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ABSTRACT

Despite its emphasis on rehabilitation, the Canadian prison system remains overly punitive in practice, failing to successfully reintegrate offenders and reduce recidivism. Adopting a Norwegian-inspired rehabilitative prison model based on components of the penal system that have been proven to work already could better align the Canadian criminal justice system with its sentencing goals. Though limited by data availability, official reports and academic literature from Canada and Norway are used to critically analyze sentencing laws and correctional policies and how they contrast to quantitative and qualitative prison statistics. While both countries emphasize rehabilitation rhetorically, Canadian prisons are punitive, while Norwegian prisons achieve their rehabilitative aims. To improve prison conditions and offender outcomes, Canadian prisons should implement Norwegian sentencing principles, including the principle of normality and the importation model, focusing on promoting offenders' community links and humane facilities. Critical considerations include implementation structure, managing dangerous offenders, and why Indigenous healing lodges, despite presenting similarities, cannot fill this reform need. Potential benefits include adhering to recent legislation, reducing reoffending, community engagement, and shorter sentences.

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INTRODUCTION

Consistent with Garland's (2001) claim that we have entered a new age of punitiveness, over the past few decades, Canadian incarceration practices have shifted from rehabilitation to a "get tough on crime" approach (Moore and Hannah-Moffat, 2005; Webster and Doob, 2015; Pratt, 2007a). Specifically, crime has become increasingly politicized, and prisons have been positioned as its "solution" (Webster and Doob, 2015). Although the goals of sentencing have remained unchanged under s. 718 of the *Criminal Code (1985)*, unprecedentedly punitive criminal justice legislation has been introduced since 2006, characterized by greater use of imprisonment and a more punitive philosophy of corrections, wherein deterrence has become a central feature of "appropriate punishment" (Healy, 2013; Webster and Doob, 2015). In response to public and scholarly outcry against this punitive turn, the Canadian Government has made critically restructuring the criminal justice system and sentencing reform an ongoing priority (IRPP, 2018, p.5; Government of Canada, 2023a). It has put forth several reforms which emphasize the rehabilitative goal of sentencing and has mandated its subsidiaries, such as the Correctional Service of Canada, to offer therapeutic programming which is cognizant of offenders' various circumstances (Moore and Hannah-Moffat, 2005; Zinger, 2018; Zinger, 2023).

Despite these attempts at being rehabilitative, as this dissertation will explore, the "Canadian model" of incarceration is punitive in practice, merely operating under the guise of being liberal and progressive (Moore and Hannah-Moffat, 2005, p.85). Specifically, this dissertation argues that despite aiming to rehabilitate offenders, current penal practices in Canadian federal and provincial prisons are overly punitive. In practice, prisoners leave the prison equally, if not more disadvantaged than when they entered, and as a result, end up experiencing punishment that continues past their carceral sentence. Consequently, to align with its rehabilitative sentencing

goal, it is necessary to reform extant Canadian prison structures, building upon what has already been proven to reduce recidivism to create a rehabilitative prison system which takes inspiration from Norwegian prison practices. Before delving deeper into this problem and this dissertation's argumentative roadmap, I will first provide a brief overview of the Canadian and Norwegian prison landscapes.

Canadian Prison Landscape

The criminal justice system in Canada is divided into federal and provincial/territorial jurisdictions, with 216 adult institutions currently in operation (Government of Canada, 2024). 43 of these institutions are federal prisons, which are managed by the Correctional Service of Canada (CSC) (Government of Canada, 2024). Federal corrections include five minimum, nine medium, six maximum security, twelve multilevel security penitentiaries, and eleven clustered institutions (Manson, 1997, p.236). Falling under the category of minimum-security institutions, the federal corrections system also directly manages four healing lodges and partners with Indigenous communities to manage six additional healing lodges in line with s. 81 of the *Corrections and Conditional Release Act* with the goal of fostering “a traditional healing environment that supports the reintegration of Indigenous offenders back into the community” (Government of Canada, 2024). In addition, the CSC manages five regional care centres across Canada, designed to treat offenders with severe mental health conditions (Government of Canada, 2024). Lastly, CSC has partnerships with non-governmental agencies that manage about 200 community residential facilities nationwide (Government of Canada, 2024). These residential facilities are responsible for providing various counselling and programming options, as well as housing and 24-hour supervision to offenders who have been released under supervision, which, at least in theory, is

supposed to ensure that offenders are successful in reintegrating into their community (Government of Canada, 2024). Although the CSC is not responsible for most offenders serving their sentences in Canada, its operations are necessary to examine given that its correctional institutions are spread all over the nation, an analysis of which allows for a more consistent general picture of corrections in Canada as opposed to comparing the practices of individual provinces or territories. As a result, the goals of the CSC will be the primary focus of the proceeding discussion.

Similar to federal institutions, the 173 provincial and territorial prisons managed by their respective provincial and territorial correctional services can be maximum, medium, minimum or multilevel security (Government of Canada, 2024a). In each province and territory, correctional institutions vary significantly in how they operate, as well as the distinctions they set up in the kind of institutions they have. In Ontario, for example, there is a distinction made between the various types of correctional institutions to which individuals may be sentenced. These include correctional centres, detention centres, jails, and treatment centres for those with problems related to substance abuse, impulse control, sexual misconduct and anger management (Ontario, 2024a). However, every correctional facility in British Columbia is considered a “correctional centre” (Government of British Columbia, 2024). Although the available resources and programming offered vary based on the province or territory in which individuals serve their sentence, offenders are usually eligible for various educational programs, some form of counselling, such as behavioural therapy, as well as work experience programs which are administered by correctional officers, supervisors, and other specially trained staff (Government of British Columbia, 2024; Ontario, 2024a).

Whether an offender is placed in a federal or provincial/territorial institution is determined by the duration of their carceral sentence. Namely, offenders sentenced to terms of imprisonment

of two years or more under the Criminal Code are placed in federal prisons, whereas offenders who are awaiting trial and those sentenced to terms of two years less a day are confined in provincial or territorial institutions (Manson, 1997, p.235). As such, offenders who are found guilty of committing serious offences, such as first-degree murder or aggravated sexual assault, end up serving their sentences in federal institutions. Conversely, individuals found guilty of committing less serious offences, such as trespassing or unlawful assembly, serve their sentences in provincial or territorial institutions depending on the province in which they are sentenced and reside, given that an individual could only be placed in a territorial prison if they were sentenced in and reside in a territory of Canada, as opposed to a province.

Norwegian Prison Landscape

Initially, like Canada's current penal practices, Norway's prison system was built on the idea of using punishment as a deterrent, and prisoners were often punished with isolation through lengthy sentences in harsh conditions (Høidal and Hanssen, 2022, p.28). Under this mode of corrections, numerous challenges began to arise. In the 1980s, it became clear that the country's prisons were very old, lacking any kind of modern facilities, with widespread isolation practices, limited staff-inmate interactions, and little for prisoners to do (Høidal and Hanssen, 2022, p.29; Strømnes, 2019). At the same time, the government strengthened its drug control policies, resulting in the number of inmates increasing dramatically (Høidal and Hanssen, 2022, pp.29). In addition, there was also an influx of severely mentally ill individuals coming into prison after the closure of Reitgjerdet, a hospital for psychiatric patients, due to its undesirable conditions (Høidal and Hanssen, 2022, pp.29-30; Strømnes, 2019). As a result of these problems, according to a study by the National Institution for Statistics, 63% of offenders were reconvicted within five years of their

release (Høidal and Hanssen, 2022, p.29; Strømnes, 2019). For individuals with three or more prior convictions, the reoffending rate was even higher, at nearly 70% (Høidal and Hanssen, 2022, p.29; Strømnes, 2019). In response to these problems, unlike Canada, whose politicians chose to get tough on crime, politicians in Norway decided to completely overhaul the country's prison system in the 1990s, which led to the creation of its current humane prison system that prioritizes rehabilitation and reintegration (Høidal and Hanssen, 2022, p.29).

Although the criminal code of Norway does not have detailed provisions on sentencing, punishment in Norway is now based on the “principle of normality,” the belief that no one should serve a sentence “under stricter circumstances than necessary” for the safety of the society (Strømnes, 2019). In essence, the view held in Norway is that rather than looking for a reason to grant an offender their rights, there needs to be a substantive reason to deny them these rights (Kriminalomsorgen, n.d.a). Consequently, the sole punishment offenders should receive during their imprisonment is the restriction of liberty (Strømnes, 2019). Offenders are now placed in the lowest possible security regime based on their assessed risk (Strømnes, 2019). They are also not deprived of any other rights, and their life in prison is made to “resemble life in the community as much as possible” (Strømnes, 2019). However, like in Canada, the correctional service's ability to implement this principle is limited for several reasons. These include the correctional management framework, security, differences across prisons and their personnel, and available financial and infrastructural resources (Kriminalomsorgen, n.d.a).

Based on a consideration of justice and humanity as outlined in the new Penal Code, active as of 2015, there have also been reforms to how people are sentenced (Høidal and Hanssen, 2022, p.13; Høidal, 2018, p.60). There is now no official life sentence since this kind of punishment is understood to have no usefulness for society (Høidal and Hanssen, 2022, p.13). Instead, the

maximum sentence an offender can serve is now 21 years, or, in rare cases, 30 years for certain very serious crimes, including genocide, crimes against humanity, and war crimes (Kriminalomsorgen, n.d.a). Despite having this option when sentencing offenders, imprisonment is reserved for only the most serious offences (Hinkkanen and Lappi-Seppälä, 2011, p. 350). Most offenders receive monetary penalties, formal warnings, and community-based sanctions (Hinkkanen and Lappi-Seppälä, 2011, p. 350). In cases where imprisonment is used, however, almost 90% of sentences end up being less than a year (Kriminalomsorgen, n.d.a). Still, it is important to note that Norway has retained the possibility of preventive detention, which can act as a type of indeterminate sentence (Hinkkanen and Lappi-Seppälä, 2011, p. 350).

The Norwegian prison system is run by the Norwegian Correctional Service (NCS), which is organized into three levels. These levels consist of the Directorate of Correctional Service, which is responsible for the Norwegian penal system, five regional administrations, and local prisons and probation offices (Government of Norway, n.d.). Norway's prison system consists of many small, community-based correctional facilities spread across the country, allowing offenders to serve their sentence as close to their communities as possible (Kriminalomsorgen, n.d.a). Specifically, Norway has 3,600 cells spread across 58 prisons (Kriminalomsorgen, n.d.a). There are three security levels of prisons. These include high security, referred to as "closed prisons," lower security, or "open prisons," and transitional housing. Closed prisons are the most restrictive since they do not allow inmates to leave and lock them in their rooms at night, but otherwise leaving the prison area open internally (Høidal, 2018, pp.59-60). Closed prisons comprise about 70% of the prison facilities in Norway (Kriminalomsorgen, n.d.a). Conversely, open prisons allow inmates to leave the premises, do not have restrictive walls, and encourage offenders to develop and maintain contact with their community (Høidal, 2018, p.60). Lastly, as the least restrictive incarceration

option, transitional housing is intended to directly assist offenders in re-entry into the community (Høidal, 2018, p.60). These institutions are used when an offender has already completed a part of a sentence and place offenders under less strict control (Høidal, 2018, p.60).

Argumentative Roadmap

With the Canadian and Norwegian prison landscapes in mind, I outline the conceptual framework in the first chapter, which will form the basis of the proceeding discussion. I will focus specifically on defining what is understood to be a “punitive prison,” their physical conditions, and their effects on incarcerated persons before contrasting such prisons with “rehabilitative prisons.” I will then describe why a prison may be understood to “fail” or “succeed” in achieving its goals before acknowledging my awareness of Scandinavian exceptionalism.

In the next chapter, I describe the goals of sentencing in Canada and Norway before exploring how they are intertwined with the objectives of their correctional authorities. These goals are contrasted with current penal practices in each of these countries. Based on their prison statistics, this dissertation will explain why Canadian prisons are punitive and fail in achieving their rehabilitative goal, while Norwegian prisons can be considered rehabilitative and succeed in achieving this goal.

In the third chapter, I critically examine how Canadian prisons can take inspiration from Norway to improve prison conditions for offenders and reduce recidivism rates, addressing key nuances. These nuances include how a new rehabilitative model would function in Canada, what should be done in the case of dangerous or violent offenders, and why Canada cannot simply rely on its Indigenous healing lodges. In the final chapter, this dissertation will use these critical considerations to explore the potential benefits of implementing a Norwegian-inspired model,

including adherence to recent legislation, reducing recidivism, bringing the community together and shorter sentence lengths. I conclude by acknowledging the potential limitations of introducing the proposed model and suggest that Canadian prisons may be further improved if they adopt some of the teachings and methods of Indigenous healing lodges since this would create a more relevant prison model for such persons.

METHODOLOGY

This dissertation argues that Canadian prisons are punitive and fail to achieve their rehabilitative goal and objectives. Further, it suggests that one way of addressing this problem is adopting a Norwegian-inspired prison system tailored to reflect Canada's unique historical circumstances, penal trends, and previously undertaken reforms. The feasibility of implementing such a model is primarily linked to the many similarities within the histories of their criminal justice systems, as the following chapters will explore. It will be demonstrated that when examining the purposes of sentencing and carceral histories in Canada and Norway, it is clear that both of these countries place a significant amount of emphasis on the importance of their rehabilitative goals, offering various forms of treatment and therapy for offenders, and in doing so, demonstrate a more liberal view on punishment. Moreover, their liberal views on punishment are further highlighted, given that both countries' correctional practices suggest that individuals' engagement in crime is in some way the result of experiences of poverty and a level of social deprivation or marginalization (Hanna, 2008; Flanders, 2017). These societies claim to understand criminal behaviour to be the result of having supposedly failed to provide for the needs of the persons who turn to offending, even though how they act upon this understanding is quite different, with Canada's system being punitive in practice compared to Norway (Hanna, 2008; Flanders, 2017). Consistent with liberal views of punishment, one of the primary responsibilities of their criminal justice systems when sentencing an offender is ensuring their welfare when serving their correctional sentences and rehabilitation (Hanna, 2008; Flanders, 2017).

Canada and Norway also have a history of policy exchange. Canadian correctional services developed numerous programs in response to the "Nothing Works" concept developed in the United States, some of which were imported to Norway (Høidal and Hanssen, 2022, p.11). This

kind of collaboration followed from a mutual belief that the treatment of offenders and a focus on rehabilitation had a positive effect on offenders, focusing on “What works” rather than “Nothing works,” as confirmed by several White Papers on correctional services (Høidal and Hanssen, 2022, pp.11-12). The “What works” idea became central to the Norwegian Correctional Service, who came to prioritize rehabilitation and humane treatment in their correctional practices. Still, this analysis is aware that the rehabilitative standard of Norwegian prisons does not hold up for incarcerated foreign nationals. This is due to difficulties in providing translated information, application and request forms for non-Norwegian speaking persons, adhering to religion-specific or culture-specific food requirements of prisoners, and ensuring that all prisoners are equipped with the requisite tools for reintegration even if it is into another country (Mulgrew, 2015). However, the experiences of such persons shall not be given explicit consideration, given the broad scope of analysis. Instead, this dissertation will focus on incarcerated adults more broadly.

Since first-hand data collection was not possible, I relied on official data, statistics, and reports from the Canadian and Norwegian governments, as well as academic literature, which provide a suitable alternative. The conceptual framework component of this dissertation, as well as the critical considerations and anticipated outcomes of the importation of a Norwegian-inspired model, will utilize research from a more global context to contend what constitutes a punitive as opposed to a rehabilitative prison, as there is insufficient evidence from Canada and Norway alone. To supplement this lack of research, this analysis will also consider findings from the UK and the US, given that these findings provide for a more complete understanding of the concepts used throughout the analysis since these concepts are not geographically specific to Canada and Norway. In most sections, I have conducted original synthesis and analysis of such data and compiled it into Table 1 and Table 2, manually calculating specific statistics where possible. Given

my geographical location in the UK and non-fluency in Norwegian, my analysis is limited to only those data points that are available online and published in English or those that have been translated into English. As such, an in-depth analysis of Norwegian prisons is not possible, given that the vast majority of Norwegian prison literature is written without an English translation.

1. CONCEPTUAL FRAMEWORK

In order to understand the practical effects and function of a given country's prison structure on its incarcerated population, both within the prison and after the completion of a carceral sentence, it is helpful to define what is punitive and rehabilitative in the prison environment. Thus, before engaging in the proceeding analysis, this chapter will begin by acknowledging the differences in prison goals and practices and how prisons may vary within a nation and across geographical contexts. The remainder of this chapter will then outline this dissertation's conceptual framework. I will briefly define what I mean by the terms "punitive prison" as opposed to "rehabilitative prison." Then, I describe what it means for a prison to "fail" or "succeed" and critically acknowledge the problem of Scandinavian exceptionalism within extant research.

1.1 An Acknowledgement of Differences in Prison Goals and Practices Across Contexts

Most countries present a distinct articulation of the purposes of sentencing within their criminal legal systems. These articulations influence how correctional service authorities conceptualize and carry out practices of incarceration. Although the reported purposes of sentencing can appear impressive on paper, sentencing practices may contradict these objectives. A contradiction of this nature can occur if the main outcome of their sentencing practices, resulting from prison conditions or programming, is incompatible with their objectives. For example, even though Canada may claim rehabilitation is one of its foundational purposes of sentencing under s.718 of its *Criminal Code*, as will be elaborated upon in the following chapter, because its sentencing practices are largely retributive and prioritize the punishment of offenders, its prison system cannot be understood as being rehabilitative in practice. Instead, Canadian prisons can be

conceptualized as what this dissertation will refer to as “punitive prisons,” as will be explored further in the following section.

In addition to differences in the purposes of sentencing and how sentencing goals are acted upon across contexts, prisons are not identical in how they operate. There may be differences in how they are staffed, their physical environment and living conditions, and the types of programming and services they offer. Many will vary in terms of the harshness of their operational regimes and their social organization by jurisdiction and as a result of the political perception of offenders (Ross et al., 2008, p.448). A prison is also not entirely a “total institution,” as it is frequently described as being, since it is not entirely cut off from the rest of society (Ellis, 2021, pp.175-176). Instead, it is better understood as being “porous” given that its operations are, to some extent, shaped by broader political and economic interests (Ellis, 2021, p.175). For example, in the US, many prisoners across the nation work for UNICOR (2023), an organization whose labour force consists entirely of prisoners, to help provide garments for the US military. Offering prisoners this option is in the government’s interest, given that they receive essential equipment for their military while only paying inmates between 0.23 to 1.15 dollars per hour (Federal Bureau of Prisons, n.d.). Thus, it is reasonable to assume that differences in how prisons operate may have an impact on whether previously incarcerated individuals re-offend, their re-arrest rates, and the type of offences that persons commit after being released into the community (Ross et al., 2008, p.448). In addition, differences in prison operations may also influence the impact of imprisonment on rates of self-harm for offenders, as well as their likelihood to engage in violent behaviour or drug use during their incarceration (Ross et al., 2008, p.448). Even though recognition of and critical engagement with differences across prisons is essential for a complete understanding of a given nation’s prison system, it falls beyond the scope of this dissertation to attempt to examine

conditions within individual prisons across Canada and Norway. For this reason, this dissertation will focus instead on general trends within Canadian and Norwegian prisons related to their operations, staffing practices, and living conditions.

1.2 What is a “Punitive Prison”?

I use the term “punitive prison” to describe carceral spaces whose primary function is to punish offenders in an attempt to reduce reoffending, irrespective of the sentencing objectives reported by the nation in which they operate. It should be emphasized that prisons are only punitive in this definition if their punitiveness relates to crime control. Punitive prisons are characterized by their engagement in one or more of the following practices: subjecting prisoners to unsanitary and unsafe living conditions; inadequate physical and mental health supports; failing to provide relevant therapeutic programming; and, as the following sections will emphasize, by far the most punitive component of such prisons will be understood as a failure to adequately equip prisoners with appropriate services and supports, such as substance abuse therapy and vocational job training, to be able to reintegrate into their community (Taxman et al., 2014, p.50; Zinger, 2023, p.54; Padfield and Maruna, 2006, p.330).

While findings on whether specific forms of reintegrative programming actually contribute to reduced recidivism rates are generally mixed, it is important to acknowledge that in many instances, offenders may not have been successfully integrated into the community even prior to their carceral sentence (Visher, 2006; Griffiths et al., 2007, pp.1-3). Instead, in the eyes of the criminal justice system, unlike criminologists who posit numerous reasons individuals are caught up within the carceral net, such as the over-policing of marginalized groups, they can be understood as having failed to acquire the requisite behaviours and attitudes to function

productively in society (Griffiths et al., 2007, p.3). A significant proportion of offenders have skill deficits that make it challenging for them to occupy a competitive position in the job market and community, have low levels of formal education, encountering problems related to illiteracy or innumeracy, inadequate interpersonal skills, poor emotional and cognitive functioning, or poor financial management and future-planning skills (Griffiths et al., 2007, p.4). In addition, they may have a history of marginalization and exclusion, poor employment records or periods of unemployment, emotional or physical abuse, and participation in a criminal lifestyle from an early age (Griffiths et al., 2007, p.4). For example, a 2022 report by the Office of the Correctional Investigator acknowledges that Indigenous individuals are overrepresented in prisons due to “higher rates of poverty, substance abuse, and homelessness in Indigenous communities and lower rates of formal education and employment, among other factors, reflecting the intergenerational and present-day effects of colonialism and systemic racism” (Zinger, 2023, p.54). In addition, an earlier report by the Office of the Correctional Investigator found that 72% of incarcerated individuals “have some need for education/employment” since 46.1% of inmates have between a grade 10 and grade 12 education level (Zinger, 2019, p.99). Offenders may also experience mental and physical disabilities or various health problems related to drug addiction and substance abuse, such as problems with cognitive functioning that can impede a person’s rational decision-making capabilities (Griffiths et al., 2007, p.4; NIDA, 2022). Given their failure to fully integrate into society in the first place, it is likely that the challenges that offenders face prior to their incarceration may persist or even be exaggerated following their release (Griffiths et al., 2007, p.4; Borzycki and Baldry, 2003; Visher et al., 2005). Indeed, widespread evidence shows incarceration has numerous “collateral effects” on many offenders (Griffiths et al., 2007, p.4; Borzycki, 2005, p.36; Borzycki and Makkai, 2007, p.10). These factors can be financial since, for example, during

their time in prison, an offender may have lost their source of income, personal belongings, and their ability to secure housing for themselves and their dependents (Griffiths et al., 2007). They may also be social since a person's time incarcerated may have damaged their social networks, resulting in them losing important personal relationships (Griffiths et al., 2007). An offender may also have experienced mental health difficulties or began engaging in negative lifestyle habits and behavioural patterns (Griffiths et al., 2007). Thus, by failing to provide the necessary programming and services to help offenders in these areas, prisons can be classified as punitive and leave offenders worse off than before their incarceration. Using the provided conception of punitive prisons, as will be explored in Chapter 2, this dissertation categorizes Canadian prisons as being predominantly punitive despite presenting rehabilitation as one of its key sentencing goals.

1.3 What is a "Rehabilitative Prison"?

Just as there is no clarity over what constitutes a punitive prison, there is no universal definition of what it means for a prison to be rehabilitative or what constitutes the foundational components of such prisons. As the following sections explore, instead of punishing offenders, rehabilitative prisons are characterized by their primary goal of reducing reoffending by maintaining a positive prison environment and providing offenders with long-lasting or ongoing rehabilitative treatment for reintegration.

1.3.1 A Positive Prison Environment

The prison environment, also known as its climate, includes "the social, emotional, organizational and physical characteristics of a correctional institution as perceived by inmates and staff" (Ross et al., 2008, p.447). The values and opinions of inmates and correctional staff can be

considered a key part of creating a positive prison environment and ensuring that a prison system is relevant to the individuals in the geographical context in which it operates. Otherwise, a prison which fails to consider the needs of its carceral population merely functions to punish offenders, as it would be unable to provide targeted services and support. Considering their values and opinions is also essential since there is no universally agreed-upon understanding of which theoretical dimensions constitute or are essential to a positive prison climate in differing contexts. For example, in a US-based study involving the interview of 900 inmates to identify the shared theoretical environmental concerns common to the correctional setting, Toch (1977) cites activity, privacy, safety, structure, support, emotional feedback and social stimulation as the dimensions of prison climate. Despite the age of this study, it remains relevant to consider, given that it has formed the basis of similar subsequent investigations (e.g., Ross et al., 2008). In contrast, a study by Liebling and Arnold (2004), which examines aspects of ‘what matters’ to inmates and correctional staff across three UK and two US prisons to illustrate their positive and negative experiences, reveals a differing yet overlapping understanding of the key dimensions of a positive prison climate (Liebling and Arnold, 2004, p.134; p.148; p.151). These dimensions include support, fairness, respect, well-being, decency, relationships, order, prisoner social life, power or authority, safety, personal development, family contact, humanity, trust, and meaning (Liebling and Arnold, 2004, p.134).

Clearly, the theoretical dimensions constituting a positive prison environment can be understood to vary across nations. As a result, it is essential to note that without also considering the context within which they are delivered, it is misleading to believe that programs delivered in prisons are the solution to all of the problems prisoners may have since we cannot expect a positive prison environment to look identical across varying national contexts (Liebling and Arnold, 2004,

p.166; Ross et al., 2008, p.451). Instead, understandings of the prison climate of a given country will, to a large extent, reflect the prevailing public penal culture, popular sentiment, emotion, the media, perspectives on human rights and legal issues, political opportunism, criminological research, and economic considerations (Ross et al., 2008, p.454). Nonetheless, an examination of these dimensions reveals that although there are differences in the specific factors mentioned by these studies, there are significant thematic similarities worth noting. Namely, despite there being a difference in geographical context, even though a significant amount of time elapses between the two studies, the dimensions mentioned by both Toch (1977) and Liebling and Arnold (2004) are connected to ideas of humaneness and treating incarcerated individuals not as persons who deserve pain and punishment, but as individuals in need of assistance and compassion. However, this theme is not exclusive to these two studies. Numerous others have cited factors which align with this theme (e.g., Ploch, 2012; Beijersbergen et al., 2015; Gisler et al., 2018). For example, Beijersbergen et al. (2015, p.337) emphasize the need for prisons to be procedurally just, in a way that functions to offer offenders just and humane treatment, as it is cited as being able to reduce prisoners' psychological distress and misconduct in prison. Such treatment may also reduce criminal behaviour after release from prison (Beijersbergen et al., 2015, p.337). As a result, given that this theme is evident across a large body of research, it is understood to be crucial to the theoretical dimensions of a positive prison environment and, by extension, a rehabilitative prison structure.

There are also differences in how the physical dimensions of prison settings affect inmates. For this reason, it is worth considering efforts of situational prison control, given that it largely focuses on the physical prison environment. As Wortley (2002, p.4) explains, in contrast to attempts to change inmate behaviour through various forms of therapy, such as psychotherapy,

situational approaches to prison control aim to control the prison environment with the intention of inhibiting or otherwise blocking criminal behaviour. This approach recognizes that “some situations *regulate* behaviour by providing the opportunity for individuals to behave in a way that will deliver benefits to them. Other situations actively *precipitate* behaviour by prompting or provoking certain actions” (Wortley, 2002, p.13, emphasis in original). Within these situations, there are a number of variables associated with physical conditions in prisons that may contribute to violence (Ross et al., 2008, pp.448-449). For example, Suedfeld (1980) presents a helpful classification model for such variables. This classification consists of three parts, the first of which is spatial intrusions, defined as having personal space invaded by others, especially unpredictably (Suedfeld, 1980). The next component of this classification is considered to be the monotony incarcerated individuals experience within the prison environment, which may be mental or physical (Suedfeld, 1980). Lastly, this classification also includes external control, defined as an offender's experience of having their physical environment under the control of someone else (Suedfeld, 1980; Ross et al., 2008, pp.448-449). These variables may also be reflected in cognitive and social aspects of prison climate (Suedfeld, 1980; Ross et al., 2008, pp.448-449). With these factors in mind, as emphasized by Lutze (1998), in order to function in a way that supports rehabilitation, prison environments should provide external controls to guide inmates 'behaviour as well as environmental attributes that support internal change and personal growth (Ross et al., 2008, p.448).

It should be noted, however, that there are significant limitations to research about the theoretical and physical dimensions of prisons. While a large body of research examines the incarceration rates of different groups in prison (e.g., Collins, 2020; Bucerius and Sandberg, 2022), little of it examines the effects of these dimensions on different ethnic, racial, or cultural groups.

There is also a lack of any kind of substantive comparative discussion of how these theoretical dimensions affect individuals within women's prisons as opposed to men's prisons. Instead, extant research primarily focuses on men's carceral experiences and is largely geographically limited to the US and the UK (e.g., Sykes 1958; Jacobs 1977; Bucerius and Sandberg, 2022, p.137). As a result, extant research only highlights a very narrow range of experiences of persons within the prison while excluding the experiences of others. As such, this dissertation will not be able to provide a substantive discussion of how a positive prison environment is understood to look for different groups. Instead, this dissertation will focus on articulating a broader understanding of its components and how they affect the general prison population of a given country, focusing on the experiences of men in adult correctional institutions.

1.3.2 Long-Lasting or Ongoing Rehabilitative Treatment for Reintegration

Even if Norway's carceral system ensures that its prisons maintain a positive environment, in order for their prisons to be considered rehabilitative, an offender's rehabilitative treatment must also in some way extend past the completion of their carceral sentence. The importance of extending an offender's treatment past the completion of their sentence is manifest if we consider the notion that there are seldom issues that can be addressed wholly within the prison, particularly if we consider offenders' failures to integrate and the root causes of offending as discussed in Section 1.2. This extension must either be the result of long-lasting changes imparted by rehabilitative treatment offered within the prison, by providing offenders with necessary programming within the prison to be able to successfully reintegrate into their societies, or in be ongoing by setting up support systems involving close collaboration between the offender's family, community, the criminal justice system, social services, health supports and other agencies which

offenders continue to have access to following their sentence (Harding, 2014; Griffiths et al., 2007). Whether an offender's treatment is structured to be long-lasting or ongoing should be determined on a case-by-case basis, depending on the nature of a person's offence and the offender's specific needs.

For an offender who has been unsuccessful in finding stable employment and earning a liveable income, for example, long-lasting rehabilitative treatment for offender reintegration in the form of vocational job training would be appropriate. Long-lasting treatment would be appropriate in this case, particularly if we consider that a significant proportion of those who have been in prison often do not often possess job training or vocational skills and do not demonstrate high levels of educational achievement (Visher et al., 2011; Coates, 2016; Petersilia, 2003; Duwe, 2018; McNeely, 2023, p.2). Studies show that upon returning to their communities, the lack of educational and vocational deficits as they had when they were incarcerated represent a persisting issue (Solomon et al., 2004; Crayton and Neusteter, 2008; McNeely, 2023, p.2). Since a comparatively high level of education is often crucial for obtaining gainful employment, offering offenders some form of prison-based education and vocational job training may represent a method of ensuring their successful reentry (McNeely, 2023, p.2). Still, it is important to note that there is no consensus on whether such job training effectively reduces recidivism or increases individuals' employment rate after completing their carceral sentence. Although some studies demonstrate some level of success in offering offenders education and vocational job training, other studies of employment programming among persons involved in the criminal justice system have yielded no such results (Drake et al., 2009; Clark, 2015; Cook et al., 2015; Northcutt Bohmert and Duwe, 2012; Davis et al., 2013). More importantly, several systematic reviews identified that such programs do not increase employment or reduce recidivism (Newton et al., 2018; Visher et al.,

2005; Nur and Nguyen, 2022). These studies consider program inconsistency and methodological issues to partially be responsible for these findings, rendering it challenging to determine whether vocational programming positively affects the post-release outcomes of offenders (Newton et al., 2018; Nur and Nguyen, 2022; Visser et al., 2005). Nonetheless, since it falls beyond the scope of this dissertation to critique individual programs, the failure of vocational job training programs to achieve their desired result does not undermine the argument of this analysis. For this dissertation, the key takeaway from this example should be that in some instances, an offender's circumstances may necessitate some form of long-lasting treatment for them to be understood as having received rehabilitative treatment during their time in prison.

Conversely, those who commit drug-related offences, for example, require ongoing rehabilitative treatment to reduce reoffending and reintegrate. Globally, ongoing treatment models are lacking. In the United States, for instance, despite the proven efficacy of ongoing drug treatment, in a recent survey of correctional organizations and programs across the country, Taxman et al. (2007) found that although the majority of US correctional institutions that they examined claimed to offer some form of drug abuse treatment services, offenders were seldom able to actually access these resources. More specifically, this study reveals that a median of under ten percent of offenders could access these services at any given time (Taxman et al., 2007; Chandler et al., 2009, p.3). Even if a correctional institution does successfully provide treatment for an offender during their time in prison, in their transition from incarceration to community supervision, drug-involved offenders often receive no continuation of treatment even though it is essential to recovery (Inciardi et al., 1997; Hammett et al., 2001; Chandler et al., 2009, p.3). As a result, studies show that the failure to receive treatment following an offender's release into the community increases the risk not only of relapse but also of mortality from drug overdose and other causes (Binswanger et al.,

2007; Chandler et al., 2009, p.3). In this context, it is clear that long-lasting treatment is not the most appropriate form of rehabilitative treatment. Instead, the treatment such individuals receive must be ongoing to remain relevant in helping them rehabilitate and avoid reoffending.

On this basis, it is clear that for a prison to be rehabilitative, offenders' treatment must in some way extend past the duration of their carceral sentence and ultimately be either long-lasting or ongoing. Using the aforementioned conceptual basis of rehabilitative prisons, as will be explored in Chapter 2, this dissertation categorizes Norwegian prisons as being predominantly rehabilitative despite engaging in some punitive practices. In Chapters 3 and 4, this dissertation will attempt to apply this model to the Canadian context, explaining how it would function in Canada and how it may be able to address some of the problems associated with its punitive prison model.

1.4 What Does it Mean to Say a Prison Has "Succeeded"?

For this dissertation, a prison can be understood to "succeed" for several reasons, both in theory and practice. Notably, one of the most fundamental reasons a prison can succeed in theory is if the practices of a given nation's prison system adhere to the purposes of sentencing outlined by the criminal justice system. In other words, if, for example, Norway's reported purpose of sentencing is to rehabilitate an offender, if its prisons rehabilitate offenders, then these prisons can be understood to be successful.

Moreover, in practice, a prison can succeed if it provides offenders with all that they need to succeed within the prison and when they leave the prison, such as healthcare and education, or if it leaves offenders better off than when they came into the prison. It is possible to measure whether offenders are better off since we can generally identify with a relatively high degree of

reliability which programs work for specific offenders (Harding, 2014, p.164). It is also possible to identify at which component of their carceral sentence treatment programs would be most effective, whether it is during incarceration or following an offender's release (Harding, 2014, p.164). In the case of rehabilitative programming, for example, a key principle, as proposed by Andrews et al. (1990, pp.19-20), is that providing offenders with psychological treatment is an essential component of rehabilitative success in prison and that the outcomes of such treatment will be optimal if the Risk-Needs-Responsivity principles of correctional case management are applied (Day et al., 2022, p.2; Harding, 2014, p.164). Specifically, this model contends that the level, goals and types of rehabilitative efforts that are used in treating an offender necessarily involve a consideration of an offender's risk of recidivism, criminogenic need, and the responsivity of offenders to different treatment options offered (Andrews et al., 1990, pp.19-20). The argument made by Andrews et al. (1990) is supported by substantial evaluation evidence that those programs that are closely aligned with these three principles achieve the best rehabilitative outcomes (Smith et al., 2009; Gendreau et al., 2006; Day et al., 2022, p.2).

Here, the relative success of a country's prisons and whether they can be understood to have rehabilitated an offender will be measured through the recidivism rate of offenders within two years following their release. Although longer-term recidivism statistics would be beneficial to analyzing whether a prison's success is long-lasting, this dissertation will only look at the two years following an offender's release due to the availability of data from Canada and Norway. Here, a comparatively low or continuously decreasing rate of recidivism will be understood as a reliable indicator that a given country's prison system succeeds since, ultimately, one of the fundamental goals of nearly all modern prisons is to in some way ensure that after being incarcerated, an offender does not commit another offence. It should be emphasized that for this

analysis, simply because prisons may succeed in rehabilitating a single offender or a small subset of offenders, it is not necessarily the case that the broader prison system can be understood as being successful, especially if it fails to meet the aforementioned criteria for the majority of its offenders. A prison system cannot be understood to succeed simply because incarceration rates have been on a downward trend. Instead, the overall offending rate and prison population may be influenced by external factors, such as changes in law, amended policing practices, increased efforts to use community-based sentences, and, of course, the varying effects of the global COVID-19 pandemic on criminal justice systems worldwide.

Nonetheless, this analysis is not ignorant of the fact that there is potentially a multitude of factors which can likewise influence whether an individual ends up reoffending, as has been explicated in Section 1.2. However, given the limited scope of this dissertation, for the vast majority of this analysis, explicit focus will be placed on how prison conditions and the types of reintegrative and rehabilitative programming they offer influence reoffending. Using this nuanced definition, the following chapter will explore why Norwegian prisons can be understood to be successful.

1.5 What Does it Mean to Say a Prison Has “Failed”?

Within this dissertation, similar to a prison which can be understood to succeed, a prison is conceptualized as having failed for a number of reasons, both in theory and in practice. One of the most fundamental reasons a prison fails, in theory, occurs if its operations and practices contradict the sentencing purposes outlined by the criminal justice system of the nation in which it operates. In other words, to reiterate an earlier example, Canada claims that one of its key sentencing purposes is rehabilitating offenders. If its practices punish the offender instead, their

prisons will be understood as failing to achieve their objectives.

Beyond this general theoretical metric, a prison can also be understood as having failed in practice for a number of factors, including poor program design and implementation (Griffiths et al., 2007, p.43). For example, a UK study by Arnull et al. (2005) examining risk factors of persistently re-offending of youth and their carceral outcomes found a connection between reoffending rates and a prison's lack of assessment and planned intervention based on offenders' needs and risk, limited interagency cooperation and information-sharing, and its failure to detailedly record assessments and subsequent interventions. This finding demonstrates that issues related to program implementation can undermine interventions and the efforts of individual program staff and offenders despite good intentions (Griffiths et al., 2007, p.43). In addition, interventions often only address one of the many issues, needs, and risk factors confronting offenders (Griffiths et al., 2007, p.43). Consequently, these interventions are unlikely to substantially impact offenders' behaviour in the community (Griffiths et al., 2007, p.43).

A prison system can also be understood to fail if it incites the kind of harmful and violent behaviour it seeks to control for in the first place, thereby generating an unstable prison environment. According to Rison and Wittenberg (1994, p.47), for example, there are three major causes of prison instability which cause them to become so-called "disaster environments." These causes are understood to be organizational-level bureaucratic instability, the dissatisfaction of correctional staff and unrest, as well as the social climate of the prison (Rison and Wittenberg, 1994, p.47; Ross et al., 2008, pp.448-449). In these disaster environments, the conflicts that arise may result from issues within the prison climate that are explicitly related to prison dynamics (Rison and Wittenberg, 1994; Ross et al., 2008, pp.448-449).

Similar to prisons, which are understood to succeed as described in the previous section,

the relative failure of a country's prisons will also be measured by the recidivism rate of offenders within two years of release due to data availability issues in Canada and Norway. Specifically, a high rate of recidivism will be understood to be a reliable indicator that a given country's prison system has failed since, ultimately, one of the key underlying goals of nearly all modern prisons is, on some level, to ensure an offender does not commit another offence. However, inversely to successful prisons, although a given prison system may present high or rising incarceration statistics, it is not understood to fail simply because of this fact alone, especially if it does not fulfill the aforementioned criteria, given that external factors, such as political tough-on-crime movements may influence the overall offending rate and prison population. Using this nuanced conception, the following chapter will argue that Canadian prisons have generally failed.

1.6 An Acknowledgement of Scandinavian Exceptionalism

It should be noted that there is an overwhelming body of research which glorifies penal practices in Norway and idealizes the Norwegian model of incarceration, positioning their prisons as the rehabilitative ideal (e.g., Pratt, 2007b; Crewe et al., 2022; Breidahl, 2017). However, for this analysis, this dissertation will take a more critical approach to understanding the operations of these prisons and will acknowledge the seldom-mentioned flaws of this system. It is emphasized that despite appearing to be exceptions to the global turn to increasing punitiveness given their low prison populations and use of relatively short sentence lengths, the Norwegian prison model has several fundamental structural problems (Scott, 2013, p.8; Reiter et al., 2018). For instance, as several empirical studies point out, among numerous other factors, the Norwegian justice system processes a large number of offenders through their penal system, incredibly punitive pre-trial detention and solitary confinement procedures, and has high rates of self-inflicted deaths (Scott,

2013, p.8; Reiter et al., 2018). Given the problem of Scandinavian exceptionalism, this dissertation will avoid making the simplistic argument that Canada should simply adopt the Norwegian prison model. Instead, this dissertation will critically engage with the problems presented in current Canadian penal practices. It will take inspiration from the Norwegian model to articulate how, given their many similarities, Canada can learn from Norway to improve its prison system and adhere to its rehabilitative goal of sentencing.

2. CANADIAN AND NORWEGIAN PRISON OBJECTIVES AND STATISTICS

With the aforementioned conceptual framework in mind, this chapter will provide a concise summary of Canada and Norway's sentencing objectives and the goals of their correctional authorities. These objectives and goals are then contrasted with quantitative and qualitative prison statistics in each country before detailing how the relationship between each country's objectives and practices demonstrates that Canadian prisons are punitive and ultimately fail to achieve their rehabilitative objective. Conversely, Norwegian prisons can be considered rehabilitative and, ultimately, successful.

2.1 *Canadian Prisons*

2.1.1 *Canadian Sentencing Objectives and Goals of Correctional Service of Canada*

According to s. 718 of the Canadian *Criminal Code* (1985), in addition to crime prevention initiatives, the fundamental purpose of sentencing in Canada is understood to be the protection of society and the contribution to respect the law and maintaining a just, safe and peaceful society by administering just sanctions to offenders that fulfil one or more of a series of objectives. These objectives include denouncing an individual's unlawful actions and the harm these unlawful actions caused to victims or the broader community, deterring the offender and other individuals from offending, and, where deemed essential, removing offenders from society (*Criminal Code of Canada, 1985*). Crucially, of particular interest here is that these objectives also include assisting in rehabilitating offenders, providing reparations for harm done to victims or the community, and promoting a sense of responsibility in offenders by acknowledging the harm experienced by the victims or the broader community (*Criminal Code, 1985*).

Bound by these federal principles, according to the CSC (1990), its central aim is to protect

society “by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.” In fulfilling this aim, the CSC is legally mandated to provide programs and services to address offenders’ criminal behaviour offered in prisons and the community (Government of Canada, 2019a). These programs provide offenders access to correctional, educational, social, and employment resources (Government of Canada, 2019a). Despite the use of such programming, as the following section will prove, it is important to consider that rates of recidivism in general remain relatively high in Canada. Even though these programs function to reduce recidivism federally, because they have not been implemented consistently across provincial or territorial prisons where the majority of offenders are placed, building upon what has worked to reduce recidivism already, we should consider implementing a new model of incarceration that takes inspiration from Norway to construct a rehabilitative prison system. Doing so would align with Canada’s rehabilitative goal of sentencing.

2.1.2 Canadian Prison Statistics and Significance

The CSC's goals and the sentencing aims established in the *Criminal Code (1985)* appear quite impressive in theory. However, to determine the effects of applying these goals and aims and establish that Canadian prisons are punitive and fail in achieving their rehabilitative goal, it is essential to examine qualitative and quantitative prison statistics. Below, Table 1 combines the findings of several studies to illustrate trends in the Canadian carceral landscape between 2012 and 2022. The following analysis will then interpret these findings and examine their significance.

Table 1: New entries to Canadian prison services, average number of registered inmates, incarceration rate, and sentence length by jurisdiction type and year

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
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Total New Entries to Prison Services	259,391	216,371	209,028	204,767	208,597	258,972	250,268	233,553	234,433	149,710	156,766
Federal Prisons ⁵	8,006	8,189	8,198	7,565	7,618	7,270	7,345	7,558	7,326	5,761	6,886
Provincial and Territorial Prisons ⁶	251,385	208,182	200,830	197,202	200,979	251,702	242,923	225,995	227,107	143,949	149,880
Total Yearly Average Number of Registered Inmates	39,080	39,656	36,845	39,623	40,147	39,830	38,810	38,810	37,916	31,777	32,784
Federal Prisons ⁴	14,266	14,471	15,141	15,168	14,742	14,425	14,129	14,071	14,022	12,827	12,345
Provincial and Territorial Prisons ³	24,814	25,185	21,704	24,455	25,405	25,448	24,681	23,783	23,894	18,950	20,439
Total Number of Registered Inmates Per 100,000 of the Total Population (Incarceration Rate)	143	143	140	138	139	136	132	127	125	103	107
Federal Prisons ¹	52	52	54	53	51	49	48	47	46	41	40
Provincial and Territorial Prisons ²	91	91	86	85	88	87	84	80	79	62	67

(Modified and amended from Source: Statista Research Department, 2024a¹; Statista Research Department, 2024b²; Statista Research Department, 2024c³; Statista Research Department, 2024d⁴; Statista Research Department, 2024e⁵; Statista Research Department, 2024f⁶)

As Table 1 illustrates, the number of new entries to the prison services, average number of registered inmates, and incarceration rate have been slowly decreasing from 2012 onwards, reaching an all-time low in 2021. However, statistics from 2022 have once again begun to rise. Since data from 2023 or 2024 is unavailable, it is unclear whether rates have continued rising or whether data from 2022 represents an anomalous spike. It is unclear whether the decrease in new entries to the prison services, average number of registered inmates, and incarceration rate from 2020 to 2021 is the direct result of the effects of the COVID-19 pandemic in significantly backlogging the Canadian court system given that they were forced to reduce operations in

response to public health and safety requirements such as social distancing (Government of Canada, 2023b). Still, the effects of the pandemic may explain why the decrease in these metrics was so substantial and may explain why they have again begun to rise in 2022 after most restrictions were lifted in Canada and courts began to return to their normal operations.

Given the data-collection strategy used, publicly accessible data from Statistics Canada (2024) on the length of custodial sentences can only directly show the most frequently administered sentence length categories rather than average sentence lengths, ranging from sentences of one month or less to 24 months or more. Namely, these findings establish that of the offenders whose sentence lengths were known, individuals served, for the majority of the time, sentences of one month or less (Statistics Canada, 2024). Although the most commonly imposed sentence length is arguably quite short, it is important to consider that offenders in Canada can be given life sentences for certain offences, as clarified by s. 745 of the *Criminal Code (1985)*, including attempted murder, piracy, and kidnapping. Offenders serving life sentences can only be released on parole after 25 years under s. 745(a) of the *Criminal Code (1985)*, though this may not necessarily be granted depending on the nature of the offence and the determinations of the Parole Board of Canada. However, only a comparatively small subset of offenders serve these sentences. For example, according to the 2019 Corrections and Conditional Release Statistical Overview, at the end of the 2018–2019 fiscal year, 5,713 offenders were serving either a life sentence or an indeterminate sentence (Public Safety Canada, 2020). Given the uncertain length of these sentences, it is clear why there has been minimal research on average sentence lengths in Canada. Still, it is estimated here that if it were possible to account for such data, the average sentence length in Canada would likely be much higher than previously suggested.

Canada also has limited publicly accessible data on its average federal and provincial or

territorial occupancy rates. However, the available data demonstrates that prisons are generally overcrowded. Namely, data from March 2013 suggests that the CSC had more offenders in custody than single cells available for inmates (Office of the Auditor General of Canada, 2014). This was the case in adult men's medium and minimum-security and specialized units (Office of the Auditor General of Canada, 2014). Similarly, data from 2015 reveals that Canadian prisons operate at 102.2% capacity on average (World Prison Brief, n.d.). More specifically, federal institutions have an average occupancy level of 98.8% and 104.4% in provincial or territorial institutions (World Prison Brief, n.d.). As a result of such overcrowding, offenders are worse off when serving their sentence and are also less likely to get appropriate help for the consequences of experiences of overcrowding. Namely, offenders end up being "double-bunked," wherein two prisoners end up sharing a space intended for one, which has been demonstrated to have numerous adverse psychological effects as well as impacting institutions' physical environment and sanitation (Iftene and Manson, 2013). However, because the resources are already rather limited in prisons across Canada, they end up being even more insufficient in terms of the support and programming offered (Iftene and Manson, 2013). For example, even though the *Corrections and Conditional Release Act (1992)* requires that all federal prisoners shall receive "essential health care" in conformity with "professionally accepted standards," offenders who are in overcrowded institutions are actually more likely to have or develop physical and mental health disorders (Iftene and Manson, 2013). At the same time, according to an annual report from the 2010-2011 fiscal year, there was a 20% vacancy in mental health staff positions in Canadian prisons, which means that offenders are less likely to receive the necessary mental health support despite presenting an increased need for such services (Sapers, 2011). This statistic is particularly troubling given that in this same year, 37% of male prisoners had mental health concerns which required further assessment (Sapers,

2011).

Although solitary confinement was officially abolished in Canada following the passing of Bill C-83 in 2019, given their unconstitutionally punitive nature, similar practices persist in the form of lockdowns, which have become increasingly common (Public Safety Canada, 2019). Inmates were initially placed under lockdown to combat the spread of the COVID-19 pandemic. However, even though COVID-19 no longer represents a significant issue, these lockdowns continue to be used all across Canada even though they meet the criteria of torture under the United Nations Nelson Mandela Rules, and cause immense levels of inmate dissatisfaction, inmate-staff tensions, and protests (United Nations Office on Drugs and Crime, 2016; Garson et al., 2021). Lockdowns also have a particularly negative effect on specific populations within the prison, particularly mentally ill inmates (Garson et al., 2021). For example, a recent study by Ontario's Ministry of the Solicitor General demonstrates that in the 2021-2022 fiscal year, over half of the total number of individuals in custody spent at least one day in a restrictive confinement unit which was regularly locked down for at least 17 hours every day (Ontario, 2024b). Such trends are relatively consistent across provinces (Ontario, 2024b). Although there has been rather limited judicial engagement with these problems, in Nova Scotia, two rulings from earlier in 2024, *Diggs v. Nova Scotia (Attorney General)* and *Wilband v. Nova Scotia (Attorney General)*, found that it is unlawful to engage in the routine use of institutional lockdowns in the province's jails to address staffing shortages. Based on these rulings, these practices are set to cease in the near future.

Once again, due to a lack of consistently reported statistics and wholly reliable data, although the recidivism rate is one of the key ways of understanding the effects of Canadian prisons on offenders and a measure of whether a prison is understood to fail, such rates could not be captured in Table 1. Part of the reason there is a lack of consistent and reliable data is that there

are significant differences in how recidivism in Canada is defined across studies, making it challenging to try to capture trends or patterns (Department of Justice Canada, 2020). Specifically, reported reoffending rates can be seen to vary from 9% to 90% across studies (Department of Justice Canada, 2020). For example, as the first study to present Canadian findings on reconvictions after serving a provincial correctional sentence using integrated data from multiple jurisdictions and justice sectors, according to Pedneault et al. (2024), between 2015-2016, the overall reconviction rate for those placed in custodial and community supervision within one year of release was 37%, rising to 45% after two years, and 50% after three years. This number was even higher for those coming from custodial sentences, reported to be an alarming 66% (Pedneault et al., 2024). Because those with ten or more prior convictions were most likely to re-offend, we can reasonably conclude that the prison conditions and programming offered by the CSC are not beneficial to all offenders and may fail to equip them with the appropriate resources to prevent them from reoffending (Pedneault et al., 2024). The programming is also not sufficiently long-lasting or ongoing, given that reoffending rates increase each year following a person's release into the community.

2.1.3 Why are Canadian Prisons “Punitive,” and Why Do They Fail?

Based on the above purposes of sentencing and prison statistics, it is clear that Canadian prison practices have become characterized by an insistence on punitive practices, with prisoners continually being limited in their access to healthcare, sanitation, and mental health resources, and are deeply affected by problems of understaffing, overcrowding, and poor guard-prisoner relations. Although this has not been the focus of the above statistics, it is worth noting that these problems are only exaggerated based on individuals' race, given the persistence of racism within the criminal

justice system, given the overrepresentation of black and Indigenous persons in prisons (e.g., Public Safety Canada, 2020; Zinger, 2018; Zinger 2023). Considering that the individuals who are placed in prison are most often disadvantaged socially or economically and hail from marginalized groups, the Canadian prison experience functions to be exceptionally punitive, leaving them more disadvantaged than before they entered the prison by leaving them labelled as criminals without providing them with the tools to meaningfully turn their lives around.

In addition to being punitive, Canadian prisons fail because their practices contradict the reported goals of sentencing despite decreases in the federal and provincial/territorial incarceration rate. More specifically, even though the purposes of sentencing under s.718 of the *Criminal Code* and the objectives of the CSC prioritize rehabilitation, it is routinely ignored despite the Canadian government's promises to be rehabilitative in its prison practices and acknowledgement of the importance of rehabilitating offenders through reports and new legislation (e.g. Griffiths et al., 2007; Public Safety Canada, 2022). Canadian prisons also incite the very behaviour they seek to prevent, as evidenced by the increasing use of lockdowns, given that their use causes immense levels of inmate dissatisfaction, inmate-staff tensions, and protests (Garson et al., 2021). By far, however, the most serious problem associated with Canadian prisons is their failure to sufficiently prepare offenders for re-entry, given that they are not offered long-lasting or ongoing treatment, given that recidivism statistics increase each year following an individual's release into the community. On this basis, we should consider implementing a new model of incarceration that takes inspiration from Norway to construct a rehabilitative prison system within Canada, as this would align with Canada's reported rehabilitative goal of sentencing. To make this argument, the remainder of this chapter will describe Norwegian prisons and why they are both rehabilitative and successful.

2.2 *Norwegian Prisons*

2.2.1 *Norwegian Sentencing Objectives and Goals of Norwegian Correctional Service*

In administering sentences to offenders, the NCS is guided by *The Execution of Sentences Act (2002)* and the *Regulations relating to the Execution of Sentences (2002)*. These provisions posit that an offender's sentence must account for "the purpose of the sentence that serves to prevent the commission of new criminal acts, that reassures society, and that, within this framework, ensures satisfactory conditions for the inmates" (*The Execution of Sentences Act, 2002*). Offenders must be offered to "undergo a restorative process while the sentence is being served" to address the adverse effects of isolation, with particular emphasis on persons in remand (*The Execution of Sentences Act, 2002; The Execution of Sentences Regulations, 2002*). Persons in remand must be prioritized when interacting with the staff and engaging in activities (*The Execution of Sentences Regulations, 2002*). More generally, the NCS must also operate with the "security of society and the general sense of justice" in mind, making all necessary arrangements to give offenders the tools to amend their way of life and prevent recidivism (*The Execution of Sentences Regulations, 2002*). The NCS aims for a prison sentence to positively affect offenders and help change factors such as negative behaviour and behavioural patterns, mindset and attitudes (Kriminalomsorgen, n.d.b).

Under the principle of normality described previously, the NCS aims to adhere to four fundamental principles in helping inmates progress toward reintegration. The most important of these is "dynamic security," which is created by ensuring that staff-inmate interactions occur as interaction between two ordinary people, grounded in a sense of respect for one another's characteristics, openness, and understanding (Høidal and Hanssen, 2022, p.13). Dynamic security

appears through everyday events and routines if the staff activities and their interactions with inmates are founded upon values of humanity and human rights and are only deviated from in circumstances where a staff member has no other choice but to apply physical force (Høidal and Hanssen, 2022, p.13). Second, experienced employees in the correctional service provide the necessary assistance to ensure all convicts, both those serving time in prison and those serving community sentences, retain their right to access public services such as health and social services, education, housing, and work (Høidal and Hanssen, 2022, p.13). Third, all schooling and training provided by various entities, including public, voluntary, and private educational providers, are up-to-date, applicable, and relevant outside the prison to ensure they benefit offenders and are reflective of their diverse interests and preferences (Høidal and Hanssen, 2022, p.13). Finally, the NCS must adhere to the “normal expectations of convicts” (Høidal and Hanssen, 2022, p.13). When interacting with inmates, the NCS must “apply common expectations, use familiar words and concepts and generally interact in the ordinary way” (Høidal and Hanssen, 2022, p.13). If doing so is insufficient for a given inmate, the NCS must take adaptive measures to compensate for any difficulties they may face during incarceration (Høidal and Hanssen, 2022, p.13).

Adherence to these principles requires many services to be delivered within the prison (Høidal, 2018, p.60). Because the NCS would be unable to provide these services in the same way Norwegian citizens in the community would receive them, or else risk violating the goal of normality, these services are imported into the prison by community service providers (Høidal, 2018, p.60). In other words, instead of requiring their staff to fulfill specific roles, such as the provision of medical, educational or library services, as well as different faith and clergy services, the individuals who perform these roles are “imported” into the prison by employing various individuals from the community (Kriminalomsorgen, n.d.a). Using this “import model” has been

said to bring the community together, help offenders form meaningful relationships within their communities, improve the transparency of the prison system, and may lead to reduced prejudice and bias against prisons and offenders (Høidal, 2018, p.60-61).

2.2.2 Norwegian Prison Statistics and Significance

As in Canada, the goals of the NCS and the aims of sentencing established in Norway are impressive in theory. However, to understand the effects of applying these goals and aims, determine the rehabilitativeness of Norwegian prisons and establish that they succeed in achieving their goals, it is essential to examine their operations in practice by considering qualitative and quantitative prison statistics. As shown below, Table 2 combines the findings of several studies to establish patterns in the Norwegian carceral landscape between 2012 and 2022, the significance of which will be later examined.

Table 2: New entries to Norwegian prison services, average number and rate of registered inmates, sentence length, and reconviction rate within two years of release by type and year

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Total New Entries to Prison Services	7,332	7,432	6,718	6,602	6,792	6,297	5,467	4,597	3,772	4,358	3,869
Total Yearly Average Number of Registered Inmates	3,753	3,787	3,859	3,927	4,035	3,827	3,580	3,361	3,015	3,236	3,232
In Prison	2,639	2,599	2,629	2,757	2,833	2,712	2,548	2,385	2,116	2,463	2,422
In Remand Custody	907	995	1,003	942	1,011	921	847	826	748	610	634
Total Number of Registered Inmates per 100 000 of The Total Population (Incarceration Rate)	75	75	76	76	77	73	68	63	56	60	60
Average Sentence Length (in months)	-	-	-	-	6	7	7	7	7	7	7

Reconviction Rate Within 2 Years (in percent)	-	-	24	23	22	19	19	18	16	-	-
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(Amended from Source: Kristoffersen, 2016; Kristoffersen, 2022; Kristoffersen, 2024)

As Table 2 demonstrates, between 2012 and 2022, similar to Canada, the total number of new entries to prison services, yearly average number of registered inmates, incarceration rate, and reconviction rate have steadily decreased each year. Unlike Canada, Norway did not experience a sharp drop in these figures in 2021 due to the COVID-19 pandemic, given that they adapted to the implementation of strict distancing requirements (Fjørstad, 2021). Among other initiatives, Norway adopted "The Corona Act" in March 2020 as a temporary set of regulations which provided the courts with alternatives to physical court sessions, including remote sessions and interviews (Fjørstad, 2021). As such, a drop in these figures, particularly the falling reconviction rate, reflects that the prisons have equipped offenders with the necessary long-lasting or ongoing treatment and resources to avoid reoffending. Moreover, Table 2 demonstrates that the average imposed sentence length has stabilized at seven months.

In 2022, the occupancy level of Norwegian prisons was 80.7%, which means that, unlike Canada, the resources in Norwegian prisons are not spread thin. As such, in most cases, offenders have access to all the resources they are entitled to as a part of their rights in Norway. Similarly, there is no shortage of prison staff, given that the prison service currently employs approximately 3,600 full-time equivalent staff and around 325 in probation services (Kriminalomsorgen, n.d.a). Indeed, these numbers far exceed the amount of offenders in prison in terms of both the total new entries into the prison system and the yearly average number of registered inmates in 2022 (Table 2).

Physical prison conditions in Norway are also impressive, having earned a positive

reputation for offering their inmates luxurious amenities and services (Fridhov and Grønning, 2018, p.269). As the most well-known closed prison, Halden Prison is regarded as one of the most humane prisons in the world. It is a bright-decorated architectural marvel featuring original artwork and amenities (Fridhov and Grønning, 2018). It was designed to encourage “good relationships, good dimensions, quality of materials and strength” (Høidal and Hanssen, 2022, p.41). Inmates reside in single-prisoner cells that resemble luxurious dorm rooms, each including a private bathroom, a television, and a window overlooking greenery (First Step Alliance, 2022). Halden’s amenities include a library, school, chapel, fitness centre, athletic fields, and a family visiting centre (First Step Alliance, 2022). According to a study of the effects of prison physical structure on inmates’ experiences within the prison, these architectural elements have been confirmed to have a positive psychological effect on inmates and staff (Fridhov and Grønning, 2018, p.272). The prison’s architecture can also be understood to improve inmates’ physiological health, given its clean environment and physical health services.

All prison officers in Norway go through a two-year course at the Staff Academy, where they study various topics, including criminology, psychology, human rights, law, and ethics (Kriminalomsorgen, n.d.a). Because of their extensive training and the NCS’s perspectives on sentencing, prison officers are set apart from those in Canada. Namely, in line with White Paper No. 27 (1997-98), rather than being guards, they are seen as social workers who contribute to helping offenders live a life without crime once they exit the prison (Strømnes, 2019). Given the qualitative nature of the findings, Table 2 could not capture inmates' perceptions of their sentences. Still, according to a recent study, in no small part due to staff contributions, inmates coming out of open prisons reported being ready to return to their community (Andvig et al., 2020, p.203). A major reason these individuals reported feeling this way was due to a positive social climate that

existed because they were treated with humanity by staff (Andvig et al., 2020, p.203). This perception greatly contrasts that of offenders coming out of Canadian federal prisons, where former inmates reported feeling like “nobody cares” about them, both within the prison and after finishing their sentence (The John Howard Society of Canada, 2021). Inmates received education about local democracy and developed self-reliance, hope for the future, and personal agency, which helped them be better prepared for release (Andvig et al., 2020, p.203). For some, leaving the prison has been described as a bitter-sweet experience, given that such programming gave them a sense of purpose and belonging (Doxat-Pratt et al., 2022). In addition, prisoners leave the prison with additional skills, and prisoners who were unemployed before their incarceration experience a 40% increase in employment after release (The Borgen Project, 2020; First Step Alliance, 2022).

Preventative detention measures have become increasingly used, contrary to the claims of the NCS (Lappi-Seppälä, 2023; Kriminalomsorgen, n.d.a). Although they have not been used to indefinitely imprison offenders beyond the 21-year or 30-year maximums, these findings are particularly concerning, given that, similar to Canada, persons in prison are more likely to have personal and social problems and that these problems affect them much more than they would the average person (Lappi-Seppälä, 2023; Høidal and Hanssen, 2022, p.13). The use of such measures is concerning, given that some inmates have significant mental health challenges (Høidal and Hanssen, 2022, p.13). They may have cognitive deficits, brain damage, be mentally handicapped or, for any number of other reasons, fail to meet the social norms in prison care (Høidal and Hanssen, 2022, p.13).

2.2.3 Why are Norwegian prisons Rehabilitative, and Why Do They Succeed?

Based on the reported goals of the NCS and the above quantitative and qualitative statistics,

Norwegian prisons are rehabilitative in both theory and practice. Foremost, this is because they create a positive prison environment for most offenders since, as described, inmates report many positive social, emotional, organizational and physical characteristics. Following the principle of normality, Norwegian prisons have been demonstrated to provide offenders with long-lasting or ongoing rehabilitative treatment to help them reintegrate. The efficacy of this treatment is demonstrated by offenders' assessments of their carceral experience as well as their low and falling incarceration rate. The average sentence length may also play a role here, given that shorter sentences can make it easier for former inmates to reintegrate into their communities after release, given the impacts of the import model on maintaining community ties.

In addition to being rehabilitative, Norwegian prisons succeed in theory because the NCS's practices adhere to the purposes of sentencing outlined by the criminal justice system. Although these prisons may be unsuccessful at helping a small subset of especially mentally ill or disadvantaged offenders because they succeed in rehabilitating the vast majority of offenders, including those who come from disadvantaged circumstances, they can nonetheless be considered successful. Norwegian prisons are also successful in practice given that they leave offenders better off than when they entered the prison, as evidenced in reports which describe that offenders leave the prison with numerous new skills. As evidenced by increased employment statistics, previously unemployed offenders are also more likely to be employed after their sentence. On this basis, it is worth considering how Canada can take inspiration from Norway's penal practices to construct a new prison model based on what works already. As the last chapter will explore, doing so would not only align with Canadian sentencing goals and legislation but may also significantly improve people's experiences during and after their incarceration.

3. EXPORTING A NORWEGIAN-INSPIRED REHABILITATIVE PRISON MODEL TO CANADA: CRITICAL CONSIDERATIONS

As the previous chapter has demonstrated, Canadian prisons are punitive despite possessing similar purposes of sentencing and correctional objectives to Norway. They are incomparable to the rehabilitative practices of Norwegian prisons in terms of their social, emotional, organizational, and physical characteristics. Canadian prisons must improve their prisons, individuals' carceral experiences, and offenders' outcomes following their sentences. Still, because not all aspects of Norwegian prisons are exceptional, such as their use of preventative detention, this chapter will focus on arguing for a Norwegian-inspired model rather than simply pasting a Norwegian prison model into the Canadian context. However, the exact solution to the punitive prison problem in Canada remains to be determined. Since it is beyond the scope of this analysis to attempt to lay out a solution, the following sections will focus on critical considerations instead.

3.1 Should a Norwegian-Inspired Model Merely Replace Federal and Provincial Jails?

Although it is unclear what a new model would consist of, predictably, it will likely not be as simple as replacing extant penal practices with Norwegian ones. Because a Norwegian model has not previously been attempted in Canada, it is important to consider what other nations have done and the outcome of their attempts to theorize what a similar model might look like in Canada and what must be accounted for before implementing it. For example, although the Norwegian model has previously been attempted in several US states, including Oregon, North Dakota, Washington and California, despite good intentions, significant differences in resources, culture, size, labour-management relations, scope, staff training, staff-inmate ratios, and confinement

conditions have made it impossible for it to be successfully implemented (First Step Alliance, 2022). In order to avoid making similar mistakes and arriving at the same shortcomings, Canada must build upon what works already, such as current federal re-entry programs, as previously mentioned, given that they have been proven to reduce federal recidivism rates and focus on replacing what does not work for the vast majority of offenders, including the prison environment, quantity and quality of staffing, and reintegrative and rehabilitative programming. Reform efforts should account for differences in the public's views on punishment in Canada compared to Norway, the experiences of persons who have been historically overrepresented in prisons, and the differences in each country's population, both socioeconomically and racially, and how these differences may impact individuals' likelihood to be arrested their treatment within the broader criminal justice system.

Because the aforementioned flaws within Canada's prison system are addressed by the key pillars of Norwegian prisons and their successful rehabilitative capabilities, federal and provincial/territorial systems should be reformed to embody the key principle of normality, its four fundamental tenets, and the import model. In other words, the Canadian government should consider restructuring its prisons to ensure they are not isolated from their communities and that their life within the prison can mirror their life within the community as much as possible. In doing so, a new rehabilitative model should reflect practices of "dynamic security," ensuring inmates' rights are met, providing programs relevant to offenders' needs and life outside the prison, and adhering to the "normal expectations of convicts." Given the number of vacancies in various roles in the prison, Canada should also focus on significantly increasing staffing in its prisons, focusing on importing externally employed persons from the broader community and helping prison workers fulfill a similar kind of social worker role as they would in Norway since the

approximately 1.2:1 staff-to-inmate ratio in Norway allows staff to focus on preparing inmates for re-entry (Kristoffersen, 2024).

However, far from all of Canada's problems can be solved by looking to Norway for inspiration. Instead, in some cases, Norway can be an example of what not to do. Most notably, because Norway and Canada have been criticized for using preventative detention and lockdowns, Canada would likely benefit more from understanding Norway's use of indeterminate sentences as a cautionary tale.

3.1.1 The Case of Dangerous or Violent Offenders

A large part of the reason why the Norwegian prison system works is because Norway's citizens believe that the goal of prison should be to help prisoners succeed after release, not to implement punishment that makes offenders' lives more difficult (First Step Alliance, 2022). So, if we can create a Canada-centric Norwegian-inspired model, it can be a persuasive alternative to current Canadian penal practices, particularly if we consider public opinion. For example, although Canadian research focuses specifically on the public's view of restorative justice rather than rehabilitative justice, most respondents in the 2023 National Justice Survey were supportive of a wide range of offences being eligible for restorative justice, provided that both the victim and offender want to take part in the process (Duff, 2024, p.10). Support was highest for cases involving robbery and property offences, each at 82%, assault at 81%, and other crimes against the person at 80% (Duff, 2024, p.10). Although it would be easy to assume that the Canadian public would react negatively to the supposedly unpunitive treatment of individuals who fall into the category of violent offenders by allowing them to receive treatment at a luxurious institution, 74% were also supportive of the use of restorative justice for hate-motivated crimes and 68% for

cases involving homicide, 63% for intimate partner violence and 58% for sexual assault (Duff, 2024, p.10). Although these statistics are not overwhelmingly high, they suggest that most Canadians would be receptive to the adoption of a rehabilitative model of incarceration, even for dangerous and violent offenders, which is crucial to its successful implementation.

3.2 Why Canada Cannot Become More Rehabilitative Through Healing Lodges

As previously mentioned, Canada has a system of healing lodges set up with values comparable to Norwegian prisons, such as collaborative community involvement (Government of Canada, 2021). They also operate in a similar manner since they are centred within communities, for example. However, they present several problems that prevent them from making Canada sufficiently more rehabilitative, even if their use becomes much more widespread. First, they are set up specifically for Indigenous persons in a way that reflects their needs and circumstances, at least in theory (Government of Canada, 2021). Although a person does not have to be Indigenous to access them, they must choose to follow Indigenous programming and spirituality, which may not be appealing to many offenders (Government of Canada, 2021). Indeed, we can assume that not a very large proportion of people will be willing to sacrifice their worldview to qualify for placement in a healing lodge. In addition, there are barriers to accessing these institutions since only offenders with the lowest security classification or, on a case-by-case basis, medium security classification can access them (Government of Canada, 2021). Very few individuals have such a security classification, particularly if they are Indigenous. Specifically, only 13.6% of Indigenous offenders and 20.0% of non-Indigenous offenders were classified as minimum risk, compared to the vast majority, with 69.2% of Indigenous and 66.7% of non-Indigenous individuals categorized as medium risk (Public Safety Canada, 2023). Even if an offender fits this criteria, extant healing

lodges present problems of insufficient funding, poor sanitation, and limited capacity and staffing (Office of the Correctional Investigator, 2023). Although healing lodges can benefit offenders when they are appropriately funded and staffed, due to their narrow eligibility criteria, their widespread use may not be as effective in reducing recidivism and rehabilitating offenders as the reformulation of the Canadian prison system more broadly.

4. ANTICIPATED BENEFITS OF A REHABILITATIVE PRISON MODEL IN CANADA

Having critically considered elements of the proposed rehabilitative prison model in mind, this chapter will analyze the anticipated effects of instituting this model in the Canadian context and why it would be beneficial to do so. As the following sections will explore, this new model has the potential to align with federal prison goals and in doing so, reduce recidivism, bring the community together and minimize the Othering that offenders experience by reducing the average carceral sentence length for offenders.

4.1 *Alignment with federal prison goals*

In 2021, the *Reduction of Recidivism Framework Act* was passed in Canada, which directly acknowledged numerous problems within the criminal justice system, such as the overrepresentation of Indigenous and Black people in prisons, the physical and mental health of inmates, the need for positive support networks, and numerous problems with the reintegration process such as access to housing (Public Safety Canada, 2022). On this basis, the *Act* requires the federal government to develop a framework aimed at reducing recidivism and promoting reintegration by creating pilot projects and establishing standardized, evidence-based programs, allowing formerly incarcerated persons to access ongoing resources and employment opportunities to reduce their likelihood of reoffending (Public Safety Canada, 2022). The proposed Norwegian-inspired model would fall under both categories since it would be the first of its kind to be attempted in Canada. It is structured based on what already works in Canada and Norway, giving former inmates access to ongoing resources and employment opportunities and reducing reoffending. This *Act* also requires the federal government to support communal and faith-based initiatives, apply best practices from around the world, ameliorate risk assessment procedures to

account for cultural and racial biases, and ensure that all incarcerated individuals can access the relevant resources for rehabilitation and minimize their likelihood to re-offend (Public Safety Canada, 2022). Using the proposed Norwegian-inspired model, Canadian prisons can potentially adhere to these mandates given that Norway has one of the best prison models for offenders and the broader community, particularly when it comes to the delivery of programming, rehabilitating offenders, and, once again, reducing reoffending.

4.2 *Reducing Recidivism*

According to a study by Griffiths et al. (2007, p.1), in the Canadian context, successful crime prevention strategies must focus on former prisoners' social reintegration and create recidivism-reducing interventions. These strategies involve a wide array of collaborative efforts between the justice system and various community agencies and organizations to address risk factors related to recidivism, specific challenges facing offenders, such as low education levels or unemployment, or target specific offender groups, such as sex offenders (Griffiths et al. 2007, p.1). On this basis, it is not unreasonable to assume that if Canada adopts the proposed Norwegian-based model, it would likely be successful in rehabilitating offenders by reducing federal and provincial/territorial recidivism rates, given that this model pays explicit attention to the importance of ensuring prisoner reintegration and creates a system of recidivism-reducing initiatives that involve closely collaborating with offenders' communities.

4.3 *Minimize Disconnect Between Offenders and the Community*

Due to the practices of the current correctional system, unlike in Norway, where the import model is used, when offenders go to prison in Canada, they are, in general, socially isolated from

their communities. Many offenders described their separation from their family and friends as the most challenging part of their sentence (Goomany and Dickinson, 2015). However, if Canada adopts the suggested Norwegian-inspired rehabilitative prison model, we can reasonably expect to see an improvement in tensions between offenders and their loved ones. In addition, there may be a lessened feeling of “othering” experienced by offenders since they may be less likely to leave the prison more disadvantaged than they came in, particularly for those serving longer sentences since prolonged isolation from society can destroy family relationships and friendships (Goomany and Dickinson, 2015).

CONCLUSION

Despite claiming to be liberal and reporting rehabilitation as one of its key sentencing goals, overall, Canadian prisons are punitive and fail to achieve these goals. Conversely, despite their flaws, Norwegian prisons are overall rehabilitative and succeed in achieving their sentencing goals. Consequently, as this dissertation has argued, it is necessary to reform Canadian prisons to align with its rehabilitative goal, building upon previous efforts to reduce recidivism to create a rehabilitative prison system inspired by Norway. This claim has been contextualized with an overview of Canadian and Norwegian prison landscapes and presented through a conceptual framework which has defined “punitive” and “rehabilitative” prisons, their physical conditions, and their effects on incarcerated persons. The conceptual framework has described why a prison can “fail” or “succeed” in achieving its goals. Using this framework, this dissertation has described the goals of sentencing and correctional authorities in Canada and Norway. These goals were compared to the penal practices in each of these countries. Using prison statistics, Canadian prisons were demonstrated to be punitive and as failing to achieve their rehabilitative goal, while Norwegian prisons were proven to be rehabilitative and succeed in achieving this goal. In the third chapter, this dissertation critically examined nuances that must be considered in implementing the proposed Norwegian-inspired model in Canadian prisons and how this model may improve prison conditions for offenders and reduce recidivism rates. Using these critical considerations, this dissertation has outlined three potential benefits of implementing a Norwegian-inspired model, including adherence to recent legislation, reducing recidivism, and bringing the community together.

Although this dissertation has attempted to address counterarguments, it is unclear whether the proposed model would be the only necessary reform to the Canadian carceral landscape due to

its theoretical limitations. As such, future research and penal reform projects should explore the feasibility of merging a Norwegian-inspired system with Indigenous healing lodges in a way which retains their Indigenous-offender-focused treatment for individuals from this demographic. Doing so would potentially help create a model of incarceration which is more reflective of Canada's unique historical circumstances, penal trends and previously undertaken reforms, and the effects of these trends and reforms on groups who are most likely to be caught up within the criminal justice system, since Indigenous individuals have been increasingly overrepresented in the prison population. Merging these two systems may help ensure that the programming that is offered to incarcerated Indigenous individuals is relevant to individual Indigenous peoples' needs.

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