

# **Acknowledgement**

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# **In Praise of a Partnered Approach to Community Corrections: A Canadian Perspective**

**By Greg Fitch QC<sup>♦</sup>**

In Canada, preventive or indefinite custodial detention is reserved for those serving life sentences and for the small category of incorrigible offenders who meet the criteria for a “dangerous offender” designation under the *Criminal Code of Canada*. The vast majority of offenders serving definite or “fixed term” sentences of imprisonment are released back into the community prior to the expiration of their sentences on some form of conditional release – parole or statutory release. In either case, the offender will be subject to supervised terms and conditions designed to promote successful reintegration into the community, rehabilitation and, ultimately, public safety. Some of these offenders pose a high risk to re-offend and some pose little to no risk at all. Whatever the level, the risk is managed in the community. Community-based management of risk is the strength and challenge of the Canadian system.

The community-based management of offenders is a growing trend in Canada in response to rising doubts about whether rehabilitation and the other utilitarian goals of sentencing, including general deterrence, can only be achieved through the imposition of prison terms. For example, in 1996, the federal government, which has constitutional power over the enactment of the criminal law in Canada, introduced the conditional sentence of imprisonment. This sentence empowers judges, who impose sentences of less than two years imprisonment, to order that the sentence be served in the community subject to supervised terms and conditions provided such a sentence is consistent with the objectives of sentencing and not contrary to the public interest in community safety.

The responsibility to contribute to public protection through the effective correctional supervision of offenders serving their sentences in the community is, at the end of the day, a shared one. The Correctional Service of Canada (CSC) has primary responsibility for community protection in respect of those offenders serving the remainder of their custodial sentences in the community after having been sentenced to terms of imprisonment of two years or more. But the responsibility to enhance public safety through safe offender reintegration into

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the community is shared by a variety of other organizations. The police, the National Parole Board, the prosecution service, parole officers, mental health and treatment professionals and volunteer, community-based helping agencies share the responsibility to promote community protection through an effective, multi-agency community corrections strategy. This shared responsibility puts a premium on information exchange, dialogue and co-operation between independent organizations, discharging independent mandates at the three major levels of government in Canada – municipal, provincial and federal. Despite the organizational and jurisdictional lines separating agencies that share in this responsibility, co-operative, effective inter-agency approaches have developed in Canada to meet these challenges.

This paper outlines the mandate and experience of the National Joint Committee (NJC) of Senior Criminal Justice Officials in forging the kind of necessary, collaborative initiatives amongst justice partners to the end of promoting both community protection and public confidence in the administration of criminal justice in Canada.

### **Independence and Interdependence**

Each of the organizations sharing in the responsibility to contribute to public protection through the administration of a community-based correctional strategy discharges an independent function. The police are, for example, not answerable to an external master or to any other organization participating in the administration of criminal justice. In fact, it has been said that a police officer:

Is not the servant of anyone, save the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one...The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. (*Regina v. Commissioner of Police Ex parte Blackburn*, [1968] 2 Q.B.119 C.A.).

Similarly, prosecutorial independence is embedded in our Canadian legal traditions and may now be a constitutionally recognized principle of fundamental justice under the *Charter of Rights and Freedoms*. Indeed, each of the organizations involved in the administration of criminal justice, which encompasses community corrections, have independent responsibilities to discharge. But there is no reason, in either practice or principle, for organizational independence to operate as a barrier to inter-agency dialogue and problem-solving. The reality is that the discharge of independent mandates by independent organizations itself occurs within a system that makes each participating organization interdependent. In fact, independent organizations cannot effectively discharge their mandates until there is recognition that they are interdependent and that their independent responsibilities will be discharged in a

more intelligent and informed way with an understanding of the challenges, perspectives and operational realities of their partners. Allies in the administration of criminal justice must recognize their dependence on each other for the achievement of shared goals. The objective is not to undermine organizational independence but to encourage the art of thinking independently – together.

The industrialist Andrew Carnegie said that “it marks a big step in your development when you come to realize that other people can help you do a better job than you can do alone.” What Carnegie was really addressing is this simple proposition: none of us is as smart as all of us. NJC believes that we need to be particularly smart in our response, as a system, to the challenges presented by the community-based, correctional management of high-risk offenders. This means fostering the development of a collaborative model, at both the operational and leadership levels of key organizations, to consult, share information and problem-solve around ways to enhance community safety.

In Canada, organizations are increasingly embracing this call for partnered approaches to the resolution of shared challenges and responsibilities. The *British Columbia Police Code of Ethics*, which outlines the fundamental principles, guiding values and primary responsibilities of police officers, notes that “in addition to the policing profession, we are responsible to other professions that also serve the public.” This spirit of inter-agency co-operation is also evident in the Service Plans of both the Ministry of Attorney General and Ministry of Public Safety and Solicitor General for the Province of British Columbia. In his introduction to the Service Plan Update for the Ministry of Public Safety and Solicitor General, the Honorable John Les noted the need to “strengthen partnerships with other levels of government and communities to find new and novel approaches to making our homes, streets and neighborhoods as safe as possible.” Similar statements of support for inter-agency cooperation may be found in the mandates of other key organizations including the Correctional Service of Canada.

Inter-agency approaches to risk management, rehabilitation and successful reintegration of offenders into the community are occurring in other jurisdictions as well. In England, Multi Agency Public Protection Arrangements (MAPPA) are in place to oversee the safe reintegration of high-risk offenders into the community. Similarly, the National Resource Centre for Police – Corrections Partnerships (NRCPCP) was established in 2004 at the George J. Beto Criminal Justice Centre, Sam Houston State University to deliver a partnership framework for law enforcement and community corrections agencies at five locations throughout the United States. NRCPCP promotes sustainable partnerships between law enforcement and community corrections agencies through training focused on the establishment and maintenance of inter-agency partnerships.

The trend toward the community-based management of sentences is not unique to Canada. Efforts to develop effective probation services to monitor sentences

which are an alternative to imprisonment are occurring in a variety of countries undergoing radical reform of their criminal justice systems in response to political, social and economic change. This trend is evident in Eastern European countries where it has been said that “the key [to the development of Probation and Mediation Services (PMS)] is to harmonize the work of the probation and mediation service with the operations of the police, state attorneys, and courts in order to make effective decisions about alternative provisions and penalties”.<sup>1</sup> Effective multi-agency collaboration is a *sine qua non* to the administration of an effective community corrections program.

Inter-agency approaches to problem solving in relation to shared responsibilities like public safety must also be an “infinite affair”. There is a regrettable tendency for busy organizations to adopt inter-agency approaches to issues on an “as needed” basis. Inter-agency dialogue and problem-solving must be embedded in the operational reality of key organizations and supported at the leadership level. Henry Ford, an American pioneer in the auto-making industry, understood that results will only follow a long-term commitment to work together when he said, “coming together is a beginning; keeping together is progress; working together is success.” The same point is emphasized by Penal Reform International in these terms:

Most agencies are inter-dependent. Often, they cannot achieve their specific objectives without the others and sometimes they cannot even exist without the others. This mutual dependency makes inter-agency co-operation essential. Of course, this is not to say that criminal justice agencies should surrender their independence. Yet it is very well possible to identify certain objectives that agencies share with some or all other agencies.

Lastly, inter-agency co-operation should not be viewed merely as a ‘project’: by their nature projects are limited in time, purpose and scope. Inter-agency co-operation is an infinite affair, necessary to maintain the Chain [that links organizations together]. As a matter of fact it should be part of the ordinary day-to-day operations of all criminal justice agencies.<sup>2</sup>

As noted above, inter-agency co-operation does not entail a forfeiture of organizational independence. It requires only a commitment to thinking independently – together.

## **The Challenge of Managing High-Risk Offenders in the Community: Interdependence in Action**

The following example illustrates why Canadian organizations that play a role in the administration of criminal justice, including community corrections, are adopting an inter-agency approach.

A Canadian offender is found to be a “long-term offender,” a sentencing designation available to a judge where it is appropriate to impose a prison term of two years or more and there is substantial risk that the offender will re-offend, but there exists a reasonable possibility of eventual control of that risk in the community. The “long-term offender” designation authorizes a sentencing judge to impose a community supervision term for a period of up to ten years following the completion of the custodial portion of the sentence. At the end of this community supervision term, a Crown prosecutor may make application for a further judicial restraint order if there are reasonable grounds to fear that the offender will commit a serious personal injury offence. In this example, the following Canadian partners share in the responsibility to promote public safety at different stages of the administration of the case:

- The Police – which investigates the original offence;
- The Prosecution Service – which prosecutes that offence;
- The Correctional Service of Canada – which incarcerates the offender for the duration of the custodial portion of the sentence and provides treatment, life-skills training and educational services to that offender in an effort to promote rehabilitation;
- The National Parole Board – which determines whether to release the offender on parole and also fixes the terms and conditions to be imposed on the long-term offender during the period of long-term community supervision;
- The Correctional Service of Canada and the Police – which work cooperatively together to ensure that the risk posed by the long-term offender is safely managed in the community through effective support, supervision of the restrictive terms and conditions and, if necessary, police surveillance;
- The Prosecution Service – which prosecutes any provable breach of the terms of the long-term supervision order (the breach of a long-term supervision order is punishable in Canada by imprisonment for up to ten years) and determines at the end of the period of community supervision whether to apply for a further judicial restraint order. In British Columbia, the prosecution service is assisted in making this determination by a multi-agency advisory body called the High-Risk Recognizance Advisory Committee (HRRAC). The Corrections Branch of the Provincial Ministry of Public Safety and Solicitor General is responsible for the administration of the HRRAC program. The committee includes representatives from a broad range of related justice agencies, including: the Royal Canadian

Mounted Police (RCMP), municipal police forces, the Correctional Service of Canada, Crown counsel (prosecutors) and Victim Safety Unit staff. As noted above, this committee compiles and shares relevant information about the offender (his or her antecedents, criminal record, responsiveness to treatment and previous terms of community supervision, forensic assessments relevant to the issue of future risk and available support systems for the offender in the community). A recommendation is then made as to whether the offender's presence in the community warrants a further court-ordered period of supervision (a recognizance order) and/or public notification regarding that offender's upcoming release into the community;

- The Corrections Branch of the Provincial Ministry of Public Safety and Solicitor General and the Police – which share responsibility for the monitoring, supervision and policing of the offender during the court-ordered recognizance;
- Community-based Agencies – some of which operate on a volunteer basis to provide practical community support to released offenders who often face isolation, economic dependence and social disapprobation. The John Howard Society and the Elizabeth Fry Society are two such examples. In British Columbia, a community-based group of professionally supported volunteers called Circles of Support and Accountability (CoSA) provides support to high-risk offenders living in the community. CoSA ideally becomes involved with offenders about six months before their release date.

This example illustrates the number and variety of agencies that could potentially become involved in the administration of a single offender's case. The example also underscores the need for a collaborative approach to community corrections. Information exchange and on-going dialogue must occur between partners if informed decisions are to be made about the management of an offender in the community – decisions which have an immediate and significant impact on public safety. The challenge is exacerbated in Canada because not only do a variety of agencies participate, directly or indirectly, in the correctional management of an offender, those agencies are sometimes jurisdictionally distinct. A partnered approach is essential to ensure that critical information passes between agencies and levels of government.

### **The National Joint Committee (NJC) of Senior Criminal Justice Officials: Modeling a Partnered Approach to Community Corrections**

Formed in 1973, the National Joint Committee (NJC) of Senior Criminal Justice Officials is managed by the Federal Ministry of Public Safety and Emergency Preparedness Canada (PSEPC). The goal of NJC is to forge collaborative initiatives amongst criminal justice partners to the end of promoting community safety and public confidence in the justice system. The mandate of NJC (to establish and maintain efficient and effective mechanisms of communication and consultation between the police, the Correctional Service of Canada, the National

Parole Board, the Canadian Association of Crown Counsel and any other agency which is part of the Criminal Justice System) is based on the simple proposition that none of the agencies within the criminal justice system can operate effectively in isolation. The NJC operates in five regions in Canada. Each region is divided into zones to ensure that collaboration and meaningful dialogue occurs at the national, regional and local levels. NJC brings together, through its network of committees, personnel at various levels from participating agencies to discuss policies, procedures, programs and initiatives that cut across jurisdictional lines. The NJC contributes to the making of informed decisions designed to promote public safety. The NJC also regularly sponsors workshops and conferences to facilitate the exchange of information and ideas between justice partners. The NJC enjoys a unique position in criminal justice in Canada as it is the only organization which exists to promote collaboration between justice system personnel on issues of mutual concern.

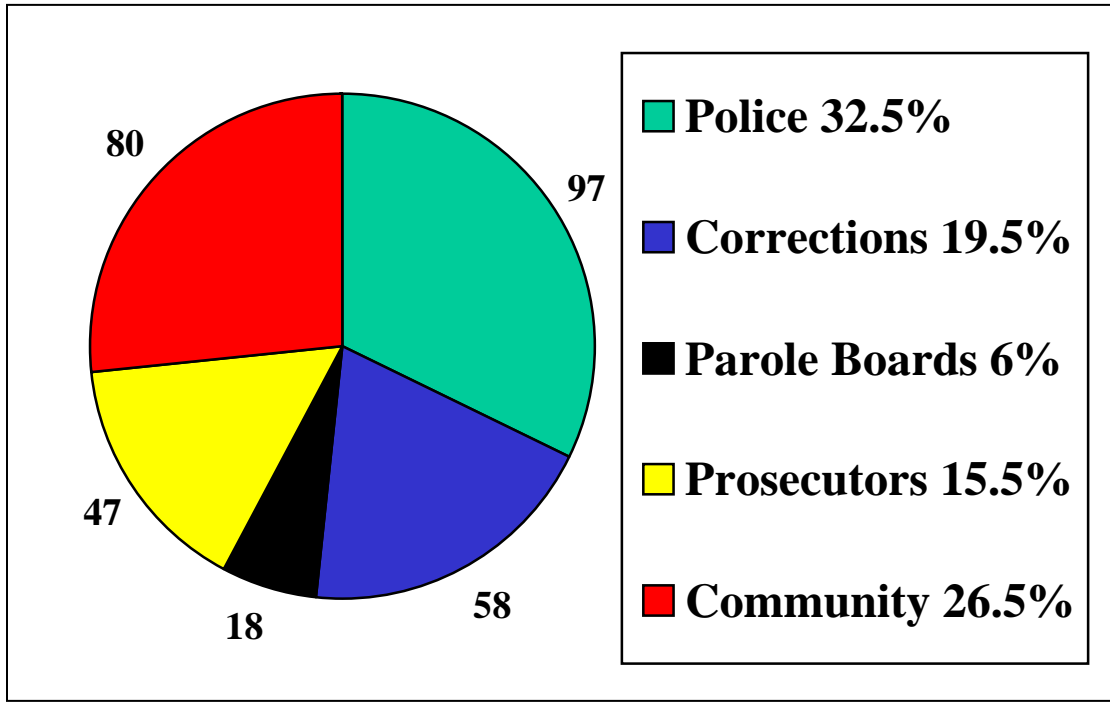
### **Achieving a Partnered Approach to Community Corrections – The Experience of NJC (Pacific Region)**

NJC (Pacific Region) has representation from all three levels of government sharing responsibility for the administration of criminal justice in the Province of British Columbia and the Yukon Territory. The Executive Committee of NJC (Pacific) is supported by five Zone Committees. The decentralized activities of the Zone Committees touch on all communities in the province and territory and contribute to NJC's community protection agenda. The NJC (Pacific Region) has executive representation from municipal police forces, the RCMP, the National Parole Board, the Prosecution Service of British Columbia, Provincial Corrections and the Correctional Service of Canada. In the past three years, NJC (Pacific Region) has held 80 training sessions involving close to 2,500 participants. Training has been provided to police officers, parole officers, CoSA volunteers, and Crown counsel on the community-based management of high-risk offenders.

In February, 2005 NJC (Pacific Region) hosted a national conference on the management of high-risk offenders. A critical objective for the conference was to ensure that the various components of the system were well represented both as delegates and presenters. This initiative was supported by three key agencies: The British Columbia Crime Prevention Association (BCCPA), The British Columbia Association of Chiefs of Police (BCACP) and the Pacific Regional National Joint Committee. The efforts of these three agencies, along with the active participation of the Correctional Service of Canada, the National Parole Board, municipal and federal police departments, provincial and federal prosecution services, the assessment and treatment community, provincial corrections as well as community-based agencies, resulted in a two-day community protection symposium entitled "Community Protection is Paramount: Co-coordinating the System's Response to High-Risk Offending". The major theme of the conference was that systemic co-ordination is critical to both community protection and crime prevention.

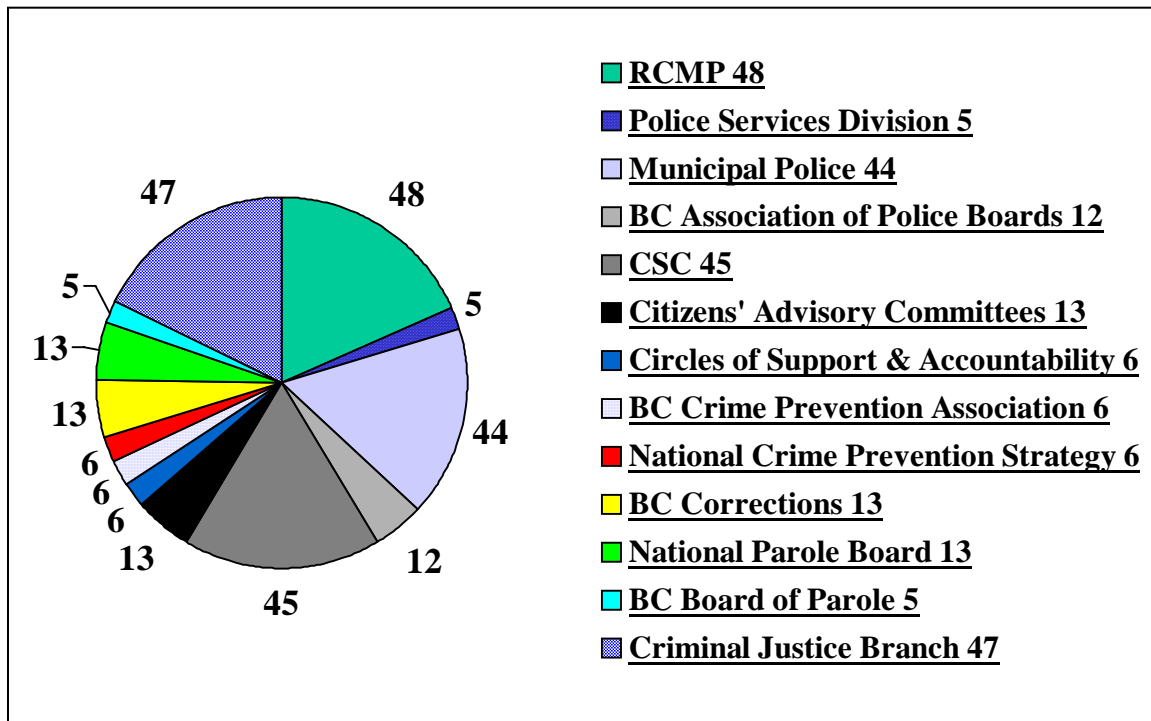
The conference was attended by over 300 delegates. Graph "A" highlights the breakdown of the registered delegates.<sup>3</sup>

**Graph A - Representation of the 300 Delegates**



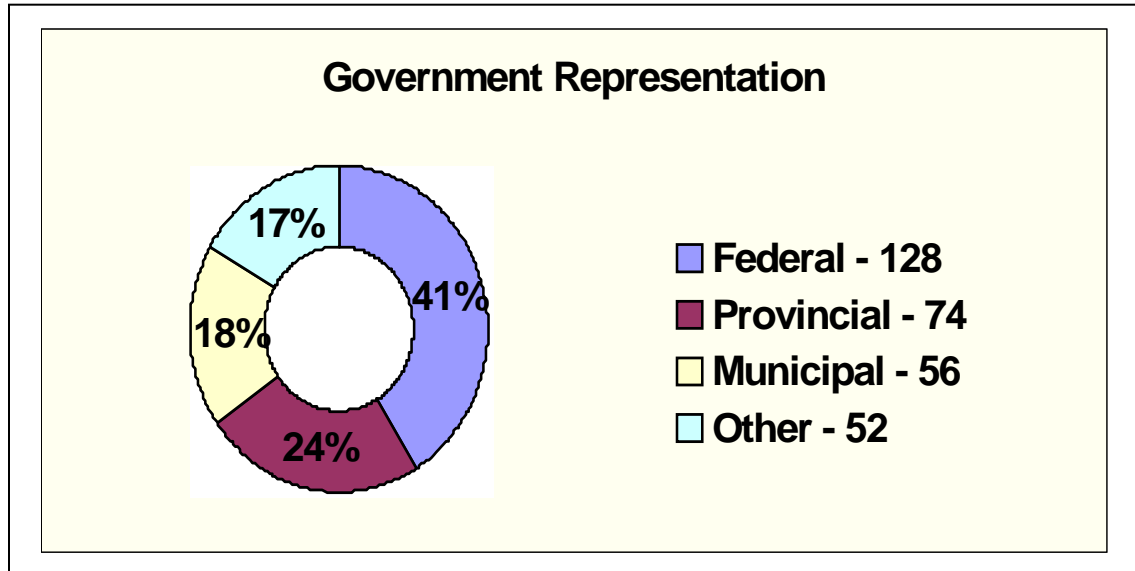
Graph "B" provides a further breakdown of the delegates and reflects those agencies that sent a minimum of five delegates.

**Graph B - Agency, Department, Association Representation<sup>4</sup>**



Graph "C" demonstrates that the three primary levels of government in Canada were also well represented.

### Graph C - Government Representation<sup>5</sup>



In commenting on this conference, Chief Constable Jamie H. Graham of the Vancouver Police Department stated:

This conference is another example of how much more we can accomplish when we engage in true consultation, and when we work together towards a common goal. We all recognize the need for independence, but we also know that we are interdependent as well. Each of our agencies – whether we are in law enforcement, corrections, the Crown prosecution service or even offender-supporting groups – serves the same customer: the public. While we approach public safety from different angles, our end goal is always the same: public safety for everyone. We can best achieve that objective by working well with each other, and with the community.

Organizations that share in the responsibility to enhance public protection have an obligation to ensure that the approach of the system as a whole to the high-risk offender is coordinated, informed, timely, intelligent and effective. Inter-agency collaboration in this area is not just a desirable thing, it is a necessary thing, and not just for today and tomorrow. Inter-agency dialogue must become embedded in the usual and ordinary course of our business. The NJC, through its passion, commitment and ethic of inter-agency collaboration has worked tirelessly to promote public safety and public confidence in the administration of criminal justice and community corrections.

## Conclusion

The work of NJC, highlighted above, has served to guide the development of best practices in community corrections by encouraging partnered, solution-oriented strategies to shared challenges. Sir Winston Churchill stated that, “If we are together nothing is impossible. If we are divided all will fail.” The community-based management of offenders raises a variety of complex issues. The solutions are not always clear and the stakes are high, both for the offender and the community. These challenges are more likely to be met collectively than individually. The spirit of interdependence will not cost more than its worth. In the challenging field of community corrections, joining hands is necessary because none of us is as smart as all of us.

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<sup>1</sup> van Kalmthout, A. and Vinding, S. “A Palette of Probation Systems in European Accession Countries” in *Probation and Probation Services in the EU accession countries*, ed A. M. van Kalmthout, J. Roberts and S. Vinding (Wolf Legal Publishers, The Netherlands) p. 32

<sup>2</sup> *The Chain linked: A model for inter-agency co-operation*, Prison Reform International 2000, available from [http://www.penalreform.org/english/models\\_chainlinked.htm](http://www.penalreform.org/english/models_chainlinked.htm); Internet.

<sup>3</sup> Brown, R. E. *Community Protection Conference Pacific Region NJC Conference Report October 2005*, 2005, p. 14. <http://vancouver.ca/police/justice/documents/Conference2005/ConferenceReport.pdf>; Internet.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., p. 24