

Chapter 1:

The History of Prisons in Canada

Chapter Overview

This chapter explores the evolution of the prison system in Canada. It examines changes in penal philosophies from the 1800s to post-Confederation which encompassed viewpoints of punishment and reform. The passage of the British North America Act fostered the federal-provincial division of powers within Canada's correctional system. The changes that the division of powers generated were discussed. The Archambault (1938), Fauteux (1956), and Ouimet (1969) Reports, which proposed monumental changes to Canada's correctional system, were outlined.

Learning Objectives

- Appreciate the many different uses to which prisons were put before the 1830s.
- Know when and why the prison became the principal sanction used by the courts when sentencing individuals convicted of crimes.
- Describe what was novel about the prison regimes used in Canada's first penitentiaries.
- Know why Canada has two prison systems—federal and provincial—and what roles each plays.
- Explain how people in the late 1880s thought about women's prisons, and how they believed they should be run differently than men's prisons.
- Describe how the two contradictory ideas about prisons—that they must punish and reform—have long co-existed.
- Describe what has changed about prisons since World War II.

Discussion Questions

- Developments of the pre-Confederation period transformed the role of the prison within the system of criminal punishment. What were some of the developments of penal practices from the 1800s to Confederation which shaped the purpose of imprisonment? (See pages 6-8).
- The history of prisons in Canada encompassed opposing viewpoints regarding whether these institutions should focus on punishment or rehabilitation. The 1820s and 1830 were characterized by debate on American penal reform. In your opinion, how did the silent system and the separate system influence prison reform in Canada? (See pages 8-9; entire chapter).

- Confederation facilitated the federal-provincial division of powers in Canada’s prison system. Do you agree with the “two-year rule”? What else should be taken into consideration with regards to determining federal and provincial powers? (See pages 10-12).
- Protests which took the form of prison riots and lobbying characterized much of the late 1800s and early 1900s. What aspects of prison administration in particular do you think led to public concern about prison conditions? (See pages 12-16).
- The Archambault (1938), Fauteux (1956), and Ouimet (1969) Reports influenced correctional change in Canada. How were these reports a catalyst for a more humane treatment of those incarcerated? (See pages 16-18).

Class Activities

1. Debate! Canada should not have a federal-provincial division of powers within corrections.

Objective:

To have students think critically about the prison system in Canada. The exercise will require review of the *British North America Act*

Materials Needed:

Pen and paper, access to the library and/or Internet resources, hand-outs on (optional).

Description of Activity:

This activity is meant to help students become more familiar with the federal-provincial division of powers in Canada’s prison system, to develop their ability to critically analyze and to debate a point of view. Students should be divided up into debating teams of 3 or 4. The instructor or seminar leader should provide students with a list of topics and issues one week in advance to allow for preparation. These topics might include:

- What are the pros and cons of having a division of powers in corrections?
- Should the entire prison system fall under federal jurisdiction for continuity purposes?
- Should the entire prison system fall under provincial jurisdiction for continuity purposes?

Teams will have a week in advance to prepare. Each team will be given a position on whether they agree or disagree with having a division of powers within corrections and told to respond to the question and issues on that basis. Teams will have an opening statement of 2 minutes each, followed by 1 minute replies by the other team members. The replies will give each team the opportunity to reply to points raised by the other teams and to add the comments of their teammates. Each team

will have a 1 minute closing statement. The instructor/seminar leader will assess each team and choose a winning side based on clarity, evidence of critical analysis/critical thinking, substance of research and argumentation, and the ability to respond to points raised by the other side.

2. Sequence of events

Objective:

To have students understand how Canada's prison system evolved from European colonial settlement to post-Confederation.

Materials needed:

Pen and paper, access to the Internet, access to the Textbook.

Description of activity:

Students may complete this outside of class. Review chapter 1 and construct a sequence of events which evolved Canada's prison system from the 1800s to post-Confederation. What were the most influential events which shaped Canada's prison system as we understand it today? Students should complete this individually.

3. Short essay topic

Objective:

To have students think critically and write a short essay on the changes to Canadian penitentiaries which were facilitated by the Archambault Report.

Materials needed:

Computer, access to the Internet, access to the Textbook.

Description of activity:

Students should complete this outside of class and work individually. Write a 500-750 word essay on how the Archambault Report prompted change to Canadian penitentiaries. Adhere to APA guidelines and utilize at least 2 scholarly sources.

Teaching Aids (Recommended Video Web Links)

Childhood Abuse Prevalent Among Canadian Prisoners, But More Research Needed: Study (Global News, 2019).

<https://globalnews.ca/news/4983100/childhood-abuse-canadian-prisoners/>

This video examines the impact of mental health among inmates. It portrays the perspectives of family members of inmates with mental health concerns who were incarcerated. This video also includes statistics on the number of inmates who have died in prison and the lack of information available on whether any of these individuals had mental health illnesses.

1. It is mentioned in this video that an individual with a mental health illness was sent to prison because there were no available beds in hospital. Do you agree that the purpose of prison in Canada should be to incarcerate those with mental health illnesses?
2. The video mentions that additional training for those working in prison and an increase in nurses in prison could help provide better care for inmates with mental health concerns. What else could be done to provide a higher standard of care to those suffering mental health illnesses in Canadian prisons?
3. Do you think that the evolution of Canadian prisons has focused enough on vulnerable prison populations, such as those with mental health concerns?

Exploring an Abandoned 19th Century Jail & Courthouse Pre-Confederation | Pre-Confederation Prison (Freaktography, 2019)

<https://www.youtube.com/watch?v=nKPtsgc4r5s>

This video shows footage of an abandoned 19th century jail and courthouse in Ontario. It will provide students with a visual of an historic pre-Confederation Canadian prison layout.

1. What elements of the footage shown in this video are reflective of pre-confederation prison designs?
2. What specific characteristics of the prison shown in this video would you expect to have changed in more modern prison infrastructure?
3. In your opinion, was the prison shown in this video's footage more conducive of the silent system or the separate system?

Rare Look Inside Notorious Ottawa-Carleton Detention Centre (CTV News, 2016).

<https://www.youtube.com/watch?v=xl692sQggqA>

This video examines concerns regarding conditions at the Ottawa-Carleton Detention Center. It provides an overview of some specific issues currently under review at this correctional facility and provided a brief tour of the facility.

1. This video explains that individuals are incarcerated at the Ottawa-Carleton Detention Center awaiting court. Do you think that the various purposes of prison should include the detention of remanded individuals? Why or why not?
2. It is mentioned in this video that prison conditions in the facility are improving. What are some of these improvements and how would these improvement benefit the inmate population?
3. This video mentions that a task force has been created in Ontario to examine overcrowding at the Ottawa-Carleton Detention Center. How would the history of penal change in Canada help to influence concerns over prison overcrowding?

Unprecedented Footage From Inside an Ontario Penitentiary (CTV News, 2016)

<https://www.youtube.com/watch?v=76Y45-7jcfE>

This video examines the Ontario prison system, showing specific characteristics of the various security levels in correctional facilities. This video will allow students to gain insight into imprisonment in adult corrections and some of the services and programs available to inmates.

1. It is mentioned in this video that mandatory minimum sentences have resulted in prisons operating beyond their capacity. How would this impact prison reform and the ability of correctional facilities to offer effective rehabilitative programs?
2. This video explains how crowded prisons can result in increases in prison violence and the use of segregation. How does this coincide with the history of penal change?
3. This video examined examples of rehabilitative programs that inmates could avail of in an Ontario correctional institution. Do you agree that these programs should be included in all modern prisons? Why or why not?

The Words That Shaped Canada: The British North America Act (Parliament of Canada, 2017).

<https://www.youtube.com/watch?v=f1dWKXyt2QE>

This video provides a brief overview of the development of the British North America Act and the changes that it facilitated in Canada.

1. Did this video provide any insight as to how the BNA helped to subsequently shape Canadian correctional history? Why or why not?
2. This video mentioned disagreement regarding Confederation. In your opinion, is it possible that the disagreements subsequently impacted how a division of powers was formed?
3. How does Canada's parliamentary system specifically impact terms of incarceration in Canada?