment

- Objectives
 - Denouncing unlawful conduct
 - Deterring offenders and the public from committing crimes
 - Separating offenders when necessary from the rest of society
 - Assisting the rehabilitation of offenders
 - Providing reparations for harm done to victims or the rest of the community
 - Promoting a sense of responsibility in offenders and acknowledging the harm they caused victims and community
- Denunciation
 - Criminal behaviour as blameworthy and unacceptable
 - Goal is to educate people that specific behaviours will not be tolerated in Canada
 - Problem is that not everyone agrees
- Deterrence
 - Encompasses efforts both to discourage the initial commission of a crime as well as to discourage repeat offences by convicts
 - Two types of deterrence
 - Specific
 - General
 - Specific deterrence discourages an offender from reoffending due to the fact that they have been punished for their first offence
 - Goal is to "teach a lesson" so that they will not reoffend
 - *Scared Straight (1978)*
 - Boot Camps
 - Strong public support, limited evidence that it actually works
 - Keep in mind, some components are helpful in conjunction with education and counselling
 - General deterrence is the threat of punishment that discourages the populace from committing potential crimes
 - Incapacitation
 - Incapacitation renders an offender incapable of offending for a period of time
 - Purpose of sentencing is usually used in the name of public protection, as the incarcerated offender is separated from the community
 - Rehabilitation
 - Attempts to modify the offender's attitudes and behaviours, provide education and skills, and provide assistance to overcome substance abuse or anger problems
 - An important purpose of sentencing because it helps offender to reintegrate into society as a contributing member of the community rather than returning to crime
 - Reparation

- Goal is to "repair" the damage that the offender has caused victims or the community
 - Restitution in which the offender restores or replaces stolen property or pays for monetary damages caused by bodily harm
 - Compensation involves the offender paying money to the victims for having to endure the crime committed against them
- Responsibility
 - Final goal of sentencing is to promote a sense of responsibility in the offender
 - Have the offender realize that they are accountable for their criminal actions
 - Recognize the harm they have caused

Capital Punishment

- Death is the most serious sentence that can be imposed on an offender
- Death penalty (or capital punishment) was repealed in 1976
- Last execution in Canada was the double hanging of Arthur Lucas and Ronald Turpin in 1962, Toronto's Don Jail
- In 1987, there was an attempt to reinstate the death penalty but it failed, very unlikely to return
- In the U.S., the death penalty is a legal sentence in 31 states
- "The death penalty has two disadvantages: first, it has no effect on the rate of homicide, and second, it is irreversible"
- Jeremy Bentham
 - Believes that there must be a certainty that punishment will be imposed in order for it to be effective

Chapter 7, Lecture 8

The Prison System

Introduction

- "punishment industry" is well funded by government
- General public is misinformed and apathetic to the "reality" of prison in Canadian society
- Is prison a place for rehabilitation or punishment?
- Almost all inmates return to the community
- Prison costs approximately 3 billion per year
- Only 5% of convicted offenders are incarcerated
 - They account for 75% of the corrections budget
- 95% of the convicted in the community account for 13% of the corrections
- Incarceration rate is 116 per 100,000

Evolution of Prisons in Canada

- Crime and punishment in Early Canada (1600-1800s)
 - Patterned after England and France
 - Harsh punishments
 - Death penalty
 - Branding
 - Transportation
 - Australia or Tasmania
 - Bermuda
 - Hulks (non-seaworthy ships)

- Ended in 1853
 - Banishment
 - Depart the province
 - Newfoundland "set adrift"
 - Dissatisfaction led to building the first penitentiary in 1830s
 - Fines
 - Whipping
 - Workhouses
 - First constructed in 1754 in Nova Scotia
 - Wide variety of individuals
 - Used as cheap source of labour
 - Human treadmill (stepping mill)
 - Sanctions would deter both individual offender and general public
 - Public punishments
 - Shaming
 - Humiliation
 - Stocks
 - Held prisoners in place
 - Captured feet and hands and would hold them there
 - Local Jails
 - Local lockups
 - Held people who were awaiting trial or had been found guilty
 - In 1792, construction of courthouse and jail in every district
 - Majority were people in debt
- Creation of the Canadian Penitentiary
 - The penitentiary in America
 - Imprisonment as a form of punishment in late 1700s
 - Pennsylvania Model **
 - Separate and silent
 - Model for Europe, South America, and Asia
 - Auburn Model **
 - Work together, individual cells at night
 - Strict silence
 - Model for Canada and U.S.
 - Creation and maintenance of "docile bodies"
 - **Docile Bodies**
 - Foucault (1977)
 - Definition: People who do not think to challenge the existing order or the laws of society
 - Produced with the denial of a person's freedom, arbitrary prison rules, harsh punishment, brutality from guards, and substandard living conditions
 - Kingston Penitentiary
 - Goals
 - As a general deterrent as a way to reform criminals through hard labour
 - Religion was a focal point
 - Symbolized a moral architecture

- Order and morality
- Early years
 - Conditions were harsh
 - Silent system
 - Whipping
 - Children as well
- Brown Commission
 - 1848-1849
 - Public concern over treatment of prisoners
 - Investigate charges of corruption and excessive use of corporal punishment
 - Two reports issued:
 1. Condemned use of corporal punishment and recommend removal of warden
 2. Set forth future directions
 - Primary purpose was prevention of crime and rehabilitation of offenders, with least amount of force necessary
 - Elements of Penn system incorporated
 - New inmates were given solitary confinement for six months
- Developing Systems of Corrections
 - 1850-1900s
 - Confederation in 1867, three institutions (Kingston, St. John, Halifax) came under authority of new Parliament of Canada
 - Two year rule came into effect
 - Number of new federal penitentiaries were built
 - Life inside was centred on discipline and hard labour
 - Food was horrible
 - Guards conditions were horrible and they had low qualifications
 - Early 1900s
 - In 1906, new Penitentiary Act was passed
 - Provisions for administration
 - Remission
 - Powers and duties of federal prison inspectors
 - Removal of youthful inmates and mentally disordered
 - Little change in philosophy
 - Quality of staff and administration was poor
 - Punitive practices continued
 - Beginnings of Modern Reform: 1930-1970
 - 1930s initial signs of reform
 - Harsh regimen was changing
 - Lighting in cells, visits, letters, modification of strict rule of silence, paid for work
 - **Archambault Commission (1938)**
 - Concluded that the goal of prisons should not only protect society but to reform and rehabilitate offenders
 - Improvements in vocational and education programmes, as well as classifications of offenders
 - Post-World War II Corrections
 - Shift toward treatment model after WWII

- Introduction of vocational training, education, and therapeutic intervention techniques (group and individual counselling)
 - Fateaux Committee
 - Medical model of corrections
 - Offender was ill
- Decade of 1960s height of treatment model in Canadian Corrections
 - Medium and minimum security institutions
 - LSD Medical experiments
 - Psychiatrists increasing role
- Shift in correctional policy
 - 1969 Canadian Committee on corrections (Ouimet Report) addressed the problems that were being encountered in rehabilitating offenders
 - Advocated expansion of community based programmes and facilities
- 1990 to Present
 - Under Harper government, there was an "Americanization" of federal corrections, with a more "get tough" approach to criminality

Prisons in Contemporary Canada

- Rates of Imprisonment
 - 2014, incarceration rate was 118 per 100,000
 - Varied by federal (81 per 100,000) and provincial (492 per 100,000)
 - Canada's rate of imprisonment reflects policies towards dealing with crime, not necessarily crime rate increases or decreases
- Rate of adults in custody
 - Custodial
 - About 20% of correctional population
 - Non-custodial
 - Bail supervision, probation, temporary absences, parole, statutory release
 - Responsibility
 - Shared by federal, provincial, and municipal governments
 - Two year rule
- **Prison Industrial Complex**
 - Definition: A term used to describe the overlapping interest of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems
 - Building prisons is a big business because entire communities rely on prisons to sustain the economy
 - Cheap labour

Security Classifications (Federal)

- Minimum Security
 - Unrestricted movement during the day, generally no fencing
- Medium Security
 - Perimeter fencing, more freedom than maximum
- Maximum security:
 - Video surveillance, fencing, restricted movement
 - Special Handling Units
 - High level of risk to staff and inmates
 - Regional Health Centres for violent offenders

- Multi-level units: Several security levels in one institution

Provincial/Territorial Corrections

- Serving less than two years, on remand awaiting trial, awaiting transfer, serving short sentences
- Jails, correctional centres, detention centres, reformatories, specialized treatment facilities
- All security levels
- Inmates increase the risk of offenders being admitted, more mental health and substance abuse issues, and increasing rates of infectious diseases

Prison Architecture

- Security levels of prisons have different physical structures
- Maximum security prisons are built to prevent escape, highly supervised and monitored
- Protective custody units
 - Where inmates require protection from other prisoners
 - Sex offenders, snitches
- Solitary confinement is a form of punishment
 - "the hole"
 - Can be detrimental to mental health
 - Cabin fever

Security and Escapes

- Static security
 - Perimeter fencing
 - Video surveillance and alarms
 - Fixed security posts
 - Control rooms and position posts
- Dynamic security
 - Ongoing interaction
 - Being proactive
 - Speaking with inmates and making suggestions

Inside The Prison

- Mortification
 - Transformed from free citizens to inmates
 - Psychological and material stripping of the individual
- Status Degradation Ceremonies
 - Prison clothing
 - Identification number
 - Loss of personal possessions
 - End of unhindered communications with outside world
- Prisonization
 - Donald Clemmer (1940)
 - Process by which inmates become socialised in the norms, values, and culture of the prison
 - Immersed into inmate social system and adopting the behavioural tenets of inmate code
 - Loss of security, autonomy, contact with family and friends, and independence to move freely
 - Spouses, relatives, and friends may experience pains of imprisonment too
 - No status restoration ceremony
 - Split personality of corrections, conflicting institutional goals:

- Confinement and control
- Reform and rehabilitation
- Institutionalization:
 - Offenders are unwilling or unable to function in the outside world
 - Prisonized to such a degree that they are unable to function in the outside

Living Inside

- The pains of imprisonment
- Loss of:
 - Liberty
 - Access to goods and services
 - Heterosexual relationships
 - Personal autonomy
 - Personal security
- The pains of imprisonment may be more acute for female offenders and aboriginal inmates

The Inmate Subculture

- Inmate code
 - Definition: The set of behavioural rules that govern interaction among inmates and staff
 - Do your own time, don't rat on anyone, don't trust anyone, don't whine, don't be a sucker
 - Changes over the years
- Inmate solidarity
 - Declining, much exploitation and manipulation
 - Is there an inmate code
 - Lifers are given the highest status
- Inmate subculture
 - Inmate social system
 - **Sykes** (1958) argues that it developed as a result of inmates' attempts to mitigate the pains of imprisonment
 - Gaining access to goods and services that are typically illicit
 - Some measure of personal security and autonomy
 - Access to sexual relationships (consensual)
 - Friendship networks
 - **Deprivation Theory**
 - Definition: Inmates band together based on lack of liberty
 - Create networks of friendship
 - Combat loneliness, boredom, and increase solidarity
 - **Importation Theory**
 - Irwin and Cressey (1962)
 - Definition: The social cues of prison is not a response to pain of imprisonment rather imported into the institution by criminal offenders
 - Status and Power amongst inmates
 - Prison hierarchy
 - Life sentences
 - Intelligent
 - Ability to control illicit goods and services
 - Physical strength
 - Gang memberships

- Low status: sexual offences against children
- Niches
 - Friendship networks
 - Ethnicity
 - Outside relationships

Violence in Prisons

- Violence, threats, and victimization are relatively frequent occurrences within the prison environment
- The majority of the assaults are the result of drug disputes, followed by retaliation, attacks on informants, and sexual motivations
- Prison rape in Canada is relatively rare in comparison to the U.S.
- Male inmates have higher likelihood of being murdered rather than general population
- Toughness is a central feature of inmate identity
- Potential for violence and exploitation is a fact of daily life
- **Expressive violence**
 - Neither planned nor deliberate
 - Specific problems inmate faces
- **Instrumental violence**
 - Used by perpetrator as a means to an end
 - Gain or maintain status
 - Intimidation
- Patterns of victimization
 - 1/3 threatened with assault
 - 1/5 had been assaulted
 - Inability to guarantee inmate safety
 - meekest and least violent among them are more victimized
 - Sexual coercion and rape
 - Little Canadian research done on it
 - Inmate strategies for avoiding violence and victimization
 - Passive precautions
 - Aggressive precautions
- Suicide is the most common cause of death
- Incarcerated suicide rate is much higher than general population
- Females engage in self-injurious behaviours
 - Self-mutilation
 - Slashing

Coping with Confinement

- Drugs and contraband
 - Drugs are freely available
 - Smuggling networks
- Humour
- Sexual gratification
 - Masturbation and consensual relations with another inmate
 - Rape is less common in Canadian institutions

Self Injurious and Suicide

- Prison suicide rate is twice the rate of the general population
- Most common cause of inmate death
 - 61% in provincial

- 21% in federal
- Female offenders tend to engage in self-harming behaviour because:
 - Social cognitive problems
 - Substance abuse
 - Psychiatric difficulties
 - Dysfunctional family relationships
 - Institutional incidents
- Assessing Risk of Suicide
 - Age
 - Alcohol abuse
 - Prior suicidal behaviour
 - Hopelessness
 - Mental illness
 - Education achievement
 - Employment
- Profile of Inmate Suicide
- Single, white males aged 20-43 who are housed in medium institutions who have history of violence
- Quebec has more inmate suicides
- Hanging is the most common method

Communicable Diseases

- HIV/AIDS, hepatitis B and C, TB
 - Much higher rates than general public
- Spread through anal intercourse, intravenous drug use, sharing of contaminated syringes and needles
- CSC Initiatives
 - Methadone programmes, condoms, bleach kits

Inmates as Partners and Parents

- Little attention to inmates family
- Primary concern for the families of incarcerated men
 - Raising children alone
 - Money
 - General loneliness
 - Fears related to release from prison
 - Housing
 - Hostility from friends
 - Isolation from community
 - Fears related to treatment while incarcerated
- Dynamics of inmate families
 - Many inmates lack parenting skills
 - High levels of sexual, physical, and psychological abuse
 - Children suffer from emotional, behavioural, academic problems
- Female inmates and their children
 - 75% of women in prison have children
 - Sole custody
 - Varying level of prison contact
 - Mother-child programmes
- Special categories of offenders

- Female inmates
 - Marginalized inmates
 - Poverty
 - History of abuse
 - Drug and alcohol dependency
 - Primary child care providers
 - Limited education
 - Paid work opportunities lacking
- Women in federal prisons
 - Less than 5% of federal prison population
 - Mental health diagnosis
 - 30% previous psychiatric hospitalization
 - 70% incarcerated for violence or murder
 - Higher rates among aboriginal women
 - Marginalised social group
 - Poverty, a history of abuse, childcare responsibilities, limited education, poor employment opportunities, substance abuse issues
- Aboriginal Inmates
 - Overrepresented
- Sex offenders
 - Unique challenges
 - Less marginal
 - Cognitive and behavioural challenges
- Long-term offenders
 - Serving life terms or sentences of 10 years
 - Slow and steady rise, after abolishment of capital punishment

Treatment in Correctional Institutions

- Objective:
 - To place inmate in appropriate setting
 - Take into account needs and risks of individual and protection of society
- Psychological personality and behavioural inventories
 - Vary with jurisdiction
 - Federal inmates: offender intake assessment and custody rating scale
- Risk/Needs profile
 - Risk analysis
 - Facility to be confined in
 - Support and intervention needs
 - Needs upon release
 - Release decisions
 - Public concerns about release
 - Static factors
 - Cannot be changed
 - Inmate history and nature of the offence
 - Dynamic factors
 - May be altered through intervention
 - Education
 - Cognitive skills

- Case Management
 - Matching offender risks and needs with services and resources
 - Correctional plan
 - Determines initial placement, training and work, conditions of release
 - May use assessment tools to assess risk, identify treatment requirements
 - Readiness for lower security
 - Used primarily at federal level
- Institutional Treatment programs
 - Education
 - All levels
 - Inmates pay for post-secondary
 - Living skills
 - Anger management
 - Parenting
 - Cognitive skills
 - Problem-solving
 - Substance Abuse
 - Education and treatment
 - Sex offender
 - Identify triggers, skills to control
 - Very difficult to treat, especially pedophiles
 - Deny or minimize behaviour: blame victim
 - Strategies to manage and control deviant impulses
 - Aboriginal offenders:
 - Culturally-appropriate treatment programmes
 - Sweat lodges, wilderness camps
 - Mentally ill offenders
 - Federal: approximately 12%
 - Provincial/territorial: approximately 25%
 - Family violence
 - Information and skills to alter behaviour

Effectiveness of treatment programmes

- Recidivism rates
- Criticism
- Findings are not consistent

Chapter 9, Lecture 8

Alternatives To The Prison System

- The majority of offenders are sentenced to supervision within the community (probation)
- Use is driven by escalating costs of incarceration
- Questionable effectiveness of incarceration as a specific and general deterrent
- Ability to target resources to higher-risk offenders in prison

Community Alternatives

- Net Widening
 - Definition: The total number of offenders under the control of the state will increase
 - i. Some offenders would have received suspended sentences or conditional discharges, but with the "alternatives" such as electronic monitoring or house arrest, they are now given a more "severe" sentence

- ii. The "net" of social control has been thrown more widely
- Diversion Programmes
 - Most require:
 - Offenders accepting their responsibility
 - Following certain conditions

Probation

- Most widely used alternative
- 45% of all sentences end up in probation
- Falls under provincial/territorial jurisdiction
- May be used alone, or following imprisonment
- Only federal offenders sentenced to exactly two years may be given probation
- Average length is 15 months
- Maximum terms: two years youth & three years adult
- Granted Probation:
 - Fine
 - Imprisonment < two years
 - Conditional sentencing
- Must be on probation
 - Conditional discharge
 - Suspended sentence
 - Intermittent sentence
- Conditions of probation:
 - Objective: to keep the offender from reoffending
 - Mandatory conditions for all probationers
- Additional conditions
 - To meet specific needs of offender
- Breach of probation
 - Hybrid offence
- Mandatory conditions:
 - Keep the peace and be of good behaviour
 - Appear before court when required
 - Notify court or probation officer in advance of any change of name or address, promptly notify probation officer of any change of employment or occupation
- Optional conditions:
 - Reporting to P.O.
 - Remain within jurisdiction
 - Abstain from drug and alcohol use
 - Abstain from owning, possessing, or carrying weapon
 - Perform up to 240 hours of community service
 - Participate in treatment programme
 - Comply with any other reasonable conditions set by court
- Probation officers
 - Assess client needs and risk
 - Provide individual case management
 - Supervise offenders on probation and those on bail
 - Up to two thirds time spent writing pre-sentence reports
 - Dual role:

- Assistance and support for offenders
 - Assist with addressing issues related to criminal behaviour
 - Identify community resources
- Enforcing the conditions of the probation order
 - Ensure compliance
 - Greater concern with enforcement in recent years
- Offender surveys indicate that probation is viewed as a deterrent
 - Rehabilitative rather than punitive
 - Specialized supervision can increase accountability and reduce recidivism

Parole

- Definition: The reduction in the sentence of an offender as a reward for good conduct while incarcerated
 - "ticket of leave" programme and was a minor incentive for good behaviour
 - Early release programme, somewhat controversial
 - Softens the sentence
- Less than 2 years, 1/3 of sentence
- More than 2 years, 1/2 or ten years (whichever is less)
- Parole Process
 - Starts at sentencing
 - Case management officers help create realistic "release plan"
 - Substance abuse
 - Anger management
 - Sex offender therapy
 - Has access to materials such as presentence report, institutional records, criminal, medical, and psychiatric records
 - Parole board decisions have been criticized for being arbitrary
 - Inmates seeking parole are often at a disadvantage, may not have the skills to apply or meet the subjective criteria
- Parole Hearing
 - Parole board members are political appointees
 - May face political pressure and preserve a "get tough" approach on crime"
 - Must apply for parole hearing
- Four types of parole:
 - Temporary absence
 - Released for a period between 48 and 72 hours and the offender may be escorted or unescorted depending on what is appropriate
 - Day Parole
 - Usually have to stay in a halfway house
 - Eligible after 6 months of parole
 - Full parole
 - Conditional release of the offender
 - Statutory release (with mandatory supervision)
 - Automatic release after 2/3 of the sentence is served
- Mandatory and regular monitoring, phone calls, and meetings
- Revocation of Parole
 - Commit a technical violation of their parole
 - Varies between 25-35 offenders per P.O.

- Initiated when the board considers the offender to present a significant chance of reoffending
- Problems with parole
 - "kangaroo court"
 - i. Composition of parole boards and the relative competence of their members to render decisions
 - ii. Lack of clear criteria that can inform decisions

Emerging Trends in Community Corrections

- Community service orders
- Mediation services
- Elder panels and sentencing circles
- Electronic monitoring
- Fine-options
- Restitution