

Office of the Correctional Investigator

A Case Study of Diversity in Corrections:

The Black Inmate Experience in Federal
Penitentiaries



The Correctional Investigator L'Enquêteur correctionnel Canada
Canada

Canada

CAT. No.: PS104-8/2013E-PDF
ISSN: 978-1-100-22827-3

© Her Majesty the Queen in Right of Canada, 2013
PRINTED IN CANADA

**A Case Study of Diversity in Corrections:
The Black Inmate Experience in Federal Penitentiaries**

Final Report

Office of the Correctional Investigator

TABLE OF CONTENTS

INTRODUCTION AND SCOPE OF THE INVESTIGATION	3
METHODOLOGY	5
CONTEXT AND BACKGROUND	7
Legislative and Policy Framework	7
Profile of Federally Sentenced Black inmates	8
ANALYSIS: CORRECTIONAL EXPERIENCES OF BLACK INMATES	11
Population Management	11
Cultural Needs of Black Inmates are not being met	11
Conditions of Confinement	16
ANALYSIS: CORRECTIONAL OUTCOMES OF BLACK INMATES	20
DISCUSSION	26
What does Diversity mean for CSC?	26
KEY FINDINGS	28
REFERENCES.....	30

A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries

INTRODUCTION AND SCOPE OF THE INVESTIGATION

1. The face of Canadian corrections is changing. As the Canadian population has become increasingly diverse so too has the federal offender population. The visible minority¹ offender population (community and incarcerated) has increased over the past 5 years by 40%. Visible minorities now constitute 18% of the total federally sentenced offender population (those incarcerated and in the community) which is largely consistent with representation rates in Canadian society (19.1%)². In 2011/12, Caucasians continued to make up the largest proportion of the federal offender population (62.3%). By comparison, Aboriginals represented 19.3%, Blacks 8.6%, Asians³ 5.4%, and Hispanics⁴ 0.9% of the population respectively⁵. Increasing diversity presents important challenges for the Correctional Service of Canada (CSC), particularly with respect to the relevancy of programs and services as well as representative hiring and the need for greater staff cultural competence, awareness and sensitivity.

2. Prejudice and bias, particularly with respect to Aboriginal peoples, have been well documented in studies and inquiries of the Canadian criminal justice system⁶. However, little Canadian research has systematically explored the treatment of visible minorities within the criminal justice system and even less so on their experiences in correctional facilities, primarily because of the lack of or limited access to data. The principal Canadian study in this field, conducted by *The Commission on Systemic Racism in the Ontario Criminal Justice System*⁷, examined the extent to which criminal justice practices, procedures and policies in the police, courts and correctional institutions in Ontario reflected systemic racism. Overall, the Commission found evidence of systemic racism within each of the components of the criminal justice system and made a number of recommendations to improve its accountability. Specifically, with respect to correctional institutions, the *Commission*

¹ Members of visible minorities are defined by the *Canadian Employment Equity Act* as "persons, other than Aboriginal people, who are non-Caucasian in race or non-white in colour."

² Statistics Canada, 2011 National Household Survey (May 8, 2013)

³ For CSC "Asian" includes offenders who are Arab, Asiatic, Chinese, East Indian, Filipino, Japanese, Korean, South East Asian Arab/West Asian and South Asian

⁴ For CSC "Hispanic" includes offenders who are Hispanic and Latin American

⁵ Public Safety Canada: *Corrections and Conditional Release Overview*, 2012.

⁶ Among others see: *First Nations Representation on Ontario Juries*, Report of the Independent Review Conducted by the Honourable Frank Iacobucci, 2013; *Report of the Commission of Inquiry into Matters Relating to the Death of Neil Stonechild*, 2004.

⁷ Commission on Systemic Racism in the Ontario Justice System, *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* (1994 and 1995)

found evidence of pervasive racial hostility and intolerance within prison environments, racial segregation of inmates within and among prisons and racial inequality in regards to the delivery of institutional services. While this study is now dated and was conducted in provincial institutions in only one province, it provides important contextual information, both from a qualitative and quantitative perspective, on the experiences of Black inmates⁸ and visible minorities more generally, within the Canadian criminal justice system and provides a foundation for the present case study.

3. The 2011/12 Annual Report of the Office of the Correctional Investigator (OCI) identified Black⁹ inmates as one of the fastest growing sub-populations in federal corrections. It highlighted the increasing over-representation of this group relative to their proportion within the Canadian population. Over the last 10 years, the number of federally incarcerated Black inmates has increased by 75% (767 Black inmates in 2002/03 to 1340 Black inmates in 2011/12) with most of this increase occurring in the last 6 years (2006/07 to 2011/12)¹⁰. Black inmates now account for 9.3%¹¹ of the total federal prison population (up from 6.1% in 2002/03) while representing approximately just 2.9%¹² of the Canadian population (see diagram).

⁸ The terms of reference for the Commission directed it to examine the experiences and vulnerabilities of all racial minority communities, with a main focus on systemic racism as experienced by Black people, women and youth.

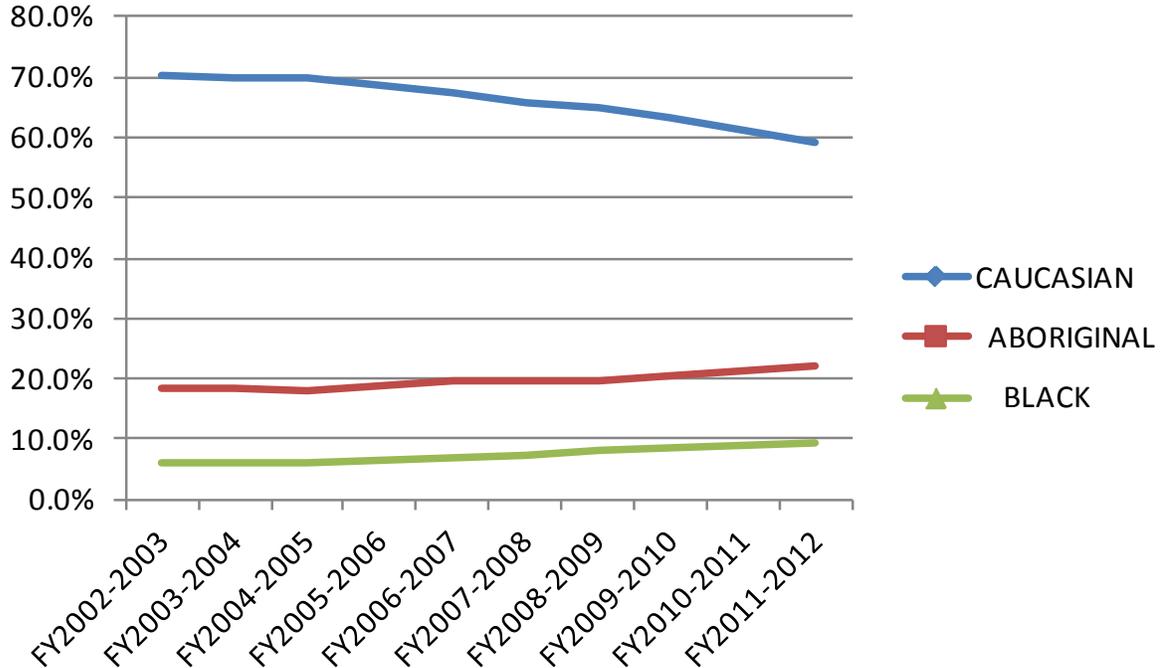
⁹ The case study uses the term 'Black' to denote those inmates who voluntarily self-identified during the CSC intake process as being 'Black'. The CSC currently uses 28 categories of racial identification, which has recently increased from 15 categories. Previously, Black inmates primarily self-identified under the category 'Black', however with the recent addition of geographical-based race categories, some may now self-identify as 'Caribbean' and 'Sub-Sahara African'. While many different terms (Black, African, Caribbean, etc.) are used throughout the literature, this case study employs the term 'Black' to be consistent with the way in which the CSC collects and reports race data. Further, it is recognized that this group is very diverse and comprises various nationalities as well as ethnic and cultural groups. However, in order to have a representative sample, it is necessary to group them together for the purposes of the analysis. Finally, it should be noted that not all Black inmates included in the investigation and analysis are Canadian citizens as some are foreign nationals.

¹⁰ Corporate Reporting System (CRS): April 16, 2013

¹¹ CRS: April 16, 2013

¹² Statistics Canada; 2011 National Household Survey

10 Year Inmate Population Trends



Source: Corporate Reporting System, May 2013

4. In light of the recent and rapid increases in this sub-population, the OCI committed to a review of the experiences and outcomes of Black inmates in federal custody. The objectives of this review are threefold:
 - Provide an overall profile of federally incarcerated Black offenders.
 - Examine the experiences and outcomes of Black inmates in federal corrections.
 - Assess and review the actions taken by CSC to respond to the needs of this growing segment of the prison population to determine if sufficient and appropriate measures are in place to facilitate the safe and timely community reintegration of Black inmates.

METHODOLOGY

5. The CSC was notified of the OCI's intent to commence this review in April 2012. The case study involves a research strategy which relies on quantitative and qualitative measures to examine the following issues:
 - A review of relevant research.
 - Analysis of data from both the CSC and Parole Board of Canada (PBC).
 - Qualitative interviews with the following groups and individuals: Black Inmate Committees, Black inmates, CSC personnel, community volunteers and

Audmax (an organization currently on contract with CSC to provide ethnocultural services)¹³.

- Site visits to conduct interviews with Black inmates and CSC staff were carried out at five federal institutions in three regions over the four-month period November 2012 – February 2013 (See Table 1). Three regions (Ontario, Quebec, Atlantic) were selected recognizing that the large majority of federally sentenced Black inmates (86%) are currently incarcerated in institutions in these regions¹⁴. While it is possible that Black inmates in the Prairie and Pacific regions have very different experiences than those in the other three regions, the sample provided a good representation in terms of official languages, regions and gender. Maximum security institutions were under-represented in this investigation; however, many male inmates reported having begun their prison term in a maximum security institution before being moved to medium security and thus spoke of experiences in both types of institutions. As of April 14, 2013, only 3 Black women were classified as maximum security¹⁵.

Table 1: Sites visited for the case study

Institution	Region	Security level	# of Black inmates in 2011/12	Black inmates as a proportion of the institutional population
Joyceville	Ontario	Medium	137	37%
Collins Bay	Ontario	Medium	109	27%
Grand Valley Institution for Women	Ontario	Multi-level	43	23%
Archambault	Quebec	Medium	35	10%
Dorchester	Atlantic	Medium	30	8%

Source: CRS, March 2013

- The Chair of the Black Inmate Committee at each institution was contacted to inform them of the case study and request their participation and assistance in consulting with members of the Committee to identify issues to bring forward. Notices were also posted in all ranges informing Black inmates of the case study and the opportunity to voluntarily participate. The Chair of the Black Inmate Committee was interviewed at each institution. Interviews were also conducted with Black inmates

¹³ Questionnaires are available upon request.

¹⁴ In 2012/13, there were 200 Black inmates in the Prairie and Pacific regions spread across 23 institutions (CRS: April 8, 2013).

¹⁵ CSC Data Warehouse: April 17, 2013

at four of the five institutions¹⁶. These interviews unfolded in one of three ways: individually; in small groups (2-3 participants), and; in large focus groups (10-20 participants). In total, 73 Black inmates (30 women and 43 men) were interviewed.

8. Interviews were also conducted with CSC staff at each of the five institutions. In total, 24 CSC staff members were interviewed including individuals in the following positions: Wardens, Assistant Wardens Operations / Interventions, Chiefs of Health Care/Psychology, Manager, Programs, Correctional Managers, Security Intelligence Officers, Parole Officers, Grievance Coordinators, and Correctional Officers.
9. Interviews were also conducted with Chaplains employed by CSC, two community groups/volunteers and Audmax.
10. Overall, while the interviews were guided by a questionnaire, they were often informed and directed by the experiences and knowledge of those being interviewed. However, all elements of the questionnaire were discussed in every interview.
11. Finally, the OCI contracted with the Afrikan Canadian Prisoner Advocacy Coalition (ACPAC) to provide a background literature review, expertise and analysis of Black Canadians in conflict with the law. ACPAC is a research coalition whose members bring a unique and distinctive mix of knowledge, practical skills, expertise and experience related to issues of the over-representation of African Canadians in federal penitentiaries, mental health and marginalized groups, racial discrimination and cultural competence, equity and diversity training. ACPAC members have extensive experience working with African Canadians who have experienced incarceration in Canada's federal penitentiaries and provincial jails and have expertise in the development, implementation, delivery and assessment of mental health programs for African Canadians.

CONTEXT AND BACKGROUND

Legislative and Policy Framework

12. The *Corrections and Conditional Release Act (CCRA)* includes provisions that require correctional policies, programs and practices to respect, among other things, ethnic, cultural and linguistic differences. In addition, the *CCRA* and the *Corrections and Conditional Release Regulations (CCRR)* entitle inmates to reasonable opportunities

¹⁶ Only the Chair of the Black Inmate Committee was interviewed at Joyceville Institution, however he had consulted with other inmates and brought forward issues on their behalf.

to participate in and express religion or spirituality. These are in line with and respect section 2 and 15(1) of the *Charter of Rights and Freedoms* which provides for freedom of religion and guarantees individuals equality under the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. Equal treatment and equal protection under the law are also protected in Part I of the *Canadian Human Rights Act* and section 3 of the *Canadian Multiculturalism Act*.

13. While the *CCRA* and *CCRR* are part of CSC's legislative framework, Commissioner's Directives (CD) provide policy direction on areas prescribed by law and on fundamental areas of corrections. CD 767 - *Ethnocultural Offenders: Services and Interventions* provides further guidance specific to ethnocultural offenders to ensure their specific needs and cultural interests are identified and managed through the provision of effective services and responsive interventions. Among other things, CD 767:

- Ensures correctional programs, services and interventions are developed and provided to meet the identified needs of ethnocultural offenders.
- Ensures the offender assessment process considers ethnocultural differences and that there is a process in place to identify the needs and cultural interests of ethnocultural offenders.
- Directs CSC management to build and maintain partnerships with communities and organizations that will help respond to the needs of ethnocultural offenders.
- Encourages offenders to form multicultural associations to help meet their cultural needs and interests.
- Establishes the creation and management of the National and Regional Ethnocultural Advisory Committees.
- Fosters an environment free of racial profiling, harassment and stereotyping where ethnocultural services, activities and interventions can take place.

Profile of Federally Sentenced Black inmates

14. The majority of Black inmates under federal sentence are incarcerated in Ontario and Quebec (61% and 17% respectively); however, there are also sizable populations in the Prairie and Atlantic regions where approximately 11% and 8% of Black inmates are incarcerated¹⁷.

¹⁷ CRS: July 26, 2012

15. Only 4% of Black inmates incarcerated in a Canadian federal penitentiary were women (55) in 2011/12; the majority, 96%, were men (1285).¹⁸ The Black inmate population is a young one. One-half of Black inmates are 30 years of age or younger while only 8% are over the age of 50.¹⁹ By comparison, only 31% of the general inmate population is 30 years of age and under. One in five are 50 years of age and over²⁰.
16. The Black inmate population is a very diverse group and includes a variety of ethnic backgrounds, nationalities and experiences. Just over half (53%) of Black inmates were born in Canada. Of those that were foreign born, Black inmates were most likely to be born in Jamaica and Haiti (17% and 5% respectively)²¹. However, there are also sizable populations from Barbados, Ghana, Grenada, Guyana, Somalia and Sudan, representing many different cultures, traditions and customs. The high proportion of Black inmates born in countries other than Canada presents CSC with some challenges as many of these inmates may speak a language other than English or French as their first language. While the majority of Black inmates reported affiliating with some form of Christianity, other religious faiths were represented as well, including Muslim (23%) and Rastafarian (6.5%)²². Differing religious diets, clothing, medicines, books and worship practices adhered to by the faithful must be accommodated by the CSC.

Why are Black inmates incarcerated?

17. The majority of Black inmates (51%) were incarcerated for Schedule I²³ (violent) offences in 2011/12. 18% were incarcerated for Schedule II²⁴ (drug) offences²⁵. Approximately 18% of Black inmates were incarcerated for first degree murder or second degree murder. These proportions are consistent with those of the overall inmate population. The one group of offences where Black inmates differ substantially from the general inmate population is with respect to sex offences. Approximately 10% of Black inmates were incarcerated for sex offences in 2011/12, compared to 15.5% of all federal inmates²⁶.

¹⁸ CRS: July 26, 2012

¹⁹ RADAR: April 17, 2013

²⁰ RADAR: April 17, 2013

²¹ RADAR: July 27, 2012

²² RADAR: July 26, 2012

²³ Schedule I is comprised of sexual offences and other violent crimes excluding first and second degree murder (see the *Corrections and Conditional Release Act*)

²⁴ Schedule II is comprised of serious drug offences or conspiracy to commit serious drug offences (see the *Corrections and Conditional Release Act*)

²⁵ CRS: June 26, 2012

²⁶ CRS: Aug. 1, 2012

Federally Sentenced Black Women

18. In 2011/12, there were 55 Black women inmates serving time in a federal penitentiary, representing 9.12% of the incarcerated women population. The majority (78%) of Black women are incarcerated at Grand Valley Institution (GVI) in the Ontario region. Over the past 10 years, the number of incarcerated Black women fluctuated very little between 2002 and 2010, at which point the number increased by 54% and then again by another 28% between 2010 and 2012. The number of incarcerated Black women appears to be rising quickly.

19. In 2011/12, Black women were most likely to be incarcerated for Schedule II (drug) offences (53%). Interviews with Black women at GVI revealed that most were incarcerated on drug trafficking charges. Many indicated that they willingly chose to carry drugs across international borders, primarily as an attempt to rise above poverty. There were some who reported having been forced into these activities with threats of violence to their children and/or families. Most Black women interviewed were foreign nationals. Many spoke of the difficulties of being far from their family and community support networks as well as the high cost of calling home from prison which meant that they rarely spoke with family members²⁷. Maintaining contact with home and family presents huge reintegration challenges. Many Black women in federal custody face deportation upon completion of their sentence.

20. There were other concerns noted by the women in group and individual interviews: the lack of availability and access to special medicated creams and ointments for skin and hair care; lack of appropriate skills training (rather than laundering, folding, ironing and sewing of clothes); and, cuts to part-time chaplains, reflecting a concern that their spiritual needs could not be met by Christian chaplains. Finally, though many Black women at GVI were incarcerated for drug trafficking, conviction for this type of offence does not necessarily translate into having a drug addiction or substance abuse problem. Several women reported that they could not understand why they were required to complete this type of programming, even as part of a broader core correctional program, in the absence of an identified need.

Gang affiliation

21. One aspect that distinguishes Black offenders and Black male offenders in particular, is gang affiliation. As of April 14, 2013, Black inmates were nearly two times more

²⁷ CSC policy does not allow for the use of considerably less expensive calling cards.

likely than the general inmate population to have a gang affiliation (21.3% vs 12.3%)²⁸. In general, gangs are involved in all areas of criminal activity, the most common being the trafficking of illicit drugs. Other criminal activities include the facilitation of street-level prostitution, theft, robbery, fraud and weapons offences.²⁹ A study conducted by CSC (2004) found that male offenders with a gang affiliation were more likely to have committed violent, weapons and drug-related offences.³⁰

ANALYSIS: CORRECTIONAL EXPERIENCES OF BLACK INMATES

Population Management

22. CSC has a Population Management Strategy which encourages the integration of various populations in support of maintaining diverse institutions³¹. However, the review found that Black inmates are disproportionately incarcerated in specific institutions in the Ontario and Quebec regions. For example, there are five medium security institutions in Ontario³²; however, more than half (55%) of Black offenders in medium security in Ontario are incarcerated in two institutions (Collins Bay and Joyceville). In Quebec, there are also five medium security institutions³³, yet 60% of Black inmates in medium security are incarcerated in two institutions (Cowansville and Archambault). Senior CSC personnel interviewed for the case study highlighted the importance and ‘best practice’ of integrating various populations and maintaining diverse ranges and institutions. They reported that this practice significantly reduces violence and contributes to an environment that is less prone to discrimination and cultural stereotyping. While it is possible that this situation may partially be explained by offender requests to transfer to institutions where there is cultural programming or to be closer to those of their own culture, it is unlikely to completely account for their disproportionate numbers in particular institutions.

Cultural Needs of Black Inmates are not being met

23. The CSC has implemented an extensive governance structure, including an Ethnocultural Services section at national headquarters, a Regional Manager of Ethnocultural Services, Institutional Ethnocultural Coordinators as well as a National and Regional Ethnocultural Advisory Committee, all intended to better identify and

²⁸ CSC data warehouse: April 14, 2013

²⁹ Criminal Intelligence Service Canada: 2010 Report on Organized Crime.

³⁰ Nafekh, Mark and Yvonne Stys, “A Profile and Examination of Gang Affiliation within the Federally Sentenced Offender Population” (2004)

³¹ CSC, “Population Management Strategy: It’s Everyone’s Business”, Correctional Operations and Programs, 2010.

³² Ontario Medium Security institutions: Joyceville, Collins Bay, Warkworth, Fenbrook and Bath

³³ Quebec Medium Security Institutions: La Macaza, Leclerc, Archambault, Drummond and Cowansville. It should be noted that Leclerc will be closing so inmates currently incarcerated there will move to other institutions

manage the needs and cultural interests of ethnocultural offenders.

Notwithstanding, this review found that the cultural needs of Black inmates are not being adequately met or addressed in 3 key areas: correctional programs, availability of products and cultural food, and community support.

Correctional programs not culturally relevant

24. The CCRA (S. 76) states that the CSC shall provide a range of programs designed to address the needs of the offenders and contribute to their successful reintegration. Over the last 20 years, CSC has prioritized the use of correctional programs as an important means of reducing rates of re-offending.

25. This review found that while CSC programs provide Black offenders with important tools and strategies, they do not necessarily or adequately match their reality. Black inmates reported that they could not see themselves reflected in the programs and they felt that these were not rooted in their historical or lived experiences. CSC staff reported that they did not feel that culture was particularly relevant when administering programs as they are meant to target criminogenic, not cultural factors. Inmates, on the other hand, felt that their life experiences were very much shaped by the culture they grew up in and thus what led them to committing a crime may be very different than that of other inmates. Black inmates reported that they believe programs would be more effective and they would get more from the programs if they were to more closely reflect their experiences. Black inmates agreed that a more diverse teaching staff would contribute to an environment where they would feel more comfortable to openly discuss issues relevant to their own experiences, culture and traditions. While research conducted by CSC indicates that correctional programs are equally effective across a broad range of ethnic groups, particularly in terms of decreased likelihood of recidivism, it is also noted that offender ethnicity and culture are important in effectively administering correctional programming³⁴.

26. CSC does offer some ethnocultural programming specific to Black heritage and culture (e.g. Springhill: 5-week program to educate inmates on Africentric Healing, Reintegration and Culture; Westmorland Institution: 10 week Employability Program; Dorchester: Drumming Program; Atlantic region: CSC and PBC co-sponsored information session for Afro-Canadian offenders relating to parole application process). These programs are only offered in one region (Atlantic region), at one institution, on an inconsistent basis, and some, like the drumming program, have limited space for participation (9 participants/session). As well, CSC provides

³⁴ Usher, A. & Stewart, L. , "The effectiveness of correctional programs with diverse offenders: A meta-analytic study." Research Report R 246 Ottawa, ON, CSC (2011)

libraries with cultural resources (books, magazines, newspapers etc.) in most institutions and some institutions have an ethnocultural arts program (e.g. visual, literary, performing and musical arts), however many Black inmates reported that these materials were limited.

27. Participation in and support for cultural events in institutions can be an important complement to CSC programs. Some inmates talked about the pride they felt when hosting a cultural event (e.g. Black History Month, a drumming demonstration) and interacting with and educating others about their traditions. While CSC promotes and organizes a number of cross-cultural awareness activities (e.g. seminars, speakers, workshops, festivals, etc.), support for these events at the institutional level is not consistent. The Black Inmate Committees at some institutions reported having sufficient help and guidance to plan their events, host cultural meals, and bring in guest speakers whereas others reported little to no assistance to the point that very few events had ever taken place within the institution. For instance, the Black Inmate Committee at one institution had tried on several occasions to meet with the Regional Manager, Ethnocultural Services to discuss issues and ask for guidance; however, after 18 months, the only response they received was that the duties of this position had changed and that they would have to work with their institutional representative, whom they did not feel was providing sufficient support.

Lack of support for cultural events

At one institution, a group of Black inmates invited inmates and CSC staff to a demonstration to showcase what they had learned as part of a cultural program offered at the institution. After seeing the response from CSC staff, one Black inmate commented: "Can you believe only one CSC staff member showed up?" "What was the point?"

Cultural products often not available

28. All Black inmates, particularly Black women, indicated a lack of access to hygiene products specifically designed for their hair/skin type through canteen. Many women expressed the importance of appearance within the Black culture and the significance of this in terms of self-confidence and self-worth. Several Black women wore head coverings because they were self-conscious that their hair had become brittle and fallen out as a result of not having access to appropriate products. Black inmates (both men and women) also raised issues of severe dry skin and the need for lotions better suited to their skin type.
29. Over the past three years, reductions in non-essential health care services previously provided by CSC has placed an additional burden requiring non-prescription items such as medicated shampoo, creams and lotions for skin conditions to be purchased

through the inmate canteen. Many Black inmates reported very limited access to these products and those items that were available, were very expensive.

30. CSC recently updated CD 890 - *Inmates' Canteen* which included a reference stating that:

“The objective is to allow inmates to purchase basic health and hygiene articles currently available at the institutional canteen with the credit from their hygiene account; each institution will ensure that these categories of products currently available are offered at the canteen from the hygiene account. Institutions will also ensure that the cultural and gender diversity of the inmate population is also taken into consideration for the types of products currently available. Institutions could reduce the availability of certain categories or types of products if the limitation of their clientele requires it or because of the size of the canteen or the limited turnaround of the products.”

While this reference attempts to provide for a diversity of products in canteen, it was included only as a footnote rather than as a separate part of the CD and thus lacks the authority to ensure that a range of products are in fact available.

31. Another issue that inmates felt very strongly about was the lack of access to food that was consistent with their culture and traditions. Throughout the review, inmates reported a lack of or inconsistent access to cultural food, particularly through canteen. CD 880 - *Food Services* states that CSC must provide inmates with an appropriate diet based on the requirements of their faith; however there is no similar provision for cultural food (which is different than food based on religious requirements) either as part of the *Food Services* or *Inmates' Canteen* CD. While the provision of cultural food is not mandatory, it is an important step toward achieving greater recognition of cultural differences and equality of treatment.

Lack of relevant community support

32. Commissioner's Directive 767 - *Ethnocultural Offenders: Services and Interventions* requires that CSC “build and maintain partnerships and networks with communities and organizations that will help respond to the needs of ethnocultural offenders and assist in their reintegration”. The review found that in all of the institutions visited, it was evident that linkages to Black community groups were very limited or non-existent.
33. Many Black inmates reported never having seen, spoken to, or met with anyone from a Black community group though most expressed a strong desire to have these

linkages. Some inmates in the Ontario region reported hearing about or talking to representatives from the Black Inmates and Friends Association (BIFA), an organization previously on contract with the CSC to provide ethnocultural services³⁵.

34. The Black Inmate Committee at one of the institutions visited reported that they had discussed hiring a community representative using their own resources to come into the institution once a month to provide advice and support. While the proposal was still in its infancy, the discussion is noteworthy. Inmates earn very little while incarcerated so the fact that the group was considering contributing to a fund to pay for a community advisor is indicative of their need and want for community support.
35. CSC has established a Mentorship program that links offenders with community agencies to provide support and community connections. However, no offender interviewed for this case study had been part of this program or had even heard of it and it is unclear which institutions are currently offering it. CSC staff also reported that social workers and parole officers are responsible for helping offenders connect with community groups, but again Black inmates reported very little assistance in this respect. The Black Inmate Committee at one institution reported trying to organize an event with the intent of bringing in representatives from Black community groups to inform parole officers of the services available to Black inmates. However, the event has not moved forward because of a perceived lack of support/interest from CSC staff.
36. CSC staff acknowledged the difficulty in getting Black community groups into the institutions as they are often situated at a distance from urban centres where community groups are usually located. As a result, CSC staff concluded that it was costly, in terms of resources and time, for volunteers to make the trip to the institution. These groups can significantly impact the reintegration success of Black inmates. Temporary absences (escorted and unescorted) could be used to connect Black inmates with community organizations/groups. One Black Inmate Committee reported that they had requested a cultural TA to a community organization for some of its members and "...after 3 years, they (CSC staff) are still apparently working on it".

³⁵ Audmax Group has since replaced BIFA as the organization responsible for providing ethnocultural services in the Ontario region; however they do not work specifically with Black inmates, but with all inmates using a culturally sensitive/appropriate approach. Many Black offenders felt that Audmax was good in terms of providing practical small business training, but did not feel that this group was appropriate to discuss or address cultural issues or needs.

Conditions of Confinement

37. The review found that while many Black inmates reported interactions with inmates and CSC staff that were considerate and respectful, all reported experiencing discrimination by other inmates and correctional officials. Significantly, the investigation found that Black inmates were most concerned about their treatment by CSC staff. They held CSC staff to a higher standard as they felt that they are trained (and required) to be professional and respectful in carrying out their duties.
38. As the literature suggests, the ways in which discrimination and prejudice are displayed or expressed have shifted over time from more overt forms (e.g. racist language and behaviour) to more covert and subtle forms (e.g. ignoring, shunning) often making it difficult to recognize and counteract³⁶. Unlike the *Commission on Systemic Racism in the Ontario Criminal Justice System* (1994) which found Ontario prisons to be very hostile environments for Black inmates in terms of the use of racist language, federal Black inmates reported that while they heard and/or experienced the use of racist language, it was not felt to be pervasive. More concerning to them were the behaviours exhibited by many CSC staff. Much of what inmates reported to the Office falls within what the literature describes as “covert discrimination”.
39. Many inmates talked about being ignored by staff when asking questions. One inmate commented that the guards “...look right through me and say nothing, they just look right through me like I am not standing right in front of them”. Many Black inmates felt that their needs did not appear to be a priority and that their concerns were often ignored. This sentiment was particularly prevalent for Black inmates with respect to health care needs. Many reported being ignored by health care staff or told to “put in a request”. They felt that issues identified by other inmates were taken more seriously or immediately addressed. Many felt as though there was a ‘different set of rules’ for Black inmates. While feelings of being ignored or disregarded by correctional staff are no doubt common to many inmates, this behaviour particularly resonates with Black inmates as it reinforces their lived experiences with racism and discrimination on a daily basis. In

Differential treatment

Inmates described a family event that had recently occurred where the Warden greeted a number of the family members of Caucasian inmates by shaking their hands, but only said ‘hello’ to the family members of the Black inmates and did not shake their hands.

³⁶ Bonilla-Silva, Eduardo and David Dietrich, “The New Racism: The Racial Regime of Post-Civil Rights America,” in *Covert Racism: Theories, Institutions, and Experiences* (2011).

prison, it increases feeling of marginalization, exclusion and isolation. Further, even though some of these incidents may appear insignificant, the cumulative impact may be no less hurtful or stigmatizing when compared to more overt types of discrimination.

40. Black inmates reported numerous examples of stereotyping. Judgments about their character and lifestyle were also common. Most of the Black men described being labeled a 'gang member', a 'trouble maker, a 'drug dealer, and/or a 'womanizer'. Many CSC staff corroborated this and agreed that there were staff members that were biased and employed stereotypes, viewing everything Black inmates did through bias and prejudice, though they felt that most CSC staff were fair and professional. At all the men's institutions, the label 'gang member' and 'trouble maker' were commonly applied, particularly when three or more Black inmates gathered together (The label 'trouble maker' was also prevalent at the women's institution again when Black women congregated).
41. The gang member/affiliation stereotype is a particular concern of Black male inmates. They felt as though everything they did or said was viewed and assessed using a 'gang lens'. They reported that this label often prevented them from obtaining CORCAN jobs or jobs of trust within the institution thus relegating them to work that provided little experience and/or training to help them upon release. Many Black inmates discussed how their body language, manner of speaking, use of expressions, style of dress and association with others were often perceived as gang behaviour by CSC staff. The 'trouble maker/gang member' stereotype was so pervasive at one institution that the Black Inmate Committee stopped meeting and disbanded. They felt that their meetings garnered unfair scrutiny by officers who would walk by almost constantly and question members of the Committee after the meetings to find out what had been discussed.

Gang Affiliation

42. While Black inmates are two times more likely to have a gang affiliation, the great majority (79%) are not a member of a gang. Despite this, the gang affiliation label is the one issue that seems to both distinguish and define the Black inmate experience in federal penitentiaries.
43. On the surface, gang affiliation as identified, assessed and defined by CSC appears to be based on objective criteria: reliable source identification (informants, community or institutional sources); tangible written or electronic evidence (e.g. pictures); common and/or symbolic identification, (e.g. scars, marks and tattoos or criminal organization paraphernalia); and observed behaviour that by its nature or

association gives reasonable and probable grounds to believe that the offender has a gang affiliation.³⁷ In practice, these criteria can be discretionary and prone to confirmation bias, the tendency to interpret information or behaviour in a way that confirms preconceptions and subjective judgements. Once applied, the validity and reliability of the gang label appear to be rarely questioned, particularly among those in operational positions working with Black inmates. This kind of labeling is particularly questionable when it relies on internal security intelligence information or prison informants, which are not always corroborated by external law enforcement, court or judicial authorities.

Example of pervasive use of 'gang lens'

At one institution, the investigator was shown a range video which was supposed to depict 'gang posturing' (as stated by the CSC staff member). The video showed a number of Black inmates engaging in heated arguments which eventually led to a fight. While a number of the inmates were 'getting up in each other's faces', there was no evidence that this was 'gang posturing'; rather it appeared similar to any other type of conflict that might occur in the confines of a prison. This is but one example of many throughout the course of the case study where the actions and behaviours of Black inmates seemed to be consistently and unequivocally viewed through a 'gang lens'.

44. Those who felt they were wrongly labeled felt particularly vulnerable because dissociating from a gang requires inmates to provide a written request to terminate his/her affiliation with a gang (CD 568-3 - *Identification and Management of Security Threat Groups*). However if they do this, they felt like they were admitting to something that they were in fact not part of.

How has CSC responded to discrimination and stereotyping?

45. CSC has implemented a number of measures aimed at addressing discrimination and stereotyping. These include measures aimed at improving cultural representation among staff (e.g. targeted hiring, career fairs, career development programs for visible minority staff, etc.) and enhancing staff diversity and cultural competency training (e.g. development of reference materials specific to ethnocultural offenders, responsivity portal, etc.). Other measures focus on CSC's human resources planning and include initiatives that ensure equality and representation across the organization such as the Diversity and Employment Equity Committee, the National Advisory Council on Diversity, an Employment Equity Action Plan and developmental programs for employment equity groups. To its credit, CSC commissioned a national consultation in 2011 with visible minority employees which

³⁷ CSC, *Assessment of Affiliation with a Security Threat Group*

resulted in a Visible Minority Action Plan containing 37 actions, though it is unclear what has been accomplished to date.

46. While these activities and processes are important, there is a need for continuous reinforcement and training. CSC staff reported a need for practical training on culture and diversity. Employee participation in institutional cultural events is essential to encourage learning and interaction with other cultures where the focus is other than security. Moreover, there is a need to consistently monitor and evaluate the outcome of these programs and activities to ensure they are having the desired effect. This review found little evidence that monitoring or evaluation had occurred on any of the equity measures implemented by the CSC.
47. One issue that both Black inmates and CSC staff felt strongly about was the need for more representative staff, particularly at those institutions with large proportions of visible minority inmates. At Joyceville institution for example, in 2012/13, visible minority inmates represented fully 56.4%³⁸ of the inmate population however, only 5.8%³⁹ of Joyceville staff were visible minorities. Regardless of whether the proportion of visible minority staff meets or exceeds the workforce availability on a national basis, there is a clear need for CSC staff to more closely represent the diversity of the inmate population at the institutional level. Interestingly, the one institution where inmates fully agreed that staff-inmate relations had improved in terms of discrimination and stereotyping was the one in which the proportion of visible minority inmates more closely reflected that of staff.

Ridiculed for having an accent

48. While Black inmates reported having some difficulty communicating with correctional staff because they were not fluent in English or French, they were more concerned about the ridicule targeted at Black inmates who spoke with an accent. Inmates gave examples of over-hearing CSC staff mocking the accents of Black inmates or trying to speak with a Jamaican accent for example to their colleagues. One inmate reported a correctional officer asking him “What is wrong with your tongue, don’t talk to me like a hoodlum”.
49. CD 767 - *Ethnocultural Offenders: Services and Interventions* ensures the assistance of an interpreter for offenders who do not speak English or French for any hearing or for the purposes of understanding materials provided to the offender. While this ensures that inmates not speaking English or French will be accommodated for formal proceedings, it does not address the challenges inmates have day-to-day

³⁸ CRS: March 21, 2013

³⁹ HRMS as of December 31, 2012

communicating with correctional staff. Black inmates reported that some staff spoke languages other than English or French which proved to be a great benefit to some of the inmates. Inmates at all institutions indicated that a more diverse staff would certainly help to mitigate issues of ridicule and mockery as they felt it would be more difficult for staff to engage in this type of behaviour around their peers of other cultures.

ANALYSIS: CORRECTIONAL OUTCOMES OF BLACK INMATES

Employment and pay levels

50. Employment while in prison is important as it can aid in an inmate's reintegration into society by offering an opportunity to learn skills and acquire experience that are required to work in trades such as construction and manufacturing. Black inmates consistently reported difficulties finding prison employment and the lack of Black inmates working in jobs of 'trust' or for CORCAN. Many felt this was a result of being stereotyped and labeled as a 'gang member' or as a 'trouble maker'. The prison unemployment rate in 2012-13 in federal correctional facilities was 1.5%; however, for Black inmates this rate was much higher at 7%⁴⁰. Black inmates are also considerably less likely than the general inmate population to be employed in a CORCAN job. CORCAN jobs are in high demand as they provide inmates with vocational skills and experience in a particular trade. In 2012/13, 29% of all inmates were working in some CORCAN capacity compared to only 22% of Black inmates⁴¹. These findings are consistent over the past 10 years.

51. At two of the men's institutions, the Black inmates felt that they were discriminated against and could not get a job with CORCAN even after applying on several occasions. They reported that the only Black inmates that worked at CORCAN were those that had previously worked there; it was rare for new Black inmates to be recruited. At one of the institutions, CSC staff recognized this as an issue and worked with the job coordinator to ensure more Black inmates were put forward and considered for CORCAN jobs which eventually resulted in a few Black inmates being hired.

52. By contrast, it is encouraging to note that Black inmates are essentially on par with the general inmate population with respect to inmate pay. In fact, Black inmates were slightly more likely than the general inmate population to be at the highest

⁴⁰ CRS: April 24, 2013

⁴¹ CRS: April 24, 2013

level of pay (28% vs 26%) and slightly less likely to be at the lowest level of pay (4% vs 5%).

Risk and Need

53. Black inmates are slightly less likely than the general inmate population to be rated as having high needs for intervention or to be rated as high risk to re-offend and more likely to be rated with low needs and low risk despite their greater likelihood of having a gang affiliation. 55% of Black inmates were rated as high risk and 57% as high need compared to 59% of all inmates who are high risk and 60% as high need. By comparison, 10% of Black inmates were rated as low risk compared to 8% of inmate population and 7% of Black inmates were rated as low need compared to only 5% of the inmate population⁴².

Security Classification

54. Inmates are classified upon incarceration to ensure they are placed in the correctional setting that most appropriately meets their programming and custodial needs. Security classification is a continuous process that starts on admission and is re-evaluated periodically according to established guidelines until warrant expiry. Decisions regarding an inmate's security classification are based on a number of factors (e.g. institutional adjustment, escape risk and, should the offender escape, risk to the public for a new offence, etc). Security classification is important as it determines where an inmate is incarcerated, the conditions of confinement, access to programming and community reintegration.

55. Despite being rated as lower risk to re-offend and lower need overall, between 2009/10 and 2012/13, Black offenders were consistently more likely than the general inmate population to be placed in maximum security and less likely to be placed in minimum security. For example, on average over the last 4 years, approximately 10.4% of inmates were assigned to maximum and 29.3% to a minimum security institution; however, 15.1% of Black inmates were assigned to a maximum security institution and only 21.6% were assigned to a minimum (See Table 1 below). Moreover, over the last 5 years (2007/08-2011/12) Black inmates were consistently less likely to have their Custody Rating Scale score overridden in favour of a placement in a medium or minimum security institution⁴³.

⁴² CSC Data Warehouse, April 17, 2013

⁴³ CSC Data Warehouse, June 5, 2013

Table 1: Percentage of Initial Penitentiary Placements (%)

	2009/10	2010/11	2011/12	2012/13	4-year Average
Total					
Maximum	9.6%	11.1%	10.6%	10.4%	10.4%
Medium	56.2%	55.3%	55.1%	53.6%	55.1%
Minimum	30.4%	28.6%	29%	29.1%	29.3%
Total	4,990	5,030	5,006	4,657	
Black					
Maximum	14.7%	15.5%	18.4%	11.9%	15.1%
Medium	60.8%	63.9%	58%	64.3%	61.8%
Minimum	22.7%	18.9%	21.8%	22.8%	21.6%
Total	375	440	376	378	

Source: CSC Data Warehouse, March 2013.

Institutional Charges

56. Although prison rules are rigorously framed, discipline can be highly discretionary or subjective in some cases. Previous research in prisons in Ontario indicates that Black inmates are more likely to be charged with misconduct that involves subjective judgement on the part of correctional officers (e.g. disrespect toward staff, disobeying a rule, etc.) and less likely to be charged with misconduct where correctional officers must show factual proof, such as possession of contraband⁴⁴. This is important because institutional charges can have serious consequences and may lead to additional time added to a sentence and/or denial of parole.

57. Between 2007/08 and 2011/12⁴⁵, the number of disciplinary charges incurred by Black inmates increased by 59% despite the fact that the number of disciplinary charges laid over the same time period decreased by 7%. Over the 5 year period, Black inmates were consistently over-represented in categories of charges that could be considered discretionary or requiring judgement on the part of correctional officers. For example, in 2011/12, Black inmates made up 9.3% of the incarcerated population, yet comprised 13% of those charged for disrespect toward staff, 21% of those charged for disobeying an order, 24% of those charged for jeopardizing the safety and security of the institution or another person and 12% of those charged with committing a disturbance. By contrast, over the same 5-year period, in the categories that could be considered less discretionary, Black inmates were

⁴⁴ Commission on Systemic Racism in the Ontario Justice System, *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* 1994.

⁴⁵ CRS, June 5, 2013.

consistently under-represented in those charged for possession of stolen property, theft, damage or destroy property and possession of unauthorized items.

58. This evidence supports reports from Black inmates who felt targeted with respect to institutional charges, particularly charges related to disrespect or causing a disturbance. For example, many Black inmates felt they were targeted with these types of charges because they tended to speak loudly in conversations with other inmates and used expressive hand or body gestures while speaking. While these gestures were viewed by Black inmates as “just part of our culture”, they were perceived by correctional staff as aggressive or belligerent. Black women in particular reported being targeted for “kissing their teeth” which essentially equates to saying “whatever” (as reported by Black women) but was often viewed by correctional staff as disrespectful behaviour.

Segregation and Use of Force

59. Between 2007/08 and 2011/12, Black inmates were consistently over-represented in involuntary/disciplinary segregation placements. This finding may partially be explained by the fact that CSC uses segregation to manage incompatible groups and individuals, such as separating gang members. While the law requires segregation to be used as a last resort and for the shortest period possible, it has become a standard tool of population management to maintain the safety and security of the institution; however, this approach may be disproportionately impacting Black inmates.

Table 2: Segregation placements for Black inmates (%)

	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Voluntary	3.7	3.5	4.0	6.3	5.4
Involuntary/Disciplinary	8.6	9.3	10.0	10.8	11.7
Black inmates as proportion of total inmate population	7.3	8.0	8.5	9.1	9.3

Source: CSC Data Warehouse, February 2013

60. Likewise, in 2012/13 Black inmates were over-represented in use of force incidents. Black inmates were involved in 13%⁴⁶ of use of force incidents while representing 9.3% of the inmate population. It is not unreasonable to conclude that discrimination and stereotyping reported by Black inmates may be a contributing factor in their over-representation in incidents of use of force. Stereotypes in particular may lead to a belief that some groups are more dangerous or violent than

⁴⁶ CSC Data Warehouse, March 27, 2013

others and this is often reinforced through negative media images. Interestingly, Black inmates did not report that they felt targeted with respect to segregation placements or use of force incidents.

Conditional Release

61. Almost all federal inmates will eventually return to the community. Temporary absences and parole, offer an important step in gradually and safely releasing offenders into the community. A period of supervision in the community is safer than releasing offenders directly from prison at the end of a sentence without any period of community supervision. Grant rates for federal day parole and full parole have been on a downward trend since 2001/02 for all inmates⁴⁷.
62. According to Parole Board of Canada, statistics over the last 5 years (2007/08 to 2011/12) show that Black offenders have consistently been less likely than the general inmate population to be granted federal day or full parole (See Table 3).

Table 3: Grant Rates for Federal Day and Full Parole by Race (%)

	2007/08	2008/09	2009/10	2010/11	2011/12	5-year average
Day Parole						
Black	66	62	58	54	55	58
Total	73	71	68	63	64	68
Full Parole						
Black	16	20	12	9	25	16
Total	20	21	18	17	23	20

Source: Parole Board of Canada: Performance Monitoring Report 2011/12

63. Over the 5-year period (2008/09 to 2012/13), Black offenders were as likely as the general inmate population to be released on statutory release or at warrant expiry⁴⁸.
64. Over the past 10 years, Black inmates were consistently under-represented in those granted escorted temporary absences (ETAs) and unescorted temporary absences (UTAs). For example, in 2011/12, Black inmates represented 9.3% of the inmate population, but only 3.8% of those on an ETA and even more striking, only 1.6% of those on UTAs. This evidence supports reports from Black inmates who felt that they were not given access to ETAs and UTAs.

⁴⁷ Corrections and Conditional Release Statistical Overview, 2012

⁴⁸ CRS: March 27, 2013

Correctional Outcomes: Post discharge/release

65. Surprisingly, while conditions and treatment seem to be more difficult or unfavourable for Black inmates, as a group they manage relatively well once released from prison. Over the last 5 years, (2007/08 – 2011/12), successful completion rates for both federal day and full parole were consistently higher for Black offenders. For example, in 2011/12, Black offenders had a successful completion rate for full parole of 83% compared to 79% for all offenders⁴⁹. Moreover, Black offenders were no more likely than all offenders to have their federal day or full parole revoked for a violent offence.
66. Over the same time period, Black offenders were also consistently more likely than the overall offender population to successfully complete their statutory release supervision period. They were as likely as all other offenders to have their statutory release revoked for a violent offence.
67. Finally, post-warrant expiry provides an important measure of an offender's ability, over the long-term, to sustain a crime-free life while in the community after completion of his/her sentence. Black offenders were generally less likely to be readmitted on a new federal sentence while on parole, statutory release or at warrant expiry⁵⁰.

A resilient population?

68. As noted earlier, Black inmates appear to fare better post-discharge and have better release outcomes, despite inequitable treatment within institutions. There is some research to suggest that there are certain aspects of the Black North American life and culture that may serve as protective factors. Racial socialization (e.g. receiving messages emphasizing racial pride and learning about one's heritage and culture) and the building of social support networks (e.g. family, extended family, the community, churches and adoption of family members) which are common in Black communities, have been shown to be related to resiliency and the ability to overcome adversity⁵¹. It is possible that these protective cultural factors contribute to better than average correctional outcomes among Black inmates post-discharge/release. While beyond the scope of this review, it is clear that more

⁴⁹ Parole Board of Canada, Performance monitoring Report 2011/12

⁵⁰ Parole Board of Canada, Performance Monitoring Report 2011/12

⁵¹ Brown, Danice, "African American Resiliency: Examining Racial Socialization and Social Support as Protective Factors." *Journal of Black Psychology* 34(1): 32-48 (2008).

research is required to determine the causes behind what would otherwise appear to be counter-intuitive findings.

DISCUSSION

What does Diversity mean for CSC?

69. CSC has implemented a number of measures to better identify and meet the needs of a more ethno-culturally diverse inmate population and it has developed an organizational structure to support this work: diversity committees (e.g. national and regional ethno-cultural advisory committees, National Advisory Council on Diversity, National Diversity Committee); cultural programs and awareness activities; sensitivity and diversity training; and staffing initiatives aimed at increasing the representation of employment equity groups (e.g. targeted recruitment, Diversity and Employment Equity Committee, mentorship and leadership programs). However, challenges remain and CSC will face increasing pressures to accommodate a wide range of diversity of needs.

Representative Workforce

70. Both CSC staff and Black inmates highlighted the importance of ensuring a representative workforce at all levels and throughout the institution. While CSC meets and often exceeds the workforce availability and employment equity targets on a national basis, it is not well reflected at the institutional level. CSC has implemented a number of human resources strategies aimed at increasing employee representativeness through various targeted hiring campaigns and improving the upward mobility of visible minority employees. However, this review found no evidence that these initiatives had been reviewed or evaluated in terms of their effectiveness or ability to produce the desired outcomes. Recruitment and retention strategies need to prioritize and target front-line institutions (not just regional or national headquarters) which house the greatest proportion of ethno-cultural offenders. Correctional officers who can speak languages other than English or French are increasingly important assets in improving interactions and communication with the increasing number of foreign-born inmates.

Staff training

71. CSC has developed a number of training courses, workshops and manuals to ensure employees are trained on diversity issues, however challenges remain in ensuring they are efficient and effective. CSC needs to ensure that its diversity training is consistent across all regions, integrated within the overall training framework and followed-up with ongoing practical training, experiences and support. A national

diversity awareness training plan that begins at employee orientation and is continuous throughout a staff member's career could go a long way to increasing much-needed cultural awareness and cultural competency within CSC ranks. This training should be rooted in practical operational experience and target front-line correctional officers as a matter of priority.

Ethno-Cultural Correctional Programming

72. The review also yields some important findings with respect to the content, delivery and relevance of ethno-cultural correctional programming. For example, ethno-cultural programs are often available in only one institution per region. This program delivery practice gives rise to population management strategies that run contrary to integrative practices and principles. It is also clear that core correctional programs need to be reviewed, revised and updated from a diversity perspective to incorporate more modules, examples and components drawn from lived ethno-cultural experience. More visible minority program facilitators would help ensure relevance, uptake and retention, potentially resulting in higher program completion rates.

Organizational culture

73. Results of the *2012 Ethical Climate Survey* clearly demonstrate, that there is much room for improvement in how CSC staff value and model respect, fairness, inclusiveness, accountability and professionalism in the workplace.⁵² The voluntary staff survey collected information on abuse of power, discrimination, harassment, inappropriate behaviour and other rude and degrading treatment. Overall, close to 25% of respondents indicated that they had experienced discrimination on at least one of the prohibited grounds (race = 45%, gender = 43.6% and age 36.3%) over the past year. Of those having experienced discrimination, over 60% reported that the source of discrimination was other co-workers senior to them in the department, including managers. 31.8% of the sample reported having been harassed in the workplace in the past year, mostly by others senior to them, immediate supervisor(s) or colleagues in their own work unit. The results contribute to an overall finding of an unhealthy, even "toxic,"⁵³ workplace. On the basis of how poorly CSC staff appear to treat one another, it is an open question as to how offenders of another culture, nationality, religion, creed or race are treated behind penitentiary walls. CSC must ensure a healthy organizational culture as it is the foundation from which to build.

⁵² CSC, *2012 Ethical Climate Survey: Results and Analysis*

⁵³ The CSC, *2012 Ethical Climate Survey: Results and Analysis*

Monitoring, reporting and evaluation

74. In 2004, CSC produced a one-time research report entitled “*A Profile of Visible Minority Offenders in the Federal Canadian Correctional System*”. This review found no evidence to suggest that this type of research is ongoing within CSC, nor is there any public reporting on how visible minority populations fare in federal custody. Continuous monitoring and reporting are the basis for effective decision-making and for bench marking progress.

KEY FINDINGS

75. Despite a Population Management Strategy that encourages the integration of various populations and the identified ‘best practice’ of maintaining diverse ranges as a way of reducing violence, CSC disproportionately incarcerates Black inmates in specific institutions in the Ontario and Quebec regions.

76. Discrimination is a commonly reported experience among Black inmates interviewed and it often acts as a barrier to prison employment, alienates and isolates them from full participation and reinforces feelings of differential treatment.

77. Black inmates face stereotyping by CSC personnel that often labels them as gang members. Behaviours, actions or spoken communication of all Black inmates appear to be assessed through a ‘gang lens’.

78. Some aspects of the assessment of gang affiliation is based on criteria that is discretionary and sensitive to interpretation and judgement, resulting in a disproportionate number of Black inmates identified or treated as a gang member.

79. Core correctional programs do not adequately reflect the lived experiences of Black inmates and provide them with few opportunities to discuss issues relevant to their knowledge, culture or traditions.

80. When ethnocultural programming is offered to Black inmates, it is often available in only one institution, on an inconsistent basis and may have a limited capacity to for participation.

81. CSC has not met the requirements set out in CD 767 - *Ethnocultural Offenders: Services and Interventions*. The CD specifically directs CSC management to build and maintain partnerships with communities and organizations to help respond to the

needs of ethnocultural offenders. This review found that partnerships with Black community groups and organizations were limited or in most cases, non-existent.

82. Black inmates do not have consistent access to appropriate hygiene products intended for their hair/skin type through canteen causing many to experience severe hair loss and dry skin issues.
83. Despite being rated as a population having a lower risk to re-offend and lower need overall, Black inmates are more likely to be placed in maximum security institutions.
84. Black inmates are released later in their sentence (lower parole grant rates) and are less likely to be granted temporary absences.
85. On many indicators of correctional performance, Black inmates fall behind that of the general inmate population:
 - More likely to incur institutional charges;
 - Less likely to be employed, particularly in jobs of 'trust' or with CORCAN,
 - Over-represented in segregation placements; and,
 - Disproportionately involved in use of force incidents.
86. In spite of conditions and treatment within federal prisons that seem to be more difficult or unfavourable for Black inmates, they are generally less likely to be readmitted on a new federal sentence while on parole or statutory release. Readmission rates for Black inmates after warrant expiry are also better.
87. Recommendations based on the findings of this case study will be reported in the upcoming 2012/13 Annual Report of the Correctional Investigator.

REFERENCES

- Bonilla-Silva, Eduardo and David Dietrich, "The New Racism: The Racial Regime of Post-Civil Rights America," in *Covert Racism: Theories, Institutions, and Experiences* (2011).
- Brown, Danice, "African American Resiliency: Examining Racial Socialization and Social Support as Protective Factors." *Journal of Black Psychology* 34(1): 32-48 (2008).
- Commission on Systemic Racism in the Ontario Criminal Justice System, *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* (1994 and 1995).
- CSC, "Population Management Strategy: It's Everyone's Business", Correctional Operations and Programs, 2010.
- CSC, *2012 Ethical Climate Survey: Results and Analysis*.
- Criminal Intelligence Service Canada (CISC), 2006 Annual Report on Organized Crime in Canada. Ottawa: CISC, 2006.
- Criminal Intelligence Service Canada, *2010 Report on Organized Crime* Catalogue no. PS61-1/2010.
- Dovidio, John and Samuel Gaertner, "When Good People Do Bad Things: The Nature of Contemporary Racism." in *Covert Racism: Theories, Institutions, and Experiences* (2011).
- Lersch, K.M. and T. Mieczkowski, "Violent Police Behaviour: past, Present, and Future Directions." *Aggression and Violent Behaviour* 10: 552-568 (2005).
- Lewis, Stephen, "Report of the Advisor on Race Relations to the Premier of Ontario, Bob Rae." (1992)
- Luciani, Frederick, Laurence Motiuk and Mark Nafekh, "An Operational Review of the Custody Rating Scale: Reliability, Validity and Practical Utility." CSC (1996)
- Nafekh, Mark and Yvonne Stys, "A Profile and Examination of Gang Affiliation within the Federally Sentenced Offender Population." CSC (2004).
- Parole Board of Canada, *Performance Monitoring Report, 2011/12*.
- Public Safety Canada, *Corrections and Conditional Release Statistical Overview, 2012*
- Smithson, Hannah, Rob Ralphs and Patrick Williams, "Used and Abused: The Problematic Usage of Gang Terminology in the United Kingdom and Its Implications for Ethnic Minority Youth." *British Journal of Criminology* 53(1): 113-128 (2012).

Statistics Canada, "Immigration and Ethnocultural Diversity in Canada." Catalogue no. 99-010-X2011001 (2013).

Statistics Canada, "Police-reported crime statistics in Canada, 2011." Catalogue no. 85-002-X (2012).

Statistics Canada, "Projections of the Diversity of the Canadian Population." Catalogue no. 91-551-X (2010).

Trevethan, Shelly and Christopher Rastin, "A Profile of Visible Minority Offenders in the Federal Canadian Correctional System." Correctional Service of Canada N^o R-144 (2004).

Usher, A. & Stewart, L, "The effectiveness of correctional programs with diverse offenders: A meta-analytic study". Research Report R 246 Ottawa, ON, CSC (2011).

Utsey, Shawn, Mark Bolden, Yzette Lanier and Otis Williams, "Examining the Role of Culture-Specific Coping as a Predictor of Resilient Outcomes in African Americans from High-Risk urban Communities." *Journal of Black Psychology* 33(1): 75-93 (2007).

Wortley, Scot, "Hidden Intersections: Research on Race, Crime and Criminal Justice in Canada." *Canadian Ethnic Studies Journal* 35 (3): 99-117 (2004).

Wortley, Scot and Julian Tanner, "Discrimination or 'Good' Policing: The Racial Profiling Debate in Canada," in *Our Diverse Cities*, Number 1, Spring 2004.

Wortley, Scot, "Police Use of Force in Ontario: An Examination of Data from the Special Investigations Unit," Research project conducted on behalf of the African Canadian Legal Clinic for submission to the Ipperwash Inquiry (2006).