

The federal Prisons and Reformatory Act defines the general administrative structures and responsibilities for operating custodial facilities. Each province or territory, although bound by general guidelines, has instituted its own set of legislative and regulatory guidelines for corrections.

The following government agencies are responsible for adult corrections in Canada:

**Federally.** Ministry of the Solicitor General; Correctional Service of Canada, National Parole Board.

**Provincially and territorially.** Newfoundland and Labrador, Department of Justice; Prince Edward Island, Department of Justice; Nova Scotia, Department of Attorney General; New Brunswick, Ministry of Justice; Quebec, Department of Justice; Ontario, Ministry of Correctional Services; Manitoba, Department of Community Services; Saskatchewan, Department of Justice; Alberta, Department of the Solicitor General; British Columbia, Ministry of the Attorney General; Yukon, Department of Justice; Northwest Territories, Department of Social Services.

### 20.7.1 Custodial services

Shared responsibility for custodial services spans across each of the municipal, provincial and federal levels of government. This three-tiered structure has been incorporated in divergent ways across Canada.

Although custodial sentences of two years less a day are under the authority of provincial government agencies, there may be exceptions. Federal offenders are normally held in the provincial system prior to transfer for a 30-day period of appeal. Additionally, with transfer agreements between the federal government and the provinces and territories, some federal offenders are detained in provincial facilities and vice versa.

The degree to which municipal and provincial governments share responsibility for temporary detainment is another source of variation. Some provinces assume no responsibility, others have partial responsibility, and still others have total responsibility.

Service structures also differ in the provision of custodial services through the private sector. Normally, sentenced inmates are transferred from a secure custodial environment to private facilities which usually allow for regular access to community resources. This has been the case in most jurisdictions. In recent years, private facilities have been integrated in some cases into

the government facility network with a resultant impact on the corresponding average inmate counts.

### 20.7.2 Non-custodial services

The need to further develop community correctional services has been brought to the forefront in recent years, particularly in light of the high costs and questionable benefits of the custodial response to certain offender groups.

Non-custodial programs provided in each provincial jurisdiction are not limited to probation. However, probation is the primary community-based disposition as a sentencing alternative to incarceration. In recent years, other non-custodial correctional programs have emerged to varying degrees, some of them available as conditions of probation orders.

Use of specialized programs aimed at specific target groups such as females, natives, and drinking and driving offenders has grown in recent years. So have compensatory sentences, for example, community service orders, fine options and restitution. Involvement of probation and parole officers in the supervision of temporary absence cases varies across the country. As a result, caseloads reported do not represent a definitive picture of the offender population under community supervision.

Due to increasing community supervision in caseloads, volunteer programs have been established in most jurisdictions. Combined with the fact that probation officers supervise juveniles in some provinces, it is difficult to arrive at an accurate and comparable measure of officer caseload.

**The National Parole Board** is an independent agency in the Department of the Solicitor General. It is an integral part of the Canadian criminal justice system in its daily operations and works together with other components of the system.

Under the federal Parole Act, the National Parole Board is primarily responsible for: granting full parole and day parole to both federal and provincial inmates; granting to federal inmates those temporary absences which cannot be authorized at the institutional level; and, terminating or revoking day paroles and revoking parole and mandatory supervision releases.

Since September 1, 1978, as a result of amendments to the Parole Act, it has been possible for any province to establish its own parole board. Three provinces, Quebec, Ontario and British Columbia, have exercised this right and have assumed responsibility for granting,