

**A PRELIMINARY INVESTIGATION INTO THE USE OF  
DISCIPLINARY SEGREGATION  
IN FEDERAL PENITENTIARIES**

**BY**

**ROBERT G. BONNEFOY**

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**A Preliminary Investigation into the use of Disciplinary Segregation in Federal  
Penitentiaries**

**BY**

**Robert G. Bonnefoy**

**A Thesis/Practicum submitted to the Faculty of Graduate Studies of The University  
of Manitoba in partial fulfillment of the requirements of the degree  
of  
Master of Social Work**

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## ABSTRACT

An exploratory research design, (Longitudinal Case Study Design), was utilized to gather preliminary data and information regarding the use of Disciplinary Segregation (DS) in three medium security federal penitentiaries for males within the Prairie Region of the Correctional Service of Canada (CSC). As there is minimal research in this subject area, the study of this punitive sanction was undertaken to better understand who receives this sanction, why and how it is utilized by correctional officials, and its effect.

Two major themes resulted from this exploratory research. Significant findings and generalized patterns of behavior indicated that the use of DS may not have the desired effect of positively deterring the negative institutional offending behavior of Aboriginal offenders as compared to the non-Aboriginal offenders in the sample population. Preliminary data indicates that the behavior of Aboriginal offenders may have worsened as a result of their having served a sanction of DS. The second major theme was that the issue of substance abuse related behavior was significantly tied to the use of DS as a punitive sanction. Further to this, data indicates that DS used as a punitive sanction for substance abuse related behavior did not have the desired effect on overall rates of institutional offending behavior. Similar to Aboriginal offenders, behavior patterns indicated that offenders who served a sanction of DS for behavior related to substance abuse appeared to have suffered a deterioration in behavior.

As a result of the data generated by this research, it is felt that further research is required to determine the effectiveness of the use of DS as a punitive sanction,

specifically in regards to **Aboriginal offenders and offenders who receive DS for reasons related to substance abuse.**

## TABLE OF CONTENTS

	Acknowledgments	i
CHAPTER 1	INTRODUCTION	1
	Purpose of the study	1
	DS as part of the disciplinary process	12
CHAPTER 2	LITERATURE REVIEW	17
	i. Deterrent effect of DS	18
	ii. Negative aspects of DS	24
	iii. Non-harmful Aspects of DS	28
	iv. Literature review summary	35
CHAPTER 3	METHOD	37
	Introduction	37
	Setting and scope	40
	Research design	41
	Study/sample selection	41
	Variables	45
	i. Offender age	45
	ii. Total length of incarceration	46
	iii. Gang affiliation	48
	iv. Offender race	49
	v. Sanctioned offence	51
	vi. Imposed additional sanction	52
	vii. Length of DS sanction imposed	52
	viii. Length of DS sanction served	53
	ix. Pre-test for minor charges	58
	x. Pre-test for serious charges	58

	xi. Post-test for minor changes	58
	xii. Post-test for serious charges	59
	General methodological procedure & instrument used	60
	Research Limitations	65
CHAPTER 4	RESEARCH FINDINGS	74
	A profile of 'who' is receiving DS	74
	i. Age of offenders receiving and serving DS sanctions	74
	ii. Total length of term of incarceration	77
	iii. Gang affiliation	81
	iv. Offender race	83
	An examination into 'why' and 'how' DS is being used	84
	i. Sanctioned offence	84
	ii. Length of DS imposed by imposed additional sanction	88
	iii. Length of DS sanction imposed by offender race	90
	iv. Length of DS sanction imposed by gang affiliation	91
	v. Length of DS sanction imposed by offender age	93
	vi. Length of DS sanction imposed by sanctioned offence	94
	vii. Length of DS sanction served by imposed addit. sanct	96
	viii. Length of DS sanction served by offender race	98
	ix. Length of DS sanction served by gang affiliation	100
	x. Length of DS sanction served by offender age	103
	xi. Length of DS sanction served by sanctioned offence	104
	xii. Sanctioned offence by imposed additional sanction	107
	xiii. Sanctioned offence by offender race	110
	xiv. Sanctioned offence by gang affiliation	111
	xv. Sanctioned offence by offender age	113
	The apparent effect of the use of DS on inst. Behavior	115

i. Minor institutional offence convictions	116	
ii. Serious institutional offence convictions	116	
iii. Combined minor and serious inst. offence convictions	117	
iv. Additional sanctions by minor conviction rates	118	
v. Additional sanctions by serious conviction rates	118	
vi. Additional sanctions by total combined conviction rates	119	
vii. Offender race by minor conviction rates	119	
viii. Offender race by serious conviction rates	120	
ix. Offender race by total combined conviction rates	120	
x. Gang affiliation by minor conviction rates	121	
xi. Gang affiliation by serious conviction rates	122	
xii. Gang affiliation by total combined conviction rates	122	
xiii. Offender age by minor conviction rates	123	
xiv. Offender age by serious conviction rates	123	
xv. Offender age by total combined conviction rates	123	
xvi. Sanctioned offence by minor conviction rates	124	
xvii. Sanctioned offence by serious conviction rates	124	
xviii. Sanctioned offence by total comb. conviction rates	125	
xix. Individual institution by minor conviction rates	126	
xx. Individual institution by serious conviction rates	126	
xxi. Individual institution by tot. combined conviction rates	127	
CHAPTER 5	CONCLUSION AND FINAL RECOMMENDATIONS	128
	A profile of offenders serving DS sanction	129
	Why is DS being utilized and how is it being used?	134
	Does DS appear to have an effect on offender behavior?	139
	Summary	144
	References	149

LIST OF TABLES

Table 1	Age of Offenders Receiving DS Sanctions	74
Table 2	Length of Incarceration of Offenders Receiving DS Sanctions	78
Table 3	Offender Race	83
Table 4	Offences For Which DS Was Received	85
Table 5	Length of DS imposed by imposed additional sanction	89
Table 6	Length of DS sanction imposed by offender race	91
Table 7	Length of DS sanction imposed by gang affiliation	92
Table 8	Length of DS sanction imposed by offender age	93
Table 9	Length of DS sanction imposed by sanctioned offence	95
Table 10	Length of DS sanction served by imposed addit. sanction	97
Table 11	Length of DS sanction served by offender race	99
Table 12	Length of DS sanction served by gang affiliation	101
Table 13	Length of DS sanction served by offender age	103
Table 14	Length of DS sanction served by sanctioned offence	105
Table 15	Sanctioned offence by imposed additional sanction	108
Table 16	Sanctioned offence by offender race	111
Table 17	Sanctioned offence by gang affiliation	113
Table 18	Sanctioned offence by offender age	114

LIST OF FIGURES

Figure 1	Age of Offenders Receiving DS Sanctions	75
Figure 2	Length of Incarceration of Offenders Receiving DS Sanctions	78
Figure 3	Gang Affiliation	82

## **CHAPTER 1 - INTRODUCTION**

### Purpose of the Study

The phenomenon that will be studied during the course of this research is the use of disciplinary segregation (DS) at Stony Mountain Institution, Saskatchewan Penitentiary, and Drumheller Institutions. Disciplinary segregation is a punitive sanction that is designed to restrict offender freedom of movement and to exercise safe, secure and humane control of inmates. DS involves the removal of an offender from the general inmate population in order to place him in a cell in a special segregation range. This special range, (or row), of segregated cells, remains isolated from the general offender population. Inmates housed in DS are generally: single bunked, locked up for twenty three hours a day, have access to the telephone three times a week for personal calls, have access to the telephone for legal calls, have access to visits, spiritual counseling, psychological counseling, psychiatric services, educational upgrading opportunities and medical services. Inmates can have in their cells, if they own them, televisions, radios, electronic games, hobby crafts, as well as books available from the institutional library.

The purpose of DS is to restrict the freedom of movement inmates would normally enjoy in the general population (Correctional Service of Canada, 1993). Offenders placed in DS are subjected to increased control as they are under closer supervision than those offenders in general population. In addition, they are not entitled to all the same group activities and recreational opportunities available to other offenders due to restrictions placed on their ability to associate. In this way, they are somewhat socially isolated.

Correctional officers on the unit closely control the activities and movement of DS offenders. Conversely, general population offenders are employed throughout the institution, attend programming, and are entitled to recreational periods in the evenings and on weekends, during which they can participate in a number of sporting and cultural pursuits.

An offender can be placed in DS as a result of his being convicted of a serious disciplinary offence within the institution. A serious disciplinary offence is when an inmate commits a serious breach of security, exhibits violent behavior, commits or attempts to commit an act that could generate such behavior on the part of others, or could cause harmful consequences to staff members or inmates. Basically, any act that potentially threatens the safety or security of the institution or the safety of any person, usually constitutes what amounts to a serious disciplinary offence. A hostage taking, a physical assault, or the creation of a serious institutional disturbance would constitute serious offences. A minor offence is generally when an inmate exhibits negative or non-productive behavior towards institutional rules governing the conduct of inmates. For example, an offender engaging in gambling would most likely constitute a minor offence. Although it is against the rules of the institution to engage in non-productive behavior such as gambling, this would be coded as a minor offence as it does not threaten the safety of any person, nor does it constitute a security threat to the institution, (as would, for example, an attempt to escape). Section 40 of the Corrections and Conditional Release Act (CCRA), the legal authority which governs the actions of the Correctional Service of Canada (CSC), stipulates the categories of institutional offences that an inmate may be

charged with and lists them as follows:

40. An inmate commits a disciplinary offence who

- (a) disobeys a justifiable order of a staff member;
- (b) is, without authorization, in an area prohibited to inmates;
- (c) willfully or recklessly damages or destroys property that is not the inmate's;
- (d) commits theft;
- (e) is in possession of stolen property;
- (f) is disrespectful or abusive toward a staff member in a manner that could undermine a staff member's authority;
- (g) is disrespectful or abusive toward any person in a manner that is likely to provoke a person to be violent;
- (h) fights with, assaults or threatens to assault another person;
- (i) is in possession of, or deals in, contraband;
- (j) without prior authorization, is in possession of, or deals in, an item that is not authorized by a Commissioner's Directive or by a written order of the institutional head;
- (k) takes an intoxicant into the inmate's body;
- (l) fails or refuses to provide a urine sample when demanded pursuant to section 54 or 55;
- (m) creates or participates in (i) a disturbance, or (ii) any other activity that is likely to jeopardize the security of the penitentiary;
- (n) does anything for the purpose of escaping or assisting another inmate to escape;
- (o) offers, gives or accepts a bribe or reward;
- (p) without reasonable excuse, refuses to work or leaves work;
- (q) engages in gambling;

- (r) willingly disobeys a written rule governing the conduct of inmates; or
- (s) attempts to do, or assists another person to do, anything referred to in paragraphs (a) to (r) (Corrections and Conditional Release Act, 1992).

When an institutional staff member has reasonable grounds to believe that an inmate has committed or is in the process of committing a disciplinary offence, he or she shall take reasonable steps to resolve the matter informally whenever possible. An informal resolution may consist of the officer counseling the offender about his inappropriate behavior, as opposed to utilizing the formal disciplinary process. When an informal resolution is not achieved, the institutional head (or his or her designate) may, taking into consideration the seriousness of the alleged conduct and any aggravating or mitigating factors, formally issue a charge of a minor or serious disciplinary offence.

At SMI, Saskatchewan Penitentiary, and Drumheller Institutions, the Coordinator of Correctional Operations (CCO) is the institutional head designate. If an offender was to break a window, it may be considered a minor offence. If an offender was to break this same window in an attempt to incite other offenders to destroy institutional property and start a disturbance, these might be viewed as a mitigating factors which would cause the CCO to code the charge as serious. This part of the disciplinary process is somewhat subjective as the CCO might code one behavior as minor, while another inmate exhibiting the same behavior might have his charge coded as major. This may be as a result of things such as the CCO's interpretation of the circumstances surrounding an offence, or that the offender has a prior history of similar negative behavior.

The Independent Chairperson of Institutional Court, (a judicial figure from outside the Correctional Service of Canada who adjudicates the hearings), may overrule the CCO in a determination of a charge being serious. In the Prairie Region, approximately 30% of all institutional charges are coded as serious (Solicitor General, 1998). The only charges that must be coded as serious, and where there is no room for discretion, are 40.(k) "takes an intoxicant into the inmate's body" and 40.(l) "fails or refuses to provide a urine sample when demanded pursuant to section 54 or 55". An inmate charged with a disciplinary offence is to be given a written notice of the offence and a designation of whether the offence is minor or serious. Charges are to be dealt with by way of hearing in institutional court. The Independent Chairperson (ICP) usually adjudicates these court hearings on a weekly basis.

Wardens or Deputy Wardens formerly adjudicated serious disciplinary offences. This process was deemed to have lacked the essential characteristics of objective and fair adjudication. The same people who were responsible for maintaining a safe environment and the good order of the institutions, were also the ones judging whether or not inmates had breached that good order. In other words, the judges were the offended parties. In addition to this, these judges also often had extensive personal knowledge of these inmates, thus allowing for considerable bias. Objective judgment was also further hampered by the fact that Wardens often felt compelled to maintain staff morale by accepting the testimony of correctional officers that was often in direct conflict with the testimony of inmates. Based out of a review of the process, Independent Chairpersons were appointed to conduct fair, unbiased hearings for serious disciplinary cases.

Following the 1977 Parliamentary Sub-Committee on the Penitentiary System in Canada, the Service began appointing Independent Chairpersons for disciplinary boards at medium-security institutions in 1980 (Correctional Service of Canada, 1997).

For disciplinary hearings, the inmate is to be present unless he is voluntarily absent, the person conducting the hearing believes on reasonable grounds that the inmate's presence would jeopardize the safety of any person present at the hearing, or the inmate seriously disrupts the hearing. The Independent Chairperson conducting the hearing shall not find the inmate guilty unless satisfied beyond a reasonable doubt, based on the evidence presented at the hearing, that the inmate committed the offence in question. Finally, as per section 44 of the CCRA, an inmate who is found guilty of a disciplinary offence is liable to one or more of the following: (a) a warning or reprimand; (b) a loss of privileges; (c) an order to make restitution; (d) a fine; (e) performance of extra duties; and (f) in the case of a serious disciplinary offence, disciplinary segregation from other inmates for a maximum of thirty days (Corrections and Conditional Release Act, 1992). Should an offender receive additional consecutive periods of DS as a sanction, he can only serve a maximum of 45 consecutive days in DS. Should a sanction of disciplinary segregation be imposed at the disciplinary hearing, the offender is escorted to a cell in the segregation unit to serve the DS period imposed as sanction. The offender's cell effects (his personal belongings) are then transported by correctional officers from his cell in general population to the offender's DS cell.

Disciplinary segregation is at the most restrictive and intrusive end of the disciplinary process for inmates. The reason for this restrictive view of DS is that it is legally viewed as punitive sanction (Correctional Service of Canada, 1997). When an inmate is segregated or separated from the general inmate population, for any reason, there must be a legal justification for the decision either through sections 31-37 (administrative segregation) or 38-44 (disciplinary segregation) of the Corrections and Conditional Release Act.

The two types of segregation, administrative segregation and DS, are used for different purposes, and each is utilized based on an entirely different set of criteria. Administrative segregation involves the removal of an inmate from the general inmate population, on a voluntary or involuntary basis, for the inmate's own safety, for the safety of others, or for the secure operation of the institution. According to the Case Management Manual (1998), a placement in administrative segregation, (unlike a placement in disciplinary segregation), is not punishment. Instead, the purpose of administrative segregation is to keep inmates from associating with the general inmate population. As authorized under the CCRA, administrative segregation can only be utilized if one of three conditions are met and its use is seen as a last resort. Segregation is viewed as an extreme measure, and its use indicates that all other alternatives to manage the offender in the general population have been considered as unavailable or ineffective (Correctional Service of Canada, 1997).

The first condition for the use of administrative segregation is that the offender has acted or intends to act in a manner that jeopardizes the safety of the institution or any person in it (to use obvious examples, building a bomb or inciting a disturbance). If the behavior of the offender is determined to be such that this safety is jeopardized, the offender will be administratively segregated. The offender can be held in administrative segregation until the threat is alleviated or until the offender can be transferred to another institution or facility that can more effectively manage his risk. For example, a medium security offender building a bomb may be administratively segregated in anticipation of a transfer to a maximum-security penitentiary with a more restrictive environment that has more intensive supervision. If the behavior is not deemed to be an immediate risk to the safety of the institution (but escalation of the behavior could at some point become increasingly more problematic or risk the safety of the institution or the individuals in it), DS may be utilized as a punishment in attempts to deter similar future behavior.

The second condition is that the presence of the inmate in the general population would interfere with an investigation that could lead to a criminal charge or an institutional charge of a serious disciplinary offence. If in the case of an assault, possible suspects may be administratively segregated until the investigation is completed. In such a case, corroboration among suspects, or the intimidation of other witnesses, might seriously interfere with the investigation.

The third condition is that the inmate's own safety would be jeopardized if he continued to reside in general population. For example, other offenders may be trying to

harm the offender, or the inmate may need constant and direct supervision as a result of being diagnosed as suicidal by a psychiatrist. These three criteria are intended to be preventative, but not punitive. Administrative segregation is not part of the inmate disciplinary process. It is to be utilized by the CSC to prevent altercations, harm, or interference with certain investigations (Solicitor General, 1998).

It is important to note that a great deal of literature related to this aspect of corrections, (e.g., the separation of an offender from a general population setting), is also often focused on solitary confinement. Although there are similarities between punitive or disciplinary segregation and solitary confinement, research results should not be assumed to be transferable from one situation to the other. According to Thoenig (1972), there are differences between solitary confinement and segregation. Although the physical control of the inmate is essentially identical, (the inmate is confined to a cell and certain privileges are withdrawn), neither the isolation from other persons nor the deprivation of sensory stimuli is as severe with segregation. Segregated inmates interactions with others may include staff, visitors, and minimal contact with other inmates on their range. Thus, inmates in disciplinary segregation or administrative segregation are not subject to sensory deprivation and should not be directly compared to studies in which sensory deprivation is the factor being examined.

Issues specific to solitary confinement will not be explored in the course of this research. Given the substantial differences between DS and solitary confinement, direct comparisons or attempts to generalize from one condition to the other would not appear

to be relevant. In addition, it is important to realize that there is no such sanction as solitary confinement in use by the Correctional Service of Canada. Literature regarding solitary confinement emanates from research based on the penal systems of other countries, such as the United States. Canadian offenders who absolutely cannot be managed in a maximum-security setting or in administrative segregation because they present an extremely high risk to staff or other inmates, are often sent to a Special Handling Unit (SHU). There is currently one SHU in operation in Canada, and it is based in Quebec. Inmates sent to the SHU are often offenders who cannot control their behavior and have assaulted or killed other inmates, or have attacked staff. The behavior of these offenders is assessed as not meeting the behavioral expectations of a maximum-security institution. As such, they are sent to the SHU for assessment or treatment until their behavior is stabilized to a level that is once again manageable in a maximum security setting. Even for these extreme cases, the Correctional Service of Canada does not use solitary confinement.

Conversely, comparisons between administrative segregation and DS demonstrate greater relevance as these two conditions share certain similarities. While the topic of solitary confinement has been assessed as minimally useful in the attempt to further understand DS, the study of administrative segregation may be of better use in this regard. Although the reasons for the use of DS and administrative segregation are different, the physical setting and the offender's access to services are similar. Although the physical setting and human interaction is similar in an administrative segregation setting and a DS setting, certain differing variables such as the reasons for the segregation and the time

spent in the two different types of segregation, make it impossible to directly generalize the results from administrative segregation research to DS. Issues identified in the course of research conducted on administrative segregation should be explored within the context of DS, should they be deemed to be potentially applicable given the similarity of the physical settings. Until research has been done on DS, it cannot be certain whether or not, or to what extent, issues related to administrative segregation, (or even certain aspects of solitary confinement for that matter), also apply to DS. While there has been a Task Force assigned to study administrative segregation, there has been virtually no research that deals specifically with the issue of DS. Further to the Task Force on Administrative Segregation, it came about as a result of A Commission of Inquiry into Certain Events at the Prison for Women in Kingston (1996). This Inquiry revealed that the practice of segregating offenders needed to be administered in compliance with the law and that it required close monitoring. It was also strongly recommended that a policy review on the use of administrative segregation be pursued. As a result, the Correctional Service of Canada launched the Task Force on Administrative Segregation. Subsequently, the Task Force examined a broad range of issues related to segregation (Motiuk & Blanchette, 1997). As a result of the Task Force, many changes took place in the area of segregation to ensure that rigorous legal requirements are met and inmates are afforded full procedural fairness.

Segregation, or separation of inmates, must occur in an environment that restricts their association with other inmates and their legal rights, to the least extent possible; that facilitates their return to general population, to the greatest extent possible and as soon as

possible; and that maximizes the provisions of programs and services which are necessary to achieve early release from this restrictive institutional environment and eventual successful release into the community. As a sanction, DS also has implications on security classification, transfers, and decisions regarding conditional release (Correctional Service of Canada, 1997).

#### Disciplinary Segregation as Part of the Disciplinary Process

Disciplinary segregation is a sanction or tool that operates within the context of the inmate disciplinary process. The objective of the disciplinary process for federally incarcerated male offenders is. "To provide a fair and equitable disciplinary system which encourages inmates to conduct themselves in a manner which promotes the good order of the institution, fosters a positive correctional environment, and contributes to the rehabilitation of the inmates by allowing them to demonstrate their efforts to become law-abiding citizens (Correctional Service of Canada, 1997)."

With regards to the good order of the institution, disciplinary segregation is a punishment that is supposed to act as a deterrent to behavior that threatens the safety and security of the prison environment. DS is a message to offenders that there are penalties for participating in behavior such as dealing in the institutional drug sub-culture or being assaultive to others. Not only is this potential deterrent of negative behavior intended to promote the good order of the institution, but in turn is expected to foster a positive correctional environment. Although "positive correctional environment" is a general term, it denotes an environment in which an offender can deal effectively with staff and with

other offenders. It is an environment in which the offender can participate in treatment and programs, and does not have to fear reprisal from other inmates looking to "muscle" or take advantage of them. It is an environment in which offenders can deal with staff in a pro-social manner, and one in which if they make a mistake, they know that they will be dealt with fairly, and that their rights will be respected.

Inmate discipline is "to be first and foremost corrective" and is expected to establish behavioral expectations for offenders. The continued principles of inmate discipline are that it is supposed to promote responsibility and accountability, and promote informal resolution of inmate behavioral problems, wherever possible. In this way, offenders are able to demonstrate their efforts at becoming law-abiding citizens by modeling and utilizing pro-social interaction with others, and by demonstrating positive coping techniques. By positive coping techniques, it is meant that an offender can constructively deal with a situation or problem and control their emotions, instead of resorting to abusive and threatening means to deal with the situation, or utilizing negative coping strategies such as substance abuse. In this way, the offender can effectively face and deal with problems without harming other individuals or themselves. The disciplinary process is to apply sanctions proportionate to the seriousness of the offences; be progressive in the degree of action taken; be timely; be consistent in application; and take into consideration the inmate's state of health and health care needs in all decisions relating to discipline (Correctional Service of Canada, 1997).

This research study rationale is based upon the question of whether DS performs a corrective or rehabilitative function. If this method of discipline isn't helping to correct or reduce negative institutional behavior, for what purpose is it still being used? If DS is encouraging positive offender behavior, it logically follows that DS should assist in reducing or eliminating recidivist inmate behavior resulting in disciplinary offences. If the sanction of DS results in a reduction or elimination of the institutional offending behavior of those offenders having served this sanction, then DS could initially be seen as generally meeting its policy objectives.

If DS does not appear to positively effect or share a positive relationship with the levels of institutional offending for those offenders who have served a sanction of DS, the Correctional Service of Canada may conduct further research to determine the merit of altering the manner in which DS is currently used, or explore alternative punitive sanctions and methods of behavior modification aimed at changing and correcting behavior. Exploratory research could possibly lead to further study on the effectiveness of sanctions such as warnings/reprimands, loss of privileges, orders of restitution, fines, and performance of extra duties. A national review of data from July 1 to December 31, 1996, indicated the breakdown of sanctions awarded for 5609 serious offences. For serious charges, the imposition of a fine predominated at 46%, followed by a period of segregation for 32% of the convictions. Restitution was used in 3% of the cases, while the sanction of extra work was not used at all (Solicitor General, 1998). Such data indicates a heavy reliance on the use of DS, possibly at the expense of seldom studied but potentially more effective sanctions.

A 1997 study by Motiuk & Blanchette compared a group of segregated offenders with a group of non-segregated offenders. The study indicated that segregated offenders in federal corrections were more likely to have less than a grade 10 education than the non-segregated offenders. In terms of occupation, almost two-thirds of the segregated offenders lacked a skill area, trade, or profession. Four-fifths were unemployed at the time of their current offence. Should studies such as this which indicate segregated offenders lack educational and vocational skills, (to an even greater degree than offenders in a general population setting), prove true, sanctions should be studied to determine which ones might best be used to address these deficit areas. According to Gendreau, Coggin, and Gray (2000), out of all the predictors of offender recidivism, the need area of employment and education is probably the most predictive. For example, would a punitive work detail/crew be a more rehabilitative means of addressing problem behavior? Suedfeld proposed that solitary confinement should be employed constructively together with therapeutic techniques such as behavior modification (Gendreau & Bonta, 1984). Behavior modification is seen as a fair and tangible way for offenders to demonstrate appropriate behaviors and return to population. The delivery of programs in segregation is to assist inmates to reintegrate into less restrictive environments, yet the Task Force on Segregation acknowledged the constraints imposed by segregation on the delivery of core programs. Yet, it is believed that opportunities can be created for inmates to allow them to positively and constructively address negative behavior (e.g., individual cell studies, educational tapes or videos, educational correspondence courses).

Gendreau and Bonta (1984) indicate that most prison administrators do not like resorting to using segregation as a punishment, but that they feel left with no other options. According to Warden Jan Fox, (National General News, 1995), Corrections Canada officials don't believe that segregation is effective and that the long-term consequences of its use are not good. Gendreau and Bonta (1984) suggest that it is time that the critics of the correctional system suggest alternative and effective means to control problem inmates. They further state that telling prison administrators to use the least restrictive means of managing behavior is not of assistance. Could it be possible that the use of DS might actually reinforce problematic institutional behavior? Should this study indicate that DS is meeting certain policy objectives by positively impacting on negative institutional behavior, further research should be completed to determine whether or not DS is in fact harmful to an offender's mental health and well being.

## **CHAPTER 2 - A REVIEW OF THE LITERATURE**

### Literature Review

One of the reasons that DS is being proposed as an interesting and important area of preliminary study is because there has been very little literature written or research done on this specific topic area. As indicated earlier, there has been much literature written on the related topics of administrative segregation and solitary confinement. Although these related issues are not the same as DS (solitary confinement even less so than administrative segregation), in objectives or process, similarities may indicate that issues or concerns related to administrative segregation or solitary confinement should also be researched with regards to DS. All three conditions do involve the removal of an offender from a general population setting, restricting those activities that are enjoyed in association with other inmates.

While not directly applicable to the use of DS, there is research that has been conducted on segregation, (commonly referred to as administrative segregation in the CSC). Although some of the research indicates that segregation is harmful and detrimental, other research indicates that segregation is not necessarily harmful to an offender. The CSC has indicated that the literature on the effects of segregation is limited and contradictory, and little is known about the psychological make-up and different coping skills of segregated offenders (Correctional Service of Canada, 1997). Although a literature review will demonstrate the contradictory nature of the research of segregated

offenders, it is important to note that none of these assertions will be contested in the course of this research study.

Given this lack of detailed research specific to the subject of disciplinary segregation, the following literature review was divided into three major categories. Firstly, given its inextricable link to any discussion on the topic of punishment, the concept of deterrence merits discussion and a review of the literature. Deterrence is central to understanding the motivation for implementing and utilizing disciplinary sanctions such as DS that are intended to discourage negative or unwanted behavior. The second category used to assist in organizing the literature review pertains to the body of literature that indicates and lends support to the theory that DS is harmful. The third and final grouping of literature is that which espouses that DS may not be a harmful sanction.

#### Deterrent Effect of DS

Although the disciplinary system is intended to be rehabilitative, one is left to wonder about the rehabilitative potential of one of the most punitive sanctions available for institutional offending behavior. In theory, DS and the disciplinary system in general, should act as a deterrent to negative behaviors that offenders may exhibit in the institution. Although the intent of this research is not to exact a cause and effect relationship between a punishment (DS) and resulting behavior, a trend towards a decrease in institutional offending after a DS sanction may indicate that DS is a deterrent to this type of negative behavior.

Although no literature on deterrence was found that dealt specifically with prison punishments, (let alone prison punishment in a Canadian context), some interesting observations are apparent in the general literature on deterrence. Punishment and deterrence are reported to be closely linked in our minds. As a matter of fact, deterrence has become the major justification for imposing punishment. Yet, the relationship between punishment and deterrence requires closer scrutiny. It is almost unanimously agreed upon in research circles that punishment severity has little if any impact on the further commission of criminal activity (Law Reform Commission of Canada, 1976). Gibbs (1975) has also indicated that there is a need for more elaborate and rigorous field studies carried out on specific deterrence. According to Berg and Larson (1989), a majority of sentencing theory is rooted in assumptions about the connection between deterrence and certainty of punishment. A common response from the offenders in their study was that punishment does not have a direct connection to criminal behavior because they don't generally think about consequences of their actions or about being caught when they are committing the crime. Conversely, some offenders did indicate that criminals may become more selective about which crimes to commit when faced with differing punishment.

There is a common theme that is apparent in a majority of the literature on the concept of deterrence. The consensus appears to be that the case for deterrence has still not been made. Gendreau and Ross (1980) further speculate that based on the evidence on costs, the case made for treatment might be far more appealing. Although deterrence is often presented as a simple concept, it is proposed that this simplicity is what might have led

many researchers to mistakenly assume a cause and effect relationship between criminal activity and rates of crime. The fact of the matter is that there is not a single study in all of the literature on deterrence which can support such a cause and effect relationship.

Gendreau and Ross (1980) are therefore of the opinion that one should not be confident that punishment will reduce an individual's tendency to repeat actions which led to their punishment in the first place. For some individuals, punishment can even increase the persistence of transgressions and anti-social behavior (Ross & Doody, 1973). This is similar in nature to numerous other research studies, which also echo concerns that sanctions intended to deter can exacerbate the behavior that it is attempting to reduce or eliminate. In a thoroughly evaluated attempt at researching deterrence, Hart (1978) reported that sanctions in army units actually increased violations of regulations (Gendreau & Ross, 1980). Weisburg, Waring, and Chayet (1995) indicated that evidence suggests that sanctions may backfire and lead offenders to more serious and frequent offending (Bridges & Stone, 1985; Farrington, et al, 1986; Petersilia and Turner, 1986; Sherman et al, 1986). Although policy makers often assume that imprisonment influences the future conduct of prisoners, previous studies demonstrate little evidence of specific deterrent effects. As such, deterrence has neither been confirmed nor refuted by research. According to the Research Report of the Canadian Sentencing Commission (1988), research is so limited in scope and inadequate in method, that little progress has been made since the initial assertions in this field of study. Due to the fact that research studies have thrown considerable doubt on the ability of criminal law to control crimes through the use of sanctions, the Law Reform Commission of Canada has been forced to search

for alternative positive goals for criminal law (Law Reform Commission of Canada, 1976).

Literature on deterrence also makes frequent references regarding the potential of individual differences in response to sanctions. This is reflective of differing individual attitudes toward such things as risk, judgment of severity, and the certainty of punishment (Gendreau & Ross, 1980).

Several theories have been put forth to explain why the concept of deterrence is so difficult to research. According to Zimring (1971), the definition of deterrence is the effect of a particular threat or sanction on the total number of threatened behaviors it presents. This definition illustrates how the quantitative assessment of a particular sanction is nearly impossible, since it cannot be known how many individuals refrained from transgression due to the threat of the punishment.

Literature on the topic of deterrence speaks to more than one type of deterrence. General deterrence is the threat of punishment and its restraining effect with regard to criminal conduct. This is the utilization of punishment to demonstrate to other individuals what they can expect should they choose to follow the offender's example. Special deterrence is achieved through the actual experience of punishment. This is the use of punishment to prevent the offender from repeating his offence (Law Reform Commission of Canada, 1976). The argument can be made that the use of DS is an attempt to achieve both general and specific deterrence. If an offender is given a sanction of DS, it is a

message to other offenders that similar behavior or conduct is not acceptable in the institutional setting and that it will be dealt with harshly. It is also to act as a specific deterrent in that the offender given a sanction of DS is supposed to be accountable for his actions or else there will be repercussions for those actions. Although this research may recognize behavior patterns which may or may not be accounted for by way of specific deterrence, like other research studies both explanatory and exploratory, the effects of general deterrence remains unknown. If research on punitive measures such as DS show that these punishments do not appear to positively affect the behavior of those individuals on whom they are imposed, we still cannot be sure that there are not unknown benefits in the way of general deterrence. Failure of punishment as a special deterrent does not mean that punishment is necessarily ineffective as a general deterrent. Still, ethical and social considerations must continue to be taken into account in determining which punitive sanctions should be utilized. A punishment may appear to be an effective deterrent, yet may still present as undesirable. For example, should the hands of a thief be cut off to prevent future theft (Law Reform Commission of Canada, 1976)?

There does seem to be some evidence that certainty of punishment is more important than severity for the sake of deterrence (Law Reform Commission of Canada, 1976). Severity of punishment does not appear to be significantly related to variations in criminal activity. Still, studies in this area are said to be highly tentative and are often contradictory and inconsistent. For example, in the area of institutional offences related to substance abuse, the drive toward the threatened behavior (i.e., addiction), may be so strong and the motivation so powerful, that the individual may be willing to risk the

consequences no matter how certain or severe they might be. This might be especially true in cases of compulsive behavior. Also, the degree of unpleasantness of the punishment may vary from one individual to the next. Some offenders may view a sanction of DS as a welcome break from the stress of general population. Some individuals are simply not deterred by the threat of punishment, or even the experience of the actual sanction.

On the other hand, the absence of recidivism does not necessarily mean that a particular punitive sanction has been effective. Factors other than those associated with the punishment may have resulted in the individual not repeating the criminal conduct. It is possible that an offender may not have repeated an offence even if not punished or forced to serve a sanction of DS.

It is also reported that recidivism rates appear to vary greatly for different types of crime and for different types of offenders. Given this, research such as the study currently proposed is required in an institutional setting to try and establish what types of offences and what types of offenders are affected by or are relatively immune to punishment. Returning to the example of substance abuse offences, it may currently be the practice to hand out the most severe sanctions to those offenders who are least likely to be deterred by the threat of punishment. It is also indicated that there does not generally seem to be a considerable difference in the effectiveness of different types of sanctions. Does this mean that there should be an increased focus on rehabilitation? Punishment can have serious side effects or undesirable by-products. For this reason, many behavioral

scientists think that punishment as a behavior modification technique should be replaced by other ways of modifying and controlling behavior.

### Negative Aspects of DS

This talk of punishment as a negative behavior modification technique in terms of deterrence leads into the second grouping of the literature review. While the CSC Mission Statement is clearly focused on rehabilitation, a recent Toronto Sun article (1996) referred to punitive segregation as a "big stick" that is used to punish offenders for bad behavior, citing that is used for everything from spitting at a Correctional Officer to causing a disturbance. The article quotes Harvard Medical School professor and psychiatrist, Dr. Stuart Grassian. According to Dr. Grassian's analogy, "Segregation is akin to taking a vicious dog and putting it in a very small cage. You kick it, beat it and humiliate it. The angrier it becomes, the longer you do it. Then, when it is more angry and vicious than ever before, you open the cage and wash your hands of the consequences." According to Dr. Grassian, it is a recipe for disaster.

According to Patricia Monture-Angus, who sat on the federal Task Force on Segregation, the CSC should completely abolish segregation because it undercuts the psychology behind rehabilitation (Cairns, 1996). According to the Task Force, "Administrative segregation is a very intrusive form of interference that infringes upon an offender's rights to freedom, liberty, and association. It is said that the sensory deprivation and social isolation associated with administrative segregation are potentially harmful to an offender's mental and physical health, as well as seriously interfering with

their efforts and ability to safely and successfully reintegrate back into the community at large (Correctional Service of Canada, 1997).” In addition, considering the absence of research supporting that segregation of any type positively effects inmate behavior, not one of 32 prison segregation units inspected in a coast-to-coast task force review was in compliance with laws, regulations and basic human rights (Moncton Times, 1996). So not only is there an absence of data indicating that segregation has a positive effect on inmate behavior, it has been reported to not be consistently used in compliance with rules and regulations implemented to ensure the protection of offender rights. The preliminary findings of the Task Force Report on Administrative Segregation (1997) essentially confirmed the suspicions of Judge Louise Arbour, that abuses of women inmates are mirrored in male institutions. Toronto lawyer, John Hill, who is reported to act on behalf of many offenders, states that, "The often arbitrary and prolonged segregation of inmates is a psychological torture that is more heinous and damaging than corporal punishment, which is banned (Moncton Times, 1996)."

Some research further supports Task Force assertions that segregation in general may have detrimental impact on an offender's mental health. It has been indicated that one of the potential negative side effects of segregation on mental health is a result of the decreased interaction between the individual and the environment (Suedfeld, Ramirez, Deaton, & Baker-Brown, 1982; Correctional Service of Canada, 1997). Although administratively segregated offenders can normally be segregated for far longer periods of time than is normally the case for DS offenders, it is still unknown whether these harmful aspects are still attributable to DS offenders.

As earlier stated, the Task Force on Segregation is committed to the position that segregation is harmful to an inmate's mental health and social functioning (Correctional Service of Canada, 1997). The Task Force defined 12 offender sub-populations that characterize the current range of situations that impact on an individual's rights, freedoms, and privileges. In ranking them according to their degree of intrusiveness, general inmate population is the least and DS is the most. As an argument against the use of DS, Myers and Levy (1978) indicated that inmates who present chronic discipline problems are usually disciplined within the prison system. As a consequence, involvement in the disciplinary system often prevents these offenders from participating in treatment or rehabilitation programs. It can be argued that offenders with chronic behavioral problems may need this programming and rehabilitation even more so than the average offender.

According to Commissioner's Directive 580, Discipline of Inmates (1997), sanctions are to be proportionate to the seriousness of the offences and be consistent in application, yet research has indicated that there is a tendency to escalate punishments as an inmate is reprimanded repeatedly, even if his offences are not as serious (Crouch, 1985). It has been found that the disposition of punishment may vary more as a result of the institutional history of the inmate more so than the facts of the incident leading to the disciplinary sanction (Harvard Centre for Criminal Justice, 1972). It is interesting to note the unequal weighting that substance abuse related offences are given in the area of offender discipline. While the CCRA allows for discretion in the coding of all other institutional offences as minor or serious, it is mandatory that the charges of "takes intoxicant into the inmate's body" and "fails or refuses to provide a urine sample when demanded" be coded

as serious. Is DS, (and the inmate disciplinary process in general), being used as a tool to target certain specific types of institutional offences? Another related question is the length of the sanction imposed for each particular serious offence. Are certain offences being dealt with more harshly than other types of offences resulting in DS? It will also be noted whether or not additional sanctions such as a fine are imposed with a sanction of DS. Recent data indicates that as drug seizures increase in institutions, violent incidents appear to decrease (Solicitor General, 1998). In 1995, Ed McIsaac, who was the director of the Correctional Investigator's office, stated to the press that, "Prisoners are usually put in segregation for being drunk and disorderly - reasons not justified under the Corrections and Conditional Release Act (National General News, 1995)."

It is the explicit policy of the Correctional Service of Canada to emphasize the rehabilitative aspect of corrections as opposed to the punitive (Suedfeld & Roy, 1975). According to the Harvard Centre for Criminal Justice, treatment is another potential purpose of a prison discipline system in addition to the maintenance of control (Harvard Centre for Criminal Justice, 1972). Yet, despite the CSC view of offender discipline as part of the process of rehabilitation, Standing Order 597 (1998) states that, "The placement of an inmate in DS should be considered a severe punishment; other less stringent forms of punishment should be considered before it is imposed."

Despite the restrictive view of DS and little in the way of research to determine whether or not the sanction of DS promotes good order and fosters positive correctional environments in CSC institutions such as SMI, Saskatchewan Penitentiary, and

Drumheller Institution, the use of DS as a sanction continues. Research has not been undertaken which indicates that the incidences of negative institutional behavior is reduced in offenders who have served a term of DS.

### Non-harmful Aspects of DS

There are reports which indicate that there is no detrimental impact as a result of segregation (Bonta & Gendreau, 1984). Weinberg (1967) and Suedfeld et al (1982) studied inmates and reported no detrimental effects of segregation. They reported that the first three days were the most difficult, but that inmates adjusted to their situation quite well. The initial adjustment period would probably hold true for any inmate, whether segregated or not, at the beginning of their sentence. Experimental studies that have looked at the short term effects (10 days) of solitary confinement (Ecclestone, Gendreau & Knox, 1974; Gendreau, Freedman, Wilde & Scott, 1968; Gendreau, Horton, Hooper, Freedman, Wilde & Scott, 1968; Gendreau, McClean, Parsons, Drake & Ecclestone, 1970; Walters, Callagan & Newman, 1963) have found few negative consequences of this placement. Some research has even reported positive effects (Suedfeld & Chunila, 1975)(Wormith, 1984). In an analysis of 90 experimental studies conducted by Bukstel and Kimann (1980), findings were mixed in that they reported that some inmates deteriorated in response to confinement, some demonstrated no noticeable change and some showed improvement.

Keeping in mind the purposes and objectives of DS within the larger framework of the inmate disciplinary process, a review of the literature reveals that the Correctional

Service of Canada does indicate the need for DS and the disciplinary process to promote the good order of the institution and foster a positive correctional environment. According to the Minister's Message (Correctional Service of Canada, 1998), security within institutions is one of the issues paramount to CSC's mandate. It is a CSC priority to provide safe and secure institutions and to decrease the incidences of violence. Previous government initiatives are indicated to having been successful in dealing with low-risk, nonviolent offenders early on in the criminal justice process. This has reportedly left a greater proportion of high risk, violent offenders in CSC custody. When coupled with an increase in the number of younger offenders who increasingly disregard authority in the institutions, this has contributed to an increase in institutional offences and problematic behavior within CSC institutions (Correctional Service of Canada, 1998).

Also, an argument in support of the "good order of the institution", can be put forward to mean more than just levels of reoffending or an environment in which offenders display minimal amounts of negative behavior. Even if offenders display high rates of recidivism with regard to negative institutional behavior, staff must be supported in their attempts to reduce negative institutional behavior. The CSC Mission Statement and Core Values indicate that staff is the strength of the CSC and that it is the major resource in achieving its objectives. It is the attitudes, values, and skills of staff that are the agents of change. If staff feel that there is no appropriate repercussion for negative behavior and the actions they take to police and try to change this behavior, staff may feel that their efforts are futile. Staff play a very large role in what could be characterized as the "good order of the institution". The disciplinary process, DS included, is seen as important in the role

that it plays in supporting the actions of staff. The fundamental purpose of sentencing is said to be to preserve authority and promote respect for law through the imposition of just sanctions (Griffiths & Verdun-Jones, 1994). If there was no disciplinary process, the actions of the staff and the rules that they support, would be seriously undermined. Although this aspect of the "good order of the institution" is important, this will not be examined in the course of this research due to the scope of the study.

The Mission Statement of the Correctional Service of Canada (1997) reads as follows: "The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control." Part of the strategy that the CSC indicates it will use to ensure security and safety is by managing the offender population more effectively. The end result of this focus on safety and security within the institution is to decrease violent incidents in institutions and to increase staff confidence. DS is viewed as a disciplinary tool that encourages inmates to conduct themselves in a manner that promotes the good order of the institution and fosters a positive correctional environment, conducive to rehabilitation and behavior change. As serious incidents present a major threat to the order of the institution, the sanction of disciplinary segregation is an important part of the disciplinary process(Correctional Service of Canada, 1997).

As earlier stated, DS is also expected to contribute to the rehabilitation of inmates by allowing and assisting them to demonstrate their efforts to become law-abiding citizens

and successfully return (or reintegrate), back into the community at large. It is a key priority for the CSC to ensure the timely, safe and effective reintegration of offenders back into the community (Solicitor General, 1998). Reintegration is a general term that describes the process by which an inmate gradually cascades in security by demonstrating positive behavior and subsequently safely returns to the community. The transfer to a lesser security institution, or the recommendation of an offender for a conditional release such as day or full parole, comes as a result of the offender participating in programming to address his needs, gaining insight into his criminal offending, and by displaying appropriate behavior. Basically, reintegration is a term for rehabilitating offenders and preparing them for a safe return to the community.

Not only is DS expected to contribute to a positive correctional environment conducive to rehabilitation, but the use of DS should also establish behavioral expectations for the inmate, promoting responsibility and accountability. Related to such, DS has potential impact with regards to current reintegration initiatives and the correctional planning process (Correctional Service of Canada, 1997). An important part of this process of return to the community is the behavior that the offender demonstrates in the institution. If the use of DS results in an institution in which offenders are less likely to exhibit rule-breaking behavior, this assists in the return of offenders to the community, as well as the “good order” of the institution.

Unruly and unmanageable offenders not only do not usually benefit from programming and related reintegration initiatives, but instead, put the process at risk for

staff and other offenders trying to facilitate positive changes in behavior. Appropriate programming and meaningful staff-offender interaction is less likely to take place in a disruptive institution or in a correctional environment in which staff or offenders fear for their safety. Although the purpose of this research is not to examine reintegration, in this context it is seen how the inmate disciplinary process, particularly the sanction of DS, is an essential part of behavioral modification. Subsequently, research has not been done which substantiates that the use of DS positively impacts on an offender's attempts to demonstrate law-abiding behavior.

Disciplinary convictions (such as those resulting in a sanction of disciplinary segregation) play an important role in the process of security classifying an offender. In order to assign an overall security classification rating to an offender, he is assessed in three different areas. The three areas are Institutional Adjustment Concerns, Probability of Escape, and Public Safety Concerns. In the area of Institutional Adjustment Concerns, a rating of high, moderate, or low is assigned on the basis of a review and assessment of violent incidents committed within the institution. Disciplinary convictions (nature, circumstance, and pattern), evidence of a continuation of criminal activities within the institution, behavior and program participation (including whether the subject has a disruptive effect on the "good order" of the institution), and administrative interventions (pattern of disruptive behavior, history of transfers to higher security, placement in segregation because of disruptive behavior, and history of transfers or admissions to administrative segregation for protection reasons) are all considered (Correctional Service of Canada, 1998).

The area of Institutional Adjustment is directly related to the disciplinary process. Institutional charges, actions resulting in disciplinary sanctions, or sanctions of disciplinary segregation, all reflect negatively on an inmate's rating in this area. In effect, it is difficult for an offender to reintegrate successfully into the community, (receive a positive recommendation from his Parole Officer and Case Management Team (CMT) for a return to the community). if he is displaying ongoing negative, rule-breaking behavior in the institution. An offender cannot be placed in a minimum-security institution unless a rating of low is received in all three areas of assessment. In the event of a requested transfer to a lesser security institution, the decision-maker will not look favorably on an inmate displaying behavioral problems within the institution. Flanagan (1983) reported that an offender's misconduct record is of considerable importance to correctional decision-makers. Institutional behavior records are also available to the Parole Board for consideration in release suitability determination (Flanagan, 1983). Literature also indicates that discipline can have a positive effect on an offender's ability to succeed after release from incarceration. Evard (1971) states that most younger offenders actually have an unconscious desire to be disciplined. According to Evard, if this unconscious desire is not satisfied, the individual will continue to be delinquent, test limits, will not learn a lesson, and will purposely continue to offend against society with acts of deviant behavior (Astone, 1982).

The disciplinary process is important in that it attempts to be corrective and contribute to the rehabilitation of the inmate by allowing him to demonstrate his efforts to become a law-abiding citizen. Being at the restrictive end of the disciplinary process spectrum, DS

functions as the "last chance" function of this process. As discipline is to be progressive in the degree of action taken, DS is often the last attempt to correct behavior prior to a transfer to a more structured, higher security institution. For example, a transfer from a medium to a maximum-security institution moves the inmate farther from the goal of a successful reintegration to the community. An offender's disciplinary infraction record has also been identified as a predictor of post release recidivism risk (Flanagan, 1983). The rationale behind this view is that an offender who displays problematic behavior in the institution is more likely to demonstrate an increased risk for problematic behavior once released to the community.

The question that may therefore be asked is whether an offender's disciplinary infraction record is just a record of how close or how far an offender is from being ready for parole. If this is the case, why use the discipline at all? Instead, the best course of action may be to just record the infraction. In this writer's view, this is missing the point of the justification of the use of discipline measures. It is not intended to be used as a predictor of behavioral recidivism. (although it might well be), but instead is to act as a deterrent to negative behavior and lead to positive behavioral change. DS, or any other disciplinary sanction for that matter, is just one aspect that the decision-maker (i.e., the Correctional Service of Canada or the National Parole Board) looks at prior to making a decision regarding release. In addition to other issues such as program participation, release planning, risk assessment, etc., disciplinary sanctions (and the charges which led to them), are viewed as reflective of institutional behavior.

Finally, the Report on the Provisions and Operations of the Corrections and Conditional Release Act (1988), indicates that the implementation of law regarding inmate discipline in the CSC appears to have been consistent with legislative intent. The Report indicates that, for the most part, inmate discipline has respected procedural fairness and compliance with the law.

#### Literature Review Summary

In summary, a review of the literature related to this research topic has revealed that there is very little literature related specifically to the use of DS. As a result, literature specific to other related areas was relied upon (i.e., administrative segregation and a few issues related to solitary confinement). This alone suggests to this writer that this element of the disciplinary process requires further research and understanding. Although advocates of the use of DS may argue the benefits of the deterrent effects of DS, there is really no research to support this effect one way or the other. As the difficulties associated with attempting to determine a cause and effect relationship in the field of deterrence have been noted, a general exploratory approach to indicating whether the use of DS is related to an increase or decrease in problematic behavior would still be a useful start in the right direction. Although this would only be a start, a lack of insight into the effectiveness of DS makes it tough to justify keeping it as a sanction given all the negative aspects of administrative segregation and solitary confinement that were previously noted. In light of all the contradictory evidence, the Task Force Report on Administrative Segregation (1997) still states that the empirically based studies do not "...evaluate what today's segregation reality entails, and as a result is difficult to

generalize." Yet, the Task Force is committed to the position that administrative segregation is harmful to inmates' mental health and social functioning (Correctional Service of Canada, 1997). Even if the use of DS was shown to be somehow generally related to a decrease in problematic institutional behavior, specific issues would need to be further explored. For example, is the CSC effectively utilizing DS or is it being misused? Does the use of DS worsen behavior, interfere with positive development of certain groups of offenders, or is its use dangerous to mental health or social functioning?

The bottom line on the literature review, (and the primary motivation for undertaking this research), is that despite potential negative consequences, the CSC is utilizing a disciplinary tool on which there is an absence of literature to support that it is even linked to the desired purpose and achievement of objectives for which it was implemented. There needs to be some basic research or theoretical justification for its use. Qualitative research, (which is also absent on this topic), would also likely assist in shedding light on the pros and cons associated with utilizing DS as part of the inmate disciplinary process.

## **CHAPTER 3 - METHOD**

### Introduction

As previously stated, the research is primarily concerned about the use of Disciplinary Segregation at Stony Mountain Institution, Saskatchewan Penitentiary, and Drumheller Institution. As there is little in the way of research dealing with the topic of DS, the research has been broken down into three general areas of questioning. The first of the three categories centers around the question of who is receiving DS. The second major area of inquiry deals with why and how DS is being utilized as part of the inmate disciplinary process. Thirdly, this study intends to take a preliminary look at the effect, if any, that DS has on offenders who have served a term of this sanction.

The first general area, dealing with who is receiving sanctions of DS, is intended to assist in creating a general character profile of which types of offenders receive and serve sanctions of DS. It is currently unknown if there is a specific offender profile that is more likely to receive and serve a sanction or sanctions of DS than any of the other offenders incarcerated in the general populations of the institutions. Specific variables examined in the context of this research include the age of the offender's who have received a sanction of DS between 1997-01-01 and 98-12-31 at SMI, Saskatchewan Penitentiary, or Drumheller Institution. Also examined is the total length of the sentence for which the offenders are incarcerated, whether or not the offenders tend to be identified as gang members or affiliates, and whether they are Aboriginal or non-Aboriginal. An explanation of these variables and the reason why these particular variables were chosen out of

numerous other possible characteristics will be further explained later in this research paper.

The second general area of questioning with which this research is concerned relates to why and how DS is being used. Specifically, this research will attempt to determine what particular serious institutional offences result in a sanction of DS being served by the offender. Exactly how the sanction is used will also be examined. Whether a sanction of DS is imposed on its own, or whether it is imposed with another disciplinary sanction such as a loss of privileges (e.g., television, radio, etc.) or a fine will also be explored. Another question regarding the mechanics of how DS is being used deals with the actual length of the DS sanction that is imposed. The second part to this line of questioning deals with the administration of the imposed sentence and whether or not offenders are serving the full sentences that have been imposed by the Independent Chairperson of Institutional Court.

The final area that this research intends to explore deals with questions surrounding the effect that the DS sanctions are having on the behavior of the offenders that have served them. Given the lack of research to date, it is important to try and determine if DS is a disciplinary tool that has a positive effect on offender behavior, has little or no effect at all, or is actually contributing to a worsening of offender behavior. The central question is whether or not the use of DS is assisting in furthering the objectives of the inmate disciplinary process as measured by institutional offence recidivism rates of those offenders who were directed to serve a sanction of DS. If DS was found to be related to a

decrease in institutional offending behavior, one might argue that it is assisting to encourage offenders to conduct themselves in a manner that promotes the good order of SMI, Saskatchewan Penitentiary, and Drumheller Institutions, therefore fostering positive correctional environments, and in assisting in the rehabilitation of offenders at these institutions by helping them to demonstrate their efforts to become law-abiding citizens (Correctional Service of Canada, 1997). Is DS establishing behavioral expectations, as evidenced by a decrease in negative offender behavior? An institutional environment that is well-ordered, is positive, and is suitable for the practice of pro-social behavior learning, is not easily obtainable in an environment replete with lawlessness and rule-breaking behavior. Although negative behavior is unfortunately common to a certain extent in all CSC institutions, keeping this behavior to an acceptable minimum is an important objective for all institutions and their staff. This research does not attempt to establish any direct correlation between the use of DS and its measurable impact on the order of the institution, staff, or offender perception of whether the environment is positive or negative, or whether there is a correlation between the use of DS and attempts to reintegrate offenders. The question posed, and which may lead to the understanding that further research may be required, is whether or not the use of DS at SMI, Saskatchewan Penitentiary, and Drumheller Institutions results in, or is related to, an increase or decrease in negative, institutional offending behavior as shown by an increase or decrease in the number of institutional offences received by offenders who have served sanctions of DS.

After DS terms have been documented, follow-ups of offender behavior will be studied for any apparent trends. These increases or decreases in institutional offending behavior will be looked at in conjunction with certain select variables to see if DS is having an effect on behaviors in correlation with certain offender traits or characteristics.

### Setting & Scope

SMI, Saskatchewan Penitentiary, and Drumheller Institution are all medium security penitentiaries in the Prairie Region which incarcerate approximately between 400 and 600 offenders in each institution. The physical setting of the three institutions are similar, as are the way they are run, the offender programming resources that are available, and the characteristics of their inmate populations. Due to their regional proximity, population issues such as growing institutional gang problems are similar in the facilities (especially SMI and Saskatchewan Penitentiary). The penitentiaries operate on a unit management model. Each unit is comprised of rows of cells called ranges. A separate unit contains the ranges which are utilized for dissociated inmates (e.g., maximum-security offenders and for DS cases).

Although the research is exploratory in nature, differences in variables between the three institutions, such as the physical settings, the dynamics of the offender populations, the use of DS and the offender disciplinary system in itself, are somewhat minimized. Marked differences in such things such as physical setting and offender population profiles at other institutions in the Prairie Region and in other regions, makes it increasingly more implausible to generalize results from one institution to the next.

### Research Design

This research aims to assist in building a foundation of general ideas and tentative theories that can lead to further, more rigorous exploration in the future. The intent of this research is not to produce statistically significant data or conclusive results. Methodologically, an exploratory research design will be utilized. The specific exploratory research design to be utilized is the Longitudinal Case Study Design, (also referred to as a panel, cohort, developmental, or dynamic case study) (Grinnell & Williams, 1990). The objective of the research is to know whether the sanction of DS is correlated with an increase or decrease in negative offender behavior resulting in institutional offences. The reason that the Longitudinal Case Study Design was selected as opposed to a One-Group Posttest Only Design was that it would be more useful in charting offender behavior before and after the sanction of DS (the effectiveness of the independent variable over time) (Grinnell & Williams, 1990).

### Study Sample/Sample Selection

Initially, the research proposal for this study indicated that only offenders having served sanctions of DS between 1997-01-01 and 1998-12-31 at Stony Mountain Institution would be studied. Although there were concerns with the potential sample size, it was thought that focusing on the DS population of one institution might assist in decreasing the number of uncontrolled variables that might have an effect on the DS population of one institution and not another. As will be discussed in detail later on in the part of this paper on research limitations, variables such as staff direction on how to handle certain behavior problems and offences, and the prevalence of a certain type of

offender profile in one institution as opposed to another, are two basic examples of such. It was also decided not to expand the sample size by looking at cases prior to 1997-01-01 for a couple of reasons. It was thought that going back retroactively prior to this date would also introduce additional uncontrolled variables into the study. The Correctional Service of Canada is constantly undergoing change, as do its individual institutions which comprise it. A multitude of variables such as changes in ideology, advances in programming, and even the evolution of policy and how DS itself is utilized are all potential uncontrolled variables. It was thought to be in the best interest of the research and its validity for current application to put a limitation on how far retroactive the study would go. Another factor in the establishing the timeframe for which study subjects could be drawn deals with the Offender Management recording processes. It was the opinion of this writer that Institutional Court records prior to 1997 were poorly kept in comparison to more recent entries. Recent entries appear more uniform in content from institution to institution, making it easier to maintain consistency in the retroactive retrieval and recording of data. In the spirit of full compliance with the law, recent legal obligations regarding the segregation of offenders (e.g., recommendations stemming from the 1997 Task Force Report on Segregation) have resulted in drastically improved recording to ensure that the rights of offenders and the legal obligations of institutions are being met and adhered to.

Due in part to the small initial sample size that was generated from SMI, it was finally decided that offenders having served terms of DS in the selected time period would be chosen from SMI, Saskatchewan Penitentiary, and Drumheller Institution. These three

institutions were chosen for their physical similarities, as well as offender population make-up and characteristics, as was previously indicated. All three institutions are medium security institutions situated in the Prairie Region (one representative from each province).

The research subjects from the three institutions were drawn from the Offender Management System (OMS). OMS is an electronic information database that contains information on all federal offenders under warrant. Each individual institution, community correctional centre, and parole office has a separate "node", or portion of the database, where information on a particular offender under the supervision of that facility is kept. OMS is extremely comprehensive and contains information from all aspects of the offender's dealings with the criminal justice system. All information related to the administration of the offender's sentence, from the commission of an offence until Warrant Expiry, is contained within this system. The information on the cases studied for purposes of this research is largely found in a small portion of the OMS database that deals with institutional offences and punishments.

The sample population represents 100% of the offenders from SMI, Saskatchewan Penitentiary, and Drumheller Institution who have served a sanction of DS between 1997-01-01 and 1998-12-31. A query report, called an Offence and Punishment Report, was created for all three institutions that gave a list of every institutional offence, whether or not the offender was found guilty, and if so, the resulting sanction. A list of every offender who was given a term of DS by the Independent Chairperson of Institutional

Court was then created from this report. This list was then cross-referenced with another OMS screen that would verify whether or not the sanction was served as it was imposed, or if it was served at all. The end result of this process was a sample size that consisted of 67 cases. SMI accounted for 27 of the cases, Saskatchewan Penitentiary for 15, and Drumheller Institution for 25 cases.

The choice of unit of analysis was not arbitrary, but determined by the nature of the intervention. Inmates demonstrating behavior that was judged to have adversely affected the good order of the institution and evoked DS as part of the inmate disciplinary process (the intervention), determined the unit of analysis for that given period of time. Subject selection was based on three general criteria. The subject has demonstrated disruptive institutional behavior resulting in an institutional conviction for a serious offence, and that placement in segregation has been deemed by the Institutional Court process as the only intervention by which to control such behavior. Thirdly, the offender had to have actually served at least a portion of the DS sanction awarded.

Regarding ethics surrounding sample selection, the identities of all subjects have been kept confidential, (both names and FPS numbers). As all the necessary information was gathered from each case, it was placed on a table later used to manipulate the data. The data from all 60 cases was entered, but none of the data on any of the cases was linked to or identified by an FPS number or name. As the focus of the research is to discover more about DS and whether or not it is meeting its policy objectives, individual personal characteristics or attributes which might be used to identify specific offenders were not

required. The offenders in question were not required to participate in any type of intervention for research purposes, and there were no rewards or incentives, nor punishments or reprisals, as a result of this research.

### Variables

Variables were chosen with the three main research questions in mind. As previously indicated, the first general area of research attempts to identify who is receiving sanctions of DS. The research was intended to determine if there was any offender characteristic or trait, (in addition to poor institutional behavior), that would indicate an increased likelihood or predisposition that an offender would serve a DS sanction. The variables that were chosen to be examined in isolation of other variables were the ages of the offenders in the sample at the time of their having had a sanction of DS imposed, the length of their current prison sentence, whether or not the offender has been identified as a gang member or gang member associate, and the offender's race as identified as Native or non-Native.

### Offender Age

As was previously indicated, the Minister's Message (Correctional Service of Canada, 1988) indicated that successful justice initiatives to deal with low-risk, nonviolent offenders have resulted in an increase in high-risk, violent offenders. This, coupled with increasingly younger offenders who disregard authority in the institutions, has resulted in an increase in institutional offences and problematic behavior. As such, age was a variable that was isolated in this research on DS. An over representation of younger

offenders serving sanctions of DS may further serve to substantiate the opinion that younger offenders are becoming increasingly problematic with regards to institutional behavior. If this research were to indicate such a trend, it may be indicative of a need for further study in this area to further determine the exact nature of the problem, uncover any underlying issues, and to devise an effective means of working with these younger offenders.

The variable of age was initially coded into seven categories. The categories were 20 years or less, 21 to 30 years of age, 31 to 40 years of age, 41 to 50 years of age, 51 to 60 years of age, 61 to 70 years of age, and 71 years of age and older. For certain statistical tests, the number of categories for the variable of age were collapsed due to the sparseness of data. This will be discussed later on in the Findings and Discussion section as is applicable. The age categories were broken down as such because available age statistics for the three institutions were broken down in a similar manner.

#### Total Length of Incarceration

The total length of incarceration, or the offender's sentence as imposed by the courts, was recorded for every subject in the study sample. Although research was not found to support this informal hypothesis, it is a commonly shared opinion amongst institution staff that offenders who are serving longer sentences of incarceration, (e.g., Life and Indeterminate Sentences, sentences in excess of 10 years), generally tend to be better behaved inmates. For example, one particular range of cells in SMI is known as the "Lifer's Range" because of the large number of "Lifers" that are housed on it. The

reputation that this range has, or a common consensus amongst staff, is that this range is generally quieter than the other ranges in the institution due to the stabilizing effect of these offenders who are serving lengthy terms of incarceration. Several staff informally indicated to this writer that the rationale behind this theory is that offenders serving lengthy sentences desire stability and a calm institutional atmosphere. It is speculated that because they are living in the institution for a longer period of time, they have a more vested interest in the long-term stability of the institution. Conversely, it was speculated to this writer that offenders serving shorter periods of incarceration do not have a similar long-term vested interest in the atmosphere and stability of the institution. Offenders serving short sentences know that they will be released from the institution soon anyway, and that they often see incarceration as more of a temporary inconvenience or an environment in which to prove themselves to negative peers or to build a reputation.

Should this speculative theorizing be true, it would stand to reason that a review of DS should reveal proportionately fewer offenders serving long sentences of incarceration as opposed to offenders who are serving shorter sentences. In 1995-96, 76% of all federal offender admissions were sentenced to serve sentences of less than 5 years. Sixteen percent were to serve between 5 and 10 years, while three percent were to serve over 10 years. Four percent of admissions were those offenders given life sentences (Solicitor General, 1988).

The variable of length of incarceration was arbitrarily coded into five ratio groupings. The first category is for offenders serving sentences of 2 to 4 years. (It should be noted

that any court imposed sentence less than two years is a provincial sentence and therefore the individual would be incarcerated in a provincial institution). The remaining categories for this variable are 4 to 6 years, 6 to 8 years, 8 to 10 years, and 10 years and greater.

### Gang Affiliation

At present, one of the largest growing areas of concern related to institutional behavior is offender gang involvement. Approximately five percent of CSC's inmates are involved in gangs. Despite this seemingly low relative number, it is the opinion of the CSC that the organized nature of gangs is believed to pose a serious threat to the safe, secure, and orderly and efficient management of institutional operations (Correctional Service of Canada, 1998, 1996). As is considered the case with participation in illegal activities in society as a whole, involvement in rule infractions within prisons is not normally evenly distributed among prisoners. Rather, small segments of the inmate population are disproportionately represented in records of disciplinary activity (Flanagan, 1983). In view of the large numbers of gang members and gang member associates who have been identified as being incarcerated within the Prairie Region (approximately 500 at the time of the writing of this report), this research is intended to identify whether or not gang members appear to be disproportionately represented as offenders who serve sanctions of DS at the three institutions in question. A disproportionate number of gang members receiving sanctions of DS for poor institutional behavior might indicate a need for the study and development of initiatives to influence the behavior of gang members, or to try and assist individuals to leave the gangs and their negative behavioral influence.

## Offender Race

The CCRA recognizes the unique circumstances and special needs of Aboriginal offenders. The Act requires the Correctional Service of Canada to ensure that policies and programs are developed which are sensitive to these circumstances and needs. It is a gross understatement to report that Aboriginal people are over-represented in federal corrections (or in the criminal justice system as a whole for that matter). They comprise approximately 3% of Canada's population, yet on March 31, 1997, they accounted for about 12% (2,900) of the total federal offender population (23,200 in the institutions and the community), and 15% of the incarcerated population (Solicitor General, 1998). It is also important to note that there are significant regional variations in the number and proportion of Aboriginal offenders. The Prairie Region, (which the three institutions in this research are a part of), is estimated to contain 64% of the nation's Aboriginal offender population (Solicitor General, 1998)(Motiuk & Nafekh, 1999). In the face of the serious challenges surrounding Aboriginal involvement in federal corrections, the CCRA, the National Parole Board, and the Correctional Service of Canada have developed numerous initiatives.

In view of the long-standing concerns about Aboriginal involvement in the criminal justice system, the issue of Aboriginal involvement in the inmate disciplinary system, (specifically with regards to the use of DS), also merits special attention. According to the Solicitor General's 1998 Report on the Provisions and Operations of the Corrections and Conditional Release Act, Aboriginal offenders, on average nationally, have a 4% higher conviction rate (83% to 79%) for serious institutional charges than non-Aboriginal

offenders. The research question that this invites is a determination of whether or not Aboriginal offenders who have received a sanction(s) of DS over the period of the study appear to be over-represented in the sample population of offenders from SMI, Saskatchewan Penitentiary, and Drumheller Institution. If the current research were to indicate that indeed Aboriginal offenders are over-represented in the DS sample, (as mirrored by their over-representation in many other criminal justice areas), further research into the problem would be recommended. Although there are many deficit areas in the criminal justice system and the correctional service dealing with Aboriginal offenders (i.e., sentencing, conditional releases, detentions until warrant expiry, to name but a few), DS is a very important topic as it is considered a restrictive punishment that deals with basic human rights, and of which the consequences and effects on offenders yet remain unclear.

An over-representation of Aboriginal offenders also leads to other tough questions. Would this be an indicator of behavior problems belying Aboriginal offenders in the correctional system, of possible prejudicial attitudes towards Aboriginal offenders, or is the system simply relying too heavily on the mainstream inmate disciplinary process while neglecting to implement alternative or more culturally appropriate means of behavior modification? The process of identification of an offender as an Aboriginal relies on self-reported data collected at the time of intake assessment (a period of data collection which takes place shortly after the time of admission into the penitentiary).

In addition to attempting to determine a profile of the offenders who are receiving sanctions of DS, variables were also chosen for study that would assist in determining why DS is being used (for what particular behaviors), and how it is being used. In addition to the variables of offender age, total length of incarceration, gang involvement, and offender race, the nature of the offence for which the subjects serve a sanction of DS, whether or not an additional sanction is imposed with DS, the length of the sanction imposed by the Independent Chairperson, and the amount of the DS sanction actually served will also be examined.

#### Sanctioned Offence

The actual offences which result in sanction(s) of DS for the research subjects is an obvious important variable. On a simple note, this variable assists in furthering an understanding of DS by indicating what behaviors and resulting institutional offences result in its use. In addition to this, a positive correlation between sanctions of DS and specific types of offences might indicate the need for additional research or initiatives to deal with the seemingly problematic behaviors. It has been suggested that the type of acts subject to discipline in a particular institution are a function of the purpose of that institution's disciplinary system (Harvard Centre for Criminal Justice, 1972). Should sanctions of DS be disproportionately imposed for a particular type of institutional offence, this may indicate a particular area of concern for management and staff at the three institutions in question.

The 10 offence categories are as listed as follows: Fails/Refuses Urinalysis; Disrespectful/Abusive To Staff; Takes Intoxicant Into Body; Fights/Assaults/Threatens; Possesses/Deals in Contraband; Disobeys Order; Possesses Unauthorized Item; Creates/Participates to Jeopardize Security; Disobeys Written Rule; and Multiple Offences. These offences covered all serious institutional offences that resulted in DS sanctions at the three institutions over the period of the time of the research.

#### Imposed Additional Sanction

Information on whether or not an additional sanction was imposed with the sanction of DS was also extracted from the Offender Management System. Although DS is reputed to be at the most restrictive and intrusive end of the disciplinary process, the Independent Chairperson still has the option of imposing more than one sanction on an offender found guilty of a disciplinary offence. In addition to the DS sanction, the Independent Chairperson can also impose a warning or reprimand, a loss of privileges, an order to make restitution, a fine, or the performance of extra duties. For purposes of this research, it was recorded whether or not any one of these additional sanctions were imposed in conjunction with the DS sanction.

#### Length of DS Sanction Imposed

Upon being found guilty of a serious institutional offence in Institutional Court, the Independent Chairperson can impose a sanction of DS that can be as short as one day or as long as 30. Should an offender receive additional consecutive sanctions of DS for additional charges, he can only serve a maximum of 45 consecutive days, and then must

be released from DS. If an offender is segregated at the discretion of the Institutional Head until the offender's case can be brought before the Institutional Court, the Independent Chairperson might indicate that the time already served while being held in segregation may be sanction enough. In this case, the DS sanction is from the time of initial segregation (even if prior to institutional court), until the release date imposed by the Independent Chairperson.

Although the variable sanction imposed was originally coded into seven categories, the sample size and the resulting sparseness of data for certain statistical tests necessitated that fewer categories be utilized. The categories were therefore 1 to 10 days, 11 to 20 days, 21 to 30 days, and 31 days and greater. Further collapsing of these categories were utilized for certain tests and will be discussed further as applicable.

#### Length of DS Sanction Served

Although DS sanctions imposed can run anywhere from a day to 45 days, offenders do not automatically serve the imposed sanction in its entirety. "Length of DS sanction served" is a variable which looks at how much of the imposed DS sanction that the offender actually serves. Some offenders are given a sanction and never actually serve any of it. For purposes of this research, it should be noted that only offenders who have had a sanction imposed and serve a portion of it are included. What this means is that the offender must actually be physically placed in segregation. It is also a fairly common practice that an offender may be given DS as a suspended sentence. If the offender meets

behavioral expectations for a given period of time, he is not expected to serve the DS sanction.

There are a number of reasons why an offender given a sanction of DS may serve only part of the imposed sanction, or none of it at all for that matter (and this is not taking into account suspended sentences). A senior custody officer informed this writer that space in administrative segregation is often a problem. Due to the fact that DS cases are housed separately from an institution's general population, (usually with maximum security offenders waiting transfer or court appearances or administrative segregation cases), cell space may be unavailable. Due to the fact that it is a legal requirement that an institution does not house offenders of a higher security level in its general population, (i.e., a maximum security offender cannot be incarcerated in a general population of medium security offenders), it is a higher priority to utilize designated cell space for these types of cases than to use it to administer a punishment to an offender. Also of a higher priority are offenders that are segregated administratively. As opposed to a punitive measure, administrative segregation involves the removal of an inmate from the general inmate population on a voluntary or involuntary basis for the inmate's own safety, for the safety of others, or for the secure operation of the institution. If cell space is available beyond what is being utilized to house these types of high priority cases, then offenders will be made to serve their DS sanctions.

There are other reasons which may result in an offender not serving the full DS sanction as imposed by the Independent Chairperson. It is possible that an offender may

receive a DS sanction at or near a release date. The offender will not be made to serve a DS sentence or the remainder of a DS sentence if being released on Statutory Release, Warrant Expiry Date, or some other conditional release such as Day Parole or Full Parole. In other instances, a transfer to another institution may make it unfeasible for the offender to serve the imposed sanction. Also, it is the discretion of the Institutional Head to cut short a sanction of DS in order that an offender may take part in institutional programming. For example, if an offender has had a number of DS sanctions imposed for aggressive and angry outbursts, each having little apparent effect on behavior, it might be more appropriate for the institutional head to release the offender from DS to participate in an Anger Management Program, rather than let the individual sit and serve a sanction of DS.

The coding for the variable "length of the DS sanction served" is the same as that of the variable "length of the DS sanction imposed". Similarly, the sample size and the resulting sparseness of data for certain statistical tests also necessitated that fewer than the originally planned seven categories be utilized. Further collapsing of these categories were utilized for certain tests and will be discussed further at the applicable time.

In order to better explore questions related to why and how DS is being used, some of the variables listed above were looked at in conjunction with one another. The variable "length of DS sanction imposed" was looked at in conjunction with the variables of "imposed additional sanction", "offender race", "gang affiliation", "offender age", and the "sanctioned offence" (the offence for which the DS sanction was served). In this way,

the research is able to examine whether there is a relationship between the sanction that is imposed, and whether or not it is given with an additional sanction. For example, do shorter imposed sanctions tend to be more or less likely to receive an additional sanction on top of the imposition of DS? Are the variables of offender race, gang affiliation, or offender age, related to the length of the DS sanction that is imposed? Do certain offences seem to be penalized more harshly with longer DS sentences than do other offences?

Similar questions are asked in the cross-referencing the length of the DS sanction served with the variables of imposed additional sanctions, offender race, gang affiliation, offender age, and the sanctioned offence. Also, the sanctioned offence that resulted in the serving of a DS sanction was cross-referenced with the variables of imposed additional sanctions, offender race, gang affiliation, and offender age. In this way, it is able to be examined whether a specific type of offence resulting in a DS sanction is more or less likely to receive a longer or shorter sentence. Also, does research data on an offender's age, gang, or race indicate a predisposition to certain types of offences?

The final area of questioning undertaken in the course of this research is to determine what effect a sanction of DS has on offender behavior. Four variables were used to longitudinally track and retroactively record an offender's behavior 90 days prior to the commencement of his serving a term of DS, and 90 days after the completion of the DS term. Using institutional offences, it can be explored whether or not the sanction of DS has appeared to positively effect behavior (as indicated by a decrease in institutional charge convictions), have a negative effect on offender behavior (as indicated by an

increase in institutional convictions), or appears to have had no discernible effect on behavior at all).

A period of 90 days was chosen as the duration of follow-up because this is the length of time that coincides with the 90-day performance evaluation, that until February of 1999, was mandated to be completed on every offender. Every 90 days, a Correctional Plan Update was completed on every offender at SMI, Saskatchewan Penitentiary, and Drumheller Institution. This Correctional Plan assessed program participation and behavioral indicators against the program needs and behavioral objectives identified in the offender's Correctional Treatment Plan. An offender's progress in relation to the objectives set out in his Correctional Plan was used to help determine level of pay, the subject's security classification, and even the granting of conditional releases. This formal review was completed every 90 days unless extenuating circumstances such as an increase in risk or a pending release necessitated that it be completed prior to the 90-day mark. Although this particular report format is no longer utilized, it was the report style used during the period of time of the retroactive case review for purposes of this research. In addition, a 90-day review of an inmate's program assignments and pay level is still mandatory (Correctional Service of Canada, 1998). In completing the electronic case review, it was the intention to assess the effect of DS on the subject's short-term behavior using a similar time frame to that regularly used by institutional staff and administrators. In addition, the attrition of subjects due to a release from incarceration was minimal given this short time frame for behavior follow-up. After having served a DS sanction, the

behavior of an offender transferred to another institution was still monitored pre DS and post DS using OMS.

#### Pre-test for Minor Charges

This variable is a count of the number of minor institutional convictions that the offender received in the 90 calendar days prior to the commencement of the DS term. Although this research does not attempt to determine a cause and effect relationship, the number of minor charge convictions prior to the DS sanction was compared to the number of minor charge convictions after the term of DS in order to try and recognize improving or worsening patterns of behavior.

#### Pre-test for Serious Charges

Similar to the above explained variable, this variable is a numerical total of the number of serious charge convictions that the offender was convicted of 90 days prior to the commencement of his serving a term of DS. Once again, serious convictions prior to the offender serving DS are compared to the number of serious convictions after the serving of the sanction. In this way, it might be possible to recognize behavioral trends that may be partially attributable to the effect of DS on offender behavior.

#### Post-test for Minor Charges

This variable is the number of convictions for minor offences that an offender received in the 90-day period following his having served a sanction of DS. As previously explained, this numerical variable was compared to the variable of pre-test rates for minor

convictions to assist in indicating that a change in behavior resulted after the DS sanction. Given the exploratory nature of this study and the number of variables that were not able to be controlled, care is given not to infer a cause and effect relationship between the sanction of DS and any changes in the baseline behavior.

#### Post-test for Serious Charges

This variable functions largely in the same manner as the post-test for minor convictions variable, except that it is a numerical count of convictions for serious charges after a DS sanction as opposed to minor convictions. All four of the categories, (pre-test for minor convictions, pre-test for serious convictions, post-test for minor convictions, and post-test for serious convictions), were coded in the identical manner. The categories of zero to five were used with zero meaning no charges were incurred, all the way to five, indicating five or more charges were incurred. It should be noted that these variables were developed for the purpose of this research and are not standard terms or units of measure utilized by the CSC.

In order to recognize changes in behavioral patterns and whether or not changes in behavior are related to some types of offenders and not in others, total changes (positive or negative) in minor charge convictions, serious charge convictions, and a combined total convictions, were compared with other variables central to this research.

### General Methodological Procedure & Instruments Used

In addition to measures of frequency and the cross-tabulation of variables associated with the use of DS, the main intent of the research was to use an exploratory research design to determine if the use of DS as a disciplinary sanction is correlated with a change in offender behavior as observed in the form of institutional offence convictions. The Longitudinal Case Study Design was utilized.

Firstly, in order to compile a 100% sample of offenders who served a term of disciplinary segregation within the period of 97-01-01 to 98-12-31, an Offence and Punishment report had to be generated for the three institutions in question. An Offence and Punishment Report is a query report that is generated from information contained in the Offender Management System. For the dates requested, the report generates all institutional charges, categorized by infraction type, for offenders charged at that particular institution. Information included in the report includes the name and particulars about the individual offender charged, as well as the offence date, the offence category, the charging officer, the hearing date, the court finding, the punishment awarded, and if applicable, punishments days and punishment fines. In addition, offenders who have been convicted of a serious charge and have been sentenced to a sanction of DS as a punishment, do not necessarily end up serving the sanction as imposed, or even serving it at all. Therefore, all offenders having been identified in the report as having been given a sanction of DS had to be recorded. Then, the Administrative Segregation Placement/Admission screen in OMS was used to check which offenders served their sanctions, and how long they actually served. After this process was completed for all

three institutions, the 100% sample size was then known. Information including the offence, whether or not additional sanctions were imposed, the age of the offender, the race of the offender, and the total sentence length of incarceration were also recorded from OMS.

For each of the 67 cases, the 90-day pre-test period and the 90-day post test period was calculated. The pre-test period was calculated by counting back 90 calendar days from the offender's date of admission to placement in DS. The 90-day post-test period was determined by counting 90 calendar days forward from the date of completion of the DS sanction. During this process, an offender information system called RADAR was used to determine whether or not any of the offenders in the research sample had been absent from the institution or out of incarceration for any period of time during the 90 days pre or post DS. Behavior while incarcerated is not necessarily a reliable indicator of an offender's behavior in the community. While disciplinary sanctions in an institutional setting may have some carry over effects on behavior in the community, a direct correlation cannot be assumed. As such, pre and post phases were only followed up as long as the offender was incarcerated, therefore resulting in pre and posttest periods that were not always 90 days in duration.

Escorted Temporary Absences (ETA) of two consecutive days or less were not considered to be an absence from the institution for purposes of this research. Escorted Temporary Absences are commonly used when the offender does not present an undue risk to society and it is desirable for the inmate to be absent from the penitentiary,

escorted by a staff member, for medical, administrative, community service, family contact, personal development for rehabilitative purposes, or compassionate reasons. As long as risk is manageable, an offender will be granted approval to be escorted outside the institution to go out on a medical ETA or an ETA for compassionate reasons. On a medical ETA, an offender can receive medical treatment that is not available within the confines of the penitentiary. This ETA is extremely common as any offender that requires medical attention unavailable in the institution is eligible. Due to the fact that any offender is eligible for a medical ETA, regardless of progress or institutional behavior, two correctional officers and full restraint equipment is utilized. If an offender meets the criteria for a compassionate ETA, and risk is manageable given a number of different restraint and escort combinations, an offender is usually permitted to attend the funeral of an immediate family member.

The reason that neither of these two most common types of releases are considered an absence for the purposes of this research is that they are usually short in duration, and both types of releases are escorted. Unlike a parole release, which is far less restrictive, offenders on medical and compassionate ETA's are supervised at all times. Supervised Temporary Absences are also commonly used to send offenders with outstanding charges to outside court. Also, consistent with the pre and post follow-up phases of all research subjects, if an offender were to display inappropriate behavior during such an Escorted Absence, they could be charged by the escorting officer(s), as in much the same way that they would be in the institution. In addition, for a very small number of cases, a DS

sanction might have been imposed at the end of 1998, but not actually served until 1999. These cases would not be included in the current research.

None of the 67 research cases were absent from the institution during the pre and post follow-up phases (meaning no offenders in the sample were absent for more than two consecutive days) . For the small minority of offenders that were not in the institution the full 90 days prior to the implementation date of a DS sanction, or were released prior to having completed the 90-day follow-up period, it was ensured that the pre and post follow-up times were of equal duration (using the shorter of the two as the length for which to observe offender behavior). In this way, it was thought that the consistency of the data would best be ensured. The research is concerned with the effect of DS on offender behavior, and not the general effect of DS on the behavior of the prison population. With an equal pre and posttest period, data would less likely become skewed. For example, consider the hypothetical case of an offender who amasses a large number of institutional charges prior to his receiving a sanction of DS, then is released from the institution one week after the completion of the DS sanction. If the unequal pre and post follow-up periods were not accounted for, it might be incorrectly assumed that that DS had a positive effect on the offender's behavior, when in effect he has been absent from the institution and therefore that is the reason why he has not incurred any additional charges. Conversely, an offender without a full 90-day pre-test period but a full 90-day post test period might give the false impression that his behavior has deteriorated after the DS sanction should he receive charges in this post-test phase.

Using OMS, every offender's institutional offence history was reviewed for the pre and post behavior periods. Minor and serious convictions were then recorded onto a SPSS spreadsheet along with the other previously mentioned data recorded from OMS. The date of the actual occurrence of the institutional offence (the charge date) was used to determine whether or not the convicted offence was to be included in the pre or post follow-up period. The actual conviction or sanction date was not used due to the fact that a negative institutional behavior resulting in an offence could occur during the follow-up period, but might not have been heard in institutional court until after the completion of the 90-day follow-up period.

For the variable of gang membership or gang affiliation, regional spreadsheets listing gang members was used. This is the information utilized and compiled by institutional gang coordinators and police services. Commissioner's Directive 576, Annex A, lists specific gang member criteria and states that only quality information verified by knowledgeable members of the criminal justice system must be used to make an assessment. Some examples of criminal gang membership criteria are police information as a result of observation, admission of gang membership, a judicial finding, or symbolic gang identification such as a tattoo (Correctional Service of Canada, 1996). For purposes of this research, all offenders were cross referenced with these Regional Directories to determine whether or not they were identified as gang members or gang associates.

After all the information pertaining to the variables was recorded on the SPSS data sheet, statistical tests were conducted and results further examined in the Findings and Discussion section.

### Research Limitations

There are several limitations with regards to the research undertaken. Basically, the research utilized an exploratory design as opposed to one that is explanatory due to the number of uncontrolled variables. The intent is that this research will assist in building a foundation of general ideas and tentative theories regarding the use of DS at SMI, Saskatchewan Penitentiary, and Drumheller Institutions. Ideally, this research will lead to more rigorous experimentation in the future. Unfortunately, this research will not prove with any degree of certainty that the use of DS at these institutions has had the desired effect on inmate behavior. Also, although the institutions were chosen for their regional proximity and similarities, differences in institutions and dynamics related to the DS and its use at each institution, cannot very well be controlled for in the scope of this study.

Also, the Longitudinal Case Study Design fails to be a true experiment in that the independent variable (the sanction of disciplinary segregation) cannot really be manipulated. The sanction of DS is imposed as a result of poor institutional behavior leading to a serious disciplinary conviction. It is also problematic in that this research is unable to control for numerous intervening variables. It cannot be said with any absolute certainty that the dependent variable, (the behavior of inmates who have received the sanction of disciplinary segregation), is effected as a result of the offenders having been

placed in DS. Although changes in behavior after a sanction of DS can be plotted, it is not certain the role that any number of other intervening variables, such as participation in institutional programming, may have played.

There are other inherent limitations in studying the effects of a punishment (DS) on offender behavior, as was identified in the literature review on deterrence. Given difficulties such as attempting to measure general deterrence, cause and effect studies in this research area are inconsistent and inconclusive. While it still may speak to how DS is used, DS sentences that are suspended or are simply not served are not given credit for their general deterrent effect on behavior. In addition, for the purposes of this research, the population of offenders having served a term of DS are not able to be selected by using random sampling procedures, as such, there is no control group.

In hindsight, the sample size is also seen as a limitation. A larger sample size might have made it easier to recognize offender profiles or patterns of behavior as associated with the use of the sanction of DS. In order to conduct certain statistical tests, categories of variable such as age, sanction imposed, and sanction served were collapsed in order to maximize statistical power. Some variables such as "offence committed", had numerous categories, (10 in this particular instance). As such, data in each category was "thin" given a total of 67 cases.

Although 67 cases may not seem like many cases given that a 100% sample was used for three institutions over a two-year period. A plausible explanation for the small size is

two-fold. Firstly, individuals who were given a suspended DS sanction or did not serve any of the sanction were not included. Secondly, offenders who commit serious offences are often administratively segregated. Administrative segregation, as previously discussed, is used to separate the offender from the general population due to reasons of safety and security. In these situations and under these circumstances, DS is not utilized. Offenders whose behavior poses a threat to the safety and security of a medium security facility, are often transferred to a maximum security setting once it has been assessed that they no longer meet the behavioral expectations of a medium security facility.

At the same time, there were reasons for not increasing the sample size. It was deemed undesirable to access records prior to 1997 because OMS recording procedures appeared to be less thorough prior to this point in time. In addition, the intention of this research was to generate preliminary data that would assist in leading to further research in order to improve the way that DS is currently used in the inmate disciplinary process. As corrections continues to evolve and develop at a rapid pace, going back too far retroactively may prove to be less useful in attempting to deal with reality of today's correctional environment.

Initially, including more than three institutions from which to draw the sample population was considered. Although SMI and Saskatchewan Penitentiary are very similar in many aspects, (although they too also have their respective differences), it was also decided that Drumheller Institution was also somewhat similar in terms of physical setting and population characteristics. Even with many variables remaining uncontrolled

in this research, it was felt that numerous differences between institutions, (security level, population dynamics, population size, ethnic mix, physical setting, procedure and policy differences), made it less beneficial to include all different types of institutions. Given that research and literature speaks to the importance of individual differences on the issue of deterrence, it was felt that issues such as attempting to maintain the homogeneity of the sample population as much as feasibly possible would prove to be more beneficial than trying to attempt an all-encompassing exploratory study on this complex topic. In this way, further research beneficial to the institutions in question might stem from initial attempts to look at the topic of DS at an institutional level.

In certain cases, some of the offenders that served sanctions of DS at one of the three institutions in question over the course of the research actually were convicted of pre-test or post-test minor or serious charges at other institutions. If policy or procedure regarding certain rules are different at that particular institution, this could in fact result in an inflation or deflation of pre-test or post-test charge indicators for that particular offender.

Another limitation related to the methodology is that the length of an offender's period of pre-test and post-test was not 90 days in every case. Although it is the change in the rate of institutional charges that is examined, and that the pre-test and post-test periods were made to be the same length, the benefit of the full 90 day pre-test and post-test was occasionally shortened due to circumstances beyond the researcher's control (e.g., an early release for example).

The strictly quantitative nature of the study is believed to be somewhat of a limitation. Looking at numbers and observable behavioral trends associated with the topic of DS, although important, is an examination of only part of the problem. A retroactive file review does not really give any accurate insight into individual differences and personal motivation with regards to the effect of DS on offender behavior. The scope of this study as well as its retroactive nature did not allow for such qualitative inquiry. If certain offender profiles or patterns of behavior are found to exist in quantitative studies such as this, a qualitative follow-up might also prove beneficial. Qualitative data from the offenders themselves might assist in further verifying or explaining any observable trends thought to be associated with the use of DS as a disciplinary sanction.

The disciplinary system as a whole is very subjective, leaving a multitude of uncontrolled variables. For example, each officer charging an offender must use their discretion and knowledge of institutional rules to decide whether to charge the offender or not. Personal bias and prior experience with an offender may influence whether or not an offender will be charged. In addition, one officer may handle a situation completely different than another officer. Whereas one officer may choose to deal with a rule violation in an informal manner, another officer might deal with the same similar situation by issuing a charge and invoking the formal disciplinary process. In addition, the CCO must often use discretion in coding an offence as minor or serious. The Independent Chairperson of Institutional Court then decides whether or not an offender is guilty, and on the appropriate sanction. Even a change in the IC presiding over Institutional Court could dramatically affect the outcome of a case or the sanctions that are being imposed as

a result of a guilty verdict. There is the opportunity for human subjectivity at almost every step of the process. For example, there is apparent subjectivity in dealing with the variable of gang membership. Although Commissioner's Directive 576, Annex A, lists specific gang member criteria and states that only quality information verified by knowledgeable members of the criminal justice system must be used to make an assessment, there is a large amount of subjectivity involved in assigning an offender the label of gang member. It often proves even more difficult for an offender to convince criminal justice system members that this label should be removed. It is not out of the realm of possibility, and is actually quite likely, that many offenders identified as gang members according to the Correctional Service of Canada may no longer have any ties to the gang. Once an offender is identified as a gang member or gang affiliate, they remain on the list of active gang members for at least two years, even if they deny affiliation or there is no gang-related information received on the individual during this two-year period. Conversely, it is also likely that many active gang members or gang member affiliates have not been properly identified as such, and therefore, continue to avoid this label.

As was stated earlier, an offender's behavioral improvements after a sanction of DS still cannot be directly attributable to the DS sanction. The reason for improved behavior may be that the offender has benefited from program participation or counseling, or maybe is just no longer getting caught. Even if DS appears to result in a reduction of negative institutional behavior, it can not be established in the scope of this study that this

results in the good order of the institution or a more positive environment (which are stated objectives of the inmate disciplinary process).

There are also possible limitations involving the source of data. Although OMS is a comprehensive information system and is quality controlled for error, human error does sometimes go undetected in the entering of data. A Corrections and Conditional Release Act Five Year Review on Search, Seizure, and Inmate Discipline (Correctional Service of Canada, 1998) acknowledged a number of OMS coding errors during the course of their research (47 errors out of 9779 cases that were being looked at). During the course of this research, at least one case was noticed in which a term of segregation was coded on OMS incorrectly. The written information regarding the case indicated that the offender was admitted into segregation for purposes of discipline. The actual coding on the Segregation Review screen of OMS coded the admittance as being for threatening the safety and security of the institution.

Although convictions are indicated in the Offence and Punishment Report, it was noticed on more than one occasion that the sanction was not entered. For example, on some occasions, items may have been confiscated or an offender might have had to comply with Regulation 71 (meaning that the offender is court ordered to produce three consecutive clean urinalysis tests), yet the outcome was not necessarily recorded in OMS. As such, it is unknown whether or not these unrecorded sanctions might have effected the behavior of offenders in the sample population. For example, an offender who has been ordered and is attempting to provide three clean urinalysis tests might be less likely to

reoffend in a similar manner than the individual who has also served a DS sanction but who is not having regular urinalysis tests done as a result of being ordered to comply with Regulation 71.

In addition, the research period in question goes back to January 1, 1997. As the Correctional Service of Canada has continually evolved, changed and progressed, so to has the ways of doing business, and corresponding tools such as OMS. Despite the previous acknowledgment of OMS coding errors, there does still appear to be a notable general increase in quality in OMS at present, than appears to have been the case a number of years ago. Improvements to OMS itself and to the policy associated with using OMS are made regularly from year to year. More thorough and consistent records appear to be kept in the Service's efforts to answer the demands for accountability from Canadian people, as well as to legally carry out its mandate. Also, the way that information is recorded may differ from person to person, as well as from institution to institution. For example, information recorded on OMS for Drumheller Institution often confirmed the exact meaning of "loss of privileges" as a punitive sanction. It is explained for each individual case whether loss of privileges includes a loss of television, radio, reading material, early lock-up, etc. SMI and Saskatchewan Penitentiaries generally tended not to clarify in OMS records what "loss of privileges" actually constituted.

Although it is the exception as opposed to the norm, not every case admitted to segregation for purposes of DS comes directly from general population. Some offenders may receive a DS sanction while on the Intake Assessment unit, while other offenders

may reside in Administrative Segregation due to the fact that their presence in general population might jeopardize the safety of the institution or any person in it, or because their own safety would be jeopardized should they continue to reside there. This may be considered a limitation in that these offenders might not be wholly representative of offenders from general population in that they might not share similar profile characteristics, or may not be subjected to the similar influences which may positively or negatively effect the behavior of general population offenders. For example, if an offender were housed in segregation as part of the SMI Offender Detoxification Program, his substance abuse compulsion or ambivalence to punishment aimed at deterring drug-taking behavior might not be representative of the general population of offenders as a whole.

## CHAPTER 4 - RESEARCH FINDINGS & DISCUSSION

### A Profile of “Who” is Receiving DS

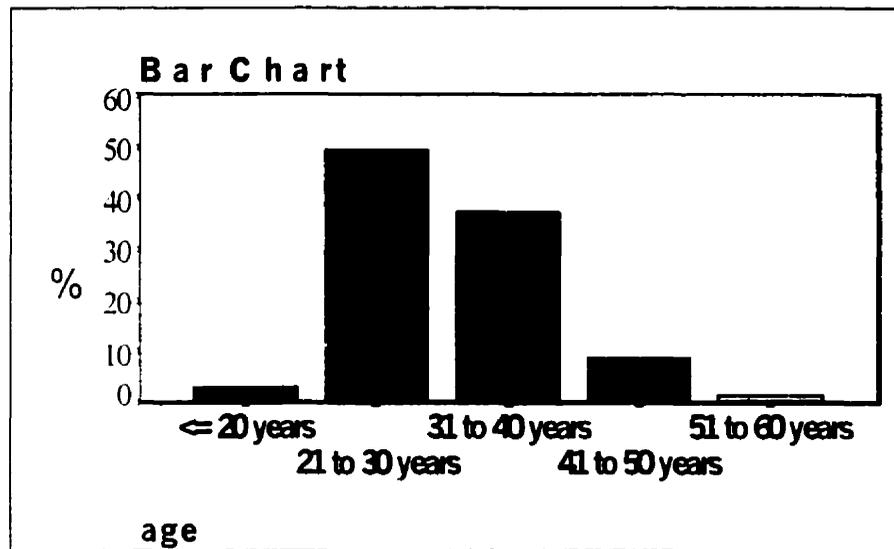
Measures of frequency were used to try and develop an offender population profile of who is receiving and serving DS sanctions. The variables examined in order to attempt to construct this offender profile were age of the offenders serving DS sanctions, the overall length of the sentences that these offenders are serving time for, whether or not they are gang affiliated, and finally the race of the offenders serving DS (broken down into Aboriginal or non-Aboriginal).

### Age of Offenders Receiving & Serving DS Sanctions

The first variable that was investigated was the age of the offenders in the sample (those offenders having served a term of DS at some point during the duration of the research). The following Table 1, “Age of Offenders Receiving DS Sanctions” displays the age distribution for the offenders comprising the research sample population, as does the corresponding bar chart.

Table 1 - Age of Offenders Receiving DS Sanctions

AGE	Frequency	Percent
<= 20 yrs. age	2	3.0
21 to 30 yrs. age	33	49.3
31 to 40 yrs. age	25	37.3
41 to 50 yrs. age	6	9.0
51 to 60 yrs. age	1	1.5
Total	67	100.0

Figure 1 - Age of Offenders Receiving DS Sanctions

For the total sample population from all three institutions, it was found that only two of the total 67 cases were less than or equal to 20 years of age (3% of the total sample population). Thirty-three out of 67 cases (49.3%) fell in the category of 21 to 30 years of age. Twenty-five out of 67 (37.3%) were between 31 and 40 years of age, while 6 out of 67 (9%) were in the category of 41 to 50 years of age. One offender (1.5%) was in the 51 to 60 year old category. No offenders in the sample population were in the 61 to 70 or the 71 years or older categories. Although Table 1 would indicate that the offenders serving DS are relatively young, there is not strong representation in the under 20 years of age grouping.

A Goodness of Fit test was performed for each institution in order to try and determine whether the sample population of offenders having served sanctions of DS was representative (with respect to age) of the general population of each institution. The

Goodness of Fit Test is used to determine whether or not the research sample (i.e., offenders who served a DS sanction) is representative of the population from which it was drawn (in this case being the general offender population). To test the null hypothesis that two population means are equal, it must be calculated how unusual the observed value is if the null hypothesis is true. To test a hypothesis about data that is composed of counts, the chi-square statistic must be computed and its value compared to the chi-square distribution to see how unlikely the observed value is if the null hypothesis is true. The chi-square distribution depends on the parameter called the degrees of freedom. The degrees of freedom depends on the number of rows and columns in the cross tabulation being examined. The P-value is the observed significance level for the Pearson chi-square value (Norusis, 1999).

For Saskatchewan Penitentiary, the chi-square value was 2.39, with 6 degrees of freedom. The p-value was .8806, and therefore non-significant. For SMI, the chi-square value was 17.99, with 6 degrees of freedom. The p-value was .0063, and the result was therefore significant. (This means that if the null hypothesis is true, you would expect to see a chi-square value at least as large as 17.99 only about 6 out of 1000 instances). The chi-square value for Drumheller Institution was 4.54, with 6 degrees of freedom. The p-value is .6040, and the result is therefore non-significant. Given that the null hypothesis for this test is that the DS group is representative of the age distribution of the general populations, the Goodness of Fit tests indicate that only the portion of the sample population from Saskatchewan Penitentiary and Drumheller Institution were representative of the general age of offenders at those institutions.

The total sample population appeared to be closely mirrored by the age demographic of the offenders for each individual institution. All three institutions showed a similar strong representation of individuals falling between 21 and 40 years of age. Offenders falling into this category comprised 86.7% of Saskatchewan Penitentiary's sample population, 81.5% of SMI's sample population, and 92.0% of Drumheller's. As far as findings are concerned, it is evident that the bulk of the individuals which comprise the sample population are between 21 and 40 years of age (86.6%). These age demographics would tend to indicate that DS would not primarily be used to deal with younger, increasingly more violent problematic offenders. Over the course of this research, offenders equal to or younger than 20 years of age, or offenders 41 years or older were not well represented. The present research does not indicate that younger offenders are the most problematic (going by rates of DS sanctions), or maybe that DS is not commonly used to deal with these younger offenders. It is interesting to note that SMI had the only two offenders that fell in the 20 years or younger category. In addition, the SMI sample cases represented four different age categories, while Saskatchewan Penitentiary and Drumheller Institutions had representation in only three age categories. In the age representative samples of Saskatchewan Penitentiary and Drumheller Institutions, there were no offenders in the 20 years or younger category of the sample population.

#### Total Length of Term of Incarceration

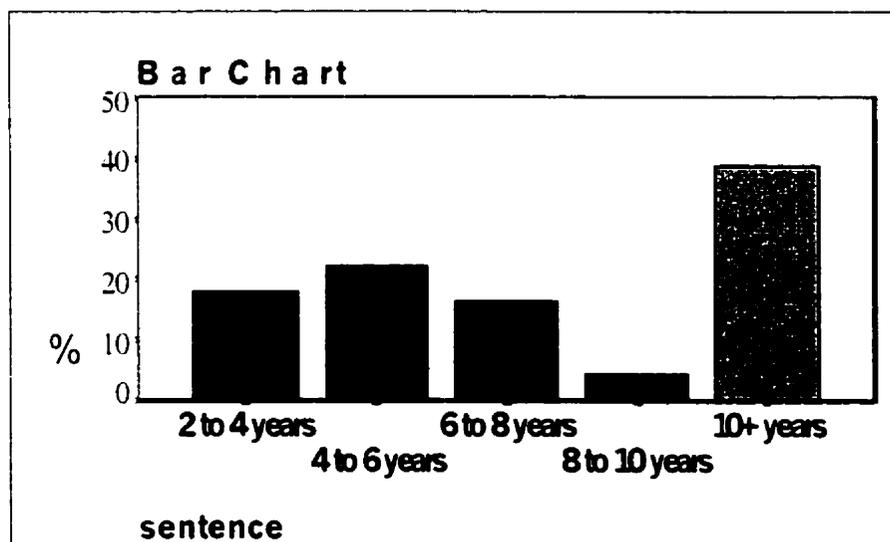
The original hypothesis was that the sanction of DS would be used more often with offenders serving shorter terms of incarceration. It is a commonly held notion amongst

correctional staff that long-term offenders add behavioral stability to a penitentiary population due to their having a more vested interest in the long-term orderly operation of the institution. The preliminary data from this research, (please refer to Table 2 and Figure 2), does not appear to support this speculation.

Table 2 - Length of Term of Incarceration of Offenders Receiving DS Sanctions

INCARCERATION	Frequency	Percent
2 to 4 years	12	17.9
4 to 6 years	15	22.4
6 to 8 years	11	16.4
8 to 10 years	3	4.5
<=10 years	<u>26</u>	<u>38.8</u>
Total	67	100.0

Figure 2 - Length of Term of Incarceration of Offenders Receiving DS Sanctions



For the total research sample, 17.9% of offenders having served a term of DS had sentence lengths between 2 and 4 years. 22.4% were serving sentences of a duration between 4 and 6 years. Offenders serving terms of incarceration between 6 to 8 years

comprised 16.4% of the total while offenders serving sentences of 8 to 10 years comprised 4.5%. Offenders serving sentences of greater than 10 years (including Life and indeterminate sentences), comprised 38.8% of the total offender sample population. The category of sentences greater than 10 years was also consistently the largest at the level of each individual institution. The category of greater than 10 years comprised 40% of the Saskatchewan Penitentiary population of DS offenders, 33.3% of the SMI total, and 44% of Drumheller's total.

The fact that offenders serving greater than 10 year sentences comprised 38.8% of the total sample population was an unexpected result and contrary to the common notion that long-term offenders add behavioral stability to a penitentiary population. Yet, there may be reasons other than that of long-term offenders demonstrating poor institutional behavior that results in this group compromising a large percentage of the sample population.

Firstly, this category is somewhat larger in that the other categories are separated in two year increments. The category of 10 years and greater is obviously open-ended in that all sentences greater than 10 years can be included. Also, a point not to be overlooked is that even though an offender has been sentenced to over 10 years in a penitentiary, he may still be in the very early stages of serving this sentence. There may be little difference between an offender serving a two year sentence and an offender serving a Life Sentence who is just beginning to serve this sentence. Despite such, there is much higher representation in this category than was initially expected.

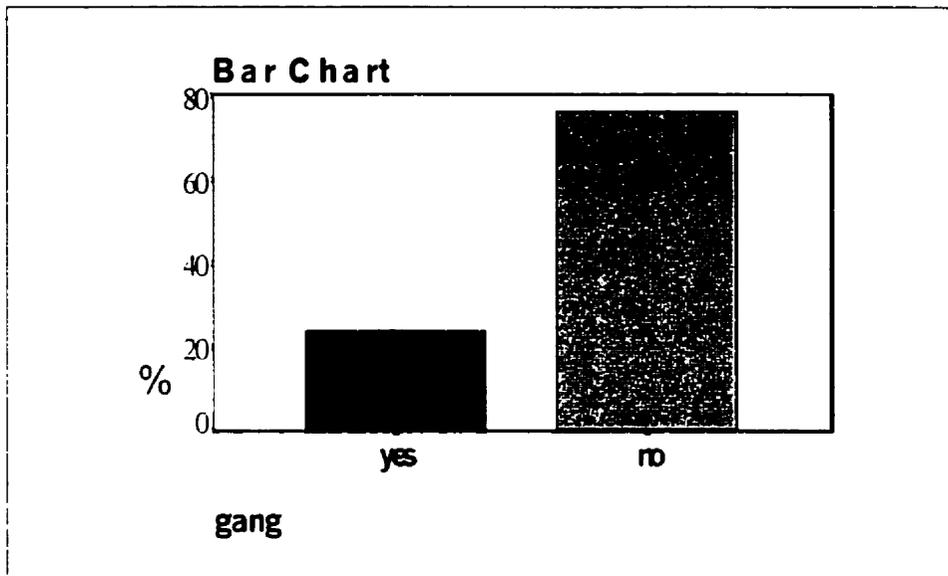
In hindsight, this area of study would have been better served by grouping offenders by the stage of their sentence at which they were serving at the time of this research (e.g., beginning, middle, or end of sentence). According to Griffiths and Verdun-Jones (1994), "prisonization" is the process by which new inmates are socialized to the norms and values, as well as the culture of the prison. This includes the adoption of antisocial attitudes and behaviors, as well as opposition to the authority of the institution and its staff. As such, rather than try to determine if there is a relationship between the length of incarceration and DS, the research may have better served by trying to determine a relationship between institutional offending and what stage of serving the sentence that the offender is at. It would appear that the prisonization of inmates may influence behavior more so than the actual length of time served. For example, prisonization or a knowledge regarding the culture of a prison, may explain an inmate's good behavior prior to release more so than the effect of the length of the sentence served.

Due to the unavailability of statistics on total population sentence lengths for the three institutions in question over the period of research, it cannot be said whether or not that this longer-serving group of offenders is over represented in DS in comparison to their percentages in the total population offenders. It is interesting to note that the Report on the Provisions and Operations of the Corrections and Conditional Release Act (1998), indicated that 76% of all offenders admitted on a warrant of committal in 1995/96 received a sentence of 5 years or less. It is also noted that sentences of 10 years and over represent 7% of all admissions. (These sentencing rates are quite consistent from 1978/79 through to 1995/96). Although nothing concrete can be deduced from these statistics

because they are not solely representative of SMI, Saskatchewan Penitentiary, and Drumheller Institutions, it is nonetheless interesting given that our group of offenders in the 10 year and over sentence category represent over 38% of the sample population. It was anticipated that offenders serving shorter sentences in the category of 2 to 4 years would constitute the bulk of the sample population of offenders having served a term of DS.

### Gang Affiliation

The CSC literature on the issue of gangs within penitentiaries gives the impression that gang membership and affiliation is becoming a pervasive problem throughout the Correctional Service of Canada. Although this may be the case, it quickly became evident during the course of this research that in this study, gang membership and affiliation and its relationship to DS was a possible relevant factor only in relation to SMI. Although a small sample size or differing institutional standards for recording and tracking gang involvement may have played a role, SMI had 15 of the total 16 identified gang members or affiliates identified in the research sample (93.8%). For the purposes of this research, the discussion of gang identification, and any possible relationship to the use of DS, is directed at SMI. The following bar graph is a breakdown of the research sample according to this variable.

Figure 3 - Gang Affiliation

Identified gang members or gang member affiliates comprised approximately 56% of the DS offender population from SMI, (over half of the SMI offenders who received DS over this period of the research). The present scope of this research does not enable speculation about whether this high rate of gang representation is due to the growing gang problem or the high rate of identified gang members or gang affiliates at SMI, or whether SMI is using DS as a tool to deal with what the literature refers to as a growing problem.

It is interesting to note that statistics indicate that identified gang members or affiliates comprise approximately 12% of the total offender population of Saskatchewan Penitentiary, 6% of the population of Drumheller Institution, and 30% of SMI's total offender population. If these statistics are any indication, SMI gang members appear to be over-represented amongst offenders receiving sanctions of DS. The lone identified gang member from Drumheller Institution represented approximately 4% of the DS research

sample from that institution. Both Drumheller and Saskatchewan Penitentiary would appear to be underrepresented by gang members in the DS sample, but these numbers are somewhat suspect given the sparseness of data related to this variable for these institutions. Gang members represent approximately 15% of the total population of the three institutions in question. Gang members and affiliates represent approximately 24% of the total research sample. Although the sparseness of data is a concern, it would appear that gang members and affiliates are over-represented in the DS research sample.

### Offender Race

Of the total sample population comprised of offenders from all three institutions, 37 of 67 cases (55.2%) were Aboriginal offenders. Cases were broken down into the categories of Native and non-Native, as this was the only available racial breakdown on the OMS database (Table 3).

Table 3 - Offender Race

RACE	Frequency	Percent
native	37	55.2
non-native	<u>30</u>	<u>44.8</u>
Total	67	100.0

Breakdown by institution revealed that 20 of 27 cases (74.1%) of SMI offenders having served DS are Aboriginal. Currently, statistics indicate that approximately 52% of the SMI offender population is Aboriginal. Eleven out of 15 cases (73.3%) of the sample population from Saskatchewan Penitentiary were Aboriginal. Currently, statistics indicate that approximately 70% of offenders at this institution are of Aboriginal descent. Of the

Drumheller offenders included as part of the total research sample, 6 out of 25 cases (24%) were identified as Aboriginal. According to current population statistics, approximately 28% of the offender population is Aboriginal.

Given the sample size for the research, a comparison with current population statistics generally indicates that Aboriginal representation in the group of offenders who served a sanction of DS during the course of the research are what one might expect. It might appear that SMI Aboriginal representation amongst offenders having served a sanction of DS is a little elevated from what current population race statistics might indicate. Although the data on race is a measure of frequency and is not correlated for statistical significance, further study into this area might be warranted to determine if there is in fact an over-representation, and if so, possible reasons for this. An interesting question is whether or not the elevated number of Aboriginal gang members at SMI is related to this question concerning the racial breakdown of offenders serving DS sanctions.

### An Examination into Why and How DS Is Being Used

#### Sanctioned Offence

Table 4 is a frequency table illustrating which serious institutional charges resulted in the periods of segregation imposed over the course of the research.

Table 4 - Offences for Which DS was Received

OFFENCES	Frequency	Percent
fails/refuses urine test	8	11.9
disrespect/abusive to staff	3	4.5
takes intoxicant into body	15	22.4
fights/assaults/threatens	10	14.9
poss./deals in contraband	16	23.9
disobey order	4	6.0
poss. unauthorized item	3	4.5
creates/partic. disturbance	1	1.5
disobeys written rule	1	1.5
multiple offences	6	9.0
Total	67	100.0

For the total sample, the most common serious institutional offence resulting in a sanction of DS was Possession/Deals in Contraband. This offence was the precipitating offence in 23.9% of all 67 offender cases. The second most common offence resulting in a sanction of DS was Takes Intoxicant Into Body (22.4% of all cases). Third was Fights/Assaults/Threatens (14.9%), while fourth was Fails/Refuses Urinalysis (11.9%). These top four offences collectively represent 73.1% of the total population sample. The fifth category was Multiple Offences (9%), indicating that the offender received a DS sanction for more than one serious offence.

At the level of individual institutions, the offence of Possess/Deals in Contraband was the most common offence resulting in a sanction of DS being served at SMI (25.9% of their cases), while Fights/Assaults/Threatens was second resulting in 22.2% of this institutions cases. Disobeys Order accounted for 14.8% of cases and Fails/Refuses

Urinalysis was the precipitating offence in 11.1% of the cases. These four primary offences collectively factored in on 74% of the DS sanction served at SMI.

Saskatchewan Penitentiary imposed a DS sanction most often for the institutional offence of Takes Intoxicant Into Body (accounting for 40% of all their DS cases over the duration of the study). Fails/Refuses Urinalysis accounted for the second most number of DS cases at 26.7%. These two offences resulted in 66.7% of all Saskatchewan Penitentiary DS cases that were served. Fights/Assaults/Threatens and Disrespectful/Abusive To Staff each accounted for 13.3% of the DS sanctions served.

Possession/Deals in Contraband accounted for 32% of the DS sanctions served at Drumheller Institution. Second was Takes Intoxicant Into Body (28%), third was Multiple Offences (16%), and fourth was Fights/Assaults/Threatens (8%).

The frequency measures of offences resulting in DS sanctions served to point out an interesting consistency common to all three institutions. The total sample statistics revealed that two of the top four categories were directly related to substance abuse related behavior (34.3%). It is also of interest to note that another of the four major offence categories, Possess/Deals in Contraband is also often linked to behavior involving substance abuse. Possessing contraband can be levied for possessing weapons, drugs, or money. Everything else that is not on the cell effects card of the offender in question (meaning that the property or item it is not registered to that inmate), are considered unauthorized items. It is a charge that is commonly levied when an offender is caught

with drugs, drug paraphernalia, or homemade alcohol (brew). At SMI, Possess/Deals in Contraband and Fails/Refuses Urinalysis are two of the top four most common offences. For Saskatchewan Penitentiary, Takes Intoxicant Into Body and Fails/Refuses Urinalysis are the top two categories of offences resulting in DS sanctions. Takes Intoxicant Into Body is the second most common DS offence at Drumheller (after Possess/Deals in Contraband). Offences related to substance abuse are noticeably represented in somewhat of a predominant fashion. This is not surprising given that behavior related to substance abuse is considered very serious and can cause considerable difficulties within a penitentiary environment, (e.g., offenders under the influence of intoxicants are more likely to act out violently and jeopardize the safety and security of the institution). What is unexpected is that offending behavior related to violent or acting out behavior is not represented to a greater degree. Charges of Fights/Assaults/Threatens is the third most common offence category with 14.9% of all charges. Although admittedly offences relating to creating or participating a disturbance do not occur with the same frequency as many other charges, charges such as Disrespectful/Abusive to Staff (which occur with much regularity), comprise less than 5% of total charges. An explanation for this apparent weighting on charges related to substance abuse may be explained by the fact that if a violent act or acting out behavior is serious to the point to where it is considered a threat to the safety of staff or other inmates, that individual may be administratively segregated for the safety and security of the institution (instead of punishment as the primary motive). As such, it appears, (at least to this writer), that a large function of DS is the role that it plays in managing behavior related to the institutional drug sub-culture.

In order to better explore questions related to why and how DS is being used, a number of variables were looked at in conjunction with one another. The variable “length of DS sanction imposed” was looked at in conjunction with the variables of “imposed additional sanction”, “offender race”, “gang affiliation”, “offender age”, and the “offence for which the DS sanction was imposed and served”. Cross-tabulations tables were created to determine if statistically significant relationships between variables existed. Once again, for the first set of cross-tabulations, the variable “length of DS sanction imposed” deals not with the actual length of the DS sanction served, but the sentence length as imposed by the Independent Chairperson of Institutional Court.

#### Length of DS Sanction Imposed x Imposed Additional Sanction

A cross-tabulation was created to demonstrate whether or not there was a relationship between the length of the DS sentence imposed and whether or not this impacted on an additional sanction also being imposed. The null hypothesis was that the length of sentence imposed would have no effect on whether an additional sanction was imposed. For this cross-tabulation, the original seven categories were collapsed to four categories (1 to 10 days, 11 to 20 days, 21 to 30 days, and 31 days or greater) due to the relatively small sample size of 67 cases. (Please refer to Table 5).

Table 5 - Length of DS Sanction Imposed x Imposed Additional Sanction

ADDIT SANCTION			
	with add sanct	no addit sanction	Row Total
<b>IMPOSED</b>			
1 to 10 days	2	11	13 19.4%
11 to 20 days	5	4	9 13.4%
21 to 30 days	24	16	40 59.7%
31 + days	4	1	5 7.5%
Column Total	35 52.2%	32 47.8%	67 100.0%

The Pearson chi-square value for this cross-tabulation was 9.63, the degrees of freedom (DF) was 3, and the significance level was 0.0220. It was therefore determined that a statistically significant association between these two variable does exist. The table indicated the trend that additional punitive sanctions tended to be given with longer imposed DS sanctions. For example, for imposed DS sanctions between 1 and 10 days, 15.4% of these cases had additional sanctions imposed. For sanctions between 11 and 20 days, 55.6% of these cases received an additional sanction. Sanctions imposed in the 21 to 30 day range had 60% imposed with an additional sanction. (Note that this imposed category of 21 to 30 days accounts for 59.7% of all sentences imposed). For DS sanctions of 31 days and greater, of which there were only five cases in the total sample population, 80% received an additional sanction. Of the total sample of 67 cases, 52.2% received at least one additional sanction in conjunction with their imposed DS sentence.

Therefore, the null hypothesis can be deemed false as there is a statistically significant relationship which indicates that the longer the DS sentence imposed, the more likely it is that the offender will receive at least one additional sanction such as a fine, loss of privileges, etc.

#### Length of DS Sanction Imposed x Offender Race

The null hypothesis for the relationship between these two variables is that offender race is not related to the length of the DS sanction that is imposed. As was utilized in the previous cross-tabulation table between the length of the sanction imposed and imposed additional sanctions, the four collapsed categories were used for the variable of the length of the DS sanction imposed, as opposed to the original seven. A cross tabulation of these variables revealed that there is not a significant relationship between offender race, (Aboriginal or non-Aboriginal offenders serving a term of DS) and the length of the DS sanction imposed. (Please refer to Table 6).

Table 6 - Length of DS Sanction x Offender Race

DS IMPOSED	OFFENDER RACE		Row Total
	Native	Non-Native	
1 TO 10 Days	7	6	13 19.4%
11 TO 20 Days	4	5	9 13.4%
21 TO 30 Days	22	18	40 59.7%
31 + Days	4	1	5 7.5%
Column Total	37 55.2%	30 44.8%	67 100.0%

The Pearson chi-square value was 1.67, with 3 degrees of freedom, while the significance level was 0.6425. For imposed sentences of 21 to 30 days (encompassing 59.7% of all DS cases), 55% were Aboriginal offenders. This is approximately the percent that would be expected as Aboriginals comprised 55.2% of the total sample population. These percentages are indicative of the fact that there is no statistically significant relationship between race, and the length of a DS sanction that is imposed, thus failing to disprove the null hypothesis.

#### Length of DS Sanction Imposed x Gang Affiliation

A cross-tabulation was also utilized to determine a possible relationship between the length of the DS sanction imposed and the variable of gang identification. It is important to note that a significant relationship between these two variables would really only be

applicable to SMI, as there was only one identified gang member not incarcerated at this institution. This gang member was from Drumheller Institution. (Please refer to Table 7).

Table 7 - Length of DS Sanction Imposed x Gang Affiliation

	GANG AFFILIATION		Row Total
	yes	no	
SANC. IMPOSED			
1 to 10 days	6	7	13 19.4%
11 to 20 days	1	8	9 13.4%
21 to 30 days	8	32	40 59.7%
31 + days	1	4	5 7.5%
Column Total	16 23.9%	51 76.1%	67 100.0%

Once again, the same four categories were used for the variable of sanction imposed. The null hypothesis is that gang affiliation would not have an effect on the length of the sanction imposed by the Independent Chairperson of Institutional Court. In fact, the data was not statistically significant and did not demonstrate a relationship between the two variables. The Pearson chi-square value was 4.73, with 3 degrees of freedom. The significance level was 0.1928. Nothing in the data would indicate that an offender receives a longer or shorter sentence due to the fact that they have been identified as a gang member or gang member affiliate, and therefore the null hypothesis is not disproven.

Length of DS Sanction Imposed x Offender Age

Due to the number of cells in the cross-tabulation table and the limited sample size, the variable of length of DS sanction imposed was further collapsed to the categories of 1 to 20 days and 21 days and greater. The variable offender age was also collapsed from the original seven categories to three, (20 years and younger, 21 to 30 years, and 31 years and greater). The null hypothesis was that the age of the offender would not impact on the length of the sentence imposed. Without this shrinking of the number of categories for these variables, there was insufficient data per cell. (Please refer to Table 8).

Table 8 - Length of DS Sanction Imposed x Offender Age

OFFENDER AGE				
SANC. IMPOSED	>20 yrs.	21-30 yrs.	31 yrs.+	Row Total
1-20 days	10	9	3	22 32.8%
21 days+	25	16	4	45 67.2%
Column Total	35 52.2%	25 37.3%	7 10.4%	67 100.0%

There was no evidence of a statistically significant relationship. The Pearson chi-square value was 0.72, with 2 degrees of freedom, and a significance level of 0.6974. Basically, no particular age segment of the DS offenders appear to be receiving longer or shorter DS sanctions as a result of their age.

### Length of DS Sanction Imposed x Sanctioned Offence

As was utilized in the above-illustrated cross-tabulation table, two categories of the variable “length of DS sanction imposed” were used. The “length of DS sanction imposed” was cross tabulated with the variable “sanctioned offence” to determine if the type of offence resulting in DS has an effect on the length of the sanction that was imposed.

The null hypothesis is that the type of offence committed would not have a significant effect on the length of the sanction imposed. Conversely, the cross-tabulation revealed a highly significant relationship between the two variables. The Pearson chi-square value is 27.80 with 9 degrees of freedom. The significance level is 0.0010. Sentences imposed appear to be a function of the offence that is committed. Although the relationship does appear to be a strong one, caution in interpreting the data should still be used due the fact that the data table presented was sparse in certain areas because of the number of offences that can result in a determination of DS, as well as the limited sample size. For example, 75% of the cells on this cross-tabulation have an expected response frequency of less than five. All the same, the null hypothesis was found to be false. One of the most noticeable relationships in the cross-tabulation is between the offence Fails/Refuses Urinalysis and a seemingly longer imposed DS sanction. Of all cases resulting from the offence of Fails/Refuses Urinalysis, 87.5% resulted in sanctions of 20 days or greater. (Please refer to Table 9).

Table 9 - Length of DS Sanction Imposed x Sanctioned Offence

SANCTIONED OFFENCE	SANCTIONED OFFENCE		Row Total
	IMPOSED 1-20 days	21 days+	
fails.refuses	1	7	8 (11.9%)
disrespectful abusive	3	0	3 (4.5%)
takes intoxicant	2	13	15 (22.4%)
fight assaults	7	3	10 (14.9%)
possess contraband	7	9	16 (23.9%)
disobey order	0	4	4 (6.0%)
poss. unauthorized	0	3	3 (4.5%)
creates disturbance	1	0	1 (1.5%)
disobeys rule	1	0	1 (1.5%)
multiple offence	0	6	6 (9.0%)
Column Total	22 32.8%	45 67.2%	67 100.0%

The next set of cross-tabulations involved looking at the variable “length of DS sanction served” in conjunction with the variables of “imposed additional sanction”, “offender race”, “gang affiliation”, “offender age”, and the “sanctioned offence” (resulting in the DS sanction). The variable “length of DS sanction served” reflects the number of days of the imposed sanction actually served by the offender.

### Length of DS Sanction Served x Imposed Additional Sanction

The cross-tabulation table for these two above-noted variables is to explore whether the length of the DS sentence actually served is related to whether or not an additional sanction was imposed along with the DS sentence. For this cross-tabulation, the original seven categories for the variable of sentence served were collapsed to four categories (1 to 10 days, 11 to 20 days, 21 to 30 days, and 31 days or greater) due to the relatively small sample size of 67 cases. The null hypothesis related to the study of these two variables is that the amount of time the offender serves in DS is not related to whether or not an additional sanction was imposed concurrent with the DS punishment. (Please refer to Table 10).

Table 10 - Sanction Served x Imposed Additional Sanction

SANCT. SERVED	ADDITIONAL SANCTION		Row Total
	with add / no addit sanction/ sanction		
1 to 10 days	6	13	19 28.4%
11 to 20 days	9	6	15 22.4%
21 to 30 days	15	13	28 41.8%
31+ days	5	0	5 7.5%
Column Total	35 52.2%	32 47.8%	67 100.0%

The results of this cross-tabulation are statistically significant. The Pearson chi-square value is 8.20, there are 3 degrees of freedom, and the significance level is 0.0420. According to this table, offenders who served longer sentences were more likely to have been given an additional sanction at the same time they were sentenced to their term of DS. The null hypothesis is proven false in that there appears to be a correlation between time served and the presence of an additional punishment. When offenders served between 1 and 10 days, it is noteworthy that 31.6% had an additional sanction imposed at the time of sentencing. For offenders having served 31 days or more, 100% had an additional sanction imposed.

It was not surprising to see that there is a statistically significant relationship between these two variables. The relationship does not reveal much information in the way that it

is unknown why this relationship exists other than the fact that there was also a statistically significant relationship between the length of the DS sanction imposed and the presence of an additional sanction. It might be logical to assume that because offenders with additional sanctions are imposed longer sentences, there is also a tendency for these offenders to serve longer sentences. One might also speculate that this relationship might stem from a line of thinking that if an offence is serious enough to merit more than one punitive sanction, these same offenders should also be serving longer time in DS.

#### Length of DS Sanction Served x Offender Race

The null hypothesis for the relationship between these two variables is that the race of the offender is not related to the length of the DS sentence that is actually served. As was used in the previous cross-tabulation between “length of DS sanction imposed” and “imposed additional sanctions”, the four collapsed categories were used for the DS sanction served variable opposed to the original seven. (Please refer to Table 11).

Table 11 - Sanction Served x Offender Race

OFFENDER RACE			
	native	non-native	Row Total
SANC. SERVED			
1 to 10 days	12	7	19 28.4%
11 to 20 days	8	7	15 22.4%
21 to 30 days	12	16	28 41.8%
31+ days	5	0	5 7.5%
Column Total	37 55.2%	30 44.8%	67 100.0%

A cross tabulation of these variables revealed that there is not a significant relationship between offender race, (Aboriginal or non-Aboriginal) and the length of the sanction served. (similar to the relationship between the variables of "length of DS sanction imposed" and "offender race"). The Pearson chi-square value is 6.29, with 3 degrees of freedom, and a significance level of 0.0983. This is indicative of the fact that there is no statistically significant relationship between race, and the length of a DS sanction that is served, thus failing to disprove the null hypothesis. One interesting cell of note in this cross-tabulation chart indicates that out of the five offenders who served a sanction of 31 days or more, 100% were Aboriginal. Although the sparseness of data may prevent any speculation about a significant relationship between offender race and the length of DS sanction served, a 100% Aboriginal contingent in this particular category may warrant an additional look.

### Length of DS Sanction Served x Gang Affiliation

A cross-tabulation was also utilized to determine any possible relationship between the length of the DS sanction served and the variable of gang identification, (in a much similar fashion as the way the variables of “length of DS sanction imposed” and “gang affiliation” were previously looked at). Again, it is important to note that a significant relationship between these two variables would really only be applicable to SMI. Four categories were used for the variable of “length of DS sanction served”. The null hypothesis is that gang affiliation or identification would not have an effect on the length of the DS sanction served. For example, if a lack of cell space necessitated the release of an offender(s) from DS, the thought is that maybe non-gang members would be more likely to be released in order to send a message to gang members. (Please see Table 12).

Table 12 - Length of DS Sanction Served x Gang Affiliation

		GANG AFFILIATION		
		yes	no	Row Total
SANC. SERVED				
1 to 10 days	10	9	19	28.4%
11 to 20 days	3	12	15	22.4%
21 to 30 days	2	26	28	41.8%
31+ days	1	4	5	7.5%
Column Total	16	51	67	
	23.9%	76.1%	100.0%	

Unlike “length of DS sanction imposed” by “gang affiliation”, the relationship between “length of DS sanction served and “gang affiliation” proves to be statistically significant. The Pearson chi-square value is 13.12, with 3 degrees of freedom. The Significance Level is 0.0044. The relationship between the two variables indicates that the null hypothesis is false, but not in the way that this writer expected. As indicated, it was proposed that gang members would serve longer sentences than non-gang members with the thought that administration might use DS as a tool to send a message to the burgeoning gang faction at SMI. In reality, the cross-tabulation table indicates that gang members, on average, actually serve shorter periods of time in DS, despite the fact that a cross-tabulation of the variables “length of DS sanction served by gang affiliation” did not indicate a that gang members were having shorter DS sentences imposed, or that there was any significant relationship between the two variables. For example, 62.5% of all

gang members served DS sanctions of between 1 and 10 days, while 17.6% of all non-gang members served this similar duration of time. For longer sanctions of between 21 and 30 days, 12.5% of all gang members served a DS sentence falling within this duration, while 51% of all non-gang members served a term of DS falling within this category.

At SMI, it would appear that gang members or affiliates may serve shorter sentences of DS than do non-gang members, yet there was not a significant relationship between the length of the DS sentences imposed and gang affiliation. Caution must be used in the interpretation of this data. Given that there is only 16 identified gang members in the total sample population, the sparseness of data can call the validity of this relationship into question. It is unclear why this apparent relationship between these two variables exists, although a number of possible reasons can be speculated. It is possible that maybe gang members are better behaved, (and more deserving of an early release from DS), when separated from gang members in general population. Initially, it was also thought that maybe gang members committed certain types of offences resulting in DS sentences that administration may view in a less serious light. (Later on during the course of the research, it was noted that there does not appear to be a statistically significant relationship between “gang affiliation” and the types of offences that they commit which result in DS (e.g., “sanctioned offence”). Maybe gang members are serving shorter sentences because prison administrators are looking for more culturally appropriate solutions to deal with Aboriginal gang members. These reasons are purely speculative

and further research would be required to determine the exact nature of this apparent relationship.

#### Length of DS Sanction Served x Offender Age

The variable “length of DS sanction served” was collapsed to the categories of 1 to 20 days and 21 days and greater. Also due to the number of cells in the cross-tabulation table and the limited sample size, the variable of “offender age” was also collapsed from the original seven categories to three, (20 years and younger, 21 to 30 years, and 31 years and greater). The null hypothesis was that the age of the offender would not impact on the length of the sentence served. It was originally thought that a longer served sentence would send out a strong message to young, problematic offenders. Without this shrinking of the number of categories for these variables, the data would not be able to be analyzed with any degree of statistical power. (Please see Table 13).

Table 13 - Length of DS Sanction Served x Offender Age

OFFENDER AGE				
SANC. SERVED	>20 days	21-30 days	31 days +	Row Total
1-20 days	16	14	4	34 50.7%
21 days +	19	11	3	33 49.3%
Column Total	35	25	7	67
	52.2%	37.3%	10.4%	100.0%

Following collapse of the categories for each variable, there was no evidence of a statistical relationship. The Pearson chi-square value was 0.75, with 2 degrees of freedom, and a significance level of 0.6889. As it was earlier found that no particular age segment of the DS offenders appeared to be receiving longer or shorter DS sanctions as a result of their age, this cross-tabulation table indicates that offenders are not serving longer or shorter sentences as a result of their age.

#### Length of DS Sanction Served x Sanctioned Offence

The cross-tabulation table examining the variables “length of DS sanction served” and “sanctioned offence” (resulting in the term of DS), is an attempt to try and determine which, if any, offences result in longer served DS sentences. As used in the previous cross-tabulation table, two categories of the variable “length of DS sanction served” were used. The null hypothesis is that the type of offence for which DS was given does not effect the length of the served sanction. (Please see Table 14).

Table 14 - Length of DS Sanction Served x Sanctioned Offence

SANCTIONED OFFENCE			
SANCTIONED OFFENCE	SERVED		Row
	1-20 days	21 days+	Total
fails refuses	3	5	8 (11.9%)
disrespectful abusive	3	0	3 (4.5%)
takes intoxicant	4	11	15 (22.4%)
fight assaults	9	1	10 (14.9%)
possess contraband	8	8	16 (23.9%)
disobey order	2	2	4 (6.0%)
poss. unauthorized	1	2	3 (4.5%)
creates disturbance	1	0	1 (1.5%)
disobeys rule	1	0	1 (1.5%)
multiple offence	2	4	6 (9.0%)
Column Total	34 50.7%	33 49.3%	67 100.0%

The Pearson chi-square value is 16.16 with 9 degrees of freedom. The significance Level is 0.0637. As the Significance Level is just over 5%, there is only marginal significance at best, and the null is not disproven. Once again, caution must be used due to the sparseness of the data in the numerous cells of this cross-tabulation table.

With regards to the marginal relationship, there does appear to be certain offences which result in the serving of longer DS sentences. For example, 62.5% of offenders receiving DS sentences for Fails/Refuses Urinalysis served sentences of 21 days or greater, while 73.3% of offenders given a sanction for Takes Intoxicant Into Body also served sentences of 21 days or greater. Conversely, 90% of Fights/Assaults/Threatens offenders served sentences of 20 days or less, and 100% of offenders who served a DS sanction for Disrespectful/Abusive to Staff served 20 days or less.

As a note of interest, the variables "length of DS sanction imposed and length of DS sanction served were cross-tabulated to determine if a statistically significant relationship existed. No such relationship did exist. The table was highly biased in one direction as offenders do not serve DS sentences longer than the sentence imposed in Institutional Court. The table also indicated no significant difference between the sentences imposed and the actual length of time that the offenders served of these sentences.

The final set of cross-tabulation tables are centered around the variable of "sanctioned offence" (the specific offence resulting in the DS sanction). Although "sanctioned offence" has already been examined in relation to the variables "length of DS sanction imposed" and "length of DS sanction served", it will also be cross-tabulated with the variables of "imposed additional sanction", "offender race", "gang affiliation", and "offender age". The variable "sanctioned offence" presents additional difficulties in attempting to determine its relationship to other variables in a cross-tabulation table. Despite the limited sample size, categories for offences cannot be effectively collapsed or

“grouped together” in the context of this study. The numerous categories for this variable, coupled with the limited size of the sample population, makes it increasingly difficult to determine a statistically significant relationship between offence type and these other variables.

#### Sanctioned Offence x Imposed Additional Sanction

The null hypothesis is that the type of offence resulting in the DS sanction will not have an effect on whether or not an additional sanction is imposed. (Please refer to Table 15).

Table 15 - Sanctioned Offence x Imposed Additional Sanction

SANCTIONED OFFENCE	SANCTIONED OFFENCE		Row Total
	yes	no	
fails refuses	4	4	8 (11.9%)
disrespectful abusive	0	3	3 (4.5%)
takes intoxicant	10	5	15 (22.4%)
fights assaults	0	10	10 (14.9%)
possess contraband	10	6	16 (23.9%)
disobey order	4	0	4 (6.0%)
poss. unauthorized	2	1	3 (4.5%)
creates disturbance	1	0	1 (1.5%)
disobeys rule	0	1	1 (1.5%)
multiple offence	4	2	6 (9.0%)
Column Total	35 52.2%	32 47.8%	67 100.0%

The results of the cross-tabulation table for the variables "sanctioned offence" and "imposed additional sanction" is statistically significant. The Pearson chi-square value is 22.58 with 9 degrees of freedom and a significance level of 0.0072. Although caution must again be used due to sparseness of data, the null hypothesis appears false as certain offences do appear weighted as far as receiving additional sanctions is concerned. For

example, for the offences of Fights/Assaults/Threatens and Disrespectful/Abusive Towards Staff, 0% received additional sanctions. For the offence of Fails/Refuses Urinalysis, 50% of offenders received an additional sanction. 66.6% of Takes Intoxicant Into Body offences, (which represents 22.4% of total charges), received additional sanctions above and beyond the DS penalty. One hundred percent of Disobeys Order offences received additional sanctions.

Although there appears to be a statistically significant relationship between the offence for which an offender receives a sanction of DS and whether or not an additional sanction is imposed, there does not appear to be a readily discernible pattern. Offences such as Fails/Refuses Urinalysis and Takes Intoxicant Into Body indicate that behavior related to substance abuse is close to having a 50-50 chance of an additional sanction (although slightly higher for Takes Intoxicant Into Body). There does not appear to be an offence in this area which would indicate that an offender is guaranteed one way or another of receiving an additional sanction. The relationship appears to allow for speculation with some of the other offences. For example, the fact that none of the Fights/Assaults/Threatens offences resulted in additional charges may be explained by assuming that if a stronger deterrent than DS was necessitated by the situation, the subject may be administratively segregated and/or considered for transfer to a maximum security institution. These "more serious" incidents, (those resulting in administrative segregation and possible increased security classifications), would not be in the current research sample. If the remaining convictions for Fights/Assaults/Threatens were not considered serious enough to warrant administrative segregation, they also possibly did not merit an

additional sanction in the view of the Institutional Court Chairperson. The fact that 100% of Disobeys Order offence cases were given additional sanctions may constitute administration's efforts to back staff as well as send a signal to offenders that the contravention of staff authority is simply not tolerated. Although DS is already considered to be highly punitive, an additional sanction in conjunction with it sends an even stronger message. An even simpler explanation is to speculate that the apparent random use of additional sanctions is attributable to the subjective discretion of the Institutional Court Chairperson.

#### Sanctioned Offence x Offender Race

The cross-tabulation table to examine the relationship between the variables "sanctioned offence" and "offender race" indicates no statistically significant relationship. The Pearson chi-square value is 10.58 with 9 degrees of freedom, and a significance level of 0.3053. There is no apparent relationship that would indicate that the type of offence committed resulting in DS is correlated with the race of the offender. (Please refer to Table 16).

Table 16 - Sanctioned Offence x Offender Race

	OFFENDER RACE		Row Total
	native	non- native	
SANC. OFFENCE			
fails refuses urinal.	6	2	8 11.9%
disrespect abusive	2	1	3 4.5%
takes intoxicant	11	4	15 22.4%
fight assaults	3	7	10 14.9%
possess deals	8	8	16 23.9%
disobey order	3	1	4 6.0%
poss. unauthoriz	2	1	3 4.5%
creates partic.	0	1	1 1.5%
disobeys written	0	1	1 1.5%
multiple offence	2	4	6 9.0
Column Total	37 55.2%	30 44.8%	67 100.0%

Sanctioned Offence x Gang Affiliation

Once again, (which may be due in part to the numerous categories for offences and the limited sample size), there does not appear to be a statistically significant relationship between type of offence resulting in DS and gang affiliation. The null hypothesis was that

there would not be a significant relationship, and that gang members would not be over-represented in the commission of certain types of offences resulting in DS. SMI gang members and their affiliates are known to intimidate other offenders as well as play a major role in the institutional drug sub-culture. Yet, the Pearson chi-square value for this cross tabulation table is 14.33. The degrees of freedom is 9, and the level of significance is 0.1112. Therefore, it cannot be stated with any type of statistical certainty that gang members are over-represented in convictions for specific types of offences resulting in their serving sanctions of DS. (Please refer to Table 17).

Table 17 - Sanctioned Offence x Gang Affiliation

SANC. OFFENCE	GANG AFFILIATION		Row Total
	yes	no	
fails.refuses urinal.	1	7	8 11.9%
disrespect abusi	0	3	3 4.5%
takes intoxicant	1	14	15 22.4%
fight. assaults	3	7	10 14.9%
possess deals	8	8	16 23.9%
disobey order	2	2	4 6.0%
poss. unauthoriz	1	2	3 4.5%
creates participates	0	1	1 1.5%
disobeys written	0	1	1 1.5%
multiple offence	0	6	6 9.0%
Column Total	16 23.9%	51 76.1%	67 100.0%

Sanctioned Offence x Offender Age

The null hypothesis for the anticipated relationship between these two variables was that the age of the offender would not be related to the type of offence for which the offender was serving a sanction of DS. It was initially thought that younger offenders, often perceived as being increasingly more violent and disrespectful of staff authority,

would be heavily represented in offences such as Fights/Assaults/Threatens and Disrespectful/Abusive Towards Staff, and Disobeys Order. (Please refer to Table 18).

Table 18 - Sanctioned Offence x Offender Age

SANC. OFFENCE	OFFENDER AGE			Row Total
	>20 days	21-30 days	31 days +	
fails refuses urin.	4	2	2	8 11.9%
disrespect abusi	1	1	1	3 4.5%
takes intoxicant	5	7	3	15 22.4%
fights assaults	3	6	1	10 14.9%
possess deals	9	7	0	16 23.9%
disobey order	2	2	0	4 6.0%
poss. unauthoriz	3	0	0	3 4.5%
creates partic	1	0	0	1 1.5%
disobeys written	1	0	0	1 1.5%
multiple offence	6	0	0	6 9.0%
Column Total	35 52.2%	25 37.3%	7 10.4%	67 100.0%

The cross-tabulation table did not disprove the null hypothesis, indicating that there is no apparent correlation between a particular offender age category, and the type of

offence committed resulting in a DS sanction. The Pearson chi-square value is 21.24, with 18 degrees of freedom and significance level of 0.2674.

#### What Effect is the Use of DS Having On Institutional Behavior

The last area of questioning pertaining to this research is concerned with what apparent effect, if any, that the use of DS is having on the offenders who serve this sanction as punishment. For the purpose of this research, the effect of DS on behavior was determined by the change in the number of institutional charge convictions from the pre-test phase of the research study, (prior to the independent variable of serving a DS sanction), to the post-test phase. This was done for changes from pre-test minor institutional convictions to post-test minor institutional convictions, from pre-test serious institutional convictions to post-test serious institutional convictions, and for total combined institutional convictions, (both minor and serious), from pre-test to post-test.

The Wilcoxon Matched-Pairs Signed-Ranks Test was used for the above-stated three sets of calculations. This test is a non-parametric procedure used with two related samples to test the null hypothesis that the distributions of two variables are the same. It does not make assumptions about distribution shapes of the two variables. The absolute values of the difference between the two variables are calculated for each area and ranked from smallest to largest. The test statistic is generated on the sums of ranks for negative and positive differences (Grinnell & Williams, 1990). A non-parametric, 2 Tailed P-Test (pre versus post) was used because it is unknown whether the sanction of DS has a positive or negative effect on behavior.

### Minor Institutional Offence Convictions (a pre-test versus post-test comparison)

The first Wilcoxon Test was to determine whether the independent variable of the DS sanction was associated with change in the number of minor institutional convictions from the pre test to the post test phase of the research. It was determined that the results of this test are not statistically significant. The Z Value = -0.2424 and the 2-Tailed P = 0.8085. Over the total sample population, (although an effect on a specific type of offender could be hidden), there does not appear to be a relationship between serving a sanction of DS and a change in the number of minor institutional convictions. Out of the total sample population of 67 cases, 21 cases demonstrated decreased rates in the number of minor institutional convictions, 21 cases showed an increase in minor institutional convictions, and 25 cases revealed no change. The cases which improved in this area and those whose behavior worsened canceled each other out.

### Serious Institutional Offence Convictions (a pre-test versus post-test comparison)

The same Wilcoxon Test was also used to track improved or worsened institutional offending behavior as indicated by changes in conviction rates of serious institutional offences. Similar to the tracking of minor offences, post-test rates of serious convictions were compared to pre-test rates to determine if DS may have assisted in helping improve behavior, worsen behavior, or had no noticeable effect on behavior at all. Once again, the results of the Wilcoxon Test did not prove to be statistically significant. The Z Score = -0.6973, and the 2-Tailed P = 0.4856. In 19 of 67 cases, behavior (as indicated by conviction rates of serious institutional charges), worsened. A marginal number of cases improved in that 21 of the offenders decreased in the number of serious institutional

charge convictions they received during the follow up period. 27 cases did not indicate any change.

Combined Minor & Serious Institutional Offence Convictions (a pre-test and post-test comparison of rates of institutional offence convictions)

A Wilcoxon Test was also completed to determine if there were changes in rates of total convictions (both minor and serious) from the pre-test phase to the post-test phase. Not surprisingly, (given that independent Wilcoxon Tests for minor and serious charges did not indicate change in behavior/conviction rates with any degree of statistical significance), results are also not statistically significant in the case of combined rates of minor and serious institutional charges. The Z Score = -0.2680 and the 2-Tailed P = 0.7887. In total, 23 cases indicated a deterioration of behavior, 27 cases demonstrated an improvement, and 17 indicated no change.

Although the Wilcoxon Tests did not indicate any significant general trends, increases or decreases in convictions for institutional offending was also looked at in conjunction with the variables of "imposed additional sanction", "offender race", "gang affiliation", "offender age", "sanctioned offence", and the "specific institution", to help determine any significant relationships related to behavior change. A Kruskal-Wallis 1-Way Anova was used for this endeavor. This tests whether independent samples are from the same population. It is the nonparametric equivalent of the 1-Way Anova test.

The first set of Kruskal-Wallis 1-Way Anova tests were used to determine if there was a significant relationship between the variable of having had an additional sanction imposed and indication of behavior change after the introduction of the independent variable. (measured by a positive or negative change in the total of minor offence convictions, serious offence convictions, and a combined total of both minor and serious charges).

#### Additional Sanctions and Changes in Rates of Minor Institutional Offence Convictions

Statistical testing indicated that the variable of “imposed additional sanction” with a change in the number of minor offences did not reveal any statistically significant results. The chi-square value is 0.81, with 1 degree of freedom, and a significance level of 0.3675, indicates that the presence of an additional sanction imposed with a DS designation does not appear to affect an increase or decrease in the number of minor institutional charge convictions for DS offenders.

#### Additional Sanctions and Changes in Rates of Serious Institutional Offence Convictions

Examining the variable of “imposed additional sanction” with the change in the total number of serious charges (from pre test to post test), indicates that there is not a statistically significant relationship. The chi-square value is 0.32, with 1 degree of freedom, and a significance level of 0.5703. Apparently, there is no relationship between the imposition of an additional sanction in conjunction with a sentence of DS, and a change in the rate of serious institutional offence convictions that an offender receives.

### Additional Sanctions and Changes in Rates of Total Combined Institutional Offence Convictions

As was the case in the two above-examined relationships, there is no statistically significant relationship between the imposition of an additional sanction with a DS sentence, and the overall rate of offending as determined by changes in the number of minor and serious institutional charge convictions. The chi-square value for this relationship is 0.60, with 1 degree of freedom, and a significance level of 0.4380. It is also of interest to note the lower frequency of serious relative to minor charges, as such changes in the number of minor charges were easier to detect and also generally dominated the change in the total number of charges.

### Offender Race and Changes in Rates of Minor Institutional Offence Convictions

There does appear to be a statistically significant relationship between the variable of offender race (Aboriginal versus non-Aboriginal), and a change in the rate of minor institutional offence convictions that an offender receives during the study's three-month behavioral follow-up period. The chi-square value is determined to be 4.34, with 1 degree of freedom, and a significance level of 0.0372. Data indicates that it is possible that non-Aboriginal offenders may respond better to DS (and therefore receive less minor institutional offence convictions in the three months following a DS sanction), than do Aboriginal offenders. For this study sample, behavior (as determined by minor institutional offending rates) indicated that non-Aboriginal offenders received 0.50 fewer offences on average, while Aboriginal offenders received 0.38 more minor institutional convictions on average.

### Offender Race and Changes in Rates of Serious Institutional Offence Convictions

Unlike the apparent relationship between the above-noted variables of offender race and the frequency of minor charges, there does not appear to be a significant relationship between offender race and the rate of serious institutional offence convictions. The chi-square value is 1.23 with 1 degree of freedom. The significance level is listed at 0.2681.

### Offender Race and Changes in Rates of Total Combined Institutional Offence Convictions

The variable of offender race and its relationship to the frequency of total institutional charge convictions would appear to be significantly related given the research data. The chi-square is 5.31, with a 0.0212 level of significance and 1 degree of freedom. For the entire 67 case sample population, there was an average of 0.21 less charges for every offender. Yet, broken down by race, non-native offenders received on average, 0.53 less total charges after serving a term of DS, than they had prior to serving the sanction. On the other hand, the institutional behavior of the Aboriginal offenders actually appeared to have actually worsened after having served a term of DS. Aboriginal offenders on average received 0.81 more total charges in the three months after the DS in comparison to the three months prior to the imposing of the sanction. Do these results indicate that on the whole, non-Native offenders respond better to DS than does the average Aboriginal offender? Further research might further identify the common denominator (i.e., possible culturally related variables or characteristics) that may help explain the indicated behavioral differences between these two cultural groups.

### Gang Affiliation and Changes in Rates of Minor Institutional Offence Convictions

Once again, it is important to note that the variable of gang membership is almost exclusively one that pertains to Stony Mountain Institution. For the relationship between gang affiliation and minor charge convictions, in so far as is relevant to the context of SMI, there does appear to be a statistically significant relationship between offenders who are gang involved and rates of minor institutional offence convictions. The applicable chi-square value is 4.30, with 1 degree of freedom and a significance level of 0.0381. For the study sample as a whole, offenders received on average 0.02 less minor institutional charge convictions after serving a term of DS. When broken down into the categories of gang involved and non-gang involved, non-gang involved offenders behavior appeared to positively change in that 0.24 less minor institutional charges were received on average. On the other hand, the gang member's behavior deteriorated, resulting in an average of 0.69 more charges. It would initially appear that for offenders having served a sanction of DS, behavior would more likely improve for non-gang related offenders, (at least as far as minor institutional convictions are concerned). It is also noteworthy to mention that approximately 84% of the identified gang members at SMI were identified as Aboriginal. Approximately 72% of the identified gang members or gang member affiliates identified in this research sample were also Aboriginal. It is unknown whether the increased rates of minor institutional offence convictions is attributable to the variable of gang membership, or whether the deterioration is related to the larger issue of race.

### Gang Affiliation and Changes in Rates of Serious Institutional Offence Convictions

While there is indication the variable of gang affiliation and rates of minor institutional charge convictions are related, there is no such indication of a statistically significant relationship between gang affiliation and serious institutional charge convictions after having served a DS sanction. The chi-square value for this relationship is 2.09, with 1 degree of freedom. The significance level is 0.1486.

### Gang Affiliation and Changes in Rates of Total Combined Institutional Offence Convictions

Gang membership does appear to share a statistically significant relationship with the combined total of minor and serious institutional offence convictions. The chi-square value is 5.93, with 1 degree of freedom and a 0.0149 level of significance. As determined by the frequency of the variable of total charges, it appears that non-gang members that served sanctions of DS had improved behavior to that of gang members who also served DS terms. Given the above two described relationships between gang membership and conviction levels, it appears that the significant relationship is more due to the level of minor charges than the relationship is to serious institutional charges. The mean for gang members is -1.44, indicating that they received on average, this number more charges after serving DS than they did in the three month period prior to the implementation of the independent variable. The mean for the non-gang members was 0.18, indicating a negligible average decrease of this number of charges. As the large majority of gang members and affiliates in this study are of Aboriginal descent, the apparent relationship between the variable of "gang affiliation" and rates of institutional offending support the

previously established relationship between offender race and rates of institutional offending.

#### Offender Age and Changes in Rates of Minor Institutional Offence Convictions

The study results indicate that the variable of offender age does not share a statistically significant relationship with the frequency of minor institutional charge convictions. The chi-square value is 0.73 with 2 degrees of freedom and a 0.6952 level of significance. This result may be interpreted as indicating that the punitive sanction of DS does not appear to be significantly related to the success or failure of behavior change related to any particular age group as measured by differing levels of minor institutional offence convictions.

#### Offender Age and Changes in Rates of Serious Institutional Offence Convictions

Similar to the above Kruskal Wallis test with the variable "offender age" and minor institutional offence rates, the relationship between "offender age" and serious institutional offence convictions is also not demonstrated to be statistically significant. The chi-square value is 2.76, with 2 degrees of freedom, and a significance level of 0.2522. For offenders who have served a term of DS, repeat offending for serious institutional charges does not appear to be correlated to the age of the offender.

#### Offender Age and Changes in Rates of Total Combined Institutional Offence Convictions

Finally, it is not a surprise that given the results of the tests with offender age and levels of reoffending with both minor and serious institutional charges after serving DS

sanctions, there is no statistically significant relationship between offender age and the total number of institutional charge convictions for both minor and serious offences. The chi-square value is 2.76, with 2 degrees of freedom and a level of significance of 0.4467. It cannot be said that behavior is improved or worsened for any particular age segment of the offender sample population as a result of having served a sanction of DS.

#### Sanctioned Offence and Changes in Rates of Minor Institutional Offence Convictions

The results of the study indicate that there is not a statistically significant relationship between the type of offence resulting in a sanction of DS, and a change in the rate of minor institutional convictions incurred from the pre-test to the post-test phases of the research. The chi-square value for this particular relationship is 6.80, with 9 degrees of freedom, and a significance level of 0.6579. Improvement or worsening of behavior related to minor institutional convictions after serving a term of DS does not appear to be related to the specific type of offence for which the DS sentence was imposed.

#### Sanctioned Offence and Changes in Rates of Serious Institutional Offence Convictions

Although in the strictest sense there is not a statistically significant relationship between the variable of type of offence and a change in frequency in the level of serious institutional convictions incurred after the independent variable of DS, there does appear to be marginal significance (although one should take into consideration the sample size and the sparseness of data, which might actually account for the data not being statistically significant). For this relationship, the chi-square value is 15.91, with 9 degrees of freedom and a level of significance of 0.0687. Of the four offences comprising

over 73% of the total number of study cases, averages suggest that Takes Intoxicant Into Body showed the least improvement as a result of serving a sanction of DS. Fails/Refuses Urinalysis was -0.50, indicating on average an increase in serious institutional convictions by this number. The average for Fights/Assaults/Threatens was 0.40 (actually showing a decrease in this type of offending), was -0.44 for Possess/Deals in Contraband, and -1.07 for Takes Intoxicant Into Body. Although Takes Intoxicant Into Body shows the least improvement after a sanction of DS, it must be remembered that the results are indeed not statistically significant.

#### Sanctioned Offence and Changes in Rates of Total Combined Institutional Offence Convictions

There does not appear to be a statistically significant relationship between the type of offence for which an offender serves a term of DS, and the effect that this sanction has on rates of overall institutional offence convictions for three months following the imposition of the DS sanction. The chi-square value for this relationship is 8.55, with 9 degrees of freedom, and a significance level of 0.4797. Although the relationship is not statistically significant, (and caution must be used with regards to data interpretation due to the sparseness of the data), it is interesting to note that offenders serving a DS sanction for Takes Intoxicant Into Body showed the least improvement in behavior. As a matter of fact, these offenders on average received 1.40 more total offence convictions in the three months following the DS sanction than they incurred in the three months prior.

### Individual Institutions and Changes in Rates of Minor Institutional Offence Convictions

Research results do not substantiate the existence of a statistically significant relationship between the particular institution at which the offender is incarcerated and serves his term of DS (Stony Mountain Institution, Saskatchewan Penitentiary, or Drumheller Institution), and corresponding changes in behavior as measured by the frequency of change in minor institutional convictions from the pre-test to the post-test period. The chi-square value for this Kruskal Wallis Test is 3.1304, with 2 degrees of freedom, and a significance level of 0.2090. Although the sparseness of the data will not allow for generalization regarding data trends, it is a point of interest to note that a brief review of the data indicates a positive change in behavior for Drumheller Institution as measured by a positive change in the total of minor offence convictions, (a decrease of 0.52 on average). Offenders at SMI and Saskatchewan Penitentiary actually show a deterioration in behavior as indicated by a mean increase of minor institutional convictions of 0.26 and 0.33 respectively.

### Individual Institutions and Changes in Rates of Serious Institutional Offence Convictions

As was the case with minor institutional convictions related to placement at one of the three different institutions examined in the study, there is no a statistically significant relationship between the specific institution and the changes in rates of offending related to serious institutional convictions. The chi-square value is 0.83, with 2 degrees of freedom, and a significance level of 0.6597. Although not statistically significant in the strict sense of the word (likely due to the small sample size), mean averages in

institutional serious conviction rates would once again suggest that offenders at Drumheller Institution, showed positive behavioral change after serving a term of DS.

#### Individual Institutions and Changes in Rates of Total Combined Institutional Offence Convictions

Finally, there is also not a statistically significant relationship between the specific institution and related levels of behavior as evidenced by changes in rates of total institutional charge convictions. The chi-square value is 2.97, with 2 degrees of freedom, and a significance level of 0.2267. Due to the absence of statistically significant results, it cannot be said with any degree of certainty that there is a relationship between improved or worsened behavior after serving a sanction of DS as a function of which of the three institutions that the offenders were incarcerated in. Although the study sample size is small, it is interesting to note, (and actually presents as an interesting topic for future more rigorous study), that a non-statistically significant trend remained uniform throughout. This being that out of those offenders having served a sanction of disciplinary segregation, offenders at Drumheller appeared to have improved behavior as indicated in the three month follow-up period. Conversely, and once again acknowledging that the statistics were not statistically significant, it further begs answer to the apparent worsening in behavior after DS for those offenders in Stony Mountain Institution and Saskatchewan Penitentiary. It must be stated that the estimates weren't large enough in any direction to say with confidence that there was either a worsening or improvement of behavior.

## **CHAPTER 5 - CONCLUSIONS ON DS AND FINAL RECOMMENDATIONS**

Once again, there were three major lines of questioning which prompted the undertaking of this exploratory research. The first question asked about the general profile of offenders who were receiving and serving DS sanctions? Were there certain offenders in the populations of SMI, Saskatchewan Penitentiary, and Drumheller Institutions that were more likely than other offenders to serve a sanction of DS? Were there certain unique characteristics or personal attributes that may help identify an offender against which the sanction of DS was used to modify or punish problematic institutional behavior?

The second line of research questioning dealt with why and how DS was being used as a sanction. For example, what specific offences or problematic rule-breaking behavior most often resulting in the serving of a DS sanction? How was the DS sanction specifically being used? For example, was the sanction being imposed on its own, or was it used in combination with other court sanctions to assist offenders in improving their behavior?

Lastly, (and the most difficult to obtain accurate causative and statistically significant information about in the course of an exploratory study such as this), what was the behavioral effect that the DS sanction had on those individuals who served it? Did it appear to reduce problematic institutional behavior, not really affect it, or even worsen it? By looking at the objectives of DS and the inmate disciplinary process in conjunction

with perceived trends in behavior, it was thought possible to theorize on whether or not the sanction of DS is furthering the objectives of the inmate disciplinary process. In attempting to evaluate this question, it must be restated that the intent of the research was not to establish a direct cause and effect relationship between sanctions of DS served and institutional offending behavior in the three said institutions. Yet observable trends of increasing or decreasing institutional offences of offenders who have served term(s) of DS may shed light on the long-term viability of DS in the inmate disciplinary process, as well as spark further research in these areas.

The study of these three lines of research questions did not always provide statistically significant results, but did illuminate two central reoccurring themes or findings which presented as prevalent throughout the current research endeavor. One reoccurring theme had to do with offender race and the related issue of gang affiliation. Although offender race and gang affiliation were looked at as two separate variables throughout the course of the study, they were closely related, and as such, are treated as part of the same theme with regards to the findings. Another theme, the most predominantly visible throughout the research, is the issue of substance abuse.

#### A Profile of Offenders Serving DS Sanctions

Variables were examined in order to try and accurately portray a profile of which offenders are receiving and serving sanctions of DS. For example, it is a commonly held informal belief amongst staff members that the “new breed” of violent, young offender is often thought of as the most likely to present as a behavioral concern within the

institutions. If the research had in fact indicated that there was an overrepresentation of younger offenders serving DS terms, this would have further supported this theory of younger offenders as behavioral problems. In reality, only 3% of the total sample population were 20 years of age or less. Conversely, only 9% of offenders who served a term of DS during the period of the research were between 41 and 50 years of age (1.5% were in the 51 to 60 year age group). Forty-nine point three percent of the total sample population was between 21 to 30 years of age, and 37.3% were between 31 and 40. Although only SMI's sample population was representative of the age distribution of the general inmate population, all three institutions had very strong representation in the 21 to 40 year old category. The initial trends in this research would indicate that there does not appear to be strong basis for the premise that the younger offenders would be over-represented as behavioral problems who have accordingly served disciplinary sanctions such as DS. Or at least they are not being dealt with via DS.

This research also isolated the variable of the length of incarceration that the offenders receiving terms of DS were generally serving. A common assumption, in a similar manner to those assumptions about the age of the offenders involved in negative institutional behavior, is that terms of DS would be most commonly served by offenders serving shorter terms of incarceration (not to be confused with the length of the DS sanction). As was previously alluded to, a general working assumption of many staff working in the institutions is that offenders serving longer terms of incarceration have more of a vested interest in maintaining order and stability in the institution (as this is their permanent residence for an extended period of time). The preliminary research does

not appear to support this theory. Despite uncontrolled variables (e.g., the point at which the offender is in the sentence), and unequal age grouping categories, 67% of the total sample population were serving sentences of 10 years or more.

In an attempt to distinguish a profile of which offenders receive and serve a DS sanction, the theme of offender race (also closely intertwined with the variable of gang affiliation), was examined. It is a fact that on average, Aboriginal offenders in the Prairie Region have a higher conviction rate for minor offences, and nationally have higher conviction rates for serious institutional offences than do other offenders (which would present as a possible explanation should Aboriginal offenders be over-represented among those offenders who serve sanctions of DS (Solicitor General of Canada, 1998). As is often the case with their overrepresentation in many others facets of the criminal justice system, it was questioned as to whether Aboriginal offenders would also be over-represented in the sample DS population? Some postulate that western principles of corrections and rehabilitation are not culturally appropriate and effective for Aboriginals. Could "problematic behavior" be viewed as symptomatic of a system that has come a long way but still has far to go in implementing a culturally appropriate means of behavior change and rehabilitation? Or is the indictment much harsher than this; that the Correctional System is perceived as biased and inattentive to the needs of Aboriginal offenders.

This study indicated that Saskatchewan and Drumheller had similar rates of Aboriginal offenders serving a term(s) of DS, as would be representative of the

percentage of Aboriginal offenders in general population. Only SMI appeared to have a slightly disproportionate representation of Aboriginal offenders having served a sanction of DS. While approximately 52% of the general population of SMI was comprised of Aboriginal offenders, 74% of SMI offenders having served a term of DS over the course of the research were Aboriginal.

Gang affiliation was another variable that was focused on to try and determine “who” the offenders were that served terms of DS over the duration of the research. Interestingly, the sample population would indicate that the issue of gang membership or affiliation was a problem exclusive to SMI, as 93.8% of all gang affiliated offenders in the study sample were incarcerated at SMI. Although, all institutions currently have gang concerns to varying degrees, the variable of gang membership was not linked to the use of DS at Saskatchewan Penitentiary and Drumheller Institutions. Accordingly, 55.6% of the DS sample population from SMI were linked to gang affiliation or membership, but gang members comprise only 30% of the total offender population at this institution. As such, initial examination indicates that there may be a slight overrepresentation of gang members, (mainly Aboriginal institutional gangs), and the use of DS at SMI.

Although there appears to be a slight overrepresentation of SMI Aboriginal offenders and gang members in the DS sample population, this would not serve to indicate that Aboriginal offenders or Aboriginal gang members are being unfairly targeted to serve DS sanctions. Further research may assist in further determining the apparent slight overrepresentation of Aboriginal offenders and Aboriginal gang members serving

sanctions of DS at SMI. Questions may be asked about whether these gang members present as increased behavioral problems that necessitate the use of DS, or whether SMI utilizes DS as a tool to combat the growing gang problem. Given that the large majority of gang members at SMI are self-identified as Aboriginal, (approximately 90%), it is unknown whether or not the overrepresentation of Aboriginal offenders is due to the gang affiliation itself, or is consequently due to race more so than the actual affiliation.

First impressions emanating from this exploratory study are that the offenders who serve sanctions of DS for serious institutional charges are generally between 21 and 40 years of age. The offenders are generally serving sentences of 10 years or greater, indicating that DS sanctions were not most commonly the domain of offenders serving short sentences, as is often the common assumption. The race of the offenders (Aboriginal versus non-Aboriginal) does not appear to be a factor (DS rates for Aboriginal offenders generally mirrored a representative percentage of the race of the general population) except that there did appear to be a slight overrepresentation of Aboriginal offenders serving sanctions of DS at SMI. It is proposed that this overrepresentation for SMI, (although not statistically significant for the total sample population), may be tied to the issue of the institutional gangs (which was an issue almost exclusive to SMI in this study sample). It may be proposed that further explanatory research should be undertaken to determine if in fact there is a relationship between the issue of race and gang membership, and their relationship to the use of DS.

### Why is DS Being Utilized and How Is It Being Used?

The second line of research questioning is regarding why and how DS is being used as a sanction. For example, for what specific offences or problematic rule-breaking behavior is most often resulting in the serving of a DS sanction? How is the DS sanction specifically being used? For example, is the sanction being imposed on its own, or is it used in combination with other available court sanctions to assist offenders in improving their behavior. As will be revealed, the central theme of substance abuse assumes a prominent role in answering why and how DS is being used.

Firstly, an attempt was made to try and determine what particular offence or pattern of offences most commonly resulted in the serving of a term of DS. As was earlier indicated, the most common serious disciplinary offence resulting in a DS sanction being served for the total sample population was Possess/Deals in Contraband (comprising 23.9% of the total sample population). Takes Intoxicant Into Body comprised 22.4% of the sample. Fights/Assaults/Threatens 14.9%, and Fails/Refuses Urinalysis accounted for 11.9%. Of these top four, Takes Intoxicant Into Body and Fails/Refuses Urinalysis (34.4%) are directly linked to institutional substance abuse. Of note is that Possess/Deals in Contraband is often a charge given to an offender found in possession of drugs (but can and does include other items such as money or weapons). Although the exploratory research into this issue was simply measures of frequency, it readily became apparent that the theme of substance abuse is inextricably tied to the use of DS as a sanction. This common trend also played itself out to greater or lesser degrees at the level of each individual institution. Of note is that at Saskatchewan Penitentiary, the offences of Takes

Intoxicant Into Body and Fails/Refuses Urinalysis resulted in 66.7% of all DS cases served in the context of the study. At SMI, Possess/Deals in Contraband accounted for 25.9% of this institution's cases. For Drumheller, 32% were attributable to Possess/Deals in Contraband and 28% to Takes Intoxicant Into Body.

Intoxicant abuse appears to be very much tied to DS and its use as a disciplinary sanction. While Takes Intoxicant Into Body and Fails/Refuses Urinalysis accounted for over 33% of the offences resulting in DS, it should be noted that these are just two different charges out of a possible 20 general areas of infractions listed in the CCRA. Further research may help to shed light on the exact nature of this relationship. It may also be telling that the only two offences out of the 20 listed that are automatically serious (no discretion is allowed between a minor or serious charge designation), are Takes Intoxicant Into Body and Fails/Refuses Urinalysis. Is the apparent link between the use of DS and the institutional drug subculture revealing that substance abuse is one of the most prevalent and troubling issues facing today's correctional institutions? Or is DS a suitable and proactive means by which to deter substance abuse involvement (which is undoubtedly a threat to the safety of staff and the security of an institution)? Is the threat perceived by offender use of intoxicants so severe that it must be punished more harshly than some other offences? Or is the reported issue of offender substance in penitentiaries been blown out of proportion? All told, it would appear that some in-depth qualitative research might provide further insight into the apparent relationship between substance abuse and the sanction of DS. On an even larger scale, understanding of the relation

between substance abuse and DS may assist in providing further insight into the overall objectives of the offender disciplinary process.

Further to examining why DS is being used, a number of variables were looked at in conjunction with one another to determine if there were any apparent relationships between certain key variables and how DS is used as a disciplinary sanction. Although it was somewhat disappointing that more of the variables cross tabulated did not reveal statistically significant relationships, (most probably due to issues such as the sample size), the predominant theme in the research once again revealed itself. The research did in fact demonstrate a highly significant relationship between the type of offence resulting in a sanction of DS, and the length of the DS sanction imposed. Cross tabulations between the type of offence for which DS was sanctioned and the length of the DS sanction imposed revealed that the offence of Fails/Refuses Urinalysis (obviously very strongly correlated with substance abuse) resulted in significantly longer imposed sentences of DS (over 85% resulting in sanctions of 20 days or greater). This relationship lends further credence to the theory that there is a strong relationship between the use of DS and substance abuse, and that the nature of this relationship merits further exploration.

Cross tabulations examining the variables of length of DS sanction served in relation to the offence for which the sanction was imposed showed only a marginal level of significance. Given marginal significance, coupled with the sparseness of the data for a cross tabulation such as this, it is difficult to draw anything in the way of conclusions.

With this in mind, it is still interesting to note that offenders appeared to serve longer terms of DS for sentences such as Fails/Refuses Urinalysis and Takes Intoxicant Into Body (substance abuse related offences). Over 62% of offenders convicted for Fails/Refuses Urinalysis and over 73% of those convicted for Takes Intoxicant Into Body served DS sanctions of 21 days or greater. Conversely, it is interesting to note that 90% of offenders convicted for Fight/Assaults/Threatens and 100% convicted for Disrespectful/Abusive to Staff served DS sanctions of 20 days or less.

As previously discussed, cross tabulations were run to determine any relationship between the offence for which DS was imposed and imposed additional sanctions, offender race, gang affiliation, and offender age. Once again, statistically significant initial indications are that serious institutional convictions related to substance abuse are more likely to receive additional sanctions at the time of their DS sentence. Fifty percent of convictions for Fails/Refuses Urinalysis and over 66% for Takes Intoxicant Into Body received additional sanctions along with the DS imposition. Regarding convictions for Fights/Assaults/Threatens and for Disrespectful/Abusive to Staff, 0% received additional imposed sanctions with the DS sanction. Initial impressions are that a strong message is being sent to offenders displaying negative behavior related to substance abuse.

The sanctioned offence cross tabulated with race did not indicate any statistical significance. There was also no information to indicate with any certainty that gang members are over-represented for specific types of offences resulting in DS. As was the case with measures of frequency regarding a profile of who is receiving DS, cross

tabulations to determine why and how DS is being used did not identify offender race as problematic. There was an apparent relationship that is noteworthy of mention. Although cross tabulations indicated that there was not a statistically significant relationship between the length of time in DS served and the race of the offender, it was noted that of the five offenders who served a sanction of 31 days or more, 100% were Aboriginal. This may warrant further study as the ability to produce statistically significant results may have been limited by the sample size. Although this writer does not feel that this in any way suggests that Aboriginal offenders are being unjustly targeted for DS sanctions, it may lend credence to concerns related to the effectiveness of DS and its use with Aboriginal offenders. This issue will be further discussed later in this report.

Further to support the notion that DS is not being unfairly used with Aboriginal offenders, cross tabulations revealed that the length of DS sanction imposed and gang affiliation did not share a statistically significant relationship. In addition, gang affiliation and the actual time served in DS proved significant, but not in the way expected by this writer. Cross tabulation indicates that gang members actually served shorter sentences (despite there being nothing to indicate that they actually have shorter DS terms imposed). This relationship is puzzling as it runs contrary to the notion that DS may be being used as a tool to deal with the gang situation at SMI. It would be interesting to know who is released (gang member, Aboriginal offender, an offender in DS for a substance-abuse related offence, etc.) when the segregation range is full and cell space is required for an administrative segregation case. Further research would be required to provide answers to these questions.

### Does DS Appear To Have An Effect On Offender Behavior?

The third and final focus of this research was to try and determine the effect of DS on the offenders who serve it as a sanction. The first area examined was in relation to behavior change as evidenced by changes in rates of minor institutional offence convictions. Overall, although the results are not statistically significant, there does not appear to be a significant relationship between the serving of a sanction of DS and a change in the rate of minor institutional offences. Approximately the same number of offenders had increased charges as did those with decreased charges, and another segment showed no noticeable change at all. A similar discernible pattern was also shown for rates of serious institutional offending. Logically following, there was no significant pattern of change in overall rates of offending (total of minor and serious institutional offence convictions).

Institutional offending was also looked at in conjunction with the variables of imposed additional sanctions, offender race, gang affiliation, offender age, sanctioned offence, and institution. Although the previous discussed research results did not firmly indicate a relationship between race and gang affiliation and who was receiving DS and why and how they were receiving it, a discussion of the effects of DS does indicate a relationship with race and gang affiliation.

As it appears, there was a significant relationship between the race of the offender, (a previously discussed theme), and changes in rates of institutional offending behavior. According to rates of minor institutional offence convictions, non-Aboriginal offenders

may respond better to a DS sanction than do Aboriginal offenders. Non-Aboriginal offenders tended to receive less minor institutional offence convictions in the post test follow-up than they did in the pre-test period. Also in the area of total combined institutional offences, after serving a sanction of DS, non-Aboriginal offenders rates of institutional offending actually worsened. Non-Aboriginal offenders appeared to demonstrate improved behavior as they received less convictions for institutional offences. For this writer, these results tend to cast doubt and encourage questioning about the viability of DS as a culturally sensitive component of the inmate disciplinary process.

Similarly related, changes in rates of minor institutional offending and combined charge totals (minor and serious institutional charges) appear related to the variable of gang affiliation (keeping in mind that over 96% of the gang members in the sample population are Aboriginal). Although these results were not statistically significant, (likely due to the small number of gang members in the sample population), a similar pattern to that shown by race and institutional offending is demonstrated. The exploratory research indicates that the behavior of gang members actually worsened (increase rates of minor and combined institutional offending) while non-gang affiliated offenders demonstrated corresponding improvements in behavior as indicated by institutional offending rates. Once again, is DS apparently less effective with gang members because they are predominantly members of Aboriginal gangs and DS is not culturally appropriate, because gang members become increasingly more rebellious after the restrictive and punitive sanction of DS, or because the institution is continuing to try and send a tough message to gang members? In this writer's opinion, this apparent

deterioration of behavior is more likely related to the issue of race, than about gang affiliation. If prison administrators were trying to send a strong message to gang members, it is likely that we would see gang members receiving more DS sanctions and longer imposed and served DS sanctions. As was earlier demonstrated, this does not appear to be the case.

In summary, although Aboriginal offenders do not appear to receive DS sanctions any differently than non-Aboriginal offenders, data suggests that DS may not be an effective means by which to effect positive institutional behavior change. It is felt that further research with a larger Aboriginal sample size should be used to further explore this issue. Although not all data pointing to this theory is statistically significant, the pattern remains the same. If DS is not effective with Aboriginal offenders or is actually worsening their behavior, more culturally appropriate means of behavior change for Aboriginal offenders, (incorporating traditional interventions such as healing circles and Elder counseling), should be explored.

Further to this, an attempt was made to determine the existence of a relationship between rates of institutional offending and the three different institutions that served as the settings for this research. Research did not support the existence of statistically significant relationships between the utilization of DS at Stony Mountain Institution, Saskatchewan Penitentiary, or Drumheller Institution and rates of minor, serious, and combined total charges. It would appear that the sparseness of the data does not permit generalization of data trends or statements of statistical significance, but there is an

interesting general trend in this relationship of variables that should be further studied. It would appear that in regards to follow up rates of minor, serious, and combined charges, offenders that served sanctions of DS at Drumheller Institution tended to demonstrate improved behavior (decreased rates of institutional offending) as compared to offenders who served their DS sanction at either SMI or Saskatchewan Penitentiary (whose behavior actually appeared to worsen). Further study would assist in determining for sure whether or not there is a statistically significant relationship between variables (it is recommended that a much larger sample size be utilized if it all possible), and if so, why DS seems to have varying degrees of effectiveness depending on the institution that is utilizing it as a disciplinary tool? Could it be that Drumheller Institution is utilizing DS more effectively. Initial indications do indicate that offenders given a sanction of DS at Drumheller Institution are more likely to serve closer to the desired sanction. (The 'threat' of DS is followed through). The hollow threat of punishment quickly loses its ability to be an effective deterrent. Or, once again, could it be that higher rates of Aboriginal offenders at SMI and Saskatchewan Penitentiary point to DS as an apparently ineffective means by which to change behavior, raising further questions about the cultural appropriateness of this sanction.

With regards to the type of offence and rates of minor institutional offending, no statistically significant relationship was noted. There does appear to be marginal significance, (with caution also being given due to the sample size), between the type of offence resulting in the DS sanction, and follow up rates of serious institutional charges, although this is not statistically significant. Once again, the recurring theme of substance

abuse is also evident in that offenders who received their term of DS for Takes Intoxicant Into Body, (one of the four offences comprising over 73% of the total of sanctioned offences resulting in a served DS sanction), were least likely to demonstrate behavioral improvements (as indicated by an increase or decrease in serious institutional offending as compared to an earlier established baseline of serious institutional offences). The offenders who received a DS sanction for Takes Intoxicant Into Body, were the second least likely to demonstrate behavioral improvement as reflected in the area of serious institutional offence convictions. Conversely, DS resulted in a trend toward improved behavior for offenders who received the sanction for Fights/Assaults/Threatens. Similarly, in the area of total offence convictions, Takes Intoxicant Into Body showed the least improvement in behavior as indicated by total offences. On average, these offenders received 1.4 more institutional offence convictions than the rest of the sample population who had received DS for other institutional offences. It is important to note that it cannot be assumed in the context of this research that offenders who received sanctions of DS for substance abuse related behavior reoffended in a like manner. Further research would need to determine whether offenders given sanctions of DS for substance abuse, continue to commit institutional offences related to substance abuse. It must be acknowledged that these offenders may be versatile with respect to their institutional offending behavior. It can only be stated in the context of this research that the behavior of these offenders did not appear to improve in regards to general institutional offending (although it is known that addicts in an institutional environment are likely to reoffend in a like manner).

As has been revealed, substance abuse is inextricably tied to the sanction of DS. Data indicates that DS is used most often for offences related to substance abuse, that the length of the imposed DS sanctions appear longer for substance abuse, that offenders given DS for substance abuse serve longer sanctions, and that they are more likely to receive additional imposed sanctions. In addition, behavioral patterns also indicate that offenders who serve sanctions of DS for substance abuse related offences are least likely to demonstrate improved behavior. Similar to the issue of race, further research is required to determine if this in fact the case. If the information revealed by this exploratory research is true, alternate forms of punitive sanctions/behavior modification that would be more effective with issues of substance abuse should be explored.

### Summary

Segregation, of which DS is a part, is viewed as an extreme measure. It's use indicates that all other alternatives to manage the offender in general population have been considered as unavailable or ineffective (Correctional Service of Canada, 1997). The objective of the inmate disciplinary process and its sanctions such as DS are to provide a fair and equitable disciplinary system which encourages inmates to conduct themselves in a manner which promotes the good order of the institution, fosters a positive correctional environment, and contributes to the rehabilitation of inmates by allowing them to demonstrate their efforts to become law abiding citizens (Correctional Service of Canada, 1997). As was previously revealed in the literature review, the body of literature proposing the negative effects of segregation would appear to be larger than the body of literature espousing it as a non-harmful tool for behavior modification. It has been

proposed that segregation may actually reinforce problematic offender behavior. It is currently unknown whether its use is meeting intended policy objectives, or whether it is harmful to an offender's mental health and well being. Given the role of DS as an extreme option of restrictive punishment, the lack of literature specific to the role and use of DS in the Canadian correctional system was of particular concern to this writer.

As such, this exploratory research was to be a preliminary attempt at studying the use of DS, and to identify the need for further research specific to its use. Although the lack of a larger sample size is seen as a limitation, the research appears to have met its objectives in that it has reaffirmed the need for not only further exploratory research in this area, but for explanatory research with a recommended qualitative component. This study raised questions about the effectiveness of DS with regards to Aboriginal offenders. Although Aboriginal offenders do not appear to be unfairly targeted to receive DS sanctions, questions arise about whether or not it is a culturally relevant means by which to attempt to deter negative institutional behavior. The Service's Prairie region accounts for the most Aboriginal offenders, being responsible for almost two-thirds of the Aboriginal offender population (Motiuk & Nafekh, 2000). One must take into account that given the numbers of young Aboriginal children and the much higher birthrate, large increases are predicted to occur in the next decade in the Aboriginal population (Boe, 1999). Is the use of DS another example of a criminal justice system that is not in tune with the special needs of Aboriginal offenders?

This writer would argue that the tentative research finding stemming from this study surrounding the issue of Aboriginal offenders may be generalized to other medium security institutions. Despite the propensity for many additional uncontrolled variables in other institutions, questions remain about the effectiveness of DS as a behavior modification tool for all Aboriginal peoples, not just those offenders housed at SMI, Saskatchewan Penitentiary, and Drumheller Institutions. Further research may assist in determining whether or not DS is a culturally appropriate disciplinary sanction for Aboriginal offenders. If it is not, the consequences of its use extend far beyond the populations of only the three institutions in question.

Also, the theme of substance abuse appears inextricably linked to the use of DS as part of the inmate disciplinary process. Further research must examine the role of DS in dealing with the pervasive problem of substance abuse in our penitentiaries. The Solicitor General (1998) has noted that violent incidents in institutions appear to decrease as drug seizures increase. It is also stated that the type of acts subject to discipline in a particular institution are a function of the purpose of that institution's disciplinary system (Harvard Centre for Criminal Justice, 1972). If there is a statistically significant link between substance abuse related behavior and the use of DS, there must be a better way to deal with a pervasive problem such as this than with a restrictive punitive sanction. The use of DS would appear to be contrary to the basic principles of behavior modification in that there is limited access to programming and offenders are somewhat isolated from other available positive supports in the institution.

Similar to the argument made in favor of generalizing results associated with Aboriginal offenders to all medium security male Aboriginal offenders (and not just those DS offenders from the three institutions that were examined), a similar argument may be made for the topic of substance abuse and its relation to DS. Again, taking into consideration uncontrolled variables, the relationship between substance abuse and DS is likely a relationship that exceeds the boundaries of the three medium security institutions in question. This writer would argue that the preliminary data on the relationship between substance abuse and DS would be shared in all medium security institutions in Canada to some degree or another. There is readily apparent argument to be made that would indicate that this exploratory data should not be generalized to all medium security institutions.

Finally, further research must be undertaken to determine whether or not DS is even having the desired effect on offender behavior. It is difficult to justify the use of a restrictive sanction when little is known about its risks, and whether or not it is even an effective means by which to deal with problematic behavior. Inmate discipline is to be first and foremost corrective. Further to this point is that this research could not indicate with any degree of statistical significance that DS had a positive effect on behavior. In fact, preliminary indications are that offenders who are admitted to DS due to substance abuse related convictions actually experience a behavioral deterioration after the serving of the sanction. Although this particular behavioral trend was not statistically significant, it would not be out of line with research by Ross & Doody (1973), Hart (1978), Gendreau & Ross (1980), and Weisburg et al (1995), that indicates that punishment and sanctions

can actually result in increased behavioral transgressions. The lack of any data indicating the effectiveness of DS on improving behavior (especially in the case of SMI and Saskatchewan Penitentiary), also reinforces earlier questions about the effectiveness of DS with the Aboriginal offender population, and about its effectiveness as a means by which to deal with behavior related to substance abuse. Although this area of research presents with unique difficulties in the areas of uncontrolled variables and difficulties associated with trying to research deterrent effect, explanatory research with a qualitative component may assist in identifying DS's effect on individual offenders, and its usage at different institutions. Apparent failure of punishment as a special deterrent does not necessarily mean that it is ineffective as a general deterrent. Due to substance abuse being such a pervasive problem in the prison system, DS might act as more of a general deterrent than a specific one. One addict's improved behavior may not make a dent in the statistics related to the institutional drug sub culture, but the general deterrent remains unknown. For example, an institutional drug dealer is not generally an effective supplier of drugs while in DS. Stemming from the information resulting from this research, as well as the questions it has generated, it would appear that the need for additional research in this area is as great as ever.

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