

EXPANSION OF PROBATION IN SASKATCHEWAN:
EFFECTS OF THE PRACTICES OF PROBATION OFFICERS

A Thesis

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ABSTRACT

The present study was a historical analysis of the expansion of probation in Saskatchewan from 1946 to 1978. The purpose was to examine the effect that the practices of probation officers' had on the expansion of this program.

Based on Cohen's professional interests model, it was argued that probation officers caused probation to expand because of their own interests. The primary mechanism was classification. It is believed by most that a professional's knowledge enabled them to best decide where offenders should be placed. An important effect of classification is iatrogenic feedback loops. This refers to the continual creation of new programs to accommodate offenders not already reached or to 'save' others from the damaging effects of the previous system.

It was pointed out, however, that professional growth is limited by professionals within the system, specifically judges, lawyers, and police officers. The effect of the political economic context and community associations on probation expansion also needs to be taken into consideration.

Numerous government documents and archival papers were collected and a content analysis was conducted. The documents pertaining to probation officers were analyzed according to themes indicating their desire to expand the program. The

documents relating to the other groups were analyzed according to statements indicating their support of the program. The result of the analysis indicated that probation officers were interested in expanding probation and were supported in their efforts by the other groups. A historical account was then given of the expansion of probation from 1946 to 1978.

The findings of the present study indicate that, although probation officers were not solely responsible for the expansion of probation, they did play an important role. Their influence on this expansion should not be underestimated.

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DEDICATION

I would like to dedicate my thesis to my father, Stan Bulin (in memory), and to my mother, Merrie Bulin. Their commitment to the pursuit of knowledge instilled in me the desire to set this goal. Their support and encouragement gave me the confidence to attain it. Their faith in me taught me to believe in myself.

1. INTRODUCTION: TRANSFORMATION OF SOCIAL CONTROL PRACTICES

1.1 Introduction

All societies have a system of social control and criminal punishment. These systems differ according to the society and the time period under study. This raises the following question: why do systems of social control and criminal punishment change? It is important to remember when asking why a change occurs, it is necessary to show how the change results in a different state of affairs, by describing the way the existing structures respond to it. This requires the discovery of what the nature of the entities involved are. Consequently, "answers to why questions . . . require answers to how- and what-questions" (Keat and Urry, 1982: 31).

Since the end of the eighteenth century there have been two major transformations in deviancy control. The first brought in the prison system and incarceration; while the second introduced community-based programs. Various explanations have been offered for these transformations.

1.2 Incarceration

The emergence of the prison system at the end of the

eighteenth and beginning of the nineteenth century marked the first major transformation in penal practices (Cohen, 1985: 13). Surveillance and disciplining of offenders was effectively removed from the public eye. Instead it occurred secretly within prisons by the prison authorities (Dreyfus and Rabinow, 1983: 152).

There have been numerous explanations offered for this transformation. The most noted are those suggested by Rothman (1980, 1986), Ignatieff (1978), Rusche and Kirchheimer (1968) and Foucault (1977). Rothman (1980, 1986) attributes it to the efforts of philanthropic minded men and women attempting to recreate colonial society. He has been criticized, however, for accepting too readily the stated intentions of reformers (Ignatieff, 1986: 84). Ignatieff (1978: esp. chap. 3) sees this transformation as the result of philanthropists acting out of political self-interest, religious beliefs and a sense of guilt. This theory has been criticized because it over-simplifies the nature of the transformation within corrections and exaggerates the extent to which prisons were implemented (Philips, 1986: 61).

Rusche and Kirchheimer (1968) argue that methods of punishment conform to the existing mode of production. Types of punishment are influenced by the productive relationships within the social system. Rusche and Kirchheimer have been criticized for not offering a satisfactory explanation of the relationship between the changes in punishment and the

socioeconomic changes that occurred during the 1770's and the 1860's (Philips, 1986: 54). They can also be criticized for over-emphasizing political and economic influences (Cohen, 1985: 111). According to Foucault (1977) the emergence of the prison system can be linked to a change in type of power. This more subtle power would punish more effectively by penetrating more deeply into the social body. The objective of punishment is to produce docile bodies which "may be subjected, used, transformed and improved" (Cohen, 1985: 136). Foucault has been criticized for reducing the intentions of reformers to conspiratorial class struggles of divide and rule. He makes an already complex problem more complex (Ignatieff, 1986: 77).

The above theories all provide a possible explanation as to why the first major transformation in penal practices occurred. In the following section theories which attempt to explain the emergence of the second transformation and the form it took will be presented.

1.3 Community Corrections

After World War II correctional philosophy, in Canada, shifted from punishment to treatment (Skinner, Driedger and Grainger, 1981: 14). It was also during this time that the second major transformation in deviancy control occurred. It was at this point that community corrections emerged (Cohen,

1979: 341). Community corrections is the common term used when referring to the series of non-incarcerating programs which have been "established at various stages of the correctional process to provide for maximum participation by the community in service to or treatment of persons convicted of breaking the law" (Statement on "Community Corrections", p. 4 Program Division, March 1972, SAB, Box 10, File #48, Taylor's papers).

This new correctional policy allowed a change in correctional practices in Saskatchewan. There are more types of programs and the state is more involved in creating and sustaining these programs than ever before (Hylton, 1981a: 193). There are three main underlying assumptions of community corrections: 1) prisons are ineffective since they neither deter nor rehabilitate; 2) community corrections are less costly; and 3) community corrections are more humane than prisons (Cohen, 1979: 342). One of the appealing aspects of these new programs for many reformers was the idea of community involvement rather than state intervention (Cohen, 1985: 121).

The literature surrounding these new programs is divided into two streams of thought. One stream argues that the shift towards community corrections has resulted in a transformation in penal practices, while the other stream argues that it has resulted in bifurcation.

a) Alternative

Proponents of transformation in penal practices argue that the prison is being replaced by community corrections which they believe is a more effective method of control (Matthews, 1979: 112). According to Scull (1984: 45), incarceration is being replaced by community corrections at an ever increasing rate. This method constitutes an alternative to the system and is not a mere supplement. For Scull, community control and incarceration are two interdependent phenomenon. The expansion of community control has made both possible and desirable the contraction of institutional control (Scull, 1984: 135).

b) Bifurcation

Analysts who argue that there has been a system bifurcation, point out that even though there is an increasing use of community corrections, prisons have not lost their popularity. Not only are prisons still being used for offenders who are believed to be the most dangerous, but these offenders are also being incarcerated for longer periods of time (Cohen, 1985; see also Matthews 1979: esp. 107). This has resulted in two systems growing simultaneously.

When looking at the expansion of the criminal justice system, it is important to keep in mind social and demographic trends. Between 1946 and 1961, Canada experienced the 'baby boom' (Statistics Canada, 1977). Some of the system expansion

which occurred in the late 1960's and early 1970's may be attributed to this population increase. During this period individuals from this population would have started to reach the sixteen to twenty-four age range. This would affect crime rates and incarceration rates because most crimes are committed by individuals within that age range (Boyd, 1988: 54). Between 1961 and 1975, approximately 44% of males incarcerated were between the ages of sixteen and twenty-four (Statistics Canada, 1983). Such increases in population put pressures on economic systems, such as increased unemployment, and therefore have the potential to create further problems. Although studies conducted have found a correlation between age cohort size and crime rates (Maxim, 1985), other studies (Steffensmeier, Streifel, and Harer, 1987) have not found age cohort size to be a good predictor of cohort variability.

Expansion of the system may also be explained by the over-representation of natives. In 1956-57, although Indian males over the age of 15 comprised only about 2.5% of the total Saskatchewan male population, they comprised 30% of the inmate male population. In 1958-59, Indian women over the age of 15 comprised 2.6% of the total Saskatchewan female population. At the same time they comprised 7.6% of all female admissions. From 1968-1975, Indian/Metis males were incarcerated at a rate of between 1:6.3 and 1:8.7. All other males were sentenced at a rate of between 1:137.5 and 1:223.3. During this same period, female Indian/Metis were incarcerated

at a rate of between 1:35.3 and 1:59.1. All other females were sentenced at a rate of between 1:6200.8 and 1:7301.5 (Skinner et al, 1981). The effect of over-representation on system expansion was heightened by the fact that the native population also experienced the 'baby boom' (Pontings and Gibbins, 1980). Another factor of system expansion is crime rates. Using the statistics provided by Statistics Canada (1983), the average annual increase in the number of people convicted for indictable offenses between 1949 and 1972 can be estimated at 3.1%. Besides having an effect on incarceration rates, the above factors would also affect the numbers of people being placed in community-based programs. The number of offenders being placed on probation in Saskatchewan, for example, continued to increase at an ever increasing rate from the early 1960's on (see Appendix D). Although these demographic changes are important determinants of system expansion, they do not allow us to understand the form this expansion has taken.

Studies conducted by Hylton (1981a and 1981b) and Gosselin (1982) indicate that there has not been a reduction in the use of penal facilities. Gosselin (1982: 107) found that the ratio of prisoners to general population has remained about the same since 1881. In 1881 the ratio was 1:3,550 and in 1971 the ratio was 1:3,452. Although this does not show an increase in the numbers of prisoners per members of population, it does not show a decrease. In his Saskatchewan

study, Hylton (1981a: 197-199) found that prisons are processing more offenders than ever before. In 1962 the average daily count in the prison was 55.23 per 100,000 population. By 1979 this had increased to 84.87. This is an increase of 54% in 18 years. Besides an increase in average daily count, there was also an increase in admissions to prisons during this period. In 1979 the number of admissions per 100,000 population was 688.72 as compared to 434.85 in 1962. This is an increase of 58%. These data illustrate that at present Saskatchewan prisons are not only processing more offenders but also a larger proportion of the total provincial population. It is important to note that these increases "occurred concomitantly with the expanded use of 'alternative' programs" (Hylton, 1981b: 19).

Matthews (1979: 112-113) argues that community alternatives do not threaten the existence of prisons but reinforce them. The very existence of community alternatives depends upon the prison as a last resource. The arguments used for alternatives help to legitimate punishment and state penitentiaries. Punishment is seen as a need and prisons are seen as necessary accommodations for the most serious offenders. Community alternatives temporarily relieve the problems of the prisons, such as overcrowding, so their continued use can be justified. The prison becomes an attractive punishment strategy once the problems of overcrowding is solved and operating costs are assured (Chan

and Ericson, 1981: 64-66).

Not only are offenders still being incarcerated, but the periods of time have been lengthened. This is particularly so for the 'deep-enders' whom society feels are beyond help (Cohen, 1977: 220). A study done in 1981 by the Solicitor General found that judges tend to set an imprisonment term and then add to it to compensate for parole and mandatory supervision (Solicitor General, 1981: 45). Consequently, 'deep-enders' are finding themselves caught in a much more complex and continual process of control in prisons which have become more specialized and differentiated (Taylor, 1983: 57).

Along with the increase in incarceration, there has also been an increase in the use of community corrections. Chan and Ericson (1981: 42) have noted an increase in the rate of adults placed under probation in Canada from 1972 to 1978. In 1978 the rate was 503.7 per 100,000 population as compared to 275.4 per 100,000 population in 1972. Hylton (1981a: 205-207) discovered a similar tendency in his Saskatchewan study. He found that, even though between 1962 and 1979 the use of prisons had increased, community corrections were being used even more. In 1962, 65% of those being supervised by the correctional system were incarcerated as compared to 26% in 1979. In addition, in 1962, 91% of all those entering the correctional system were incarcerated as compared to only 52% in 1979. Those placed under this form of control are also

being supervised for longer periods of time. According to Hylton (1981a: 206), it is common knowledge that probation orders require a longer period of supervision than incarceration. He points out that in Saskatchewan, an individual would serve between 45 and 60 days under direct prison sentence as compared to approximately 330 days on probation.

Chan and Ericson (1981), Matthews (1979), and Cohen (1979, 1985) argue that community alternatives are not real alternatives. A large number of offenders being processed through these new programs have already gone through traditional processing or would have only received a warning had the new programs not existed (Cohen, 1985: 70; see also Rothman, 1980). Prior to community corrections, police, for example, had two options. They could either formally process or screen out. They now have a third option of diverting offenders into a community program. Diversion tends to become an alternative to screening out but not to processing (Cohen, 1985: 52). Although there is some truth in what Cohen is saying, in Canada this is a much more complex process. Prior to the implementation of the Young Offenders Act, the Saskatoon City Police youth unit was responsible for the charging decisions for young offenders. Due to administrative cutbacks since the implementation of the Act, the unit no longer has this responsibility. The decision to warn, divert or charge a young offender is now left up to the discretion

of police officers. Even though these officers have this discretionary authority, it is the responsibility of the crown prosecutor to suggest diversion. As a result of large caseloads, however, they often rely on the recommendations of police officers (Wardell, 1986). A regulation does exist, though, which states that an offender cannot be diverted unless it is certain they will be convicted (Young Offenders Act, s. 4 (1)). The following of this regulation, however, is the responsibility of the crown prosecutor and not the police. Also, the offender's legal counsel should be ensuring that this regulation is followed. Whether or not this actually happens is not known (Wardell, 1986).

Evidence of this preference for processing can be found in the Saskatchewan Department of Social Welfare's 1951-52 Annual Report of the Director of Corrections. It is suggested that one of the factors involved in the increasing number of juvenile delinquents reported is the fact that various police authorities are reporting a large proportion of delinquents to the Branch who would previously have been dealt with on an unofficial basis. Also if the alternative is used as a condition of release, then the community is not being used as a substitute for the prison (Cohen, 1979: 350).

According to Cohen (1979: 347), not only do these new alternatives supplement the system, they also cause it to expand by bringing in new populations previously not reached. These populations have been "variously defined as young people

'in trouble', 'at risk' or 'potential delinquents'" (Cohen, 1985: 53). Collison (1986: 250) argues that intervention often occurs because it is believed to be in the individual's best interests and not because of the act committed. Offenders are not processed for what they have done but for who they are and what they may do. Evidence of this can again be found in the Saskatchewan Department of Social Welfare's 1951-52 Annual Report of the Director of Corrections. The Director states that the early reporting of delinquent behaviour was encouraged so that children with behavioral problems may be helped before these problems become more serious. Ryan (1983: 133) notes that children are often incarcerated for acts that adults would only receive a fine or a Community Service Order. Also, judges in the Progressive Era tended to use probation instead of the suspended sentence because it extended their discretionary authority (Rothman, 1980: 347). It is important to note that 'suspended sentence' has a different meaning in Canada than in the United States. In Canada an offender's probation order states the jail sentence he/she would have received. This sentence is suspended on the condition that the probationer successfully complete their probation order. If he/she does not, the sentence may be reactivated (Brannigan, 1984: 220). In the United States this is not necessarily the case (Reid, 1981).

By treating deviancy as pathology, too much is done to

too many too soon (Collison, 1986: 255). The alternatives, in general, then, are not being used for the 'deep-end' offenders who would have been sent to prison or reformatories before the alternatives were introduced. Rather, the community alternatives tend to be used for the 'shallow-end' offenders who would not have been sent to prisons or reformatories before the alternatives were introduced (Cohen, 1979: 347).

Consequently two systems of punishment can be found growing simultaneously: one system (prisons) for those at the hard end and the other system (community) for those at the soft end. It appears prisons will remain as a means for law-abiding citizens to vent their anger (Chan and Ericson, 1981: 63), and as a reaction to the general public's fear of crime, particularly violent crime (Taylor, 1983: 2-3). At the same time, it is also likely community corrections will continue to exist and expand for those concerned with offenders at the soft end. This raises an important question: if the new programs were intended to be alternatives to the prison, and the use of the prison has not subsided, why has community corrections expanded?

c) Theories of Transformation and Expansion

There have been a number of theories offered for this second transformation and the system expansion which resulted. Cohen (1985: 88) organizes these theories into a five model

scheme: progress, organizational convenience, ideological contradictions, professional interests and political economy.

The progress model argues that benevolent intentions were the impetus for new correctional programs. Better ways of handling deviancy were needed because the old ways were outmoded. According to this model, the implementation of programs roughly matched the original intentions. Some incongruity may exist due to misunderstandings and lack of resources. Generally, however, the programs have successfully met their objectives. The progress model is important because it illustrates that new correctional programs are a rational and direct response to crime (Cohen, 1985: 90-92). The Saskatchewan 1946 Penal Commission and its recommendations, for example, was a response to the conditions in Saskatchewan jails (Skinner, Driedger & Grainger, 1981: 85). In a newspaper article, the Honourable J.T. Douglas stated that the penal conditions in Saskatchewan required immediate action (Newspaper Article, "Of Prisoners are Repeaters", SAB, File #R-234.3, Laycock Commission papers). The progress model is useful in that it provides one of the possible explanations for the transformation of social control practices. As Matthews (1979: 111) points out, even if benevolence/humanitarianism is not the primary force behind changing social control practices, the ideology of humanitarianism plays a significant role in explaining these changes. This model does not, however, offer any explanations

for why the system or the programs within it expanded the way they did.

The organizational convenience model is in line with Rothman's analysis (Cohen, 1985: 92). As already stated, Rothman views prison reforms as being the result of philanthropic minded men and women attempting to recreate colonial society. Intentions were again assumed to be benevolent. These programs were readily accepted by the managers of the criminal justice system due to operational convenience (Rothman, 1980: 60). Judges, for example, favoured having the freedom to give probation to whomever they wished because, in terms of juvenile cases, it freed them from due process requirements (Rothman, 1986: 116). A program could also conveniently help fulfil certain organizational goals. Probation, for example, was not favoured by the general public, whereas judges, prosecuting attorneys and criminal lawyers fought for probation since it helped to facilitate plea bargaining (Rothman, 1980: 96-99). Parole was also supported despite public resistance because it was seen by wardens as being critical for prison discipline (Rothman 1980: 186). The programs were readily implemented because they were convenient. Corrections managers accepted the programs but adapted them to meet their needs (Cohen, 1979: 347). Such adjustments have resulted in unmet promises and unintended consequences (Cohen, 1985: 96).

Although the organizational convenience model can be used

to explain the particular form programs take once they are accepted, it offers no insight into why the transformation in social control practices occurred. This particular model is also problematic as it offers a better explanation for the actions of organizations in the private sector than for those in the public sector. The Corrections Branch, for example, is the government agency responsible for both probation and the provincial correctional facilities. Consequently it is composed of professionals with differing concerns. Although it may be in the best interests of probation officers to expand the system by increasing the numbers of clients/offenders, it may not be in the best interests of prison managers. For the latter group a secure prison is more important than an overcrowded one (Cohen, 1985: 168). Professional concerns within the organization are not unified. There is, however, a shared interest in the organization's continued existence, but it is related to their own needs and job security. Therefore, means for achieving this differs depending on the profession.

The ideological contradictions model focuses on the "talk". This model points out that within any ideology there are a number of contradictions, distortions and impurities (Cohen, 1985: 100). The underlying concept of the minimum state, for example, stresses a reduction in state intervention. This is contradictory to the current conservative crime control strategy which emphasizes the

extension and strengthening of the law (Cohen, 1985: 131). This concept of differing ideologies is very important. Not everyone involved with or affected by a particular program is going to support it (Cohen, 1985: 160). Probation in Saskatchewan, for example, was accepted and adopted by the Corrections Branch of the Department of Social Welfare and Rehabilitation, but it took four years for the magistrates, crown prosecutors and police to accept it (Skinner et al, 1981: 122). Consequently, differing ideologies affect program adoption and implementation. Again this model does not explain why social control practices underwent transformation. It does, however, provide a possible explanation of why programs develop in a particular way.

The professional interests model concerns itself with the professionals and experts found within the criminal justice system and their influence. Proponents of this model argue that although some benevolence is evident, it primarily reflects the interests of the professionals (Cohen, 1985: 101-102). Britain's Labour Government's White Paper, The Child, The Family and the Young Offender, proposing the abolition of juvenile courts, is an example of this. Even though it was unconventional in the 1960's to argue for justice and punishment rather than welfare, arguments came from lawyers, magistrates and probation officers because of the professional status at risk. As a result of this debate the Labour government of the day developed a new policy that

retained the juvenile court (Ryan, 1983: 30-31). Professionals, then, will support and argue for policies and programs which represent their best interests.

Although much of the system expansion can be explained in terms of professional self-interest, this model is limited in that it operates best for the private sector. First it ignores the influence of the political economic context on the public sector. Conditions for professional growth are determined by wider political interests. Professional growth is not allowed to continue to expand indefinitely. Second, as already noted, it may not be in the best interests of all control agents to keep on expanding. Generally speaking, correctional officials do not have a direct incentive to pursue funding and clientele. Their clients are provided for them and their collective interests are tied to public and political demands (Cohen, 1985: 167-168).

Cohen's final model is the political economy model which has two divisions. According to the economic component, the state will only create and implement those policies which support the economic system and the existing division of labour (Cohen, 1985: 103-104). The major proponent of this argument is Scull (1984). In Scull's analysis of welfare state capitalism, he attempts to extend the type of analysis done by Rusche and Kirchheimer (Chan and Ericson, 1984: 19). As already noted, Rusche and Kirchheimer view the type of punishment chosen as being influenced by the social system's

productive relationships. Scull (1984) argues that the development of formal social control facilities corresponded with the growth of the capitalist market system. During the 1960's and the 1970's, fiscal pressures on the state intensified making it more difficult to justify segregated forms of social control because of their cost (Scull, 1984: 135). The use of welfare payments to provide elements of the surplus population with a means of subsistence became a more viable alternative to incarceration. It allowed the state to sharply curtail the expense of segregative control (Scull, 1984: 152).

Melossi (1980: 396-397) argues that social control practices change for a different reason. According to him the fiscal crisis would not have had the same impact if the disciplining function of the closed facilities had not become obsolete at the same time. The social control system is a reflection of the present relations of production. Consequently, any changes in the mode of production will cause changes in the social control system because its existing disciplinary function will be inadequate. According to the economic division, programs are accepted and implemented for economic reasons.

A crisis also exists in the political component, although it originates in the economic system. Problems at the economic level, such as unemployment and recession, cause problems at the political level in terms of authority and

legitimation. It is necessary for the state to respond to these problems in order to validate its authority (Cohen, 1985 107-108). Canada's, Britain's and the United States' 'law and order' campaigns and responses are related to the present economic crisis. According to Ratner and McMullen (1983: 31-35), while the United States is increasing the military budget, deregulating the CIA and the FBI, strengthening penal discipline and lifting intelligence gathering and surveillance restrictions, it is also making massive cuts to state spending in the areas of education, health and social services. The increase in expenditure in one area could help to dispel the problems caused by the decrease in expenditure in another. What remains of the soft side "is understood as just benign watchfulness or as symbolic exercises of legitimation, serving to 'cover' and deflect attention from the repressive moves happening elsewhere" (Cohen, 1985: 109).

Another important aspect of the political system within Canada, in terms of corrections, is the jurisdictional split or "two year rule". Offenders sentenced to two years plus a day are the responsibility of the federal government and those who are sentenced to two years less a day are the responsibility of the provincial government (Ekstedt and Griffiths, 1984: 44; see also Solomon 1981: esp. 6-7 and Needham 1980: esp. 298). This split takes on additional importance in programs, such as probation, where cooperation between federal and provincial governments is required

(Ekstedt and Griffiths, 1984: 71). Although probation is a provincial service, it is found in the federal statutes. Consequently, the provincial government must follow the guidelines set down at this level.

The political economy model is useful because it offers a possible explanation as to why social control practices underwent a transformation from incarceration to community corrections. It, however, provides little insight into why the system has continued to expand to the extent it has.

1.4 Scope of the Study

The focus of this thesis is on the expansion of probation services from 1946 to 1978. At the end of World War II various groups began pushing for a shift in correctional ideology from punishment to treatment. It was also at this time that an influx of professionals entered the system. Although the influence of professionals on correctional policy and the nature of correctional practice in Canada is acknowledged, little research has been done into the nature of this influence (Ekstedt and Griffiths, 1984: 117). This raises a couple of questions. Firstly, did professionals influence the expansion of probation from 1946 to 1978, and secondly, if they influenced the expansion, what was the nature of this influence?

All the theories in the above section offer some

understanding of the transformation of social control practices and the expansion of the system. Cohen (1985) suggests that a combination of these theories would provide the most comprehensive explanation of the above transformation. Due to the focus of this thesis, the professional interests model is the most pertinent. In applying this theory it is important to consider limitations placed on professional growth by other professionals and the political economic context. The following chapter will outline this theory in more detail.

1.5 Summary

This chapter began with a general discussion of systems of social control and criminal punishment focusing on the two major transformations that have occurred since the end of the eighteenth century. These transformations, incarceration and community corrections, provided the framework for discussion of the literature surrounding changes in social control practices. Under community corrections an indepth analysis of the results of this transformation was presented. It was argued that the new alternatives caused the correctional system to bifurcate. Theories for the transformations and the consequences of the second transformation were then outlined and critiqued. The most appropriate theory for this thesis was established.

2. THEORETICAL FRAMEWORK: MECHANISMS OF EXPANSION IN COMMUNITY CORRECTIONS

2.1 Introduction

The change in correctional practices requires new people to deliver the service. With the shift in correctional philosophy and practice from punishment to treatment, handling of criminals had to be changed. Mere punishment needed to be replaced by rehabilitation and character transformation. In order to do this, it was necessary to understand and know the individual and to classify the person as a certain type of deviant or criminal (Foucault, 1977: 251-253). It was believed the social and behavioral science professionals had the necessary knowledge.

According to Foucault (1980: 47-48), the professionals entering the system at this time are now indispensable to its functioning. As was noted in chapter 1, it is acknowledged that professional interests influence correctional policy and the nature of correctional practice in Canada. One of the purposes of the Corrections Branch, as stated in the Work Programme for fiscal year 1961-62, is "to formulate and recommend policy and program, subject to the Minister's direction and approval, and to determine procedures and to

establish standards for the corrections services" ("I. Purpose", 1961-62 Budget Estimates Book II, SAB, M16, Nicholson's papers). Cohen (1985) argues that professionals may cause system expansion through classificatory practices.

2.2 Classificatory Practices

Classification, as the centre of power, legitimates professional interests. The theory is that with the right information, at the right time, an offender can be matched to the proper treatment method and professional group. The final result of such a match would be success (Cohen, 1985: 183).

Professionals at the soft end have been given collective authority to gather without question all information necessary to classify deviants. At this point, power and knowledge meet (Cohen, 1985: 183-191). This connection is best illuminated by Foucault's (1977) power-knowledge spiral. According to Foucault, power gives knowledge and in turn knowledge gives more power. The two directly imply each other. He states:

. . . there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations (Foucault, 1977: 27).

Professionals have been given the power to classify deviants. Partly through the language/terminology used by professionals, it is assumed that they know best where deviants should be

placed within the system. Edelman (1977: 60) notes that:

when the power of professionals over other people is at stake, the language employed implies that the professional has ways to ascertain who are dangerous, sick or inadequate; that he or she knows how to render them harmless, rehabilitate them or both; and that the procedures for diagnosis and treatment are too specialized for the lay public to understand or judge them.

Professionals are also successful because of the trust of the general public. Few people lose sleep over what the helping professions are doing. "The softer and more benign the system appears, . . . the more rational and unquestionable appears the business of classification" (Cohen, 1985: 184). This ideology of a benign system composed of helping professions is an important basis for system expansion. Professionals, through classificatory practices, enable the system to expand and the state to extend social control over a larger proportion of the total population because it occurs under the rhetoric of "doing good" (Cohen, 1985: 173). Pre-sentence reports, for example, provide judges and the courts with more than just knowledge about the offender. Information concerning home environment - strengths and weaknesses within the family, work history and habits also provides the court with information concerning the person's close contacts ("Probation", SAB, M16, File #15-5-9, Nicholson's papers). Again, few question the collecting of this information. Also, by keeping one individual within the community officially under surveillance, all those they associate with are also

kept under a certain degree of observation. As Foucault (1980: 45) notes: "criminals can be put to good use, if only to keep other criminals under surveillance."

a) Iatrogenic Feedback Loops

After a period of time it becomes evident that not all deviants can be accommodated by the existing system of classification. As a result new categories continually need to be created which allows more deviants to be processed. This system expansion is endogenous or iatrogenic and is similar to the effect described by Illich (1976) that occurs within the medical field. This type of system expansion may depend, in part, on professional ideology of social problems. Social problems are identified as controlled yet unsolvable. They are defined in ambiguous terms which allows professionals to adjust their composition to enable new agencies and services to be established. The creation of additional categories of deviance and the identification of more individuals within these categories allows the professional role to expand. The more complex the organization becomes, the more the interplay between professional logic and self-interests are able to elaborate iatrogenic feedback loops. New systems, such as diversion, are created to handle the problems caused by the old system, but then new problems develop which need to be fixed by yet another system and the cycle continues. Each of the new programs promises salvation

from the damaging effects of the old. They also provide alternatives for those individuals not serviced by present programs. The majority of alternatives and community movements can be seen as iatrogenic feedback loops. Although this type of system expansion lacks rationality and success, professionals are able to justify it through the rhetoric of "doing good" (Cohen, 1985: 170-173).

Besides enlarging the capacity of the system, iatrogenic feedback loops also cause its character to change. As new programs are accepted, already existing programs are changing their operating principles. This results in the transformation of social control practices (Cohen, 1985: 56).

The question that arises is: how do professionals involved in a particular program cause system expansion through their classificatory practices? One possibility might be increasing the target population. There are three ways that this can be done. The first is by extending the existing program into areas not already reached, such as rural areas. By extending a program into different jurisdictions, a new population of deviants is created for classification. The second method is by expanding the program so that it again reaches new populations. There are two ways of doing this. The first is by creating new categories within the program. This would allow room for those deviants who did not adequately fit into the program as it existed. The second is by changing existing legislation, such as the criminal code

or provincial statutes, which would open the program up to deviants who were previously not eligible. The third way of increasing the target population is creating new programs. This would allow deviants not previously reached to be serviced. By defining and classifying deviants as eligible or as good potential clients for the program, and by pushing for and creating options for those not already reached, professionals expand the target population. This can result in program expansion and, consequently, in system expansion. Statements, made by professionals, referring to any of the above options could be seen as attempts to expand the program and the system.

2.3 Limitations: Internal and External Forces

As noted in chapter 1, there are limitations to this theory. Professional growth is affected by internal forces, such as other professionals, as well as by external forces such as the political economic context in which it occurs.

Programs have an impact on a number of professionals other than those employed by them. These other professionals, in turn, have an effect on the 'success' and expansion of the programs and, consequently, on the professional growth of those directly involved in them. The response of these other professionals towards new programs is important because they are the dominant group and have what Alford (1975) describes

as dominant structural interests. Their interests are supported by the structure of existing social, political and economic institutions. In comparison, the professionals directly involved in the new program have challenging structural interests. Their interests are the result of society's changing structure. Consequently, these professionals are at a disadvantage.

In community correctional programs, such as diversion and probation, police officers, lawyers - particularly crown prosecutors, and judges all have an effect. Due to the existence of these options, police officers may be more inclined to process offenders instead of screening them out. Crown prosecutors have the responsibility of suggesting whether an offender should be diverted or not. If they are not supportive of the programs, then they may not suggest that option. Judges, as mentioned earlier, have the final say as to whether or not an offender will be diverted or processed. The use of these programs by the above professionals is necessary if they are to survive.

In addition to those professionals just discussed are the professionals whose workloads may increase as a result of these programs. In the early years of the probation program, it was provided in some areas on a part-time basis by regional welfare workers. These professionals often saw this extra work as being an infringement on their time (Skinner et al, 1981: 123). This attitude may have affected the success of

this program. If not all the professionals affected by a particular program recognize its value and are supportive of it, then its 'success' and expansion may be hindered. It may even fail. Program 'success' and expansion is necessary for the professional growth of those directly involved to occur and continue.

Programs, and consequently professional growth, are also affected by the political context in which they occur. An important aspect of the correctional system in Canada is the jurisdictional split. As noted in chapter 1, this split is important in programs, such as probation, where the cooperation between the two governments is necessary. Probation is found in the federal statutes but is a provincial service. Consequently, the guidelines set down in the above statutes must be followed by the provincial government. These guidelines may hinder the expansion of the program and professional growth.

Programs and professional growth can also be affected by the 'vote' (Clough, 1984: 86). Politicians tend to be responsive to public concerns when there is public pressure surrounding a particular issue (Solomon, 1981: 9-10). This is necessary for political survival. Consequently, the expansion of the program and professional growth may be hindered unless those professionals responsible for the program can convince the general public, and others associated with the program, of its worth. Opposition within the

government may also cause the expansion of programs and professional growth to slow down or come to a halt.

A final limitation to professional growth may be economic conditions. Due to lack of funding, it may not be possible to continue supporting the program or hiring only professionals. This may result in the use of volunteers. The use of volunteers could be a threat to professional growth if it was determined that not only are they cheaper, volunteers are also as efficient and competent. This may cause the government to rely more on volunteers than professionals.

2.4 Research Question

This thesis is an analysis of probation in Saskatchewan from 1946 to 1978 examining specifically the effect of the practices of probation officers on its expansion. According to Cohen professionals have caused the system to expand through their classificatory practices. The question to be studied in this thesis is: has the expansion of probation in Saskatchewan been the result of the probation officers' classificatory practices?

The professionals I will be focusing on are probation officers. It is also necessary to consider other professionals who may have an effect on probation work and its expansion. Judges, for example, place individuals on probation. If they refuse to use probation, then the ability

of probation officers to expand this service will be affected. Consequently, the reactions of the other professionals to probation is important. Therefore the reactions of judges/magistrates, police officers and lawyers will also be analyzed. Two external groups will also be considered in the analysis: the federal and provincial governments and community associations. It is felt that these groups will have an effect on the success of probation officers' attempts to expand the program.

2.5 Summary

This chapter opened with a brief discussion of the entrance of the social and behavioral science professionals into the system. Their acknowledged influence on correctional practices was also noted. At this point a more indepth study was made of Cohen's professional interests model. It was revealed that the primary mechanism used by professionals to cause system expansion was classification. Professionals have been given the authority to categorize deviants. It is believed that their knowledge enables such individuals to receive the proper placement. Particular emphasis was placed on iatrogenesis. As an effect of classification, iatrogenesis has an important role in system expansion. A number of the internal and external forces which may limit the success of a program were also outlined. The research question under

study was derived from the detailed examination of Cohen's professional interests model.

3. METHODOLOGY

3.1 Method

In this chapter the method of analysis, sources of data and the themes that will be used for analyzing the data will be outlined.

The focus of this thesis is an historical analysis of the development of probation. With the data sources being primarily secondary sources, content analysis was seen as the most appropriate method for analyzing them. Content analysis, besides being a method of analysis, is a method of observation: "instead of observing people's behaviour directly, or asking them to respond to scales, or interviewing them, the investigator takes the communications that people have produced and asks questions of the communications" (Kerlinger, 1973: 525). Consequently, content analysis can be discussed using the same terms as other observational methods.

3.2 Sources of Data

With the focus of this thesis being the effect of professionals, specifically probation officers, on the expansion of probation, it was felt that government documents

and archival records would be the most appropriate sources for determining this effect. Probation is a government service, therefore, attempts made by probation officers to expand the program should be found in the above documents and records.

Data was collected from the following sources:

- 1) government documents. These include various reports published by the government. They also include legislative debates and federal and provincial statutes. One important set of documents for probation officers are the Social Service Annual Reports. These reports are their most direct voice to the provincial government. Although the section on Corrections within these reports is written by the Director of Corrections, the information is supplied by the monthly reports handed in by probation officers (J. Mather, personal communication, June 8, 1989).
- 2) archival records. These records include the Ministerial Papers of Allan Blakeney, Alexander Nicholson/John Sturdy, Alex Taylor, Cy MacDonald, Herman Rolfes/Gordon Snyder and Thomas Douglas and the Laycock Commission Papers. A few archival documents, which had previously existed in a Corrections Deadwood File, were obtained from Otto Driedger, Faculty of Social Work, University of Regina. The sources of data within these records

are letters, department memos, speeches, reports, budget reports, conference reports, statements and newspaper articles.

- 3) interviews. Interviews were conducted with Otto Driedger - Director of Child Welfare, 1965-68, Director of Corrections and Institutions, 1968-71, and co-author of Corrections, Jack Mather - Chief Probation Officer, 1950-1958, and Director of Corrections, 1958-1964 and Larry Heinemann - Chief Probation Officer, 1959-1961. These documents allowed a systematic observation of the development of probation between 1946 and 1978 and the effects of probation officers' on its expansion.

The vast quantities of government documents, particularly archival documents, made it necessary to develop a format for organizing the material. The initial categorization was based on the four professional groups and the two external groups identified in chapter 2. Each document was classified according to the group or groups to which it pertained.

There are some problems associated with secondary sources. Not all conversations and discussions, for example, have been written down or can be obtained. Also, written material contains the author's bias. It is felt, however, that these sources, along with the interviews, will provide valuable insight into the effects of the practices of probation officers on the expansion of probation in

Saskatchewan.

3.3 Themes to be used in Analysis

The substantive part of this thesis is divided into two parts. The first part examines the practices of probation officers and the second part analyzes the reactions and support of other professionals, the federal and provincial governments and community organizations.

For the section concerning probation officers the unit of analysis that has been chosen is the theme - usually a sentence or proposition about something (Kerlinger, 1973: 525). The themes to be used in this section are establish program, extend program, expand program and new programs. As already stated in chapter 2, the last three themes represent possible methods for professionals to cause program expansion. The first theme, establish program, is also important because a new program needs to be firmly established before it can be expanded. The first task of professionals, then, is to prove the value of a program in order to establish it.

In order to successfully categorize statements under the appropriate theme, it was necessary to provide relatively unambiguous definitions of each.

A statement was coded under establish program if it referred to the value and the necessity of the program. Hypothetical examples would be, 'probation is a positive

alternative to jail and suspended sentences', and 'there are extensive benefits to probation'.

Efforts to extend the existing program into new areas were found in hypothetical statements such as, 'it would be desirable to extend probation services throughout the province', 'judges in rural areas would make use of this service if it was provided', and 'expansion of probation into rural areas is still slow'. Statements such as these would be coded under this theme.

A statement was coded under expand program if it referred to the need to change existing legislation to allow more people access to the program. Hypothetical examples of this are, 'probation is severely limited due to the criminal code', 'the criminal code needs to be changed', 'provincial statutes need to be changed so that offenders convicted of a provincial offence will be eligible for probation', and 'due to the fact that there is no provincial probation act, persons convicted under provincial statutes are not eligible'. Statements referring to the increase in types of probation are also included under this theme. A hypothetical example would be, the description of the different types of probation and statements to that effect. These types of statements found in the Social Service Annual Reports were only recorded when they initially appeared. After that they were considered to be merely descriptive and explanatory.

The desire to create or the creation of new programs and

probation officers' involvement in them were found in the following hypothetical statements, 'probation officers are starting to get involved in projects such as restitution, mediation and plea bargaining', and 'diversion and bail supervision are seen as being potential programs'. These statements would be coded under the theme new program, unless they were created as a result of recommendations made by special government appointed committees. As with the above, statements found referring to the creation of a new program found in the Social Service Annual Report, were only recorded when the program initially appeared.

The second section of this thesis analyzes the reactions and support of other professionals, the federal and provincial governments and community organizations. As noted in chapter 1, professional growth is limited by the political economic context and other professionals. Consequently, it is important to take into consideration how these groups responded to probation. Statements in the documents that have been classified under these groups will be categorized according to their positive or negative view of probation. Hypothetical examples of these statements would be, 'a probation service is needed in this area', and 'probation is leniency'.

The occurrence of each of the themes in the probation section and of the positive and negative statements in the second section were counted in each document. The findings

and discussion of each analysis will be presented in chapters 4 and 5 respectively.

3.4 Summary

The purpose of this chapter was to outline the method of analysis to be used and to provide a general description of the data sources.

Because this thesis is an historical analysis, and the data is derived primarily from secondary sources, the data collection method of content analysis was decided upon.

The data to be analyzed was taken primarily from government documents and archival records. A few interviews were also conducted as a validity check on the information found in the secondary sources.

The substantive part of the thesis was divided into two sections. The first concerns the practices of probation officers. It was decided that the theme would be the most useful unit of analysis for examining the documents in this section. The themes chosen were establish program, extend program, expand program and new programs. Hypothetical examples were provided to demonstrate the operationalization of these themes. The second concerns the reactions of other professionals as well as the federal and provincial governments and community organizations. The data here was analyzed according to positive and negative statements

concerning probation. Hypothetical examples were again provided to demonstrate operationalization. The findings and discussion of each analysis will be provided in the following two chapters.

4. EMERGENCE OF PROBATION IN SASKATCHEWAN:

THE TREATMENT YEARS: 1949 - 1966

4.1 Introduction

The documents analyzed were those which reflect the opinions of probation officers on program expansion as well as those which reflect the opinions of judges/magistrates, community organizations and the provincial and federal governments on the value and advantages of the probation program. The documents were categorized according to the group to which they pertained. The content analysis was then conducted. The findings of these analyses suggest that probation officers were interested in expanding the probation program and they were supported by the above groups. The success of probation officers in expanding this program and the support they received from the above groups as well as from lawyers and police officers will be demonstrated in the next two chapters. It will also be pointed out how program expansion has resulted in system expansion. This chapter will focus on the expansion of probation during the period in which treatment was emphasized.

4.2 Social, Economic and Political Conditions Surrounding the Shift in Correctional Practices in Saskatchewan in 1946

At the end of the nineteenth century in Canada there was little change in correctional practices. It was not until the post-World War II period that any real changes occurred (Ekstedt and Griffiths, 1984: 54). It was at this time that various groups began to push for a shift in correctional ideology from punishment to treatment (Skinner et al, 1981: 14). This interest in shifting ideology can be explained in terms of changing social, economic and political conditions.

In the 1930's Canada experienced the Depression years. During this period some people's philosophies concerning social problem groups began to change. It became evident that remote economic conditions beyond an individual's control could affect their personal conditions. Thousands of people who had none of the classical symptoms of social problem groups were falling into this category. Social workers were beginning to realize that the origins of the problems they faced were economic and not moral. Poverty was now seen as an economic ill. Work and economic stability were seen as the foundation of public order (Owram, 1986: 198).

The Depression also caused attitudes towards offenders to change. In Saskatchewan rising jail populations, with the most common offenses being vagrancy, theft and breach of the railways act, were attributed to the high rate of unemployment

as well as the increase in population (Skinner et al, 1981: 68-71). Crimes, such as theft, were seen as the result of poor economic conditions. "He steals because he is evil" changed to "He steals because he is poor" (Foucault, 1980: 44). The offender was now seen as being socially ill and curable with the help of the community. According to individuals such as Dr. J.W. MacNeill, Commissioner of Mental Services and Superintendent of Battleford Mental Hospital, Dr. S.R. Laycock, educational psychologist, and Reverend Clarence Halliday, rehabilitation, which could only be achieved through humanitarian and scientific treatment, should be the aim of Saskatchewan's penal system. Offenders needed treatment not punishment. In 1936, the Archambault Commission, a Royal Commission initiated by the federal government, also espoused principles of treatment. These recommendations, however, possibly due initially to the war, were not acted on (Skinner et al, 1981: 82-85).

Although the beginning of World War II in 1939 brought Canada out of the Depression by providing full-time employment, fears of a post-war depression started to emerge in the early 1940's. Individuals within the federal government, such as R.H. Coats, Dominion Statistician, were making predictions of a post-war depression with the highest unemployment rate Canada had ever experienced. The fear was that if the returning servicemen were not absorbed into industry and if a rapid and large scale investment was not

made by industry to shift from war to peacetime production, unemployment would rise. The government responded to this potential problem by initiating a number of social security programs that would hopefully provide a "'safety net' below which no individual in Canada would be permitted to fall" (Owram, 1986: 298). These programs included health insurance, old age pensions, unemployment insurance and children's allowances (Owram, 1986: 298). Saskatchewan also implemented a number of social welfare programs after the war (Skinner et al, 1981: 85).

After the war the CCF government of Saskatchewan also looked toward penal reform. In 1946 it established a penal commission to investigate the local jails. There are a number of possible reasons why this might have been done. First, the CCF party was concerned with humanizing the law (Skinner et al, 1981: 85). This philosophy can be found in the following principle ("Regina Manifesto", pp. 7-8, July 1933, SAB, File #R-33.3 4-1, T.C. Douglas' papers):

13 Social Justice

THE ESTABLISHMENT OF A COMMISSION COMPOSED OF PSYCHIATRISTS, PSYCHOLOGISTS, SOCIALLY MINDED JURISTS AND SOCIAL WORKERS, TO DEAL WITH ALL MATTERS PERTAINING TO CRIME AND PUNISHMENT AND THE GENERAL ADMINISTRATION OF LAW. IN ORDER TO HUMANIZE THE LAW AND TO BRING IT INTO HARMONY WITH THE NEEDS OF THE PEOPLE .

Secondly, the Laycock Commission may have been formed in response to the federal government's 1936 Archambault

Commission. This Commission raised a number of critical questions about the conditions in jails. As already stated, it also recommended a major shift in penal philosophy from punishment to treatment. This commission along with the pressure the government was receiving from some citizens and community organizations, such as Christian Smith, Director of Public Health Education and member of the John Howard Society, to investigate Saskatchewan's penal system may have prompted the initiation of the Penal Commission (Skinner et al, 1981: 86).

Finally, J.T. Douglas, Minister of Public Works, was concerned about the large number of escapes, the high rate of recidivism, the rising crime rate and the tremendous cost of the system. The existing system of punishment was not effective in protecting society and was very costly. In light of predictions of a post-war depression, it was not possible to justify a system that was both ineffective and costly (Skinner et al, 1981: 86; see also Newspaper Article, "Highways Minister Douglas Comments Upon Report of Penal Commission", SAB, File #R-234.3, Laycock Commission papers).

The Saskatchewan Penal Commission was comprised of Dr. Samuel R. Laycock, educational psychologist, Reverend Clarence Halliday, Canadian Prisoner Welfare Society, Mr. William Holman, lawyer, and Mr. Christian Smith, on loan from the Department of Health. The main thrust of the Commission's recommendations was a shift in penal philosophy from

punishment to treatment. The Commission felt that some of the causes of criminal behaviour were unemployment, poverty, lack of welfare organizations and religious training, and inadequate parents and schools. What was needed was the scientific treatment and rehabilitation of offenders. According to the Commission, it was only through rehabilitation that society would be able to protect itself. It would also save money (Skinner et al, 1981: 90-91). The recommendations of the Penal Commission were well received by the public. Numerous newspaper articles from across the country commended the Commission and its recommendations which were seen as being sound and progressive (for example: "The Penal Report", SAB, File #R-234.3, Laycock Commission papers). The Commission did receive some criticism. The Edmonton Journal, for example, criticized the Commission for almost completely overlooking the treatment of the young offender ("Saskatchewan Prison Report", SAB, File R-234.3, Laycock Commission papers). Generally speaking, though, the recommendations were welcomed and the Saskatchewan government received much encouragement for their implementation. Letters offering support came from community associations such as the North Battleford Ladies Fortnightly Study Club (Letter to Mr. Lazorko from Mrs. I.S. McInnis, March 7th 1947, SAB, File #R-234.3, Laycock Commission papers) and the Albert Home and School Association (Letter to Hon. T.C. Douglas from Mrs. G.T. Anderson, January 23rd 1947, SAB, File #R-234.3, Laycock

Commission papers). It was generally felt that if the government implemented even a few of the recommendations, it would be taking a step forward and leading the way for the rest of Canada (Newspaper Article, "Is Prison Reform Nearer", SAB, File #R- 234.3, Laycock Commission papers). The atmosphere, then, for implementing these recommendations was positive and the government did adopt a number of them (Skinner et al, 1981).

If there was to be a shift in correctional philosophy and expansion into the community new people to deliver this service would be required. The Laycock Commission advised the government that if they wanted to successfully achieve the goals of scientific treatment and rehabilitation of the offender, professional penologists and social workers should be hired (Skinner et al, 1981: 90). This advice was later reasserted by Dr. Laycock in a letter to Hon. J.H. Sturdy, Minister of Social Welfare, dated February 22nd, 1950. In the letter Dr. Laycock suggests that "the Director of Corrections and the Superintendents of the Boys' School and of the correctional institutions should be University graduates with special training in either psychology and sociology or social work" (Letter to Hon. J.H. Sturdy from S.R. Laycock, February 22nd 1950, SAB, M16, File #15-5-1, Nicholson's papers). This recommendation, which was in line with the philosophy and principles of the CCF party, was also adopted. The CCF party was in favour of putting professionals and/or experts at the

helm of Canadian society. Evidence of this can be found in the 'Regina Manifesto'. The section on Social Justice is an example of this ('Regina Manifesto', July 1933, SAB, File #R-33.3 4-1, T.C. Douglas' papers).

4.3 Probation: Objectives and Functions

Probation was first implemented in Saskatchewan in 1949 ('Probation', SAB, M16, File #15-5-9, Nicholson's papers). It is a correctional method whereby the court suspends the passing of sentence and allows the offender to remain in the community under specific conditions imposed by the court, for example during good behaviour, and under the supervision of a probation officer ('2. Probation and Parole', 1961-62 Budget Estimates Book II, SAB, M16, Nicholson's papers). It is important to note here that a probation order does not necessarily imply supervision. Supervision has to be a specific condition of that order ('Probation Orders', November 15th 1969, Otto Driedger's, Faculty of Social Work, University of Regina).

The main objective of probation is to "provide supervision of the probationer's activities in the community and to assist the probationer to develop more acceptable and responsible behaviour patterns" (Department of Social Services, 1975: 50). In 1950 probation officers were given a new function besides supervision. This was the preparation

of the pre-sentence report (Jack Mather, personal communication, June 8th 1989). It provided the court with a short biographical history of the offender and included information concerning the individual's domestic and social background ('Probation', by A. Newman, SAB, M16, File #15-5-9, Nicholson's papers). The objective of these reports was to assess an offender's personal qualities and other resources in order to help the appropriate authorities determine what treatment would be the most effective for the offender's well-being and for the good of the community (Department Memo to M.E. Rubin, Director of Corrections, from B.J. Kroeker, Chief Probation Officer, October 6th 1965, SAB, 64, File #10-3-4, MacDonald's papers). Its purpose, however, is not to prove the innocence or guilt of an offender and so is not presented until after the offender has been found guilty ('Corrections', SAB, File #R-234.3, Laycock Commission papers).

In the beginning, probation was only available to first offenders under the Criminal Code with the consent of the Crown Prosecutor. In 1953 a new code was enacted which allowed offenders whose second offence occurred five years or more after the original offence or was of a different nature than the first offence to be eligible. It also gave the magistrates the authority to make the decision ('Probation', SAB, M16, File #15-5-9, Nicholson's papers). The Saskatchewan Corrections Act 1967 opened up probation to offenders charged with offenses against provincial statutes (Annual Report 1966-

67). In 1969 the Criminal Code was amended. At this time all offenders became eligible for probation except where a minimum punishment was prescribed by law. Probation was also expanded to three basic types. The first is the traditional suspending of sentence and releasing of the offender into the community with the conditions of a probation order. The second type requires the offender to pay a fine as well as comply with the conditions of a probation order. Finally, offenders who have been incarcerated for a period of not more than two years may be placed on probation upon release (Annual Report 1969-70). Amendments made to the Criminal Code in 1972 resulted in two additional types of probation: intermittent sentencing and conditional discharge. Intermittent sentencing allows offenders sentenced to not more than ninety days to serve their time on the weekends. When the individual is not in confinement, he/she must comply with the conditions of a probation order. An offender who has been given a conditional discharge is deemed to be on probation for that period of time. If he/she successfully completes the period of probation, the discharge becomes effective (Annual Report 1972-73).

Other than the successful completion of a probation order, there are three ways in which probation services may be terminated. First, the offender may violate one of the conditions of his/her probation order. This violation would be reported to the court and might result in the revocation

of the suspended sentence. The probationer would then be sentenced on the original offence ('2. Probation and Parole, c) Termination of Services', 1961-62 Budget Estimates Book II, SAB, M16, Nicholson's papers). The court might also vary the conditions prescribed in the probation order. The second way for the probation service to be terminated is the commission of a new offence. Besides any penalty that may result from the new offence, the probationer may be sentenced on his/her original offence, or the conditions of his/her probation order may be varied or the period extended. The period of a probation order can be extended for up to one year as long as it does not exceed the three years maximum placed on a probation order ('Probation Orders', November 15th 1969, Otto Driedger's files, Faculty of Social Work, University of Regina). This is not all that different from the first instance in that a new offence would be a violation of the condition to "keep the peace and be of good behaviour" (Criminal Code, s. 663 (2)). The final way to have probation terminated or the order changed is by application to the court by the accused or prosecutor. Upon application, changes or additions could be made to the conditions of the order, the period might be decreased, or the probationer could be relieved (Criminal Code, s. 664 (3)).

4.4 The Growth of Probation: 1948-1966

Probation, although one of the recommendations of the Laycock Commission, had a slow start in Saskatchewan. In the 1947-48 Social Service Annual Report, Hugh Christie, Director of Corrections, commented on the necessity of this program for the use of judges and magistrates in terms of providing both resource information and guidance outside the prisons. This assertion was later supported by interviews conducted with five judges and magistrates by Jack Mather in 1948 (Otto Driedger's files, Faculty of Social Work, University of Regina). They were all in favour of such a program recognizing the fact that not all types and sections of criminals, for example habitual and confirmed criminals (Interview with Justice Proctor, September 24th 1948), would be suitable for such a program. They also recognized the usefulness of pre-sentence reports. Magistrate G.R. Tretheway noted that "any service that could give the magistrate some idea as to the background of a man other than the official criminal one and also some idea as to his potential ability and working habits, was one badly needed" (Interview with Magistrate G.R. Tretheway, October 8th). Furthermore, the judges and magistrates were in favour of having members from the Social Welfare and Rehabilitation Department, rather than the police, supervising offenders. This enthusiasm did not result in a wide use of the program by judges and magistrates.

The content analysis of these interviews depicting this enthusiasm is presented in Table 1.

In a department memo to the Deputy Minister, Hugh Christie, Director of Corrections, strongly reasserted the need for probation even though it would mean "imposing an additional burden on an already overworked field staff." He felt that the time had come to "either put up or shut up" (Department Memo to the Deputy Minister from the Director of Corrections, June 30th 1949, SAB, M16, File #15-5-1, Nicholson's papers). The content analysis of the above document, demonstrating probation officers' and the Director of Corrections' desire to expand probation, is presented in Appendix A, Table 4. This shortage of field staff had been noted by Christie in the 1947-48 Social Service Annual Report. The necessity for assistance from the lay public, due to this shortage, was stressed in the report.

In 1949 probation was implemented first in Regina and then in Saskatoon ('Probation', SAB, M16, File #15-5-1, Nicholson's papers). Although this was a start, Christie, Director of Corrections, argued for the expansion of this service throughout the province so that the expensive jail populations would continue to be kept down (Department Memo to the Deputy Minister from the Director of Corrections, June 30th 1949, SAB, M16, File #15-5-1, Nicholson's papers). Evidence of this desire to expand probation is, again,

TABLE 1

RESPONSES OF JUDGES/MAGISTRATES TO THE PROBATION
PROGRAM AND THE PRE-SENTENCE REPORT IN
INTERVIEWS CONDUCTED BY JACK MATHER IN 1948

<u>RESPONSE</u>	<u>I N T E R V I E W S</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
positive	2	3	2	1	2	2
negative	0	0	0	0	0	0
	—	—	—	—	—	—
	N=2	N=3	N=2	N=1	N=2	N=2
	positive	positive	positive	positive	positive	positive
	N=0	N=0	N=0	N=0	N=0	N=0
	negative	negative	negative	negative	negative	negative

1. Interview with Mr. Justice Proctor, Friday September 24th, 1948, Appeal Court of Saskatchewan.
2. Interview with Police Magistrate B.M. Wakeling, Saskatoon.
3. Interview with Police Magistrate J. Martin, Monday October 3rd, 1948, Weyburn.
4. Interview with Police Magistrate Mighton, North Battleford.
5. Interview with Magistrate G.R. Tretheway, Friday October 8th, Moose Jaw.
6. Interview with Police Magistrate S.H. Potter, Melville.

presented in Appendix A, Table 4. One possible reason given for probation's slow start was that in the early years of the program the provincial jails were not overcrowded, consequently, probation was not needed (Jack Mather, personal communication, June 8th 1989). This explanation implies that professionals, such as judges, saw the program's value primarily in terms of its usefulness in alleviating overcrowding. It also helps to explain the lack of support it received from professionals other than probation officers in the beginning.

When the probation program was first initiated in Saskatchewan, it received little support. Despite their verbal acceptance and enthusiasm for the program, judges and magistrates, on the whole, were not very receptive to it. In most cases they continued to use the suspended sentence over probation (Otto Driedger, personal communication, May 31st 1989). Some judges and magistrates accepted it wholeheartedly and looked for it even in areas where it did not exist (Larry Heinemann, personal communication, June 8th 1989). Defence lawyers were very receptive to the program. Crown lawyers, although they were not that enthusiastic, also made use of it (Jack Mather, personal communication, June 8th 1989). Police officers were not at all receptive to the program when it was first initiated (Otto Driedger, personal communication, May 31st 1989).

Resistance did not come only from within the system. The

Department of Social Welfare and Rehabilitation, as a whole, made very little effort to expand the program ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina). Evidence of this can be found in the Social Service Annual Reports where statements were continually made concerning the hindrances to program expansion. The 1951-52 report, which states "adult probation and parole services are still in their formative stages and our lack of sufficient, appropriate field staff who are capable of providing a specialized field service has made it difficult to promote this part of the program", is an example of this. At no point was it indicated that the Department had any plans to increase field staff to rectify this problem. As may be recalled from chapter 2, support from other professionals and politicians is necessary for professional growth to continue.

One of the first tasks of probation officers, then, was the establishment of the program. Jack Mather spent his first years as Chief, and only probation officer, travelling around the province talking to people, such as magistrates, about the value of the program (personal communication, June 8th 1989). According to Otto Driedger a major role for the probation officers was the interpretation and communication about the value of the program to the rest of the system (personal communication, May 31st 1989).

The value of the probation program and the need for its extension was recognized by probation officers and the Director of Corrections. Evidence of this can be found in several of the Social Service Annual Reports. The results of the content analyses of these reports are outlined in Appendix A, Table 1 and Table 2. In the 1952-53 report, the Director of Corrections comments that once more staff has been trained and recruited "considerably greater use of adult probation is possible and is more economical than institutional care."

A major step taken towards the acceptance of the probation program was the introduction of the pre-sentence report in the early 1950's. Both Otto Driedger (personal communication, May 31st 1989) and Jack Mather (personal communication, June 8th 1989) commented on the interest of judges in these reports. As has already been noted, judges in 1948 recognized the usefulness of these reports in helping to determine sentencing. Judges valued these reports and would remand people for them (Jack Mather, personal communication, June 8th 1989). Pre-sentence reports provide a biographical history of the offender with the objective being to help the appropriate authorities determine what treatment would be the most effective for the individual. This objective fits in with the basic premise of the professional interests theory being that with the right information, at the right time, an offender could be placed in the proper program and be successfully treated. The pre-

sentence report provides probation officers with the necessary information to properly classify offenders. The importance of these reports as a tool for classification is heightened when it is noted that probation officers make recommendations for sentencing based on the information in the reports. These recommendations can be seen as a type of classificatory practice. The pre-sentence reports may have been the primary means by which the probation program later expanded.

Although the Department of Social Welfare and Rehabilitation made little effort to expand probation, it did show some recognition of probation's potential. In the 1952 Report for Cabinet-Planning Board Conference, the Department stated its intentions to expand probation into areas where it was not yet offered once a year-long survey of the service was conducted (Report for Cabinet-Planning Board Conference, October 1952, Department of Social Welfare, SAB, File #R-33.4 Vlll.3, Douglas' papers). The content analysis for this report, as well as other provincial government cabinet reports and budgets, demonstrating the department's support are illustrated in Appendix C, Table 3. This recognition did not result, however, in an increased use of the program. In the 1953-54 Social Service Annual Report, it was noted that "probation and parole are still used extremely sparingly on behalf of adults in this province."

Despite the lack of any real support from the Department and possibly the provincial government, probation officers and

the Director of Corrections continued to espouse the virtues of probation and urged its expansion. In the same Annual Report the Director of Corrections states:

These methods have many distinct advantages over the usual method of imprisonment and discharge upon the completion of a fixed sentence. It is now hoped that this part of the department's program may be expanded in the future.

Evidence of support for the program, outside of the Corrections Branch, did not appear until the following year. It was in that year's Annual Report (1954-55) that the 'excellent' use of probation made by the courts in areas where there was substantial service was noted. This type of support from judges was an important asset for probation officers in their attempts to pursue their own interests by causing program expansion. Later in 1955 the department's belief in the potential of this program was reasserted when it noted that "a well developed probation service could ultimately handle at least 30% to 40% of offenders now committed to prison" (Cabinet- Planning Board Conference, November 1955, Department of Social Welfare, SAB, File #R-33.4 V111.6, Douglas' papers). See Appendix C, Table 3 for the results of the content analysis of this report. Again this belief did not result in an extended use of probation services.

In 1956 the report of a federally appointed commission was released. The thrust of this report, 'Report of a Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department

of Justice of Canada' (Fauteux Commission, 1956), was that prisons should treat and educate offenders instead of merely punishing them. It states: "In general terms, it may be said that persons who violate the criminal law are persons who have been 'damaged' in the process of growing up" (Fauteux Commission, 1956: 71). As may be recalled, this was not the first time that the philosophy of treatment was advanced. Both the Archambault Committee (1938) and the Laycock Commission (1946) espoused the virtues of treatment.

The Fauteux Commission listed a number of criteria which were required if the implementation of this treatment/rehabilitation philosophy was to be successful. These criteria included "a well developed and extensive system of adult probation" (Fauteux Commission, 1956: 87). One of the advantages of probation, pointed out by the Commission, was that it "permits the offender to lead a normal life in the community and enables him to avoid the inevitably disturbing effects of imprisonment" (Fauteux Commission, 1956: 14). It recognized the value of the program and, seeing its potential, encouraged its expansion. The Commission's opinion was stated as such: "It is our opinion that adult probation is the area of corrections in Canada, where the most significant advance is required to be made" (Fauteux Commission, 1956: 13). Based on this, they recommended immediate action (Fauteux Commission, 1956: 87). The results of the content analysis carried out on this report are presented in Appendix C, Table

5. The Commission's strong support of the probation program is evident in these results. Although this support did not represent direct government support, its importance in providing leverage for probation officers could not be undermined.

Despite the recommendations of the Fauteux Commission and the continual encouragement of the Director of Corrections and probation officers, there were no visible changes made to the program in the years immediately following the report. The Social Service Annual Reports for 1956-57 and 1957-58 state:

To date these community correctional services have been limited. City Police Courts in Regina, Saskatoon, and Moose Jaw are still the only adult courts having regular access to a worker for adult probation services. It would be most desirable to extend these services throughout the Province as soon as possible.

The lack of visible support from the Department of Social Welfare and Rehabilitation and the provincial government, did not prevent probation services from expanding in terms of number of probationers (see Appendix D). This increase may be attributed to the efforts of probation officers as well as the support the program was receiving from judges.

Although the Commission does not appear to have had much effect on the Department of Social Welfare and Rehabilitation or the provincial government, in terms of expanding the program, it did work as a catalyst for getting individuals both inside and outside of the correctional system involved. In a newspaper article printed in the Regina Leader Post on

March 26 1957, Magistrate S.M. Mighton stressed the need for probation to be offered in North Battleford. In reference to a case where four boys received a suspended sentence, Mighton stated that "until the government sees fit to appoint probation officers there is not a thing we can do for boys such as this" (Newspaper Article, "Probation Officer is Needed", SAB, File #R-234.3, Laycock Commission papers). Evidence of this support is demonstrated by the results of the content analysis on this article (see Appendix B).

In 1958 the department and the provincial government received letters from community organizations, such as church organizations, encouraging the expansion of probation based on the recommendations of the Fauteux Commission. The United Church of Canada, Arcola-Estevan Presbytery, sent a letter to the Minister of Social Welfare commending the department for "its forward steps in the area of penal reform" and urging "continuation of such advance, particularly with reference to probation" (Letter to the Hon. Minister of Social Welfare from Reverend John Morland, Secretary of the Arcola-Estevan Presbytery, The United Church of Canada, January 17th 1958, SAB, File #R-33.1 651 (17 - 17), Douglas' papers).

The Saskatchewan Conference of the United Church of Canada petitioned the Saskatchewan government "to take immediate action to set up a full scale province wide probation service" (Letter to the Hon. T.C. Douglas, Premier, from George E. Ward, Secretary of Saskatchewan Conference of

the United Church of Canada, June 27th 1958, SAB, M16, File #15-5-4, Nicholson's papers). The Social Service Committee of the Baptist Federation of Canada also recommended that the Department provide more probation services for first offenders (Letter to the Hon. R.A. Walker, Attorney General, from Charles G. Stone, Chairman, Convention of Baptist Churches of British Columbia, December 8th 1958, SAB, M16, File #15-5-1, Nicholson's papers). The content analysis of the above letters, presented in Table 2, illustrates the strong support of these organizations. The support of community-based organizations, as noted in chapter 2, was important for probation officers' efforts. Community support could help by applying pressure to politicians and governments.

In their response to these letters, the Department of Social Welfare and Rehabilitation was very supportive of the probation program and its expansion. The results of the content analysis conducted on the following letters is presented in Table 3. Their support of the program is evident. At the same time, the department pointed out problems or obstacles which had to be overcome in order for it to happen. In response to the letter from the Arcola-Estevan Presbytery, Bentley states:

You will be happy to learn, I am sure, that we are extending our probation services just as rapidly as we can get competent personnel and funds to finance the program. Personnel really is the biggest problem because this field requires exceptionally able persons, especially in the adult field of probation (Letter to Reverend John Morland, Secretary of Arcola-Estevan Presbytery, the United

TABLE 2

OPINIONS OF COMMUNITY ORGANIZATIONS OF THE
PROBATION PROGRAM AS STATED IN LETTERS

<u>OPINIONS</u>	<u>L E T T E R S</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
positive	1	3	1	1
negative	0	0	0	0
	N=1 positive	N=3 positive	N=1 positive	N=1 positive
	N=0 negative	N=0 negative	N=0 negative	N=0 negative

1. Letter to the Hon. Minister of Social Welfare from Reverend John Morland, Secretary of the Arcola-Estevan Presbytery, The United Church of Canada, January 17th 1958.
2. Letter to the Hon. T.C. Douglas, Premier, from George E. Ward, Secretary of Saskatchewan Conference of the United Church of Canada, June 27th 1958.
3. Letter to the Hon. R.A. Walker, Attorney General, from Charles G. Stone, Chairman, Convention of Baptist Churches of British Columbia, December 8th 1958.
4. Letter to Mr. E.L. Elliott, Provincial Magistrate and Secretary of the Law Enforcement and Correctional Association, from T.J. Bentley, September 23rd 1959.*

* This letter has been included in this analysis because of reference made to statements in the letter from Mr. E.L. Elliott reflecting the Association's opinion of the program.

TABLE 3

OPINIONS OF THE PROVINCIAL GOVERNMENT OF THE
PROBATION PROGRAM AS STATED IN LETTERS

<u>OPINIONS</u>	<u>L E T T E R S</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
positive	1	1	9	3	3
negative	0	0	0	0	0
	N=1 positive	N=1 positive	N=9 positive	N=3 positive	N=3 positive
	N=0 negative	N=0 negative	N=0 negative	N=0 negative	N=0 negative

1. Letter to Reverend John Morland, Secretary of Arcola-Estevan Presbytery, The United Church of Canada, from T.J. Bentley, January 22nd 1958.
2. Letter to Mr. Charles G. Stone from T.J Bentley, December 17th 1958.
3. Letter to Mr. Owen F. Lindsay from T.J. Bentley, Minister, March 5th 1959.
4. Letter to Mr. E.L. Elliott, Provincial Magistrate and Secretary of the Law Enforcement and Correctional Association, from T.J. Bentley, September 23rd 1959.
5. Letter to Mr. Allan J. McLeod, Department of Justice, from T. J. Bentley, October 27th 1959.

Church of Canada, from T.J. Bentley, January 22nd 1958, SAB, File #R-33.1 651 (17 - 17), Douglas' papers).

In 1959 Bentley reasserted this support in a letter to Mr. E.L. Elliott, Provincial Magistrate (Letter to Mr. E.L. Elliott, Provincial Magistrate and Secretary of the Law Enforcement and Correctional Association, from T.J. Bentley, September 23rd 1959, SAB, M16, File #15-5-9, Nicholson's papers). According to Bentley:

The Department of Social Welfare and Rehabilitation and I, as its Minister, are aware of the lack of probation services in this province and are deeply concerned because of this lack. However, most of the lack has been due to our inability to recruit competent probation officers and I believe you and your Association would be the first to agree that, to be fully effective, probation services must be conducted by people fully competent to do the job. Sufficient money to be able to provide the services, even if the personnel were available, is also a significant factor in preventing the growth of probation services as rapidly as many of us would wish.

The department also demonstrated its recognition of the value of the program and its potential in a letter to Mr. Owen F. Lindsay (Letter to Mr. Owen F. Lindsay from T.J. Bentley, Minister, March 5th 1959, SAB, M16, File #15-5-1, Nicholson's papers). In this letter Bentley pointed out that probation "is increasingly being recognized as one of the most effective instruments yet devised for the individualization of justice." He further states:

Probation is not softness or leniency. It is a means of redirecting the offender in the community where he must ultimately come to terms with his problem, in the last analysis, if he is to do so at all. Probation allows him to continue working and

supporting his family. It gives him some opportunity to make restitution for the loss he has caused and it saves the taxpayer money.

By the end of the 1950's, then, the department's change in attitude towards probation became more evident. Prior to the 1959-60 Social Service Annual Report, probation was only mentioned in passing with much more attention being paid to the correctional centres. In the 1959-60 report, besides the usual recommendation for the expansion of probation from probation officers and the Director of Corrections, the desire of the department to expand probation, partly based on it being more economically viable than correctional centres, was also noted.

The support of the government, as discussed in chapter 2, is required for the continued expansion of professional growth. The support of the provincial government, therefore, was important for probation officers. It is also necessary to point out that part of this support was based on economics. As may be recalled, again from chapter 2, the economic context is an important factor in determining the viability of a program and, consequently, the ability for professionals to pursue their interests through the expansion of that program.

The department's conviction that "eligibility for probation should be broadened, & be based on a careful assessment of the individual in question rather than on arbitrary limitations", was also put forth in a letter to Mr. Allan J. McLeod, Department of Justice (Letter to Mr. Allan

J. McLeod, Department of Justice, from T.J. Bentley, October 27th 1959, SAB, M16, File #15-5-9, Nicholson's papers). In this letter a request was made for the amendment of the Criminal Code, Section 638 (5). Bentley argued that:

After having given probation services for a number of years, Corrections Branch has not been able to conclude that the criteria of being a first offender is a sound one to determine eligibility for suspended sentence and probation.

Based on this contention, Bentley urged the Department of Justice to amend the Criminal Code, leaving the power to decide who was eligible for suspended sentence and probation up to the courts.

The department's support for the program is reflected in the results of the content analysis of this letter (see Table 3).

The statement made on behalf of the Department of Social Welfare and Rehabilitation in the 1959-60 Social Service Annual Report and the statement made by the department in the letter to the Department of Justice were important for probation officers. Firstly, their support would be an important asset in probation officers' efforts to have federal legislation changed allowing more offenders to be eligible for the program. Secondly, these statements had to be based on some body of knowledge. Who besides probation officers, who prepare pre-sentence reports, would know better where offenders would be best placed or classified? Probation officers, through the compilation of pre-sentence reports and their classificatory practices, would be the most

knowledgeable about which offenders were not being reached by the program but would be good candidates for it. The above statements indicate the confidence the department placed in probation officers' abilities to properly classify offenders.

In the 1959-60 Social Service Annual Report, the need for an increase in professionally trained staff in order to implement a uniform probation service was also noted.

The 1960's saw an increased use of probation and a push for its expansion. In 1960 the Corrections Branch came out with The Saskatchewan Corrections Program - A ten year review and a ten year projection (SAB, M16, File #15-5-1, Nicholson's papers). In this report the limited staff resources for providing probation, which had resulted in only 75% of those offenders being eligible receiving this service, was pointed out. Restrictions placed on the program due to existing legislation were also mentioned. According to the report, Criminal Code restrictions:

exclude from probation a number of offenders who, though they have extensive records, may have matured to the extent where they could now benefit from probation. In addition no provision is made in provincial statutes for probation as an alternative to a sentence. Although offenses under provincial statutes are of a more minor nature this does not detract from the fact that probation services to this group would help prevent some of these offenders from becoming involved in more serious offenses.

The report goes on to state that:

In this regard the Branch has made representations to the Federal Government requesting that the present restrictions on eligibility be removed and that the decision as to who shall receive probation

shall be decided on the merits of the individual case. It is now recognized that as the individual offender matures his criminal activities tend to abate. It is believed that these older more mature offenders could benefit more from probation than from additional sentences.

The report also recommended that the provincial government enact legislation that would enable offenders convicted under provincial and local statutes to receive probation services. It was believed that through probation, some offenders could be reached before the nature of their offenses became more serious. The changing of federal and provincial legislation would open up the eligibility requirements for the probation program allowing more offenders to be eligible. This would result in the expansion of the program which would be in the best interests of probation officers.

In addition to this, the Branch's plans to extend probation into rural areas was noted. Although this would be an expensive undertaking, it was argued that it would still be a 'good deal' less expensive than incarceration. It was believed that "with the co-operation of magistrates, police and local citizens such service can reach most potential probationers and be effective in keeping them out of our jails." It is important to point out the mention of the economic viability of the program. This is a good indication of the role the economic context plays in the acceptance and expansion of a program and, hence, the limits placed on professional growth.

These above statements requesting changes in legislation and revealing plans of extension are indicative of probation officers' desire to expand the probation program. The statements referring to changes in legislation are also indicative of these officers' classificatory practices. As has already been stated, the argument that probation is not reaching all offenders who would be good candidates for this service because of existing legislation must be based on a source of knowledge. The people most likely to have this knowledge are those who compile the pre-sentence reports and, based on that information, make recommendations as to the most appropriate classification.

Statements in the report referring to the studying of additional methods and techniques of working with those on probation, such as group counselling, Big Brother programs, weekend camps, training programs and foster boarding homes, are also indicative of the desires of probation officers and the Director of Corrections to expand the program into new areas. The creation of these categories, if initiated, would result in more offenders being 'saved' from the damaging effects of incarceration. These iatrogenic feedback loops would allow the professional role to expand. Evidence of probation officers' and the Director of Corrections desire to see probation services expand is illustrated in Appendix A, Table 3.

The recommendations made in the report, in terms of

expansion, did not go unheeded by the Department of Social Welfare and Rehabilitation and the provincial government. In the Work Programme for fiscal year 1961-62, the department noted the acknowledgement of the provincial government of the desirability of an adult probation service ('2. Probation and Parole', 1961-62 Budget Estimates Book II, SAB, M16, Nicholson's papers). See Appendix C, Table 3 for the results of the content analysis of the above document. It also stated its intentions to continue expanding probation services, noting the limitations placed on this expansion by existing federal legislation. According to the department:

The matter of extending eligibility for probation is a federal responsibility. However, the Department has made recommendations to the Department of Justice in Ottawa, suggesting that the Criminal Code of Canada be amended to leave to the courts the power to decide who is eligible for suspended sentence and probation.

This type of support from the provincial government would be important for probation officers. It is interesting to note that the recommendations made to the federal government by the provincial government to amend the criminal code came after those made by the Corrections Branch.

It is necessary to note at this point that not all the Ministers of the Department of Social Welfare and Rehabilitation supported the probation program and its expansion (Jack Mather, personal communication, June 8th 1989). A possible indication of this might be instances where individuals were not hired solely as probation officers. In

some cases they were taken on as welfare workers with probation being just one of their responsibilities. Evidence of this practice is illustrated by the following:

It is believed that probation services can best be given as part of a generalized caseload, especially in the rural areas. This will involve careful planning of the extension of services to tie into the total staff needs in a given region. The extension of services, therefore, will depend on total demand for services in all welfare programs (Cabinet Conference, Appendix A, November 1960, SAB, File #R-33.4 Vlll.11, Douglas' papers).

Despite the lack of support, the probation program continued to expand (see Appendix D). It is important to note here that the expansion of the program, in terms of numbers of probationers, was controlled by the number of probation officers. Although the desire to expand the number of probationers never waned, it was not allowed to occur without an increase in the number of officers (Annual Report 1966-67; see also Letter to Mr. E.L. Elliott, Provincial Magistrate and Secretary of the Law Enforcement and Correctional Association, from T.J. Bentley, September 23rd 1959, SAB, M16, File #15-5-9, Nicholson's papers). Another issue discussed in The Saskatchewan Corrections Program was the lack of trained probation staff. Although it recognized the difficulty of obtaining sufficient numbers of trained staff, it recommended that the department:

embark on a much more vigor-out (sic) program of recruitment and that we provide more opportunity to persons employed as welfare workers and group workers to obtain additional training, both in-service and university, to equip them for service

in this area.

The Department of Social Welfare also recognized the need for trained professional staff and noted the problems involved in obtaining this staff (Cabinet Conference, Appendix A, November 1960, SAB, File #R-33.4 Vlll.11, Douglas' papers). See Appendix C, Table 3 for content analysis results. It was suggested that:

in order to compensate for lack of professional staff it may be necessary to provide opportunity for older, mature persons employed as welfare workers or group workers, to carry welfare caseloads. To help them to do an acceptable job a good in-service training program needs to be developed along with providing opportunity for some of these people to obtain additional professional training.

Although the department saw a need for a trained professional staff, it does not appear that they saw a need for a staff trained specifically for probation or a staff that had a university education. In a letter to Mr. David Orlikow, M.L.A., Nicholson explained that because probation was offered through the regional services of the department:

practically any member of the department field staff could, at any time, act as a probation officer in either the adult or juvenile field. The requirements for field positions fall into two categories, namely, Social Worker 1 and Social Welfare Worker.

A Social Welfare Worker is a person with a senior matriculation or a person with a Bachelor of Arts or equivalent degree. A Social Worker 1 is a person with a degree in Social Work, either Bachelor or Master (Letter to Mr. David Orlikow, M.L.A., from A.M. Nicholson, Minister, February 23rd 1961, SAB, M16, File #15-5-1, Nicholson's papers).

This belief would have affected probation officers efforts to

expand their professional role. It would have placed serious limitations on it.

Lack of professionally trained staff had an effect on the expansion of probation, especially in rural areas. In a department memo from J.S. White, Deputy Minister, to A.M. Nicholson, Minister of Social Welfare and Rehabilitation, it was pointed out that although it may be desirable to have as many probation officers as magistrates, as suggested by Mr. Walker, Attorney General, one of the obstacles preventing this was the lack of people with appropriate training (Department Memo to Hon. A.M. Nicholson from J.S. White, Deputy Minister, October 18th 1961, SAB, M16, File #15-5-1, Nicholson's papers).

Three months later in a department memo to A.W. Johnson, Secretary, Treasury Board, Talbot, Acting Deputy Minister, pointed out other obstacles to the establishment of a full probation service (Department Memo to Mr. A.W. Johnson, Secretary, Treasury Board, from R. Talbot, Acting Deputy Minister of Social Welfare and Rehabilitation, January 25th 1962, Otto Driedger's files, Faculty of Social Work, University of Regina). Among the obstacles mentioned were restrictions of the Criminal Code, lack of provision in the provincial statutes for probation, space, recruitment of a chief probation officer and interpretation of the program to magistrates and the community. In terms of restrictions of the Criminal Code, Talbot noted that these restrictions

"exclude from probation a number of offenders who, though they may have extensive records, may have matured to the extent where they could now benefit from probation." This statement again indicates the department's confidence in probation officers' classificatory practices. He also commented on the necessity for probation officers to establish a working relationship with magistrates in order for the program to be effective, as well as the importance of community understanding and acceptance. It is important to note that the extension of probation at this time was to be on an experimental basis. The reason behind it was to see "whether or not it was possible to reduce jail populations by this means" (Department Memo to Mr. A.W. Johnson, Secretary, Treasury Board, from R. Talbot, Acting Deputy Minister of Social Welfare and Rehabilitation, January 25th 1962, Otto Driedger's files, Faculty of Social Work, University of Regina). The support of the department is clearly evident in the results of the content analysis of this document, as well as other department memos presented in Appendix C, Table 2.

By the mid-1960's pressure to amend the Criminal Code and to incorporate probation into provincial legislation started coming from individuals other than probation officers, the Director of Corrections and the Department of Social Welfare and Rehabilitation. In a department memo from A.M. Jakeman, Solicitor, to J.S. White, Deputy Minister, the need for changes in the Criminal Code and provincial legislation was

asserted (Department Memo to J.S. White, Deputy Minister, from A.M. Jakeman, Solicitor, July 17th 1964, SAB, File #10-3-4, MacDonald's papers). Jakeman argued that the Criminal Code:

. . . should be amended so that more accused people are eligible for probation. Many of these offenders are no great threat to society. Furthermore, by the number of reports it seems obvious that jail has not served as a deterrent. Until we can find more effective means to rehabilitate more offenders it is less costly to keep them in circulation in society on probation or parole than to institutionalize them.

Again the importance of economics was mentioned. In addition she suggested that probation services be made available where provincial offenses were concerned. Evidence of this support can be found in the content analysis results in Appendix C, Table 2. The above recommendations also came from the John Howard Society of Saskatchewan (Submission to the Provincial Government, Re: Probation from the John Howard Society of Saskatchewan, March 27th 1965, SAB, 64, File #10-10-3, MacDonald's papers) and from the Saskatchewan Association of Social Workers (Submission to Provincial Government, Re: Probation from the Saskatchewan Association of Social Workers, August 16th 1966, SAB, 64, File #10-10-7, MacDonald's papers). According to the John Howard Society the "practice of sending people to institutions for violations under Provincial Statutes and By-laws is questionable" (March 27th 1965). In addition to the above recommendations, the Saskatchewan Association of Social Workers (August 16th 1966) suggested that courts throughout the province should receive

more complete and consistent service, and hostels, public and/or private, should be established. The court would then be able to order as a:

condition of the recognizance, that the offender live in the hostel and abide by its rules and take part in the program provided. This would allow him to continue with his employment or educational program.

The John Howard Society (March 27th 1965) also recommended the establishment of probation hostels.

The John Howard Society was one of the most important organizations in favour of the probation program. Their support, as well as that of the Saskatchewan Association of Social Workers and the Canadian Corrections Association, is reflected in the results of the content analysis outlined in Appendix C, Table 1. In their 'Submissions to the Provincial Government Re: Probation ' (March 27th 1965) they state that:

it is generally acknowledged that probation services are more effective since they attempt to help an individual in a community situation and the person is not subjected to the infectious delinquent environment of the institutions.

In this submission the society also comments on the advantages of probation. The main advantage noted was cost. Based on experience, it could be estimated that approximately 80% of offenders placed on probation complete the period of their recognizance. The province, by placing these 80% on probation instead of incarcerating them, has saved money although the actual amount is difficult to determine. They went on to

point out that even if probation cost as much per offender as incarceration, the "argument in favour of probation would still be very strong because of the high completion rate on probation as compared to the high return rate of people going to prison." Besides offering support for the program, the John Howard Society also offered the government suggestions on ways in which it could be improved. These suggestions covered topics such as legislative revisions, staff training and supervision. According to Otto Driedger the John Howard Society was very helpful and supportive (personal communication, May 31st 1989).

Although the John Howard Society was supportive of probation, it did express concern over the shortage of probation officers and their heavy workload. As has been previously noted, probation officers often had responsibility for more than just probation services. In the submission presented to the provincial government, the Society states:

. . . it is the belief that when pressures from other programs such as child welfare or public assistance become great then the Department makes the decision to suspend taking requests from the judges in the rural areas. This has made the judges less eager to make full use of the probation service (Submissions to the Provincial Government Re: Probation from the John Howard Society of Saskatchewan, May 27th 1965, SAB, 64, File #10-10-3, MacDonald's papers).

The Saskatchewan Association of Social Workers also argued that probation officers should only carry probation caseloads (Submission to the Provincial Government, Re: Probation from

the Saskatchewan Association of Social Workers, August 16th 1966, SAB, 64, File #10-10-7, MacDonald's papers).

The support of these community-based organizations, as already noted, was very important to probation officers in their attempts to expand their role by expanding probation services. These organizations would be particularly valuable allies when it came to convincing governments of the need to change existing legislation.

The other concern mentioned was the probation officers' heavy workload. In a statement to the Provincial Cabinet, the John Howard Society commented on the fact that probation officers were deplorably overworked (Statement to the Provincial Cabinet from the John Howard Society of Saskatchewan, May 27th 1965, SAB, 64, File #10-10-3, MacDonald's papers). This would have a negative effect on probation services. The Saskatchewan Association of Social Workers argued that:

A probation officer who is forced to carry an excessive caseload cannot provide a "probation service" to his clients and the community. He is forced to provide merely limited "surveillance" functions. Under these circumstances, probation as we understand it would surely fall into disrepute.

Accordingly it is suggested that the National Council on Crime and Delinquency criterion which allows for one unit per probationer and five units per pre-sentence report with a maximum of 50 work units be adopted as a maximum effective workload for a probation officer. Geographical and other factors should also be given consideration (Submission to the Provincial Government, Re: Probation from the Saskatchewan Association of Social Workers, August 16th 1966, SAB, 64, File #10-10-7, MacDonald's papers).

An additional concern of the John Howard Society was the lack of education and training. According to the Society, social workers carrying probation caseloads were generally without training and experience (Statement to the Provincial Cabinet from the John Howard Society of Saskatchewan, May 27th 1965, SAB, 64, File #10-10-3, MacDonald's papers). Despite their concerns, these organizations continued to support the probation program.

Generally speaking, by 1964-65, probation had firmly established itself in the correctional system. Judges, in particular, were very supportive of this service. E.L. Elliott, Provincial Magistrate, in a letter to D.V. Heald, Attorney General, commented on the excellent job being done by probation officers (Letter to the Hon. D.V. Heald, Attorney General, from E.L. Elliott, Provincial Magistrate, September 29th 1965, SAB, 64, File #10-3-4, MacDonald's papers). Judges were using pre-sentence reports more and were placing more importance on them. Evidence of this can be found in the 1964-65 Social Service Annual Report. According to this report:

There is an increasingly greater demand from judges for Pre-sentence Investigation and in the past fiscal year, probation officers completed some 578 such reports. While the initial intent of this investigation was to determine the offender's suitability for probation, this report is now frequently used by judges to facilitate sentencing even in cases where the offender obviously is not eligible for probation.

Obviously judges were placing a great deal of faith in

probation officers' abilities to classify offenders.

Although probation was being used at an ever increasing rate (see Appendix D) and was receiving positive feedback, probation officers and the Director of Corrections continued to push for changes and expansion which would result in the expansion of their professional role. In the 1965-66 Social Service Annual Report, the Director of Corrections noted:

While probation has had marked impact on the correctional process in Saskatchewan, it is still not being used where in many instances the offender is legally eligible and emotionally amenable. Large numbers, too, are ineligible for this service because of restrictions inherent in the Sections of the Criminal Code governing this program. Since Saskatchewan does not have a provincial Probation Act, service is not available to persons convicted under provincial statutes or municipal by-laws.

It is interesting to note that the increased use of probation services appears to correlate with the increase in support.

4.5 Summary

This chapter began with a discussion of the social, political and economic conditions surrounding the arguments and push for a shift in Saskatchewan's correctional philosophy from punishment to treatment in 1946. Due to the Depression, some change had occurred in people's attitudes towards social problem groups. Poverty was now seen as an economic ill and not a moral problem. During this period attitudes towards offenders also changed. They were now seen as being socially

ill and curable. With the ending of World War II came the fear of a post-war depression. This fear resulted in many social programs being initiated by both the federal government and the Saskatchewan government. At this time the Saskatchewan CCF government, also looking toward penal reform, initiated the Laycock Commission. This Commission and its recommendations were applauded by the public. Consequently, the atmosphere for implementing these recommendations was positive. The government, in fact, did adopt a number of these.

Although probation was recommended by the 1946 Laycock Commission, it was not implemented until 1949. Even after its implementation it had a slow start. The initial reaction of those associated with the program was not positive. Although some judges and magistrates accepted the program wholeheartedly, most tended to use the suspended sentence over probation. Defense lawyers were very receptive to the program but Crown lawyers, although they used it, were not as enthusiastic. Police officers were also not very enthusiastic. Besides these professionals, the Department of Social Welfare and Rehabilitation did little to expand the program. The lack of support from these groups would have affected the probation program's growth in the early years.

Another possible reason given for its slow start was when it was first initiated provincial jails were not overcrowded and so probation was not needed. This explanation is

indicative of the low value placed on this program and the lack of support it received from professionals other than probation officers in the beginning. Two final obstacles to the development and expansion of probation which continued to plague the program throughout the 1960's were the lack of funds and sufficiently trained personnel. Consequently, the first task of probation officers became the establishment of the program. Probation officers and the Director of Corrections from the start recognized the value and potential of the program and constantly pushed for its expanded use. It was their efforts that kept the program running in the beginning. Despite the lack of support, probation did expand.

The introduction of the pre-sentence report was an important step taken towards the acceptance of probation. Judges, in particular, were very receptive to this report. Besides providing them with a biographical history of the offender, recommendations were made as to the best classification of the offender. Helping appropriate authorities determine the most effective treatment method for an offender is one of the objectives of these reports. This objective fits in with the basic premise of the professional interests theory. Pre-sentence reports also became an important vehicle through which probation officers could argue for the extension and expansion of the program. Through the compilation of these reports, probation officers obtained information upon which they based their recommendations for

classification. This information also provided them with insight about good potential clients who were ineligible for the program because of existing legislation or lack of services.

Up until 1956 probation officers received very little support in their efforts to have probation expanded. It was not until a couple of years after the Fauteux Commission (1956) had been released that others started to support the program. In 1958 the Department of Social Welfare and Rehabilitation and the provincial government started receiving letters from judges and organizations, such as church organizations, urging the expanded use of the probation program. This support was essential for probation officers' efforts to expand the program. In reply to these requests, the Department was very positive while at the same time pointing out the obstacles, mainly lack of funding and lack of trained professional staff, that hindered its expansion.

By the end of the 1950's, the department's attitude towards probation changed. Although in 1952 they showed recognition of the value and potential of probation, it was not until the late 1950's that they argued for the expansion of probation and petitioned the federal government to make amendments to the Criminal Code. This support was important for probation officers for two reasons. Firstly, the department would be a valuable ally in efforts to change existing provincial and federal legislation. Secondly, this

support would have been based on the information and insight they would have obtained through the compilation of the pre-sentence reports and their classificatory practices.

In 1960 the Corrections Branch came out with the report The Saskatchewan Corrections Program - A ten year review and a ten year projection. In this report the Corrections Branch argued for the extension of probation into areas not already reached and the amending of existing legislation, both federal and provincial, to allow those offenders who were good potential clients to be eligible for the program. These arguments, again, were based on information and insight obtained from pre-sentence reports. These recommendations were supported by the Department of Social Welfare and Rehabilitation and the provincial government. It is important to note that support from the department and provincial government was based to a certain extent on economic considerations. Probation was cheaper than incarceration. This points out the importance of the economic context for program acceptance and expansion and, hence, the expansion of the professional role.

Another issue discussed in the report was the lack of professionally trained staff. The Corrections Branch urged the department to more actively recruit and to provide the opportunity for those already employed to receive additional training, both in-service and university. They would then be able to competently take on positions in this area. As noted,

the lack of professionally trained staff was not a new problem and the department was well aware of it. Although the department supported the need for more trained professional staff, it did not see the need for professionally trained staff. This belief could have placed limitations on probation officers' efforts to expand their professional role.

By the mid-1960's, renewed support began to come from individuals and organizations other than probation officers, the Director of Corrections and the Department of Social Welfare and Rehabilitation. One of the most important organizations supporting the probation program at this time was the John Howard Society. Although it was supportive of the program, it was concerned with the lack of professionally trained staff, heavy workloads and the use of general staff for probation. The Saskatchewan Association of Social Workers also expressed concern in these areas. Both organizations pushed for the extension and expansion of probation and the amending of existing legislation. The support of community-based organizations would have been an important asset for probation officers especially in their efforts to have existing legislation changed.

By 1966 probation services had firmly established itself in the system. The recommendation for the extension and expansion of probation was no longer coming only from probation officers and the Director of Corrections. The Department of Social Welfare and Rehabilitation, the

provincial government, judges and community organizations were becoming just as vocal. The important aspect of this support is that it was, in part, based on the knowledge and insight obtained by probation officers through the compilation of the pre-sentence reports and their subsequent classificatory practices. This support is indicative of the confidence these groups had in the probation officer's ability to classify offenders.

The next chapter will analyze the effect of probation officers on the expansion of probation through the community corrections era and beyond.

5. COMMUNITY CORRECTIONS TO 1978 AND BEYOND

5.1 Introduction

The purpose of this chapter is to demonstrate the effect of probation officers on the growth and expansion of probation throughout the community corrections period, 1967 -1975, and beyond. It begins by outlining in detail the expansion of probation during the community correction years. Following this, an account of the program's continued growth and expansion from 1976 - 1978 will be presented in order to illuminate the immediate effects, if any, that reports released and programs initiated in 1975 had on the expansion of probation.

As with the previous chapter, it will be argued that the expansion of probation is partly the result of probation officers' classificatory practices and partly due to the efforts of other professionals within the system, community organizations and the federal and provincial governments. Information obtained from the interviews conducted will provide additional insight into the documents analyzed and will be used to substantiate these arguments.

5.2 The Expansion of Community Corrections

During the community corrections period, adult corrections was dominated by the community approach. The basic premise at that time was that the community was therapeutic (Skinner et al, 1981: 129).

Early in 1967, the Canadian Corrections Association came out with Proposals for Development of Probation in Canada (Proposals for Development of Probation in Canada from the Corrections Association, February 1st 1967, SAB, 64, File #10-3-4, MacDonald's papers). This document was the result of a study done on probation provisions of the Criminal Code. It contained twenty-five recommendations covering pre-sentence reports, probation, procedure in making a probation order, transfer of supervision, power to vary a probation order, violation of a probation order, absolute and conditional discharge, and national development of probation.

Generally speaking the recommendations made were not all that new and focused primarily on the clarification of procedures. One of the recommendations, which had been suggested before, concerned the amendment of the Criminal Code. Another recommendation, which was relatively new, was the proposed national probation act. This act would guarantee uniform procedures and standards across the country.

In terms of the pre-sentence report, the Association noted its importance in providing information which would

enable:

the early classification of offenders who are incarcerated, and the implementation of trades training, if appropriate. Further, they serve, along with the reports of the offender's institutional progress and other information as a basis for the consideration of parole.

The Association went on to state:

that no classification system can operate properly until there is available an up-to-date objective report of the offender's environmental background upon which it could be based. It is submitted that the most logical service to carry out this function is the probation service.

This statement demonstrates the importance of pre-sentence reports in the classification of offenders. It also indicates the confidence placed in probation officers' abilities to properly classify offenders. Although this document indicates support for the probation program and its expansion, there is no indication as to the amount of importance placed on it by the provincial government.

In Saskatchewan the turning point for probation was the 1967 Saskatchewan Corrections Act. This Act made "provision for removing the legal restrictions governing eligibility for Probation on offenses against provincial statutes, in keeping with the above premise" (Annual Report, 1966-67). This change in legislation was significant because it opened up the probation program to offenders who had previously been ineligible. It was also important for probation officers in that, by creating an iatrogenic feedback loop, their professional role would be allowed to expand.

Although there was much support for the enactment of provincial legislation which would enable those convicted under provincial statutes and municipal by-laws to be placed on probation, the passing of the above act did not occur without debate. On March 16th 1967, this Act was debated in the Legislative Assembly (Legislative Debates, March 16th 1967). The Honourable C. P. MacDonald, Minister of Social Welfare, argued that, due to the cost of incarceration and the large number of offenders convicted under provincial statutes and serving sentences primarily for non-payment of fines, probation, parole and work-release programs should be available for those offenders. It is important to note the emphasis placed on economics. As already noted, the economic context is important for the survival of a program as well as the expansion of the professional's role. According to MacDonald:

The main focus then of the new Corrections Act is to expand probation, parole and work release programs to Provincial statutes. These programs are intended to provide alternatives to full-time institutional care. They will endeavour to assist the individual in solving his problems in the community.

The above argument was also based, in part, on the belief that crime and delinquency were closely related to problems in the community. This argument clearly indicates the department's support of the probation program.

This was not the first time that the relationship between crime and community had been asserted. A similar statement had

previously been made in the 1965-66 Social Services Annual Report. According to the report, "crime is closely associated with the more general problems of poverty, unemployment, lack of educational opportunity, and social disadvantages . . . crime and criminals develop in the community, and the ultimate solution to a criminal's problem will be found in the community."

Not all Members of the Legislative Assembly saw the need for probation to be available to those convicted under provincial statutes (Legislative Debates, March 16th 1967). Mr. Walker, Member for Hanley, argued that the lack of personnel had resulted in an almost complete lack of service to those offenders who were already eligible for the program. He felt that the service did not need to be extended "so much as it needs to be provided in the area that is already covered in the existing legislation in the criminal code." According to Walker, if the Government really wanted to do some good, they should increase the number of probation officers. He did note that existing economic circumstances may have been the reason why there had not been an increase.

The value of the probation program outweighed these arguments, which were not new and not unfounded, and the legislation was passed. The passing of this legislation shows the provincial government's strong support for the program. This support would be an asset to probation officers' efforts to expand the program. It would also allow the continuation

of professional growth. The content analysis of this debate is outlined in Appendix C, Table 4.

The request by the Minister of Social Services for a work-release program was also important (Legislative Debates, March 16th 1967). This program was designed for those offenders for whom probation did not provide enough supervision but for whom incarceration was too much. The importance of the introduction of this program is that this was the first time the concept of different levels of supervision had been suggested. By offering more levels of supervision, probation would be opened up to more offenders. The creation of these new categories would result in the expansion of probation officers' professional role.

The enactment of the new Corrections Act was an indication of the provincial government's commitment to the expansion of probation. This support, as has been previously noted, is essential for probation officers' efforts to expand professional growth. According to C.P. MacDonald in an address to the Annual Meeting of the John Howard Society of Saskatchewan, probation:

is now being recognized as an effective correctional treatment tool in the rehabilitation of offenders and as such, it should be available to any offender whenever it is deemed to be the best available form of treatment ('Saskatchewan Corrections Program', Hon. C.P. MacDonald, Address to the Annual Meeting of the John Howard Society of Saskatchewan, October 19th 1968, SAB, 64, File #10-10-3, MacDonald's papers).

Evidence of this support can be found in the results of the

content analysis of the above document presented in Appendix C, Table 6.

The enactment of the 1967 Saskatchewan Corrections Act also caused those involved with probation to examine the needs of those eligible for the program. It was noted, for example, that probation had hardly been used for persons of Indian ancestry (Department Memo to Paul Marcella, Acting Provincial Co-ordinator, from B.J. Kroeker, Chief Probation Officer, April 21st 1967, Otto Driedger's files, Faculty of Social Work, University of Regina). Kroeker, Chief Probation Officer, goes on to say:

In view of the fact that there were somewhere in the neighbourhood of 100,000 convictions under provincial statutes in this province during the last year, one becomes acutely aware of the scope of this program. While no accurate statistics are available, it is readily evident that persons of Indian ancestry make up a large percentage of this number. If the problem, as presented by persons of Indian ancestry, is ever to be resolved, we must begin by putting teeth into the programs which now have access to them. Probation, especially now, is probably one of the most suitable vehicles in this regard.

It is time, therefore, that the Federal Government accept responsibility in this area, since the scope of the program goes far beyond the boundaries of this province.

This quotation is indicative of the value probation officers placed on probation and also their desire to have legislation changed and the program expanded. For the results of the content analysis, illustrating this support, see Appendix A, Table 1 and Table 2.

In March of 1969 a report of a second federally appointed

commission was released. The premise of this report, 'Report of the Canadian Committee on Corrections' (Ouimet Report, 1969), was that for many offenders, treatment within the community was more beneficial than treatment within prisons. Based on that premise, the committee supported the expansion of community-based programs such as probation. According to the Ouimet Report (1969: 295):

probation provides one of the most effective means of giving expression to one of the fundamental principles on which this report is based - that, whenever feasible, efforts to rehabilitate an offender should take place in the community.

Although this report does not provide direct government support, probation officers would have been able to use it to support their argument for expansion. The lack of discussion concerning this report suggests that perhaps the provincial government and the Department of Social Welfare did not place much importance in its recommendations. The results of the content analysis, demonstrating the Ouimet Committee's support, are illustrated in Appendix C, Table 5.

In the following month, the Program Division of the Department of Welfare prepared a confidential report entitled "Probation Services in Saskatchewan" ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina). In this report a number of the concerns of probation officers were noted. Some of the concerns included were large caseloads, an immense number of

pre-sentence reports, lack of staff training, the need to be able to more effectively use resources such as Canada Manpower Centre, the need for more volunteers and probation hostels, and the lack of job advancement. The request for probation hostels was an important recommendation for probation officers. These hostels would allow offenders who needed more supervision than just probation to be eligible for this service. If these hostels were implemented, it would expand probation services. The creation of these iatrogenic feedback loops, besides saving some offenders from the damaging effects of incarceration, would also result in the expansion of probation officers' professional role. It is important to note that these recommendations would be based on knowledge and insight obtained by probation officers indicating the need for services for offenders not already reached.

The following recommendations were made:

1. That consideration be given to an increase in field staff assigned to probation at the earliest possible opportunity.
2. That an adequate staff training program be developed and implemented for field staff involved in the provision of community correctional services.
3. That a range of pilot projects be implemented throughout the regions incorporating a variety of experimental designs such as volunteers, probation hostels, and use of the "team approach".

These recommendations indicate that suggestions made by probation officers were taken into consideration. According to Jack Mather, probation officers often made suggestions and

recommendations concerning probation, and these were studied and often accepted (personal communication, June 8th 1989). The above recommendations and statement by Jack Mather demonstrate the importance of probation officers in the expansion of the program. A possible reason for this may be that due to their position in the system and their responsibility for compiling pre-sentence reports, they have insight into what changes or programs are needed. It also indicates the confidence placed in their ability to effectively classify offenders.

The development and growth of probation until 1969 is described by Lem Boyd in the following way:

Historically, probation has been regional and piecemeal. Workload has been determined by the courts. Probation services have been residual. Probation programming has been seen to be everyone's worry and no one's responsibility. Operations has had line responsibility but this has been largely ignored. Growth and development of probation services has been independent, accidental, and largely inadequate. Anything innovative has been largely due to individual initiative and work by probation staff in the field. In the past, Operations has given probation services a low priority in terms of manpower and programming ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina).

The importance of probation officers in the development and expansion of probation services is clearly noted in the above quotation. This document also demonstrates probation officers' continued support for probation and their desire for it to expand. The content analysis for this document is presented

in Appendix A, Table 3.

The year 1969 was a turning point for probation. From this point on a much higher priority was placed on this program. The first major advance for probation was the amendment of the Criminal Code which made every offender eligible for probation, unless a minimum punishment was prescribed by law (Annual Report 1969-1970). Probation officers were now receiving support from the federal government. With these changes, the probation program would expand and so would probation officers' professional role. During that year, the report noted an increase in probation workload and requests for pre-sentence reports. It was believed that amendments to the Criminal Code were partially responsible for these increases.

Along with the above increases, types of probation also increased from one type to three. These were:

1. Sentence is suspended and the offender is placed on probation with prescribed conditions. This is the most common type of probation order.
2. The offender, besides being required to comply with prescribed conditions, is also fined.
3. The offender, after being incarcerated for not more than two years, may be required to comply with conditions prescribed in a probation order (Annual Report, 1969-1970).

The increase in probation types from one to three was

important in that it allowed offenders who were previously ineligible for this service to be reached. The decision to increase the number of types was probably based, to a degree, on the knowledge obtained from pre-sentence reports. They are also examples of iatrogenic feedback loops.

Although probation had become a high priority for the Department of Welfare and both the federal and provincial governments, the problem of insufficient numbers of probation officers remained. E.L. Elliott wrote to C.P. MacDonald, Minister of Social Welfare expressing his concerns in this area. He believed that:

with adequate probation services we do not need to send anything like the number of people that are being sent to our custodial institutions. In this connection I think it is quite possible to recruit many mature, responsible people to act as assistant probation officers in addition to the present officials of whom there should be far more, and furnish the probation services that will habilitate many young people who never had a chance and make them useful citizens of society (Letter to the Hon. Cy MacDonald, Minister, from E.L. Elliott, Chairman of A.N.A.D.A., August 11th 1969, SAB, 64, File #10-3-4, MacDonald's papers).

The content analysis conducted on this letter, as well as other letters sent by community organizations to the government at this time are presented in Table 4. The continued support of these organizations for the probation program is evident.

In response, C.P. MacDonald informed Judge Elliott of the Legislatures' approval of six new probation officers during the last session. This addition, he pointed out, had resulted

in the number of officers in Saskatchewan increasing from seven to thirteen. Although more were perhaps required, he felt this was a good start (Letter to His Hon. Judge E.L. Elliott, Judge of the Magistrate's Court, from C.P. MacDonald, August 15th 1969, SAB, 64, File #10-3-4, MacDonald's papers). The department's continued support is demonstrated in the results of the content analyses conducted on letters sent by the government during this period. These results are outlined in Table 5.

The priority placed on probation officers by the Department of Welfare is also evident in their 1969-70 B Budget Items (Department of Welfare B Budget Items - 1969-70, SAB, 64, File #10-1-7 MacDonald's papers). In this document "provision for Probation Officers to implement Corrections Act" was given top priority under corrections. This priority is reasserted in the 1969 - 1970 Priorities in Order ('1969 - 1970 Priorities', SAB, 64, File #10-1-7, MacDonald's papers). Probation officers were second only to the ratio of corrections officers to inmates. The priority placed on probation by the department is evident in the results of the content analysis of the above budget reports (see Appendix C, Table 3).

Concern over the insufficient number of probation officers carried over into the 1970's. Donald Milne, in a letter to C.P. MacDonald, noted the increase in number of probationers in the previous year (Letter to the Hon. C.P.

MacDonald, Minister of Welfare, from Donald Milne, Chairman, Lay Advisory Board, April 20th 1970, SAB, 64, File #10-3-4, MacDonald's papers). Based on information the Lay Advisory Board had received, indicating that this trend was likely to continue, Milne, as Chairman of the Board, offered the Board's support if any request for more staff was to be made. In this letter he also noted the success of probation in rehabilitating offenders relative to prisons, as well as the cost saving factor. Judge Mooney also expressed concern over the lack of probation officers. In a letter sent to D.V. Heald, Attorney General, on June 24th 1970, Mooney asserted:

the probation service offered by the Department of Welfare is indispensable, both to the Court and the offender. It has become apparent to me that many of these young offenders need far more individual attention from a Probation Officer. It is also apparent that the case load of the Probation Officers in my area, is such, that the direly needed service cannot be given (Letter to the Hon. D.V. Heald, Attorney General, from P.G. Mooney, Judge of the Magistrate's Court, June 24th 1970, SAB, 64, File #10-3-4, MacDonald's papers).

Besides demonstrating the concern felt over the insufficient number of probation officers, these letters indicate the continued support the probation program was receiving from sources outside the Department of Welfare. This support is evident in the results of the content analysis of the above letters (see Table 4).

The responses to these letters indicated the Department's awareness of the need for more probation officers and the priority they were placing on this. In his reply to

TABLE 4

OPINIONS OF COMMUNITY ORGANIZATIONS OF THE
PROBATION PROGRAM AS STATED IN LETTERS

<u>OPINIONS</u>	<u>L E T T E R S</u>	
	<u>1</u>	<u>2</u>
positive	2	2
negative	0	0
	<hr/>	<hr/>
	N=2	N=2
	positive	positive
	N=0	N=0
	negative	negative

1. Letter to the Hon. Cy MacDonald, Minister of Social Welfare, from E.L. Elliott, Chairman of A.N.A.D.A., August 11th 1969.
2. Letter to the Hon. C.P. MacDonald, Minister of Welfare, from Donald Milne, Chairman, Lay Advisory Board, April 20th 1970.

TABLE 5

OPINIONS OF THE PROVINCIAL GOVERNMENT OF THE
PROBATION PROGRAM AS STATED IN LETTERS

<u>OPINIONS</u>	<u>L E T T E R S</u>		
	<u>1</u>	<u>2</u>	<u>3</u>
positive	2	2	3
negative	0	0	0
	———	———	———
	N=2	N=2	N=3
	positive	positive	positive
	N=0	N=0	N=0
	negative	negative	negative

1. Letter to His Hon. Judge E.L. Elliott, Judge of the Magistrate's Court, from C.P. MacDonald, August 15th 1969.
2. Letter to Mr. D. Milne, Chairman, Lay Advisory Board, from C.P. MacDonald, May 7th 1970.
3. Letter to the Hon. Judge P.G. Mooney, Judge of the Magistrate's Court, from C.P. MacDonald, July 3rd 1970.

Donald Milne, C.P. MacDonald stated:

As you have indicated, expansion of probation services is not only economically sound, but studies have shown that they do also contribute positively to the rehabilitation (sic) offenders. The situation therefore does revert to the matter of departmental priorities. During the last fiscal year, staff of the department was increased for this specific program, namely probation services (Letter to Mr. D. Milne, Chairman, Lay Advisory Board, from C.P. MacDonald, May 7th 1970, SAB, 64, File #10-3-4, MacDonald's papers).

In C.P. MacDonald's letter to Judge Mooney, he pointed out that in the previous year they had increased the number of probation officers by seven (Letter to the Hon. Judge P.G. Mooney, Judge of the Magistrate's Court, from C.P. MacDonald, July 3rd 1970, SAB, 64, File #10-3-4, MacDonald's papers). Although this did not indicate that they had enough staff, he argued that it was an "indication of the priority we place on expanding the service. We will do everything possible to keep expanding this service." The department's continued support for probation is indicated in the content analyses of the above letters which are outlined in Table 5.

In January of the following year, the John Howard Society from Saskatoon Council presented a submission to the Provincial Board (Submission to Provincial Board from the John Howard Society from Saskatoon Council, January 22nd 1971, Otto Driedger's files, Faculty of Social Work, University of Regina). With the amendments to the Criminal Code and the implementation of the 1967 Saskatchewan Corrections Act, the John Howard Society felt that the provisions for probation

were quite adequate. They did, however, make recommendations concerning the improvement of probation services and facilities. These recommendations were based on those made in the Ouimet Report (1969), specifically the use of probation hostels, volunteers, attendance centres and group work methods.

In this Submission the Society expressed concern over the:

serious shortage of qualified officers in probation as well as other probation services in the Province of Saskatchewan. The danger in such a situation is that probation will be attempted with improperly prepared staff, or qualified staff will be given caseloads too large to permit effective work. Obviously the result may be some failures as a result of which probation itself could be brought into an undeserved disrepute.

Although the John Howard Society was in agreement with the Ouimet Report (1969), that probation services should only be expanded at the rate that would permit effective service, they pointed out the difficulty in determining the "exact number that constitutes an ideal caseload. Various considerations are involved here including the nature of the caseload, the number of other duties (pre-sentence reports) and distances to be travelled."

Based on the above discussion, the John Howard Society submitted that the:

primary need in the probation field is for more qualified probation officers and for probation facilities such as probation hostels, day centres and provisions for group therapy. Indeed, in this respect Judges and Magistrates have said that they would order probation much more often had they felt

that there were adequate provisions to render it operative in their different jurisdictions.

It is important to note that in the recommendation made by the John Howard Society to use volunteers, it was not intended that they would replace probation officers but that they would supplement the probation officer's work. Volunteers, if they replaced probation officers, would limit professional growth. The John Howard Society argued that the "final step in rehabilitation is acceptance of the offender into his own community. The volunteer represents the community in a way that the professional probation officer never can." Despite the concerns of the John Howard Society, they continued to be very supportive of the program. The content analysis of the above document provides evidence of this (see Appendix C, Table 1). As has been noted, the support of community-based organizations is important for professional growth to continue.

Prior to the John Howard Society's Submission, interest in the use of volunteers had come from probation officers, as already noted, and from the Department of Welfare. In a letter and application to J.W. Braithwaite, Director of Correctional Planning, the Department requested \$68,000.00 to support a Volunteers in Probation Project which was to commence on April 1st 1970 (Letter to J.W. Braithwaite, Director of Correctional Planning, from A.W. Sihvon, SAB, 64, File #10-3-4, MacDonald's papers). In the letter Sihvon states:

Our department has used volunteers from time to time

in probation as well as in other correctional programs, however, this has been at a very minimal level. We feel that if a concentrated project in the use of volunteers bears positive results in terms of services to clients, we would be able to utilize the experience and expertise gained through the project in developing similar programs in other cities and also in our correctional centres.

Sihvon also noted that the project constituted "a new or expanded activity for the department or agency." The consideration of such a project indicates the support that probation officer's were receiving from the department in their efforts to expand probation. There is no indication that this letter and application were ever sent.

From April 1st 1969 to April 1st 1971, probation caseloads increased dramatically. The Director of Corrections, in the 1970-71 Social Services Annual Report, saw this increase in the utilization of probation as being due to several factors. The primary factor he felt:

was the departmental priority on probation services which offered a greater volume of services to the courts. Services were extended to many rural areas where no service had previously been available. Another significant factor was the change in the Criminal Code removing all restrictions from the use of probation (second offenses were no longer excluded). This resulted in the courts requesting pre-sentence reports on offenders with lengthy records where background information was to be used as a sentencing aid to determine the possibility of probation or, in many cases, as an aid in determining the length of incarceration which was warranted.

The importance of the department's support in probation officers' efforts to expand the probation program is evident from the above quotation. As noted in chapter 2, political

support is necessary for professional growth. The importance of pre-sentence reports in helping the courts to make better informed judgements and, consequently, more suitable dispositions was noted. The Director also commented on the close co-operation between probation staff and staff of the correctional centres. This close co-operation had resulted in probation officers automatically sending over copies of pre-sentence reports compiled for offenders sent to the centres. This action indicates the importance of these reports.

In April 1971 the Saskatchewan Corrections Study Committee was established. The release of its report later that year was important to the development of corrections and probation in the next few years. This report emphasized community corrections, particularly the expansion of probation services. In this report a number of concerns over the probation program were stressed. These included shortage of probation officers, heavy workloads, lack of education and training and communication gaps.

The lack of a sufficient number of probation officers is a problem that has existed since the program's inception. In the report, the reluctance of judges to use probation services due to the shortage of probation officers and their heavy workload was noted. Judges reported feeling there were not enough officers to ensure complete and accurate pre-sentence reports due to the lack of time. The judges were still very

much in support of the program and stated that if the services were available, especially for Indians, they would make use of them (Saskatchewan Corrections Study Committee Report, 1971: 35). The shortage of probation officers was recognized by the Saskatchewan Corrections Study Committee and their large caseloads were acknowledged. A recommendation was made for an increase in number of probation officers which would result in a decrease in caseload (Saskatchewan Corrections Study Committee Report, 1971: 34-35). The Committee also recommended that volunteers in probation and assistant probation officer positions be established. Assistant probation officers were to be recruited from the Indian-Metis population (Saskatchewan Corrections Study Committee Report, 1971: 38).

The 'Saskatchewan Corrections Study Committee Report' (1971: 21) also acknowledged the lack of direction, supervision and training that both probation officers and their supernumeraries assigned to them received. The Committee took:

the position that the current BA minimum qualification or equivalent for the entry grade of probation officer should be followed by an extensive variety of inservice training prior to, and after posting to the field. The position of probation officer should be regarded as a specialized position within the field, and as such, close supervision as well as inservice training should be provided. The Committee also recommended that advanced university training financed by the government be available in a variety of professional fields for those wishing to carry on with their education (Saskatchewan Corrections Study Committee

Report, 1971: 37-38).

The final concern that arose was communication gaps. Police officers, for example, complained that they were not asked for information about offenders when pre-sentence reports were being compiled. On the other hand, they did not voluntarily offer this information (Saskatchewan Corrections Study Committee Report, 1971: 8). Probation officers also commented on communication gaps. They pointed out the problem of communication between themselves and the correctional centres, the gap between probation and other agencies such as Education, Mental Health and Manpower, and the gap which existed between themselves and the community. Solutions to these problems were rated as a high priority by probation officers. Another priority mentioned by them was the "need for a probation officer focused on youth and preventative services to youth" (Saskatchewan Corrections Study Committee Report, 1971: 21-22). It is interesting to note the contradiction between the statement made by the probation officers, concerning the communication gap between themselves and the correctional centres, and the one made by the Director of Corrections in the 1970-71 Social Service Annual Report, which speaks of their close co-operation.

Besides the above recommendations, the 'Saskatchewan Corrections Study Committee Report' made others concerning sentencing alternatives. The Report recommended (Saskatchewan Corrections Study Committee Report, 1971: viii):

That sentence alternatives be developed within the range of probation and designed to use the following:

- (a) for those unable to pay their fine, that they be assigned to probation with the condition of paying the fine under the supervision of an assistant probation officer, or spend week-ends in custody, or work on public projects, or spend their nights in custody;
- (b) week-end training camps for young offenders placed on probation;
- (c) attendance centres in the community requiring attendance for a course or fixed number of evening hours per week;
- (d) probation hostels.

The above recommendations would have prevented some offenders from being incarcerated. These recommendations were based in part on a survey done in the three correctional centres. The results of this survey suggested that at least 25% of the prison population would do well under reinforced probation supervision (Saskatchewan Corrections Study Committee Report, 1971: 36-37). A number of these recommendations were not new. As may be recalled, some of them had been suggested previously by probation officers and other reports. Despite the number of concerns that were voiced in this report, it still supported probation. Evidence of this support can be found in the content analysis of the document presented in Appendix C, Table 5.

In the following year some of the recommendations of the report were implemented. In November, for example, a community-training residence was opened in Saskatoon for inmates and probationers (Information Services, Department of Social Services, November 2nd 1972, SAB, File #R-565 III -

644(b), Blakeney's papers). A couple of days later Alex Taylor, Minister of Social Services was informed, in a department memo, of the appointment of seven probation officers (Department Memo to Hon. A. Taylor from the Deputy Minister of Social Services, November 15th 1972, SAB, Box 1, File #4, Taylor's papers). These appointments demonstrate the department's support of probation officer's efforts to expand probation. The content analysis of this memo illustrates their support (see Appendix C, Table 2). A news release in December announced a number of other changes to the probation program (News Release, Department of Social Services, December 4th, SAB, Box 10, File #48, 'Correction Centres - General - April 1, 1972 to March 31, 1973', Taylor's papers). These changes included "provision for courts to utilize probation for violation of provincial offenses as an alternative to a minimum fine" and "provision for direct placement, via a probation order, of an offender into a community-training residence." The provision of these iatrogenic feedback loops would result in the expansion of probation and, consequently the expansion of probation officers' professional role. These changes are another indication of the strong support probation services was receiving from the department. The results of the content analysis of this release are presented in Appendix C, Table 6.

It is important to note that the increase in probation

services was, in part, an attempt to deal with projected increases in inmate numbers (Inter-Departmental Committee on Corrections, August 14th 1972, SAB, Box 10, File #48, 'Correction Centres - General - April 1, 1972 to March 31, 1973', Taylor's papers). It had been predicted by the Research and Planning Division that by 1976 a new correctional facility would be needed. The positive aspects of probation, as demonstrated in Appendix C, Table 4, were also noted.

With a shift in emphasis from correctional facilities to community corrections, the Department of Social Services began to place more responsibility on individuals within the community. In a press conference the department stated the need for more individual involvement because of the shift from the prison to the community (Press Conference, July 10th 1972, SAB, Box 1, File #4, Taylor's papers). Based on the argument that corrections could no longer be considered the responsibility of the government alone, it encouraged the development of ex-offender groups, self-help organizations and volunteers who would be interested in becoming involved in the correctional process. Although the department no longer considered corrections to be solely the responsibility of the government, it did continue to support probation services and probation officers' attempts to expand it. Evidence of this can be found in the results of the content analysis of this document outlined in Appendix C, Table 6.

On July 15th, 1972 amendments to the Criminal Code became

effective, expanding the types of probation an offender could receive from three to five (Annual Report, 1972-73). The first three, as have already been mentioned, include: 1) a suspended sentence with a probation order; 2) a probation order and a fine; 3) a probation order coming into effect upon the release of an offender not having served more than two years. The last two concern intermittent sentencing and conditional discharges. Intermittent sentencing provides the court with an alternative in cases where the offender has not been sentenced for more than ninety days. The offender can serve his/her time intermittently, complying "with the conditions prescribed in a probation order when he is not in confinement." This section allows an offender to live at home and go to work during the week and serve his time in the correctional centre on weekends. Conditional discharge gives the court the option of either discharging an offender absolutely, which means he/she is not on probation, or on the conditions prescribed by a probation order. If an offender on conditional discharge successfully completes his/her probation period, "he is deemed not to have been convicted of the offence and, therefore, has no criminal record."

Other changes were also noted in the 1972-73 Social Service Annual Report. The active involvement of probation officers with correctional centres, due to some inmates being placed on probation after their release, was noted. The rapidly increasing demand for probation services, which

resulted in ten new probation officer positions being approved for the following fiscal year, was also mentioned. The Director of Corrections believed that the increased use of probation was due to judges and courts seeing it as a viable alternative to incarceration. This belief was based on the fact that every time probation staff was increased, requests for pre-sentence reports increased as well as the number of offenders placed on probation (see Appendix D). Finally, the Department's continued consideration of other alternatives such as volunteers, probation hostels, week-end training camps and assistant probation officers was noted. The implementation of these programs would result in the expansion of probation and, hence, the expansion of the probation officer's professional role.

The importance placed on the expansion of community corrections was carried over into the following year. According to one document, the overall goals of the corrections program were to place more emphasis on community corrections programs, such as community-training residences and probation, and less emphasis on correctional centres (Draft February 2nd 1973, SAB, Box 1, File #5, Taylor's papers). The department's continued emphasis on community corrections had positive implications for probation officers. It is indicative of their continuing support. This document also noted that the reason behind the degree of movement towards community corrections, which was being budgeted for

that year, was the desire to "negate or absorb the anticipated increase in offenders which would have necessitated the construction of an additional 100-bed Correctional Centre." This statement suggests that economics might have played a part in this decision. As has been previously stated, the economic context has an important effect on the acceptance and expansion of a program.

The Department of Social Services also started looking into the use of volunteers in 1973. In a department memo to Alex Taylor, Minister of Social Services, three basic advantages of volunteers over professional probation officers were presented (Department Memo to Minister of Welfare from the Deputy Minister, March 19th 1973, SAB, Box 1, File #5, Taylor's papers). These were:

- 1) volunteers could offer more frequent service to probationers than the regular staff;
- 2) increased staff could provide a better range of services;
- 3) volunteers could provide one important link between the court and needed community resources.

He also noted three specific assumptions of a volunteer program. These were:

- 1) most delinquents lacked contact with adults who cared about them;
- 2) community volunteers could establish a caring relationship with young offenders as successfully as

probation officers;

- 3) added time volunteers could spend on a single case would be one of its main advantages.

Another department memo to Alex Taylor, a few months later from the Associate Deputy Minister, reasserted the "untapped potential in the use of volunteers, not only in the very real services they can perform under appropriate program leadership, but also in providing the essential links with the community" (Department Memo to Alex Taylor, Minister of Social Services, from Associate Deputy Minister of Social Services, June 28th 1973, SAB, Box 1, File #4, Taylor's papers). A potential problem in implementing this program, he noted, would be the disapproval of professionals for using volunteers other than as 'ladies auxiliaries'. A possible reason for this is that probation officers might have felt threatened by volunteers if they were given a more serious role. In this memo, the Deputy Minister also suggested that minimal educational standards should not be raised as that would increase the large gaps between middle class therapists and most offenders. This was the first time that corrections staff were considered to be over-educated. This suggestion could have had serious implications for probation officers. It could have placed limitations on their professional growth. Both the memos indicate the department's interest in expanding probation.

In the 1973-74 Social Service Annual Report, the

importance of the pre-sentence report in suggesting alternatives was noted. According to the report:

After the guilt of an individual has been established, the court may request the probation officer to conduct an investigation into the circumstances which led to the offence, the personality, habits and problems of the offender himself, and to advise the court of various alternatives that may assist in the individual's rehabilitation. The court then utilizes the pre-sentence report in determining sentence.

This quotation demonstrates the importance placed on the knowledge and classificatory practices of probation officers by judges. It also indicates the confidence they placed in probation officers' abilities to effectively classify offenders. This report also noted the continuing efforts of the department to develop other resources such as volunteer probation officers, week-end training camps, probation hostels and probation services to Indian reservations.

In July of the following year, a proposed contract between the federal and provincial government for the implementation of Indian probation officers in Saskatchewan was submitted ('A Proposed Federal-Provincial Contract for Development of an Indian Community Corrections Worker Project (Indian Probation Officers)', April 22nd 1974, SAB, Box 31, 'Corrections', Taylor's papers). The object of this contract was to offer probation and other community corrections services to Indians living on reservations. The finalization of these plans was noted in the 1974-75 Social Service Annual Report. This contract is indicative of the continuing faith

that both governments had in the effectiveness of probation services. Evidence of this support is illustrated by the content analysis of this document (see Appendix C, Table 5).

The 1974-75 Report also noted that plans were being developed for a Volunteers in Probation Program.

The year 1975 saw an increased emphasis placed on community responsibility and involvement. A report released by the Department of Social Services in 1975 stated "corrections must be a community response to a community crime problem" ('A Corrections Proposal for Saskatchewan', 1975: 51). This report further stated that:

because crime is not only a police or government problem, but directly or indirectly affects all members of the community and is affected by the community, the community at the local level should have some responsibility for corrections programming.

This report placed a great deal of importance on probation services in the expansion of corrections in the community. Probation officers, it argued, would have a major role in the development and operationalization of community corrections programs (A Corrections Proposal for Saskatchewan, 1975: 90). It stated that:

because probation personnel are located in the community and therefore have access to information relating to the offender's problems in the community (which must provide the basic outline of his rehabilitation needs), probation services should become the beginning point of the corrections process rather than being primarily an alternative to incarceration. This will likely necessitate development of expanded pre-sentence reporting services and development of an expanded liaison (sic) role with other corrections services, the

judiciary, the police, other social and rehabilitative agencies, and the general public. It may well be desirable to move in the direction of providing mandatory pre-sentence consultation and reports in a number of situations, particularly for young offenders and first offenders convicted of indictable offenses. Finally, specialized supervisory services will be required in some cases. This may require the development of day attendance centres, probation hostels and weekend or summer camps particularly for young offenders (A Corrections Proposal for Saskatchewan, 1975: 51).

This quotation points out the importance of the knowledge and insight obtained by probation officers in the course of their work, for example compiling pre-sentence reports. The suggestions made in this quotation, if implemented, would also have resulted in a much more expanded role for probation officers. The importance placed by this report on probation officers and probation services can be deduced from the content analysis, Appendix C, Table 6, of this document.

One way for probation officers to improve their liaison function with the community was by allowing interested individuals to take part in a province-wide volunteer probation officer program ('A Corrections Proposal for Saskatchewan', 1975: 51). The involvement of community volunteers was seen to be the most effective form of offender community interaction. These programs were thought to be the "best way of getting the community to relate to offenders as individual people, and to destroy destructive myths which are born of a lack of awareness" ('A Corrections Proposal for Saskatchewan', 1975: 68).

The importance of recruiting qualified volunteers was also noted. According to the report, they have to be "carefully recruited, selected and rejected based on concrete abilities to relate to and work with offenders" and once recruited, they should be trained. It was also strongly suggested that a "certain delegated authority commensurate with their responsibility" be given to them and that any costs incurred due to their work, should be reimbursed, including a regular honorarium. In addition to this, the report warned against treating volunteers as though they were 'playing at corrections', or a 'correction auxiliary'. Volunteers, they argued, "should be respected and trusted by the corrections professionals, treated as equals, and assisted effectively when difficulties arise, not humoured or subjected to paternalistic attitudes or relationships" ('A Corrections Proposal for Saskatchewan', 1975: 68). As may be recalled, the possible ill-treatment of volunteers had been mentioned earlier. A possible reason for this concern, again, may have been the increased importance in their position. The more responsibility that volunteers had, the more of a threat they would be to the expansion of probation officers' professional role.

The implementation of a volunteer probation program was considered by the Report to be the most important recommendation made with respect to the future of corrections in Saskatchewan (A Corrections Proposal for Saskatchewan,

1975: 68). This was not the only program, however, that was emphasized. Emphasis had also been placed on the development of a Native Probation Officer Program (Summary - Saskatchewan Corrections Plan, SAB, File #R-800 V 411g, Blakeney's papers).

Later that year a Public Hearing on Future Plans for Correction Services in Saskatchewan was held. The importance of volunteers was noted in two of the briefs. Richard Owen commented on the usefulness of volunteers on all levels of corrections (Brief 1, 'Response to a Corrections Proposal for Saskatchewan', SAB, 'Corrections' #128, Rolfes' papers). In terms of probation, he felt that volunteers would make it more effective as well as ensuring that these services were being provided in the offender's community. He further noted that, based on past experience, "if an offender is employed and involved with other people in his community, this is far, far more valuable than bi-weekly visits with a professional supervisor." This statement undermines, to a certain extent, the effectiveness of probation officers.

Jim Martyn also supported the recommendation for volunteers (Brief 2, Brief to the Public Hearing on Future Plans for Correction Services in Saskatchewan, Tuesday November 18th 1975, SAB, 'Corrections' #128, Rolfes' papers). He did note, however, the problem of developing and maintaining volunteers due to professional people, including custodial people, feeling threatened by volunteer lay people. He also commented on the need to carefully recruit volunteers.

According to Martyn:

there is no place for do-gooders in the criminal justice system. There is no place for soul savers who are not concerned as well with the overall needs of an individual. I agree that the volunteer aspect can be the most important recommendation in the proposal, but I think it would totally fail if we were to allow our present Correctional facilities to function as they now do.

By the end of 1975 probation officers had become active in programs and projects outside of the probation program. One of the reasons for this was that, due to the traditional activity of probation officers in the community, it was felt that they could be effectively utilized in 'soft services', such as public education, preventative programs and diversion programs. They would also make good representatives of the Corrections Branch. Other areas of interest to those involved in probation, in 1975, were restitution projects, mediation projects, plea bargaining, bail supervision, victim-oriented programs ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina) and diversion (Annual Report, 1974-75). Several probation officers were involved in some of the above areas but were working without a mandate. It was felt that if these preventative programs were to be realized, the government would have to supply the mandate and appropriate allocation of resources and funds. The involvement of probation officers in these programs is very important. It demonstrates that, based on their knowledge and

insight, and through their classificatory practices, they were aware of possible programs that would be more effective in rehabilitating offenders than either incarceration or probation. In addition to this, these iatrogenic feedback loops are important in that they would expand community corrections by providing services for those not already reached. As a result, the professional role would have been allowed to expand. The continued development of community programs, such as hostels, volunteers and weekend attendance centres, was also argued for at this time ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina).

The participation of probation officers in the above programs is important in terms of expansion of the system. The recommendations of the Saskatchewan Penal Commission were primarily geared towards the institutions. It was the probation aspect that helped to shift the concept of treatment into the community (Otto Driedger, personal communication, May 31st 1989). According to Jack Mather, there is no doubt that other programs, such as Fine Option (initiated in 1975) and halfway houses (community training-residences) grew out of this program (personal communication, June 8th 1989). The probation program was the impetus for the rest of community corrections.

The year 1976 saw the continued expansion of community

corrections and probation services. At the end of 1975 and the beginning of 1976 a volunteers in probation project was initiated along with an Indian probation project (Annual Report, 1975-76). The initiation of the volunteers project received media attention. On January 20th 1976, eight days after the first training course had begun, the Saskatoon Star Phoenix printed an article outlining the three two to three-hour training sessions (Newspaper Article, "Volunteers receive training in pilot probation program", SAB, 'Corrections' #127, Rolfes' papers).

The training sessions:

are designed to teach how the criminal justice system is set up. Also dealt with are responsibilities involved in dealing with a probationer, problems which might be expected by a volunteer and a volunteer's role in assisting a probationer.

Once an applicant decides they want to be a volunteer, they are matched with a probationer and a probation officer who can be turned to for advice. In the article, Margaret Upham, co-ordinator of the program, stated the requirements for volunteers were, generally speaking, mature, stable individuals "who have the time, energy and dedication to get involved in such a program."

In the following fiscal year, 1976-77, adult probation officially became part of the Corrections Branch. It was believed that this transfer "increased opportunities for coordination, cooperative endeavour and comprehensive planning

for probation with the other components of the Corrections Branch" (Annual Report, 1976-77). This transfer, due to the above reasons, would also have resulted in greater emphasis being placed on the liaison and co-ordinating role of probation officers with the criminal justice and correctional system. This would have expanded the probation officers' role. Lem Boyd asserted "with the movement of probation into the Corrections Division, there is a greater onus on the Probation Officers to be much more knowledgeable about total corrections programming" ('The Changing Role of Probation', by Lem Boyd, Chief Probation Officer, December 9th 1975, Otto Driedger's files, Faculty of Social Work, University of Regina)

The next three years saw an expanded use of community corrections in terms of those programs which already existed and new ones initiated. The Fine Options Program, for example, increased its services by 44% (Annual Report, 1977-78). The success of Volunteers in Probation program was also noted. By 1978 there were forty individuals involved in the program (Newspaper Article, 'Volunteers aid persons on probation', SAB, 'Corrections General', Rolfes' papers). The majority of these volunteers were University students. This article quoted one volunteer as saying, "you don't need any special skills, but you must be patient and do a lot of active listening." This statement could have had important implications for the theory that probation officers should be

professionally trained. It could have resulted in serious limitations being placed on professional growth.

Among the new programs initiated were an alcohol treatment program for impaired drivers and a community operated Community-training Residence at Yorkton (Annual Report, 1977-78). Funding and support were also being provided to the Saskatchewan Freedom Group, the John Howard Society and the Native Project Society (Annual Report, 1978-79).

Since 1978 the number of programs within the correctional system have continued to expand. Programs, such as diversion, mediation and bail supervision, which had already been initiated, were more firmly established. Other programs, such as attendance centres, which had previously been suggested, were implemented. A variety of additional programs have also been introduced. These include programs such as the native courtworker program, community service orders, orderly payment of debts and alcohol/drug rehabilitation centres such as Calder Outpatient Clinic which provides services to individuals recommended by probation officers, the courts and other correctional officials. Although this thesis does not examine the influence of probation officers' practices on the expansion of probation and the correctional system after 1978, it appears that their classificatory practices continue to have an important effect on system expansion.

5.4 Summary

1967 was the beginning of the community corrections period. This period, with its basic premise being community responsibility, saw an expanded use of probation services and community corrections in general. Probation services, specifically, played a key role in the extension of corrections into the community.

A number of the recommendations and problems noted prior to 1967 were carried over into the new era. A Proposal, for example, by the Canadian Corrections Association, recommended the Criminal Code be amended. This Proposal also noted the importance of pre-sentence reports for classifying offenders. This was an important statement for probation officers because it pointed out the necessity of their knowledge and insight for the proper classification of offenders. It is also indicative of the confidence placed in probation officers' abilities to properly classify offenders.

Problems associated with probation were re-iterated in a legislative debate over the passing of the 1967 Saskatchewan Corrections Act. In this debate, the expansion of probation, by allowing those who were convicted of provincial offenses to be eligible, was argued against by Mr. Walker because there were not enough probation officers to satisfactorily service those who were already eligible. He argued for the hiring of more probation officers and not the lifting of eligibility

requirements. The lack of funds was noted as being primarily the reason that more probation officers were not hired. Despite these well-founded objections, the 1967 Saskatchewan Corrections Act was passed, becoming the turning point for probation. This Act was also important in that, by initiating the work-release program, it introduced the concept of different levels of supervision. Different levels of supervision would save more offenders from the damaging effects of incarceration. In addition to the above, this Act caused those involved in probation to look at areas where the program was not in use or where it was not being used effectively. The need for probation to be extended to offenders of Indian ancestry was noted by probation officers. It was felt that there was a real need for this service in that area.

The enactment of the Corrections Act was the first solid proof of the provincial government's commitment to the expansion of probation. Prior to that, commitment had been primarily verbal. Government support, as has been noted, is essential for probation officers' efforts to expand probation and, consequently, their professional growth. This position was reasserted by C.P. MacDonald in an address to the Annual Meeting of the John Howard Society of Saskatchewan.

In 1969 the Ouimet Report was released. This Report advocated the benefits of treatment within the community. It was very supportive of the probation program and saw it as

being one of the most effective ways of rehabilitating the offender in the community. Although this was not direct government support, its importance should not be undermined. In the same year, the Program Division of the Department of Welfare prepared a confidential report. A number of concerns of probation officers, such as the need for volunteers, were noted and some became part of the recommendations. One of the concerns mentioned, which later became a recommendation, was a need for probation hostels. These hostels would extend probation to individuals not already receiving the service. The need for this service would be based on the knowledge and insight obtained by probation officers through the compiling of pre-sentence reports and their classificatory practices.

From 1969 onwards, a much higher priority was placed on probation. One of the causes for this turning point was the amendment of the Criminal Code. This amendment was the first indication of support from the federal government. As a result of the amendments, the number of probationers increased as did the number of types of probation. The increase in the number of types of probation was important in that it extended the program to offenders who had not previously been reached.

Despite the priority being placed on probation services by both the provincial and federal governments, the problem of lack of trained staff still persisted. In the 1970's the Department of Social Services received letters from judges and members of the public supporting the probation program and

expressing concern for the lack of probation officers. The response to these letters was positive with the department recognizing the need for more probation officers and indicating the increases that had occurred. The priority placed on increasing probation officers by the department was also noted in budget documents. This priority resulted in the expansion of probation.

In 1971, the need for more probation officers and the extension of probation services were reiterated by the John Howard Society, Saskatoon Council, in a submission presented to the Provincial Board. A number of recommendations made in this Submission coincided and were in agreement with those made by the Ouimet Report. One of the recommendations was the use of volunteers. Their continued support was also noted.

Later that year, the 'Saskatchewan Corrections Study Committee Report' was released. This report had an important impact on the development of corrections and probation in the following years. It strongly supported community corrections and the expansion of probation. A number of concerns highlighted in this report were shortage of probation officers, heavy workloads, lack of education and training and communication gaps. Communication gaps were stressed by police officers and probation officers. The continued interest of judges in the use of probation was also noted. This report made a number of recommendations concerning both the above mentioned concerns and sentencing alternatives, for

example weekend training camps. A number of these recommendations, for example community-training residences, were implemented in the following years.

From this point on, expansion of community corrections was emphasized. The provincial government and the Department of Social Services started calling for more community involvement, placing more responsibility for corrections on the community. Probation services steadily increased and, as a result, so did the number of probation officers. Part of the increase was attributed to amendments made to the Criminal Code in 1972, which increased the types of probation allowing more offenders to be eligible. The interest of judges, particularly in pre-sentence reports, was also seen as being responsible for the above increase. In the 1973-74 Social Service Annual Report, the necessity of these reports in helping to determine sentencing was noted. This indicates the confidence judges had in probation officers' abilities to effectively classify offenders. This was an important statement for probation officers because it indicates a need for their knowledge and insight and classificatory practices in making sentencing decisions. It is important to note that some of the increase in services was an attempt by the Department of Social Services to deal with increased inmate numbers. This suggests that perhaps economic considerations were behind some of the increase.

In 1973, the Department of Social Services started

looking into the use of volunteers. A number of advantages were pointed out as well as potential problems, for example attitudes of professionals. This is not surprising as volunteers could be seen as a threat to professional growth. It was also suggested that the minimal education standards not be raised because that would only increase the gap between therapists and offenders. This was the first time that corrections staff were considered to be over-educated. This belief could have had serious implications for probation officers' and their efforts to expand their professional role. This program was implemented in 1975.

In 1975 a report by the Department of Social Services was released entitled 'A Corrections Proposal for Saskatchewan' (1975). This report emphasized community involvement and the importance of probation services in expanding corrections into the community. It was felt that probation officers had an important liaison role with other corrections services, the judiciary, the police, other social agencies and the community. This report also placed importance on the use of qualified volunteers seeing it as being their most important recommendation. The report also recommended a Native probation officer program.

By the end of 1975, probation officers had become involved in a number of programs, such as diversion and mediation, outside of probation. The involvement of probation officers in these programs is important. It suggests that,

based on their knowledge and insight and through their classificatory practices, they were aware of programs which were believed to be more effective than incarceration or probation (ie: diversion). This would expand community corrections by providing services to those not already reached. The creation of these iatrogenic feedback loops would also allow probation officers' professional role to expand. As was noted, the probation program was seen as being the impetus for community corrections.

From 1975 to 1978 there was a continued expansion of community corrections and probation services. A volunteers in probation program was initiated along with an Indian probation project, Fine Options and others. Community organizations also started receiving funding and support. In 1976-77, adult probation was officially transferred to the Corrections Branch, emphasizing even more the probation officer's liaison role.

Since 1978 community corrections has continued to expand. There are more types of programs than ever before. Although this thesis does not extend its examination past 1978, it can be safely assumed, based on the information provided to this point, that probation officers had some influence in the initiation of some of these programs.

6. SUMMARY AND CONCLUSIONS

The concern of this study was the effect of professionals on system expansion. It focused specifically on the effect of probation officers on the expansion of the Saskatchewan probation program between 1946 and 1978 and the effect this had on system expansion.

The theoretical framework employed was Cohen's professional interests model. According to this model, system expansion is partly the result of professional interests. The basic premise of this model is that given the right information, at the right time, an offender can be matched with the treatment program and professional group that would be the most effective. It is argued that because professionals rely on the new corrections programs for their livelihood, it is in their best interests to expand them. The primary way for professionals to cause system expansion is through classificatory practices. They have been given the authority to collect all information necessary for classification. It is this knowledge that gives them the power to classify deviants. Partly due to their language/terminology, it is believed that professionals know best where deviants should be placed. Because the system appears benign, the general public never questions the actions of these people.

Professionals enable the system to expand and the state to extend social control over a larger proportion of the total population because it occurs under the rhetoric of 'doing good'.

Another important effect of classification is iatrogenesis. After a period of time it becomes evident that not all deviants fit easily into existing categories. Consequently new categories have to be created. A possible reason why this may occur is the professional ideology of social problems. Social problems are defined in ambiguous terms which allows professionals to adjust their composition to enable new services and agencies to be established and, consequently, more deviants to be processed. New systems are created to handle the problems caused by the old, but they then create their own problems which need to be fixed by yet another system and the cycle continues. Each new program, besides providing alternatives for those deviants not already reached, promises salvation from the damaging effects of the old.

As noted in chapter 1, professional growth is not allowed to expand indefinitely. There are limitations placed on it by other professionals and the political economic context. The professionals that were considered to have the most effect on the efforts of probation officers to expand the program were judges/magistrates, lawyers and police officers. Community organizations and the provincial and federal

governments were also considered because it was believed they would have an effect on attempts made by probation officers to expand the program.

A content analysis was undertaken to determine the opinions of probation officers, and their desire to expand the probation program, as well as the opinions of judges/magistrates, community organizations and the provincial and federal governments on its value and advantages. The results of this analysis indicate that probation officers were interested in expanding probation and were supported in this effort by the above groups.

Probation had a slow start in Saskatchewan. One possible reason for this was the existing space in the provincial jails. As noted in chapter 4, this explanation is indicative of the lack of initial support the program received from professionals other than probation officers. Also, not everyone involved with the program was enthusiastic. Judges and magistrates were not equally receptive to the probation program when it was first initiated. Some of them still preferred the suspended sentence. Crown lawyers and police officers were also not enthused with the program in the beginning. Besides these professionals, little was done by the Department of Social Welfare and Rehabilitation or the provincial and federal governments to encourage its use. As may be recalled the lack of interest from some of the Ministers of the Department was noted. This lack of support

would have affected probation officers' efforts to expand probation and, consequently, it would limit their professional growth. Despite this lack of support the program expanded.

Another obstacle to the development and expansion of probation, which plagued the program throughout the 1950's, the 1960's and the 1970's, was the lack of funds and sufficiently trained personnel. Consequently one of the first tasks of probation officers was the establishment of the program. They had to convince others within the system, as well as outside the system, of its value. It was their enthusiasm and efforts that kept the program running in the beginning.

The introduction of the pre-sentence report was a major step taken towards the acceptance of the probation program. It was also an important vehicle for probation officers to expand the program through classificatory practices. The pre-sentence report is a biographical history of the offender compiled by probation officers. It provides such information as the offender's family life, habits and work history. The knowledge gained from compiling these reports gives these officers a certain degree of power in determining how deviants would best be classified. The main objective of these reports was to help the appropriate authorities determine the most effective way of treating an offender. This objective fits the basic premise of the professional interests theory. The significance of this is heightened when it is noted that

probation officers often make recommendations concerning sentencing in these reports. It is important to note that judges placed a lot of importance in these reports in helping them to determine appropriate sentencing.

It was not until the Fauteux Commission released its report in 1956 that probation officers started to receive visible support in their efforts to expand probation. Support came mainly from judges, church organizations and the John Howard Society. The Department of Social Welfare and Rehabilitation also started to support the expansion of probation at this time, and petitioned the federal government to make amendments to the Criminal Code. Support from these groups was necessary for program survival and, hence, for the expansion of professional growth.

This support was renewed in the mid-1960's. One of the most important organizations in favour of probation at this time was the John Howard Society. The John Howard Society was perhaps the most supportive of all the community organizations. Although inadequacies of the program were noted, their recognition of the program's value never waned. Another important community association at that time was the Saskatchewan Association of Social Workers. Both organizations pushed for the extension and expansion of probation and the amending of existing legislation.

In 1967 the Saskatchewan Corrections Act was enacted despite some government opposition. This was the first

visible commitment of the provincial government to expand probation services. This commitment to expand probation services and the number of probation officers were reiterated throughout the 1960's and 1970's in addresses, letters and budget documents.

The next turning point for probation was in 1969. One of the causes of this turning point was the amendment of the Criminal Code, which resulted in an increase in types of probation and an increase in the number of probationers. In 1972 the Criminal Code was amended again with the same results. It is important to note that some of the responsibility for the increase in number of probationers was felt to lie with judges who had continued to show interest in the program, specifically pre-sentence reports.

Two important reports released in the 1970's were the 'Saskatchewan Corrections Study Committee Report' (1971) and 'A Corrections Proposal for Saskatchewan' (1975). Both of these reports emphasized the expansion of community corrections and probation services. 'A Corrections Proposal for Saskatchewan' placed importance for the expansion of community involvement on probation officers. It argued that they would have an important liaison role with other corrections services, the judiciary, the police, social agencies and the community. One of the most important recommendations made by this report was the use of qualified volunteers. A number of recommendations made in these reports

were implemented.

By 1978 probation services had expanded and so had community corrections. Instead of just one basic type of probation, there were now five types of probation, Fine Option, Volunteers in Probation Program, Indian Probation Officer Program and community-training residences. Probation officers were also starting to get involved in programs such as mediation, bail supervision and diversion.

There was no evidence to indicate the degree to which probation officers were responsible for the extension of probation into new areas, the creation of new categories, the amending of legislation and the creation of new programs. There was evidence found indicating that in many cases they were

arguing and making recommendations for these changes prior to their being initiated. It was noted that probation officers often made suggestions and recommendations concerning the program and these were examined and often adopted. There was nothing to suggest that they objected to or blocked change.

Although probation officers may not have been solely responsible for expansion, their importance cannot be underestimated. The decision to amend existing legislation or to create new categories which would open probation services to offenders who were previously deemed ineligible must be based on someone's information/knowledge. Who would know this better than the probation officers who compile the

pre-sentence reports? They would have indepth knowledge of each offender for whom a report was written. This information would also provide probation officers with insight into new programs that would more effectively service those offenders who do not need probation. The provincial government recognized the major role that probation officers played in the development and operationalization of community corrections. These new programs, along with probation, have caused the system to expand.

The creation of new categories and programs is illustrative of iatrogenic feedback loops. The initial probation program constitutes the first feedback loop away from the prison/old system. It provides an alternative for first time offenders, saving them from the prisons damaging effects. Each new probation category is another loop away from the old system. The creation of probation hostels for those offenders who need more supervision than just probation is an example of this. New programs constitute loops away from the probation program. Programs such as diversion provide an alternative for offenders who do not need probation, but for whom no other program exists. What ensures the effectiveness of probation, its new categories and new programs, is the fact that if an individual fails at this level, he/she will be pulled deeper into the system. If a probationer violates his/her probation order, for example, he/she can be brought back into court and sentenced on the

original offense.

The expansion of the probation program and the role probation officers played in its expansion has a couple of important implications. First, it has been suggested that the probation program was the impetus for community corrections. As has already been noted, probation officers were involved in the development and operationalization of a number of these programs. Community corrections, it has been argued, has caused the correctional system to expand by bringing in new populations that had not been reached. This type of expansion is important to probation officers, as professionals, because these programs are their livelihood. System expansion helps to secure their position.

The most important implication of the expansion of the probation program is the effect it has on social control. Probation officers have been given the authority to collect indepth information on offenders so that they can be properly classified. Despite the fact that the information gathered does not refer solely to the offender but also to those close to him/her, this activity is never questioned. An important consequence of probation is that by keeping one individual in the community officially under surveillance, others can be unofficially observed. This type of surveillance is also a result of the new programs. The significance of this is heightened since, prior to these programs, those offenders may not have been processed. The creation of new categories and

programs, and the amending of legislation, is never questioned by the lay public because it appears to be benign. It is also not questioned because of the helping and healing professionals involved. Very few members of the lay public question what these professionals are doing or their programs. Through classificatory practices, professionals enable the correctional system to expand and the state to extend social control over a larger proportion of the total population because it occurs under the rhetoric of 'doing good'.

The introduction of probation occurred at a rather opportune time. Canada was just coming out of World War II and there were predictions of a post-war depression with the highest rates of unemployment Canada had ever seen. After the experience of the Depression, a number of new social programs were initiated to try and lessen its effect. What better way to try and control potential social unrest than by having official, and unofficial, surveillance occurring in the community?

In analyzing the documents one area of possible study presented itself. Throughout the material the need for educated and trained personnel to carry out probation services was noted. The minimum education level cited was a BA. Recommendations that the provincial government provide university education for those individuals interested in probation were also made. Due to the shortage of qualified, competent probation officers, however, the use of mature

individuals was suggested. In 1975 a volunteer probation officer program was initiated. This raises a number of questions. How did probation officers, as professionals, respond to this program? If volunteers were successful, would it not put into question the need for professionals to carry out this service? Due to financial considerations, would the government cut back on the hiring of professionals and start relying more on volunteers? Generally speaking, then, would probation officers perceive volunteers as threatening job security? Finally, does the use of volunteers allow the state to extend social control?

The focus of this thesis was the effect of professionals' classificatory practices on the expansion of the correctional system. As may be recalled from chapter 1, Cohen presented a number of theories, other than the professional interests theory, as explanations for system expansion. The one theory that consistently surfaces throughout the study is the political economy theory. As was noted in chapter 2, the political economic context affects professional growth.

One of the fears of post-World War II was the high unemployment rate that would result if returning servicemen were not absorbed into industry. In response to this, a number of social service programs were initiated. Also at this time, some Saskatchewan government Ministers expressed concern over high recidivism rates and costly correctional facilities. This fear of a post-war depression and concerns

of those within the Saskatchewan government set the stage for professionals entering the correctional system and the initiation of correctional programs promising to be less costly. The importance of the political economic context on system expansion and, consequently, on professional growth was noted throughout the study. A number of times the decision by the Department of Welfare and Rehabilitation and the provincial government to place more emphasis on the probation program was based on its economic viability. This was particularly true in those cases where an increase in inmate numbers was projected. Visible support from the department or the provincial government, however, did not appear until after they began receiving letters and submissions from community-based associations and from judges. The efforts of probation officers in stressing the value of this program, as well as reports, prompted these letters and submissions. The continual resurfacing of the political economy theory suggests that Cohen was right in asserting that a combination of theories would give the most comprehensive explanation as to why social control practices change and why the system expands.

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APPENDIX A

PROBATION OFFICERS

TABLE 1

FREQUENCY OF ENUNCIATION OF THE THEMES ESTABLISH PROGRAM AND
EXTEND PROGRAM CONTAINED IN THE SOCIAL SERVICE ANNUAL REPORTS

<u>REPORTS</u>	<u>T H E M E S</u>			
	<u>Establish</u> <u>positive</u>	<u>Program</u> <u>negative</u>	<u>Extend</u> <u>positive</u>	<u>Program</u> <u>negative</u>
1947-48	3	0	0	0
1948-49	0	0	0	0
1949-50	1	0	0	0
1950-51	1	0	1	0
1951-52	2	0	1	0
1952-53	3	0	1	0
1953-54	3	0	1	0
1954-55	2	0	0	0
1955-56	0	0	3	0
1956-57	0	0	3	0
1957-58	0	0	0	0
1958-59	0	0	2	0
1959-60	0	0	1	0
1960-61	1	0	2	0
1961-62	2	0	0	0
1962-63	0	0	3	0
1963-64	0	0	0	0

TABLE 1 continued

1964-65	0	0	0	0
1965-66	0	0	3	0
1966-67	2	0	0	0
1967-68	1	0	1	0
1968-69	0	0	0	0
1969-70	0	0	0	0
1970-71	1	0	0	0
1971-72	0	0	0	0
1972-73	0	0	1	0
1973-74	1	0	0	0
1974-75	0	0	0	0
1975-76	0	0	0	0
1976-77	0	0	0	0
1977-78	0	0	0	0
1978-79	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>
	N=23	N=0	N=23	N=0

TABLE 2

FREQUENCY OF ENUNCIATION OF THE THEMES EXPAND PROGRAM AND NEW
PROGRAMS CONTAINED IN THE SOCIAL SERVICES ANNUAL REPORTS

<u>REPORTS</u>	<u>T H E M E S</u>			
	Expand Program <u>positive</u>	<u>negative</u>	New Programs <u>positive</u>	<u>negative</u>
1947-48	0	0	0	0
1948-49	0	0	0	0
1949-50	0	0	0	0
1950-51	0	0	0	0
1951-52	0	0	0	0
1952-53	0	0	0	0
1953-54	0	0	0	0
1954-55	0	0	0	0
1955-56	0	0	0	0
1956-57	0	0	0	0
1957-58	0	0	0	0
1958-59	0	0	0	0
1959-60	1	0	0	0
1960-61	3	0	0	0
1961-62	0	0	0	0
1962-63	0	0	0	0
1963-64	2	0	0	0
1964-65	1	0	0	0
1965-66	3	0	0	0

TABLE 2 continued

1966-67	5	0	0	0
1967-68	1	0	0	0
1968-69	0	0	0	0
1969-70	5	0	0	0
1970-71	0	0	0	0
1971-72	0	0	0	0
1972-73	4	0	0	0
1973-74	0	0	0	0
1974-75	1	0	1	0
1975-76	0	0	0	0
1976-77	0	0	0	0
1977-78	0	0	0	0
1978-79	0	0	0	0
	<hr/>	<hr/>	<hr/>	<hr/>
	N=26	N=0	N=1	N=0

TABLE 3

FREQUENCY OF ENUNCIATION OF THEMES
CONTAINED IN CORRECTIONS BRANCH REPORTS

<u>T H E M E S</u>		<u>R E P O R T S</u>	
		<u>1</u>	<u>2</u>
Establish Program	positive	1	0
	negative	0	0
Extend Program	positive	11	0
	negative	0	0
Expand Program	positive	9	1
	negative	0	0
New Programs	positive	0	2
	negative	0	0
		<hr/>	<hr/>
		N=21 positive	N=3 positive
		N=0 negative	N=0 negative

1. 'The Saskatchewan Corrections Program - A ten year review and a ten year projection'.
2. 'The Changing Role of Probation'.

TABLE 4

FREQUENCY OF ENUNCIATION OF THEMES CONTAINED
IN DEPARTMENT AND GOVERNMENT COMMUNICATIONS

<u>THEMES</u>		<u>C O M M U N I C A T I O N S</u>			
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
Establish Program	positive	4	0	0	0
	negative	0	0	0	0
Extend Program	positive	1	0	1	2
	negative	0	0	0	0
Expand Program	positive	0	2	0	0
	negative	0	0	0	0
New Programs	positive	0	0	0	0
	negative	0	0	0	0
		<hr/>	<hr/>	<hr/>	<hr/>
		N=5	N=2	N=1	N=2
		positive	positive	positive	positive
		N=0	N=0	N=0	N=0
		negative	negative	negative	negative

1. Department Memo to the Deputy Minister from the Director of Corrections, June 30th 1949.
2. Letter to Allan J. McLeod, Department of Justice, from T.J. Bentley, Minister of Social Services, October 27th 1959.
3. Letter to J.M. Dufour, Supervisor, Prince Albert Region, from L. Heinemann, Chief Probation Officer, June 22nd 1960.
4. Department Memo to Paul Marcella, Acting Provincial Co-ordinator, from B.J. Kroeker, Chief Probation Officer, April 21st 1967.

APPENDIX B

PROFESSIONALS

OPINIONS OF JUDGES/MAGISTRATES OF THE
PROBATION PROGRAM AS STATED IN
NEWSPAPER ARTICLES AND LETTERS

<u>OPINIONS</u>	<u>N E W S P A P E R A R T I C L E S</u> <u>A N D L E T T E R S</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
positive	1	3	2	1	5
negative	0	0	0	0	0
	-----	-----	-----	-----	-----
	N=1 positive	N=3 positive	N=2 positive	N=1 positive	N=5 positive
	N=0 negative	N=0 negative	N=0 negative	N=0 negative	N=0 negative

1. Newspaper Article, "Wright Upholds System In Vogue Here In Dealing With Juvenile Delinquents".
2. Newspaper Article, "Probation Officer is Needed".
3. Letter to the Hon. R.A. Walker from E.L. Elliott, Provincial Magistrate, January 10th 1961.
4. Letter to the Hon. D.V. Heald, Attorney General, from E.L. Elliott, Provincial Magistrate, September 29th 1965.
5. Letter to Hon. D.V. Heald, Attorney General, from P.G. Mooney, Judge of the Magistrate's Court, June 24th 1970.

APPENDIX C

COMMUNITY ASSOCIATIONS AND GOVERNMENTS

TABLE 1

OPINIONS OF COMMUNITY ORGANIZATIONS
OF THE PROBATION PROGRAM AS STATED
IN SUBMISSIONS AND PROPOSALS
TO THE GOVERNMENT

<u>OPINIONS</u>	<u>S U B M I S S I O N S A N D P R O P O S A L S</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
positive	9	7	1	4	8
negative	0	0	0	0	0
	—	—	—	—	—
	N=9	N=7	N=1	N=4	N=8
	positive	positive	positive	positive	positive
	N=0	N=0	N=0	N=0	N=0
	negative	negative	negative	negative	negative

1. Proposal for Development of Probation in Canada from the Canadian Corrections Association, February 1st 1967.
2. Submission to the Provincial Government, Re: Probation from the John Howard Society of Saskatchewan, March 27th 1965.
3. Statement to the Provincial Cabinet from the John Howard Society of Saskatchewan, May 27th 1965.
4. Submission to Provincial Government, Re: Probation from the Saskatchewan Association of Social Workers, August 16th 1966.
5. Submission to Provincial Board from the John Howard Society from Saskatoon Council, January 22nd 1971.

TABLE 2

OPINIONS OF THE PROVINCIAL GOVERNMENT
OF THE PROBATION PROGRAM AS
STATED IN DEPARTMENT MEMOS

<u>OPINIONS</u>	<u>D E P A R T M E N T M E M O S</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
positive	2	8	4	1
negative	0	0	0	0
	———	———	———	———
	N=2 positive	N=8 positive	N=4 positive	N=1 positive
	N=0 negative	N=0 negative	N=0 negative	N=0 negative

1. Department Memo to Hon. A.M. Nicholson from J.S. White, October 18th 1961.
2. Department Memo to Mr. A.W. Johnson, Secretary, Treasury Board, from R. Talbot, Acting Deputy Minister of Social Welfare and Rehabilitation, January 25th 1962.
3. Department Memo to Mr. J.S. White, Deputy Minister, from A.M. Jakeman, Solicitor, July 17th 1964.
4. Department Memo to Hon. A. Taylor from Deputy Minister of Social Services, November 15th 1972.

TABLE 3

OPINIONS OF THE PROVINCIAL GOVERNMENT
OF THE PROBATION PROGRAM AS STATED
IN CABINET REPORTS AND BUDGETS

<u>OPINIONS</u>	<u>C A B I N E T R E P O R T S</u> <u>A N D B U D G E T S</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
positive	1	5	4	11	1	4
negative	0	0	0	0	0	0
	N=1	N=5	N=4	N=11	N=1	N=4
	positive	positive	positive	positive	positive	positive
	N=0	N=0	N=0	N=0	N=0	N=0
	negative	negative	negative	negative	negative	negative

1. Report for Cabinet Planning, 1952.
2. Cabinet-Planning Board, November 1955.
3. Cabinet Conference, Appendix A, November 1960.
4. '2. Probation and Parole', 1961-62 Budget Estimates Book II.
5. Department of Welfare, B Budget Items, 1969-70.
6. Department of Welfare, 1969-70 Priorities.

TABLE 4

OPINIONS OF THE PROVINCIAL GOVERNMENT OF THE
PROBATION PROGRAM AS STATED IN GOVERNMENT
REPORTS, SPEECHES AND DEBATES

<u>OPINIONS</u>	<u>R E P O R T S, S P E E C H E S</u> <u>A N D D E B A T E S</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
positive	2	1	8	2
negative	0	0	2	0
	<hr/>	<hr/>	<hr/>	<hr/>
	N=2 positive	N=1 positive	N=8 positive	N=2 positive
	N=0 negative	N=0 negative	N=2 negative	N=0 negative

1. 'Suggestions Regarding the Work of the Penal Commission', J.T. Douglas.
2. 'Corrections'.
3. Legislative Debates, March 16th 1967.
4. Minutes of the Interdepartmental Committee Meeting on Corrections, August 14th 1972.

TABLE 4 continued

<u>OPINIONS</u>	<u>R E P O R T S, S P E E C H E S</u> <u>A N D D E B A T E S</u>		
	<u>5</u>	<u>6</u>	<u>7</u>
positive	4	3	2
negative	0	0	0
	-----	-----	-----
	N=4 positive	N=3 positive	N=2 positive
	N=0 negative	N=0 negative	N=0 negative

5. 'State of the Nation' Report, 1973.
6. Draft, February 2nd 1973.
7. Supplementary Position Paper, February 5th 1973.

TABLE 5

OPINIONS OF THE FEDERAL AND PROVINCIAL GOVERNMENTS
OF THE PROBATION PROGRAM AS STATED
IN AGENDAS, PROPOSALS AND REPORTS

<u>OPINIONS</u>	<u>A G E N D A S , P R O P O S A L S</u> <u>A N D R E P O R T S</u>					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
positive	1	1	1	7	4	7
negative	0	0	0	0	0	0
	————	————	————	————	————	————
	N=1	N=1	N=1	N=7	N=4	N=7
	positive	positive	positive	positive	positive	positive
	N=0	N=0	N=0	N=0	N=0	N=0
	negative	negative	negative	negative	negative	negative

1. Dominion-Provincial Conference on Correctional Reform, Agenda Item No. 2.
2. Dominion-Provincial Conference on Correctional Reform, Agenda Item No. 3.
3. 'A Proposed Federal-Provincial Contract for Development of an Indian Community Corrections Worker Project (Indian Probation Officer)', April 22nd 1974.
4. 'Report of a Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada, 1956, Gerald Fauteux.
5. 'Report of the Canadian Committee on Corrections', March 1969, Roger Ouimet.
6. 'Saskatchewan Corrections Study Committee Report', 1971, Department of Welfare, Saskatchewan, Department of the Solicitor General, Canada.

TABLE 6

OPINIONS OF THE PROVINCIAL GOVERNMENT OF THE
PROBATION PROGRAM AS STATED IN PUBLIC
SPEECHES, NEWS RELEASES AND PUBLIC REPORTS

<u>OPINIONS</u>	<u>PUBLIC SPEECHES, NEWS RELEASES AND PUBLIC REPORTS</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
positive	4	2	5	14
negative	0	0	0	0
	—	—	—	—
	N=4 positive	N=2 positive	N=5 positive	N=14 positive
	N=0 negative	N=0 negative	N=0 negative	N=0 negative

1. Saskatchewan Corrections Program', Hon. C.P. MacDonald, Address to the Annual Meeting of the John Howard Society of Saskatchewan, October 19th 1968.
2. Press Conference, July 10th 1972.
3. News Release, Department of Social Services, December 4th.
4. 'A Corrections Proposal for Saskatchewan', 1975. Department of Social Services.

APPENDIX D

EXPANSION OF PROBATION

INCREASES IN PROBATION OFFICERS AND PROBATIONERS

AGES 16 AND OVER BETWEEN 1954 AND 1978

<u>YEAR</u>	<u>N U M B E R</u>	
	Probation Officers	Probationers
1954-55	3	-
1955-56	3	96
1956-57	3	94
1957-58	3	114
1958-59	3	152
1959-60	4	251
1960-61	4	357
1961-62	4	412
1962-63	4	536
1963-64	4	627
1964-65	4	845
1965-66	4	904
1966-67	4	813
1967-68	4	912
1968-69	8	1,085
1969-70	12	1,784
1972-73	25	* 1,606
1975-76	35	* 2,033
1977-78	42	* 2,162

Source: Annual Reports, Social Welfare and Rehabilitation,
1954-55 to 1977-78.

* These numbers have been taken from Hylton's estimated
table (1981a: 203)