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Correctional Service of Canada's Inmate Employment Branch (IEB).¹³ The appointment of a new Director General appeared to symbolize the importance attached to upgrading the status of prison industry.

As it exists today, the CSC industries program employs approximately 1,400 inmates in 116 shops spread over 22 of Canada's federal correctional institutions.¹⁴ Goods manufactured include modular furniture, inmate clothing, sports and recreation equipment, mail bags, and clothes lockers. (A complete list of CSC's industrial product lines appears as Appendix 1.) In 1981-82 goods produced in these shops generated revenues of \$ 7,467,000, a figure expected to increase to 12.9 million dollars by the 1983-84 fiscal year.¹⁵

2. CSC Organizational Structure

A reorganization of the federal criminal justice system in 1966 created the Department (now Ministry) of the Solicitor General. Comprised of a Secretariat, the Royal Canadian Mounted Police, the Canadian Penitentiary Service and the National Parole Board, the Department of the Solicitor General was given responsibility for the development and implementation of policy on a broad range of matters pertaining to the police, corrections, and parole.¹⁶ (See Appendix 2 for organization chart.) The budget for the Ministry in the 1983-84 fiscal year is projected to be 1.53

The undersigned recommend to the Faculty
of Graduate Studies and research acceptance
of this thesis

SELF-SUFFICIENT FEDERAL PRISON
INDUSTRY IN CANADA: A CASE
STUDY IN APPLIED IMPLEMENTATION
ANALYSIS

Submitted by Ronald Gordon Lennox

in partial fulfillment of the requirement for
the degree of Master of Arts in Public
Administration

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ABSTRACT

The central premise of this paper is that public policy can be shaped by forces over which individuals responsible for implementation have little or no control. To test this proposition a framework for implementation analysis, which posits the existence of five intervening variables between decision-making and policy outcomes, was developed. It was felt that each of the five variables would in some way shape policy at the implementation stage.

The efficacy of the framework was demonstrated through a case study of the Correctional Service of Canada's efforts to establish a commercially successful prison industry program. It was found that each of the five intervening variables played a role in shaping policy implementation. Furthermore, the analysis revealed that four of the five intervening variables were largely beyond the capacity of program implementers to manipulate. Hence, officials of the Correctional Service of Canada's Industries Division could not be held accountable for, nor could they reasonably be expected to achieve, the desired program outcome.

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CHAPTER I

Introduction

Inmate work has always been a central component of Canadian correctional practice. An inmate incarcerated in Canada's first penitentiary, erected near Kingston, Ontario, and opened in 1835, could find himself employed as a blacksmith, tinsmith, quarryman, tailor, or carpenter.¹ Or perhaps he would be assigned to a general labour or maintenance occupation. He might even work for a local tradesman or prison official. Women were employed as seamstresses. Work was, in short, an activity that came to dominate the institutional experience of all able-bodied prisoners. From the point of view of the prison administrator inmate work served several valuable purposes. First, it shielded inmates from the physical and psychological deterioration associated with complete idleness. It met with statutory requirements for hard labour, which were no doubt borne of a lingering belief in retributive theories of justice.² Finally, inmate work was an administrative expedient in that it allowed for the production of goods for sale or, at minimum, for the production of goods and services to offset institutional operating costs. Though revenue generation has not always been pursued with a similar degree of urgency by prison management over the past 150 years, it has nevertheless persisted as a rationale for inmate employment to the present day.

This chapter will begin with a brief sketch of the historical development of prison industry in Canada. Characteristics of the organization structure of the Correctional Service of Canada (CSC) are next described. The chapter goes on to define self-sufficiency, and introduces the reader to the study of implementation analysis. The central argument of this thesis, and the methodology employed to examine it, are considered in the final two sections.

1. Federal Prison Industry In Canada

H.C. Thompson and John Macauley, dispatched by the Assembly of Upper Canada on a tour of American penal institutions in 1832, were charged with the responsibility of reporting on the relative merits of the dominant American modes of penal administration, the Pennsylvania and Auburn models.³ Under the Pennsylvania system inmates were incarcerated day and night under conditions of absolute silence. Work took the form of trades practiced alone in cells. The Auburn model was in many respects similar to the Pennsylvania regime, but permitted congregate labour by day in prison workshops. Thompson and Macauley were impressed with the economic rationale which pervaded Auburn practices: "... profits resulting from joint labour are found to be greater than those which are derived from solitary labour."⁴ When Kingston Penitentiary received its first inmates several years later the influence of Auburn practices was clearly evident. Prisoners,

subject to solitary confinement at night and enforced silence at all times, worked together by day in prison workshops, for local tradesmen, or in construction and maintenance of the penitentiary itself. Officials were confident that a work regime predicated on congregate labour would, at minimum, relieve taxpayers of the burden of funding the penitentiary, and possibly even generate revenue for government coffers.

Such optimism would soon prove unfounded. The fully self-sustaining prison envisaged by reformers failed to materialize in the 1830's and 1840's. Prison industry, which grew out of the early workshops of Kingston Penitentiary, fell into a century-long period of neglect and mismanagement, was revised somewhat during World War II, and then, once again, slipped back into its pre-war malaise.⁵ As late as 1977 the Parliamentary Sub-Committee on the Penitentiary System in Canada saw fit to comment:

At present, those [prison] industries are not producing at anything like their potential. In 1975, the gross production of all the various shops in the Penitentiary service totalled only \$3,552,672. The inmate population at that time, as of March 31, was 8,580. Subtracting the 20% suggested as being the optimum number of inmates that should be engaged in institutional maintenance, and the 15% engaged in vocational training, this would leave the C.P.S. [Canadian Penitentiary Service] with a potential workforce of some 5,800 inmates. The fact that it took so many to produce so little is ample proof that the C.P.S. has been woefully inefficient in its handling of prison industry.

The sub-committee did, however, note that a reform process was then in its early stages.

In 1970 Dr. Robert Evans produced a study for the (then) Canadian Penitentiary Service that strongly advocated the development of commercially-oriented prison industries.⁷ The report was followed in 1973 by the Report on Prison Industries Re-Orientation, prepared for the CPS by the Management Consulting Service of the Department of the Solicitor General.⁸ A short time later a CPS study entitled Reorganization of Industries in the Canadian Penitentiary Service appeared.⁹ The following passage from this report outlines the rationale behind the renewed emphasis on the commercial aspect of prison industry:

it was quite evident that to adequately prepare inmates to emerge from confinement ready and able to work and to obtain and hold employment, the new and reorganized industrial program must provide the inmates with opportunities to learn good work habits, saleable skills and to gain positive work experiences in working conditions which simulate, to the greatest degree possible, the working conditions, production standards, shop discipline, quality and quantity requirements demanded of free world or competitive commercial industry.

It was determined that, to create the required working environment, all industries should have a profit making orientation and that these activities should be operated on at least a self-supporting basis.¹⁰

Though few changes were actually implemented in the early to mid-1970's, these reports indicate that the Service was, at last, ready to take the first steps toward reform.

The first step was a cautious one. Rather than introducing system-wide changes the Canadian Penitentiary Service opted for the establishment of a pilot project to test the feasibility of commercially oriented prison industry. On July 25, 1974, Treasury Board approved 1.4 million dollars for the Joyceville Industries Pilot Project (JIPP).¹¹ Two years later, in July of 1976, JIPP began operations in the Joyceville medium security institution. Fifteen inmates were initially employed in the production of metal storage cabinets, lockers, and shelving, in a work environment that was designed to replicate conditions normally experienced in a small-scale manufacturing operation.

Several other events, which would later prove significant, occurred in the late 1970's. As noted previously 1977 saw the publication of one of the most comprehensive, all-party parliamentary investigations ever undertaken in Canada, the Report of the Sub-Committee on the Penitentiary System in Canada. Wide-ranging reforms were carried out in response to this work. The year also marked the arrival of Donald Yeomans to the position of Commissioner of Corrections.¹² Also of significance was the 1979 appointment of M.M. David, an engineer with experience in private sector manufacturing, as the new Director General of the

Correctional Service of Canada's Inmate Employment Branch (IEB).¹³ The appointment of a new Director General appeared to symbolize the importance attached to upgrading the status of prison industry.

As it exists today, the CSC industries program employs approximately 1,400 inmates in 116 shops spread over 22 of Canada's federal correctional institutions.¹⁴ Goods manufactured include modular furniture, inmate clothing, sports and recreation equipment, mail bags, and clothes lockers. (A complete list of CSC's industrial product lines appears as Appendix 1.) In 1981-82 goods produced in these shops generated revenues of \$ 7,467,000, a figure expected to increase to 12.9 million dollars by the 1983-84 fiscal year.¹⁵

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billion dollars.¹⁷

In 1977 the Ministry underwent a slight reorganization. The Canadian Penitentiary Service was re-named The Correctional Service of Canada, and assumed responsibility for parole administration (but not the decisions about the release of inmates) from the National Parole Board. CSC is headed by a Commissioner (appointed by Order-in-Council) who reports to Parliament through the Solicitor General of Canada.

CSC is divided functionally into ten Branches: Policy, Planning and Administration, Personnel, Finance, Inspector General, Security, Medical and Health Care Services, Offender Programs, Inmate Employment, Technical Services, and Communications.¹⁸ (An organization chart appears as Appendix 3.) Responsibility for overall planning and policy development rests with National Headquarters (NHQ) in Ottawa. There are, in addition, five Regional Headquarters (RHQ's): Atlantic, Quebec, Ontario, Prairies, and Pacific. Each RHQ is headed by a Regional Director General who is "responsible to ensure that policy is applied to institutions within their respective jurisdictions."¹⁹ At the bottom of the hierarchy are 59 correctional institutions. Ten such institutions are classified maximum security, 15 are medium security, and 12 are minimum security.²⁰ In addition, CSC operates 18 Community Corrections Centres, three Psychiatric Centres, and

the Prison for Women in Kingston.²¹ Each of these institutions is headed by a Warden/Director who is responsible

for the security and management of the respective institutions and has full operational authority. Though the Warden/Director must comply with policy directives and procedural instructions issued by National Headquarters, in a crisis situation the Warden/Director has absolute authority.²²

The projected inmate population in federal prisons in 1983-84 is 10,855.²³

CSC management is divided into four levels. The responsibilities at each level are described in the Inmate Employment Branch Manual:

1. Senior Management: Senior Management is directly responsible for program planning, objectives setting and broad strategy definition. Senior management also issues policies which guide functional management and delegate commensurate authority.
2. Functional Management: Functional Management translates policy and broad strategy into operational plans and procedures governing the deployment of internal resources and the method of operation. The direction and control of program implementation to meet Senior Management objectives is also a responsibility of Functional Management.
3. Operational Management: Regional Managers are responsible for the coordination of policy implementation throughout their respective regions and prescribe the methods to be used in this implementation.

4. Line Management: The shop supervisor/manager or the classroom instructor/teacher is directly accountable to the Assistant Warden for the respective operational units. ²⁴

The CSC organizational structure, which allocates responsibility on both geographic and functional lines, thus conforms to the hierarchical pattern displayed by most large public sector organizations.

3. Self-Sufficiency Defined

The concept of self-sufficient prison industry must be defined in both organizational and accounting terms. In an organizational context prison industry represents just one division within CSC's Inmate Employment Branch.

Figure 1 : Correctional Service of Canada, Inmate Employment Branch

The Industries Division (along with Automated Document Processing and Agribusiness) produces goods which bear the CORCAN corporate symbol.²⁵ It must be stressed that CORCAN, in no way represents a corporate entity, nor is it a crown corporation -- it is simply a registered trademark which appears on goods produced in the three "work sectors" of the Inmate Employment Branch.²⁶ However, all further references to industrial self-sufficiency will pertain solely to the operation of the Industries Division.

In accounting terms self-sufficiency also requires a very specific definition. A prison industry could be said to be self-sufficient if sales revenues matched or surpassed expenses incurred through the operation of the program. A recent study by the Simon Fraser University Institute for Studies in Criminal Justice Policy defined these expenses in the following manner:

1. Direct Costs

- a. all wages and benefits payable to inmates and staff directly involved in an industry program
- b. all manufacturing costs; including materials, supplies and the costs of utilities
- c. all capital costs associated with equipment purchase and facility construction
- d. all costs of physical plant maintenance and repair
- e. all costs associated with the program's administrative overhead such as office supplies and telephones

- f. all marketing and distribution costs related to the goods or services produced

2. Indirect Costs

- a. All costs associated with institutional support (such as finance, administration and security) that result from the presence of a prison industry program within an institution that would not otherwise be assumed if the prison industry program had not been established.²⁷

Self-sufficient prison industry therefore assumes a very limited and specific meaning. It refers to cost recovery of direct and indirect costs of manufacturing incurred in the operation of the Industries Division of CSC's Inmate Employment Branch. It will be noted, however, that despite recent reforms self-sufficient prison industry has remained an elusive goal. In the 1980-81 fiscal year, after allocation of all expenses directly attributable to the operation of the Industries Division, expenses exceeded revenues by 7.8 million dollars.²⁸ 9.9 million dollars was lost in fiscal 1981-82.²⁹

4. Implementation Analysis: The Developing Art

A review of the academic literature on policy analysis over the past several decades reveals a growing tendency to define "policy making" and "implementation" as separable spheres of activity. While few would accept that the distinction accurately reflects reality -- policy making is evolutionary, a function of

both initial commitments and their interaction with the political, social, and bureaucratic milieu³⁰ -- most would accept a distinction for analytic purposes. A definition of implementation consistent with this view, provided by Van Meter and Van Horn, will be employed in this paper: -

policy implementation encompasses those actions by public and private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions.³¹

Hence, implementation will be viewed as a phase in the wider policy process, bridging the gap between decision-making and policy outcomes. Implementation analysis can thus be described as an examination of the forces impacting on public policy after an initial policy decision has been made. It can be performed a) before implementation in order to anticipate variables which will later influence policy, or b) during or after implementation, in which case the analysis will point to variables which have shaped public policy. The latter type of analysis may be viewed as complementary to more widely employed program evaluation techniques.³² Program evaluation ideally seeks to utilize quantifiable measures of program outcomes: implementation analysis is a more modest undertaking, seeking only to identify, and to demonstrate the influence of, variables which shape policy implementation.

5. Methodology

A review of literature from a wide range of disciplines will be conducted in Chapter 2. On the basis of this review a framework for implementation analysis will be postulated. The framework is intended as a heuristic device to direct the attention of researchers to variables which impact on policy at the implementation stage. To demonstrate the efficacy of this framework an analysis will be performed of CSC's efforts to obtain self-sufficiency in its industrial operations. Since the industries program at CSC has been in existence for more than 100 years, and is ongoing, the analysis will necessarily take place during policy implementation. It will thus be problem-directed, focusing on variables which have, since the introduction of reforms in the late 1970's, prevented the attainment of self-sufficiency. References to international developments will be included to place Canada in the context of world events, but no attempt at comparative analysis is intended. Hence, the thesis may be considered a case study in applied implementation analysis.

As is so often the case, American literature dominates the field of implementation analysis. This, however, is not considered a serious problem. It is assumed the variables which shape policy at the implementation stage are intrinsic to hierarchically structured bureaucracy, not to American public administration. The Correctional Service of Canada was highly

cooperative in supplying numerous unpublished documents and reports to supplement academic works. In addition, a series of interviews, and numerous informal discussions, were held with CSC officials. (A complete list of officers interviewed appears in the Bibliography.) Information obtained in this manner has been referenced simply as "Interview" rather than attributed to a specific source: since questions were directed at perceived weaknesses in the industrial regime, a frank and open discussion of issues demanded confidentiality.

6. Purpose and Importance

The thesis has two purposes. First, it is intended to demonstrate the efficacy of a framework for the systematic analysis of public policy implementation. The framework, as noted above, posits a number of variables which may impact on public policy at the implementation stage. If the analysis is performed prior to decision-making it may direct the attention of the researcher to variables which may shape policy during the course of implementation. Strategies may then be developed to ameliorate perceived adverse impacts. If the analysis is performed during or after policy implementation, it will direct the attention of the researcher to variables which have prevented the attainment of policy objectives. Employed in this fashion the analysis is a useful complement to outcomes-oriented program evaluation

techniques. In either event the level of uncertainty associated with policy implementation will be reduced.

The second purpose is to identify the variables which have thus far prevented the attainment of self-sufficiency by CSC's Industries Division. If the problem variables can be identified, and steps are taken to overcome their impact, the likelihood that federal prison industry will continue to represent a drain on public funds will be reduced.

The central argument of the paper is that the Industries Division in fact lacks the capacity to manipulate all the variables that are necessary to the success of its program. Policy implementation has thus been adversely affected by forces over which the Industries Division has no control. It will also be argued that several of the reforms which have recently been implemented by the Industries Division have not yielded the desired results; and that a number of reforms essential to the commercial success of the Industries program have not yet been fully instituted. Failure to attain self-sufficiency is therefore partially attributable to intractable features of the implementation environment, and partially attributable to poorly conceived or slow-to-emerge reforms.

NOTES : CHAPTER 1

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17. Canada, 1983-84 Estimates - Part I - The Government Expenditure Plan (Ottawa: Supply and Services Canada, 1983), p. 27.
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 27. Ekstedt et al., pp. 17-18.
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 31. Donald S. Van Meter and Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," Administration and Society 6 (4) (February 1975), p. 447.
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CHAPTER 2

Developing a Framework for Implementation Analysis

Implementation analysis, as an area for research, owes its origins to a legacy of policy failure. During the 1960's the United States embarked on an ambitious program of social reforms aimed at establishing Lyndon B. Johnson's "Great Society." Poverty, illiteracy, racial unrest, and urban decay were all to be alleviated, it was hoped, through federal government intervention. And intervene they did. Billions of dollars were poured into programs falling under the Great Society umbrella. Federal aid was distributed to thousands of individuals, companies, and state and local governments. Yet, as the decade drew to a close the United States was not demonstrably closer to the Great Society than when it began. Good intentions and money, it was painfully realized, did not guarantee program success. What had gone wrong?

In the wake of the Great Society debacle the attention of academics and practitioners alike began to focus on the complex set of forces which interact after program funds have been appropriated. Detailed case studies of Great Society reforms soon uncovered evidence of vague or conflicting program objectives, absence of coordination, lack of commitment, and bureaucratic politicking. It was argued that individual public servants did not always respect the authority of legislators. Federal agencies appeared to have ideas of their own concerning program objectives.

State and local governments were not always convinced that federal programs were in their best interests. In short, the deeper case studies probed into Great Society programs, the more apparent it became that responsibility for shattered hopes often lay in a faulty delivery apparatus.

The advent of implementation analysis can be traced to this ever-growing policy case study literature. Other disciplines, however, provide useful insights into the implementation process as well. Early theories of organization and management, with their prescriptions for a science of administration, represent a yardstick against which practice may be measured. One can gain an appreciation of the motivational forces which guide the behaviour of politicians and bureaucrats from economists writing in the public choice tradition. In addition, the case studies alluded to previously have been supplemented with an ever-growing number of conceptual works on policy implementation.

The purpose of this chapter is to review a number of central works from each body of literature in order to identify and investigate variables which shape the policy implementation process. Elements of various empirical and conceptual works will then be combined in a framework for implementation analysis. The framework does not represent a predictive model of the implementation process: rather, it should be utilized as a

heuristic device to direct attention to variables which shape public policy at the implementation stage.

1. Implementation as Rational Process: The Classical School¹

An air of precision surrounded early theories of organization and management. Administration was often perceived as a science: management governed by universal principles. Organizations were constructed on rigidly hierarchical patterns, decision-making power was clearly delineated, and discretion did not exist. Policy, specified at the top of the organizational hierarchy, was to be diligently executed by those at lower levels. As long as each individual played his or her clearly defined role the bureaucratic apparatus would operate with machine-like precision.

Writers of the classical school therefore sought to eradicate implementation problems through a rational system of administration. The employee, inspired by material incentives, would behave in a highly predictable fashion. Rational administration precluded discretion, bargaining, or politics: each individual had a job to do and was expected to do it. Those who deviated from expectation were subject to immediate dismissal. The guiding principles behind classical theory have been summarized in the following manner:

1. The Scalar Principle. Authority and responsibility should flow in a clear unbroken line from the highest executive to the lowest operative.
2. Unity of Command. No member of the organization should receive orders from more than one superior.
3. The Exception Principle. Decisions which recur frequently should be reduced to a routine and delegated to subordinates, and only those important issues or those which are non-recurring should be referred to superiors.
4. Span of Control. A limited number of subordinates report to each superior.
5. Organizational Specialization. Work is divided into units with specialized activities.
6. The Profit Center Concept. Each functional unit operates on a competitive basis in order to maximize profits.

The classical tradition owes its beginning to the work of the German scholar Max Weber.³ For Weber, the defining characteristic of organizations was the way in which domination was exercised. Domination could be exercised in three fashions by three different types of leader. A charismatic leader possessed the intangible ability to get subordinates to comply with directives. The power of traditional leaders was based on inherited status. In modern bureaucracy, however, it was necessary for rational-legal domination to prevail. Under this regime obedience was owed not to the individual in the hierarchy, "but to the impersonal order which has granted him this position."⁴ Rigid hierarchy, narrowly defined job tasks and, above all, rational-

legal authority ensured, according to Weber, the technical superiority of bureaucracy over all other forms of organization.

In 1887 Woodrow Wilson, a political scientist who would later become President of the United States, urged American scholars to abandon their preoccupation with constitution-making and channel their energies into the study of the "science" of administration.⁵ Like Weber, Wilson viewed administration as a purely technical matter.

The field of administration is a field of business. It is removed from the hurry and strife of politics; it at most points stands apart even from the debatable ground of constitutional study. It is a part of political life only as the methods of the counting house are a part of the life of society; only as machinery is part of the manufactured product.⁶

Politics was therefore defined out of the bureaucratic process by Wilson. Administration was to be guided by the dictates of science. Problems associated with administration would be amenable to purely technical solutions.

The classical tradition lasted well into the twentieth century. Frederick W. Taylor, perhaps the most influential of all management theorists, continued the classical tradition with his pioneering work on scientific management.⁷ Charles Perrow captures

the essence of "Taylorism" in the following passage:

Briefly, the goal of scientific management was to analyze jobs very carefully into their smallest aspects, analyze the capabilities of the human machine just as carefully, and then fit the two together to achieve the greatest economy.

Scientific management promised that an accurate analysis of man's innate capacity to work, combined with repetitive, narrowly defined job tasks, would render implementation difficulties obsolete.

The significance of classical theories of organization and management to modern implementation analysis may not, at first, seem obvious. But rational-legal bureaucracy remains the dominant form of organization in business and government to this day. If one is to understand why implementation fails one must first understand the context in which attempts at action take place. The study of classical works on organization and management lay the foundation for this understanding by providing a dominant ideal against which practice may be measured.

2. Implementation as the Art of the Possible

It has only been in the last twenty years that implementation analysis has gained credence as a legitimate topic for academic research. A rich heritage of case studies from the

late 1960's and 1970's constitutes the pioneering work in this field. Several of the more notable examples from the case study literature are presented below.

A detailed analysis of an attempt by the Johnson Administration to establish low and middle income housing communities is found in Martha Derthick's New Towns in-Town.⁹ The program, begun in 1967, was embraced by seven American cities. By 1971, however, only 120 housing units had been constructed. Commented Derthick: "... the program was unequivocally a failure. Not only did it fall short of its goals; it produced few visible results of any kind."¹⁰ The primary reason for failure was identified by Derthick as the separation between those who designed the program (the federal government) and those responsible for implementing it (local governments). Somewhere, in the maze of agencies and departments between Washington and the cities, original program objectives had been compromised or lost. At the time of the publication of Derthick's analysis in 1972 Washington had begun to withdraw funding for further construction.

Problems of a different sort were encountered when the federal government of the United States introduced a program aimed at redefining the role of primary school teachers. The program sought to eliminate rigid adherence to a set curriculum, instead permitting the teacher to allow each student to pursue his or her own interests. It was felt a program of this nature would generate

greater interest among students, and ultimately lead to superior academic achievement. However, in a book entitled Implementing Organizational Innovations,¹¹ Neal Gross, Joseph Giaquinta and Marilyn Bernstein point out that the program failed to yield the desired result. Failure, in this instance, did not arise from conflicting objectives, but from objectives which had been poorly articulated in the first place. Their findings revealed that six months after the program was begun teachers were making little effort to implement their new role model. The authors identify five contributing factors:

1. The teachers lack of clarity about the innovation.
2. The teachers absence of the kinds of skills and knowledge needed to conform to their new role model.
3. The unavailability of required instructional materials.
4. The incompatibility of organizational arrangements with the innovation.
5. The lack of teacher motivation.¹²

The first four factors were present from the outset: not surprisingly, factor five emerged during the implementation phase.

A case study by Jerome T. Murphy analyses another program of educational reform undertaken by the Johnson Administration.

"Title 1 of ESEA: The Politics of Implementing Federal Education

Reform" highlights the problems surrounding the implementation of the Elementary and Secondary Education Act of 1965.¹³ Title 1 of the legislation called for increased federal assistance to schools in poor districts. The main backers of the program, notes Murphy, were reformers in the Executive Branch inspired by dual objectives: "the establishment of the principle of federal aid to schools and a redirection of local priorities."¹⁴ However, as in the New Towns program, the federal agency responsible for implementation (the United States Office of Education) was unable to sway local school districts to accept federally determined priorities. Further problems arose from the inability of state governments to locate competent people to oversee the program, and with federal administrators who were "unwilling to take risks unless pressured."¹⁵ While the program did set a precedent for federal assistance to local schools it fell short of its intention to redirect local educational priorities.

Of all the 'case study material on policy implementation likely the most widely read is a book by Jeffrey Pressman and Aaron Wildavsky. The extended title of the work reveals the authors' sense of frustration with government action: Implementation: How Great Expectations in Washington Are Dashed In Oakland Or, Why Its Amazing That Federal Programs Work At All, This Being The Saga Of Economic Development Administration As Told By Two Sympathetic Observers Who Seek To Build Morals On A Foundation Of Ruined

Hopes.¹⁶ Begun in 1966, the program sought to create 3000 permanent jobs for the hard-core unemployed of Oakland, California. Employment was to be created through loans for small business expansion and by providing direct construction grants to local building contractors. Among the planned construction projects were a marine terminal, several airport hangers, an access road, and a community health centre. More than 23 million dollars were allocated to the program.

Although hundreds of short-term jobs were created the program fell well short of expectations. In March of 1969 the Los Angeles Times reported:

Today, only 20 new jobs have materialized for minorities and the program is bogged down in a bureaucratic fight over minority hiring.

Cities see it as a classic case of big promises and little action. "Its a pretty big disaster," says Percy Moore, executive director of Oakland's antipoverty agency. "A lot of commitments were made, but it never got off the drawing board."¹⁷

Pressman and Wildavsky attribute the disaster to a number of factors. They argue that if the program was to have any chance of success, active support would have been required from a myriad of federal agencies, departments, private contractors, and city officials. The Economic Development Administration (EDA), the United States General Accounting Office, the Department of Labor,

the City of Oakland -- even the United States Navy -- were involved. As the number of participants grew so, too, did the number of crucial decision and clearance points.¹⁸ The participants pulled and tugged in various directions. They did not approach the program with a similar degree of urgency. Support for the program within the EDA waned. Massive cost overruns were experienced. In short, the program ran into literally hundreds of unexpected roadblocks. The last point is used by Pressman and Wildavsky as evidence of the need to conduct implementation analysis in advance of action:

The great problem, as we understand it, is to make the difficulties of implementation a part of the initial formulation of policy. Implementation must not be conceived as a process that takes place after, and independent of, the design of policy. Means and ends can be brought into somewhat closer correspondence only by making each partially dependent on the other.¹⁹

A final work from the American case study literature is Graham Allison's highly acclaimed Essence of Decision.²⁰ The author provides a frightening account of the infighting, confusion, and misinformation surrounding the imposition of a U.S. naval blockade on Cuba during the missile crisis of 1962. It is revealed that even in a situation of the utmost urgency the most powerful individual in the United States, President John F. Kennedy, had trouble convincing other political and bureaucratic actors to pursue a unified course of action:

Many crucial details of implementation followed from organization routines rather than from central choice. The principal government leaders differed markedly in their perceptions of the problem, their estimates of the consequences of various courses of action, and their preferred solutions.

If unwavering compliance to Presidential directives could not be obtained in a national emergency situation, one can only imagine the degree of indifference which must have been experienced in far less pressing matters.

A number of Canadian studies corroborate the findings of American works on implementation. In 1971 the Canadian Tax Foundation published a study by Lawrence Close and Ronald Burns entitled The Municipal Winter Works Incentive Program: A Study of Government Expenditure Decision-Making.²² Though the primary concern of the authors' was, as the title suggests, with the expenditure decision-making process their report contains some interesting parallels to American implementation studies.

Between 1958 and 1968 a sum of 2.3 billion dollars was spent on municipal public works projects to alleviate seasonal unemployment during the winter months. The program was initiated by the federal government; funding responsibility was divided between federal, provincial, and municipal governments; and overall

administration was left to the provinces. However, as was evidenced in several American studies, participants sought to define the program in their own interests. For instance, Close and Burns report that in the early years of the program municipalities bypassed Unemployment Insurance Commission offices when hiring, instead employing individuals whose names appeared on local welfare rolls. Hence, municipalities used the program to reduce the local expenditure burden rather than, consistent with program intent, to reduce the official rate of unemployment. This phenomenon was no doubt a function of another serious problem identified by Close and Burns -- poorly articulated objectives.

Admittedly the setting of ambiguous objectives can be a useful device in that it allows a flexibility of interpretation which can be useful in gaining support. It is obvious that the departments concerned, Labour, and Manpower and Immigration, used this ambiguity for their own purposes. However, if this ambiguity leads to a substitution of changes in declared objectives for more fundamental decisions, then substantial and unwarranted costs may be incurred.²³

While the Winter Works Incentive Program was by no means a disaster reminiscent of several American social programs -- 1.3 million individuals were hired over the ten year period -- it nevertheless exhibited problems of vague program objectives and parochialism that had been characteristic of the Great Society reforms. To the credit of Canadian officials these deficiencies were recognized early in the program and steps were taken to overcome their impact.

Parallels to the American experience are also found in "Implementing Bilingual Air Traffic Control in Quebec," a recent paper by Sanford Borins.²⁴ As in several of the U.S. studies just discussed a major problem for federal officials was to gain compliance from an assortment of participants who were not universally convinced of the efficacy of program goals. Some, including the President of the Canadian Air Traffic Controllers Association, were openly hostile to the federal government plan. So, too, were pilots belonging to the Canadian Airline Pilots Association. After an illegal strike by pilots in June of 1976 the government backed off, announcing that it would "study the matter at greater length."²⁵

One can learn a great deal about implementation variables from the case studies presented above. The first and most obvious point for discussion is what Pressman and Wildavsky call "the complexity of joint action."²⁶ In instances where several levels of government are involved in policy implementation the perceptions, priorities, and commitment of each may vary greatly. Programs appear particularly vulnerable when funding is provided by one level of government and responsibility for implementation rests with another. In situations such as this one should not be surprised to experience delay, modification of original program objectives, or even outright failure.

Even within one agency there exists plenty of scope for bargaining and conflict. It is apparent that objectives from headquarters are not always acted upon by regional units. Staff at the service delivery level may twist program objectives to meet their own perception of clientele needs. There may be confusion over who is ultimately responsible for implementation:

Almost everyone assumes that specification and implementation are somebody else's task. Higher ups see implementation as a lower level responsibility; but lower levels look to higher echelons for specialization and guidance.

Another common area of difficulty is vague or conflicting program objectives. The less clear the intentions of policy formulators, the wider is the scope for judgment by staff at the operations level. In some instances even clearly articulated objectives may be stifled. Francis Rourke notes:

If existing programs serve the comfort and convenience of a public agencies' employees, or conform to their own professional view of what should be done, they may develop deeply entrenched resistance to any alteration in such policies.²⁸

This statement is clearly in the spirit of incrementalism identified in Charles Lindblom's classic article, "The Science of Muddling Through."²⁹

At the risk of belabouring the point it must be stressed that implementation, far from being a merely technical response to policy directives, is a dynamic and sometimes unpredictable process. The observations drawn from the case studies presented here are not intended to suggest that policy implementation inevitably fails: one will note that schools are built, that public transportation does function, and that pension cheques are delivered. What the case study material should do is alert the decision-maker to variables which can, and often do, re-shape the substance of policy at the delivery stage. At the most basic level it should warn planners³⁰ to expect, rather than be surprised by, deviations from original program objectives.

3. Conceptual Approaches: In Search of a Theory of Policy Implementation

According to Everson and Paine an empirically verifiable theory requires a) a set of generalizations which bear a distinctive set of relationships, b) that the pattern of these generalizations be hierarchical and deductive, and c) that predictive generalizations can be deduced from other consistent generalizations.³¹ Given these conditions one should not be surprised that a generally accepted theory of the policy implementation process has yet to emerge. The volatile and unpredictable environment in which implementation takes place renders such generalizations speculative at best, misleading at

worst. Conceptual works do, however, identify the essential building blocks of theory. They identify the actors, institutions and procedures which govern the implementation process. Some prescribe a set of conditions necessary for effective implementation. Others identify factors which prevent the attainment of desired outcomes. A few even attempt to identify linkages between the diverse elements which go into the formulation and execution of public policy. But the primary value of these works lies in their ability to suggest intelligent questions about, rather than provide theoretical explanations of, the policy implementation process.

The public choice tradition in economics takes a novel approach to decision-making by assuming that all actors involved in the policy process -- politicians, public servants, and citizens -- are motivated by the maximization of personal utility functions. Of particular relevance are studies which focus on the relationship between public servants and political leaders. William Niskanen's work is well recognized in this field. In Bureaucracy and Representative Government³² he argues that the relationship between public servants and politicians is characterized by "bilateral monopoly": the political "sponsor" (Cabinet) is said to rely exclusively on the bureau (department or agency) for the delivery of particular goods or services. But since the control of information lies with the bureau the sponsor finds it difficult to influence the actual level of output. Consequently bureau

expenditures, fuelled by the public servant's appetite for money, power, and "perks" of office, inevitably rise beyond a socially optimal level.

Though Niskanen's primary concern is with the size of government budgets his work has obvious implications for the study of implementation. The bilateral monopoly scenario leaves the politician in a weak position to influence policy outcomes since he or she lacks the information necessary to compete effectively in the political-bureaucratic bargaining process. Policy implementation will not, therefore, be monopolized by politicians at the top of the organizational hierarchy. Rather, it will be at least partly controlled by non-elected, self-interested public servants in the government bureaucracy.

University of Toronto economist Albert Breton outlines a similar scenario in the Economic Theory of Representative Government.³³ Like Niskanen, Breton portrays public servants not as politically neutral technocrats, but as rational utility maximizers. Utility is again defined in terms of bureau size to reflect the public servant's perceived desire for status, power, and personal wealth. In order to maximize bureau size public servants deliberately seek to reduce the amount of information flowing upward to politicians, thus giving them the upper hand in the intra-governmental bargaining process. Large, complicated

projects with sizeable budgets can therefore be initiated without close scrutiny from political leaders.

Two points from Breton's work bear directly on the study of policy implementation. First, as is characteristic of public choice theory, there is an explicitly political role attached to public servants. The reader is warned that public servants may not, in fact, be seeking to advance the public interest, but may be pursuing their own, private, interests. Direction from political leaders at the top of the organizational hierarchy is compromised by their inability to gather information. The second point concerns the scope of change which typically characterizes government policy proposals. Breton argues that public servants advocate only incremental changes, since to do otherwise would be to admit that mistakes had been made in the past. This phenomenon holds serious implications for the implementation of innovative programs conceived at the political level -- unless, of course, such programs are delivered by new agencies altogether.

Breton's emphasis on incremental change echoes the thoughts expressed years earlier in Charles Lindblom's seminal work, "The Science of Muddling Through."³⁴ Lindblom challenged all popular notions of a rationally grounded policy process. Decision-makers do not, argued Lindblom, engage in a systematic analysis of all alternative means to reach a desired end. Legal, resource, and information constraints reduce the number of alternatives examined

to a very few. Those that are considered are typically proposals requiring only minor modifications to existing programs. Lindblom argues that this is necessary in order to allow the administrator to gain information, and thus claim some insight into the subject matter under consideration: "Non-incremental policy proposals are ... typically not only politically irrelevant but unpredictable in their consequences."³⁵ Again, one is warned of an inherent conservatism which presupposes bureaucratic resistance to non-incremental policy proposals initiated in the political arena.

Conceptual works on policy implementation often use game metaphors to describe the policy process. A recent example is Eugene Bardach's The Implementation Game - What Happens After a Bill Becomes Law.³⁶ The game metaphor is effectively used to direct the reader's attention to the roles various actors play during the course of implementation. However, Bardach portrays the implementation process not as a single game, but as a series of games. Of particular concern are games having an adverse impact on what Bardach labels the "program assembly process," i.e., the consolidation of the diverse elements necessary to convert plans into action. Four possible scenarios are outlined:

1. Diversion of resources used to obtain or create certain program elements.
2. Deflection of policy goals stipulated in the original mandate.

3. Resistance to explicit efforts to control behaviour administratively.
4. Dissipation of personal and political energies in game playing that might be channeled into constructive action.³⁷

It must be stressed that these games will not be encountered every time a program moves into the delivery stage. However, a persistent challenge for policy makers is to anticipate the occurrence of such games, and devise strategies to moderate their impact, during the original design of policy.

A more explicit contribution to a theory of implementation is found in the work of Martin Rein and Francine Rabinovitz. In an article entitled "Implementation: A Theoretical Perspective"³⁸ Rein and Rabinovitz argue that actors involved in the policy process take three potentially conflicting imperatives into account during the course of implementation:

the legal imperative to do what is legally required; the rational-bureaucratic imperative to do what is rationally defensible; and the consensual imperative to do what can establish agreement among contending influential parties who have a stake in the outcome.³⁹

In other words, a politics of implementation develops which seeks to resolve conflicts over what is legally required, what is possible within the bureaucratic environment, and what influential actors hope to achieve. As policy becomes translated into action

the three imperatives interact: what ultimately emerges will not necessarily be consistent with the planned intent.

Politics is also at the heart of a conceptual model developed by T.B. Smith. "The Policy Implementation Process"⁴⁰ begins with the premise that "policy is an attempt by government to induce changes in the pattern of interaction between or within individuals, groups, or institutions."⁴¹ Efforts to induce change, however, constitute tension generating forces in society. The tensions result in new patterns of interaction ("transaction patterns") "which may or may not match the expectation of the policy formulators."⁴² Implementation therefore exists as a forum in which competing demands are expressed and adaptations to policy directives are made.

Some authors have argued that the uncertainty inherent in a politicized implementation environment can be reduced if certain basic conditions are satisfied in advance of action. According to Paul Sabatier and Daniel Mazmanian⁴³ the following conditions are necessary if a policy involving substantial change in the status quo is to be implemented effectively:

1. The program [must be] based on a sound theory relating changes in target group behavior to the achievement of the desired end-state (objectives).

2. The statute (or other basic policy decision) [must] contain unambiguous policy directives and structure the implementation process so as to maximize the likelihood that target groups will perform as desired.
3. The leaders of the implementing agencies [must] possess substantial managerial and political skill and must be [committed] to statutory goals.
4. The program [must be] actively supported by organized constituency groups and by a few legislators (or the chief executive) throughout the implementation process, with the courts being neutral or supportive.
5. The relative priority of statutory objectives [must] not [be] significantly undermined over time by the emergence of conflicting public policies or by changes in relevant socioeconomic conditions that undermine the statutes, "technical" theory or political support.⁴⁴

A construct such as this highlights the importance of clearly articulated policy objectives, as well as directs attention to various actors, both within and outside the bureaucracy, whose compliance is necessary to ensure program success.

In a paper entitled "The Policy Implementation Process: A Conceptual Framework" Donald Van Meter and Carl Van Horn consolidate material from several earlier works to devise a framework for the systematic analyses of policy implementation.⁴⁵ Similarly to Lindblom they argue that "implementation will be most successful where only marginal change is required and goal consensus is high."⁴⁶ A conceptual distinction is drawn between

Figure 2 : Van Meter and Van Horn Model of the Policy Implementation Process

Source : Donald S. Van Meter and Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," *Administration and Society* 6(4) (February 1975), p.463.

the policy formulation phase, the implementation phase, and performance (i.e., outcome) in the policy process. Between policy and performance lie six variables:

1. Standards and Objectives.
2. Policy Resources.
3. Interorganizational Communication and Enforcement Activities.
4. Characteristics of the Implementing Agencies.
5. Economic, Social and Political Conditions.
6. The Disposition of the Implementers.⁴⁷

These six sets of variables together impact at the implementation stage creating, in effect, obstacles to successful implementation. (Refer to Figure 2.)

4. A Framework for Implementation Analysis

The literature reviewed in this chapter by no means represents an exhaustive study of implementation. It does, however, serve to illustrate a number of salient points. Implementation is a component of the public policy process and, though it may be isolated for analytic purposes, it is inextricably linked to a wider sphere of activity. Implementation is not purely rational-technical -- it often involves uncertainty, discretion, and political manoeuvring. It requires coordination, commitment,

and unwavering political support. Clearly articulated policy objectives are important as well. So, too, is the scope of change undertaken, the number of autonomous actors and institutions involved, and the technical feasibility of program objectives.⁴⁸ In short, implementation analysis requires one to assess the significance of numerous variables which stand between objectives and outcome in the policy process.

To facilitate understanding of the framework developed in this chapter it is necessary to define several concepts. First, policy is defined as the strategic use of resources to alleviate problems or governmental concerns.⁴⁹ Defined in this manner policy assumes a chain of causation stretching from problem or issue definition all the way to actual outcomes. Policy is, thus a process rather than an isolated event. A simplified representation of the policy process appears as Figure 3.

The implementation of policy -- defined in Chapter 1 as the activity which occurs after decision-making takes place -- may require the establishment of one or several programs. Programs are thus the vehicles through which policy implementation takes place. "Program success" indicates that objectives set out in prior policy decisions have been achieved to the satisfaction of decision-makers. "Program failure" suggests the desired outcome was not achieved.

Figure 3: A Schematic Representation of the Policy Process

The framework which follows is, as alluded to earlier, intended as a heuristic device rather than as a model of the implementation process. Utilized in advance of policy implementation the framework cannot be expected to yield specific probabilities of program success. However, the framework can prove useful in directing planners to focus on variables which may later shape public policy. Planners may then seek to devise strategies to overcome perceived adverse impacts. Such strategies may include persuasion of program participants, efforts to sway public opinion in favour of the program, threats of sanctions, or even the establishment of a new agency to carry out the program. In extreme cases the program may be dropped altogether. Implementation analysis, performed in advance of program delivery, can therefore be seen as an aid to the decision-making process.

The analysis performed in this thesis will, however, conform to the second type of analysis identified in Chapter 1. That is, the analysis will be conducted during the implementation stage in order to identify variables which have thus far prevented program success. The framework itself consists of a series of statements and questions used to direct implementation analysis. These appear at the end of this chapter. The organization of subsequent chapters follows the pattern set out in the framework.

The framework devised for the forthcoming analysis owes a great deal to the work of Van Meter and Van Horn. It postulates

the existence of four intervening variables between policy objectives and policy outcomes. Objectives, because they are prone to modification or change during the course of implementation, will also be treated as a variable. While the suggested analytic distinction between objectives, implementation and outcomes will be maintained, it is important to realize that this represents a simplified version of the policy process. The distinction is employed simply because it is a convenient way to mark off a component of the policy process -- the implementation stage -- for the purpose of analysis.

Figure 4 provides a simplified schematic representation of the implementation process. Program objectives identified at the decision-making stage are subjected to modification or rejection as they move into the implementation stage. The process may be circular rather than linear, as indicated by the feedback loop. Consequently program outcomes will be a function of both original program objectives and the intractability of intervening variables. The program objective under discussion here is, of course, self-sufficiency of CSC's industries program as previously defined. The remainder of this thesis represents an attempt to assess the impact of the implementation variables on the self-sufficiency objective.

Intervening Variables

Figure 4 : A Schematic Representation of the Implementation Process

Implementation Framework

1. Program Objective(s)

Identify program objective(s).

Analysis: Is there a concise problem definition?

Are program objectives clear, concise, and not conflicting?

Do program objective(s) clash with objectives of ongoing programs?

2. Legal Variable

Identify legal mandate of implementing agency.

Analysis: Does the implementing agency possess the legal authority to pursue the stated program objective(s)?

Will implementation require changes to existing statute law?

3. Organizational Variable

- i. Identify government agencies whose support will be required for implementation of policy.

Analysis: Has support been forthcoming?

- ii. Identify political and bureaucratic actors whose support is required for implementation.

Analysis: Has support been forthcoming?

- iii. What has been the financial resource commitment to the program?

Analysis: Has the financial resource commitment been adequate?

- iv. What has been the human resource commitment to the program?

Analysis: Has the human resource commitment been adequate?

- v. Identify control systems used to guide program implementation.

Analysis: Are control systems adequate?

4. Environmental Variable

Identify public opinion as it relates to program objective(s).

Analysis: Has the public been receptive to program objective(s)?

5. Clientele Variable

Identify target clientele

Analysis: Has target clientele been receptive to policy implementation?

The analysis begins in Chapter 3 with a discussion of the objectives of CSC's Industries program.

NOTES : CHAPTER 2

1. The principal works of the classical school, discussed here, were identified in Robert T. Nakamura and Frank Smallwood, The Politics of Policy Implementation (New York: St. Martin's Press, 1980), pp. 7-12.
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3. For synopses of Weber's work see V. Seymour Wilson, Canadian Public Policy and Administration (Toronto: McGraw-Hill Ryerson, 1981), pp. 21-43; and Martin Albrow, Bureaucracy (London: Pall Mall Press, 1970), pp. 37-66.
4. Albrow, p. 43.
5. Woodrow Wilson, "The Study of Administration," Political Science Quarterly 2 (2) (June 1887), pp. 197-222.
6. Ibid., p. 210.
7. Frederick W. Taylor, Scientific Management (New York: Harper and Row, 1947).
8. Charles Perrow, Complex Organizations: A Critical Essay, 2nd ed. (Glenview, Illinois: Scott, Foresman and Company, 1979), pp. 63-64.
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13. Jerome T. Murphy, "Title 1 of ESEA: The Politics of Implementing Federal Education Reform," Harvard Education Review 41 (1) (1971), pp. 35-63.
14. Ibid., p. 38
15. Ibid.

16. Jeffrey Pressman and Aaron Wildavsky, Implementation (Berkeley, Calif.: University of California Press, 1973).
17. Quoted in Pressman and Wildavsky, p. 4.
18. A decision point is encountered each time an act of agreement is required for a program to continue. Clearance is a passive form of consent. See Pressman and Wildavsky, p. xvi.
19. Ibid., p. 143.
20. Graham Allison, Essence of Decision (Boston: Little, Brown and Company, 1971).
21. Ibid., p. 246.
22. Lawrence Close and Ronald Burns, The Municipal Winter Works Incentive Program: A Study in Government Expenditure Decision-Making, a study prepared for the Canadian Tax Foundation, 1971.
23. Ibid., p. 84.
24. Sanford Borins, "Implementing Bilingual Air Traffic Control in Quebec," paper prepared with the support of the Sloan Foundation, 1979.
25. Robert Bothwell, Ian Drummond and John English, Canada Since 1945: Power, Politics and Provincialism (Toronto: University of Toronto Press, 1981), p. 396.
26. This is the title of Chapter 5 of Implementation.
27. Walter Williams, "Implementation Problems in Federally Funded Programs," in Social Program Implementation, eds. Walter Williams and Richard F. Elmore (New York: Academic Press, 1976), p. 24.
28. Francis E. Rourke, Bureaucracy, Politics, and Public Policy (Boston: Little, Brown and Company, 1969), p. 149.
29. Charles Lindblom, "The Science of Muddling Through," Public Administration Review 19 (2) (Spring 1959), pp. 79-88.
30. Planners is a term used to denote all those individuals having an input in the design of policy. This may include legislators, senior bureaucratic officials, policy analysts, consultants, and so forth.

31. David H. Everson and Joann Poparad Paine, An Introduction to Systematic Political Science (Homewood, Illinois: The Dorsey Press, 1973), pp. 130-31.
32. William A. Niskanen, Jr., Bureaucracy and Representative Government (Chicago: Aldine Publishing Company, 1974).
33. Albert Breton, The Economic Theory of Representative Government (Chicago: Aldine Publishing Company, 1974).
34. Lindblom, "The Science of Muddling Through."
35. Ibid., p. 85
36. Eugene Bardach, The Implementation Game: What Happens After a Bill Becomes Law (Cambridge, Mass.: The MIT Press, 1978).
37. Ibid., p. 66.
38. Martin Rein and Francine F. Rabinovitz, "Implementation: A Theoretical Perspective," in American Politics and Public Policy, eds. Walter Dean Burnham and Martha Wagner Weinberg (Cambridge, Mass.: MIT Press, 1978), pp. 307-35.
39. Ibid., p. 308.
40. T.B. Smith, "The Policy Implementation Process," Policy Sciences 4 (1973), pp. 197-209.
41. Ibid., p. 200.
42. Ibid., p. 197.
43. Paul Sabatier and Daniel Mazmanian, "The Conditions of Effective Implementation: A Guide to Accomplishing Policy Objectives," Policy Analysis 5 (Fall 1979), pp. 481-504.
44. Ibid., pp. 484-85.
45. Donald S. Van Meter and Carl E. Van Horn, "The Policy Implementation Process: A Conceptual Framework," Administration and Society 6 (4) (February 1975), pp. 445-88.
46. Ibid., p. 461.
47. Ibid., pp. 462-74.

48. Technical feasibility assumes a logical and inseparable relationship between implementation and policy outcomes. In other words, "if I (implementation), then O (outcomes)." See Paul Berman, "The Study of Macro - and Micro - Implementation," Public Policy 26 (2) (Spring 1978), pp. 157-84.
49. Adapted from Ralph C. Chandler and Jack C. Plano, The Public Administration Dictionary (New York: John Wiley and Sons, 1982), p. 96. One will note that this definition presupposes government action. Though inaction can also be seen as an expression of government policy, a definition incorporating this idea, while politically interesting, is unnecessarily complex for a study of implementation.

CHAPTER 3

Objectives as a Variable: Corporate Priorities and the Attainment of Self-Sufficiency

This chapter seeks to demonstrate how the articulation of multiple objectives at the corporate level -- that is, by CSC senior management -- has hampered the efforts of the Industries Division to become a commercially successful entity. The chapter opens with a discussion of problems which characterized the operation of federal prison industry in the late 1960's and early 1970's. It then describes how the objectives of CSC's industries program have evolved over the past two decades, from vague statements and multiple goals to a clear emphasis on commercial success. The final section discusses how the delineation of multiple goals at the corporate level adversely affects the commercial viability of the industries program. The chapter thus describes a situation which is no doubt encountered in many large public sector organizations: it reveals how the pursuit of a single objective by an operational unit can be compromised when the organization as a whole pursues multiple goals.

1. Problem Definition

The logical starting point for a study of policy implementation is with the problem or issue definition. Just as the auto mechanic can be wasteful by replacing a car's engine when

only the spark plugs are faulty, the implementation of government policy can entail waste if the problem or issue at hand is poorly defined or improperly understood. A precise problem or issue definition can therefore be viewed as a pre-condition for successful policy implementation.

The reforms undertaken by the Correctional Service of Canada in the latter part of the 1970's were in response to problems identified in a number of comprehensive studies of the industries program.² In 1970 the Canadian Penitentiary Service commissioned Dr. Robert Evans to study federal prison industry. His report, Prison Industries in the Canadian Penitentiary Service¹, was extremely critical of the existing regime. Prison industry was found to be highly inefficient from a production standpoint, and offered little in the way of rehabilitative opportunities for prison inmates. Dr. Evans advanced various reasons for the deficiencies. Incentives, both monetary and non-monetary, were inadequate to motivate inmates to high levels of performance. Legislation prevented competition with the private sector on the open market. Jobs performed in prison shops did not demand the kind of skills and discipline that inmates would need to hold down jobs on the outside. The CSC organizational structure was inappropriate. Though this list is far from complete, it does illustrate the broad range of problems endemic to the operation of federal prison industry in the early 1970's.

The Report on Prison Industries Re-Orientation², prepared by the Solicitor General's Management Consulting Service several years later, was equally critical of the existing regime. As the title suggests, the report did not advocate a complete overhaul of the industries program. It did, however, argue in favour of commercially-oriented prison industry in Canada. Like the Evans report this study pursued two basic themes: prison industry was providing neither rehabilitative opportunities nor producing goods at adequate levels. The report was particularly critical of the inmate incentive package then employed. In the place of token wages the study advocated an amalgam of monetary and non-monetary rewards designed to improve inmate motivation and, concomitantly, industrial output.

Reorganization of Industries in the Canadian Penitentiary Service,³ prepared by the CPS in late 1976, noted the same two problems: prison industry did not satisfy the rehabilitative needs of inmates, and its production output was far below capacity. Exploitation of the largely untapped federal government market was seen as the key to the success of a reorganized industrial program:

It was abundantly clear that the most important and significant element in this entire undertaking was positive assurance of the provision of an adequate stable and continuing market on which this program could be based and successfully organized and operated. Moreover, it was quite evident that, if the required stable market support were not available it would be futile to attempt to develop and

operate the planned re-organized industrial program and that all attempts to do so would most assuredly be doomed to dismal failure.

Taken together, the three reports cited represent an exhaustive study of the problems surrounding the operation of the industries program in the Canadian Penitentiary Service. While these reports outline deficiencies in the industrial regime in varying degrees of detail, and to a certain extent, focus on different aspects of the problem, they are in agreement that the heart of the problem lay in the absence of a commercial orientation for federal prison industry. This lack ensured that the work experience gained by inmates would leave them ill-equipped to function in an industrial setting on the outside, and that the potential for prison industry to become self-sufficient or profit-making would remain unrealized. The solution appeared obvious: implement reforms aimed at upgrading the productive capacity of prison industries. This is precisely what was done, beginning with the Joyceville Industries Pilot Project in 1976.

2. Clarity of Program Objectives

Several of the American implementation studies cited in Chapter 2 attributed program failure to the objectives set out in the original design of policy. Two specific problems were experienced. First, objectives were sometimes vague. Implementers were thus afforded wide latitude to define objectives on the basis

of what they felt the program should achieve or, in some instances, to define program objectives in their own interests. While vague objectives should not always be perceived as a weakness in program design -- objectives may be left vague deliberately in order to allow the program to evolve in response to the implementation environment -- it would be safe to say that the majority of government programs would benefit if implementers had a clear understanding of what they were expected to achieve. (The Auditor General of Canada recently reported that management control can be effective only if "objectives of the organization, program or activity have been defined as clearly as possible and quantified where feasible")⁵ A second potential difficulty associated with program objectives is goal conflict. E.S. Quade suggests several ways to deal with multiple goals:

1. Establish a system of relative values and tradeoffs among the objectives;
2. Set up a preference ordering of objectives and then optimize in sequence;
3. Convert all except the most important goal into constraints, by agreement as to the minimum level of attainment acceptable.

Quade warns that failure to adhere to one of these procedures will force implementers to "give up the idea of determining any sort of 'optimal' policy and turn to 'satisficing,' that is, to determine not the best solution to the problem, but the one that is good

enough."⁷ While vague or conflicting program objectives do not now plague CSC's industries program, such was not always the case.

An analysis of the objectives of the industries program over the past several decades reveals an interesting evolution. In the early 1960's it was clear that the overriding objective of the CPS's industries program was to provide inmates with training in marketable skills, thus facilitating post-release adjustment. A report prepared for the Canadian Penitentiary Service in 1962 argued: "The primary product of prison industry is marketable skill. The goods produced are, in effect, a byproduct."⁸ Though two objectives are implicit in the definition -- satisfaction of inmate needs and production -- priority was clearly given to the former.

The priority attributed to inmate needs did not last long. By the early 1970's it was apparent that production had gained equal footing with reform as a central objective of the industries program. The dual objectives were not seen as inherently contradictory. It was felt that exposure to a work environment similar to that experienced in outside industry would allow inmates to absorb the skills and habits necessary to hold down employment on the outside, and at the same time generate revenue to offset the cost of operating the industries program. The Report on Prison Industries Re-Orientation (1973) suggested the following objectives be designated for CPS Industries:

(a) To provide inmates with an opportunity

- to learn good work habits;
- to gain good work experience;
- to continue practicing skills already learned;
- to develop self-respect and cooperative community attitudes; with a view to increasing their potential for successful post-release employment.

(b) To simulate, to the greatest extent possible, free world industrial conditions by operating production facilities in a competitive profitable manner which will supply economically, in sufficient quantities, and on schedule, goods for use by federal government agencies, other tax supported or charitable organizations in Canada and abroad or any other interested purchaser.⁹

A report prepared by a consulting group in 1979 revealed that these objectives had been embraced wholeheartedly by the Industries Division.¹⁰ The objectives of CSC's industries program were identified as:

1. to contribute financially to the operations of the CSC, i.e., "to show a profit";
2. to occupy the time of inmates, i.e., to help keep the lid on; and
3. to improve an inmate's prospects of attaining post-release employment by instilling marketable skills and habits in him.¹¹

Pursuit of inmate and institutional needs continued into the 1980's. CSC's Program Expenditure Plan for 1980-81 states the following objectives for the education, training and employment function (of which Industries is a part):

Promotion of work and training opportunities in industrial, vocational and scholastic programs designed to develop inmates for useful positions in the community as productive and responsible citizens. Maximize the employment of inmates in all work sectors and contribute to an overall reduction in the cost of incarceration.¹²

Canadian officials were not alone in their belief that production and rehabilitative goals could be pursued simultaneously. Many other jurisdictions with political and cultural affinities to Canada designated similar objectives for their prison industries. In the United States, the Free Venture prison industry model gained popularity in the mid-1970's.¹³ The proponents of this regime claim that by subjecting inmates to working conditions found in outside, profit-making industry, inmates will internalize work habits, skills and attitudes which assist their post-release adjustment. The "factory prisons" of Sweden are patterned on similar assumptions, i.e., that exposure to a work environment normally experienced on the outside will have a rehabilitative impact on inmates.¹⁴ Britain, too, has adopted this belief:

... the policy is to ensure as far as possible that industrial work comprises productive tasks organized on a commercial basis, which might encourage the work habit and assist an inmate to gain employment on release Consistently with these objectives, it is the aim of industries and farms and gardens to operate at a profit, as measured by setting the value of production against overheads, materials and running costs.¹⁵

Revenue and rehabilitation, therefore, have been identified as prison industry objectives in Canada as well as in other western liberal-democracies.

Unfortunately, the designation of multiple prison industry objectives by Canadian officials did not include an explicit ranking scheme. The result, according to the consulting study cited earlier, was goal conflict:

Conflicts arise in working towards these objectives: conflicts among the objectives themselves, conflicts within other objectives of the Inmate Employment Program, and conflicts between objectives of the Industries program and other CSC concerns (e.g. security).¹⁶

The report went on to assert that there existed an "urgent need" to prepare a clear set of objectives to guide the operations of the Inmate Employment Branch.¹⁷ To leave prison industry objectives unranked was identified in one recent study as a formula for economic failure:

Poor worker performance and year end operational losses can conveniently be rationalized on the basis that other program objectives have been successfully served: productivity shortfalls can be justified when offender idleness is reduced; when rehabilitative progress has been made; or when educational opportunities have been capitalized upon. By rightfully claiming success for achievements of this kind, staff members avoid being held accountable for program shortcomings in other areas

The best way to deal with the issue is to begin by declaring that efficient productivity is the overriding program objective ... But above all else, staff must insist that inmates perform their assigned tasks efficiently and program managers should be evaluated primarily on the production levels reached.¹⁸

Over the past two years one sees evidence that such advice has been acknowledged.

Beginning in about 1981 one starts to see evidence that prison industry objectives have again been modified, this time designating production as the overriding goal of the industries program. The Inmate Employment Branch Manual of July 1981 states that institutional self-sufficiency should be the overriding concern in assigning inmates to jobs.¹⁹ In July of 1982 an unofficial report prepared by M.M. David, the Director General of the Inmate Employment Branch, stated:

The objective of CORCAN's industrial and automated document processing service sectors shall be to maximize production.

It is recognized that the inmate employment

concept as a whole may have other objectives from time to time, for example, inmate training, skills transfer, inmate employability, and the work ethic. However, for CORCAN, any such achievements shall be as a by-product of its main objective.²⁰

Interviews conducted for this thesis in the Spring of 1983 indicated that this goal statement has been embraced by the Industries Division.²¹ The primary objective of federal prison industry is now "production in the most efficient and effective manner."²²

One therefore finds that over the past two decades the objectives of the industries program have come full circle. In the early 1960's inmate needs took precedence. Through the 1970's and into the 1980's the dual, unranked goals of production and rehabilitation dominated. Over the past several years, however, the production goal of the industries program has assumed primacy. Thus, within the Industries Division itself there is no longer a problem with goal conflict. The main objective of the program is clear: to produce goods in an "efficient and effective" manner. Successful policy implementation has therefore come to mean attainment of production goals leading, ultimately, to self-sufficiency.

3. Conflict With Ongoing Programs

Despite the designation of a single objective for the Industries Division there are, nevertheless, objectives established at other levels within CSC which impact on the implementation of the industries program. One is constantly reminded of the fact that The Correctional Service of Canada is not primarily a manufacturing enterprise, but an agency of the federal government charged with the responsibility of operating the federal prison system. The overall organizational objective which appears in the Estimates is as follows: "To administer sentences imposed by the courts and to prepare offenders for their return as useful citizens to the community".²³ CSC pursues this mandate through an amalgam of programs ranging from psychiatric treatment, to drug and alcohol counselling, to education. Industries is just a part of this regime and does not dominate it. In fact, at the institutional level, industries is ranked fifth in terms of priority, behind security, institutional services, education and vocational training.²⁴ Several examples will suffice to demonstrate how priorities established by senior management detract from the success of the industries program.

Without much doubt the primary concern of those operating a prison system is security. Institutional Wardens/Directors are instructed to ensure "peace at all costs."²⁵ While one can readily accept this necessity it does, nevertheless, lead to problems for

those operating the industries program. For instance, in prisons which have become overcrowded, or where openings in other programs are few, inmates will often be placed in industrial shops in order to prevent idleness, and thereby reduce tensions which could lead to violence.²⁶ The result, of course, is overmanning of prison workshops. However, the idleness appears to have been displaced rather than eliminated. A recent magazine article quoted one inmate as saying:

We only have an hour of work a day. The rest of the time we spend talking, smoking, goofing off. We're locked up²⁷ in the shop instead of the cells, that's all.

Security also requires the presence of guards in industrial shops. It demands constant checks to ensure that potential weapons are not being stolen from shops, or fashioned by inmate workers. In the event of a riot or disturbance prison shops are shut down altogether, sometimes for a period of weeks.²⁸ Each of these factors imposes economic costs which detract from the commercial success of the program.

Conflict with other programs also manifests itself in the form of persistent "call-outs" of inmate workers, that is, the summoning of inmates from their work for participation in other programs. The comprehensive study of the CSC performed by the Auditor General of Canada in 1981 talked of "frequent interruptions

during the normal working day for counselling, socialization and medical treatment."²⁹ A Commissioner's Directive dated November 30, 1982, sought to address this issue:

As far as practical, all non-work programs shall be arranged so that their activities do not interfere with the work assignment of the inmates. It is to be noted that work assignments in institutions need not be located in the standard 09:00 h. to 17:00 h. period; in fact every effort should be made to use as required the full twenty-four (24) hour period for work assignments.³⁰

It must be noted, however, that this directive has had only negligible impact. Call-outs continue to pose problems for those who operate industrial shops.³¹

A final example of conflict between the commercial objective of the industries program and corporate determined priorities is "cascading." Cascading is a process that first seeks to identify, and then to transfer, inmates who qualify for lower security classification.³² The primary rationale behind the process is economic: in 1981-82 it cost \$ 47,043 to maintain a male inmate in a maximum security institution, while at the other end of the security spectrum, in community corrections centres, the cost was \$ 18,879.³³ But while the cascading procedure may result in lower overall organizational costs it does, nevertheless, present difficulties for those who operate CSC's industries

program.

Transfers initiated for cascading or, indeed, for numerous other reasons result in an extremely mobile labour force. An inmate now stays an average of only nine weeks in a prison industry workshop.³⁴ It is therefore difficult to design jobs which might prove challenging or stimulating to the inmate worker. Instead, prison industry personnel are forced to design jobs entailing simple, repetitive tasks which an inmate can learn in as little as one day.³⁵ The highly mobile labour force thus ensures two things; that Industries personnel will be constantly engaged in training new inmates; and that the tasks performed by inmates in industrial shops will more often than not be boring or menial. Again, this is a phenomenon that stems from a corporate level decision and is not something which Industries Division personnel can control.

As the examples presented above demonstrate, priorities determined at other levels within CSC can, and do, have an adverse impact on the prospects for commercial success of the industries program. This is unavoidable. CSC was not established to make money: it was established to segregate from the wider population individuals who have displayed an unwillingness, or an inability, to abide by the law. The organization has established numerous programs to provide offenders opportunities to correct their anti-social behaviour. Security and "good government" within the

institutions are also central organization-wide objectives. Thus, when viewed from a macro-organizational perspective, it would be unrealistic to assume that the production goal of the industries program should dominate.

An interesting phenomenon results. Within the Industries Division personnel work toward a single, production-oriented objective. The job of the foreman in a prison industry workshop is no different from that of the foreman at General Motors: he is there to ensure work of acceptable quality standards is completed on time. However, a fundamental divergence is experienced as one moves up the corporate ladder. In the private sector firm the overriding corporate priority is profit. This objective pervades all aspects of organizational life, from the duties of the Chairman of the Board to those of the assembly-line worker. But in a prison system corporate priorities are not necessarily the same as those of shop-level prison industry personnel. Trade-offs at the corporate level, among objectives such as security, rehabilitation, good government and commercial success, are unavoidable. Consequently the adoption of a single program objective by a division such as Industries will, almost inevitably, be affected by the pursuit of other, organization-wide, goals.

There is no reason to attribute blame for this state of affairs. It is a simple fact that prison industry exists in a

fundamentally different environment from that of private sector industry. Senior management at the Correctional Service of Canada would be abandoning its responsibilities if it allowed a program such as Industries to dominate the organizational regime. It could only be at the political level -- though this seems unlikely -- that such a fundamental change could be initiated. Industries Division officials need not hold their breath. The Correctional Service of Canada is, and always has been, an agency responsible for operating a prison system. Though the industries program seeks commercial success, it will not be won at the expense of other prison programs.

NOTES : CHAPTER 3

1. Evans, Prison Industries in the Canadian Penitentiary Service.
2. Solicitor General of Canada, Management Consulting Service, Report on Prison Industries Re-Orientation.
3. Canadian Penitentiary Service, Reorganization of Industries in the Canadian Penitentiary Service.
4. Ibid., p. 8.
5. Auditor General of Canada, Report of the Auditor General of Canada to the House of Commons, Fiscal Year Ended March 31, 1979 (Ottawa: Supply and Services Canada, 1979), p. 113.
6. E.S. Quade, Analysis for Public Decisions (New York: Elsevier, 1975), pp. 89-90.
7. Ibid., p. 90.
8. Stevenson and Kellogg Ltd., A Study of Industrial Activities in Canadian Penitentiaries, study prepared for the Canadian Penitentiary Service, December 1962, as quoted in Ernie S. Lightman, Industrial Work by Inmates in Correctional Institutions (Toronto: University of Toronto Centre for Industrial Relations, January 1979), p. 19.
9. Solicitor General of Canada, Management Consulting Service, Report on Prison Industries Re-Orientation, p. 28.
10. DPA Consulting Limited, CSC Assessment of Industries Program, report prepared for the Director General of the Inmate Employment Branch, Correctional Service of Canada, April 30, 1979.
11. Ibid., p. 9.
12. Correctional Service of Canada, Program Expenditure Plan 1980-81, draft, November 28, 1980, p. i.
13. For information in the Free Venture model see American Foundation, Toward Developing Free Venture Prison Industries (Philadelphia: 1978); and Jack Schaller, "Toward Developing Free Venture Prison Industries," draft copy of speech presented to the National Institute of Criminal Justice, Miami, Florida, June 1978.

14. Carl-Henrik Ericsson, Labour Market Wages for Prisoners, report prepared for the Royal Swedish Ministry of Foreign Affairs, December 1972, p. 1.
15. Great Britain, Home Office, A Review of Criminal Justice Policy 1976 (London: HMSO, 1977), p. 67.
16. DPA Consulting Ltd., Annex D, p. D-1.
17. Ibid., p. D-2.
18. Ekstedt et al., pp. 53-54.
19. Correctional Service of Canada, Inmate Employment Branch Manual, p. 11.
20. M.M. David, p. 1.
21. Interview.
22. Interview.
23. Canada, Estimates for the Fiscal Year Ending March 31, 1983, p. 28-14.
24. Interview.
25. Interview.
26. Interview.
27. Val Ross, "Inside Canada's Prisons," Maclean's 96 (23) (June 6, 1983), p. 21.
28. Interview.
29. Auditor General of Canada, Report of the Auditor General of Canada to the House of Commons, Fiscal Year Ended March 31, 1981 (Ottawa: Supply and Service Canada, 1981), p. 262.
30. Correctional Service of Canada, Commissioner's Directive 500-1-01.1, "Inmate Employment," 30 November 1982, s. 10.
31. Interview.
32. Auditor General of Canada, 1981 Annual Report, p. 262.
33. Solicitor General of Canada, Annual Report 1981-1982 (Ottawa: Supply and Services Canada, 1983), p. 77.
34. Interview.

35. Interview.

CHAPTER 4

Impact of Legal Variable

That implementation of public policy should take place within the parameters defined by existing constitutional and statute law appears obvious. If implementation entails an infringement into the constitutional domain of another level of government, or leads to a contravention of existing statute law, the implementing government risks the possibility of a costly challenge before the courts. It seems likely that many potential programs do not make it onto government agendas for just these reasons -- no doubt rightfully, and at great saving to the public. In other instances the perceived importance of a program may inspire the sponsoring government to seek constitutional or statutory amendments to ensure that implementation can take place. Still another situation would see draft legislation referred to Department of Justice lawyers for a legal opinion. Each of these scenarios provides an illustration of how the law can influence the implementation of public policy.

This chapter contains an analysis of the impact of constitutional and statute law on the operation of CSC's industries program. The first section addresses several constitutional issues, namely a) whether the CSC has the legal mandate to operate an industrial program and b) whether the operation of an industrial program in federal prisons infringes on provincial labour

legislation. In the next section the impact of the Penitentiary Act and Regulations on CSC's industries program will be considered. Here the issue of restrictive legislation governing the marketing of goods produced in federal prisons will be discussed. The analysis in this chapter will reveal that while legal variables have influenced the way the industries program has been operated, they have not in any way constituted an obstacle to program success. Hence, it will be argued that self-sufficiency can in principle be attained without any change whatsoever to existing constitutional arrangements or statute law.

1. Constitutional Issues

The starting point for an analysis of legal variables is the constitution. It must be determined whether a) the government undertaking the program is acting within its jurisdiction and b) whether, in the process of implementation, the sponsoring government is subject to laws passed by another authority. The distinction between (a) and (b) may appear subtle, but is nevertheless important. For, as one will find below, it is clearly within the jurisdiction of the Correctional Service of Canada to establish industrial programs in federal prisons, but the matter of the applicability of provincial law -- in this case provincial labour codes -- to federal inmates has been the subject of some debate.

The Constitution Act of 1982 incorporated the federal-

provincial division of powers found in the British North America (BNA) Act, save for the amending formula discussed in sections 91(1) and 92(1).¹ Consequently authority to operate a federal prison system is derived from the BNA Act. Section 91(28) of the statute confers on the federal government exclusive legislative authority over "The Establishment, Maintenance, and Management of Penitentiaries."² The provinces, in turn have exclusive jurisdiction over "The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province."³ While this division appears to entail a significant overlap of responsibility, in fact the powers of each level have been clearly articulated.

Prior to Confederation the Province of Canada adopted the practice of incarcerating individuals with sentences of less than two years in local jails, and placing offenders with sentences of two years or more in provincial penitentiaries.⁴ This practice continued following Confederation: the provinces assumed responsibility for offenders with sentences of less than two years, while those with sentences of two years or more were incarcerated in federal penitentiaries.⁵ This practice is now enshrined in the Criminal Code.⁶ Hence, there is no question that the federal government has autonomy in matters relating to the establishment, maintenance, and management of a federal prison system. The power to operate an industrial program is a function of federal autonomy

in this area. In fact, Penitentiary Service Regulation 42 requires CSC to employ inmates in prison industry.⁷

While it is clear that the federal government is acting within its jurisdiction in establishing a prison industry program, there have been questions raised regarding the applicability of provincial labour codes to inmates employed in federal prison industry. In other words, are inmate workers entitled to the same rights and benefits as free workers of the province? This issue has been addressed on a number of occasions, and always with the same result: that federal prison inmates are not subject to the provisions of provincial -- or, indeed, federal -- labour codes.

In 1977 the British Columbia Worker's Compensation Board held that inmates employed in correctional facilities were not entitled to compensation for injury incurred while in prison.⁸ This ruling extended to all accidents, whether or not they were work-related. The ruling was based on the premise that wages earned by inmates were insufficient for them to claim status as employees. Hence, the absence of a regular employer-employee relationship negated the possibility of an inmate receiving compensation for injury.

The federal government has addressed this issue as well. Again, the applicability of provincial labour legislation, as well as the federal Canada Labour Code, was found to hinge on the

definition of the term "employee." When the Correctional Service of Canada was considering instituting a new inmate pay program with higher wages in the late 1970's, it asked Justice Department lawyers at the Department of Labour to develop a formal opinion on the legal status of inmate workers.⁹ The response was that to be termed an "employee," a person was required to consent to work for remuneration.¹⁰ Since inmates do not have a choice in these matters -- it is, in fact, considered a disciplinary offence to refuse to work -- such consent is lacking. The opinion thus held that inmates do not have employee status, and are not subject to the protections and benefits granted under provincial or federal labour legislation.¹¹ Thus, the right of inmates to strike, to form labour unions, to bargain for higher wages -- all of which could have an adverse effect of CSC's efforts to establish a self-sufficient industrial program -- have been denied.¹²

The only other constitutional issue raised by the operation of CSC's industries program concerns the Canadian Charter of Rights and Freedoms. Specifically, does the Charter's prohibition against "cruel and unusual punishment" -- enshrined in section 12 -- extend to industrial activities in prison workshops? Perhaps in bygone days when stone cutting was the dominant occupation of inmates such a claim could be pressed. But at the present time it appears highly unlikely. Prison industries are designed to replicate conditions in small-scale manufacturing

enterprises, not those of the sweat-shops of the early industrial revolution.

It is therefore evident that constitutional law has not had an adverse impact on CSC's efforts to establish a commercially-oriented industrial program. The Correctional Service has a clearly defined mandate to administer court-imposed sentences of two years or more. It is under no legal obligation to grant inmates the same rights and benefits conferred to free workers under provincial or federal labour legislation. The recently enacted Charter of Rights and Freedoms has not, thus far, raised any contentious issues. Thus, while the constitution does not compel CSC to operate an industrial program, neither does it provide any restriction against it.

2. Statute Law and Regulations

The operation of the federal prison system is governed by the Penitentiary Act and the Penitentiary Service Regulations. While the Penitentiary Act itself contains no clause which could be interpreted as an obstacle to the establishment of a commercially-oriented prison industry program, certain regulations issued under this Act -- specifically, those pertaining to the markets for prison industry products -- have long been a source of controversy. This section represents an attempt to show that this controversy is based on a misunderstanding of the Penitentiary Service

Regulations.

Section 4(1) of the Penitentiary Act confers wide-ranging powers over all aspects of penitentiary operations to the Commissioner of Corrections. The section reads:

The Governor in Council [Cabinet] may appoint and fix the salary of an officer to be known as the Commissioner of Penitentiaries who, under the direction of the Minister, has the control and management of the service and all matters connected therewith.¹³

Explicit mention of powers regarding the disposition of prison labour is found in section 29. Section 29(1,b) calls on Cabinet to make regulations "for the custody, treatment, training, employment and discipline of inmates."¹⁴ The Commissioner's powers with respect to inmate labour are found in section 29(3):

Subject to this Act and any regulations made under subsections (1), the Commissioner may make rules, to be known as Commissioner's directives, for the organization, training, discipline, efficiency, administration and good government of the service, and for the custody, treatment, training, employment and discipline of inmates and the good government of penitentiaries.¹⁵

Among the regulations promulgated under this Act is Penitentiary Service Regulation 43. It is worth quoting this regulation in its entirety:

Disposal of Industrial Products

- 43(1) Subject to subsection (2), articles or products that are produced by the labour of inmates employed in penitentiary industry (a) shall not be disposed of to purchasers in the ordinary course of trade under competitive conditions; and (b) may be disposed of (i) to any department, branch or agency of the Government of Canada, the government of a province or a municipal government, or (ii) to any charitable, religious or non-profit-making organization.
- (2) Where, in the opinion of Treasury Board, (a) the operation of a penitentiary industry would not be practical unless the articles or products produced by inmates employed in the penitentiary industry are disposed of to purchasers, and (b) the penitentiary industry referred to in paragraph (a) is of particular importance for the training or rehabilitation of inmates,

the Treasury Board may authorize the disposition of articles or products so produced to purchasers in the ordinary course of trade under competitive conditions.

It has been argued that this regulation has been used to restrict the market for prison-made goods to "state-use" (i.e., for sale exclusively to government departments and agencies), thus inhibiting the entry of CORCAN products into the potentially lucrative private market. A study recently published by the Simon Fraser Institute for Studies in Criminal Justice Policy, in referring to Penitentiary Service Regulation 43, commented: "Clearly, the restrictions on market access are incompatible with the desire to make prison industry programs self-sufficient."⁷

Closer examination, however, reveals that the conclusion of the Simon Fraser Study can be questioned.

There is, no doubt, a long history of state-use legislation in Canada and elsewhere. It was not long after the opening of Canada's first penitentiary in 1835 that opposition to the employment of prisoners was heard. The chief objection raised at this time was that convict labourers, leased to private individuals and businesses, were a source of unfair competition to free labour. Hostility was so great that the government of Upper Canada considered moving the penitentiary from Kingston to the sparsely populated town of Marmora, Ontario. A report prepared by Isaac Fraser, dated 20 February 1839, captures the mood of Kingston-area citizens:

The principal object of transferring the Penitentiary from Kingston to Marmora, would seem to be the employment of convict labour so as not to interfere with the pursuits of the honest mechanics of the Province¹⁸

However, much to the consternation of local labourers the move was resisted by the influential Building Superintendent of the Penitentiary, William Powers.¹⁹ The Penitentiary remains on its original site today.

Opposition to prison labour again surfaced when it became apparent that the industrial capacity of prison workshops exceeded the requirements of the prison itself. Businessmen as well as labour objected to the sale of prison-made products on the open market: the former because unpaid prison labour resulted in lower production costs and hence an unfair competitive advantage, and the latter out of concern that goods and services produced by inmates would take away jobs from free labour. The Royal Commission to Investigate the Penal System of Canada, popularly known as the Archambault Commission of 1938, found evidence which attests to the strength of business and labour lobbying efforts. Archambault quotes a recommendation from the 1914 Royal Commission on Penitentiaries:

To what is known as the State-use or Public-use system of prison labour be adopted throughout the penitentiaries and that industries be established to supply the requirements of the Government, its institutions and services, with all goods that can be made in prison.²⁰

Also cited was a passage from the Report of the Committee to Advise Upon the Revision of the Penitentiary Regulations and the Amendment to the Penitentiary Act (1921):

The Committee ... most emphatically recommends statutory provision to provide for productive labour for all convicts. Such provision need not extend to any work except for what is known as "state use" and can, in Canada, not extend to any compulsion beyond the federal service.²¹

Archambault himself was somewhat vague on the matter, stating only:

We recommend ... a complete survey to be instituted to determine what requirements of the various government departments can be supplied by properly equipped prison industries.²²

Restrictions against the sale of prison-made products on the open market remain in other nations today. In the United States federal legislation has prevented interstate transportation of prison-made goods for any purpose since 1940.²³ State legislation restricting markets to the public sector is almost universal.²⁴ In Britain, though there are no legal prohibitions against sales on the open market, goods produced by PRINDUS (an acronym for prison industry) are manufactured primarily for government departments and agencies. The production of goods for the open market receives low priority:

In deciding what to produce industries and farms and gardens give first priority to Prison Service needs (e.g., prisoners clothing, cell furniture, food, land maintenance) and second to orders from other public bodies. To the extent that requirements for work cannot be fully met from these sources, PRINDUS looks for orders from the commercial market.²⁵

Restricted market access is also practiced in Australia. With the exception of Western Australia all states prohibit the marketing of

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prison-made products outside of the public sector.²⁶

The Canadian situation at present resembles that found in Britain. That is, although in practice goods produced in federal prisons are sold to governments and to charitable organizations,²⁷ from a strictly legal perspective CSC can, with Treasury Board approval, tap the open market. This has been done several times when CSC found itself with a surplus of agricultural products produced on prison farms.²⁸ Early in 1983 CSC was again negotiating with Treasury Board for permission to sell prison industry goods to employees of the Correctional Service.²⁹

Section 43 of the Penitentiary Service Regulations has therefore encouraged CSC officials to look first to the public sector as a market for the goods of prison industry. But it does not rule out the possibility of CSC tapping the private market. What has stopped CSC from entering the private market in recent years is the potential political fallout from such a practice. Solicitor General Robert Kaplan has expressed the concern that:

In difficult times for the economy, business resents our competition ... Marketing of CORCAN's products, therefore, is subject to public pressure, thus demanding that the management of CORCAN Industries be ever sensitive to its environment.³⁰

The Director General of CSC's Inmate Employment Branch has also

expressed the concern that sales to other than government or non-profit organizations will antagonize the Canadian business community:

After careful thought, given the Canadian business culture, any departure from this official position would be detrimental to any prison industry within Canada

In addition, the Inmate Employment Branch Manual states that the "Correctional Service is anxious to avoid negative reaction towards the Inmate Employment Program in terms of unfair competition, either with labour or private industry."³² Sales on the open market are to be considered only when public sector and charitable/religious/ non-profit markets have been exhausted, and after consultation with "affected outside groups."³³ Overall, therefore, it is quite clear that CSC's entry into the potentially lucrative open market has been restricted for political, not legal, reasons.

It is problematic whether entry into the open market is in fact a necessary pre-condition for program success anyway. Since 1980 the Industries Division has employed the services of a private-sector firm, Tetrad Consultants, to market CORCAN products in Canada. It was reported in 1981 that Tetrad "can outsell CORCAN's production of existing product lines over the next three years."³⁴ This statement is not surprising, given the size of the

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public sector in Canada. In 1981 government's (all levels) current expenditure on goods and services accounted for 20.1 per cent of gross national expenditure,³⁵ or 66.75 billion dollars.³⁶ In the same year sales of industrial products bearing the CORCAN label amounted to 7.2 million dollars -- approximately .01 per cent of the total.³⁷

Statute law and regulations have thus shaped implementation to the extent that they encourage the sale of prison industry products to the public sector. But there are no legal barriers to the success of the program. If the Industries Division decided it must engage in direct competition with outside industry on the open market -- which is by no means a certain prescription for program success anyway -- it could do so with Treasury Board approval. A change in policy at the political level -- to allow prison industry to engage in direct competition with private manufacturers -- would be required, not a change to existing statute law or regulations.

NOTES : CHAPTER 4

1. The Constitution Act, 1982, Schedules, Item 1.
2. British North America Act, 1975, s. 91(28).
3. Ibid., s. 92(6).
4. K. D. Jaffary, "Correctional Federalism," The Canadian Journal of Corrections 7(3)(1965), p. 364.
5. Ibid.
6. Canada, Department of Justice, The Criminal Law in Canadian Society (Ottawa: August 1982), p. 71.
7. "Penitentiary Service Regulations," Consolidated Regulations of Canada, v. 13, ch. 1251, 1978, s. 42.
8. This case is discussed in Ekstedt et al., pp. 66-67.
9. Interview.
10. Interview.
11. Interview.
12. The compensation issue has been solved through the establishment of a fund, administered jointly by CSC and Labour Canada, to provide compensation to injured inmates. Benefits for injury are equal to the lowest provincial compensation awards which, at the time of writing, were those of Prince Edward Island.
13. Penitentiary Act, R.S.C. 1970, vol. 6, ch. P-6, s. 4(1).
14. Ibid., s. 29(1,b).
15. Ibid., s. 29(3).
16. "Penitentiary Service Regulations," s. 43.
17. Ekstedt et al., p. 74.
18. Quoted in J. Edmison, "The History of Kingston Penitentiary," Historic Kingston 3 (November 1954), p. 26.
19. Ibid.

20. Quoted in Canada, Royal Commission to Investigate the Penal System of Canada, Report (Ottawa: King's Printer, 1938), p. 133.
21. Ibid.
22. Ibid., p. 135.
23. United States, the President's Commission on Law Enforcement and Administration of Justice, Task Force Report; Corrections (Washington, D.C.: U.S. Government Printing Office, 1967), p. 55. A recent amendment to Chapter 85 of the United States Code permits interstate transportation of goods produced in seven state-run pilot projects. See Ekstedt et al., pp. 61-62.
24. Josephine R. Potuto, "An Operation Plan for Realistic Prison Employment," Wisconsin Law Review 1980 (2)(1980), p. 329.
25. Great Britain, Home Office, Inquiry Into the United Kingdom Prison Services, vol. 1 (London: HMSO, 1979), p. 67.
26. John Braithwaite, Prisons, Education and Work (Phillip, A.C.T., Australia: Australia Institute of Criminology, 1980), p. 141.
27. For a breakdown of Industries Division sales by market segment see Chapter 5, Table 2.
28. Interview.
29. Interview.
30. Robert Kaplan, "Prison Labour," notes for a speech at the B.C. Corrections Association Biennial Institute, October 10, 1980, p. 5.
31. M. M. David, "CORCAN Policies and Direction," report prepared for consideration by the Senior Management Committee, July 21, 1982, p. 3.
32. Correctional Service of Canada, Inmate Employment Branch, Inmate Employment Branch Manual, p. 13.
33. Correctional Service of Canada, Inmate Employment Branch, Inmate Employment Branch Manual, p. 13.
34. Correctional Service of Canada, Industries and Shop Rationalization - Ontario Region, Discussion paper, October 21, 1981, p. 1.

35. Statistics Canada, Catalogue 13-201, National Income and Expenditure Accounts 1967-1981 (Ottawa: Statistics Canada, December 1982), pp. 94-95.
36. Ibid., pp. 2-3.
37. Canada, Ministry of the Solicitor General, Annual Report 1980-81 (Ottawa: Supply and Services Canada, 1981), p. 67.

CHAPTER 5

Organizational Variable: Weaknesses in the Program Delivery System

The primary lesson to be learned from the American experience with "Great Society" social programs is that implementation cannot proceed smoothly in the absence of unified action. Without the active support of politicians in Washington; of bureaucrats within the implementing agencies; and of other government agencies affected, programs tended to become lost within a sea of bureaucratic wrangling. Part of the problem no doubt lay in faulty program design -- unclear program objectives and a lack of attention to legal research immediately comes to mind. But problems lay within the delivery system -- the people and agencies responsible for program implementation -- as well. Field staff did not always act upon orders from Washington. Cost-sharing arrangements saw state and local governments eager to accept funds, but often less than enthusiastic about allowing Washington to determine how they should be spent. Politicians who had backed enabling legislation in Congress would occasionally disassociate themselves from a program if failure become imminent. Groups within the bureaucracy sometimes perceived new programs as threats to their own, established, regimes. There were, in short, a myriad of forces shaping implementation within the delivery system itself.

A comprehensive implementation analysis therefore requires that the researcher study the political and bureaucratic

chains of delegation for evidence of weakness. One must try to ascertain whether political support for the program in question has been forthcoming; whether bureaucrats have displayed a willingness to see implementation through; whether the resource commitment to the program, in both human and monetary terms, has been adequate; and whether systems of control to guide implementation are in place.

The purpose of this chapter is to reveal how the program delivery system has shaped the implementation of policy by CSC's Industries Division. It will be argued that personnel responsible for the implementation of Industries reforms have been only partially successful in manipulating the organizational variable. Hence, while numerous steps have been taken in recent years to eradicate flaws in the program delivery system, and while many reforms are currently underway, there are still forces within CSC's administrative apparatus -- namely, other functional units whose compliance is essential to program success -- which are exerting pressures that adversely affect efforts to establish a self-sufficient industrial program.

The chapter will first address the topics of intergovernmental and intragovernmental relations. Part 2 discusses the adequacy of the resource commitment to the industries program, and the final section analyses systems of control.

1. Intergovernmental and Intragovernmental Relations

The American implementation literature demonstrates the unique problems associated with program delivery in a federal state. Funding arrangements and functional responsibilities, which initially appeared unambiguous to the participating governments, were likely to break down during the course of implementation. Problems of this nature, which encompass more than one level of government, are discussed under the label "Intergovernmental Relations." The term "Intragovernmental Relations" is used to refer to the relationship between various agencies within a single level of government. The degree of coordination between functional units within a single agency will be discussed under this heading as well. Hence, the analysis begins with the highest level of government, and works down to the level of the implementing agency. Throughout, an attempt will be made to focus on the agencies and individuals whose support is necessary to ensure program success.

There is no need to go into detail concerning the impact of intergovernmental relations on CSC's efforts to generate revenue from its industrial operations. As Chapter 4 demonstrated, there are no contentious jurisdictional issues raised through the operation of an industrial program in federal prisons. The mandate of CSC is clear: it is responsible for administering sentences of two years or more imposed by the courts. As noted in the previous chapter, Penitentiary Service Regulations require CSC to operate an

industrial program.¹ The industries program is not operated in concert with any provincial or municipal government, nor are there any cost-sharing arrangements or division of functional responsibility between governments in this area. It is therefore clear that intergovernmental relations have in no way impeded CSC's efforts to introduce reforms to its industries program.

Analysis of intragovernmental relations first requires the identification of all federal government agencies whose support is necessary for program implementation to proceed. Since the industries program is confined to CSC it would at first appear that other federal agencies could have no possible impact on program implementation. However, closer examination reveals that the federal government is itself the major purchaser of goods produced by CSC Industries. If agencies of the federal government suddenly reduce their level of purchases, or switch to other suppliers, there will be an immediate adverse impact on the commercial viability of the program. Conversely an increase in purchases from federal agencies would likely constitute a major program benefit. It is therefore necessary to analyse the relationship between CSC and its major customer -- agencies of the federal government.

Federal government policy regarding the purchase of prison industry products was enunciated by Cabinet in 1974:

The Canadian Government, through the Department of Supply and Services and other departments and agencies (shall) provide whenever possible the Penitentiary Industries with adequate, stable and continuing market outlets for its manufactured products²

Until 1981 a sales staff of CSC personnel was responsible for soliciting orders from federal agencies. Seventy-five to 80 per cent of annual sales revenue was realized through this channel. As long as industrial production remained low, this arrangement sufficed. However, once efforts to expand industrial output were underway it became apparent that a more aggressive marketing strategy was necessary. To accomplish this CSC looked to the services of a professional marketing organization.

Seventy-five private sector firms were sent letters of inquiry to determine their interests and capabilities in providing marketing services for CORCAN products.³ Only three replied. A joint committee of representatives from the Correctional Service and Supply and Services Canada evaluated the responses that were received, and selected Tetrad Marketing/Sales Ltd. to handle CORCAN product marketing. A contract was signed that will see Tetrad earn approximately three million dollars over the period from 1 September 1981 to 31 March 1985.⁴

During the contract negotiations it became apparent that CSC wished to reduce its dependence on the federal government as a market for CSC products. On a proportional basis the percentage of

sales going to federal agencies was projected to drop from 75 per cent of total sales in 1981-82 to 55 per cent of sales in 1984-85 (see Table 1). There is no suggestion that the federal government was perceived to be an unreliable customer: it was merely hoped that Tetrad would branch out and exploit other public sector markets. In fact quite the opposite has occurred.

Table 1

Projected Markets for CORCAN Products

1981-82 to 1984-85

Fiscal Year	Federal Departments and Agencies	Provincial and Municipal Governments, Charitable, Religious and Non-Profit Organizations and Crown Corporations
1981-82	75%	25%
1982-83	65%	35%
1983-84	60%	40%
1984-85	55%	45%

Source : Canada, Treasury Board, "Contract Between Tetrad Marketing/Sales Limited and the Correctional Service of Canada," Memorandum, 21 August 1981

Since the contract with Tetrad was signed the proportion of Industries Division sales going to the federal government has in fact increased. The four principal buyers are the Department of National Defense, Canada Post Corporation, the Department of Supply and Services, and CSC itself.⁵ As table 2 indicates, federal buyers accounted for 87 per cent of Industries Division sales in the year ended 31 March 1982.

Table 2

CSC Industries
Sales by Market Segment
Year Ended, 31 March 1982
(\$ 000)

<u>Market Segment</u>	<u>31 March 1982</u> \$		<u>31 March 1981</u> \$	
CSC	2,192	27	1,633	22
Other Federal Departments	4,863	60	4,630	62
Provincial Governments	160	2	241	3
Municipal Governments	220	3	187	2
Other	656	8	792	11
Total	8,091	100	7,483	100

Source : Correctional Service of Canada, Inmate Employment Branch,
Industries Division Financial Statement, Year Ended 31
March 1982, Draft Copy, n.p.

CSC officials do not view these figures with alarm. Quite the contrary, they have come to accept reliance on the federal government as a healthy development.⁶ For one thing the exploitation of the federal market does not raise the spectre of direct competition with the private sector on the open market.⁷ It was also pointed out during interviews with CSC staff that the four principal federal buyers have demands well in excess of the industrial capacity of prison workshops.⁸ While it was admitted that in the past the Industries Division had not done a particularly good job of supplying the needs of CSC, steps have been taken to increase emphasis on products designed for internal use.⁹ The IEB Branch Manual now lists The Correctional Service of Canada as the top priority market for the sale of goods produced through inmate employment programs.¹⁰

In terms of purchasing arrangements one therefore sees no significant problems arising out of intragovernmental relations. Agencies of the federal government were in the past, and are at present, the major purchasers of CORCAN products. As long as product quality is high, prices competitive,¹¹ and delivery prompt, the federal government will likely provide an ample market for the products of the Industries Division. (This issue is discussed in greater detail in Chapter 6.)

The only other agency of the federal government which one can perceive as a potential threat to the commercial viability of

the industries program is the Department of Industry, Trade and Commerce (I.T.C.). One can look upon I.T. & C. as an advocate of manufacturing and commercial interests in Canada.¹² Since federal government purchases from CSC Industries take the place of orders from private sector manufacturing firms, there is a potential that I. T. & C. may object to the expansion of industrial output in federal prisons. Officials at I. T. & C. were consulted prior to the introduction of the new inmate pay system in 1981. They indicated that they would support the commercial initiatives of CSC Industries provided a) the Industries Division did not undercut the prices of private sector manufacturers and b) excessive concentration in particular product markets were avoided.¹³ The Industries Division has adhered to both of these conditions.

Having established that other levels of government, and other agencies within the federal government, have not seriously hampered the pursuit of self-sufficiency it is next imperative to look for evidence of weakness in CSC's own program delivery system. Specifically one must determine whether political support for program objectives has been forthcoming; whether senior management within the organization has a commitment to see implementation through;¹⁴ and whether personnel with functional responsibility for implementation have been willing to cast aside old practices and work whole-heartedly towards the attainment of self-sufficiency.

At the political and senior management levels it is apparent that support for the commercial objectives of the industries program is relatively strong. Interviews with CSC officials indicated that these individuals have been willing to use their influence to push through much-needed reforms.¹⁵ But, as discussed in Chapter 3, they have not abandoned altogether their commitment to other CSC objectives as well. Commented Solicitor General Robert Kaplan in 1980:

... we look beyond prison labour only, for self-sufficiency. We want to provide in our prisons an opportunity for inmates to come to terms with the problems that have brought them here, and to learn to earn a decent living honestly.¹⁶

CSC's 1983-1984 Expenditure Plan also suggests that while revenue generation is important, it is not viewed by senior management as the sole objective of the inmate employment program:

CSC has two complementary initiatives: to increase the capacity to provide work and training opportunities and where appropriate to increase the emphasis on work plans that will generate revenue from third parties to help offset the operating costs of the Service, or contribute directly to its self-sufficiency.¹⁷

Again, the above comments suggest that officials responsible for overall corporate policy are willing to support industries reform providing they do not infringe on other, organization-wide,

concerns.

It is only when one moves to the final stage of the intragovernmental analysis, to the level of the working bureaucrat, that one begins to see evidence of serious flaws in the program delivery system. This problem manifests itself in three forms: first, there is evidence of a lack of coordination between the Industries Division and other functional units within CSC; there have been difficulties encountered in gaining compliance at the institutional level to directives from management; and Wardens, ever-mindful of security considerations, have at times used prison workshops as places to occupy the time of prisoners in hopes of "keeping the lid on."

Coordination difficulties between the Industries Division and other units within CSC derive principally from competing demands on the time of inmates. Upon entry into a federal prison each inmate receives an individual program plan, prepared by the case management staff from the Offender Programs Branch (see organization chart, Appendix 3).¹⁸ Individual program plans call for the inmate's participation in social, cultural, recreational, educational, or work programs; trades training; counselling; or any combination of these programs.¹⁹ A case management "team" consisting of a supervisor, classification officer, living unit officer and, when it is deemed necessary, psychologists, security

officers or medical staff, is responsible for formulating

short and long term plans [which] consider the inmate's needs and objectives, the services and activities in which the offender will participate and plans for eventual transfer or conditional release.²⁰

Industries must therefore compete with other CSC programs for the labour of inmates.

A lack of coordination between Case Management and the Inmate Employment Branch has been identified in several recent studies. In 1979 a private sector consulting firm, Currie, Coopers and Lybrand Ltd., found that

The relationship between the Inmate Employment Program and other programs such as those of the Offender Programs Branch and the Technical Services Branch are not clearly understood.²¹

The Auditor General's comprehensive audit of CSC operations, performed two years after the consulting study, saw no evidence that this problem had been overcome. The report noted that Case Management and the Inmate Employment Branch "have not fully coordinated their activities."²² The Auditor General recommended:

The CSC should coordinate the activities of case management and education, training and employment and develop and implement procedures to measure the degree to which opportunities are provided to meet the offender's needs.²³

Since this report was published the Industries Division has sought to establish a better rapport with Case Management staff, and has tried to work more closely with this unit to achieve common goals.²⁴ One CSC official pointed out that the Industries Division has had to do a more vigorous job of "selling itself" to Case Management, in hopes of convincing this unit that participation in industrial work can have a positive impact on the behavior and post-release adjustment of prison inmates.²⁵

Coordination has been lacking in other areas as well. Inmate Employment Boards, comprised of representatives from several functional units within each institution, are responsible for placing inmates in jobs (that is, those inmates that the Offender Programs Branch has determined should work) and removing them in the event of sub-standard performance.²⁶ Thus, the Industries Division does not have full control over hire and fire procedures of even the sub-set of inmates selected to work. Attempts are currently underway to gain greater control of these matters from the Boards.²⁷ A further problem relates to the responsibilities of the Technical Services Branch. Since this unit is responsible for institutional maintenance it receives priority over Industries when competition arises for scarce inmate labour.²⁸ It has also been noted that tasks performed in Technical Services are far less demanding than those in Industries.²⁹ Hence, inmates are inclined to seek work in this sector rather than in an industrial shop.³⁰ Finally, there is evidence that the Industries Division has not

"dovetailed" well with education and training programs. While it would be a natural progression for an inmate to first learn a trade and then apply it in an industrial shop, this pattern seldom emerges.³¹ Again, interviews with CSC officials indicated that discussions have been conducted on ways to better coordinate these closely related activities.³²

In any hierarchically structured bureaucracy there is a danger that directives emanating from the top of the organization will be modified, or not acted upon at all, as they "filter" down to the operational level. Donald Cressey, in an article based on the American experience with penal reform, found this to be a particularly onerous problem in the prison setting.³³ However, the author does not think this problem arises from a conscious effort by correctional staff to resist the dictates of senior management: "The resistance to innovation has here been more in the form of indifference than in the form of planned conservatism."³⁴ This is precisely one of the issues CSC management has had to deal with in implementing reforms to the industries program.

The industries program had, until the 1970's, suffered from years of neglect. Little emphasis was placed on the commercial viability of the program: it was principally a means of occupying the time of inmates, allowed for the production of a few goods for the government market, and occasionally permitted inmates

to learn work skills. When, in the late 1970's, CSC began to place more emphasis on the commercial side of prison industry, it had to rely on institutional staff who were very much attuned to the old regime. There is little to suggest that staff have rejected outright the dictates of management: however, concerns have been expressed that the "old guard" were not overly enthusiastic about carrying out their new responsibilities.³⁵ Furthermore, many had no employment experience in a commercially oriented enterprise, and failed to grasp the importance of concepts such as inventory control, production scheduling, and cost accounting.³⁶

To address these problems CSC has begun to upgrade its training program for all staff involved with industrial production.³⁷ Senior officials also noted the positive influence Donald Yeomans has had since his appointment as Commissioner of Corrections in 1977. Mr. Yeomans has extensive management experience in both the public and private sectors, having worked as a management consultant, on the staff of the Glassco Commission, and as Assistant Secretary to the Treasury Board.³⁸ He was one of the central players in the introduction of PPBS to the federal public service in 1969.³⁹ Mr. Yeomans is said to "run a tight ship," demanding unwavering compliance from all his employees.⁴⁰

A final issue to be discussed under the heading of intragovernmental relations is security. Since this issue was also addressed in Chapter 3 it is necessary only to remind the reader of

the extraordinary demands that security places on the operation of the industries program. As the Auditor General's 1981 report notes:

Security ... is a primary consideration. The type and level of activities carried out are limited by the overriding need to control the movement of inmates, maintain a safe environment for employees, and to protect inmates from other inmates.⁴¹

Security considerations manifest themselves in many ways. Constant checks are needed to ensure that tools, which could be used as weapons, are not removed from industrial shops. Movement to and from shops must be closely controlled. In the event of a riot or disturbance all prison programs -- including industries -- are suspended until order is restored. (For example, at Archambault Prison, where a guard was fatally stabbed in a workshop in May of 1983, industries remained shut down for weeks afterward.)⁴² It is also the case that at times prison Wardens have little choice but to place inmates in industrial shops merely to give them something to do.⁴³ Wardens understandably see their first duty as maintaining order, "to keep the lid on." It is felt that allowing inmates to stand idly by creates tension, which can ultimately lead to violence.⁴⁴ Hence, less promising inmates may be shuffled off to industrial shops until something else can be found to occupy their time.

2. Resource Commitment

Estimating the resource commitment necessary to ensure program success is, needless to say, subject to uncertainty. Even in cases where program objectives are clearly defined, and where a program has a precise beginning and end, it may be difficult to accurately project resource needs several years into the future. A building program designed to provide rental housing units for the urban poor may experience severe cost escalations due to unexpected price increases on building materials, or a wage strike by construction workers. The depth of the recession in the early 1980's placed a massive burden on the federally operated Unemployment Insurance Commission, and on municipal welfare agencies. Determining an adequate resource commitment is particularly difficult for programs which seek to attain social goals. For example, how much money, funnelled through the CBC, is enough to raise the cultural awareness of Canadians? Nobody really knows. Perhaps the most that can be expected is that the CBC make a positive contribution with what it is provided.

The pursuit of self-sufficiency by CSC Industries is a good example of a program where it will be virtually impossible to state, in advance of program implementation, that "x" dollars and "y" person years will ultimately lead to program success. Will any amount of capital investment increase the motivation of prison workers? Probably not. Will an increase in person years open up

new public sector markets? It is doubtful. Is money all that is needed to rescue a program that has been neglected for decades? Of course not. The purpose here is not to belittle the importance of program budgeting techniques: it is merely to point out that resources do not in themselves guarantee program success.

Consequently if one were to conduct an implementation study in advance of program delivery one would have no choice but to accept that resource projections are vulnerable to change at any time. But if the analysis is performed during the course of implementation -- as it is here -- one can at least be confident that any deficiencies in the resource commitment can be uncovered. The analysis is therefore problem directed. It will not lead to a statement regarding the precise level of monetary and human resources necessary to ensure program success. It will, however, call attention to resource shortfalls which have, to date, hindered program implementation.

Dealing first with monetary resources one finds -- perhaps surprisingly in an era of restraint -- that a lack of money has not seriously hampered CSC's efforts to introduce changes to its industries program. Money was not identified by a single interviewee as a major problem in implementing industries reforms.⁴⁵ Officials in the Inmate Employment Branch were satisfied that budgetary allocations for the industries program

were adequate to make the changes they felt necessary to "turn things around."⁴⁶ Tables 3, 4 and 5 appear to substantiate these claims. It will be noted that, since 1979-80, the budget for the Inmate Employment Branch has been growing at a faster rate than the budget of CSC as a whole; and the Industries Division budget has been growing at a faster rate than the budget for the Inmate Employment Branch.

A further point associated with the level of monetary resources concerns capital expenditures. As Table 6 indicates, capital expenditures do not represent a large proportion of total Inmate Employment Branch expenditures. Considering the fact that efforts are underway to upgrade the long-neglected industries program one might have expected significant outlays for new tools and equipment. Large capital outlays have, however, been deliberately avoided. Two reasons can be advanced to explain this phenomenon.

First it must be recognized that CSC operates over 100 shops in 22 federal prisons. These shops are, in essence, a series of small businesses.⁴⁷ A decision on whether or not to purchase an expensive piece of machinery is based on a financial analysis similar to that performed by any small businessman. Can funds be

Table 3

CSC Budget

1979-80 to 1983-84

<u>Year</u>	<u>Person Years (CSC Staff)*</u>	<u>Expenditures (\$ 000)</u>
1979-80	9,787	348,098
1980-81	9,729	402,360
1981-82	9,911	488,547
1982-83	10,023	563,164
1983-84	10,095	667,023
% Change	+ 3.1%	+ 91.6%

* The figures for 1979-80 represent actual amounts. Other figures represent budgetary forecasts.

Source : Correctional Service of Canada, Program Expenditure Plan,
Years 1981-82, 1982-83, 1983-84.

Table 4

Inmate Employment BranchBudget

1979-80 to 1983-84

<u>Year</u>	<u>Person Years (CSC Staff)*</u>	<u>Expenditures (\$ 000)</u>
1979-80	596	28,376
1980-81	646	47,432
1981-82	689	60,748
1982-83	692	62,276
1983-84	710	73,463
% Change	+ 19.1%	+ 158.9%

* The figures for 1979-80 represent actual amounts. Other figures represent budgetary forecasts.

Source : Correctional Service of Canada, Program Expenditure Plan,
Years 1981-82, 1982-83, 1983-84.

Table 5

Industries DivisionBudget

1979-80 to 1983-84

<u>Year</u>	<u>Person Years (CSC Staff)*</u>	<u>Expenditures (\$ 000)</u>
1979-80	301	10,340
1980-81	330	18,971
1981-82	341	23,852
1982-83	326	23,837
1983-84	336	30,641
% Change	+ 11.6%	+ 196.3%

* The figures for 1979-80 represent actual amounts. Other figures represent budgetary forecasts.

Source : Correctional Service of Canada, Program Expenditure Plan, Years 1981-82, 1982-83, 1983-84.

Table 6

Inmate Employment BranchCapital Expenditures

1979-80 to 1983-84

<u>Year</u>	<u>Capital Expenditure (\$ 000)</u>	<u>Total IEB Expenditure (\$ 000)</u>	<u>Capital as Percentage of Total</u>
1979-80	1,906	28,376	6.7%
1980-81	3,351	47,432	7.1%
1981-82	2,502	60,748	4.1%
1982-83	2,567	62,276	4.1%
1983-84	2,905	73,463	3.9%

* The figures for 1979-80 represent actual amounts. Other figures represent budgetary forecasts.

Source : Correctional Service of Canada, Program Expenditure Plan,
Years 1981-82, 1982-83, 1983-84.

acquired for capital investment? What is the useful life of the machine? What are the potential savings in the wage bill? Does the present value of benefits exceed the present value of costs?

The answer to the final question is not always affirmative.

Second, the introduction of new technologies into prison workshops -- which raise productivity per worker -- may lead to reduced demands for inmate labour. This poses a serious dilemma for CSC management. On the one hand it strives to attain the greatest degree of production efficiency possible within the prison setting. On the other hand it must do everything in its power to prevent inmate idleness. Financial analysis may very well reveal that the purchase of a new piece of machinery is a sound business investment -- but if it will cost inmate jobs the purchase may be rejected. The utilization of new production methods, entailing a switch from small "job lots" and short production runs to larger assembly-line type operations has partially offset calls for new machinery.⁴⁸ Changes of this nature require neither massive layoffs nor large capital outlays. But how long CSC can continue to run a labour-intensive operation competitively in an increasingly automated world remains to be seen.

While one sees little evidence of a lack of monetary resources explicitly hindering program implementation, problems have arisen in the area of person year allocations. Though the Inmate Employment Branch and the Industries Division have added

staff at a faster rate than the CSC as a whole since 1979-80 (see Tables 3, 4 and 5), in actual numbers the increase in the staff complement has been quite small. One official acknowledged that the level of human resources did, indeed, pose problems in implementing industries reforms.⁴⁹ The difficulty stems from the fact that the Inmate Employment Branch lacks authority to hire additional staff. Overall person year allocations for CSC are set by Treasury Board. In turn, CSC's Personnel Branch is responsible for the allocation of person years within the organization.⁵⁰

3. Systems of Control

Program implementation requires that management has information of sufficient quality, timeliness, and accuracy to guide the program through the delivery stage. Without it, management can never be certain whether directives are being acted upon by line personnel, whether progress is being made, or whether problems are being encountered. Information is, in short, vital to management control. Equally important, however, is management's ability to translate authority into action, to gain compliance from staff at the operational level. These two factors are here labelled "systems of control" The subsequent discussion considers the extent to which such control has been evident as CSC seeks to turn the industries program into a self-sufficient operation. In keeping with the tone of this chapter the analysis will be problem

directed, focusing on deficiencies in the control systems employed by CSC.

The ability of CSC management to translate authority into action was touched upon in Part 1 of this chapter. The reader will remember that while management experienced a degree of indifference on the part of institutional staff, there was nothing to suggest that management directives were being consciously rejected. A related problem will be discussed here -- namely, that personnel within the organization have not always been fully aware of the precise nature of their responsibilities. Obviously management's ability to move line personnel to action is difficult if nobody is certain who is to act.

This problem has been identified in several recent consulting studies. The report by Currie, Coopers and Lybrand Ltd., referred to in Part 1 of this chapter, recommended that the IEB:

Clarify the detailed responsibilities of N.H.Q., R.H.Q., and institutions in the development and implementation of the program. The basic roles of N.H.Q. and institutional staff have already been defined in the management guide. The "functional" role of staff at R.H.Q. is unclear. Detailed responsibilities of staff at all three levels are unclear particularly in the areas of marketing and production planning and control for products of the "Industries" program.⁵¹

A 1981 report entitled Cost Accounting for CSC Industries and Agribusiness also saw a need to review the mandate of the IEB comptroller, to clarify loosely defined terminology in financial manuals, and to achieve greater coordination between the various divisions of the Inmate Employment Branch.⁵²

The CSC has displayed a willingness to act upon these concerns. Even before publication of the latter report IEB had begun to clarify staff roles and responsibilities. This was principally achieved through the preparation, in July of 1981 of a Branch Manual. The manual outlines the objectives and priorities of each of the Divisions of IEB, in addition to defining the functional responsibilities of Branch staff. The CSC Management Guide, which sets out roles and responsibilities, has also been updated.

The second element to be discussed under control systems is information. One cannot overemphasize the fact that without accurate and timely information management is in danger of losing control over program implementation. As one will discover below, the information system utilized by the Industries Division has been totally inadequate in providing management with the type of data it needs to run a commercially viable industrial organization. While a great deal of time and effort has recently gone into remedying this deficiency, reforms have not yet been fully instituted.

Without going into specifics the study by Currie, Coopers and Lybrand made the following assessment of IEB's information system:

Our evaluation of management information and control systems indicates that the development of required control systems by N.H.Q. staff has been largely neglected in the past. Control systems presently being developed are being designed in an uncoordinated manner and without a clear understanding of how they fit in with the total information requirement. In addition, our study has revealed that fundamental, reliable data on which to base managerial decisions affecting policies and plans is not readily available to management.

The study went on to note weaknesses in reporting procedures, insufficient planning data, non-standardized report formats, and an unwillingness to implement the recommendations of previous studies done on this issue.⁵⁴

Various other studies of IEB information requirements have focused on the need to institute a cost accounting system. A system of this nature, which provides detailed information on all factor input costs, on costs associated with each product line, and on product contribution margins, is essential for sound management decision-making. However, the Auditor General's 1981 comprehensive audit of CSC found serious deficiencies in the existing arrangements. The absence of a cost accounting system and unit production data was said to "[make] it difficult for management to

direct employment activities to reduce costs and maximize profits."⁵⁵ The Auditor General further noted that management has "no formal basis for deciding which products to emphasize to maximize revenue. The failure could have a serious impact on the cost recovery objective of the program."⁵⁶

A consultants report prepared in December of 1981 addressed this issue as well. The tone of the report was blunt: it told IEB officials that a simple cost accounting system, designed to provide basic cost information for management decision-making, was essential if the commercial objective of the program was to be realized. The authors commented:

... the first need, as we perceive it, is to install a no-frills, basic costing that addresses the issues of control and decision-making that is readily attainable and affordable in terms of resources.⁵⁷

It will be noted below that as of March 1983 such a system was still not fully operational.

An evaluation study conducted jointly by CSC's Evaluation and Special Projects Division and the Bureau of Management Consulting, completed in March of 1983, found that cost information was still seriously deficient. The authors of the report, instead of noting progress in this area, re-iterated many of the concerns heard several years earlier. They found that while some

institutions had good local reporting systems there was neither a universal nor an integrated national information system.⁵⁸ A lack of information was said to "make it very difficult, if not impossible, to implement systematic management of the program."⁵⁹ One must also note that, at the time the study was being conducted, the IEB was in the process of installing new data collection procedures and systems. For example, the report points out that a national, computerized system for perpetual inventory of finished products was expected to be on-line in the near future.⁶⁰ There is a general trend within the entire organization to implement computerized management information systems. But the reforms are, as of mid-1983, far from complete. The authors concluded:

The basic conclusion from this work is therefore that it is absolutely essential that C.S.C. install a national, integrated business type information system that will allow the management of these industrial programs to monitor and control costs and contributions, to readily verify the accuracy of the information, and to accurately project the financial impact of alternative actions and results. This should be done if not prior to any expansion in sales, at least concurrently with such efforts at expansion.

With such information the available data suggests that it should be possible for management to identify the underlying problems and then take actions that would increase realized contributions from current sales volumes by at least \$ 1,000,000 per year. Without such information and resulting management actions, there is no guarantee that the increased sales will result in any increase in realized contributions.⁶¹

A final aspect of control systems, unique to government programs which produce consumer goods, is quality control. As one might expect the management of an industrial program in a prison setting must devote close attention to product quality. The latent antagonism between inmates and staff makes the incidence of industrial sabotage more frequent in prison than would be experienced elsewhere.⁶² Workers tend to be less skilled than their private sector counterparts (see Chapter 7). An incident such as a riot can, as pointed out earlier, close down shops for weeks at a time, resulting in unmet delivery dates. One interviewee claimed poor quality and the inability to meet delivery dates was the single most important problem faced by the Industries Division.⁶³ Others, however, did not support this view.

While all those queried on the issue recognized the existence of the problem, most were quick to point out that reforms were being instituted in an effort to upgrade product quality and ensure delivery as scheduled. It was pointed out that Industries is presently able to meet 95 percent of its delivery dates.⁶⁴ Over the past several years the IEB has hired an engineer and a designer from the private sector.⁶⁵ They have designated responsibility for product quality to the Industries Division Manufacturing Manager.⁶⁶ A stepped-up training program is underway.⁶⁷ As well, a person has been appointed to ensure that all work done for Canada Post -- the industries programs largest customer -- is up to standard.⁶⁸

NOTES : CHAPTER 5

1. Penitentiary Service Regulations, s. 42, reads: Penitentiary industry shall be organized and developed with the objective of ensuring that inmates
 - (a) will be fully, regularly and suitably employed at tasks that will train them to obtain and hold employment when they return to society, and
 - (b) will, through their labour, assist in defraying the cost to the public of operating the Penitentiary Service.
2. Quoted in John Seally, Cost Accounting for CSC Industries and Agribusiness, Interim Report, prepared for the Correctional Service of Canada, December 1981, p. 6
3. Canada, Treasury Board, "Contract Between Tetrad Marketing/Sales Ltd. and the Correctional Service of Canada," Memorandum, 21 August 1981. All subsequent information on the relationship between CSC and Tetrad is from this document, unless otherwise noted.
4. Since Tetrad earns a commission on sales of CORCAN products a precise figure cannot be calculated.
5. Interview.
6. Interview.
7. Interview.
8. Interview.
9. Interview.
10. Correctional Service of Canada, Inmate Employment Branch, Inmate Employment Branch Manual, p. 13.
11. It is Industries Division policy to keep prices in line with private sector firms.
12. This view is advanced in Rianne Mahon, "Canadian Public Policy: the Unequal Structure of Representation," in The Canadian State: Political Economy and Political Power, ed. Leo Panitch (Toronto: University of Toronto Press, 1977), pp. 165-98.
13. Bob Kaplan, "Development and Operation of a Revised Inmate Pay Program," Discussion Paper, 31 January 1981, p. 47.

14. CSC's Senior Management Committee is composed of the following persons: Commissioner, Executive Secretary, Senior Deputy Commissioner, Deputy Commissioners, Special Policy Advisors, Inspector General, Directors General, Regional Directors General, and representatives from the National Parole Board. See Correctional Service of Canada, Inmate Employment Branch, Inmate Employment Branch Manual, p.1.
15. Interviews.
16. Bob Kaplan, "Prison Labour," notes for speech at the B.C. Corrections Association Biennial Institute, 10 October 1980, p. 3.
17. Correctional Service of Canada, Expenditure Plan 1983-84, p. 39.
18. For a description of the activities of Offender Programs and Case Management see Correctional Service of Canada, Expenditure Plan 1983-84, pp. 28-33.
19. The 1983-84 CSC Expenditure Plan reveals that 1,227 inmates, or 16 per cent of the total employable population, were employed in prison industry in 1981-82. However, 2,125 inmates were not available for employment for security or other reasons. Thus, the 1,227 inmates employed in prison industry represent only 12 per cent of the total inmate population. See Correctional Service of Canada, Expenditure Plan 1983-84, p. 38.
20. Ibid., p. 30.
21. Currie, Coopers and Lybrand Ltd., Report on Assessment of the Inmate Employment Program, vol. 2, report submitted to the Director General of the Inmate Employment Branch, 1979, p. 3.
22. Auditor General of Canada, Report of the Auditor General of Canada to the House of Commons, Fiscal Year Ended March 31, 1981 (Ottawa: Supply and Services Canada, 1981), p. 263.
23. Ibid.
24. Interview.
25. Interview.
26. Correctional Service of Canada, Divisional Instruction 500-1-08.2, s. 10.
27. Interview.

28. Interview.
29. Interview.
30. Interview.
31. Interview. In fairness it must be pointed out that the high mobility of the inmate labour force puts a severe strain on this relationship.
32. Interviews.
33. See Donald R. Cressey, "Sources of Resistance to Innovation in Corrections," in Offenders as a Correctional Manpower Resource (Washington, D.C.: Joint Commission on Correctional Manpower and Training, June 1968), pp. 491-512.
34. Ibid, p. 501.
35. Interview.
36. Interview.
37. Interview.
38. See D. R. Yeomans, "The Canadian Federal PPBS System and Its Development," Cost and Management 49(5) (September-October 1975), pp. 23-28.
39. Ibid.
40. Interview.
41. Auditor General of Canada, 1981 Report, p. 262.
42. Interview.
43. Interview.
44. Interview.
45. Interviews.
46. Interviews.
47. Several interviewees advanced this view.

48. Over the past several years there has been a steady reduction in the number of products manufactured by CSC Industries and greater use of assembly line operations. The 1981-82 Annual Report of the Solicitor General notes: "A shop rationalization program was approved by the Senior Management Committee. This program included a review of all products being manufactured and, as well, individual shops and their efficiency and effectiveness within the overall industries program were examined." See Solicitor General of Canada, Annual Report 1981-82 (Ottawa: Supply and Services Canada, 1983), p. 68.
49. Interview.
50. For a description of the responsibilities of the Personnel Branch see Solicitor General of Canada, Annual Report 1980-81 (Ottawa: Supply and Services Canada, 1981), pp. 56-58.
51. Currie, Coopers and Lybrand, vol. 1, p. 4.
52. John Seally, p. 9.
53. Currie, Coopers and Lybrand, vol. 2, p. 13.
54. Ibid., p. 14.
55. Auditor General of Canada, 1981 Report, p. 264.
56. Ibid.
57. John Seally, p. 8.
58. W.A.J. Atack and Glyden O. Headley, An Analysis of Product Costs and Contributions, Industrial Production Programs, Correctional Service of Canada, evaluation report prepared for Evaluation and Special Projects by the Bureau of Management Consulting, March 1983, p. 3.
59. Ibid.
60. Ibid., p. 24.
61. Ibid., p. 23.
62. Interview.
63. Interview.
64. Interview.
65. Interview.

66. Interview.

67. Interview.

68. Interview.

CHAPTER 6

Environmental Variable: The Influence of Public Opinion on the Implementation of Industries Reforms.

The environmental variable is included in this study of policy implementation because the writer assumes that expression of public opinion can play a role in shaping policy at the implementation stage. It is reasonable to assume that, other things being equal, the implementation of public policy will proceed with fewer snags if the public is generally supportive of government initiatives than if it is not. However, caution must be exercised. First, one must be aware of the fact that policy does not always develop in response to public opinion. On the contrary, policy may represent attempts by entrenched political and bureaucratic actors to advance their own views and interests. Second, it is difficult, if not impossible, to establish empirically verifiable relationships between demands from the environment -- expressed as public opinion -- and government action. While decision-makers may have a thorough knowledge of public attitudes toward a particular program, there is no guarantee that such attitudes will be translated into government action. Third, the concept of "public" is itself subject to qualification. On any one issue there may not be a single public, but a number of publics, each with its own interests. Finally, public opinion is by no means static. If it is determined that influential segments of the public are not supportive of a program, the government may seek to persuade public-

opinion.

Analysis of the impact of the environmental variable on policy implementation therefore requires that the researcher identify the relevant publics; determine how -- or, indeed, if -- the implementing agency consults public attitudes towards its programs; and ascertain how and to what extent public attitudes shape the implementation of policy.

The analysis performed in this chapter suggests that the environmental variable has played a role in shaping the implementation of policy by CSC's Industries Division. Segments of the public whose financial interests are directly affected by the operation of commercially oriented prison industry -- namely, business and labour -- have been successful in articulating their views to policy-makers at CSC. CSC has, in turn, been willing to listen to these concerns, and has taken them into account in the formulation of policy. Specifically, CSC's industries program has been geared toward the production of goods for the public sector -- rather than for the market outside of government -- principally to avoid conflict with business and labour groups. Implementation has thus been shaped by public attitudes. It must be stressed, however, that it is problematical whether such attitudes constitute a barrier to program success. As was demonstrated in Chapter 4, the public sector in Canada has needs well in excess of the industrial capacity of prison workshops anyway. While the

recession has led to reduced demands from public sector purchasers, and has resulted in inventories that are at historically high levels, there is nevertheless reason to suspect that entry onto the open market is not a fundamental prerequisite for program success.

The present chapter is divided into two sections. The first section considers the role of public opinion in the correctional process, outlining the procedures employed by The Correctional Service of Canada to ascertain public attitudes toward corrections programs. It is background for the second part, which deals specifically with the impact of public opinion on the implementation of policy by CSC's Industries Division.

1. The Role of Public Attitudes in the Correctional Process

Public opinion does not necessarily have to be enlightened for it to play a role in policy implementation. An uninformed public may be inclined to resist change simply because it is not aware of the rationale behind, or the implications of, government policy. Riley and Rose, in a review of scholarly works on attitudes towards corrections in the United States, found that the authors of these works variously categorized public attitudes as:

1. Vague
2. Ambivalent

3. Lacking concern
4. Apathetic and lacking information
5. Uncertain and lacking consensus
6. Disinterested
7. Punitive
8. Ignorant¹

The authors found that the public's attitudes are a serious obstacle to the implementation of progressive correctional practices, because decision-makers tended to interpret all lack of support as principled opposition: "On balance, most decision-makers and organizations have indicated that they view the public as an obstacle to the implementation of "progressive" correctional reforms"² Hence, decision-makers patterned the pace of correctional reform accordingly.³

Canadian studies have viewed public opinion in a similar light. The Canadian Committee on Corrections (the Ouimet Committee, 1969), despite its assertion that no study on the extent of public interest and participation had yet been undertaken in Canada,⁴ saw fit to comment: "... the Committee is not convinced that members of the public are fully aware of the issues involved or fully accept modern concepts in law enforcement, sentencing and corrections."⁵ The Report also stressed the need for the "direct participation" of citizens in the correctional process in hope of bringing about "heightened understanding" on the part of the

general public.⁶ The MacGuigan Report of 1977 came to a similar conclusion, noting the impact of a misinformed public on correctional initiatives: "The general public has never been well informed about corrections and this lack of information has led to apathy and more often than not to hostility."⁷ Even the small numbers who do become actively involved in the correctional process can at times present difficulties for corrections officials:

The opinion that they present as public opinion is usually never what the public thinks on these matters, nor what they themselves think, but what they feel the public should be thinking. The 'avant garde' opinions that they express fail to take the cold realities of the situation into account and seek to brand, unconsciously if not consciously, the management and staff of penal institutions as sadists.

Thus, whether the public is well informed regarding correctional issues or not, their views have nevertheless affected policy.

While one might expect The Correctional Service of Canada to adopt a defensive posture in response to a misinformed public, the situation is in fact just the opposite. Over the past decade corrections officials in Canada have sought to educate the public to the realities of the prison environment, and thereby to elicit informed criticisms and opinion. The contemporary Chairman of CSC's Strategic Planning Committee argued in 1973:

The members of the community must understand individuals labelled as criminals and the pressing need for more progressive measures with which to tackle the rehabilitation of offenders.⁹

This statement was accompanied by a plea for greater public education in the area of corrections.¹⁰ A recent study of correctional management came to a similar conclusion, noting that correctional management must seek to educate the public in order to gain, at a bare minimum, passive acceptance for prison programs.¹¹ Public education is therefore seen as one way of overcoming hostility to the implementation of progressive correctional reforms.

Perhaps the strongest evidence of the Correctional Service's commitment to educate, and at the same time gain acceptance from, a wary public is found in the introduction of Citizens Advisory Committees (CAC's) to Canadian correctional practice. Commissioner Yeomans of The CSC outlines the following duties for CAC's:

1. [To] advise and work with wardens on the development of inmate programs and methods to inform the local community of CSC activities;
2. [To] promote communication between the public and CSC;
3. [To] assist in developing community

resources beneficial to CSC operations and encourage community participation; and

4. [To] serve as advisors to CSC on the grievance procedure for offenders.¹²

Commissioner Yeomans indicates that CAC's have had a positive impact on correctional practice since their introduction in 1973:

CAC's have a continuous and steadily increasing impact on federal corrections. They have not only helped wardens and line managers become more aware of community concerns but have also encouraged citizens in the community to make available educational, cultural, and employment opportunities to offenders.¹³

By 1978 CAC's were operating in virtually all of Canada's federal penal institutions.¹⁴

CAC's are not, however, the only means through which The Correctional Service of Canada solicits public opinion. A constant dialogue is maintained between senior correctional officials and pressure groups such as the Elizabeth Fry Society, the John Howard Society, and the Canadian Association for the Prevention of Crime. These groups are granted routine access not only to the Commissioner of Corrections, but to the Solicitor General of Canada.¹⁵ The dialogue is not a mere formality, designed to create the impression of public responsiveness on the part of the CSC: rather, the detailed views of these groups are actively sought, in recognition of the fact that they are knowledgeable and informed on

correctional issues.¹⁶

CSC also periodically calls upon the Gallup organization to conduct polls to investigate public opinion on various issues. Such polls are seen as a way to "keep in touch, to gain a feel for what is going on."¹⁷ The attitudes of provincial officials are sought as well. Meetings between CSC senior management and provincial officials take place at least twice per year in an effort to develop "mutually agreeable policy."¹⁸ Another way CSC goes about aggregating public opinion is to employ small groups to "test" new programs prior to system-wide implementation. For example, a new family visiting program, which permitted conjugal visits in federal prisons for the first time, was originally undertaken only at five CSC institutions.¹⁹ Public opinion to the program was judged to be generally favourable, and the program was subsequently expanded.²⁰ Finally, the link between the industries program itself and the concerned public has been strengthened through the establishment of the Advisory Committee on Inmate Employment. This committee includes representatives from both organized labour and the Canadian business community.²¹

It is therefore evident that during the past decade CSC has been drawn closer to the public -- the various pressure groups, Citizens Advisory Committees, and even, one might add, the largely disinterested general public -- it serves. The movement was not

spontaneous. Rather, it was encouraged by correctional officials who were concerned that the widespread perception of a reactionary public opinion was creating obstacles to correctional reform. The views of the present Commissioner of Corrections, Donald Yeomans, suggest that Canadian Corrections has not remained isolated from its environment, but has been willing to allow for public input in the design and operation of programs:

Corrections is a shared responsibility. In recognition of this, the Correctional Service of Canada has adopted a basic principle that the achievement of correctional goals and objectives can only be met through the shared responsibility and cooperative action of correctional staff, the community, and the offender. Corrections cannot achieve total success without the understanding, support, and participation of all three components in this integral relationship.²²

Thus, claims Yeomans, corrections should be "open and accountable to the public ... sensitive to its environment and responsive to the needs it serves."²³

2. The Impact of Public Attitudes on the Commercial Objective of Federal Prison Industry

In the previous section it was revealed that CSC has, over the past decade, displayed a growing willingness to ascertain what the public thinks or feels about correctional issues. The impact of public opinion on the design and operation of

correctional programs is not, however, quite so straightforward. Interviews with senior correctional officials in the spring of 1983 indicated that public opinion -- principally as expressed by knowledgeable, informed, publics -- can at times influence the direction of policy formulation and implementation.²⁴ But the final word always belongs to CSC. While CSC would like to remain as responsive as possible, there are times when CSC officials feel it is necessary to take actions that may well not meet the approval of the publics it serves.²⁵

The operation of a commercially oriented prison industry program bears directly on the financial interests of segments of the business and labour communities. Every government purchase of a prison-made product entails an opportunity cost to business in the form of sales foregone. Labour, too, has interests which are directly affected by the operation of industrial shops in federal prisons. If a private sector firm lays off "free" labour because government purchased goods from prison industry -- or even if it is suspected that lay offs result from the employment of inmates -- objections are likely to be raised. John Braithwaite, in a study of the Australian prison system, found that trade unions were instrumental in restricting the range of products produced by prison industry.²⁶ In Sweden, the labour movement has urged correctional officials to concentrate production on products for which there is a strong market demand.²⁷ Again, this is intended

to ensure that prison labour does not replace free labour in certain segments of the economy.²⁸ Business and labour therefore represent two potentially influential publics to officials responsible for the operation of prison industry programs.

In Canada, representatives from the business and labour communities appear to hold views toward prison industry similar to those of their counterparts in other countries. In 1971 Dr. Alan Saipe of York University undertook an analysis of the attitudes of Canadian businessmen towards the operation of the federal prison industries program.²⁹ Questionnaires were sent to a random sample of 450 senior managers (president, vice president, general manager) of businesses located in Toronto and Montreal. Of the 450 questionnaires delivered, 201 were returned, for a response rate of 44.7 per cent. The feelings these individuals expressed were generally supportive of any program aimed at the rehabilitation of offenders. Revenue generation was not, however, seen as an appropriate goal by most respondents: "Among the least important goals listed were those of underwriting the total cost of the correctional system and of making a profit."³⁰ Perhaps the most notable aspect of the study concerned business understanding. Sixty-nine per cent of respondents admitted that they were "not very well informed" regarding prison industry, and 26 per cent said they were "completely uninformed."³¹ One suspects this reflects the relative lack of importance industrial programs played in the prison regime of the early 1970's. It is less likely that such

complacency exists now, though, given a) reforms geared towards increasing industrial output and b) the recession of the early 1980's.

The recession presents a particularly troublesome dilemma for Canadian corrections officials in the first half of the 1980's. It comes at a time when CSC is actively seeking to expand its public sector markets. However, with businesses closing in record numbers, and with unemployment rates exceeding 12 per cent, it has become much more difficult to publicly justify an expansion in the industrial output of prison industries.³² A group of researchers at Simon Fraser University picked up on this point in 1982 when it commented:

It is one thing to determine that prison industry programs can become self-sustaining in financial terms. It is another thing entirely to establish whether or not the conditions required to bring about self-sufficiency can attract the public support needed to make program implementation viable in political terms.³³

In 1981 the researchers undertook a survey of representatives of business, organized labour, and the general public. Their most significant finding was that a majority in each group supported the development of prison industry programs so long as there existed "fair competition," i.e., that prison industry products be sold at competitive prices:

In review, the survey results seem to contradict conventional wisdom in many respects: it appears that the majority opinion of trade unionists, businessmen and the general public supports the development of industry programs. At the same time the surveys indicate that program implementation will have to be accompanied by assurances that "fair" competition will prevail if popular acceptance is to be forthcoming. And given the dominant belief that inmates should not receive union wages, further public assurances will be necessary. Nonetheless, the climate of opinion required to pursue program development is ³⁴far more favourable than previously recognized.

The survey results of the Simon Fraser study thus recognize a degree of support from various "publics" concerned with the operation of prison industry. The comments of the authors also implicitly recognize a connection between public opinion and the actions of Corrections officials. However, while it is agreed that some relationship exists, it is still important to explore its nature.

It has been noted that the Advisory Committee on Inmate Employment includes representatives from both organized labour and business. Mr. Roy Phillips, President of the Canadian Manufacturers Association, has been a long-time member of this Committee. Hence, there is little doubt that any contentious issues raised through the operation of federal prison industry will be heard by CSC officials -- if not through this forum, through the

media³⁵ or by lobbying of MP's and/or correctional officials. And while the survey data noted earlier indicate general support for the federal prison industries program, there is one area where these publics have in the past, and are now, influencing Industries policy -- that of markets for prison industry products.³⁶

In Chapter 4 Solicitor General Robert Kaplan was quoted as saying that restrictions against competition were maintained because, "In difficult times for the economy, business resents our competition."³⁷ In the same speech Mr. Kaplan pointed out that even the expansion of government markets could be achieved only with the support of the general public. With reference to a conversation with Supply and Services Minister Jean-Jacques Blais Mr. Kaplan notes: "His support can open government markets to us, but of course, as with earning trades tickets, an understanding public is a necessity."³⁸ Thus, the Solicitor General of Canada, the individual held accountable for all CSC activities, has readily admitted that the public -- or, more accurately, the interested publics -- have played a role in the manner in which CSC operates its industries program. Specifically, the fear of public outcry from business and labour, has dictated that the organization restrict itself to the public sector market and not engage in direct competition on the open market.

Even the relationship between CSC Industries and its public sector customers has been affected by such concerns: Tetrad Marketing/Sales Ltd., the organization responsible for CORCAN product marketing, cannot issue tenders for government contracts in competition with private firms.³⁹ Rather, it must rely on the Department of Supply and Services (DSS) to "set aside" a percentage of its purchases for CORCAN products. The procedure is as follows: Prior to the issue of tenders for the procurement of government supplies DSS may set aside a certain percentage of its requirements to be supplied by CSC Industries. The amount is determined through consultation between CSC's sales force and DSS. Competitive bidding then determines who the private sector supplier shall be. For example, DSS may require 1000 desks for various federal departments and agencies. A percentage -- say, five percent or 50 desks -- will, after negotiations, be set aside for CSC Industries. A tender is then issued for the procurement of the balance of 950. It is important to note, however, that CSC will have orders set aside only if they can match the price offered by the private sector bidder.⁴⁰ Some DSS requirements are fully set aside for CSC Industries (i.e., federal prison industry is the exclusive supplier of a particular item), but this does not occur with great frequency.⁴¹

Public opinion, as expressed by segments of the business and labour communities, has therefore ensured that CSC Industries concentrate its efforts on the production of goods for the public

sector. Slightly more problematical is the determination of the impact of restricted market access on the commercial objective of the program. If CSC Industries can operate at full industrial capacity, and Tetrad can sell all CSC Industries can produce to the public sector, there would be no reason to suspect that public pressure has had an adverse impact. One finds, however, that inventories of CORCAN products are presently at an all-time high.⁴² It is felt by CSC officials that most of these goods can, and will, be sold to public sector customers once the lingering effects of the recession wear off.⁴³ But a small percentage were manufactured by CSC and subsequently restricted from sale even to the government market.⁴⁴ This situation represents a clear example of how public opinion brought to bear on CSC has adversely affected the commercial viability of the Industries Division.

One nevertheless hesitates to claim that entry into the open market, either with the consent or in contradiction of, public opinion is a serious obstacle to the establishment of commercially successful industries program by CSC. Certainly, revenues could be generated by disposing a portion of inventories on the open market. But as the economy in general improves, orders from federal buyers increase. CSC has also stepped up its efforts to exploit the potentially lucrative market offered by Crown Corporations.⁴⁵ Neither must one lose sight of the fact that in other jurisdictions, prison industries have been able to realize profits

despite marketing restrictions more onerous than those found in Canada. For example, in 1980-81 UNICOM, the corporation responsible for the operation of federal prison industry in the United States, had a profit forecast of 18.75 million dollars on sales totalling 125 million dollars⁴⁶ -- this in spite of the fact that its products cannot be sold outside of the public sector. Perhaps in a recessionary period such as the one experienced in the early 1980's prison industry is hurt more severely than private industry because a) business and labour step up their opposition to such programs and b) inventories can be disposed of only to a select group of customers. However, a strong economy, coupled with the cooperation of public sector departments and agencies, can, without much doubt, keep federal prison industry operating at the very limits of its industrial capacity.

NOTES : CHAPTER 6

1. Pamela Johnson Riley and Vicki McNickle Rose, "Public vs. Elite Opinion on Correctional Reform: Implications for Social Policy," Journal of Criminal Justice 8(6) (1980), p. 346.
2. Ibid.
3. Ibid., p. 354.
4. Canadian Committee on Corrections, Report (Ottawa: Queen's Printer, 1969), p. 32.
5. Ibid.
6. Ibid., p. 31.
7. MacGuigan Report, p. 124.
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9. James Vantour and Elizabeth Baylis, "Societal Reactions to Recent Reforms in Canadian Corrections," in Canadian Congress of Criminology, Proceedings 1973, p. 290.
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11. Jayewardene and Jayasuriya, p. 132.
12. Donald R. Yeomans, "The Canadian Experience of Building a Corrections Constituency," in American Correctional Association, Proceedings 1981 (College Park, Maryland: American Correctional Association, 1982), p. 55.
13. Ibid.
14. Ibid, p. 54.
15. Interview.
16. Interview.
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19. Interview: For details of the program see Neil Macdonald, "Love and the Lonely Prisoner," Ottawa Citizen, 26 January 1980, p. 69; and Victor Malarek, "Prisoners Vow to Shut Door on Overnight Visit Program," Toronto Globe and Mail, 15 September 1980, pp. 1, 4.
20. Interview.
21. Interview.
22. Yeomans, p. 51.
23. Yeomans, p. 52.
24. Interviews.
25. Interview.
26. John Braithwaite, Prisons, Education and Work (Phillip, A.C.T., Australia: Australian Institute of Criminology, 1980), p. 139.
27. "Inmates Work for Free Market Wages at Tillberga Prison," Corrections Magazine 3(2) (June 1977), p. 24.
28. Ibid., p. 23.
29. See Alan L. Saipe, "Federal Prison Industries: A Survey of Private Senior Executives' Attitudes," Canadian Journal of Criminology and Corrections 15(1) (January 1973), pp. 74-82.
30. Ibid., p. 76.
31. Ibid., p. 75.
32. Interview.
33. Ekstedt et al., p. 74. They base their conclusion on a review of academic works, as well as on the results of their own survey of provincial court judges, union and business officials, federal and provincial inmates, and citizens in British Columbia.
34. Ibid., pp. 80-81.
35. In 1981 a small Quebec manufacturer of playground equipment, Queonto Gymnastics Industries Ltd., blamed its bankruptcy on competition from federal prison industry. The Queonto case was covered by Canadian Business Magazine, and the owner of the now-defunct company, Lorne Grey, appeared on several Montreal-area radio shows. However, officials interviewed at

CSC claimed they did not in any way alter the industries program in the face of such charges. CSC merely downplayed the incident claiming -- apparently correctly -- that CSC has been used as a scapegoat for the failings of Queonto. See "Business vs. Bureaucracy: Lorne Shields is Not Alone," Canadian Business Magazine 54 (9) (September 1981), p. 9.

36. While the study by Ekstedt et al. found a majority in business, organized labour, and the general public to support sales of prison industry products on the open market, the comments of Robert Kaplan, as well as those of CSC officials interviewed, indicate that opposition to sales on the open market remains strong.
37. Robert Kaplan, "Prison Labour," notes for a speech at the B.C. Corrections Association Biennial Institute, Vancouver, 10 October 1980, p. 5.
38. Ibid, p. 6.
39. Interview.
40. Interview.
41. Interview.
42. Interview.
43. Interview.
44. Interview.
45. Interview.
46. Ekstedt et al., p. 30.

CHAPTER 7

Clientele Variable: The Motivation of Inmates to Work and the Attainment of Self-Sufficiency

While in ordinary usage the term "clientele" refers to the customers of a business entity, in public administration the term can be used for recipients of a government agency's services.¹ For example, the clientele of Parks Canada may be seen as those individuals who use Canada's national parks. Veterans and their families constitute the clientele of the Department of Veterans Affairs. Students and their families are the clientele of boards of education. But the fact that each of these groups is a recipient of government service does not mean that they can play only a passive role in the formulation and implementation of government policy. Indeed, the purpose of this chapter is to demonstrate that the clientele of The Correctional Service of Canada -- federal prison inmates -- has exerted a powerful influence on the ability of the organization to attain self-sufficiency in its industries program. Specifically, the chapter will argue that inmates as a group are not disposed to the performance of productive work, and that this problem has not been ameliorated, but has indeed been exacerbated by, incentive programs employed by CSC.

The chapter begins with a general discussion of problems faced by correctional officials in motivating inmates to work. Background characteristics of Canada's federal inmates are then discussed. The final section contains an analysis of the impact of specific incentive programs on inmate productivity.

1. Motivational Problems Characteristic of the Institutional Setting

The search for a set of incentives to motivate individuals to productive work has engaged psychologists, industrial sociologists, management theorists and businessmen for much of the twentieth century. Early contributors, the most notable being Frederick W. Taylor, focused on the link between money and motivation.² Human relations theorists expanded the study to include the norms and customs of informal work groups.³ Herzberg's often-cited study, Work and the Nature of Man, aimed for greater precision by enlarging the list from one motivation to five: achievement, recognition, work itself, responsibility, and advancement.⁴ A more recent variant of human relations theory, sometimes appearing under the label "Quality of Working Life," claims that positive attitudes towards work and increased productivity can be realized through the delegation of decision-making powers to employees.⁵ What these studies have in common in the attempt to identify a set of incentives, whether they be monetary, non-monetary, or a combination, that will motivate the

individual to work productively.⁶ Though a discussion of the merits of each kind of incentive is beyond the scope of this paper, their simple enumeration is useful as an illustration of the range of factors which could conceivably be used to motivate the industrial labourer.

Contrast this range of incentives with those available to the manager of the inmate labourer. While inmate workers earn as much as \$7.55 per day,⁷ their confinement in the institution does not permit them the same consumption opportunities as free workers. The inmate cannot, obviously, have a drink with friends at the neighbourhood tavern after work, take in a live sporting event, or see a show at the local theatre. He can, however, accumulate savings to be spent upon release. In fact, federal inmates are required to contribute 25 per cent of gross earnings to their personal savings accounts.⁸ However, this money cannot be withdrawn until \$350 has been accumulated,⁹ and can be used to purchase only a restricted range of goods for use inside the institution. Jack Schaller, in a paper describing the U.S. experience with Free Venture prison industries, argued that limitations on consumption opportunities have an adverse impact on inmate motivation:

One purpose of earning money is to achieve gratification from the spending of it. How does one obtain such gratification from his earnings in a prison setting? Savings for

release is a "deferred" gratification that will fail to¹⁰ excite a large number of prison inmates.

The sense of accomplishment a free worker derives from promotion to a supervisory position, and the recognition that goes with it, is also denied the inmate worker. Penitentiary Service Regulations prohibit the employment of any prisoner in a disciplinary capacity over his peers.¹¹ Thus rule has been extended to exclude inmates from assuming supervisory positions in prison workshops.¹² Related to this is the fact that the strictly regimented routine does not call for worker input in the decision-making process. Again, this denies to inmates incentives that operate in outside industry.

The limited range of employment opportunities in prison is another factor one must consider. While the free worker can aspire to a variety of occupations the range of opportunities is severely limited for the inmate worker. Those that are open are often tedious, demanding little skill on the part of the inmate. (In 1980-81 mail bags represented the Industries Division's largest revenue producer, generating 19 per cent of sales).¹³ There are, in short, few challenging opportunities available to keep inmates interested in their work.

Finally, one cannot ignore the fact that the deprivation of liberty in itself produces rebellious attitudes on the part of

prison inmates. Jack Schaller notes that the implementation of Free Venture prison industry in the United States has run into difficulty because the inmate culture is not "pro-state."¹⁴ Inmates instead often value opportunities to "beat the state."¹⁵ Jayewardene and Jayasuriya argue that since prison inmates lack control over their day to day lives they come to define themselves "in a negative polarity with society, with staff and management [perceived] as undisputed representatives of society."¹⁶ The highly regimented prison routine is further said to "generate powerful pressures to revolt."¹⁷ Sandra Dawson's intensive study of industrial operations in British prisons found that inmates viewed work as "just another part of the total custodial experience which is being imposed on them."¹⁸ Since inmates are held against their will the system of rules and regulations is not perceived to be legitimate.¹⁹ For an inmate to actively cooperate would be to risk ostracism from his peers.²⁰ Donald Cressey is even more succinct:

Criminals are committed to the care of correctional officials against their will, and no amount of sugar-coating hides from them the fact that the first duty of correctional personnel is to protect society from criminals
....

One must not infer from the preceeding discussion that incentives for inmates do not exist, or that motivational problems are particular to the prison environment. Free workers do not

universally find their work challenging, earn what they feel to be a fair wage, or derive a sense of achievement from work. The relationship between worker and employer on the outside is in many cases adversarial rather than amicable. But it is difficult to accept that the deprivation of liberty associated with the custodial experience does not add an extra and unavoidable dimension to this conflict. Thus, while one is hesitant to claim the existence of a scientifically verifiable relationship between institutionalization and negative work motivations, there are reasonable grounds for basing a claim that the prison constitutes a particularly difficult work environment.²²

2. Background Characteristics of Canadian Federal Inmates

The responsibility of assigning inmates to employment positions in federal prisons rests with Inmate Employment Boards. A Board exists in each institution. It is made up of an Assistant Director (generally the AD Education and Training or AD Industries) as well as representatives from each employment sector and Case Management.²³ Boards meet at least once every two weeks in order to:

1. assign inmates to positions;
2. remove inmates from positions;
3. reinstate inmates in positions;

4. authorize incremental increases and decreases in inmate pay.²⁴

Inmates may also make requests to the Board for jobs or salary increments.

In carrying out its responsibilities an Inmate Employment Board is placed in the unenviable position of having to weigh the needs of inmates against those of institutional expediency. In cases of conflict it is apparent that the institution takes precedence. Commissioner's Directive 500-1-01.0 (30 November 1982) reads as follows:

In making work assignments institutional management shall make every effort to take into account the needs and preferences of the inmates. However, the final decision with respect to assignments shall remain the prerogative of management in order to allow for the administration of the institution in an efficient and effective manner.²⁵

A potentially greater difficulty encountered by Inmate Employment Boards is that, in filling inmate positions, they do not have access to the pool of skills and talents found in the outside labour force. If no suitable candidate for an inmate position can be found within the system the Board must fill it from the workforce available, or do without. Boards cannot, like a private sector firm, advertise in the local paper until a suitable

candidate appears: they must make do with what they are given. This, however, is often less than ideal.²⁶

It is widely recognized that prisoners are drawn overwhelmingly from the lower socio-economic strata. The "typical" inmate is young, male, lags behind the general population in terms of educational attainment, possesses few job skills, and has an unstable employment history. Daniel Glaser's study of releasees from U.S. federal prisons found that only 25 per cent were employed more than 75 per cent of the time in the two years prior to incarceration.²⁷ He comments: "Regular work during imprisonment, for even as little as one year, would be the longest and most continuous employment experience that most prisoners, and especially the young prisoners, have ever had."²⁸ Jack Schaller's analysis of problems surrounding the implementation of the Free Venture model recognized that many inmates came from cultures where unemployment is rampant, and where welfare and "hustling" are the predominant income sources.²⁹ He goes on to note that "the work ethic may be as sacred as apple pie for most middle class people, but it holds no sacred place in the minds of many lower class, and especially lower class minority, prisoners."³⁰ John Braithwaite's study of Australian prisons found similar problems: prisoners generally lacked education, job skills, and often had a history of unemployment. "Whatever the reasons for this," comments Braithwaite, "one consequence is that in aggregate they constitute a workforce of poor quality."³¹

The Canadian federal inmate profile is much the same. An evaluation of the Joyceville Industries Pilot Project found that:

most prison inmates could be considered members of the hard-core unemployed, a term applied to persons who have difficulty obtaining work because of their level of skill, education, or work experience, their age or race, or their work attitudes and habits.³² (See Tables 7, 8 and 9.)

A recently published report by the Institute for Studies in Criminal Justice Policy at Simon Fraser University corroborated these findings: Canadian inmates were found to be unskilled compared to the general workforce, lack stable employment histories, and lag behind the general population in terms of educational development.³³ The University of Toronto Center for Industrial Relations published a study in 1979 which found Canadian inmates to be "poorly educated with very short time horizons, and few or no prior job skills."³⁴ Many displayed an employment history characterized by frequent withdrawal from the labour market.³⁵ The author of the study, Ernie Lightman, was nevertheless reluctant to attribute poor worker motivation solely to these factors:

Inmate motivation is generally low. Whether this is a cause or a result of the industrial program cannot be determined a priori; certainly each feeds upon the other. Inmates come to the correctional system with highly unsettled backgrounds, in general a high tolerance for inactivity, and a low threshold

for stimulation; they encounter industrial tasks which are largely meaningless and boring with the result that motivation is further diminished. The overall effect is cyclical with little or nothing in the system to stimulate the inmate or enhance his attitudes or behaviors.³⁶

Table 7

Inmate Educational Levels, 1981

<u>Grade Level</u>	<u>%</u>	<u>Cumulative</u>
1 - 6	26	26
7 - 8	23	49
9 - 10	29	78
11 - 12	17	95
13 +	5	100

Source : Abt Associates of Canada, Evaluating Inmate Employment: Programs vs. Job Markets, Final Report, prepared for the Correctional Service of Canada (March 1982), p. 26.

Table 8

Offender Job HistoriesLongest Period of Continuous Employment

Length of Employment	% of long-term* offenders (N=284)	% of short-term** offenders (N=150)
6 months or less	10	24
12 months or less	21	47
24 months or less	36	70
36 months or less	47	82

* long-term refers to offenders serving sentences of two years or more

**short-term refers to offenders serving sentences of less than two years

Note : In Canada, offenders sentenced to two years or more are the responsibility of the federal corrections system, while offenders sentenced to less than two years are the responsibility of the provincial correctional authorities.

Source : John W. Ekstedt et al., Self-Sustaining Prison Industries (Vancouver : The Simon Fraser Institute for Studies in Criminal Justice Policy, 31 March 1982), p. 89.

Table 9

Federal Inmate Population by Age, 1981

<u>Age</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>%</u>	<u>Cumulative</u>
15-19	520	12	532	5.2	5.2
20-24	2,706	39	2,745	27.0	32.2
25-29	2,535	50	2,585	25.5	57.7
30-34	1,679	32	1,711	16.9	74.8
35-39	1,045	24	1,069	10.5	85.1
40-44	608	17	625	6.2	91.3
45-49	379	13	392	3.9	95.2
50-59	370	6	376	3.7	98.9
60-64	63	2	65	.6	99.5
65 +	46	2	48	.5	100.0
Total	9,951	197	10,148	100.0	100.0

Source : Correctional Service of Canada, Operational Information Systems, Population Profile Report (compiled 31 December 1981), n.p.; and OIS, Female Population Profile Report (compiled 31 December 1981), n.p.

Whether one can draw a direct causal link between the background characteristics of federal inmates and low productivity remains problematic. One must remember that most of the jobs available in prison workshops do not demand high levels of education or skill to begin with. Hence, productivity could not be greatly enhanced could the workforce be upgraded. Furthermore, those inmates who do require upgrading can apply for academic or vocational training in the institution. One can, however, be certain that as a group inmates are representative of a part of society — variously labelled the hard-core unemployed, the hard-to-employ, the reluctant workers, or the marginal labour force — who are not characteristically disposed to productive or steady employment. The specific incentives employed to motivate such workers by CSC is the subject of the final section of this chapter.

3. Specific Incentive Programs Offered by CSC

An incentive system comprising pay and earned remission shall be an element in the total security and motivation system within the institution.

Commissioner's Directive 500-1-01.1, S. 12.

... remuneration and remission are two rewards available to nurture positive attitudes toward the Inmate Employment program.

Inmate Employment Branch, Branch Manual, p. 7.

To this point the discussion has been at a fairly general level, examining features of the prison environment and the inmate population which may have an impact on worker motivation. It is now time to examine the issue of inmate motivation and incentive programs in detail. As the statements presented above indicate, the incentive system employed by CSC consists principally of monetary rewards and opportunities for inmates to work their way out of prison through remission.³⁷ These issues are discussed in turn below.

i) Monetary Incentives

The determination of rates of pay for inmate workers engenders philosophical as well as practical considerations. On the one hand it can -- and, indeed, has -- been argued that convicted criminals are not entitled to the same comforts and privileges as free workers. Thus, for example, adherents of the "least eligibility principle" argue that inmates should not be granted benefits greater than those of the most disadvantaged free individual. The implication is clearly that rates of pay, if they are to exist at all, are to be less than the minimum wage offered to free workers. In a similar vein one encounters the argument that the fundamental purpose of imprisonment is punishment, and that payment for work performed is luxury that should not be afforded by the state. Counter-arguments, however, exist at both the philosophical and practical levels. If one defines the fundamental purpose of prison

as reform, there are grounds for offering inmates incentives similar to those which exist in free society, thereby (presumably) affecting attitudes conducive to living a "normal" life on the outside. Furthermore, if inmates are provided reasonable monetary incentives they may perform in a more diligent manner in prison workshops, and thus relieve the state of part of the financial burden associated with their confinement. The latter two arguments have clearly been at the center of most wage reform proposals introduced over the past several decades.

A consultant's report prepared for the Canadian Penitentiary Service in 1962 reported that the wage structure then in place did little to motivate inmates to productive work.³⁸ The authors of the report, Stevenson-Kellogg Consultants, recommended the establishment of a new wage system based on labour effort. Jobs, as well as pay rates, were to be ranked according to:

1. Complexity of work;
2. Educational requirement of the job;
3. Training time;
4. Working conditions;
5. Responsibility for quality.³⁹

Stevenson-Kellogg further advocated the introduction of a bonus system for industrial workers, noting that "Incidents of where the

production output has been doubled through the introduction of a bonus system are not uncommon in outside industry."⁴⁰ As of 1970, however, their recommendations remained unheeded: Dr. Robert Evans' comprehensive study of prison industries in Canada found inmate pay still "too low to serve any useful purpose."⁴¹ He went on to suggest the introduction of the federal minimum wage for semi-skilled workers, as well as merit bonuses and group incentives.⁴² But once again the recommendations were not translated into practice: the Sub-Committee on the Penitentiary System in Canada, reporting in 1977, found inmate pay levels unacceptable.⁴³ As with the two previous reports the authors cited the need for piecework bonuses and pay rates linked to labour productivity.⁴⁴

In response to the recommendations of the MacGuigan Report the Correctional Service of Canada appointed a task force to examine the inmate pay question. The task force first reported in October of 1978.⁴⁵ Its findings included evidence of a 'crisis' in the pay system in some CSC institutions. In general the task force found that the system had little motivational impact. This it attributed to the fact that raises were largely automatic, and pay rates that did not reflect skills, effort or difficulty required to perform a particular task. (At this time inmates earned between \$1.30 and \$2.30 per day plus bonuses, rates which many felt represented a reward for good conduct rather than a meaningful work incentive.⁴⁶)

The task force reported again in February of 1979, this time presenting a list of recommendations.⁴⁷ Under the system then in place the "typical" inmate earned \$1.50 per day, and was said to be "not working very hard, and in some cases, not at all."⁴⁸ Its reform proposal included the following changes:

- pay rates of \$1 - 3.50 per day in maximum and medium security institutions
- rates of \$1 - 4.00 per day in minimum security institutions
- bonuses in all institutions of up to \$2.00 per day in industries and critical services, and \$1.00 per day for technical support
- a compulsory savings deduction of 25% of gross pay
- a higher canteen allowance and a greater range of available products
- provisions which would see inmates pay for entertainment and sports equipment.

The new regime was not to be implemented on a system-wide basis, but was to be introduced as a pilot project in four institutions. The authors of the report expected to see significant and far-reaching improvements:

The program ... is expected to lead to increased work motivation. It will result in improved work performance and, in turn, an increase in revenue, cost savings and effectiveness. Finally, some of the benefits well be retained to help support the incentive program and the remainder will be returned to the taxpayer. These are the expected results

or objectives of the program.⁴⁹

It is unknown whether the authors' optimism was justified. For, in May of 1979, CSC's Senior Management Committee (SMC) determined that this plan could not be implemented. According to SMC "the proposed financing of the Pay scheme by Industry profits was seen as not being viable."⁵⁰

Many of the recommendations of this task force were nevertheless included in the national pay system that was ultimately adopted in April of 1981. However, before going on to describe the new system it may prove helpful to outline the main features of the system it would replace. The pre-1981 regime paid inmates between \$1.30 and \$2.30 per day. There were five salary increments:

Level 1	\$ 1.30 per day
Level 2	\$ 1.40 per day
Level 3	\$ 1.55 per day
Level 4	\$ 1.80 per day
Level 5	\$ 2.30 per day ⁵¹

As well, various bonus and piece rate schemes were in existence throughout the country.⁵² Out of these earnings inmates were required to contribute \$2.50 per pay period (two weeks' pay) to their savings account and 60 cents to the Inmate Welfare Fund.⁵³

There were no deductions for entertainment or recreation equipment.⁵⁴

The new system, which became operational on April 20, 1981, involves substantial increases in daily pay rates.⁵⁵ The new rates are based on the assumption that the average free worker spends 85 per cent of his income on necessities such as food, clothing, shelter, Canada Pension Plan, Unemployment Insurance, and medical expenses. Using this formula it was determined that a free worker earning the federal minimum wage in 1981 had a disposable income of \$3.15 per day. Since all necessities are provided to prisoners free of charge,⁵⁶ this figure was used as a base rate for all employed inmates (See Table 10). As with the old system there are five salary levels. Levels two through five include three, 55 cent salary increments. There is also a substantially increased upper limit (\$7.55 per day). Inmates who seek work but cannot find it are paid \$1.60 per day, the CSC version of unemployment insurance.

Several other features of the new system are worth noting. First, it is a national program, with bonuses eliminated to prevent inconsistencies from one institution to the next. Rates are inversely related to security classification in order to encourage inmates to seek, through satisfactory work performance, transfer to lower security levels. The length of the work day also

varies, with six hours the norm in maximum security institutions and seven hours standard in medium and minimum security. Overtime is paid at an hourly rate of one-fifth the daily rate. Individuals participating in educational and training programs, as well as those confined to psychiatric centres, are remunerated as well (see Tables 11 and 12).

Table 10

Inmate Pay Levels

(Dollars)

Pay Level	Maximum	Medium	Minimum
1	1.60	1.60	1.60
2	3.15 - 3.70 - 4.25	3.70 - 4.25 - 4.80	4.80 - 5.35 - 5.90
3	3.70 - 4.25 - 4.80	4.25 - 4.80 - 5.35	5.35 - 5.90 - 6.45
4	4.25 - 4.80 - 5.35	4.80 - 5.35 - 5.90	5.90 - 6.45 - 7.00
5	4.80 - 5.35 - 5.90	5.35 - 5.90 - 6.45	6.45 - 7.00 - 7.55

Source : Correctional Service of Canada, Communications Branch,
The New Inmate Pay Program (Pamphlet), April 1981, p. 3.

Table 11

Pay Rates for Inmates in Education
and Training Programs

(Dollars)

<u>Rate</u>	<u>Maximum</u>	<u>Medium</u>	<u>Minimum</u>
1	3.15	3.70	4.80
2	3.70	4.25	5.35
3	4.25	4.80	5.90
4	4.80	5.35	6.45

Source : Correctional Service of Canada, Communications Branch,
The New Inmate Pay Program (Pamphlet), April 1981, p. 3.

Along with the establishment of new and higher pay rates came several increases in standard deductions. A number of new charges were also introduced. As noted earlier, inmates are, with the new plan, required to contribute 25 per cent of gross earnings to their savings account. Ten cents per day is now deducted for the Inmate Welfare Fund, and 30 cents per day for recreation and entertainment.

Table 12

Pay Rates for Inmates in Psychiatric Centres

(Dollars)

<u>Level</u>	<u>Rate</u>
1	1.60
2	3.15
3	4.25
4	4.80

Source : Correctional Service of Canada, Communications Branch,
The New Inmate Pay Program (Pamphlet), April 1981, p. 3.

Those who felt the new pay program would provide meaningful incentives have been sadly disappointed by its operation thus far. In October of 1981, six months after its introduction, the Director of the Industries Division reported average productivity declines of 25 per cent, based on a survey of 29 industrial shops.⁵⁷ One shop witnessed a drop of 72 per cent (See Figure 5). These figures were corroborated by evidence presented at a conference of Citizen's Advisory Committees in late 1981. The industries sub-committee at this gathering reported 50 per cent productivity declines in some Quebec institutions, with the norm 25

Figure 5

PRODUCTIVITY RESULTS - BEFORE AND AFTER NEW INMATE PAY PLAN

Product Code	Description	Institution	Units/Inmate Day		Change (%)
			Before	After	
A421-15	T-shirts	Dorchester	15.0	4.2	-72
A643-01	Lockers	Dorchester	6.7	1.5	-78
A941-07	Monotainers	Dorchester	1.66	0.68	-40
A421-08	Green Pants	Laval	27.0	16.5	-39
A941-01	Mail Bags (Repair)	Laval	45.0	30.0	-33
A221-01	Mail Bags (New)	Laval	18.3	15.0	-18
A941-07	Monotainers	Laval	1.0	0.63	-37
A110	Screens	Leclerc	0.24	0.27	13
A421-11	Inmate Shirts	Leclerc	2.5	2.14	-14
A124-01	Costumer	Leclerc	5.71	3.33	-42
A423-05	Leisure Shoes	Archambault	6.45	4.63	-28
A423-03	Dress Shoes	Archambault	6.45	4.63	-28
A122-05	Folding Table	Archambault	0.78	0.72	-8
A411-19	Cell Lights	Archambault	1.3	0.73	-45
A130	Modular Furniture	Cowansville	0.21	0.13	-38
A211-01	E-8 Box	Cowansville	2.2	1.4	-36

Continued on next page ...

- 2 -

Product Code	Description	Institution	Units/Inmate Day		Change (%)
			Before	After	
A941-01	Mail Bag (Repair)	R.R.C.	41.8	32.3	-23
A131-01	Desk	Warkworth	0.25	0.22	-12
A132-01	Desk	Warkworth	0.22	0.195	-12
A136-08	Table	Warkworth	0.25	0.22	-12
A151-03	Swivel Chair	Warkworth	0.21	0.186	-11
A151-05	Swivel Chair	Warkworth	0.21	0.188	-11
A151-07	Arm Chair	Warkworth	0.21	0.19	-10
A152-07	Love Seat	Warkworth	0.21	0.188	-10
A151-19	Lounge Chair	Warkworth	0.21	0.189	-10
A153-07	Sofa	Warkworth	0.21	0.19	-10
A711-01	Ballot Box	Warkworth	34.0	28.6	-16
A130	Modular Furniture	Mission	output down 20% due to lower number of workers (much harder to attract to industries); productivity (units per inmate day) fell but has recovered.		
Average			-25%		

Source : A. Mackenzie, "Productivity Comparisons Before and After New Inmate Pay Plan," Memorandum, 26 October 1981.

per cent elsewhere. The Solicitor General's Annual Report for 1981-82 contains mention of this problem as well: "The introduction of the new inmate pay plan caused considerable difficulties in production shops, resulting in productivity declines in many of the industrial operations."⁵⁹

Various reasons have been advanced to explain this phenomenon. One of the most frequently heard is that the new pay plan remunerates inmates in educational programs almost as well as those who work in industrial shops. The former Director of the Industries Division, commenting on productivity declines, lamented:

The results speak for themselves and demonstrate a significant reduction in our productive output. This is coupled with the very substantial increased difficulty in attracting inmates to work in industry. The reduction in the difference in pay between the true work and non-work functions within the institution has resulted in this situation.⁶⁰

Another CSC official pointed out that any inmate "with a brain bigger than a pea" would sit in a classroom rather than work in an industrial shop.⁶¹ There also appears to be support among institutional management for the re-introduction of piece-rate bonuses.⁶²

It has been further argued that, despite higher pay rates, the consumption opportunities open to inmates did not

appreciably improve as a result of the new rates. The previously cited study by Simon Fraser University researchers included a survey of canteen expenditures at the Mission, B.C., prison before and after the new pay plan had been instituted. It was found that while there was a threefold increase in the average level of inmate savings, canteen and other expenditures remained virtually constant.⁶³

The Executive Director of the John Howard Society of Kingston saw problems arising from several facets of the new program. He first points out that the so-called incentive to move from maximum to medium security is really no incentive at all. While the highest rate in maximum security is \$5.90 per day compared to \$6.45 in medium and \$7.55 in minimum (Table 10), the inmate is also required to work five more hours per week: "Presumably then the incentive to move from maximum to medium security institutions is really the opportunity to work one extra hour per day rather than increase one's wages."⁶⁴ He also questions the increase in standard deductions. Based on what he feels are "typical" expenditures the inmate in maximum security may in fact see his purchasing power decline slightly under the new system.⁶⁵ He calculates that inmates at Level 1 in all security designations experience a 53 per cent decline in purchasing power.⁶⁶

Studies conducted during the 1960's and 1970's repeatedly called for higher pay rates to motivate prison industry workers. However, increased monetary incentives have not proven a panacea for low inmate productivity. New, higher, rates introduced in 1981 did not remedy the problem -- they in fact made the situation worse.

ii) Non-Monetary Incentives

One can think of no more powerful incentive for a prison inmate than freedom. For most inmates time spent in prison is "lost time," a portion of one's life that will never be recovered. They live not for the present, but for their day of release. Any scheme aimed at moving this date forward is bound to attract interest. Earned remission has therefore been adopted as a central component of the incentive system offered inmates in Canada's federal prisons.

As it stands today remission constitutes a reduction in one's sentence for good conduct within the institution.⁶⁷ It may be earned at a rate of 15 days per month, 10 of which are granted for participation in prison work programs and five for "acceptable conduct" in general. Evaluations by prison staff take place on a quarterly basis. The prison term can be reduced by a maximum of one-third under this plan. Releasees serve remission "on the street" under Mandatory Supervision, a program administered by the

National Parole Board.⁶⁸

In terms of its operation it is apparent that earned remission has serious drawbacks as a work incentive. The reason, quite simply, is that it is not generally "earned" at all. The Solicitor General's Study of Conditional Release, published in 1981, found:

... if there is any one issue which all field staff and previous studies can agree, it is that earned remission is not actually "earned" in the sense that an inmate need normally do anything beyond stay out⁶⁹ of trouble in order to receive full remission.

The study found 83 per cent of releasees had lost no more than 10 days of "good time" during their entire period of incarceration, and over 90 per cent of inmates "earned" all their remission in each evaluation period.⁷⁰ (See Table 13.) "The evidence," they pointed out, "is overwhelming that remission does not motivate inmates to exceptional conduct or participation"⁷¹ Inmates often come to view remission not as a reward for good performance, but as a fundamental right.⁷²

Temporary Absence, a program which permits inmates to leave institutions for medical, humanitarian, or rehabilitative purposes, represents another non-monetary incentive offered to

Table 13

Average Percentage of Inmates Who Lost Remission and Average
Number of Days of Remission Lost in First Quarter of 1980,
By Security Status

Security Status*	Average Percentage of Inmates Who Lost Remission**			Average Number of Remission Days Lost Per 100 Inmates**		
	Overall	On Conduct	On Program Participation	Overall	On Conduct	On Program Participation
Minimum	8.0	7.2	7.0	132.8	44.5	64.8
Medium	9.8	6.5	6.0	39.0	18.6	20.4
Maximum	11.4	5.6	8.9	67.1	18.5	48.1
/All Penetentiaries	9.6	6.5	7.1	77.3	27.2	42.1

* Obtained by averaging the rates for all minimum, medium and maximum security penitentiaries and for all penitentiaries combined. Not included are the Regional Reception and Psychiatric Centres.

** The "overall" figures in these headings do not necessarily represent the sum of the "conduct" and "program participation" columns because averages for each column have been calculated separately.

Source : Canada, Solicitor General, Solicitor General's Study of Conditional Release,
Report of the Working Group, March 1981, Table A-28, n.p.

federal inmates.⁷³ Inmates may spend their time on the outside either escorted or unescorted, generally for periods of less than 15 days. It may be granted after an inmate serves six months or one-sixth of his sentence, whichever is longer.' The Solicitor General's Study of Conditional Release found penitentiary staff generally agreed Temporary Absence (TA) was a strong motivator.⁷⁴ Inmates, too, saw it "as indeed a powerful 'carrot'."⁷⁵

Nevertheless, restrictions on the use of TA's were introduced in 1977. A survey of Wardens subsequently found "that TA's are no longer working effectively as motivators or reducers of tension."⁷⁶ CSC has acknowledged this deficiency by delegating wider authority to Wardens to grant Temporary Absence.⁷⁷

One final issue raised by the Study of Conditional Release is worth noting. The report points out that parole regulations are very broad, thus permitting the National Parole Board a wide degree of discretion in reaching its decisions. The criteria for full parole are said to be "either too vague ... or inappropriate and largely beyond assessment in individual cases."⁷⁸ It is thus apparent that an inmate can never be certain whether satisfactory work performance will result in an early parole date. This element of uncertainty once again detracts from the motivational impact that the prospect of freedom might have on worker performance.

In conclusion, one finds that a number of conditions over which The Correctional Service of Canada has no control -- the requirement to institutionalize convicted offenders and the background characteristics of the inmate group -- have combined with a series of specific monetary and non-monetary incentive programs to produce an inmate labour force that is not well motivated to work. The result has been levels of productivity which lag far behind those of outside industry. While one must recognize that productivity is a function of more than worker motivation alone, it is nevertheless apparent that the inability of The Correctional Service of Canada to provide a good mix of incentives to which inmates will respond with diligent work effort has hampered the chances of attaining self-sufficiency in its industries program.

NOTES : CHAPTER 7

1. Ralph C. Chandler and Jack C. Plano, The Public Administration Dictionary (New York: John Wiley and Sons, 1982), p. 43.
2. See Frederick W. Taylor, Scientific Management (New York: Harper and Row, 1947).
3. See Elton Mayo, The Social Problems of an Industrial Civilization (Cambridge, Mass.: Harvard University Press, 1945).
4. Frederick Herzberg, Work and the Nature of Man (Cleveland, Ohio: World Publishing Company, 1966), pp. 72-73.
5. See Irving Bluestone, "Creating a New World of Work," International Labour Review 115(1) (1977), pp. 1-10. The thread of this theory is, of course, older. See for example R. Blauner, "Work Satisfaction and Industrial Trends in Modern Society," in Labour and Trade Unionism, eds. W. Galenson and S.M. Lipset (New York: Wiley, 1960); and P. Blumberg, Industrial Democracy: The Sociology of Participation (London: Constable, 1968).
6. Productivity is here defined as output produced per unit of input. Inputs include such factors as labour, capital, technology and entrepreneurial skill.
7. Inmate pay will be discussed in detail in Part 3 of this chapter.
8. Correctional Service of Canada, Communications Branch, The New Inmate Pay Program (Pamphlet), April 1981, p. 4.
9. Ibid.
10. Jack Schaller, "Toward Developing Free Venture Prison Industries," draft copy of speech delivered to the National Institute of Criminal Justice, Miami, Florida, June 1978, p.8.
11. "Penitentiary Service Regulations," Consolidated Regulations of Canada, v. 13, ch. 1251, 1978, s. 35(4).
12. Correctional Service of Canada, Inmate Employment Branch Manual, p. 7.
13. Correctional Service of Canada, Industries Division, Report of the Industries Division, Inmate Employment Branch, 1980/81.

November 1981, n.p.

14. Schaller, p. 8.
15. Ibid.
16. C.H.S. Jayewardene and D.J.N. Jayasuriya, The Management of Correctional Institutions (Toronto: Butterworths, 1981), p. 148.
17. Ibid., p. 157.
18. Sandra Dawson, "Power and Influence in Prison Workshops," in Organizations as Bargaining and Influence Systems, ed. Peter Abell (London: Heinemann, 1975), p. 157.
19. Ibid., p. 164.
20. Ibid., p. 170.
21. Donald R. Cressey, "Sources of Resistance to Innovation in Corrections," in Offenders as a Correctional Manpower Resource (Washington, D.C.: Joint Commission on Correctional Manpower and Training, June 1968), p. 509.
22. The problems associated with motivation among prison industry workers are presently being studied by Paul Crookall at the University of Western Ontario. Work on Mr. Crookall's Ph.D. dissertation, "Productivity Among Reluctant Workers: A Cross Discipline Study of Organizational, Task, and Individual Factors and Their Interaction," began in late 1982.
23. Commissioner's Directive 500-1--08.2, "Inmate Employment Boards," 10 May 1982, s. 7.
24. Ibid., s. 10.
25. Commissioner's Directive 500-1-01.1, "Inmate Employment," 30 November 1982, s. 6.
27. Daniel Glaser, The Effectiveness of a Prison and Parole System (Indianapolis, Ind.: Bobbs-Merill, 1964), pp. 230-31.
28. Ibid., p. 232.
29. Schaller, p. 7.
30. Ibid.
31. John Braithwaite, Prisons, Education and Work (Phillip, A.C.T., Australia: Australian Institute of Criminology, 1980), p. 135.

32. Thomas W. Whipple and James G. Goodale, Joyceville Industries Pilot Project Evaluation, conducted for the Canadian Penitentiary Service, September 1978, p. 2.
33. Ekstedt et al., pp. 38-42.
34. Ernie S. Lightman, Industrial Work by Inmates in Correctional Institutions (Toronto: University of Toronto Center for Industrial Relations, 1979), p. 36.
35. Ibid. Perhaps this is the reason one often encounters the term "work habits" as a rationale for the employment of inmates in commercially oriented prison industry.
36. Ibid., p. 37.
37. Commissioner's Directive 500-1-01.1, s. 23, also mentions "heirarchy of employment and other related factors" as part of the incentive package. However, since most inmate jobs require little training or skill the "heirarchy of employment" is essentially reduced to a heirarchy of pay, which is the subject of this section.
38. Stevenson and Kellogg Ltd., A Study of Industrial Activities in Canadian Penitentiaries, study prepared for the Canadian Penitentiary Service, December 1962, p. 118.
39. Ibid., p. 119.
40. Ibid., 124.
41. Evans, p. 82.
42. Group incentives are paid to groups of workers for attaining pre-designated quotas. A complete list of Evans' recommendations concerning incentives appears on pages 94-114.
43. MacGuigan Report, p. 109.
44. Ibid., pp. 109-110.
45. See Canada, Solicitor General, Management Consulting Service, An Incentive To Work for Inmates, October 1978.
46. See, for example, Ernie Lightman, p. 45. A memorandum signed by the Executive Director of the John Howard Society of Kingston on May 29, 1981, states: "It is important to note that inmate pay has never been viewed by the system as far as I can see as an way of reimbursing people for their labour within the institution, but was simply a management scheme to

provide necessary items to inmates through a discretionary program that the inmate could participate in and which was tied to inmate labour as an incentive for the inmate to co-operate with the institution and thereby make institutions more manageable."

47. Canada, Solicitor General, Management Consulting Service, Implementing an Incentive to Work for Inmates, February 1979.
48. Ibid., p. 43.
49. Ibid., p. 19.
50. Correctional Service of Canada, Status Report on the Inmate Employment and Pay Administration Plan, unpublished report, n.d., p. 1.
51. Correctional Service of Canada, The New Inmate Pay Program, p. 1.
52. Ibid.
53. Graham Stewart, "New Inmate Pay System," Memorandum, 29 May 1981, p. 7.
54. Ibid.
55. Information concerning provisions of the new pay system is taken from the pamphlet The New Inmate Pay Program.
56. Necessities include food, clothing and shelter but not soap, grooming aids, cigarettes and other "luxuries."
57. A. Mackenzie, "Productivity Comparisons Before and After New Inmate Pay Plan," Memorandum, 26 October 1981.
58. Bulletin of the Canadian Association for the Prevention of Crime 11(5) (January 1982), p. 18.
59. Canada, Solicitor General, Annual Report 1981-82 (Ottawa: Supply and Services Canada, 1983), p. 68.
60. Mackenzie Memorandum, p. 1.
61. Interview.
62. Interview.
63. Ekstedt et al., pp. 50-51.
64. Stewart Memorandum, P. 2.

65. Ibid., p. 8.
66. Ibid., p. 9.
67. Major provisions of the remission program appear in the Solicitor General's Study of Conditional Release, Report of the Working Group, March 1981, pp. 9, 84-89.
68. Mandatory supervision releasees are subject to the same conditions as persons released under full parole. See the Solicitor General's Study of Conditional Release, pp. 9-10, 90-93.
69. Ibid., p. 33.
70. Ibid., p. 9.
71. Ibid., p. 34.
72. Fiori Rinaldi, Prison in Australia (Canberra: Australian National University Faculty of Law, Penology Paper Number of 4, of 1973), p. 41.
73. For a description of the Canadian Temporary Absence Program see the Solicitor General's Study of Conditional Release, pp. 3-5, 47-55.
74. Ibid., p. 35.
75. Ibid.
76. Ibid.
77. Solicitor General, Annual Report 1981-82, p. 48.
78. Solicitor General's Study of Conditional Release, p. 63.

CHAPTER 8

Conclusions

The two related purposes of this thesis, as set out in the Introduction, are to:

- 1) Develop a framework for the systematic analysis of public policy implementation, and;
- 2) Demonstrate the efficacy of the framework: here, to show how variables which impact on public policy at the implementation stage have shaped the implementation of policy by CSC's Industries Division.

Implicitly, the achievement of the second purpose would indicate that the first had been attained as well. Hence, conclusions will first be advanced in relation to variables which have shaped the implementation of policy by CSC's Industries Division. These remarks are followed by a discussion of the utility of the chosen framework for implementation analysis.

The central finding of this thesis is that each of the five variables posited in the framework for analysis -- objectives, legal, organizational, environmental and clientele -- have in some way shaped the implementation of policy by CSC's Industries Division. Given the insights derived from the body of literature reviewed in Chapter 2 this outcome was not unexpected. However, it became apparent during the course of research that another,

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somewhat disturbing, conclusion could also be drawn. That is, the Industries Division at CSC lacks the capacity to manipulate four of the five variables which are influencing its efforts to establish a self-sufficient industrial program. To a large extent, therefore, CSC's Industries Division cannot be held accountable -- nor can it reasonably be expected to attain -- self-sufficiency as it has been defined in this thesis.

The one variable CSC Industries does have within its power to manipulate -- at least partially -- is the organizational variable. Though the Industries Division cannot be expected to control the actions of other departments, agencies, and governments which exert influence on the implementation of its program, it does have a large degree of control over its own program delivery system. The analysis conducted in this thesis suggests that, by and large, the Industries Division has since the late - 1970's undertaken a concerted effort to overcome flaws in its program delivery system. One sees evidence of efforts to upgrade staff training, improve coordination among various CSC functional units, and clarify staff roles. The manufacturing process has been rationalized through the movement from small "job lot" production to larger, assembly-line operations. Professional engineers, a sales force, and product designers have been employed. Product quality, long a problem with prison industry, is now placed under close scrutiny. It must be pointed out, however, that many of these reforms are currently being instituted: thus, it is too

early to determine the full extent of their impact.

The one aspect of CSC's program delivery system which does stand out as a serious obstacle to program success is the information system employed by CSC Industries. A number of consultant's studies, as well as several internal CSC reports, have acknowledged a serious deficiency in the Industries Division's information system in general, and in the accounting system in particular. It must be stressed that without accurate cost information with which to determine product contributions there is no guarantee that even an expansion in output and sales will improve the Industries Division's financial picture. It is therefore felt that the institution of a basic, business-type information system is essential if the program is to have any chance of becoming commercially successful in the future.¹

In terms of the variables which CSC Industries cannot fully manipulate there are two -- environmental and legal -- which, though they have influenced program implementation, do not so far appear to have presented serious obstacles to program success. The two variables have shaped implementation in much the same way. Public opinion, as expressed by segments of the business and labour communities, has ensured the avoidance of direct competition between CSC Industries and "free" industry on the open market. In turn, the concerns of these "interested publics" have found

expression in regulations which, though they do not prohibit sales on the open market, certainly encourage CSC to stay within the public sector. Additionally, a potential decision to sell products of federal prison industry on the open market must be approved by Treasury Board. The result is that CSC has largely restricted its sales to agencies of the federal government. But while there is little doubt that the environmental and legal variables have shaped implementation, it is problematical whether they represent serious obstacles to program success, i.e., the attainment of self-sufficiency: the evidence presented in this thesis suggests that the public sector could absorb the full capacity production of federal prison industry. The qualifying factors would appear to be a strong economy in general (so that private sector firms do not need to tap the public sector market in order to survive) and a willingness on behalf of federal departments, agencies, and crown corporations to cooperate.

The impact on program success of the way in which corporate objectives are specified and prioritized is not, however, so neutral. Within the Industries Division itself it is apparent that production goals dominate. Production "in the most efficient and effective manner" is now the overriding objective of the industries program. Other outcomes (rehabilitation, inculcation of work habits, etc.) are thought to be by-products of efforts to achieve the central program objective, i.e., to flow from well-conducted productive activity. Nevertheless, program objectives

set at the corporate level continue to exert pressures which adversely affect the commercial objective of the industries program. At the corporate level senior management officials set multiple objectives. These objectives include security, good government in the institutions, administrative efficiency, and the provision of numerous programs which provide inmates opportunities for personal reform. Industries is only one such program, and taps values of efficiency that are far down on the implicit hierarchy headed by security. Though management would like to see the industries program become self-sufficient, it is unwilling -- surely quite correctly -- to compromise the organization's ability to satisfy other, corporate determined, priorities. Hence, the inevitable trade-offs among objectives at the corporate level has adversely affected the pursuit of the single objective established for CSC's industries program.

Finally, the nature of CSC's clientele has had a serious negative impact on efforts to establish a self-sufficient industrial program. Quite clearly the Industries Division cannot select its desired employees from a large labour pool as can employers in the private sector, but must take the homogeneously under-skilled and reluctant workforce selected by the courts. Nor does it even have full control over choice of its workforce from among all inmates, these decisions being taken by the Offender Programs Branch and Inmate Employment Boards. Perhaps through the

introduction of an incentive package capable of motivating inmates to high levels of performance such problems can be overcome. However, the incentives now in place, both monetary and non-monetary, have done little to compensate for the inherent weaknesses of the inmate labour force. (The new inmate pay plan, from the point of view of worker productivity has been a severe disappointment.)

In summary then, one finds that of the five variables posited in the framework for analysis, one -- the organizational variable -- is at least partially within the power of Industries Division officials to manipulate. In recent years they have used this power to introduce numerous changes to the industrial regime. While it is too early to determine the precise impact these reforms will have on the commercial objective of the program, one can be optimistic that, once fully instituted, the commercial viability of the program will be much enhanced.

Unfortunately, however, commercial success is also dependent on forces over which Industries Division officials have little control. Corporate objectives and the legal environment reflect decisions taken at or near the top of the decision-making hierarchy. The Industries Division itself has no direct representation on the Senior Management Committee or, obviously, in Cabinet. Though the Division's interests will be advanced by the Director General of Inmate Employment, this individual cannot be

expected to monopolize CSC's corporate decision-making power in the interests of one Division alone. The environmental variable, which reflects the impact of public opinion on policy implementation, can, to a certain extent, be manipulated, but only insofar as the Industries Division can sway -- or, indeed, ignore -- public opinion. And clearly, the Industries Division can do nothing to improve the background characteristics of the inmate workers it must employ. Despite the fact that the ability to manipulate each of these variables is largely beyond the capacity of Industries officials, each has nevertheless played a role in shaping the implementation of the program.

These conclusions do not leave much room for optimism. While the Industries Division can be commended for instituting a number of much-needed reforms, it is clear that the establishment of a fully self-sufficient industrial program requires radical change throughout the federal correctional system. The starting point might be to specify that the production goal of prison industry should be CSC's dominant organization-wide objective. But this much seems neither feasible nor desirable. CSC was established as a prison system, not as a captive factory system. Another alternative -- one which does seem to hold promise -- would be the operation of prison industry in concert with private sector manufacturers. CSC has already entered into several ventures with the private sector. These include the employment of inmates on a

tree nursery owned by Scott Paper International Inc.; and in the assembly of solar collector components for PetroSun Inc. of Montreal.² In Ontario, and in various locations in the United States, private sector firms have set up manufacturing operations either in or near correctional facilities.³ In return for government subsidies the private sector companies operate industries, using a combination of "free" and inmate labour, according to private sector standards. CSC has begun to explore this avenue in greater detail, but as yet, no fundamental changes are contemplated.⁴

It appears, therefore, that for the time being at least, CSC's industries program will continue to represent a drain on public funds. Once the Industries Division fully institutes reforms to its program delivery system there is reason to suspect the size of financial losses will diminish. But they will disappear only in the unlikely event that organization-wide changes be undertaken -- measures which are not within the power of CSC's Industries Division to implement.

A somewhat more optimistic conclusion has been drawn with respect to the framework for implementation analysis. The fact that such a wide range of variables were found to shape policy implementation by CSC's Industries Division suggests that the framework -- by providing the researcher with a well-chosen list of questions and issues to study -- can be extremely useful as a

heuristic device. The framework guides, controls, and organizes the research into useful categories. The information obtained during the course of such an analysis may prove invaluable to those held accountable for the attainment of program outcomes. Because the identification of variables is on an administrative dimension, and because the question of the manipulability of variables naturally comes to the fore, the information base is one on which subsequent, corrective, actions can be taken. The analysis may also exonerate public servants by pointing to variables which, though they shape policy implementation, are beyond the capacity of implementers to manipulate. (The latter outcome would, one hopes, represent the conclusion of an implementation study and not its *raison d'être*!)

Various problems do, however, arise in the use of such a framework. Most troublesome is the fact that reality does not necessarily carve at the joints into mutually exclusive administrative categories. Several times an arbitrary decision had to be made concerning the "location" of an issue within the framework. For example, the inmate pay system, discussed as part of the clientele variable, could also be handled under the organizational variable's intragovernmental analysis, because approval for the new pay plan occurred at the Cabinet level. The question of markets for prison industry products was dealt with in detail under the legal and environmental variables, and touched

upon as part of the intragovernmental analysis as well. Though problems of this nature create certain logistical problems in terms of organizing the written analysis, they are not considered to be serious flaws: the important point is that factors shaping implementation are identified.

It was also felt, at an early stage in the research, that the inclusion of a "Miscellaneous" variable would be helpful. Under this heading would be discussed any force shaping implementation that did not appear to "fit" elsewhere. However, it soon became apparent that the inclusion of such a variable was unnecessary. The five variables outlined in the framework direct the analysis from concerns as broad as intergovernmental relations and the constitution, to those relating to the information system and training programs in the implementing agency. With a little imagination any issue can be teased to "fit" within such a framework.

Finally, this thesis cannot be taken as evidence that implementation analysis, conducted during the original design of policy, will increase the probability that desired program outcomes will be achieved. It is expected that close attention to legal research, to the winds of public opinion, and to the corporate objectives established by the implementing agency, can be helpful to those responsible for design and implementation of new programs. But factors such as the competence of public servants to implement

changes, their willingness to cast aside old practices, and the adequacy of the program's budget to its objectives, can be determined only as the program unfolds. There is, in short, reason to suspect that prior implementation analysis can improve the information on which program design depends: but this thesis has not presented evidence that an implementation study, conducted prior to program start-up, will guarantee the attainment of desired outcomes. Such certainty, as the saying goes, is reserved for death and taxes.

NOTES : CHAPTER 8

1. This view is forcefully expressed in the Atack-Headly study.
2. See the Solicitor General's Annual Report 1980-81, p. 67. One will note that these programs are administered by IEB's Special Employment Division, not the Industries Division.
3. See, for example, M.J. Irvine, The Guelph Abattoir Programme: An Innovative Approach to Correctional Industries, 3 vols., report prepared for the Ontario Ministry of Correctional Services, 1978; Barbara Auerbach, "Recent Private Industries Initiatives in State Prison Industries," in Proceedings of the One Hundred and Eleventh Annual Congress of Correction of the American Correctional Association (College Park, Maryland: American Correctional Association, 1982), pp. 75-80; and Michael Fedo, "Free Enterprise Goes to Prison," Corrections Magazine 7(2) (April 1981), pp. 5-13.
4. Interview.

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5. Interviews

i) Correctional Service of Canada

M.M. David. Director General, Inmate Employment Branch. 20 May 1983.

Sheila Henriksen. Director, Communications Branch. 18 May 1983.

Gerald M. Richards. Chief, Operations, Crown Corporations, Industries Division. 13 May 1983.

John Siu. Past Deputy Commissioner, Policy, Planning and Administration Branch. 16 May 1983.

G.L. Smith. Chief, Marketing, Industries Division. 19 July 1983.
(Telephone interview.)

Earl Synkiew. Head, Planning and Evaluation, Industries Division. 13 May 1983.

ii) Solicitor General of Canada

Mario Dion. General Counsel. 23 February 1983.

APPENDIX 1CORCAN Industrial Product Lines

SERIES:

110:	Acoustical Screens
120:	Miscellaneous Furniture & Accessories
130:	Modular Furniture
140:	Modular Steel Shelving
150:	Upholstered Furniture
221:	Canvas Mail Bags
230:	Mail Sorting Equipment
310:	Physical Education & Sports
330:	Outdoor Recreation/Park Equipment
410:	Institutional Furnishings
420:	Clothing & Linen
510:	Brooms
520:	Brushes
530:	Mops
540:	Other Maintenance Equipment
611:	Ammunition Boxes
612:	Boxes
623:	Equipment Bags
630:	Cartons
640:	Clothes Lockers
710:	Election Equipment
720:	Scientific Equipment
730:	Nursery & Day Care Equipment
740:	Specialized Use Equipment
800:	Modular Housing
920:	Graphic Services
940:	Custom Work (Repair)

Source : Tetrad Marketings/Sales Ltd. CORCAN Sales Forecast
1982-83, n.p.

APPENDIX 2

ORGANIZATION CHART - SECRETARIAT OF THE MINISTRY OF THE SOLICITOR GENERAL

Source: Correctional Service of Canada, Inmate Employment Branch,
Inmate Employment Branch Manual, Final Draft. July 1981,
n.p.

APPENDIX 3

Department of the Solicitor General
The Correctional Service of Canada

Source: Auditor General of Canada. Report to the Auditor General of Canada to the House of Commons, Fiscal Year Ended March 31, 1981 (Ottawa: Supply and Services Canada, 1 December 1981), p. 254

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