

An Open Letter

**STRUCTURAL RESTRICTIONS OF IMPRISONMENT ON TRANSFORMATIVE JUSTICE**

**To:** The VIIth International Conference on Penal Abolition,  
Barcelona, Spain.  
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**From:** Some Inmates at Bath Institution,  
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As male, middle aged, mostly married inmates in a Canadian low-medium security penitentiary serving sentences for crimes of violence, sexual assault, drug trafficking, and property theft ranging from three years to life imprisonment, we believe we have some valuable insights into penal injustices in contemporary institutions.

1. Like almost all inmates, we believe our past criminal actions were wrong and merit appropriate punishment, our victims deserve acknowledgement and recompense, and we need help to prevent our reoffending.

2. We recognize that Correctional Services Canada can rightly claim to operate relatively humane, clean, well-supplied and equipped institutions, which basically meet international standards, operate under human rights codes guaranteed by correctional investigators, employ many devoted and decent staff, and devote considerable resources to rehabilitation and re-training. Bath Institution is renowned for its focus on and commitment to rehabilitative treatment programmes for every inmate (e.g., regarding cognitive skills, substance abuse, sexual abuse, anger management, conflict resolution, community integration, parenting, living without violence, etc.) in addition to offering work-training and formal education opportunities.

3. Notwithstanding all these positive features, we still find imprisonment within Corrections Canada to be an unsatisfactory and needless failure in terms of seriously transformative justice.

a) This is a system fundamentally attached to a medieval notion of imprisonment as the preferred and presumed punishment and symbolic inflicting of vengeance. All of us have found the experience of being incarcerated a quite superfluous penalty on top of the pains of accusation, trial, and conviction.

b) In real life, justice is always rough. Each and every one of us has suffered injustices in this process, undermining our respect for law; we can all cite numerous inequities in the system's handling of our cases. Ironically, intimate contact with the justice system reveals how unjust it is.

b) It continues to operate within a system fundamentally devoted to punitive confinement and control of inmates, which structurally inevitably undermines rehabilitation.

c) Protection of the public is cited as the rationale for incarceration, yet the vast majority of us are incarcerated for offences not physically violent. We know that the vast majority of our fellow-inmates are no more a danger to others than the average citizen is: we live with them in close contact on a daily basis with only a small unarmed number of custodians (who generally let us police ourselves.)

d) In any case, with the abolition of the death penalty, we will all eventually return to the community, and institutionalization by its very nature seriously impedes our reintegration as non-threatening citizen.

e) Incarceration inevitably ends employment and ruins careers, threatens financial bankruptcy, strains or destroys marital and parental relations, and generally disintegrates our relations with our communities.

f) It also ignores our victims by disabling us from being confronted by them in meaningful ways, or making amends or restitution. It allows us to minimize the harms we have done, and reciprocally allows our victims and the wider community to demonize us as scapegoats.

g) It further prevents us from compensating our victims or our communities for any wider damages, and prevents us from supporting our families. This unjustly punishes our dependents, and strains the social welfare net.

h) Our experience of this bureaucratic system unresponsive to its direct clients affirms that it tends toward insensitivities, ranging from inexplicable delays, misunderstandings and mistakes, through indignities and degradations, a total lack of privacy and control of one's life, to administrative arbitrariness, illegal procedures, to occasional physical man-handling and brutality. This experience has not been rehabilitative.

i) The system largely ignores the possibilities for resocializing us positively, instead all too often abdicating its responsibilities and passively encouraging our socialization into negative prison subcultures.

j) At about \$50,000 per year per inmate, the system is very expensive. Outside, non-prison alternatives are notably cheaper.

k) We already know how to run many kinds of programmes alternative to imprisonment: decriminalization of minor issues, transfer of more serious disputes to the civil code, restitution, victim-offender reconciliation, capping sentences, alternative sentencing, increased exercise of police discretion not to

charge, diversion from courts, community service work orders, bail supervision, probation, and parole, community treatment alternatives, discharges, immediate temporary absence passes, etc.

1) Criminological research overwhelmingly indicates these alternatives are at least as effective in protecting the public, and are better at rehabilitation.

4. In sum, we believe our experience has clearly demonstrated how the best of the programmes offered within the walls of Corrections Canada could work more justly, more efficiently, more effectively, and with fewer negative side-effects, if offered outside these walls and fences.

The repeated attempts at reform from within clearly indicate clear structural limitations of this penological mirage. Planning in stages is doubtlessly required, but transformative justice demands penal abolition.