

alter it. We are not empowered to change those things. However—ten years—one may easily become aware, a specialist may become aware, that sometimes within three years, two years, four years, five years, it matters little—the fellow is good, the “timing” is good, and the fellow may return to society as from that date. But should one be unable to obtain this, there arises what we call institutionalization, the individual becomes totally institutionalized; he becomes the type of individual that is conditioned to do things from this hour to that hour, at a certain time, and he could certainly benefit more from the psychological and social viewpoint, were he to return to society.

[English]

The Acting Chairman: But if the ultimate goal of the correctional process is rehabilitation, is not the present policy, with the emphasis upon legal punishment and custody, self-defeating?

[Translation]

Mr. Thomas: Yes, I think you are absolutely right that someone be punished for having committed an offense—you see, this goes back to the very beginnings of mankind. You may all establish the fact that for years, offenders have been punished—even to the extent of corporal punishment; do you have the impression that this has reduced the number of delinquents? There is a basic idea relative to the human aspects of the offender: he does not learn from punishment. A large majority of offenders—there are some who learn once during their lifetime—they have committed an offense; oftentimes, this is attributed to bad luck. They come into prison. This impresses them strongly as punishment—and they shall never be seen there again. But, what we call the true delinquent, the repeater—that type learns nothing from punishment. This is a basic fact.

Senator Flynn: How could he learn?

Mr. Thomas: He would learn, were he placed in a situation whereby he is given the opportunity of developing his resources. For instance, the job problem.

Senator Flynn: You are obliged to lock him up, in one way or another?

Mr. Thomas: Yes, sir, absolutely, and that is already quite important. The first goal of an institution consists of protecting society; and this individual may not remain at large. From my viewpoint, should he be dangerous, he may not remain at large, and that is quite important. This is why the work must be carried out within walled confines.

Senator Lapointe: But, many have come here to witness that prisons are worthless.

Mr. Thomas: In their present state, I think I would agree with them—however, not to that extreme.

Senator Lapointe: But it is said that a prison term worsens the prisoner's situation rather than improving it, since the environment is very . . .

Senator Flynn: That is what you have just said, also.

Mr. Cartier: Yes, perhaps, but it does protect society.

Senator Lapointe: Doubtless, I'm all for it, but it was stated here that it does not constitute a healthy milieu for rehabilitating people; it was better for them to be released as soon as possible — three months later, or . . .

Senator Flynn: Even avoiding their imprisonment at all. One might draw such conclusions from certain opinions expressed.

Mr. Cyr: Evidently, let's say that imprisonment as it presently exists—where an individual is thrown in hodgepodge with others—and where we can notice no difference between a first offender, who is probably young, and who is thrust among repeaters.

Senator Flynn: Yes, agreed.

Mr. Cyr: Evidently, some type of apprenticeship takes place. Hence, my feeling is that, in that sense, it's not worth much.

Senator Flynn: I believe this no longer occurs, that is, it occurs very little.

Mr. Cyr: It still occurs.

Senator Flynn: It may accidentally happen.

Mr. Cyr: Personally, I am presently in a maximum security institution, where are found many young inmates experiencing either their first or second offense, and who are mingled, hodgepodge, with old repeaters.

Senator Flynn: It's senseless.

Mr. Cyr: Yes, evidently, it makes no sense.

Senator Lapointe: This is the reason for your preference related to a penal institution classification reform.

Mr. Cyr: Of institutions, yes, in relation . . .

Senator Lapointe: And you are suggesting a classification applicable only to youngsters of 25 years or less.

Mr. Cyr: Exactly, yes.

Senator Flynn: Agreed.

Mr. Cyr: That's it, and it will give rise to a general regrouping also, not absolutely—first breaches of law for those 25 years or younger. Generally speaking, the older ones are experiencing a second, third, or even a fourth term, hence, that is why we say from the outset that a new classification is quite important in that sense—according to types of inmates or delinquents requiring treatment. Under those circumstances, one may formulate types of programmes adapted to the needs of each population type under our supervision. Furthermore, it is imperative that they be incarcerated. However, I feel that the protection of society falls back upon—whenever the individual is released—he must be capable of functioning adequately; should nothing be done for the sick man upon his release from the institution, one may expect a relapse on his part into the same type of behaviour that had previously caused his incarceration.

Senator Lapointe: You were saying a while ago, let's say an inmate is sentenced to two years, then he says: automatically, I'll be released after nine months.