

National Associations Active in Criminal Justice
Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

NAACJ SEMINAR

CONSULTATION WITH THE DEPUTY MINISTERS

&

THE CORRECTIONAL LAW REVIEW

March 27 & 28, 1984

PROCEEDINGS OF THE SEMINAR

Centennial Room
Government Conference Centre
Ottawa

NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

55 Parkdale Avenue
Ottawa, Ontario
K1Y 1E5

tel. (613) 725-3715

CHAIRMAN: *Brian Crane*

SECRETARY: *Ben Hoffman*

PARTICIPATING ORGANIZATIONS

Association of Social Rehabilitation Agencies of Quebec
Canadian Association for Adult Education
Canadian Association of Elizabeth Fry Societies
Canadian Association for the Mentally Retarded
Canadian Association of Native Courtworkers
Canadian Association for the Prevention of Crime
Canadian Bar Association
Juvenile and Family Court Judges Committee
(Canadian Association of Provincial Court Judges)
Canadian Mental Health Association
Canadian Psychiatric Association
Canadian Psychological Association
Canadian Seventh Step Society
Church Council on Justice and Corrections
John Howard Society of Canada
National Association of Friendship Centres
Native Council of Canada
Saint Leonard's Society of Canada
The Salvation Army

NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE

PROCEEDINGS OF THE SEMINAR

INDEX

THE CORRECTIONAL LAW REVIEW: March 27, 1984

PLENARY: The Correctional Law Review.....	2
PLENARY: Overview of the Principles & Objectives of the CLR.....	2
WORKSHOPS: to examine Principles & Objectives of the CLR.....	3
LUNCHEON SPEECH: by Professor Michael Jackson.....	5
PLENARY: A Consultation Process for the CLR.....	6

CONSULTATION WITH THE DEPUTY MINISTER: March 28, 1984

PRESENTATION: by NAACJ of a Consultation Process for the CLR.....	7
OVERVIEW of Departmental Activities by the Deputy Solicitor General	8
OVERVIEW of Departmental Activities by the Deputy Minister of Justice	9
DISCUSSION	10
CONCLUDING REMARKS	11

APPENDED DOCUMENTS TO THE PROCEEDINGS

Program.....	1
List of Participants.....	2
Excerpt from the MSG Consultation on the CLR SEC 1: Objectives & Principles of Corrections.....	5
Excerpt from proceedings of NAACJ seminar (Oct./83).....	11
NAACJ Draft Principles and Objectives of the CLR.....	14
NAACJ Paper: "Toward an Effective Consultation".....	20
Audio-Visual Presentation: "Toward an Effective Consultation".....	24

NAACJ SEMINAR

CONSULTATION WITH THE DEPUTY MINISTERS

&

THE CORRECTIONAL LAW REVIEW

Centennial Room
Government Conference Centre
Ottawa

March 27 & 28, 1984

PROCEEDINGS OF THE SEMINAR

INTRODUCTION TO THE SEMINAR

C.L.R. Session Chairperson: CHRISTINE JEFFERSON

NAACJ Chairman: BRIAN CRANE

Mr. Crane welcomed seminar delegates from NAACJ member organizations, the Department of Justice and the Ministry of the Solicitor General. He noted that the first day of the seminar would be devoted to examining the Principles and Objectives of the Correctional Law Review (C.L.R.) through plenary sessions and workshops. In the afternoon of the first day, Ian Morrison would be showing a presentation designed for the Deputy Ministers on a consultation process for the C.L.R. Members of the C.L.R. Working Group would be seeking approval of the presentation from NAACJ members.

Mr. Crane introduced Ms. Jefferson as Session Chairperson, who had chaired the Working Group and would Chair the proceedings. A special note of thanks to Ms. Jefferson - for this and all former efforts with NAACJ - as she is leaving to assume the position of Executive Director of Opportunities for Advancement in Weston, Ontario.

PLENARY SESSION
THE CORRECTIONAL LAW REVIEW

Speaker: *JOSH ZAMBROWSKY*

Mr. Zambrowsky recalled the October, 1983 consultation with representatives of the Ministry of the Solicitor General on the Correctional Law; he noted that the Consultation document did not set forth specific recommendations or positions favoured by the Government but rather invited wider discussion on options and issues. Recalling the October preliminary consultation, during which NAACJ spoke to first principles, Mr. Zambrowsky emphasized that everyone involved in this fundamental review of the correctional law take the time to do it right. He underscored the emphasis NAACJ had placed upon the rights, dignity and worth of the individual and pointed out that NAACJ's draft principles, in heightening these, differed from the Government's current statement of the purpose of the criminal law. The Government emphasizes protection, safety, control with a de-emphasis on rehabilitation and the responsibility to be pro-active in program service delivery to offenders.

Mr. Zambrowsky concluded that while a current conservative "mind set" is prevalent in society he felt that signs are present that this position may be moderating. He challenged the participants to be idealistic without being unrealistic; to develop a credible approach to corrections in formulating principles and then objectives and specifics.

PLENARY SESSION
OVERVIEW OF THE PRINCIPLES & OBJECTIVES OF THE C.L.R.

Speaker: *BEN HOFFMAN*

Mr. Hoffman stated that his intention was to highlight the draft principles prepared by the Working Group* in order to give some focus to the workshops: he complimented the hard work of the Group,

* Chairperson: Christine Jefferson (CAEFS), Captain David Howell (The Salvation Army), Ian Morrison (CAAE), Jim MacLatchie (JHSC), Josh Zambrowsky (CAPC), Professor Ken Hatt (CAPC), Dr. Tim Hogan (CPA), Reverend David McCord (CCJC), Mr. Bill Lee (NCC) and Ben Hoffman (NAACJ).

stating that participants had before them in draft format a high quality first draft of correctional principles. In particular, the principles had been arranged under broad areas drawn from the Solicitor General's consultation document. The groupings are:

- general principles
- offender rights and programs
- community corrections
- conditional release
- organization and administration

Mr. Hoffman asked participants to consider the "implicits" in the Working Group's draft, to view the implicits against the development of thought on the matter which had begun, he suggested, as early as the "consultation on sentencing" in the spring of 1983. He stated that the Working Group had attempted to stay within the spirit of first principles (NAACJ's view of the purpose of the Criminal Law in Canadian Society) by creating correctional principles which reflect NAACJ's earlier position. Such principles emphasize community-based corrections, mediation and reconciliation rather than adversarial intervention.

In concluding, Mr. Hoffman reminded participants that this second major effort by NAACJ to address the C.L.R. by formulating principles was a pro-active part of a long-term consultation (up to two-and-one-half years) intended to give sufficient time to speak to fundamentals. He asked that the workshops be less concerned with editorial comments at this stage, focusing instead on seeking general consensus, looking for omissions and guiding successive drafting with statements of emphasis and substance.

WORKSHOPS

TO EXAMINE PRINCIPLES & OBJECTIVES OF THE C.L.R.

Leaders: KEN HATT
DAVID McCORD
JIM MacLATCHIE

- I Feedback: All three workshop leaders reported that the draft principles had met with general support. Some preliminary comments concerning the principles are:
- A. that "correctional law" be defined in the preamble and that criminal law and correctional law ought to have the same goals

- B. a re-ordering is necessary, the suggestion being:
- a. Principles - overall
 - b. Community Corrections
 - c. Offender Rights and Programs
 - d. Conditional Release
 - e. Organization and Administration
- C. that the preamble of our draft be expanded to reinforce the idea that an emphasis on community corrections means that the community "take corrections seriously":
- i. this implies a challenge to have public education program implementation at the community level; and
 - ii. the protection of society must also be addressed in the preamble in response to society's need to understand the offender, offending and appropriate community-based responses.
- D. that the principles of the juvenile justice system should be tied into the preamble
- E. that the principles should ensure that prisons are not isolated but function as a part of the community, respecting the dignity of the prisoner by encouraging his/her growth and negotiation in his/her destiny
- F. that the section of organization and structure should be deferred until more clarity is achieved on earlier principles
- G. that the review of the two-year rule is necessary and appropriate at this stage of consultation
- H. that consistent terms be applied throughout, suggesting the possible need for a glossary - at least a working glossary.

II Action

1. NAACJ secretariat is to provide clearing house functions, receiving and distributing principles material to membership
2. the Working Group is to continue at this stage providing an editorial service vis a vis the clearing house

3. Member organizations are to circulate the draft principles through their groups for review and comment to NAACJ by May 1st, 1984.
4. A re-draft of the principles by the Working Group in view of all comment is to be completed by June 1st, 1984.

LUNCHEON

Speaker: PROFESSOR MICHAEL JACKSON
Faculty of Law
University of British Columbia

Professor Jackson chose an historical context to introduce two specific proposals he makes in order to improve correctional services in Canadian prisons. Referring to the ideas and work of John Howard, illustrating the recurring efforts of individual reformers and government-appointed commissions into corrections, Professor Jackson argued that mere due process was a necessary but not sufficient means to uphold the rights of prisoners. He pointed out that all too often correctional administrators can prove that they have in fact complied with a set of procedures - even procedures established outside the institution for application within the prison - and yet justice has not been done. A set of steps, without attendant safeguards, criteria of application and an appropriate philosophical context are no guarantee of fair and adequate treatment.

Professor Jackson therefore stated that fairly detailed rules must be established which go beyond stating "procedure" to outlining appropriate behaviour under specific conditions. Cautioning against the immediate concern that this be interpreted as too mechanistic an approach to the complex matter of the care and treatment of prisoners, Professor Jackson hastened to note that a second ingredient which is necessary is the empowering of offenders/prisoners to negotiate conditions of their existence, care and treatment while incarcerated.

Professor Jackson's ideas, including his historical recapitulation, were well received by participants who engaged him in a lively discussion following his talk.

PLENARY SESSION

A CONSULTATION PROCESS FOR THE CORRECTIONAL LAW REVIEW

Presented by: *IAN MORRISON*

Ian Morrison presented, for comment and endorsement, a consultation process for the C.L.R. developed by the Working Group for formal presentation to the Deputy Ministers on the second day of the seminar.

The audio-visual presentation, extrapolated from a narrative draft "consultation process" was designed with the assistance of an Ottawa-based consulting firm, Nepean Development Consultants (who had volunteered a half day of their services for a brain-storming session earlier). The presentation essentially called for a genuinely broad-based, fundamental review of the correctional law by the Solicitor General. Various models of consultation were presented as a backdrop to the Working Group's proposed consultation to be undertaken by the Solicitor General with various members of the Canadian public and special interest groups. The Working Group's approach to the consultation was designed to enhance the consultation the Solicitor General had already begun, but which seemed to lack full resourcing and commitment to fundamental review. A copy of the draft narrative and A/V presentation is appended.

NAACJ participants supported the Working Group's proposal, emphasizing that it be introduced as a compliment to the Solicitor General's work. NAACJ felt strongly that offender/prisoner input be mobilized as an intentional, comprehensive and active part of the consultation. Discussion of the role NAACJ might play in facilitating prisoner input to the consultation resulted in several concrete options, resolved as:

1. that a significant, representative sample of inmate (Federal and Provincial) input be a declared feature of the Solicitor General's consultation;
2. that the criteria applied to the process in general be applied to this input group (in order to ensure valid and reliable inmate comment); and
3. that member organizations collect the names and contacts for existing offender groups to inform them of developments in the consultation through the NAACJ clearinghouse function.

RECEPTION & DINNER
for the Deputy Ministers
The Chelsea Club

Dan Préfontaine, Assistant Deputy Minister of Justice, attended on behalf of Mr. Tassé, who offered his apologies for being unable to be at the reception.

An excellent evening at the Chelsea Club included an opportunity for participants to socialize and strengthen the NAACJ network, an occasion to meet informally with Fred Gibson, Deputy Solicitor General and senior members of the Department of Justice and the Ministry, and an opportunity to receive in person, Mr. Kaplan. He presented various organizations with cheques for funding increases in 1984 - 1985 with respect to the new funding formula for the Voluntary Sector.

DAY II

**PRESENTATION BY NAACJ
TO THE DEPUTY MINISTERS**

**A CONSULTATION PROCESS FOR
THE CORRECTIONAL LAW REVIEW**

Presented by: *IAN MORRISON*

Mr. Morrison presented to Fred Gibson and Chris Nutall, the Working Group's proposed consultation process (appended).

Mr. Gibson responded by acknowledging his appreciation of the energy and commitment by NAACJ in making the presentation. He stated, however, that while the C.L.R. is a very important consultation in itself, it is actually one project within the whole Criminal Law Review. As such, it had to be seen in context and accorded the appropriate resourcing. Mr. Gibson identified Mr. Al Needham of his Ministry as the new project director and invited NAACJ to follow-up with Mr. Needham on particular ideas raised in Mr. Morrison's presentation.

NAACJ's concern that the Solicitor General incorporate prisoner input into the process was underscored by Professor Hatt of Carleton University and again Mr. Gibson noted the concern with an emphasis on follow-up dialogue between the Solicitor General and NAACJ on this particular matter.

OVERVIEW OF DEPARTMENTAL ACTIVITIES

FRED GIBSON

Deputy Solicitor General

HIGHLIGHTS

Funding for the Voluntary Sector

The new funding formula is an attempt to rationalize funding and provide a degree of stability and continuity to the funding of voluntary agencies. The policy and guidelines, #1 to #8 (distributed to NAACJ members) set out the terms and conditions of the new formula.

Mr. Gibson noted that, tied to this fiscal issue, are intents to re-structure certain Ministry Committees to ensure a permanent on-going liaison committee between government and the voluntary sector; the committee will establish policies and principles concerning the relationship of the voluntary sector to government.

Victims

Victims of crime were identified as a "high priority". The Ministry will concern itself primarily with information dissemination concerning victims.

Crime Prevention

Crime prevention is another high priority for the Ministry. The Solicitor General will attempt to identify crime prevention models which work, while continuing to act as an information clearinghouse on crime prevention initiatives and encouraging community effort in prevention through ongoing "Crime Prevention Week" awards and public education.

Other areas of activity and immediate importance to the Solicitor General were outlined by Mr. Gibson:

Young Offenders Act - coming into effect April 2nd, the Solicitor General would be working on cost-sharing arrangements with the provinces and training arrangements to assist in implementation.

Gating - stating that the Solicitor General's position was one of "middle ground", the legislation concerning gating will be introduced shortly.

Amnesty International - Amnesty International released its study in Mid March into the Archambault riot. Mr. Ron Stewart, Correctional Investigator, will be reporting on his comprehensive study of Archambault and will be making his report public.

Kingston Institutions - the alarming incidence of violence in the Kingston prisons has resulted in an initiative by the Solicitor General to investigate in order to make recommendations of means to reduce the violence. Dr. Jim Vantour and others are conducting the investigation in order to report by mid-April.

The Leggett Commission - Judge Leggett will report presently on this study into the habitual offender.

Questioned concerning the Ministry's plans, if any, to address the two-year rule in the context of the Correctional Law Review, Mr. Gibson pointed out that very little headway on the issue had been achieved in the past. The Deputy Minister of Justice, Mr. Tassé, supported Mr. Gibson's observation by noting that several studies and task forces had examined options which had gone nowhere.

OVERVIEW OF DEPARTMENTAL ACTIVITIES

ROGER TASSE

Deputy Minister of Justice

HIGHLIGHTS

Victims

An inter-departmental committee including Justice, the Solicitor General, Defense and Health and Welfare will be formed in the near future to establish a federal policy concerning victims. Mr. Tassé stated that certain funds would be directed to this effort and commitment.

Sentencing Commission

As part of the Ministry's follow-up to the sentencing consultation this commission will address concrete questions of sentences as well as providing judges with feedback on the effects of sentences. Early indications are that judges are not in favour of any constraints on their sentencing discretion, especially legislated guidelines; the Department will attempt, through the commission, to emphasize "information to judges"; tools of sentencing; the aspect of the manner in which questions are posed at the sentencing stage.

Mental Disorders

This project has been underway since 1976, most recently the focus has been on the consultation paper prepared by Gilbert Sharpe. A second document, a distillation of opinions and comments, will be released in mid-April.

Public Legal Education and Information

Some funds to establish a small program to heighten public awareness in the legal field will be available.

Discussion

Reverend David McCord asked what specific response to the Doob Report did the Department have in mind. Reverend McCord noted that "we don't have a data problem...we have a perception problem - and we are dealing with fear in the community". Mr. Tassé noted that the Sentencing Commission was in part a response to Doob - that the process would take time and a sustained commitment.

Bill Lee of the Native Council of Canada noted that the Minister of Justice should make full use of the Native Friendship Centres to take its message to the Native community and to receive information from that community. Mr. Lee stated that problems continue to exist in regard to "sweet grass ceremonies" at some Federal institutions; Mr. Gibson, Deputy Solicitor General, took note of his comment.

Dave Worth heightened the need to move to more concrete initiatives in the area of victim services. He noted the groundswell of concern about victims, saying that "the field" was telling him that not enough is being done to address this serious problems. Mr. Worth

challenged the government to recognize and respond to the Victims movement and also suggested that NAACJ consider the inclusion into its membership of national victims groups.

CONCLUDING REMARKS

It was agreed that the particulars concerning the C.L.R. consultation process be brought forward to the Planning Committee for consideration and appropriate follow-up with the Solicitor General.

Consultation with
the Deputy Ministers

Centennial Room
Government Conference Centre

March 27 & 28, 1984

Tuesday, March 27, 1984

8:30 am REGISTRATION & Coffee - Tea - Juice

9:00 am INTRODUCTION TO THE SEMINAR
-NAACJ Chairman: *Brian Crane*
-C.L.R. Session Chairperson:
Christine Jefferson

9:15 am PLENARY: The Correctional Law Review
-*Josh Zambrowsky*

9:45 am PLENARY: Overview of the Principles
& Objectives of the C.L.R.
-*Ben Hoffman*, NAACJ Secretary

10:30 am - BREAK -

10:45 am WORKSHOPS: to examine Principles &
Objectives of C.L.R.

Noon LUNCH: Conference Centre
SPEAKER: *Michael Jackson*, Professor of Law
University of B.C.

1:30 pm PLENARY: defining the Principles &
Objectives of the C.L.R.
-*Workshop leaders* report

2:30 pm PLENARY: Consultation Process for the
C.L.R.
-*Ian Morrison*

3:15 pm BREAK

3:30 pm PLENARY: Recommendations for action
-C.L.R. Session Chairperson:
Christine Jefferson

5:00 pm ADJOURNEMENT

6:30 pm RECEPTION & DINNER
for the Deputy Ministers
PLACE: The Chelsea Club
236 Metcalfe (corner of Somerset
and Metcalfe)

Wednesday, March 28, 1984

8:30 am Coffee - Tea - Juice

9:00 am Deputy Minister of Justice:
Roger Tassé, Q.C.
Deputy Solicitor General:
Fred Gibson, Q.C.

An overview of their departments' activities
to include: funding; victims; and crime
prevention programs.

10:30 am BREAK

11:00 am NAACJ will present recommendations on the
Consultation Process for the Correctional
Law Review to the Deputy Ministers
-*Ian Morrison*

12:30 pm ADJOURNEMENT

APPENDIX
↓

Mr. Josh Zambrowsky
Professor Ken Hatt
Ms. Mona Ricks
Ms. Denise St.-Jean

Executive Director

Canadian Bar Association

Mr. Eugene Oscapella

Canadian Association of Provincial Court Judges

Canadian Mental Health Association

Mr. Brian Crane

NAACJ Chairman

Canadian Psychiatric Association

Canadian Psychological Association

Dr. Tim Hogan

Executive Director

Canadian Seventh Step Society

Mr. Pat Graham

Executive Director

Church Council on Justice and Corrections

Reverend David McCord

Executive Director

Mr. Frank Miller

Mr. David Worth

John Howard Society of Canada

Mr. Terry Carlson

Executive Director, JHS Nfld.

Mr. Jim MacLatchie

Executive Director

National Association of Friendship Centres

Native Council of Canada

Mr. Bill Lee
Mr. Bob Stevenson

Executive Director

St. Leonard's Society of Canada

Mr. Lou Drouillard

Executive Director

The Salvation Army

Mr. Wally Bunton
Captain David Howell

NAACJ

Mr. Ben Hoffman
Ms. Laura Doebling

Secretary

Guest

Professor Michael Jackson

Department of Justice

Mr. Marcel Laniel
Ms. Claire MacLellan
Mr. Roger Tassé, Q.C.
Mr. Dan Préfontaine

Liaison person for NAACJ

Deputy Minister

Assistant Deputy Minister

Ministry of the Solicitor General

Mr. Bob Cormier
Ms. Suzanne Caldwell
Mr. Fred Gibson, Q.C.
Mr. Chris Nuttall

Secretariat, C.L.R.

CSC, CLR

Deputy Solicitor General

Assistant Deputy Solicitor General
(Programs)

SECTION I. OBJECTIVES AND PRINCIPLES OF CORRECTIONS

INTRODUCTION

It has been extensively suggested that corrections in Canada - as in other nations - needs to come to grips with the objectives it is and should be seeking to pursue, especially in view of the findings and criticisms of the last 20 years. The 1977 Report of the Parliamentary Subcommittee on the Penitentiary System in Canada (MacGuigan Subcommittee) made it clear that it felt the root of the problems of corrections to be at the level of philosophy. It concluded that "nothing in the criminal justice system proceeds according to any clear or generally accepted principles defining the purposes of the penal system: who should be incarcerated and why, or what the Penitentiary Service is supposed to accomplish."

It has also been suggested that any new legislation in corrections should be prefaced by a statement of objectives and principles, much as the Federal Government's 1982 publication, The Criminal Law in Canadian Society, has suggested that the Criminal Code be preceded by a statement of objectives and principles. Other critics suggest that such a statement belongs not in law, but in administrative directives or program statements. Certain corrections jurisdictions in Canada have done extensive work on defining their goals, objectives, strategies and principles.

Corrections has experienced a number of major shifts in the primary or prevailing objective which it ought to pursue. Penitence was at one time a correctional objective which had major influences on the regimen and even construction of prisons. Rehabilitation has apparently lost the primacy among correctional goals enjoyed in previous decades, though some corrections experts feel it has declined too far in importance. Reintegration and life-skills orientation are perhaps the more modern version of the "rehabilitation ideal". Some critics would contend, however, that the most prominent correctional objectives are in practice, those of security and surveillance.

If a criminal law which embodied only a single goal would be a bad one (as Hart suggested), it may be equally true that not only does corrections currently embody or reflect more than one objective, it should continue to do so. At different times and with different offenders, corrections goals may be very different. Within certain cases, certain corrections goals may even be in conflict with one another.

Nonetheless, it may be important to define in law what corrections must do, what it may do, and what it must not do.

The Criminal Law in Canadian Society articulated the overall goals and principles of the criminal law, including a number which would appear to have implications for corrections. These are:

Purpose of the Criminal Law

The purpose of the criminal law is to contribute to the maintenance of a just, peaceful and safe society through the establishment of a system of prohibitions, sanctions and procedures to deal fairly and appropriately with culpable conduct that causes or threatens serious harm to individuals or society.

Principles to be Applied in Achieving this Purpose

The purpose of the criminal law should be achieved through means consonant with the rights set forth in the Canadian Charter of Rights and Freedoms, and in accordance with the following principles:

- (a) the criminal law should be employed to deal only with that conduct for which other means of social control are inadequate or inappropriate, and in a manner which interferes with individual rights and freedoms only to the extent necessary for the attainment of its purpose;
- (c) the criminal law should also clearly and accessibly set forth the rights of persons whose liberty is put directly at risk through the criminal law process;
- (e) the criminal law should provide and clearly define powers necessary to facilitate the conduct of criminal investigations and the arrest and detention of offenders, without unreasonably or arbitrarily interfering with individual rights and freedoms;
- (f) the criminal law should provide sanctions for criminal conduct that are related to the gravity of the offence and the degree of responsibility of the offender, and that reflect the need for protection of the public against further offences by the offender and for adequate deterrence against similar offences by others;
- (g) wherever possible and appropriate, the criminal law and the criminal justice system should also promote and provide for:
 - (i) opportunities for the reconciliation of the victim, community, and offender;

- (ii) redress or recompense for the harm done to the victim of the offence;
- (iii) opportunities aimed at the personal reformation of the offender and his reintegration into the community;
- (j) in order to ensure equality of treatment and accountability, discretion at critical points of the criminal justice process should be governed by appropriate controls;
- (k) any person alleging illegal or improper treatment by an official of the criminal justice system should have ready access to a fair investigative and remedial procedure;
- (l) wherever possible and appropriate, opportunities should be provided for lay participation in the criminal justice process and the determination of community interests.

These statements of criminal law purpose and principles leave much room for - and perhaps even encourage - the articulation of a statement of objectives and principles unique to corrections.

ISSUES:

I.1 Statement in Law

Should there be a statement of the objectives and principles of corrections at the beginning of all correctional legislation?

I.2 Objectives of Corrections

If you are of the view that the objectives of corrections should be better defined (either in law or elsewhere), which of the following statements of objectives should and which should not apply to corrections? Should corrections have a primary or overall objective or objectives?

Some of these statements would apply only to certain correctional agencies, and not to others. The wording of most of them is taken directly from statements by organizations including the Canadian Association for the Prevention of Crime, the Law Reform Commission of Canada, the British Columbia Corrections Branch, the American Correctional Association, and the Ouimet Committee.

- to assist the court in its decision-making by providing information on the offender, advising on suitable sentence alternatives and resources, and developing and maintaining a wide range of correctional alternatives

- to take action calculated to return the individual offender permanently to the normal community as a contributing member of society
- to assist in the resolution of disputes where the direct intervention of the court is being considered (through techniques of mediation and conflict resolution)
- to carry out the sentence of the court, including the administration of restitution and community service orders
- to reduce the risk of harm from the offender to the public, to himself, to other offenders, and to criminal justice staff
- (remand) to provide sufficient security to ensure that the defendant will be available for trial
- to provide programs aimed at the rehabilitation and reintegration of the offender, in particular:
 - maintenance of family ties
 - development of the responsible use of freedom and choice
 - education, work, training, life skills and social development
- to preserve the rights, humanity and dignity of the offender, the public, and staff
- to co-operate with other components of the criminal justice and social system
- to reduce the reliance on imprisonment for non-dangerous offenders
- to increase public awareness and understanding of corrections and of offenders
- to increase public support for and participation in the correctional system
- to provide programs or strategies designed to keep the offender out of prison in the future
- to minimize the unintended negative effects of the sanctions

- (remand) to keep sentenced prisoners separate from those not convicted or sentenced
- to administer programs of assistance to victims and witnesses

What other suggestions would you make regarding statements of correctional objectives?

I.3 Principles of Corrections

If you are of the view that the principles which guide corrections should be better defined (in law or elsewhere), which of the following statements of principle should and which should not apply to corrections?

- the offender remains a member of society, and retains all the rights and privileges of an ordinary citizen, except those expressly removed by law or as a necessary consequence of the sentence imposed by the court
- correctional authorities may not impose further punishments or controls other than those directly implied in the sentence
- unless there are valid reasons to the contrary, the correction of the offender should take place in the community
- correctional authorities must employ the least restrictive alternative which is adequate to achieve the legitimate objectives implied in the sentence
- correctional authorities must provide stimulation and support for offenders to learn to behave responsibly
- correctional authorities must clearly and accessibly set forth the rights and privileges which accrue to offenders, the powers and responsibilities of staff, the prohibitions and obligations imposed on offenders and staff, the resources available to offenders and staff, and the criteria upon which key decisions about offenders are made (principle of notice)
- offenders should be treated in a similar fashion where the relevant circumstances and factors are similar (principle of equity)
- discretion at critical points of the correctional process should be governed by appropriate substantive and procedural controls

- any persons alleging illegal or improper treatment by an official of the correctional system should have ready access to a fair investigative and remedial procedure
- correctional policies must not deny the offender the hope of regaining status as a free citizen
- services available to the general public must be utilized in the correctional process whenever possible and practical
- correctional authorities must safeguard the rights and privileges of offenders by maintaining the duty to act fairly
- correctional authorities must engage in ongoing programs of research, self-evaluation, and review in order to keep the public and corrections better informed
- correctional services must be subject to regular independent assessment, as measured against appropriate established standards
- (remand) no person who is not as yet convicted of a crime should be required to participate in programs aimed at his rehabilitation
- correctional authorities shall design programs in such a way as to meet the legitimate needs of identifiable offender groups
- correctional authorities must participate in an active program of reform of the criminal justice system

What other proposals would you make regarding statements of correctional principles?

SECTION I: Objectives & Principles of Corrections

M.S.G.: Ms. Joan Nuffield

NAACJ: Reverend David McCord (CCJC)
Dr. Lucien Morin (CAAE)

DISCUSSION

MS. JOAN NUFFIELD introduced the consultation document, raising the general questions of whether a statement "unique to corrections" was necessary, of advantage to correctional practice throughout Canada. She noted that such a statement, if set in law, could be too restrictive and pointed out that (as on pages 2 and 3 of the document) the Statement of the Purpose and Principles of the Criminal Law in Canadian Society (from the "CLICS" document) is an established statement which will certainly, in the absence of additional corrections-specific statements of purpose or objectives lend a direction to corrections in Canada.

Ms. Nuffield challenged NAACJ to consider what exactly is the role of corrections; is there an over-riding goal? She pointed out, for example, that a multitude of objectives of corrections might be cited, considering that opinions range widely on the matter, for example: corrections should simply execute the court's sentence or at the other extreme, corrections should "...take action calculated to return the individual offender permanently to the normal community as a contributing member of society" (page 5, C.L.R.).

REVEREND DAVID McCORD noted that the consultation document and possibly the consultation process being engaged in was taking as its point of departure the assumption that we must start from what "is". He encouraged the seminar group and the government representatives to look less at what currently are the operational assumptions in corrections (in practice and as they pertain to the Correctional Law Review) and instead examine afresh the nature of people, of community, of conflict. Crime, at the level of the person in the community, he maintained, was a breaking of social fabric; it is conflict that must be addressed in the community by including a thorough endorsement of practice and reconciliation. Reverend McCord's own experience in undertaking earlier consultations, including the Consultation on Sentencing, is that two essentials emerged: people and dignity.

In this regard, he criticized the Correctional Law Review document for being an attempt to "adjust" parts of the disparate criminal justice system instead of pursuing the goal of implementing throughout Canadian society a community-based concept of corrections, efforts which would enable an individual to fulfill his or her role in society effectively.

DR. LUCIEN MORIN noted that one could respond to the consultation paper "within the text" (of the document) or attempt to address the assumptions of the paper. Professor Morin cited the 1977 MacGuigan Report's general finding that the root of the problem (of penitentiaries, the correctional system) was at the level of philosophy and in so doing he established the context for his presentation of a paper supporting the adoption of the "Educational Prisons Model". The paper, provided to NAACJ members in its entirety under separate cover, argues that modern criminal justice is (because of its inherent assumptions and philosophical principles) unable to understand the concept of prison as education, of educational prisons rather than «correctional institutions». Penal justice, he argued, must end at the gates (of prison) where the person becomes a «detainee» or «prisoner», housed educational prisons which place an emphasis on the «person», on education of the whole person, on Human Development.

The underlying principles of the Educational Prisons Model are:
1) love your enemy; do good and 2) educate, meaning to nourish, to give.

Dr. Morin concluded by putting two recommendations to the group:

- 1) adopt the Educational Prisons Model; and
- 2) establish prison terms of fifteen years or less as provincial terms with jurisdiction for that group to be with provincial ministries of education. Terms of fifteen years or more to remain under federal jurisdiction.

DISCUSSION

On Dr. Morin's specific recommendations, it was agreed that the second one, concerning sentence length and jurisdiction would more properly be addressed under the federal/provincial section, Section VI, of the Consultation document and could be voted upon later in the proceedings. Notwithstanding this technicality, there was considerable discussion with some support for the notion of the provinces having such jurisdiction. However, there was not

widespread agreement that the 15 year sentence (in and of itself) was even supportable - considered far too long by some members - and there was not a broad-based support for ministries of education taking responsibility for corrections. In this context, Dr. Morin's radical approach provoked further explication of his concepts: clarification being sought on whether the term «education» was to be understood to mean the same as the original notion of «rehabilitation»; it was suggested that «education» might be «too narrow a term», subject to abuse; one participant noted that many inmates actually have an «aversion» to education, the whole process having been a negative experience for these individuals. Dr. Morin responded that his notion of education went beyond rehabilitation, having a more positive connotation to it, and that it was not to be confused with the simple activity «schooling», in the narrow sense of the word.

Emerging from the general discussion was the sense that NAACJ articulators to this section were pressing the consultation process «back up» to the consideration of the principles of criminal justice - a fundamental area addressed in the Spring, 1983 Sentencing Consultation with Justice. Concern was also raised with the «business management» approach to corrections, in general, with its tendency to value efficiency. A sense of urgency was emerging that both the consultations on sentencing and corrections produce outcomes where the issue and challenge of implementation be met: means must be provided to ensure that these higher level considerations of purpose, objectives and newly-formed legislation find application in the community.

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

NAACJ SEMINAR

March 27 & 28, 1984

D R A F T

Principles and Objectives

The Correctional Law Review

Preamble

By «principle» is meant a truth or belief which is fundamental and forms part of the Canadian tradition. As much as possible in this drafting, the principles of correctional law have been formulated as normative statements: to emphasize their unqualified and unconditional nature; and on the assumption that they will become the accepted principles of Canadian correctional law.

Explanatory notes are set apart in this text, under each principle, where they are deemed necessary for background or elucidation. Also, principles which are stated in more general terms are included to be certain that there is discussion around their substance. Formulation into «principles language» will follow.

In the principles, the words «man», «he» and «his» are used in their generic sense, referring to human beings in general, not just to male persons.

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

15
APPENDIX

DRAFT PRINCIPLES - PRINCIPLES OF CORRECTIONAL LAW

1. The state exists to contribute to the welfare and development of the individual person in all his human dimensions.
2. Every person has an intrinsic dignity and value in himself, regardless of his condition and circumstances, and entirely apart from any institutional or social objectives he may serve.
3. In order to carry out its primary responsibility towards the welfare and development of the individual human person, the state has an obligation to contribute to the maintenance of a peaceful and a safe society. In the discharge of that obligation, the state establishes a system of prohibitions, sanctions and procedures to deal fairly and appropriately with culpable conduct that causes or threatens serious harm to individuals or society.
4. The state's system of prohibitions, sanctions and procedures is subject to the Canadian Charter of Rights and Freedoms.
5. The purpose of the state's system of sanctions is neither punitive nor retaliatory.
6. The state's system of sanctions is aimed at:
 - (a) the reconciliation of the victim, society and the offender,
 - (b) restitution for the harm done to the victim,
 - (c) the personal development of the offender as a human person and as a citizen, and
 - (d) in cases where there is the threat of serious harm to individuals or society, the physical constraint of the offender.
7. The offender, even when confined, remains a member of society and retains all the rights and privileges of an ordinary citizen except those that must be withheld as an unavoidable consequence of the sanctions imposed by the state.
8. The state's sanctions and the way in which they are carried out do not interfere any more than necessary with the freedom of individuals.
9. No one is ever beyond the hope of renewal as a human being.

National Associations Active in Criminal Justice
Associations nationales intéressées à la justice criminelle
55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

DRAFT PRINCIPLES - OFFENDER RIGHTS AND OFFENDER PROGRAMS

1. A prisoner remains a member of society and retains all the rights and privileges of an ordinary citizen except those that must be withheld as an unavoidable consequence of the sanction imposed by the court.
2. Management of the prisoner in custody is governed by the primary objective of fostering the welfare and development of the human person towards his earliest possible return to the community.
3. The loss of liberty constitutes the sanction. Any action which affects the length of sentence or by imposition of which further restricts a prisoner or which may be construed as further sanction is to be taken only within the legal safeguards of due process.
4. All International covenants and standards to which Canada is a signatory are contained in Canadian law.
5. Prisoners and their families have a right to be fully informed about all rights and privileges and are made fully aware of legal appeal in the case of rights and of grievance procedures in the case of privileges.

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

17
APPENDIX

DRAFT PRINCIPLES - COMMUNITY CORRECTIONS

1. The locus for the restoration process for offenders is the community.
2. In light of the heterogeneous nature of Canadian society, the unique nature and resources of the community out of which a conflict emerges must be respected.
3. The correctional system practices mediation, conciliation and problem resolution.
4. Community corrections promote and provide for:
 - i) reconciliation of the victim, community and offender
 - ii) redress or recompense for harm done to the victim of the offence
 - iii) programs aimed at the personal growth of the offender and his/her reintegration into the community.

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

DRAFT PRINCIPLES - CONDITIONAL RELEASE

1. The primary principle of paroling authorities in Canada is to successfully re-integrate the former offender into society.

Note: This involves the provision of services geared towards overcoming an individual's problems regarding: socialization, work, learning and human relationships.

Paroling authorities are an an ongoing resource throughout the period of re-adaptation to society.

Reasonable structures and controls allow for the effective monitoring of parolees while not unduly interfering with freedom of movement or actions.

- 2) The successful re-integration of the offender into society is pro-active, personal and positive and represents the ultimate contribution of paroling authorities to the maintenance of a just and peaceful society.

Note: Protection of society as a goal in itself can lead to utilization of repressive measures which do not promote the evolution of the ex-offender.

- 3) Conditional release decisions are made a group of individuals selected for their expertise in justice, human behaviour and community resources.

Note: They shall be appointed to their posts only after an open and rigorous nomination procedure. Clear and distinct guidelines must be established towards filling these posts as well as provision for training for their participation in crucial decisions affecting individual liberties.

National Associations Active in Criminal Justice Associations nationales intéressées à la justice criminelle

55 Parkdale, Ottawa, Ontario, K1Y 1E5 (613) 725-3715

19
APPENDIX

DRAFT PRINCIPLES - ORGANIZATION AND ADMINISTRATION

Federal-Provincial Issues

1. Comprehensive minimum standards mandated by federal legislation apply to all Canadian correctional services.
2. Corrections is conducted under the auspices of jurisdictions which currently provide social and educational services.

Note: In developing these broad organizational principles the "two year rule" has been addressed for discussion as follows: offenders sentenced to less than five years should come under the jurisdiction of the provinces. In establishing the jurisdiction for offenders one criteria is that there will not be an increase in the use of incarceration as a consequence.

3. The involvement of independent actors is to be encouraged throughout correctional programs.
4. Public or political input in decisions are justifiable where they enhance the welfare and dignity of inmates.

Administrative Structure - Federal

1. A single administrative structure is to be created in which various divisions are co-ordinated through a policy commission and CEO's.
2. The policy commission is accountable to Parliament and includes independent membership.
3. The conflict between custodial and releasing authorities is to be managed through the changes in policy and administration in corrections.
4. A policy of decarceration and minimizing of carceration (e.g. the 10 - 25 year minimum) is to be undertaken.

NAACJ PRESENTATION TO THE THE DEPUTY MINISTERS
ON THE CORRECTIONAL LAW REVIEW

March 28, 1984

TOWARD AN EFFECTIVE CONSULTATION

Rationale and Objectives

NAACJ has been very active in co-operating with both the Ministry of the Solicitor General and the Department of Justice on on-going matters of policy development and broader consultations concerning changes to the law. In the Spring and Summer of 1983 we participated in a consultation on Sentencing - our own emphasis was on community-based correctional alternatives as the focus of the Criminal Law in Canadian Society - and in October of 1983 we embarked on the preliminary stage of consultation concerning the Correctional Law Review. In fact, the greater amount of NAACJ's involvement these past two years has been in direct consultative work with the two departments. Obviously, we are committed to this crucial undertaking and have welcomed government's invitations and support in this area of shared involvement.

And while we have already made considerable headway in respect to the substantive material contained in the First Consultation Paper of the C.L.R. - having worked through successive efforts of formulating principles and objectives of corrections in Canada - we wish to recommend to you a process-approach to the C.L.R. consultation underway. The process we outline here comes from our experience as one body with whom you have consulted in the past, from our broad and varied experiences individually as national organizations aware of considerations in a national context in such matters, and as a collective voice of associations who are committed to active, effective participation in the field of criminal justice.

Thus, our rationale for this presentation emanates from our experience with you; our own nature and understanding of the complexity of such an undertaking; and our own commitment to active, effective involvement in criminal justice.

What then has our experience shown?

We are quite certain that any fundamental review of the law - as the C.L.R. is declared to be - must be a broad-based, open and consistent undertaking. Forshortened, narrowly constituted, brief and isolated consultations with selected parties is not effective. Our experience demonstrates that such consultations isolate and frustrate the participants, alienating them from the process - and from government - forcing a degree of contempt for similar efforts.

As an organization of national associations, whose constituency is the community, across the country, we also know from experience that a process of consultation on fundamental matters must be designed to engage and mobilize ours and other constituencies in order to bring the best resources to bear in the product. Furthermore, the process must be designed to establish solid mechanisms to pursue the substantive material long beyond the phase of the creation of new legislation to a sustained force which will push for implementation at the provincial-local community level.

Accordingly we recommend to you the following design for the C.L.R. consultation, our objective being to assist government in planning and implementing an effective consultation process.

The Process Criteria

The consultation process should be established against specific criteria that reflect the comprehensiveness of the undertaking and protect its integrity. We recommend the following for the C.L.R.:

1. **The process should be explicit:** the government should identify and explain with some degree of detail the process it will be using for the C.L.R.

Mechanisms for input, fiscal and operational supports to participants, goals, targets and timelines should be set forth in a process document.

To the extent possible, individuals responsible for various functions, including liaison or contact persons should be identified.

2. **The process should lead to legislation:** it is imperative that the consultation have sufficient focus to ensure that the participation on "live" issues, on substance which will within a reasonable time lead to specific legislation "on topic". Thus, the consultation material and thrust of consultation sessions with the community must be cast in the broad working context of the Criminal Law Review while at the same time be directed toward the anticipated introduction of legislation.

Engaging the community in piecemeal or overly broad topics which appear to never find their logical way into legislation and the public's eye must be avoided as much as possible.

3. **The process should address fundamental issues:** in advising the participants that the C.L.R. is a fundamental review with an approximate two and a half year timetable, it is crucial that a sincere attempt be made to address what are in fact the fundamental issues inherent in the material. A case in point is taken from the First Consultation Paper, Section VI Federal Provincial Issues: "It has sometimes been suggested that the 'the two year rule' is the

principle source of conflict and confusion in the Canadian correctional system. It may be too ambitious for this review to attempt to resolve what has been a fundamental issue for decades" (page 49)

This form of mixed message confuses the participants and draws into serious question the integrity of the whole process. Fundamental issues must be addressed in a fundamental review.

4. **The process should be open:** simply put, efforts should be made to engage as many relevant parties as possible in as open a forum as possible; a forum which advises participants, as a matter of course, of the progress of the consultation, of the varied input received, and of how successive feedback will lead to more refined consultations. The applied corollary of this is that participants from varied sectors be encouraged to be representatives at a variety of individual consultation sessions outside their own audiences with the government.
5. **The process should be efficient:** there should be a systematic identification and mobilization of affected, interested groups and audiences. Informed of the overall consultation process, these groups (including offenders and victims) should be consulted on specific topics at explicit points in the process. They should be kept informed as the process goes forward.
6. **The process should inform and mobilize public opinion:** running in parallel to the more focused, substantive consultation should be a public education effort making the community aware of the review. At appropriate points in the process, the opportunity for grass-roots community input should be created.

Strategy for the Consultation Process

We recommend that:

1. **A consultation secretary/co-ordinator be established:** this individual (see job description and qualifications attached) should be responsible for formulating and co-ordinating an explicit consultation process for the Correctional Law Review, liaising with and informing participants as well as engaging in an appropriate public information-education function.
2. **The Structure of Consultation Meetings be:**
 - i) a series of meetings working from a fundamental issues agenda- with a broad based constituency should be followed

by successive series of more refined agenda and resource persons/participants. After each "round" of meetings (open to cross-representation) feedback to all parties should be provided by the consultation secretary.

- ii) Opportunities should be created for interested parties to address the federal/provincial meetings of Ministers of Corrections and the Continuing Committee of Deputy Ministers when the Correctional Law Review is discussed. Provision should also be made to make presentations to the Commons Committee on Justice and Legal Affairs.
 - iii) The successive rounds of consultations should result in draft legislation which is reviewed once again by the participants to the process before it goes to Parliament.
3. Adequate funds to undertake this decentralized consultation should be allocated in advance.

Summary

The objective of our presentation is to ensure an effective consultation in this fundamental review of the correctional law. NAACJ is recommending criteria against which a consultation process for the Correctional Law Review be established, as well as a strategy for the consultation. This strategy calls for the creation of a consultation secretary, hired through an open competition which seeks an individual with skills particularly suited to co-ordinating the consultation process, capable of executing an effective consultation. The strategy emphasizes successive rounds or series of meetings, where feedback to participants is an inherent factor, as well as providing input to both the relevant political and bureaucratic levels of government. Finally, the strategy calls for the review by the participants of a final draft document before it goes to Parliament.

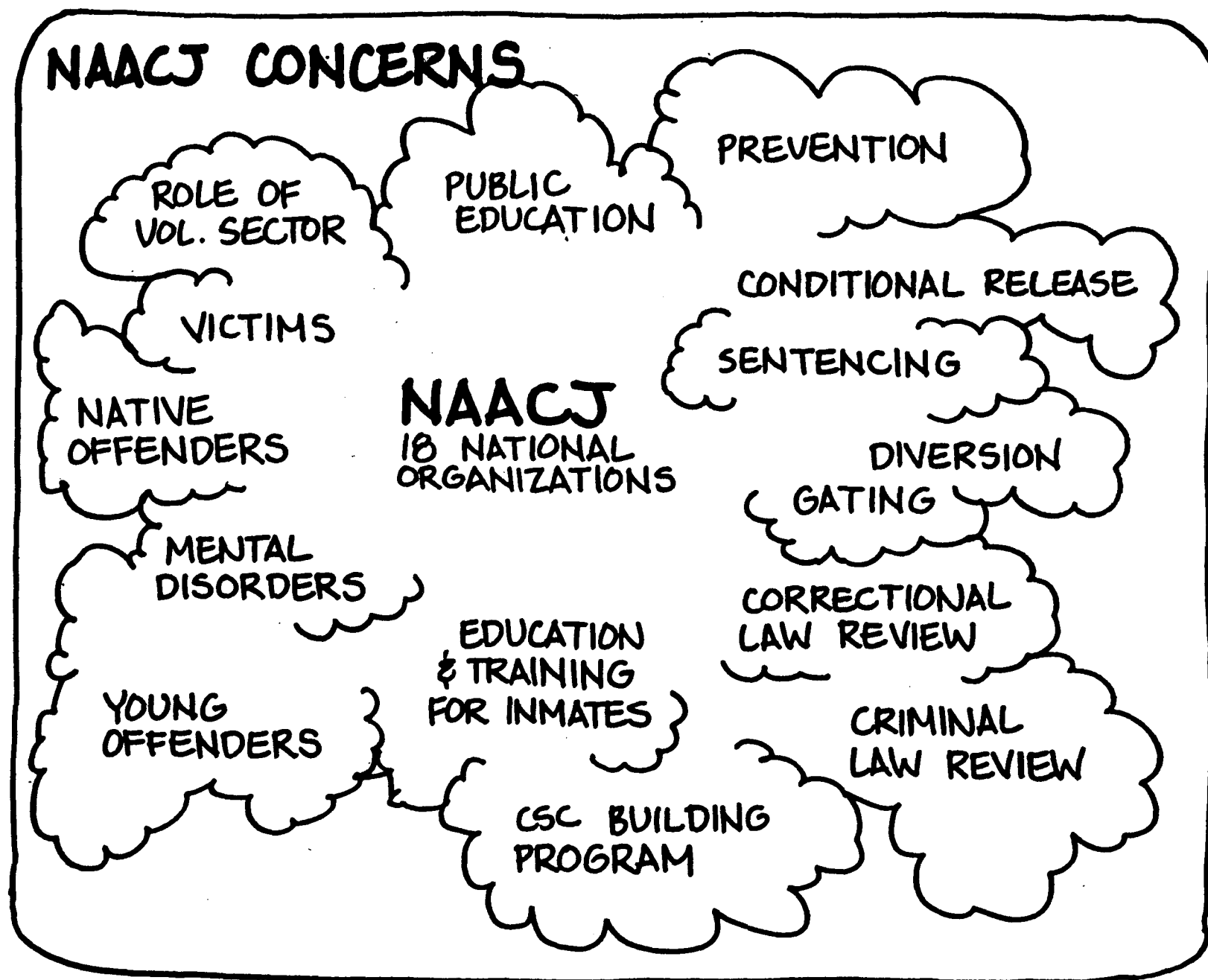
Correctional Law Review Consultation Secretariat

- | | |
|-----------------|--|
| JOB DESCRIPTION | <ul style="list-style-type: none"> -Formulate an explicit consultation process for the Correctional Law Review, identifying goals, targets, timelines of the consultation; -co-ordinate the overall consultation on a national basis; -liaise with and inform participants of the ongoing progress and developments of the consultations; -initiate and engage in a public information-education program concerning the C.L.R. as part of the whole Law Review Commission's work in the area of criminal law; -liaise with relevant Solicitor General, Justice, C.S.C. personnel as well as voluntary sector correctional agencies. |
| SKILLS | <ul style="list-style-type: none"> -program planning, implementation -communication and consultation skills -report preparation, including audio-visual and multi-media |
| KNOWLEDGE | <ul style="list-style-type: none"> -of corrections, relevant legislation -of broad criminal justice system -of federal/provincial relations -of private/voluntary sector correctional agencies |
| SELECTION | <ul style="list-style-type: none"> -by open competition |

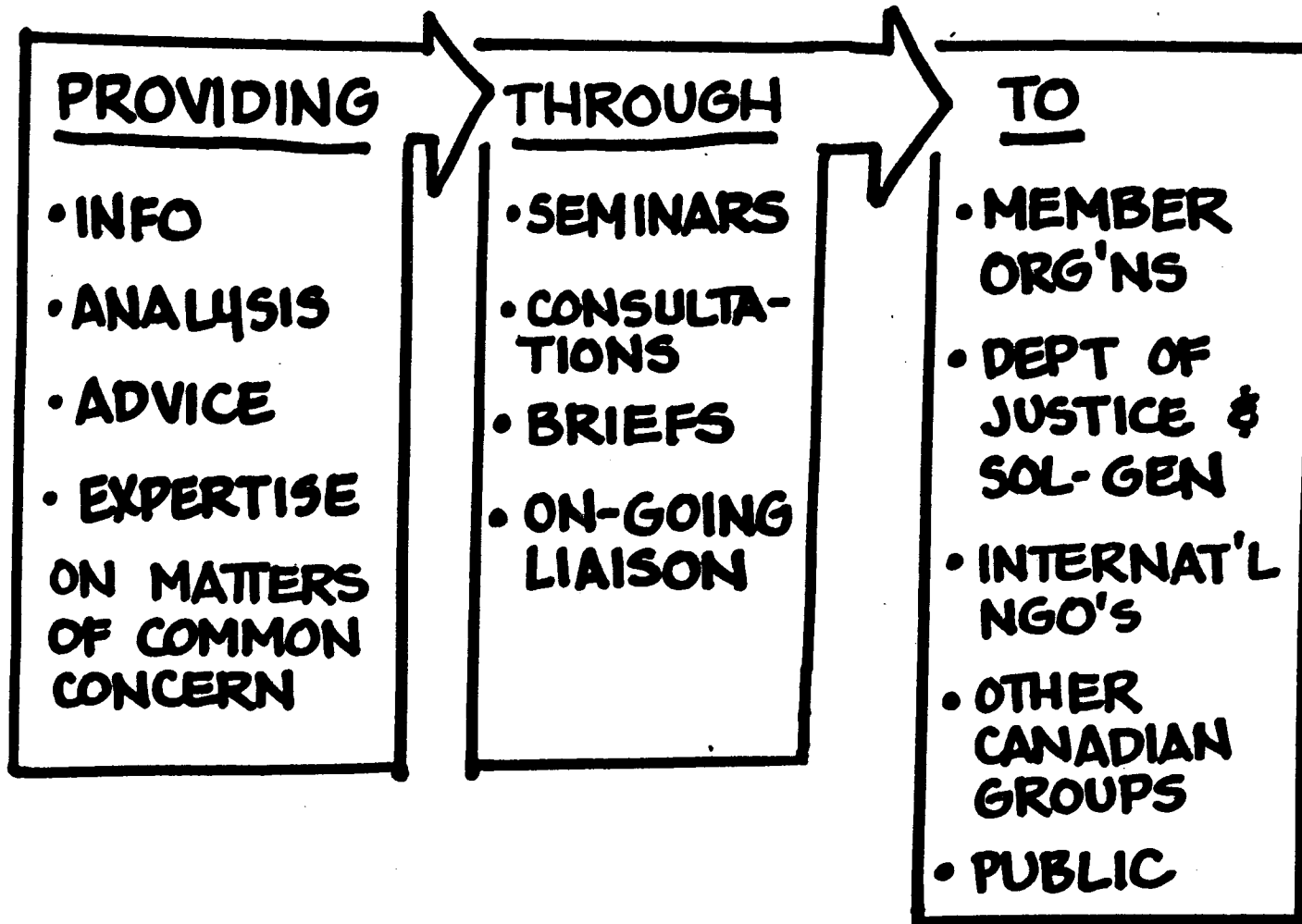
**TOWARDS
EFFECTIVE CONSULTATION
ON THE
CORRECTIONAL
LAW REVIEW**

**NATIONAL ASSOCIATIONS ACTIVE IN
CRIMINAL JUSTICE**

NAACJ CONCERNS



NAACJ ACTIVITIES



CORRECTIONAL LAW REVIEW

OPPORTUNITIES OFFERED BY CONSULTATION

- CONTRIBUTE TO POSITIVE PUBLIC OPINION
- EXPAND KNOWLEDGE BASE
- LINK TO OTHER CONSULTATION PROCESSES
- HELP BUILD POSITIVE RELATIONSHIP BETWEEN GOV'T AND MAJOR VOLUNTARY ORGANIZATIONS – MINIMIZE FRUSTRATION AND ISOLATION

CRITERIA FOR CONSULTATION PROCESS

PROCESS SHOULD

- INFORM & MOBILIZE PUBLIC OPINION
- ADDRESS FUNDAMENTAL ISSUES
- LEAD TO LEGISLATION
- PROVIDE AVENUES FOR FEEDBACK

AND BE CONDUCTED IN A MANNER WHICH IS

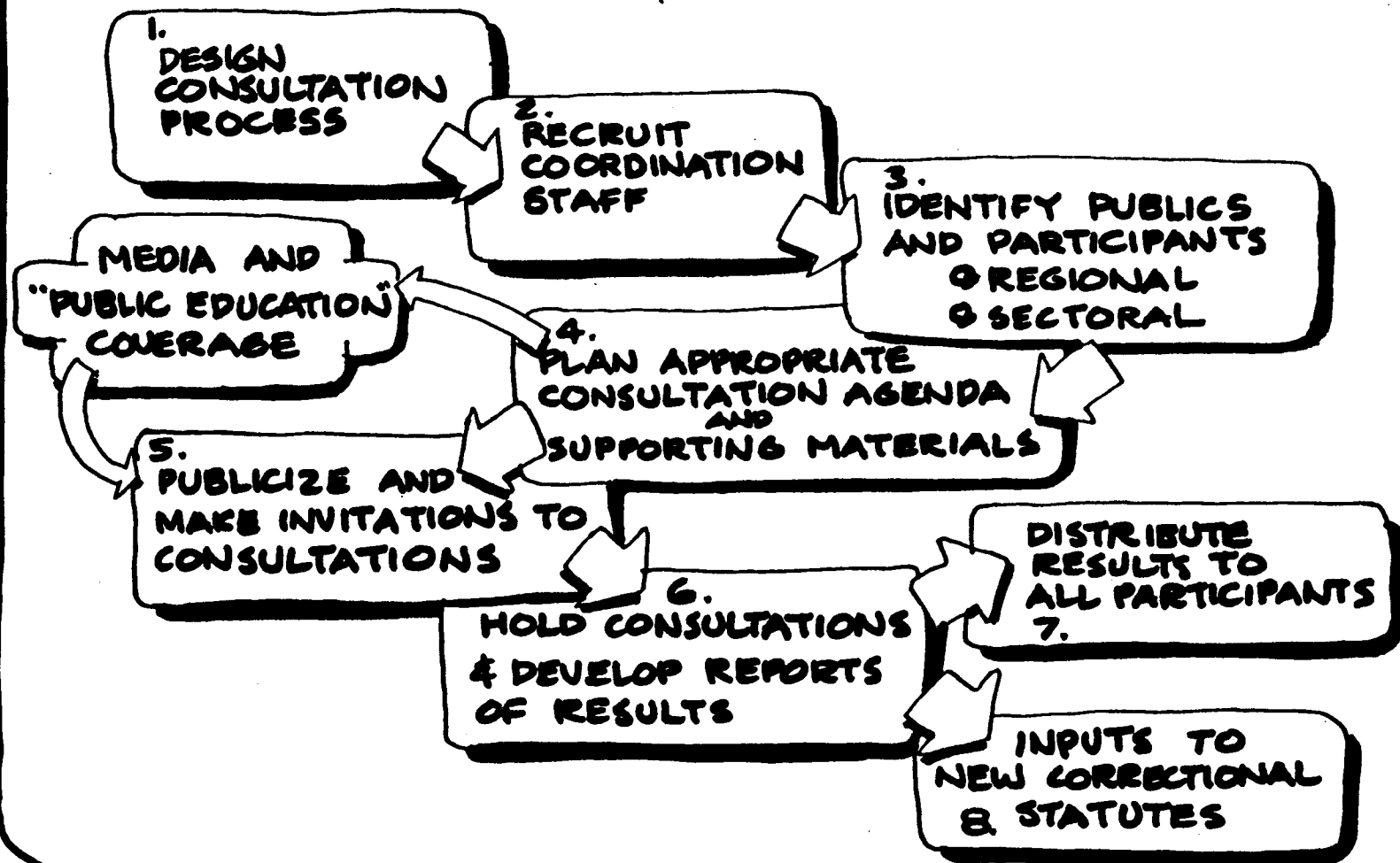
- OPEN (GOV'T ↔ PUBLIC)
- EXPLICIT
- EFFICIENT

CONSULTATION MODELS

(NOT MUTUALLY EXCLUSIVE)

- NATIONAL MEETING
WITH ALL REGIONAL/SECTORAL/NATIONAL GROUPS
AND GENERAL PUBLIC
- REGIONAL AND SECTORAL MEETINGS
- SPECIAL INTEREST MEETINGS
- PUBLIC AND EDUCATIONAL MEDIA
AND PUBLICATIONS ... TO SUPPORT MEETINGS
- ▽ JOINT CONSULTATION STEERING COMMITTEE
- ▽ CONSULTATION SECRETARIAT/COORDINATOR
 - SECONDED/HIRED
 - PART TIME / FULL TIME

A SCENARIO FOR A JOINT FEDERAL/PROVINCIAL/VOLUNTARY SECTOR/PUBLIC CONSULTATION PROCESS



CONSULTATION STRATEGY

1. CONSULTATION CO-ORDINATOR/SECRETARY
 - TO FORMULATE & CO-ORDINATE PROCESS
 - SELECTED BY OPEN COMPETITION
 - EXPLICIT JOB DESCRIPTION
2. CONSULTATION MEETINGS
 - CROSS-COUNTRY, RANGE OF PUBLICS
 - FED-PROV MINISTERS & DEPUTIES
 - CO-SPONSORED
3. DRAFT LEGISLATION - REVIEWED AGAIN
4. ALLOCATE ADEQUATE FUNDS IN ADVANCE

