

### *Penitentiaries*

One might also quote Lord Byron in this respect:

This is the patent age of new inventions for killing bodies and for saving souls, all propagated with the best intentions.

One of the things that has always astounded me as a man who has sometimes visited prisons and who has practised criminal law is the degree of lawlessness that one finds within prisons. It seems that somewhere along the line our system has broken down completely when it comes to giving people who are to be confined in prison some degree of stability and discipline and a chance to improve themselves in an area where there is a degree of stability and lack of lawlessness.

As Richard Kelly, a judge of the sixth judicial circuit court of the state of Florida said in testifying before the select committee on crime of the House of Representatives in December, 1971:

I would like to say one thing this committee should consider, that one of the astounding facts about prisons is this: That they are probably the most lawless places in our society. This is a dominating factor in every place that there are laws.

Based on my observations, one of the most demoralizing aspects of prison life to an inmate is the fact that in many cases he does not know exactly how long he will be incarcerated. Another thing that demoralizes inmates is the arbitrariness with which disciplinary procedures are carried out, and the way that their privilege of parole is sometimes snatched away in a most arbitrary way for the most trivial of reasons. The committee deals with this in its report which was tabled last June, as, indeed, it deals with practically everything of value. Recommendation 34 rather sets the stage for the part I am going to quote from the committee report:

Institutional libraries must provide adequate material for legal research, especially in the field of criminal law.

I suggest it is important for people who are incarcerated to fully understand the basis of the law that put them there. Also the report goes on to state:

When an inmate enters the penitentiary system, he should not only be instructed clearly and precisely about rules of conduct and the expectations of prison authorities—which is not generally the case now—but he should also be able to know the length of time that he may expect to be in prison. His conduct in prison is significantly affected by the way he defines and understands his goals.

The report goes on to state that it is extremely important that an inmate be able to calculate his sentence, or be able to get a reliable and accurate calculation at the reception centre. If he cannot, as is sometimes the case, the demoralizing effect of this situation is reflected in his own conduct in prison as well as adding to the general level of unrest and hostility.

Let me refer to a remark made by the hon. member for Windsor-Walkerville (Mr. MacGuigan) in his address of January 27 of this year, only a few days ago, to national associations active in criminal justice. He said:

The more time that passes since the report of the subcommittee on the penitentiary system in Canada last June 7 the more completely it appears that the government will implement the 65 recommendations of the report.

I sincerely hope that is the case. Because if the government does not implement the thrust and the intent of this report, then a great opportunity will be lost. In this context I would

[Mr. MacKay.]

like for a few moments to make some suggestions that fit in for the most part with what the report recommends. I must in so doing pay tribute to the hon. member for Yukon (Mr. Nielsen) who was the guiding light behind many of these recommendations which have found general favour with our caucus. Some of them, I think, are particularly appropriate in the humanitarian as well as in the administrative sense.

The CPS should establish a clear, concise inmate disciplinary code which will be available to, and understandable by, both inmates and staff. There should be no catch-all phrases, and it should spell out the kind of punitive action to be taken against each specific offence. Too often in the present system there is a great latitude that allows for individual vindictiveness on the part of staff as a result of personal animosity built up between certain staff or guard members and inmates.

Disciplinary boards are very important as well, and we feel that the hearings of these disciplinary boards should be presided over by independent chairpersons. It would be the responsibility of such an individual to determine the guilt of the inmate and the proper sanction to be used against him. Local magistrates might make suitable candidates in certain instances for such positions. No inmate should have to wait more than two days before his case is heard by a disciplinary board.

As far as punitive segregation is concerned, this is a very drastic disciplinary measure and should be used very sparingly. Inmates should not be subjected to extended periods of such isolation.

One of the objectives that I think is admirable is meaningful inmate counselling. This should be emphasized more and more. Whenever possible, I suggest that the officers who provide this kind of counselling should be selected from the older and more experienced staff.

Another thing that inmates find very demoralizing is the lack of contact visiting. It seems to me that, unless an inmate demonstrates otherwise by his anti-social behaviour or uncooperative attitude, with proper security arrangements contact visiting should be allowed at all institutions. Any inmate found abusing the privilege should be compelled to receive future visitors in a visiting booth only.

Another feature that so far has been almost, I guess, a complete "no, no," is conjugal visits. It seems to me that if you treat people like animals you will be rewarded by an attitude similar to that of an animal. I see no reason that there should not be, on an experimental basis, a greater attempt to arrange this type of program in the prisons of this country. After all, we have the dubious distinction, I believe, of having more or our people per capita in penal institutions than any other country in the world.

**Mr. Nielsen:** And it works in the United States.

**Mr. MacKay:** As the hon. member for Yukon says, the program works in the United States and in other countries.

Leaving that rather delicate topic for a moment, one of the programs I have watched with some interest is that program which has been carried out with the co-operation of the Scott