

The united states and canadian correctional system



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From a historical point of view, Great Britain had influenced the correctional system in the United States and Canada. During the America's Colonial period, United-States was under the British rule and its penal system today is influenced by efforts made during that time. While Canada is currently under the British rule and its penal system reflects their system. These two countries are located in close proximity to each other on the North American continent. In addition to sharing the same continent and being influenced by the same country, these two countries' correctional systems are different. Primary, the United States system puts more emphasis on punishment through imprisonment which accounts for its high incarceration rate compared to other countries. Canada expresses more emphasis on reforming, rehabilitation and reintegration of the offenders into society. To explore the correctional system of these two countries, a comparative analysis will be conducted that will focus on the History, type of offenses or crimes, types of correctional system, correctional issues, and sentencing alternative programs. Finally, accommodations for resolving some of the most critical issues facing these two countries will be presented.

History

Early United States Correctional System

The United States Correctional system had gone through many changes over the years. During the American Colonial time, execution was only used for serious offenses. Corporal punishment was often used as a form of punishment. Offenders who received corporal punishment received harsh treatment. For example, a practice called ducking stool was frequently used, in which offenders are placed on a chair and dunked into a pond until they

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almost drown. Another type of punishment was branding irons into someone skins, and was used for both serious and petty offenses. According to Champion (1990) pillory, flogging, mutilations and banishment were used to sanction deviant behavior. Those who were banished were sent to the western territories and the offenders were subjected to being killed by hostile Indians.

According to Champion (1990) Corporal punishment stopped in 1682 when William Penn reformed the correctional system by banning it. He introduced fines and created jails in every county in the state of Pennsylvania.

Unfortunately, when Penn died the State of Pennsylvania reverted back to the corporal punishment, which continued in every colony until the American Revolutionary War. Then from the seventeenth through eighteenth century, jails and prisons in the United States were made with the intention to make profit off of the prisoners, which profited the wealthy people. Champion (1990) mentioned that private business interests were in control of North Carolina inmates, because the state and local governments avoided the responsibility of running prisons. This trend changed at the end of the civil war when the inmate population increased; jails and prison operation shifted from private enterprise to state legislature operations. However, some states prison labors continued as a source of revenue and also for political support.

According to Champion (1990) from 1790 to 1815, the federal prison population increased tremendously causing prisoners to be released early from their sentences. Thus, federal district judges granted prison administrators the right to early release or parole to reduce inmate

populations. Champion (1990) mentioned, during the early nineteenth
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century, probation and parole were established as a non-incarcerative strategy for managing offenders. In the 1930s, Probation started in selected jurisdictions. In the early 1820s parole was implemented and by 1944 parole was in all states.

Early Canada Correctional System

During the seventeenth and eighteenth century, the death penalty was used against convicted serious offenders. According to Curt Griffiths and Simon Jones-Verdum (1990), transportation, banding, fines, whipping and confinement in stocks or pillory were forms of punishment for less serious crimes. Banishment was first used in the Upper Region of Canada in 1802 and Transportation was used in 1838 until 1853. The offenders who were banished were transported from Canada to England, Australia, and Bermuda. The purpose of these punishments was to caused shame to the offenders. It was used as a general deterrent for the community. Forms of capital and corporal punishment were conducted in public. For example, the offenders' dead bodies were displayed for the public to see general deterrent to crimes. Griffiths and Jones-Verdum (1994) noted that in the early period of Canada punishment was swift, severe and progressive and there were little uniformity in sentencing given by judges.

According to Griffiths and Jones-Verdum (1994), during the 1600s and 1700s incarcerating inmates as a form of punishment was not widespread. For example, municipal jails and lock-ups facilities only held individuals who were awaiting trial, with the exception of a workhouse that was built in Nova Scotia, where prisoners were subjected to hard labor. In Nova Scotia,

prisoners were exploited, and they had to pay for their meals and rents. According to Griffiths and Jones-Verdum (1994), failure to pay will result in longer stay in Nova. The workhouse continued until the mid-1800 when it was determined to be unfit for further habitation. Legislation was enacted to construct more workhouse in the late 1700s. However, many municipalities did not constructed such facilities because the warehouses were inadequate for habitation. This practice continues from the 1800s until the early twentieth century.

In 1835, the first penitentiary in Canada was in Kingston, Ontario. Griffiths and Jones-Verdum (1994) stated that the idea to build the penitentiary was influenced by social, political and economic changes in Canada. They noted that, in the last 1700s, increasing urbanization and industrialization, increase in population, and increased social mobility had led to social control. Family disorganization and community corruption was believed to cause crime. Griffiths and Jones-Verdum (1994) noted that penitentiaries were build to provide the necessary training and discipline to individuals who had no family, church and community influences. Also the Kingston penitentiary was built because crime was seen “ as the consequence of immorality, intemperance, lack of religious practice, and idleness” (Griffiths and Jones-Verdum, 1994. p. 464). Also, criminals were seen as a threat to society. In 1840, the excessive use of corporal punishment in the Kingston Penitentiary led to an investigation and a legislative action was implemented to reduce the use of corporal punishment in the Kingston Penitentiary. Giffiths and Jones-Verdum (1994) noted that the Penitentiary Act of 1868 led to the construction of several penitentiaries in the country.

According to Griffiths and Jones-Verdum (1994), after World War II, vocational training, educational programs along with therapeutic techniques were introduced into the federal and provincial institutions. Griffiths and Jones-Verdum (1994) noted, in 1969, the Canadian Committee on Corrections concluded that reforming the offenders was more effective than housing offenders in correctional institutions. However, in the 1980s, Canadian corrections returned to the punishment based on reparation. Griffiths and Jones-Verdum (1994) noted that in the 1990s the federal level corrections are based on a mixture of program opportunities model and rehabilitation model. The opportunities model is based on the fact that offenders are responsible for their behavior and not on personality disorder or socio-economic conditions.

The historical aspects of the America and Canada penal system are important for penology to understand why one's country is the way it is now. In the early period, based on the seriousness of the crime corporal punishment was used and as society got more civilized imprisonment was used to punish criminals for certain type of crime. Today, Canada defines crime and punishes criminal differently than the United States. The different types of crime and forms of punishment exercised by both countries will be explored.

Type of Crimes

United States

In U. S crimes are classified in two main categories; misdemeanors and felonies. According to Champion (1990), misdemeanors are minor or petty

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offenses that carry less severe penalties. Misdemeanor offenses may result in fines and incarceration for less than one year in a local jail. For example, financial statement, prostitution, shoplifting and trespassing are considered misdemeanor offenses. Champion (1990) defined felonies offenses as major crimes that carry more severe penalty and may result in fines and/or incarceration for one or more years in a state or federal facility. For example, " arson, murder, rape, burglary, robbery, vehicular theft" (Champion, 1990, p. 52) are considered felonies offenses. In the United States crimes are categorized as either violent or property crimes. Violent crimes are crimes that cause physical harm to other while property crimes are considered nonviolent crimes.

Canada

According to Griffiths and Jones-Verdum (1994), there are three major categories of crime in Canada: summary conviction offenses, indictable offences and hybrid offenses—a combination of summary conviction and indictable offences. " Summary convictions offenses are the least serious and carry the most lenient penalties , while indictable offences are the most serious and carry the most severe penalties" (Griffiths and Jones-Verdum, 1994, p. 216). Griffiths and Jones-Verdum (1994), mentioned that hybrid offenses lie somewhere between the two previously mentioned crimes.

Summary convictions offenses may result in a fine of \$2, 000 and six months in jail. For example, committing indecent act, public disturbance, prostitution and driving a motor vehicle without the owner's fall under this category.

permission. Griffiths and Jones-Verdum (1994) stated Indictable offences include, murder, treason, property crimes, possession of stolen goods, <https://assignbuster.com/the-united-states-and-canadian-correctional-system/>

assault and sexual assault. According to Griffiths and Jones-Verdum (1994), these offenses may result in a two years to life imprisonment in a federal penitentiary or provincial jail (only if the offenses are less than two years). Also Griffiths and Jones-Verdum (1994) continued to noted, that Hybrid offenses include, theft, fraud under \$1, 000, driving under the influences and assaults (sexual assault and assaulting a police officer).

Type of Corrections and Correctional Issues

United States

The American correctional system is divided into the Local, State and Federal system. Each 50 states have different correctional organizations system. In fact, “ no state is required to follow any federal correctional system or plan, and as a result, a mixture of agencies and organizations is found” (Champion, 1990 p. 38) in every state. Each state, county and city maintains facilities to house offenders. Champion (1990) mentioned that State offenders are sentenced to state prisons, those who violated local criminal laws are sentenced to city or county jails, and federal offenders are sentenced to federal correctional institutions (penitentiaries, prison camps and detention centers). Champion (1990) also mentioned that recently, many federal prisons are used to housed state and federal offenders to help reduce overcrowding. On the Federal Level, the Department of Justice oversees all federal correctional agencies which include the Federal Bureau of Prisons and the U. S Parole Commission.

There are different confinement facilities established to house prisoners, such as, minimum-security prisons, medium-security prisons, maximum-

security prisons and Maxi-Maxi prisons. According to Champion (1990), minimum and medium security prisons account for 60 percent of all state and federal prisons in the United States. He further mentioned that the Federal Bureau of Prisons oversees numerous minimum security prisons and these prisons house low-risk, nonviolent first time offenders and prisoners who are on their way toward parole. He also mentioned that the medium security prisons house extremely violent and nonviolent offenders. In Medium prisons, visitation privileges, freedoms of movements and access to services program are restricted. Champion notes (1990) approximately 40 percent of U. S prisons are maximum-security facilities that housed escapers, violent crime recidivists and other high-risk offenders. Maxi-Maxi prisons housed the worst type of offenders, especially offenders who tried to escape prisons.

Regarding sentencing alternatives, legislators have established numerous intermediate punishments to control prison and jail overcrowding. According to Champion (1990), legislators established numerous forms of intermediate sanction programs. Champion (1990) noted that the types of intermediate sanctions programs used in many US jurisdictions, include intensive supervised probation, community-based corrections, house arrest and electronic monitoring. Intensive supervised probation (ISP) involves consist or intensive visitation by probation officers on a monthly basis. The main purpose of community-based programs is to reintegrate probationers into their community. According to Champion (1990), Community-based programs include halfway houses, furlong monitoring facilities and halfway-in house. Champion (1990) electronic monitoring as confining offenders to their

place of residences until their sentencing time is completed. According to Champion (1990), in the United States diversion program are available for minor offenses, such as reckless drivers and driver under the influences. He stated that diversion programs includes, psychological counseling for sex offenders, group therapy, vocational/educational training, probation, victim restitution and other programs.

There are numerous issues facing America's prisons, such as overcrowding, riots, prison design and control and racial disparity among prisoners.

Regarding overcrowding in the United States, " in 1987 the state capacities were 105 to 120 percent over their capacity and the federal prison were 37 to 73 percent over its capacity" (Champion 1994, p. 229). Today that ratio capacity percent amount has increased. According to Goldstone and Useem (2002), external pressures on prison administrations, such as charges in law or increase sentencing on inmates had influenced prison riots. They go on to state that, arbitrary rule, excess use of force by staff, loss of inmates' services, extreme violence and lack of safety for inmates has led to riot in United States prisons. Another problem in prison is racial disparity. According to Anthony Doob and Julian Roberts (1997), in 1991, blacks account for 12% of the general population and 48% are incarcerated in prisons and jails in America. Finally, prison design and control are serious issues facing American prisons.

Canada

The Correctional Services of Canada and the National Parole Board Canada oversee all adult federal correctional agencies. The Provincial Correctional

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Services provides services for provincial areas in Canada. According to Giffiths and Jones-Verdum (1994), the Correctional Service of Canada agency is organized into three levels: national, regional, and institutional or district offices, and parole offices. The national level is located in Ottawa. There are six regional headquarter located throughout different regions in Canada and there are responsible for overseeing the maximum, medium, and minimum security facilities, community correctional services and forest work camps. Griffiths and Jones-Verdum (1994) noted that the National Parole Board is an independent administrative agency with 36 full time members who review cases on inmates either serving life sentences and indeterminate sentences for dangerous offenders, grant full and day parole to federal inmates and to provincial inmates. Provincial Correctional Services provide services for offenders serving less than two years in prison. Provinces governments are responsible for detaining offenders prior to their initial court appearances in temporary lock-ups facilities.

Regarding sentencing alternatives, the Canadian Sentencing Commission mentions that sentencing guidelines should ensure a “ greater reliance upon community sanctions as opposed to the penalty of imprisonment” (Griffiths and Jones-Verdum, 1994, p. 363). The Correctional Service of Canada and various provincial correctional agencies offer numerous intermediate sanctions programs such as home confinement, Intensive probations supervision, electronic monitoring. Griffiths and Jones-Verdum (1994), there are also Community based-programs to assists inmates such as, vocational training programs, educational programs, chaplaincy and religious services,

medical, dental and psychiatric services and occupational and vocational program.

Griffiths and Jones-Verdum, (1994), suggested that Canada federal corrections are highly-Labor-Intensive due to large personnel who are responsible for supervising in custodial and non-custodial setting. As a result, “escalating costs of managing and supervising convicted offenders at the federal level” (Griffiths and Jones-Verdum, 1994 p. 473) increase costs. Griffiths and Jones-Verdum (1994) noted that to housed inmates in maximum security institutions is very costly. They also mentioned, in 1994, to house an inmate in a federal facility it cost on average \$136 per day. Anthony Doob and Roberts Julian (1994), stated that aboriginal and black Canadians are overrepresented in the federal prison facilities. They noted that from 1993-94 aboriginals makeup 3.7 % of the population and 12 % was incarcerated in federal prisons and blacks make up 2% and accounted for 5% of those incarcerated in federal prisons. Overcrowding is a major issue in Canada Correctional System because it leads to escalating violence in its prisons.

Comparative Analysis

There are many differences and few similarities between Canada and United-State’s correctional system in terms of the types of correctional system and types of crimes. The critical issues facing the correctional system in the United States and Canada are very similar. For example, overcrowding, riots and racial disparities are critical issues both countries are facing today.

These two countries’ correctional goals are different. The American correctional institutions’ goal is the rehabilitation of the offenders in prisons by providing training and developmental programs. However this goal was <https://assignbuster.com/the-united-states-and-canadian-correctional-system/>

driven by other factors; overcrowding, costs and economic crisis. According to Griffiths and Jones-Verdum (1994), correctional institutions focus on the reformation and the reintegration. Thus, Canada correctional system put more priority on institutional service programs to help offenders after they are released from prisons. For example, Canadian realized the federal prisoners literacy rate was low. In fact, in 1991 “ 65% of inmate in federal correctional facilities had math and language skills below the level of grade eight” (Griffiths and Jones-Verdum, 1994 p. 514) and an ABE prison education program were created to reduce the literacy rate.

Historical capital punishment was used for serious crimes and corporal punishment was used for less serious crimes in Canada and in the United States. Social changes, such as, increase in population, prisons and jails lead to the constructions of penitentiaries and warehouses to housed prisoners in both countries. In the early twentieth century, both countries initiated probation and parole programs to deal with the overcrowding prison population. Currently, both countries have are many self improvement programs to help offenders and inmates to improve themselves in society.

In both countries, sentences are based upon the level of seriousness of the crimes. The sentencing for less serious and most serious crimes in the United States and Canada varies. In Canada the minimum sentence for serious offenses is longer compared to the United States. And in the United States the minimum sentence for less serious offenses is longer compared to Canada. For certain serious offenses (murder) depending on the jurisdiction in the US, capital punishment is illegal as opposed to Canada were capital punishment is illegal. Banning capital punishment have increased the <https://assignbuster.com/the-united-states-and-canadian-correctional-system/>

number of prisoners serving life sentences. According to Griffiths and Jones-Verdum (1994), in order to deal with the large numbers of people incarcerated, the government adopted the Canadian Sentencing Commission recommendation that sentencing guidelines should put great dependences on community sanction programs as opposed to imprisonment to reduce the prison population. Thus, correctional administrators and judges have push for the development of alternative sentencing programs to reduce the high incarceration rated.

The type of correctional systems in the United States and Canada are different in terms of what governmental agency oversees the local and federal level prison system. In the United States, correctional facilities are divided into several levels; federal, state, county and cities. In contract, Canada correctional facilities are divided two levels; federal and provincial. In the United States all 50 states, including countries and cities set its own rules and regulations on how to run prisons. Griffiths and Jones-Verdum, (1994) mentioned earlier that Canada local jails and temporary lock-up facility (temporary housed people waiting for trail) are under the control of the provincial government. And, the Correctional Service of Canada (federal agency) oversees the national, all regional and institutional/district officers and operates 73 parole offices. Similarly, the Department of Justice (federal agency) oversees the all States, Federal and inmates on parole. However, Canada's Provincial Correctional Services (non-federal agency) shares responsible by providing parole and probation services to Canadians. This is due to the fact that the National Parole Board agency that is delegated to oversees all inmate on parole and probations are not located in some

provincial regions. United States and Canada both have federal government agencies that oversee all maximum, minimum and medium security prisons.

The introduction of intermediate sanction programs and division programs in the United States and Canada was implemented for different reasons. Based on Champion (1994), the 1973 President Commission of Law Enforcement and Administration of Justice created community-based program to reduce the prisons population in the US. In contrast, Griffiths and Jones-Verdum, (1994), stated, in 1993, Canada federal government passed a bill that resulted in the expansion of intermediate sanctions program that focuses on helping and keeping offenders out of prison. United States is more interested in punishing the offenders through imprisonment while Canada is more interested in providing alternatives efforts to confinement. It's one of the main reasons the United States incarceration rate in the United-States is the highest in the world. Both countries have seen the benefits of intermediate sanctions as a mean to rehabilitate and to reintegrate offenders into the community as a way to contain their costs and reduce their incarceration rate. Both countries used intermediate sanctions, such as intensive probation supervision (IPS), community-based programs, home confinement and electronic monitoring as a mean to reduce the incarceration rate and reintegrate offenders. However both countries cited that intermediate sanctions programs have resulted in "widening the net" creating an increase numbers of offenders in the criminal justice system. A negative effect of increasing the numbers of intermediate sanctions programs is officials who are assigned to monitor these offenders will not contribute

much time and efforts rehabilitating every offenders. Nevertheless, these programs have contributed in some way or another in rehabilitate offenders.

Accommodations

There are accommodations the United States and Canada can apply for prisons overcrowding riots and high disparities among minorities. Regarding overcrowding solutions, both countries can implement “ front-door solutions” (Champion, 1990, p. 229), which recommends prosecutors and judges to have greater use of diversion program and community-based services for offenders. A second recommendation for overcrowding is “ back-door solutions” (Champion, 1990, p. 229), which involves granting prisoners early release or parole, furlough and administrative discharge. Currently, Canada is more into practicing the use of intermediate sanctions more than the United States. As a result, their incarceration population decreased and contain their cost. In addition having private businesses investing in the running of prison facilities will reduce management cost.

Bert Useem and Jack Goldstone (2002) note that prison riots are caused by state or national officials imposing new demands on prisons administrations, inadequate services provided to prisoners, prisoner abuse by security guards and more. Bert Useem and Jack Goldstone (2002) suggested that the Major Rudolph Giuliani solved prisons riots in New York by appointing Michael Jacobson and Bernad Devik who implement new reform actions. Such as, creating unity and coherence in policy among the warden and correction staff, increasing the safety of prisoners, curbing excessive use of force by staff and enforcing swift and effective responses to inmates provocations.

Those New York Prison reform ideas can be implemented in every state in <https://assignbuster.com/the-united-states-and-canadian-correctional-system/>

the US and Canada. Another solution for prison riots is to recommend staff to monitor prisoners who behave in prisons by granting those prisoners early release. One major issues that both countries face is racial disparity, for US it is African Americans and for Canada it is Blacks and Aboriginal Canadians. Solutions for racial disparity include changing mandatory sentencing law for certain offenses that tend to discriminate against minorities.

Conclusion

The United-States believes that the rehabilitation of offenders is an ideal goal to be met in their correctional system, but in reality many offenders reenter into the criminal justice system. One reason cited earlier is that correctional officials do not get ample time dedicated to monitoring offenders' rehabilitative progress because of heavy caseload and the large amount of people in alternative sentencing programs. In contrast, Canada's penal system puts more emphasis on the use of alternative sentences programs that focuses on treating the offender as opposed to imprisonment. Canada believes more in giving the offender an opportunity to better one's self. Thus, Canada has a mixture of opportunities and rehabilitation model. In fact, Canada sentencing commission and other governmental bodies have made it an effort to give offenders the need to become a productive member of society. Both countries implemented correctional programs and alternative sentencing programs to reduce overcrowding and costs. But the United States implemented those type of programs to reduce overcrowding and costs instead of rehabilitating the offenders.

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