

**Raising Public Awareness of the
Need to Address Prison Overcrowding**

**Strasbourg Council of Europe
Responses to Prison Overcrowding**

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First of all, I want to say how wonderful it is to be here in this beautiful city. I have very much enjoyed listening to the esteemed group of speakers over the last two days and I am honoured to be included among them at this conference.

I would like to proceed with my presentation in the following manner:

- I will begin by giving you a short overview of the Canadian situation;
- I will then provide you with some context about public awareness and prison crowding;
- And finally, I will mention some strategies that have or are showing promise in the area of public awareness.

Canada:

In Canada, we have 10 provincial, 3 territorial and 1 federal system. Every offender sentenced to a period of more than 2 years is managed under the federal correctional and conditional release system. All others, including youth and remand prisoners, are under the authority of provinces or territories. In terms of trends, the federal system has seen a decline in its overall prison population for the past 3 years. The only segment of the prison population that is still growing – and we are seeing this worldwide – is in the area of women offenders, which has grown 36% over ten years.

The provincial story is much different, largely due to the remand population. Our provincial system has operated at approximately 90% capacity over the last three years. However, due in part to accused on remand, some provinces have been consistently operating at over 100% capacity (Note: Manitoba; British Columbia).

As the Chairperson of the Parole Board of Canada, I oversee an organization whose mandate, simply put, is to contribute to public safety by facilitating the timely reintegration of offenders into the community. We do this in an open and accountable manner, respecting the rights and dignity of both offenders and victims. While our mandate is relatively focused, our work is complex and demanding. Board members deal on a daily basis with two fundamental aspects of life – the liberty of individuals and the right of society as a whole to feel safe from crime. Every day we deal with the management of risk.

Our Board members consider a wide range of information in assessing an offender's risk to re-offend, including actuarial assessments and risk assessment tools.

The fact of the matter is that the vast majority of offenders are serving a determinate sentence and will eventually be released back into the community.

Research tells us that offenders who benefit from a gradual, controlled and supervised release have higher rates of successful reintegration, which in turn contributes to better public safety.

Ideally, no one should leave the prison gates at the very end of their sentence without the benefit of supervision and support.

Public safety is, of course, the paramount consideration in all Board decisions, and while the Board may be attuned to crowding in prisons, this is not a consideration we take into account when assessing the risk of an offender.

Context

We have been talking about crowded prisons for many years now. In 1998, an international group of experts from 40 countries met in Canada. They gathered to learn more about the excessive use of incarceration as a response to crime and to explore what other responses were available that would reduce the use of incarceration while building safer communities.

That meeting highlighted many shared challenges – including an expensive and ineffective over-reliance on incarceration as a response of first choice, a lack of coordination between criminal justice partners, a dissatisfaction with results, knee-jerk reactions to criminal behaviour, public misunderstanding of what we do, and confusion inside and outside of the profession itself as to what we do, who we do it for, and how we do it – to name a few.

Fast forward 21 years, and it seems to me that we are still having the same conversations. So what are we missing?

Raising public awareness of the need to address prison crowding poses significant challenges for most jurisdictions. In the first place, we are seeing a growing proportion of the public that is disconnected from, or does not care about, these types of issues in prisons – and to a certain extent a belief that it doesn't matter because, "they deserve it" or "do the crime, do the time".

As professionals, we have to be more forthcoming with what prisons can achieve and what they can't. We must be clear about the purpose of the prison system. Without this information, it is difficult to lay the groundwork for, or improve, community sanctions. We know there is a growing array of effective and far less costly alternatives to incarceration and we must admit as professionals that these remain alternatives of second choice because we have been unable or unwilling to establish their legitimacy and acceptance on a sufficiently broad basis.

For community sanctions to work, they must have the support from the general public, from politicians, from partners within the criminal justice system, from the judiciary, and most importantly from bureaucrats. They have to be seen as legitimate punishment. And the community needs appropriate resources – enough funding for effective implementation, including ensuring the right people with the right values and skill sets are involved.

An informed and knowledgeable public, one that is invited to look beyond the headlines and encouraged to participate in public policy making around the prison and conditional release systems, will ultimately strengthen and reinforce our efforts.

So, how do we get there?

I don't think there is any magic bullet when it comes to raising public awareness. Raising public awareness requires a well-developed strategy that involves many different players. I'm going to mention a few of those that I have either seen or been involved with.

But first: do we know our public? In Canada, studies by Julian Roberts have shown that:

- the public favour spending on crime prevention over law enforcement;
- they become more receptive to alternatives to incarceration when they have more information about the system;
- when given information about alternatives, support for incarceration declines;
- they generally have little knowledge about the prison and parole/probation system; but,
- as knowledge increases, they become more supportive of it.

I think one of our failures as a profession has been a difficulty to sufficiently explain to the public and to elected officials that prison is not always the right answer, and that in many cases it is the wrong one. It is one of the biggest challenges we have and I recognize it is not an easy one, particularly in today's climate of sound bites, tweets and polarizing ideologies of "tough on crime" vs "soft on crime", when what we should be talking about is being "smart on crime".

It is important to explain to the public what we do, why we do it and who we do it for. But before we can do that, we need to ensure that bureaucrats working in the prison system have a clear understanding of their public safety mandate! We also need to spend more time explaining this to elected officials.

Once we have our own house in order, who are our spokespersons? In Canada, Julian Roberts' research has shown that correctional and parole spokespersons don't have a lot of credibility with the public. So we need to find spokespersons who do. In Canada, the police appear to have the highest credibility within the criminal justice system. Victims' groups also have a high degree of credibility with the public.

In this business, you can't make friends when you need them. Partnerships are essential and can be a powerful voice. We need outside experts, academics, non-governmental associations, and other partners to make their voices heard.

We need our spokespersons to raise the conversation level; how to improve community safety and how to wisely invest the tax payers' hard earned dollar, rather than focussing solely on crowding issues. I believe we need a more fulsome public debate about punishment. While punishment is a legitimate aim of the criminal justice system – and recognizing that prisons are needed for some, the question of how we punish needs to be better explored because we know, for many cases, punishment can actually be *more* effective in the community.

Ongoing Strategies

Let me now highlight a few initiatives that I believe help raise awareness about the prison system.

There is an excellent program in Canada called "Judges to Jails" which is organized through Canada's National Judicial Institute. The "Judges to Jail" program allows a number of judges to spend 5 days learning about prisons and parole, during which:

- common myths are dispelled;
- they visit prisons and remand centres and observe parole hearings;
- they listen to offenders conditionally released in the community; and,
- they hear from practitioners and correctional experts in the academic world.

I see it as a best practice involving the judiciary - letting them see our work and the impact of their decisions. At this point in Canada, this program is not mandatory, but I think it should be! It should also be expanded in some form for the leadership in policing, for prosecutors and other leaders working in the criminal justice system.

To raise public awareness, prison and parole systems need to be open and transparent about what they do and how they do it. Openness, accessibility and responsiveness to public criticism, along with a willingness to seek improvements, support the principle that the public is a responsible participant in the correctional process. To that end, the Parole Board of Canada has a number of initiatives – in law – that make the parole process more accessible to the public:

- the ability for a citizen to observe a parole hearing;
- the ability for a citizen to access the written decisions of the Board;
- the ability for victims to attend hearings, submit or read a prepared statement, or listen to an audiotape of the hearing.

Another example of this in Canada are Citizen Advisory Committees, of which there is one for each federal institution. These committees were established in law to be a public presence. The members of these committees are diverse in age, background and experience. They meet with offenders and staff on a regular basis in the institutions and provide the federal system with their community point of view on various issues, but they also help raise awareness of what the prison system does and they encourage people to get involved. They are a link – a bridge - between the prison and the community.

I have also established two committees that help inform me: - an Indigenous committee, comprised of five Indigenous leaders from across Canada; and a committee comprised of victim advocacy representatives. We meet at least two times throughout the year and it provides opportunities to share information and concerns on a number of tough but important issues.

I mentioned earlier that there is a need to dispel myths about the work that we do. You can visit the Parole Board of Canada's website to see how we are presenting information to the public with a view to raise awareness about parole – and I brought a few booklets with me that demonstrate at least one of our public education products. This type of information is also often used in public speeches.

It is important to work with the media. I am now in the process of ensuring accuracy in all media reports involving the Parole Board of Canada and we are ensuring that errors and mistakes are corrected – and hopeful that the journalist will learn from it. Beginning in the fall, I will be meeting with editorial boards to talk about the work of the Board.

To conclude, a public that is generally unaware of what we do, or misunderstands us, combined with confusion inside and outside of the profession as to what we do, who we do it for and how we do it, will be reluctant to support us or to become involved in our efforts to improve the current system – no matter what the issue or concern is. It therefore behooves us to first ensure that those working *within* the prison system clearly understand what prisons can and can't do. Only after that can we reach out to the wider criminal justice system and its partners and engage in public awareness initiatives.