Reducing Ontario's Provincial Carceral Footprint through Correctional Reform

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The values of safety, respect, dignity, and legality are integral to the delivery of correctional services. When paired with principles such as restraint in the use of state authority and a default to the least restrictive measure, the outcome is safe, effective correctional practice. Correctional institutions control the most basic aspects of an individual's life and as a result, they have the power to directly and dramatically impact one's dignity and human rights. Incarceration must be used as a measure of last resort, and once in custody, every new admission must be subject to individualized assessment so that custody is managed with a focus on the earliest possible safe return to the community.

Ontario, Canada's most populous province, has committed to major reform and renewal of its adult provincial correctional system. As a precursor to reform, Ontario created the Independent Review of Ontario Corrections (IROC), with a mandate to inform the coming transformation with evidence-based recommendations.

This paper provides readers with an overview of select recommendations made by IROC. While not exhaustive, areas examined include, the use of gradual release mechanisms such temporary absences, provincial parole provisions and, current attempts at strengthening community supports in Ontario as well as the need to better support Indigenous peoples who have come in contact with the criminal justice system.

The Independent Review of Ontario Corrections

The Independent Review of Ontario Corrections (IROC) provides arm's length advice and recommendations on reforming Ontario's adult correctional system. Established in 2017, IROC was tasked with identifying opportunities for correctional reform by closely examining both the use of segregation in Ontario and broader correctional practices in need of transformation. The activities of IROC are independent of government and have played a significant role in the design for reforming Ontario's correctional system.

IROC has publically released three reports emphasizing the values of safety, respect, dignity and legality and has provided written advice that assisted in the legislative drafting process leading to the new *Correctional Service and Reintegration Act, 2018*. Combined, the three published IROC reports contained a total of 125 recommendations to enhance effective and evidence-based correctional practice in Ontario.

The work of IROC is guided by several foundational principles. First, the values of respect, dignity and legality must lead and infuse all correctional operations and practices. In keeping with the spirit of the United Nations Standard Minimum Rules for the Treatment of Prisoners, IROC recommendations are based upon the following core beliefs:

- Incarceration is to be used as a last resort, only when all other options are exhausted;
- Inmates retain all the rights of free persons, other than those necessarily removed by the fact of confinement;
- Correctional practice is governed by a legal framework that empowers the state to only interfere with the life and liberty of the incarcerated to the minimum extent necessary.
- The rule of law follows an individual into custody; legality does not stop at the prison gate.
- As part of the commitment to legality, correctional authorities must be governed by a clear rights-based legal and policy framework and embrace transparency, oversight and accountability.

In March 2017, IROC publicly released *Segregation in Ontario.* This report presented 63 highly interdependent recommendations, 41 calling for immediate action and 22 long-term. These recommendations are intended to safely reduce the use of segregation, improve conditions of confinement of segregated prisoners, and enhance accountability and oversight of the segregation process. The recommendations cover a range of issues, including:

- The need for a new legal and policy framework;
- Improved procedural safeguards, transparency and oversight including the introduction of an Inspector General for corrections;
- Elimination of indefinite segregation;
- A definition of segregation and conditions of confinement;
- Segregation placement restrictions for mentally ill and other vulnerable populations;
- Enhancing respect for human rights within corrections; and,
- Staffing, infrastructure and information management.

Six months following the release of *Segregation in Ontario*, IROC released *Corrections in Ontario: Directions for Reform.* Publicly released in September 2017 following a 90-day review and analysis, this report was based on a targeted examination of select correctional practices in Ontario that, when done properly, amplify a commitment to human rights. It reflected on Ontario law, policies, and practices in light of the evidence of “what works” in corrections and the underlying values of dignity, respect, and legality. *Directions for Reform* made 62 recommendations to enhance effective and evidence-based correctional practice including:

- The need for a principled and rights-based approach to all correctional operations, including searches, the inmate complaints process, inmate visits and the response to deaths in custody;
- Enhanced-based correctional practice, including appropriate institutional placement and community supervision, targeted and effective programming, and enhanced discharge planning with gradual and supported release framework;

- The need to bring the management of pre-trial and immigration detainees in line with their legal status;
- Addressing the over-representation of Indigenous people in Ontario's correctional system; and,
- The need for a new governance and service delivery framework for correctional health care.

The recommendations proposed by IROC are intended to provide the broad framework for transformation and modernization within provincial corrections in Ontario while enhancing accountability and oversight.

A Snapshot of Ontario Corrections

Most people held within Ontario's provincial correctional facilities are legally innocent, awaiting trial, or waiting on a decision regarding the conditions and terms of their bail. Moreover, the majority of these individuals (and others serving sentences) will eventually return to their respective communities within a matter of months, if not days. The briefest stay in custody, however, can bring disruptions to everyday life that can cause significant collateral consequences.

In Ontario, the provincial adult correctional system falls under the jurisdiction of the Ministry of Community Safety and Correctional Services (MCSCS). There are 25 provincial correctional facilities located throughout the province holding on average 7,699 individuals in custody on any given day in 2016/2017.[1] Approximately two thirds or 68% of those in provincial custody in Ontario are on remand, awaiting bail or sentencing while 26% are sentenced offenders.[2] Despite dropping crime rates and long term declining crime severity, the rate of pre-trial detention in Ontario has steadily increased 137% over the past 30 years (Independent Review of Ontario Corrections 2017).

Bridging the Gap between Custody and Community Corrections in Ontario

Established and emerging research on the impacts of incarceration (even for brief custodial stays) suggest that collateral consequences of imprisonment range from loss of employment, loss of housing, family and support system disintegration, interruption of ongoing medical care and treatment (Larocque 2014: 135; see also: Hagan and Dinvitzer 1999; Mauer & Chesney-Lind, 2002; Turanovic, Rodriguez, and Pratt 2012).

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[1] All statistics presented without citations were obtained by the Independent Review of Ontario Corrections. MCSCS data has been provided by the ministry as per the Independent Advisor's public Terms of Reference. All analysis undertaken has been conducted by the Independent Review of Ontario Corrections.

[2] Other individuals in custody include: adults held or immigration hearing or deportation; offenders awaiting transfer to federal institutions to serve sentences of two years or more; individuals serving probation, conditional sentences, or under parole supervision.

All individuals subject to provincial custody in Ontario should be offered supports and services to assist in mitigating these impacts. This is especially important when a continuum of treatment is required for the management of addictions and mental health given that the risk of death is highest immediately following discharge from correctional institutions – with overdose as one of the most common causes – (Kouyoumdjian et al. 2016)

The last three decades have produced substantial research on the effectiveness of classification of correctional interventions targeting criminal risk and need including the role of effective discharge and release planning related to prisoner reintegration and community safety (c.f.: Andrews, Bonta, and Hoge 1990; Bonta and Andrews 2007). Further, research into prisoner reintegration strategies has consistently shown that gradual and structured release programs, such as temporary absences, parole and probation, is effective in promoting and supporting a prisoner's successful reintegration into society (Doob, Webster and Manson, 2014: 304). When gradual and structured release programs are coupled with evidence-based correctional interventions, individual criminal risk can be successfully managed outside of correctional institutions.

Temporary Absences

Temporary absences are effective gradual release tools that can support reintegration efforts by assisting incarcerated individuals to bridge institutional treatment and release plans with community-based services. These planned institutional absences can allow for a timely effective and streamlined approach to structured community release based on the individual's security risk, rehabilitation and reintegration needs. Currently, legislative authority for prisoner temporary absences (TA) is provided through the *Ministry of Correctional Services Act* (MCSA). Under the authorization of the MCSA, prisoners may apply for medical, humanitarian or rehabilitative temporary absences. The latter is to assist with correctional rehabilitation and reintegration including work-release programming.

The research on temporary absences or other gradual release programs such as work releases has provided overwhelming evidence suggesting the positive impact they can have on community safety. When used correctly, TAs can link individuals with high-needs to community-based services and resources that are not available in institutions. For those serving short sentences, they can facilitate a faster, more effective release than the parole process. For those serving longer sentences, TAs can be used as an early indicator to demonstrate whether or not an individual can be successfully supervised outside of the correctional institution. Individuals participating in TAs are more likely to receive parole, gain stable employment and access to community supports which in turn, increase reintegration and decrease reoffending (Cheliotis, 2008; Office of the Correctional Investigator, 2016). Moreover, findings at the federal level have suggested that temporary absences (escorted and unescorted) have a 99% successful completion rate (Office of the Correctional Investigator, 2016).

Despite all evidence indicating that best correctional practices suggest that TAs are an effective tool in prisoner reintegration, Ontario continues to fall behind in its current use of TAs. In 1991, about 25,000 provincial inmates were granted temporary absences. For context, 2016 saw 8,481 TAs granted - the majority were for medical reasons and not for rehabilitation. Research conducted by IROC into the use of TAs across Ontario revealed that there are a number of structural factors that might be contributing to the lack of rehabilitation TAs being issued. One contributing factor is that despite clear legislative authority to grant any provincial inmate in Ontario permission to temporarily leave an institution for medical, humanitarian, or rehabilitation purposes, Ontario's current policy governing TAs significantly restrict prisoner eligibility. According to Ontario's TA policy, only *sentenced* inmates (individuals convicted and sentenced to less than two years) are eligible, effectively disqualifying almost 70% of the total incarcerated population from being granted a rehabilitative TA.

Given that temporary absences can be powerful tools to decrease reliance on correctional institutions and facilitate an individual's safe, timely, and successful reintegration back to the community, IROC made a number of recommendations to expand access to, and increase, the use of TAs throughout Ontario. Recommendations related to the use of TAs included providing superintendents the exclusive authority to grant, deny, or revoke all TAs; and ensure that all eligible prisoners are automatically considered for a TA at one-sixth of their sentence.

Parole

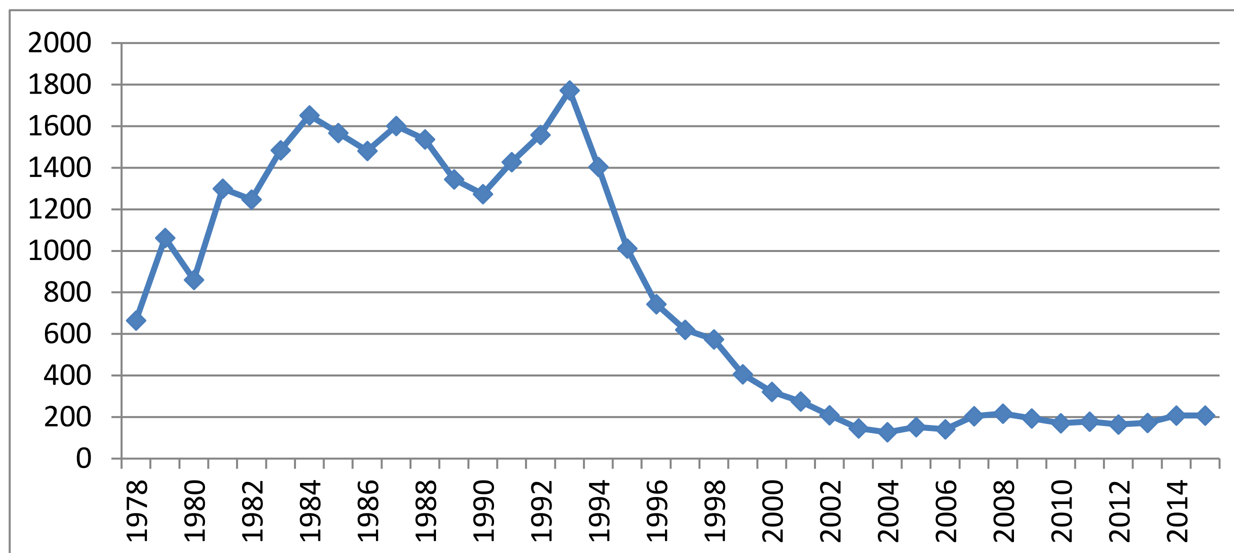
The Ontario parole system is reserved for individuals who are serving custodial sentences within Ontario's correctional institutions. As a gradual release mechanism, parole serves as a proven structured release process that can promote and sustain successful reintegration into the community (c.f.: Doob, Webster, and Manson 2014; Moriuk, Cousineau, and Gileno 2015; Andrews and Bonta 2010). Parole in Ontario has historically played a crucial role in corrections with regard to prisoner reintegration and community safety. However, over the last three decades there has been a significant decline in the number of Ontario inmates obtaining parole.

Throughout the 1980s to early 1990s, the average supervision counts ranged from between 1200 to 1800 parolees per month and began to decline significantly in 1993. Within 10 years, the number of parolees across Ontario declined by approximately 92%, or from an average of 1772 parolees under supervision per month in 1993 to an average of 306 parolees per month in 2003. Parole numbers continued to stay within this range: in 2015/2016, an average of 207 individuals per month were supervised on Ontario's provincial parole with a total of 306 individuals granted parole for the year of 2015/2016 (see: Figure 1)[3]. These low parole rates are

[3] Figure retrieved from the Independent Review of Ontario Corrections (2017) *Ontario Corrections: Directions for Reform*, "Average Monthly Counts of People Supervised on Ontario Provincial Parole, 1978-2015" on page 146. This figure illustrates the average monthly counts of the number of people supervised on Ontario provincial parole between 1978 and 2015. We note an overall increase in the use of Ontario provincial parole between 1978 and 1993, and then a sharp decline from 1993 to 2004. In 1993, the average number of people being supervised was 1772. The following year the average dropped to 1405, hitting a low of 127 people per month in 2004. Between 2004 and 2015 the averages range from 127 to 207.

even more dramatic for Indigenous people –only 15 of the 306 individuals granted parole in 2015/2016 were Indigenous.

Figure 1:
Average Monthly Counts of People Supervised on Ontario Provincial Parole, 1978-2015



There is no single cause of the dramatic decline in Ontario parole and the driving forces are multi-faceted. Over the last 30 years, North America, Europe, New Zealand, and Australia have experienced a shift towards more punitive-based crime control policies that demonstrate a disconnect between evidence-based research findings and political discourse (Garland 2001; Pratt and Marie 2005; Zinger 2016; Cook and Roesch 2012). Social theorists and critical criminologists alike have suggested that the rise and proliferation of risk-based logics – or "actuarialism" – have in part contributed to 'punitive-centric' policies which have eclipsed judicial and juridical discretion, procedural fairness, as well as 'welfare-orientated' approaches to crime control and (O'Malley 1996; Garland 2001, 2003; Ericson and Doyle 2003).

Risk aversion has been reported in many jurisdictions and throughout the criminal justice process (Webster, Doob, and Myers 2009; Doob, Webster, and Manson 2014; Myers 2013). For example, a 2015 independent review of the Ontario Parole Board's (OPB) mandate found that pre-occupation with risk avoidance had undermined the OPB's discretion in its ability to provide reasoned and robust parole decisions (Optimus/SBR 2015). The review concluded that "in recent years the OPB has not been effectively carrying out its mandate," resulting in "offenders not being granted parole when their rehabilitation would have been supported without putting undue risk on society" (Optimus/SBR 2015: 101). Today, when we look at data[4] on risk profiles

[4] For a detailed breakdown of risk profile of assessed individuals in custody and under the juridisciton of Ontario correctional services please see page 152 of the Independent Review of Ontario (2017) *Ontario Corrections: Directions for Reform* report available online at: https://www.mcscs.jus.gov.on.ca/english/Corrections/IndependentReviewOntarioCorrections/IndependentReviewOntarioCorrectionsDirectionsReform.html#_ednref15

of Ontario parolees, we immediately see that there are many more people that could be safely supervised in the community but are currently being held in custody. For example, in 2016, nearly two-thirds of women and over one-third of men granted parole in Ontario had been assessed as presenting a “very low or low” risk of reoffending. This same category of individuals only accounts for about a quarter of those who are supervised in the community pursuant to a judge’s imposition of a conditional sentence or probation. This example illustrates OPB’s risk aversion despite evidence-based practices and research on the criminogenic effect of ‘prisonisation’ and impact on recidivism (Gendreau, Goggin, and Cullen 1999) and further undermines legislative provisions designed to move individuals out of correctional institutions into supervised parole release.

The parole review process in Ontario is further plagued with reports of cumbersome procedural hurdles, delays in paper work submission buy ministry staff, and OPB hearings terminated due to inmate refusal to appear at hearings or errors in completing their parole forms. The expectation that inmates will be able to arrange and appropriately document a comprehensive release plan – from inside a correctional institution and within a short timeframe – is unrealistic. This is especially the case when taking into consideration the extensive documentation required to complete a parole application which can present as a barrier to those in custody.

What is important to remember is that in Ontario’s current legislative scheme, individuals who are granted parole *are supervised* in the community for the remainder of their sentence. In contrast, those who do not apply for (or who are not granted parole) are almost always released without conditions after two-thirds of their sentence regardless of the institutional security risk they posed while incarcerated.

The Ontario Parole Board has recognized many of the concerns highlighted in IROC’s *Directions for Reform* report and has initiated conversations with the Ministry of Community Safety and Correctional Services as well as the Ministry of the Attorney General to ensure it has the required information and resources to properly fulfill its statutory mandate.

Increasing Community Supports and Services

A variety of community resources in Ontario could be leveraged to increase the use of temporary absences and parole in order to assist with release and reintegration efforts. There exist a number of community organizations, programs, and services that have a wealth of experience assisting at-risk, marginalized, and criminalized populations. Ontario’s correctional system could increase its partnership with existing community services and programs, by implementing a comprehensive continuity of care for individuals newly released or in transition from custody.

One of the resources that the province historically used to facilitate gradual release, and in particular release on parole, were “Community Resource Centres” (CRC): designated facilities in a community setting away from a correctional institution that assisted with the rehabilitation

and supervision of inmates, parolees or probationers. In the 1990s the Ministry of Community Safety and Correctional Services funded a number of “Community Resource Centres” which operated as halfway houses. Unfortunately, these community facilities were closed in the mid-1990s and despite numerous recommendations for their reintroduction, the ministry has not taken any concrete steps in this direction. The revival of CRCs could potentially bridge the gap between institution and community to provide a wide range of community-based resource centres and housing options to those currently being held in custody. Vital services could be realized through this model, including reporting centres, community-based service and programming hubs, Healing Lodges and halfway houses. Such facilities could also be used to help manage and supervise individuals on intermittent sentences.

Currently, Ontario has signed a number of Community Residential Agreements (CRAs) with community agencies that provide housing and treatment/programming for both incarcerated individuals and community-supervised clients. Incarcerated individuals may apply for a temporary absence in order to access treatment programs, while community-supervised clients can participate as part of the ongoing terms of their supervision orders. While these CRAs facilitate important supports and services, they do not adequately replace the former network of CRCs.

IROC’s review found that CRA bed-space is extremely limited. In 2016/2017, the province only had 12 contracts in place with funding to provide services to an average of 37 individuals per day for the entire province. There were no CRAs that house men in either the central or eastern regions of Ontario. Moreover, CRA spaces were used almost exclusively by clients who were already being supervised in the community and interviews with CRA staff confirmed that the majority of referrals from the provincial system were individuals on probation or conditional sentence – not parole. Data collected on temporary absences further confirms how rare it is for an individual in custody to be housed in a CRA. For example, in 2016, two inmates received recurring temporary absences specifically so they could attend a CRA; both of these individuals, however, were serving intermittent sentences.

A significant number of individuals released from provincial custody in Ontario struggle with finding appropriate housing (Larocque 2014). Many of those released are in fact homeless – defined as staying at a public homeless shelter, a treatment centre, a friend’s residence, or on the street – or are at an increased risk of becoming homeless upon their release (O’Grady and Lafleur 2016). Gradual release into the community is one way to provide housing support and has been linked to low recidivism rates. In order to foster gradual release, there are a variety of community-based resource centres and housing options that should be considered during the discharge planning process. Unfortunately, the majority of inmates in Ontario do not have access to effective or consistent discharge planning and in cases where they are available, they vary considerably in their quality and form. The majority of institutions do not have a dedicated discharge unit or office, rather rely on other correctional employees, such as social workers, correctional officers with an interest in programming, community volunteers to provide discharge services in addition to their other roles and responsibilities.

IROC's findings resulted in recommendations that the government of Ontario explore best practices for fostering meaningful linkages with community organizations to improve supportive housing and supervision options. Moreover, there is a need to engage with stakeholders at every level in the community, specifically the justice and health sectors to establish horizontal linkages and explore emerging means to facilitate access to community programming and discharge planning by bridging institutions and the community.

Correctional institutions often act as a first point of contact with healthcare, and may be an opportunity for chronic disease, mental health and/or substance use treatment for many individuals with untreated health needs. This however is dependent on proper assessments taking place during the intake process, followed by appropriate housing classification and placements that offer a range of services and treatment options to meet the needs of this high-needs population. Our system of criminal justice – the police, the courts, institutions and community corrections – is complex. In recognition of this complexity, IROC recommendations underline the importance of horizontal and inter-ministerial involvement in efforts to reduce the use of custody in Ontario.

Indigenous People and Ontario Corrections

The over-representation of Indigenous people within the criminal justice system has been a widely documented[5] and officially recognized[6] challenge facing Canada. While there have been many official oversight and legislative attempts at intervening and reducing Indigenous incarceration, the fact remains that that Indigenous people are disproportionately represented at all levels of the criminal justice system (Office of the Correctional Investigator 2017; Statistics Canada 2018). For example, a recent federal corrections' 10-year review of prisoner population trends found that the incarcerated Indigenous population has increased at a much higher rate than the overall rate of incarceration in all regions. The Indigenous population has increased by 996 offenders (35.6%) whereas the overall population decreased by 220 nationally. Moreover, in its most recent annual report, the Office of the Correctional Investigator recognized the over-incarceration of first Nations, Metis, and Inuit people among the "most pressing social justice and human rights issues in Canada today" (Office of the Correctional Investigator 2017: 48).

Indigenous people account for approximately 2% of Ontario's population and in 2016 represented 13% of those in provincial custody (Statistics Canada 2017, 2018). In 2016/2017, Indigenous adults were over-represented in provincial and territorial correctional systems and accounted for 28% of overall admissions while representing 4.9% of the Canadian adult population (Statistics Canada 2017, 2018).

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[5] See for example, Jackson (1989); LaPrairie (1990, 1996); Pelletier (2001); Roberts and Melchers (2003); Welsh and Ogloff (2008); Jeffereies and Stenning (2014); Nichols (2017); Palmeter (2018).

[6] A series of government commissions, inquiries, and reports have emerged over the years, while not exhaustive, the list includes: Government of Canada Task Force on Aboriginal Peoples in Federal Corrections (1988); Royal Commission on Aboriginal Peoples (1996); Mann (2010); Office of the Correctional Investigator (2012);

The Truth and Reconciliation Commission's (TRC) Calls to Action for Canada has amplified the ongoing concerns over systemic discrimination and the growth in the number of Indigenous people within the criminal justice system. Specifically, the TRC directed governments "to commit to eliminating the overrepresentation of Aboriginal people in custody over the next decade" as well as "to work with Aboriginal communities to provide culturally relevant services to inmates" (TRC 2015: 325, 36). As part of Ontario's commitment to reconciliation with Indigenous Peoples and the Calls to Action emerging from the Truth and Reconciliation Commission of Canada, Ontario released *The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples* acknowledging the collateral impacts and role of settler-colonialism in the current over-representation of Indigenous people in corrections:

> "Clear links have been established between the overrepresentation of Indigenous people involved in the justice system and Indigenous communities' experience with residential schools. Indigenous offenders feel a deep alienation behind the bars of correctional institutions just as they (or their parents or grandparents) felt inside the walls of residential schools. These institutions are places where racism is common" (Government of Ontario 2016).

With respect to *The Journey Together,* the Ministry of Community Safety and Correctional Services made specific commitments to the TRC to enhance "healing and cultural supports for Indigenous clients in custody and under community supervision; and, [to work] collaboratively with Indigenous partners, organizations and communities to design and develop these services and supports" (MCSCS 2017). While MCSCS has put some effort into better supporting Indigenous-based corrections – including staffing to focus on human rights,[7] policy development, and resources supporting Indigenous spirituality and cultural practices[8]– the current organizational structure of Ontario corrections is devoid of an Indigenous corrections division. Therefore, any efforts to address Indigenous issues within corrections (including any research, policy making, stakeholder consultation, program development and implementation, staffing and training) is completed within various branches working independently on Indigenous corrections, often on an ad-hoc basis.

Addressing Indigenous over-representation without a unified mandate and vision is a major barrier to modernizing Ontario corrections. More importantly, it significantly limits efforts to develop, implement, and evaluate meaningful action towards addressing the steadily increasing population of Indigenous peoples in provincial custody. As such, IROC has recommended that MCSCS appoint an Assistant Deputy Minister responsible for an Indigenous Policy and Programs Division within Ontario's Correctional Services. This would consolidate important – but too

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[7] See for example: Ministry of Community Safety and Correctional Services, The Journey Together Engagement Session: Findings, Recommendations and Next Steps" (Strategic Projects Unit, Human Rights Plan Operational support, Government of Ontario, May 2017).

[8] Ministry of Community Safety and Correctional Services, Institutional Services Policy and Procedures Manual: Services: Religious/Spiritual Care Services: Aboriginal Spirituality (Government of Ontario, October 29, 2015).

often isolated – efforts already underway across MCSCS and provide for Indigenous perspectives to fully respond to the TRC's Calls for Action.

Obtaining Transformation Change

A fundamental principle of the treatment of prisoners under the United Nations Standard Minimum Rule for the Treatment of Prisoners (The Mandela Rules) is to ensure that state authorities do not subject imprisoned persons to "more restriction than is necessary for safe custody and well-ordered community life" (UNODC 1977, S. 27). As it currently exists, the *Ministry of Correctional Services Act* (1990) does not provide legislative language in accordance with the spirit of The Mandela Rules. As such, it is imperative that Ontario align legislation, policy, institutional placement processes, and conditions of confinement with the principle of least restrictive measures.

Ontario's new *Correctional Services and Reintegration Act, 2018*[9] cements the principle of the least restrictive measure as a legal imperative aligning the conditions of confinement and correctional practices in Ontario with UN principles as well as international evidence-based correctional practices in democratic countries throughout the world. Ontario's new legislation received Royal Assent in the Ontario Legislative Assembly on May 3, 2018 but has yet to be proclaimed by the current government. Once proclaimed, this *Act* will repeal and replace the *Ministry of Correctional Services Act* and bring with it several changes. Some of which include:

- Clearly defining segregation as a condition of confinement and outlining oversight provisions relating to its use
- Setting minimum standards for living conditions of inmates;
- Increasing transparency by establishing an independent Inspector General to ensure compliance with the new legislation as well as establishing independent review panels to review segregation placements;
- Improving access to evidence based programs and services;
- Increasing supports for Indigenous individuals and radicalized groups that are over represented in the correctional system;
- Defining the health care services that incarcerated individuals should have access to, including health promotion, mental health and addictions care and traditional Indigenous healing and medicines;
- Legislating new requirements for correctional employees to comply with a prescribed code of conduct and enhanced training, standards, and performance expectations to support a culture of professionalism and continuous development.

Getting law and policy right and improving corrections are difficult and important, but not enough to ensure transformational change. The best way to address the various complex needs of many of those who are currently incarcerated is outside of the criminal justice system.

[9] On May 7th, 2018, the Correctional Services and Reintegration Act received Royal Assent in the Ontario Legislature. The Act has yet to be implemented by the current Ontario government. Currently the Act, in its current consolidated form can be viewed online at: https://www.ontario.ca/laws/statute/18c06

Increased early identification of health risks and needs, and diversion from courts and jails are required, as are strengthened community responses and expanded health system capacity. Effort and reform outside the traditional criminal justice and health systems are needed, as well a willingness to share control, resources, and risks. Working across sectoral and jurisdictional boundaries to create a common vision that focuses effort on removing barriers to diagnosis, treatment and information sharing would be a great starting point. Reducing Ontario's carceral footprint does not solely fall upon corrections but must include the participation of inter-governmental and interdisciplinary collaborations and initiatives. Incarceration *must* be used as a last resort, only when all other options have been exhausted. We need to focus more of our resources and efforts on prevention and improving and better integrating our social, justice and health care service providing systems.

References

Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. Criminal justice and Behavior, 17(1), 19-52.

Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, *16*(1), 39.

Bonta, J., & Andrews, D. A. (2007). Risk-need-responsivity model for offender assessment and rehabilitation. *Rehabilitation*, *6*(1), 1-22.

Cheliotis, L. K. (2009). Before the next storm: Some evidence-based reminders about temporary release. *International Journal of Offender Therapy and Comparative Criminology*, *53*(4), 420-432.

Cook, A. N., & Roesch, R. (2012). "Tough on crime" reforms: What psychology has to say about the recent and proposed justice policy in Canada. *Canadian Psychology/psychologie canadienne*, *53*(3), 217.

Doob, A. N., Webster, C. M., & Manson, A. (2014). Zombie Parole: The Withering of Conditional Release in Canada. *Criminal Law Quarterly*, *61*, 301.

Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Oxford University Press.

Garland, D. (2003). The rise of risk. In R.V. Ericson & Doyle, A. (eds.) *Risk and morality,* University of Toronto Press. Pp. 48-86.

Gendreau, P., Cullen, F. T., & Goggin, C. (1999). *The effects of prison sentences on recidivism*, Solicitor General Canada, Ottawa, On.

Government of Ontario. (2016). The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples, "Creating a Culturally Relevant and Responsive Justice System" Online at:
https://www.ontario.ca/page/journey-together-ontarios-commitment-reconciliation-indigenous-peoples#section-6

Hagan, J., & Dinovitzer, R. (1999). Collateral consequences of imprisonment for children, communities, and prisoners. *Crime and justice*, *26*: 121-162.

Independent Review of Ontario Corrections (2017) *Ontario Corrections: Directions for Reform,* Queens Printer for Ontario. Toronto, Ontario. Available online:
https://www.mcscs.jus.gov.on.ca/english/Corrections/IndependentReviewOntarioCorrections/IndependentReviewOntarioCorrectionsDirectionsReform.html#_ednref15

Jackson, M.(1989) Locking Up Natives In Canada: A Report of the Committee of the Canadian Bar Association on Imprisonment and Release, *UBC Law Review*, *23*, 220.

Jeffries, S., & Stenning, P. (2014). Sentencing, aboriginal offenders: law, policy, and practice in three Countries. *Canadian Journal of Criminology and Criminal Justice*, *56*(4), 447-494.

Kouyoumdjian, F. G., Kiefer, L., Wobeser, W., Gonzalez, A., & Hwang, S. W. (2016). Mortality over 12 years of follow-up in people admitted to provincial custody in Ontario: a retrospective cohort study. *CMAJ open*, 4(2), 153.

Motiuk, L. L., Cousineau, C., & Gileno, J. (2012). *The safe return of offenders to the community: Statistical overview*. Correctional Service of Canada.

LaPrairie, C. (1990). The Role of sentencing in the over-representation of Aboriginal people in correctional institutions. *Canadian J. Criminology*, *32*, 429.

LaPrairie, C. (1996*). Examining Aboriginal Corrections in Canada*. Aboriginal Peoples Collection.

Mann, M. (2010). Good intentions, disappointing results: A progress report on federal Aboriginal corrections, Ottawa: The Office of the Correctional Investigator.

Mauer, M., & Chesney-Lind, M. (2002). Invisible punishment: The collateral consequences of mass imprisonment. New York: New Press.

Myers, N. M. (2013). *Creating Criminality: The Intensification of Institutional Risk Aversion Strategies and the Decline of the Bail Process*, PhD Dissertation, University of Toronto.

Nichols, R. (2017). The colonialism of incarceration. In A. Swiffen & Nichols, J (eds.). *Legal Violence and the Limits of the Law.* Routledge, pp. 49-67.

Larocque, R. (2014). *Penal Practices, Values and Habits: Humanitarian and/or Punitive? A Case Study of Five Canadian Prisons*. PhD Dissertation, University of Cambridge.

Office of the Correctional Investigator. (2012). *Spirit matters: Aboriginal people and the Corrections and Conditional Release Act.* Ottawa: On. Retrieved from http://www.oci-bec.gc.ca/cnt/rpt/oth-aut/othaut20121022-eng.aspx

Office of the Correctional Investigator of Canada. (2016) *Annual Report 2015-2016*. Government of Canada, Ottawa: On.

Office of the Correctional Investigator of Canada. (2017). *Annual Report 2016-2017*. Government of Canada, Ottawa: On.

O'Grady, W. & Lafleur, R. (2016). *Reintegration in Ontario: Practices, Priorities and Effective Models*, John Howard Society of Ontario and University of Guelph, Toronto: On.

O'Malley, P. (1996). Risk and responsibility. In A. Barry, Osbourne, T., & Rose, N. (eds.) *Foucault and political reason: Liberalism, neo-liberalism and rationalities of government*, pp. 189-207.

Optimus/SBR. (2015). *Mandate Review of the Ontario Parole Board – Final Report*. Ministry of the Attorney General, Government of Ontario, December 23, 2015.

Statistics Canada. (2017). *2016 Census of Canada.* Statistics Canada: Ottawa, On.

Statistics Canada. (2018). Adult and youth correctional statistics in Canada, 2016/2017. J. Malakieh (ed.) *Juristat,* Statistics Canada: Ottawa,

Statistics Canada 2018 – Census

Turanovic, J. J., Rodriguez, N., & Pratt, T. C. (2012). The collateral consequences of incarceration revisited: A qualitative analysis of the effects on caregivers of children of incarcerated parents. *Criminology*, *50*(4), 913-959.

Webster, C.W., Doob, A. & Myers, N. (2009). The Parable of Ms. Baker: Understanding Pre-Trial Detention in Canada, *Current Issues in Criminal Justice*, 21(1): 79-102.

Truth and Reconciliation Commission of Canada. (2015). Truth and Reconciliation Commission of Canada: Calls to Action. Truth and Reconciliation Commission of Canada.

Palmater, P. (2018). Confronting racism and over-incarceration of Indigenous Peoples in Canada. *Journal of Community Corrections*, 27(2): 5-12.

Pelletier, R. (2001). The nullification of section 718.2 (e): Aggravating Aboriginal over-representation in Canadian prisons. *Osgoode Hall LJ*, *39*, 469.

Pratt, J. and Clark, M. (2005). Penal populism in New Zealand. *Punishment and Society*. **7**(3): 303–322.

Roberts, J., & Melchers, R. (2003). The incarceration of Aboriginal offenders: Trends from 1978 to 2001. *Canadian Journal of Criminology and Criminal Justice*, *45*(2), 211-242.

UNODC. (2015). The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). *UN General Assembly*.

Zinger, I. (2016). Human rights and federal corrections: A commentary on a decade of tough on crime policies in Canada. *Canadian Journal of Criminology and Criminal Justice*, *58*(4), 609-627.

Welsh, A., & Ogloff, J. R. (2008). Progressive reforms or maintaining the status quo? An empirical evaluation of the judicial consideration of Aboriginal status in sentencing decisions. *Canadian Journal of Criminology and Criminal Justice*, *50*(4), 491-517.

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