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Look at my Life: Access to Education for the Remand Population in Ontario

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Abstract

Relative to other education systems across the world, access to education and the right to education in Canada do not, at first glance, appear to be denied or infringed upon. However, this is not the case for all individuals in Ontario. Despite well-known discrepancies in educational attainment rates between Canada's general population and the incarcerated population, there continues to be a significant need to rectify this discrepancy. Drawing on the theoretical record, it is argued here the lack of formal education programs for individuals on remand in Ontario is a violation of their right to education. Recommendations to create equal access to education for the remand population in Ontario are also presented.

Résumé

S'appuyant sur l'approche théorique fondée dans les droits humains, l'argument principal de cet article c'est que la manque des programmes éducatif pour les personnes en détention provisoire au Canada est une violation des droits à l'éducation. À l'examen de la recherche sur les programmes éducatifs correctionnels, les relations entre les programmes, la récidive, les conséquences de la vie et une programme réussi de Toronto, cet article fournis quelques recommandations pour les changements de la politique qui doivent être promulgué afin de remédier à les violations des droits humains qui se déroulent actuellement dans les centres de détention canadienne.

Introduction

Relative to other education systems across the world, access to education and the right to education in Canada do not, at first glance, appear to be denied or infringed upon. In Canada, elementary and secondary schooling are free (tax funded) and readily available to both children and adults. Canada ranks among the top countries in the world in education. In 2009, Canada had the highest proportion of post-secondary graduates (50 percent) in the 25-64 year age group among member countries of the Organization for Economic Co-operation and Development and the G7 (Organization for Economic Co-operation and Development, 2011). Education attainment has been a provincial policy priority in recent years as evidenced by improvement in important indicators of educational attainment levels. Using Statistics Canada data, *The Indicators of Well-Being in Canada* (Human Resources and Skills Development Canada, 2012) found: 1. a higher percentage of women (72 percent) than men (65 percent) aged 25 to 44 had completed post-secondary school; 2. the percentage of persons 15 years and over without high school diplomas decreased from 37.8 percent in 1990 to 19.5 percent in 2011, following similar trends in an increase in post-secondary certification (9.4 percent increase in college/trade certification and 10.9 percent in university degrees); 3. Canada's dropout rate has declined steadily since 1990/91, reaching a low of 7.8 percent in 2011/12; and 4. the percentage of those aged 20-24 in Canada who were not attending school and had not graduated high school decreased steadily from 1990/91 (16.6 percent) to 2011-2012 (7.8 percent).

Unfortunately, these optimistic statistics are not the reality for a specific segment of Canada's population: the incarcerated. It is well established that Canada's incarcerated population is significantly less formally educated than the general population of Canada (Harris, 2002; Boe, 2005; Correctional Service Canada, 2011). As will be argued throughout this paper, despite this known fact, a specific segment of the incarcerated population, individuals detained in pre-trial custody (remand population), do not have equal and fair access to education.

Drawing on the theoretical framework of human rights and conflict theory, this paper considers lack of educational programs for the remand population as a violation of their right to education and therefore, their human rights. Human rights claims are a way to achieve a pre-determined goal and can be used to change domestic law and the systems in our society (Clapham, 2007). Based on research findings and the experience of Amadeusz's 'The Look at My Life Project', this paper examines the right to education in Canada, the failure to provide equal and fair access to education for all Canadians and defines 'the right to education' in relation to the remand population (in particular to Ontarians). As such, this paper concludes with policy recommendations for creating equal access to education, in particular for the remand population.

Setting the Context: Who are the violated?

The focus population of this paper is the adult (age 18+) remand population in Ontario's custody facilities. Responsibility for adult incarceration in Canada is divided between federal and provincial/territorial governments, resulting in two types of custody: sentenced and remand (Dauvergne, 2012). The federal government is responsible for overseeing the incarceration and care of individuals sentenced to two years or more and provincial/territorial governments are similarly responsible for individuals sentenced to two years less a day and pre-trial custody (Christian, 2006; Dauvergne, 2012). Remand, or pre-trial custody encompasses individuals who have received a court-ordered temporary detention as they await a further court appearance (i.e.,

hearing, trial, sentencing) or the start of a custodial sentence; also housed in provincial/territorial facilities (Dauvergne, 2012). It is important to note here that despite their incarceration and status as “accused,” the remand population has not been tried and under Canadian law, is innocent until proven guilty.

The remand population has become a significant segment of Canada’s custody population. In 2010/2011, on any one day in Canada, there were approximately 38,000 individuals in custody: 36% serving a federal sentence, 29% serving a provincial sentence, 34% held on remand and less than 1% serving another temporary detainment (i.e. immigration hold) (Dauvergne, 2012). Over the last 10-15 years, the breakdown of the custody population has changed substantially: the remand population is now larger than the sentenced population (Porter & Calverley, 2011). In 2009/10, there were approximately 13,600 adults in remand each day in Canada (Porter & Calverley, 2011). In 2010/11, remand individuals in Canada accounted for 53% of adults in a provincial or territorial facility, while sentenced individuals accounted for 45% (Dauvergne, 2012). Furthermore, Canada reported a 30% increase in admission to remand reaching over 120,000 in 2008/09 (Porter & Calverley, 2011). Specific to Ontario, between 1991/92 and 2005/06, the percentage of people held on remand increased to 65 percent from 35 percent (John Howard Society of Ontario, 2005). In this same time period in Ontario, the average daily count increased 126 percent from 2,270 to 5,123 and the number of admissions to remand increased by 40% from 44,479 to 62,404 (John Howard Society of Ontario, 2005). The most recent statistics from statistics Canada indicate there were 58,319 admissions to remand in 2010 (Statistics Canada, 2012). The remand population is now a large and significant group of the custody population in Canada and Ontario.

Canada’s custody population is disproportionately represented among the less formally educated and illiterate (Harris, 2002). At the time of admission to a federal correctional facility, intake assessments reveal significant educational needs for inmates. The Correctional Service of Canada (CSC) (2011) finds approximately 65 percent of individuals test at a completion level lower than Grade 8, 82 percent test lower than Grade 10 and 37 percent of males have an education of Grade 9 or less. Boe (2005) found similar results in his evaluation of the Adult Basic Education (ABE) Program, a correctional education program operating in federal facilities: of the 78 percent of males who had not completed high school at the time of admission, 89 percent were under 25 years old, 55 percent had not completed Grade 10 and 19 percent had not completed Grade 8. Incarcerated females face comparably low levels: nationally, 19 percent have a Grade 9 education or less, compared to 35 percent in provincial-territorial correctional facilities and 48 percent in federal correctional facilities (Canadian Human Rights Commission, 2003; Trevethan, 1999). CSC (2011) also estimates that two-thirds of federal inmates are functionally illiterate.

The extensive and under-‘educated’ remand population represent by these last numbers is at the heart of this paper. As will be demonstrated in the next section, this group of individuals, already a vulnerable and marginalized segment of our population, is experiencing continued marginalization through a violation of their right to education. This is a serious failure on our part as a society to protect marginalized and vulnerable groups of individuals in our communities. While the arguments can be made that this population experiences a number of human rights violations, the particular focus at present is the right to education.

Critical Rights-Based Approach (RBA) and the Right to Education

The right to education must first begin with a general discussion of human rights and responsibility: rights and responsibilities are connected and only exist in the context of each other. As Ife & Fiske (2006) highlight, there can only be rights if others are held to the corresponding responsibilities of protecting and securing those rights; conversely, there are only responsibilities when they are linked to rights. The connection between rights and responsibilities implies human rights are action-oriented; that they demand action. Ife and Fiske (2006) go on to say that there is more than just claiming a right; there also needs to be a provision of responsibility to act and uphold such responsibility. Thus, we begin our discussion with rights and the right to education and follow-up with the corresponding responsibilities.

Human rights can be considered in the moral/philosophical sense or in the legal sense (Clapham, 2007). Definitions of human rights range from morality and natural rights to a more narrow definition of minimum standards of rights interpreted by the state (Benhabib, 2007). This narrow definition seeks to clearly separate minimum standards of rights (as defined by individual governments) and the broader list of rights outlined in international documents (i.e., right to education, right to work for equal pay, right to a standard of living for health and well-being) (Benhabib, 2008). Philosophical and moral debates of rights are necessary; however for the purposes of our discussion, we examine human rights from the legal approach. This legal approach addresses the demand for the concrete protection of ‘inherent natural rights,’ where human rights claims are used to prevent exclusion and “to protect minority groups from “the ‘tyranny’ of the majority” (Clapham, 2007, p. 3; Karmel, 2008).

A Rights-Based Approach is used here to examine the right to education in Ontario. The main goal of RBA is to improve the situation all of human beings, particularly the marginalized, the discriminated against and the most vulnerable, and to protect them from infringements on their rights. A RBA identifies “rights-holders and their entitlements and corresponding duty-bearers and their obligations, and works towards strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations” (Office of the United Nations High Commissioner for Human Rights, 2006, p. 15). Within the context of a RBA, the right to education in Canada has two main actors: duty-bearers and rights-bearers. Specific to our discussion, the remand population is identified as rights-holders and the right to education is their entitlement. As rights-holders, the remand population must lay claim to their entitlements. The right to education is often referred to as only a right for children; however, this contradicts the clearly stated principles of the United Nations Declaration of Rights (1948) that status (i.e., age, race, religion) is not an acceptable basis for exclusion (Karmel, 2008).

The right to education must be for all – it is not an entitlement of only some individuals or groups simply because of their status in society (i.e., wealthy). In fact, detention cannot be used as a justifiable limitation because, in addition to the positive outcomes associated with increased educational attainment levels, the state clearly recognizes the importance of education as evidenced by Canada’s high levels of educational attainment among the general population (presented in introduction). While some rights are justifiably limited as a result of incarceration (i.e., freedom), this type of infringement on rights must not be extended beyond what is absolutely necessary. Furthermore, it must be remembered that the remand population has only been accused of an offense, not found guilty of a crime: thus they remain innocent until proven guilty and should be treated as such. The remand population is entitled to access to education materials such as high school preparation and curriculum books, paper, pencils and reading materials. The right to education also means access to formal programming that will result in increased educational attainment levels such as preparatory classes and correspondence courses.

Access to teachers and tutors are a necessary component and access to continued higher level education if the individual so desires, must also be included in the right to education for the remand population.

Following the remand population as the rights-bearer, the corresponding duty-bearer is the state and their responsibility is to ensure equal and fair access to education for all. It is imperative duty-bearers uphold their obligations in the area of education as the promotion and protection of the right to education is a first and necessary step to realize and enjoy all other freedoms (Clapham, 2007). Education is essential to enhancing human rights and empowering all individuals to enjoy all rights (Clapham, 2007). Education is a means to freedom as it facilitates a process for individuals to examine and engage in society to the extent and method they desire (Karmel, 2008). The power of education and its connection to realizing all other human rights leads us to conclude that the right to education must be regarded and protected as a basic minimum right for all. As stated earlier, claiming the right to education is the simple part; the complex part arises in garnering the responsibility of duty-bearers to enforce the claim.

According to the United Nations, duty-bearers have three responsibilities and obligations in the area of human rights:

1. Respect (to not interfere with an individual's right);
2. Protect (to prevent others from interfering another's rights); and
3. Fulfill (to adopt appropriate means to realize the rights of individuals (Office of the United Nations High Commissioner for Human Rights, 2006).

However, as will be demonstrated throughout the next section of this paper, the current situation of the remand population indicates that the duty-bearer (i.e., state), is not complying with its duty to respect, protect and fulfill the right to education.

Conflict Theory and the Right to Education

A lack of compliance by duty-bearers to uphold their responsibility can be explained well using conflict theory. Conflict theories of crime are based in Marxist theory where the focus is on why specific acts are considered criminal as opposed to simply attempting to explain why individuals commit crime in the first place (Kaplan & Hallinan, 2006). Conflict theory argues that within capitalist society, there is competition between groups, that some groups prosper and some groups falter (Kaplan & Hallinan, 2006). The state, comprised of the wealthy and powerful, creates laws and policies to protect the 'upper class' and to punish those considered of 'lower class' (Goode, 1997). Marxist theorists further contend that criminal laws and associated policies are instruments of the 'ruling class', used to maintain the status quo and the continued oppression of the 'lower classes' (Goode, 1997). Marxism argues that capitalism dehumanizes and isolates groups of human beings due to conflicts between classes, and subsequent antagonistic relationships between them born out of their inequality, and the exploitation of the one for the benefit of the other (Ellis, 1987, p. 65).

In a capitalist society policies and laws designed to repress marginalized groups often lead to the commodification of crime (Brookfield, 2001). The commodification of crime is grounded in Marxism and is "the process by which a human quality or relationship becomes regarded as product, good, or commodity to be bought and sold on the open market" (Brookfield, 2001, p. 9). This commodification in a capitalistic society further alienates unequal groups. The prison industrial complex, mass building of prison infrastructure and increased use of pre-trial custody are examples of the commodification of crime and the measurable oppression of specific

groups. The commodification of crime specific to the remand population is directly connected to the failure of the State to enact specific education policies for the remand population, as will be examined in the following section. Failure to provide this significantly marginalized group (remand population) further marginalizes the undereducated and exacerbates cycles of poverty and crime, perpetuating the commodification of crime.

Critical Examination of Educational Programs and Policies in Correctional Settings

This section will examine education policies in correctional settings through the lens of conflict theory. It will illustrate the failure of the Canadian government to enact policies to respect, protect and fulfill the right to education.

The right to education is not outlined in any Canadian human rights policy. As such, we look to correctional policy to re-examine the state's role in providing education to remand populations. The rate of formally undereducated individuals in Canada's custody population, as demonstrated above, is well established in correctional education literature and as such, correctional education programs have been available in correctional facilities since the 19th Century. At the Federal level, the CSC, responsible for the incarceration and rehabilitation of federally sentenced individuals, has made correctional education programs a priority in the correctional plans of all federal offenders (individuals sentenced to two years plus a day) who have achieved less than a Grade 10 level by offering them a placement in a correctional education program (John Howard Society of Alberta, 2002; Harris, 2002). The passage of the Corrections and Conditional Release Act (CCRA) in 1992 brought the provision of correctional programs under the mandate of the CSC, where correctional education was identified as a core program in CSC's correctional strategy (Quantick, 2007).

Currently, academic education is available to federally incarcerated individuals when it is mandated or recommended in an individual's correctional plan or if their literacy level requires upgrading to participate in other programs in their correctional plan (Correctional Investigator of Canada, 2011, p.14). CSC also makes secondary education, vocational and post-secondary education available to incarcerated individuals; however individuals are required to pay their own way, often times limiting access, particularly to post-secondary education (Correctional Service of Canada, 2011). Access to programming at the federal level appears to have mixed success. Of the 22,508 individuals enrolled in or assessed under CSC programs (i.e. correctional, educational, substance abuse) in 2009/10, only 12,396 completed these programs (Correctional Service of Canada, 2004). Despite these low completion rates, however, it appears evident that correctional programming and educational programming more specifically, are available and systematically implemented for the federal custody population.

In contrast to the correctional education programming available in the federal system, education programs available to the remand population are quite different and as argued below, extremely scarce. As previously stated, the treatment of remand populations is overseen by the provincial government and governed by provincial policy. In comparison to the federal CSC, the Ontario provincial government (currently named the Ministry of Community Safety and Correctional Services) legislated a broader approach to rehabilitation programming. The Ontario Ministry of Correctional Service Act (MSCA) 1990, which guides management of the provincial justice system, states:

“The Minister may establish rehabilitation programs under which inmates may be granted the privilege of continuing to work at their regular employment, obtaining new

employment, attending academic institutions, or participating in any other program that the Minister may consider advisable in order that such persons may have a better opportunity for rehabilitation.” (R.S.O. 1990, c. M.22, s. 25)

It is suggested here that this broad approach to rehabilitation programming is one source of the limited to non-existent correctional programming available to Ontario’s remand population: “individuals who spend time in remand typically have little or no access to activities such as recreation, work and rehabilitative programs and services in most jurisdictions (Beattie, 2006).

One challenge to establishing acceptable levels of educational programming in Ontario’s detention centres is the limited information available on the subject and research being conducted on the same. A thorough search of academic journals and online databases reveals only one formal education program is currently operating in Ontario detention centres (Amadeusz’s *The Look at My Life Project*, described below). Beyond this finding, a report by the John Howard Society of Ontario (2005) describing conditions of remand in Ontario highlights a policy decision by the Ministry of Community Safety and Correctional Service (provincial department responsible for remand) and resulted in a change to program delivery: programs available to sentenced individuals would not be made available to remand individuals. Given the lack of information available in secondary sources, interviews were conducted with a former teacher and current staff at various detention centres in 2010. An interview conducted with a former teacher at one of Toronto’s detention centres revealed that the Etobicoke Board of Education (now merged under the Toronto District School Board) operated a program wherein remand individuals could earn high school credits. Unfortunately, due to the 1998 amalgamation and resulting funding cuts, the program suffered irrevocably.

The program continued for a couple of years on a volunteer basis, but eventually stopped due to lack of resources. Interviews with staff from the detention centres revealed only religion and addiction-based programs remain consistently implemented across Ontario detention centres. At the time of the interviews in 2010, *The Look at my Life Project* was the only project offering access to formal education. Recognition of the importance of programming for the remand population by some staff in the detention centres and an effort to overcome reduced resources to provide rehabilitation programming is evidenced by collaborative partnerships with community organizations. While these programs are important pieces of the rehabilitation puzzle, the lack of systematic implementation and consistency across detention centres is a clear indication of duty-bearers continued use of policy to oppress a marginalized group in society. Current discourse on education programs in remand settings is ‘it won’t work’. In addition to the unique challenges of operating an education program in a correctional setting, opponents argue remand settings offer their own additional challenges. Arguments against providing programming (including education) in detention centres suggest there are too many barriers to successful programming including a transient population, short-term stays and unknown transfers/releases (Tickle, 2010).

A major problem in detention centres is ‘churn’ (Tickle, 2010): individuals are regularly transferred between detention centres, often without prior knowledge. This practice can result in programming interruption and is often used as an excuse to not provide rehabilitation services. Furthermore, individuals are often released back into the community (i.e. released on bail, charges dropped), without prior knowledge and often times without post-release connections/supports. Arguments against education programs also state that there is a lack of time to properly provide education programs: individuals are not on remand long enough. However, along with an increased number of individuals on remand, there is also a clear trend

toward longer lengths of stay. The average length of days spent on remand increased from 24.2 days to 33.5 days between 1995/96 to 2004/05 (John Howard Society of Ontario, 2007). The challenge with examining lengths of stay on remand is a high percentage of individuals spend a very short time on remand, driving the average length of stay down. For example, 45% of adults returned to the community directly from remand, and their average length of stay on remand was 4 days (Porter & Calverley, 2011). However, a significant number of individuals are spending longer periods of time on remand, sometimes up to two or three years. The proportion of individuals spending one week or less on remand decreased from 62 to 54 percent and the number of individuals who spend three or more months on remand increased from 4 to 7 percent (Sinha & Landry, 2008). Individuals who have the longest lengths of stay on remand tend to have the longest sentences to custody (Porter & Calverley, 2011). In 2008/2009, individuals who moved directly from remand to federal custody served a median number of 84 days on remand (Porter & Calverley, 2011).

Challenging the Current Programming in Correctional Settings: Exploring the Association Between Education, Recidivism and Life Outcomes

The above arguments are valid concerns and challenges to operating programming for the remand population, however there is evidence successful programming can work and is much needed. Ample research has demonstrated the positive effects of education in correctional settings and the association to lower recidivism levels (Nally, Lockwood, Knutson, Ho, 2012; Esperian, 2010; Chappell, 2004; Burke & Vivian, 2001; Correctional Service of Canada, 1995; Gerber & Fitsch, 1995; Lilly, 1996; Taylor, 1989), better employment opportunities, reduced poverty and better life outcomes (Levin, 1995; Mikkonen & Raphael, 2010).

The link between low education levels and negative life outcomes is well established in research ([Weatherbee, 2006](#)). Recidivism rates have been found to be highest among individuals with less than a high school education when they are released from prison (Harer, 1995; Jancic, 1998). [Beck and Shipley \(1989\)](#) found that of those individuals released in 1983, those with less than a high school education had the highest recidivism rates. In the Canadian context, there are only a few studies examining the effect of education on recidivism rates. One such study examined re-admission data rates for federally sentenced individuals who engaged in post-secondary prison in British Columbia between 1973 and 1993 found that only 25 percent of participants re-offended in a three year follow-up period, compared to a 50 percent Canadian recidivism rate (Duguid, Hawkey & Knight, 1998).

Correctional education research from the United States has found results similar to the Canadian study. Overall, previous studies have found that individuals who progress in their educational development while incarcerated reduce the likelihood of re-incarceration; “those offenders who earned a GED while incarcerated were less likely to return to state prison than a comparable sample of offenders who did not earn a GED” (Nuttall, Hollmen & Staley, 2003, p. 91). One of the largest studies ever conducted assessing the impact of education in correctional settings was the Steurer, Smith & Tracy (2001) three-state study. Using a follow-up period of three years and statistics on re-arrests, re-convictions and re-incarcerations, the study found a 13 percent reduction in re-arrests, a 21 percent reduction in re-convictions and a 29 percent reduction in re-incarceration. These authors further concluded that every dollar spent on education in the three states returns more than two dollars to the community in reduced prison costs. Using only the most rigorous studies on education in correctional settings, Hendricks, Hendricks &

Kauffman (2001) conducted a meta-analysis and found incarcerated individuals who participate in education programs experience on average a 20 percent reduction in recidivism.

Department reports from the U.S. Department of Justice point to education as one of the most effective tools to lowering recidivism rates. The National Institute of Justice Report to the U.S. Congress found prison-based education is the single most effective tool for lowering recidivism (Karpowitz & Kenner, 1996). Studies sponsored by the Federal Bureau of Prisons found recidivism rates are inversely related to educational program participation while in prison, where the more educational programs successfully completed for each 6 months confined, the lower the recidivism rates (Tracy & Johnson, 1994). “An individual’s educational attainment is one of the most important determinants of their life chances in terms of employment, income, health status, housing and many other amenities” (Levin, Belfield, Muennig & Rouse, 2007, p.2).

Perhaps most importantly to policy makers and decision makers, recent findings indicate that education programs are cost-effective. Cost-benefit analyses of crime prevention and intervention programs have shown that diverting money from prison construction and incarceration to prevention and intervention programs will decrease expenditures on crime costs in the long-term. A 2004 UCLA report found that a \$1 million investment in incarceration will prevent 350 crimes, while the same investment in education will prevent 600 crimes (Bazos & Hausman, 2004). Hankivsky’s (2008) report to the Canadian Council of Learning calculated estimated tangible costs per dropout and an aggregated total in Canada in various areas on an annual and lifetime basis. Findings from this report reveal, on an annual basis, high school non-completion results in \$8,098 in health care costs (private), \$4,230 in social assistance (public) costs, and \$224 in crime (public) costs on an annual basis. Translated to total aggregate annual costs, these numbers are substantial: \$23.8 billion (health private), \$969 million (social assistance) and \$350 million (crime public).

Creating Access to Education for the Remand Population in Ontario: Amadeusz’s The Look at My Life Project

It is recognized that the above education programs generally operated in facilities that house sentenced individuals. Thus, we present Amadeusz’s ‘The Look at My Life Project’, a project that has successfully delivered formal education programming to the remand population in Ontario. TLMLP is committed to increasing access to education for a much marginalised segment of the Canadian population: the remand population. The remand population (individuals who have been charged with a crime and are awaiting a further court appearance, thus they have not been found guilty of a crime) was specifically identified due to their long lengths of time incarcerated with no access to education programming and their states as accused, rather than guilty (argued above). Through education, it is the project’s aim to promote and support positive change in young people’s lives and communities. TLMLP provides education attainment programs to remand individuals residing in detention centres in the Greater Toronto Area, working with key stakeholders (i.e. government ministries, detention centres, Independent Learning Centre), specifically by assisting them in obtaining their high school education or equivalency (General Educational Development certificate) and complete post-secondary courses that enable them to explore career options.

TLMLP evolved from research and interviews conducted from 2003-2007 that revealed significant increases in the number of remand individuals, long lengths of stay and low education attainment rates among Ontario’s incarcerated population. Advocacy and a small community

grant facilitated the opportunity for Amadeusz to operate a pilot project to provide GED preparation courses and exams to remand individuals at the Toronto West Detention Centre. Successful completion of the pilot program led to expansion of the program to the Toronto East Detention Centre, the Toronto Jail, and most recently a female specific project was commenced at Vanier Centre for Women. Despite the above mentioned ‘challenges’ to providing education programs to remand individuals, TLMLP has learned that through perseverance, flexibility, dedicated staff, respect and understanding of the correctional system, and collaboration and strong partnerships with the detention centre staff, education programs can successfully operate for the remand population. As evidenced by long waitlist and inability to meet demand, TLMLP has identified a need and desire by those on remand to access education. Thus, a secondary goal of the project is to advocate on behalf of this often overlooked population.

The project has faced many challenges to its successful operation and had to overcome obstacles such as transfers of individuals to different centres, releases and lost contact with participants, lockdowns, low attendance rates due to court appearances and psychological effects and stress of incarceration on participants. Operating an education program in detention centres is not easy, but the authors have learned that it is possible, through the lessons learned outlined above, and moreover, that they can be very successful. Since the project started in 2009, 46 individuals have obtained their high school education. 16 of these individuals have continued on with the project to register in 22 university courses, and 16 courses have been successfully completed. As we are still a young project with limited resources, evaluation of project impacts beyond educational attainment are limited. Resources continue to be a major challenge in following up with past participants to determine effect on recidivism rates and post-release success. Nevertheless, Amadeusz’s The Look at My Life Project stands out as an example of successful facilitation of a formal education program for the remand population.

Recommendations

The following points are specific recommendations to create equal access to education for all, particularly directed at the remand population.

1. Mandate education as a priority in the correctional plans of individuals held on remand, similar to federal correctional plans. Correctional plans will move with the individual through the system.
2. Legislate clear policy indicating who is responsible for providing access to education to incarcerated individuals; and formally name joint or sole responsibilities at various levels of government.
3. Ministries and organizations with a connection to education (i.e. Education, Community Safety and Correctional Service, School Boards) must come together to create an optimal education strategy for detention centres.
4. Implement specific policies to reduce barriers to accessing education in detention centres and to prevent interruptions to that education (i.e. hold transfers, increased collaboration among detention centres to minimize impact of transfers).
5. Create partnerships with community-based organizations to provide correctional education programs in detention centres.

6. Strengthen the right to education for the remand population in correctional policy (i.e., rehabilitation programming).
7. Invest in policies and programs that work to reduce recidivism and continued involvement with the correctional system.
8. Connect all remand individuals who are released directly to the community with post-release supports, i.e. community organizations whose mandate it is to address their specific needs.
9. Support research that examines the specific issues facing the remand population in Canada and their educational needs.
10. Diminish emphasis on use of remand.

Conclusion

Rationales and motivations for public policy decisions are often varied ranging from self-interest (i.e. vote getting) to cost-effectiveness. The ruling government has to make a paradigm shift from commodifying crime and building industrial prison complexes to investing in human beings. Using conflict theory, this paper demonstrated the failure of the state to protect a particularly marginalized group in society: the remand population. The state is using policy decisions to continue to oppress this marginalized group by blocking access to education. The state is also failing to take into account sound evidence that undereducated individuals cost the public money and significant savings could be achieved by providing education to these individuals. The right to education is critical in ensuring the future growth and development of citizens and countries as a whole (Russo, 2010). Citizens, interest groups, non-profit and advocacy organizations alike must urge duty-bearers, particularly those at levels of government responsible for protecting and fulfilling the right to education, to meet their obligations and to uphold their commitment to protect human rights for all individuals. Commodification of crime must become a practice of the past. In order to truly invest in human beings, a radical realignment of power relations is necessary: a struggle we continue to face.

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