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Instability within Stability: Conflicting Trends Beneath Canada's

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**Instability within Stability:
Conflicting Trends beneath Canada's Aggregate Incarceration Rate**

E. Shannon Tucker

Thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
In partial fulfillment of the requirements
For the Master of Arts degree in Criminology

Department of Criminology
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ABSTRACT

Contrary to the significant increases of incarceration rates in the United States and England, Canada has maintained relatively stable incarceration rates for the years 1978 – 2004. However, this overall stability conceals not only bifurcated trends of increasing and decreasing incarceration rates but also significant variation within these trends at the federal, provincial, and territorial sub-levels. As such, this thesis reveals – on a theoretical level – that Canada has not entirely resisted the shift towards increasing punitiveness. From a policy perspective, it is suggested that the competing trends must be monitored to avoid exacerbation to the point in which justice is brought into disrepute. This work also raises a methodological question of whether punitiveness is best measured in terms of admissions or counts data.

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1.0 INTRODUCTION

Maricopa County Jail of Phoenix, Arizona has attracted international attention for its unorthodox punitive practices. Regarded as “America’s Toughest Sheriff”, Joe Arpaio engaged in typical acts of impunity by eliminating “girly” magazines, hot lunches, most hot breakfasts, and coffee (Finn 1996). Further, Arpaio introduced innovative sanctions such as issuing pink undergarments and pink handcuffs based on the premise that the pastel colour would act as a theft deterrent and induce a calming effect among prisoners (Maricopa County Sheriff’s Office 2005).

Notorious for his harsh approach towards inmates, Arpaio distinguishes himself as a particularly punitive warden through his insistence that prisoners perform such tasks as creating fire breaks, removing trash, and burying deceased destitute persons in the county cemetery (Foster 2003). Arpaio has also tailored public burial practices to specifically punish (and presumably deter) offenders convicted for driving while intoxicated by forcing these inmates to bury deceased alcoholics (Elsworth 2007).

Extending his innovative techniques beyond the realm of sanctioning, Arpaio developed “Tent City”, a make-shift jail created out of military tents which houses inmates outdoors in extreme temperatures. This extension addressed insufficient funding for institutional expansion and, more importantly, prevented the release of inmates based on allegations of over-crowding (Hill 1999).

With respect to prisoner treatment, Arpaio prides himself on feeding inmates on a budget less than the amount allotted for animals: “I got meal costs down to 40 cents a day per inmate. It costs \$1.15 a day to feed the department's dogs” (CNN 2003). Due to numerous complaints contesting the inhumane institutional conditions of the Maricopa

County Jail, allegations of a gross violation of human rights were met by an investigative critical report issued by Amnesty International (Amnesty International 1997).

Initially, it seems reasonable to interpret the aforementioned case as a sensational exception. However, Maricopa County is symptomatic of a much broader trend towards increasing punitiveness in Western democratic nations, including nations such as Australia and New Zealand (Pratt 2006). Canada's location in relation to the trajectory towards increasing punitiveness is difficult to pinpoint. It has been stated that Canada stands out as anomalous insofar as it has generally resisted harsher legislation and increasing sentence severity, despite the introduction of mandatory minimum sentences in the 1990s (Doob and Webster 2006). Comparisons of incarceration rates between Canada, the United States, and England, support this contention and reveal that the latter two have increased significantly over time while Canada has demonstrated relative stability over time. Indeed, Canada's stable overall incarceration rates from the 1960s to the mid 2000s certainly seem to indicate a national resistance to increasingly punitive trends given the fact that incarceration rates¹ have not increased significantly over time.

This thesis sets out to examine and critically assess this contention. Specifically, this work looks at the nature of the evidence used to support the characterization of Canada as a nation which has resisted the trend toward increasing penal severity. This work argues that treating overall stability in overall incarceration rates as indicative of trends in punitiveness may be misleading because doing so clearly conceals important underlying counter-trends.

¹ The measure of punitiveness most often used is increasing rates of incarceration based on the fact that imprisonment is generally equated with 'real' punishment (Sharpe 1990; Garland 1990). Consistent with this measure, this work uses Statistics Canada incarceration data from 1978 to 2004 to test the null hypothesis that stability in overall incarceration rates is also indicative of stability at the federal and provincial/territorial levels and further at the regional, provincial, and territorial sub-levels.

This research aim is pursued at the level of research design using the vehicle of a null hypothesis. The null hypothesis asserts that stability in Canada's overall incarceration rates reflects underlying stability at the federal and provincial/territorial sub-levels and further broken down by provinces and territories. In the event that consistent stability is revealed at the aforementioned sub-levels, the null hypothesis would be supported and thus confirm that Canada has clearly avoided a shift towards increased punitiveness. However, in the event that conflicting trends of increasing and decreasing incarceration rates are revealed at the aforementioned sub-levels, the characterization of Canada as a nation that has resisted the shift towards increasing punitiveness may need to be revised. It may be the case that Canada increases in punitiveness in some areas, while decreasing in punitiveness in others.

In fact, this thesis will show that stability in Canada's overall incarceration rates masks conflicting underlying trends that exist at both the federal and provincial sub-levels and across individual regions, provinces, and territories. To this end, Chapter two is divided into three sections. The first section reviews the literature surrounding the concept of punitiveness and its application to the United States, England, and Canada. The second section describes the theory of increased punitiveness and how this theory will be applied to the data in this thesis.

The third section focuses on Canada and explores Canada's ability to resist the shift towards increasing punitiveness. Chapter three outlines the methodological structure of the work and describes the organization of the data analysis and the interpretive framework to be applied to the findings. Chapter four presents incarceration rates at the total, federal, and provincial/territorial levels for both custodial counts and custodial admissions. It also illustrates that two distinct and conflicting trends of increasing incarceration rates and

decreasing incarceration rates emerge at the provincial and territorial sub-levels for custodial counts and custodial admissions, and further reveals that a wide range of variation exists within these conflicting trends.

Chapter five discusses the characterization of Canada as a nation which has eluded increased punitiveness. Specifically, this perception is refuted by the fact that conflicting trends of incarceration rates exist at sub-levels, demonstrating that incarceration rates in Canada are not as stable as overall incarceration rates would suggest. Chapter six is reserved for theoretical and practical implications as well as suggestions for future research.

2.0 LITERATURE REVIEW

As illustrated in the Maricopa County case study, there are numerous dramatic and demonstrative examples of increased punitiveness at the institutional, community, and legislative levels. These contextualized examples must be taken into consideration in conjunction with the hallmark measure of punitiveness, as the construct of punitiveness is multi-faceted in nature. The first section of this literature review examines the creation of the “No Frills” movement, which encapsulates prison conditions, institutional labelling, and legislative amendments. The creation and significant growth of “Supermax” penitentiaries in the United States is then discussed as an indicator of the increasingly widespread repressive prison conditions surfacing in North America, which segues into the following section describing the ways in which punitiveness manifests in prison and community service uniforms.

The community is identified as a medium which is permeated by punitiveness in the form of both tangible products (public announcements, placards), and technological devices (electronic monitoring). The notion of measuring punitiveness through incarceration rates is proposed, followed by a description of incarceration rates in the United States and England. The second section discusses the theory of increased punitiveness, while the third section is reserved for specific factors that may contribute to Canada’s anomalous position as a nation that has, for the most part, resisted the movement towards increased punitiveness.

2.1 The “No Frills” Movement

Perhaps due to the endorsement of increasingly punitive measures by the volition of various states, the Federal Congress of the United States passed a “No Frills Prison Act” in April of 1996 that restricted all amenities interpreted as frivolous or luxurious. Typical

examples of ‘no frills’ revocations include the elimination of free coffee and confiscation of food items brought by visitors, restrictions on smoking and hot meals, and limitations on recreational activities, television, telephone access, and private property in cells (Finn 1996). A more onerous impact of the ‘no frills’ prisons is imposed on those inmates serving a sentence for a crime that resulted in serious bodily injury to a victim, who are denied any television viewing and are limited to one hour a day of sports or exercise (Finn 1996).

Following the passage of the “No Frills Prison Act”, several states including Georgia and Kansas adjusted their punitive stance to embody a heightened degree of punitiveness. The focus of the Georgia Department of Corrections on “Back to Basics in Georgia’s Prisons” is suggestive of the state’s regression and reintroduction of past practices. The Georgia Department of Corrections demonstrated the magnitude of its ‘tough on crime’ initiative by ceasing all special leave programs for prisoners as well as graduation ceremonies, requiring all inmates to walk 4.5 miles per day, and calling for increasingly harsher boot camp programs (Pratt *et al.* 2005). While these measures are undeniably severe in their recourse, perhaps most indicative of a shift towards increasing punitiveness was the decision to modify the institution title from ‘Correctional Institute’ to ‘Prison’.

While the Kansas Department of Corrections followed a similar trajectory, its approach deviated somewhat from the typical ‘no frills’ indicators and instead allowed certain frills to be earned on the basis of inmate diligence and behavioural compliance. This was achieved not by confiscating existing privileges, but rather by introducing a formal incentive program in which incoming inmates had to earn a range of privileges including television, handicrafts, use of outside funds, canteen expenditures, personal property, and visitation privileges (Finn 1996). The passage of the ‘no frills’ legislation marked a shift in

earning certain provisions which were deemed as luxuries rather than basic necessities under the formerly less punitive prison system.

The ‘no frills’ jail movement is further demonstrated in the controversial reinstatement of chain gangs in the early 1990s involving men, women, and juveniles in the southern United States. In 1994, the Alabama Department of Corrections introduced ‘no frills chain gangs’ (Zimring and Hawkins 2004:165) which exacerbated the harsh conditions of an already punitive initiative. The reintroduction of chain gangs became indicative of a drastic renunciation of penal reforms that had taken decades to achieve (Pratt 2007:31; Reuters 2003). In a similar vein, the modern creation and rapid expansion of ‘Supermax’ prisons have surpassed the standard punitive elements of an ordinary prison to allow for the introduction of more severe and repressive practices.

2.2 Supermax Institutions

Since 1984, the number of Supermax institutions in the United States has expanded from one facility to approximately 60 facilities by 1997, dispersed over more than 30 states (King 1999, cited in Pizarro *et al.*, 2006). Approximately 20,000 inmates, or 1.8 percent of inmates serving sentences of one year or more in state and federal prisons, were housed in Supermax institutions at the close of 1998 (Pizzaro *et al.* 2006). Zimring and Hawkins have argued that Supermax prisons were designed with the intention of imposing unprecedented levels of individual isolation and psychological deprivation (2004).

Further, Pratt *et al.* (2005) have posited that a consequence of isolation and sensory deprivation is the erosion of an inmate’s spirit and will, which has been compared to the pointless brutality associated with the Victorian-era tread wheel, crank and dietary regime.

Lynch, who expanded on Simon and Feeley's (1992) theory of 'waste management' to create the term 'waste disposal', perhaps most aptly explains the symbolic representation of the Supermax prison. Specifically, Lynch described the function of the Supermax death row as a unit which transformed "those waiting to die from sociologically and psychologically rich human beings into a kind of untouchable toxic waste that need only be securely contained until its final disposal" (2005:79).

2.3 Prison Uniforms: Stripes, Colours, and Labels

Echoing Georgia's tendency to draw from historical punitive tactics, perhaps the most notable change in uniforms is the reinstatement of black and white striped uniforms characteristic of the stereotyped chain gang inmates from decades past (Finn 1996). For the first time in more than a quarter century, the Mississippi legislature introduced an initiative in 1995 which reinstated striped uniforms with the additional stigma of labelling, emblazoning tags such as 'convict', 'state prisoner' or 'state probationer' on the back (Finn 1996; Pratt 2007).

Another repressive tactic that has surfaced in the prison system is the phasing in of pink garments, a trend which originated in the Maricopa County Prison (Maricopa County Sheriff's Office 2005). Demonstrating similar leanings, South Carolina enacted a policy in 2005 requiring detainees who perform sex acts in the presence of prison officers to wear a pink uniform based on the premise that this garment distinction is necessary to protect female prison staff from sexual behaviour (Barnett 2007; Fox News 2008). While budgetary and safety reasons could certainly be interpreted as legitimate justifications for establishing prison policies, the fact that law suits and human rights groups are devoted to investigating

these occurrences suggests that the degree of humiliation endured by these inmates is perhaps unreasonable or unwarranted.

Recent discussion has surfaced in the United States regarding the introduction of uniforms designated for offenders sentenced to community service (Pratt 2007). The Home Office in England contemplated a similar approach of introducing uniforms for young offenders carrying out community service orders and faced condemnation from probation officers who cited the counterproductive impact of naming, shaming, and degrading offenders (BBC 2005).

2.4 Beyond Prison: Tactics of Shaming and Stigma in the Community

Indicators of increased punitiveness are also found beyond the correctional institution. Other initiatives have been proposed which use the community as a tool in sustaining shaming and stigma. For instance, one notes the use of public announcements, billboards, and placards targeting groups such as negligent parents, registered sex offenders, and impaired drivers (Maricopa County Sheriff's Office 2005). In England, electronic monitoring has been used among domestic violence offenders, persistent offenders (both juvenile and youth), and sex offenders to track their movements and monitor their compliance in avoiding 'exclusionary zones' such as playgrounds and victim's residences (Nellis 2005). In fact, it has been argued that these technological means have contributed to the erosion and replacement of human criminal justice intervention by mechanical substitutes, which despite their sophisticated technology represents a regression towards a more primitive method of penalty due to "the incremental removal of the ethical constraints traditionally supplied by humanism" (Nellis 2005).

Tactics of stigma and shaming perhaps have been most evident with respect to ‘sex offenders’ and ‘driving while intoxicated’ offenders. It has been argued that sex offenders are monitored, reported, and publicly repudiated through pedophile registers in the United States (Pratt 2007). Sexual predator laws were introduced by a favourable public ballot in Washington State in 1989, which allows for the indefinite civil confinement in a ‘special confinement centre’ of sex offenders after they have served a finite jail sentence for their crime (Pratt 2007). Arguably, this legislation suggests that sex offenders must be isolated from both the public and the general population of offenders, and effectively creates a physical barrier to contain these offenders based on a practice of labelling and exclusion.

In addition to being confined to civil centers in Washington State, sex offenders in Wisconsin are now able to be identified in traffic after their release from prison due to the passage of a 2007 bill named “Kristen’s Law”, in tribute to a 14-year-old girl who was abducted, raped, and murdered by a convicted sex offender. This legislation mandates that offenders convicted of first and second-degree child sexual assault will have to display distinctive bright green license plates on vehicles registered under their name (Petersen 2007). Additionally, failure to comply with this condition will result in fines ranging from \$10,000 to \$25,000 and/or six to ten years in prison (Werner 2007).

It has been argued that this initiative is unnecessarily humiliating, damages the chances of rehabilitation after the offender has served his/her sentence, and poses a grave threat of vigilante activity to the offender and his/her family members (The Daily Cardinal 2007). The potential for public retaliation materialized as a reality in Britain following the government’s refusal to make the community notification registers accessible to the public,

which was met by vigilante expression of punitive sentiments in the form of ‘naming-and-shaming’ posters targeting sex offenders (Pratt 2007).

In addition to the targeting of sex offenders is a growing societal focus on punishing ‘driving while intoxicated’ offenders. Following Wisconsin’s initiative of modifying license plates according to specific offences, several other states have expanded on this approach by using distinctive colouring, numbering and lettering systems, as well as stickers to identify individuals convicted of driving while intoxicated. Washington State expressed support for a senate bill proposing the mandatory purchase and installation of fluorescent yellow license plates on the vehicles of offenders convicted of driving while intoxicated (once their driving privileges had been restored) which is similar to Ohio’s issuance of yellow plates to emphasize the crimson numbers etched on them (Nakayama 2008). Minnesota issues license plates that display a unique series of numbers, while Iowa distinguishes offenders by issuing license plates containing the letter ‘Z’. In contrast, Oregon distributes distinctive stickers rather than physically altering the license plate (Nakayama, 2008).

Aside from license plate tactics of shaming, the introduction of placards has also surfaced as a sanctioning option for driving while intoxicated offenders. For instance, a sentence was handed down in Houston, Texas requiring a female offender to hold a placard reading “I am a drunk driver” as she stood outside her favourite department store. A similar sanction was handed down to a male offender, who was ordered to hold a placard reading “I killed two people while driving drunk” as he stood at the crash site and outside of the convenience store where he had purchased the alcohol (Focht 2002).

While these offences are undeniably distinct from one another, common threads exist in the tactics of shaming directed towards the offender populations. Similar to the concerns

surrounding distinct license plates for sex offenders and driving while intoxicated offenders, the use of placards as a tool of public shaming has been criticized due to the detrimental impact that this degree of degradation² has on an offender (Whitman 2003). Furthermore, it is notable that the employment of shaming tactics directed towards both of these offences occurs predominantly in western states such as Washington State and Oregon and in mid-western states such as Wisconsin, Minnesota, Iowa, and Ohio. This geographical range suggests that indicators of increased punitiveness are not concentrated solely in the traditionally punitive southern states such as Arizona and Texas.

2.5 Inter-Jurisdictional Comparisons: Canada vs. The United States and England

While increased punitiveness is demonstrated in the array of harsh policies and practices initially discussed in this literature review, these examples are typically specific to select offences or specific jurisdictions. As such, scholars (e.g., Garland 2000; Tonry 1996) have frequently used imprisonment rates as a uniform and quantifiable measure of punitiveness. Incarceration rates are a standardized and uniform measure which reflect criminal justice policies and allow for inter-jurisdictional and international comparisons. As well, incarceration rates are generally considered as evidence of greater ‘punitiveness’ given the exclusion and stigma associated with imprisonment. Within this context, the shift towards a progressively more punitive society may be examined through the lens of the increasing incarceration rates of Western democratic nations, specifically the United States and England (Garland 2000; Tonry 1996).

² The use of placards as a sanction for a woman with multiple fraud convictions was over-ruled in a New Zealand court of appeal as an incorrect use of restorative justice (Loewe, n.d.)

2.6 The United States

The penal culture of the 1970s in the United States was characterized by the sporadic existence (and general disapproval) of minimum penalties, judicial freedom limited only by statutory maximums and occasional minimums, and ultimate discretion of the judge in determining the length of an offender's sentence as well as issuing sentences and conditions of probation (Tonry 1996). This panorama changed dramatically in the mid-1970s. Most obviously, rehabilitation as a main goal of punishment was largely abandoned due to accusations that such an approach was not effective in decreasing crime rates. More punitive sentencing policies based on a 'justice model' of proportionality were subsequently adopted in the late 1990s to compensate for the leniency of a rehabilitative approach (Shichor 2000). This transition occurred in tandem with legislation that distributed financial incentives to those states that would abolish probation release, establish sentencing guidelines to restrict judicial sentencing discretion, and eradicate or constrict provisions which formerly allowed inmates to reduce their maximum sentence by one-third in exchange for good behaviour. Adopting these measures effectively ensured that prisoners served a minimum of 85 percent of their sentence (Tonry 1996).

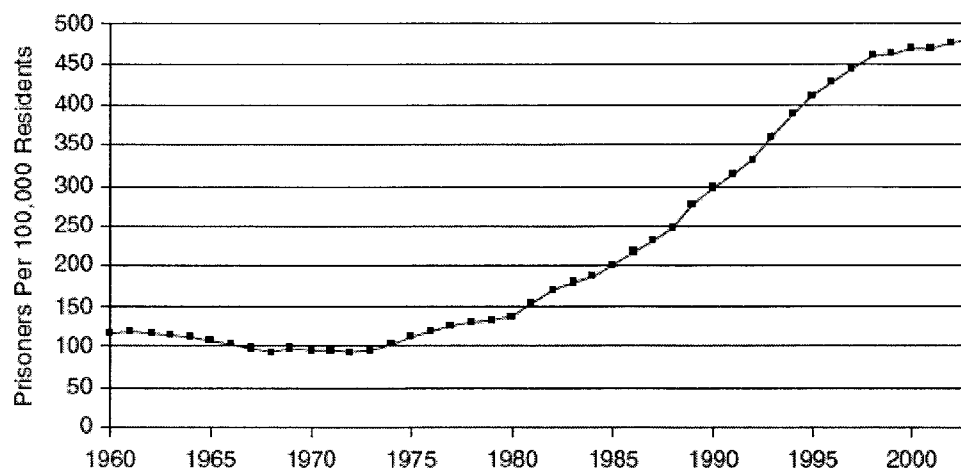


Figure [2. 1] - Imprisonment Rates (State and Federal), United States (1960 - 2003).³

As illustrated in the graph above, the result was that incarceration rates of combined state and federal prisons in the United States rose by more than 500 percent between 1970 and 2002 (Doob and Webster 2006). This rise in incarceration rates occurred in tandem with an increase in the “relative frequency of custodial (as opposed to non-custodial) sentences and in the average length of prison terms” (Garland 2001:10). It is notable that both the United States federal system and the state of California passed ‘three-strikes’ laws in 1994, resulting in the introduction of 35 special prison sentences under the federal statute, and more than 40,000 sentences under the California statute towards the end of 1998 (Zimring 2001). The California ‘three-strikes’ laws resulted in 90 percent of its enhanced prison sentences given to offenders with only one prior strike, rather than to offenders with two prior strike convictions, consequently extending the law 10 times beyond its originally intended scope (Zimring 2001). Perhaps as a result of such enforcement, the California ‘three-strikes’ statute has resulted in nine times as many prison terms as the total of all 26

³ Source of data: *United States Sourcebook of Criminal Justice Statistics 2004* (cited in Doob and Webster 2006:331). Jail counts (prisoners with short sentences and those awaiting trial) are not included. In 1983, the jail population was estimated as being approximately 100 per 100,000 residents, compared to approximately 237 per 100,000 residents in 2003 (Doob and Webster 2003:331).

other ‘three-strikes’ laws in the United States (Zimring 2001:163). The adoption of ‘three-strikes’ legislation may help to explain the noticeable increase in both trends depicted in the imprisonment rates presented in Figure 2.1.

2.7 England

England⁴ demonstrates similar trends of increased punitiveness. The adoption of increasingly punitive policies in England mirrors the rising punitiveness of the United States – albeit in a diluted manner – particularly in England’s importation of United States slogans. Tony Blair’s 1992-1993 years as Home Secretary were marked by the slogan “tough on crime, tough on the causes of crime” (McKenzie 1998), followed by Michael Howard’s mantra “prison works” during his 1993 – 1997 years as Home Secretary (BBC 2004). Both of these slogans were used to promote criminal justice policies advocating for harsher sentences characteristic of ‘tough on crime’ approaches of the United States (Tonry 2001).

Incarceration rates in England have also substantially increased since the 1960s and 1970s (Figure 2), and since then have more than doubled, with the 2006 incarceration levels constituting approximately 139 per 100,000 residents (Doob and Webster 2006). A noticeable rise in incarceration rates is observed towards the end of the 1990s. Specifically, the number of offenders sentenced to custodial sentences for all offences (including summary offences) increased by 73 percent between 1990 and 1998 (Roberts *et al.* 2003).

⁴ England will be used throughout this thesis as the abbreviated reference to England and Wales.

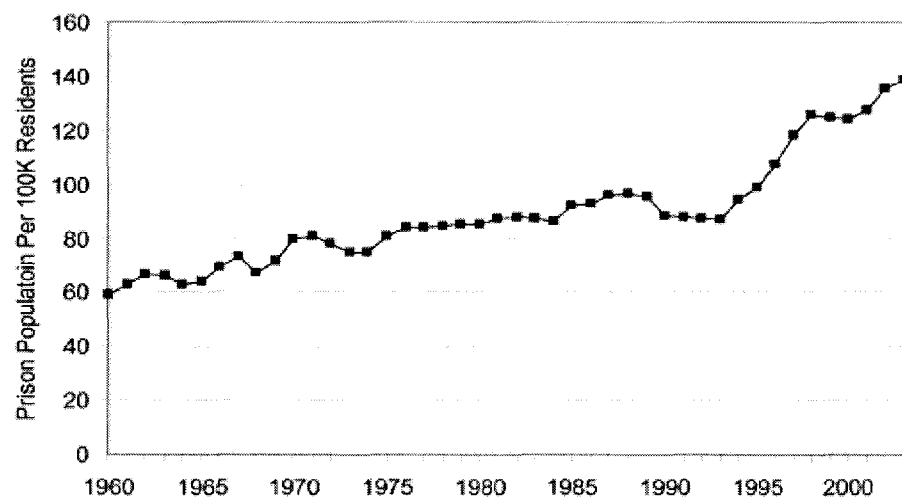


Figure [2. 2] - Imprisonment rates (including remand populations), England and Wales (1960 – 2003).⁵

As noted by Roberts *et al.*, this notable increase in the 1990s is attributed to the increased use of custody in tandem with longer sentences in the Crown Court (2003). This increase in the use of imprisonment resulted in a 51% growth in the prison population from 1991 to 1998 (Roberts *et al.* 2003). Furthermore, England’s sentencing policy of ‘penal parsimony’ was abolished in 1992 and was replaced (along with the former Home Secretary) with advocacy for increased use of imprisonment (Tonry 1999). It is notable that while custody rates have been increasing over time, the probability of being caught and convicted of a crime in England has been declining (Langan and Farrington, cited in Roberts *et al.* 2003). In the words of Roberts *et al.*, this paradox indicates a “shift in crime control from certainty to severity of punishment, a regrettable movement since research has clearly demonstrated the superiority of certainty over severity” (2003:18).

⁵ Source of data: Home Office (2003, 2004b) cited in Doob and Webster 2006:332).

2.8 Theoretical Explanations

As demonstrated in the previous section, both the United States and England show increases over time in incarceration rates, which is the most common measure of punitiveness. Hence, it can be stated that both nations demonstrate the ‘new punitiveness’ in their modern criminal justice policies, which may be understood as “forms of punishment that seem to violate the productive, restrained, and rational tenets of modern disciplinary punishment and hark back, in different ways, to the emotive and destructive themes of sovereign punishment” (Pratt *et al.* 2005:xii). It has been argued that the popular explanation attributing a rise in incarceration rates to a corresponding increase in crime or crime rates is ‘flatly wrong’ (Tonry 2004a), which provides an opportunity for further theoretical speculation. In order to contextualize this trend towards increasingly harsh and repressive punishments, the general theory of increased punitiveness is discussed by incorporating elements of the penal transformation of the ‘liberal elite’, exclusion of criminals, changes in human sensibilities over time, emotive punishment, and penal populism.

The impetus underlying the increased punitiveness theory can be traced back to the 1960s, which witnessed the beginning of an escalating trend of high crime rates and the increasing and routine exposure of crime to the middle class liberal elites, which was previously considered as a social problem isolated to the impoverished and lower class (Garland 2000). Due to this encroachment, the educated middle class and public sector professionals have shifted in their orientation over the past two or three decades from supporters of welfarist objectives and expert approaches to crime control to proponents of new approaches rooted in enhanced control and expressive punishment (Garland 2000).

In the case of the United States and England, it has further been suggested that the portrayal of the offender as no longer deserving of consideration and treatment as a ‘full

citizen' led to the labelling and exclusion of the offender, assigning blame to individual behaviour rather than broader social forces which may have shaped the criminal behaviour (Tonry 2004a; Tonry 2004b, cited in Doob and Webster 2006). The practice of labelling and excluding offenders is a micro-level example of a macro-level societal shift in human sensibilities, which have drifted towards intolerance and expressive methods of punishment based on prevailing but fallible sensibilities (Tonry 2004).

Policies rooted in 'emotive and ostentatious' punishment (Pratt 2007) resonate with the public because of the symbolic expression that they afford. To be specific, these policies act a vehicle for vindication of public anger and indignation, validation of the public's desire for criminals to be punished, and recognition of a public need for security that has been threatened because of the offender's criminal behaviour resulting in the violation of social norms (Freiberg 2000).

The cycle of increased punitiveness reconnects with the liberal elites, the most representative and populous class in a given political constituency, through the channel of penal populism. Politicians have recognized public anxiety (either as a legitimate fear or as a sensationalized artefact) surrounding crime as an exploitable vulnerability which the public is led to believe can be remedied through the endorsement of increasingly punitive and repressive crime control policies (Garland 2000; Pratt 2007; Roberts *et al.* 2003). The complex and integrated cycle of increased punitiveness provides a lens through which the indicators and consequences of societal departure from pragmatic policies rooted in welfarist objectives in favour of more retributive and repressive sanctioning practices can be more closely examined.

2.9 The Canadian Context

Although Canada, the United States, and England have generally been considered very similar in their criminal culture over the past 45 years and equally susceptible to pressure advocating for harsher legislation and increasing severity of sentences, Canada appears to have countered such influences, maintaining a relatively stable imprisonment level since the 1960s (Doob and Webster 2006). This overall stability is maintained despite the introduction of increasingly punitive legislation such as mandatory minimum sentences in the 1990s followed by more specific mandatory minimum sentences introduced in 1996 for offenders found guilty of committing one of ten specific violent crimes with a firearm (Doob and Webster 2006). Although mandatory minimum sentences were introduced in the 1990s and subsequently tailored in 1996 to address violent crimes committed with a firearm, their expression would appear to have been muted within the Canadian context, as explained by Doob and Webster:

“Indeed, while the mandatory minimum sentence for violent crimes carried out with a firearm (four years in prison) did, in fact, increase the sentences that some offenders received, it is likely that the “new” sanction would not significantly differ from that which would have been handed down under the prior legislation for most offenders. Given the seriousness of the offense and the fact that those offenders falling under these new mandatory minimum sentences would frequently have criminal records, often serious in nature, it is probable that they would already have received a four-year sentence. Hence the legislation almost certainly contributed little to prison populations” (2006:334).

This explanation reiterates that the existence of increasingly punitive measures in the Canadian context does not necessarily result in increased rates of incarceration (Webster and Doob 2007), which clearly distinguishes Canada from the United States and England.

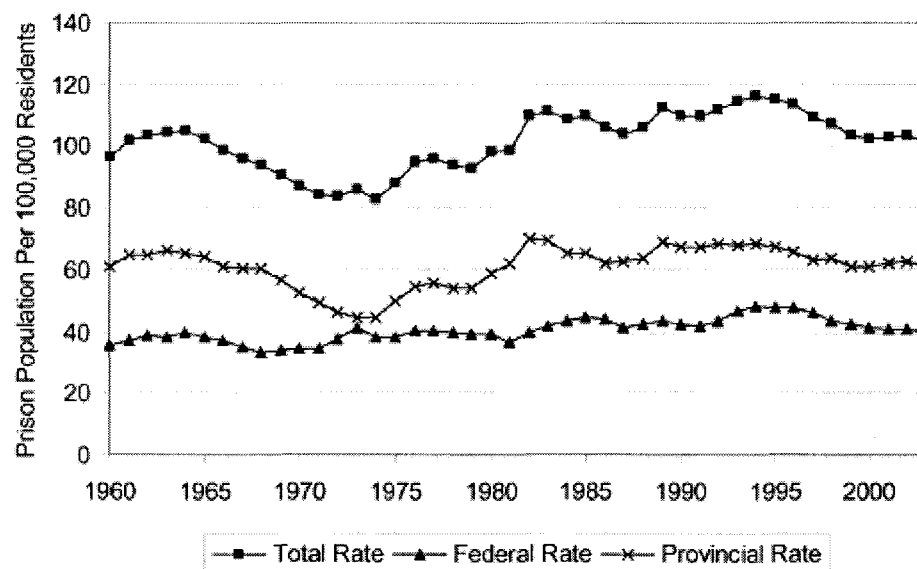


Figure [2. 3] - Imprisonment rates (federal and provincial), Canada (1960–2003/4).⁶

An analysis of Canada's cultural, historical, political, and judicial conventions/practices may be used to (partially) explain the ways in which Canada has moderated the influences of increasing punitiveness, succeeding in maintaining relatively stable incarceration rates. When contrasted with examples drawn from the United States or England, these explanations provide an enriched context, which pronouncedly defines Canada as anomalous. This brief overview of specific conditions underlying Canada's anomalous position vis-à-vis imprisonment rates will also give rise to an additional argument which examines the role of the judiciary as another potential explanation for Canadian stability.

⁶ Since 1980, data are reported by fiscal year. Provincial prisons include remand populations and other non-sentenced prisoners as well as those sentenced to less than two years in prison. Federal penitentiaries receive only those sentenced to two years or more. Source of data: *Canadian Centre for Justice Statistics* (1997) and other years (Doob and Webster 2006:333).

2.10 Cultural Conventions

From a macro-scale perspective, culture as it relates to penalty can be defined as “the ways in which particular values and commitments enter into the penal process and become embodied there, and, more broadly, how cultural mentalities and sensibilities influence penal institutions” (Garland 1990:193). An obvious and permeating contrast that exists between Canada and the United States is the emphasis on collective versus individual rights, respectively. As Lipset notes, “the explicit concern of Canada's founding fathers with ‘peace, order, and good government’ implies control and protection” while “the American stress on ‘life, liberty, and the pursuit of happiness’ suggests upholding the rights of the individual” (Lipset 1986:128).

The United States has historically been noted as being highly individualistic which translates into individuals assuming responsibility for their own actions while simultaneously reserving the right to blame individuals for undesirable behaviour (Austin *et al.* 2003, cited in Blomberg and Cohen 2003). Cultural evidence of individuality is further reflected in legislation that honours the symbolic figure of the victim (Pratt 2007; Garland 2001), such as Megan’s Law in New Jersey (1994) and Jessica’s Law in California (2005), otherwise known as the California Sexual Predator Punishment Law. Essentially, a highly individualized culture allows for public and legislative demonstrations of excessive sympathy for victims of crime while simultaneously punishing and repressing offenders.

In contrast, Canada is characterized by a strong civic culture due to its emphasis on social welfare provision. By avoiding a shift from public to private shareholders in ensuring the welfare of the citizenry, “the state remains a guarantor of security and stability, avoiding

the attendant anxieties that restructuring has caused in other societies, where the state welfare role – but not its penal role – has been restricted and limited” (Pratt 2007:158).

Canada is also characterized as relatively nonviolent which may lend itself to disapproval of increasing punitive measures to address crime in comparison to the United States which is more autonomous and also more accepting of violence (Adams 2003, cited in Doob and Webster 2006). The United States is recognized as a society of vindictiveness and vengeance (Austin *et al.* 2003), demonstrated in its continued use of the death penalty which is regarded as cruel and unusual punishment in Canada (Meyers and O’Malley 2005:208). Notably, these characteristics have been described in tandem with the symbolic representation of the death penalty in the United States as a response to the demand of individuals for capital punishment, as a form of privatized victim compensation (Zimring 2003, cited in Messner 2006).

Garland (2000) attributes this representation to the new penal ideal centered on the protection and sentimental expression of the public, which may justify the closed circuit television broadcasting of Timothy McVeigh’s execution in 2001 for an audience of more than 230 people (Tonry 2004). Garland further suggests that the ‘crime culture’ developed in the 1970s provides a contextual understanding of the continued existence of the death penalty, namely “the public attitudes that support it, the values to which it is linked, and the symbolic meanings that it conveys” (2005:357).

2.11 Historical Considerations

Canada’s skepticism regarding the use of imprisonment in response to crime diverges drastically in comparison to the paths embarked on by the United States and post-

1990s England (Doob and Webster 2006). Canada tends to avoid legislative remedies to crime control as demonstrated in the revocation of the 1987 legislation of mandatory minimum sentences for drug offences, which have been attributed to the disproportionate increase in the United States prison population since approximately 1980 (Webster and Doob 2007).

Evidence of shifting the offender away from the confines of imprisonment is reflected historically in legislative suggestions made by the Canadian Committee on Corrections (1969) to amend sentencing policies to reflect the significance of community methods in dealing with offenders. In addition, the Law Reform Commission of Canada (1976) recommended restraint in the use of imprisonment (Roberts 1998). Such reservations are currently incorporated in Section 718.2 of the Criminal Code of Canada which states that “an offender should not be deprived of liberty, if less restrictive sanctions may be appropriate in the circumstances” and “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders” (Criminal Code of Canada 2008).

This notion is supported in *R v. Proulx* (2000), which endorses the use of community sanctions as independent sanctions and a legitimate alternative to imprisonment and advocates for non-custodial approaches including greater use of restorative justice as an option to deal effectively with increasing prison populations (Canadian Sentencing Commission 1987; Department of Justice Canada 1999). Canada’s stable imprisonment rates may be attributed to the avoidance of implementing punitive policies and the holistic adoption of specific ‘tough on crime’ approaches in harsher legislation, sentencing guidance,

and increasing sentence (in frequency and length) of imprisonment being handed down by judges (Doob and Webster 2006; Roberts *et al.* 2003).

2.12 Political Aspects

For the period between 1984 and 1990, an analysis conducted by Hatt *et al.* concluded that Canadian legislation was not predicated on the law-and-order mentality characteristic of the United States and Great Britain (Hatt *et al.* 1992, cited in Pratt *et al.* 2005). Hatt *et al.* determined through the comparison of clauses between criminal legislation enacted by the Progressive Conservative government and from the Liberal government formerly in power that there was sparse evidence of any type of legislative amendments or proposals over a six-year period (Hatt *et al.* 1992, cited in Pratt *et al.* 2005).

What this example demonstrates is that even with an increasingly conservative government in power, there was not a noticeable shift towards increasing punitiveness in the form of ‘tough on crime’ approaches (Hatt *et al.* 1992, cited in Pratt *et al.* 2005). Indeed, it would appear as though Canada is politically determined to abstain from adopting the United States reliance on increasingly harsh criminal justice measures, despite public opinion poll findings that suggest there might be some popular resonance with it (Pratt 2007).

The influence of penal populism emergent throughout the 1990s in many western, English-speaking democracies as “the pursuit of a set of penal policies to win votes rather than to reduce crime rates or to promote justice” (Roberts *et al.* 2003:6) has been significantly muted due to Canada’s two-tiered governmental structure. The federal government is relatively removed from issues surrounding penal populism and sentence

severity, delegating the rights of appeal to the Crown, which may contest a lenient sentence (Webster and Doob 2007).

In light of increasing punitiveness and the pressures of populism, the federal government is able to deflect pressure by noting that concerns may be addressed through the simple and timeless function of Crown appeal. This provision was extended to the Crown only recently in England, and would bear little consequence in the United States due to their indeterminate sentencing practices (Webster and Doob 2007). These provisions can be interpreted as pre-emptive rather than necessary, as there has been no public support for the abandonment of Canada's commitment to rehabilitation in favour of a more punitive reorientation in its prisons (Meyer and O'Malley 2005, cited in Pratt *et al.* 2005).

Compared to Canada, the organization of the United States government makes it especially vulnerable to emotional overreaction. Indeed, "crime and punishment issues are likely to be given much greater attention at the state level where there is greater jurisdiction over these matters, but rather less in other areas of government, allowing again for greater local influence of law and order lobby groups" (Pratt 2007:157). Additionally, because United States institutions of government do not protect policy from the impact and effects of short-term emotionalism (as institutions in other Western countries do), harsh and simplistic policies are more easily and frequently adopted (Tonry 2004).

In Canada, the federal government has jurisdiction over the appointment of all appeals court judges. Further, provincial governments, especially those with a tendency to be more prone to the pressure of penal populism, do not have legislative authority with respect to sentencing. In this way, the potential of lobbyist groups to impact policies is effectively nullified (Roberts 1998). Interestingly, the function of the provincial government

in administering, but not modifying, criminal law also serves to distance the federal government as a solitary entity free from the demands of the provincial government and the citizenry (Webster and Doob 2007).

Furthermore, any amendments that are made to criminal law require consultation between the federal and provincial governments, which presumably mitigates any type of radical, ‘knee-jerk’ decision, as all parties must concur prior to the passage of modified policies (Roberts 1998). Canada’s two-tiered system has remained consistently stable, contradictory to fluctuating power dynamics among those governing sentencing in the United States and England which have contributed to preference of more punitive sanctions (Doob and Webster 2006).

The extreme fluctuation in the United States incarceration rates appears to largely reflect the country’s volatility in sentencing objectives over time. Specifically, by replacing rehabilitation as a sentencing objective with a model based on principles of denunciation and deterrence, the United States has evidently increasingly widened the incarceration net (Doob and Webster 2004). The dangers associated with volatility in primary sentencing objectives causing drastic and increasingly punitive objectives of sentencing in both the United States and England have not surfaced in Canada.

To the contrary, Canada has adopted an official culture of restraint in the use of imprisonment, which was formally recognized as a legislated sentencing principle in the 1996 revision of Section 718.2 in the Criminal Code of Canada. While the adoption of sentencing principles appears to be a significant factor in resisting extreme fluctuation in sentencing practices, Canada’s lack of sentencing principles arguably served an equally stabilizing role (Doob and Webster 2004). Indeed, due to the fact that prior to 1996 primacy

was not assigned to any one specific sentencing purpose, “the potential for dramatic fluctuation in sentencing due to shifts in the predominant sentencing aims guiding judges’ rulings was avoided” (Doob and Webster 2004:151).

2.13 Judicial Factors

As suggested in the previous section, the unique structure of the Canadian judiciary is also conducive to resistance of increasing punitiveness. Specifically, the insulation of judges, their lack of affiliation with political parties, and the considerably muted effect of harsher legislative impositions have been argued to be important factors protecting Canada from generalized pressure to render criminal law and policy more repressive (Webster and Doob 2007).

Judges in Canada are insulated, to a certain extent, from political affiliation and from public pressure for increasingly punitive sanctions due to the appointment process as opposed to securing and maintaining their position through election as per the United States model (Garland 2005). As noted by Tonry, “career officials are more likely than politically selected officials to decide individual cases on the merits of their distinctive circumstances and to consider policy proposals from long-term perspectives of whether they will improve the quality of justice or the effectiveness of administration” (2004:207). In contrast, politically selected officials are more likely than career officials to be influenced by immediate considerations or issues pertaining to their self-interest (Tonry 2004).

Furthermore, politically selected officials typically have shorter careers compared to appointed career officials and “consequently lack awareness of the past experiences of their offices or of their profession, and lack a personal or professional interest in long-term effects

of changed policies on the justice system” (Tonry 2004:208). It is noteworthy that a large majority of American state judges are elected (Tonry 2004). Additionally, most prosecuting attorneys are elected and those who are not are selected according to partisan political criteria (Tonry 2004). In the Canadian context, the blame associated with an unpopular sentence issued by the trial judge (who is held in high esteem) cannot be attributed to all judges (Doob and Webster 2006); this effectively insulates the Canadian judiciary, to a certain extent, from the wrath of penal populism.

While judges in the United Kingdom are appointed for life just as they are in Canada, they are notably more prone to the influence of political pressures and popular sentiment (Newburn 2007). For example, a series of populist campaigns targeting ‘bail bandits’, ‘joyriding’, and presumably dangerous animals resulted in what were perceived as “hasty and ill-thought-through statutes” (Newburn 2007) such as the Aggravated Vehicle Taking Act (1991) and the Dangerous Dogs Act (1991).

Although documented accounts of biographical data on judges discuss the influence of life events on judicial views about the nature of justice (Greene *et al.* 1998), political affiliation is typically not revealed which suggests that judicial decisions are largely divorced from political influence. As noted by Zimring and Johnson in the case of the United States, “the combination of higher salience and distrust of government increased punishment directly and produced structural changes in sentencing that made punishments even harsher” (2006:278).

The discretion of the Canadian judiciary with respect to personal leanings is also manifested in its reluctance to voice commentary or criticism relating to legislation. Such conflict could potentially undermine the public’s faith in the government and the judiciary

(Doob and Webster 2006). A large majority of American state judges are elected and it has been stated that “no informed person would deny that appointments of federal judges are fundamentally partisan and political” (Tonry 2004:9).

In light of the increasingly punitive trends exemplified by the United States and England, it must be acknowledged that Canada is not immune to the pressures of increased punitiveness. By 1999, The Criminal Code of Canada contained 29 offences carrying mandatory minimum sentences, nineteen of which were introduced in 1995 with the enactment of firearms legislation Bill C-68 (Gabor and Crutcher 2002). The enactment of mandatory minimum sentences effectively limited judicial discretion by legislating judges to impose a compulsory sentence that cannot be reduced even though mitigating factors or exceptional circumstances may exist (Roberts 2005).

Another legislative modification, which restricted (to a certain extent) the power of judges, was the incorporation of the 1996 Statement of Purpose and Principles into the Criminal Code of Canada in 1996. While arguably both mandatory minimums and the introduction of sentencing purposes and principles restricted judges to a certain extent, the ultimate impact of these legislative modifications might be interpreted as relatively benign (Doob and Webster 2006). In fact, as argued by Doob and Webster, “the former was relevant in relatively few cases and would affect sentences in even fewer cases, and the latter was largely perceived as legislating the status quo” (2006:351).

This is not the case in the United States. Established in 1984, the United States Sentencing Commission is an agency designed to displace judicial discretion by establishing rigid guidelines that judges must adhere to in the determination of sentences for individual offenders (Zimring 1991:160). The United States Sentencing Commission has adopted a

“real offence” system in which sanctions are based on an offender’s “actual behaviour” instead of the defendants’ conviction offense (Tonry 1996). Furthermore, in an attempt to compensate for the influence of plea-bargaining, the United States commission had adopted a “relevant conduct” approach, which involves “requiring judges at sentencing to take account of uncharged behaviour, and behaviour alleged in dropped or acquitted charges” (Lear 1993; Reitz 1993, cited in Tonry 1996:68).

While the federal sentencing guidelines do not consider mitigating factors, it is worth mentioning that the sentencing guidelines in the state of Virginia have actually defined an offender’s youth, which is typically cited as a mitigating factor in criminal proceedings, as an aggravating circumstance (Tonry 2004a). Consequently, in addition to the increased punitiveness characteristic of sentencing guidelines, this legislation actually reverses sentencing factors that have been reserved historically and culturally to consider the vulnerability of specific populations when handing down a sanction (Tonry 2004a). A study conducted by Anthony Doob (1995) shows that the federal sentencing guidelines do not show any consistent substantive approach (cited in Zimring 1991).

A similar curtailment of judicial discretion is found in England. The Sentencing Guidelines Council was established in the *Criminal Justice Act* of 2003, with a mandate to issue guidelines for courts to consult when sentencing defendants (Hirschel et al. 2008:196). It is noteworthy that although England has adopted sentencing guidelines, the judiciary strongly opposes the adoption of United States influenced sentencing grid system. The grid system is composed of two axes: the vertical axis, or offence score, of the grid grades the seriousness of the conduct and the horizontal axis, or offender score, rates characteristics of the offender (von Hirsch *et al.* 1987). In fact, 652 circuit judges, responsible for most

sentences handed down in the crown courts, condemn the introduction of sentencing grid in England stating that “the American dream would result in a nightmare in England and Wales” and that the grid “would be a blunt instrument resulting in unfairness and injustice” (Dyer 2008).

2.14 Research Focus

Throughout this literature review various examples were provided to compare and contrast indicators of increasing punitiveness in the United States, England, and Canada. Compared to the United States and England, Canada arguably appears to have largely resisted the degree of punitiveness exhibited in the other two nations as measured by incarceration rates due to a variety of cultural, historical, political, and judicial factors. Indeed, with respect to overall incarceration rates⁷, Canada is clearly less punitive than the United States and England, which is a fact that should not be minimized.

However, at a more micro-level scale of examination, the federal, provincial, and territorial sub-levels may not be as stable as Canada’s overall stability represents. Based on this notion, the purpose of this investigation is to critically examine Canada’s stable incarceration rates to discover if this stability is the result of consistency in sentencing across federal, provincial, and territorial sub-levels, or if Canada’s overall stability masks conflicting increasing and decreasing trends and provides the misleading impression of overall stability at the aforementioned sub-levels.

⁷ Overall stability is measured in two different ways: custodial admissions and custodial counts. Webster and Doob (2007) measure overall stability using only custodial counts. This work measures the construct of punitiveness in terms of both custodial admissions and custodial counts, thereby providing a more precise measure of overall stability in incarceration rates.

In the event that Canada's incarceration rates are indeed stable at the federal, provincial/territorial levels, this finding would lend itself to the simple conclusion that Canada has anomalously resisted the global trend towards increased punitiveness. On the other hand, it is also plausible that Canada's overall stable incarceration rate may provide an inaccurate and overly simplistic impression of equilibrium by concealing conflicting underlying trends at the federal and provincial/territorial levels. This notion of 'instability within stability' suggests that overall stability may not necessarily be synonymous with consistency at various sub-levels.

In fact, this was precisely the case in Ontario, where judges were able to strike a relatively stable balance between trends in remand and sentencing rates by awarding offenders two days' credit for each day served in remand (Doob and Webster 2006). As illustrated in the graph below, overall stability (top line) is achieved as a result of a decrease in the sentenced population (second line) and an increase in the remand population (third line). Indeed, the intersection between the decreasing and increasing trends provides the overall stability in Ontario's overall incarceration rates.

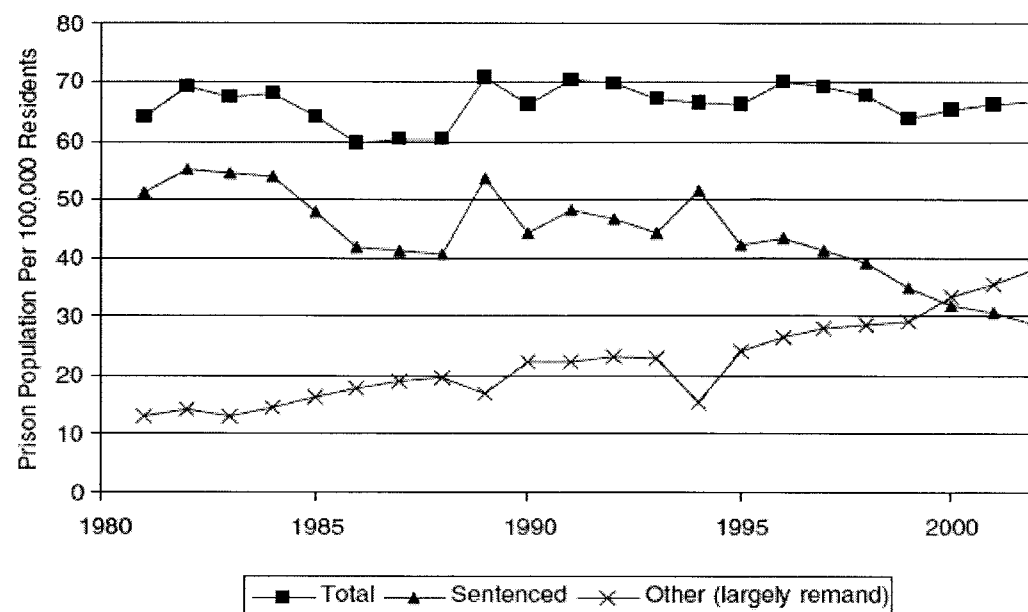


Figure [2. 4] - Imprisonment in Provincial Prisons, Ontario (1981-2002).⁸

While this thesis does not propose to weight various counterbalancing trends in Canada, this provincial example demonstrates the potential of underlying conflicting factors in Canada's stable incarceration rates. This thesis proposes to break down the overall stability of incarceration rates in Canada to gain a more detailed understanding of whether incarceration rates are stable at various sub-levels, or rather if the overall stability conceals significant variations in incarceration rates at various sub-levels.

The objective of this thesis is to provide a descriptive study which investigates the null hypothesis that stability reflected in Canada's overall incarceration rates is also indicative of stability in federal and provincial/territorial incarceration rates. Specifically, the purpose of this investigation is to determine whether Canada's overall stability is reflected in stable incarceration rates at the federal, provincial, and territorial levels, or alternatively, if this balance masks increasing incarceration rates (and correspondingly increases in punitiveness) in some sub-levels and decreasing incarceration rates (decreases

⁸ Source of data: Doob and Webster (2006:353).

in punitiveness) occurring in other sub-levels. In the event that conflicting trends exist beneath Canada's overall stability, it is plausible that Canada may indeed be increasing in punitiveness in some jurisdictions while decreasing in punitiveness in others.

To be precise, this thesis challenges the potentially misleading impression of consistently stable incarceration rates in Canada at the overall, federal, and provincial/territorial levels. It must be emphasized that it is beyond the scope of this thesis to propose explanations underlying trends towards increasing punitiveness. This work aims only to explore whether Canada's overall stability provides an inaccurate representation of incarceration activity in Canada by concealing increases and decreases which may be occurring at the federal and provincial/territorial levels.

3.0 METHODOLOGY

3.1 Theoretical, Methodological, and Practical Implications

The theoretical implications of this work are threefold. First, the findings of this thesis could demonstrate that Canada has not entirely resisted ‘law and order’ policies which would be reflected in increasing rates of incarceration over time. Second, this work could contribute to understanding the administration of justice in Canada, and may emphasize the importance and influence of local culture in trying to understand imprisonment. Third, the findings may outline the dangers associated with single-factor theories of punitiveness, especially given that punitiveness is a multi-faceted construct.

Methodologically, the findings of this thesis could reveal or underscore the shortcomings associated with measures of punitiveness in the form of overall incarceration rates. In other words, it may be the case that an overly simplistic picture is produced by macro-scale, aggregate measures. The findings could suggest that overall measures may give the impression of a generalized trend towards or away from punitiveness when, in fact, incarceration rates may be increasing in certain jurisdictions and decreasing in others. Another methodological contribution relates to understanding punitiveness as a complicated and intricate construct with various dimensions and nuances.

With respect to practical implications, the findings of this thesis could prove to be significant in both a domestic and international context. As it relates to Canada, the findings could illustrate which jurisdictions are increasing in punitiveness and which jurisdictions are decreasing in punitiveness. By determining the trends in federal and provincial/territorial levels and labelling them accordingly, this could potentially impact the government’s perception of a particular jurisdiction and may result in policy changes to federal and provincial/territorial institutions in an attempt to create national uniformity. This is

particularly important in the case of provincial/territorial institutions which operate under independent provincial and territorial mandates unlike federal institutions which operate under federal legislation which ensures uniformity across Canada. Indeed, the practical contributions of this work could emphasize the importance of local culture with respect to the administration of justice and how this relationship impacts sentencing disparity.

Expanding on the notion that conflicting trends of increasing and decreasing incarceration rates may exist beneath Canada's overall stability, it may be the case that these trends should be monitored over time to ensure that the increasing and decreasing trends do not become severely pronounced to the point where justice is brought into disrepute. This could potentially occur either in provinces that are excessively punitive, or in provinces in which the degree of punitiveness is insufficient to warrant an appropriate or proportional sanction.

In the international arena, the findings of this thesis may suggest that Canada is not as distinct from the United States and England as previous literature has indicated. A consequence of this revelation could be that perhaps Canada is not the ideal standard of a consistent country which has resisted the shift towards increased punitiveness. Furthermore, the potential revelation of Canada as a nation that may be increasing in punitiveness in certain areas but not in others raises the question of whether international analyses of increasing punitiveness in other countries do not suffer from a similar issue. It may be the case that the overall gradient of punitiveness in a country conceals the fact that the nation has in fact become more punitive in some areas and less punitive in others.

3.2.1 Principal Measure

While policies such as ‘three-strikes’ sentencing, mandatory minimum penalties, habitual offender laws, and truth-in-sentencing policies are typically cited as evidence of increasing punitiveness, the measure of punitiveness most conventionally used is increasing rates of incarceration (Doob and Webster 2006). Indeed, this measure is generally equated with ‘real’ punishment and is increasingly the penal strategy of choice (Sharpe 1990; Garland 1990). In fact, the use of imprisonment in one form or another as a punishment long predated most of the literature dealing with punishment theory, and is considered the most serious penal sanction that is frequently imposed in the modern state (Zimring and Hawkins 1991).

In addition to the consensus in the literature surrounding incarceration rates as a conventional measure of punitiveness, at least two other reasons can be cited in support of using incarceration rates as a measure of punitiveness in an academic context. Incarceration rates represent universal, uniform, accessible data which allow for easier, more reliable comparisons across countries in contrast with the various aforementioned indicators of punitiveness. Furthermore, incarceration rates are also an intuitive measure of punitiveness with face validity, as one would likely associate increasing punitiveness of a society with a corresponding visualization of an increase in incarceration rates.

However, it must also be acknowledged that a basic tension exists in operationalizing punitiveness strictly as a custodial measure (rather than also as a non-custodial measure). Indeed, the decision to select incarceration rates as the measure of punitiveness in this work has its limitations. While incarceration undoubtedly encapsulates elements of punitiveness such as exclusion and stigma, it is not entirely clear that incarceration is always more

punitive than non-custodial sanctions. For instance, it is difficult to evaluate whether two months of incarceration is more or less punitive than two years of probation, particularly considering the restrictive conditions such as curfew, electronic monitoring, and various other reporting and monitoring requirements.

At present, a scale of punitiveness or equating/converting punitiveness between custodial and non-custodial measures does not exist. Consequently, this work uses incarceration rates due to the accessibility and standardization of the data, as opposed to employing a more abstract nuance of punitiveness, such as stigma or shaming, which would be significantly more difficult to objectively measure.

3.2.2 Dimensions of Principal Measure

For the sake of clarity, several variables need to be operationalized prior to a detailed discussion of the methodology. Two dimensions of incarceration rates - custodial counts and custodial admissions - are used in the data analysis of this thesis to measure the construct of punitiveness. It must be noted that for the purposes of scope and organization, this thesis makes use of only “total” figures for custodial counts and custodial admissions which is composed of three sub-categories: sentenced, remand, and other⁹.

Custodial counts are conducted on a daily basis by correctional authorities in federal and provincial institutions to gather accurate figures of the number of offenders physically present in the institution on any given day (Statistics Canada 2005). Custodial counts

⁹ The purpose of including the aggregate total figures is to portray punitiveness holistically, as the aggregate total figures take into account ‘time served’. This measure is more descriptive than simply providing individual sentenced or remand figures, as these graphs may be misleading when interpreted independent of the overall figure. For instance, sentencing rates may be decreasing in a particular province which might suggest to the reader a decrease in punitiveness over time. However, this trend must be considered simultaneously with remand rates, which very well may be increasing. The aggregate total figures for custodial counts and admissions account for both of these trends to provide a more descriptive overall picture of incarceration rates over time in a particular jurisdiction.

fluctuate from day to day in accordance with the release and admittance of inmates (Statistics Canada 2005). Daily counts are used to calculate an annual average count of offenders to determine approximately how many inmates are in an institution on any given day during a given year (Statistics Canada 2005). This annual average count figure is referred to simply as “Total Actual-in Counts” in the data analysis component of this work. The term “actual-in” refers to the number of inmates that are physically present in an institution at the time that counts were being conducted.

Custodial admissions are different than custodial counts. Custodial admissions are also collected in both federal and provincial institutions, but they are collected when the offender enters the institution and usually include information detailing the offence committed, the length of the sentence being served, and the gender, age, and ethnicity of the offender. In addition to collecting specific information about an offender, the purpose of gathering inmate admissions data is to describe and measure the changing case flow of correctional agencies over time (Statistics Canada 2005).

The main caveat associated with admissions data is the presence of repetitive figures, as the same offender may be included several times in custodial admissions where the individual moves from one type of correctional service to another (e.g., from remand to sentenced custody) or re-enters the system in the same year because of a revocation of parole/probation (Statistics Canada 2005). In other words, admissions figures do not accurately reflect the number of unique individuals in the correctional system (Statistics Canada 2005).

While there is a tendency to generalize the information obtained at the point of admission to describe the population captured by the daily inmate population counts,

Statistics Canada has cautioned against this practice because in correctional systems, the daily population is affected by the sentence lengths associated with the admissions (Statistics Canada 2004). Consequently, offenders with longer sentences are over-represented in the population counts whereas inmates with shorter sentences are under-represented (Statistics Canada 2004).

In consideration of this caution, both inmate count data and inmate admissions data are used to provide the most accurate figures of the inmate population as possible. Counts depend on the number of inmates being sent to prison and reflect several aspects of punitiveness in the criminal justice system. For instance, counts reflect police charges, court sentences, and correctional policies (such as changes in parole policies requiring inmates to serve longer portions of their sentence prior to being granted parole). Admissions, on the other hand, focus largely on the sentencing part of the criminal justice system and reflect whether a custodial or non-custodial sentence was handed down in court and consequently demonstrates how many offenders are in correctional institutions. As such, admissions are not an effective overall measure of punitiveness, which is why both counts and admissions data are used to describe the inmate population and punitiveness in Canada more generally.

Due to the complexity of measuring punitiveness, both counts and admissions data are used to capture different elements of this construct. Specifically, the combination of both count and admission data can shed different light on trends in punitiveness. For instance, a graph depicting stable admissions rates but an increase in counts rates suggests that while the number of people being admitted to correctional institutions has remained stable over time, longer sentences are being handed down or more stringent parole policies have been enacted. Although admissions are what most people think of in terms of punishment,

without the count data to properly contextualize admissions data, this is a limited and potentially misleading measure of punitiveness.

3.3 Levels of Aggregation

In order to observe incarceration rate trends over time, this work examines general longitudinal patterns at the institutional, regional, and provincial/territorial levels. Institutions pertain to correctional facilities at the federal level (penitentiaries) and at the provincial/territorial level (prisons). Both federal and provincial/territorial institutions reflect changes in rates over time in the custodial admissions and custodial counts dependent variable.

Changes in incarceration rates over time at the regional level are measured at the level of custodial admissions (not custodial counts). There are five regions at the federal level: the Pacific Region, the Prairie Region, the Ontario Region, the Quebec Region, and the Atlantic Region. The Pacific Region amalgamates British Columbia and the Yukon Territory. The Prairie Region is composed of Alberta, Saskatchewan, Manitoba, Ontario west of Thunder Bay, and the Northwest Territories (prior to April 1, 1999, the Prairie Region also included Nunavut) (Statistics Canada 2005). The Ontario Region includes Ontario as far west as Thunder Bay and Nunavut (as of April 1, 1999) (Statistics Canada 2005). The Quebec Region exclusively serves the province of Quebec, and the Atlantic Region combines New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador. It should be noted from available data that federal custodial counts and admissions are available by region. However, federal count data will not be used in this thesis due to issues concerning data reliability.

In addition to the federal regional sub-level are individual provinces and territories. The independent variables of provinces and territories reflect trends in rates over time in custodial admissions and custodial counts dependent variables. The provinces included in the data analysis are British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, Prince Edward Island, Nova Scotia, and New Brunswick. The territories included are the Yukon Territory and the Northwest Territories (including Nunavut). Prior to 1999 the Northwest Territories included data from Nunavut (that is, the region of the Northwest Territories which would later form Nunavut) while data for 1999 onwards includes combined data for the independent regions of the Northwest Territories (including Nunavut). By incorporating the sub-level of provinces and territories into the analysis, the findings delve beyond Canada's overall incarceration rates to provide a closer examination of trends in custodial admissions and custodial counts.

3.4 Research Design

The research design of this thesis involves a systematic examination of trends at sub-levels underlying Canada's overall stable incarceration rate for the years 1978 to 2004. Specifically, this thesis examines custodial counts at the total, total federal and total provincial/territorial levels as well as at the individual provincial/territorial levels, and examines custodial admissions at the total, total federal, and total provincial/territorial levels, as well as the federal, regional, and provincial/territorial jurisdictional levels to determine if, where, and how changes in incarceration rates have occurred.

Bearing in mind that incarceration rates can be measured as both counts and admissions, this work examines both of these measures. The work begins by examining and

graphing the total, federal, and provincial/territorial custodial count rates from 1978 – 2004 which is further broken down at the individual provincial and territorial levels. Federal custodial counts at the regional level are not included in the data analysis chapter of this thesis for several reasons.

Federal regional counts are not particularly meaningful because offenders are moved between regions for various administrative reasons, and during the period 1978 – 2004 numerous prisons were built which may falsely suggest an increase in some regions which there were simply no penitentiaries before. Furthermore, all women were in the Kingston Prison for Women prior to the mid-1990s and the de-centralization of women inmates may account for increases in other regions from the mid-1990s onwards.¹⁰ Consequently, federal custodial count data are included only at the total and federal levels, and not at regional sub-levels. Following the discussions of custodial counts, custodial admissions presented by total, federal¹¹, and provincial/territorial overall figures and subsequently broken down according to regional, provincial, and territorial rates. The hierarchical dissection and graphs are clearly illustrated in the flowcharts below.

¹⁰ Due to the issues associated with federal counts and the fact that the extent of the problem is unknown, the findings are not reported in the body of this work but are instead included in Appendix A.

¹¹ While several caveats are associated with federal custodial count data, federal admissions data are accurate data because inmates are admitted in the region in which they are sentenced (with the exception of women prior the opening of the regional centers during the mid-1990s).

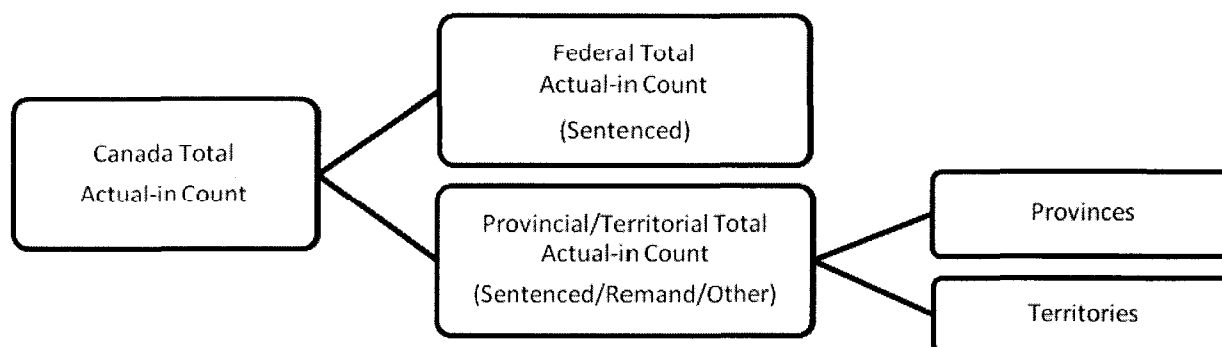


Figure [3. 1] - Custodial Counts Hierarchy

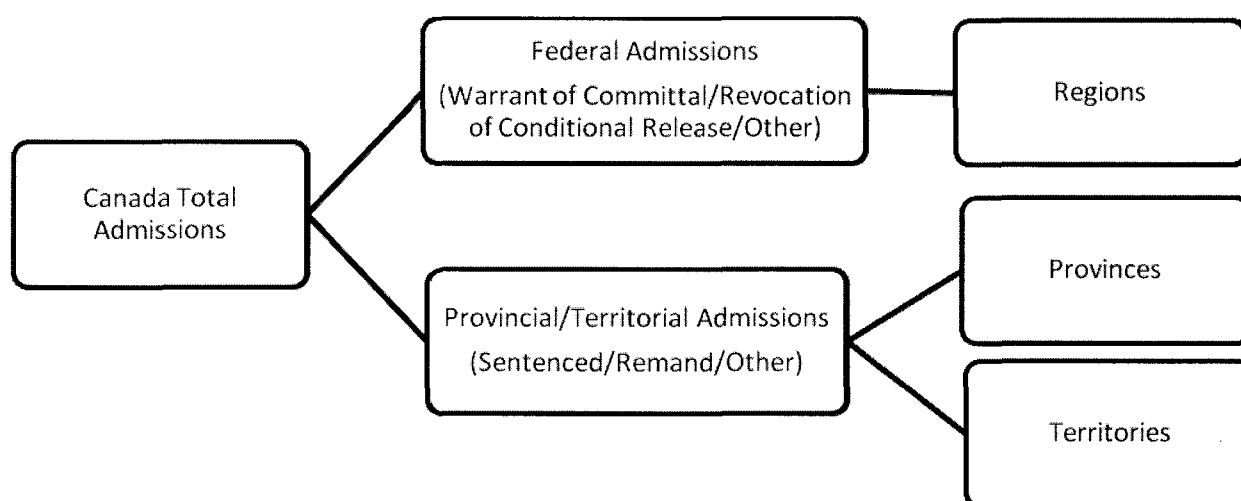


Figure [3. 2] - Custodial Admissions Hierarchy

The main distinction between federal and provincial/territorial institutions is that federal penitentiaries are reserved for offenders serving a sentence of two years or more while provincial prisons house inmates who are serving a sentence of less than two years. The purpose of examining custodial counts and custodial admissions is to investigate if incarceration rates in these two categories have remained stable over time at the federal and provincial/territorial levels, or alternatively, whether these figures have increased in certain areas while decreasing in others. The overall stable rate of incarceration in Canada will be

more closely examined according to custodial counts and admissions to discover whether, where, and to what extent increasing and/or decreasing trends exist and the impact that these trends may have on Canada's overall stability of incarceration rates.

3.5 Descriptors

Various descriptors are used in the data analysis to more precisely describe the increasing and decreasing trends which occur at the federal and provincial/territorial sub-levels. The most obvious descriptor used in this thesis are graphs which provide a visual depiction of patterns or trends over time in imprisonment rates. In addition, several summary statistics such as the mean, range, standard deviation, and correlation coefficients will be used to discuss changes in trends over time for the years 1978 – 2004. For the purposes of this work, the range is not used in the traditional sense of calculating the difference between the highest and lowest values, but rather represents the difference between the incarceration rates between 2004 and 1978. By using the range in this matter, trends in incarceration rates over the years 1978 – 2004 are captured and reveal whether the trend decreased or increased over time, and by how much in terms of incarceration rates.

The standard deviation measures variability in incarceration rates over time. For instance, a low standard deviation would indicate that the incarceration rates have remained relatively stable over time, while a high standard deviation would indicate that incarceration rates are volatile, with various increasing and decreasing trends over time. The standard deviation allows for comparisons of volatility in rates over time to be drawn at the federal, provincial, and territorial levels¹².

¹² When interpreting the impact of the standard deviation, it is important to consider the average population and average count and admissions rates of Canada, and comparatively of the provinces and territories. As such,

The correlation coefficient measures the extent to which two variables (in this case, time measured by year and incarceration rates measured by counts and admissions) relate to one another. Specifically, the correlation coefficient measures whether a linear relationship exists between time and incarceration rates. This is a particularly useful measure given that linear trends are typically conjured in the mind when one thinks about increasing or decreasing punitiveness. The correlation coefficient also signifies the strength and direction of this relationship, where a positive number represents an overall positive linear trend (increased imprisonment over time) and a negative number indicates an overall negative linear trend (decreased imprisonment over time).

In order to consistently interpret the strength of a relationship as determined by the correlation coefficient value, the following chart adapted from De Vaus (2002:259) will be applied throughout the Data Analysis chapter:

Correlation Coefficient	Strength
0.00	No (linear) association
0.01 – 0.09	Trivial (linear) relationship
0.10 – 0.29	Low to moderate (linear) relationship
0.30 – 0.49	Moderate to substantial (linear) relationship
0.50 – 0.69	Substantial to very strong (linear) relationship
0.70 – 0.89	Very strong (linear) relationship
0.90 +	Near perfect (linear) relationship

Table [4. 1] - Interpretation of Correlation Coefficient Values

these data have also been included for the reader's interest. Indeed, it must be noted that there are two limitations when using standard deviations. The first caveat is illustrated in the fact that the yearly incarceration rates for jurisdictions with small populations tend to be unstable and thus show greater volatility, which may result in a relatively minute change in rates having pronounced effects in a small population. The second caveat is that the amount of variability depends on how large the average is, as low averages create a "floor" effect which essentially defines limits on variability. This change does not necessarily translate into higher degrees of volatility, but rather it demonstrates the artefacts that standard deviations can create, particularly with respect to jurisdictions that have high average imprisonment rates and/or small populations.

3.6 Data Sources

Using the E-Stat database, four Statistics Canada databases derived from the Adult Correctional Services were used to measure custodial counts and admissions in federal and provincial/territorial institutions. Specifically, three Statistics Canada databases provided the number of custodial counts for provincial/territorial institutions as well as custodial admissions for federal institutions and custodial admissions for provincial/territorial institutions.

The other Statistics Canada database was obtained through the Canadian Socio-economic Information Management System (CANSIM) to gather population estimates for Canada, the provinces, and the territories (which were then used to calculate the population estimates for the regions). The population estimates are based on Canadian residents of all ages and include both genders. In order to provide a standardized measure from which to draw relative comparisons, the population data were used to calculate rates of custodial counts and admissions at the federal and provincial/territorial levels by dividing the population in question (counts, admissions) by the overall population of a given jurisdiction (Canada, region, province/territory). This figure was then multiplied by 100,000 as is convention when constructing incarceration rates.

By virtue of the fact that the data used in the analysis have been collected by Statistics Canada and are based on an entire population of residents in Canada, the findings of this thesis describe all inmates in federal and provincial institutions in Canada for the years 1978 to 2004. This effectively nullifies any internal or external validity threats associated with sampling issues (including problems with selection bias or attrition) or limitations related to insufficient sample representation. With respect to statistics, there is no

need for inferential statistics (such as time series) because this work describes an entire population, not a sample, and does not propose explanatory factors regarding trends in incarceration rates over time (which would require statistics that are able to control for extraneous factors).

3.7 Data Sources: Benefits and Caveats

Statistics Canada, a federal government agency that ensures rigorous methodological procedures in the collection of information, published all of the datasets used in the data analysis chapter of this thesis. In addition to sharing a high standard of quality, each dataset contains specific beneficial attributes as well as particular caveats.

3.8 Adult Correctional Services

The custodial counts and admissions data used in this thesis are derived from Adult Correctional Services (ACS) data. The advantages of using ACS data are based on the administration of the survey. The ACS collects cumulative caseload and case characteristics data on adult offenders under the authority of all provincial/territorial and federal correctional agencies in Canada. As the data collected are based on population values rather than on a random sample approach, the findings reflected in the ACS can be interpreted as a comprehensive picture of correctional activity at the total and provincial/territorial levels.

The ACS provides count data and admissions data, both of which are included in the analysis component of this thesis. The caveats associated with the ACS count data are largely the consequence of a transition from manual systems of recording data to the adoption of more automated systems of record keeping. As a consequence of this transition,

some figures in certain jurisdictions at certain times were estimated, revised, unavailable or not applicable.

This thesis incorporates all available ACS count data and admissions data, which have been collected and published by Statistics Canada for the years 1978 – 2004. In entering and using the available data, it must be noted that if a number was too small to be expressed, it was coded as “0” for the purposes of graphing the figure. If a number was not available, it was simply not entered at all and was therefore not reflected as a data point in the graphs.

3.9 Canadian Socio-Economic Information Management System (CANSIM)

Statistics Canada provides two databases that contain population estimates: CANSIM and Statistics Canada’s census figures. These data sources are intertwined in the sense that CANSIM estimates of population data are based on census population data, but they are distinct from one another in that CANSIM provides data at regular time intervals, while the census is a ‘snapshot’ of data at one specific point in time. For instance, Statistics Canada administers a census every five years to obtain specific population figures. CANSIM amasses the same type of data, but uses more specific increments to provide annual population estimates after each census (postcensal) and between the census years (intercensal) (Statistics Canada 2007). The benefit of using CANSIM data can be attributed to its more precise measures of population estimates, namely a detailed annual figure as opposed to a more broad figure provided once every five years.

The caveats related to CANSIM are based on the fact that population figures are estimates which are calculated after and between the data collection of the population

census. In producing up-to-date figures, postcensal estimates are obviously timelier, albeit less accurate (Statistics Canada 2007). The production of intercensal estimates involves the retrospective adjustment of past figures with the availability of new census data (Statistics Canada 2007). The CANSIM estimates of population are first produced for each province and territory, and then subsequently combined to obtain an estimate of the population of Canada (Statistics Canada 2007).

3.10 Addressing Limitations

In light of the aforementioned caveats, limitations of the datasets must be addressed to establish if any of these weaknesses in the data constitute fatal flaws to their inclusion in this thesis, and, more importantly, to the conclusions which may be drawn based on the information provided. Although the ACS Survey attempts to standardize the way in which status changes are counted, limitations due to differences among jurisdictional operations may restrict uniform application of the definitions in some situations. As mentioned in the caveat descriptions for the ACS data, any discrepancies or inconsistencies within the data are relatively minor and have been accounted for.

Due to variation within individual jurisdictions, it must be acknowledged that inter-jurisdictional comparisons of the data should be made with some caution; however, as a result of consistent counting practices within jurisdictions over time, statements may be made about the trends within each jurisdiction (Statistics Canada 2004). This thesis recognizes this limitation by drawing upon inter-jurisdictional comparisons while being mindful of the aforementioned caution when interpreting results.

4.0 DATA ANALYSIS

The null hypothesis that this analysis challenges is the notion that overall stability must exist since Canada's incarceration rates for the years 1978 to 2004 demonstrate a relatively stable flat line. In order to dissect and potentially usurp the supposition that Canada's overall stable trend accurately represents sub-group incarceration rates, descriptors consisting of the average population, average rate, range, standard deviation, and correlation coefficient will be employed to reveal a more accurate depiction of competing trends beneath a seemingly stable surface.

The organization of this chapter starts with the overall incarceration rates and then shifts towards increasingly smaller sub-levels. Custodial counts are presented according to Canada's total custodial counts (federal counts and provincial/territorial counts combined) which are then broken down into total federal custodial counts and total provincial/territorial custodial counts. Total provincial/territorial custodial counts are subsequently presented according to the individual provinces and territories. The same process of deconstruction is applied to the second half of this analysis which focuses on custodial admissions rates.

For the sake of simplicity, the descriptors are presented below in summary tables for federal custodial counts, provincial/territorial custodial counts, federal custodial admissions, and provincial/territorial custodial admissions, which are presented in the data analysis chapter in this respective order. It is clearly evident in each summary table that various degrees of discrepancy exist between federal and provincial figures for custodial counts and admissions, as well as between jurisdictions within federal and provincial/territorial counts and admissions. The summary tables also illuminate the fact that not only can provincial and territorial rates be organized according to incongruent trends of increasing and decreasing rates beneath a relatively stable overall trend, but furthermore that within this incongruous

dichotomy exist an even finer level of detail which presents the degree and extent of the variation present across various individual jurisdictions.

4.1 Canada Custodial Counts

As previously discussed in the Methodology chapter, custodial count data are generally considered to be an accurate measure of punitiveness in the overall criminal justice system. Based on the trends illustrated in the graphs below, it would appear as though Canada's criminal justice system as a whole has largely resisted the shift towards increased punitiveness.

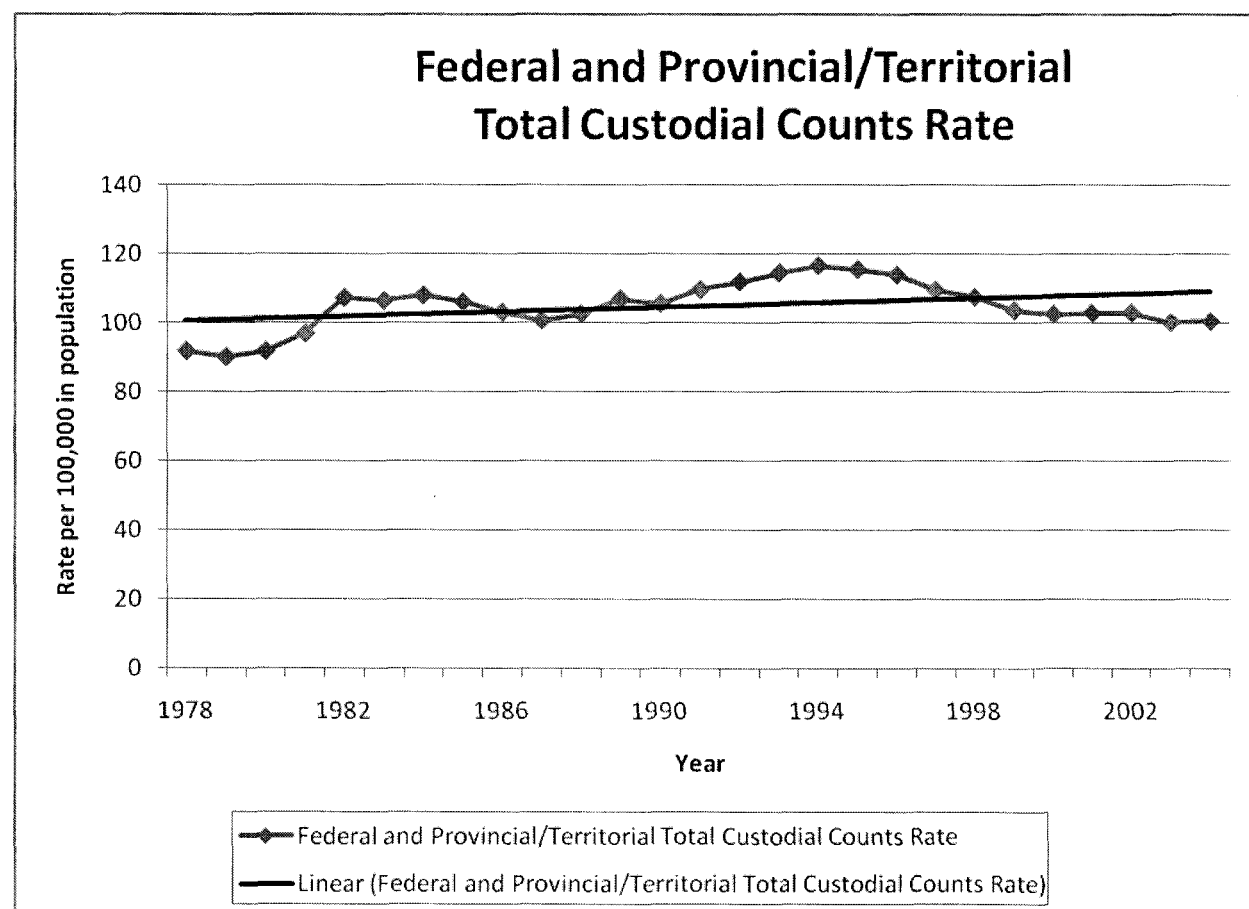


Figure [4. 1] - Federal and Provincial/Territorial Total Custodial Counts Rate.

The average population of Canada between 1978 - 2004 is 27,924,791.¹³ Taking into account both federal (penitentiary) and provincial/territorial (prison) count rates, Canada's average total custodial count rate is 105 (104.7) per 100,000, with a range of 8.6 beginning with a rate of 92 (91.8) per 100,000 in 1978 and concluding with a rate of 100 (100.4) per 100,000 in 2004. Canada's total custodial count rates have a standard deviation of 6.8 which indicates that the rates have remained fairly stable over time, which is particularly significant given the relatively large mean. Canada's total custodial count rates have a correlation coefficient of 0.380828 which suggests a moderate, positive linear relationship between rates over time.

4.2 Federal Counts

Canada's average total federal custodial count rate is considerably lower than both the total average custodial count rate and the provincial/territorial average custodial count rate. Canada's total federal custodial count rates have a range of 2.9 which is considerably lower compared to Canada's total provincial/territorial counts range and Canada's total custodial counts range. Canada's total federal custodial count rates have a standard deviation of 3.7 which is just slightly lower than Canada's total provincial/territorial custodial count rates and considerably lower than Canada's total custodial count rates. In fact, Canada's total federal custodial count rates demonstrate almost half the amount of variation compared to Canada's total custodial count rates. Canada's total federal custodial count rates have a correlation coefficient of 0.434551 which suggests a moderate, positive linear relationship

¹³ All averages described henceforth pertain to the arithmetic mean of the population values for the years 1978 – 2004.

between rates over time, similar to that of Canada’s total custodial count rates and slightly higher than that of Canada’s total provincial/territorial custodial count rates.

For the sake of simplicity, the descriptors are arranged in the summary table below and interpreted in greater detail beneath the graphs which follow.

Jurisdiction	Average Population	Average Rate	Range	Standard Deviation	Correlation Coefficient
Canada Total	27,924,791	104.7	8.6	6.8	0.380828
Canada Total Federal	27,924,791	41.5	2.9	3.7	0.434551
Canada Total Provincial/Territorial	27,924,791	63.2	5.7	3.6	0.272928

Table [4. 2] - Descriptors for Canada Total, Canada Total Federal, and Canada Total Provincial/Territorial Custodial Counts.

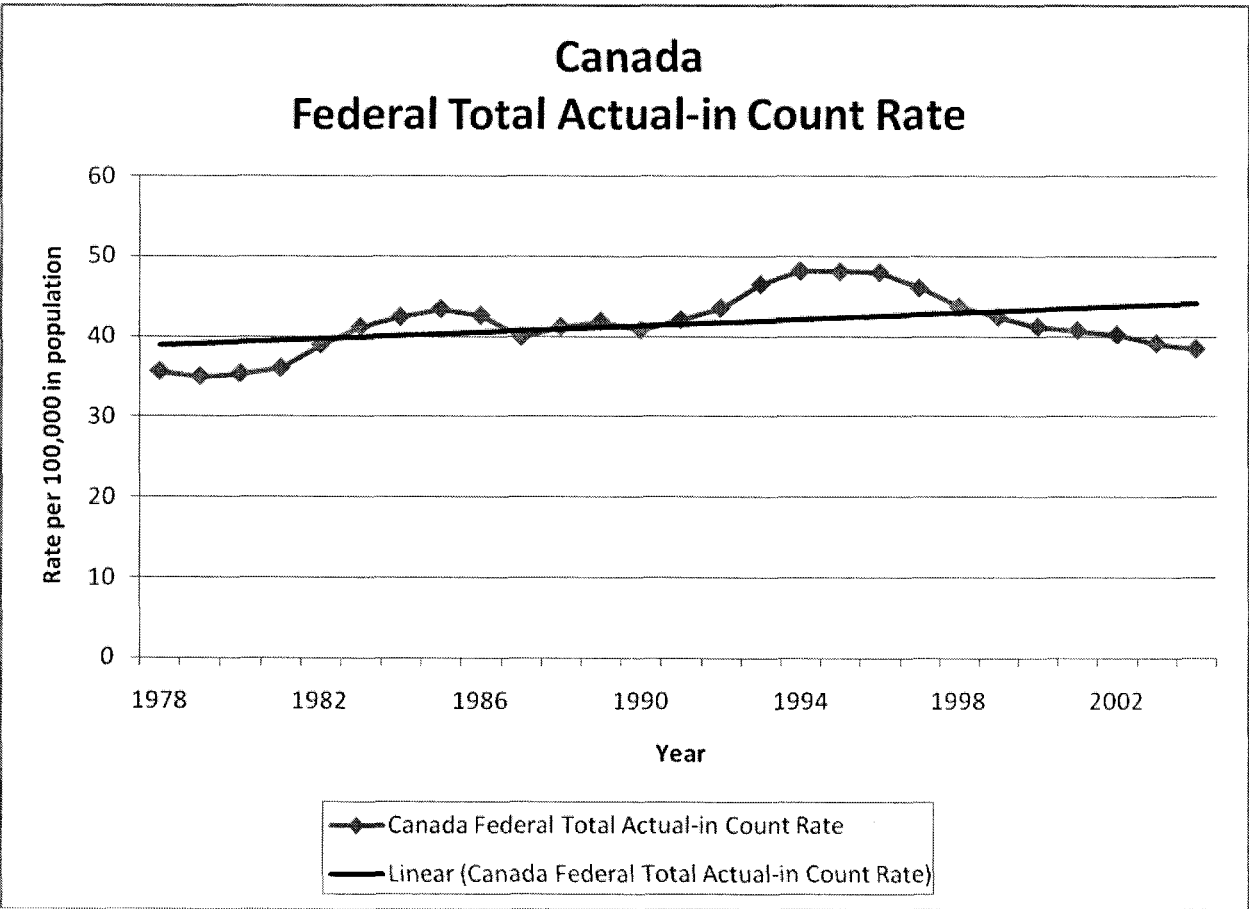


Figure [4. 2] - Canada Federal Total Actual-in Count Rate.

As presented in the summary table, Canada has an average total federal count rate of 42 (41.5) per 100,000 in population with a range of 2.9 beginning with a rate of 36 (35.6) per 100,000 in 1978 and concluding with a rate of 38 (38.5) per 100,000 in 2004. Canada's total federal count rates have a standard deviation of 3.7, indicating a high degree of homogeneity and very little fluctuation in rates from the average over time. Indeed, one notes relative stability in rates from 1978 to 2004. Canada's total federal count rates have a correlation coefficient of 0.434551 which suggests a moderate, positive linear relationship between rates over time, as depicted in the graph above. However, it is notable that the last ten years have seen a consistent decline over time.

4.3 Provincial/Territorial Counts

As presented in the summary table below, Canada's total provincial/territorial count rates vary considerably across jurisdictions, particularly with respect to comparative low and high averages as well as the degree of variation and volatility within respective provinces and territories. It is noteworthy that Canada's average total federal count rates are not only lower than Canada's average provincial/territorial count rates, but also lower than all of the individual provincial and territorial average count rates. The disparities in Canada's average provincial/territorial count rates are particularly evident when the graphs of each jurisdiction are presented, facilitating comparison and contrast as provided in the following section.

Jurisdiction	Average Population	Average Rate	Range	Standard Deviation	Correlation Coefficient
Canada Total	27,924,791	104.7	8.6	6.8	0.380828
Canada Total Federal	27,924,791	41.5	2.9	3.7	0.434551
Canada Total Provincial/Territorial	27,924,791	63.2	5.7	3.6	0.272928
British Columbia	3,424,880	59.3	-9.2	5.4	-0.50926
Alberta	2,624,192	85.6	-20.5	12.2	-0.67685
Saskatchewan	1,003,743	114	33.7	13	0.584715
Manitoba	1,105,256	84.7	29.4	10.1	0.895737
Ontario	10,354,741	65.3	1.7	3.6	0.302888
Quebec	6,993,537	44	18.4	5.3	0.748638
Newfoundland and Labrador	561,144	53.4	15.6	7.9	0.600088
New Brunswick	735,031	51.8	-1.1	7.9	-0.57633
Prince Edward Island	130,850	65.3	8.5	10.9	-0.02262
Nova Scotia	903,892	42.9	-11.2	6	-0.79193
Yukon	27,806	245.3	-56.3	44.6	-0.53199
Northwest Territories/Nunavut	59,718	426	180.9	60.8	0.634359

Table [4. 3] – Descriptors for Provincial/Territorial Actual-in Counts.

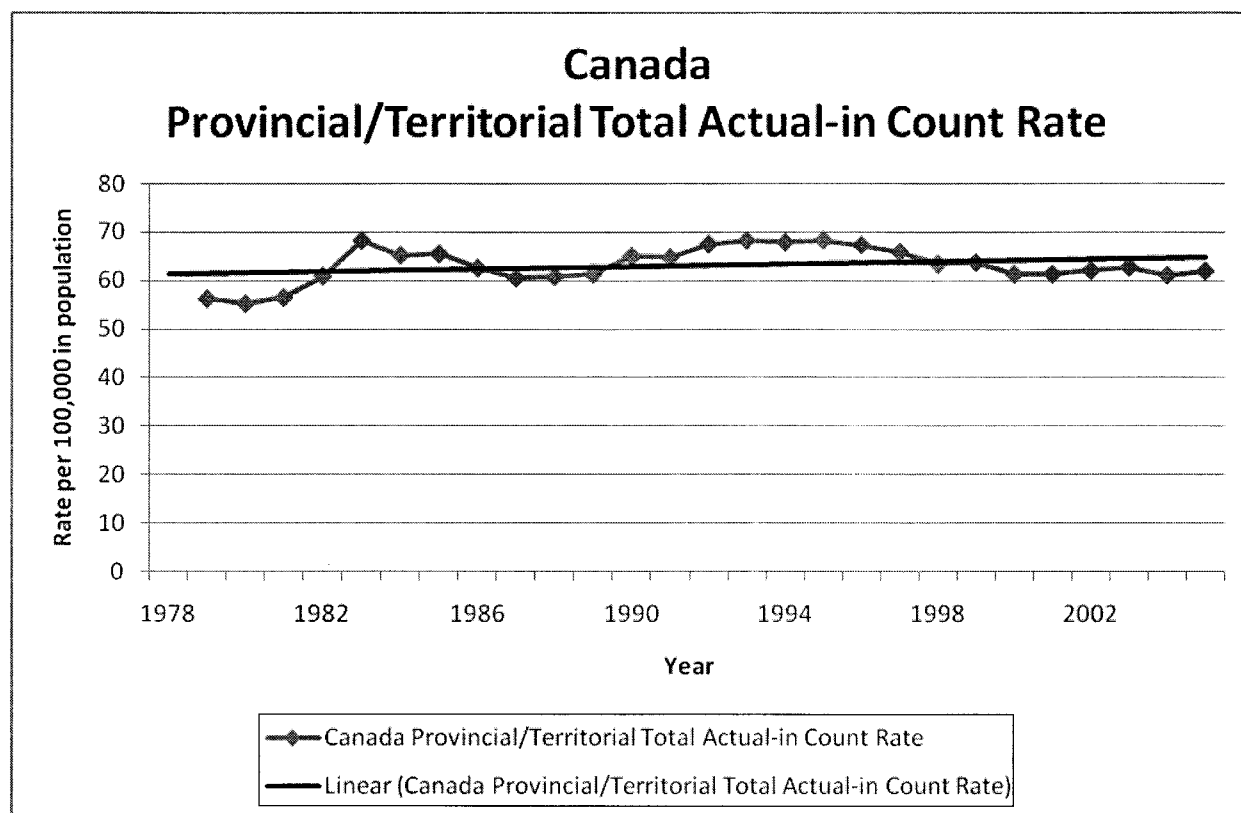


Figure [4. 3] - Canada Provincial/Territorial Total Actual-in Count Rate.

As presented in the summary table, Canada has an average total provincial/territorial count rate of 63 (63.2) per 100,000 in population with a range of 5.7 beginning with a rate of 56 (56.2) per 100,000 in 1978 and concluding with a rate of 62 (61.9) per 100,000 in 2004. Canada's total provincial/territorial count rates have a standard deviation of 3.6, indicating a high degree of homogeneity and very little fluctuation in rates from the average over time. Indeed, these figures indicate that Canada's total provincial/territorial count rates have remained relatively stable from 1978 to 2004. This point is further emphasized by the correlation coefficient value of 0.272928 which suggests a moderate, positive relationship between rates over time. Canada's total provincial/territorial count rates have a higher average rate, range, and standard deviation in comparison to Canada's total federal count rates, but demonstrate a weaker linear relationship between rates over time.

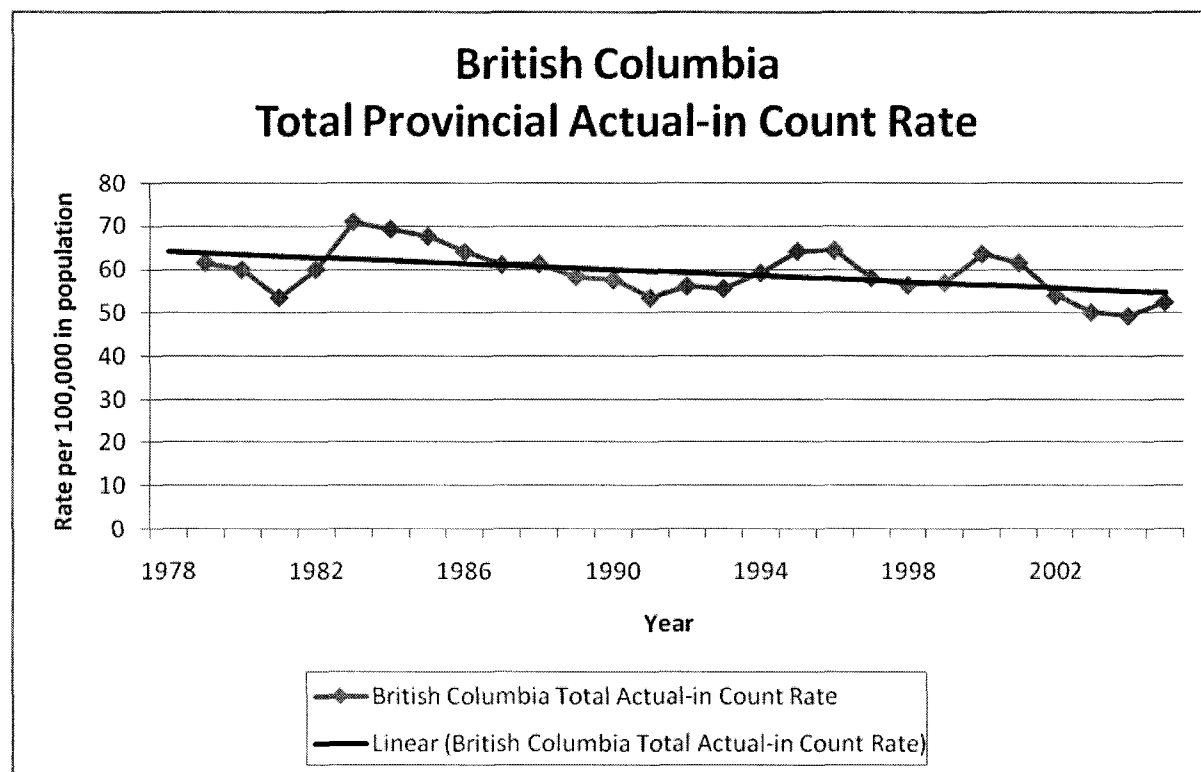


Figure [4. 4] - British Columbia Total Actual-in Count Rate.

British Columbia has an average population of 3,424,880 which accounts for approximately 12 (12.3) percent of Canada's average population. British Columbia has an average total provincial count rate of 59 (59.3) per 100,000 in population which is slightly lower (3.9) than the national average. British Columbia's total provincial count rates have a range of -9.2 beginning with a rate of 62 (61.7) per 100,000 in 1978 and concluding with a rate of 53 (52.5) per 100,000 in 2004. British Columbia's total provincial count rates have a standard deviation of 5.4, which indicates that the provincial total count rates have approximately one and a half times (1.5) the amount of variation compared to Canada's total provincial/territorial count rates. In contrast with the positive trend depicted in Canada's total provincial/territorial count rates, British Columbia's total provincial count rates have a correlation coefficient of -0.50926. This value suggests that a substantial, negative linear relationship between rates over time, as illustrated in the graph above.

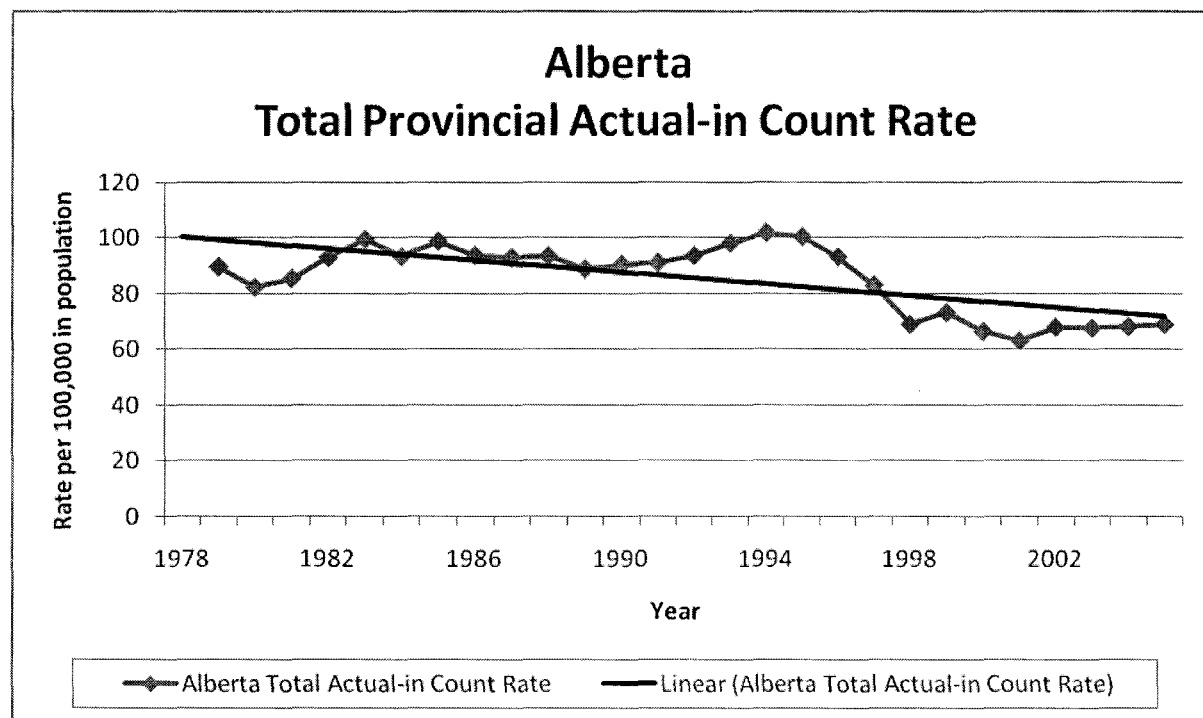


Figure [4. 5] - Alberta Total Actual-in Count Rate.

Alberta has an average population of 2,624,192 which represents approximately 9 percent (9.4) of Canada's average population. Alberta has an average total provincial count rate of 86 (85.6) per 100,000 in population which is approximately one and a half times (1.4) higher than Canada's average total provincial/territorial count rate. Alberta's total provincial count rates have a range of -20.5 beginning with a rate of 90 (89.7) per 100,000 in 1978 and concluding with a rate of 69 (69.3) per 100,000 in 2004. Alberta's total provincial count rates have a standard deviation of 12.2, which suggests that there is slightly more than triple (3.4) the amount of variation in Alberta's total provincial count rates compared to Canada's total provincial/territorial count rates. Alberta's total provincial count rates have a correlation coefficient of -0.67685. Similar to British Columbia, this value suggests a substantial, negative linear relationship between rates over time, as illustrated in the graph above. It is noteworthy that the decreasing trend reflects the decreasing rates during the mid-late 1990s and therefore is not entirely representative of an overall linear trend.

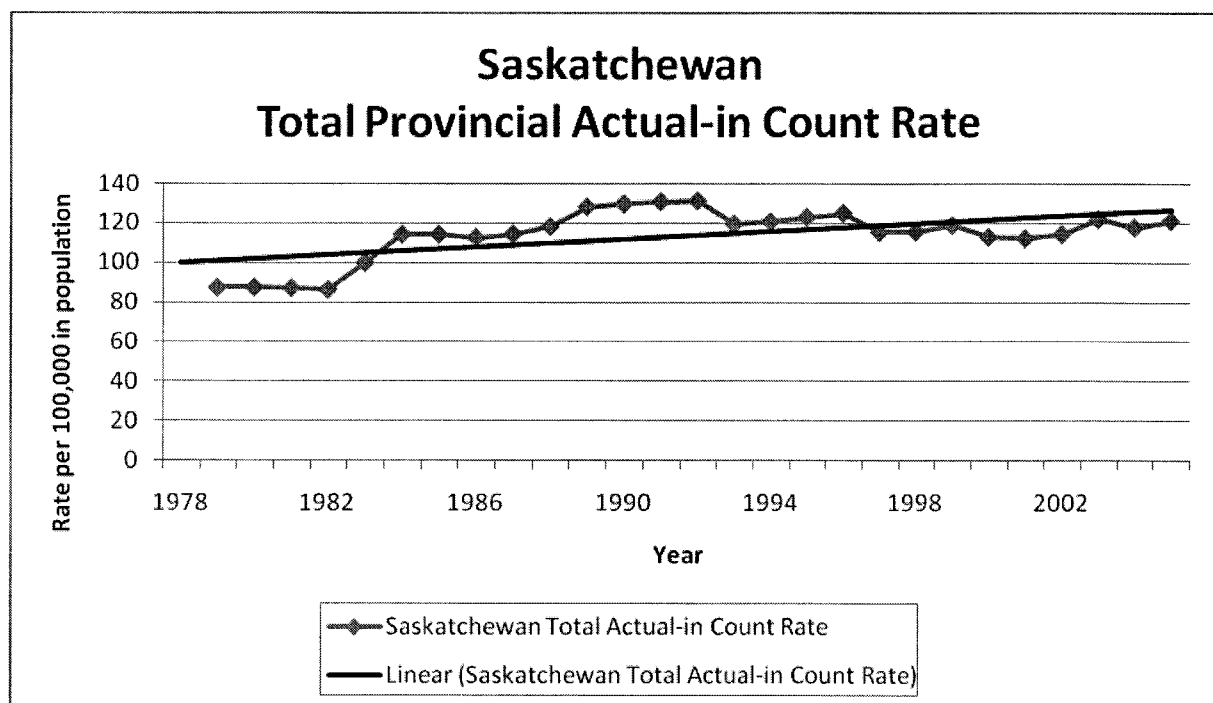


Figure [4. 6] - Saskatchewan Total Actual-in Count Rate.

Saskatchewan has an average population of 1,003,743 which represents approximately 4 percent (3.6) of Canada's average population. Saskatchewan has the highest average total provincial count rate (notwithstanding the territories) at 114 per 100,000 in population, which is almost double (1.8) Canada's total provincial/territorial count rate. The range for Saskatchewan's total provincial count rates is 33.7 beginning with a rate of 87 (87.3) per 100,000 in 1978 and concluding with a rate of 121 per 100,000 in 2004. Saskatchewan's total provincial count rates have a standard deviation¹⁴ of 13, which is slightly more than three and a half times (3.6) the amount of variability compared to Canada's total provincial/territorial count rates. Saskatchewan's total provincial count rates have a correlation coefficient of 0.584715 which suggests a moderate, positive linear relationship between rates over time, as depicted in the graph above. The linear trend

¹⁴ The standard deviation should be interpreted with caution given Saskatchewan's relatively small population and relatively high average total actual-in count rate.

reflects the large increase between 1982 and 1992, and similar to Alberta, does not truly represent an overall linear trend.

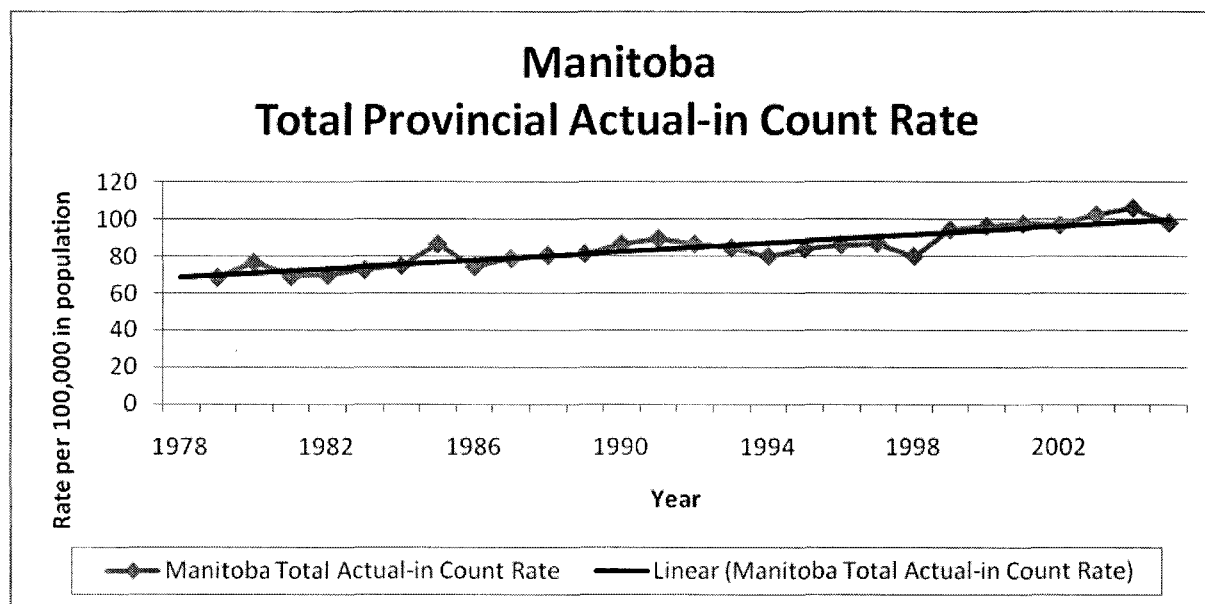


Figure [4. 7] - Manitoba Total Actual-in Count Rate.

Manitoba has an average population of 1,105,256 which represents 4 percent of Canada's average population. Manitoba has an average total provincial count rate of 85 (84.7) per 100,000 in population which is slightly more (1.3) than Canada's average total provincial/territorial count rate. Manitoba has a range of 29.4 beginning with a rate of 69 (68.6) per 100,000 in population in 1978 and concluding with a rate of 98 (97.9) per 100,000 in population in 2004. Manitoba's total provincial count rates have a standard deviation of 10.1 which indicates almost triple (2.8) the amount of variation in comparison to Canada's total provincial/territorial count rates. Manitoba's total provincial count rates have the highest correlation coefficient of any jurisdiction with a value of 0.895737 which is almost double the correlation coefficient value of Canada's total provincial/territorial count rates. This value indicates that there is a very strong, positive linear relationship between rates over time, as presented in the graph above.

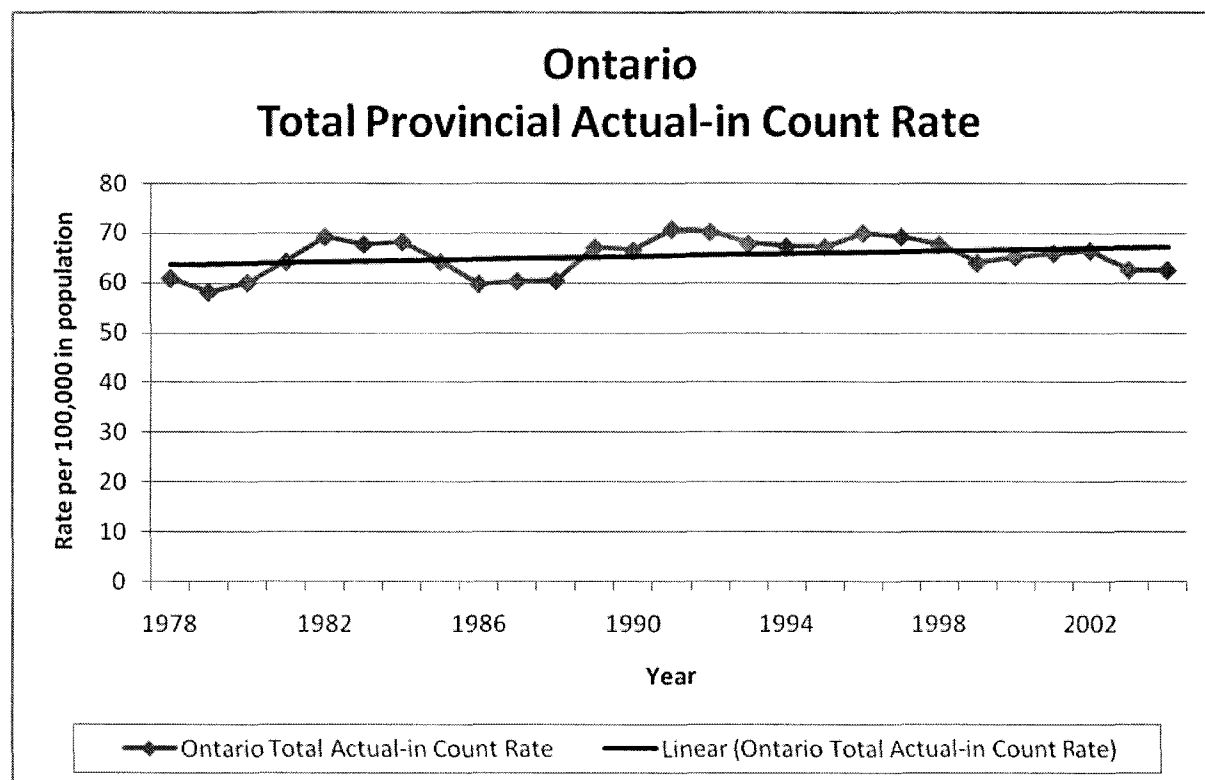


Figure [4. 8] - Ontario Total Actual-in Count Rate.

Ontario has an average population of 10,354,741 which represents approximately 37 percent of Canada's average population. Ontario's average total provincial count rate is 65 (65.3) per 100,000 which is just slightly above Canada's average total provincial/territorial count rate of 63 (63.2) per 100,000. Ontario has a range of 1.7 beginning with a rate of 61 (60.9) per 100,000 in 1978 and concluding with a rate of 63 (62.6) per 100,000 in 2004. Ontario's total provincial count rates have the lowest standard deviation of any jurisdiction with a figure of 3.6, which is exactly the same degree of variation in Canada's total provincial/territorial count rates. Ontario's total provincial count rates have a correlation coefficient of 0.302888 which suggests a moderate, positive relationship between rates over time. While Ontario's total provincial count rates have slightly more variation compared to Canada's total provincial/territorial count rates, Ontario's total provincial count rates demonstrate a relatively stable trend as illustrated in the graph above.

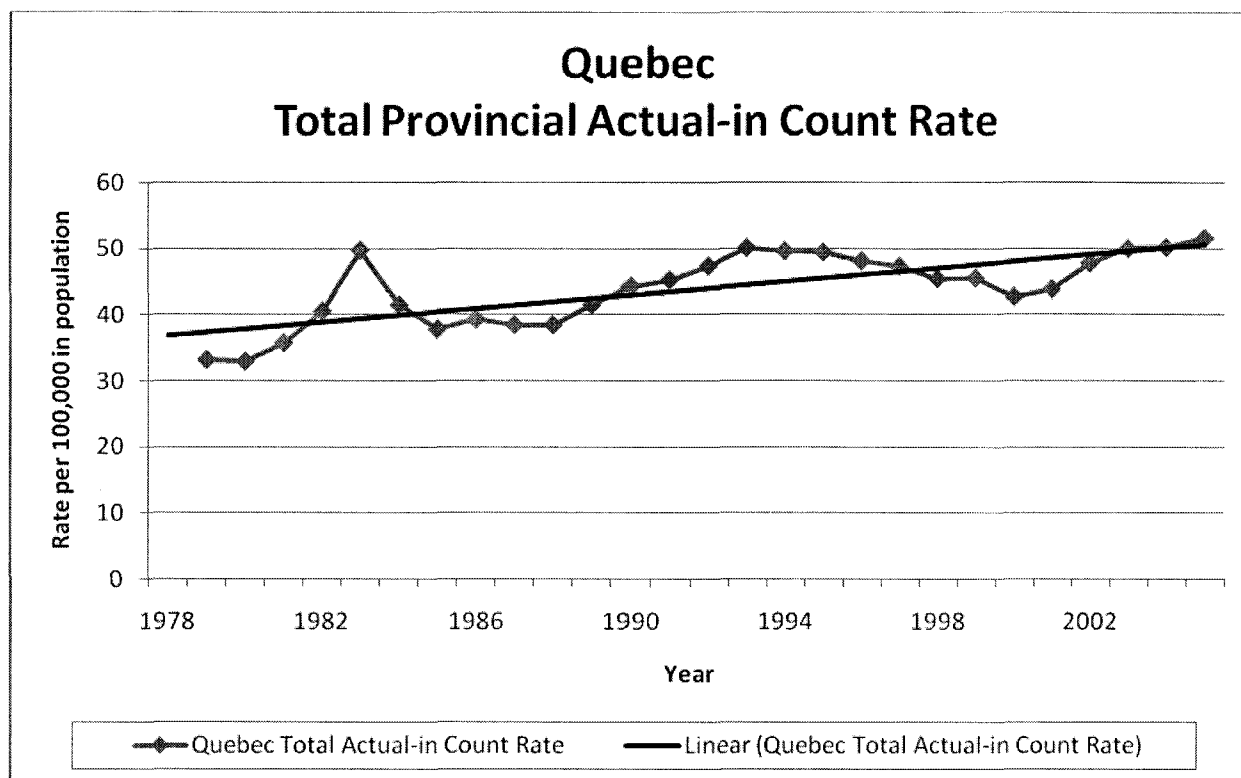


Figure [4. 9] - Quebec Total Actual-in Count Rate.

Quebec has an average population of 6,993,537 that comprises approximately one-quarter of Canada's average population. Quebec's average total provincial count rate is 44 per 100,000, which is slightly lower (0.7) than Canada's average total provincial/territorial count rate. Quebec's total provincial count rates have a range of 18.4 beginning with a rate of 33 (33.2) per 100,000 in 1978 and concluding with a rate of 52 (51.5) per 100,000 in 2004. Quebec's total provincial count rates have a standard deviation of 5.3 which indicates that Quebec's total provincial count rates have one and a half times the amount of variation compared to Canada's total provincial count rates. Quebec's total provincial count rates have a correlation coefficient of 0.748638 which suggests a strong, positive linear relationship between rates over time, similar to (but stronger than) that demonstrated in Canada's total provincial/territorial count rates.

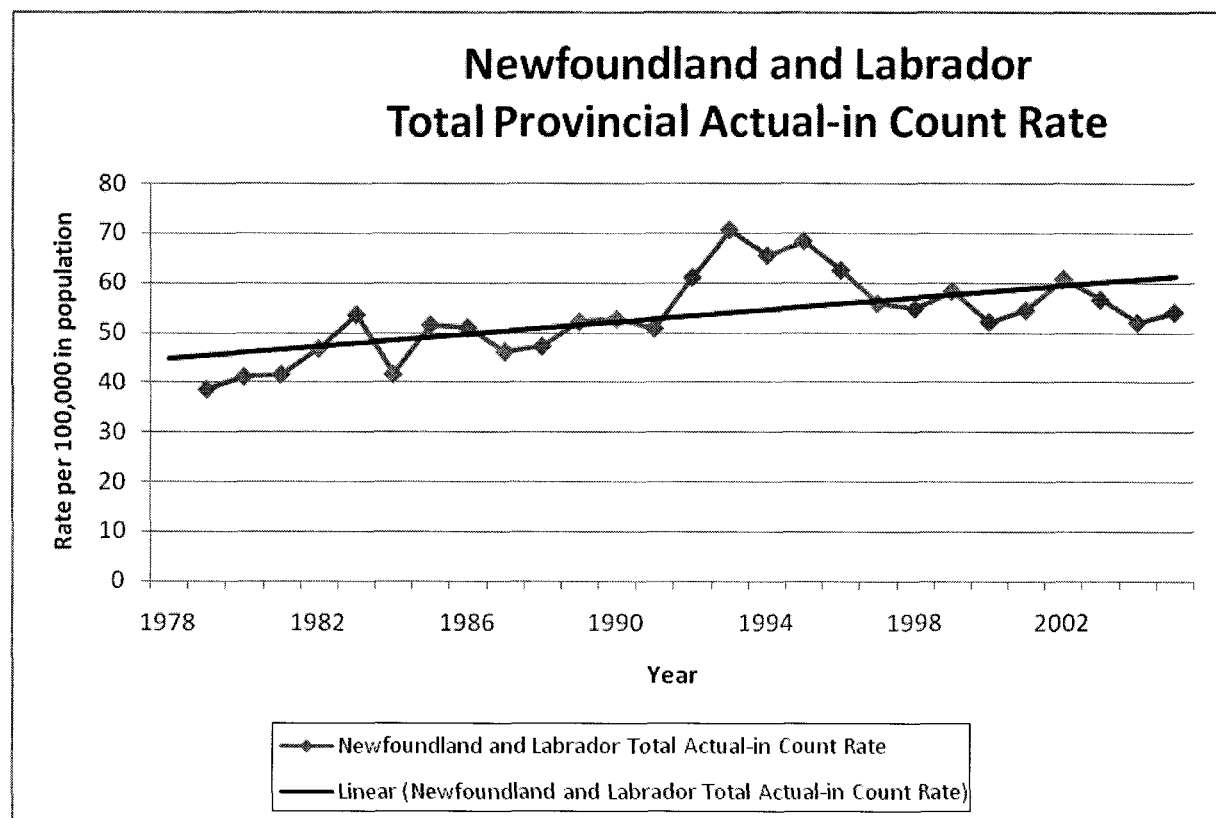


Figure [4. 10] - Newfoundland and Labrador Total Actual-in Count Rate.

Newfoundland and Labrador have an average population of 561,144, which represents approximately 2 percent of Canada's average population. Newfoundland and Labrador have an average total provincial count rate of 53 (53.4) per 100,000, which is slightly lower (0.8) than Canada's total provincial/territorial count rate. Newfoundland and Labrador's total provincial count rates have a range of 15.6 beginning with a rate of 39 (38.6) per 100,000 and concluding with a rate of 54 (54.1) per 100,000 in 2004. Newfoundland and Labrador's total provincial count rates have a standard deviation of 7.9, which is slightly more than double (2.2) the amount of variation compared to Canada's total provincial/territorial count rates. Newfoundland and Labrador's total provincial count rates have a correlation coefficient of 0.600088, which indicates a substantial, positive linear relationship between rates over time, as presented in the graph above.

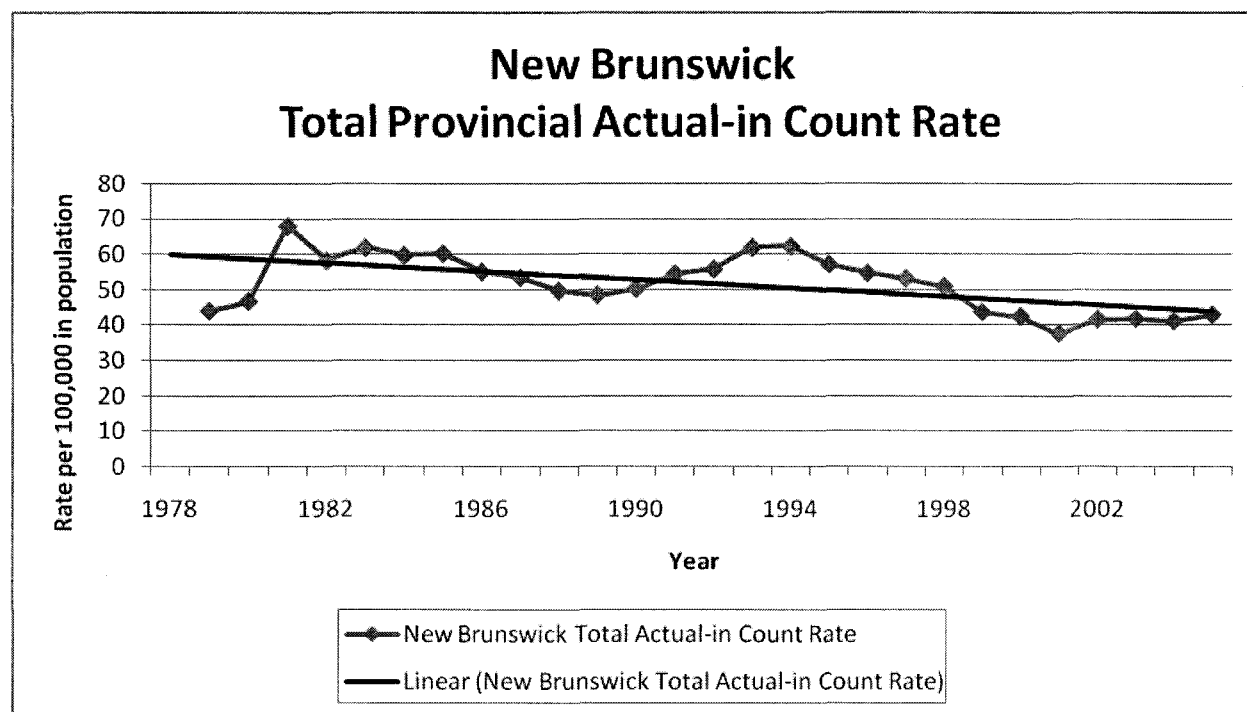


Figure [4. 11] - New Brunswick Total Actual-in Count Rate.

New Brunswick has an average population of 735,031 which represents approximately 3 percent (2.6) of Canada's average population. New Brunswick has an average total provincial count rate of 52 (51.8) per 100,000 which is slightly lower (0.8) than Canada's average total provincial/territorial count rate. New Brunswick's total provincial count rates have a range of -1.1 beginning with a rate of 44 per 100,000 in 1978 and concluding with a rate of 43 (42.9) per 100,000 in 2004. New Brunswick's total provincial count rates have a standard deviation of 7.9 (the same standard deviation as Newfoundland and Labrador) which indicates that the total provincial count rates have slightly more than double (2.2) the amount of variation compared to Canada's total provincial/territorial count rates. New Brunswick's total provincial count rates have a correlation coefficient of -0.57633. Contrary to Canada's total provincial/territorial count rates which show a positive increase, this value indicates a substantial, negative linear relationship between rates over time, as presented in the graph above.

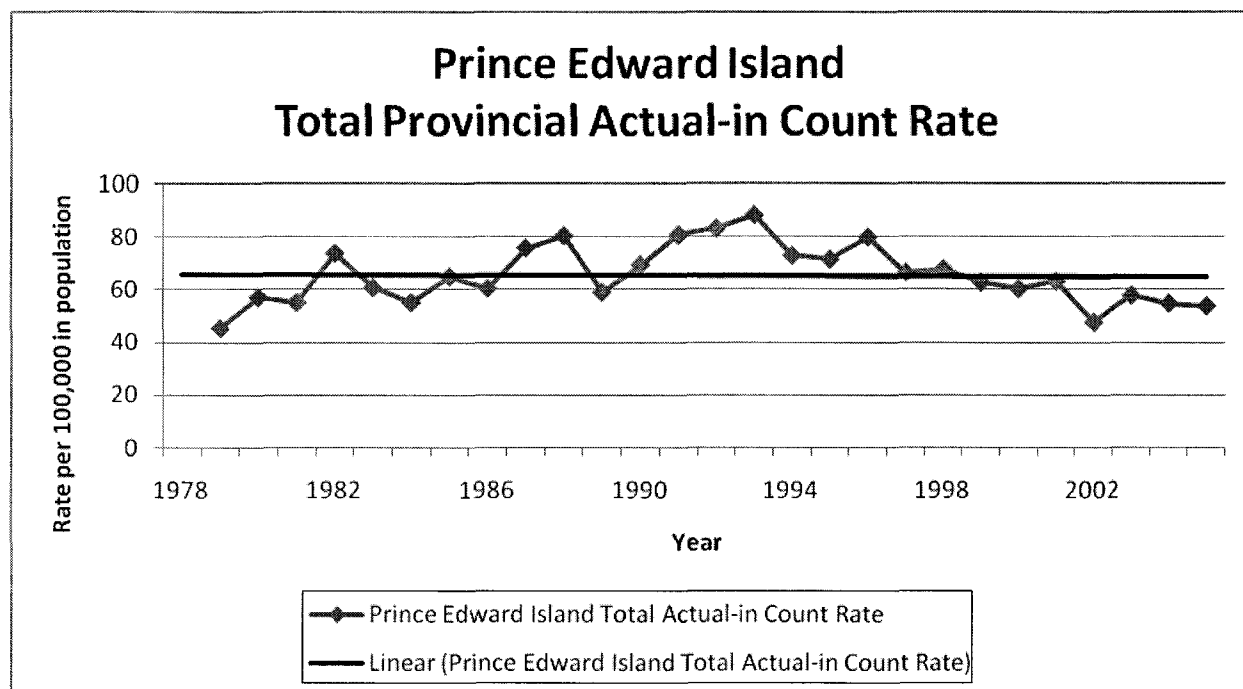


Figure [4. 12] - Prince Edward Island Total Actual-in Count Rate.

Prince Edward Island has an average population of 130,850, which accounts for less than 1 percent (0.5) of Canada's average population. Prince Edward Island has an average total provincial count rate of 65 (65.3) per 100,000 (the same as Ontario) which indicates that the total provincial count rate is almost identical to Canada's total provincial/territorial count rate. Prince Edward Island's total provincial count rates have a range of 8.5 beginning with a rate of 45 (45.2) per 100,000 in population in 1978 and concluding with a rate of 54 (53.7) per 100,000 in population in 2004. Prince Edward Island's total provincial count rates have a standard deviation of 10.9, which indicates that the total provincial count rate has approximately triple the amount of variation compared to Canada's total provincial/territorial count rates. Prince Edward Island's total provincial count rates have a correlation coefficient of -0.02262. This value indicates that there is a trivial (almost non-existent), negative linear relationship (and more of a curvilinear relationship) between rates over time, as depicted in the graph above.

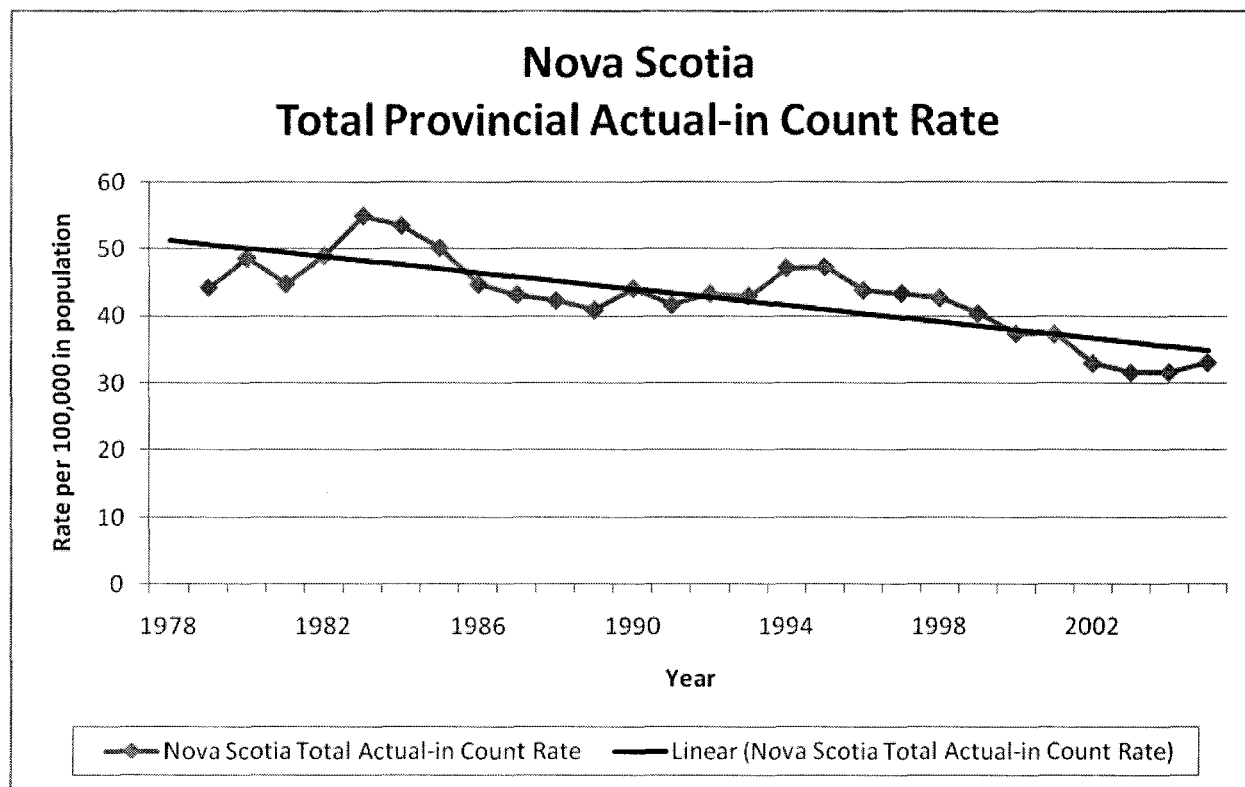


Figure [4. 13] - Nova Scotia Total Actual-in Count Rate.

Nova Scotia has an average population of 903,892 which accounts for approximately 3 percent (3.2) of Canada's average population. Nova Scotia has an average total provincial count rate of 43 (42.9) per 100,000 which is the lowest average rate of any jurisdiction. Nova Scotia's total provincial count rates have a range of -11.2 beginning with a rate of 44 (44.3) per 100,000 in population and concluding with a rate of 33 per 100,000 in 2004. Nova Scotia's total provincial count rates have a standard deviation of 6 which indicates that there is slightly more than one and a half times (1.7) the amount of variation in the total provincial count rates compared to Canada's total provincial/territorial count rates. Nova Scotia's total provincial count rates have a correlation coefficient of -0.79193 which indicates a very strong, negative linear relationship between rates over time, as depicted in the graph above. Similar to British Columbia and Alberta, this negative trend over time contrasts sharply with Canada's relatively stable total provincial/territorial counts trend.

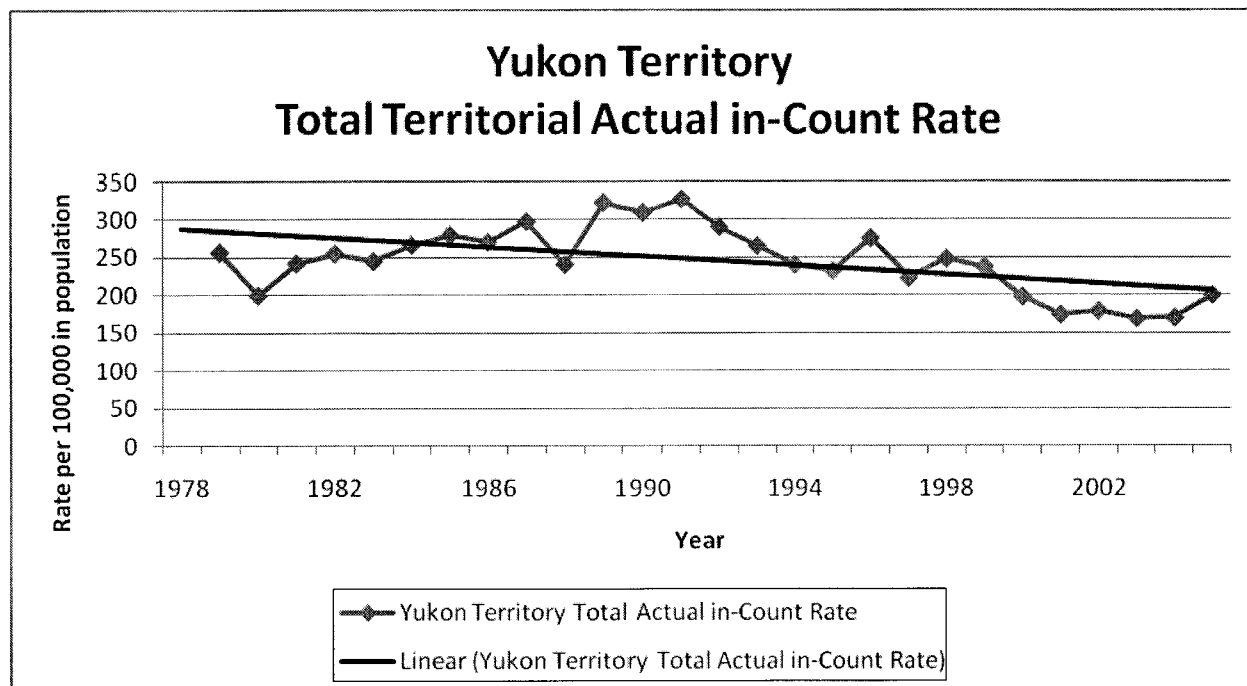


Figure [4. 14] - Yukon Territory Total Actual-in Count Rate.

The Yukon Territory has an average population of 27,806 which represents less than 1 percent (0.09) of Canada's average population. The Yukon Territory has an average total territorial count rate of 245 (245.3) per 100,000 which is approximately four times (3.9) higher than Canada's average total provincial/territorial count rate.¹⁵ The Yukon Territory's total territorial count rates have a range of -56.3 beginning with a rate of 257 (256.9) per 100,000 in 1978 and concluding with a rate of 201 (200.7) per 100,000 in 2004. The Yukon Territory's total territorial count rates have a standard deviation of 44.6 which suggests that there is slightly more than 12 times (12.4) the amount of variation in the total territorial count rates compared to Canada's total provincial/territorial count rates. The Yukon Territory's total territorial count rates have a correlation coefficient of -0.53199 which indicates that there is a moderate, negative linear relationship between rates over time, as presented in the graph above. However, it is noteworthy that the correlation coefficient value

¹⁵ As cautioned in the Methodology chapter, the standard deviation should be interpreted with caution given the Yukon Territory's relatively small population and relatively high average total actual-in count rate.

masks an increasing trend between 1978 and the early 1990s, followed by a relatively steady decline through to 2004.

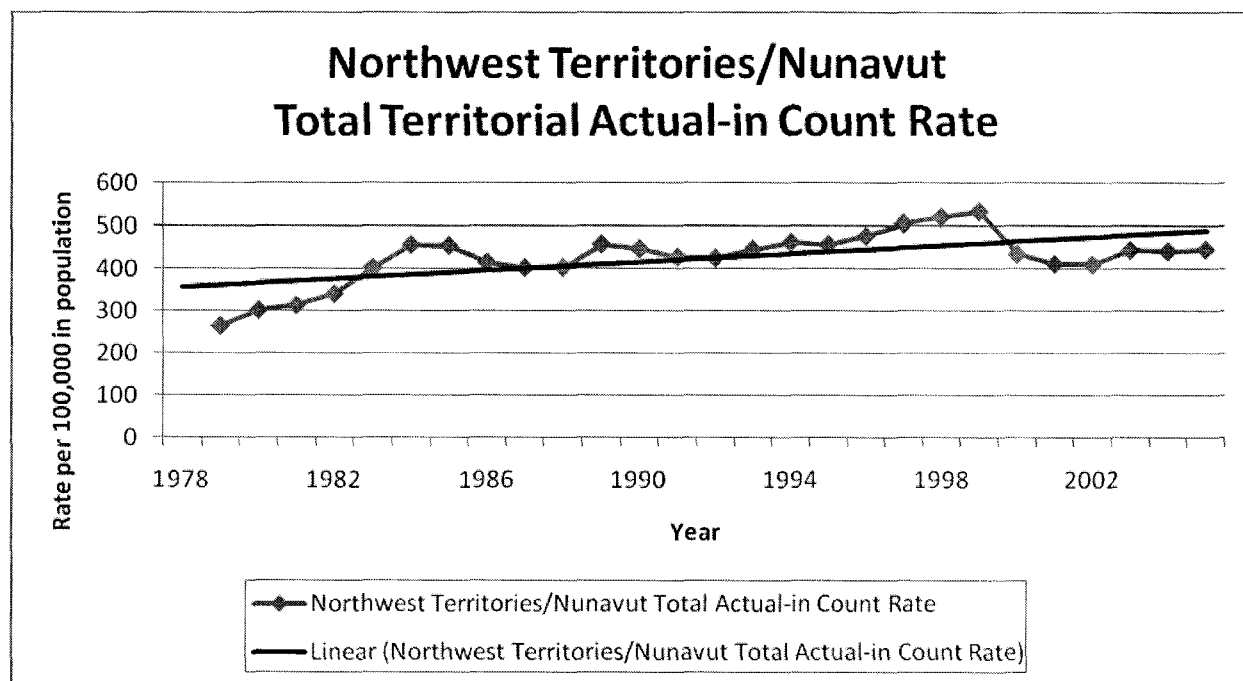


Figure [4. 15] - Northwest Territories Total Actual-in Count Rate.

The last jurisdiction to be discussed with respect to total provincial/territorial count rates is the Northwest Territories (including Nunavut). This combined territory has an average population of 59,718 which accounts for less than 1 percent (0.2) of Canada's average population. The Northwest Territories (including Nunavut) have the highest average total territorial count rate with 426 per 100,000, which is approximately seven times (6.7) higher than Canada's total provincial/territorial count rate. The Northwest Territories' (including Nunavut) total territorial count rates have a range of 180.9 beginning with a rate of 265 (265.1) per 100,000 in 1978 and concluding with a rate of 446 (445.9) per 100,000 in 2004. The Northwest Territories' (including Nunavut) total territorial count rates have the

highest standard deviation¹⁶ of any jurisdiction with a figure of 60.8. This value indicates that there is approximately 17 times (16.9) the amount of variation in this jurisdiction's total territorial count rates compared to Canada's total provincial/territorial count rates. The Northwest Territories' (including Nunavut) total territorial count rates have a correlation coefficient of 0.634359 which indicates that a substantial, positive linear relationship exists between rates over time, as presented in the graph above.

4.4 Canada Custodial Admissions

While custodial counts provide a precise measure of punitiveness in the form of statistics of unique inmate presence in institutions, custodial admissions offer an understanding of the changing case flow occurring in institutions across Canada. While these data do not indicate the number of unique individuals under the supervision of Correctional Services Canada and provincial/territorial correctional services, they nonetheless provide a valuable picture of the trends in the total admissions figures over time. Admissions may also be important because they represent the number of people who experience prison (for varying lengths of time) in a year.

A discussion of the trends in Canada's overall admissions will first be presented to provide the context for the rest of the analysis, followed by a discussion of Canada's federal custodial admissions rates which are organized according to regions. The custodial admissions analysis will conclude with a more in-depth presentation of Canada's provincial/territorial admissions which are organized according to individual provinces and territories.

¹⁶ The standard deviation should be interpreted with caution given the relatively small population and relatively high average total territorial actual-in count rate of this combined jurisdiction.

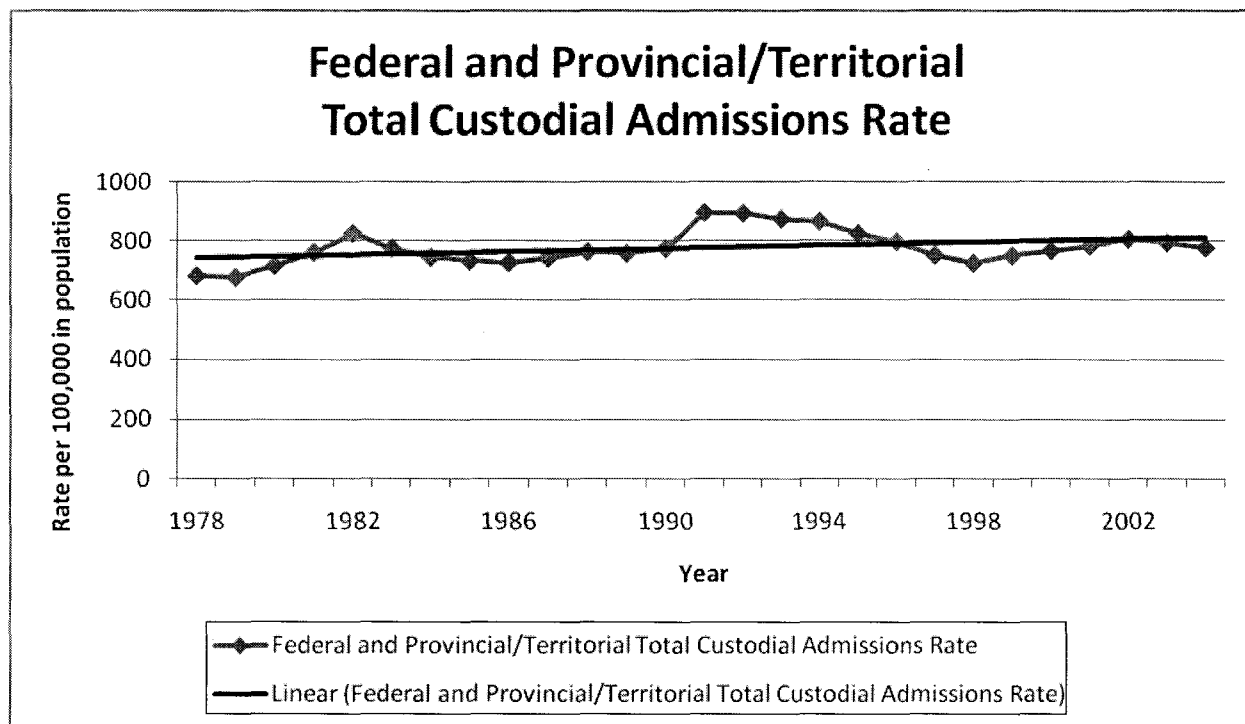


Figure [4. 16] - Federal and Provincial/Territorial Total Custodial Admissions Rate.

Taking into account both federal (penitentiary) and provincial/territorial (prison) admissions rates, Canada's average total custodial admissions rate is 777 (776.8) per 100,000 with a range of 95.8 beginning with a rate of 681 (681.4) per 100,000 in 1978 and concluding with a rate of 777 (777.2) per 100,000 in 2004. Canada's total custodial admissions rates have a standard deviation of 56.5 which indicates that the rates have remained fairly stable over time, particularly when taking into account the relatively large mean. The correlation coefficient of Canada's total custodial admissions rates is 0.371981 which suggests a moderate, positive linear relationship between rates over time, as illustrated in the graph above. Indeed, Canada's total custodial admissions rate has an almost identical correlation coefficient compared to Canada's total custodial counts rate, indicating that the strengths of the linear relationships are almost identical in nature.

4.5 Federal Custodial Admissions

As presented in the summary table below, Canada's average total custodial admissions rate and Canada's average total provincial/territorial custodial admissions rate are approximately 31 times higher in comparison to Canada's average total federal custodial admissions¹⁷ rate. As federal total admissions represent the number of inmates who enter the federal penitentiary system, it would appear that the provincial/territorial admissions population contributes significantly more to Canada's total custodial admissions. This is logical because an admission to a provincial institution could be (and often is) for as short a period as a day or two, whereas all federal (warrant of committal) admissions are for at least two years. The descriptors in the summary table for total federal admissions below illustrate the discrepancies that exist within various regions comprising the federal admissions total.

Jurisdiction	Average Population	Average Rate	Range	Standard Deviation	Correlation Coefficient
Canada Total	27,927,791	776.8	95.8	56.5	0.371981
Canada Total Federal	27,924,791	24.4	4.2	3.1	0.505565
Canada Total Provincial/Territorial	27,924,791	752.4	91.6	54.2	0.37562
Pacific Region	3,424,880	23.7	3.6	3	-0.09411
Prairie Region	4,733,191	37	11.7	6.3	0.803952
Ontario Region	10,354,741	15.9	2	2	0.429281
Quebec Region	6,993,537	25.9	1.7	4.3	0.305065
Atlantic Region	2,330,917	34.3	12.1	6.5	0.531506

Table [4. 4] - Descriptors for Federal Admissions at the Regional Level.

¹⁷ The total federal admissions figure is composed of warrant of committal admissions, revocation of conditional release admissions, and other admissions.

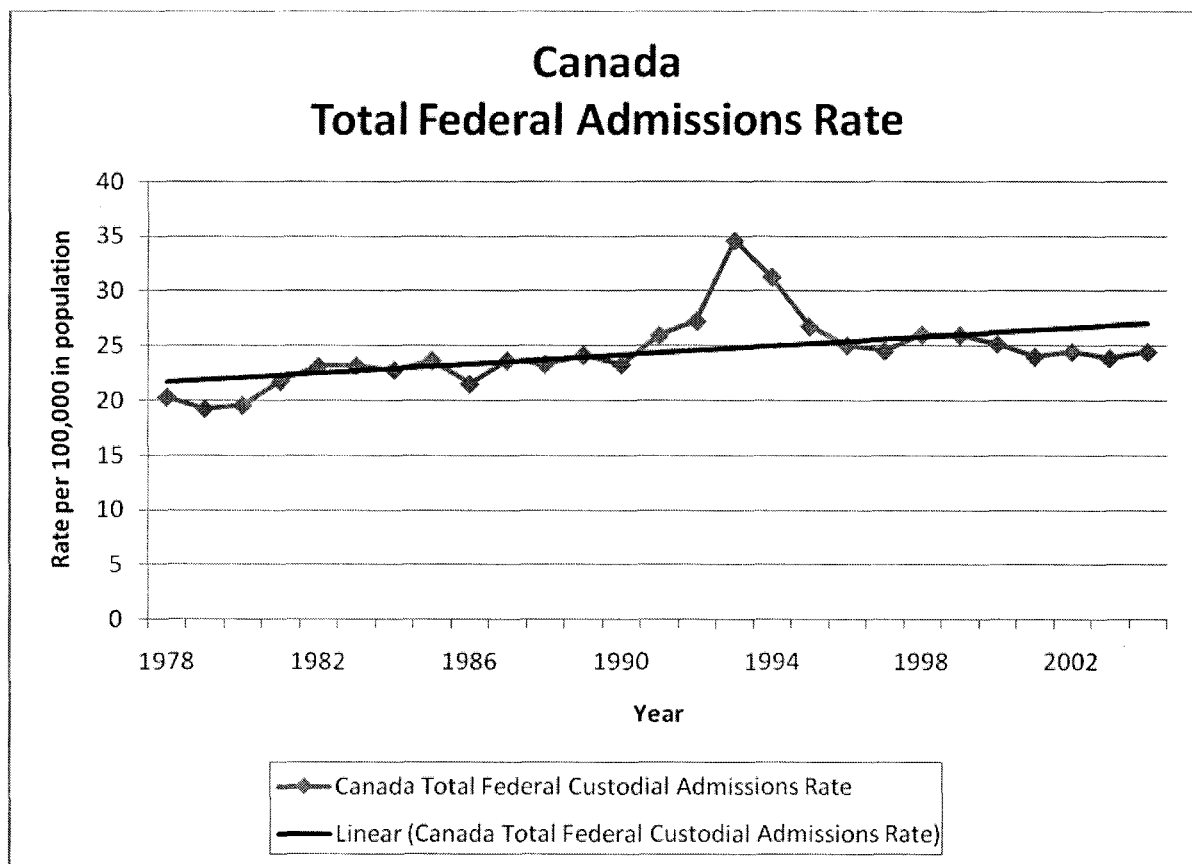


Figure [4. 17] - Canada Total Federal Custodial Admissions Rate.

As presented in the summary table, Canada has an average total federal admissions rate of 24 (24.4) per 100,000. Canada's total federal admissions rates have a range of 4.2 beginning with a rate of 20 (20.3) per 100,000 in 1978 and concluding with a rate of 25 (24.5) per 100,000 in 2004. Canada's total federal admissions rates have a standard deviation of 3.1 which indicates a relatively stable rate over time (with the exception of a pronounced increase and subsequent decrease during the early 1990s). Canada's total federal admissions rates have a correlation coefficient of 0.505565 which suggests a substantial, positive linear relationship between rates over time, as illustrated in the graph above. The linear relationship of Canada's total federal admissions rates over time is slightly stronger than that of Canada's total custodial admissions rates over time.

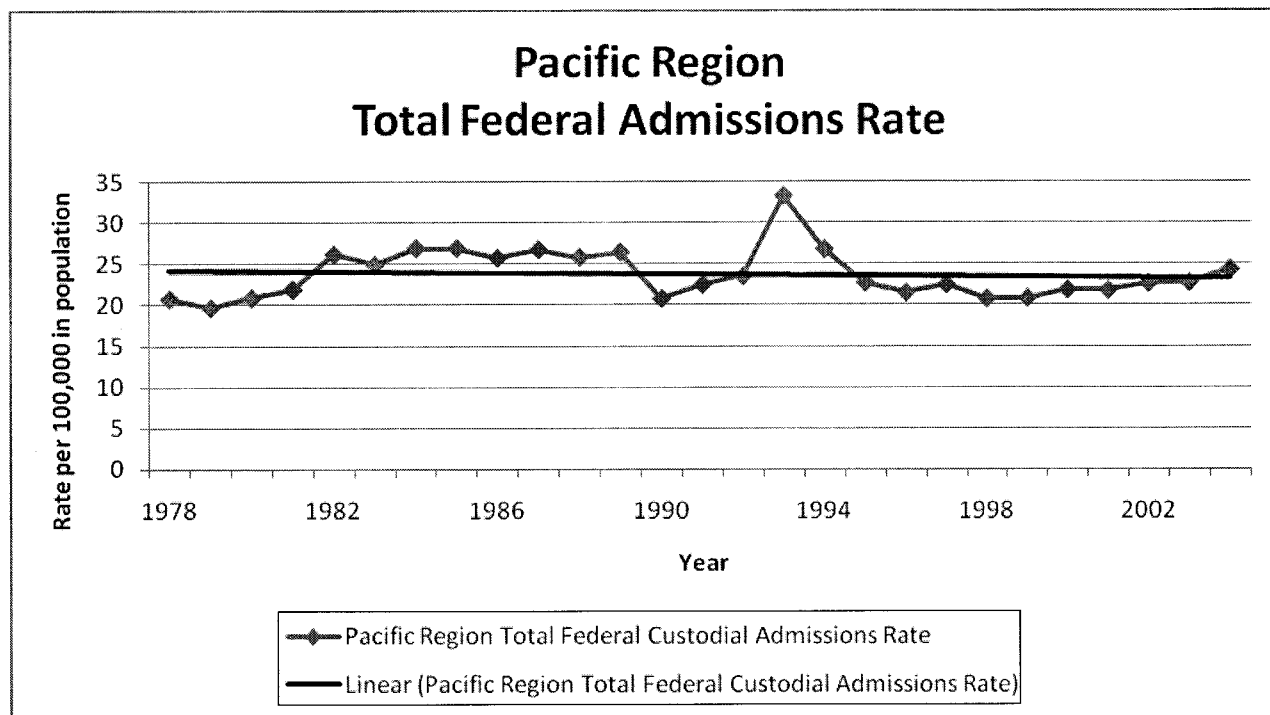


Figure [4. 18] - Pacific Region Total Federal Admissions Rate.

The Pacific Region has an average population of 3,424,880, which represents approximately 12 (12.3) percent of Canada's average population. The Pacific Region has an average total federal admissions rate of 24 (23.7) per 100,000 which is just slightly lower than Canada's total federal admissions rate. The Pacific Region's total federal admissions rates have a range of 11.7 beginning with a rate of 29 (29.2) per 100,000 in 1978 and concluding with a rate of 41 (40.9) per 100,000 in 2004. The Pacific Region's total federal admissions rates have a standard deviation of 3, which indicates that the provincial total federal admissions rates have just slightly less variation than Canada's total federal admissions rates. The Pacific Region's total federal admissions rates have the lowest correlation coefficient value of any region with -0.09411. Contrary to the other regions which show a moderate/very strong positive linear relationship over time, the Pacific Region shows a very slight (almost non-existent), negative linear relationship between rates over time, as illustrated in the graph above.

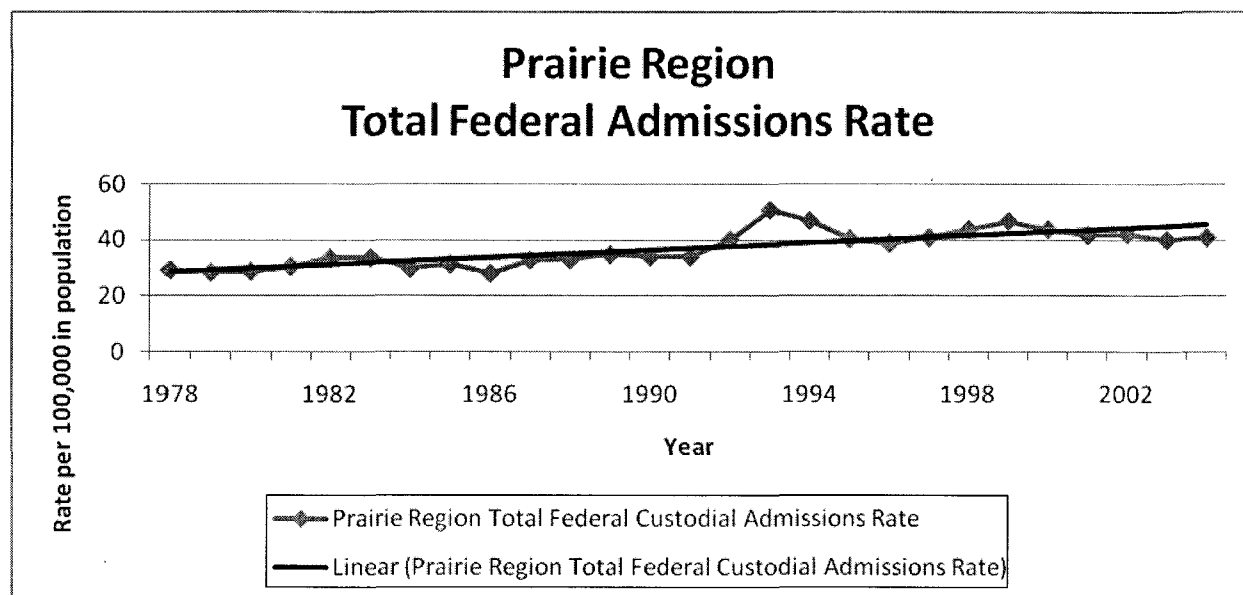


Figure [4. 19] - Prairie Region Total Federal Admissions Rate.

The Prairie Region¹⁸ has an average population of 4,733,191 which accounts for approximately 17 (16.9) percent of Canada's average population. The Prairie Region has an average total federal admissions rate of 37 per 100,000 (the highest of any region) which is one and a half times higher than Canada's average total federal admissions rate. The Prairie Region's total federal admissions rates have a range of 11.7 beginning with a rate of 29 (29.2) per 100,000 in 1978 and concluding with a rate of 41 (40.9) per 100,000 in 2004. The Prairie Region's total federal admissions rates have a standard deviation of 6.3 which suggests that there is slightly more than double the amount of variation in comparison to Canada's total federal admissions rates. The Prairie Region's total federal admissions rates have the highest correlation coefficient of any region with a figure of 0.803952. This value suggests a very strong, positive linear relationship between rates over time as presented in the steep, increasing trend in the graph above.

¹⁸ Saskatchewan has the highest provincial admissions and provincial count rates of any province, notwithstanding the territories. As such, the figures presented for the Prairie Region should be interpreted with caution due to the potential inflation or skew that Saskatchewan might have on this overall variable.

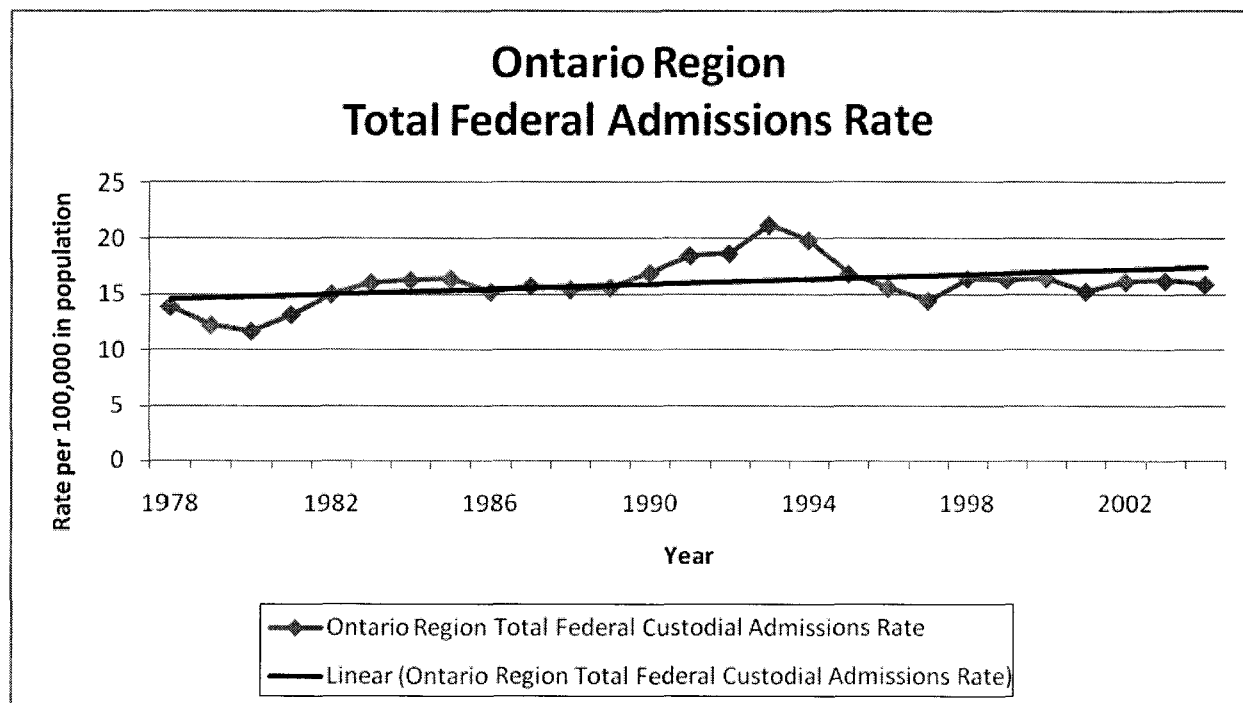


Figure [4. 20] - Ontario Region Total Federal Admissions Rate.

The Ontario Region has an average population of 10,354,741 which represents approximately 37 percent of the nation's average population. The Ontario Region's total federal admissions rates have an average total federal admissions rate of 16 (15.9) per 100,000 which is the lowest of any region and is approximately half (0.7) of Canada's total federal admissions rate. The Ontario Region's total federal admissions rates have a range of 2, beginning with a rate of 14 (13.8) per 100,000 in 1978 and concluding with a rate of 16 (15.9) per 100,000 in 2004. The Ontario Region's total federal admissions rates have a standard deviation of 2 which suggests that the Ontario Region has almost half the degree of variation (0.6 times) in its total federal admissions rates compared to Canada's total federal admissions rates. In other words, the Ontario Region's total federal admissions rates are more stable in comparison to Canada's total federal admissions rates. The Ontario Region has a correlation coefficient of 0.429281 which can be interpreted to mean that a moderate, positive linear relationship exists between increasing rates over time.

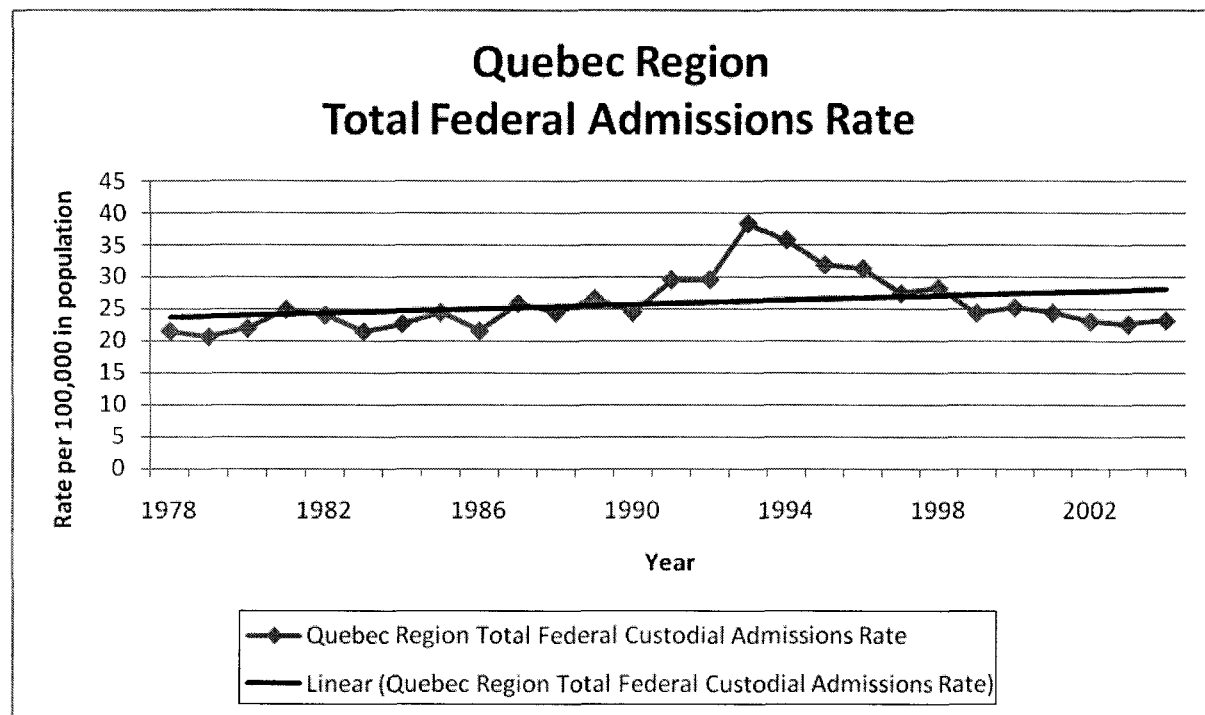


Figure [4. 21] - Quebec Region Total Federal Admissions Rate.

The Quebec Region has an average population of 6,993,537 which accounts for approximately 25 percent of Canada's average population. The Quebec Region has an average total federal admissions rate of 26 (25.9) per 100,000 which is just slightly higher than Canada's average total federal admissions rate. The Quebec Region has a range of 1.7 beginning with a rate of 22 (21.5) per 100,000 in 1978 and concluding with a rate of 23 (23.2) per 100,000 in 2004. The Quebec Region's total federal admissions rates have a standard deviation of 4.3 which indicates that there is approximately one and a half times (1.4) the amount of variation in the regional total federal admissions rates compared to Canada's total federal admissions rates. The Quebec Region's total federal admissions rates have a correlation coefficient of 0.305065 which can be interpreted to mean that a weak/moderate, positive linear relationship exists between increasing rates over time, as presented in the graph above. However, it is noteworthy that an increase occurs from 1978 until the early 1990s, followed by a decline in the mid 1990s thereafter.

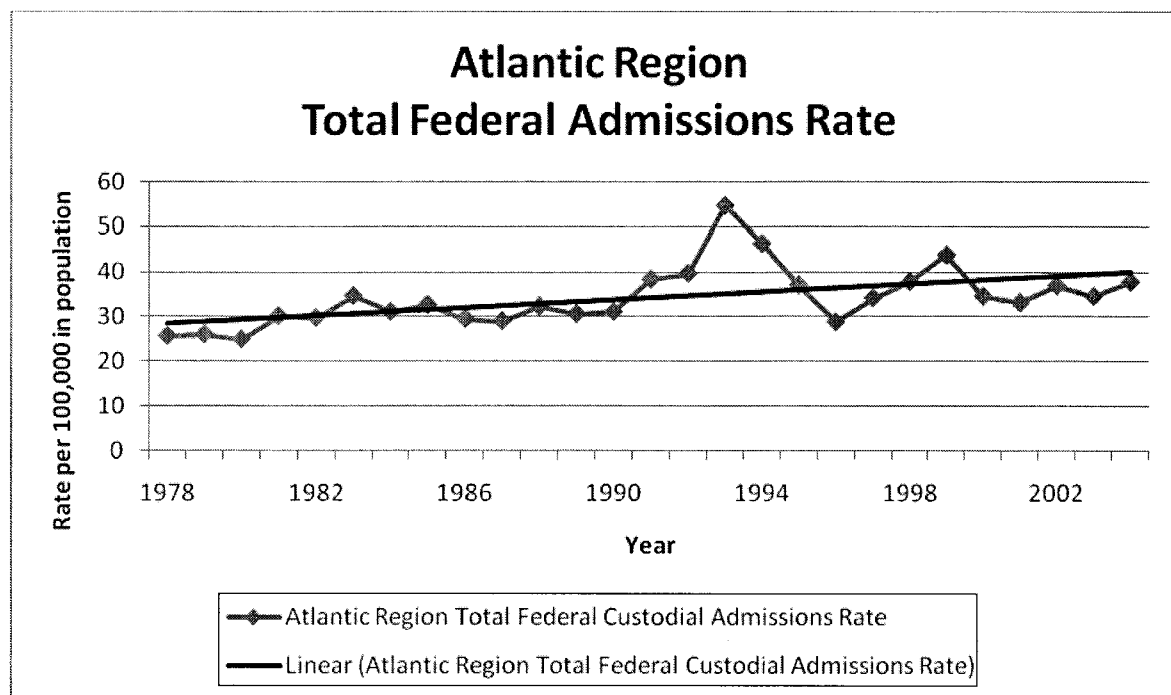


Figure [4. 22] - Atlantic Region Total Federal Admissions Rate.

The Atlantic Region has an average population of 2,330,917 which represents approximately 8 (8.3) percent of Canada's average population. The Atlantic Region has an average total federal admissions rate of 34 (34.3) per 100,000 which is approximately one and a half times (1.4) higher than Canada's average total federal admissions rate. The Atlantic Region's total federal admissions rates have a range of 12.1 beginning with a rate of 26 (25.7) per 100,000 in 1978 and concluding with a rate of 38 (37.9) per 100,000 in 2004. The Atlantic Region's total federal admissions rates have the highest standard deviation of any region with a figure of 6.5 which indicates that there is slightly more than double the amount (2.1) of variation around the mean in the regional total federal admissions rates compared to Canada's total federal admissions rates. The Atlantic Region's total federal admissions rates have a correlation coefficient of 0.531506 which can be interpreted to mean that there is a moderate, positive linear relationship existing between increasing rates over time, as depicted in the graph above.

4.6 Provincial/Territorial Custodial Admissions

As presented in the summary table below, the provincial/territorial total admissions rates account for the majority of Canada's total admissions rate. The initial picture of stability presented by Canada's total admissions rates is perhaps most accurately described as overly simplistic, based on the diversity within the aforementioned federal admissions figures and also reflected in the various figures within the provincial/territorial admissions for each descriptive category. While Canada's total provincial/territorial admissions rates show an almost identical pattern to Canada's total admissions rates of relative stability (moderate increase) over time, Canada's total federal admissions rates show a stronger positive linear relationship (substantial increase) between rates over time.

Jurisdiction	Average Population	Average Rate	Range	Standard Deviation	Correlation Coefficient
Canada Total	27,924,791	776.8	95.8	56.5	0.371981
Canada Total Federal	27,924,791	24.4	4.2	3.1	0.505565
Canada Total Provincial/Territorial	27,924,791	752.4	91.6	54.2	0.37562
British Columbia	3,424,880	738.7	534	195.1	0.851067
Alberta	2,624,192	1033.6	-209.8	176.4	-0.59728
Saskatchewan	1,003,743	1046	141.7	171.8	0.361149
Manitoba	1,105,256	1176.1	577.6	277.2	0.108599
Ontario	10,354,741	768.9	108.3	69.8	0.421933
Quebec	6,993,537	652.4	20.3	133.7	0.293534
Newfoundland and Labrador	561,144	434	12.1	263.7	-0.36446
New Brunswick	735,031	634.5	-181.9	151.7	-0.7525
Prince Edward Island	130,580 ¹⁹	1225.1	-2397.5	793.3	-0.79669
Nova Scotia	903,892	461.3	-56.9	60.5	-0.69149
Yukon	27,806	2146.3	-370.7	256.5	-0.59529
Northwest Territories/ Nunavut	58,725	2271	-267.7	768.1	0.33231

Table [4. 5] - Descriptors for Provincial/Territorial Admissions.

¹⁹ The figures for Prince Edward Island are based on available data for the years 1978 – 2003.

The following description of Canada's total provincial/territorial admissions rates and subsequent discussion of each provincial and territorial trend further substantiates this preliminary assertion of an overly simplistic national trend, and serves to illuminate sub-trends which exist in provincial/territorial rates beneath Canada's initial image of uniformity.

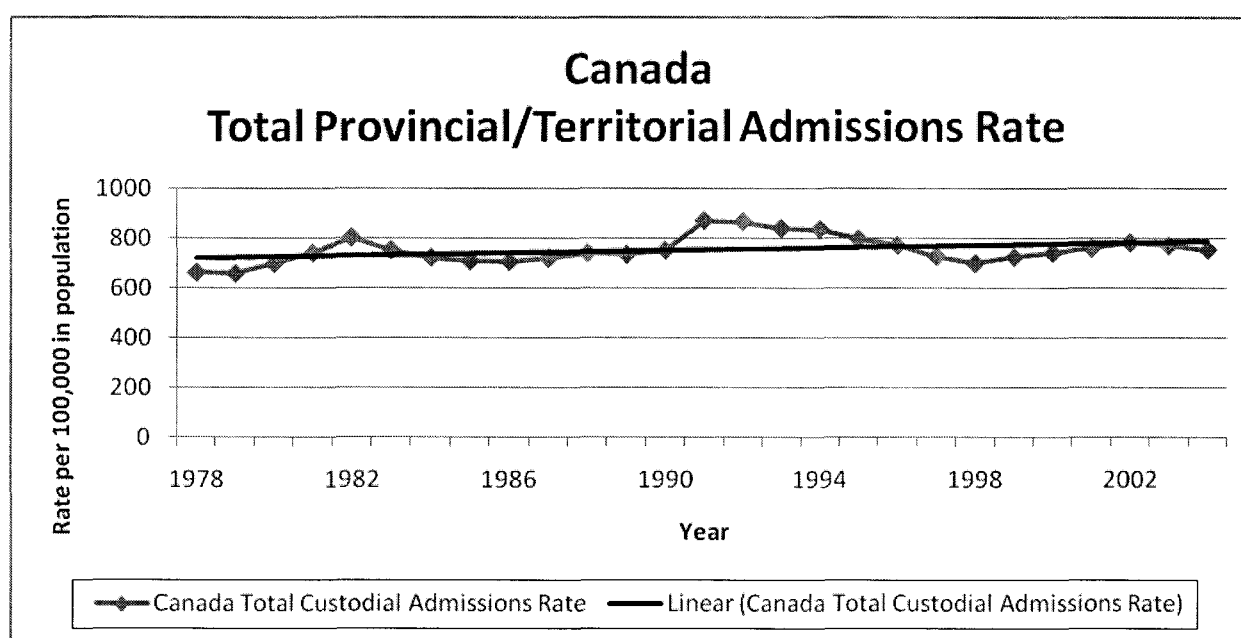


Figure [4. 23] - Canada Total Provincial/Territorial Admissions Rate.

Canada's total provincial/territorial admissions have an average rate of 752 (752.4) per 100,000 in population. Canada's total provincial/territorial admissions rates have a range of 91.6 beginning with a rate of 661 (661.1) per 100,000 in 1978 and concluding with a rate of 753 (752.7) per 100,000 in 2004. Indeed, Canada's total provincial/territorial admissions rates increase slightly over time but otherwise show relatively little variation. Canada's total provincial/territorial admissions rates have a standard deviation of 54.2, indicating a reasonably homogenous distribution with little variation over time. This is further substantiated by a correlation coefficient value of 0.37562 which suggests a moderate, positive linear relationship between rates over time, as illustrated in the graph above.

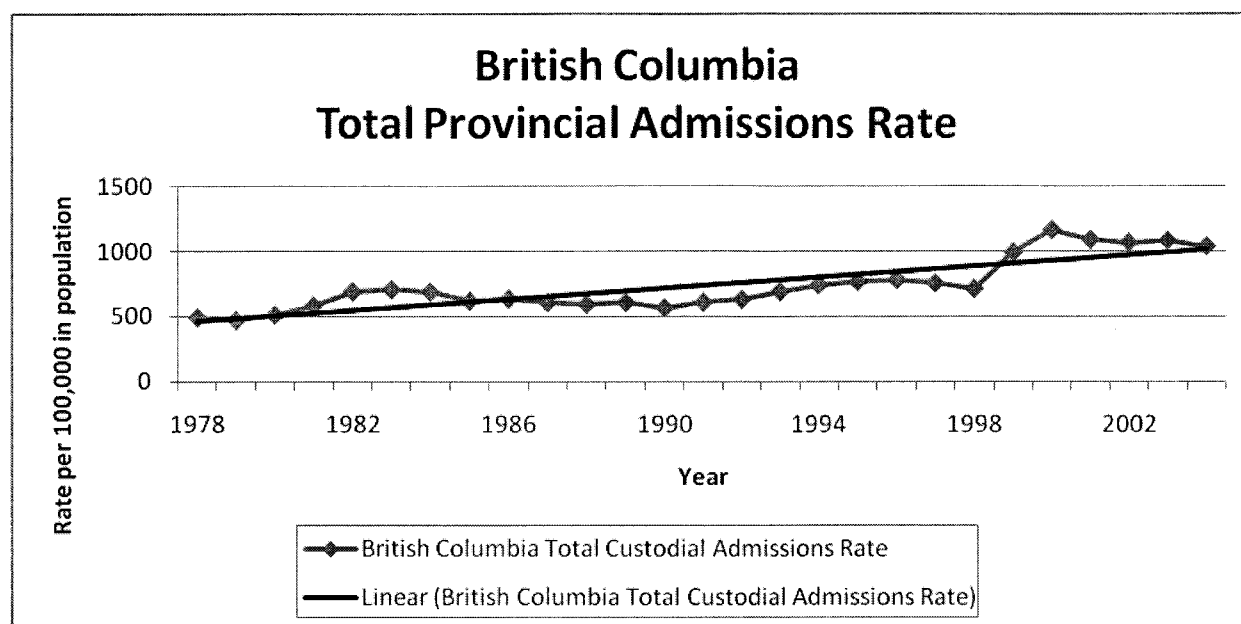


Figure [4. 24] - British Columbia Total Admissions Rate.

British Columbia has an average population of 3,424,880, which accounts for approximately 12 percent (12.3) of Canada's average population. British Columbia has an average total provincial admissions rate of 739 (738.7) per 100,000 which is slightly less than Canada's average total provincial/territorial admissions rate. British Columbia's total provincial admissions rates have a range of 534 beginning with a rate of 496 (495.6) per 100,000 in 1978 and concluding with a rate of 1039 (1038.6) per 100,000 in 2004. British Columbia's total provincial admissions rates have a standard deviation of 195.1 which indicates that there is slightly more than triple (3.6 times) the amount of variation in British Columbia's total provincial admissions rates compared to the fluctuation in Canada's total provincial/territorial admissions rates. British Columbia's total provincial admissions rates have the highest correlation coefficient of any jurisdiction with a figure of 0.851067 which indicates a very strong, positive linear relationship between increasing rates over time, as presented in the graph above. However, it must be noted that much of the increase reflected in this trend is due to a dramatic rise in rates during the late 1990s.

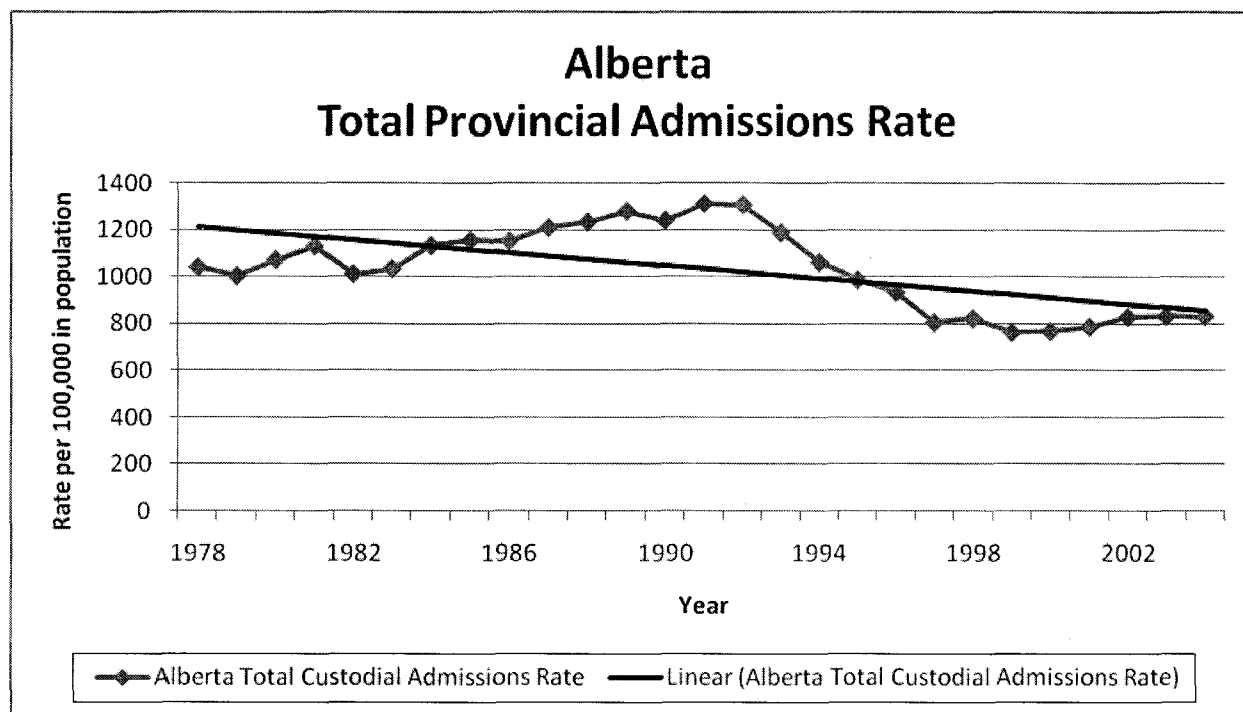


Figure [4. 25] - Alberta Total Admissions Rate.

Alberta has an average population of 2,624,192 which represents approximately 9 (9.4) percent of Canada's average population. Alberta has an average total provincial admissions rate of 1034 (1033.6) per 100,000 which is approximately one and a half times (1.4) higher than Canada's average total provincial/territorial admissions rate. Alberta's total provincial admissions rates have a range of -209.8 beginning with a rate of 1040 (1039.7) per 100,000 in 1978 and concluding with a rate of 830 per 100,000 in 2004. Alberta's total provincial admissions rates have a standard deviation of 176.4 which can be interpreted to mean that there is slightly more than triple (3.3) the amount of variation in Alberta's total provincial admissions rates compared to Canada's total provincial/territorial admissions rates. Contrary to the total provincial/territorial admissions rates, Alberta has a correlation coefficient of -0.59728 which indicates a substantial, negative linear relationship between rates over time, as illustrated in the graph above. It must be noted that the decreasing trend is almost exclusively accounted for by the decrease in rates occurring during the 1990s.

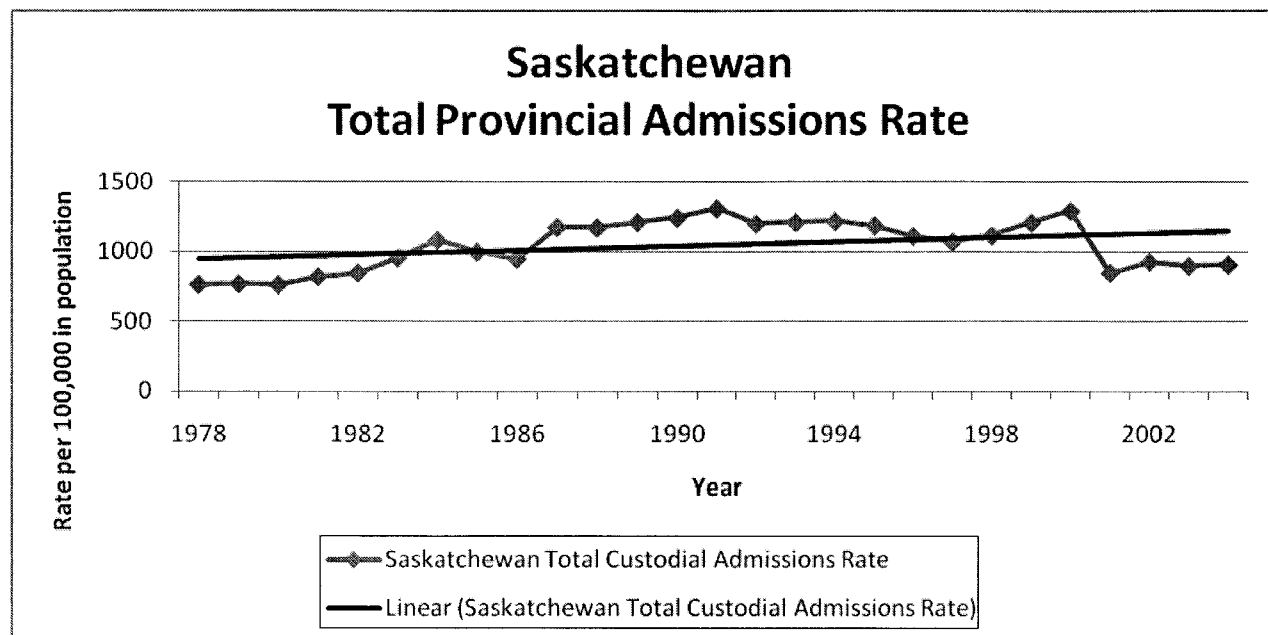


Figure [4. 26] - Saskatchewan Total Admissions Rate.

Saskatchewan has an average population of 1,003,743 which accounts for approximately 4 (3.6) percent of Canada's average population. Saskatchewan's average total provincial admissions rate is 1046 per 100,000 in population which is the highest total provincial admissions rate of any province (notwithstanding the territories), and is approximately one and a half times (1.4) higher than Canada's average total provincial/territorial admissions rate. Saskatchewan's total admissions rates have a range of 141.7 beginning with a rate of 766 (765.5) per 100,000 in 1978 and concluding with a rate of 907 (907.2) per 100,000 in population in 2004. Saskatchewan's total admissions rates have a standard deviation is 171.8 which means that there is slightly more than triple (3.2) the amount of variation in Saskatchewan's total provincial admissions rates compared to Canada's total provincial/territorial admissions rates. Saskatchewan's total provincial admissions rates have a correlation coefficient of 0.361149 which suggests that there is a moderate, positive linear relationship between rates over time, similar to the trend reflected in Canada's total provincial/territorial admissions rates.

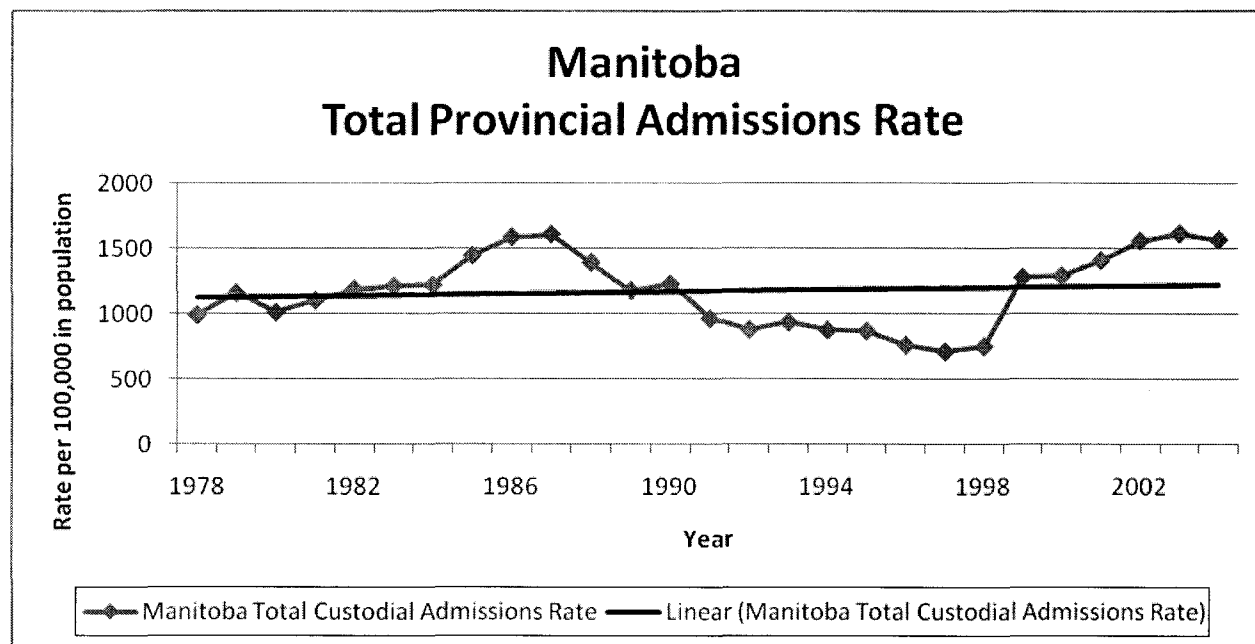


Figure [4. 27] - Manitoba Total Admissions Rate.

Manitoba has an average population of 1,105,256 which represents approximately 4 percent of Canada's average population. Manitoba's average total provincial admissions rate is 1176 (1176.1) per 100,000 which is slightly more than one and a half times (1.6) higher than Canada's average provincial/territorial admissions rate. Manitoba's total provincial admissions rates have a range of 577.6 beginning with a rate of 990 per 100,000 in 1978 and concluding with a rate of 1568 (1567.7) per 100,000 in 2004. Manitoba's total provincial admissions rates have a standard deviation of 277.2, indicating that Manitoba's total provincial admissions rates have approximately five times the amount of variation compared to Canada's provincial/territorial total admissions rates. Manitoba's total provincial admissions rates have a correlation coefficient of 0.108599 which is the lowest of any jurisdiction. This figure suggests a weak, positive linear relationship between rates over time. Manitoba's total provincial admissions rates do not vary in tandem with time to create a decipherable linear trend, as illustrated by the sporadic peaks and valleys in the graph above.

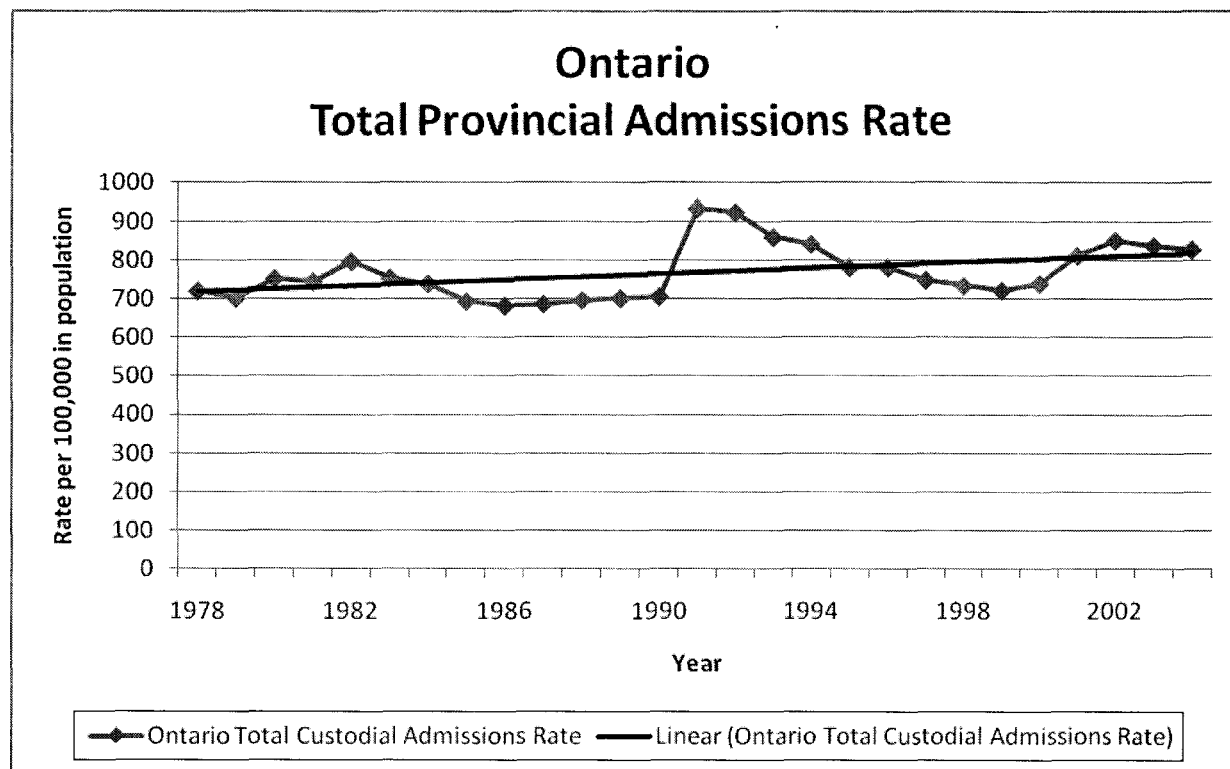


Figure [4. 28] - Ontario Total Admissions Rate.

Ontario has an average population of 10,354,741 which represents approximately 37 percent of Canada's average population; consequently, the trends that exist in Ontario heavily influence the national trend far more than any other singular jurisdiction. Ontario has an average total provincial admissions rate of 769 (768.9) per 100,000 which is just slightly higher than Canada's average total provincial/territorial admissions rate. Ontario's total provincial admissions rates have a range of 108.3 beginning with a rate of 720 (719.7) per 100,000 in 1978 and concluding with a rate of 828 (827.9) per 100,000 in 2004. Ontario's total provincial admissions rates have a standard deviation of 69.8 which indicates just slightly more variation in Ontario's provincial total admissions rates compared to Canada's total provincial/territorial admissions rates. Ontario's total provincial admissions rates have a correlation coefficient of 0.421933 which suggests a moderate, positive linear relationship between rates over time, as pictured in the graph above.

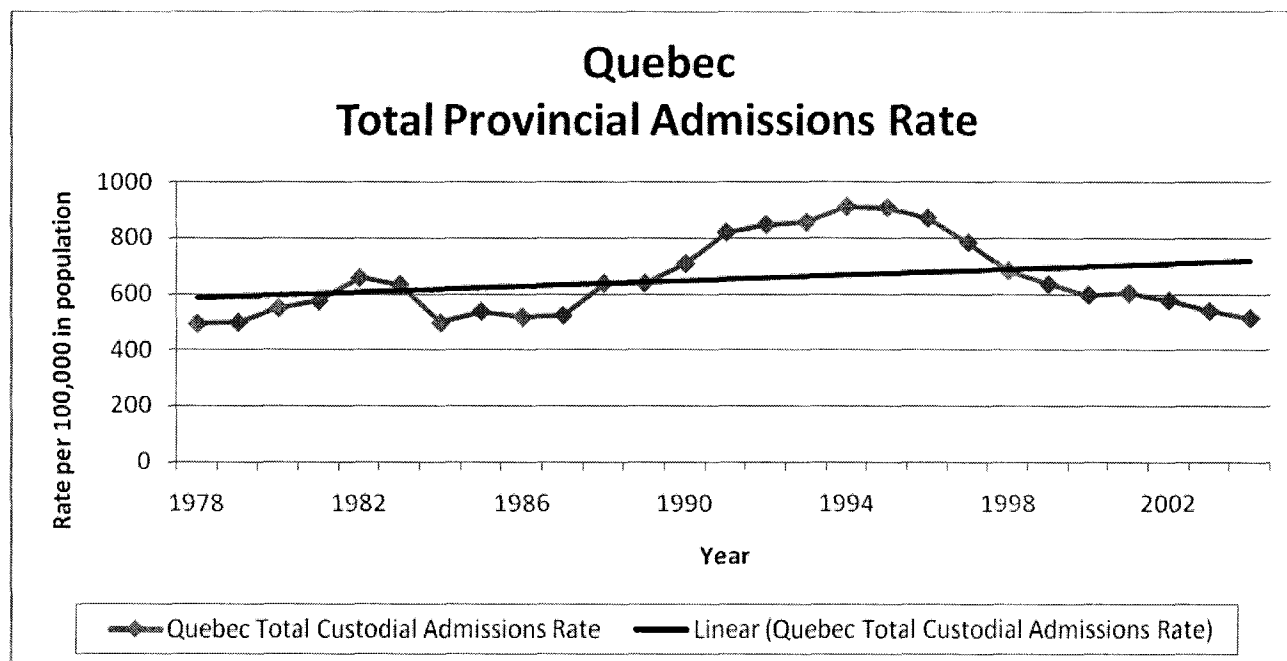


Figure [4. 29] - Quebec Total Admissions Rate.

Quebec is the second most populous jurisdiction in Canada. With an average population of 6,993,537, Quebec accounts for approximately 25 percent of Canada's average population. Quebec has an average total provincial admissions rate of 652 (652.4) per 100,000 which is slightly less (0.9) than Canada's average total provincial/territorial admissions rate. Quebec's total provincial admissions rates have a range of 20.3 beginning with a rate of 495 (495.3) per 100,000 in 1978 and concluding with a rate of 516 (515.6) per 100,000 in 2004. Quebec's total provincial admissions rates have a standard deviation of 133.7 which suggests that there is approximately two and a half times the amount of variation in Quebec's total provincial admissions rates compared to Canada's total provincial/territorial admissions rates. Quebec's total provincial admissions rates have a correlation coefficient of 0.293534 which suggests a weak/moderate linear relationship between rates over time. However, as demonstrated in the seemingly incongruous variations in the total provincial admissions rates pictured in the graph above, this weak positive linear

relationship is not particularly descriptive of the increase up to the mid-1990s and steady increase thereafter. In fact, this pattern appears to resemble more of a curvilinear trend.

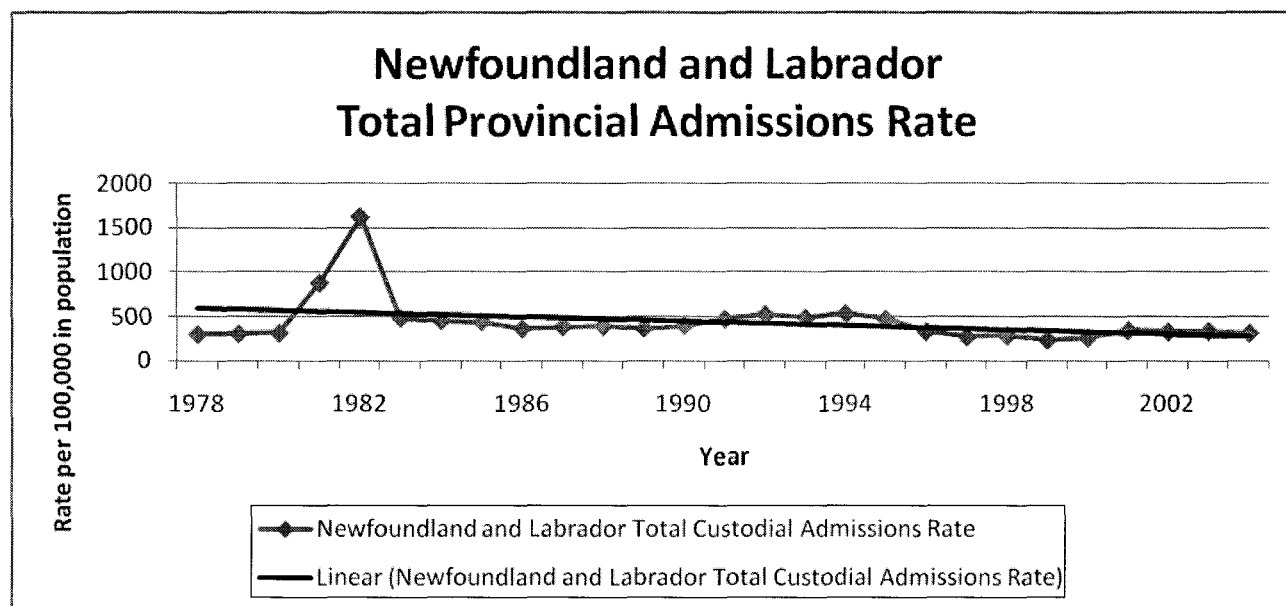


Figure [4. 30] - Newfoundland and Labrador Admissions Rate.

Newfoundland and Labrador have an average population of 561,144 which represents approximately 2 percent of Canada's average population. Newfoundland and Labrador have an average total provincial admissions rate of 434 per 100,000 which is approximately half (0.6) as high as Canada's average total provincial/territorial admissions rate. Newfoundland and Labrador's total admissions rates have a range of 12.1 beginning with a rate of 294 per 100,000 in 1978 and concluding with a rate of 306 (306.1) per 100,000 in 2004. Newfoundland and Labrador's total admissions rates have a standard deviation of 263.7²⁰ which indicates that there is approximately five times (4.9) the amount of variation in Newfoundland and Labrador's total provincial admissions rates compared to Canada's total provincial/territorial admissions rates. Newfoundland and Labrador's total provincial admissions rates have a correlation coefficient of -0.36446 which suggests a

²⁰ This figure should be interpreted with caution in consideration of Newfoundland and Labrador's relatively small population and the uncharacteristically high outliers for the years 1981/82.

moderate, negative linear relationship between rates over time, as illustrated in the graph above. It is interesting to note that Newfoundland and Labrador's total provincial admissions rates change at the same rate over time as Canada's total provincial/territorial admissions rates, albeit in the opposite direction.

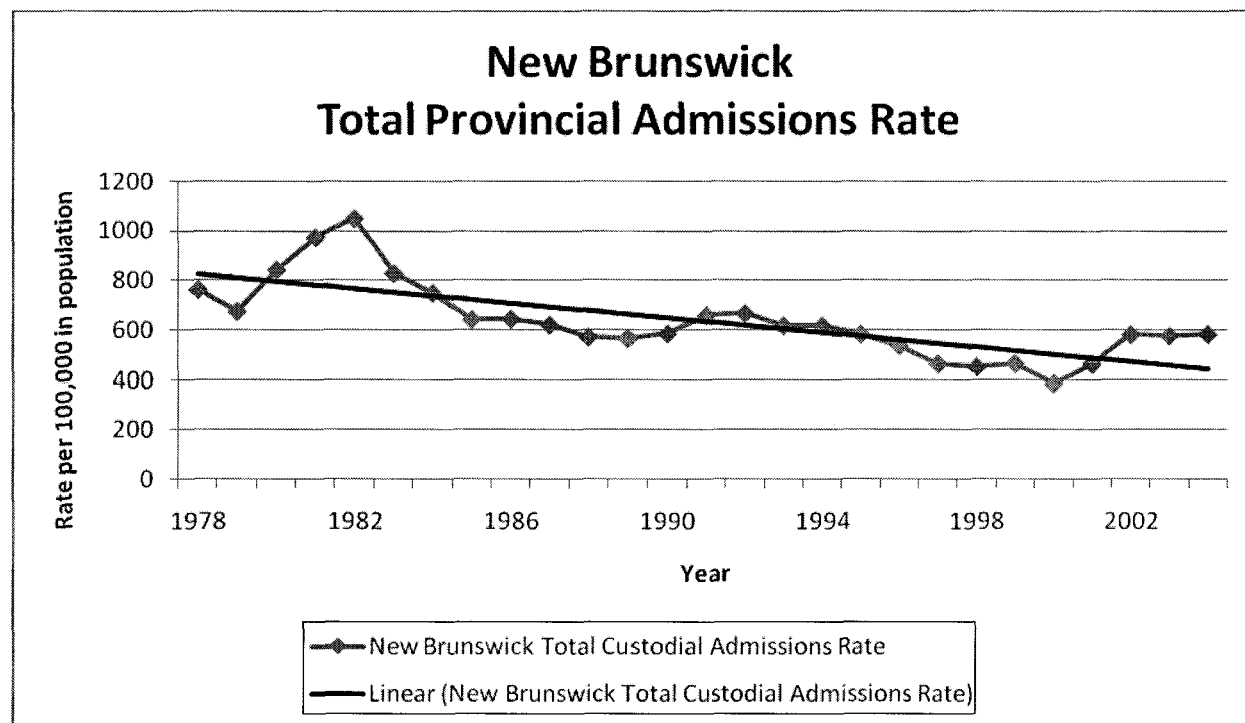


Figure [4. 31] – New Brunswick Admissions Rate.

New Brunswick has an average population of 735,031 which represents approximately 3 (2.6) percent of Canada's average population. New Brunswick has an average total provincial admissions rate of 635 (634.5) per 100,000 which is slightly lower (0.8) than Canada's average total provincial/territorial admissions rate. New Brunswick's total provincial admissions rates have a range of -181.9 beginning with a rate of 763 (762.8) per 100,000 in 1978 and concluding with a rate of 581 (580.9) per 100,000 in 2004. New Brunswick's total provincial admissions rates have a standard deviation of 151.7 which indicates that there is approximately triple (2.8) the amount of variation in New Brunswick's

total provincial admissions rates compared to Canada's total provincial/territorial admissions rates. New Brunswick's total provincial admissions rates have a correlation coefficient of -0.7525 which suggests a very strong, negative linear relationship between rates over time, as illustrated in the graph above. Similar to Alberta and Newfoundland and Labrador, New Brunswick's total provincial admissions rates contrast with Canada's total provincial/territorial admissions rates by revealing a decreasing trend in admissions rates over time.

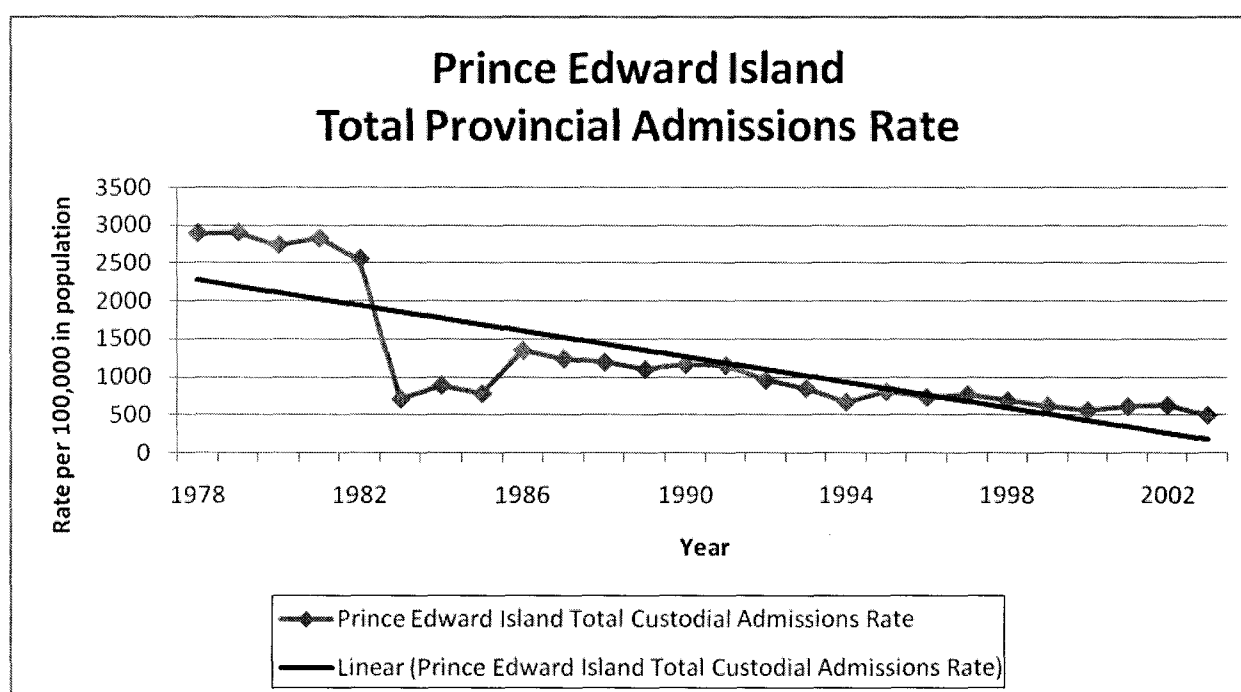


Figure [4. 32] - Prince Edward Island Admissions Rate.

Prince Edward Island has an average population of 130,580²¹ which accounts for approximately 0.5 percent of Canada's average population. Prince Edward Island has an average total provincial admissions rate of 1225 (1225.1) per 100,000 which is slightly more than one and a half times (1.6) higher than Canada's average total provincial/territorial admissions rate. Prince Edward Island's total provincial admissions rates have a range of

²¹ Prince Edward Island's figures for provincial total admissions rates are based on available data for the years 1978 – 2003.

-2397.5 beginning with a rate of 2891 (2891.2) per 100,000 in 1978 and concluding with a rate of 494 (493.7) per 100,000 in 2004. Prince Edward Island's total provincial/territorial admissions rates have a standard deviation of 793.3, the highest of any other jurisdiction. This indicates that Prince Edward Island's total provincial admissions rates have approximately 15 times (14.6) the amount of variation compared to Canada's total provincial/territorial admissions rates. Prince Edward Island's total provincial admissions rates have a correlation coefficient of -0.79669 which is the strongest negative correlation coefficient of any jurisdiction. Similar to New Brunswick, this value suggests a very strong, negative linear relationship between decreasing rates over time, contrary to Canada's total provincial/territorial admissions rates which show a moderate increase over time. However, it must be noted that the strong negative correlation coefficient is largely driven by the dramatic drop in admissions rates during the early 1980s.

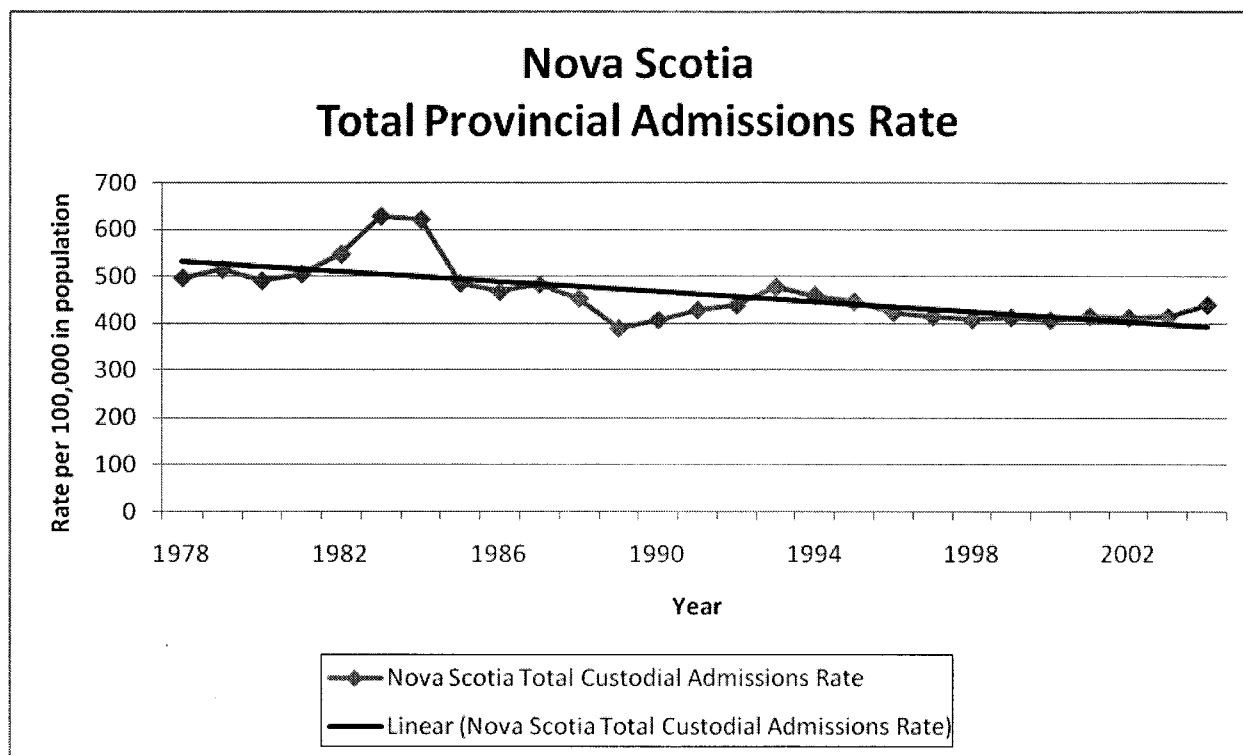


Figure [4. 33] - Nova Scotia Admissions Rate.

Nova Scotia has an average population of 903,892 which accounts for approximately 3 (3.2) percent of Canada's average population. Nova Scotia has an average total provincial admissions rate of 461 (461.3) per 100,000 which is approximately half (0.6) as high as Canada's average total provincial/territorial admissions rate. Nova Scotia's total provincial admissions rates have a range of -56.9 beginning with a rate of 496 (495.6) per 100,000 in 1978 and concluding with a rate of 439 (438.7) per 100,000 in 2004. Nova Scotia's total provincial admissions rates have a standard deviation of 60.5 which, in comparison to all other jurisdictions, most closely resembles the degree of fluctuation in Canada's total provincial/territorial admissions rates (albeit with just slightly more variation). Nova Scotia's total provincial admissions rates have a correlation coefficient of -0.69149 which can be interpreted to mean that a moderately strong, negative linear relationship exists between decreasing rates over time. Similar to Alberta, Newfoundland and Labrador, New

Brunswick, and Prince Edward Island, Nova Scotia's total provincial admissions rates trend shows a decrease in admissions rates over time, contrary to Canada's total provincial/territorial admissions rates trend which shows a moderate increase in admissions rates over time.

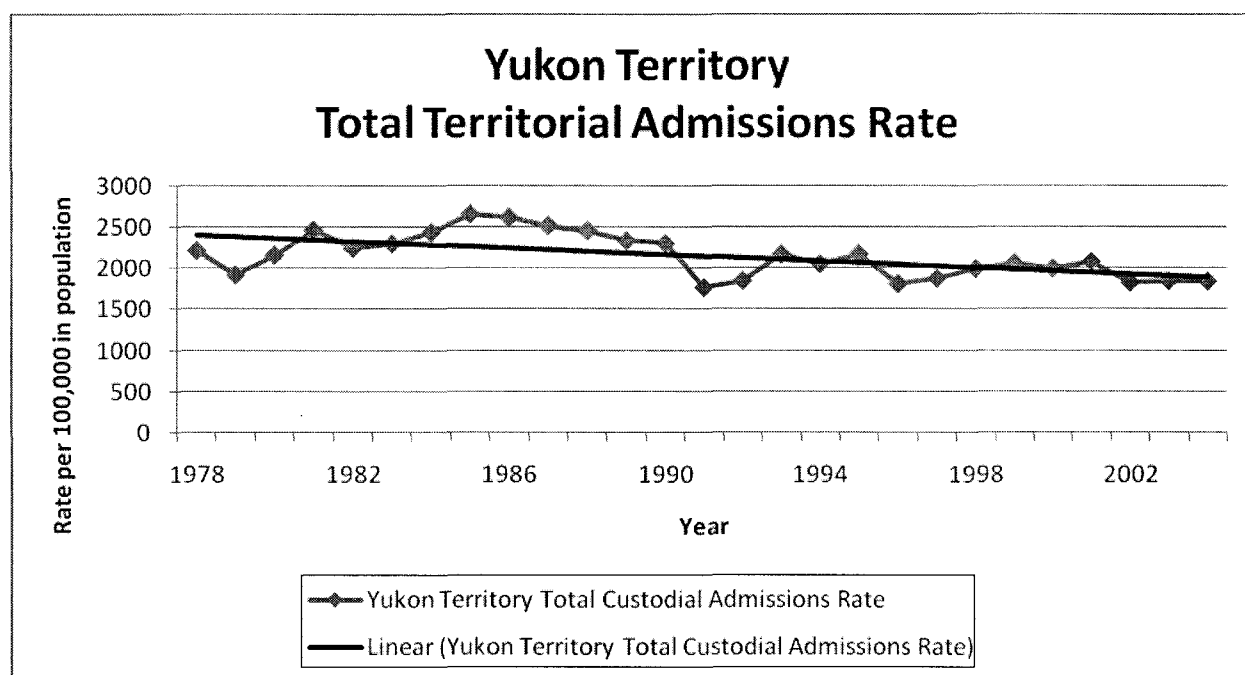


Figure [4. 34] - Yukon Territory Admissions Rate.

The Yukon Territory has an average population of 27,806 which accounts for less than 1 percent (0.09) of Canada's average population. The Yukon Territory has an average total territorial admissions rate of 2146 (2146.3) per 100,000 which approximately triples (2.9) Canada's average total provincial/territorial admissions rate. The Yukon Territory's total territorial admissions rates have a range of -370.7 beginning with a rate of 2216 (2215.6) per 100,000 in 1978 and concluding with a rate of 1845 (1844.9) per 100,000 in 2004. The Yukon Territory's total territorial admissions rates have a standard deviation of 256.5 which indicates that there is approximately five times (4.7) the amount of variation in the Yukon Territory's total territorial admissions rates compared to Canada's total

provincial/territorial admissions rates.²² The Yukon Territory's total territorial admissions rates have a correlation coefficient of -0.59529 which suggests a substantial, negative linear relationship between rates over time, as illustrated in the graph above. Similar to the total provincial admissions rates in Alberta, Newfoundland and Labrador, New Brunswick, Prince Edward Island, and Nova Scotia, the Yukon Territory's negative linear relationship between rates over time contrasts with Canada's total provincial/territorial admissions rates trend showing a moderate, positive linear relationship between rates over time.

²² The standard deviation should be interpreted with caution given the relatively small population and relatively high average total territorial actual-in count rate of the Yukon Territory.

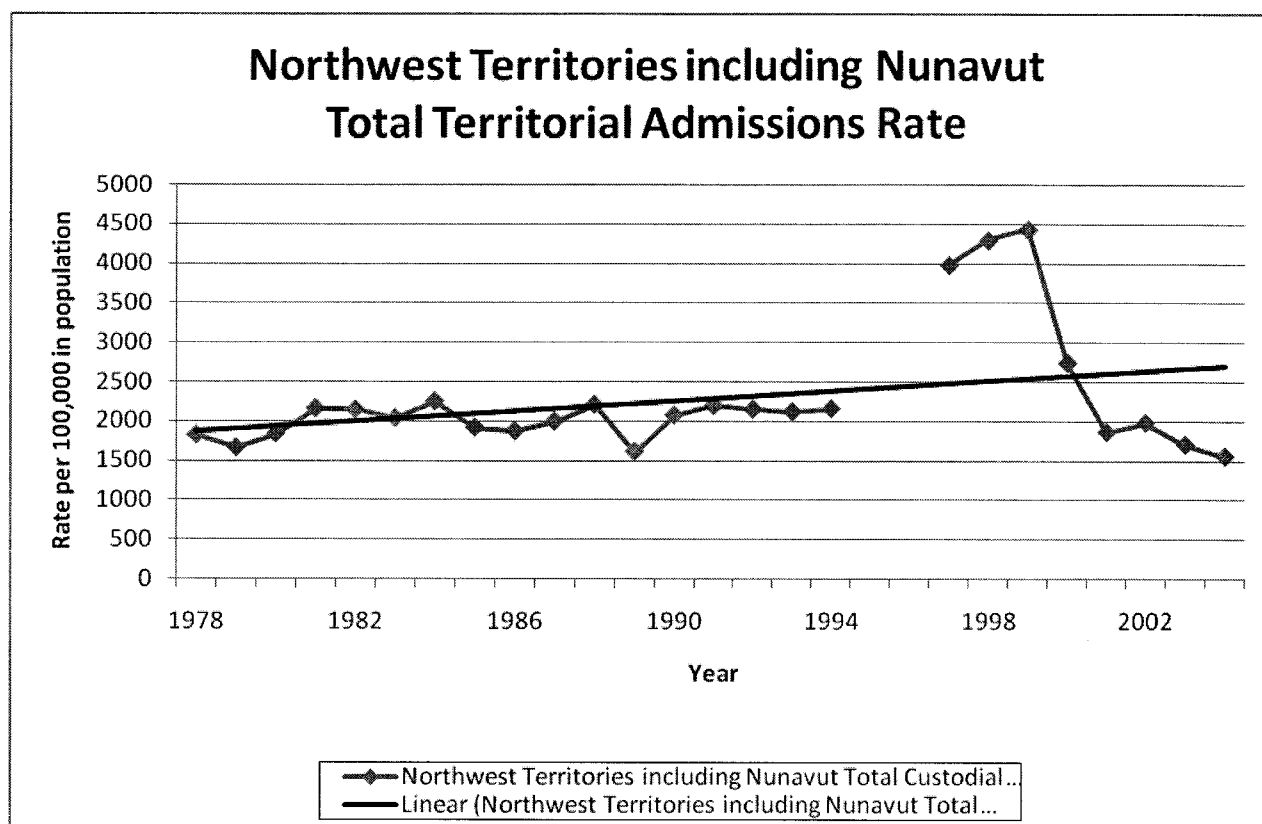


Figure [4. 35] - Northwest Territories including Nunavut Admissions Rate.

The Northwest Territories (including Nunavut) have an average population of 58,725²³ which represents less than 1 percent (0.2) of Canada's average population. The Northwest Territories (including Nunavut) have an average total territorial admissions rate of 2271 per 100,000 which triples Canada's average total provincial/territorial admissions rate. The Northwest Territories' (including Nunavut) total territorial admissions rates have a range of -267.7 beginning with a rate of 1822 (1822.2) in 1978 and concluding with a rate of 1545 (1544.6) per 100,000 in 2004. The Northwest Territories' (including Nunavut) total

²³ The population of the Northwest Territories (including Nunavut) is based on figures provided in the Adult Correctional Services Provincial/Territorial Custodial Admissions dataset, issued by Statistics Canada. It appears that Nunavut's population was not included in the 1999 population statistic which may account for the slightly lower population of the Northwest Territories including Nunavut compared to the provincial/territorial count population figures. Total admissions data are not available for the years 1995/1996.

territorial admissions rates have a standard deviation of 768.1²⁴ which indicates that there is slightly more than 14 times (14.2) the amount of variation in the Northwest Territories' (and Nunavut) total territorial admissions rates compared to Canada's total provincial/territorial admissions rates. The Northwest Territories' (including Nunavut) total territorial admissions rates have a correlation coefficient of 0.33231 which suggests a moderate, positive linear relationship between rates over time, as presented in the graph above.

²⁴ This figure should be interpreted with caution due to the relatively small population of the Northwest Territories including Nunavut and the high average rates of this combined jurisdiction, particularly the uncharacteristically high outliers during the 1990s.

5.0 DISCUSSION

The purpose of this chapter is to contextualize the findings of this thesis with respect to whether and to what extent each sub-level of analysis varies from the null hypothesis of overall stability and where the variation is concentrated. This thesis examined two dimensions of punitiveness: custodial counts and custodial admissions. Each of these measures provides a unique lens through which to view and assess the extent of Canada's trend in punitive responses to offenders.

On one hand, custodial counts reflect police charges, court sentences, and correctional policies (such as changes in parole policies requiring inmates to serve longer portions of their sentence prior to receiving parole). Admissions, on the other hand, largely capture the sentencing part of the criminal justice system and reflect whether a custodial or non-custodial sentence was handed down in court, and consequently demonstrates how many offenders enter correctional institutions. As admissions alone are not a sufficient measure of punitiveness, the data analysis of this work used both custodial counts and custodial admissions to describe the inmate population and punitiveness in Canada more generally.

This discussion begins by challenging the null hypothesis as it pertains to Canada's total, federal, and provincial/territorial counts and admissions rates. Subsequently, this discussion integrates the relationship between counts and admissions at the regional and provincial/territorial sub-levels and explores how these rates may be interpreted comparatively to determine whether, and to what extent, increased punitiveness is manifested in Canada's incarceration rates.

5.1 Custodial Counts: Total, Federal, and Provincial/Territorial

The null hypothesis of this thesis is the notion that overall stability exists at various sub-levels of Canada's incarceration rates because the national overall incarceration rate from 1978 to 2004 demonstrates a relatively stable flat line. In terms of count data, Canada's total custodial count rates are relatively stable for the years 1978 to 2004, although there are signs of slight fluctuation in the form of gradual increases during the early 1980s and mid 1990s. In light of this relatively stable trend, it would appear – at least in terms of this measure of punitiveness – that Canada has largely resisted a trajectory towards increased punitiveness.

However, while the federal total actual-in count rate essentially mirrors the pattern of Canada's total count rates, the rate at this sub-level is at a much lower average rate than the overall trend (with a difference of approximately 63 per 100,000). Further, the federal total actual-in count rate has slight variations over time. Specifically, the rates are relatively stable in the late 1970s, increase slightly during the early 1980s, plateau during the mid/late 1980s, increase during the early 1990s, and decrease from the mid 1990s thereafter. Despite the consistent decreasing trend from approximately 1994 onwards, the trend line indicates that the federal total count rates shows a greater positive linear trend over time in comparison to Canada's total count rates.

The provincial/territorial total actual-in count rate mirrors the pattern of the federal total count rate but at a slightly higher average rate (with a difference of approximately 20 per 100,000). The provincial/territorial total count rates are relatively stable over time and diverge from Canada's total provincial/territorial count rates because they show a weaker linear relationship between rates over time, as demonstrated by a smaller correlation

coefficient. The provincial/territorial total count rates are relatively stable in the late 1970s, and gradually climb to a peak and subsequently descend during the 1980s. The rates increase slightly during the early 1990s, decrease from the mid 1990s to the late 1990s, and plateau during the 2000s.

The slight divergences in the trends of the federal total actual-in count rates and provincial/territorial total actual-in count rates from Canada's total provincial/territorial count rates already foreshadow the limitations of the null hypothesis, namely that as more precise sub-levels are revealed, the null hypothesis becomes increasingly less descriptive. The null hypothesis of overall stability holds true at Canada's total count level, just as Doob and Webster (2006) suggested. The federal total actual-in count rates and the provincial total actual-in count rates both diverge from Canada's total actual-in count rates, with the former showing a stronger positive linear relationship between rates over time and the latter showing a weaker positive linear relationship between rates over time, in comparison to Canada's total actual-in count rates.

5.2 Custodial Admissions: Total, Federal, and Provincial/Territorial

Similar to the custodial counts data, Canada's total admissions rates shows the same relative stability between 1978 – 2004. It would again appear that Canada has largely resisted a trajectory towards increased punitiveness, as measured by custodial admissions data. Canada's total admissions rates reveal a trend which increases during the late 1970s and early 1980s, decreases slightly during the early 1980s, increases slightly during the late 1980s, decreases during the early/mid 1990s and increases during the late 1990s/early 2000s with a slight decreasing trend from 2002 to 2004. Due to the fact that Canada's total

admissions rates have remained relatively stable (with a slight increase) for the years 1978 – 2004, it would appear that the null hypothesis offers a sufficient description of punitiveness in Canada.

However, Canada's total federal admissions rates show a slightly stronger positive linear relationship between rates over time. The rates show a consistent, stable trend with the exception of a peak composed of a sharp increase and subsequent decrease during the early/mid 1990s, followed by a very slight decreasing trend in the late 1990s and a plateau in rates from the late 1990s onwards. In terms of the punitiveness theory, Canada's total federal admissions rates show slight signs of increasing punitiveness given the moderate, positive linear relationship between rates over time.

Canada's provincial/territorial admissions rates remain relatively stable over time. The rates increase during the early 1980s, decrease during the mid 1980s, and increase during the late 1980s. The rates decrease during the early/mid 1990s, increase slightly during the late 1990s, and peak slightly during the 2000s. Canada's total admissions rates are an accurate descriptor of Canada's total provincial/territorial admissions rates because they reflect similar trends over time, but Canada's total federal admissions rates diverge slightly from this pattern of relative stability by reflecting a stronger (although still moderate) linear relationship between rates over time.

As described above, there are slight divergences between Canada's total admissions rates, Canada's federal admissions rates, and Canada's provincial/territorial admissions rates. While perhaps this finding does not show a dramatic divergence from the national incarceration rates, these slight divergences nonetheless foreshadow the much greater divergences at the regional and provincial/territorial levels. The variability and conflicts in

incarceration rate trends are truly revealed at lower levels of aggregation, and particularly at the individual provincial and territorial levels.

5.3 Counts and Admissions

As previously discussed, the null hypothesis of relative stability in rates over time appears to be largely supported by trends in Canada's total federal and provincial/territorial actual-in count rates and Canada's total federal and provincial/territorial admissions rates. Both of these aggregate levels remain relatively stable for the years 1978 - 2004, with correlation coefficient values suggesting a moderate, positive linear relationship between rates over time. After breaking down the first sub-level, consisting of total federal counts and total federal admissions rates and total provincial/territorial counts and total provincial/territorial admissions rates, it becomes evident that the null hypothesis appears to be largely supported at these aggregate levels.

The null hypothesis becomes increasingly disputed as more precise sub-levels of federal total actual-in counts and federal admissions, and provincial/territorial actual-in counts and provincial/territorial admissions, are factored into the discussion. To be specific, federal admissions are broken down by regions followed by provincial/territorial counts and provincial/territorial admissions which are broken down according to individual provinces and territories. The relationship between provincial/territorial counts and provincial/territorial admissions is then presented to explore punitiveness in Canada as measured by these two dimensions.

5.4 Federal Admissions

When the total federal admissions rate is broken down into regional sub-levels even greater variability is revealed. Specifically, an increasing trend is clearly dominant in the majority of the regions but the Pacific region shows the opposite - decreasing admissions rates over time. The Prairie Region shows a consistent increasing trend with the exception of a decrease occurring during the mid 1990s, followed by an increase in the late 1990s and concluding with a gradual decline throughout the 2000s. The Ontario Region shows an increasing trend with the exception of a slight decrease occurring in the late 1970s, a more pronounced decrease occurring in the mid/late 1990s, and relative stability in rates from the late 1990s onwards.

The Quebec Region's rates resemble a peak-like formation in which the rates are relatively stable during the late 1970s and throughout the 1980s, increase during the early 1990s, and decrease from the mid 1990s thereafter. The Atlantic Region demonstrates the same trend as the Quebec Region, with the exception of an increase during the mid/late 1990s. The Pacific Region's federal admissions rate decreases slightly over time. The rates increase during the early 1980s and remain relatively stable throughout the rest of the decade. The rates increase sharply during the early 1990s followed by an equally sharp decrease during the mid 1990s, followed by a more gradual decreasing trend in the late 1990s. A slight increasing trend occurs during the 2000s.

5.5 Interpretation

While the federal admissions rates cannot be compared against federal count rates, the federal admissions rates can nonetheless be compared and contrasted among regions. In

order to describe the punitive trends in federal admissions rates, the chart below outlines how the patterns in the federal admissions rates in the regions suggest that a jurisdiction is either increasing or decreasing in punitiveness. “Increasing punitiveness” accounts for increases in federal custodial admissions over time, resulting in a scenario which accounts for increasing numbers of individuals being sent to a custodial institution. In an opposite manner, “decreasing punitiveness” suggests that decreasing amounts of individuals are handed down a custodial sentence. As presented in the chart below, federal admissions by region appear to be leaning towards increased admissions for the most part.

Increased Admissions	Decreased Admissions
<i>Increasing Punitiveness</i> • Prairie Region • Ontario Region • Quebec Region • Atlantic Region	<i>Decreasing Punitiveness</i> • Pacific Region

Table [5. 1] - Regional Admissions Punitiveness Matrix.

The Prairie Region, Ontario Region, Quebec Region, and Atlantic Region display clear signs of increasing punitiveness in their increasing federal admissions rates over time, resulting in increasing rates of individuals admitted to penitentiaries. Conversely, the Pacific Region’s federal admissions rate decrease over time, which suggests that fewer people are being admitted to penitentiaries. The null hypothesis of consistently stable rates over time is not supported based on the trends of increasing and decreasing federal custodial admissions.

5.6 Provincial/Territorial Counts

Canada's provincial and territorial count rates reveal a dichotomous division in jurisdictional trends. The increasing trends illustrated by the provincial and territorial count rates of Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, and the Northwest Territories (including Nunavut) indicate that these jurisdictions show signs of increasing punitiveness over time. Specifically, the fact that these jurisdictions show increasing rates in their provincial/territorial count data suggests increasing punitiveness in one or more of the principal stages of the criminal justice system. In an equal and opposite trend, provincial and territorial counts are increasing in Saskatchewan, Manitoba, Ontario, Quebec, Newfoundland and Labrador, and the Northwest Territories (including Nunavut). The provinces which show decreasing provincial/territorial count rates over time are British Columbia, Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and the Yukon Territory. In neither case is the overall null hypothesis of overall relative stability descriptive at this sub-level.

5.7 Provincial/Territorial Admissions

Canada's total provincial/territorial admissions rates can be broken down into sub-levels consisting of each individual jurisdiction. The findings reveal that a perfectly equal division exists between increasing provinces/territories and decreasing provinces/territories. The jurisdictions which reveal an increasing trend in provincial/territorial admissions are British Columbia, Saskatchewan, Manitoba, Ontario, Quebec, and the Northwest Territories

(including Nunavut). Conversely, the other half²⁵ of the provinces/territories including Alberta, Newfoundland and Labrador, New Brunswick, Prince Edward Island, Nova Scotia, and the Yukon Territory reveal decreasing trends in provincial/territorial admissions.

In addition to this equal division, another anomaly is nested within this sub-level. Upon closer inspection, Saskatchewan, Manitoba, Ontario, Quebec, and the Northwest Territories (including Nunavut) show increases in provincial counts and provincial admissions. Similarly, Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and the Yukon Territory show decreases in both provincial counts and provincial admissions. In contrast, British Columbia and Newfoundland and Labrador are the only provinces which change direction between provincial counts and provincial admissions. Specifically, British Columbia decreases in provincial counts, but increases in provincial admissions and Newfoundland and Labrador increases in provincial counts, but decreases in provincial admissions. These trends are more clearly understood when organized in the interpretive matrix below.

5.8 Interpretation

In order to contextualize the aforementioned summaries, the relationship between federal counts and federal admissions for individual jurisdictions is organized in an interpretive matrix to illustrate four potential levels of punitiveness under the broad rubric of increasing or decreasing punitiveness. With respect to the punitiveness theory and in reference to the interpretive matrix below, the findings of this thesis suggest that five of Canada's provinces and territories show clear signs of increasing punitiveness as reflected

²⁵ It is noteworthy that the reference to 'half' refers to the number of provinces and territories that follow a particular trend. It does not refer to half of Canada's population, as the latter half comprises less than 50% of Canada's total population.

in their parallel trends of increasing provincial/territorial counts and increasing provincial/territorial admissions.

Increased Counts/Increased Admissions	Decreased Counts/Decreased Admissions
<i>Increased Punitiveness</i> • Saskatchewan • Manitoba • Ontario • Quebec • Northwest Territories (including Nunavut)	<i>Decreased Punitiveness</i> • Alberta • New Brunswick • Nova Scotia • Prince Edward Island • Yukon Territory
Increased Counts/Decreased Admissions	Decreased Counts/Increased Admissions
<i>Ambiguous Nature</i> • Newfoundland and Labrador	<i>Ambiguous Nature</i> • British Columbia

Table [5. 2] - Provincial/Territorial Counts and Admissions Punitiveness Matrix.

Slightly less than half of Canada's provinces and territories reveal clear trends towards increasing punitiveness over time. This can be interpreted to mean that increasing rates of individuals are being admitted to prisons with longer sentences or are serving more time in either pretrial remand or as sentenced inmates²⁶ in Saskatchewan, Manitoba, Ontario, Quebec, and the Northwest Territories (including Nunavut), as reflected in the fact that the custodial admissions and counts increase over time.

Conversely, five of Canada's provinces and territories show clear trends of decreasing punitiveness as reflected in their decreasing total provincial/territorial counts and

²⁶ Inmates could spend more time in a correctional institution if less recourse is made to conditional release. For instance, inmates would serve more time in a correctional institution if they were released after completing two-thirds of their sentence rather than one-third of their sentence. Also, inmates could spend more time in a correctional institution if the percentage of inmates being granted parole decreased over time, or if the same percentages of inmates are being granted parole at later stages in their sentence. This explanation applies hereafter in this discussion with reference to individuals serving more time as sentenced inmates.

admissions. This can be interpreted to mean that decreasing rates of individuals are being admitted to prisons for shorter sentences, serving less time in pretrial remand, or serving less time as sentenced inmates in Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and the Yukon Territory, as reflected in the fact that the custodial admissions and counts decrease over time.

British Columbia and Newfoundland and Labrador are a mixture of increasing and decreasing trends, and thus warrant a more tentative interpretation. British Columbia decreases in custodial counts but increases in custodial admissions which can be interpreted to mean that while increased rates of people are being admitted to prison, they are serving shorter sentences on average or are serving less time in pretrial remand or as sentenced inmates. If, in fact, more people are serving shorter sentences, one might be tempted to argue that this is indicative of decreased punitiveness, because even though more people are being admitted to jail, their stay is relatively short.

However, an alternative explanation would appear to be just as compelling, highlighting the ambiguous nature of this province in terms of trends in punitiveness. Specifically, the scenario in British Columbia may be interpreted as an indication of increasing punitiveness using Cohen's concept of net widening. Indeed, it may be the case that British Columbia simply decided to become tougher on minor crimes over time. In the past, these offences would have been addressed through non-custodial sentences. More recently, it may be that these criminals are now being sentenced to prison – albeit for only short periods of time – in an attempt to appear 'tough on crime'. In other words, it could be argued that British Columbia has become more punitive over time, expanding its 'prison catch-net' to criminals who otherwise would not have been given custodial sanctions.

Contrary to British Columbia, Newfoundland and Labrador increases in custodial counts but decreases in custodial admissions. This means that fewer people are being admitted to prison for longer sentences, or are serving more time in pretrial remand or as sentenced inmates. The fact that fewer people are serving longer sentences or more time in remand or as sentenced inmates could suggest increased punitiveness, because even though fewer people are being admitted to prison or being held in remand or as sentenced inmates, the length of their stay increases over time.

However, an alternate interpretation could be that Newfoundland and Labrador has become more selective in the specific crimes that are punished by custodial sentences. It may be the case that fewer people are receiving custodial sentences but for the few select inmates convicted of crimes prioritized by the province (and correspondingly, by the judges), they are given harsher sanctions than in the past. This type of ‘targetting’ approach may very well provide insight as to why fewer people are being admitted to custodial facilities over time but with longer sentences. Similarly, this ‘selective sanctioning’ could arguably reflect overall decreased punitiveness.

British Columbia and Newfoundland and Labrador represent two scenarios with respect to interpreting punitiveness: the first scenario is that more people are being sent to prison for shorter sentences (or are serving less time in pretrial remand or as sentenced inmates) and the second scenario is that fewer people are being sent to prison for longer sentences (or serving more time in pretrial remand or as sentenced inmates). This raises the question as to whether ‘punitiveness’ should be thought of in terms of admission to prison or how long people spend there.

Based on the conflicting trends revealed in provincial/territorial counts and admissions, the null hypothesis clearly does not provide a very good description of any of the provincial/territorial count or admissions rates. In fact, the provincial/territorial count and admission rates illustrate that not only does a dichotomy exist with increasing and decreasing trends, but there is also wide variation in the degree and extent to which these trends increase and decrease. This two-pronged argument essentially defeats the null hypothesis while simultaneously exposing the significant variation underlying Canada's overall stable incarceration rates.

6.0 CONCLUSION

This thesis investigated whether the stability observed in Canada's overall incarceration rates was mirrored by similar patterns of stability in federal and provincial levels and within regional, provincial, and territorial sub-levels using custodial counts and custodial admissions as measures of incarceration rates. Doob and Webster's (2006, 2007) pioneering work on these questions established the foundation upon which this thesis was able to examine more precisely the original presentation of total, federal, and provincial incarceration rates. Specifically, the work does not support the null hypothesis which suggested that overall stability would also be reflected at various sub-levels of Canada's incarceration rates because the national overall incarceration rate from 1978 – 2004 demonstrates a relatively stable flat line.

6.1 Key Findings

Notwithstanding Canada's relative stability at the overall levels (i.e. total counts and total admissions), the decomposition analyses undertaken in this study revealed significant variance as the analysis probed into more precise breakdowns. As previously discussed, the null hypothesis of relative stability in rates over time appears to be supported by trends in Canada's total actual-in count rates, Canada's total admissions rates, Canada's total provincial/territorial actual-in count rates, and Canada's total provincial/territorial admissions rates. All four of these aggregate levels show relatively stable incarceration rates over time.

After breaking down Canada's total federal admissions rates into regions, a clearly dominant increasing trend is revealed in custodial admissions for the Prairie Region, the

Ontario Region, the Quebec Region, and the Atlantic Region, with only the Pacific region showing a decrease in custodial admissions rates over time.

With respect to Canada's total provincial/territorial counts and admissions rates, there is an almost perfect division between the provinces/territories that demonstrate trends of increasing custodial counts and custodial admissions, and the provinces/territories that show trends of decreasing custodial counts and custodial admissions. When interpreted in light of the punitiveness theory, there appears to be some evidence of bifurcation: almost half of Canada's jurisdictions show signs of increasing punitiveness while the other half show signs of decreasing punitiveness. Among the increasing provinces and territories are Saskatchewan, Manitoba, Ontario, Quebec, and the Northwest Territories (including Nunavut), while the decreasing provinces and territories consist of Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and the Yukon Territory.

British Columbia decreases in custodial counts but increases in custodial admissions which can be interpreted to mean that while increased rates of people are being admitted to prison, they are spending less time there (in remand or as sentenced prisoners). The fact that more people are serving shorter sentences or less time in remand might be seen as being indicative of decreased punitiveness, because even though more people are being admitted to jail, their stay is relatively short. Newfoundland and Labrador increases in custodial counts but decreases in custodial admissions, which means that fewer people are being admitted to prison for longer sentences (spending more time in remand or as sentenced prisoners). The fact that fewer people are serving longer sentences signifies increased punitiveness, because even though fewer people are being admitted to prison, the sentence length increases over time.

The contrary findings of total actual-in count rates and custodial admissions rates in British Columbia and Newfoundland and Labrador justify and demonstrate the importance of using two different measures to capture the multi-faceted construct of punitiveness. While both custodial counts and custodial admissions are distinct from one another, when interpreted in conjunction with each other they provide a more holistic picture of punitiveness in Canada. Indeed, the trends in British Columbia and Newfoundland and Labrador create a point of departure for discussion as to whether ‘punitiveness’ should be thought of in terms of admission to prison or how long people spend there.

6.2 Theoretical Implications

First and foremost, the findings of this thesis demonstrate that Canada has not entirely resisted ‘law and order’ policies, as reflected in the bifurcated character of provincial and territorial total actual-in counts and admissions. Indeed, the theory of increased punitiveness explored in the literature review is not applicable to Canada as a whole. The theory might be partially explanatory in Canada in jurisdictions where custodial count rates and custodial admissions rates have indeed increased over time. However, it is important to emphasize that the trend in incarceration rates for approximately half of the nation defies the general theory of increased punitiveness by demonstrating both decreasing custodial counts and decreasing custodial admissions. Canada’s bifurcated character (being on the border of both increasing punitiveness and decreasing punitiveness) creates an opening for a theory to be advanced to explain not only increasing punitiveness, but decreasing punitiveness as well, or perhaps a theory to explain how and why both trends may occur simultaneously.

Secondly, this work also makes an important theoretical contribution to understanding the administration of justice in Canada and the important influence of local culture in understanding incarceration in Canada. Canada is different from the United States with respect to the fact that Canada has only one criminal law while the United States has a federal law and fifty sets of individual state criminal laws. England, in contrast, has a single criminal law, administered under one set of national policies. Indeed, Canada can be understood as a federal state in which the federal government creates criminal law while the provinces and territories are responsible for administering it.

However, as demonstrated in the fact that variation, and varying degrees of variation, exist at the provincial and territorial levels, this thesis might help explain the importance of the administration of justice. For example, while the data in this thesis are not offence specific, it nonetheless illustrates which provinces and territories impose incarceration sentences more often and/or for longer amounts of time. In other words, while the federal government creates criminal law, the provincial and territorial governments decide how this law is to be carried out. While provinces and territories follow and are bound by federal law, this work clearly challenges the supposition that Canada has a homogenous judicial or correctional culture.

Third and finally, the findings of this work outline the dangers associated with aggregate and single-factor theories of punitiveness, especially given that punitiveness is a multi-faceted construct. Theoretically, the findings of this thesis underscore the shortcomings associated with theories which explain increased or decreased punitiveness using a single factor. For instance, Cavadino and Dignan (2006) use a single factor, that of differing political economies, in an attempt to explain variations in punitiveness of the penal

culture of various nations. As the current study has illustrated with Canada, it is difficult – if not impossible – to identify a single factor which might explain the dramatic divergences across regional and provincial incarceration rates. Indeed, the reality would appear to be considerably more complex.

Methodologically, the findings of this thesis underscore the shortcomings associated with overall measures of punitiveness in the form of using overall total counts or overall total admissions rates to accurately describe a nation's incarceration trends. The findings suggest that overall measures may give the impression of an overall trend of stability, resisting both increasing punitive trends and decreasing punitive trends. However, the actual picture that emerges clearly contradicts the overall impression of stability and reveals instead two divergent and conflicting trends with a relatively even distribution across the country.

6.3 Practical Contributions

The findings of this thesis further challenge the supposition that Canada has a homogenous judicial or correctional culture. Indeed, increasing custodial counts and custodial admissions in Saskatchewan, Manitoba, Ontario, Quebec, and the Northwest Territories (including Nunavut) suggest that these jurisdictions are becoming more severe in their response to offenders, resorting to handing down longer sentences, increasing the size of the remand population more frequently, or using conditional release less often. Decreasing custodial counts and custodial admissions in Alberta, New Brunswick, Nova Scotia, Prince Edward Island, and the Yukon Territory indicate that these jurisdictions are

handing down custodial sentences less often and for shorter lengths of time, and letting inmates out earlier on parole.

The labelling and exposure of Canada's jurisdictions as either increasing or decreasing in punitiveness could potentially impact the government's perception of a particular jurisdiction and may result in policy changes to Corrections Services Canada and provincial/territorial correctional services in an attempt to create national uniformity. Due to the fact that conflicting trends of increasing incarceration rates and decreasing incarceration rates exist beneath Canada's overall stability, it may be the case that these trends should be monitored over time to ensure that the increasing and decreasing trends do not become severely pronounced to the point where justice is brought into disrepute. This could potentially occur in both cases: among the provinces that are excessively punitive, or in provinces where the degree of punitiveness is insufficient to warrant an appropriate or proportional sanction.

6.4 Canada and International Comparisons

The literature review of this thesis compared Canada to the United States and England to illustrate the differences that exist between these nations pertaining to their respective penal cultures and degrees of punitiveness. Initially, Canada was described as anomalous due to its relatively stable incarceration rates from 1978 to 2004 in stark contrast with the significant increases in incarceration rates demonstrated in the United States and England. In order to interpret Canada's incarceration rates in comparison to these two nations, it is noteworthy that Canada's rates for the period 1978 to 2004 are comparable to the rates that the United States had between 1925 and 1930. Furthermore, Canada's rates for

the period 1978 to 2004 are comparable to the rates that England had between 1980 and 1996.

When compared in this manner, it becomes evident that according to the overall incarceration figures, Canada is still considerably less punitive than both the United States and England. However, this work revealed that beneath this relatively stable overall trend, one of Canada's federal regions as well as just slightly less than half of Canada's provinces and territories demonstrate clear indications of an increasingly punitive trajectory. While Canada may be considered less punitive compared to the United States and England, both of which demonstrate anomalously high incarceration rates, an overall comparison distorts the dichotomous and conflicting trends that exist beneath Canada's relatively stable overall incarceration rates.

Although this raises the question of whether analyses of increasing punitiveness in England do not suffer from a similar issue, research has already demonstrated that conflicting trends of decreasing and increasing incarceration rates certainly do not exist beneath overall figures in the United States. Rather, there is a significant and universal shift towards increasing imprisonment rates from 1973 to 2006, as illustrated in the table of state imprisonment rates below.

		2006 State Rate			Total
		Low: 151 - 338	Med: 350 - 469	High: 475 - 846	
1973 State Rate	Low: 25-55	10 59%	6 35%	1 6%	17 100%
	Med: 56-79	7 44%	6 38%	3 19%	16 100%
	High: 81-184	0 0%	4 24%	13 76%	17 100%

Table [5. 3] - State Prison Imprisonment Rates (1973 - 2006).²⁷

An interesting contrast between punitiveness in Canada and the United States is the fact that although Canada shows opposite trends at the provincial and territorial levels, the United States shows universal increases in state²⁸ imprisonment rates (counts). In fact, when comparing the 1973 rates to the 2006 rates, every single state increased its imprisonment rates (Doob and Webster 2008). The states that had high imprisonment rates in 1973 also had high imprisonment rates in 2003, but the threshold of what was considered “high” imprisonment rates increased significantly during this period.

For example, 76% of the state imprisonment rates which were high in 1973 were also high in 2006, although the threshold for a “high” imprisonment rate shifted from rates of 81 - 184 per 100,000 in population in 1973 to a rate of 475 - 846 per 100,000 in population in 2006 (Doob and Webster 2008). It is also notable that 59% of state imprisonment rates which were low in 2006 were low in 1973, with the “low” category pertaining to

²⁷ Source of data: *United States Sourcebook of Criminal Justice Statistics* (Doob and Webster 2008).

²⁸ These figures pertain only to state prisons and do not include jail or federal prisons.

imprisonment rates of 25 – 55 per 100,000 in population in 1973, shifting to a rate of 151 – 338 per 100,000 in population in 2006 (Doob and Webster 2008).

6.5 Future Research

The findings of this thesis are preliminary because they are based on overall rates. The Statistics Canada data used in this thesis were for total custodial counts and total custodial admissions, meaning that the total was composed of sub-categories. The preliminary findings in this thesis could be further investigated by breaking down custodial counts and custodial admissions. Specifically, custodial counts and admissions include all sentenced, remand, and other populations of inmates²⁹ (for example, an Immigration hold) to see how they contribute to the overall total. It may very well be the case that a province showing a decrease in total rates actually reveals an increase in remand and a decrease in sentencing, which would create an entirely new argument as to which can be considered more punitive: remand or sentenced rates.

Further breaking down Canada's national figures may provide a better understanding of the sentencing and incarceration dynamics that contribute to the overall stability in incarceration rates. As this thesis reveals, there are indeed very clear, strong, and conflicting trends underlying Canada's overall stable incarceration rate. What remains to be seen is whether one of these trends will emerge as the more dominant one over time.

There are several hypothetical 'explanations' for this variability in provinces and territories. Although this work is descriptive and accordingly does not explore explanatory factors, some recognition with respect to possible explanations seems appropriate. One

²⁹ The breakdown of custodial counts and custodial admissions are presented in Figure 3.1 and Figure 3.2 in the Methodology chapter.

potential explanation may be that although all of the provinces and territories follow the same federal criminal law, judicial discretion aligned with provincial or territorial sentencing culture may account for at least some of the sentencing disparities among the provinces and territories. Due to the fact that provincial and territorial governments do not have the legislative authority to create criminal law, the administration of justice might represent that which the province or territory has deemed as a priority in terms of crime control or punishment that need to be addressed with harsher sentences, or likewise, crimes that do not occur frequently (or are not perceived by the public as of particular concern) and therefore do not warrant as harsh of a sentence as they might receive in a different province or territory.

Each province and territory administers laws according to their sentencing culture which consists of values, priorities, and other factors particular to that jurisdiction. It may simply be the case that judges in different provinces sentence differently, and because judges are not elected based on a particular political ideology they have more freedom in sentencing to address specific provincial/territorial problems. For instance, British Columbia tends to focus on drug-related offences which may be attributed to the prevalence of the marijuana industry and the recent increase in organized crime and drug-related homicides.

Typically when there is an increase in incarceration rates, the logical connection would be to consult the Criminal Code to see if there has been an increase in mandatory minimums or parole restrictions. This thesis underscores that it is not just the Criminal Code that is responsible for these increases in incarceration rates. In fact, imprisonment rates in provinces and territories might decrease due to fiscal restraints, and not necessarily because a province or territory has prioritized rehabilitation as a sentencing principle. For example,

Alberta's incarceration rates decreased during the early and mid 1990s as a result of a 30% cut in funding for corrections. The province simply decided that it could not afford to maintain the number of correctional institutions that were previously operating.

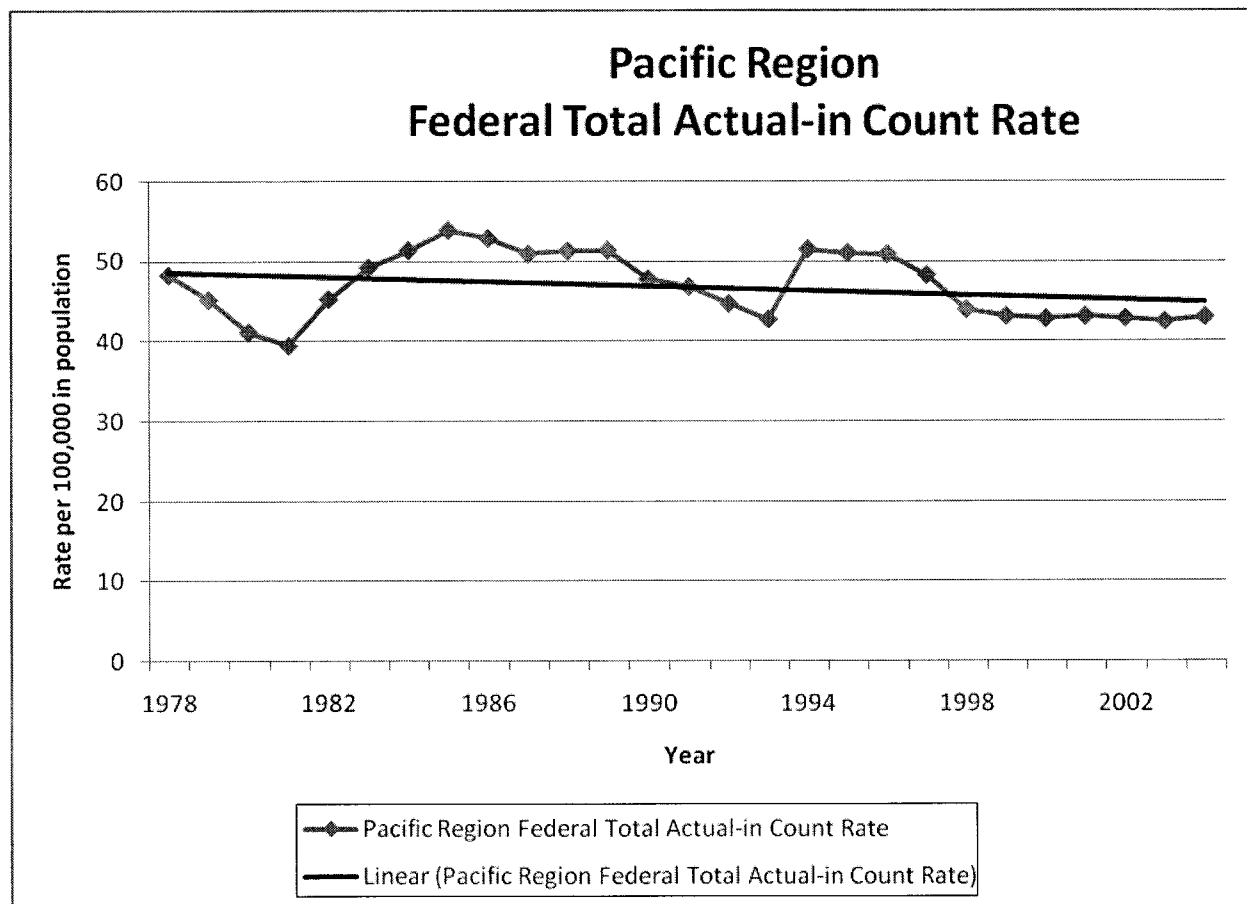
The discrepancies that exist in sentencing among provinces and territories illustrated in this thesis call attention to the *local* level of sentencing, rather than the *aggregate* level of sentencing. This work adjusts the analytical focus to the local level, investigating the micro rather than the macro. Indeed, while the historical, political, or cultural factors analyzed at the aggregate level to understand increases in incarceration rates may not be particularly applicable on a provincial/territorial level. Indeed, other (more micro or local-level) explanations may be needed to explain levels of punitiveness within these sub-groups.

Future research may seek to explore and identify relevant micro level factors that ought to be considered in understanding punitiveness at the provincial, territorial, or even municipal levels. For instance, research may aim to address if and to what extent urban and rural composition of provinces and territories influence their level of punitiveness. This would be particularly interesting given the fact that Toronto and Montreal are located in provinces with increasing incarceration rates while Vancouver is situated in a province with conflicting trends. This case study may be able to provide insight as to the local factors which contribute to provincial/territorial punitiveness.

APPENDIX A

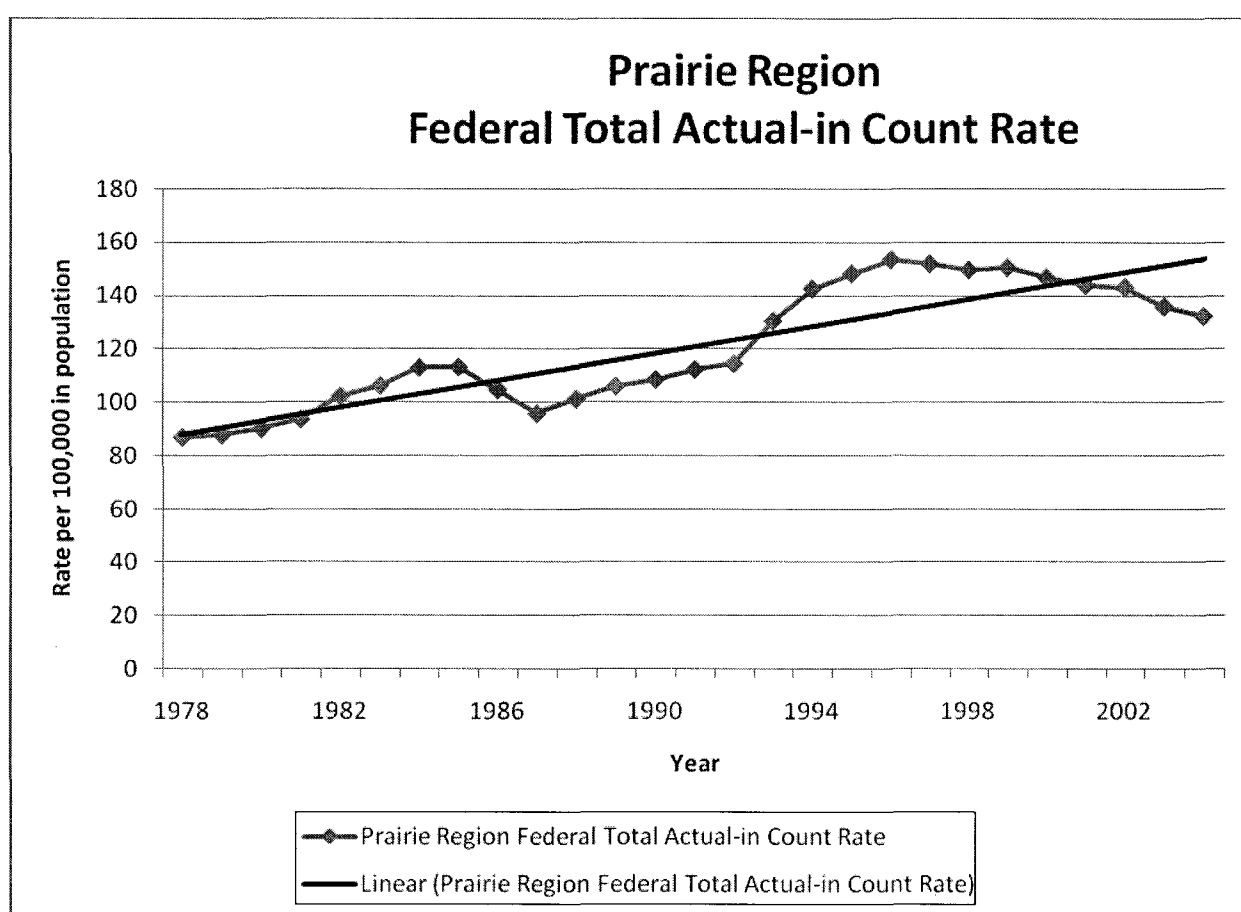
Federal counts

Jurisdiction	Average Population	Average Rate	Range	Standard Deviation	Correlation Coefficient
Pacific Region	3,424,880	46.8	-5.3	4.1	-0.27005
Prairie Region	4,733,191	120.9	46	22.4	0.878853
Ontario Region	10,354,537	29.7	2.9	3.3	0.359368
Quebec Region	6,993,537	46.6	0.2	4	0.107861
Atlantic Region	2,330,917	48.3	13	6.36	0.677125



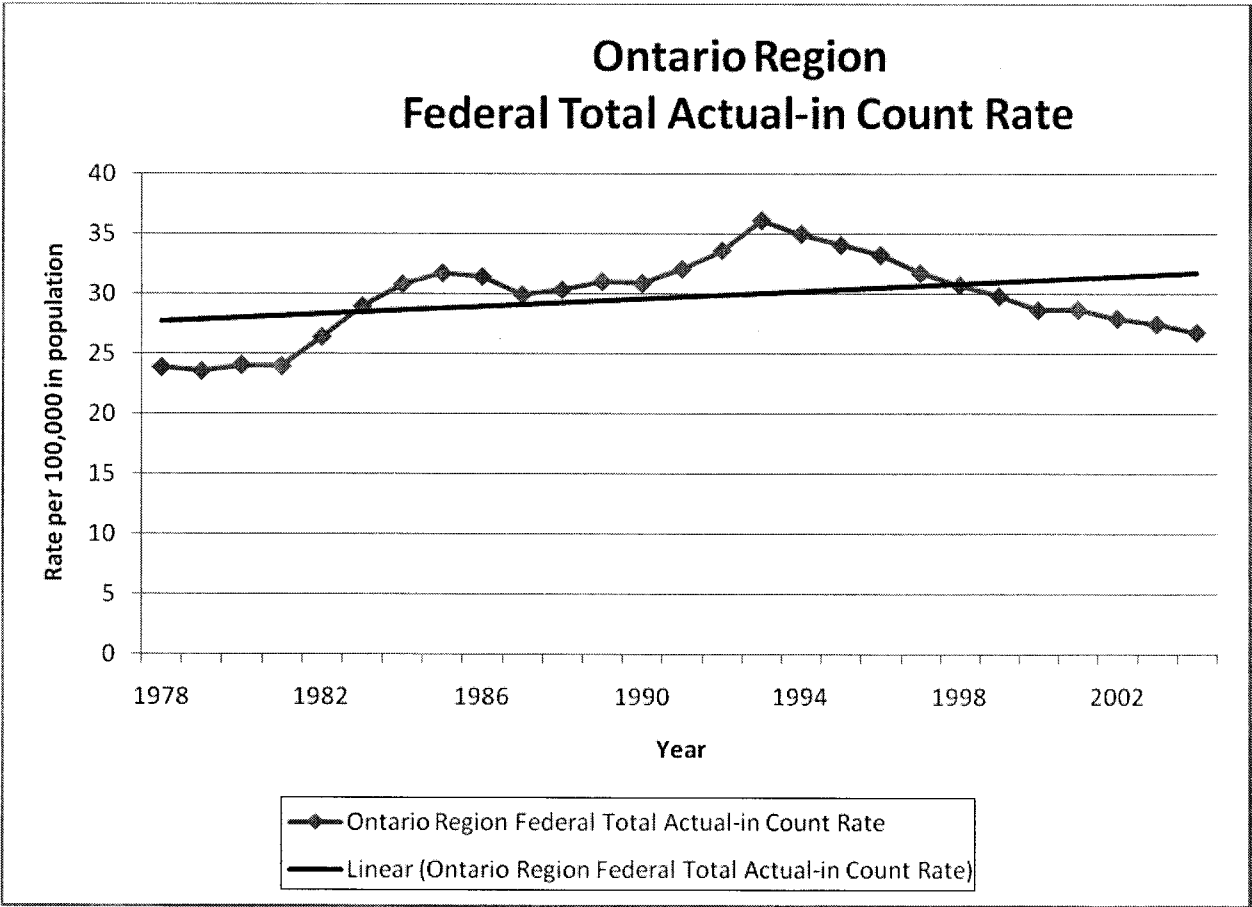
The Pacific Region has an average population of 3,424,880, which accounts for approximately 12 (12.3) percent of Canada's average population. The Pacific Region has an average total federal count rate of 46.8 (47) per 100,000 which is slightly higher than Canada's total federal count rate. The Pacific Region's total federal count rates have a range of -5.3 beginning with a rate of 48.2 (48) per 100,000 in 1978 and concluding with a rate of

42.9 (43) per 100,000 in 2004. The Pacific Region's total federal count rates have a standard deviation of 4.1, which indicates that Canada's total federal count rates have slightly more variation compared to the Pacific Region's total federal count rates. The Pacific Region's total federal count rates have a correlation coefficient of -0.27005 which suggests a weak, negative linear relationship exists between rates over time, as illustrated in the graph above.

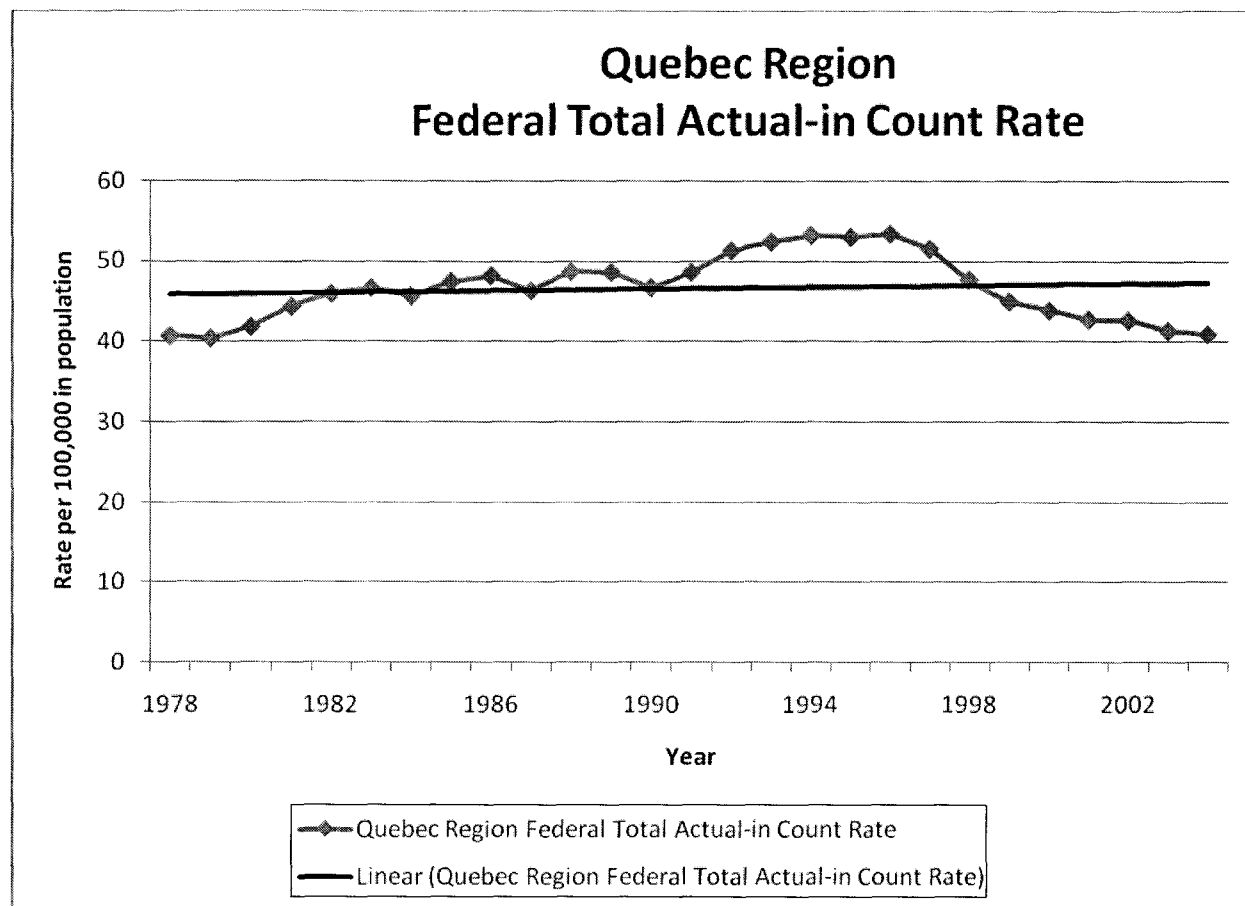


The Prairie Region has an average population of 4,733,191 which represents approximately 17 (16.9) percent of Canada's average population. The Prairie Region has the highest average federal count rate of any other jurisdiction with a rate of 120.9 (121) per 100,000, which is approximately three times higher than Canada's average total federal count rate. The Prairie Region's total federal count rates have a range of 46 beginning with a

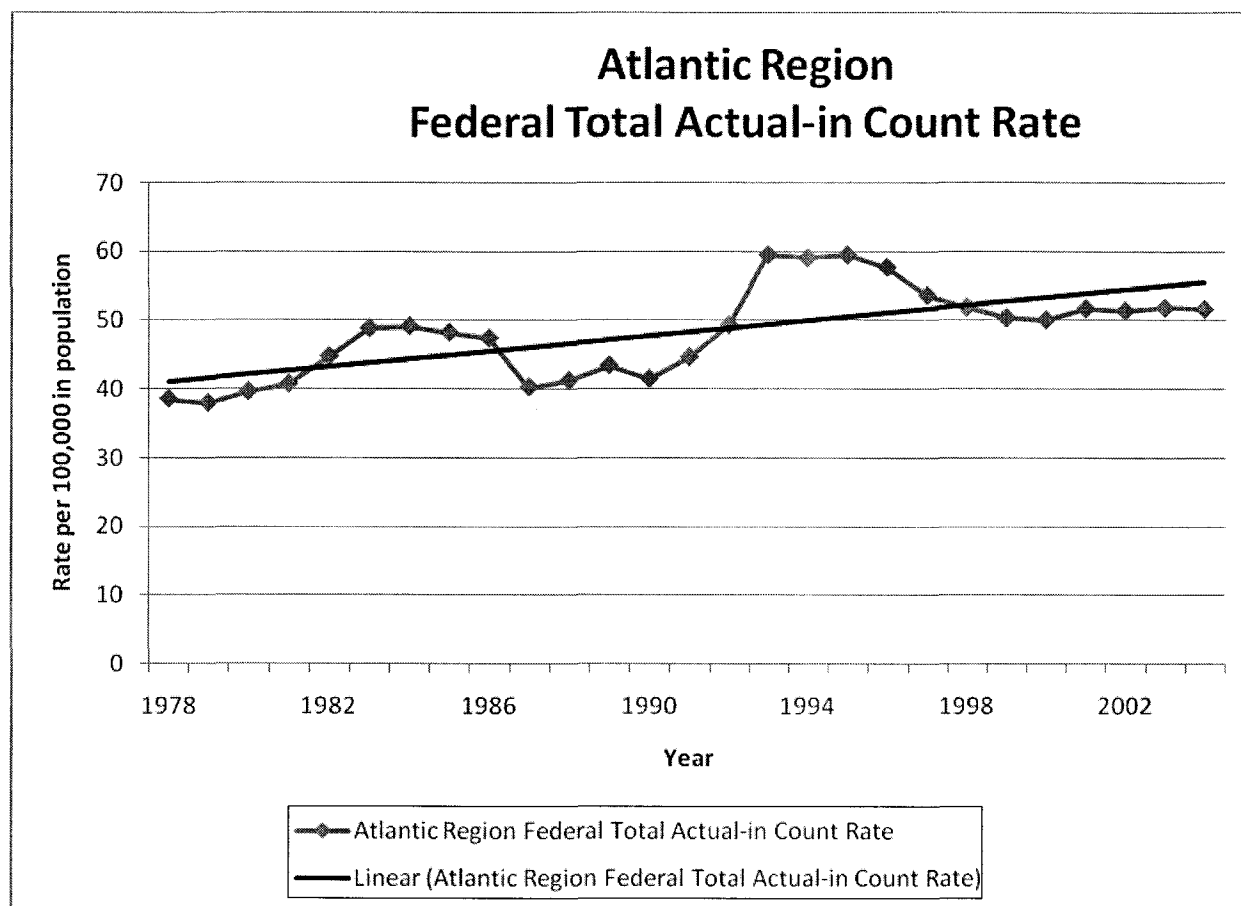
rate of 86.8 (89) per 100,000 in 1978 and concluding with a rate of 132.3 (132) per 100,000 in 2004. The Prairie Region’s total federal count rates have a standard deviation of 22.4 which is the highest of any other jurisdiction with respect to federal count rates and suggests that there is slightly more than six times the amount of variation compared to Canada’s total federal count rates. The Prairie Region’s total federal count rates have the highest correlation coefficient of any jurisdiction with respect to federal counts with a value of 0.878853. This value suggests a very strong, positive linear relationship between rates over time, as presented in the graph above. However, it is noteworthy that the overall increasing trend obscures a decreasing trend beginning in the mid 1990s and continuing thereafter.



The Ontario Region has an average population of 10,354,741 which represents approximately 37 percent of the nation's average population. The Ontario Region has the lowest average total federal count rate with a rate of 29.7 (30) per 100,000 which is slightly lower than Canada's average total federal count rate. The Ontario Region's total federal count rates have a range of 2.9 beginning with a rate of 23.9 (24) per 100,000 in 1978 and concluding with a rate of 26.8 (27) per 100,000 in 2004. The Ontario Region's total federal count rates have the lowest standard deviation of any jurisdiction with a figure of 3.3, which indicates slightly less the amount of variation compared to Canada's average total federal count rates. The Ontario Region's total federal count rates have a correlation coefficient of 0.359368 which indicates that a moderate, positive linear relationship exists between increasing rates over time, as illustrated in the graph above. It is noteworthy that a steady decrease in rates occurred from the early/mid 1990s onwards.



The Quebec Region has an average population of 6,993,537 which accounts for approximately 25 percent of Canada's average population. The Quebec Region has an average total federal count rate of 46.6 (47) per 100,000 which is slightly higher than Canada's average total federal count rate. The Quebec Region's total federal count rates have a range of 0.2 beginning with a rate of 40.7 (41) per 100,000 in 1978 and concluding with a rate of 40.9 (41) per 100,000 in 2004. The Quebec Region's total federal count rates have a standard deviation of 4, which indicates that there is slightly more variation in the Quebec Region's total federal count rates compared to Canada's total federal count rates. The Quebec Region's total federal count rates have a correlation coefficient of 0.107861 which suggests a weak, positive relationship between rates over time, as illustrated in the graph above. It is noteworthy that a decrease in rates occurred from the late 1990s onwards.



The Atlantic Region has an average population of 2,330,917 which represents approximately 8 (8.3) percent of Canada's average population. The Atlantic Region has an average total federal count rate 48.3 per 100,000 which is slightly higher than Canada's total federal count rate. The Atlantic Region's total federal count rates have a range of 13 beginning with a rate of 38.6 (39) per 100,000 in 1978 and concluding with a rate of 51.6 (52) per 100,000 in 2004. The Atlantic Region's total federal count rates have the lowest standard deviation of any jurisdiction with a figure of 6.36 which indicates that there is approximately one and a half times (1.7) the amount of variation in the Atlantic Region's total federal count rates compared to Canada's total federal count rates. The Atlantic Region's total federal count rates have the lowest correlation coefficient value of any other

region with respect to total federal count rates with a value of 0.677125. This value suggests a substantial, positive linear relationship between rates over time, as pictured in the graph above.

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