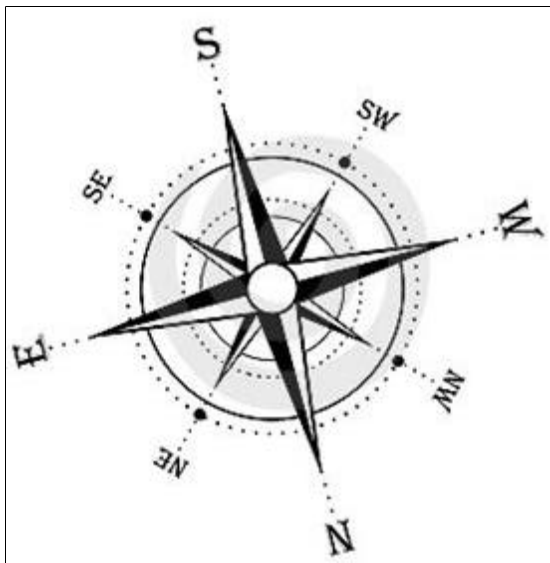


□ MEDIA COVERAGE OF

A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety



MICHAEL JACKSON

GRAHAM STEWART

September 2009

1. Media Coverage of the Report

The release of the Report at a Press conference at the National Press Theatre in Ottawa was profiled in news segments on CBC Radio's The World at 8, The Current, The World at 8, and CBC's TV Newsworld. It was also the subject of news stories and editorial comments in print and online media across Canada. The press conference was carried live on CPAC.

2. Tory plans for U.S.-style prisons slammed in report

3. *Thursday, September 24, 2009 / 11:38 AM ET*
[Comments739](#) [Recommend289](#)

4. [CBC News](#) National News

The Conservative government plans to bring in an American-style prison system that will cost billions of taxpayer dollars and do little to improve public safety, according to a report released Thursday in Ottawa.

"It tramples human rights and human dignity," University of British Columbia law professor Michael Jackson, co-author of the 235-page report, *A Flawed Compass*, told reporters.

Moreover, there is "a near total absence of evidence" in the government plan that its measures will "return people to the community better able to live law-abiding lives," said co-author Graham Stewart, who recently retired after decades as head of the John Howard Society of Canada.

Their report provides a scathing review of a government blueprint for corrections called *A Roadmap to Strengthening Public Safety*. A panel led by Rob Sampson, a former corrections minister in Ontario's Mike Harris Tories, drafted the plan, which is being implemented by the Correctional Service.

In addition to constructing super prisons and implementing work programs, the program will eliminate gradual release and deny inmates rights that are now entrenched in the Constitution.

Rather than enhancing public safety, the measures will undermine it by making prisons more dangerous places and constricting inmates' reintegration into society, said Jackson.

By keeping prisoners locked up longer, the plan places an enormous financial burden on taxpayers, he added.

Perhaps worst of all, Jackson said, it "will intensify what the Supreme Court has characterized as the already staggering injustice of the overrepresentation of aboriginal people in the prisons of Canada."

5. A recipe for prison violence: Jackson

By stressing punishment rather than rehabilitation, the plan ignores lessons of the past, which led to the prison riots and killings that dominated Canadian news in the early 1970s, said Jackson.

"My greatest fear is with this road map's agenda and its underlying philosophy, we will enter a new period of turmoil and violence in Canadian prisons," he said.

"I do fear that prisons will become more abusive, prisoners will become more frustrated and that we could go back to a time not only when the rule of law was absent but a culture of violence is the dominant way in which prisoners express their frustrations."

Stewart called the blueprint "an ideological rant, which flies in the face of the Correctional Service's own research of what works to rehabilitate prisoners and ensure community safety."

"The fact is that you cannot hurt a person and make them into a good citizen at the same time."

The government has already allocated hundreds of millions to the plan, even though it has had no input from either Parliament or the public, according to the report. It has not yet responded to the report.

TheStar.com | Canada | Conservatives too tough on prisoners:

Sep 24, 2009 03:48 PM

TONDA MACCHARLES
OTTAWA BUREAU

OTTAWA – Two leading advocates of prisoner rights today released a scathing critique of the Conservative government's "tough on crime" agenda for prisoners, saying it is driven by "ideology" and will make Canada more dangerous.

Professor Michael Jackson, of the University of British Columbia, and Graham Stewart, who spent 38 years with the John Howard Society, slammed the Conservatives for their policy entitled "Roadmap to Public Safety."

The Conservatives quickly adopted the policy paper that was produced in December 2007 by a handpicked panel led by Rob Sampson, a former Ontario Progressive Conservative corrections minister under Mike Harris.

It urged greater emphasis on prisoner accountability, tighter drug controls, more mandatory work programs, the construction of regional prison complexes that would house four or five penitentiaries within one perimeter, and the elimination of statutory release and early parole reviews — a long-time campaign promise of the Conservatives that has not yet been legislated.

But at a news conference this morning, the two researchers released their own review of that policy, entitled "A Flawed Compass."

It warned the Conservative approach to corrections deliberately avoids any mention of human rights, will worsen conditions in Canadian prisons, creates a huge burden for the public purse, and will mean more aboriginals — who make up 20 per cent of the federal prison population — will spend more time in jail.

Legislation is not required to implement much of what is recommended, warned Stewart.

Indeed, Jackson, a leading courtroom advocate for prisoners' rights, said it is already influencing attitudes toward prisoners in Canadian penitentiaries, where prisoners are vulnerable to abuse of power.

Several wardens have privately told him they are concerned about the fallout of the new policy, but Jackson said they cannot speak up publicly for fear of losing their jobs.

Several non-governmental organizations that work with prisoners are also reluctant to publicly criticize the new policy because they fear losing their funding, he added.

But Jackson said he and Stewart undertook their own analysis, which provides evidence to support their own recommendations, because they were shocked at the lack of public debate on it all.

Stewart said the Conservative "get-tough" policy flies in the face of 30 years of research, Supreme Court of Canada decisions, and a non-partisan consensus that has emerged since prison riots in the '70s swept penitentiaries. That consensus, he said, espouses respect for human rights of prisoners as the underpinning of successful rehabilitation policies.

The Conservatives have ditched that consensus in favour of "raw wedge politics," he said, and chosen to espouse "tough on crime" policies designed to get votes, but will not reduce the chances of prisoners re-offending.

In fact, Stewart said, the Conservatives are pushing a "myth" that human rights must give way to public safety. "There's no balance between human rights and public safety. Human rights is a cornerstone of public safety."

There is a great deal of evidence to show that supervised, gradual release of prisoners "substantially reduces criminality after release," said Stewart — evidence the government is simply ignoring.

Stewart pointed to the United States where tougher correctional policies have led to a skyrocketing prison population, exploding prison budgets, and a higher rate of violent crime.

He said the proposed giant prisons "are simply going to be large warehouse institutions." If anything, said Stewart, the government has

failed to analyze how its own anti-crime agenda will increase prison populations.

"It's bad corrections, but it's good politics," said Stewart.

He noted Prime Minister Stephen Harper practices the divisive politics, by slamming his critics as "soft on crime" and telling voters that prisoners enjoy "special rights" that outweigh ordinary citizens' rights.

NDP critic Don Davies, vice-chair of the public safety committee that is about to study mental health in prisons, said the report confirmed his own concerns after he toured several prisons in B.C. over the summer.

"The Conservative government roadmap will not work, in fact it will make things worse," said Davies.

A spokesman for Public Safety Minister Peter Van Loan said the government has received the report and is reviewing it.

The Conservatives, under then-minister Stockwell Day, appointed a five-person panel to make recommendations on correctional policy. Led by Sampson, it included Serge Gascon, a long-time police officer in Quebec, Ian Glen, a former chair of the National Parole Board, Chief Clarence Louie, an Aboriginal business leader, and Sharon Rosenfeldt, a crime victims' advocate whose son was killed by Clifford Olson.

"What we have here is a government that commissioned a report that said what they wanted to hear....led by a clearly politically partisan chair...and that's what upsets me the most," said Stewart.

However, Van Loan told CBC News today that his government is "unapologetic" about its approach.

"We think the safety and protection of society has to come first."

He also argued in favour of more work programs before prisoners are released.

"We believe that prisoners must participate in their rehabilitation."

Liberal critic Mark Holland said in an interview that the Conservatives "are following a failed American experiment that is going to lead to our prisons turning into crime factories." The net result, he added, will be rising costs and higher rates of recidivism — or re-offending.

prison report would make things worse

Peter Mcknight
Vancouver Sun

Thursday, September 24, 2009

On April 27, 2007, then-public safety minister Stockwell Day appointed a panel to review the operation of the federal prison system. Just six months later, the Correctional Service Review Panel produced its misnamed report, *A Roadmap to Strengthening Public Safety*, which recommended reforms strikingly similar to those already espoused by the federal government.

In essence, the report suggested we need to make living in -- and leaving -- prison a lot tougher. Such sentiments are bound to resonate with a crime-weary public, and with the feds, who announced in 2008 that nearly \$500 million will be invested in implementing the panel's "transformative" agenda.

However, despite the popularity of the report in some quarters, there is little evidence that it will live up to its title. Indeed, in a critique of the report released today, Michael Jackson, a law professor at the University of British Columbia, and Graham Stewart, the former executive director of the John Howard Society of Canada, argue that it will, if anything jeopardize public safety.

Jackson and Stewart note that in coming to its recommendations, the report managed to virtually ignore more than a century of correctional and legal history, empirical research and the recommendations of inquiries and royal commissions.

Take, for example, what is perhaps the report's chief recommendation: That we abolish statutory release -- the release of offenders who don't receive parole after serving two-thirds of their sentences -- and replace it with a system of earned parole.

This no doubt sounds good to the public, since, according to the common wisdom, inmates who aren't right for parole should stay in jail until the end of their sentences. And that will keep us all safer, no?

No is right, since most inmates will ultimately be released. And as Jackson and Stewart detail, if the panel had bothered to review the history, it would have discovered that the very purpose of statutory release is to protect public safety.

In 1969, the Canadian Committee on Corrections (the Ouimet Report) expressed concern that while the lowest-risk offenders were being released on parole, the highest-risk offenders were, after spending more time in jail, being released free and clear of any supervision.

Needless to say, this represented a significant threat to public safety. Hence, the Ouimet Report recommended that even those who don't receive parole be subject to community supervision.

In the 40 years since the Ouimet Report, every government, whether Liberal or Progressive Conservative, has recognized that statutory release is about public safety.

Until now.

The panel and the current government suggest that abolishing statutory release will actually improve public safety.

And that's not all. The panel also recommends making parole more difficult to earn, as it suggests that the National Parole Board should consider, as an important factor in determining whether an inmate receives parole, whether he or she has a job waiting on the outside.

Now certainly, employment helps to reduce rates of recidivism, but it is rare for an employer to extend an offer of employment while an offender is still in jail.

If anything, the panel's recommendation will mean fewer people will earn parole, and hence more will be released without any supervision.

Finally, the report doesn't bother to quantify the costs of keeping many more people in jail, but the Canadian Criminal Justice Association and the John Howard Society of Ontario have done so.

According to their calculations, the abolition of statutory release could cost in the range of \$1 billion in the long run, money that could go toward prevention and rehabilitation programs that really could improve public safety.

pmcknight@vancouver.sun.com

CANWEST , September 24, 2009 ,

Report Slams Federal Government's Prison Reform Roadmap Proposed
new Corrections policies dismantle human rights protections and
undermine rather than strengthen public safety OTTAWA

– The federal government's blueprint for the transformation of Canada's prisons will dismantle a generation of progressive reforms by previous Conservative and Liberal governments, and severely diminish Canada's claim to leadership in the field of human rights, says a new report by University of British Columbia law professor Michael Jackson and Graham Stewart, former Executive Director of the John Howard Society of Canada.

Their critique, *A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety* was prepared in response to the federal government's self-styled "Prison

Roadmap” that would move the Correctional Service of Canada (CSC) away from an unequivocal commitment to respect and protect the human rights of prisoners, placing Canada on the same path that has proved so disastrously expensive and ineffective in the United States. “It is a flawed moral and legal compass,” says Professor Jackson. “It points in the wrong direction – a direction that, tragically and inevitably, will bring yet more chapters in an already overburdened history of abuse and mismanagement of correctional authority through disregard of human dignity.” In 2007, then-Public Safety Minister Stockwell Day appointed a panel chaired by a former Ontario Minister of Corrections in the Conservative government of Mike Harris, and gave the panel the vast mandate to complete a review of the CSC’s operational priorities, strategies and business plans. After only six months, the panel produced a report which was then adopted by Corrections Canada and the federal government as a “Roadmap” for transformation. Without the benefit of public debate or legislative change, Corrections Canada has moved ahead with the panel’s recommendations. The report says the government’s public policy in criminal justice is driven by narrow political ideology. According to Professor Jackson: “The *Roadmap* ignores historical experience, the volumes of evidence from Royal Commissions and government task forces, scholarly research, international human rights instruments, and judgments of the Supreme Court of Canada. It has instead charted a regressive path that is inconsistent with the best evidence, Canada’s *Charter of Rights and Freedoms*, and the common law.” Jackson and Stewart argue that the proposed changes will not only bring huge costs by increasing the level of unnecessary imprisonment, but will also undermine – not strengthen – public safety. As well, the changes will escalate what the Supreme Court of Canada has called the “staggering injustice” of overrepresentation of Aboriginal people in Canada’s prisons. “All human beings hold certain fundamental rights,” says Jackson. “The mark of a civilized society is that even those who have committed serious crimes retain the right to have their human dignity and human rights respected by our criminal justice system. “The state must only impose conditions that are the least restrictive and necessary to ensure public safety, rather than conditions aimed only at greater punishment for punishment's sake. “Good citizenship has never been the product of abuse and a prison system that is not committed to human rights is inevitably one that tolerates abuse,” says Stewart. “Arbitrary and abusive conditions will teach only resentment, anger and contempt for those in authority. Most prisoners will one day be back on the streets. How we treat them while in prison largely determines whether they become a better risk than before they were incarcerated.” In 1990, the federal government released a comprehensive plan for modernizing 150 years of corrections. Rather than the six months needed to produce the current transformation agenda, “Directions for Reform” was the product of 96 months of intensive consultation, study

and analysis and pointed Corrections on a firm and fair path that has made Canada the role model for other countries. "Corrections has now taken an off-ramp to a highway to nowhere that was closed years ago," said Jackson. *A Flawed Compass* <http://www.justicebehindthewalls.net/news.asp?nid=78> is available online

Federal prison overhaul plan dismissed as amateur, alarming
By Janice Tibbetts, Canwest News Service

Ottawa Citizen, September 24, 2009 ,

Carried also in **National Post, Montreal Gazette, Vancouver Province,**

September 24, 2009 7:01 AM

A study released Thursday says Canada's blueprint for overhauling federal prisons, like the Kingston Penitentiary, is amateur and alarming.

OTTAWA — Canada's blueprint for overhauling federal prisons is an amateur and "alarming" document that ignores human rights, gives the false impression that crime is rising, and provides no costs for flawed policies that would flood penitentiaries with more inmates, says a new report.

The study by two veteran prisoner-rights advocates attacks the Harper government for its speedy, wholesale adoption of a 2007 Roadmap to Strengthening Public Safety that made more than 100 recommendations, based largely on the premise that prisoners don't have automatic rights — they earn them.

The government-appointed panel called for an end to "statutory release" after prisoners serve two-thirds of their sentences, in favour of earned parole that is tied to following a corrections plan.

The government has committed to implementing the new vision set out by the panel.

"With no public review or consultation, the plethora of recommendations — some good, some trivial, but many with draconian implications for the protection of human rights, public safety and the public purse, are being presented as the future of federal corrections in Canada," wrote Michael Jackson, a University of British Columbia law professor, and Graham Stewart, former executive director of the John Howard Society.

Stewart and Jackson said prisoner advocacy groups estimate that ending statutory release, which would mean offenders would spend 50

per cent more time incarcerated, would cost at least \$1 billion.

The panel said that repealing statutory release, which is currently followed by a period of mandatory supervision in the community, would enhance public safety because it would reduce the number of prisoners who reoffend after release.

Stewart and Jackson counter that one of the justifications for adopting statutory release in the first place was to better protect the public by ensuring prisoners would be supervised in the community for a period of time rather than leaving penitentiaries with no strings attached.

"While cost should not outweigh community safety, proposing huge expenditures of this nature without any evidence of increased community safety is irresponsible public policy especially in the context of the lost opportunities that spending in this way represents," said their report.

They planned to release their study at a news conference Thursday, but an advance copy was provided to Canwest News Service.

A spokesman for Public Safety Minister Peter Van Loan said recently that the government intends to move forward with the recommendation.

Stewart and Jackson charge that commitment to human rights in federal prisons has deteriorated in recent years because of sentiment in the upper echelons that it "has no place in a get-tough-on-crime-and-criminals world."

The Harper government has promised in each of the last three election campaigns to clamp down on prisoner rights, including a 2006 pledge to work toward a constitutional amendment to repeal prisoner voting, ordered by the Supreme Court of Canada in 2002.

The government also has adopted or proposed several new laws that would send more people to jail for longer.

Then public safety minister Stockwell Day established the prison review panel in April 2007, appointing Rob Sampson, a former Ontario Conservative cabinet minister who spearheaded that province's short-lived move toward privately run jails, as the chairman. He presented his report six months later.

The panel called for prisoners to have only basic rights, and that any additional privileges would have to be earned.

The Sampson report also called on government to recraft federal

legislation governing penitentiaries to eliminate a provision that inmates be imprisoned according to the "least restrictive measures," wrote Stewart and Jackson.

They conclude that the panel's report flies in the face of the Charter of Rights, regards human rights as "an expendable hindrance," and ignores 170 years of historical perspective about successes and failures in the penitentiary system.

Also, the premise that privileges and freedom must be earned ignores barriers faced by mentally ill prisoners, drug addicts, learning disabled, illiterate and other disadvantaged groups, says Jackson's and Stewart's report.

6. Belleville Intelligencer Report kiboshes lock 'em up idea

September 28, 2009

The federal government likes to boast -- as do our local ex-cop MPs -- that it's getting "tough on crime." It's a buzz phrase that resonates with the biggest voting bloc in the country -- people 50-plus who fear the criminals are running amok among us and big and small L liberal justice policies and "activist" judges have only exacerbated the problem.

The solution? Issue a get-tough policy as a "roadmap" for corrections in Canada to make things tougher on offenders. It's all about 'make `em pay and let 'em know who's boss when in the slammer.'

Hey, works for the Timmy's crowd over coffee, eh?

But, there's a new study out this week by University of British Columbia law professor Michael Jackson and Graham Stewart, former Executive Director of the John Howard Society of Canada. It's called 'A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety.'

The report says the government's public policy in criminal justice is driven by "narrow political ideology."

"The mark of a civilized society is that even those who have committed serious crimes retain the right to have their human dignity and human rights respected by our criminal justice system," say the authors of the report, available online.

There's more and it's sure to stir some debate among the older, more conservative among us about what's perceived to be the current norm of namby-pamby coddling of offenders and prisoners.

"The state must only impose conditions that are the least restrictive and necessary to ensure public safety, rather than conditions aimed only at greater punishment for punishment's sake.

"Good citizenship has never been the product of abuse and a prison system that is not committed to human rights is inevitably one that tolerates abuse," says Stewart. "Arbitrary and abusive conditions will teach only resentment, anger and contempt for those in authority. Most prisoners will one day be back on the streets. How we treat them while in prison largely determines whether they become a better risk than before they were incarcerated."

Want to read more? Want grist for your mill that holds either: A) Academics and prisoner advocates like the authors here would certainly crank out this kind of left-wing, weak-kneed pap; or B) the conservative

ideological agenda is being bum-rushed into practice at all levels these days to win votes for a government starved for a majority?

Have a look at the whole report online and form your own opinion:

<http://www.justicebehindthewalls.net/news.asp?nid=78>

Monday, September 28, 2009

[Comment](#) [Editorial](#) Ottawa Sun (carried also in Calgary Sun, Edmonton Sun, London Free Press, Toronto Sun, Sudbury Star.

'Tough on crime' tough to take

By **[PAUL BERTON](#)**

Last Updated: 28th September 2009, 1:04am

For as long as politics has existed, crime and punishment has been a promising political issue.

Mayors, premiers, prime ministers and presidents have used the perceived threat to safety (and the unspoken desire for revenge) to whip up public sentiment for time immemorial. Getting "tough on crime" has become such a sure-fire vote generator it is almost a cliché.

Yet crime can rise and fall regardless of government efforts, and may have more to do with economics and demographics than with politics or punishment.

What's more, "get tough" policies on prisoners have been proven by decades of research to be questionable at best.

Now, an independent report takes aim at the Conservative government for ignoring that evidence in its efforts to change Canada's corrections policies.

The government's so-called "Roadmap to Public Safety," the report says, is guided by an ideological "myth" -- "that decent treatment of prisoners is somehow putting the public at risk, when in fact it's the complete reverse," says Graham Stewart, one of the study's co-authors.

In its plan, the government stresses greater accountability among prisoners, better control of drugs, more mandatory work programs, and the end of statutory release and early parole reviews.

The report, by professor Michael Jackson of the University of British Columbia, and Stewart, who was with the John Howard Society for decades, says the plan fails to make any mention of human rights, will worsen conditions in Canadian prisons, and will cost taxpayers more money.

There is much evidence to show gradual release and humane treatment of prisoners makes for better citizens.

Meanwhile, we simply need to look south, where tougher policies in the United States have walked hand-in-hand with higher prison populations, higher prison budgets, and higher crime rates.

The government has rejected the assertions in the report, which is not surprising, given the nature of crime and politics. Being soft on crime and advocating for prisoners rights simply sounds bad.

"We think the safety and protection of society has to come first," says Public Safety Minister Peter Van Loan.

Now we're talking -- politics, if nothing else.

No data backs Tory corrections policy: study

Updated Fri, Sep. 25 2009 7:06 AM ET

The Canadian Press

OTTAWA -- Decades of evidence on prison policy is being trumped by ideology and populist pandering, says an independent report on the Conservative government's corrections road map.

"Raw wedge politics -- in place of studied evidence -- is the new face of public policy for Canada," Graham Stewart, one of the study's co-authors, said at a news conference Thursday.

Stewart, the retired head of the John Howard Society of Canada, and Michael Jackson, a law professor at the University of British Columbia, have written a 235-page deconstruction of the Harper government's 2007 blueprint for revamping Canadian corrections policies.

Their scathing analysis contends that the government road map starts with what they call an ideological "myth" -- that human rights are at odds with public safety.

"What that's doing is polarizing a discussion about corrections in a really unfortunate way," said Stewart.

"It creates the notion that the decent treatment of prisoners is somehow putting the public at risk, when in fact it's the complete reverse. ...

"We don't believe that abuse improves people."

Their analysis was immediately dismissed by Public Safety Minister Peter Van Loan, who made a point of referring repeatedly to Jackson as "the professor."

"The professor has a different philosophy than us," Van Loan told CBC Newsworld. "We think the protection of society has to come first."

It was exactly the kind of simple sloganeering that Stewart and Jackson's report repeatedly attacks as unfounded, based on "reams of research" in Canada, the United States and abroad.

Over the last three decades the per capita rate of U.S. prison incarceration has skyrocketed compared with Canada, they noted, yet the two countries' crime rates have risen and fallen together.

As Don Davies, the NDP public safety critic who joined the news conference, observed: "If getting tough on prisons -- locking people up longer and more harshly -- resulted in a safer society, then United States would be safest country probably on earth."

Financially strapped American state governments are now desperately seeking ways to reduce their prison populations, including rescinding exactly the kinds of tougher sentencing measures the Conservatives are pursuing.

During a 30-year comparative social experiment, said Stewart, Canada has "held the line (on crime), got better results, at a fraction of the cost.

"Why would we decide to go the American route? The only reason I could identify in our discussion is that, whereas it's bad corrections, it's good politics."

Van Loan denied Canada is adopting American-style policies, but acknowledged that more people will be in prison for longer periods of time under the Conservative plan.

"Only if someone is in prison can they receive rehabilitation programs," Van Loan told The Canadian Press.

He acknowledged there are increased costs associated with having a bigger prison population, but told CBC no budget has been set because the government doesn't know how fast the prison population will increase, and there is still existing prison capacity.

It's that kind of lack of data that left Stewart and Jackson agog.

They pulled no punches, citing both Harper and his former chief of staff for having publicly acknowledged that facts don't count in the battle for public opinion on crime policy.

Harper told a partisan audience in January 2008 that critics of his crime policies "try to pacify Canadians with statistics.

"Your personal experiences and impressions are wrong, they say, crime is really not a problem."

The prime minister likened such evidence-based critics to the "man behind the curtain" in the Wizard of Oz.

And Ian Brodie, Harper's former chief of staff, told a McGill University symposium last March that criticism of the tough-on-crime policy by

sociologists, lawyers and criminologists actually bolsters the Conservative case -- because they are held in lower regard than politicians.

"Politically it helped us tremendously to be attacked by this coalition," said Brodie. "So we never really had to engage in the question of what the evidence actually shows about various approaches to crime."

Jackson and Stewart contend there simply is no evidence to support the Conservative approach. They say the little data cited in the 2007 Tory road map was "completely distorted," while great bodies of evidence were completely ignored.

In Jackson's words, the road map shows a "complete ignorance of history, of law and of evidence."

Les prisons conservatrices dénoncées

Mathieu Perreault

La Presse September 25, 2009

Un rapport de l'Université de Colombie-Britannique dénonce le manque de fondement scientifique de la stratégie conservatrice sur les prisons. L'accent mis sur la punition des détenus mine la réhabilitation des prisonniers, donne aux geôliers des pouvoirs quasi-judiciaires d'imposer des sentences beaucoup plus dures par le biais de l'isolement administratif et fera exploser le coût des prisons fédérales.

«Pour le moment, le gouvernement Harper n'a pas appliqué toutes les mesures qu'ils désirent», explique Michael Jackson de l'Université de Colombie-Britannique, qui dévoile ce matin son rapport dans une conférence de presse à Ottawa. «Il attend que l'économie prenne du mieux, parce que certaines mesures coûteront cher, et d'avoir un gouvernement majoritaire.» Le projet de loi C-43 prévoit de faire des changements philosophiques qui faciliteront ces changements, selon Me Jackson, en plus d'abolir la libération automatique aux deux tiers de la peine. Mais le Service correctionnel du Canada a été incité à tenir compte de plusieurs des recommandations d'un rapport de 2007 sur lequel s'appuie la stratégie conservatrice.

Deux des recommandations les plus controversées interdiraient toute visite aux prisonniers en isolement administratif, qui peuvent actuellement bénéficier de visites sans contact, et réduiraient fortement les visites avec contact pour les autres prisonniers dans le but de lutter contre le trafic de drogue. «Pour ce qui est de la libération automatique aux deux tiers de la peine, son abolition empêcherait de surveiller les prisonniers récalcitrants lors des premières années de leur retour dans la société», dénonce Me Jackson. Le comité ayant pondu le rapport ne

comptait aucun professeur de droit et était essentiellement composé d'ex-membres des forces de l'ordre et d'ex-politiciens responsables des prisons et de la justice.

«Le Service correctionnel a déjà appliqué la recommandation d'augmenter les fouilles et la détection automatique de traces de drogues sur les effets personnels des visiteurs, dit Me Jackson. Or, cette détection automatique fonctionne mal. Elle n'est fiable que pour la cocaïne et il y a beaucoup de faux positifs, notamment avec un type de crème corporelle qui a une structure moléculaire proche de la cocaïne. Les visiteurs sont dans un état de peur constante, même s'ils n'ont rien à se reprocher. Il suffit qu'ils s'assoient dans un autobus ou un taxi où il y a des traces de cocaïne pour que le test soit positif.»

Pour ce qui est de l'isolement administratif, le rapport de 2007 faisait fi des nombreuses enquêtes concluant qu'il s'agit d'une «prison dans la prison» qui devrait faire l'objet d'une supervision judiciaire et affirmait qu'elle ne concernait que des prisonniers qui veulent bénéficier du confort d'une cellule individuelle, selon Me Jackson. «Seulement 20% des 7500 personnes qui sont isolées chaque année sont volontaires, et souvent il s'agit de gens qui craignent pour leur vie. Dans 40% des cas, les gens y restent plus de deux mois. Le renouvellement de l'isolement est parfois automatique. Si ces gens-là ne peuvent plus du tout voir leur famille, et donc que les seuls êtres humains qu'ils voient seraient des gardes, je crains pour leur santé mentale.»

Le printemps dernier, Louise Arbour, qui a piloté dans les années 1990 un rapport dénonçant l'isolement administratif à la prison des femmes de Kingston, a publié dans un quotidien du Nouveau-Brunswick un essai dénonçant la pratique. L'intervention de l'ex-juge de la Cour suprême suivait un suicide très médiatisé d'une jeune femme dans qui avait passé six mois en isolement dans une prison fédérale de la province. Mme Arbour citait un récent dossier du magazine américain *The New Yorker*, qui détaillait les conséquences psychologiques de l'isolement, parfois irréversibles.

«Je sais que certains prisonniers sont parfois difficiles à gérer pour les autorités pénitenciaires», explique Mme Arbour en entrevue avec *La Presse*. «Mais il faut que les cas d'isolement prolongé soient examinés en tenant compte de l'impact de la pratique. Sans aller jusqu'à une supervision des tribunaux, il pourrait y avoir des comités indépendants.»

September 26, 2009

CA: Editorial: Time to get real on prison crowding

Editorial: Time to get real on prison crowding

Sacramento Bee

Gov. Arnold Schwarzenegger and his team continue to suffer from multiple-policy disorder on prison overcrowding.

On one side, the governor declares a state of emergency and says it is absolutely possible to reduce prison population without harming public safety.

On the other side, his administration presents a plan to a three-judge federal court panel that says population reductions "cannot be accomplished without unacceptably compromising public safety."

This latest proposal, turned into the court last Friday, is make-believe and won't fool anyone. The aim is supposed to be to get California's 33 prisons – designed for 80,000 prisoners – down to 137.5 percent of capacity over two years. That requires going from 150,000 today to 110,000 inmates by July 2011.

Yet the Schwarzenegger administration presented a largely "build it and they will come" strategy, instead of a population reduction strategy. The plan relies heavily on construction – 764 beds the first year, 2,364 the second year, 3,904 the third year, 12,500 the fourth year, 16,150 the fifth year and 18,650 in the sixth year. Yeah, right.

The judges already have expressed deep skepticism about this in their August opinion, calling construction a merely "theoretical remedy" when everyone knows that construction remains "years away." They question whether construction of new prison space is "an actual, feasible, sufficiently timely remedy."

Second, the Schwarzenegger plan relies on sending more inmates to out-of-state prisons (1,250 the first year, 2,200 the second and 2,500 each year after). It also relies on turning foreign prisoners with deportation orders over to the federal government (300 in the first year and 600

each year after). Yet these options make hardly a dent in the prison population.

Only a couple of elements in the plan mark real reductions in California's state prison population: Expanding "good time" credits for inmates who follow prison rules and participate in education or work programs, and diverting technical parole violators to community correctional systems rather than incarcerating them in state prison for a few months.

And one element is totally missing from the Schwarzenegger package that the court should consider: The need to enforce the state's existing law on early medical release.

Assembly Bill 1539 by Assemblyman Paul Krekorian, D-Burbank, signed into law by Schwarzenegger in 2007, established a process to release inmates who are unable to perform activities of basic daily living inside a prison and who pose no threat to public safety.

Yet fewer than a dozen prisoners a year are released. State prisons are not supposed to be long-term health care providers for elderly, ill prisoners who pose no threat to society.

The Schwarzenegger administration's perfunctory plan shows that it will not go the extra mile to reduce prison population.

It does show, however, that he intends to go the extra mile to appeal the overcrowding case to the U.S. Supreme Court. His priorities are exactly backward.

<http://www.sacbee.com/opinion/story/2207887.html>

Prison reform requires greater political debate

The Saskatchewan Star Phoenix September 28, 2009 Editorial

For once it would be encouraging to hear from our political leaders something that borders on an informed and intelligent discussion of options and policy dealing with the justice system, but alas, it's not to be.

The release last week of a report by Michael Jackson, a law professor at the University of British Columbia, and Graham Stewart, the retired head of the John Howard Society of Canada, that provides a biting analysis of Ottawa's blueprint for federal prison reform has elicited a predictable and utterly unproductive response from political circles.

Faced with a scathing analysis that bluntly says the 2007 blueprint for penal reforms commissioned by the Harper government is alarming for its recommendations that would contravene prisoners' human rights, raise the spectre of returning prison conditions to those that led to widespread riots in the 1970s, and skyrocket costs without doing anything to improve public safety, the Conservative government's response basically was to attack the authors, not the points they raise.

Repeatedly referring to Mr. Jackson as "the professor," as if the title should be a pejorative in the minds of right-thinking Canadians, Public Safety Minister Peter Van Loan said: "The professor has a different philosophy than us. We think the protection of society has to come first."

This even though part of Prof. Jackson's analysis dealt precisely with the fact that the pandering to public sentiment with get-tough reforms isn't proven by any evidence to be effective and, in fact, only exacerbate the problems purportedly is trying to address.

Among the government panel's recommendations in 2007 was to end the practice of statutory release of prisoners after they've served two-thirds of their sentences, with the remainder spent in the community under supervised conditions. It wants to replace this with "earned parole."

While the result would be prisoners spending more time behind bars -- estimated to cost taxpayers about \$1 billion or more -- whether that would increase public safety by one iota is debatable because those who serve their full term with or without availing themselves of opportunities and courses for reform then would be set free with no period of adjustment or supervision to provide social reintegration.

If the opposition parties weren't ducking the issue, afraid of being labelled as "soft on crime" by right-wing ideologues who once touted "boot camps for kids" as a legitimate corrections tool until these were proved an abysmal failure in the U.S., Canadians could have been treated to a sound public policy debate.

If, as the government's panel noted, four in five offenders are showing up in prison with serious substance abuse problems, and 12 per cent of male inmates and 26 per cent of females have very serious mental health issues, perhaps a corrections system that places disproportionate weight on "offender accountability" isn't exactly going to prove a recipe for success.

If, as Mr. Jackson and Mr. Steward point out, the reams of research from the United States indicate that higher incarceration rates and longer terms for American prisoners have proven less effective over the past three decades than Canada's system in reducing crime and safeguarding the public, why is the Conservative government advocating this course?

At a time when cash-strapped state governments in the U.S. are turning prisoners loose mid-way through sentences because it costs too much to keep them in lock-up, and places such as Alabama are shutting down schools earlier to find money to run prisons, does it make any sense to create large regional prison complexes with "four or five penitentiaries within one perimeter" in Canada, as the government panel recommends?

Ultimately, it's the job of our political leaders to protect all Canadians and safeguard our personal rights, even if it means going against public sentiment and using all available evidence to make sound policy decisions.

That's not happening in this case. Spend billions to safeguard public safety if that's what it takes, but don't waste it to pander to ignorance and ideology in the face of evidence that shows the reforms can make things worse.

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THE CURRENT

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SEPTEMBER 24, 2009

SUBJECT:

CRIME AND PUBLIC SAFETY

JAN WONG (Host): The Current begins with some fundamental differences on how to deal with crime.

STEPHEN HARPER: [CLIP] Instead of subsidizing court challenges as the previous government was doing, subsidizing court challenges by left-wing

fringe groups, we have been bringing in laws to crack down on criminals and support victims in this country.

WONG: Getting tough on crime is popular in Ottawa these days. Two years ago the federal government commissioned the Sampson Report to look at ways of improving Canada's prison system. The government took the resulting recommendations and in June, Public Safety Minister Peter Van Loan introduced a bill to amend the Corrections and Conditional Release Act. The idea, according to the government, was to improve public safety and make prisoners more accountable. For instance, no more statutory release. They have to earn their parole. In the end the bill did not pass, but according to my next guest, the government's approach hasn't changed, and that's a problem.

Professor Michael Jackson teaches law at the University of British Columbia. Later this morning he and Graham Stewart, the former Executive Director of the John Howard Society will be releasing a report that outlines their concerns. It's called: **A Flawed Compass - A Human Rights Analysis of the Road Map to Strengthening Public Safety.**

Professor Jackson is in our Ottawa studio. Hello.

MICHAEL JACKSON (University of British Columbia): Good morning.

WONG: Good morning. Professor Jackson, why do you believe the government's plan to change the prison system is, quote, flawed?

JACKSON: The... The fundamental reason Jan is that for the last 30 years there has been a mighty struggle in Canada, completely nonpartisan, supported by both... or all of the parties, to improve the Canadian prison system in one particular way. And that is to try and entrench, behind the walls, the rule of law and a culture of respect for human rights. That's important both because it's consistent with international human rights law, with the Charter, it's the law. But over and above that it is by far and away the best way to try and reform, re-socialize individuals so that when they come back they will not endanger public safety. It's also -- and this... there's unanimous views of this -- that the best way to manage a prison safely, effectively both from the position of the prisoners and the staff, is to respect human dignity. The problem with the government's blueprint, the roadmap -- and I found this astonishing when I read it -- that nowhere in the whole of 200 pages does it once mention human rights. If it... And in fact it gives an open invitation to the Correctional Service to turn the switch off any further work in relation to respect of human rights. And that will be a tragedy. It will in fact not in any way strengthen but fundamentally undermine public safety and Canada's commitment to help those who end up in prison improve themselves, and that way help them to re-establish themselves as productive, not outlaws.

WONG: Yeah but this bill hasn't been passed. So why are you still concerned about it?

JACKSON: Well the bill hasn't been passed. It was only introduced as a first reading. And it will be coming back no doubt for review by the committee this fall. The concern is not entirely just with the bill. The bill is a first rollout of a whole new approach to prison management, which in fact takes us back 30 years. I was there 30 years ago. I've been in riots. I've seen men and women die in segregation cells. I know what it was like then when in fact human rights were simply disregarded in prisons. I don't want to go back there and I don't think the Canadian public does.

WONG: Well actually I think many Canadians would argue that prisoners don't deserve the same human rights as law-abiding citizens.

JACKSON: No I don't think there's many Canadians out there who would support the fact that a 19-year-old should die in a segregation cell while correctional staff watched her for fear of not reinforcing negative behavior. I don't believe Canadians believe in that. I don't think Canadians, properly informed, would make a choice between humiliating, degrading prisoners as opposed to giving them the wherewithal and the respect that they come out and can be our neighbors and work alongside us as people who respect, not despise the law.

WONG: Professor Jackson, I'd like to bring in another perspective here for a moment. This is Greg Hansen. He is currently serving a life sentence for murder. He is a member of an organization called PACT, a Prisoner Advocates and Counseling Team, and he's in Matsqui Prison in Abbotsford BC. Mister Hansen, good morning.

GREG HANSEN (Prisoner): Good morning Jan.

WONG: Well the government says it's necessary to strengthen the federal correctional system by making prisoners more accountable for their actions. What's wrong with that?

HANSEN: Because that's absolutely sanitizing language. When you read the recommendations that come out of the Sampson Report there's nothing there that... in a research or an education-driven way would strengthen the correctional system or strengthen public safety. All of the recommendations that come out of the report are about making the prison system harsher and more painful for prisoners and also for their families.

WONG: How does it hurt public safety if it's harsher?

HANSEN: Well, because in my experience the vast majority of prisoners really want to change so that they don't find themselves in this situation again. I've seen it time and again working in the work that I do here. The only thing that harsher conditions produce is pain, and pain fuels anger and hatred. And as we all know, hatred is... hatred is the jet fuel of violence. The greatest fear of all the prisoners I've spoken to is that this radical reverse in that direction that is now represented by CSC's transformation agenda is going to turn Canadian prisons back into hate factories.

WONG: Well now that you've talked about pain and hate, and what you've told me about the prison system, I think we really have to talk about what you did. You killed a man. So imagine that that man's mother is listening right now...

HANSEN: Right.

WONG: ... and make the case for why it's in her interest to hear what you have to say today.

HANSEN: As a mother... Because interestingly the mother of the man that I murdered was in the courtroom back in January of 1994. I apologized to her and the family and I gave my word in the courtroom that day that I was doing everything that I could to set matters right. Since that time I have put as much effort as I could put into reforming my thinking, my feelings, the broken value system that led me to do this horrendous thing to another human being. And so I would hope that she would recognize that my commitment that I made to her in the courtroom that day has been fulfilled by all of the things that I have done.

WONG: You've stolen cars. You robbed houses. You robbed banks. You escaped from prison. I think you robbed more banks. So tell me why it's not a good idea to make a prisoner have to earn an early release. What is wrong with that?

HANSEN: You would think that earning an earlier release would mean that you would demonstrate that you're thinking was better, that your

value system was better. But what it really means is surviving a harsher environment.

WONG: And when you say harsher, give me an example.

HANSEN: The current phrase under the principles of the legislation is that offenders retain all rights and privileges of all members of society. The government wants to change that to, offenders retain the rights – they've taken at the word privilege. In a prison context, here's a list of privileges -- a daily shower, canteen, books, education, more than one hour a day out of cell. These are all privileges that presumably the government would either take away or hold as hoops for prisoners to jump through in order to attain them.

WONG: You see I have a hard time understanding the idea that you want to have a shower, it shouldn't be used as a reward. I have a hard time when I think of the mother who doesn't have her son anymore. And so I just... I can't make that intellectual jump. Can you help me make that, because I can't do that.

HANSEN: How does my not having a shower protect another mother from losing her son? What is the link between giving a prisoner a shower and giving this woman back her son? I think that we are at a very important crossroads. I think that Canadians have to decide what they really want from their correctional system in the 21st century. Do they want a safer society, or do they want to trade public safety for revenge? Because we can't have both.

WONG: Thanks so much for talking to us today.

HANSEN: You're welcome.

WONG: Greg Hansen is an inmate in the Matsqui Prison in Abbotsford BC.

Professor Jackson, the government wants to see a move away from statutory release for inmates and instead wants prisoners to earn their parole. What is wrong with that?

JACKSON: There's nothing wrong with the idea of earned parole. That's how the system works at the moment. What's at stake here is that for many prisoners, until 1970, a prisoner served two thirds of their sentence and then with the benefit of remission was released and was free. In 1970 we changed the law in the interest of public safety to introduce statutory release. It meant that instead of being free for the last third, a prisoner was released to a halfway house and was under supervision so that we could more effectively manage their risk and ensure that they didn't re-offend. That's what the government wants to abolish so that the prisoner serves every day in prison and then is released at the end of the sentence, free and clear, with no supervision. How does that protect public safety? We have no control. We have no supervision. We have no monitoring. We have no support. Statutory release is the measure under which at the moment two thirds of prisoners leave prison under supervision. The government would have that two thirds be released with no supervision. It will make for huge

increases in the level of imprisonment, it is estimated it could cost up to \$1 billion, and it would undermine public safety. It's part of a political promise this government has made to be tough on crime. It reads well in the public eye. But it in fact is misconceived, ill-conceived, and a very regressive and in fact dangerous move because it undermines public safety.

WONG: Okay, but isn't there a higher recidivism rate of the prisoners who are released on this early parole?

JACKSON: This is one of the distortions in the roadmap, with all respect to Mister Sampson. They say in their report that the difference between those who are released on parole in terms of their recidivism - the difference between those who are paroled and complete their parole without committing another offense is 300 times less than what it is for those who are released on statutory release. Sounds horrendous. The difference is, .6 percent of prisoners on parole reoffend during their parole. Something like 2 percent of those on statutory release do. It's still a very small number. In fact it's very, very small. It makes no dent really on the incidence of crime, and yet it's because of that small difference that they want to abolish a whole system of release which has been proven successful. And I challenge Mr. Sampson, when you look at the Department of Public Safety's only research, they support statutory release. They show that it is in fact an effective system. And there is no

evidence to support its abolishment. That's one of the problems with the roadmap we found time and time again.

WONG: Okay. All right.

JACKSON: There was an absence of evidence to support fundamental recommendations which will change the face of imprisonment.

WONG: Thank you.

JACKSON: The public expects evidence based public policy, not ideologically based public policy.

WONG: Thank you very much for talking to us this morning.

JACKSON: Thank you.

WONG: Michael Jackson is a Professor of Law at the University of British Columbia. He was in our Ottawa studio.

The Current did not request an interview with the Minister of Public Safety because the report was embargoed, but we will be inviting the Department to respond to the report later this week.

As I mentioned, Michael Jackson's report is a response to the report released in 2007 called: Roadmap to Strengthening Public Safety. Rob Sampson was the chair of the panel that produced that report. He's also a former Minister of Corrections for the Province of Ontario and he's in Halifax this morning. Hello.

ROB SAMPSON (Report author): Good morning.

WONG: I want to first point out that because it was embargoed you've not been able to read Michael Jackson's report, A Flawed Compass, and you are hearing the specific concerns about your report for the first time.

SAMPSON: Yeah, this is the first time I've actually heard that he was doing a commentary. It's too bad he didn't call me before, but that's the way it is.

WONG: I guess so. But now you've heard what he had to say. And with that in mind, what is your reaction to the criticisms that he's made?

SAMPSON: Well first of all I think I need to make it clear this is not the Sampson Report; this is a report that was put together by a panel of very educated and involved members in the correctional industry.

WONG: We just call it the Sampson Report for convenience. But you're right, that's not the official report.

SAMPSON: Yeah but I... I guess my point is that there are other members of the panel who agreed with the recommendations, previous parole board chair, a senior member of the Montréal police force, a well-respected member of the aboriginal community...

WONG: Are you ducking responsibility? It sounds kind of defensive.

SAMPSON: No, I'm saying that, you know, these are not my views. They are the views of people who have been involved in corrections for some time.

WONG: Okay. Okay, let's talk about the rights of inmates.

SAMPSON: Right.

WONG: How important did that play... What kind of role did that play in your report?

SAMPSON: Well I think the people in Canada understand that when you're convicted of a crime and sentenced to jail a certain chunk of your rights get converted into privileges that you need to now earn back in the correctional system before you can have those privileges converted back into rights. And our report effectively addressed that. There are privileges within the correctional system that are there because you are now deemed to be an inmate, a convicted felon, somebody who needs to have particular issues, correctional issues, dealt with. And the panel recommended that ... that one of the challenges of the correctional system is to provide the environment so that these individuals can, as Professor Jackson said, returned to be your neighbors. And, you know, the statutory release issue and the question that Professor Jackson raised, look, I think it's fair to say that people should be returned into the community when they are ready, when they've demonstrated that they are willing to become law-abiding citizens again.

WONG: Well basically he was saying there is no buffer zone, they come... they serve their full time and then, boom, they're let out.

SAMPSON: And that... and that's not correct. The concept of an earned release program is to say to the individual, when you have started to actively participate in your rehabilitation and correctional program you

can start to earn some of these privileges back, or these rights back, that the system has now converted to privileges. And that can be a gradual process or a quick process, or if the inmate chooses -- and many, many do -- not to participate in correctional programs you'll be there to the end of your sentence. It's entirely up to the individual to engage in his or her correctional programs. The public's, or the correctional system has an obligation to provide the opportunity for these inmates to participate in their correctional program.

WONG: But don't inmates have basic human rights?

SAMPSON: Sure they do. And the report never said that those should be taken away.

WONG: I think it doesn't even mention human rights. Isn't that right?

SAMPSON: Well the... The rights that it mentioned is the rights to any corrective environment. That's what the report talked about. The individual inmate has a right to an environment where he or she can properly address their criminal issues and become law-abiding citizens again. I think the report was quite clear that that is something that the federal government, through Corrections, the public, must provide and should provide the inmate. The report was quite clear on that.

WONG: Do you... Which is more important though, public safety or the rights of inmates?

SAMPSON: I would say both are equally important.

WONG: Equally? Okay.

SAMPSON: Public safety is critical for the persons coming back into the system... into society and mean, that you and I want to make sure that the peoples being released from prison have been rehabilitated. But there's a certain, if you say human right, within the institution, the obligation of the system to provide the individual inmate with the opportunity to rehabilitate himself or herself.

WONG: But how do you balance these rights then?

SAMPSON: That's a tough balance, there's no question about that. And I don't think one should ever strive and not trying to get it right or better.

WONG: But when push comes to shove, which one takes dominance? I think your report says that the public safety takes dominance over the inmate's rights, doesn't it?

SAMPSON: The public safety says... er, the report says that public safety is critical. Public safety is critical. But there are certain things that the system must provide the inmates, and the inmate has a right, if you will, or an obligation to participate in the programs that are provided and actively participate in the programs, not just sit on his and her hands until some arbitrary time on their sentence clock passes and then they're out. That... That's... frankly doesn't make any sense.

WONG: But they can still sit on their hands, right?

SAMPSON: Sure they... They can sit on their hands to the end of their sentence. Absolutely.

WONG: Yeah, so...

SAMPSON: They can do that now until the end of a third of the... two thirds of their sentence, or in our report they can do that to the end of their final sentence. Then there are all sorts of provisions in the Criminal Justice Act to allow society to deal with an individual like that who's... who has... the individual has said, look, I don't want to be rehabilitated; I'm a criminal and that's the way I'm going to be. There are laws in this country that allow society to be protected from those people as well.

WONG: Okay. My last question is how political was your report? How much of it is because it's such an easy sell for the federal government to get tough on crime? What... What was that... How much did that motivate your report?

SAMPSON: No motivation on that. What we were motivated by was what works, what should work, and what makes sense, and what's the right environment to provide the appropriate resources to the system to help inmates rehabilitate themselves.

WONG: Okay.

SAMPSON: And how do you protect society.

WONG: Okay. Thank you very much.

SAMPSON: Right on.

WONG: Rob Sampson was the chair of the panel that produced the 2007 report: Roadmap to Strengthening Public Safety.