THE SHORT PRISON SENTENCE IN CANADA

An Exploratory Study of Facts, Principles, and Implications for Provincial Programs

by

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ABSTRACT

In 1956 the Fauteux Committee recommended to the Canadian Parliament that the Federal Government should take over responsibility for care and treatment of all persons sentenced under federal laws to periods of imprisonment longer than six months. The provinces would retain responsibility only for short-termers. Since then, there has been a tendency among correctional workers to regard the main responsibility which would emerge from such a division as the Dominion's. This is, however, a doubtful view. For every person who is sentenced to a long prison term in Canada, there are about ten other people who get short sentences. In recent years, the short prison sentenced has been condemned as useless by many leading criminologists in both North America and Europe. Accordingly, this study sets out to explore the problems and possible therapeutic values of short sentences. These must be considered in answering the question of what the provincial governments might do, should the Fauteux recommendation be adopted.

In the first two chapters, Canadian corrections history is recounted, the criticisms of short sentences are examined, and the research problem is formulated. In Chapter Three, statutory and statistical data are analyzed with a view to determining who are the people who get short terms. The last half of the thesis is devoted to an examination of the criminological literature to see what light it can throw on the therapeutic possibilities of short-term imprisonment. In Chapter Four, the treatment methods used in corrections are tentatively classified, and their appropriateness for short-term prisons provisionally evaluated. In Chapter Five, three "clinical models" of short-term inmates, selected on the basis of their statistical and theoretical relevance, are more thoroughly discussed, with attention to clinical characteristics and treatment experience.

This study was intended primarily as a reconnaissance of the problem area, and definitive conclusions were not anticipated. Nevertheless three results strongly suggest themselves. (a) Many people are being given short prison sentences, not because it is expected that beneficial effects will result therefrom, but simply because no other acceptable dispositions are known to the courts to be available. (b) The majority of these people could probably be treated more effectively in some outpatient or in-patient facility other than a custodial institution. (c) For the therapeutic potentialities of the prison itself (if it has any) to be effectively utilized, there is a need for much more adequate criteria and selection facilities for determining who should be admitted to these institutions; and there is a need also for a much more comprehensive program of complementary welfare services.
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T. B. J.
THE SHORT PRISON SENTENCE IN CANADA

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INTRODUCTION

THE CLIENTS NO ONE WANTS

It is said that before a social problem can come into being, it is not enough merely for the facts of human suffering, which that problem subsumes, to be known. It is necessary also that there be knowledge or belief that something useful can be done about it.

There are many social problems in Canada today about which usually very little is said. This is not because there is a conspiracy of silence which aims at seeing innocent people suffer. It is rather because, in the eyes of most good citizens, there is little that can be done about these unhappy dilemmas.

Social workers know many so-called hopeless people. They are the hard-core cases, the multi-problem families, the clients unresponsive to treatment; and together they make up the bulk of most agency workloads. Many of them are so-called inadequate personalities and character disorders, who do not conform to the usual psychiatric models of diagnosis and treatment. They "act-out" rather than internalize their symptoms. They are described as inadequate, unmotivated, deprived or worse. But fortunately social workers are now beginning to develop treatment techniques appropriate for use with some of
these clientele. The New York City Youth Board\(^1\) and the Family Centered Project in St. Paul,\(^2\) in particular, have shown us that many such people can be reached. Practitioners in the field are increasingly coming to recognize the resistances and defences of these people for what they really are, and to realize that no client really does not want help. More and more skill is gradually being developed in the art of making treatment available in a meaningful way to the person whose fears and uncertainties make it so hard to respond.

There is at least one area of social work practice, however, where this new hope and knowledge has not yet permeated; and this is in the gaols. Much of the clientele of Canadian correctional institutions differ little from that of other social agencies, at least according to the shrewdest of modern diagnostic insights. Moreover, many of these people make endless rounds of the gaols, out-patient clinics, hospitals, public assistance and other social agencies. But in the prisons, most of them are simply written off, by both their keepers and the public, as hopeless chronic recidivists, psychopaths, or just plain bums.

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1 New York City Youth Board, *Reaching the Unreached.* New York City Youth Board, 1952.

This is not to say, of course, that the entire correctional field in Canada is lying still. On the contrary, Canadian criminological practices are probably today changing and developing more rapidly than ever before. But in all this current hubbub of activity, the habitual minor offender is still the forgotten man. In Ottawa today and in the provincial capitals, penal planners are busily drawing up proposals for a brand new prison system; — centralized, diversified, specialized. For the minority of criminals who are violent, aggressive, dramatic and dangerous, monuments of steel and cement have been and will be built. But for the majority who are simply miserable nuisances, idle, undernourished, dirty and profane, scarcely a word has been spoken.

Yet these wretched and unpopular individuals, in their aggregate, threaten graver social consequences than do the bold outlaws of front page fame. Together, they constitute a serious public health menace; they are costly merely in terms of the massive machinery which is required to "keep them moving", or take them off the streets, and they are unwanted burdens for overworked social agencies, courts and hospitals. But more than this, they are a tragedy of wasted lives, the shame of every civilized society.

This paper is being written in a spirit of revolt. The public apathy need no longer exist. The chronic petty offenders may not be pretty, and they may be unrewarding therapeutically. But they are people, they are unhappy, and they can be helped; and it is to these dear souls that this study is dedicated. So let us now begin.
CHAPTER I

THE CANADIAN CORRECTIONAL SYSTEM IN TRANSITION

Although gaols for the detention of people awaiting trial or awaiting punishment have existed almost since the beginning of recorded history, it has only been in the last two centuries that incarceration has come to be used widely as a means of punishment.¹

The first major Canadian prison was built at Kingston in 1834, and for the next hundred years the predominant philosophy of Canadian gaol administrators was one of deterrent punishment.² Cruel and inhuman practices were common in the early gaols,³ and the work of reform was left largely to the Church. By 1938, when the Archambault Report was published,

¹ A history of prisons can be found in most textbooks of criminology. See for example, "The Prison System: Origin and Development" in Gillin, John Lewis, Criminology and Penology; D. Appleton-Century Company; New York; (third edition), 1945; Chapter 23; also "History of Prisons" in Taft, Donald R., Criminology; The MacMillan Company; New York; (third edition); 1956; Chapter 25.

² Anderson, Frank W., "The Therapeutic Use of Prison", Canadian Welfare, 34, 1 (May 1, 1958); pp. 4-8. It is hard to find a good text on Canadian corrections history, and probably the best sources are the reports of the various Royal Commissions and other committees of enquiry. See also Johnstone, Walter F., and Henheffer, B.W., "History of Treatment in Canadian Penitentiaries", Canadian Welfare, 29, 3-4 (September 15, 1953); pp. 5-9.

³ Royal Commission of 1849 (George Brown) enquiry into Kingston Penitentiary, referred to in Johnstone and Henheffer, loc. cit.
most of the physical barbarities had disappeared; but the prisons were still little more than custodial institutions, and their deterrent utility was being widely questioned.

The Archambault investigators could not accept the prevailing penal philosophy of their time:

Now, however, it is admitted by all the foremost students of penology that the revengeful or retributive character of justice should be completely eliminated, and that the deterrent effect of punishment alone, while still of some value to prevent those who have never been arrested from committing crime, is practically valueless in so far as it concerns those who have been, or who are now, confined in prisons or penitentiaries. And they proposed instead that the goal of a correctional system must be the protection of society through the amelioration of conditions making for crime, the reformation of the tractable offender, and the preventive isolation of the hardened and habitual criminal.

Action on the Archambault recommendations was delayed by World War II, and "the rise of the new penology in Canadian penitentiaries," as a later commission has called it, has


3 Ibid., pp. 8-11.

taken place largely in the decade following the appointment in 1947 of Major-General R. B. Gibson as Commissioner of Penitentiaries.¹ Major-General Gibson introduced vocational training to most of the penitentiaries, and this has become the major rehabilitative instrument in two of the institutions.² He also began rudimentary classification and staff training programs,³ and less-than-maximum security institutions have been built.⁴ Perhaps his most important contribution, however, has been in making the institutions less disheartening places to live, and to this end he has provided more opportunities for inmate labor, introduced sports and hobbies, has issued safety razors to the inmates so that they can shave themselves, and has taken steps


² Collin's Bay Penitentiary near Kingston and the Federal Training Centre near St. Vincent de Paul.

³ Begun in 1947, the Penitentiary Staff College was moved into its own building at Kingston in 1952. By 1957, over one thousand officers had taken six week courses.

⁴ The Federal Training Centre, opened in 1951, and the $66,000,000.00 medium-security institution at Joyceville. 48 inmates were moved into temporary quarters at the latter institution in 1956, the year construction started. Opened December 15, 1959, Joyceville accommodates 454 men in private cells, and seeks to "rehabilitate offenders by technical training, humane treatment, and firm discipline." Vancouver Province, December 16, 1959.
to improve his staff's morale.¹

The renewed interest and concern for corrections which has occurred since the war has been evidenced not only in the penitentiaries' program. Parliamentary committees and commissions have inquired into the defense-at-law of insanity, the sexual psychopath laws, capital and corporal punishment, and the traffic in narcotic drugs; and another Royal Commission produced a new Criminal Code which came into force April 1, 1955. In addition to retaining the provisions for the indefinite detention of "habitual criminals" and "criminal sexual psychopaths", originally enacted in 1948, the new Code abolished minimum punishments for offenses under the Code other than drunken or impaired driving and theft from the mails; and it has made provision "whereby a person who is convicted in one province could, if he wished, plead guilty to charges against him in another province and thus avoid the necessity of being returned to the latter province at the termination of his first term of imprisonment."² Other significant developments have been the multiplication in the numbers of private agencies and government departments offering services to offenders and their families, and a not insubstantial program of government grants

¹ Besides the training courses mentioned previously, working conditions have been improved by raising salaries (60 per cent from 1950 to 1957) and introducing the forty-hour week.

² MacLeod, op. cit., p. 26.
to after-care agencies. In addition, the American Congress of Correction was held in Toronto in 1953; and not long afterwards a Canadian Corrections Association was formed which has held two successful congresses of its own.

Notwithstanding the above developments, however, it has been within some of the provincial government programs that the greatest diversification, experimentation, and sophistication has been attained. For example, Ontario between 1920 and 1931 experimented with an "extra-mural permit system," whereas partial release programs are only now just beginning to appear in the federal institutions. Ontario leads Canada in the diversification of its institutional system, having three medium-security "reformatories" (one for women and another specialization.

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1 There were at least 22 after-care societies in Canada in 1957; and cooperation has been facilitated by annual conferences initiated by the Remission Service. Federal government grants to after-care agencies were nil in 1947, amounted to over $100,000 in 1957, and in addition several provinces have initiated grants. There has also been growing cooperation with such related services as the police, the courts, legal aid societies, the National Employment Service, etc.

2 Of inquiries sent to all provinces, replies have been received only from Ontario, Saskatchewan, Alberta, and British Columbia. Unless otherwise acknowledged, the material which follows is derived from MacLeod, op. cit.


4 Canada, Report of a Committee appointed to Inquire into the Principles and Procedures followed in the Remission Service of the Department of Justice of Canada. (Fauteux Report), The Queen's Printer, Ottawa, 1956, p. 43.

5 The Mercer Reformatory in Toronto.
ing in short-term inmates,\(^1\) four small (capacity one to two hundred inmates) minimum-security "industrial farms"\(^2\) and one large industrial farm,\(^3\) two minimum-security vocational training institutions,\(^4\) and a new maximum-security prison for the segregation of sex deviates, drug addicts, and "aggressive psychopaths".\(^5\) Ontario also has a "neuro-psychiatric clinic"\(^6\) for emotionally disturbed inmates who are not certifiable as mentally ill, a "mental health clinic" attached to the women's reformatory, and treatment clinics for alcoholics and male drug addicts.\(^7\)

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\(^2\) The Industrial Farms are at Fort William, Monteith, Burtch, and Burritt's Rapids (Rideau).

\(^3\) Burwash.

\(^4\) The Ontario Training Centres are at Brampton and Burtch.

\(^5\) The Ontario Reformatory at Millbrook. The clinical staff at this institution consists of a psychologist, social worker, chaplain, part-time psychiatrist, registered nurse, and part-time doctor, and they are responsible for treatment and research programs.

\(^6\) Opened in 1955 in the new hospital building at Guelph.

\(^7\) The Alex G. Brown Memorial Clinic for Alcoholics, which opened in 1952, is part of the Ontario Reformatory at Mimico. Nearly half of the 900 patients treated at the clinic in the first five years of operation showed "definite improvement". The drug addiction clinic is also located at Mimico, and was opened in 1956.
New Brunswick, following a Royal Commission enquiry in 1951, has established a provincially administered prison farm which is gradually replacing the old system of county gaols. Alberta has a vocational training institution, a treatment centre for alcoholics, and an urban hostel for homeless men released therefrom. Saskatchewan started a three-year staff training program in 1953 which by 1957 had been completed by more than half of its institutional staff; it provides a "highly-skilled" classification service for men whose sentences exceed two months, and it has developed an interesting work camp program:

The camps operate for as little as two weeks to as long as ten weeks and are located from twenty-five to three hundred miles from the institutions. No camp has more than ten inmates and one unarmed, ununiformed officer is responsible for the men. The work projects that are selected are those that appear to offer to the inmates a creative work experience. No disciplinary problems have arisen in the camps and no escapes have occurred.

Eight provinces including British Columbia now have probation services, and the size of probation staffs is rapidly increasing.

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1 Bowden Institution near Innisfail.
2 Belmont Rehabilitation Centre, Edmonton.
3 MacLeod, op. cit.
4 Ontario had 6 probation officers in 1947, 105 in 1957. British Columbia had 2 in 1947, more than 30 now in 1960.
The Gaol System in British Columbia

The brick and stone maximum-security main gaol building at Oakalla Prison Farm was notable as an example of progressive prison architecture when it was opened in 1914; and New Haven, the open borstal-type institution for forty youthful offenders, first opened in 1938 and reopened in 1947 with Mr. S. Rocksborough Smith as headmaster, is still the only unit of its kind in Canada. Nevertheless, despite this progress, there were in 1950 803 men crowded into the 460 cells at the main gaol at Oakalla, and the situation was so serious that a commission was appointed "to enquire into and report upon the state and management of the gaols of the Province, with special reference to the overcrowded condition of Oakalla Prison Farm." The commissioners "were impressed with the large numbers of idle prisoners - that is, prisoners who were sitting or standing around either in the cells or in cell blocks -" and stated: "This overcrowding makes it almost impossible to carry on any comprehensive system of training or rehabilitation of the prisoners, other than employment in a few special trades and work gangs,..." The commissioners also criticized the inadequate and antiquated state of the other common gaols (at Nelson, Topping, C.W., Canadian Penal Institutions. The Ryerson Press, Toronto, (revised edition), 1943, p. 6.


3 British Columbia, op. cit.

4 Ibid., pp. 16, 19.
Kamloops, and Prince George), inadequate assistance for discharged prisoners, and the poor location of the women's institution (also overcrowded) next to the main building; and it condemned the practice of housing eighty short-term alcoholics - part of the "overflow" from Oakalla - in the dormitory of the old wooden gaol, which it described as a "fire hazard". It added that the institution under construction for youthful offenders was too close to the main prison.

Just as the Archambault Report provided impetus and direction for correctional change on a national level, the B.C. inquiry has been followed by a decade of development provincially.¹ A forestry-prison-camp experiment was begun in 1951 and B.C. now has four minimum-security camps, each accommodating sixty men.² Narcotic addiction rehabilitation units for men and women have been set up; and in 1957 the Haney Correc-

¹ The material which follows has been derived, unless otherwise acknowledged, from Beighton, Alan Lloyd, Classification of the Criminal Offender: A Comparative Study of British Columbia and Other Experience. Master of Social Work thesis, University of British Columbia, 1959, Chapter 3. Also, British Columbia, Annual Report of the Director of Correction for the year ended March 31st, 1958. The Queen's Printer, Victoria, 1959.

² Two of the camps, on the Vedder River near Chilliwack, are used as pre-release camps where selected inmates from Oakalla may spend the last two months or so of their sentence. On the other hand, the other two camps, at Gold Creek and Clearwater, are set up so that selected men from Haney and Kamloops Gaols, respectively, may spend their entire sentences there. The early history of the forestry prison camps in British Columbia is described in Dewey, Frederick Hartly, The Forest Camp for Prison Workers: A review of the British Columbia (Probation Branch) Programme, 1951-1955. Master of Social Work thesis, University of British Columbia, 1955.
tional Institution was opened. Besides offering excellent vocational training facilities this institution has a "social training" (recreation) schedule, a staff of six "counsellors", and an extensive pre-release program. It has accommodation for more than four hundred men in cells, dormitories, semi-private cubicles, and a pre-release camp. B.C. also experimented, between 1951 and 1959, with a closed-borstal-type institution (Young Offenders' Unit) which offered work, vocational training and recreation facilities for 78 youths of a type considered unsuitable for the open borstal. Westgate, a one-story wooden building whose dormitories and 220 cells can accommodate up to four hundred men, was opened in 1954 and has become "Oakalla's major rehabilitation unit for those adult male offenders classified as most amenable to treatment."\(^1\) One officer is assigned to each "tier" of twenty and is responsible for supervision and for development of a "socialization" program. Inmates are encouraged to participate in developing their own activities (cards, chess, radio, etc.) and may if they wish elect a tier representative to the inmate council. The average sentence of the men in Westgate is never more than two or three months, and two tiers, B9 and A7, are reserved for men with two to thirty day sentences. Through great ingenuity, the staff has managed to devise work and recreation opportunities for even the shortest-term inmates. A scheme is currently under study

\(^1\) Beighton, \textit{op. cit.}, p. 66.
whereby a long-term program can be administered even to short-term recidivists, by reserving one tier, possibly A7, to which they can return after each new conviction and take up where they last left off.¹

Minor in-service training programs have been carried on in B.C. since 1951; and the treatment emphasis was enhanced by the appointments in 1953 of a full-time medical officer and a social worker as an additional deputy warden (responsible for training of staff and inmates), both at Oakalla. In 1957, adult correctional services in B.C. were consolidated under one administration and Mr. E. G. B. Stevens, one of the 1950 commissioners, was appointed Director of Correction. In 1958 the Nelson Provincial Gaol was closed in a move towards "economy through consolidation," and inmates of the Prince George Women's Gaol were transferred to the Oakalla location for similar reasons.

In 1953, legal provision was made to permit the transfer of inmates from one gaol to another within the province; and the following year a classification unit was set up.² Staffed by two senior custodial officers, two "classification"

¹ Schroeder, Mr. Nick, Assistant Deputy Warden (Treatment), Oakalla Prison Farm. Personal interviews February 16 and 22nd, 1960. I am indebted to Mr. Schroeder for much of the information on program at Westgate and the other units of Oakalla Prison Farm.

² This unit is described in detail by Beighton, op. cit.
officers (who sometimes are trained social workers) and a psychologist, this unit is responsible for determining in which of the various provincial gaols each inmate will serve his sentence. (The institutions at Prince George and Kamloops, with accommodation for about 100 and 45 men respectively, are used primarily for offenders from the interior of B.C. serving short sentences, and are largely unaffected by the central classification process.) Classification is necessarily perfunctory with short-term inmates and chronic recidivists, more thorough with youths and first offenders.

The grounds of the main gaol at Oakalla now house the women's gaol and the drug research unit, Westgate, the unused Young Offenders' Unit building (which may soon be occupied by the badly overcrowded gaol hospital), a gymnasium, numerous maintenance shops and farm buildings, and the old wooden gaol. The latter building, long condemned as a fire hazard for anything but daytime use, still provides dormitory accommodation for a population which ranges between sixty and one hundred short-term prisoners, mostly infirm chronic alcoholics. No work or recreation program is attempted here ostensibly because of the age and physical condition of the men.

The 190 cells in the west wing of the main gaol are not available for sentenced prisoners because they are used exclusively for people waiting trial, waiting appeal, and waiting transfer to the British Columbia Penitentiary. There is no segregation here and there is no program except for morning and
afternoon periods in the exercise yard. The classification unit, hospital, and condemned tier are in the south wing, so that there is space there for only eighty-five sentenced inmates, sixty-six of whom would be in "double" cells. Men are doubled-up in the top two tiers of the east wing, also, because of overcrowding, so that this unit will hold up to 266 men. Drug addicts and others of the more difficult prisoners are placed here, but supervision is less than maximum since the guards are stationed outside each of the five-high tiers. A compulsory work and recreation program is in force.

Since all but the most troublesome or hopeless of the long-term inmates are now transferred to Haney, and since the length of stay for most of the men remaining in Oakalla is reduced by two or three months in a pre-release camp, Oakalla is now largely a short-term institution. However, as we have seen it is still responsible for the detention of people waiting trial, it is still British Columbia's only facility for sentenced prisoners requiring maximum-security, and it still houses the women's gaol. The problems of combining these various functions are well known to the Corrections Branch.¹

The various provincial corrections programs are currently faced with a dilemma, now to be discussed. The British Columbia Corrections Branch has herein been described in some detail so as to better document these problems and to furnish

¹ British Columbia, Annual Report, etc., op. cit., pp. DD10 - DD12.
a realistic base for the discussions and recommendations which shall follow.¹

The Fauteux Report

In 1953 a committee was appointed to inquire into the remission service of Canada, and its report, known after the chairman, the Honourable Mr. Justice Gerald Fauteux, was presented on April 30, 1956. The committee was given broad terms of reference and examined many aspects of Canadian corrections, including prevention, the judicial processes, and after-care services.

The Fauteux Report essentially reaffirms the penal philosophy expressed eighteen years earlier by the Archambault investigators; but it achieves a slightly more sophisticated exposition of what is meant by "reformation". "Punishment that involves nothing more than custody," it says, "can have little useful purpose, in the true correctional sense."² Prison should be used as a last resort, and its purpose must be to protect the public by bringing about in the offender "a change of outlook...so that he becomes aware of his responsibilities and is prepared to live up to them," or through imparting to the offender and others a "fear of further punishment."³ The report

¹ This province was chosen because it is the one most accessible for the purposes of this study, and because the British Columbia Corrections Branch is the agency which will be most interested in the results.

² Canada, Report of a Committee, etc., op. cit., p. 11.

³ Loc. cit.
acknowledges what progress has been made in Canada, but insists that "greatly extended" training facilities are needed; and it charges that "the size of classification staffs" in both federal and provincial institutions "is completely inadequate to the task involved." It also registers concern over serious overcrowding in many institutions and the general severity of sentences.

Like the Archambault Report, the Fauteux document, to an even greater extent, emphasizes the need for integration in Canadian correctional work; and its major recommendations are for centralization of the prison system and of after-care services. All in all, there are 44 recommendations, calling for such things as the increased use of probation, of small, open, minimum-security institutions and special treatment facilities, better trained staff, a "willingness to experiment", etc. The federal government has moved quickly towards implementing the report, and to this end a conference of federal and provincial correctional workers was convened in November, 1956. This was

1 Canada, Report of a Committee, etc., op. cit., p. 45.
2 Ibid., Chapter 1.
3 Ibid., Chapter 14.
4 Stevens, E.G.B., Director of Corrections, Province Province of British Columbia. Personal interview February 9, 1960. I am indebted to Mr. Stevens for much of my material on the federal-provincial conferences and the stand of private individuals and the Government of British Columbia.
a fact-finding meeting; cabinet ministers did not attend and policy questions were not discussed. It is understood, however, that officials from Ontario, Saskatchewan, and British Columbia at that time had serious reservations about some of the Fauteux proposals.

A second conference was held in Ottawa on October 13 and 14, 1958, this time attended by elected policy-makers as well as the "people doing the job". Among the items receiving attention were the questions of specialized institutions for various types of offenders, reception and classification centres and vocational and other training of offenders along with pre-release, parole, and probation programmes. Agreement in principle was reached on several matters, the most important being

That the Dominion should proceed to plan for a revised penal system of such character that it would be in a position to assume responsibility for persons sentenced under federal laws to terms of one year or more. Such plans are to be formulated on the basis that the Dominion Government will have decided that sentences under federal laws of more than six months but less than one year should be eliminated.

British Columbia was the only province which did not accept this decision.

Shortly thereafter, on November 14, 1958, the Minister of Justice announced the establishment of the Correctional

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1 Press Release issued October 14, 1958, and made available to me by Mr. A.J. MacLeod, Chairman, Correctional Planning Committee, Department of Justice, Ottawa, p. 1(a).

2 Ibid., p. 1(b).
Planning Section in the Department of Justice. Mr. A. J. MacLeod, Q.C., former Director of the Remission Service, was made Chairman; and the other members of the Correctional Planning Committee are Colonel J. R. Stone, former Provost-Marshal of the Canadian Army, and Mr. J. A. McLaughlin, an Assistant Commissioner of Penitentiaries. This section was charged with planning the development of a system of diversified institutions "for the custody, treatment, and training of adult offenders, sentenced to imprisonment for one year or more with the object of achieving the reform and ultimate rehabilitation in society of as large a number of inmates as possible." Other responsibilities included development of a program for the rehabilitation of drug addicts, a survey of training needs for correctional workers, and study of the functions of after-care agencies. The committee's report, which is to be confidential, was due January 1, 1960, but no information about it is available at the time of writing.

The most recent major development arising from the Fauteux Report was the appointment of a National Parole Board, in February, 1959, to replace the Remission Service. The Board chairman, Mr. T. G. Street, however, claimed that he did not

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2 Press Release issued 10:00 a.m. E.S.T., Friday, November 14, 1958, and made available to me by Mr. A.J. MacLeod, Chairman, Correctional Planning Committee, Department of Justice, Ottawa, p. 1.
forsee "any immediate changes", since the Remission Service had already carried out many of the Fauteux recommendations.\(^1\)

Other developments subsequent to the Fauteux Report have been the continued rapid expansion of provincial adult probation services, the development of facilities in the universities for training correctional staff,\(^2\) and changes in legislation to provide for the instalment payment of fines and extended eligibility for unemployment insurance. In addition, the federal government, in an effort to cope with overflowing penitentiary populations, has adapted unused facilities at Valleyfield, Quebec and Williams Head, B.C., and opened them as Canada's first minimum-security federal correctional institutions.\(^3\) No special treatment or training programs have been attempted in them as yet.

On the whole, therefore, the federal government is moving to implement the Fauteux proposals apparently with a minimum of reservations. Not so much activity has occurred at the provincial level, however. Buildings under construction have been completed, such as the Spy Hill institution in Alberta, but the provinces have hesitated to embark upon any

\(^1\) Canadian Welfare, 35, 2 (March 15, 1959), p. 87.

\(^2\) The universities of Manitoba, Toronto, and Montreal have initiated or expanded courses in the correctional field and the University of British Columbia has switched its course to the School of Social Work. Other universities are considering similar action or are introducing correctional material into other courses.

\(^3\) Fulton, op. cit.
extensive building programs until it is clear for how many and what kind of persons they will be responsible. Overcrowded conditions have thus become aggravated. British Columbia, for example, is uncertain about what kind of facilities will be wanted in the new Women's Gaol, which it has needed for a long time. By and large, with the exception of the continued expansion of probation staffs, both the public and private agencies have been waiting for the report of the Correctional Planning Committee.¹,²

All in all, there has been little public criticism of any of the Fauteux proposals. At an academic level, questions have been raised concerning the proposals for eliminating indeterminate sentences, and for enforcing more vigorously the habitual criminal and sexual psychopath laws;³ but these matters

¹ McGrath, W.T., Executive Secretary, Canadian Corrections Association, personal communication January 4, 1960. I am indebted to Mr. McGrath, among other things, for some of my information on developments subsequent to the Fauteux Report.

² In the minutes of the monthly meeting of the British Columbia Corrections Association, held January 20, 1960, is the statement:
"One member brought to the Association's attention the rumour that the report of this (the Correctional Planning) Committee was not to be published. A brief discussion was held on what our Association could do to encourage the publishing of the report. The members present requested that the Social Action Committee Chairman write a letter to Mr. Fulton asking when the report is to be published."

³ Gibbons, Don. C., Assistant Professor of Sociology, San Francisco State College. Personal communication October 9, 1959.
seem to have aroused little public discussion. Objections have been raised by both government officials and private societies, however, to the key proposals for centralization. It seems clear that the Fauteux committee was concerned about the very inadequate conditions existing in some of the provinces; however on the other hand it can be pointed out that some provinces, including British Columbia, have developed correctional programs far superior to the federal system. Many people consider the federal penitentiaries' program to be among the most backward penal systems in Canada, in terms of the lack of diversification and treatment facilities. Decision-making authority is largely retained in Ottawa and local authorities are given little autonomy. Indeed, the federal system as it is now constituted seems to be most lacking in precisely those qualities of flexibility, leadership and "willingness to experiment" which would be most essential in the system envisaged by the Fauteux investigators. Moreover it seems unlikely that the Correctional Planning Committee will recommend radical changes in this state of affairs; since two members of the Committee are former policy-making federal civil servants from the Penitentiaries and Remission Services, and the third seems only remotely acquainted with corrections.

Doubts such as these were expressed by a committee of

1 Similar opinions were expressed by many people to whom the writer has talked.
the John Howard Society of British Columbia appointed to con­sider the Fauteux Report. The variety of facilities needed, and the regional variations in Canada, they said, "would re­quire large numbers of highly-trained and widely experienced staff members, not only within the institutions, but also in co-ordinating administrative structure. It would also be essential that this administration be prepared to delegate a great deal of authority to the particular local administrators."

The other after-care societies in Canada, though, did not share all of the British Columbia group's views, and even in British Columbia it was admitted that federal participation would be essential for the achievement of adequate diversification of resources and staff training. In a statement submitted to the Minister of Justice by the National Committee on After Care, July 9, 1958, it was agreed that the division of jurisdictional responsibility at six months was logical and would tend to avoid duplication and more clearly define function and development of appropriate programs. The after-care committee, however,


2 Davis, Mr. Mervyn, Executive Director, John Howard Society of British Columbia. Personal interviews December 18, 1959 and February 16, 1960. I am indebted to Mr. Davis for much of my information concerning the views of the various pri­vate after-care societies about the Fauteux Report.

expressed the desirability of a de-centralized parole board; and it pointed out with reference to the women's prison that the advantages of a central specialized institution for people with longer sentences were counter-balanced by the defects of isolation from home community and after-care agencies.

It is possible that some people in the federal penitentiaries' service are also unhappy about the proposed changes, because of the already overcrowded condition of their institutions; but it is not clear whether this concern has come to the attention of the top policy-making echelons. The problem is referred to rather vaguely on page 7 of the *Annual Report of the Commissioner of Penitentiaries for the Fiscal Year ended March 31, 1957*:

The Penitentiaries Service is particularly concerned with those recommendations which advocate federal responsibility for prisoners serving sentences shorter than two years. Our national growth, coupled with other factors which undoubtedly include the improved facilities for diagnosis and treatment which are gradually being developed in our institutions, has inevitably led to sustained high levels of inmate population in those penitentiaries which serve the urban areas of British Columbia, Ontario, and Quebec. Long range planning must take such matters into account; no truly comprehensive plan is possible until present uncertainty as to division of responsibility has been removed.

The official stand of the British Columbia government was made clear by Attorney-General Robert Bonner in a press release following the second dominion-provincial conference: "British Columbia will not be willing to consider giving up its prison administration," he said, "unless or until it is con-
vinced that dominion plans as yet incomplete, guarantee a system as good or better than the program developed in British Columbia during the past six years."¹ Nevertheless a continuing problem for the provinces is the lack of tax resources for financing corrections programs; and so the British Columbia delegation² in a counterproposal recommended a system of federal grants-in-aid, adding that they would welcome the establishment of minimum standards to accompany the grants. Others would add that it is the federal government's responsibility to give leadership by providing expert consultants to assist in the development of not only federal, but also provincial corrections programs.³

It is in some ways puzzling that the other provinces have not also objected to the proposed changes.⁴ However, corrections are expensive—British Columbia's provincial gaols

¹ Hazlitt, Tom, "B.C. Will Not Buy New Jail Plan." Vancouver Province, October 17, 1958, p. 29. The British Columbia Government was probably especially unhappy about the prospects of turning over its expensive new vocational training institution at Haney to the Federal Government.

² British Columbia was represented at the second conference by its Attorney-General, Deputy Attorney-General, Director of Corrections, and Departmental Comptroller.


⁴ There was a change in government in Ottawa between the first and second federal-provincial conferences, and this may have affected the thinking in Ontario. It may also be significant that Wm. B. Common, one of the Fauteux committee members, was subsequently appointed Deputy Attorney-General for the province of Ontario and attended the second conference in this capacity.
cost $4,379,155.87 in the year ending March 31st, 1958,\footnote{British Columbia, Annual Report, etc., \textit{op. cit.}, p. DD100.}

Ontario's provincial institutions cost $6,371,704.00 and its local gaols $3,585,730.34 in the same period\footnote{Ontario, \textit{op. cit.}, pp. 19-20 and p. 47.} - and correctional programs are often troublesome for politicians - and this may explain part of the willingness to let the federal government take over. But in reality, as we shall now show, the changes proposed by the Fauteux investigators will not lighten the provincial burdens as much as it may at first appear.
CHAPTER II

THE FORGOTTEN MAJORITY: THE MEN SERVING SHORT SENTENCES

The thirty-first recommendation of the Fauteux Report reads:

The Provincial governments should be responsible for the care and treatment in penal institutions of persons sentenced to maximum terms of six months or less, and persons sentenced to imprisonment for periods longer than six months should be confined in penal institutions operated by the federal government.\(^1\)

The implementation of this recommendation, however, would fall far short of attaining the unified administration which the Fauteux committee considers desirable. Consider, for example, that in Canada in 1956, three-quarters of all sentences were for six months or less.\(^2\) In British Columbia in the fiscal

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\(^1\) Canada, Report of a Committee appointed to Inquire into the Principles and Procedures followed in the Remission Service of the Department of Justice of Canada. The Queen's Printer, Ottawa, 1956, p. 89.

\(^2\) As we shall point out in more detail in the next chapter, Canadian criminal statistics are not ideal for research purposes. Our estimate of the number of short sentences is based upon the following figures: In Canada in 1956, 12,700 persons were committed to gaols, reformatories, training schools and penitentiaries, etc., for indictable offences. Of this number, 6,048 were committed for terms under six months and 6,504 were committed for six months or more. The remaining 208 were committed for an indefinite period. In the same year, there were 16,635 sentences to gaol without option of a fine for offences punishable on summary conviction. (Such offences generally carry a maximum penalty of six months, which will also be discussed in more detail in the next chapter.) Since some sentences were probably concurrent the actual number of persons committed upon summary conviction is not known from
year ending March 31st, 1958, more than nine out of every ten men sentenced to imprisonment received terms of less than six months.\textsuperscript{1} When one considers the average daily population of the prisons, the distribution is less skewed, but nevertheless the few figures available suggest that about half are short-termers.\textsuperscript{2} Clearly under the system proposed the provincial governments would retain responsibility for the bulk of the

\textsuperscript{1} Of 14,693 people processed through B.C. provincial gaols in the fiscal year ending March 31st, 1958, 13,696 were sentenced to imprisonment, another 167 were placed on probation, and 105 received suspended sentences. Of the remainder, 23 were transferred to mental hospital, and 79 were found not guilty and released. 240 were released because charges were dropped or due to some other procedures prior to adjudication or sentencing, and 383 were still undergoing adjudication at the end of the year. Of the 13,696 sentenced offenders, 12,237 received sentences of less than six months. 814 others were sentenced to six months or more but less than 24 months, and 310 were sentenced to penitentiary terms. 29 received indefinite sentences, 259 were sentenced to the Young Offender's Unit and 47 to New Haven. Length of sentence of the latter two groups is not specified in these statistics. British Columbia, Annual Report of the Director of Correction for the Year ended March 31st, 1958. The Queen's Printer, Victoria, 1958, p. DD97.

\textsuperscript{2} The average population per day of Ontario's Industrial Farms and Reformatories in the fiscal year ending March 31st, 1958, was 3,325 males and 134 females. About 1,700 males and 70 females from this group were serving sentences of more than six months. However, persons receiving very short sentences in Ontario are not generally sent to these provincial institutions but for the most part serve their sentences in city, county, and district jails. For example, 19,962 persons during the fiscal year received prison sentences of less than 30 days, but only 367 persons with sentences under 30 days were received in the Ontario Reformatories and Industrial Farms. These figures are sufficient to show that more than half of the daily population of city, county, district, and provincial institutions in Ontario are serving short sentences. Ontario, Annual
prison work, not only because of the numbers of people affected, but also because for many people the provincial facilities—either for detention or short-term imprisonment—would be the source of their important initial experiences in correctional institutions.

The American Experience: a Grim History

The system proposed would make our provincial institutions somewhat analogous in function to the misdemeanant institutions of the United States, and therefore a brief consideration of the American experience is in order.

In the United States the more serious crimes are called felonies and are usually punishable by death or by confinement in a state prison; the less serious are called misdemeanors and are usually punishable by confinement in a local prison or by fines... many things which are classed as felonies in one state are classed as misdemeanors in nearby states.... 1

In general, offenders with sentences of less than one year are

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Report of the Department of Reform Institutions for the year ending 31st March, 1958. Part I "Reformatories, Industrial Farms, Common Jails." The Queen's Printer, Toronto, 1959, pp. 8, 14, and 70. Unfortunately similar statistics are not available for British Columbia. In Alberta, however, the prison population is between eleven and twelve hundred and about seventy per cent of this number are serving sentences of six months or less. E. E. Buchanan, Inspector of Gaols, Province of Alberta. Personal communication, January 11, 1960.

sent to city or county gaols or similar institutions.\textsuperscript{1,2} These institutions, however, generally serve more than one function; they are used for the temporary detention of arrested persons (sometimes, for example, holding people only until they are sober) and of persons undergoing adjudication as well as for housing persons serving short (less than one year) sentences.\textsuperscript{3}

No one knows exactly how many short-term institutions, i.e., jails* and their branch camps and farms, there are in the United States, but it has been estimated that there are about 3,200 county jails and perhaps 10,000 police and municipal lockups. No one knows how many persons in the United States are held in jail during the course of a year or at any given moment, but it has been estimated that about two million people are jailed each year, or about 100,000 on an

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\textsuperscript{2} The federal government in the United States operates its own system of correctional institutions for violators of federal laws. The number of prisoners handled in these prisons is relatively small compared with those handled in state, county, and city institutions. For example in 1954 only 22,959 men and women were admitted to federal prisons while 111,293 were admitted to state institutions. The Federal Bureau of Prisons operates 7 correctional institutions for short-term male offenders as part of its prison system, and the average population of these institutions in the year ending June 30, 1954, was 3,890. Some of these institutions are notable for their progressiveness and will be mentioned again in our final chapter. Bennett, James V., "The Federal Prison System," in Tappan, Paul W., editor, Contemporary Correction. McGraw-Hill Book Company, Inc., New York, 1951, Chapter 5. Also Korn, Richard R., and McCorkle, Lloyd W., Criminology and Penology. Henry Holt and Company, Inc., New York, 1959, pp. 463 and 605.
\textsuperscript{3} Cavan, op. cit., p. 376.
\textsuperscript{*} American spelling.
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average day. One-third to one-half of these persons are merely awaiting trial or disposition of charges, and the remainder are serving sentences, usually of less than one year's duration.¹

Barnes and Teeters add that "Approximately 40 per cent of those detained for trial are acquitted of their offences as charged."²

A special study commission in California recently stated that:

...the large volume of persons processed through these institutions gives them a position of critical importance in corrections. If they are performing their function badly, the consequences are likely to be far-reaching because of the numbers of individuals affected. ...jails have not clearly demonstrated any success in the rehabilitation of offenders. If they have won any recognition at all, it is rather as a "crucible of crime." ...the jails are lagging behind the other major divisions of correction - county probation, state parole, and state prisons - in many important respects. In administrative philosophy, program development, and self-evaluation, the typical jail system...is a relatively unprogressive institution.³

Many critics are more outspoken in their condemnation of the gaols:

Of all the abodes for the criminal classes, the jail is the vilest from the standpoint of sanitation; the

¹ Bennett, James V., Short-Term Imprisonment. Paper prepared for the United Nations in 1958, obtained on request from the author.


most absurd from a functional point of view; and the
most inefficient in administration. If the American
people had the will, the jail could be abolished.¹

One of the riddles of our American penal system is why
persons who commit minor offences or who have not yet
been convicted are so much more badly treated than all
the inmates of our State prison!²

The gaols are criticized because of substandard prac-
tices and the absence of a "treatment" philosophy.³ They are
said to be overcrowded, filthy, immoral, and incompetently ad-
ministered. Usually there is no work for the inmates. Food,
medical care, sanitation, and exercise facilities are often in-
adequate. California, generally considered progressive in the
field of corrections, reports that its county gaols are 39 per
cent overcrowded. And even in the task of custody, which many
gaolers see as their sole responsibility, most of the gaols are
inadequate. Untrained staff, poor discipline, "Kangaroo courts"
and use of the trustee system are common. "For the year ending
June 30, 1950, 78.1 per cent of 3,115 local jails inspected"

¹ Barnes and Teeters, op. cit., p. 387.
² Sanford Bates, Prisons and Beyond. The MacMillan
³ Material in this paragraph is condensed from:
Alexander, Myrl E., Jail Administration. Charles C. Thomas,
Prison Association, Manual of Suggested Standards for a State
California, op. cit., passim. Elliott, Mabel A., Crime in
18. And Reckless, Walter C., The Crime Problem. Appleton-
(by the U.S. Bureau of Prisons Jail Inspection Service) "were rated under 50 per cent and condemned as unfit for human habitation." Education, religion, recreation and leisure-time activities are the most poorly handled of all functions in the California gaols, and this is true in the country generally. Furthermore, most short-term institutions urgently need casework and counselling services; and release help is practically nonexistent.

Another criticism is the mixed function of the gaols. The gaol is sometimes used as a community dumping-ground for the insane, the socially inadequate, the sick, aged or orphaned. "Far too many jails...are little more than the enforced common meeting places for social derelicts who find there the greatest opportunity to infect the casual offender, the weak, the unsophisticated, the morally retarded, and the socially inadequate." Myrl Alexander, Assistant Director of the U.S. Federal Bureau of Prisons, considers it "all but impossible" to administer under one roof the different functions of detention and correction.

1 Barnes and Teeters, op. cit., p. 398.
2 Wright, Roberts J., "The Jail and Misdemeanant Institutions." Wm. Tappan, op. cit., chap. 20, p. 318. Violent mental patients from Quebec are still committed to Cell Block D in Bordeaux jail, Montreal, because the province's mental hospitals are crowded with non-violent patients. Time, December 21, 1959, p. 11.
3 Alexander, op. cit., p. 5.
4 Loc. cit.
Not all of these defects are inevitable, of course, and not all of them are applicable to the Canadian situation. The ramifications of political appointments, and the lack of controls and standards to regulate the whims of local authorities, pose different and perhaps lesser problems under our form of government. The Canadian province is a more senior governmental unit than the American county, it has a larger and more heterogeneous populace, and different constituted authorities and responsibilities. The comparison therefore cannot be pushed too far. Even in the United States, moreover, some gaols have demonstrated that superior practices are possible. Detention facilities can be made available separate from institutions for sentenced prisoners if this is felt desirable. But the problem of the gaols is a serious and tenacious one, and the lessons to be learned from others should not be ignored. "Conditions in jails have been notorious for centuries," says Mabel Elliott, and "probably no institution has made so little

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1 A good discussion of the American situation can be found in Wright, op. cit.

2 Alexander, says "But there are good jails and their number is rapidly increasing.... Men and methods make the difference." Op. cit., p. 6. The California study refers to some better gaols, usually in the larger centres of population (but it adds that there are some small institutions where the gaoler, by virtue of his personality, does admirable work). The textbooks also refer to achievements in other states like Virginia and Wisconsin. Myrl Alexander's book itself is an example of the leadership which the U.S. Federal Government is now giving in helping the local gaols improve their practices.
improvement in the course of history...."¹ By and large, govern­
ments in the past have seemed unwilling to spend much money on short-term institutions, and it is not at all certain that the Canadian provinces would act any differently.

The Idea that Short Sentences are Useless

Probably one of the reasons for communities being reluctant to support the gaols is the consensus amongst most practising penologists that short sentences are useless. The Twelfth International Penal and Penitentiary Congress, meeting in the Hague in 1950, resolved that "(1) Short term imprison­ment presents serious inconveniences from a social, economic, and domestic point of view."² James V. Bennett, Director of the United States' Federal Bureau of Prisons, says "Short-term imprisonment is not considered an effective means of socially rehabilitating offenders."³ Some textbooks writers go even farther and suggest that it should be done away with in favour of the indefinite sentences.⁴ The short sentence, they argue, subjects the prisoner to the worst of prison life without


³ Bennett, op. cit., p. 4.

making available any of its advantages.

The defects of the maximum-security institutions have been well-chronicled. Sutherland,\(^1\) Barnes and Teeters,\(^2\) Sykes\(^3\) and others have amply demonstrated the crippling damage which may be inflicted upon an inmate's self-respect. We do not need to elaborate here upon the effects of physical danger, of social rejection and isolation - even the social distance between guard and inmate - , of the proof of failure, and the loss of responsibility and autonomy. Moreover gaols are costly. In Canada in recent years it has cost between $1,500 and $2,000 a year, and more, to keep one man behind bars.\(^4\) And this does not take into account the loss in productive labour, the expense of maintaining prisoners' dependents on financial assistance, and the social cost of vocational and social stigmata and strained domestic ties.\(^5\)

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4 The Vancouver Province, March 16, 1956, in an editorial, stated it costs $1,760.00 in Canada to keep a man in prison for a year. Per capita costs in the penitentiaries in the fiscal year ending March 31, 1957, were $1,908.39. (Canada, Annual Report of the Commissioner of Penitentiaries for the Fiscal Year ended March 31st, 1957. The Queen's Printer, Ottawa, 1958, p. 57.) In British Columbia's Oakalla Prison Farm the following year it was $2,528.335 (British Columbia, op. cit., p. DD94.)
5 In this regard see Submission by a Group of Convicted Offenders' Wives to the Correction Planning Committee. Vancouver, June 5, 1959. On file at John Howard Society of British Columbia.
"If an offender needs institutionalization," says Reckless, "he needs more than a few weeks or a few months."\(^1\)

While some may argue that short sentences have the merit that they do not subject the prisoner to the demoralization of incarceration except briefly, the American Prison Association counters that "Reformation is a work of time."\(^2\)

Dr. Hermann Mannheim, perhaps England's foremost penal authority, puts it this way:

What we probably have in mind when using the term (short term imprisonment) as penologists is probably "too short to achieve the modern objects of imprisonment," i.e., to be of any constructive value....

Similarly, in the semi-official "Report on the Psychological Treatment of Crime" by W. Norwood East and W.H. deB. Hubert (H.M.S.O., 1939, p. 158) a sentence of less than six months is regarded as generally insufficient for psychotherapeutic treatment in prison and sentences of between six and twelve months are recommended for offenders likely to benefit from such treatment. Without going more deeply into the matter, one might therefore conclude that sentences which do not provide for the offender an undisturbed period in prison of at least six months for vocational and character training, general education, and in suitable cases for psycho-therapeutic treatment have to be regarded as too short from any constructive point of view. Such sentences can therefore be justified, if at all, only for the purposes of retribution and deterrence.... In conformity with the prevailing tendency in modern Penology we take it for granted that sentences which do not provide that undisturbed period of at least six months are harmful.\(^3,4\)

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\(^1\) Op. cit., p. 419.


\(^3\) Mannheim, op. cit., pp. 242-3.

\(^4\) Alberta has found that some vocational training can be given even in a case of a six month sentence, "as our present standing with the Apprenticeship Board shows that four
Dr. Mannheim thinks that short sentences— at least those under three months— should be eliminated. However, there are dangers in this thinking, and in the arguments in favour of the indefinite sentence; for the justice of imposing long-term "treatment" upon an unwilling client— beyond what can be considered fair retribution— is questionable.

In any event the above arguments about length of sentence are in some ways academic until more basic questions are settled, as to whether treatment (and what kind of it) is feasible in a prison setting. Even under the wisest of modern administrators incarceration, as we have said previously, entails many circumstances inimical to healthy change; and furthermore it has failed to live up to the expectations of its apologists in terms of its effectiveness in obtaining deterrence and reform.\(^1\) In the United States, for example, despite the relative severity of its criminal laws,\(^2\) crime rates and prison populations are increasing as rapidly as the general population,\(^3\) and recidivism rates remain high in both the

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1 Barnes and Teeters, *op. cit.*, pp. 584-7.


United States and Canada. Furthermore in a recent study conducted as part of the requirement for a doctoral degree at an American university, it was found that the length of an offender's sentence generally had little effect upon his rehabilitation.2

There have been trends in our prisons generally towards the introduction of vocational training programs and towards making conditions generally more humane, and these developments seem to be highly desirable, but it is doubtful whether they always deserve to be called treatment. Similarly, the relaxation of controls, where it has occurred, may or may not be desirable but it is not necessarily consistent with sound treatment planning.

We know, however, that the total impact of institutional life, and in particular the kind of social interaction which exists within the prison "community", is likely to have a more lasting effect upon an inmate than counselling hours, training courses, and similar devices.3 We know also that person-

1 The Vancouver Province of August 31, 1957, in an editorial, stated 70 per cent of prisoners in provincial jails and more than 70 per cent of federal prisoners are repeaters. The Annual Report of the Commissioner of Penitentiaries for the Fiscal Year ended March 31, 1957, gives the percentages of general recidivism amongst the penitentiary population as 77.6 in 1954-5; 79.41 in 1955-6; and 80.22 in 1956-7, (p. 15).


ality changes take place within interpersonal relationships;¹ and that in institutions where relationships - between staff and inmate and among inmates themselves - are constructively utilized, more success has been achieved than through our traditional penal methods.² As social workers we have paid attention to the problems of helping people within authority relationships, although even here we have realized the importance of securing the conscious participation of the client.³ We do

¹ Hugh Klare, Secretary, Howard League for Penal Reform, London, in the closing address at the Canadian Congress of Correction, May, 1959, said treatment should aim to foster the growth of insight, enable and promote healthy identifications, assist the capacity for role-taking, and help improve a person's self-conception. His remarks are summarized in the January, 1960 issue of the Canadian Journal of Corrections, pp. 74-5.


have some ideas, therefore, about what may constitute effective
treatment of the criminal,\(^1\) but there have been few opportu-
nities to experiment with these hypotheses in Canadian prisons,\(^2\)
and it may well be that the size and necessary security meas-
ures of most of our institutions will make treatment relation-
ships difficult if not impossible to achieve. Perhaps this is
what the National Committee on After Care had in mind when it
wrote

> It is recognized that treatment in the proper sense
> of the term is only in its beginning stages in penal
> institutions throughout Canada, regardless of which
> jurisdiction the institutions may at present be under.\(^3\)


\(^2\) New Haven, a small minimum-security borstal-type
institution where a "very close and intimate type" of relation-
ship is possible, (British Columbia, op. cit., pp. 688-9) has
achieved greater success in terms of parole violations than the
other correctional institutions in B.C., but it is not possible
to know how much this is due to the New Haven program and how
much it is due to the careful selection of men transferred there.
Braithwaite, J.W., *An Approach to Evaluative Research in a Cor-
rectional Setting: An Analytic Review of Prediction Studies in
Corrections; and an Examination of the Research Resources Avail-
able or Required for the Study of the New Haven (Open Borstal)
Program.* Master of Social Work thesis, University of British
Columbia, 1956. Also, personal interviews with probation offi-
cers held while the writer was working in the field.

\(^3\) Report respectfully submitted to Hon. D. Fulton by
the National Committee on After Care. Ottawa, July 9, 1958.
Probably the major justification for incarceration in the eyes of most people, however, has not anything to do with treatment. Mr. W. T. McGrath, Executive Secretary of the Canadian Corrections Association, writes,

Our country has proceeded on the assumption that it is necessary to send a large proportion of convicted criminals to prison in order to frighten the rest of the population into being good. We do not know whether or in what way prison sentences do have deterrent effect and in my mind this is the problem which above all others should have attention from researchers. If it could be established that prison sentences have no deterrent value, then we could consider the treatment needs of the individual only and if the treatment of the individual were the only consideration, then I suspect the short sentences would largely disappear.

Dr. P. A. H. Baan, the noted Dutch criminologist, spoke at the Congress of Corrections which was held in Vancouver last May... You will note that Holland came to the conclusion that there was no deterrent value in imprisonment and, as a result, they sentence very few people to prison and their prisons, therefore, are literally prison hospitals where disturbed prisoners can be dealt with.1

Some writers have conceded that short sentences may have the limited value of giving "social first aid" and "physical restoration" - or in simpler language, a bath and three square meals a day - and sometimes medical care, to those whose vices have left them physically debilitated; but this can of course be done as well in a hospital as long as the "patient" is willing. It is also argued that a short period of punish-

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1 McGrath, W. T., personal communication, January 4, 1960.
ment may have a beneficial effect upon some\(^1\) - perhaps the traffic offender or the young person - whose egos are strong and who can thus understand the reasons for their punishment and can direct the aggressive energy so produced inwards towards the maintenance of effective self-control and not outwards against society; but one writer replies that "a person who could be deterred by a 90-day term has already been deterred by conviction in an open court and the attendant publicity."\(^2\) The court appearance and perhaps detention during adjudication are in themselves sufficient deterrent for these kinds of people.

The consensus of opinion in condemnation of short sentences is even stronger when recidivism is considered. Three thousand people accounted for the 5,090 commitments to Oakalla Prison Farm in the year ending March 31, 1956; and of this number 288 persons accounted for 1,300 commitments.\(^3\)

\(^1\) Fox, Sir Lionel, *The English Prison and Borstal System*. Routledge and Kegan Paul Limited, London, 1952, p. 114. Also Reckless, *op. cit.*., and California, *op. cit.*, passim. In Garrity's study referred to earlier, it was found that "first offenders who have strong attachments to persons outside the institution perform best under early paroles, and the longer the sentences the higher the parole violation rates." This would seem to be an argument for short sentences, but the study did not consider terms under one year. Schrag, Clarence, *Parole Prediction: Problems and Prospect*. University of Washington, 1959. Paper presented at the Canadian Congress of Corrections, and obtained from the author by request.


\(^3\) Unpublished study conducted by Mr. Nick Schroeder, Assistant Deputy Warden (Treatment), Oakalla Prison Farm. Personal interviews, February 16 and 22, 1960.
The picture that one receives ... is of a constant stream of broken down men and women passing through the courts and jail, a short period of incarceration, and release - with a repetition of the process. It is doubtful whether anyone officially connected with the procedure really believes that these short idle periods behind bars in any way aid the prisoner. The custom of many years, public inertia, and the isolation of local institutions from the main stream of penal reform perpetuate an antiquated system.

The American Prison Association, in a "Declaration of Principles" first passed in 1870, and reaffirmed since, says

It is the judgment of this congress, that repeated short sentences for minor criminals are worse than useless; that, in fact, they rather stimulate than repress transgression. Reformation is a work of time; and a benevolent regard to the good of the criminal himself, as well as to the protection of society, requires that his sentence be long enough for reformatory processes to take effect.

Many of the short-term repeaters are alcoholics, and Alexander says "Treatment of the alcoholic in facilities designed to meet his peculiar deep seated problems will remove 50 per cent of today's population from American jails."

Treatment in clinics, perhaps attached to prison farms or camps, for as long as is necessary to effect rehabilitation, has been recommended for alcoholics and others who now receive short sentences; however another writer says, "For the alcoholic, probation and continued community contact are advocated rather than a jail sentence." More will be said on this topic later.

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1 Cavan, op. cit., p. 386.
4 Cavan, op. cit., p. 393.
5 Chapters Five and Six.
The Research Problem

As we have shown, the experts are divided concerning the deterrent and therapeutic values of imprisonment, and the bulk of opinion is on the negative side, especially where short-term imprisonment is concerned. The problem is international in scope, and short term imprisonment is one of the six items on the agenda of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in London from August 8 to 20, 1960.¹

Regardless of our views, however, about the relative merits and demerits of incarceration, the prison will probably continue to be with us for some time to come, and we had best concern ourselves with devising ways to minimize its ill effects and derive what good we can from it. In view of the Fauteux recommendation that the provinces should be responsible only for the care of men serving sentences of six months or less, it behooves us to ask what is known about the short sentence and its effects upon men. To the best of the writer's knowledge, the only treatises which have been written on short sentences, with a few notable exceptions which we shall mention later,² have denounced them as useless and harmful.


² Chapters Four, Five and Six.
Quite frankly, the Correctional Planning Committee and the provincial governments are planning a prison system without knowing how many or what kind of prisoners may be dealt with.... If we could first look at this basic problem of who and how many should be sent to prison, we might find that the group for whom we have to provide facilities is much smaller and much different than the present.¹

The Fauteux Report itself is little help for the men who will have to administer the short-term provincial gaols, for all it says is that,

If a prison term is to be effectively reformative, it should be long enough to provide for a period of treatment. Many sentences imposed for minor offences are much too short to permit the institution to invoke any effective treatment. Where treatment is required little or no purpose is served by sentences under six months.²

It can reasonably be deduced from this statement that the proper role of the provincial institutions will be merely to provide humane and secure housing, with appropriate opportunities for constructive activity; and that any efforts beyond this will be impractical and hence unwarranted. Indeed, this seems to be exactly what the federal government has in mind:

... it means that those sentenced under federal statutes with respect to whom the magistrates or judges think that the requirement is one of exemplary punishment or anything of that nature - and when I say "exemplary" I mean in the sense of some retribution for their wrongdoing but not a long prison term - will be sentenced to terms of six months or less. With respect to those whom the magistrates or judges feel that the requirement is for training, reformation and rehabilitation, they will be sentenced to

¹ McGrath, op. cit.
² Canada, Report of a Committee, etc., op. cit., p. 47.
terms of one year or more and will be sent to federal training and reformation institutions. That is the theory behind the proposal.\textsuperscript{1}

Actually, the provinces, by and large, as we have shown, are already administering largely short-term programs; and "If the aims of these institutions involve mainly custody, detention, and care for the physical needs of inmates..." then they are relatively "well equipped to do the job.... If we agree that the basic function should be rehabilitation then this is another matter."\textsuperscript{2}

The project chosen for this thesis is to explore the hypothesis that short-term imprisonment has no therapeutic value. As a first phase of the research we have sketched the background for our study in terms of Canadian corrections history and recorded experience and theory related to short gaol terms. Since we are particularly interested in the problems for the provinces which arise out of the Fauteux recommendation, the British Columbia situation has been reported in more detail. A limiting frame of reference for this research is the assumption that there will be no drastic change in the type of offender who gets short sentences; and implicit in this assumption is our second research task upon which we shall report in


\textsuperscript{2}Gibbons, Don C., Assistant Professor of Sociology, San Francisco State College. Personal communication October 9, 1959.
Chapter Three. The third phase of our research will be a survey of knowledge concerning the treatment needs of the various types of person receiving short sentences; and a recognition of what pioneering work is currently being done in this field. An additional limitation upon our study, necessitated for reasons of economy of time, is that we will make no investigation of whether those now receiving long sentences may do as well or better on short sentences, although we recognize this too to be an important matter for inquiry.
CHAPTER III

LEGAL AND STATISTICAL CHARACTERISTICS

In this chapter an attempt is made to answer the question "Who get short sentences?" through the presentation of statutory and statistical data. In Chapter Four and Five there follows a discussion of the clinical characteristics, diagnosis, and treatment of representative short-term "types".

Unfortunately, there is practically no material available which deals directly with the subject of this chapter. For this reason much of the information herein proffered has been deduced by approximation from known data, and should be considered as very tentative.

The content of this chapter has been broken down into four phases:
(1) A statement of statutory requirements and a note upon the inequality of their application.
(2) A statement about the limitations of available statistical material.
(3) The composite statistical report.
(4) A comparison with data from other countries and an attempt at integration and generalization.

Statutory Limitations

Criminal offences in Canada may be of two kinds, indictable or summary, and this distinction has important legal
and social consequences. Many offences under the criminal code, as well as offences against some other federal statutes, such as the Opium and Narcotic Drugs Act, are indictable; while generally less serious offences under the code and other federal laws, as well as violations of provincial statutes and municipal by-laws, are classed as summary. "Superior courts are empowered to try any indictable offence, while every court of criminal jurisdiction may try all indictable offences other than those specifically excluded by the Code, such as murder, rape, manslaughter, treason," and some others. "Except for instances in which the accused is tried for conspiracy in trade," he "may elect trial by judge and jury, or trial without jury." In courts of summary jurisdiction, by contrast, "There is no jury and the magistrate has sole jurisdiction."¹ "The distinctions made between summary, indictable, and non-indictable offences appear to be vague and often illogical, as in the reasoning behind the distinctions between the various legal mechanisms for handling them." Most offences are always either one or the other, but some "may be considered as either summary or indictable at the discretion of the prosecuting attorney."² The latter include drunken and impaired driving, common assault,


² Loc. cit.
and some other less common offences against the Criminal Code; as well as offences against the Opium and Narcotic Drugs Act and the Official Secrets Act.

Maximum penalties are established by law for all crimes, but rarely minimums. Maximum limits for indictable offences under the Criminal Code generally range from two years to life imprisonment; for only two cases, impaired and drunken driving, is the maximum term less than a year. Minimum punishments are stipulated under the Code for only three offences; which are theft from the mails (six months), and

222. Driving While Intoxicated. Everyone who, while intoxicated or under the influence of a narcotic drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of

(a) an indictable offence and is liable
(i) for a first offence, to imprisonment for not more than three months and not less than thirty days, and
(ii) for each subsequent offence, to imprisonment for not more than one year and not less than three months; or

(b) an offence punishable on summary conviction and is liable
(i) for a first offence, to imprisonment for not more than thirty days and not less than seven days,
(ii) for a second offence, to imprisonment for not more than three months and not less than one month, and

1 Other offences which can be either indictable or summary: threatening letters (other than threat of injury to the person); forgery of trade marks and trade descriptions; hiding, receiving, selling or boarding wreck; unlawful transactions in public or military stores; and criminal breach of contract. Popple, A.L., Crankshaw's Criminal Code of Canada. The Carswell Company Limited, Toronto, (Seventh edition), 1959. Sections 316, 350-355, 358, 360(2), 363 and 365; pp. 497, 516-20, and 520-2.

2 Also, for murder, the offender "shall be sentenced to death." Ibid., S. 206, p. 337.
(iii) for each subsequent offence, to imprisonment for not more than one year and not less than three months...

223. Driving While Ability to Drive is Impaired. Everyone who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable
(a) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both,
(b) for a second offence, to imprisonment for not more than three months and not less than fourteen days, and
(c) for each subsequent offence, to imprisonment for not more than one year and not less than three months.¹

There are also minimum sentences for violations of the Opium and Narcotic Drugs Act and some other federal laws. For example, every unauthorized person "who has in his possession any drug" is liable for a term of not less than six months."²

For the majority of non-indictable convictions the maximum term is six months, but additional time may be imposed in default of payment of a fine:

694. (1) General Penalty. Except where otherwise expressly provided by law, everyone who is convicted of an offence punishable on summary conviction is liable to a fine of not more than five hundred dollars or to imprisonment for six months or to both.
(2) Imprisonment in Default Where not Otherwise Specified. Where the imposition of a fine or the making of an order for the payment of money is authorized by law, but the law does not provide that imprisonment may be imposed in default of payment of the fine or compliance with the order, the court may order that in default of

¹ Popple, op. cit., Sections 222 and 223, pp. 342 and 344.
² Ibid., p. 1380.
payment of the fine or compliance with the order, as the case may be, the defendant shall be imprisoned for a period of not more than six months.

(3) Time Payment. A summary conviction court may direct that any fine, pecuniary penalty or sum of money adjudged to be paid shall be paid forthwith or, if the accused is unable to pay forthwith, at such time and on such terms as the summary conviction court may fix. ¹

For summary as for indictable offences, minimum penalties are seldom specified; but there is considerable variation in the law from jurisdiction to jurisdiction and it would be impractical to list all of the exceptions here. The transgression which accounts for by far the largest number of prison sentences, as stated in the Statutes of British Columbia (1958 amendment), is

68. No person who is in a state of intoxication shall be or remain, or be suffered to be or remain, in any public place; and every person who violates any provision of this section shall be liable, on summary conviction, to a penalty of not more than fifty dollars or to imprisonment for not more than three months, or to both fine and imprisonment. ²

There is no minimum penalty for this offence in British Columbia, but there are for some other sections of the Government Liquor Act. For example, for bootlegging and selling liquor to minors, the punishment on first conviction is a fine of not less than three hundred dollars and, in default, imprisonment for not less than three months. Six months or more in gaol is mandatory for a second offence.

¹ Popple, op. cit., S. 694, p. 1206.

² British Columbia, Statutes Passed in the Second Session held in the Sixth and Seventh Years of the Reign of Her Majesty Queen Elizabeth II (1958). The Queen's Printer, Victoria, 1958, Chapter 52, S. 11, p. 357.
Where no minimum penalty is affixed by law, for either indictable or summary offences, non-institutional dispositions such as fines and probation may be used. For example, suspended sentences (with or without probation) of two years maximum duration are possible for first offenders and for any person whose previous conviction was for a dissimilar offence or occurred more than five years previously.

Statutory law thus sets few limits upon the range of behavior for which short-term imprisonment may be imposed and a great deal is left to the discretion of the courts. But "One of the sore spots in our correctional system is the inequality of sentence that is imposed for comparable crimes from coast to coast." There are many conflicting pressures affecting the decisions of magistrates: They feel a responsibility to protect the community, and some believe strongly in the deterrent utility of fair retribution. But Jeremy Bentham long ago said that imprisonment should be resorted to only when no less damaging punishment will suffice; and rather than "let the punishment fit the crime," the modern judge is asked to individualize his administration of the law. Thus, some would justify long sentences on the basis that vocational and character training take time and that prison is the appropriate milieu for therapy with criminals; while others feel long sentences are just only

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for more serious offences. For habitual criminals, the judge is enjoined to "throw away the key". Magistrate Gordon Scott of Vancouver recently discussed the dilemma in warmly human terms:

It is easier for me to sentence a youthful offender to nine months definite and nine months indefinite for theft, than to sentence a man to nine months for petty theft even with twenty such convictions. In the first case I feel that I am accomplishing something; in the latter case I am doing no good to anyone.¹

Again,

It is equally difficult to award a life sentence to an old offender who steals three shoes - all for one foot. You can't rehabilitate these men. Their total thefts for one year would not amount to more than $100 or $200. They are a nuisance to the community, but would the community prefer to pay $1,500 or $2,000 to keep them in jail for a year? Hence the weak-mindedness of magistrates.²

Without consensus on an acceptable body of theory to guide sentencing, it is doubtful whether the flexibility which exists in our criminal law will lead always to fair or wise disposition. For our purpose, moreover, this survey of statutory requirements serves only to show the inclusiveness of the potential prison population; it does not suggest systematic criteria concerning who should or will get short terms. For more definitive data on the actual short-term prison population in Canada today, we shall have to look elsewhere.


² Loc. cit.
To summarize:

(1) For almost all summary offences, the penalty may be either a fine, suspended sentence with or without probation (mostly limited to first offenders) or short-term imprisonment.

(2) For indictable offences also, fines and probation are sometimes allowed, and there is usually no minimum sentence. Indictable offences can generally be punished by either long or short sentences; the most notable exceptions being drunken driving, for which the maximum term in some cases is three months, and possession of narcotics, for which six months or more is mandatory.

(3) There are therefore few limitations imposed by statute upon the kinds of persons who may receive short sentences. Furthermore,

(4) Short prison sentences may be imposed in default for non-payment of fines.

(5) There are marked variations in sentencing practices.

Statistical Limitations and Methodology

The most thorough compilation of criminal statistics available in Canada is a report compiled by the Dominion Bureau of Statistics, of which the most recent issue available is for 1956.¹ This report for the most part deals with indictable and summary offences separately, and the data are much more inclu-

¹ Canada, Statistics of Criminal and Other Offences, 1956. Dominion Bureau of Statistics (Health and Welfare Division, Judicial Section) and the Queen's Printer, Ottawa, 1958.
sive for the former offence group. Section I, for example, tries to avoid duplication in reporting indictable offences and as far as possible reports its data in terms of the numbers of persons affected, and not the numbers of convictions. For persons convicted of indictable offences, data are given on offence, sentence, recidivism, age, sex, marital status, country of origin, education, occupational group, and the judicial district where adjudication took place. Much less precision has been achieved in reporting summary offences; convictions and not persons are counted, and data are limited to sex, type of offence, sentence, and place of trial. Cross classifications for both types of offence are mostly absent, and social characteristics are not given for specific offender groups but only for broad categories. Moreover, the characteristics are generally listed according to convictions (or persons convicted), and not imprisonments; so the federal data are relatively unhelpful as far as the short-term prison population is concerned.

Because of the difference in basic units reported for indictable and non-indictable offences, persons being counted in the one case and convictions in the other, it is not possible even to know how many people are sent to prison in Canada in the course of a year. Nor is it possible to find this out from reports prepared by the various provinces, since their situations are so varied. In some eastern provinces gaols are local, not provincial responsibilities, and in most places very short sentences are served in town and city lockups, which are gener-
ally not included in the provincial statistics. Moreover, not all provinces publish reports on their correctional programs; and of enquiries mailed to all ten provincial governments in the course of this research, replies were received from only four and annual reports from two (Ontario and British Columbia). The statistical data in these reports, furthermore, are often based on different units from those used in the national publications so that comparisons between the jurisdictions are difficult. As in the federal reports, social characteristics are given in terms of total populations, and cross-classifications and break-down according to specific offender groups are rare.

Another major weakness of most Canadian and American criminal statistics is the manner in which raw data are gathered. Interviews in the courts and gaols are usually conducted in a brief and perfunctory manner by badly overworked staff, and little effort is made to verify offender's statements. The pertinent information is usually gathered when the man is being booked, at the same time as his clothes and personal effects.

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2 The other two provinces which replied were Alberta and Saskatchewan.

3 The observations in this paragraph are derived largely from the writer's personal experience and communications with others in the field. For discussion of statistical procedures at Vancouver Police Department, see Marriage, Adrian, The Police Court Drunkenness Offender. The Alcoholism Foundation of British Columbia, Vancouver, 1957.
are being taken away and he is being bathed and de-loused. The emotional traumata of arrest and the first minutes in a correctional institution, the rushed and harried officialdom and the sheer number of new arrivals each morning in most urban gaols and lockups do not make for statistical accuracy. Often a man's statements are not even checked against his old file in the institution; or conversely, the old data may be used again with no effort to see if they are still (or ever were) true. These defects are known to the government agencies concerned and it is, perhaps, some sign of concern with an unsatisfactory situation that statistical problems received emphasis at the 1959 Canadian Congress of Correction.¹

Recently a very large increase in the staff of the Judicial Statistics Section was approved and the Canadian Corrections Association has set up a committee to work with them in trying to draw up a new set of criminal statistics. This should mean that in a few years we will have a more complete picture than is now available.²

As we have said, federal and provincial statistics usually do not list social and criminal characteristics according to length of sentence. Nor have such facts been made available to the writer upon personal inquiry to federal and local authorities. It would seem that definitive statistics on Canada's short-term

¹ The Canadian Journal of Corrections, 2, 1 (January, 1960), pp. 67-74. Local corrections administrators state frankly that their statistics are grossly inadequate.

² McGrath, William T., Executive Secretary, Canadian Corrections Association. Personal communication, January 4, 1960.
gaol population do not exist. Clinical experience and observations have been made available to the writer from workers in the field; and these are valuable and will be recorded in our next chapter; but they are more or less sophisticated guesses which we should like to avoid here if more precise estimates are possible.

Because data on the short-term prison population are not directly available, an indirect method is used in this chapter as the basis for tentative generalizations concerning these people. The method used is that of comparing populations having high percentages of short-termers with other groups wherein the proportion of short-termers is low. The groups compared are (1) the populations of several different prisons or prison systems; and (2) groups of persons classified according to the kinds of offences which they have committed:

(1) The prisons and prison systems that are compared are in British Columbia and Ontario. These provinces were chosen because they were the only ones for which reasonably detailed information was available. The data are for the fiscal year 1957-58, and are taken from the annual reports of the Director of Correction for the Province of British Columbia and the Department of Reform Institutions of the Province of Ontario.  

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Institutions chosen and their significance are:

**British Columbia:**

**Oakalla Prison Farm:** Four-fifths of all persons in provincial gaols in British Columbia go first to Oakalla. Prisoners under sentence may be transferred from Oakalla to Young Offender's Unit (now closed), New Haven, Westgate, Haney Correctional Institution, the Chilliwack Camps, etc; but statistics are generally given only for Oakalla itself. Only nine-tenths of the persons received in Oakalla in 1957-58 were sentenced. Nine-tenths of those who were sentenced got less than six months.

**Haney Correctional Institution:** Four-fifths of the men in Oakalla with sentences of six months or more but under 24 months were, in 1957-58, transferred to Haney. Unfortunately, statistics on Haney's population for the year (Haney opened September, 1957) are limited; but about 80 per cent of its inmates in 1957-58 were serving six months or more.

**Ontario:**

**City, county, and district jails:** Persons in detention in Ontario are kept in the 45 local jails, as well as most people with very short sentences. Persons with longer terms, however, are generally transferred to provincial institutions. In 1957-58, 59,196 persons were committed to the common jails of Ontario, and 39,321 of them were convicted and sentenced to correctional institutions. 13,292 were subsequently transferred to other institutions (mental hospitals, provincial and federal prisons) while another 24,752 completed their terms in the local jails and were released therefrom. More than eleven-twelfths of the sentenced persons in the local jails had terms under six months and about four-sevenths got less than one month.

**Provincial Reformatories and Industrial Farms:** 11,240 persons, all under sentence, were received in Ontario's eleven provincial reform institutions in 1957-58; more than 70 per cent of them were short-termers. Institutions with populations of interest for our purposes are:

**Mimico Reformatory (for men):** 93 per cent of the men here have sentences under six months, 54 per cent under two months.
Fort William and Monteith Industrial Farms (for men): 91 per cent serving less than six months, 29 per cent less than two months.

Guelph Reformatory (men): 29 per cent short-termers, 2 per cent serving less than two months.

Ontario Training Centres at Brampton and Burtch (men): Vocational-training institutions with only 2 per cent short-termers; no one serving less than three months.

Mercer Reformatory: This is the institution for women, and more than three-quarters of the 497 persons here in 1957-58 were short-termers.

Thus, Oakalla and the local jails in Ontario can be considered short-term institutions; but the presence of up to 25 per cent unsentenced prisoners in these prisons will bias statistics. Haney, Guelph and the Ontario Training Centres are essentially long-term prisons; but they are not fully representative of long-term inmates from their respective provinces because, first, some of the men at Haney and Guelph are short-termers; and, second, because of the selection process by which men are sent to these institutions. In Ontario there is a double selection, firstly of who shall be transferred to the provincial institutions and secondly to which institution. The bias will have less of an effect in British Columbia, where four-fifths of all long-termers go to Haney, than in Ontario where only about one-half go to Guelph and the Ontario Training Centres.

Mimico, Monteith and Fort William are short-term institutions, also subject to the double bias mentioned above. The bias will be less marked here, however, since four-fifths of the short-termers under provincial jurisdiction go to these three institutions.
Comparisons are also offered with the general population of Canada and with the population of persons convicted of indictable offences. The Dominion Bureau of Statistics data, however, are for 1956 since this is the year of the most recent federal criminal statistics. (Some of the material on the general population has been taken from the 1951 Census of Canada, since not all of this information is given in the 1956 inter-censal estimates. However, it is not expected that the 1951 data which have been used would be found to be very different from the 1956 data, were the latter known.) The population of persons convicted of indictable offences should not be considered as representative of either long or short term prisoners because it includes many persons who received non-institutional sentences.

(2) Data from both federal and provincial sources were also analyzed according to type of offence committed. In relation to this classification of offender types, it is important to remember that the view that criminal behavior can be intelligently understood on the basis of single variables has long since been discredited by most students in the field.¹ The material available dealing with Canadian offender populations, however, does not permit the use of a sophisticated typology such as the Garrity-Gibbons model discussed in Chapters

Four and Five; and it is for this reason that a much more modest classification has had to be used here. Conventional practice followed in most statistical reports is to divide crime into two categories, offences against the person and those against property, with a residual category for "others". The first two groups are generally subdivided into sexual and non-sexual crimes against the person and violent and non-violent property offences. Such classifications are usually based upon most recent offence only and do not take into account criminal record or other social data. Within the qualifications outlined above it was felt that this general scheme would be useful for our purpose. However, most of the traditional groupings include some widely varying kinds of crimes under each general heading, and in order to make our types more meaningful from a clinical point of view we decided to subdivide some categories and to omit some of the dissimilar but numerically less important offences. A gross homogeneity in criminal behavior was therefore the first criterion used in selecting our types. Statistical frequency was another, and it was arbitrarily decided that space would not permit a thorough examination of those offender types occurring with lesser frequency than one case in twenty.

The offender types selected, and the kinds of offences subsumed under each, as they are listed in the federal reports, are defined later in this chapter. In some cases the provincial reports have identified offences rather differently
but it was usually not difficult to decide under which of our categories a specific offence would fall when it was compared with this guide.

Our data are summarized in the following tables:

1. and 2. Length of sentences received by prisoners in British Columbia and Ontario correctional institutions.

3. and 4. Kinds of offence committed by prisoners in British Columbia and Ontario correctional institutions.

5. Kinds of sentences received by persons convicted of indictable offences, Canada, 1956.

6. Kinds of sentence received upon conviction for summary offences, Canada, 1956.

7. and 8. Social characteristics of prisoners in British Columbia and Ontario correctional institutions, compared with the general population of Canada.


10. and 11. Occupational characteristics of persons convicted of certain kinds of indictable offences and of prisoners in British Columbia and Ontario correctional institutions, compared with the general population of Canada.

12. and 13. Certain significant variations between the inmate populations of some British Columbia and Ontario correctional institutions.

The tables are placed together at the end of this chapter. They should be used only in accordance with the foregoing "statement of limitations." (The more important limitations are restated in footnotes attached to each table.) The basis for classifying offences is defined below, together with general findings from the statistical data. Clinical observations and treatment considerations are reserved for Chapters Four and Five.
Characteristics of the Population; a Provisional Definition

If the defects outlined in the above "statement of limitations" are kept in mind, it is possible to use statistical material to provide at least general data on the correctional population. Thus, we note that in Canada in 1956 there were 2,401,730 convictions for summary and 45,913 for indictable offences. Only 27,413 persons accounted for all of the latter group of convictions, and 21,020 of these persons had but one conviction each. There were 12,700 persons committed to correctional institutions for indictable offences, and 6,048 of these got terms under six months. (Another 208 got indefinite terms.) In addition, 16,635 of the summary convictions resulted in prison commitments. There were in 1956, however, almost as many suspended sentences as prison terms and there were millions of fines. Probation was given with more than half of the suspended sentences for indictable offences, and about one-fifth of those for summary convictions. No data are available concerning the numbers of people who were imprisoned in default of fines.

Specific offender groups are defined and discussed below, followed by an adumbration of the general characteristics of short-term prison populations:

Burglars and robbers. (Offences against property with violence.) Indictable, against criminal code:
   Breaking and entering a place
   Breaking and entering while armed

1 Statistics in this paragraph are from Canada, Statistics, etc., op. cit., pp. 13, 18-24, 64-65, and 93.
Robbery and extortion
Armed robbery.

Convicted burglars and robbers tend to be young, unskilled vocationally,¹ and unmarried. They are among the most severely punished of offender groups, more getting long gaol sentences than all other penalties combined. They make up about 5 per cent of the short-term prison population and 37.5 per cent of the long. A majority of this group, and a number of the more serious thieves, fall into the category of "Quasi-professional property offenders", discussed further in Chapter Five.

Thieves.
Indictable, against criminal code:
Theft.

Summary, against criminal code:
Taking motor vehicle without consent.

Most sources do not differentiate between petty theft, shoplifting, joyriding and other thefts, so this category comprises a fairly heterogeneous group of offenders. Theft is by far the most common of the indictable offences for which criminals are convicted, and the thieves together account for roughly one-tenth of the short-term population and one-quarter of the long-termers. Thieves have a better chance of getting short sentences than long, and a better than 50 per cent chance of getting non-institutional sentences. Presumably the longer sentences are given for more serious thefts, for example "theft over $50.00",

¹ The percentage of unskilled labourers among young offenders convicted of indictable offences is somewhat higher than for older offender groups, and this has been used as an argument in favour of vocational training courses for these groups. Canada Year Book, 1959. The Queen's Printer, Ottawa, pp. 312-4.
although our data are inadequate to confirm this. Thieves will be discussed in Chapter Five under "conventional crime" and "habitual petty offender" categories.

Joyriders. Stealing a car is not differentiated from other forms of theft in most statistical reports so this group could not be studied as a separate statistical entity. We note however that in British Columbia, joyriding and other car thefts account for about one-tenth of all convictions for larceny; i.e. less than one per cent of the total prison population.

Cheque writers.
Indictable, against criminal code:
   False pretences
   Fraud and corruption
   Forgery and uttering.

Summary, against criminal code:
   Fraudulently obtaining food and lodging
   Fraudulently obtaining transportation.

The "cheque writer who drinks" is a type suggested in some of the literature (see Chapter Five); but our data were far too unrefined to isolate such a clinical category. What we have done, however, is to group together all commitments for fraud, forgery, and false pretences, and our data suggest that about half of the convicted persons in this group are sent to gaol and one-quarter get short-terms. They tend to be better educated than most offenders and to be more frequently represented in white collar (clerical, business, professional) classes. (In this respect our group resembles the more specific category of "cheque writers who drink"). The group fails to satisfy the criterion of numerical significance, but will be mentioned in
Chapter Five anyway because it presents interesting contrasts to other offender types.

**Possession of stolen goods, illegal weapons, house-breaking tools, etc.** These groups of offences together were numerically less common than even the forgery category and so did not seem to merit consideration.

**Sex offenders.**
- Indictable, against criminal code:
  - Bigamy and polygamy
  - Buggery or bestiality
  - Incest
  - Indecent assault on female
  - Indecent assault on male
  - Procuring
  - Rape
  - Rape, attempt to commit
  - Seduction
  - Sexual intercourse and attempt
  - Bawdy house, keepers
  - Offences tending to corrupt morals.
- Summary, against criminal code:
  - Bawdy house (inmate, frequentor, lessee or lessor, transporting)
  - Corrupting morals.
- Summary, against other federal statutes:
  - Adults who contribute to juvenile delinquency.
- Summary, against provincial statutes:
  - Children of unmarried parents acts.

Despite the wide diversity of behavior included in this category it was not found numerically significant for further study here. This is not to deny, of course, that sexual offenders pose social problems meriting investigation in other research. For those committing indictable offences, the average person in this heterogeneous group does not seem significantly different from the average person convicted of indictable offences generally except that "he" tends to be a little older and is more
likely to be a woman.

Nonsupport. Neglectful parents are not often sent to gaol in Canada. Moreover dispositions other than fines, suspended sentences or incarceration seem to be the more frequently used for this category.

Vagrants. Vagrancy, an offence against the criminal code punishable on summary conviction, accounts for more than one-tenth of short sentences according to federal statistics; but vagrants apparently are not so frequently found in Ontario and British Columbia institutions. This offence will receive more attention in Chapter Five.

Brawlers, group "A":
Indictable, against criminal code:
Assault causing bodily harm
Causing bodily harm and danger.

Group "B":
Indictable, against criminal code:
Assault on peace officer and obstructing
Common assault.

Summary, against criminal code:
Common assault

Group "C":
Summary, against criminal code:
Disorderly conduct.

In an effort to achieve sharper discrimination these offenders have been subdivided according to the apparent seriousness of their offences. Even the most serious of the assaultists, however, runs a smaller risk of imprisonment than convicted persons in any other of our indictable offence categories except traffic violators. Moreover, when assaultists are sent to gaol, it
is usually for a short term. The assaultists who are convicted of indictable (generally the more serious) offences — that is, those in group "A" and part of group "B" — tend to be much older and are much more often married, than the average person convicted of an indictable offence, including most "quasi-professional property offenders". In social characteristics, the serious assaultists resemble most closely the serious (i.e. indictable) sexual offenders, who form the other major division of offenders against the person. Generally, with the "brawler" group, it would seem that the less serious the offence, the lighter the penalty imposed; and those in group "C" — the brawlers convicted of disorderly conduct — are dealt with in the courts in much the same way as are the drunkenness offenders. Together the brawlers account for about one-twentieth of the short-termers and less than one-thirtieth of the long-termers. Some of them will be discussed in Chapter Five under the headings of "drunkenness offenders", "personal offenders, one-time loser", and "'psychopathic' assaultists".

**Drug addicts:**

*Indictable, against federal statutes:*

Narcotic Control Act

*Summary, against federal statutes:*

Narcotic Control Act.

About two-thirds of the persons imprisoned for narcotics offences in Canada in 1956 were convicted in British Columbia, but nevertheless these persons accounted for only about 2 per cent of the sentenced persons in Oakalla. The majority of convictions under this act were for possession, which calls for a
minimum penalty of six months, and 95 per cent of the narcotics offenders generally got long gaol terms. Addicts are sometimes gaoled for other offences, however, and altogether they constituted 5 per cent of the Oakalla population in 1958. Nevertheless, I am informed that even the addicts who are imprisoned under laws other than the Narcotics Act usually get long sentences; so that for our purposes the group is not numerically significant. Our data suggest that addicts tend to be older, better educated and more urban than most offenders and that drug addicts make up a larger percentage of female than male prisoners.

Drunkenness Offenders:

Summary, against criminal code:
  Causing disturbance by being drunk

Summary, against federal statute (Indian Act), provincial (Liquor Control) or municipal by-law:
  Intoxication.

This group make up by far the largest category of imprisoned men, (even though gaol sentences are given for only one-sixteenth of the convictions for drunkenness - seven-eighths get fines) and alcoholism probably is a factor in many other offences punished by short sentences as well. More than one-quarter of short-term offenders in Canada in 1956 and almost one-half of the offenders in Ontario and British Columbia gaols in 1958 were convicted of drunkenness; and by far the larger half of

1 Schroeder, Nick, Assistant Deputy Warden (Treatment) Oakalla Prison Farm. Personal Interviews, February 16th and 22nd, 1960.
prisoners sentenced in every jurisdiction are "intemperate". In British Columbia the maximum sentence for drunkenness is three months, and in Ontario also the alcoholics seem to get especially short-term sentences. Five-eighths of the drunkenness offenders in Ontario provincial institutions were confined in that prison where three-quarters of the men were serving less than three months and the number of first offenders was almost negligible; which finding seems to corroborate the popular conception that very short terms and recidivism are more common amongst this offender category than most. The prison with the largest proportion of drunkenness offenders (five-eighths of its total count) also has a much older population than other gaols - older even than the general population of Canada; and it has slightly more inmates registered as married than other prisons (although the percentage of married men is still much less than that in the general population.) Alcoholism is an important problem not only numerically, and it will receive considerably more attention later in this study.

**Impaired drivers:**

**Indictable, against criminal code:**
- Driving while ability to drive is impaired
- Driving while intoxicated

**Summary, against criminal code:**
- Driving while ability to drive is impaired
- Driving while intoxicated.

Imprisonment for traffic offences almost never exceeds six months, and impaired and drunken driving are the traffic offences most likely to lead to incarceration. Prison terms, even
for impaired driving, are imposed for only about one-tenth of the convictions, however; and the proportion of these offenders in the short-term gaol population is likewise about one person in ten, although there is some variation between jurisdictions. Impaired drivers tend to be much older than most people in any other of the indictable offence categories — indeed they are older even than the general Canadian population; and they are more frequently married than are persons in any other of the indictable offence groups — almost as frequently as Canadians generally. They are poorly educated, like most offenders; but unlike others they are the only offender group identified in this study who have a higher proportion of rural residents than the non-criminal population. On the whole, traffic violators convicted of indictable offences resemble the non-criminal population much more closely than do any of the other indictable offence categories herein identified, although this is probably more true of the dangerous drivers than of the impaired group. Impaired and drunken drivers will be discussed further in Chapter Five.

Other traffic offenders.

"A" Indictable, against criminal code:
- Criminal negligence in operation of motor vehicle
- Failing to stop at scene of accident

Summary, against criminal code:
- Criminal negligence in operation of motor vehicle
- Driving while disqualified
- Failing to stop at scene of accident
- Motor vehicle equipped with smoke screen.

"B" Summary, against provincial statutes:
- Highway traffic
Summary, against municipal by-laws:
Traffic

"C" Summary, against provincial or municipal laws:
Parking.

No one in Canada was sent to gaol for a parking violation in 1956; and only 1 person in 10,000 for traffic offences other than drunk or dangerous driving. The dangerous drivers, (group "A" above) accounted for only 2 per cent of short-term offenders and failed to meet our criterion of numerical significance. It is interesting though that they very closely resemble the impaired drivers in occupational characteristics; but that, otherwise, dangerous drivers - at least those convicted of indictable offences - tend to be younger, better educated, more urban, and less severely sentenced than the offenders guilty of "driving under the influence". The dangerous drivers tend to resemble the general population of Canada in most social characteristics much more closely than do any of the other of our indictable offender categories.

Sex. Men are represented in the population of convicted persons much more than women (there are about 16 males for each female) and, for indictable offences anyway, men are punished with imprisonment more often than women (almost one man in two is sent to gaol, but only about one female in three). When they are sent to gaol, men do not seem to have quite as good a chance as women of getting short sentences.

Women constitute less than one-twelfth of the short-term prison population. Like men, they may be imprisoned for a
wide variety of offences, although they are more likely than men to be gaolled for sex offences and less likely for violent property offences. Most authorities say female prisoners should be housed separately from male offenders; nevertheless in view of the heterogeneity within the female offender category it has been decided not to discuss this group at length in this thesis. It was not thought that a study of the female offender would be likely to throw any more light on the subject of short sentences than would an intensive study of selected male types. The reader who wishes to study female offenders is referred to a thesis by Mrs. Jenifer Butterfield.¹

Age. Ruth Cavan has said, "So far as one may generalize, thefts requiring daring and speed are committed by the young; crimes of manual skill and some personal vices by the middle adult group; and crimes showing personality deterioration by the middle-aged and elderly."² Thus burglary, robbery, and larceny are committed largely by youth; and this age group also accounts for most cases of rape. Forgery, counterfeiting, embezzlement and fraud, as well as assaults and homicide, are disproportionately represented in the statistics for the mature adult (age 25 - 39). Personal vices like intoxication, drunken


driving, narcotic addiction, prostitution and gambling are mostly attributed to the mature adult and older persons.

Cavan's statement is generally corroborated by the findings of the present study. In Canada, persons aged 15 to 24 are represented in most of the institutions with about the same frequency as they appear in the non-criminal population; but they are much over-represented amongst persons convicted of indictable offences and in the long-term institutions, (Haney, Guelph, O.T.C.), especially those offering vocational training. They are also highly over-represented in the indictable offence categories of theft, robbery and burglary - generally the more violent property crimes. Some of the institutions with high populations of young offenders also have relatively greater numbers of first offenders, which is perhaps a relationship to be expected; just as the young offenders, as a function of their age, are less likely to be married and more likely to be native-born. The institutions with large numbers of young offenders have fewer alcoholics. Young offenders convicted of indictable offences seemed to get short sentences as often as older offenders in 1956; no data are available concerning the presumably larger group convicted of non-indictable offences. In most gaols, though, about one-quarter or one-fifth of the population are age 15 to 24.

Recidivism. Our data are vague but recidivism seemed to play at least as large a role amongst short-term offenders as others. Persons with no previous committals on the other hand
seemed to be found more frequently in those institutions with predominantly young and long-term prisoners (Guelph, O.T.C.). It seems clear that habitual petty offenders are frequently found in short-term institutions but our data are inconclusive concerning their opposite numbers: the first offenders and occasional offenders. It can be observed though that offenders against the person, especially sexual offenders, are not well represented amongst the short-term population; yet they are among those least likely to repeat. Persistent habits, such as alcoholism, perhaps account for much recidivism among the short-term group.

General. Drunkenness, vagrancy, theft and drunk driving seem to be the most frequent offences committed by persons getting short sentences; and crimes of violence - both those against the person and aggressive property offences - seem proportionately less represented than in the group getting longer terms. Our statistical data, despite their limitations, suggest also that most short-termers are probably older than the average person with a long sentence; and that women are as likely as men, or more so, to get short terms. Moreover there is considerable variation in length of sentence even within the short-sentence

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1 Korn, Richard R., and McCorkle, Lloyd W., Criminology and Penology. Henry Holt and Company, Inc., New York, 1959, p. 163. It is sometimes argued that short sentences should be used for first offenders, but except for some serious "situational offenders", most judges seem to prefer to punish first offenders by fines or probation, so that by the time most offenders are sent to gaol they often have established criminal records.
group, and more than 50 per cent of all sentences are for less than a month. We do not know who get the very short sentences; but when only data from Mimico, Fort William and Monteith, Guelph and the O.T.C.'s are considered, there appears to be a correlation between the factors of age, recidivism, length of sentence, and offence. At Mimico we find the shortest average sentence, the fewest first offenders, the highest mean age, the most drunkenness offenders, and fewest thieves and burglars; and at Brampton and Burtch are found the opposite extremes. Concerning age, recidivism, length of sentence, and alcoholism, the industrial farms and Guelph seem to fall on a gradient between the two extremes; whereas with regard to violent property offences there seem to be a more pronounced polarity between the long and short-term institutions. (Table 12 and others.)

The common tendency for criminals to be either single, or separated, divorced or widowed, to be poorly educated and vocationally unskilled, is evidenced in the short-term group, although less markedly than in the group of young property offenders who get long sentences. On the whole, however, there are wide individual variations in social characteristics amongst offenders, and, as indicated above, there are observable differences between certain prison populations and offender categories. Immigrants do not seem over-represented among short-term inmates but Canadian Indians constituted about one-eighth of the Oakalla population in 1957-58. Data on Indians are not available from other parts of Canada but it seems that in
British Columbia at least they are more prone than non-Indians to get short sentences.

Short-term Prisoners in Canada and Other Countries:

General Findings and perspectives:

On the whole these data are not unlike findings reported for the misdemeanant institutions in the United States.\(^1\) Drunkenness, disorderly conduct, and other liquor offences account for a majority of the commitments there also; and larceny and vagrancy account for most of the others. The short-term institutions house an older population than the other prisons; but short-term offenders like other prisoners are mostly under forty-four. Women and recidivists are proportionately more represented in the misdemeanant institutions than in the state prisons. As in Canada, by far the largest number of all sentences are for less than two months, and a good proportion of inmates are chronic recidivists. One American jail study found a fifth of the inmates in poor health and another investigation found 85 per cent with some serious disability or illness.

Short-term sentences are a matter of concern in Europe as in North America, and at the Twelfth International Penal and Penitentiary Congress in The Hague in 1950 papers were presented on this topic by representatives from Belgium, Czechoslovakia, Denmark, France, Italy, the Netherlands, Norway, Sweden,

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Ruth Cavan has studied the correctional systems in England, France, Denmark, Norway and Sweden, and in the most recent edition of her textbook she compares these European administrations with American practice.\footnote{Cavan, \textit{op. cit.}, Chapter 23, \"European Adult Offenders and Prisons,\" pp. 611-661.} In Europe as in the United States, she says, \"minor offenders far outnumber serious or dangerous criminals.\"\footnote{\textit{Ibid.}, p. 614.} Except for traffic violations, drunkenness accounts for about one-half of all arrests, and other common misdemeanours are disorderly conduct (which is often associated with drunkenness), vagrancy and minor assaults. Larceny is by far the commonest felony, and is committed much more often than are crimes of violence such as robbery, burglary and assault.

Similarly, in a recent study of short-term offenders in the gaols of Copenhagen, it was reported that about half the
prisoners were alcoholics. In Denmark as in North America age seemed to be less of a factor in the offence committed by short-term offenders than it is in criminal conduct generally. The Danish prisoners differed little from the non-criminal population in intelligence; but two-thirds of the Copenhagen short-termers had had obviously inadequate childhoods. Half evidenced problems in occupational adjustment; half of those who had been married were divorced; and a fifth were, or had been, seriously ill. (This finding is reminiscent of the ninety odd infirm alcoholics in the old gaol at Oakalla.) Half had a history of venereal disease and one-quarter of serious accidents. Eighty-three per cent had been in gaol before. Larceny, receiving stolen goods, and petty offences generally were predominant.

In England, although minor offenders would appear to constitute a smaller proportion of the prison population than in Canada, short sentences are nevertheless common:

In 1947, 633,459 persons were dealt with by the criminal courts in England and Wales. Of these 78.9 per cent were fined; 15 per cent were bound over, dismissed, or placed under supervision under the Probation of Offenders Act; and only 4.7 per cent were sentenced to imprisonment.

... only about half the people received in prison in that year had been sentenced to imprisonment in the first instance as a punishment for an offence, and of these a bare majority were "criminals" in the narrower sense of the word. Of the remainder, many were there

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because they could not or would not pay sums of money adjudged by the courts to be due, whether as fines or otherwise in connection with offences, or as civil debts. The remainder had been sent for safe-custody while on remand or awaiting trial or sentence, or under certain of the Aliens Orders. From time to time, also, there would be some awaiting execution of death sentence, while others sentenced to corporal punishment under the law as it then stood would there be flogged.1

... In 1949, 9.9 per cent of the receptions of men and 18.6 per cent of women sentenced to imprisonment were for periods of not more than 14 days; 51.3 per cent of men and 69.3 per cent of women were for not more than 3 months; and 70.2 per cent of men and 86.8 of women were for not more than 6 months.2

Many of the short-termers in England, too, were recidivists. Because of their rapid turn over, persons serving short sentences constituted only about one-sixth of the daily average prison population.3

Convictions for non-indictable offences, in England as in Canada, far outnumber convictions for indictable offences: "... of every 100 offenders convicted in 1947, no less than 81 had committed non-indictable offences, and ten years earlier the percentage was 90."4 The more serious offences, moreover, are more likely to be punished by imprisonment: In

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2 Ibid., p. 114.

3 Loc. cit.

4 Ibid., p. 6.
1949, "... some 45 per cent of the men and some 35 per cent of
the women (received in prison) were convicted of indictable
offences".¹ The most common offence categories for which men
were imprisoned in 1949 were non-violent offences against prop­
terty (about 45 per cent), burglary (about 20 per cent), drunk­
eness (8 per cent), assault (7 per cent) and sex offences
(6 per cent). No other offence category accounted for more
than 5 per cent of the imprisonments.² (It seems especially
interesting that drunkenness offenders constitute such a small
proportion of the prison receptions in England.)

It is also reported in the literature that in the
last half-century, the use of the short sentence has abated
somewhat as non-institutional punishments have become more com­
monplace; however this trend has been offset, at least in the
United States, by the tendency for convictions and gaol popula­
tions generally to increase faster than the non-criminal
population. There is not time in this study for an examination
of these historical trends.

In summary, it can be said that in Canada, the United
States, and several European countries;
(1) Non-institutional dispositions such as fines are now im­
posed far more frequently than imprisonment; and when gaol sent­
ences are given they are usually very short. The number of

¹ Fox, op. cit., p. 111.
persons sentenced to one month or less is almost equal to the number getting all longer terms, and generally there is an inverse relationship between the length of a sentence and the number of persons getting that sentence.

(2) "Minor offenders far outnumber serious or dangerous criminals",¹ and property crimes greatly exceed crimes against the person.

(3) Long sentences are generally reserved for the more violent and dangerous offences, such as burglary, robbery, rape and homicide; whereas less serious crimes usually result in shorter sentences, fines, or probation. It should be noted, however, that even persons committing more serious offences usually have as good a chance (or better) of getting short sentences, or non-institutional penalties, as they have of getting longer terms.

(4) Drunkenness is by far the most common offence committed by persons getting short sentences, and in some countries accounts for half of the short-term prison population. The other offences most frequently committed by persons getting short sentences are vagrancy, traffic violations, and petty theft.

(5) Age is not as significant a factor in the offences committed by persons getting short sentences as it is in more serious crime; but there are differences in the kinds of offences most likely to be committed by different age groups. Young offenders are more likely to get suspended sentences (probation) or long

¹ Cavan, op. cit., p. 614.
terms, whereas older offenders are more likely to get fines or short terms. Nevertheless young offenders constitute twenty or twenty-five per cent of most short-term prison populations.

(6) There seem to be several other statistically significant differences between persons getting short sentences and those getting long ones, for example in marital status, nativity and recidivism; but these differences are partly related to the differences in age and type of offence. Moreover the variations within the long and short sentence populations, and the overall similarities between these two groups, are more striking than the contrasts.

The statistical evidence has failed clearly to define any clinically significant short-term "types", but it has suggested some models which will be adumbrated in Chapter Five.
Table 1. Length of Sentences Received by Persons in Certain British Columbia and Ontario Gaols, Fiscal Year 1957-58.

<table>
<thead>
<tr>
<th></th>
<th>British Columbia</th>
<th>Ontario</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Oakalla Prison</td>
<td>City, County and District Jails</td>
</tr>
<tr>
<td></td>
<td>M. &amp; F.</td>
<td>M. &amp; F.</td>
</tr>
<tr>
<td>Persons admitted</td>
<td>11,558</td>
<td>59,196</td>
</tr>
<tr>
<td>Persons convicted</td>
<td>10,964</td>
<td>52,684</td>
</tr>
<tr>
<td>Sentenced to Correctional Institution</td>
<td>10,704</td>
<td>37,191</td>
</tr>
<tr>
<td>Sentences of known length</td>
<td>10,391</td>
<td>35,516</td>
</tr>
<tr>
<td>Length of sentence:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>under 30 days (B.C. one month)</td>
<td>71%</td>
<td>56%</td>
</tr>
<tr>
<td>30 and under 60 days</td>
<td>10%</td>
<td>21%</td>
</tr>
<tr>
<td>(B.C. under two months)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 and under 3 months</td>
<td>5%</td>
<td>7%</td>
</tr>
<tr>
<td>3 and under 6 months</td>
<td>5%</td>
<td>8%</td>
</tr>
<tr>
<td>6 and under 12 months</td>
<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>12 and under 18 months</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>18 and under 24 months</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>sentenced to federal pen.</td>
<td>3%</td>
<td>2%</td>
</tr>
</tbody>
</table>


1 85 per cent of the prisoners sentenced in British Columbia during the fiscal year were in Oakalla, and this group includes men later transferred to Haney, Y.O.U., New Haven, Westgate, and the Chilliwack Camps. Most of the others were in the Kamloops and Prince George Provincial Gaols, where 69 per cent and 77 per cent respectively, received sentences of less than one month and 90 per cent in each institution got less than six months.

2 Many of the people convicted while in the jails were later transferred to provincial institutions. In 1957-8, 13,292 were transferred to other institutions; while another 24,752 completed their terms in the local units.
Table 2. Length of Sentences Received by Persons in Certain Ontario Reform Institutions, 1957-58.

<table>
<thead>
<tr>
<th>Ontario Reformatories and Industrial Farms</th>
<th>All (11) M.&amp; F</th>
<th>Mimico short-term male recidivists</th>
<th>Fort Wm. and Monteith Indust. Farms (Male)</th>
<th>Guelph (Male)</th>
<th>Ontario Training Centres, Brampton &amp; Burtch (Male)</th>
<th>Mercer (Women)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed during year</td>
<td>11240</td>
<td>4554</td>
<td>1825</td>
<td>1568</td>
<td>413</td>
<td>497</td>
</tr>
<tr>
<td>Sentences of known length(^1)</td>
<td>11058</td>
<td>4497</td>
<td>1824</td>
<td>1558</td>
<td>392</td>
<td>485</td>
</tr>
<tr>
<td>Length of sentence:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>under 30 days</td>
<td>3%</td>
<td>0.02%</td>
<td>11%</td>
<td>0%</td>
<td>0%</td>
<td>34%</td>
</tr>
<tr>
<td>30 days and under</td>
<td>26%</td>
<td>54%</td>
<td>18%</td>
<td>2%</td>
<td>0%</td>
<td>2%</td>
</tr>
<tr>
<td>under 60 days</td>
<td>14%</td>
<td>23%</td>
<td>14%</td>
<td>2%</td>
<td>0%</td>
<td>26%</td>
</tr>
<tr>
<td>under 3 months</td>
<td>27%</td>
<td>16%</td>
<td>48%</td>
<td>25%</td>
<td>2%</td>
<td>16%</td>
</tr>
<tr>
<td>3 and under 6 months</td>
<td>16%</td>
<td>6%</td>
<td>7%</td>
<td>34%</td>
<td>55%</td>
<td>13%</td>
</tr>
<tr>
<td>6 and under 12 months</td>
<td>16%</td>
<td>6%</td>
<td>7%</td>
<td>34%</td>
<td>55%</td>
<td></td>
</tr>
<tr>
<td>12 and under 18 months</td>
<td>8%</td>
<td>0.5%</td>
<td>1%</td>
<td>18%</td>
<td>34%</td>
<td></td>
</tr>
<tr>
<td>12 and under 18 months (^2)</td>
<td>4%</td>
<td>0.3%</td>
<td>0%</td>
<td>18%</td>
<td>9%</td>
<td></td>
</tr>
</tbody>
</table>


\(^1\) The maximum limit of indefinite sentences was used. The small number for whom no limits were specified were not included in these calculations.

\(^2\) A few indefinite sentences had maximum terms exceeding 24 months. They were included in this category since their sentences were served in provincial rather than federal prisons.
Table 3. Types of Offence for Which Persons in Certain British Columbia and Ontario Correctional Institutions were Convicted in the Fiscal Year 1957-58.

<table>
<thead>
<tr>
<th></th>
<th>British Columbia</th>
<th></th>
<th>Ontario</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>All Offences</td>
<td>14322</td>
<td>1082</td>
<td>49388</td>
<td>3296</td>
</tr>
<tr>
<td>Burglary and Robbery</td>
<td>6%</td>
<td>1%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Theft</td>
<td>9%</td>
<td>4%</td>
<td>9%</td>
<td>5%</td>
</tr>
<tr>
<td>Cheque Writing</td>
<td>6%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Sex Offences</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>3%</td>
<td>6%</td>
<td>4%</td>
<td>12%</td>
</tr>
<tr>
<td>Brawling</td>
<td>5%</td>
<td>3%</td>
<td>6%</td>
<td>4%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>causing bodily harm</td>
<td>1%</td>
<td>0.6%</td>
<td>2%</td>
<td>0.6%</td>
</tr>
<tr>
<td>other assaults, obstr.</td>
<td>2%</td>
<td>0.7%</td>
<td>2%</td>
<td>0.7%</td>
</tr>
<tr>
<td>disorderly conduct</td>
<td>2%</td>
<td>1%</td>
<td>3%</td>
<td>2%</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>?</td>
<td>?</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>Supply Liquor to Indians</td>
<td>5%</td>
<td>22%</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Breach of Liquor Act</td>
<td>51%</td>
<td>46%</td>
<td>?</td>
<td>?</td>
</tr>
<tr>
<td>Drug Addiction</td>
<td>1%</td>
<td>10%</td>
<td>0.2%</td>
<td>1%</td>
</tr>
<tr>
<td>Impaired Driving</td>
<td></td>
<td></td>
<td>8%</td>
<td>1%</td>
</tr>
<tr>
<td>Dangerous Driving</td>
<td>5%</td>
<td>1%</td>
<td>3%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Other Highway Offences</td>
<td>7%</td>
<td>3%</td>
<td>16%</td>
<td>14%</td>
</tr>
</tbody>
</table>


1, 2, 3 Information not available for some categories.
Table 4. Types of Offence for Which Persons in Ontario Provincial Reform Institutions were Sentenced in 1957-58.

<table>
<thead>
<tr>
<th>All Offences</th>
<th>All</th>
<th>Mimico (short-term male recidivists)</th>
<th>Fort Wm. and Monteith Indust. Farms (Male)</th>
<th>Guelph (Male)</th>
<th>Ontario Training Centres, Brampton &amp; Burtch (Male)</th>
<th>Mercer (Women)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>M &amp; F</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>11208</td>
<td>4554</td>
<td>1825</td>
<td>1568</td>
<td>413</td>
<td>497</td>
</tr>
<tr>
<td>Burglary and Robbery</td>
<td>11%</td>
<td>3%</td>
<td>3%</td>
<td>35%</td>
<td>38%</td>
<td>2%</td>
</tr>
<tr>
<td>Theft</td>
<td>15%</td>
<td>9%</td>
<td>10%</td>
<td>32%</td>
<td>35%</td>
<td>8%</td>
</tr>
<tr>
<td>Cheque Writing</td>
<td>4%</td>
<td>2%</td>
<td>3%</td>
<td>5%</td>
<td>6%</td>
<td>6%</td>
</tr>
<tr>
<td>Sex Offences</td>
<td>3%</td>
<td>1%</td>
<td>1%</td>
<td>6%</td>
<td>4%</td>
<td>12%</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>3%</td>
<td>3%</td>
<td>7%</td>
<td>1%</td>
<td>0%</td>
<td>4%</td>
</tr>
<tr>
<td>Brawling</td>
<td>3%</td>
<td>2%</td>
<td>4%</td>
<td>6%</td>
<td>4%</td>
<td>1%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>causing bodily harm...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2%</td>
<td>1%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>other assault, obstructing...</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1%</td>
<td>1%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>disorderly disorderly conduct.......</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.4%</td>
<td>0.1%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>41%</td>
<td>63%</td>
<td>46%</td>
<td>2%</td>
<td>0%</td>
<td>50%</td>
</tr>
<tr>
<td>Drug Addiction</td>
<td>1%</td>
<td>0.2%</td>
<td>0%</td>
<td>0.2%</td>
<td>0%</td>
<td>6%</td>
</tr>
<tr>
<td>Impaired</td>
<td>2%</td>
<td>1%</td>
<td>4%</td>
<td>0.2%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Driving</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td>0%</td>
</tr>
<tr>
<td>Dangerous</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dangerous Driving</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
<td>1%</td>
<td>2%</td>
<td>0%</td>
</tr>
<tr>
<td>Other Highway Offences</td>
<td>0.01%</td>
<td>0.02%</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other Offences</td>
<td>14%</td>
<td>13%</td>
<td>21%</td>
<td>12%</td>
<td>11%</td>
<td>11%</td>
</tr>
</tbody>
</table>

Table 5. Sentences Received by Persons Convicted of Certain Kinds of Indictable Offences, Canada, 1956.

<table>
<thead>
<tr>
<th>Persons Convicted</th>
<th>Sentences (in percentages)</th>
<th>Short Sentences(^1) No.</th>
<th>As % of all short sentences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M.</td>
<td>F.</td>
<td>Suspended with or without prob.</td>
</tr>
<tr>
<td>All Indict. Off.</td>
<td>25837</td>
<td>1576</td>
<td>24%</td>
</tr>
<tr>
<td>Burglary and Robbery</td>
<td>4503</td>
<td>77</td>
<td>24%</td>
</tr>
<tr>
<td>Theft</td>
<td>8425</td>
<td>694</td>
<td>35%</td>
</tr>
<tr>
<td>Cheque Writing</td>
<td>2089</td>
<td>193</td>
<td>27%</td>
</tr>
<tr>
<td>Sex Offences</td>
<td>1054</td>
<td>109</td>
<td>18%</td>
</tr>
<tr>
<td>Brawling cause bodily harm</td>
<td>1721</td>
<td>86</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>1769</td>
<td>76</td>
<td>15%</td>
</tr>
<tr>
<td>Drug/Addic.</td>
<td>370</td>
<td>12</td>
<td>0%</td>
</tr>
<tr>
<td>Impaired Driving</td>
<td>2515</td>
<td>28</td>
<td>0.2%</td>
</tr>
<tr>
<td>Dangerous Driving</td>
<td>457</td>
<td>9</td>
<td>2%</td>
</tr>
<tr>
<td>Others(^3)</td>
<td>2934</td>
<td>292</td>
<td>-</td>
</tr>
<tr>
<td>All off. comm. by females</td>
<td>-</td>
<td>1576</td>
<td>39%</td>
</tr>
<tr>
<td>All off. comm. by persons aged 24 or under</td>
<td>11756</td>
<td>6095</td>
<td>33%</td>
</tr>
</tbody>
</table>

Continued.
Table 5. Continued


1 Sentences of less than six months are considered "short".

2 There were 208 indefinite sentences.

3 Vagrancy, drunkenness, and traffic offences other than drunk and dangerous driving are not included because they are non-indictable.

4 Age was unknown for another 1076 persons.

5 Age was unknown for another 14 persons.
Table 6. Sentences Received upon Conviction for Summary Offences, Canada, 1956.1

<table>
<thead>
<tr>
<th>Convictions</th>
<th>Sentences (in percentages)</th>
<th>Gaol</th>
<th>As % of all gaol sentences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M.</td>
<td>F.</td>
<td>Susp. with or without prob.</td>
</tr>
<tr>
<td>All summary offences</td>
<td>2276530</td>
<td>125200</td>
<td>1%</td>
</tr>
<tr>
<td>Theft</td>
<td>1070</td>
<td>26</td>
<td>31%</td>
</tr>
<tr>
<td>Cheque Writing</td>
<td>646</td>
<td>20</td>
<td>12%</td>
</tr>
<tr>
<td>Sex Off.</td>
<td>1765</td>
<td>297</td>
<td>33%</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>5034</td>
<td>1244</td>
<td>14%</td>
</tr>
<tr>
<td>Brawling common assault</td>
<td>14247</td>
<td>918</td>
<td>8%</td>
</tr>
<tr>
<td><em>disord.</em> conduct</td>
<td>4926</td>
<td>366</td>
<td>16%</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>94881</td>
<td>6931</td>
<td>5%</td>
</tr>
<tr>
<td>Drug addict.</td>
<td>33</td>
<td>3</td>
<td>6%</td>
</tr>
<tr>
<td>Impaired Driving</td>
<td>16839</td>
<td>186</td>
<td>0.1%</td>
</tr>
<tr>
<td>Dangerous Driving</td>
<td>3824</td>
<td>46</td>
<td>4%</td>
</tr>
<tr>
<td>Other H'way Offences</td>
<td>1103048</td>
<td>49612</td>
<td>0.5%</td>
</tr>
<tr>
<td>Parking</td>
<td>894860</td>
<td>59322</td>
<td>0.2%</td>
</tr>
<tr>
<td>Other Off.</td>
<td>131283</td>
<td>5595</td>
<td></td>
</tr>
</tbody>
</table>

Sources: Canada, Statistics of Criminal and Other Offences, 1956, op. cit., p. 93.

1 This table should not be compared too closely with table 5, since the present table deals in convictions whereas table 5 counts persons. Burglary and robbery are not included as they are always indictable.
Table 7. Some Social Characteristics of Selected Offender Populations Compared with the General Population.

<table>
<thead>
<tr>
<th>CANADA</th>
<th>Inst. with Both Sentenced and Unsentenced Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Population</td>
<td>Convicted of Indict. Offences</td>
</tr>
<tr>
<td>Population - 1956 - 1958</td>
<td>16080791</td>
</tr>
<tr>
<td>% of Females</td>
<td>49.3</td>
</tr>
<tr>
<td>% Age 15 and Over Who Are:</td>
<td></td>
</tr>
<tr>
<td>(a) married (not sep. wid. or div.)</td>
<td>66</td>
</tr>
<tr>
<td>(b) under 25 yrs. old</td>
<td>21</td>
</tr>
<tr>
<td>(c) not in school &amp; educ. to Gr. 9 (high school or better)</td>
<td>58</td>
</tr>
<tr>
<td>% or urban residents</td>
<td>67</td>
</tr>
<tr>
<td>% of Roman Catholics</td>
<td>43</td>
</tr>
<tr>
<td>% Born in Canada</td>
<td>85</td>
</tr>
<tr>
<td>% of Canadian Indians</td>
<td>1</td>
</tr>
<tr>
<td>% of Offenders (d) with no previous Convictions</td>
<td>63</td>
</tr>
<tr>
<td>(e) who are &quot;Intemperate&quot;</td>
<td>-</td>
</tr>
<tr>
<td>(f) who are Drug Addicts</td>
<td>-</td>
</tr>
</tbody>
</table>

Table 7. Continued.

Sources: Canada, Statistics of Criminal and Other Offences, op. cit., pp. 24-29.

1. It is not clear whether this statistic includes separated, widowed and/or divorced persons.

2,3 Information not available for some groups.

<table>
<thead>
<tr>
<th></th>
<th>All (11)</th>
<th>Mimico</th>
<th>Fort Wm. and Monteith</th>
<th>Guelph</th>
<th>Ontario Training Centres, Brampton &amp; Burtch</th>
<th>Mercer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M &amp; F</td>
<td>Male</td>
<td>farms Male</td>
<td>Male</td>
<td>Male</td>
<td>Women</td>
</tr>
<tr>
<td>Total commitments</td>
<td>11240</td>
<td>4554</td>
<td>1825</td>
<td>1568</td>
<td>413</td>
<td>497</td>
</tr>
<tr>
<td>during fiscal year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Married (not sep. div. or wid.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>35</td>
<td>40</td>
<td>30</td>
<td>15</td>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>% Age 24 or under</td>
<td>24</td>
<td>6</td>
<td>12</td>
<td>80</td>
<td>99</td>
<td>21</td>
</tr>
<tr>
<td>% Gr. 9 (high school) or better educ.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>39</td>
<td>22</td>
<td>46</td>
<td>45</td>
<td>35</td>
</tr>
<tr>
<td>% Born in Canada</td>
<td>87</td>
<td>83</td>
<td>85</td>
<td>91</td>
<td>93</td>
<td>88</td>
</tr>
<tr>
<td>% No prev. committals1</td>
<td>11</td>
<td>0.2</td>
<td>6</td>
<td>17</td>
<td>35</td>
<td>28</td>
</tr>
<tr>
<td>% &quot;Intemperate&quot;</td>
<td>61</td>
<td>82</td>
<td>91</td>
<td>2</td>
<td>0.2</td>
<td>80</td>
</tr>
<tr>
<td>% Drug Addicts</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0.2</td>
<td>0</td>
<td>13</td>
</tr>
</tbody>
</table>


1 No record was available for 5,013 men, including 3,997 at Mimico, 86 at Fort William, 305 at Monteith and 76 at Burtch O.T.C.

<table>
<thead>
<tr>
<th></th>
<th>Age 24 or Under</th>
<th>Married (as opposed to single widowed or divorced)</th>
<th>Urban (as opposed to rural) Residents</th>
<th>Educated to High School (Gr. 9) Level or Better</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Offences</td>
<td>47%</td>
<td>35%</td>
<td>77%</td>
<td>39%</td>
</tr>
<tr>
<td>Burglary and Robbery</td>
<td>66%</td>
<td>19%</td>
<td>79%</td>
<td>34%</td>
</tr>
<tr>
<td>Theft</td>
<td>57%</td>
<td>27%</td>
<td>80%</td>
<td>36%</td>
</tr>
<tr>
<td>Cheque Writing</td>
<td>30%</td>
<td>44%</td>
<td>79%</td>
<td>55%</td>
</tr>
<tr>
<td>Sex Offences</td>
<td>30%</td>
<td>41%</td>
<td>80%</td>
<td>36%</td>
</tr>
<tr>
<td>Brawling</td>
<td>36%</td>
<td>47%</td>
<td>76%</td>
<td>35%</td>
</tr>
<tr>
<td>causing bodily harm</td>
<td>37%</td>
<td>47%</td>
<td>76%</td>
<td>35%</td>
</tr>
<tr>
<td>common assault</td>
<td>36%</td>
<td>46%</td>
<td>75%</td>
<td>35%</td>
</tr>
<tr>
<td>obstructing</td>
<td>36%</td>
<td>46%</td>
<td>75%</td>
<td>35%</td>
</tr>
<tr>
<td>Drug Addiction</td>
<td>19%</td>
<td>41%</td>
<td>95%</td>
<td>58%</td>
</tr>
<tr>
<td>Impaired Driving</td>
<td>18%</td>
<td>62%</td>
<td>59%</td>
<td>37%</td>
</tr>
<tr>
<td>Dangerous Driving</td>
<td>31%</td>
<td>53%</td>
<td>73%</td>
<td>55%</td>
</tr>
<tr>
<td>All Offences Committed by Females</td>
<td>40%</td>
<td>-</td>
<td>85%</td>
<td>-</td>
</tr>
</tbody>
</table>


1 Information not available for some characteristics.

<table>
<thead>
<tr>
<th></th>
<th>The Labour Force</th>
<th>Not in the Labour Force</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of persons in the labour force</td>
<td>Prof. and managerial</td>
</tr>
<tr>
<td>Canada - persons aged 14 or over:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>4121832</td>
<td>12%</td>
</tr>
<tr>
<td>Women</td>
<td>1164321</td>
<td>4%</td>
</tr>
<tr>
<td>Persons convicted of indic. off.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. &amp; F.</td>
<td>24112</td>
<td>3%</td>
</tr>
<tr>
<td>Burglars &amp; Robbers</td>
<td>3994</td>
<td>1%</td>
</tr>
<tr>
<td>Thieves</td>
<td>7544</td>
<td>1%</td>
</tr>
<tr>
<td>Cheque Writers</td>
<td>2075</td>
<td>6%</td>
</tr>
<tr>
<td>Sex Offenders</td>
<td>1013</td>
<td>5%</td>
</tr>
<tr>
<td>Brawlers</td>
<td>3343</td>
<td>3%</td>
</tr>
<tr>
<td>cause bodily harm</td>
<td>1643</td>
<td>3%</td>
</tr>
<tr>
<td>other assau. obstr.</td>
<td>1690</td>
<td>3%</td>
</tr>
<tr>
<td>Drug Addicts</td>
<td>329</td>
<td>5%</td>
</tr>
<tr>
<td>Impaired Drivers</td>
<td>2484</td>
<td>5%</td>
</tr>
<tr>
<td>Dangerous Drivers</td>
<td>437</td>
<td>5%</td>
</tr>
<tr>
<td>Female Offenders</td>
<td>756</td>
<td>2%</td>
</tr>
<tr>
<td>Off.age 24 or under</td>
<td>11005</td>
<td>1%</td>
</tr>
</tbody>
</table>

Sources: Canada, Ninth Census, etc., op. cit., pp. 261 and 266.
Canada, Statistics of Criminal and Other Offences, etc., op. cit., p. 37 and pp. 40-41.
### Table 11. Occupational Characteristics: Prisoners in Ontario and British Columbia Institutions.

<table>
<thead>
<tr>
<th>Institution</th>
<th>No. of persons in the labour force</th>
<th>Prof. and managerial</th>
<th>Clerical, commercial, finan.</th>
<th>Labourers in primary industr., const., etc.</th>
<th>Workers in second, industr., communication, mechanics, seamen, etc.</th>
<th>Service</th>
<th>Other</th>
<th>Not in the labour force</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B.C. (Oakalla)</strong></td>
<td>10995</td>
<td>2%</td>
<td>3%</td>
<td>76%</td>
<td>5%</td>
<td>9% ?</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td><strong>Ont. City, County, District Jails</strong></td>
<td>57955</td>
<td>1%</td>
<td>7%</td>
<td>65%</td>
<td>13%</td>
<td>9% 3%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td><strong>Ont. prov. reformatories &amp; indust. farms:</strong></td>
<td>10685</td>
<td>1%</td>
<td>9%</td>
<td>54%</td>
<td>19%</td>
<td>10% 2%</td>
<td>5%</td>
<td></td>
</tr>
<tr>
<td><strong>Mimico</strong></td>
<td>4353</td>
<td>1%</td>
<td>12%</td>
<td>47%</td>
<td>25%</td>
<td>12% 1%</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td><strong>Mercer (women)</strong></td>
<td>191</td>
<td>0.5%</td>
<td>5%</td>
<td>3%</td>
<td>0%</td>
<td>31% 0%</td>
<td>62%</td>
<td></td>
</tr>
<tr>
<td><strong>Brampton &amp; Burtch</strong></td>
<td>323</td>
<td>0.3%</td>
<td>17%</td>
<td>59%</td>
<td>17%</td>
<td>1% 4%</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td><strong>Guelph Reformatory</strong></td>
<td>1567</td>
<td>1%</td>
<td>7%</td>
<td>61%</td>
<td>20%</td>
<td>5% 6%</td>
<td>0.1%</td>
<td></td>
</tr>
<tr>
<td><strong>Ft. Wm. &amp; Monteith Indust. Farms</strong></td>
<td>1818</td>
<td>0.5%</td>
<td>3%</td>
<td>79%</td>
<td>10%</td>
<td>6% 1%</td>
<td>0.4%</td>
<td></td>
</tr>
</tbody>
</table>

Sources: British Columbia, Annual Report of the Director of Correction, etc., op. cit., p. 96.

1 The provinces each use different categories for reporting occupations and for this reason the Ontario and British Columbia statistics should not be compared closely with each other nor with the federal government data. The category of unemployment seems particularly underemphasized in the provincial reports. This table should be considered suggestive of general trends only.
<table>
<thead>
<tr>
<th>Table 12. Distribution of Persons with Certain Criminal and Social Characteristics among some of Ontario's Reformatories and Industrial Farms for Men.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Criminal Characteristics</strong></td>
</tr>
<tr>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>Number committed during year</td>
</tr>
<tr>
<td>---------------------------------------------</td>
</tr>
<tr>
<td><strong>All 10 prov. reform inst. for men</strong></td>
</tr>
<tr>
<td>( %) 100%</td>
</tr>
<tr>
<td><strong>Mimico</strong></td>
</tr>
<tr>
<td>( %) 40%</td>
</tr>
<tr>
<td><strong>Ft. Wm. &amp; Monteith indust. farms</strong></td>
</tr>
<tr>
<td>( %) 16%</td>
</tr>
<tr>
<td><strong>Guelph Reformatory</strong></td>
</tr>
<tr>
<td>( %) 14%</td>
</tr>
<tr>
<td><strong>Ont. Train. Centres</strong></td>
</tr>
<tr>
<td>( %) 4%</td>
</tr>
</tbody>
</table>

Table 13. Sentence, Age, and Education of Inmates of Oakalla Prison Farm and Haney Correctional Institution.

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Number with sentences of six months or more</th>
<th>Percentage under 25 years of age</th>
<th>Percentage educated to high school level or better</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakalla (includes those later transferred to H.C.I.)</td>
<td>11558</td>
<td>633</td>
<td>21%</td>
<td>36%</td>
</tr>
<tr>
<td>Haney Correctional Institution (approximate data)</td>
<td>705</td>
<td>510</td>
<td>50%</td>
<td>70%</td>
</tr>
</tbody>
</table>

CHAPTER IV

DIAGNOSIS: THE BASIS FOR TREATMENT

The object of this chapter is to outline in summary form the present state of knowledge on the etiology and treatment of criminal behavior. It is to serve as background for a more detailed analysis in Chapter Five of the clinical characteristics and treatment responses of three selected short-term types.

Diagnosis means, essentially, one's understanding of a problem, and as such it is the determinant of treatment for that problem.\(^1\) Diagnosis moreover implies that a rational understanding of human behavior is possible and that future responses can be predicted therefrom. The scientific approach to human behavior is essentially the attempt to formulate a series of propositions which will state the conditions which must be present in order for any given response to occur.\(^2\) If these basic assumptions, that behavior is understandable and

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predictable, are valid, then the efficacy of diagnosis and treatment will clearly rest upon the state of the behavioural sciences.

Towards an Understanding of the Offender

Donald L. Garrity and Don C. Gibbons, at San Francisco State College, have conducted an exhaustive review of the literature on criminal etiology, and their material is quoted extensively in this chapter.¹ "Although general theories of crime" have been and are still advocated, they say, "the argument that crime is homogeneous only in that it is behavior which violates criminal law is becoming increasingly popular." Nevertheless they recognize that at least one general explanation of crime, Sutherland's differential association theory, is still widely respected. This theorem states, basically, that criminal behavior is learned through differential interaction in intimate social groups, and "A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable..."² Garrity and Gibbons point out, however, that "Sutherland was early to recognize crucial differences in the behavior of offenders and stresses the search for 'behavior systems' in crime."³

² Sutherland, op. cit., p. 78.
³ Garrity and Gibbons, op. cit.
On the whole, "in the past twenty years, there has been a movement...toward separate theories for specific patterns of crime," and related to this,¹

...there has been considerable concern for the development of classifications or typologies of criminals, in which no attempt is made to explain all crime, but rather, explanations are sought for different patterns of behavior viewed as homogeneous types of crime.

These developments have been of two basic kinds. The first of these is specifically typological, in which typologies purporting to classify the universe of offenders have been constructed by utilizing single variables such as offense patterns, or by describing polar types with little said about intermediate types.

Examples are:

(1) The Mayhew-Moreau classification, proposed a hundred years ago, describes three types:² The professional criminal who earns his living at crime, and usually acquires considerable skill and avoids arrest; the accidental offender who resorts to crime under stress and, if given the opportunity, will usually cease his criminal activity; and the habitual offender who is defective in self-control and repeatedly is involved in impulsive acts, such as assault, or crimes committed under the influence of alcohol.

(2) Lindesmith and Dunham have suggested a refinement of this scheme whereby all criminals can be ranged along a single con-

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¹ Garrity and Gibbons, op. cit.

At one pole is the "socialized criminal", typified by the professional offender who uses illegitimate means to pursue the same ends - wealth and security - accepted by the culture at large. At the opposite end is the completely individualized offender, typified by the criminal insane, who lives in no social world at all, who is beyond group influence, and whose behavior is considered irrational because its ends are incomprehensible in terms of common social goals. A critic of this classification has said "Although this system gains greatly in generalizing power over the previous systems, it does so at a price. The equating of sanity with socialization overtaxes the elasticity of both concepts." A critic of this classification has said "Although this system gains greatly in generalizing power over the previous systems, it does so at a price. The equating of sanity with socialization overtaxes the elasticity of both concepts."

(3) Ruth Cavan lists 5 types and 7 subtypes: (a) Conformers to a subcultural group, e.g. a religious sect in the United States which believes in polygyny, are few in number. (b) Essentially law-abiding violators include 3 subtypes: casual offenders, who violate only minor laws, e.g. parking violations; occasional criminals who are essentially law abiding and ashamed of their act if they are caught and censured; and the episodic criminals, who are also essentially non-criminal but

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2 Korn and McCorkle, op. cit., p. 147.
3 Ibid., p. 148.
who react in an explosive manner to specific crises. (c) The segmental criminals also live in a noncriminal world and, except for an unintegrated part of their total personality, uphold law and order. Examples are the white-collar criminals who have been unable to carry over their ethical sense into business practices. (d) Professional criminals, by contrast, have a criminal philosophy of life, and roles and status among other criminals. (e) There are four types of maladjusted criminals, and they are the habitual offenders who often allow their lives to be dominated by debilitating habits such as drunkenness, vagrancy, petty theft, prostitution, etc; psychoneurotic criminals with uncontrollable compulsions; psychopathic criminals (rebels who cannot fit into any society, conventional or criminal); and psychotics, who permanently or at intervals lose contact with reality and live in imaginary worlds.

The above "attempts have been important, but in all of them the identifying dimensions of criminal behavior and variations among the types are obscure or unspecified." By contrast to these general classifications,¹

... a considerable amount of research and theoretical work has identified specific patterns of criminal behavior and some dimensions of this behavior in detail. For example, there is a plentiful literature describing the professional criminal, his modus operandi, his attitudes, etc.² It seems clear that he

¹ Garrity and Gibbons, op. cit., Garrity's and Gibbons' italics.

² See, for example, Sutherland, Edwin H., editor, The Professional Thief: by a Professional Thief. The University of Chicago Press, Chicago, 1937. Maurer, David W., The Big Con: The Story of the Confidence Man and the Confidence Game. Bobbs-
comes from certain social class backgrounds, certain family patterns and certain kinds of criminal associations. Also, something is known about his behavior in prison and his adjustment after release.

The professional criminal is only one example. The etiological content of criminology has been enriched in the last two decades by other research of this kind too numerous to cite in detail. These studies of specific patterns of criminal behavior provide detailed information about certain offender types.

A recent trend which seems promising is that of beginning with offenders' own classifications of their fellows within the prison community. Clarence C. Schrag and his associates


at the University of Washington have found that, starting from this base, it is possible to identify certain etiological elements appearing frequently in the backgrounds of their prison types, and furthermore that predictions of future behavior based on this typology have greater efficiency than other predictive instrumentalities.\(^1\) Thus the "right guy", a stabilizing influence in the prison community, who has a largely criminal self-conception and "knows how to do time" comfortably, often comes from an underprivileged background and has a long record of unsophisticated crimes for gain. The "outlaw", by contrast, is a-social and belligerent, and typically rejection figures prominently in his background. The prognosis for neither of these types is good. "Politicians" are usually superiorly endowed persons who have had to learn early in life to survive through role-playing and manipulation; the prognosis for them is a little better. The "square-John" is a pro-social situational or accidental offender with no criminal identifications. If he is able to remain fairly isolated and to resist pressures to conformity within the inmate community, his prognosis is

good. The Schrag typology has the advantage that it deals with offenders as they are now; and while it seeks to understand these behavioural types in terms of developmental histories, it recognizes that criminal behavior is only one of a variety of responses which may occur to various life patterns; and although a knowledge of an individual's past will help us to understand current functioning, it is on the basis of his present personality that we will best predict future behavior.

Nevertheless,

...the difficulty with this second kind of research work is that, although each instance implies the existence of an underlying typological scheme, the logical connection between types is not explicit, the exclusiveness of the separate types defined by different researchers is not clear, and the inclusiveness of the entire set of types is unspecified. No one has created a comprehensive, formal typology from these separate studies nor undertaken research which classifies a population of criminals into the existing types and evaluates the "goodness of fit" of such a classificatory device.¹

This confusion in the classification of criminal behavior is perhaps partly responsible for the confusion in the development of treatment facilities. Garrity and Gibbons, whose material has been quoted extensively above, say²

...in many cases there is no logical connection between treatment programs and characteristics of offenders. The relation between group counseling, vocational training, etc., and the characteristics of persons included in such programs is often not clear. Even though an inmate may have no trade, vocational training is irrele-

¹ Garrity and Gibbons, op. cit.
² Loc. cit.
vant to treatment unless this factor is involved in the etiology of his criminal behavior.

Garrity and Gibbons also make the point.¹

...there is a frequent confusion between treatment and humanitarian reform.... Consequently, treatment proposals have been made which have, at best, a tenuous connection with rehabilitation. Good feeding standards, cheerful physical facilities and the like may be prerequisites to treatment but are not directed to specific treatment problems.

Moreover,²

...in cases where treatment programs have a logical connection with the characteristics of some offenders, it is often implied that these apply to all offenders. Little effort has been directed toward indicating the relative merits of specific programs for specific types of criminal behavior. While there is now general agreement that there are various types of criminal behavior having little in common with one another, this view has not made much of an impression in the area of treatment. As a case in point, the literature on group therapy tends to be written as though all inmates are identical, so that the only issue is over which variety of group therapy is likely to be effective. It may be, of course, that there are a variety of group therapy techniques which will work with certain kinds of offenders.

Yet again,³

Programs such as those in California, involving diagnostic and reception centers and a set of diversified institutions, and the program of the Federal Bureau of Prisons, involving diversified institutions, constitute implicit recognition of variations among offenders. However, when we look at operating procedures and policy statements about specific institutions in these systems and statements about inmates, it is not clear to many of the authorities as to what should be done about inmates who are segregated on a custody basis in these various institutions. That is, the separate institutions do not

¹ Garrity and Gibbons, op. cit.
² Loc. cit. Garrity and Gibbon's italics.
³ Loc. cit.
involve a body of formal treatment theories which are implemented in the institutions.

The conclusion:¹

An adequate typology of criminal behavior should do much to alter this picture. First, a typology would begin to pinpoint the nature of the behavior.... The problem with general theories of criminal behavior as applied to treatment in the past has been that they did not point toward specific characteristics of offenders which could be dealt with in treatment. Second, a typology ought to result in the development of more specific and detailed strategies for types of offenders. Applied to prevention, for example, a typology might suggest that for some gang-type offenders who see themselves as adjusted persons in a world out of step, certain group approaches to treatment are likely to work where individual counseling or casework might not. There is already some research indicating that these statements are more than mere speculation. Although there is some recognition of this point in treatment literature, these different strategies have not been formalized into anything approaching theories of treatment.

Finally, the typology approach would have value in creating treatment programs based upon empirical evidence. With an empirical typology, propositions about treatment linked to etiological knowledge could be made with more certainty than at present. Even now, a typology could lead to tentative suggestions regarding strategies of treatment. These statements in turn could be subjected to test, so that an empirical brand of corrections might develop. Even in preliminary and tentative form, a typology provides a clearer way of thinking about treatment policies than the treatment theory discussed earlier.

Just such "a typology of criminal behavior" has been attempted by Garrity and Gibbons. Garrity was formerly associated with the "Schrag Studies" at the University of Washington, and together with Gibbons he has carried this research a step forward by postulating very tentative "preliminary typologies" ¹Garrity and Gibbons, op. cit.
of adult and juvenile delinquents. The method used in their work was that of "collating and substructuring existing studies of criminal type into an orderly system." The basic material was taken from the literature, and there seemed to be "considerable agreement among researchers as to the existence of certain types," although some comments were frankly "speculative and highly contentious." "The classification being developed is an empirical typology, not a set of ideal types", because of the pragmatic nature of criminology (a need to use what we now know). Additionally, it can be argued that an empirical emphasis (recognizing that this may be a difference of degree rather than kind) is more likely to suggest significant areas for research and hypotheses to be tested.

"Each type is defined behaviorally," and the "classification is sociological in nature" in that it deals with roles, values, attitudes, and social backgrounds, and classification is not based on legal offence. Furthermore, "This typology defines genetic patterns, in that it describes types as careers:

1 Garrity, Donald Lee, and Gibbons, Don C., A Preliminary Typology of Criminals, and A Preliminary Typology of Juvenile Delinquents. Both unpublished papers obtained from the authors on request.

2 Garrity, Donald Lee, and Gibbons, Don C., Criminal Typology: Some Suggestions for Etiological and Treatment Theory. Unpublished paper obtained on request from the authors at San Francisco State College. Quotations in this and the following paragraph are from this source. This unpublished paper preceded the publication in Social Forces, already mentioned, and many parts of these two papers are identical.

3 Loc. cit.

4 Loc. cit.
...the authors have been guided by the consideration that a good typology should describe and discriminate between offenders at any given point in the lives of a cohort of offenders and should describe the developmental history of each type.

...By this procedure, it was often possible to subsume, in one type, offenders who are at different stages in the career but who might otherwise be regarded as dissimilar. This procedure tends to clarify the relationships between juvenile and adult offenders.

"It might be noted in passing", however, "that criminological theory and research has paid scant attention to the career aspects of crime and delinquency." Not all types have delinquent juvenile antecedents, of course, but even those that do are not often understood.

It is not certain that the notion of criminal careers will allow criminologists to classify all or a large proportion of actual offenders. Criminal backgrounds may be too varied for such analysis. But work of this kind will provide an indication of the utility of what now appears to be a very useful conceptual tool.

The formal analysis of the typology has not been completed.... A more refined substruction analysis of the typology and other logical tests should result in suggestions for further research and analysis,... Not only is the formal typology not yet complete, but no independent research has yet been conducted to test the utility of this scheme.

A final point regarding this preliminary typology is that it is not now represented as a theory of criminal behavior.... The material used probably has etiological significance, but too little is known at present to claim much explanatory value for the classification. ¹

Despite these authors' modesty concerning the limitations of their work, they have conducted a very exhaustive

¹ Garrity and Gibbons, op. cit.
review of the relevant literature, and I have been able to find no more succinct or suggestive compilation of etiological data. Examples from the Garrity-Gibbons typology will be quoted in our next chapter.

The Alternatives in Correctional Work

The foregoing discussion has assumed that for the enlightened therapist, there is a choice of techniques which may be used with correctional clientele. Actually, while many treatment methods are described in the literature, there are few widely accepted compilations of the alternatives involved. Furthermore, as Garrity and Gibbons have pointed out, there is often no logical connection between treatment programs and the characteristics of offenders, and many authorities seem not to know what should be done to help inmates who are segregated on a custodial basis. The following tentative outline in summary form is intended to serve only as background for the discussion of treatment needs in specific cases; it is neither exhaustive of all the therapeutic possibilities nor a complete description of any one technique. It is hoped, however, that it will contribute something towards the construction of a treatment theory geared to meeting the differential needs of individual corrections clients. Some of the treatment methods included in this list are based on widely varying criminological assumptions and are not always compatible. Nevertheless, most authorities would probably accept that most of the techniques subsumed under each of these six headings will be useful for some
of the criminals some of the time.

The outline which follows deals with treatment theories. It will be seen that imprisonment as a treatment technique is only one of a variety of alternatives. In addition, however, three things should be kept in mind when reading this list. First, it presupposes a therapeutic milieu, by which we mean an environment in which the interpersonal relationships are generally supportive of treatment,\(^1\) in which the dignity and worth of the client is respected and he is accorded humane considerations, and in which his basic physical and spiritual needs are met. Second, it must be stressed that with many clients no one therapy is enough, but rather a broad variety of services must be mobilized and coordinated. Third, treatment requirements will often change as a case progresses.

The treatment methods are herein classified and discussed under six headings:

1. Punishment, correction and discipline.
2. Control, restraint and supervision.
3. External stress reduction (Institutionalization and environmental intercession).
4. Counselling and psychotherapy.
5. Education and training.
6. Resocialization.

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(1) **Punishment.** Imprisonment of the offender is sometimes defended on the grounds that it is a fair and just (and some would say necessary) retribution for wrongdoing. Alternately, incarceration may be justified as a deterrent, on the basis that it is necessary to send a few people to gaol in order to frighten everyone else into obeying the law. Such considerations do not fall within the scope of this discussion on treatment methodology.¹

On the other hand, however, punishment is sometimes felt to have a reformative effect upon the offender exclusive of any other treatment programs with which it might be associated. Indeed, in the minds of many, this may well be thought of as the sole justification for short-term incarceration. In such a case punishment may go under the name of corrective training or discipline, to avoid the retributive connotations associated with the word itself; but in any context it may be defined basically as the purposeful infliction of pain, loss or suffering, physical or psychological, for the purpose of effecting a change in somebody's behavior.

According to the psychoanalytic view, punishment always results in increased aggressive energy. This hostility may be directed outwards, either through direct aggression or passivity, against the environment. For punishment to be

effectively reformative, however, the anger must not result in such primitive "acting-back" but rather it should be directed inwards towards the attainment of effective self-control. Fritz Redl has said that if we are to impose pain for the purpose of enhancing control, then whatever we do must be (a) unpleasant, (b) directed towards the issue (problem behavior) rather than the person, (c) internalized by the client and directed towards the problem-generating components of his personality, and (d) internalized in such a way as to achieve drive-control as opposed to defence, anxiety, regression, withdrawal.¹ Richard Allaman, however, has said that many of the clientele of correctional institutions cannot react to punishment at this positive level. When misbehavior subserves a neurotic desire for punishment, or where hostile acting-out is used as a defence against a world which is viewed as cruel and threatening, to punish will be merely to reinforce the pathology. According to this view, a punishment can be effective in developing internalized controls only when (a) it occurs within an interpersonal relationship which is the source also of love and gratification, e.g., a parent-child relationship as opposed to an impersonal institutional one, (b) the client is sufficiently reality-oriented to understand the reasons for his punishment and (c) he has enough inner resources to be able to behave as he wishes, i.e., a capacity for self-control, and (d) the punishment must

be temporary, i.e., it must not last beyond the feeling of guilt.\footnote{Allaman, Richard, "Managing Misbehaviour at the Detention Home," \textit{Federal Probation}, (March, 1953) pp. 27-32.} With relation to this last point, it might also be pointed out that there are individual differences in the capacity for feeling guilt and the longevity of guilt-feelings, to say nothing of defences against guilt.

The idea of using punishment deliberately to achieve a therapeutic effect is one of the principles embodied in the Detention Centres for young offenders which have recently been established in Britain.\footnote{Grunhut, Max, "Detention Centres". \textit{The British Journal of Delinquency}, 5 (June, 1955) pp. 191 ff.} This is the so-called "short, sharp, shock" treatment and the idea behind it is that certain young offenders can be brought suddenly face to face with their problem if they are given a short period of very difficult training in an institution. There is a lot of controversy as to what effect this program has had, and it is perhaps too early to permit yet a thoroughgoing appraisal of its results, although some discussion is available in Prison Commission publications.\footnote{Alternatives to Short Terms of Imprisonment: Report of the Advisory Council on the Treatment of Offenders. (1957). \textit{The Treatment of Young Offenders} (1959). See also the Annual Report of the Prison Commissioners for England and Wales, recent years. See also the new edition of \textit{Prisons and Borstals}, to be published about July, 1960. All available from H. M. Stationery Office, London.} The objections, though, are briefly (a) that this method gives the offender undesirable prison associations, (b) it gives him...
a criminal record, and (c) that the kinds of person most likely to be sentenced to this sort of treatment are hostile youths who will see in it confirmation of their distorted perceptions of a cruel and hurtful world.

One writer has suggested that short-term imprisonment can play a useful role with certain "group delinquents."¹ By group delinquents, he means persons in whom group adherence to the law is weak - that is, the behavior in question is hardly considered to be criminal - and as examples he uses income tax violators and petty thieving in industry. A short period in gaol, he says, may be necessary for such offenders "to learn the lesson that society is deadly in earnest", and moreover, imprisonment of a few may have deterrent value for others in such specific groups. The writer goes on to stress, however, that incarceration is always a damaging experience, that it should be used only very selectively and that preventive and non-custodial techniques should be used wherever possible.

All told, therefore, it would seem that the role of punishment in treatment is usually a small one, and often punishment will do more harm than good. Moreover, the above summary of arguments against the use of prison as a punishment "fail(s) to mention what is certainly the most obvious, and

perhaps the most important too, namely the fact that it's not nice to make people suffer unless there are unanswerably good reasons for doing so.¹

(2) Control. Another commonly heard justification for the use of legal sanctions in the treatment of offenders is the view that many criminals have inadequate drive-controls and thus pose a danger either to themselves or their fellows. This view is supported in part by findings that parental indifference, in the sense of the absence of or inconsistency in limit-setting activity on the part of parents, is often a significant factor in the etiology of criminal behavior. According to this view it matters little whether the criminal behaves badly because he wants to or because he cannot do otherwise (that is, he is mentally ill). The primary consideration is the need for some degree of external restraint - more than is required by the non-criminal population - and the logical corollary to this is that the restraint should be continued for so long as there is a clear and present danger. In time, it is hoped, the offender will internalize these controls and achieve self-discipline, presumably in much the same way that parental restraints are internalized in the course of super-ego development.

There are some serious reservations which must be expressed concerning this argument. In the first place, there

¹ Marriage, Adrian, Assistant Professor, School of Social Work, University of British Columbia. Personal communication, April 21, 1960.
is the problem of determining how dangerous a person must be in order for the imposition of any given degree of controls to be justified. In the second place there is the risk that some people may be subjected to unfairly prolonged or difficult restraints for relatively minor but clinically unresponsive afflictions or vices. The whole question of criminal responsibility and "crime or disease?" is involved here, and it would be extraneous to our prime concern to pursue the matter further.¹

An obviously related matter, however, is the growing practice of using non-institutional supervision when it is considered adequate for achieving the desired degree of control, and the differentiation of correctional institutions themselves into minimum, medium and maximum security establishments. It has been estimated that no more than ten per cent of the short-term prison population in the United States is made up of people who need maximum-security provisions.² Indeed the short gaol sentence in many ways seems virtually useless with people who are truly dangerous, since basic personality changes are not achieved in a few months, at least according to present treatment knowledge. Moreover, incarceration itself may well have the undesirable effect of increasing the offender's

¹ Ginsberg, op. cit.; see also Flew, Antony G. N., "Crime or Disease", The British Journal of Sociology, 5 (March, 1954), pp. 49-62. See also the discussion of indefinite sentences in Chapter Six.

Nevertheless it would appear that some persons who
are considered dangerous, or for some other reason in need of
maximum-custodial arrangements, are being given short sentences.
And certainly it can be argued that, where there is no legal
means for isolating such people for longer periods of time, a
short incarceration may be better than nothing. There are, of
course, many different views as to who needs close custody, and
some people do not believe in taking many chances:

It has been our experience that a percentage of those
who are serving short sentences are just as determined
to cause disaffection as those serving long terms.
This type of prisoner has demonstrated in the past that
he enjoys causing disturbances and that he gets great
pleasure from undermining authority, organizing subver-
sive activities and ceaselessly planning to recruit a
following in order to destroy the orderly and construc-
tive programming of an open institution. There is a
higher percentage of this type today than in the past.
Added to this young, tough element, we shall be called
upon to deal with a substantial number of prisoners who
have served from one to five years in the penitentiary —
some having received aggregate sentences up to fifty
years for criminal offences including armed robbery,
robbery with violence, manslaughter, indecent assault,
gross indecency, rape, burglary, wounding, arson, escap-
ing, possession of drugs, break prison, etc., etc. It
is safe to say that a daily average of 140 of this type
must be expected. A high percentage of these men are
thoroughly experienced, determined, disturbing influences.
Some of these would fit into the classification of sex
deviates, aggressive psychopaths, drug addicts or arson-
ists. For this overall group, special provision must be
made, if we are to avoid costly prison disturbances.¹

The above account deals with the sentenced prisoners in Ontario's

¹ Ontario, Annual Report of the Department of Reform
Institutions for the Year Ending 31st March, 1958. The Queen's
provincial reform institutions. It is important to remember in this connection that although only a small proportion of prison inmates are custodial problems, it is often extremely hard to predict in advance, at the present stage of our theory, just who is a potential trouble maker. Maximum-security precautions are therefore often applied broadly, since most prison administrators seem to feel that it is safer to err in being too restrictive than risk an occasional escape. Nevertheless, despite the inclusiveness of the group which the Ontario authorities consider dangerous, their estimate that 140 men would require maximum custody accounts for less than 8 per cent of their average daily short-term prison population.

On the other hand, for the drunkenness offender and most other misdemeanants, the universal consensus seems to be that no more than minimal custodial arrangements are necessary or desirable.

Furthermore it seems that custodial requirements in correctional institutions often render treatment objectives difficult if not impossible of fulfillment. Traditionally, social casework and many other forms of psychotherapy (to be discussed below) are carried out within a positive interpersonal relationship; but it is hard for a client to relate positively to a therapist who is seen as part of, or even the source of, a

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1 Sykes, _op. cit._, chapter 2.

2 See Chapter Six.
restrictive environment. Moreover for clients whose perceptions of reality are distorted and who are basically fearful of authority, the experiencing of restraints or even the witnessing of controls being applied to others will often arouse frightening phantasies.¹ Just as a large number of the problems of behavior shown by mental hospital inmates "arise not from the intrinsic character of the personality disorder but from the way they have been managed in the hospital," it may be that with some criminals, "you lock them up because they're violent because you lock them up."²

Nevertheless even psychologically-oriented therapists can concede some therapeutic utility in controls that are exercised skillfully and with discretion.³ In the first place, it is argued, some clients will not voluntarily accept help regardless of how skillfully it is proffered, and some degree of authoritativeness is therefore necessary. But some go further and claim that much anti-social and disturbed behavior constitutes an emergency cry for help, an unconscious need for constraints. The consensus nevertheless remains that in every instance such helping controls must be supplied with the utmost

¹ Hence the importance of talking-out, neutralizing and rationalizing such experiences through group or individual sessions just as quickly as possible after their occurrence.

² Marriage, op. cit.

³ Allaman, op. cit., and Redl and Wineman, op. cit. Also see Chwast, Jacob "The Significance of Control in the Treatment of the Antisocial Person," Archives of Criminal Psychodynamics, 2, 3 (Summer, 1957) pp. 816-824.
delicacy.

(3) Reducing External Stresses. This category can be divided into two distinct and often complementary approaches:

(a) Institutionalization. With the exception of some of the more severe forms of control, none of the other treatment methods necessarily call for institutionalization. Indeed this method has often been condemned because of its tendencies to encourage dependency and isolation from the normal responsibilities and processes of living. Moreover, maximum-security institutions have especially been condemned because of the damaging effects of social distance between guard and inmate, of fear between inmates of each other, of the loss of self-determination and responsibility, of social rejection and failure.¹ Nevertheless positive effects have been claimed for some kinds of institutionalization. For the client who is overwhelmed by his problems, temporary care in a sheltered environment may help him regain his physical and psychological resources. Indeed, for the badly deteriorated person, such restoration may be greatly facilitated in the controlled environment. Even just one or two days, in which a person may be bathed, fed, and given rest, may conceivably do a lot to restore self-respect, hope and motivation. Sometimes the institution is used as a vehicle wherein other therapies can be more effective.

Actually, there are several varieties and degrees of institutionalization, including:

¹ See, for example, Sykes, op. cit., chapter 4.
(i) Voluntary, compulsory, and intermediate forms. In view of
the difficulties discussed in relation to therapies using
control, it would appear that in most cases voluntary institu­
tionalization is to be preferred.
(ii) Long or short term. Similarly, it seems likely that the
damaging effects so often attributed to institutionalization
will be most likely to be avoided, and the beneficial results
enhanced, if the duration of institutional living is relatively
brief. The idea of short-term institutional care is certainly
not novel; it is illustrated for example by the Grease Clinic
for voluntary mental patients in British Columbia. It has also
been suggested that for some clients, who find it hard to accept
any treatment method, a short period of institutionalization
may be the means for initiating social-psychological treatment
relationships, and other social services, which could then be
continued during and after discharge from the institution.¹
(iii) Full or part-time. Part-time institutionalization is of
course a desirable alternative in many cases and will include
day care, in which the client lives at home but comes to the
institution for treatment and/or training, night care, in which

¹ An experiment in beginning psychotherapy with
short-termers while they are in gaol, to be continued volun­
tarily following release, has been tried in Britain. See the
Annual Reports of the Prison Commissioners for England and
Wales, 1948 (p. 62) and 1952 (pp. 105-6). H. M. Stationery
Office, London.
the client lives in the institution but goes out to work, and week-end institutions in which the client continues his job and lives at home most of the time, but serves his sentence in instalments on weekends. Often part-time methods are used in the "pre-release" phase of full-time institutionalization.

(b) Environmental Intercessions. Social problems no doubt function as primary causal influences in some criminal behavior, and as secondary influences and consequences in most other criminal patterns. In any case, one cannot overstate the importance of measures aimed at reducing stresses in the client's environment, including, almost always, work with family members. Wherever appropriate, employment-finding services, financial assistance, medical services, leisure-time programs and religious counseling, should be made available. The mobilization of material resources and supporting attitudes in the client's community may involve either direct action on the part of the therapist, referral, or both.

(4) Counseling and Psychotherapy. "Most forms of 'treatment' based on psychotherapeutic models in the correctional setting are given by people who, broadly speaking, are social workers." Their approach has been influenced especially by the methods developed by psychoanalysts working with

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1 See Huber Law is Beneficial to Outagamie County Wisconsin. Obtained from Oscar J. Schmiege, Municipal Judge, Appleton, Wisconsin, 1956. See also Anderson, Frank W., "The Therapeutic Use of Prisons," Canadian Welfare 34, 1 (May 1, 1958) pp. 4-8.

2 Marriage, op. cit.
neurotic patients, and by other psychiatric data concerning neurotic and psychotic personalities. Nevertheless the majority of social work clientele do not fit these models but rather fall into the categories variously called "acting-out personalities", "character-disorders", "inadequate characters", or "sociopaths". The distinguishing features of these personalities seem to be that, rather than internalizing their conflict, it is "acted-out" against the environment through either antisocial behavior or withdrawal. These personalities are not yet well understood or classified, but the literature generally remarks upon the relative absence of anxiety and guilt feelings, or at least the apparent inaccessibility of such feelings to traditional treatment techniques. Social workers have acquired a wealth of experience with these people but unfortunately this knowledge is only just beginning to be recorded and systematized. Correctional clientele seem largely to fall into this acting-out category of behavior disorders, and it is partly for this reason, and partly because they are so often "unmotivated" and almost always involuntary (the reader is reminded of our mention of the problems of combining control and treatment functions) that caseworkers and psychiatrists in North America have not been more frequently involved in correctional work.¹ It is

¹ "The association between social work and corrections is of longer standing in the United Kingdom than it is here (Canada) and in the United States." Marriage, op. cit., See, for example, Minn, W.G., "Probation Work," in Morris, Cherry (editor), Social Case-Work in Great Britain. Faber and Faber Ltd., London, 1950, chapter 6, pp. 127-142.
to Alice Overton and Elliot Studt, more than any others, to whom we are indebted for most of our knowledge that social workers can be of service even to these people who "don't want help".

In keeping with trends in psychotherapy generally, social work with offenders as it is practiced today mostly involves largely supportive techniques which aim at (1) enhancing the client's conception of his own worth and dignity, (2) release of pent-up feelings, (3) fostering identification with healthy authority figures (thus, by the way, encouraging suitable motivation), and (4) clarification of environmental factors including the motives and behavior of other people. Many of these clientele have been very deprived and need an enormous amount of patience, acceptance and encouragement. Nevertheless there are no short-cuts in this work, for unless the therapist is willing to proceed "at the client's pace", his

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3 This is similar to the treatment approach outlined by Hugh J. Klare in the closing address to the Canadian Congress of Corrections, Vancouver, May 28, 1959. Summarized in The Canadian Journal of Corrections, 2, 1 (January, 1960) pp. 74-75.
results will at best be temporary. Clarification of the client's own behavior and needs, and role-playing techniques, are used only with discretion as they can easily threaten or block inadequate and anxious people; and deeper insight therapy is seldom indicated and in any case is more within the competence of the psychiatrist than the social worker. Skill is slowly being achieved in working with correctional clientele both within and outside the institutional setting; and in continuing therapy begun in the institution through the pre-release stages and into the after-care programs.

For many of these people, long-term treatment is required, but this does not of course imply that any or all of this treatment needs to take place within an institutional setting. Probably in most cases, other things being equal, psychotherapy can best be carried out with voluntary clientele in outpatient facilities. But where serious danger to the community is involved, or where family circumstances or medical problems make institutional living desirable, this should not preclude the continuation of therapy within the prison or hospital. Indeed, with some poorly controlled or excessively anxious or confused individuals, temporary institutional care may be an important part of the psychotherapy.

(5) Training. Educational and vocational training programs exist in most gaols today and are a response to the finding that many prison inmates are poorly educated and vocationally unskilled. It is doubtful, however, whether many
writers would consider lack of training to be either the sole or the primary factor in the etiology of delinquency. Furthermore, training in itself seldom necessitates full-time institutionalization. Nevertheless the training programs are valuable and helpful adjuncts to both non-institutional and institutional correctional work and should certainly be continued. It might also be pointed out that in addition to the training of young offenders for a useful occupation, more stress should be laid upon the retraining and rehabilitation of older and sometimes physically or mentally handicapped offenders whose work skills, if they ever had any, may have become obsolete or otherwise inadequate. Training in punctuality, work habits, and interpersonal relationships on the job should of course accompany any training program (or take precedence in some instances).

Training, therefore, should not be confused with treatment, although it sometimes can play a useful role as part of treatment. It has been claimed that training cannot be accomplished in short periods, but I am informed that this need not always be the case — that sometimes a great deal can be accomplished in an intensive short-term program, and that some skills may be acquired more quickly than others.¹ Moreover, it is not unknown for men to begin their training within an insti-

¹ I am informed that in Alberta correctional institutions, "four months training in some of our shops is the equivalent of one year apprenticeship." E.E. Buchanan, Inspector of Gaols (Alberta), personal communication, January 11, 1960.
tution and complete it outside.

(6) Resocialization. Psychotherapy is recommended for persons who are socially or emotionally maladjusted; but there is some evidence to the effect that some offenders are socially fairly well integrated within a deviant subculture.¹ Their criminal behavior is rational and acceptable within the value systems of that part of society with which they identify. The problem is not lack of socialization but rather socialization within the wrong society.²

In North American culture, with its high mobility and its advanced communications technology, it is doubtful whether many persons are completely isolated from the general middle-class mores, and it is difficult to imagine anyone being so completely engulfed within a criminal subculture as to be entirely without conflict about his illegal behavior. Nevertheless there are some families and some social groups in our society - for example, some teen-age gangs - where the predominant attitudes and values are such as to encourage anti-social behavior. Indeed, perhaps the reason that so many so-called character disorders are unresponsive to conventional psychotherapeutic methods is because they come from a different subcultural background to that of the classical psychiatric models.

¹ See, for example, the discussion of "group delinquents" under the heading "punishment" (this chapter).

² The reader is referred to our discussion of criminal etiology earlier in this chapter and to the discussion of specific types in Chapter Five.
In this connection, one writer has claimed that for correctional workers, each of the concepts of "lower-class subculture", "criminal subculture", and "correctional subculture" should have significance.\(^1\) Certainly it is commonly recognized that the segregation of criminal clientele in correctional agencies may foster criminal maturation through facilitating the differential association process.

Treatment for such "socialized" offenders must include an opportunity for value-change, that is, the opportunity for learning values and attitudes suitable for satisfying life within non-criminal society. In most cases the learning or changing of behavior patterns and social skills must accompany these attitudinal changes.

Social workers, borstal supervisors, and many others hold the view that, in resocialization as in conventional therapy the medium for change and growth is the positive interpersonal relationship.\(^2\) Changes in behavior and attitudes may take place even within a hostile environment, to be sure; but if such changes are in the direction of improved socialization it will be due more to the good inner resources of the client than to the activity of the therapist.

Efforts at resocialization through individual psychotherapy have often failed because the demands and appeals of the peer group have had more influence upon the offender than

\(^1\) Studt, "Education, etc.," \textit{op. cit.}

\(^2\) Marriage, \textit{op. cit.}
have his daily or weekly therapeutic hours. There has therefore been a trend to experiment with group techniques for resocialization. The rationale here (where it has not been merely a matter of pseudo-economy) is that if an entire group is involved in the learning process, the influences of the peer relationships can be utilized constructively instead of remaining in the background as potential barriers to progress. Consequently group discussion programs of varying degrees of therapeutic sophistication have been embarked upon by several agencies. Group approaches have been tried, for example, in probation and parole caseloads, and an interesting variant is the approach adopted by the "street workers" in New York. In the latter instance a social worker makes himself available in the habitat of urban teen-age gangs, and when the "unmotivated" clients realize that he is not going to betray or injure them, they sometimes are able to use his help. Groups techniques have been more frequently used in the institutional setting in corrections, however, no doubt partly because clientele are physically more accessible in these agencies. The types of group therapy used have varied all the way from the analytically-oriented techniques pioneered by Slavson to reality-oriented discussions led by lay staff and centering on institutional life and release plans.¹ Modest success has been claimed for

¹ McCorkle, Lloyd, "Group Therapy" in Tappan, Paul W., editor, Contemporary Correction. McGraw-Hill Book Company, Inc., New York, 1951, pp. 211-223. Not all group techniques, of course, aim at "resocialization", as distinguished from conven-
some of these programs, but a handicap in many settings has been that only some—often a minority—of inmates are involved so that the advantages of group support are to some extent lost.

One group program, however, is deserving of special mention. A "guided group interaction" technique is the focal point in the rehabilitation program at Highfields, a small (non-custodial) residential treatment institution for boys in New Jersey, started in 1950 by Lloyd W. McCorkle.¹ The group discussions, which are held in the evening and may be continued during leisure hours, are not depth-oriented although their aim is to develop insight and motivation. The average length of stay at Highfields is three months, and even when background variables are held constant the program has achieved more success than traditional reform institutions where youths may be confined for much longer periods. The program was designed to test the "guided group interaction" technique, though it is not clear whether the impressive results can be attributed to the use of this method, since Highfields is different in many other

ways from the traditional institutions with which it was compared. Some of the other features of its program include (a) small population (20 inmates), and (b) more intimate relationships between inmates and staff, (c) minimum custody, and (d) reinforcement of normal social orientation through encouragement of visiting, frequent trips to a nearby town, and work (with remuneration) off the institution grounds; and these factors may well have contributed as much or more than the group sessions to the overall success of this institution. Nevertheless, Highfields is a good example of what can be done in a short-term program.

"The actual experience of an ordered day, (i.e., well-organized) of the give-and-take of living in a group (through which one learns, for example, something about the principle of reciprocity) and so forth," in short, the milieu supportive of therapy - are, of course, also important aspects of a re-socialization program. All told, they are reminiscent of the concept of the "therapeutic community", to which we shall return in Chapter Six.

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2 Marriage, op. cit.
The clinical characteristics, etiology and treatment of several selected short-term offender types are adumbrated in this chapter. Before these models are individually considered, however, there is an important general qualification which must be stated here. The skid-row habitué, drunken driver, and ordinary criminals discussed in this chapter are abstractions—descriptive syntheses—and their usefulness will be lost if this fundamental limitation is not kept in mind. Clinical entities described in the literature are only static word-pictures which can never more than crudely approximate living beings. No person will ever match a model precisely, and often clients will resemble more than one type simultaneously. The skill and art of the practitioner must continue to be that of individualizing highly abstract knowledge and accumulated experience to the service of particular people in complex and changing problem-situations.

1. The Chronic Petty Offender

The survey of statistical and related material, reported in Chapter Three, has failed to yield clearly defined and clinically meaningful short-term types, so less precise but perhaps more fecund generalizations have been sought among the
accumulated experience and observations of gaol workers. At first these sources seem also to say "There is no type." But when pressed to tease out, as it were, some one characteristic, which, more than any other, seems common to a majority of their wards, most gaolers will reply "They come from skid row." Thus, for example, one official has estimated that 99 per cent of Oakalla's population belongs to this socially derelict class.\footnote{Schroeder, Nick, Assistant Deputy Warden (Treatment), Oakalla Prison Farm, personal interview, February 16th and 22nd, 1960. See also Bacon, C. Richard, "Service for the Short-Term Inmate." American Prison Association, Proceedings, 1951, pp. 291-9.}

Moreover, the literature on misdemeanant offenders frequently refers to a skid row kind of environment.\footnote{See, for example, "Habitual Offenders", in Cavan, Ruth Shonle, Criminology. Thomas Y. Crowell Company, New York, (second edition) 1958, chapter 8, pp. 203-228. Also, "Alcoholism" and "Vagrancy and Begging" in Reckless, Walter C., The Crime Problem. Appleton-Century Crofts, Inc., New York, 1950, chapters 11 and 14, pp. 252-272 and 321-339.} Not all short-term offenders are from skid row, of course. There is no need here to repeat all that has been said already about the heterogeneity and typological complexity of short-term prison populations. Indeed, the postulation of a skid row offender type signifies a higher order of diagnostic abstraction than is possible on the basis of the raw statistical data used earlier in this study. The skid row concept, however, would appear to furnish a model which has been useful for at least some practicing penologists and theorists, and the statistical data, if they are inadequate to confirm it, at least do not refute it.
Much of the material which follows has been taken from a study on *The Police Court Drunkenness Offender* by Professor Adrian Marriage of the School of Social Work at the University of British Columbia.\(^1\) The reader is referred to this source for a more detailed account than can be included here.

**The Homeless Man**

Almost every city, at least on this continent, has its "skid row". It is an area of "cheap lodging houses and low class hotels, of seedy beer parlours and pool rooms, fly-by-night employment bureaux, the least sumptuous and ceremonious of brothels, of polyglot newspaper stores, innumerable greasy restaurants and battered and gaudy movie houses."\(^2\) Its streets are peopled by "shambling and aimless men... ranging in appearance from the apathetic to the sinister or the not-infrequent individual who wanders past engaged in esoteric dialogue with himself, briefly insulated from the acerbity of his circumstances with a fresh layer of alcohol."\(^3\)

The size and composition of such a district will vary greatly with time and place. It is plain, for instance, that in a period of economic depression, particularly perhaps when it mostly affects the agrarian community, the numbers of the unemployed and the uprooted will greatly exceed the numbers likely to occur in a period of economic prosperity. Equally, the city which stands

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3 *Loc. cit.*
at the hub of a transportation or industrial system will probably attract many more of the homeless and the vagrant than a city which is less strategically situated.1

Another writer has said of the skid row environment:

Madmen, feeble-minded folk, cripples, and blind people live along Skid Row, U.S.A. So do prostitutes, ... and a few old egocentric fighters against society. Respectable old people live along Skid Row on pensions and old-age insurance. And young, able-bodied men live there, because they have lost all semblance of faith in God, humanity, or themselves.

...Skid Rowers consider it (Skid Row) "the last step before the grave." They wash their hands of themselves and say they're beyond caring what happens to them any more. ...everyone on the Row feels hopeless.2

Surprisingly, many of these hopeless men are comparatively young.

The most irredeemable Skid Rowers are, paradoxically, the young and able-bodied men. ...they outnumber all the other Rowers put together. They don't believe in God and they hate people.... They are dyed-in-the-wool fatalists. They aren't angry over their situations and they don't whine about them. They merely go on existing day after hopeless day with the feeling that what's bound to happen to them will happen.3

But on the other hand,

Many Skid Rowers are men and women above middle years. Some are in their fifties and sixties, able-bodied and wanting to work instead of exist along Skid Row, but unable to get jobs. Unskilled workers all their lives, they have been discarded from their jobs, now that they have grown older, and have been replaced by younger, stronger men.4

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1 Marriage, op. cit., p. 51.
3 Ibid., p. 27.
4 Ibid., p. 81.
Young or old, however,

...these men are what their environment has somehow made of them, suspicious, rootless folk with no faith in God or in people and above all with no feeling of self-dignity. ...hundreds of thousands of people who live in degradation and who accept it because they feel they deserve no better and because they have'nt enough energy to conceive being anyplace else. ¹

The composite clinical syndrome of homelessness, as reported in the literature, is something like this:

The typical homeless man...left his parental home at an early age, often following the death of one or both parents or conflict with his parents. Either he never married or his marriage was dissolved by separation, divorce, or the death of his wife...(He) is in the middle years of his life, probably around 45. His education has been meagre and most likely stopped somewhere between the 6th and 7th grades; if he went as far as high school he probably never was graduated. He is either Catholic or Protestant by religion, never Jewish, but he does not follow any religious creed actively. He was probably born in this country but his parents were born in Europe, very likely in Ireland. Although his father had a skilled trade, his occupational status is that of an unskilled or casual laborer. His physical condition, while not good, is such that he can do a day's work. Finally, he drinks too much.²

Moreover, in contrast to the migratory factor often associated with homelessness,³ many of the men in skid row are long-term

¹ Harris, op. cit., pp. 30-31.
residents of the local community, "resident homeless" as apposed to transients.¹

The reasons which have brought the individuals concerned into the condition "will include a whole spectrum of factors, comprising bereavement and family disintegration, industrialization of the land, constitutional psychopathy or mental defect, gross physical incapacity, crises in the professional life of the individual, and a host of other considerations too numerous to mention."² Sara Harris writes:

The egolessness started during early childhood for most of them. ...Many of them never knew what it meant to be loved by their parents. Paradoxically, however, at least as many were loved too much. But always by their mothers and not ever by anyone else.³

Mrs. Harris refers to a study conducted by Dr. Joseph Laurie in the San Francisco County Jail. This study ...

(did not) discount all the negatives that went into the making of Skid Rowers: slum environment, under-education..., rejection by their fathers,... But above and beyond all these was the mother-son relationship. Sixty per cent of the San Francisco pilot population were either only or youngest children, men in their thirties, forties, fifties, and sixties who still exhibited the strongest attachments for their mothers.⁴

Nevertheless, "much as their mothers' love means to them, they

² Marriage, op. cit., p. 52.
³ Harris, op. cit., pp. 40-41.
⁴ Ibid., p. 44.
Few of the men who hit Skid Row were ever outstanding children. On the contrary, many of them were neither as strong nor as bright as other children around them were. And still their mothers behaved as though they were stronger and smarter than everybody else. Naturally the children wanted to believe their mothers, not just because they wished they were as strong and smart as their mothers said they were, but more than that because they needed to believe in their mothers being right when you're a child and can't believe in your mother's right and your mother is all you have in the world, what can you believe in then? That question still plagues many Rowers from thirty to sixty years old as close to childhood as though they were wearing rompers today.

Another investigator writes:

A broad sociological concept which seems to fit nearly all homeless men is that they are undersocialized. The socialization process starts at birth with the very earliest conditioning of the infant. Although the most important phases of socialization are considered to occur in childhood the process, contrary to a common misconception, actually never stops but continues with each new association and experience in a person's life. Deficiently socialized persons are usually deprived of the opportunity of sharing experiences with others, of belonging to social groups and participating in social activities. They are deprived, also, of certain important personal satisfactions, such as affection, prestige, the feeling of security, the rewarding aspects of identifying with others, and the like. The satisfaction of these personal needs usually comes only through association with other people. Because they have not learned the ways of society, undersocialized persons are insecure and acts of "sharing" become difficult, distasteful and even dangerous to them. They therefore choose a way of life which avoids association of "sharing". Such associations are normally found in the parental home, in the marital family, in schools, in employment situations, in church participation and in community life.  

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1 Harris, op. cit., pp. 50-51.
2 Straus, op. cit., quoted in Marriage, op. cit., pp. 53-4.
Homelessness is a self-generating situation in two ways:

First, that it represents a connected series of conditions which constitute a formidable barrier to the other world of sobriety, steady work, and domestic stability; second, in that it undermines the motivations which might provide the energy and determination sufficient to break through to something better. His (the homeless man) chances of escaping from his environment are slender, and equally he has few if any opportunities for participating in the life of social groups which are not part of it.

Cut off from family, Church and community life, without a steady job or regular wages (and with only unskilled drudgery when he does work), with only casual acquaintances from among his fellow men of the road, "the homeless man is essentially a lonely man; ...

His recreation, if it can be called that, comes usually with drinking. Because he is undersocialized, the homeless man is not reached by the normal everyday sanctions of society, positive and negative, which tend to hold men in line and prescribe limits for certain types of behaviour, and to determine other types of behaviour which must be performed. Thus he rarely knows the strong rewarding and punishing effect of approval and disapproval by one's fellow human beings, and he is seldom stimulated to normal patterns of activity.

Life on skid row brings with it a high liability for imprisonment. Often this area is more closely policed; and the man without means is less likely to benefit from the discretionary authority of either arresting officer or judge. Nor is he usually able to pay his fine. Moreover the poverty, the

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2 Straus, op. cit., quoted in Marriage, op. cit., p. 55.
breakdown of normal community sanctions, and the demoralizing habits of this way of life weaken resistances towards criminally-defined behavior.

The habitual offender group described by Cavan is not coterminous with the skid row group, but much of what she says applies here. The habitual offender's offence, she says,

...is a vice - a debilitating habit that affects his own integrity and efficiency.... Habitual offenders are not the glamorous and spectacular criminals who make front-page news. They do not commit the daring crimes that bring a gasp from staid citizens and spur the police and federal agents to pursuit. Nor do they commit the technically skilled, financial crimes of the professional criminal, who has regular methods of disposing of his goods and of avoiding arrest or conviction. The offenses of the habitual criminal are habits in the literal sense of the word, which have been made illegal. Clear examples of habitual offenders are disorderly habitual drunkards, ...., vagrants, prostitutes,... Many habitual offenders also commit crimes, especially stealing, for one of the characteristics of most habitual offenses is that they are debilitating and in time incapacitate the individual for earning a living. Often, also, one offense leads into another: the drunkard becomes a vagrant, the female drug addict a prostitute, or the prostitute a drunkard.

PERSONALITY OF HABITUAL OFFENDERS
The misdemeanors of habitual offenders are personal vices that, long continued, debilitate the offender. As a consequence, the status of the habitual offender in both conventional and criminal worlds is low. Often he lives on the border line, with respected status in neither world. Criminals as well as non-criminals respect and applaud success. A clever criminal receives acclaim from other criminals. A successful worker, business executive, or professional man gains approval in the conventional world. But the habitual offender has not achieved either type of success. He may encounter either the disgust or pity of the conventional world; he usually is scorned and shunned by successful criminals. There is reason to believe that in many cases the habitual offender develops because he is not able to achieve success in competition with other per-
sons, whether criminal or noncriminal.

... Many types of habitual offenses are in the nature of personal vices that undermine physical efficiency and self-confidence. The habitual offender is often caught in a vicious circle: he cannot compete because of some shortcoming; he acquires a habit that seems to give relief from his inability, but which in reality increases it and renders him still more unable to compete. ...

A vice also gives artificial satisfaction of a temporary nature, and often establishes a permanent craving. Thus the habitual offender satisfies himself through his offense and does not really seek to be "cured" of his bad habits. He adjusts himself to living with his vice and in time stops rationalizing or defending his position. He becomes demoralized, that is, he no longer tries to abide by the mores of the community, or to re-establish himself in the eyes of reputable people. He narrows his needs to a few, chiefly physical, and lives with the least possible effort. Arrests have little or no effect upon him.

The offenses of the habitual offender usually result in short jail terms or fines, which he works out in jail. At the end of the jail term he returns to his old community and repeats the process. ...

The habitual offender is the most numerous in the criminal group. He...account(s) for the bulk of the arrests made.1

Another writer agrees that most habitual offenders are people who "are unable to cope favorably in our complex economic maelstrom."2

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1 Cavan, op. cit., p. 204. The statement that often the habitual offender is "not able to achieve success in competition with other persons" is especially interesting in view of Sara Harris' observation, quoted earlier, that although many skid row habitues as children were inferior to their peers, their mothers nevertheless "behaved as though they were stronger and smarter than everybody else."

Some of the men on skid row are well-known criminals for whom a short sentence is a relatively minor risk. But when the majority of skid row habitues are sent to gaol it is for drunkenness, although it may also not uncommonly be for disorderly conduct, vagrancy, or petty theft. It is doubtful, as the above quotation implies, whether some of these offences can be considered "crimes" in the ordinary sense of that word.

This vast army of socially inadequate, derelict, and transient types is not the criminal class. They need supervision - there is no doubt about that - but we must label them in some other way but criminal.¹

But on the other hand, "The drunkard on the city street is a danger to himself and others." Besides being a nuisance - repugnant, belligerent, incompetent - he may "when in this condition commit anti-social acts of a graver character, ranging from theft and bodily assault to criminally negligent driving"; hence "the police ... have both a right and a duty to intervene."²

Some of the homeless men are insensately addicted to alcohol and degenerated, to the point that there are physical and psychiatric changes rendering treatment most difficult. But perhaps the majority are heavy "controlled" drinkers, who "explicitly use alcohol to achieve a steady narcotization of the pains and difficulties incident to their condition.... Large numbers appear to resort to drink in a surprisingly articulate frame of mind, to blunt the edge of misfortune, to gain the

１Barnes and Testers, op. cit., p. 220.
２Marriage, op. cit., pp. 31-2.
effrontery of temper necessary for begging, or even merely to establish their identity and sustain their association with the skid row group."

Actually, the majority of men along Skid Row, U.S.A., drink heavily because heavy drinking is the pattern of their world. Basically, they are men without egos, not addictive alcoholics. ... The real alcoholics who have been driven here by their addictions are a small minority along Skid Row, U.S.A.2

But even so, ...

There is no outward distinction between them and the egoless ones. They are just as hopeless about themselves and just as sure as the others that they won't leave Skid Row till they die.3

More studies have been made of the chronic police court inebriate than of the skid row group generally, and more treatment experience has been recorded for this more specific category. Although the two groups are not co-extensive, an examination of literature on the alcoholic offender will help to throw light upon the etiology and treatment of skid row problems generally.

The Drunkenness Offender

Walter C. Reckless has estimated that alcoholism as a social problem is second only to unemployment. There were perhaps three million excessive drinkers in the United States in 1946, he says, and 750,000 of these were chronic alcoholics. By comparison the total number of crimes reported to the police

1 Marriage, op. cit., p. 57.
2 Harris, op. cit., pp. 57-58.
3 Ibid., p. 58.
in 1948 is estimated at 1,686,670, and the total population of mental hospitals and institutions for the aged and infirm in 1940 was 836,491. Moreover alcoholism, although not a factor in many crimes, seems to play a major role in some others. Moreover alcoholism, although not a factor in many crimes, seems to play a major role in some others. Not only may it be a background factor in the general moral degeneracy and physical need which sometimes leads to crime, but it almost always has the effect of reducing inhibitions.

Alcoholism is generally defined as the excessive consumption of alcohol. However, since social drinking is sanctioned and sometimes encouraged in many societies, it may be "diagnostically difficult to determine when it has assumed pathological proportions." Moreover, what may be considered excessive drinking for some individuals and in some settings may be considered normal in other situations.

There are several views on the clinical classification of alcoholism but there is less confusion about its origins and nature. An Expert Committee of the World Health Organization has offered a classification based upon characteristic stages through which the disease of alcoholism commonly progresses.  

1 Reckless, op. cit., p. 253.


3 Marriage, op. cit., p. 3.

In the first stage, symptomatic drinking, alcohol is resorted to "as an anodyne in the relief of tensions generated by personal problems."¹ Defective socialization in the personality of alcoholics — of which low frustration tolerance, autism, and irascibility are indicative — is no less significant etiologically than the misfortunes of financial ruin, domestic crises, or physical illness to which the alcoholic may attribute his illness. Interestingly enough, one of the misfortunes which have been found to precede alcoholism in a significant minority of cases is failure in a career of crime. What is meant by "defective socialization", however, has not always been clearly spelled out, but

Harriet Mowrer points out that children and youth who later became alcoholics had ambiguous status within the family, ... When the drinking brought attention, pampering, pity, and plans for reform from the family, the habit became established as a way to achieve what realistic competition with other members of the family could not.²

Another elaboration of the way in which the socialization of potential alcoholics has been defective has been presented by Pittman and Gordon and will be quoted below.³

The second stage, addictive drinking, is reached when

¹ Marriage, op. cit., pp. 15-16.
the habit has grown to such proportions that it constitutes a serious problem for the drinker, for example at work or at home, or in terms of his self-image and self-respect; and when these problems have engendered an even greater degree of dependence—sometimes an uncontrolled craving—for alcohol. The third stage, which may be labelled chronic alcoholism, is said to occur generally when serious damage—psychosis or organic disease—appears.

There would moreover seem to be certain general characteristics which are possessed by all types of alcoholics and which presumably have etiological significance. By contrast with the "normal" drinker who uses alcohol "as a condiment" and for its "milder sedative effects", the alcoholic drinks "to procure agreeable states of mind... He seeks to narcotize psychic distresses and resolve inner tensions, to achieve the illusion of an equilibrium of feeling which he does not normally enjoy."¹ Reckless quotes one authority who lists among the dynamics of personality motivation of alcoholics:

... self pampering tendencies...; a drive for self-expression without the resolve to take the practical steps to attain it; a more than usual craving for excitement and pleasure of the senses; a habit of side-stepping duties and obligations...; a definite insistent need for the feeling of self-confidence, self-importance, calm and poise that some temporarily obtain from alcohol.²


Reckless goes on to say:

The psychoanalytic interpretations ... point out that alcoholism is an expression of oral-sadistic tendencies, sexual frustration or impotence, repressed homosexuality, and self-destructive tendencies.¹

However, it should be realized that the deeper we go into the dynamics of emotional life and behavior the farther away we get from the obvious connection between the narcotic escape from a painful environment through alcohol and the need of the individual to take the escape route.²

Another investigator,

Hochwald refers to "a wide range of occupational behaviours", but comments that they nonetheless all give evidence of certain common traits which she summarizes as: (i) a capacity to visualize vocational goals along with an incapacity for sustained effort in vocational performance; (ii) a preference for work experiences which entail creative energy, independence, contact with the public, excitement and movement; and (iii) frequent changes in employment that for the most part could be attributed to restlessness and inebriety.

She offers the judgment that these common traits, apart from their connection with inebriety as such, reflect underlying patterns of emotional tension and a concomitant need for release which are consistent with what has been postulated as typical of the personality of the alcoholics.³

Alcoholism is not a problem on skid row only; indeed, it is well represented in many strata of society. Most alcoholics "... are not characterized by obvious anomalous social

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² Reckless, op. cit., p. 259.

characteristics ... they are in a very real sense 'hidden' in the general population."¹ Nevertheless, although the "Skid Row Alcoholic is not by any means the archetype of excessive drinkers", only a very small minority of persons arrested for drunkenness will be "ordinarily respectable citizens, with family, job and home."² Such "golden rule drunks" may differ little from their brother on skid row except in having a home and well-meaning relatives or friends to "bail them out" (thus often increasing their sense of helplessness); but they are more likely to benefit from the discretionary authority of the police in subjecting them to nothing more than a verbal reprimand and warning.

There is some evidence that alcoholics who are patients of outpatient clinics differ significantly from skid row inebriates in that they are prone to show greater signs of social stability and integration; and these differences have important treatment implications (to be discussed later). Only a small number of alcoholics - probably less than 10 per cent - seek help, so the clinic patients cannot be taken as representative of the total "hidden" alcoholic population. However, those alcoholics who do seek outpatient treatment differ from skid row alcoholics generally in that they are usually married

² Marriage, op. cit., pp. 64 and 60.
and are living with their wives; they generally are trained for
a trade or profession in which they have worked steadily for
some years; they are residentially fairly stable; and their
diagnosis is often that of psychoneurosis.\textsuperscript{1} It may be also
that alcoholics who find their way to a hospital setting differ
in some ways from those who end up in gaol (not to deny that
many may appear in both settings). One investigator who studied
101 homeless alcoholic men in a hospital setting states:

\begin{quote}
In the give-and-take of normal human relationships,
these men cannot \textit{give}. They can only take from a
supplier or protector, who is usually a woman. She
is 'loved' only insomuch as she tries to fulfill their
insatiable demands. Sooner or later, the man in this
group loses this person and, unable to form a new
relationship, sinks into the pattern of the Skid Row
life.... Denying their inability to \textit{give} in their
human relationships, they placed themselves over and
over again in situations where only rejection could
result, and became \textit{enmeshed} in what appeared to be an
endless cycle of drinking and isolation.\textsuperscript{2}
\end{quote}

\textsuperscript{1} Marriage, \textit{op. cit.}, pp. 64-73.

\textsuperscript{2} Myerson, David J., "Further Observations of a Group
of 'Skid Row' Alcoholics with Emphasis on Interpersonal Rela-
tionships and the Therapeutic Approach." National Committee on
Alcoholism, Annual Conference, \textit{op. cit.}, chapter 8. This
report is reminiscent of studies on the wives of alcoholics,
for example, Fatterman, Samuel, \textit{Personality Trends in Wives of
Alcoholics}. (Unpublished paper). The discussion is remin-
siscent also of Mrs. Harris' findings about the mother-son
relationships of many persons who end up on skid row. \textit{Op. cit.},
chapter 2, pp. 27-55. Other perhaps related observations by
Sara Harris are ...

The vast mass of men along Skid Row ... are incapable
of forming any love relationships with people. Still,
there is a need for love in them, not so much to be
loved, for they feel too unworthy, but to love somebody -
or something.

... most of them prefer alliances with women who are
transient and easy of affection.

"The synthetic picture of the police court drunkenness offender"... is not unlike that of the skid-row habitue generally, for it... delineates a middle-aged homeless man who has either never married or who has not succeeded in sustaining the requirements of domestic life; residentially unstable and mobile; often workless and at best menially, sporadically, briefly and unprofitably employed. His abnormal performance in the world of work is matched by his failure to participate in the accredited methods of filling leisure time, and it is noteworthy that when he does so participate, his activities continue to reflect the essential poverty of his social life. This is no less true of his principal amusement, namely drinking, which far from being convivial, a catalyst, so to speak, of social intercourse, only serves to engroove the solitary and adventitious nature of his circumstances. His educational attainments are considerably below average, while his educational career is expressive of the same lack of persistence and thinness of motivation which appear in other areas of his life. He is likely to be a native-born subject, and although rarely long at any one address he is also probably a citizen of the community in which he is currently found. Only a minority of his kind conform to the "romantic" vagrant class celebrated by W. H. Davies, the Ishmaels of the land. He has frequent recourse to the services of a variety of social agencies, but uses them primarily as sources of material assistance rather than for help in coping with problems of a more personal and intrapsychic character. It is typical of him, in fact, that he does not acknowledge himself to have such problems. Like most of us when confronted with personal failure, he believes that the fault lies in his stars. It is the gods or "the system" who are to blame.¹

Our knowledge of the etiology and clinical characteristics of the chronic police court inebriate has been enhanced by a study made by David J. Pittman and C. Wayne Gordon of 187 males, each having at least one previous incarceration for drunkenness, who were sentenced for public intoxication to

¹ Marriage, op. cit., p. 63.
thirty days or more in the Monroe County Penitentiary, Rochester, New York, between October 1953 and September 1954.\(^1\) Pittman and Gordon identified a three stage "life career pattern" in the case histories studied.

The period of preconditioning for dependency is concomitant with undersocialization and serious deprivations in childhood and youth sufficient to limit the individual's chances for successful adult adjustment.... (A) Nearly half of the families were broken by death, divorce or desertion before the subject's twentieth birthday. (B) Of those who were not from broken homes, four out of five experienced serious loss of family integration. This means rejection by one or both parents or parent substitutes, or an emotional climate in the family so neutral or negative as to be a handicap to personality development. (C) The transition from adolescence to adulthood represented a typical adjustment problem for the whole group, with few exceptions. They lacked the usual adolescent experiences, and in most cases were projected at an early age (about 15) into heavy, unskilled work ... There is an absence of home-centred occupational training; and fathers rarely provided models for adult male occupations. They were projected from semiprotective, but poorly integrated family environments into economic functions for which they were ill prepared, from 3 to 5 years earlier than the average American youth.\(^2\)

In the second period, that of conditioning to alcoholic dependency, life situations must impinge upon these people in such a way that progressive recourse to drinking develops.

This period is denoted by one or more patterns of adaptation which will be discussed now.

Occupational maladjustment and mobility is reflected in the incarcerated inebriate's low order of primary occupational skills ... Withdrawal from jobs represents a flight pattern of adjustment characteristic of the majority.

\(^1\) Pittman and Gordon, \textit{op. cit.}

\(^2\) \textit{Ibid.}, pp. 125-6.
The shift from rural to urban occupations represents one of the major adjustment problems in the life career, since a majority originated in essentially rural communities. Migratory work is more characteristic than a direct shift to stable urban occupations.

Extended periods of occupational stability are found in the careers of some... They are periods in which these men sustained both heavy drinking and hard work in heavy unskilled occupations by virtue of the physical stamina and vigor of youth. This pattern is not inconsistent with the dependency-forming phase of the life career pattern.

... Drinking functions for some as a primary causal influence in the early adult career, and for others as a secondary influence and as a consequence in both the early and adult careers.

Those for whom the function of alcohol was primary showed... The onset of excessive drinking occurred in early adulthood (between 20 and 30 years of age). Their records are marked by early arrests for public intoxication and other offences involving drinking...

The career in which excessive drinking functions as a secondary cause, or as a consequence of earlier maladjustments, is marked by... relatively stable occupational or marital experiences. The onset of inebriety typically followed crises involving one or more of the following: (a) loss of parent, (b) loss of wife through death, separation or divorce, (c) arrest for crime, (d) loss of job and loss or obsolescence of job skills, and (e) physical decline with age or physical handicap. These career profiles are further characterized by late arrest records.1

Pittman and Gordon further observed that drinking occurs in a social context, and that for the homeless, the skid row tavern, "with a vested interest in the drinking of these men, provide(s) the only warmth and continual association available to them."2

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2 Ibid., p. 128.
Institutionalized living was also typical, and in this category are listed the following havens: "(a) military and semimilitary, such as the Army, Navy, Merchant Marine or Civilian Conservation Corps; (b) institutional occupational groups represented in the railroad gang, lumber and fruit camps, lake steamers, and hospitals; and (c) shelter institutions such as veterans hospitals, domiciliary homes, and Salvation Army Service Centers."\(^1\) In these settings, "They become habituated to dependent living, which further reduces their potential for independent modes of life. It has been noted that the pattern of institutional living is conducive to heavy drinking and tends to confirm dependence on alcohol."\(^2\)

The third phase, "confirmed alcohol dependency", was characterized by increased and sometimes uncontrolled drinking, arrest for intoxication, casual day-labor, and increased dependency on sheltered living. A bimodal age distribution was found, and from it two types were identified, the "Early Skid" and "Late Skid" career patterns. (The authors do not explicitly relate these types to their distinction between drinking as a primary causal influence and drinking as a secondary influence in the period of dependency formation although such a connection seems probable.) The "Early Skids" all had had two incarcerations for intoxication in their twenties or early

\(^1\) Pittman and Gordon, *op. cit.*, p. 128.

The Early Skid career pattern ... represents serious maladjustment to early adulthood ... There is an absence of adult occupational adjustment independent of institutional living. The period of alcohol dependency formation is not associated with such stable marital adjustment as may be found in some of the Late Skid career patterns.1

By contrast, the Late Skids did not receive their second incarceration for drunkenness until after age 40. They constituted about half of the total group. Extended periods of occupational and family stability were common in these careers, and physical decline was often a factor in employment difficulties. A subtype was the "late-late Skid", characterized by "(a) absence of criminal involvement; (b) relatively adequate occupational career; (c) nonaddictive excessive drinking as an adaptation to physical and occupational decline; (d) drinking as a secondary cause of decline." 2 Another subtype was the "Late Skid crime-to-public-intoxication career ... in which arrests for serious crimes distinguish early adulthood and arrests in late adulthood are for public intoxication only ... The early adult career is also marked by absence of any stable occupational adjustment, and the shift from criminal arrest to arrest for public intoxication is complete." 3

Alcoholics generally play a fairly well known role in

1 Pittman and Gordon, op. cit., p. 131.
2 Ibid., p. 137.
3 Ibid., p. 138.
the prison community. They "are eminently good custody risks, fit into prison routine in at least a superficially docile and amenable way, and maintain amicable relations with fellow-prisoners and staff." "The problem of alcoholism in a penal and especially an institutional setting," however, "...issues from the fact that short terms in jail seem to exercise no effect on the course of the alcoholic's illness whatever."¹

At his worst, the alcoholic inmate confronts the jailer with a problem which has several major dimensions. First, the alcoholic is frequently a matter of concern to the booking officer: what appears to be drunkenness may really be illness or injury, or the drunkenness may conceal a serious medical problem. Second, in the drunk tank he is in danger of injuring himself against the slightest projection from wall to floor, or even on the wall and floor themselves. Third, in the process of sobering up he often displays signs of need for, or at least requests, medication to relieve distress. Fourth, he is quite possibly a repeater, and may become a frequent burden upon the staff and facilities of the jail system. Fifth, he is very frequently a mixture of personal and social disabilities, and dealing effectively with him requires the solution of many problems simultaneously. Sixth, he is all too often an individual for whom traditional methods of correction offer no promise whatsoever, and he may come to be regarded as a hopeless case. Finally, he makes up the bulk of the jail bookings during the course of a year in many institutions, and hence is the jailer's major problem in numbers as well as in rehabilitation difficulty.²

Treatment Considerations

The creation of a social climate conducive to mental health should be, of course, the long-term goal of agencies

¹ Marriage, op. cit., p. 39.

interested in combatting the social problem presented by the chronic petty offender. But for coping with the problem which currently exists no one agency can be called upon to carry the entire burden.

The skid row drunkenness offender, because of the pervasiveness of his social disfunctioning, presents a different treatment problem from that of the majority of alcoholics, who display a relatively high degree of social and occupational stability and who are very largely "hidden" within the general population. For the majority who voluntarily seek help,

...unless they follow the course of melodrama and gravitate down the social scale until they become part of the shambling unshaven regiment of skid row, the penal approach to them will be, in every sense of that word, impertinent. The resources which seem to offer the most hope for rehabilitation are precisely those which are already in existence or coming into existence, namely the out-patient clinic, the hospital, private medical practice, education and propaganda, and in fact the entire range of services dedicated to the preservation of the physical, mental and social well-being of our people.¹

Unfortunately, however, the very characteristics which have been found most favourable for outpatient treatment - in a word, motivation and social resources - are precisely those which seem to be most lacking in the skid row group.²

For the man on skid row, alcoholism is only one of a number of pressing and inter-related social problems:

¹ Marriage, op. cit., p. 141.
² Ibid., pp. 64-73.
Gathered together under the very general rubric of homelessness are such problems as those of community planning and public housing, commercialized vice, depopulation of the land, delinquency and crime, medical problems ranged along a gamut which includes mental deficiency, epilepsy, tuberculosis, enuresis and a variety of physical handicaps, unemployment, both functional and gross, problems of immigrant acculturation, and many others. The importance of this can hardly be over-stressed, for not only does it serve to emphasize the gravity of the problem but it also makes it abundantly clear that this is not something which it is the peculiar province of any one group of experts to deal with ... In short, this is a problem which manifestly calls for the mobilization of wide resources and varied skills and for their coordination at the highest level of intelligent and planned effort.¹

Senior Major Peter J. Hofman of the Salvation Army (Cleveland) lists the needs of the skid row client as (1) food, clothing and shelter, (2) work, (3) fellowship, (4) recreation and training in leisure time activities, (5) personal counseling, (6) spiritual guidance, (7) medical service, (8) group therapy.² Not many cities, though have really attacked the skid row problem in the broad but integrated way that is needed.³ Probably the most highly developed and coordinated series of services for the homeless, transient, and indigent is that provided by New York City; but even this program is described by one of its administrators as "woefully inadequate".⁴ For the

¹ Marriage, op. cit., pp. 55-6.

² "The Salvation Army's Program with Alcoholics." National Committee on Alcoholism, Annual Conference, op. cit., chapter 5.

³ Much of the material which follows is taken from Marriage, op. cit., chapter 4.

homeless man, the focal point of the various provisions offered by different departments of government in New York - Welfare, Correction, Hospitals - is the Men's Shelter, just off the Bowery. In addition to providing for food and housing, this agency has a staff of social workers who help clients find their way to other agencies and programs in the city; and another ancillary service is a rehabilitation centre for the old and infirm. A major resource is the Hart Island Shelter, initiated as a cooperative venture of the Departments of Correction and Welfare.

The major ideology of Hart Island is ... to make men who had formerly thought of themselves as in the grave believe that they are not dead yet. Essentially, the program caters to the dependency needs these men have. It gives them an institutionalized way of life in which their basic necessities are provided. Few demands are made upon them. ...Learn how to live with people. That includes such activities as learning to use the bathtub and not dribbling saliva down your face, because the man sitting across from you might be repelled.\footnote{Harris, \textit{op. cit.}, p. 275.}

The Hart Island program includes vocational training. Referrals are made through the courts, following pre-sentence study - the men having the option of "volunteering" for Hart Island or going to gaol.

In another city, Los Angeles, there is a voluntary work camp program for homeless men.\footnote{Hindman, Wilbert L., "The Utilization of Modern Techniques in Treating the Skid Row Alcoholic in the Southwest." National Committee on Alcoholism, Annual Conference, \textit{op. cit.}, chapter 7.} In other cities there are half-way houses, for men released from in-patient facilities
(and gaols); and social clubs for homeless men are provided in other jurisdictions. Social workers, and employment and immigration officers are on the staff of some of these facilities, and material aid is sometimes given.

Another approach is being tried in the out-patient counseling centre operated by the Mayor's Rehabilitation Committee on Skid Row Problems, in Detroit.¹ This centre is strategically located in the skid row area, and a significant part of its program is a large lounge where skid row residents may come and go at will. No demands are made of these visitors except that they remain orderly and sober. Coffee is served twice a day and the men may contribute to a coffee kitty if they so wish. All personnel are male, to help the homeless man feel at ease. Two social workers are located at the centre (the staff also includes an executive secretary, a supervisor, and a social worker located in the city gaol) as well as a representative of the State Employment Service. However these counsellors' offices are separated from the lounge area and no man is required to approach a counsellor but must do so entirely on his own initiative. Several services allied to counseling are offered: "A man may borrow bus tickets, get lodging at the Mariner's Inn or the Howard Street Mission, obtain meal tickets, and on rare occasions borrow small sums to meet emergencies,...

Some (are) referred to Alcoholics Anonymous. "The actual working content involved in these cases would presumably vary greatly since some of them would amount to no more than ephemeral and superficial contacts." On the other hand, counseling staff would appear to be skilled and qualified and no doubt more intensive service is offered to those who seek it and can benefit. A peculiar contribution of the centre is "the cunning way it has insinuated itself into its setting through non-aggressive but persistent availability." Nevertheless, only modest success has been claimed, and, as with the out-patient clinics mentioned previously, success seems to be inversely related to the degree with which a man has assimilated the skid row way of life. The unique potential of centres such as this, however, is that "many of the men on Skid Row have found in it (Skid Row) an adjustment of sorts. Any program to cure them of the addiction to alcohol which is part of that pattern must be founded on an understanding of how their way of life looks to them, and what satisfactions they fear to lose." Clinical experience gained in such down-to-earth projects as the centre operated by the Mayor's Committee in Detroit will go a long way towards achieving that understanding.

1 Wattenberg and Moir, op. cit., p. 2.
2 Marriage, op. cit., p. 113.
3 Loc. cit.
4 Wattenberg and Moir, op. cit., p. 11.
Programs such as those described above are rare, unfortunately, and in most North American cities the services for homeless men are even more inadequate and poorly coordinated. Vancouver seems to be no exception; for those agencies serving skid row clientele — they include the City Social Service Department,¹ the hospitals, the Salvation Army and other missions, and the courts and penal institutions — are all overworked. There is neither provision for indoor relief nor provision for social relaxation. In most cities, ...

... the uplift movements along Skid Row today have been organized by outsiders, not Rowers. They have worked somewhat condescendingly, despite the best intentions of their administrators ... All of them have, in the last analysis, limited their operations according to their motivations.

The many missions along Skid Row, U.S.A., are there primarily to "save souls for Jesus." ... And the few municipal projects that have been set up are undeniably motivated by the needs of the general urban population upon whom unreformed Rowers are impinging, rather than by the needs of the people they are attempting to reach.

Alcoholics Anonymous is the only organization aside from the missions and municipal agencies which is attempting to work along Skid Row. But Skid Rowers are not the prime concerns of Alcoholics Anonymous either. That organization was set up to reach alcoholics, not Skid Row drinkers, and there is a vast difference between the two types. ... Still the program must be listed as among the most effective of the rehabilitative efforts along Skid Row today. ...

There are about 1500 gospel or rescue missionaries along Skid Row, U.S.A. ... Some who have charge of the

larger missions claim to distribute as many as 400,000 free meals and to furnish as many as 65,000 free beds in a typical year.¹

But what about the vast mass of Skid Rowers who just do not have the stuff or which mission miracles may be made? For every man on the Row who has been saved by a mission miracle, there are thousands who haven't been touched and who never can be. Year after year they go on following the grim, hopeless shuttle between jail and their Skid Row homes. ...

The court story, with rare exceptions, is the same from coast to coast. The Skid Row bunch lines up before the bar, filthy, disheveled, some with the look and smell of last night's nausea still on them. ... Most of them plead guilty. ... The judges know most of the faces appearing before them because there are bound to be more old-timers than newcomers, men with records of thirty-six, eighty-four, and two hundred arrests. ... Many judges and policemen, embarrassed over their ineffectuality, are callous toward Rowers.²

When inebriates appear in court in Canada the penalty in seven-eighths of the cases is a fine. It is hard to see the logic in this disposition. It may be, of course, that a fine will be a sufficient deterrent for the occasional non-symptomatic drinker who finds his way into the courtroom; but we suspect that many of these people are released by the police without being charged, and indeed, this probably is all that is needed. But for the man for whom excessive drinking has become a chronic habit, the fine probably does little good, and we may suspect that many of the men from skid row would be unable to pay their fines and thus end up in gaol. (It is not known how many people are sent to Oakalla in default of non-payment of

¹ Harris, op. cit., pp. 201-2 and 231.
² Ibid., pp. 263-4.
Probation was not used for any drunkenness offenders in Vancouver in the fiscal year 1955-6, and in Canada in the calendar year 1956 it was used in the cases of only about one-twentieth of the convictions for drunkenness. Probation officers by and large have had little experience with skid row clientele (youths and first offenders being their most frequent charges), and moreover it seems doubtful that many skid row offenders would be hopeful candidates for probation:

It is probable that only a small minority of police court drunkenness offenders could fruitfully be made the subject of probation orders ... Almost certainly, ... they would have to be men with unusually good backgrounds (I do not mean "well born") and well developed residual strengths of personality. The long term goal here should be to formulate summary indices of prognostic outlook with a view to the quick and precise identification of those with the qualifying characteristics.2

Skid row inebriates are considered poor bets for probation services in much the same way as they are considered poor patients at the voluntary outpatient facilities. The difference, of course, is that probation work is backed by the authority of the court. The effectiveness of probation, however, will always

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be limited by the comprehensiveness of the general framework of supplementary services available in the sponsoring community. By and large, the use of probation for the chronic skid row inebriate has seldom had a fair trial.¹

For most of the skid row drinkers, Society's answer today is the flophouse or the prison cell, either of which is calculated to make more certain the further degradation of these unfortunates.²

Skid Rowers comprise well over fifty per cent of the county jail population of every city in this country. (United States) ... Experts estimate that, between jailing them for vagrancy or intoxication and hospitalizing and burying them, we are spending well over forty-five million dollars a year on their keep.³

Commitment to prison without option of a fine was the sentence imposed for only six per cent of the convictions in drunkenness cases in Canada in 1956, yet drunkenness offenders constitute between one-quarter and one-half of the population committed to Canadian correctional institutions. At least fifty people now average 200 days per year in Oakalla for drunkenness, and if the law were rigidly applied British Columbia would send an estimated six hundred persons per month to Oakalla.


² Murtagh, John M., Chief Magistrate of the City of New York, in Harris, op. cit., Foreward, p. 12.

³ Harris, op. cit., p. 15.
to serve thirty day terms for drunkenness.¹ No one knows exactly what selection processes operate to keep the rest of this army out of gaol, but it is most assuredly a good thing that they are out, for Oakalla is filled to capacity already. Moreover it seems highly improbable that Oakalla's program, as it now operates, (or for that matter any gaol program) will do anything to solve the basic problems of the skid row derelict. Adrian Marriage, whose "study of the police court drunkenness offender and survey of contemporary methods of care" has been quoted extensively in this chapter, says

... large numbers of homeless, transient and homeless men will continue to fall foul of the law and find their way to prison. It is a fate which is virtually predicated in their circumstances.²

One is tempted to guess that if all the recommendations made so far in this chapter were put into effect we should see a substantial decrease in the numbers for whom imprisonment seemed the only feasible course of action. But it would be a case of callow optimism to suppose that this decisive step could be avoided in all cases.³

Imprisonment should always be regarded as a last resort, and though it would be puerile to pretend that we can presently do without it, its very effectiveness as a deterrent and as a reformatory experience will be lost if we use it otherwise. Sir Alexander Patterson has justly remarked that the very idea of going to prison is what weighs with people who have not been there. Once they have,


² Marriage, op. cit., p. 152.

³ Ibid., p. 157.
the membrane of shame is torn, and a new and devaluated notion of the self is admitted. From then on, what is feared is how long they are sent to prison. We therefore have an obligation not only to be less than prodigal in imposing sentences of imprisonment but also to provide as many lines of defence as possible against the necessity of doing so ... if those who profess themselves horrified at the debilitation of personality associated with imprisonment are as exercised by the thought as they say they are, they will tax their imaginations in devising alternatives.¹

This seems hardly to be an argument in favour of the short-term prison sentence. Nor does this statement from Sara Harris:

A Hart Island to bring men back from the grave and a Halfway House where they can begin living again cannot seem too expensive under the circumstances. ... A combination Hart Island and Halfway House would not begin to cost the amount of money every city in this country spends every year to hospitalize and bury and jail its Skid Row habitues. No combination Hart Island and Halfway House, for example, could cost anywhere near the $1,690,307.70 the city of San Francisco had to spend just to keep on jailing its Skid Row repeaters for one year.²

The case against imprisonment is put even more bluntly by Pittman and Gordon, who also have conducted "a study of the chronic police case inebriate."

The results of our investigation negate completely the assumption that incarceration acts as a deterrent to the chronic public inebriate.... these men are not rehabilitated in the penal institution.... In the jails of the nation the present emphasis is upon custodial care ... Our investigation indicates that many of these men could be rehabilitated if treatment were available to them as part of an integrated program.³

¹ Marriage, op. cit., p. 152.
² Harris, op. cit., pp. 284-5.
³ Pittman and Gordon, op. cit., pp. 139-140.
A Treatment Centre should be created for the reception of the chronic inebriate. This means that they should be removed from the jails and penal institutions as the mentally ill in this country were removed from the jails during the last century.  

Pittman and Gordon go on to recommend "systematic treatment" involving medical, psychological and social rehabilitation, after-care through social work help and halfway houses, and specialized programs for older offenders with problems of physical decline, and for the mentally disturbed.

A comprehensive program for dealing with the problem of the homeless drunkenness offender must include a number of coordinated services. If imprisonment is to play any role in such a scheme, it will at best be a minor one. The services needed for coping effectively with the skid row problem, and the appropriate role and program of correctional institutions in such an integrated scheme, will be indicated briefly in our concluding chapter.

A program of treatment must strike at his (the chronic alcoholic's) dependency needs and recognize his needs for human approval and self-respect... We may eventually find that the rehabilitation of only (some) of this group is a notable achievement. Even so, if the remaining minority are simply maintained according to standards consistent with morality and decency in our time, it will do credit to the community which first makes such a contribution.  

2. The Traffic Violator

A significant number - perhaps one-tenth - of persons getting short prison sentences in Canada are traffic violators.

1 Pittman and Gordon, op. cit., p. 141.

2 Ibid., p. 146.
This type has also been chosen for more detailed consideration, however, because it would appear to represent a group of offenders who differ significantly in certain respects from both serious criminals and minor offenders. It is thus hypothesized that there will be:

(1) a tendency for alcoholics in this group to be more socially integrated, i.e., to more closely approximate the social drinker model, than alcoholics on skid row;

(2) a tendency for violators in this group generally more closely to resemble the noncriminal population in self conception and identification, than violators in the other serious offence categories.

It is further hypothesized that these differences make for different treatment requirements.

Unfortunately the literature is almost silent on the subject of short-term imprisonment for traffic violators. The discussion below is therefore based upon only a few scattered researches and the opinions of workers in the field. None of these data, therefore, should be interpreted as anything but extremely tentative; and indeed it is recorded here only because it seems suggestive of the directions which further enquiries might take. Needless to say the material available is quite inadequate either to prove or disprove our hypotheses.

Selection Processes

Published reports state that a drinking driver was involved in at least thirty per cent of fatal traffic accidents
in the United States in 1958. Since sometimes two drivers are involved, of whom only one is "under the influence", the percentage of drinking drivers has not been shown to be as high; but in a study which included 21 American states, also in 1958, more than 20 per cent of drivers involved in fatal traffic accidents were found to have been drinking. Moreover, one-quarter of the pedestrians killed in traffic mishaps in the United States in 1958 had been drinking.

It has therefore yet to be shown that most drivers involved in fatal accidents are alcoholics. Indeed, although no personality type has yet been identified through empirical investigation, it would appear that many of these drivers, if they have been drinking at all, are not highly intoxicated. Often the driver who strikes and kills a pedestrian, or is otherwise involved in a fatal accident, is an older man - aged over 60 - who is having a quiet evening at home, perhaps with friends - and is just taking a short drive to a corner store.²

Nevertheless from the point of view of law enforcement officers the chief hazard on the roads is the impaired driver.³ The problem is not so much the obviously drunk man -

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1 Plaskett, Jim, Vancouver Traffic and Safety Council. Personal interview, February 12, 1960. I am indebted to Mr. Plaskett for most of my data on drunk drivers.

2 Loc. cit.

such persons are easily recognized and can usually be stopped before they do serious damage - but rather the person whose judgment is impaired, who cannot be detected until an accident happens. For example, of the impaired drivers mentioned above who were involved in fatal accidents, only about one-third were so drunk as to qualify for the description, "under the influence". (In cities using chemical blood tests of intoxication, the proportion was a little higher.)

Concerning impaired drivers generally there has been little clinical study, partly because a number of them presumably manage to avoid accidents and so are never known to the authorities. The opinion of at least one worker in this field, though, is that if there is an impaired driver type, he is probably young - single or newly married and without children. He may be a university graduate, and has a comfortable income; and although he has not many responsibilities, he nevertheless feels the tensions and stresses of beginning a career. Drinking for him is often socially desirable, but it lessens guilts and inhibitions. Some people think that he tends to be an irresponsible person, but regardless of whether or not this is true, the social drinking habit in any case apparently leads to an indifferent attitude towards the prohibition of driving while under the influence of alcohol.¹

Actually there seems to be good reason to suspect

¹ Plaskett, op. cit.
that court statistics under-represent the occurrence of impaired drivers. Not only are these people likely to be able to avoid detection (unless they are involved in accidents), but also the police are said to be often reluctant to lay impaired driving charges. Three reasons have been suggested for this: (1) The middle or upper class status of some of these violators makes them more likely to escape being charged, (2) Sanctions are severe, (3) It is hard to get a conviction, since impaired driving is hard to prove in court. It is therefore suggested that only the more flagrant violators and the more advanced alcoholics get as far as the courtroom.1

As regards persons who are actually convicted of impaired or drunken driving, the writer has found only two studies which describe their characteristics in any detail. The first of these studies concerns 2,100 persons convicted of drunken driving in Sweden between July 1, 1948, and June 30, 1949.2 The investigators discovered significant differences between two subgroups within the population studied - those with drivers licenses and those without. The larger group - those with licenses, - were mostly middle aged, and they were about five times as likely to be divorced as the average Swedish adult male. About 25 per cent of them had a previous conviction

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for public intoxication, and there were proportionately five times as many "excessive drinkers" in this group as amongst Swedish men generally. Half of them had previous traffic convictions, about one-tenth had previously been convicted of drunk driving, and almost a quarter had other records. Compared with the general Swedish male population, a larger percentage of these drunk drivers were from the lower class; but this distribution was not out of line with normal expectations when the combined distributions of excessive drinkers generally, and of all persons with driver's licenses, were taken into account.

A minority, about one-sixth of the convicted drunken drivers, did not have driver's licenses. This group tended to be a few years younger than the others, and some of them could be called "joy-riders". The group without licenses also tended to be poorly educated, and were often known to social agencies, and almost three-quarters of them were classed as "excessive drinkers." More than half of them had previously been convicted for drunkenness, one-sixth had previous drunk driving convictions, and almost one-half had other records. Both the major type, therefore, and this subtype, differed significantly from the average driver in these several respects; and in some ways they tended to conform more to the patterns of the "excessive drinker".

The second study of drinking drivers was made for a group of 427 men charged in Toronto in 1954, and this study
concerned itself mainly with previous evidences of problem drinking. The author's conclusion, not unlike that of the Swedish researcher, was:

... (that) the drivers did not represent a random sample of the driving population with respect to prevalence of alcoholism, and that the hypothesis should be entertained, for future research, that traffic accidents involving drivers who had been drinking are to a considerable extent a problem of alcoholism rather than largely a problem of the effects of alcohol on the casual drinker.  

Treatment

Impaired drivers and other traffic violators are usually dealt with by fines and other non-institutional dispositions when they appear in court. In British Columbia in 1959, the Office of the Superintendent of Motor Vehicles sent warning letters to 7,231 drivers. Notices of intention to suspend were sent to 4,613 persons, and 1,547 of this group were interviewed. Subsequently 2,430 driver's licenses were suspended, generally for periods ranging from one month to three years, and another 2,202 were placed on probation. Of all the traffic violators convicted in British Columbia during that year, only 2,392 were impaired drivers, and of this group more than three-quarters had no previous record for impaired driving. Mr. George Lindsay, Superintendent of Motor Vehicles, writes concerning the British Columbia practice:

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2 Personal communication, March 18, 1960.
Our driver's education program aims at rehabilitation and we have been quite successful. However, as you will gather from the attached statistics we had some 535 repeaters in the impaired group. In all these cases a personal interview becomes necessary and an attempt is made to seek the aid of the individual and, when required, outside assistance be it medical or A.A.A. (American Automobile Association?) et al.

Briefly, in all categories we have found by experience that a short term suspension has the desired effect. If this procedure is not successful we then have a problem driver or repeater, who is suspended for an indefinite period and, if circumstances demand, this period is extended until recovery is assured. Fortunately, we have not too many in this group.

For most traffic violators, therefore, fines, "driver education", and, where necessary, suspensions of driver's licenses are apparently adequate deterrents. Except for drinking and reckless drivers, traffic violators are practically never sent to gaol, and even the more dangerous types are given prison sentences in only about one case in ten. When they are sent to gaol, it is rarely for more than six months.

Nevertheless severe penalties are recommended for drinking drivers. As early as 1944, the Committee on Uniform Traffic Laws and Ordinances of the National Conference on Street and Highway Safety, in the United States, said that the minimum penalty for a first offender should be ten days imprisonment or a one hundred dollar fine or both.¹ For a second offence, mandatory imprisonment for not less than ninety days, revocation of driver's license, and where indicated a fine as well, are recommended. Actually, many countries, including Canada²

¹ Plaskett, op. cit.
² Chapter Three.
and Sweden,\(^1\) now have even stricter penalties for drunken driving.\(^2\)

Civil liabilities are not strictly speaking a punishment, but they are sometimes important in traffic offences. Victims or their families may sue for damages, and if the violator is not adequately protected by automobile insurance then the results may be ruinous. In Vancouver recently, for example, a young married driver struck and permanently crippled a female pedestrian. The offender had a good income and was protected by \$10,000.00\ public liability coverage, but the victim's damages were assessed by the court at \$48,000.00. The man lost his job, his wife and children have left him, his house has been repossessed, and he is now on skid row. Presumably this sort of thing does not happen often, and no doubt not everyone would deteriorate as distressfully as this poor man. Nevertheless one wonders whether the crippled girl's recompense was so important for her to justify all this.\(^3\)

The severity of the penalties for drunken driving has


\(^{2}\) The writer would agree that even a short gaol sentence deserves to be called "severe". It seems inconsistent, though, that these penalties really are scarcely more harsh than the punishments for being drunk on the street, or vagrancy, and they are less severe than the maximum term for petty theft. If drunken driving is more dangerous than these minor offences, and there would seem to be good reason for thinking it might be, then one wonders whether a crude class discrimination may be operative in these penalties.

\(^{3}\) Plaskett, \textit{op. cit.}\)
been criticized for other reasons too:
(1) They discourage arrests, and therefore make it less likely that the offender will come to the attention of the authorities and receive treatment for his bad habit.
(2) They may sometimes encourage other offences, such as leaving the scene of an accident, by persons wanting to avoid the severe punishments for drunken driving.
(3) They subject the offender to excessive suffering, without conclusive evidence that this does any good. It has been suggested, for example, that the very persons for whom the severe penalties are intended are those for whom normal rewards and punishments have little meaning.
(The argument continues that, with few exceptions, anyone who could be deterred or rehabilitated by a short prison sentence would already have been reformed by the non-institutional procedures.) If these objections are true, then the severe penalties are probably useless if not harmful and self-defeating.
Unfortunately there are no statistics to tell us exactly how traffic offenders respond to imprisonment. One gaol official in British Columbia says that they usually play a "Square John" role in prison, and recidivism rates for this group seem low.\(^1\) If this is true, then perhaps the heavy penalties are effective, although one wonders whether non-institutional treatment might not be equally successful as well as

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\(^1\) Schroeder, op. cit.
more humane. Possibly the treatment used for the more socially-integrated drinkers, such as outpatient clinics, should be considered for this group; or possibly their treatment requirements will resemble those for other "one-time losers", to be discussed below. Until more is known about this kind of prison inmate, however, further discussion of treatment requirements will be highly conjectural.

3. Conventional Criminals

Most people, when they think of criminals, think of the dangerous anti-social people who are typical, really, of only a minority of the persons who are sent to gaols. These are the criminals, however, who arouse the greatest public concern, and it is to them that much of the literature and many of the institutional programs are oriented. They are much more likely than other offenders to get long sentences, and they account for probably less than one-quarter of the short-term prison population. Taken together they make up a mixed group in which there seems to be several quite different types. There have, however, been few attempts to draw together the various studies reported in the literature into a systematic typology of criminal etiology and treatment, and for this reason the Garrity-Gibbons work, mentioned in Chapter Four, is especially valuable. Those of their profiles which are most relevant for our study of short-term imprisonment are quoted herewith:

This material is to be used only as suggestive of some directions criminal typologies might take. It is not
suggested that this material covers all criminal behavior, or that these "types" represent clear types.¹

The Quasi-Professional Property Offender (Profile B₁ - Burglars, Robbers, Larcenists)

Self Conception and Identification ... identifies with a criminal subculture. He sees himself as a criminal and takes some pride in this status. On many occasions, he has pronounced anti-social attitudes, i.e., hostility towards the police, institutional authorities, etc., and expresses a "warrior psychosis" in which he alleges that he is actually a victim of a corrupt society.

Community Background ... comes from lower class, urban background. These are often areas with strong delinquent patterns of culture and the offender is likely to have associated with delinquent gangs.

Family Background ... usually comes from a home background of 'parental neglect' in which the parents fail to exert much control over the subject. In some instances, family tensions are apparent. On occasions, the parents are either involved in criminality or hold anti-social traditions ...

Differential Association ... has usually been a member of a delinquent gang. He has often had numerous contacts with criminals and delinquents in the community and in institutions who provide him with many anti-social norms.

Prior Record ... likely to have had a long record of juvenile offences beginning with petty theft and truancy and later to more serious theft. His record also shows that he has been a failure on probation and in juvenile institutions. This is the career of the person who graduates into serious crime.

Prognosis. Institutional...poor...in terms of treatment. He is likely to play the role of "right guy" and to do "easy time". He is not likely to be involved in trouble in the institution, but is not easily recruited to treatment programs.

Post Release ... poor adjustment. He is likely to commit more crimes and also likely to be arrested. He may show some process of maturation in his forties and then refrain

¹ Gibbons, Don C., and Garrity, Donald Lee, A Preliminary typology of Criminals (1957). Unpublished paper obtained from the authors (at San Francisco State College) on request.
from crime, but this is usually independent of institutional treatment.

Prison Role ... likely to play the role of "right guy" or "real man". That is, this offender is an inmate who is loyal to the inmate code and who does his own time. He is antagonistic toward the institutional staff but refrains from overt assaults upon guards, etc.

Miscellaneous ... looms large in the population of conventional offenders and is of considerable concern to law enforcement and treatment agencies.1

Profile B2 - Auto Thief (Joyrider)

Self Conception and Identification. Identifies with anti-social element of society and has an anti-social conception of self. However, this self-conception and identification is not consistent with the self-conception and identification of the mature criminal.

Community Background... from middle class and lower middle class areas. "Good" residential area but the individual is marginal in the typical social activities of this area.

Family Background. Usually considerable tension among family members. Often considerable hostility between individual and parents. Joyriding is often a response to this situation.

Differential Association. Associates with other anti-social individuals and car thieves which provides him with norms. However, conditions which produce personal instability are equally as important.

Prior Record. Usually not a long record but some difficulty in car theft, drunk, disorderly conduct (fights at school, wild parties, etc.)

Prognosis. 1. Institutional. Poor - unstable and prone to get into difficulties. Institutionalization is most often critical. Here his immature conception of the criminal role and attitudes are revealed to him and great possibility that a mature criminal self-conception and identification will replace it.

2. Post-release. Fair to poor chance of non-criminal adjustment. Time in institution important in determining this.

**Prison Role.** Attempts to be a Right Guy but instability and immaturity prevent him from being accepted as such. With coaching strong possibility of becoming a Right Guy.

**Miscellaneous.** This individual is not a professional car thief. This is not a person who steals cars for profit. (This type is included in B1.) Age is important factor - largely a teen age and early adult form of behavior. A person who feels himself to be the "real" criminal but is not and in an institution will eventually discover it.

**Profile B3 - Forgers (Cheque writers who drink)**

**Self Conception and Identification.** Has non-criminal self-conception and identifies with non-criminal society. Sees himself as person with great number of problems to handle and has well developed rationalizations for his criminal activities.

**Community Background.** Usually from a middle class background.

**Family Background.** Not usually a stable family pattern in parental and marital family. Poor affective relationship with parents. Marital relationships are complicated by the subject's dependent responses.

**Differential Association.** Usually not important.

**Prior Record.** Usually not a long record. Possibly a number of check difficulties which have 1) been handled by family, 2) he made restitution, or 3) was given probation.

**Prognosis.** 1. Institutional. Fair, not a discipline problem. Appears to profit from group therapy.

2. Post-release. Poor, due to personal problems not solved by prison experience.

**Prison Role.** Usually Square John or Politician.

**Miscellaneous.** A dependent personality. This individual discovers check-writing as a solution to personal financial problems when drinking. Needs to get awareness of 1) possible other solutions to problems, 2) awareness
that others have similar problems. Has considerable difficulty communicating with others about personal things. Inability to face problems realistically. An escapist.

Profile C₁ - Personal Offender, one-time Loser

Self Conception and Identification. Non criminal ...

Community Background. Usually from middle and lower class background.

Family Background. Sometimes mild family conflict which provides basis for future assaultive behavior.

Differential Association. Not involved, except in reference to possible class differences re the use of aggressive behavior.

Prior Record. None or misdemeanor record only.

Prognosis. 1. Institutional. Very good custody risk.

Prison Role. Square John.

Miscellaneous. The conventional murderer or assaultist-situational offender who commits crime against a person with whom he is acquainted.

Profile C₂ - "Psychopathic" Assaultist

Self Conception and Identification. Identifies with neither criminal nor non-criminal society - A-social. May have conception of self as "tough guy". Self conception always contains antagoism and rejection of authority.

Community Background. Usually from middle class or lower middle class areas.

Family Background. Usually comes from background in which he fails to get adequate socialization. Usually considerable family conflict. Lack of superego development.

Differential Association. Not particularly important.

Prison Record. Usually long history of rebellion and usually number of arrests for offences against the person - assault, robbery, etc.
Prognosis. 1. Institutional. Poor - likely to be involved in violence, assault, and escape plots.

2. Post-release. Poor - personality traits non conducive to adjustment.

Prison Role. Outlaw.

Miscellaneous. (His) activities are often impulsive acts which are quite serious. A severe problem in terms of discipline and treatment. Lacks ability to develop strong attachments with others.¹

These profiles, and the clinical syntheses described under the headings of "minor offenders" and "traffic violators", do not always correspond to the offender types identified in Chapter Three. But these more descriptive generalizations have greater treatment relevance, and their usefulness should increase with further research.

Some Treatment Considerations

It would be frivolous here to dwell upon any of the easily inferable connexions between the Garrity-Gibbons typology and the methodological alternatives outlined in Chapter Four. The future prospects of these proposals are promising, but nevertheless they are still only tentative and suggestive, and any conclusions save the more obvious would fail to meet the criterion of verifiability. If any generalization is to be drawn from these data, however, it probably should be that for many offenders, imprisonment, whether for long terms or short, will do more harm than good.

¹ Gibbons and Garrity, A Preliminary Typology, etc., op. cit.
Consider, for example, the "one-time loser". This man usually does not need reformation, and he will not be back in gaol anyway. He is not dangerous, but he probably has problems with which he needs help. The question thus becomes, where can he be treated best, inside the institution or without? Probably, in view of the damaging effects universally attributed to incarceration, the answer will in most cases favour non-institutional methods or at best non-penal institutionalization. But this need not always be the case. A recent Danish study claims that "in some cases a short term of imprisonment without further treatment is an adequate penalty for less-hardened offenders." The investigators add, however, that this was true of only 14 out of 126 short-termers in their study. They do not say directly what sorts of people they think might profit from short terms, but some of this can be inferred from their discussion:

Group I. This group consists of prisoners who show no signs of a deep-lying maladjustment and whose social and personal circumstances have not been affected by the conviction and imprisonment to the extent that their prospects for leading a normal life have been substantially reduced. On the contrary, in some of these cases the conviction and punishment appear to have acted as an inducement, albeit a negative one, to lead crime-free lives in the future....

Group II. This group ... comprises prisoners whose resocialization was regarded as necessary and feasible

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1 Berntsen, Karen, and Christiansen, Karl O., "The Resocialization of Short-term Offenders (With Special Reference to the Danish Prison System."
during and after their imprisonment in a fairly large jail having persons on its staff with qualifications equivalent to those of the persons assisting in the present investigation. In these prisoners, criminal behaviour is often the expression of a maladjustment of a more deep-lying or comprehensive nature.

In the classification an essential consideration was that the treatment facilities regarded as necessary for effective resocialization were actually available, e.g., that work, lodging and essential economic assistance could be provided or that family circumstances could, where necessary, be improved.... A further characteristic of this category of prisoners is that a certain awareness of the need to achieve a more socially acceptable, crime-free way of life was already felt by them during their imprisonment or could at any rate be created by treatment in the prison and by contact with the investigators....

This group includes some cases which, as regards awareness of the need for resocialization, represent a rather special category. These are young men who have more or less casually drifted into an asocial way of life through drinking, homosexual prostitution, association with asocial types, crime, etc. This mode of life very quickly lost its attraction for them, but the apparent ease with which one can drift into this sort of existence is matched by the difficulty of breaking away from it again. Their ties with home are broken, they have almost no place to go to and they have become unaccustomed to a regular and industrious way of life. In such cases, arrest, punishment and imprisonment may be felt as a relief, simply because these put an end to a way of life which actually has little attraction for them. They become clearly conscious of their dissatisfaction and begin to feel the need for a fresh start. If the imprisonment is used to strengthen the desire for resocialization and the necessary resources are available, there will in most cases be a good chance that resocialization can be achieved.

In their conclusions, the Danish investigators point out that many people getting short sentences could be better treated by some other means, but they add:

... Let it be clearly understood, however, that the short term of imprisonment is not regarded in itself as an inappropriate form of treatment for an offender.
In certain circumstances, a short-term penalty must be regarded as an adequate and - according to our present knowledge - a reasonable penalty. This view has been confirmed by our investigation which has shown that even a short term of imprisonment in a jail may be used profitably as an occasion both for undertaking a thorough investigation of all phases of a prisoner's life and for initiating social or socio-psychological assistance which can be continued after release.

Consider also the recidivist, either the one who commits mostly property offences for gain, or the "psychopathic" assaultist. Imprisonment by and large has failed to reform either of these types. They cannot be allowed to remain in the community without risk; but on the other hand, should the techniques of rehabilitation be such as to be effective only outside the institutional setting, then the premium for short-run protection will be high. With these people the community must decide how much of a chance it wants to take; but without more research there is little objective knowledge available through which the amount of risk can be known. In this connection, two research findings are suggestive of the directions which future enquiries might follow:

(1) Wolfgang has found that of 621 homicide offenders arrested in Philadelphia between 1948 and 1952, 64 per cent had a previous arrest record, and 48 per cent of those with records had previously committed one or more aggravated assaults. Moreover, 47 per cent of their victims had records, also commonly for serious assaults. (He also reports that two-thirds of those offenders with records had been drinking at the time of their homicide; and offenders with "presence of alcohol" were more
likely than those who had not been drinking, at the time of
their offence, to have had a previous record.) Upon these find-
ings Wolfgang remarks: 1

An individual who commits a serious crime of assault
against the person, such as aggravated assault connotes,
should not be treated lightly. This comment does not
imply that such an offender should be punished severely
according to harsh and classical penological methods,
but it does imply more serious and concentrated concern
regarding the future behavior of such an offender.
Perhaps if more socio-psychological attention, super-
vision, and follow-up by appropriate authorities were
given the person who commits aggravated assault,
assault with intent to kill, or a series of less ser-
ious personal assaults, the rate of criminal homicide
might be further reduced.

Certainly this is an argument for careful pre-sentence study;
but it does not suggest what role, if any, may be played by
imprisonment even for the offenders with high risks of further
serious criminal involvement. In this connexion, however, one
is reminded of the reference to the short-term prison as a
"diagnostic depot". 2

(2) In some of his earlier work Garrity has studied the dif-
ferential effect of length of sentence on various types of
offenders:

Our findings on length of sentence are sometimes incon-
sistent and difficult to evaluate. However, certain
facts stand out in our data. Thus first offenders who
have strong attachments to persons outside the institu-
tion perform best under early paroles, and the longer

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1 Wolfgang, Marvin E., Patterns in Criminal Homicide.

2 Barnes, Harry Elmer, and Teeters, Negley K., New
Horizons in Criminology. Prentice Hall, Inc., Englewood Cliffs,
the sentences the higher the parole violation rates. Conversely, the criminally mature recidivists perform best under relatively longer sentences. Again, the anti-social "right guys" perform best under moderately short sentences when their sentences are served at the reformatory. The same types of prisoner at the penitentiary does better on parole after serving a relatively long sentence. By contrast, the sophisticated "con-man" or "prison politician" does best if released relatively late at the reformatory and relatively early at the prison.

Reasons for these variations in the "optimum sentence" are not yet clear. Perhaps the relative lack of sophistication among reformatory inmates is an important factor. Or there might be important differences in the social structure of the two institutions. That is, the "anti-social" type of offender may have higher status at the reformatory, while the "con-man" or "prison politician" may be dominant at the prison. If so, the processes of socialization or "prisonization" may work to the detriment of the anti-social reformatory inmates and the sophisticated prison inmates. Our guess is that both factors operate to produce the observed results. In any event, it is clear that extensive study is essential if policies concerning duration of confinement are to be based on factual evidence.¹

Garrity, however, also points out "the sentencing structure and effects of sentences need to be analyzed not only by using violation rates but in terms of the economic and social costs involved."² Even in those instances where longer sentences are less likely than short to be followed by parole


failure, it may still be that non-institutional methods are more effective, less costly, and more humane. Prisons can too easily be used as dumping-grounds where unwanted and miserable people can be forgotten, not cured. If our aim in dealing with the offender is really to help him learn to live successfully as a free citizen in a human community, then we should make doubly sure that any schemes purporting to rehabilitate him by banishing him will really accomplish what they claim.
This paper sets out to explore the problems and possible therapeutic values of short-term imprisonment. The question is relevant for modern correctional work, because many more people in Europe and North America today are sentenced to short sentences than to long, even though the practice is almost universally condemned. The question is relevant especially here in Canada because the Fauteux report has recommended that the division of responsibility between federal and provincial governments should be based on length of sentence, with British Columbia and the other provinces retaining responsibility for persons serving six months or less and for probation services.

Considerations of retribution have been largely set aside for the purposes of this study, and deterrence has not been given major attention. The material has been derived mostly from a review of the literature. Serious doubts about the usefulness of short sentences have been entertained throughout, and the findings have to a large degree supported them. The short sentence has few defenders, but there are a few suggestions to be found in the literature concerning possible uses for short terms, and these are reported above (Chapters Four and Five). Since these proposals are all very tentative, it seems
unwarranted to repeat them here. In some ways, indeed, the question of the possible usefulness of short prison terms (for the several offender types discussed in this study) seems rather academic until the more basic question of the value of imprisonment itself has been more satisfactorily answered.

Clearly the most important conclusion arising from this study is that there is a drastic need for more research, to see just what are the effects of short-term imprisonment and the other treatment methods proposed upon men. But in the meantime, several practical problems remain, and the object of this concluding chapter is to address short notes to each of the topics:

(1) Where short sentences are useless, what else can be tried?
(2) Assuming that short-term prisons are not going to be eliminated, how can they best be used?
(3) A reassessment of the Fauteux recommendation for centralization of Canadian correctional services.

The Alternatives

The literature on short-term imprisonment devotes far more space to a consideration of its alternatives than it does to the short sentences themselves. The reader who is interested in the topic is referred to publications of the International Penal and Penitentiary Commission and the United Kingdom

government, and an article by Dr. Hermann Mannheim. We shall restrict ourselves here to a brief commentary.

The most liberal alternative would be that of releasing the offender after only a reprimand, without any formal charge being laid, or at least releasing him without sentence; and this has been recommended by some writers. Fines, however, are probably today more widely used than any other alternative, and they are generally endorsed, provided that every effort is made to prevent imprisonment in default of non-payment. To this end, it is recommended that fines should be proportionate to the means of the offenders, as in Sweden, and that installment payments should be allowed, such as now is the case in Canada. Also, as in Sweden, there should be no automatic penalty for non-payment, but rather the case should be returned to court where the circumstances should be reviewed, with a pre-

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4 For example, the fine upon first conviction for impaired driving is often 50 dagsboter. One dagsboter equals 1/1000th of a person's annual income. The fine is reduced by 2 kroner if the offender is married, and one additional kroner for each child. Myers, Arnie, "Swedish Traffic Tough". Vancouver Sun, February 10, 1960, pp. 1-2.

The fine is a punitive measure, and sometimes is used alone with no attempt at providing other treatment, and this is often true also of the interdiction. An interdiction is essentially the deprivation of some right of citizenship, for example, a curfew, suspension of a driver's license, or a restraint against visiting a certain home or entering a place where liquor is sold. Except for its use with traffic violators and parolees, this practice is probably more common in certain European countries than in North America, but even in Europe, its proponents generally stress that it should be used only after careful individualized case study.

Another practice not found in North America is the system of forced labour without other deprivation of liberty which has been used in Soviet Russia in place of sentences of less than one year.\footnote{Mannheim, Hermann, \textit{The Dilemma of Penal Reform}. George Allen and Unwin Ltd., London, 1939, pp. 131-5. See also Dallin, David J., and Nicolaevsky, Boris I., \textit{Forced Labor in Soviet Russia}. Yale University Press, New Haven, 1947.} In some instances special workshops were provided for these offenders; in other cases they worked in ordinary factories side by side with unsentenced men. Before 1928, they received almost full pay for their labours, but since then there has been scarcely any remuneration. It has been suggested that some variant of this system might be useful in other countries for some persons who are unable to pay fines.
The methods which we have described so far are punishments, and they may be expected to be effective with people who have a concept of right and wrong consistent with that of the law enforcement officers, and who have a normal capacity to respond to punishment and assume responsibility for their actions. Of these provisions, Dr. P. A. H. Baan, a noted Dutch forensic psychiatrist, has said:

I am very much impressed when I see that the mere existence of the judges, the police, the prison system, etc., is enough to keep eighty-five per cent of the population out of the hands of the judge. ... Something like ten or twelve per cent of the population of civilized countries come once before a judge, and the modern judge is not too quick to put such a man into prison. He scolds him, or he is very nice with him, or he fines him, or he gives him a conditional sentence. Many never come back after this one appearance. ... They have taken too much risk and they are warned and the warning is enough.¹

Later in the same article Dr. Baan says, "Normal people do not need prisons. They are punished enough by detection, warning, and the conditional sentence." There are some people, however, who do not respond to these ordinary punishments, and this group, Dr. Baan says, cannot be treated by normal means:

... In Holland three groups are identified by the courts. The ordinary responsible man is punished on the basis of the classical philosophy of guilt. This man should have avoided the criminal act but he did not. He knew the difference between right and wrong; he is caught, he is punished. ... at the other extreme are the mentally ill, the insane. A man in this group is not put in prison, but is sent by the judge to a mental hospital for as long as he needs to be there. ... another group ... called the diminished responsible ... consist of people whom the judge thinks are not insane but not responsible

either, because they are not normal human beings. They cannot be sent to prison; they cannot be sent to mental hospitals; but there are special institutions in our country (some eight, nine or ten in number) where these people are sent by the judge.¹

These "diminished responsibles," Dr. Baan says, account for less than one per cent of the total population. But because they cannot respond to punishment in the normal way, these people are not amenable to classical procedures of criminal reformation. Rather, these men need a different kind of help.

It is of course not possible to know how many of these "diminished responsibles" might have been helped by more comprehensive preventive services. Certainly in a community with well developed social welfare programs, many of these troubled people might have been identified and treated long before their problems brought them into conflict with the law enforcement agencies. Of particular importance with regard to this field of prevention may well be those agencies which are set up to deal with the problem of alcoholism. Alcohol is not a factor in all crime, of course. But when one surveys the literature which has been written on the subject, he cannot help but be impressed by the major role which alcohol so often seems to play. When traffic violations are not counted, offences against the liquor laws - usually intoxication - account for more than half of all the known "crimes" in many coun-

¹ Baan, op. cit., pp. 36-47. Part of Dr. Baan's description of one of these institutions will be quoted later in this chapter.
tries. Moreover, drinking leads to the commission of many other crimes. As the Santa Rita Rehabilitation Centre claims, "Each recovered and improved alcoholic represents not only a salvaged human being but effective crime prevention as well..." But a community preventive program should not limit itself only to an attack on alcoholism. Both crime and alcoholism have more profound origins, and a thoroughgoing approach will involve all those services which are conducive to good mental health. Moreover, alcoholism and crime often bring with them a host of other problems, and what Marriage has said about the homeless man is not without relevance for many other potential violators:

... The homeless man lacks the diverse satisfactions, sexual, proprietary, moral, associated with having a wife and children, the consolations of family rite and routine, the invitation to effort implicit in having something to be effortful about, and the support and the control inherent in the approbation and the censure of neighbours and colleagues....

Alcoholism is only one of the features of the total situation of social inadequacy which a man such as this finds himself in. It seems to me, therefore, that a truly thorough-going and imaginative approach to his problems will envisage the establishment or, where appropriate, the expansion of facilities which are not exclusively geared to his problem drinking but are instead addressed equally to his disturbed family relationships, his low vocational skills, his deteriorated


2 Ibid., pp. 214-6.

physical health, his social isolation (both external and internal), and the impermanency and fragility of his circumstances. The ways in which this could be implemented, or, to speak more cautiously, attempted, are numerous, ...1

Even with an effective community preventive program, however, it is likely that many "diminished responsibles" will still appear in court. Not only is it possible that some problems may remain unknown until they break out in some act of violence (the reader is reminded in this connection of the finding that most alcoholics are "hidden" in the general population — see Chapter Five),2 but it must also be considered that, at the present stage of our helping skills, some people will not accept treatment voluntarily. In time social work and its allied professions may find ways of overcoming both these problems, but meanwhile the challenge remains of dealing with the "diminished responsibles" in a correctional setting.

The appropriate form of help for many of these people may well remain what in Britain is known as "the social services of the courts"3 — probation. It must be stressed, however, that


2 Not only would it appear that the majority of alcoholics, and perhaps also the majority of criminals, are "hidden" in the sense that they are not characterized by obvious anomalous social characteristics, but they are unknown also because they usually do not voluntarily seek treatment.

probation will achieve only minimal results if it is conceived only in the negative, controlling or supervisory sense. Probation to be effective must become an individualized helping service staffed by trained social workers, and it must be part of a network of interlocking and coordinated community welfare services, including provisions for financial assistance, medical care, even institutional care where required, social and recreational programs, training and employment services. Probation is most commonly used with first offenders, but there would seem to be good reason to think it might be useful with many recidivists too.

In Canada in 1956, there were as many prison commitments as suspended sentences, and probation was given with only about half of the suspended sentences.\(^1\) It is hard to believe that such a large proportion of convicted offenders need institutionalization. In this connection, one recent study concluded,

... there is a case for the expansion of present probation facilities in British Columbia and in Canada as a whole. Caution must be exercised, however, that the expansion in quantity of cases handled does not occur at the expense of the quality of the service offered.\(^2\)

\(^1\) Canada, Statistics of Criminal and Other Offences, 1956. Dominion Bureau of Statistics (Health and Welfare Division, Judicial Section) and the Queen's Printer, Ottawa, 1958, pp. 10 and 13.

For some, however, such outpatient services are not considered adequate. Rather, for drunkenness offenders and many other misdemeanants, non-custodial institutional care is sometimes recommended. Thus, Myrl Alexander, Assistant Director of the United States Bureau of Prisons, says:

A drunk floundering about on the street and endangering his own life and creating a nuisance for others must, of course, be removed. Usually, the immediate removal must continue to be to the lockup or precinct station. ... commitment ... should be to a treatment center or farm... for an indeterminate time with wide latitude for treatment, psychotherapy, vocational and economic rehabilitation, and trial release periods. ... cooperation between... social agencies... will be required. The cost can scarcely be more than the present... merry-go-round.... Treatment of the alcoholic in facilities designed to meet his peculiar deep seated problems will remove 50 per cent of today's population from American jails.¹

Similarly, the John Howard Society of British Columbia, in their Annual Report for 1958, say:

Hundreds of persons are committed repeatedly to our prisons as "drunks". No one claims that the use of prison, with its restricted activity and its necessary emphasis on security, for these people serves any good purpose. The establishment of an alcoholic farm or some equivalent is long overdue.²

And the Special Study Commission on Correctional Facilities and Services in California says:

Jailers, together with the courts, law enforcement agencies, probation departments, and the state correctional agencies should study systematically the problem of the jail as a 'dumping ground' for individuals who become community problems. Wherever possible, disposi-


tion procedures more appropriate to the nature of the problem should be worked out. In some cases — the inebriate, for example — proper disposition may be within the jail system, but on a farm with a rehabilitation program rather than in the central jail.

... The farm should be regarded as the logical holding place of practically all sentenced county jail inmates unless they are employed out of the central jail on the work-furlough plan.

Work should be considered as only one of the functions of the jail farm or camp. Education, counseling, therapy and other programs should be considered as equally important functions of the facility.¹

The work camps and farms which are so often advocated at least avoid the serious defects which have generally been attributed to maximum security institutions:

Maybe a work camp would be of no greater benefit, but it certainly would do as much as good as a jail cell and it should be a great deal less expensive to the taxpayers and a good deal more tolerable to the people involved.²

However, it is doubtful whether they are in all cases the best alternatives:

... The advantages of a rural location seem to be lower original costs, more space, less complaint by neighbouring property owners, the absence of taverns or other outlets for liquor in the immediate vicinity, greater ease of future expansion, wider possibilities for activities, especially in the summer months, fewer visitors, and the absence of noise and city dirt. The disadvantages of the rural location include the necessity of transporting patients, the difficulty of obtaining either resident or daily visiting personnel of professional status, the


practical impossibility of the client looking for a job before leaving the center, the difficulty of utilizing community resources such as Alcoholics Anonymous or social agencies, and the complete loss of contact with the institution and its personnel after the residential period.1

The present writer can see at least two serious defects to such institutions:

(1) They serve to isolate most clients from the normal community, to which they must eventually return, almost as effectively as do the custodial facilities which they replace.

(2) There is no conclusive evidence that they have achieved any greater degree of success than have the outpatient facilities, which they purport to supplement. 2 If agencies such as the Mayor's Rehabilitation Committee out-patient counseling centre in Detroit3 can achieve as good results without depriving these men of their liberty, then it is hard to justify the prison camps and farms on the basis of treatment considerations above.

We have yet to consider the alternative of urban institutional care. Before discussing the feasibility of short-term treatment in such facilities, however, there is one other proposal which should be examined. This is the view that many habitual minor offenders should be sentenced to longer terms,

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3 See Chapter Five.
or, alternately, that all sentences should be of indefinite duration, with release when the offender is "cured". Thus, the American Parole Association, as early as 1933, said that the following should be taken into account in determining when a man should be released from prison:

Has the institution accomplished all that it can for him; is the offender's state of mind and attitude toward his own difficulties and problems such that further residence will be harmful or beneficial; does a suitable environment await him on the outside; can the beneficial effect already accomplished be retained if he is held longer to allow a more suitable environment to be developed?¹

One writer states that young offenders (below age 21 or 23), the mentally deficient, habitual offenders, and vagrants and drunkards

... are nearly everywhere subjected to treatment of indefinite duration since the practice in most countries is that they either serve indeterminate sentences of imprisonment or undergo non-penal treatment. The wider the application of these various modes of individualized treatment, the narrower will be the scope of short-term imprisonment.²

A modified version of this practice is found at the Santa Rita Rehabilitation Center, in Alameda County, California.³ There, thousands of alcoholics have been treated under a uniform sentence of 180 days plus two years probation. The policy is such


that a man who has made rapid progress under treatment may be released before the 180 days are up, whereas a man who refuses treatment may be kept off the streets for the full two and a half years.

There are serious dangers inherent in such an approach, however, for it may permit people to be subject to a degree of punishment, under the guise of treatment, far out of line with any consideration of the seriousness of their offences. For example, Marriage has said of the proposals for long-term compulsory treatment of alcoholics:

It would not be hard to find people who were convinced that the unredeemable or incorrigible social misfit should be deprived of certain of the rights of self-determination which he has so palpably abused. Those who hold this opinion would urge that the confirmed recidivist (be he sexual offender or an alcoholic) or the chronically unemployable should be incarcerated or institutionalized, in their own as well as the public interest. Probably the least they would claim is that where penal sanctions exist, the typical sentences should be increased in order to prevent the pathological drinker from killing himself with the expedition and efficiency with which he would otherwise do it. It is a winning and plausible view and one which I suspect will gain wider favour in course of time, but it is also one which raises exceedingly complex issues of morals and legality, issues far too involved and far too important to be discussed effectively here. It is worth noting however that the problem does lurk behind this question of non-treatability, and those who work in this field would be advised to brace themselves for encounter with a dilemma.

... As I have suggested above, we shall probably not want for advocates of some system of long term institutionalization for these men, if only as part of the current anti-litter campaign. Personally, I feel the greatest diffidence in making any such suggestion. Apart from the fact that drunkenness is still, in any sane view of the dimensions of sin, an essentially
trivial offence calling, I should have thought, for essentially trivial punishment, one hesitates to recommend any contraction of accustomed liberties. These things have an insidious habit of ending a long way from the point at which they started, and what began with drunks may pass on to the lazy, take in the adulterous and finish (if it does) with the politically dissident. Rather than this or even the danger of it one would choose to resign oneself to continuing to put up with the sight of a few unwashed and unsteady citizens.¹

The legal safeguards to individual freedom, which have been hard won by civilized man through the course of many centuries, should not be lightly set aside in the name of as yet unproven treatment theories.

The Existing Facilities

We said at the outset that we could not undertake, in the time available, to examine the question whether short sentences might not be useful for groups other than those who now get them, for example the long-terms. But really this subject is hard to avoid, since there seems to be no systematic differentiation between the long termers and the short termers. On the whole, it is true, persons getting the severer penalties are usually "conventional criminals", rather than minor offenders. But even those persons who commit violent anti-social acts are as likely to get short sentences as long.² It may be, of course, that some kinds of offenders will tend to do better under longer sentences, and others under short - in fact, a

² Chapter Three.
study by Garrity suggests that this may be so. But Garrity’s data are very tentative, and even he points out that "the sentencing structure and effects of sentence need to be analyzed not only by using violation rates but in terms of the economic and social costs involved." Garrity’s study, moreover, was limited to Washington State correctional institutions, and it is important to remember that under different kinds of institutional programs, far different results might be obtained. Experience in some military correctional programs, for example, both in the United States and England, seems to indicate that when certain kinds of intensive treatment are given to men serving short sentences, the results are as good or better than those achieved by most long term institutions. There is not room here for an analysis of all the methods used in these special military units, but they would seem to be similar to some of the approaches described above in Chapter Four; and persons charged with the administration of short-term prisons would do well to examine these programs in some detail.

Short-term imprisonment is today predominant among

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the penal measures partly as a result of endeavours to make the administration of criminal justice more humane,¹ and it is in some ways paradoxical that longer terms are so often sought. It is claimed that longer periods are needed for vocational and character training, but experiences such as those cited above (the military experiments) suggest that sometimes we tend to exaggerate the length of incarceration needed to achieve these ends. Long-term imprisonment surely has unfavourable consequences just as often as does short term; and one would think that, other things being equal, the shorter the sentence, the less damage will be done. Moreover, there should be no reason why treatment begun in the institution should not be continued outside following release.

If there is any one clear thing which this study seems to show, it is that there is no obvious difference either in practice or in theory between the kinds of men who get short sentences and those who get longer ones. Nor is there much consensus - if indeed there is any opinion at all - as to how short-term institutions should differ from others. For that matter, it is hard to find any logical justification for the setting up of an arbitrary distinction between short sentences and long, and using such a division as the jurisdictional star-

¹ Andenaes, op. cit.
ting point for the construction of separate penal systems.¹

The majority view, if there is one, is probably (a) there should be no differentiation between short-term prisons and long; but rather (b) treatment should in all cases be individualized, (c) no one should be kept in prison longer than is necessary, but should be released (on parole if desired) as soon as feasible, and (d) in any case, no one should be kept in prison longer than is just, considering the seriousness of his offence. (If he is still disturbed and dangerous, such that he cannot be returned to the community, any further institutionalization should be in a hospital rather than a prison.) For these reasons, the remarks which follow will not be limited solely to a consideration of short-term imprisonment, but will be devoted rather to a discussion of the alternative of incarceration generally. Remarks on the appropriate role of short sentences, where they appear relevant, will be added. But until more study is done, it would be meaningless to address a long dissertation to the usefulness of the short-term prison itself.

Institutional care is generally not recommended when out-patient measures will suffice, not only because institutional care is costly but also because it may encourage social isolation and dependency. Furthermore, non-custodial or voluntary institutions are generally considered desirable for any

¹ It might of course be argued that it is unfair for persons with extremely long sentences to have to serve their time side by side with short-termers, but the system proposed will do nothing to improve this situation.
clientele who will use them, since healthy personal growth and change cannot be fostered without the participation of the client.

But when all this is said, it is still true that large numbers of homeless, transient and homeless men will continue to fall foul of the law and find their way to prison.... When this happens we need to fortify ourselves with a precept from the pen of that wise and witty modern sage Walt Kelley, namely, that "It is never too late to start so long as you do." In other...words, we need to remind ourselves that the line of therapeutic endeavor should run through any boundaries of institutional context and administrative action. A prison is a place where a man suffers a certain abridgement of his civic rights; it is not a place where he forfeits his status as a human being. Nor is there any known point in our lives where it can confidently be said that personal improvement has become either unnecessary or impossible.1

Even within the more conventional prison settings, there are treatment possibilities:

In general, it does not appear to be open to question that much may be done for the derelict alcoholic even in the bleak and therapeutically unpromising setting of a prison. Enough evidence has been brought together in the foregoing material, inconclusive as some of it is, to show that where there is the right combination of amenities, good will, skilled staff, careful screening and adequate follow-up and after-care facilities, substantial numbers of these men can be "reached", and of those who can be made accessible to help, a variable but significant proportion can be rehabilitated.2

"There are good jails and their number is rapidly increasing," says Myrl Alexander. "Men and methods make the difference."3 Unfortunately, however, it is equally certain that

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2 Ibid., p. 157.
3 Alexander, op. cit., p. 6.
there are many bad gaols (see Chapter Two), and Mr. Alexander's own employer says:

The county jail is not equipped to meet the treatment and training needs of offenders, and sporadic efforts to up-grade jails to meet these needs seem foredoomed to failure. This is not to say that efforts to improve jail conditions should not be continued, for these institutions are needed for other purposes. However, the prospects of developing effective rehabilitation programs for jails are dim in view of the inherent limitations already discussed.

Fortunately, not all authorities share this gloomy outlook, but the dangers of short-term imprisonment are hard to guard against. Before any gaol program can be truly constructive, two basic conditions must be met.

1. The gaol must have a defined function in the community's system of correctional and welfare services. No prison can do a good job if the community allows it to be used as a dumping ground for people whom they would rather forget than help. No person should be sent to gaol except for a clearly specified reason, which should have to do with either (a) protecting the offender himself, or the community, from serious harm, or (b) the provision of a specific therapy which is not available outside the prison setting. In many cases there is no evidence that prison treatment is superior to out-patient care, nor even

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1 Bennett, James V., *Short-term Imprisonment*. Unpublished paper prepared for the United Nations and obtained from the author on request. The limitations Mr. Bennett refers to are essentially those mentioned in Chapter Two.
that imprisonment is better than no treatment at all.¹ There is little justification in such instances for imposing heavy penalties such as gaol sentences upon minor offenders (or, for that matter, most other criminals). As Magistrate Scott has said, the total cost to the community of all the crimes which such persons might commit will be much less than the expense of sending them to gaol.²

(2) The gaol must be humane. At the present state of our treatment knowledge, there may well be many people committed to gaol whom we will be unable to help. But this is no reason for subjecting them to punishment beyond what is necessary for the protection of the community. Furthermore, of course, no program of treatment can be expected to succeed in a correctional institution where this primary requisit is not met. It should also be stressed that humanitarianism does not end with good food and medical care. It must also take into account the need of every individual to have opportunity for constructive activity (idleness is one of the persistent problems in the gaols), the need for social relationships, and the right to be treated with that respect and decency which is due every human being.

¹ The recidivism statistics should be ample proof of this, especially for "revolving door" clientele. Gibbons, Henheffer, and Raison, op. cit., say that the success rates claimed by the various alcoholism treatment programs operated in correctional institutions are on the whole no better than those claimed by non-correctional programs.

At a time when correctional problems are growing more rapidly than the population, it is clearly unwise to maintain jails which intensify the inmate's resentment against society and its representatives, which aggravate his personal problems, and which diminish his ability to make a successful adjustment upon return to the community. 1

If the above conditions could be met, and if the non-institutional alternatives were more readily available, one might expect a considerable reduction in the overcrowded conditions of the gaols, and it would then be possible to carry on a variety of treatment programs in these correctional institutions. 2 Such activities would generally not call for the construction of new facilities - for most offenders the physical accommodation (assuming it meets minimum standards) will be in no wise as consequential as will be the legislative mandate, the staff, and the program. 3 Moreover, the treatment should not by any means follow any rigid pattern. In California, "The case studies of these jails suggests that effective work with prisoners does not necessarily demand large physical plants, highly specialized staff personnel, and carefully planned training and treatment programs. There may be several effective program types, the smaller ones relying more heavily on informality, personal acquaintance with the inmate as a member of the commu-


2 I do not mean to imply that treatment is not now being attempted in our gaols - see Chapter One.

3 Marriage, op. cit., pp. 159-160. See also California, op. cit., passim.
nity, and similar factors, ..." Indeed, many modern authorities seem to favour smaller institutions because of the impersonality and difficulty in establishing treatment relationships, as well as problems of supervision, in larger establishments. In any case,

A systematic classification program should be established in all jails with sentenced populations of 30 or more inmates. Professional case counselors should play a part in every jail program. County jails should establish comprehensive plans for release, including individualization of release procedures, adequate preparation for release, and where appropriate, effective supervision after release. An employment-finding service should be added to jail staffs to provide individual and group services to men who are preparing to leave custody.

Treatment programs for alcoholics, such as those at the Santa Rita Rehabilitation Centre, and the Alex G. Brown Memorial Clinic (Ontario), should be instituted in many gaols. Greater use should be made of part-time institutions. (A brief outline of treatment methods can be found in Chapter Four, and

1 California, op. cit., p. 41.
2 See for example, Baan, op. cit.
3 California, op. cit., p. 15.
4 Alameda County, op. cit.
5 Descriptions of these and many other programs for the treatment of homeless alcoholics are to be found in Marriage, op. cit., chapt. 4.
will not be repeated here. Concerning alcoholics, the interested reader is referred to the programs mentioned above, and Professor Marriage’s study. There is, of course, a great need for more research on treatment of criminals.)

None of these recommendations, however, should be taken as contravening the great need for flexibility and experimentation. For example, not all inmates need full-time institutional care, and certainly not all inmates need to be isolated from the community. For some of these men, there would seem to be no reason why existing facilities like Oakalla Prison Farm could not become treatment centres where they would receive their initial treatment as in-patients, continue treatment through the gradual release stages, and come back for out-patient help following their return to the community. It may well be that some clients who are unable to accept help voluntarily will have to have their initial treatment experiences in the prison. But certainly many of these people, once started, will be able to continue therapy themselves following release. For example, at the Santa Rita Rehabilitation Center, there are some alcoholics

... who still have some family ties and are more or less established in the community. Being sentenced to a term in custody often brings the people of this group to a realization of the seriousness of their illness.

It is commonly recognized that few alcoholics ever recover because of one specific treatment by one doctor or organization; they accumulate their treatment experiences from a diversity of services. But
the initial treatment experiences may determine the ultimate recovery. Getting a man to take this positive if faltering step is what counts.¹

There is today a popular trend towards segregation in correctional institutions. Men are separated from women; young people are kept apart from old "cons" (who might well potentially be their best teachers that "crime does not pay"). It would not be relevant here to debate this practice, but there is perhaps one form of segregation which should be mentioned. It seems unfortunate, to say the least, that all of the men at Oakalla must be subjected to a considerable loss of self-direction and social contact simply because a few of them might be dangerous. For a substantial number of the men at Oakalla, locked doors and armed guards are an unjustifiable absurdity.² Since the major barrier to effective treatment relationships in the prison setting would seem to arise from the custodial nature of these institutions,³ there is probably much to be said for the view that dangerous people should be segregated in maximum-security establishments, while other offenders needing institutionalization should be sentenced to non-custodial facilities. (Still, if only limited funds are available, this should not be used as an argument for new buildings. The money would be better spent on staff and program.

¹ Alameda County, op. cit., their italics.
² Marriage, op. cit., pp. 40 and 159.
The custodial atmosphere would soon disappear from Oakalla if doors were left unlocked and guards threw away their guns.)

In New York, it was found that many men from skid row could not or would not voluntarily use the Hart Island treatment facilities, but when brought into court and given the choice of either going to Hart Island - for however short a period of time they might wish - or going to gaol, many of these men not only went to Hart Island but apparently benefited from its program.\(^1\) The New York services include a "Social Court for Men" which deals with skid row problems exclusively. In this special court an effort is made to preserve the dignity of its clientele and to give every case the individual attention which it merits, rather than dealing with drunks and vagrants in the facetious, punitive, officious manner characteristic of most police courts when the homeless men are brought in.\(^2\) The New York experience, and the results of "aggressive casework" with other types of clients,\(^3\) have demonstrated that when a willingness to take positive action on behalf of a client is combined with respect for his dignity and skill in giving help, many even "hard-core" cases can be reached. There are dangers inherent in such an approach, for it might easily lead


\(^2\) Loc. cit.

to infringements upon personal liberty. There is not space here to debate all of the issues involved, but these examples are cited because they are suggestive of a positive and creative role which correctional agencies, including prisons, may play in the solution of some social problems.

The prison has a unique role to play in treating the client who is too fearful or emotionally withdrawn to be able to accept help voluntarily. No where else can the environment be so effectively controlled for the benefit of distressed people. And this can of course be true of the short-term institutions as well as the long: - Indeed, it is to be hoped that as treatment skills and knowledge increases, the length of time required for institutional care will lessen. (Psychiatrists, for example, are finding that many psychotherapeutic abbreviations are now possible, as methodology and goals are becoming more clearly defined.) Unfortunately, it is still all too often the case that gaols are used only as holding units, - or worse. There is still much confusion in the rationales behind use of the alternatives to imprisonment. But this need not always be the case. Under imaginative and qualified leadership, the correctional institution - call it that, if you will - can truly become a "therapeutic community". What this may mean can be much better expressed by Dr. Baan and by Dr. Maxwell Jones than by me.¹

¹ Baan, op. cit. The quotation from Dr. Jones which is quoted by Dr. Baan is taken from "The Psychopath and the Mental Health Bill," Lancet, March, 1959. See also Jones,
... Normal people do not need prisons. They are punished enough by detection, warning, and the conditional sentence.

The group we must consider then are the diminished responsible, but do we have to have prisons for this group? The word prisons comes from "prendre" and I saw this morning in the dictionary that this word means to catch, seize, take hold of, grab, snatch, clutch. Then I ask, who are we to grasp and clutch: these are our fellow beings. In perhaps more than ninety per cent of the cases it is better to open your arms. We have to meet these people who are on the other side - these criminals - not by clutching, grasping, seizing, catching, but by working with them in a community, a kind of psychotherapeutic community. Therefore, I do not think we need prisons; we need small communities.

This is what I think is so wrong; that these people who have to learn to be responsible, who have to learn to be active with others, do not have the opportunity to be responsible in prisons.

"It must be remembered", Dr. Jones writes, "that the basic problem in psychopathy appears to centre around difficulties in social relationships. The patients in most cases feel isolated and suspicious, fearful of a society which they see as punitive and rejective, not without reason. Somehow they have to be helped to look at their behaviour and become aware, at least in part, of their motivations. Even more important they must be helped to feel secure enough to express their feelings in groups and to feel identified with a unit. This often leads to an awareness of their social attitudes and a comparison with those held by the majority of staff and patients. In this way, they can be helped to modify their attitudes. The social obligation of the unit affords many and varied role-playing opportunities and patients may come to experience social responsibility in a way new to them. The full participation of the patient population themselves is essential. Patients must be faced by the effects of their behaviour on other people and helped to see what they have done. They are more attentive and receptive to their fears than to authority figures and we have found that daily community meetings with all patients and staff present help to bring the patients into active treatment, not only in relation to themselves, but in relation to their peers."

In the Van der Hoeven Clinic, Dr. Baan has found:

One of the symptoms that seemed opposed to treatment was that these people said they did not want to be treated. This is a very interesting thing because they really do want to be treated. ...It is a symptom because they badly need treatment. They know it and they feel it. They have ruined their own lives; they have ruined the lives of their families; they have lost all respect for themselves and the respect of their neighbours. They want badly to be treated but they are anxious and afraid and that is most impressive - their anxiousness and their fear. This is revealed when we treat these people, when we take off the scab.

We have escapes, of course we have escapes, and we have to discuss them with the judges, with the press, with the Minister of Justice, with public opinion. But we have to face this risk, for we have a choice between this and being academic and saying that these people cannot be treated because they are constitutional psychopaths.

... By dealing with these people as we now do, we make them more dangerous for the community, we make them recidivists. We need small communities and then, not assuming that we have found the full answer, we consider these small communities as laboratories for experimentation. I know the public want to have quick results but conclusions cannot be reached too quickly. We have to work as somatic medicine works. ...

The point is that a staff of twelve doctors working with one patient is accepted as necessary for medical research, but when we in corrections say we need such money, and staff, people begin to laugh. If we request a ratio of one staff member to four patients, they say we are mad, and if we suggest one for every two patients, they say we should go to prison ourselves. The sad thing is that we accept this attitude. ...

This is an enormous problem but I think if we can convince our governments to look at criminals sensibly, to see that we need no prisons but that we do need to segregate (of course there are criminals that you cannot have in society), the need to close some prisons, the need to learn from each other, the need to educate public opinion, and to accept responsibility for this disturbed less than one per cent, we will be on the right track.  

1 Baan, op. cit.
The Fauteux Recommendation

Thus far this study has failed to produce evidence supporting the proposal for the establishment of separate correctional systems for short and long-term inmates. Moreover, it has been argued that often the short-term prisons are among the least progressive of correctional agencies.¹ In the opinion of the present writer, however, there is yet another consideration on the basis of which the recommendation for centralization of long-term prisons should be questioned.

These concluding remarks are not here presented as anything more than personal views, since they introduce many more problems than have been encompassed within the scope of the present study. I shall accordingly make no attempt to document them here, although I suspect that support for some of my statements can be found in the literature of community organization.

My contention is, that unless there are good reasons to the contrary, local administration will be preferable to centralization in the operation of any public service. My reasons for this view are as follows.

(1) The community context of social therapy. People with social problems, whatever the category of distress within which they fall, are usually people with problems in interpersonal relationships. (This is not to deny that physical reality may

¹ Chapter Two.
be a sufficient cause for human need; but in civilized countries there will be few personal dilemmas in which the social component is entirely lacking.) Treatment in all such cases must be related to the human context within which the problem exists and to which the client must eventually achieve at least a minimal accommodation. To this end, therapeutic goals are usually best served where the client can remain in his home community, or, if isolation is essential, where maximal community and family contacts can still be maintained.

(2) The community's responsibility for its social problems. Community participation in social problem-solving activity subserves not only the goals of individual therapy but the common welfare as well. It is easy to send unwanted people away to institutions and then forget about (or caricature) them. But troubled people are usually the visible indicators of more complex interpersonal problems; and before any real social progress can be made, some person or persons in the community will have to take an honest look to see what these dilemmas really are, and accept the obligation for doing something about them. The responsibility and the right thus to participate in the solutions of one's problems is one of the basic requisites and rights of democratic life.

(3) The community's participation grows more difficult as administrative responsibility becomes more remote. Our society has not yet found ways to realize the full promise of democracy as effectively in the large federal community as in the small
local constituency. It is easier for people to know something of, and exercise some degree of real responsibility for, locally operated as compared with nationwide enterprises.

(4) The necessary resources, leadership and flexibility can best be provided through a system of federal government grants-in-aid to local and provincial authorities. In a field where there are as many unknown variables as there are in correctional practice today, experimentation, flexibility and new ideas are of the utmost importance. The federal government, moreover, has a real responsibility in this area, not limited to dispensing financial aid and setting standards for gaols and after-care agencies. A leadership in ideas is called for, and the Canadian government should hire a staff of expert consultants whose jobs should be to help municipal and provincial authorities improve their local practices. Unfortunately, it would appear to be desirable to add a condition to this recommendation, that if such experts are to have qualifications beyond army provost corps experience, it will probably be necessary to recruit them from other countries.

It is often argued that from the standpoint of costs, something more needs to be done for the countless troubled but often not very dangerous people who are annually sent to gaol. In the view of the present writer, however, such considerations are unwarranted, except perhaps in times of severe economic

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1 This idea, of course, is not original with me. I am indebted for it especially to Professor John V. Formatero of the School of Social Work at the University of British Columbia.
crises, for they serve rather to becloud than to clarify our basic values. It should be enough merely to say that from a humane point of view, we must do better.
BIBLIOGRAPHY

Bibliographic materials are herein grouped according to their usefulness in the preparation of this thesis. There is no intention to imply that their values are limited to the categories under which they are here listed. The classification, intended for convenience of reference only, is as follows.

1. General references.
2. Corrections in Canada.
3. Understanding the offender: Etiology and diagnosis.
4. Homelessness, drunkenness, and impaired driving.

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