

Office of the Correctional Investigator

2019–20

Departmental Plan

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

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Correctional Investigator’s message

The mandate of the Office of the Correctional Investigator reflects fundamental elements of Canadian democratic values and traditions in our criminal justice system. My Office is one of many oversight agencies that exist to provide independent assurance to Canadians and parliamentarians that the delivery of federal services and programs is done in an open, transparent and accountable manner.

The notion of righting a wrong is central to the Ombudsman role. An Ombudsman exists to provide independent, objective perspective on the fairness of government services – to counterbalance the relative strength of public institutions against the individual. A successful ombudsman is one who increases public confidence in public administration.

To that end, the Office of the Correctional Investigator provides access to every federal offender to our Ombudsman services via the investigation of individual complaints and systemic concerns. Our recommendations to the Correctional Service of Canada are non-binding. On this point, it is imperative that the organization not become just another management component of the body it is mandated by law to oversee. If we are to remain effective, the public and government must see our role as independent and impartial.

Independence, impartiality and respect for human rights are the foundations of my Office’s core responsibility – Independent Oversight of Federal Corrections. While established in 1973, the Office achieved legislative authority in 1992 with the proclamation of the *Corrections and Conditional Release Act (CCRA)*. With this legislation, Parliament expressly acknowledged the retained rights of federally sentenced offenders. Ever since, the Office has maintained a tradition of excellence in achieving this mandate by delivering accessible ombudsman services to the federal offender population, through receiving and resolving individual complaints, conducting systemic investigations into broader issues, reviewing use of force incidents and, pursuant to the *CCRA*, reviewing cases involving serious bodily injury or deaths in custody. The work performed by investigative staff and their ongoing dedication to ensure legal and policy compliance and fair decision-making, is rooted in the principle that offenders be treated fairly and in accordance with the rule of law, as are all other Canadians.

Our corporate priorities for the reporting period remain the same:

- Health care in Federal Corrections;
- Prevention of Deaths in Custody;
- Conditions of confinement;
- Indigenous Corrections;
- Safe and Timely Reintegration; and
- Federally Sentenced Women.

Importantly, the Office’s total authorities for 2019-20 reflect a net increase of \$0.7 million over the previous year’s total Main Estimates (budget). This funding will support and enhance our capacity to undertake investigations in federal correctional facilities, including more in-depth analysis of cases and systemic issues involving Indigenous peoples.

Finally, my organization’s ongoing efforts and commitment to monitoring corporate priorities and resolving offender complaints in a timely and responsive manner will continue to contribute to the delivery of our important mandate throughout the reporting period.

These are my ongoing commitments to Canadians and parliamentarians.

Ivan Zinger J.D., Ph.D.
Correctional Investigator of Canada

Plans at a glance and operating context

The Office of the Correctional Investigator is a micro agency with one program and its resources are dedicated to meeting its operational/legislative requirements. The organization’s salary budget of \$3.8M is non-discretionary. The operating and maintenance budget reflected in the 2019-20 Main Estimates is \$898K. Of that amount, \$575K or 64% is earmarked annually for the following non-discretionary operational obligations: ATIP consultant, memoranda of understanding with Public Safety and Emergency Preparedness for the delivery of internal services; and, investigative mandated travel. Once these fixed costs are accounted for, the organization is practically left with an operating and maintenance budget of \$323K. This “discretionary” amount is required to, amongst other things: support the Office with equipment, contracting, training, supplies, printing and translation services.

The Office of the Correctional Investigator’s involvement in a number of criminal justice priorities identified and advanced by the government include commitments to address the over-representation of Indigenous people in corrections, and reform administrative segregation (solitary confinement). Priorities in the reporting period are:

Investigate and resolve individual offender complaints

Section 167 of the organization’s enabling legislation, the *Corrections and Conditional Release Act* states that: “*It is the function of the Correctional Investigator to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner or any person under the control and management of, or performing services for or on behalf of, the Commissioner that affect offenders either individually or as a group.*” The Office of the Correctional Investigator will dedicate current resources to fulfill its legal mandate. It will oversee, lead and conduct investigations as required; individual complaints will continue to be prioritized and responded to; and, information as well as outcomes will be documented in the Office’s case management tool.

Resolve systemic issues stemming from the corporate priorities

The completion of national systemic investigations related to the corporate priorities should result in a reduction in the number of individual offender complaints that the Office of the Correctional Investigator receives. More importantly, it should help address long-standing concerns of offenders in relation to their incarceration and safe reintegration in the community as law abiding citizens. The Office of the Correctional Investigator will conduct systemic investigations related to its corporate priorities and increase its focus on vulnerable groups, including Indigenous offenders and those suffering from mental health issues. In 2019-20, the Office of the Correctional Investigator will finalize and report on two systemic investigations: one national systemic investigation on Indigenous offenders as well as a second systemic investigation on therapeutic ranges within at maximum-security institutions.

Review the Correctional Service of Canada’s management of mandated issues

The organization’s involvement in Section 19 reviews is mandated in the *Corrections and Conditional Release Act*. The Office of the Correctional Investigator’s enabling legislation requires that it review the Correctional Service of Canada’s assessment of cases where an inmate dies or suffers serious bodily injury. Moreover, the Office of the Correctional Investigator’s review and assessment of use of force incidents is in keeping with the recommendations of the *Arbour Commission of Inquiry (1996)* improvements of use of force policy and practice. The Office of the Correctional Investigator will dedicate indeterminate full-time equivalents (FTEs) who will ensure the timely review of cases, reporting and appropriate interactions with the Correctional Service of Canada. Results for Canadians will be achieved through positive outcomes for offenders as it relates to these reviews and analysis on an ongoing basis.

Implementation of version 2.0 of the Shared Case Management System

The recently implemented Shared Case Management System improves and supports key business lines: intake function, investigations (including systemic investigations and individual offender complaint resolution), Section 19 reviews (death or severe bodily injury), use of force reviews, policy and research as well as reporting. The launch date of version 2.0 is April 1, 2019. Ongoing monitoring and adjustments to the system will continue in the reporting period.

Operational risks

There are two ongoing operational risks. First, the Office’s mandate is national in scope and the sheer number and complexity of issues require flexibility and constant re-evaluation of priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada. Secondly, the resolution of complaints in an environment traditionally closed to public scrutiny requires that the Office not only be, but be seen to be independent of the Correctional Service of Canada, Public Safety and Emergency Preparedness and the Minister.

For more information on the Office of the Correctional Investigator’s plans, priorities and planned results, see the “Planned results” section of this report.

Planned results: what we want to achieve this year and beyond

Core Responsibilities

Independent Oversight of Federal Corrections

Description

The Office of the Correctional Investigator conducts investigations of complaints directed to the Correctional Service of Canada by federally incarcerated individuals or supervised offenders in the community, and carries out systemic investigations of issues that affect large numbers of federal offenders. The Office of the Correctional Investigator reviews all Correctional Services of Canada investigations of deaths in custody and serious bodily injury cases to ensure Correctional Service of Canada compliance with law and policy. The Office also conducts reviews of all use of force incidents. The Office of the Correctional Investigator's investigative activities support a safe, lawful and humane federal correctional practice to ensure that federal correctional decisions and practices are in compliance with human rights, law, policy, and are fair.

Planning highlights

In 2019-20 as is the case every year, the investigative complement will be at the forefront of responding to issues and concerns that affect offenders and require resolution. Our expectation is that this involvement will result in positive outcomes for individual offenders as well as the correctional system writ large through the completion of national systemic investigations. The organization is committed to completing one national systemic investigation on Indigenous offenders in the reporting period as well as a second systemic investigation on therapeutic ranges within at maximum-security institutions.

Indigenous offenders are overrepresented in federal corrections (approximately 26% vs 4% in the general population. Their employment, health and general needs are higher than the general offender population. They are overrepresented in maximum-security institutions, in segregation and in use of force interventions. They have typically poorer correctional outcomes (lesser rate of parole, more releases at Statutory Release date, more parole revocations, etc., than the general offender population. The Office's total authorities for the reporting period reflect a net increase of \$0.7 million; this will support and enhance capacity to undertake investigations in federal correctional facilities, including more in-depth analysis of cases involving Indigenous peoples.

Over the past ten years, the number of federally sentenced women inmates has increased by nearly 30%, growing from 534 in 2008 to 684 in 2018. This growth is in contrast to the decrease in the male in-custody population over the same period (decline of 4%. Reflecting Indigenous over-incarceration, the majority of federally sentenced women (35% are incarcerated in the Prairie Region, followed by the Ontario Region (28%, Quebec (13%, Pacific (12.3% and Atlantic (11.4%. The Indigenous women population has increased by 53% since 2008, growing from 177

to 271 in 2018. Today, women of Indigenous descent account for approximately 40% of all incarcerated women. While on visits to federal institutions for women, Senior Investigators will focus their assessments on the systemic nature of the challenges faced by women offenders. The Office’s most recent Annual Report raises the following concerns: over-classification of women offenders; excessive strip searches; unequal and discriminatory treatment of the Movement levels system; gross overrepresentation of Indigenous women in the Prairie region; and, access to mental health services. As in the past, the organization will continue its investigative focus and resources on federally sentenced women.

Offenders with mental health issues are overrepresented in federal corrections. Upon admission, 26% of male prisoners and 51% of women are identified as needing further mental health assessment (approximately one in five in the general population). These offenders typically have higher needs than the general offender population in terms of health, employment etc. and their correctional outcomes tend to be poorer (higher rates of segregation, more use of force incidents, less access to programs etc.). The Office will continue to focus its investigative resources on offenders with mental health issues during the reporting period.

Planned results

Departmental Results	Departmental Result Indicators	Target	Date to achieve target	2015–16 Actual results	2016–17 Actual results	2017–18 Actual results
A safe, lawful and humane federal correctional practice	Percentage of recommendations made in relation to individual offender complaints that were addressed by the CSC	90%	March 31, 2020	78%	77%	69%
	Percentage of recommendations made in relation to the OCI’s corporate priorities that were addressed by the CSC	100%	March 31, 2020	N/A	N/A	100%

Budgetary financial resources (dollars)

2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
4,292,743	4,292,743	4,316,189	4,316,189

Human resources (full-time equivalents)

2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
36	36	36

Financial, human resources and performance information for the Office of the Correctional Investigator’s Program Inventory is available in the [GC InfoBase](#).ⁱ

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of Programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- Management and Oversight Services
- Communications Services
- Legal Services
- Human Resources Management Services
- Financial Management Services
- Information Management Services
- Information Technology Services
- Real Property Management Services
- Materiel Management Services
- Acquisition Management Services

Budgetary financial resources (dollars)

2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
1,030,053	1,030,053	1,030,053	1,030,053

Human resources (full-time equivalents)

2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
5	5	5

Planning highlights

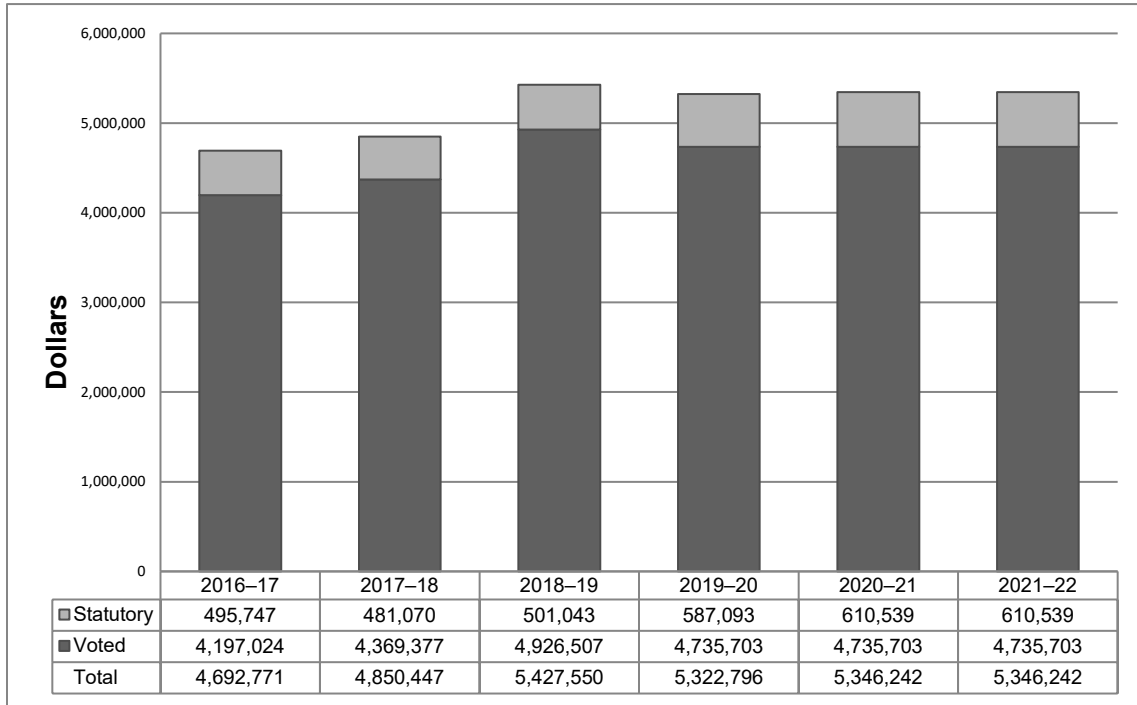
The organization has several memoranda of understanding (MOUs) in place with service providers for basic internal services such as financial administration services; pay and compensation; contracting; staffing; and other human resources services. These MOUs include quality control, oversight, monitoring, and performance indicators. Over 50% of the planned spending amount identified as Internal Services expenditures will be dedicated to goods and services to support the Core Responsibility: Independent Oversight of Federal Corrections and/or the organization as a whole, for example, consultant contracts and the MOUs.

In this reporting period, the primary deliverable for the Internal Services stream will be the deployment of version 2.0 of the Shared Case Management System. This system supports all business lines more effectively, improves reporting and performance measurement. Secondly, the imminent retirement of the Director of Corporate Services and Planning/CFO will allow for the rationalization of his responsibilities with a view to deliver activities in a more innovative and less centralized manner. For instance, the Access to Information and Privacy Coordinator role will be re-directed to legal counsel as well as the strengthening of MOUs with other government departments for the delivery of internal services.

Spending and human resources

Planned spending

Departmental spending trend graph



In the first two fiscal years of the graph, the Office of the Correctional Investigator’s actual spending averages \$4.8 million of voted appropriations. This is consistent with historical spending patterns. However, beginning in 2018-19, spending increases as per new incremental program integrity funding secured in Budget 2018. This funding will support and enhance capacity to undertake investigations in federal correctional facilities, including more in-depth analysis of cases involving Indigenous peoples.

Budgetary planning summary for Core Responsibilities and Internal Services (dollars)

Core Responsibilities and Internal Services	2016–17 Expenditures	2017–18 Expenditures	2018–19 Forecast spending	2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
Independent Oversight of Federal Corrections	3,541,609	3,631,480	4,230,009	4,292,743	4,292,743	4,316,189	4,316,189
Internal Services	1,151,162	1,218,967	1,197,541	1,030,053	1,030,053	1,030,053	1,030,053
Total	4,692,771	4,850,447	5,427,550	5,322,796	5,322,796	5,346,242	5,346,242

As demonstrated in the table above, the organization’s expenditure pattern has been consistent for its core responsibility and internal services, fluctuating only slightly from year to year. This trend will continue until 2021-22. The increase in the 2018-19 Main Estimates is attributable to program integrity funding secured in Budget 2018 which supports and enhances capacity to undertake investigations in federal correctional facilities, including more in-depth analysis of cases involving Indigenous peoples.

Planned human resources

Human resources planning summary for Core Responsibilities and Internal Services (full-time equivalents)

Core Responsibilities and Internal Services	2016–17 Actual full-time equivalents	2017–18 Actual full-time equivalents	2018–19 Forecast full-time equivalents	2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
Independent Oversight of Federal Corrections	32	32	36	36	36	36
Internal Services	4	4	5	5	5	5
Total	36	36	41	41	41	41

As demonstrated in the table above, the organization’s FTE count has remained stable. The increase in the number of FTEs starting in 2018-19 is attributable to program integrity funding secured in Budget 2018 from which five additional employees were hired bringing the total complement to 41 FTEs.

Estimates by vote

Information on the Office of the Correctional Investigator’s organizational appropriations is available in the [2019–20 Main Estimates](#).ⁱⁱ

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the Office of the Correctional Investigator’s operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management. The forecast and planned spending amounts presented in other sections of the Departmental Plan are prepared on an expenditure basis; as a result, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available at the Office at the Correctional Investigator’s [website](#).

Future-Oriented Condensed Statement of Operations for the year ending March 31, 2020 (dollars)

Financial information	2018–19 Forecast results	2019–20 Planned results	Difference (2019–20 Planned results minus 2018–19 Forecast results)
Total expenses	6,130,441	5,907,453	-222,988
Total revenues	0	0	0
Net cost of operations before government funding and transfers	6,130,441	5,907,453	-222,988

Additional information

Corporate information

Organizational profile

Appropriate minister[s]: The Honourable Ralph Goodale, P.C., M.P.

Institutional head: Ivan Zinger, J.D., Ph.D.

Ministerial portfolio: Public Safety and Emergency Preparedness

Enabling instrument[s]: *Corrections and Conditional Release Act* ⁱⁱⁱ

Year of incorporation / commencement: 1992

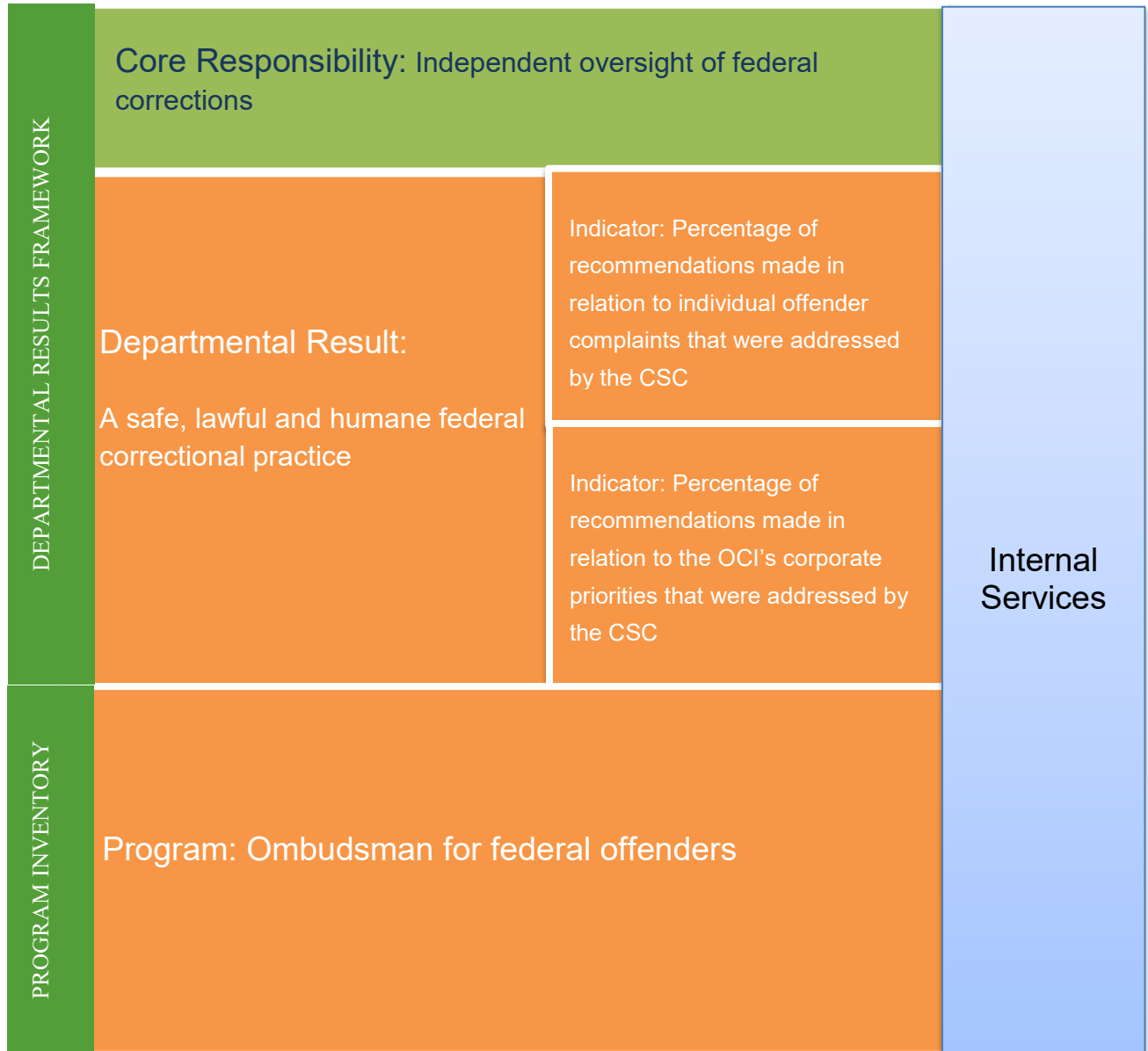
Other:

Raison d’être, mandate and role: who we are and what we do

“Raison d’être, mandate and role: who we are and what we do” is available at the [Office of the Correctional Investigator’s website](#).

Reporting framework

The Office of the Correctional Investigator’s Departmental Results Framework and Program Inventory of record for 2019-20 is shown below.



The Office of the Correctional Investigator’s Departmental Results Framework has not changed since its introduction in 2018-19.

Supporting information on the Program Inventory

Supporting information on planned expenditures, human resources, and results related to the Office of the Correctional Investigator’s Program Inventory is available in the [GC InfoBase](#).^{iv}

Supplementary information tables

The Office of the Correctional Investigator’s 2019-20 Departmental Plan does not contain any supplementary information tables.

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^v This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are the responsibility of the Minister of Finance.

Organizational contact information

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Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Core Responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a Core Responsibility are reflected in one or more related Departmental Results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of an appropriated department over a three-year period. Departmental Plans are tabled in Parliament each spring.

Departmental Result (résultat ministériel)

Any change that the department seeks to influence. A Departmental Result is often outside departments' immediate control, but it should be influenced by Program-level outcomes.

Departmental Result Indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a Departmental Result.

Departmental Results Framework (cadre ministériel des résultats)

The department's Core Responsibilities, Departmental Results and Departmental Result Indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on the actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

evaluation (évaluation)

In the Government of Canada, the systematic and neutral collection and analysis of evidence to judge merit, worth or value. Evaluation informs decision making, improvements, innovation and accountability. Evaluations typically focus on programs, policies and priorities and examine questions related to relevance, effectiveness and efficiency. Depending on user needs, however, evaluations can also examine other units, themes and issues, including alternatives to existing interventions. Evaluations generally employ social science research methods.

experimentation (expérimentation)

Activities that seek to explore, test and compare the effects and impacts of policies, interventions and approaches, to inform evidence-based decision-making, by learning what works and what does not.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to help identify the potential impacts of policies, Programs and services on diverse groups of women, men and gender-diverse people. The “plus” acknowledges that GBA goes beyond sex and gender differences. We all have multiple identity factors that intersect to make us who we are; GBA+ considers many other identity factors, such as race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2019–20 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government’s agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative where two or more departments are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, Program, policy or initiative respecting expected results.

Performance Information Profile (profil de l'information sur le rendement)

The document that identifies the performance information for each Program from the Program Inventory.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

priority (priorité)

A plan or project that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Departmental Results.

Program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

Program Inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's Core Responsibilities and Results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, Program or initiative. Results are not within the control of a single organization, policy, Program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

sunset program (programme temporisé)

A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (cible)

A measurable performance or success level that an organization, Program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- ii. 2018–19 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- iii.. *Corrections and Conditional Release Act*, <http://laws.justice.gc.ca/eng/acts/C-44.6/index.html>
- iv. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html#start>
- v. Report on Federal Tax Expenditures, <http://www.fin.gc.ca/purl/taxexp-eng.asp>