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Private Family Visits in Canada, Between Rehabilitation and Stricter Control: Portrait of a System

- 1 In Canada, imprisonment for people sentenced to two years or more in detention is grounded in the clearly asserted intention to rehabilitate – or more probably to habilitate – offenders for social life. To do so, a number of programs have been set up and developed to meet the potential psychological and social needs of imprisoned individuals. Some of these programs focus directly on the improvement or maintaining of family and conjugal relations. Thus, we find programs for “*Family Violence Prevention Programs*”, or again, “*Parenting Skills Training Programs*”, of a psychological/educational nature, based on a cognitivist/ behaviorist model.
- 2 In addition to these treatments, custodial institutions have introduced the possibility of lengthy private family visiting (PFV) between inmates and their family. More than a simple response to the deprivation of heterosexual relations, the importance and extent of which was pointed up by Sykes (1958) more than 45 years ago, these programs are first and foremost an essential means of maintaining social, family and conjugal ties during imprisonment, and by the same token a way of reducing the punishment inflicted on families of offenders.
- 3 Few studies have been directed primarily to analyzing these programs and their consequences both on the inmate and his family and on the social climate in custodial facilities. It is a fact that while the impact of loss of freedom on the individual prisoner has received much attention, the question of the social and family consequences of imprisonment has received much less. Still, loss of a person’s home and job, as well of emotional ties, is usually an intrinsic part of punishment, and several authors remind us that a criminal conviction also affects every member of the family as well as most of the offenders’ intimates (Landreville, Blankevoort, Pires, 1981).
- 4 However, a few research projects do shed some light on maintained family ties in case of imprisonment, and more specifically on the stakes involved in the implementation of these programs. The present article, based on the Canadian situation, investigates the issues and stakes of private family visits in correctional institutions.

1. The Context, Canadian Programs for Private Family Visiting

- 5 The Correctional Service of Canada is composed of 52 prisons for a population of 12,450 inmates. Each facility contains several housing units – 3, on the average – in which the inmate’s family may reside for three days. Inmates must file for participation in these family exchanges. This means that for the country as a whole, about 150 inmates at a time can benefit from the system.

1.1 Implementation

- 6 The idea of permitting unsupervised, intimate, regular family or conjugal visits lasting several hours is relatively old. In the late 19th century and early 20th century, some states in the USA, including Mississippi and South Carolina, as well as a number of South American countries, among others, had made arrangements for private visits of that sort (Burstein, 1977 ; Carlson, Cervera, 1991). Varied in length – from several hours to 3 days – in their regularity – from

once a week to once every two months – and in access to them –ranging from official wives only to possibilities for prostitutes – the aims pursued by the introduction of these visits were also relatively varied. Some people intended them to meet the sexual needs of prisoners, while others wanted to defend the family and limit divorces and separations caused by imprisonment, but in every case a number of arguments were used to justify the organization of these encounters.

7 In Canada, the Private Family Visiting program for correctional facilities dates back to 1980. Until then only some provincial facilities – for prison sentences of less than 2 years – had implemented this type of measure in the late 1960s, but these were spotty and very regional¹.
8 At present, anyone sentenced to more than two years in prison can be granted that type of visit.
9 The purpose of the introduction of these programs is to enable couples and members of a same family to meet alone and have intimate relations, independently of the fact that one family member is in prison, the goal being social rehabilitation. Article 71(1) of the legislation on the corrections system and release on parole grants that inmates have the right to entertain relations with their family, friends, or other persons, so as to improve their relations with the community. This aims at enabling offenders to develop constructive relations with the outside world so as to facilitate their release.

1.2 The Principle

10 The implementation of these programs corresponds to the development of a philosophy of corrections based on the social rehabilitation of offenders. This philosophy developed and expanded in the 1970s, and came into full bloom within the Correctional Service of Canada (CSC) in the 1980s and 90s. In contradistinction to the idea of a penal sanction as primarily punitive and neutralizing, another approach began to be developed, based on community penal sanctions, viewed as more apt to avoid the social “dehabilitation” of offenders, with measures designed to facilitate behavioral changes in incarcerated offenders.

11 At present, the philosophy of the Correctional Service of Canada is mainly based on the idea that the penal sanction is meted out to protect the community by providing for the social rehabilitation of offenders. The definition of its mission states that the “the purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by ... assisting the rehabilitation of offenders and their reintegration into the community”² Several programs and measures were then adopted to achieve that goal.

12 In this framework, Private Family Visiting programs were developed within prisons in an attempt to compensate for some deficits suffered by a great many offenders. There is, for instance, the “Family Violence Prevention Program” program, aimed at combating the risk of conjugal violence, or again, “ *Parenting Skills Training Programs*”, dealing with the offender’s role as parent, expectations with respect to his/her children, or again, the aid services existing in the community.

13 Intimate, prolonged visits by members of the community are of a similar nature. The idea is to preserve the social and family unit, inasmuch as possible, as well as to reinforce the offender’s role and status as citizen and parent, in the belief that these elements will be stabilizing factors when he is released. In a speech delivered a few months after the implementation of the first programs, the Honorable Bob Kaplan, Solicitor General of Canada at the time, stated that “*In addition, statistics show that if an inmate’s family is still intact and ready to accept him upon release, his chances of leading an honest life are greatly enhanced*”.

1.3 Conditions of Access

14 Since the object of these visits is to maintain both relations within the couple and family and social ties, these programs are open to everyone in the prisoner’s entourage. Potential visitors include not only family members in the broadest acceptation – spouses, common-law

partners³, children, parents, foster-parents, siblings, grandparents, and persons with whom, in the opinion of the institutional head, the inmate has a close familial bond – but also anyone else in the community with whom it is clearly established that the offender has a strong relationship irrespective of any family tie.

15 The private family visit program is open to all inmates incarcerated in a federal prison independently of its level of security, except for those in a special detention unit⁴. However, some prisoners may be barred from the program, either because there is a risk of family or conjugal violence, or because they have access to other programs for maintaining family ties, particularly unsupervised leaves. Also, if there seems to be some potential danger or if the inmate is found guilty of a disciplinary offense threatening safety within the facility – such as introducing prohibited objects, possession of weapons or of instruments susceptible of use for escape or taking a hostage – during the previous private family visit, he loses his right to the program.

16 Authorization is delivered by the head of the facility following recommendation by the probation officer in charge of the inmate. Before any private family visit, a request for admission must be filed. Security screening is then done, and repeated every 2 years. At the same time, the visitor must sign a “*statement of voluntary participation and consent*” and meet with the officer in charge of the case, who determines whether the person is fully, entirely willing to participate in this type of visit and is not under any pressure to do so. The same officer evaluates whether “*the relationship is well-grounded, stable and beneficial*”. To do so she considers all available information, especially using investigations within the community and the family, and among neighbors or any employer of the offender as well of as his visitors. Last, following each private family visit, a staff member meets the visitors to make sure the visit went well.

1.4 Mode of functioning

17 Private family visits last 72 hours – 3 days – at most, and may occur every 2 months providing facilities are available. They take place on the prison premises, in a special area cut off from the rest of the facility and structured in small, entirely furnished apartments with one or two bedrooms, a kitchen, living room, and bathroom, and some space outside, either a courtyard or a garden.

18 The objects and food allowed in during the visit are clearly identified by prison regulations and are checked before each visit. During the visit, the staff must maintain regular contact with both the prisoner and his visitors, to guarantee their safety and monitor their presence. These checks are scheduled in advance to avoid disturbing the family’s intimacy.

2. Stakes

19 The remarks presented in this article are mostly based on a review of the literature. While a few scholars have studied the psychological impact of parental separation in case of imprisonment, or the social costs entailed by incarceration, studies analyzing maintained family ties in case of imprisonment, or the programs implemented, are extremely rare, and there is, moreover, no regular publication of official statistics on inmates who benefit from these infrastructures or on the effects of their participation in these activities.

20 We therefore base our reflections on two types of data. First, we find official texts describing the programs themselves, how they function and the conditions under which they apply. These texts are completed by the policy statements of the executive staff of the Correctional Service of Canadian, justifying the implementation of these visits with regard to prior penal philosophy in Canada. Secondly, we find scientific research. Some work analyses the impact of separation, especially on prisoners’ children. Others stress issues connected with the social consequences of incarceration and the means of limiting these.

2.1. Private Family Visits: for Successful Social Rehabilitation...

21 The profile of incarcerated individuals shows that most have children, a spouse or a partner, and parents still alive. The situation is most problematic for women, who are often mothers of very young children, in single-parent families or with a partner also in prison.

22 Thus, a study conducted in the mid-1990s⁵ shows that nearly 45% of inmates have a spouse and secondly, 60% of incarcerated men have children or foster children. In the USA, in 1999, 721,500 parents of 1.5 million under-age children were in prison⁶. Forty-six percent of these parents lived with their children (64.3% for women prisoners). Last, most of these parents (between 80 and 93%) claimed to maintain ties with their children in spite of their incarceration, either by telephone, letters or visits. More specifically, 40% of fathers and 60% of mothers had a weekly contact with their children. If we add ties to parents and brothers and sisters, it may be said that most imprisoned people have their family ties touched by their detention.

2.1.1. Social Rehabilitation and Family Ties

23 The question of family influence on offending and on the social reinstatement of offenders has received attention for some years now. The question of the link between degree of social integration, or marriage, and the risk of committing an offense has been analyzed repeatedly. Some writers (Farrington, 1989 ; Sampson and Laub, 1990) tend to think that marriage or fatherhood has a stabilizing effect, perhaps even to the point of reducing antisocial behavior. In particular, they seem to result in reduced consumption of alcohol and drugs, both of which are often tied to offending (Knight, Osbourne and West, 1977). Furthermore, following a study, in 1990, on the quality of family relations, Sampson and Laub conclude that “*attachment to a spouse in young adulthood was connected with a significant and substantial reduction in adult antisocial behavior*”⁷.

24 Although the link between family life and offending is not as clear-cut as some scholars would have it, the fact remains that as a rule, social rehabilitation seems to be easier for offenders with strong family ties. In 1954, for instance, one study showed that inmates who took an active interest in their family during their detention had a 75% success rate when released on parole, as opposed to 34% for solitary offenders (Ohlin, 1954). Similarly, analysis of the correlation between the average number of visits received by an inmate and the rate of backsliding tends to show that prisoners receiving more family support and having close contacts with their dear ones while in detention had a lower recidivism rate (Burstein, 1977). At the same time, a more recent American study, published in 1991, showed that when a father had attended father-child programs during his detention he found it easier to return to his family and to the community (Carlson and Cervera, 1991). Last, another study conducted in Canada in 1998-99 on factors contributing to successful social rehabilitation shows that family ties play a non-negligible role in this respect (Vacheret, Cousineau, 2003).

25 This shows that if offenders receive a modicum of family support when they leave prison they have a much greater probability of rehabilitation.⁸ Not only will they want to take advantage of the emotional ties they entertain with their intimates – parents, spouse, children – but also, their determination to change and to achieve stability will be reinforced.

26 So, according to researchers at the Correctional Service of Canada, “The maintenance of an active family interest while incarcerated and the establishment of a mutually satisfying relationship after release were also associated with recidivism decreases”⁹. These scholars conclude that however unproved and vague the impact of ongoing family ties on offending, the postulate justifies “action to strengthen families”. By their very existence, the presence of families throughout the prison sentence, along with their participation in private family visit programs, is depicted as a factor contributing to successful social rehabilitation in that they maintain and reinforce the prisoner’s ties with the outside world.

2.1.2 Incarceration and Preserving Family Ties

- 27 In 1980, in a context where individuals in detention were recognized to be full-fledged citizens, the U.S. Department of Justice declared that the implementation of programs for preserving family ties was a fundamental part of standards of detention, to be respected by correctional institutions (Goetting, 1982). In Canada the very basis of the implementation of programs for preserving family ties is the idea that social rehabilitation partly depends on the presence of adequate support when the prisoner is released, and that the family can provide that support. It was on the basis of that philosophy that the solicitor general justified the introduction of private family visit programs, in 1980, and to this day arguments in favor of these programs are supported by the same philosophy.
- 28 Family life and conjugal relations are obviously enormously affected by one person's imprisonment. The family's financial situation deteriorates. Conflicts, tensions and dissensions arise, often connected with educational issues or with a decision made by the parent outside prison. In the case of imprisoned mothers, whose situation has received most attention so far, the impression that they have abandoned their child or children often makes them feel diminished and ashamed (Blanchard, 2002 ; Le Camus, 2002 ; Carlson and Cervera, 1991). Some studies show that this problem increasingly touches fathers as well, eliciting guilt feelings and the fear that their children may be lacking attention because of their absence (Trzcinski, Satyanathan and Ferro, 2002)¹⁰. Similarly, several scholars claim that families of prisoners are "the hidden victims of crime" and that they too are punished. Last, the question of returning home is a central, non-negligible problem for prisoners.
- 29 Participation in family or conjugal visits may limit these difficulties. According to Zaouche-Gaudron (2000), parenting means shouldering a full range of tasks, both domestic, educational and social. The implementation of private family visits during which the whole family recreates a shared living situation, if only partially and relatively superficially – preparing meals, playing games and sharing other activities – reinforces emotional and family ties. They also enable the parent to remain involved in the education of his children, to spend time with them and to take the time to step in and to discuss any educational issues that may arise. Moreover, they enable the parent to recover her status as parent, at least partially. The image of a husband or wife, a parent or a child, with responsibilities somewhat covers the internalized image of the inmate. The latter may then not only act in those roles, but may also visualize and appreciate himself in that status (Le Camus, 2002).
- 30 Shared intimacy, the possibility of having discussions with one's partner or simply of spending time together are claimed to be basic stabilizing elements, important for maintaining conjugal relations. Participation in these programs helps maintain the quality and depth of the relationship within the family. Being able to meet without anyone listening in or watching them for a relatively long period helps to recreate – however partially and artificially – conjugal life with shared everyday activities such as dishwashing, preparing meals and watching TV together. The relationship is usually reinforced and consolidated (Carlson and Cervera, 1991).

2.2. Or for Better Control?

- 31 The second dimension brought out by the analysis of programs for private family visits has nothing to do with the offender's family or his or her social rehabilitation, but with prison conditions and everyday life in custodial facilities. Studies show that prolonged exchanges with the inmate's family partially attenuate some frustrations connected with social isolation and may have a positive impact on the prison atmosphere. However, inasmuch as these programs do not only offer advantages but are also used to support early release decisions, they may become a weapon in the hands of the correctional authorities.

2.2.1. Control on Relations Between Inmates

- 32 These programs apparently make a decisive contribution in terms of stabilizing the prison atmosphere and limiting the tensions inherent in detention.
- 33 Some writers feel that deprivation of heterosexual relations may have a negative psychological impact in a number of ways. Be it through a loss of self-confidence, a feeling of incompetence or again, a growing sense of frustration possibly leading to violence, they view this deprivation as important. It is thought to give rise to risks of sexual aggression and violent acts between inmates, especially when the prisoner attempts to find compensation in homosexual relations. While little information is available on the actual extent of this phenomenon, the report published by Human Rights Watch in 2001 is very eloquent in this respect¹¹. The report shows that many prisoners, and especially the younger, more vulnerable ones, are victims of sexual violence. This in itself indicates that allowing imprisoned individuals to relieve themselves, even relatively rarely and succinctly, constitutes a response to a very human need.
- 34 At the same time, the actual way these visits take place offers incarcerated individuals the possibility of enjoying a break in the rhythm of detention. This special period during which supervision and control are considerably reduced, whereas dependence on timetables and institutional constraints are limited, represents a sort of “breath of fresh air” and necessarily has a positive effect on incarcerated individuals: to the point where the correctional service allows inmates who request it to have access to the PFV program without receiving any visit, so as to be alone, away from the other inmates, for a few days.
- 35 Given the fact that one of the basic missions of the custodial institution, aside from preventing escape, is internal order-maintenance, the presence of this “pacifying” element is definitely extremely beneficial.

2.2.2. Institutional Control

- 36 However, these family visit programs, inasmuch as they introduce a privilege, establish considerable inequalities between inmates, since many have no access to them (Bourdouris, 1996). Indeed, the visitor must necessarily be a person with whom the inmate has special ties, either through marriage or a partnership lasting at least one year. Also, the person who wishes to visit an inmate in this way must be materially able to do so and therefore must reside relatively near the prison, or have the necessary means of transportation. Last, the person must be prepared to live in prison during the three days of the visit, which involves undergoing the prescribed checks and monitoring. Possibility of access to this program therefore varies considerably from one person to another, depending on how far away their dear ones live, the age of potential visitors, the quality of the ties and also, the length of the sentence.
- 37 This situation is particularly problematic since access to the programs also depends on “good behavior” in custody. Although they are not an official criteria, respecting house rules, not consuming prohibited substances and non-involvement in an outlaw system within prison all become ways of obtaining and retaining this right. It is a fact that any such behavior, leading to sentencing to a period of isolation for disciplinary reasons or transferal to another facility, automatically remove concrete access to a private family visit program.
- 38 In this framework, where the sentence as a whole is already marked by a system where serious advantages may be obtained by good behavior in prison¹², private family visit programs become just one more privilege used by the administration in its strategy toward prisoners.
- 39 At the same time, the Correctional Service of Canada model for the evaluation of risks of recidivism in incarcerated persons presently considers a number of family-related factors. Assuming the existence of a significant correlation between returning to prison and unsatisfactory relations with one’s intimates¹³, each inmate is noted with respect to the quality of those relations, in view of a decision on early release. This evaluation considers the offender’s childhood and present factors such as financial or sexual problems eventually encountered in his relationship, as well as parenting problems. The people in charge then

evaluate the inmate's competences in family responsibility, controlling her children's behavior or participation in their activities. If, as Motiuk (1995) claims, greater need for family and conjugal relations entails a greater risk of failure following release, it would seem that these elements will play a role in determining whether – or not – an inmate obtains early release.

Conclusion

40 Private family visit programs represent one of the best ways of preserving social, family and conjugal ties between incarcerated individuals and their intimates. This fact is viewed as undeniable in Canada, and programs exist and have been implemented throughout the country for over 20 years now.

41 While it would be interesting to study some questions such as the proportion of participants or the actual impact of programs on requests and projects for conditional release as well as on everyday life in prison, these programs clearly constitute an established right for inmates and their intimates. Sometimes perceived as challenging the very notion of the penal sanction – in the sense of inflicting suffering – they belong intrinsically to a philosophy of humane punishment. According to the latter, one must never lose sight of the fact that the offender will return to the community some day and that everything possible must be done to achieve the best possible – or least difficult – rehabilitation, but also, that mutual support between incarcerated persons and their intimates is an indispensable factor both for survival in detention and for enabling those outside to cope with that absence.

42 TRANSLATION Helen Arnold

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Notes

1 Liaison, vol. 2(8), 1976.

2 Corrections and Conditional Release Act, art.3.

3 Common-law partner means a person who, at the time of the inmate's conviction, lived with the inmate for at least six (6) months, was considered as the inmate's partner in the community in which they lived, and who manifested an intention of continuing to live with the inmate permanently even though they were not married.

4 In addition to the three levels of security – maximum, medium and minimum, Canada has a specific institution in which some inmates are detained for acts committed in ordinary prison – homicide or attempted homicide, taking hostages and so forth. Very strict coercive measures are applied in this special detention unit. Some sixty-odd individuals are incarcerated there (for a prison population of slightly over 12,000).

5 Foran, T. (1995) « A descriptive comparison of demographic and family characteristics of the Canadian and offender populations ». *Forum*, 7(2).

6 Bureau of Justice statistics (2000). "Special Report. Incarcerated Parents and their Children". US Department of Justice.

7 *Forum* (1995). Does getting married reduce the likelihood of criminality? ». vol.7(2).

8 Ibid.

9 *Forum* (1995). « The Family Side of Corrections » Vol.7(2).

10 See also *Forum* (1995). « The Family Side of Corrections Vol.7(2).

11 Human Rights Watch (2001). *No escape. Male Rape in U.S. Prisons*.

12 For more information, see the research conducted by Vacheret.

13 *Forum* (1995). « The Family Side of Corrections . » Vol.7(2).

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Abstract

The question of maintaining social and family ties in spite of imprisonment is an important one, which Canada has attempted to address by introducing programs for family visits in which participants are alone and given intimacy for a three-day period. Although this corresponds to a philosophy of humane punishment focused on the offender's reinstatement in the community, there is no denying another dimension, the additional control over inmates that these measures give to the prison administration.