# REDUCING RECIDIVISM

## Shifting the Paradigm to Invest in Community

NAACJ · ANIJC

Social responsibility
Responsabilité sociale

*A discussion paper prepared by a working group of*
**the National Associations Active in Criminal Justice**
*to shape the Federal Framework to Reduce Recidivism*

*April 2022*

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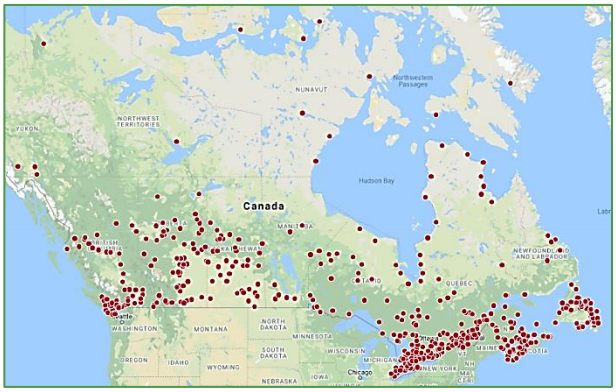
## 1. NAACJ: ABOUT OUR MEMBERS

The National Associations Active in Criminal Justice (NAACJ) enhances the capacity of member organizations to contribute to a humane, fair, equitable and effective criminal and social justice system. It brings together 19 voluntary sector agencies that collectively have hundreds of years of experience promoting and upholding human rights, and that share a commitment to research, social development, and the inherent worth of all human beings.

Guided by evidence and experience, NAACJ encourages meaningful justice and robust social policy that will reduce crime and victimization while building healthier, safer communities for everyone.

With leadership and expertise that spans the criminal justice continuum, NAACJ's membership is ideally placed to stimulate and inform ideas and initiatives through dialogue and understanding with Public Safety Canada partners and others.




**NAACJ and its members' networks have a presence in almost 600 communities across the country.**

## 2. CONSULTING WITH PUBLIC SAFETY CANADA

In our consultation with Public Safety Canada to discuss key themes and priorities for a Federal Framework to Reduce Recidivism (FFRR)[1], representatives from NAACJ and its member agencies emphasized that ***recidivism happens in the community,*** and often as a result of systemic discrimination and lack of supports and resources.

[1] PS Canada hosted some NAACJ members in consultation sessions on November 16 and 25, 2021. Conversations were guided by their discussion paper, *Working Together to Reduce Recidivism,* accessible here.

Given this reality, it is paramount that community-based supports have the necessary resources to achieve their full potential in order to implement a Framework to Reduce Recidivism (FFRR) that is successful.

**Community corrections services that are provided by not-for-profits (NFPs) need an effective 'home,' or secretariat, to formalize their recognition by government partners.** This can be achieved through reciprocal relationships and long-term investments that better reflect the value that NFPs offer to Canadian communities to achieve and advance public safety results.

Community-based agencies are demonstrating excellent returns on current investments, but could achieve their full potential with greater supports and resources. Providing stability through dedicated investments will work toward our common cause. It is only by tapping into this potential that we can benefit from the tremendous possibility and resilience we see in the thousands of people – parents and children alike - who are rebuilding their lives after incarceration each year.

For decades, community-based groups have sought the relationships and funding that are so desperately needed to create comprehensive, meaningful progress within justice and corrections. Yet while 41% of the federal correctional population resides in the community, only 6.5% of the Correctional Service of Canada's $2.6 billion budget is allocated to community supervision.[2]

**While 41% of the federal correctional population resides in the community, only 6.5% of the Correctional Service of Canada's $2.6 billion budget is allocated to community supervision.**

[2] See section B. 3. of Public Safety Canada's *Corrections and Conditional Release Statistical Overview 2020,* here; and, "Budgetary planning summary for core responsibilities and Internal Services" in CSC's *2021-22 Departmental Plan,* here.

Individual and community needs would be much better served with greater parity and integrated cooperation toward our common cause of reducing recidivism. This shift, among others, is vital for the FFRR to be successful. We cannot achieve our shared goals by maintaining the status quo.

Instead, by bringing our approaches into the 21st century with the intent to modernize the criminal justice system, we can reduce re-offending by adequately investing in people and communities, by creating a more transparent corrections system, and by seeing the remarkable potential that exists in people to rebuild their lives and meaningfully contribute to their communities.

**We cannot achieve our shared goals by maintaining the status quo.**

For far too long, numerous reports, commissions and inquiries have confirmed the realities that NAACJ's membership continues to witness on the ground: communities do not have the capacity to meet the needs of its most impoverished, marginalized and racialized. Without adequate options for child care, employment, safe housing, and health and mental health supports that include effective mechanisms to address problematic substance use, we will continue to see our most vulnerable citizens caught in the criminal justice system with few 'off-ramps' to a safer, more productive lifestyle and little hope for recovery.

We can no longer accept the over-representation of Indigenous and Black people in our child welfare, youth justice and correctional systems. We can no longer accept the systemic, overt and covert discrimination of Indigenous Peoples and Black Canadians. We can no longer accept that approximately 30% of people exiting corrections have no home to go to.[3] And, we can no longer accept the lifelong

[3] See the Canada Mortgage and Housing Corporation's 2006 Research Report *Housing Options Upon Discharge from Correctional Facilities* in St Leonard's Society of Canada's policy on the **Right to Housing**, 2019.

trauma, increased involvement with child welfare systems, and life trajectories toward criminalization that the children of incarcerated parents risk experiencing unless – collectively – we can provide interventions and encouragement that are unique to their experiences.

We know that individuals are more likely to become criminalized if they have insufficient or inadequate resources. Without financial stability, reliable shelter, and access to food and health supports, other windows of opportunities close, leaving people with few meaningful choices. The Social Determinants of Health are tantamount to the 'Social Determinants of Crime'. With that, and based on NAACJ's collective expertise working across the spectrum of the criminal and social justice sectors, we offer the following suggestions and considerations, which align with Public Safety Canada's seven proposed themes, in order to help establish a federal framework that **increases resources** and reduces recidivism.

**The Social Determinants of Health are tantamount to the 'Social Determinants of Crime'.**

## 3. SUGGESTIONS AND CONSIDERATIONS

### A. General

It is critical that the FFRR establishes a **strong, clear definition of recidivism.**

The approach must be rehabilitative, not punitive, and provide environments and opportunities that are evidence-based, trauma-informed, therapeutic, person-centred and strengths-based. With laws that obligate us to use the least restrictive measures, incarceration must be utilized as a last resort. Community-based alternatives have proven evidence of success, and must be expanded as a reasonable and safe default, e.g., community service orders, diversion, reconciliation circles, attendance centres, encounter programs, and s.

84 placements in Indigenous communities. The framework must also consider or include:

a. Timely and accessible disaggregated data that is robust and consistent across jurisdictions.

b. Plans to successfully manage breaches in the community.

    i. A re-examination of breaches, revocations and suspensions, particularly breaches for "deteriorating behaviour".

c. Alignment and integration with Public Safety Canada's National Crime Prevention Strategy (NCPS), its principles, tools and resources.

d. The Truth and Reconciliation Commission's Calls to Action #25-42, i.e., to reduce the over-representation and incarceration of Indigenous peoples, to respect Indigenous protocols, to increase the provision and accessibility of community-based supports and services for Indigenous peoples, and to address the underlying causes of harm and historic trauma.[4]

e. The ways and means to reduce the over-representation of Black people in prisons, and enhance access to community-based supports and services that meet their specific needs.

f. Consultation and engagement with "First Experts" who have lived experience within the criminal justice system or are currently incarcerated.

g. Strong and dynamic reintegration plans, co-established with every incarcerated individual.

    i. Institutional Parole Officers must outline clear expectations and be required to meet with the people on their caseload at regular intervals, similar to the obligations we see in the

[4] This is the **Justice** section of the *Truth and Reconciliation's* 2015 Calls to Action.

community, in order to adequately address needs and prepare for release.

h. The government must accept responsibility to provide opportunities and resources, akin to the individual's obligations to accept responsibility for their actions, since it is the government that removes a person's freedom.

i. Stable funding and transitional support for Warrant Expiry Date (WED) cases, which often represent the highest need clients and – paradoxically - do not benefit from a gradual, structured release process.

j. International models and best practices that have demonstrated success. Norway presents an excellent example[5].

k. An educational campaign to promote understanding and gain public support, delivered with service providers, must be inter-woven throughout the framework and its implementation.

Criminal records are a tremendous barrier to move into a pro-social, crime-free lifestyle; and, they negatively impact access to volunteering, education, employment, and housing. Improvements to the Criminal Records Act are also vital to support our efforts to reduce recidivism.

## B. Positive Social Networks

Positive social networks are pivotal to an individual's pathway out of crime and are **vital across all themes, in all aspects of corrections.** We know that compassion and hope positively impact people's resolve to persevere. As such, the FFRR must consider or include the following:

[5] View this 2013 presentation, A Just Place: Building Better Correctional Spaces, delivered by Are Hoidal, the Prison Governor (Warden) of Halden Prison in Norway.

a. NFPs need consistent, stable, long-term funding for in-reach, case management and after-care. The current 'grants-based' system (versus long-term, predictable, sustainable funding) undermines long-term progress towards achieving reintegration in the community.

b. Legislation should include community-based agencies as partners in the criminal justice system, similar to Quebec's model.[6]

c. NFPs require access to data and information so they may design and deliver complementary and appropriate programs and services.

d. Community-based groups can be leveraged to achieve shared reintegration goals, but to do so they need:

    i. **To be welcomed inside prisons** to build relationships, instill motivation for release, and broker relationships and resources in the community as they are needed by individuals who are eventually going to being released.

    ii. **Earlier access inside** through in-reach, interventions, pre-release fairs, health fairs, etc., and throughout incarceration by enhancing the use of Work Releases (WR), Escorted Temporary Absences (ETAs) and Unescorted Temporary Absences (UTAs).

e. We risk losing this opportunity to significantly reduce recidivism if we don't connect the community and the institution, to ensure a seamless continuity of care.

f. Wrap-around models are effective for person-centred case management. The FFRR must ensure there is continuity from intake to discharge; between Institutional Parole Officers,

[6] Learn about the model in this 2009 presentation from l'Association des Services de Réhabilitation Sociale du Québec: A Recognized Partnership| Un Partenariat reconnu.

Chaplains, Elders, the community parole offices and community support organizations including Community-based Residential Facilities (CRFs), Healing Lodges and Correctional Service of Canada (CSC) Faith Community Reintegration Projects.

g. Faith-based organizations must be consulted and engaged. Chaplains are at the heart of many institutional services.

h. Community-based Elders must be consulted and engaged throughout the justice & correctional continuum. They bring important traditions, teachings, wisdom and knowledge with them.

i. Successful Canadian models and initiatives exist and should be reinvigorated, expanded or sustained.

j. Peer support programs should be recognized and implemented as a means of providing support, direction and learning for prisoners as well as meaningful employment and purpose for the peers delivering them.

k. Restrictions and security issues should be the exception rather than the rule guiding institutional operations. 'Bringing the outside in' helps individuals' mindsets and serves as a motivator for prisoners looking ahead to reintegration.

l. The provision of meaningful human contact is commendable and should be expanded beyond CSC's Structured Intervention Units (SIUs) to everyone in the general population.

m. Families also have tremendous potential to serve as motivators. We need to support family unification with more video technology, in-person visits, email, and Private Family Visits (PFVs), *without* sacrificing in-person contact and connection.

**We risk losing this opportunity to significantly reduce recidivism if we don't connect the community and the institution, to ensure a seamless continuity of care.**

n. Recidivism must include the acknowledgement of intergenerational crime. Working to reduce Adverse Childhood Experiences (ACEs) for children of incarcerated parents by promoting social norms against violence, strengths-based programming, intervention services for those in need, education and skills, as well as connections to prosocial adults and activities will help prevent crime. The FFRR should also include financial support to families, alternative sentencing considerations for parents, as well as trauma and mental health supports for family members.

o. A prison environment that is conducive to successful reintegration starts with a correctional culture among staff that approaches every interaction as an opportunity to role model respectful and appropriate behaviours. Doing so has the potential to shift prison dynamics and set the stage for effective reintegration.

p. Healthy, adult-to-adult communications as well as open and honest dialogue are key aspects of a positive support network. It is equally important to challenge harmful behaviours including dishonesty, blaming or justification while at the same time offering assistance.

q. Discharge planning must be collaborative among justice-servicing agencies in order to be comprehensive.

## C. Risk Assessment

**The risk assessment process presents an opportunity to take an interest in helping the individual.** Risk assessment is important for the safety and management of the institution, but a therapeutic component for the individual should also be included. As the risk assessment process reveals the potential threats to individual and institutional safety, it can, with the addition of a therapeutic set of questions, also reveal insights to assist the individual build prison resilience and a more positive life. It can also inform program responses. The following suggestions and considerations address how the FFRR can maximize opportunities related to risk assessment:

a. Assessments must be based on evidence and be culturally appropriate.

b. Instruments are needed to reduce individual bias.

c. Assessments should be conducted every 1-2 years, and/or at any significant time or event such as transfers and release, whichever comes first.

d. To be fully compliant with the Risk-Needs-Responsivity (RNR) model, CSC should assess and respond to responsivity factors (age, culture, gender, language, mental health status, social history, etc.), which should be explicitly included in risk management or reintegration plans.

e. CSC's risk assessment materials and tools that are not associated with risk must no longer be used for placement and programming decisions, e.g., the "two-year rule" in maximum security.

f. CSC should develop reasonable ratios of health services personnel to prisoners, as it has done with Parole Officers. Staff should include a psychologist for oversight and other mental health professionals.

g. Ensure that parole conditions prioritize therapeutic interventions over restrictions that reduce successful outcomes while on conditional release, e.g., substance use, compliance with medications.

h. Offer strategies and supports to increase successful "Day Parole to Other" releases when they do not pose undue risk.

## D. Housing

Research establishing the relationship between the criminal justice system and homelessness is growing; however, the relationship is rarely explored from a post-incarceration perspective. Studies which do address this gap align with the concerns of community-based service providers**: securing housing is one of the greatest challenges following release from prison.**[7] This is often for a myriad reasons, namely, a lack of available, affordable, stable, and/or supportive housing options, particularly for people requiring medication compliance support; waitlists; restrictions for individuals with a criminal record; and, barriers that persist beyond a sentence, when CSC is no longer mandated to provide care. The following suggestions and considerations address how the FFRR can improve housing options:

a. Adequate investments and protocols grounded in evidence-based practices of gradual release are required to ensure that CRFs and s. 81 Healing Lodges contribute more effectively and meaningfully to reintegration.

[7] Griffiths, C., Dandurand, Y., and Murdoch, D. (2007). *The Social Reintegration of Offenders and Crime Prevention*. Ottawa: National Crime Prevention Centre.; Zorzi, R., Scott, S., Doherty, D., Engman, A., Lauzon, C., McGuire, M., and Ward, J. (2006). *Housing Options Upon Discharge from Correctional Facilities*. Toronto: Canada Mortgage and Housing Corporation.

b. Correctional populations need greater access to safe, diverse, affordable Second Stage and other transitional and permanent housing units.

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   i. Increase long-term, sustainable funding for housing units and infrastructure, in part through the National Housing Strategy (NHS).

   ii. Cooperate with Provinces, Territories, municipalities and Indigenous band councils to reduce barriers and create or tap into existing housing opportunities.

c. Establish long-term care facilities and supportive housing options that welcome elderly people after incarceration.

d. Ensure units are available to support various needs, such as sober living *and* harm reduction options.

## E. Employment

Bringing employment opportunities into the correctional environment **increases the potential for community employment after release** – a key piece in truly reducing recidivism. Additionally, employment opportunities also allow people to practice soft skills such as conflict resolution, communication, routine and safety. The following suggestions and considerations address how the FFRR can improve employment opportunities:

a. Meaningful employment opportunities must be provided and be paid at provincial/territorial minimum wages. Correctional pay

levels have not increased since 1983, with the highest rate reaching only $6.90 *per day*.[8]

b. Increase and expand the use of Work Release, Escorted and Unescorted Temporary Absences to every eligible person.

   i. Expand the use of CORCAN and trades. Gaps in industries, trades and labour market needs should be connected to opportunities for people who need training and employment inside.

c. Build relationships and partnerships with the private sector to offer employment opportunities upon release.

d. People with disabilities, seniors, and others who cannot work must have other meaningful activities in prison.

## F. Education

CSC must encourage and offer secondary and post-secondary educational opportunities, in addition to trades and professions. **Digital literacy and an increase in access to technology cannot be understated as immediate priorities. They are imperative for education and employment in the 21st century.** The following suggestions address how the FFRR can enhance educational opportunities:

**Digital literacy and an increased access to technology cannot be understated as immediate priorities. They are imperative for education and employment in the 21st century.**

a. Create partnerships and programs with Provinces, Territories, and post-secondary institutions to provide education inside and upon release from prison. Such partnerships can ensure that education corresponds to

[8] See s.15, Commissioner's Directive 730, *Offender Program Assignments and Inmate Payments*.

prerequisites and current certifications and employment needs in different regions.

b. Re-establish the ability for NFPs to deliver peer-based services within institutions and in the community after release. Prioritize people facing unique barriers in accessing programs, such as those who struggle with basic literacy or those serving a life sentence.[9]

c. Expand and encourage programs such as Walls to Bridges.

d. Programming offered by non-CSC agents is always more beneficial and well-received by individuals than those delivered by CSC staff.

e. Literacy education is most effective when it:

- Is delivered at the community level,
- Provides a non-threatening learning environment,
- Has a low student-to-teacher ratio,
- Sets realistic, individualized goals,
- Uses relevant and appropriate learning material,
- Employs diverse learning strategies, and
- Has flexible policies and practices to meet the needs of learners.[10]

f. Stable funding, space for programming, and removing barriers to the delivery of pro-bono and cost-effective interventions by NGOs are needed.

g. Financial literacy and building healthy relationships must also be included in curricula.

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[9] See St. Leonard's Society of Canada's Report, *Life(r)'s Work: Developing a Modernized Strategy for Life-Sentenced People in Canada (2019);* and, *Life(r)'s Work: Supporting a Modernized Strategy for Life-Sentenced People in Canada (2020).*

[10] See Frontier College's National Research Report, *Literacy and essential skills as a poverty reduction strategy*, 2019.

h. Programs and services should be delivered at every security level, i.e., not only minimum or medium-security institutions, but also in maximum-security and Structured Intervention Units (SIUs).

i. Programs and services should be available in alternate formats so that the program content is accessible to individuals with unique obstacles to learning. For instance:

    i. People living with cognitive or literacy challenges may be unable to fully take part in programs (e.g., comprehension or completion of written exercises). This can be misconstrued as a lack of engagement, which sets them up for program failure without considering systemic failures that do not address the spectrum of needs presented in the institutions.

    ii. Language and communications must be considered when it comes to education, particularly English as a Second Language (ESL) for newcomers and Indigenous Peoples. Cultural differences in self-expression must be understood, recognized and respected.

j. People exiting an institution are vulnerable and need positive support and life skills to:

    i. Learn how to live peacefully among people who may try to take advantage of them, and,

    ii. Learn how to avoid situations that will aggravate threats to their efforts to live in community and meet the wall of demands associated with returning to family, finding friends and building trust in a world that does not easily accept them.

## G. Health

Canada has the ability to ensure that incarcerated people are provided with **health care that meets national and international standards, and that respects and protects human rights.** Furthermore, given that prison health is a public health issue, it is imperative that decision makers in Canada's criminal justice system understand and provide equitable and consistent standards of healthcare as required by law. The following suggestions and considerations address how the FFRR can help achieve this objective:

a. Civil systems should manage correctional healthcare, which must be accredited.

b. Institutional health care must be provided at the same standard as the community.

c. Dental and vision must be included as primary healthcare within corrections.

d. The particular needs of people with Fetal Alcohol Spectrum Disorder (FASD) must be recognized and addressed.

e. 'Medication lines,' which require people who are ill to stand in line, often outdoors, for their prescriptions must be eliminated.

f. Encourage and provide greater access to health waivers and Patient Advocates.

g. Eliminate the use of prolonged solitary confinement.

h. Support the Truth and Reconciliation Commission's (TRC) calls to action related to healthcare, including:

    i. Recognizing the distinct health needs of Indigenous peoples,

    ii. Recognizing the value of using Indigenous healing practices,

iii. Increasing the number of Indigenous professionals working in the healthcare field, and

iv. Providing cultural competency training for all healthcare professionals.

i. Tailor community-based strategies to consider the special needs of aging and elderly people in conflict with the law, including the creation of community-based geriatric services, timely access to palliative and end of life care, and physical accommodations suited to older clientele such as wheelchair access.

j. Consider alternatives to incarceration for complex health needs cases based on current risks and needs or other relevant criteria.

k. Expand the accessibility of Parole by Exception (PBE) for more compassionate releases.

l. A seamless continuity of care from in-reach to post-WED is vital, and can be supported by NFPs

m. People exiting corrections should have continuity of health care in place well ahead of their release.

i. We must ensure that individuals exiting corrections have all of their documentation and sufficient medication, as well as prescription repeats.

ii. Release papers, ID, immunization and health records are imperative upon release.

n. Prison healthcare strategies and models of care must seek the expertise and knowledge of community-based agencies that support access to healthcare post-release.

## 4. IN SUM

NAACJ and its members recognize that the FFRR presents an extraordinary opportunity to improve collaboration, implement what works, learn from our efforts, and make critical changes in and around the criminal justice system that will positively impact the lives of individuals, families, communities and generations to come.

We know that a more socially responsible, inter-sectoral approach that focusses on the community can be cost-effective, humane, and produce the long-term results we seek.

**A more socially responsible, inter-sectoral approach that focusses on the community can be cost-effective, humane, and produce the long-term results we seek.**

We have the combined knowledge, experience, tools, programs and services to reduce our reliance on incarceration, to provide transformative alternatives to punishment, and to support people where they are at through **evidence, collaboration, compassion and hope.**

**Now is the time to invest in individuals and communities to realize our full potential, and re-establish Canada as a global leader in human rights and justice.**

NAACJ and its Members look forward to working with Public Safety Canada and other partners to contribute to the FFRR as it is further developed, implemented and evaluated, and to discussing these and other ideas throughout the Parliamentary process.