

Date Reviewed

October 2020

Course

[Law Studies 12](#)

Topic

Canada's Correctional System and Principles of Rehabilitation, Punishment, and Restorative Justice

Big Idea

Laws are interpreted, and these interpretations may evolve over time as a society's values and worldviews change.

Essential Question

How do we balance principles of rehabilitation, punishment, and restorative justice in Canada's Correctional System?

Learning Standards**Content:**

Students are expected to know the following:

- Canada's correctional system and principles of rehabilitation, punishment, and restoration

Curricular Competencies

Students are expected to be able to do the following:

- Analyze continuities and changes in legal systems or codes across jurisdictions (continuity and change)
- Explain and infer multiple perspectives on legal systems or codes (perspective)

Core Competencies**[Communication](#)**

Students can identify and communicate informed opinions regarding underlying principles of the corrections systems in Canada.

[Thinking](#)

Students can consider different factors involved in successful sentencing, release and reintegration in Canada's correctional system.

[Personal and Social](#)

Students can explain how restorative justice helps offenders understand the consequences of their actions and develop empathy towards those affected by their actions.

First People's Principles of Learning

Learning is embedded in memory, history, and story

Introduction

- [Four Corners Activity](#): Prompt students with statements, such as “The point of the criminal justice system is to punish criminals”. Then have them move to the corner of the room that reflects their opinion - agree, strongly agree, disagree, or strongly disagree. (See Materials and Resources for sample **Four Corner Activity Statements**)
- After the activity, explain that our correctional system is based on a balance of different principles and give the definitions for punishment, rehabilitation, and restorative justice. (See Materials and Resources for **Definitions for Students**.)

Pre-Assessment

- Have students individually fill out the **Know-Wonder-Learn: Sentencing and Canada's Correctional System** chart. They'll start with what they know, and then add questions in the “Wonder” column.
- Students can share their questions in small groups or as a class. Students may add questions to their “Wonder” column.
- Direct students to fill out the “Learn” column by using the links on the sheet or their law textbook to look for answers to their “Wonder” section.
- Provide students with 20 minutes to search for and read information. They may not answer all questions but are encouraged to add to the “Learn” column throughout the lessons on sentencing.

Interactive Learning Activities

- Revisit the principles of sentencing and statements from the Four Corners Activity by asking students to do a [Think-Pair-Share](#) (think of an answer, share with their partner, and then discuss as a class) for the following questions:
 - How does Canada's Correctional System punish offenders?
 - Rehabilitate them?
 - How is restorative justice used?
- Encourage students to keep these principles of a corrections system in mind as they complete the **Canada's Correctional System** worksheet using the educational modules from Correctional Services Canada.
- When finished, have students read the article [Canada's Prisons are Failing](#) from The National.
- Inform students that they will be participating in a debate with the resolution “Canada's Correctional System focuses too much on punishing the offender.”
- Assign students to a side in favour or against the resolution. Students arguing in favour of the resolution, will discuss rehabilitative programs, recidivism and restorative justice. Students arguing against the resolution will argue that deterrence and punishment are the most important factors in a correctional system.

- Provide students with the organizational sheet for planning: **Debate: Rehabilitation, Punishment and Restorative Justice in Canada's Correctional System.** Both sides must present statistics, case studies and/or philosophical arguments to argue the resolution.
- *Note that this debate is structured for a class size of 30 but can easily be adapted for smaller groups.

Post-Assessment

- Students will be assessed individually on their preparation and performance in the debate using the **Debate Rubric.**

Extension Activities

Create a presentation on the evolution and changes in principles underlying Canada's corrections system from the late 1800s to the present.

Additional References

Canada. 2020. "Correctional Service Canada." <https://www.csc-scc.gc.ca/index-en.shtml>

Canada. 2020. "Corrections and Criminal Justice Policy." *Public Safety Canada.*
<https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/crrctns-plc-en.aspx>

Canada. 2020. "Corrections and Parole Issues." *National Defence.*
<https://www.canada.ca/en/department-national-defence/corporate/reports-publications/proactive-disclosure/vac-estimates-budget/corrections-parole-issues.html>

Canada. 2020. "How Sentences Are Imposed." *Department of Justice.*
<https://www.justice.gc.ca/eng/cj-jp/victims-victimes/sentencing-peine/imposed-imposees.html>

Canada. 2020. "Office of the Correctional Investigator." <https://www.oci-bec.gc.ca/index-eng.aspx>

Legal Services Society of BC. 2020. "Gladue Rights." *Legal Aid for Aboriginal People in BC.*
<https://aboriginal.legalaid.bc.ca/courts-criminal-cases/gladue-rights>

Ling, Justin. 2019. "Canada's Prisons Are Failing." *CBA National Magazine.*
<https://www.nationalmagazine.ca/en-ca/articles/law/in-depth/2019/canada-s-prisons-are-failing>

Long, Rob D. 2020. "Cuts and Censorship: Challenges in Assessing Substance Use Programs for Men in Canadian Federal Corrections," *Dialogues: Undergraduate Research in Philosophy, History, and Politics*: Vol. 2 , Article 2. Available at:
<https://digitalcommons.library.tru.ca/phpdialogues/vol2/iss1/2>

Book

Murphy, Terry, et. al. "All About Law: Exploring the Canadian Legal System." 6th ed. Toronto, ON: Nelson Education Ltd., 2010.

Materials and Resources:

Four Corners Activity: Statements

The point of the criminal justice system is to punish criminals.

Our correctional system should have opportunities for education, therapy, and other types of rehabilitation.

Someone who commits a crime deserves a second chance if they apologize for their actions.

Offenders should be punished harshly to deter others from committing crimes.

Criminal offenders should have the opportunity to work with victims and do things to atone for their actions.

Rehabilitation programs make it possible for people who have committed crimes to become good citizens in the future.

It is important to separate criminals from the rest of society to protect the public.

Successful sentencing involves offenders recognizing how their actions have harmed the victim or community.

Definitions for Students

Punishment: penalties imposed as a result of a criminal offense (i.e., incarceration). The goal to penalize the offender and to deter others from committing criminal offenses.

Rehabilitation: actions and programs designed to change the behaviour of an offender or help them with specific issues. The goal is for offenders to successfully re-enter society as productive citizens.

Restorative Justice: specific approaches (such as mediation and sentencing circles) that focus on the offender understanding and addressing their actions harmed the victim and community. The goal is reconciliation and healing for all parties involved.

Know-Wonder-Learn: Sentencing and Canada's Correctional System

Instructions: Write down facts that you “know” about Sentencing and Canada's Correctional System in the appropriate column. Then, consider gaps in your knowledge and identify questions to write in the “wonder” column.

Finally, use your law textbook or any of the links below to research and answer your questions in the “Learn” column.

“How Sentences are Imposed” <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/sentencing-peine/imposed-imposees.html>

“Correctional Service Canada” <https://www.csc-scc.gc.ca/index-en.shtml>

Know	Wonder	Learn

Canada's Correctional System

1. What are the different security levels of correctional institutions? How are offenders placed in the appropriate security level?
2. Describe differences between maximum, medium, and minimum security institutions.
3. How are principles of rehabilitation integrated into the corrections process?
4. What educational and career training opportunities exist in correctional institutions?
5. What is restorative justice?
6. What measures exist to reintegrated paroled offenders into society? How is risk assessed?

Source: Correctional Service Canada <https://www.csc-scc.gc.ca/educational-resources/005005-0001-eng.shtml>

Modules Referenced: The Correctional Process, Conditional Release, Helping the Offender, From Offender to Responsible Citizen: Learning for Life, and A Program for Every Inmate: Meeting Specific Needs

Canada's Correctional System

Answer Key

1. What are the different security levels of correctional institutions? How are offenders placed in the appropriate security level?

- minimum, medium, and maximum security levels
- offenders are placed at the appropriate security level after an intake assessment
- information from police officers, courts, and victims is used, along with information from the offender's family, employers, and psychologists

2. Describe differences between maximum, medium, and minimum security institutions.

- Maximum: barbed wire fences, armed correctional officers, more surveillance, stricter schedules
- Medium: barbed wire fences, scheduled programs for work or education, inmates have more responsibilities (i.e. managing money credits, may prepare meals)
- Minimum: no barbed wire, inmates live in units with 7-8 others, more freedom of movement and socialization, participation in programs but less scheduled, more responsibility for inmates

3. How are principles of rehabilitation integrated into the corrections process?

- A correctional plan is developed after the intake assessment - the plan includes specific rehabilitation activities and programs for the inmate's needs (i.e. substance abuse counselling or anger management)
- participation is mandatory
- There are also specific programs for Aboriginal people and for women

4. What educational and career training opportunities exist in correctional institutions?

- Educational programs include Adult Basic Education (up to Gr. 10 equivalent), secondary education (up to Gr. 12 with diploma), and post-secondary education
- Vocation education programs are designed to provide specific skills training for specific jobs (i.e. welding, hairdressing, electronics)
- Programs to teach employment skills such as critical thinking and problem solving

5. What is restorative justice?

- a process that focused on addressing the harm caused to victims and the community by the offender
- voluntary participation by victim(s) and community members
- processes include victim-offender mediation, family group conferencing, sentencing circles, and surrogate victim-offender mediation
- focus on healing for all parties

6. What measures exist to reintegrated paroled offenders into society? How is risk assessed?

- First, there is a case review by a parole board. This parole hearing examines the offender's behaviour during incarceration, their taking of responsibility for their actions, programs they participated in, and the release plan
- Conditional release - a structured program with different conditions and supervision orders depending on the circumstances of the case

Source: Correctional Service Canada <https://www.csc-scc.gc.ca/educational-resources/005005-0001-eng.shtml>

Modules Referenced: The Correctional Process, Conditional Release, Helping the Offender, From Offender to Responsible Citizen: Learning for Life, and A Program for Every Inmate: Meeting Specific Needs

Debate: Rehabilitation, Punishment and Restorative Justice in Canada's Correctional System

Be it resolved that: Canada's Correctional System focuses too much on punishing the offender.

You will either be arguing on the **Pro** side (in favour of the resolution), or the **Con** side (against the resolution). Either way, you will have to work with your group to divide up the roles (opening, arguments, rebuttal, and conclusion). Within these roles, work together to present cohesive arguments and rebuttals. Start by researching statistics, case studies and/or philosophical arguments to support your side.

Opening Statement (1 person)	Hook:	
	Position on Resolution:	
	Brief Summary of Main Points:	
Main Arguments (6 people)	Why is your side right?	
	1 st Point:	
	2 nd Point:	
	3 rd Point:	
	4 rd point:	
Rebuttal (6 people)	<i>Think:</i> If you were on the other side, what arguments would you make?	Why are these arguments wrong?
Conclusion (2 people)	Summary of your side's arguments:	
	Summary of other side's arguments:	
	Summary of rebuttals and conclusion:	

Evaluation is based on:

- Individual notes and sources (your contributions to the group's argument)

Debate Rubric

	Minimally Meeting Expectations	Approaching Expectations	Meeting Expectations	Exceeding Expectations
<p>Critical Thinking and Understanding</p> <p><i>Research notes and sources</i></p>	<p>-limited inclusion of statistics or case studies to support arguments and rebuttals</p> <p>-minimal reliable sources referenced</p> <p>-limited analysis of information to prepare arguments and rebuttals</p>	<p>-includes some statistics or case studies to support arguments and rebuttals</p> <p>-some reliable sources referenced</p> <p>-some analysis of information to prepare arguments and rebuttals</p>	<p>-includes statistics and case studies to support arguments and rebuttals</p> <p>-references reliable sources</p> <p>-adequately analyzes and interprets the information to prepare arguments and rebuttals</p>	<p>-includes a variety of statistics and case studies to support arguments and rebuttals</p> <p>-references a variety of reliable sources</p> <p>-analyzes and interprets the information insightful ways to prepare arguments and rebuttals</p>
<p>Communication and Persuasive Techniques</p> <p><i>Debate performance</i></p>	<p>-expresses ideas through unconvincing or limited arguments</p> <p>-makes arguments and rebuttals in an unconvincing way</p> <p>-minimal use of gestures and eye contact</p>	<p>-expresses ideas with some sense of argument</p> <p>-makes arguments and rebuttals in an adequately convincing way</p> <p>-makes some use of gestures and eye contact</p>	<p>-expresses ideas with a sense of logical argument</p> <p>-makes arguments and rebuttals in a convincing way</p> <p>-uses gestures and eye contact effectively</p>	<p>-expresses ideas with a sophisticated sense of logical argument</p> <p>-makes arguments and rebuttals in a persuasive and highly convincing way</p> <p>-uses gestures and eye contact skillfully to enhance communication</p>