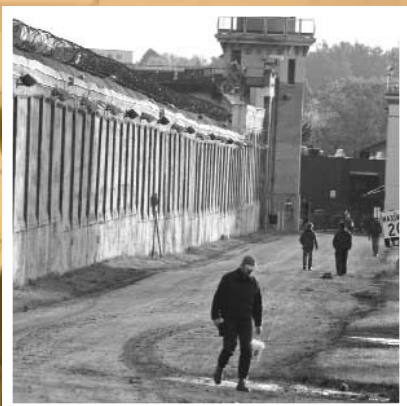




The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada



Annual Report of the Office of the Correctional Investigator 2006-2007

Canada



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June 29, 2007

The Honourable Stockwell Day, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister:

In accordance with section 192 of the *Corrections and Conditional Release Act*, it is my privilege to submit to you the 34th Annual Report of the Correctional Investigator.

Yours respectfully,

Howard Sapers
Correctional Investigator

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WARNING
Stay Clear When
Gate Is In Motion!



CORRECTIONAL INVESTIGATOR'S MESSAGE

Ombudsman offices, such as the Office of the Correctional Investigator (OCI), have been established in Canada and throughout the world because of an increasing acknowledgement of the need to protect individual rights and enhance the accountability of public institutions. Ombudsman offices have come to be regarded as useful and effective instruments to help citizens secure fair treatment from their governments. Like other traditional ombudsman offices, the OCI exercises influence rather than power. We cannot compel compliance with our recommendations. However, as a democratic institution established by Parliament, the OCI is well placed to conduct thorough objective reviews and then cause the Correctional Service of Canada (CSC) to change decisions that do not comply with law and policy, or that raise issues of fairness.

Maintaining an effective external avenue of recourse in the correctional context is crucial. Prisons are by nature closed institutions, often far from the public eye, where one group of people has considerable power over another. However well prisons are run, the potential for abuse is always present, and governments

have established independent oversight mechanisms to ensure that all its citizens are treated with dignity and fairness, and in accordance with the rule of law.

To be most effective, oversight by ombudsman offices requires that both the ombudsman offices and the organizations they oversee understand and mutually respect each other's roles and responsibilities, and adopt a constructive and positive approach. By and large, my Office and the Correctional Service of Canada have developed such a relationship, and I am convinced of the Correctional Service's commitment to rectifying identified issues. In fact, with the close cooperation of the Correctional Service, my staff has again addressed more than 7,500 individual offender inquiries and complaints in the past year. Without the Correctional Service's commitment to helping my staff address and resolve issues, this Office would not have been able to carry out its important public safety mandate.

The workload at the OCI has been growing in recent years. Many complaints have become more difficult to address, in part due to the increasing number of federal offenders with significant mental health issues

housed in Canada's penitentiaries. Furthermore, as policy and legal issues become increasingly complex, it takes more time and effort to thoroughly review and investigate complaints. Again this year, workload pressures have challenged our ability to effectively carry out our legislative mandate. We will continue to pursue additional resources to ensure the Office addresses these pressures.

I will take this opportunity to convey my sincere appreciation and admiration for the work my staff has accomplished again this year, as it has been an especially challenging time for my Office. In November 2006, after over two and a half years of auditing work, the Auditor General (AG, Chapter 11) reported alleged improprieties by a previous Correctional Investigator. The audit covered the period between 1998/99 and 2003/04. The report also raised concerns regarding governance, financial management and human resources policies. The Office acted promptly and decisively to address these concerns, a task that included initiating the recovery efforts recommended in the audit report. This work, however necessary, took many of my employees and me away from our mandated duties of addressing and investigating offender complaints. However, my Office was able again this year to carry out its legislative mandate with a high degree of professionalism and enthusiasm. I cannot thank my employees enough for their dedication, hard work and invaluable contribution.

The next fiscal year promises to be another very demanding one for the OCI, as workload will continue to increase. We are also well aware of the serious challenges the Correctional Service faces in delivering on its own mandate and sustaining its contribution to public safety, due in part to the changing offender profile and escalating costs. As indicated in its 2006/07 Report on Plans and Priorities, 90% of the Correctional Service's expenditures are for non-discretionary costs, such as salaries, utilities, food, medical services and maintenance of its aging facilities. These costs are driven, in part, by factors beyond the Correctional Service's control.

As a result, the Correctional Service has limited and diminishing flexibility to enhance its capacity to carry out its legislative mandate—in particular, to deliver reintegration services and support. This Office believes that the Correctional Service's budget stringency is now having predictable results: the Correctional Service requires significant new, permanent funding to fully discharge its public safety mandate. The significant resource gaps the Correctional Service has identified must be addressed quickly and comprehensively to ensure effective correctional operations that will keep our institutions and communities safe and secure.

In its March 2007 federal budget, the Government of Canada recognized the critical nature of the situation. It allocated new money to temporarily alleviate the Correctional Service's current financial pressures. The Minister also established the Correctional Service Canada Review Panel to examine the Correctional Service's capacity to fulfill its public safety mandate. It is my sincere hope that the Panel will provide recommendations that will resolve these resource issues and allow the Correctional Service to address the public safety barriers identified in this report. The Correctional Service can no longer be expected to do more with less.

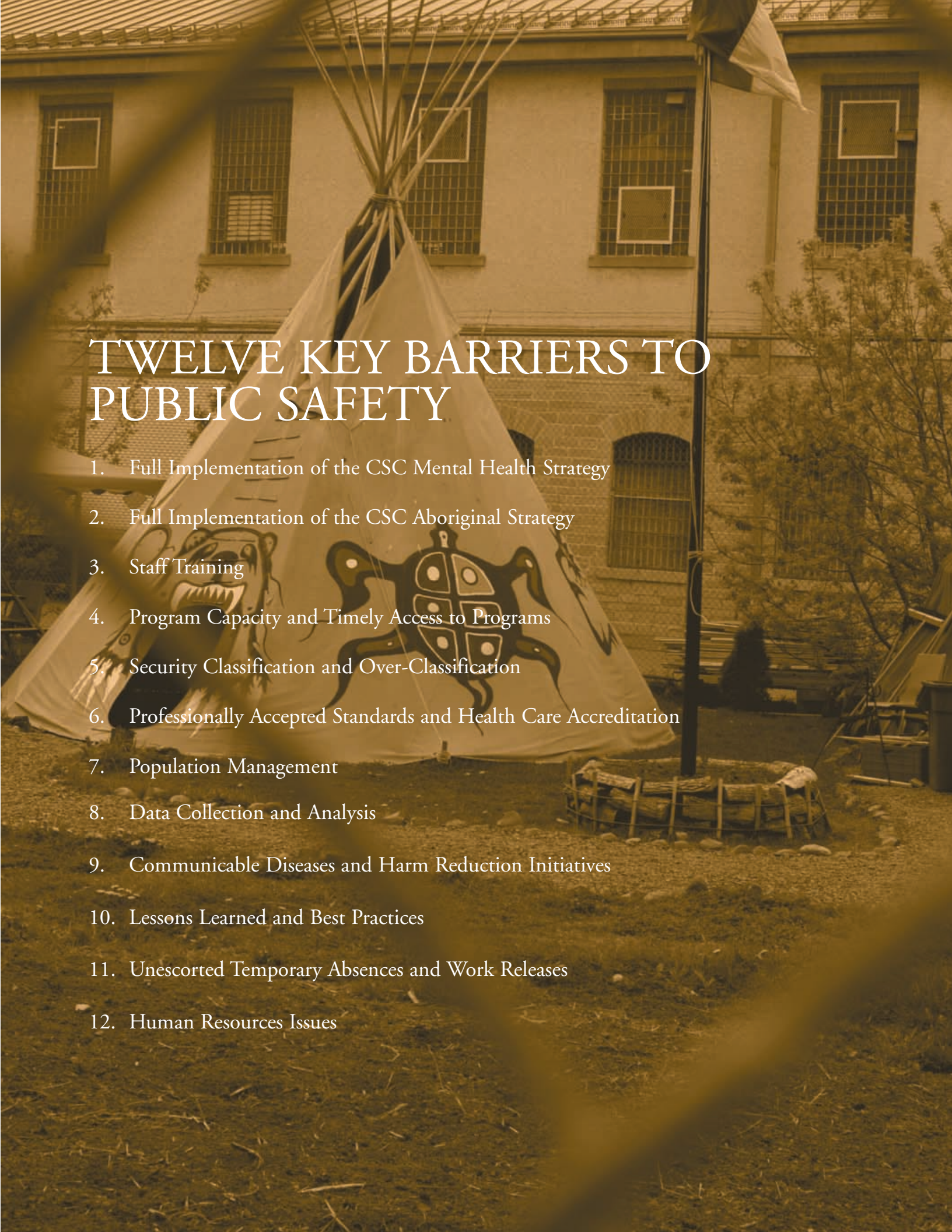
In its last two Reports on Plans and Priorities (2006/07 and 2007/08), the Correctional Service has identified the following five key priorities to guide its efforts to deliver the best possible correctional results consistent with its mandate:

- 1. Safe transition of eligible offenders into the community.**
- 2. Safety and security for staff and offenders in our institutions.**
- 3. Enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders.**
- 4. Improved capacities to address mental health needs of offenders.**
- 5. Strengthened management practices.**

This year's OCI Annual Report will address issues of offender concern related to the Correctional Service's five key priorities. My Office agrees that action on these priorities will go a long way toward addressing longstanding areas of offender concern. Last year's Annual Report detailed the correctional outcomes that I believe the Correctional Service needs to move toward. The Correctional Service's response to that report and its subsequent performance in improving those correctional outcomes have been limited. Moreover, the Correctional Service significantly altered its approach last year by moving away from making firm commitments to fully address the issues of offender concern identified in my report. I hope that this year the Correctional Service will demonstrate its responsiveness by addressing the underlying issues related to my recommendations. My Office is committed to continuing to engage in a constructive dialogue with the Correctional Service and to moving forward on many longstanding areas of offender concern.

For the most part, the Correctional Service's five key priorities reflect legislative requirements. Whatever the reasons for the challenges that hinder the Correctional Service's efforts to meet these requirements, Canadians—including parliamentarians—expect the Correctional Service to be able to fulfill its mandate. Anything less can have negative public safety consequences. Therefore, in this year's Annual Report, I will reflect on areas of offender concern by first commenting on existing significant barriers to public safety. Then I will make recommendations related to the Correctional Service's five key priorities.

Howard Sapers
Correctional Investigator



TWELVE KEY BARRIERS TO PUBLIC SAFETY

1. Full Implementation of the CSC Mental Health Strategy
2. Full Implementation of the CSC Aboriginal Strategy
3. Staff Training
4. Program Capacity and Timely Access to Programs
5. Security Classification and Over-Classification
6. Professionally Accepted Standards and Health Care Accreditation
7. Population Management
8. Data Collection and Analysis
9. Communicable Diseases and Harm Reduction Initiatives
10. Lessons Learned and Best Practices
11. Unescorted Temporary Absences and Work Releases
12. Human Resources Issues

Over the years, the Office has identified many barriers that restrict the Correctional Service's ability to maximize its positive impact on public safety. We acknowledge that some of the 12 barriers to public safety listed below may be related to the changing offender profile and resource issues. Others, however, can be addressed using existing resources. All 12 barriers are rooted in legislative requirements. Not addressing them will increasingly have negative public safety consequences.

1. Full Implementation of the CSC Mental Health Strategy

This Office supports the Mental Health Strategy that the Correctional Service's Executive Committee approved in July 2004. The Correctional Service acknowledged at that time that it needs to build mental health care capacity to address the following areas where there are gaps in its services:

- early mental health screening and assessment on admission;
- coordinated and comprehensive primary mental health care;
- intermediate-level care for offenders with mental health disorders;
- acute care treatment centres; and
- ongoing mental health support for offenders on conditional release (community care).

We will enhance public safety if we ensure that offenders with mental illnesses receive adequate mental health care during their period of incarceration before they are released back into the community. We believe that permanent resources dedicated to implementing the entire strategy are needed to fully address this important priority. This Office notes the commitment of funds in the recent budget and is encouraged that the government-appointed panel reviewing the operations of the Correctional Service will address this issue.

2. Full Implementation of the CSC Aboriginal Strategy

The gaps in correctional outcomes between Aboriginal and other offenders are widening. Urgent action, leadership and resources are required to implement a comprehensive Aboriginal strategy that will reverse the disturbing trends highlighted in previous OCI annual reports. The Correctional Service must continue its efforts to build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities.¹ We believe that dedicated resources and renewed governance—including the re-establishment of the National Aboriginal Advisory Committee, as required by section 82 of the legislation—are urgently needed to address this important priority.

3. Staff Training

Lack of comprehensive training can be a significant barrier to ensuring public safety. In many of the Correctional Service's incident investigations, the lack of training is flagged as an important, if not key, issue. Without investments in continuous learning and training, organizations regress and staff morale may decline. We are aware that many training sessions were cancelled or postponed over the last year for budgetary reasons. This is unfortunate as we believe there are several areas where training could help the Correctional Service better deliver its public safety mandate.

- Use of force: Training has too often been the victim of budget constraints. As a result, mandatory training such as firearm certification has often been the only training delivered. The CSC Security Branch has clearly identified the pressing need for ongoing training in the use of force that goes beyond firearm training.
- Cultural competencies: Training and other

1. Sections 81 and 84 of the *Corrections and Conditional Release Act* provide for the direct involvement of Aboriginal communities in supporting timely conditional release.

initiatives related to cultural competencies, including ethno-cultural training and awareness, have been limited and fragmented.

- Mental health: Training for all front-line employees is urgently needed to ensure staff appropriately responds to mental health-related behaviour.
- Women offenders: All front-line staff in women's institutions should receive annual refresher training in women-centered approaches, in accordance with the recommendation of the Canadian Human Rights Commission. In addition, women-centered training should be delivered to all community parole officers supervising women offenders.
- Administrative segregation: Refresher training in this key area of corrections, where high staff turnover is common, is required to ensure enhanced compliance with the law and policy, and fair decision-making.
- Suicide: Suicide prevention training needs to be a consistent part of ongoing training for all CSC front-line institutional and community employees, and staff must rigorously adhere to policy.

4. Program Capacity and Timely Access to Programs

Limited program capacity affects the ability of offenders to carry out their correctional plans, thereby delaying their safe reintegration into the community. Timely and gradual release into the community provides for longer supervised periods of release, which has proven to be the most effective way to safely reintegrate offenders into the community. We have identified the following barriers to reintegration—many of which the Correctional Service will need resources to address—in the areas of timely case preparation and access to programs:

- a lack of employment and skill development opportunities within and outside institutions;
- long waiting lists for programs in most regions,

resulting in programs being provided late in the offender's sentence, beyond his or her parole eligibility dates;

- waivers, postponements and withdrawals of National Parole Board hearings related to program access;
- a shortage of program facilitators and program officers, especially those with the skill sets required to deliver Aboriginal-specific programming;
- limited access to programs in the community, especially for women and Aboriginal offenders;
- limited or no anti-gang programming in most institutions—meaning that, by default, reliance on segregation is quickly becoming the norm in this area;
- delays in evaluation and national implementation of Aboriginal programming; and
- the chronic shortage of Aboriginal-specific core programming in maximum-security institutions, which means that Aboriginal offenders cannot carry out their correctional plans and transfer to lower-security institutions where Aboriginal programs are available.

5. Security Classification and Over-Classification

The inappropriateness of security classification tools for women and Aboriginal offenders has been identified as a serious issue for over a decade. The Correctional Service has taken some positive steps to redevelop its scales for women offenders and is now redesigning its scales for Aboriginal offenders. From our point of view, the Correctional Service continues to over-classify Aboriginal and women offenders. In addition, we feel it has not responded to this important issue in a timely way, given the well-documented evidence and research available on the topic.

6. Professionally Accepted Standards and Health Care Accreditation

For years, health care issues have been a primary reason for offender complaints to this Office and the Correctional Service's internal grievance process. By law, the Correctional Service must provide essential health care services to every inmate in accordance with professionally accepted standards.

To help ensure that it was meeting this obligation, the Correctional Service committed to having all of its health care units, regional hospitals and regional treatment centres accredited. While accreditation of treatment centres began in the mid-1990s, the accreditation process for regional hospitals and health care units did not start until 2001. Accreditation involves a detailed examination of an organization's services and methods of operation.

The Correctional Service asked the Canadian Council on Health Services Accreditation (CCHSA) to help it examine and improve the quality of care and service it provides to inmates. In last year's Annual Report (2005/06), we noted that CCHSA fully accredited only 3 of the 29 health care facilities (10%) it visited for that purpose. This situation is unacceptable. We urge the Correctional Service to continue its efforts to prepare all of its remaining health care facilities to be accredited. That task includes making accreditation of the last unaccredited regional treatment centre a priority.

7. Population Management

After years of calls for fundamental reforms, the Correctional Service continues to place offenders in administrative segregation and other restrictive environments as its main tool for resolving disputes and tensions in penitentiaries. Over the last 10 years,

several internal and external reports have noted fairness and non-compliance issues related to the management or administration of segregation. They have recommended the independent adjudication of segregation cases as the only way to effectively promote legal compliance in this area. The Correctional Service has consistently rejected independent adjudication and continues to argue that an enhanced internal segregation review process can achieve fairness and compliance with the rule of law.

As the Correctional Service continues its attempts to improve its internal processes, the situation of segregated offenders continues to deteriorate, as many more offenders are spending extended periods in segregation.

Over the years, the Correctional Service has introduced many different offender sub-populations, such as transition units. While we support the concept of transitional units as a **temporary**, less restrictive, alternative to administrative segregation, we note that many offenders in some CSC regions now serve a significant part of their penitentiary sentence in these units. As a result, they do not benefit from a proactive reintegration strategy and formal regular reviews, which are legally afforded to offenders in administrative segregation. Spending extensive periods removed from the general population, with limited access to programming and services, prevents offenders from working on their correctional plans and on ways to safely reintegrate into the community.

We are also increasingly concerned about the overall distribution of offenders by security level within CSC facilities. Many medium-security institutions are overcrowded and have excessive program waiting lists, while some minimum-security institutions are running below capacity. The National Parole Board grants a significant number of conditional releases to offenders held in medium-security institutions—a fact that raises many questions about the Correctional Service's process of classifying offenders. Interestingly, many of the offenders who are kept at medium-security institutions until their conditional release into the community receive positive recommendations for

release from their institutional CSC parole officers. We are especially concerned about the impact of the Correctional Service's population management practices as they relate to Aboriginal offenders.

8. Data Collection and Analysis

One of the areas of concern common to almost all identified systemic issues is the Correctional Service's lack of reliable data and limited analytical activity. Over the years, we have made several recommendations to the Correctional Service about improving its data collection and capacity for analysis. In 2005, the Correctional Service advised us that it had convened a national committee with "expertise in data reporting and analysis to discuss how best to produce meaningful and quality reports on an ongoing basis." Further, the Correctional Service advised us that its Performance Assurance Sector "will now be providing expertise to ensure the quality of the analysis." These initiatives have yet to produce the desired outcome—consistent, high-quality reports that provide management with the information it needs to make informed, timely decisions.

An organization must monitor its progress to ensure that its programs and services are achieving desirable outcomes. In the past, the Correctional Service committed to improving its data collection, but this past year, that commitment eroded. Quarterly reports have become annual reports, key correctional outcomes are no longer closely monitored and overall data quality has not improved. We found little evidence of either consistent, accurate information collection or in-depth analysis in key areas where improvements are urgently required, including timely and safe reintegration, inmate injuries and deaths, use of force, Aboriginal offenders, visible and ethnic minorities, mental health issues, grievances and offenders with disabilities. Previous OCI annual reports provide details on these areas.

9. Communicable Diseases and Harm Reduction Initiatives

Inmates are 7 to 10 times more likely than the general Canadian population to be living with HIV, and 30 times more likely to have hepatitis C. As the great majority of offenders eventually return to the community, it is imperative that the Correctional Service take all reasonable steps to protect offenders from contracting infectious diseases and potentially spreading them in the community upon their release.

The spread of blood-borne disease within penitentiaries is partly linked to intravenous drug use. Drug interdiction alone can only go so far in reducing the rate of infection among the offender population. Over the last nine years (1998/99 to 2006/07), the Correctional Service has spent significantly more time and money on efforts to prevent drugs from entering its institutions. A measure of the success of these efforts is the percentage of positive urinalysis samples, which indicate drug use. Institutional random urinalysis has shown that drug use declined by less than 1 percentage point between 1998/99 and 2006/07. In fiscal 2006/07, the rate of positive samples was 12.0% (837 positives out of 6,957 urinalysis samples taken in CSC institutions). Nine years earlier, it was 12.8%.

It is clear that the measures to reduce drug use have had only limited impact. Given this reality, and the fact that even greater financial resources and interdiction efforts may likely realize only limited gains, the Correctional Service must move beyond existing harm reduction initiatives of education, methadone treatment, condoms and bleach. It must implement a broader range of initiatives that have reduced transmission of infectious diseases in other jurisdictions without compromising the safety of staff and offenders.

10. Lessons Learned and Best Practices

A learning organization develops strong processes for providing continuous feedback to its senior managers, so that it can minimize mistakes, and share and implement best practices across the organization. This approach also requires mechanisms to maintain corporate memory, regardless of staff turnover. We observed several key areas where the Correctional Service could improve such continuous learning.

- Use of force: Some penitentiaries rely heavily on use of force, while others appear to be managing offenders using less restrictive alternatives. The Correctional Service needs to review these discrepancies to ensure consistency and compliance with legal and policy requirements for use of force.
- Inmate injuries and deaths: Given the vast amount of information available from its internal investigative reports, the Correctional Service must have a rigorous process for sharing and implementing best practices.
- Aboriginal offenders: There is no shortage of innovative local initiatives, programs and best practices, but they are not being transferred across security classifications and regions. (Reports and recommendations from the Correctional Service's Health Care Advisory Committee are excellent. We would expect that the National Aboriginal Advisory Committee, once re-established, could provide similar leadership on Aboriginal issues.)
- Grievances: The CSC internal grievance system is one of the best sources of information and should be used to identify and proactively address systemic issues. Unfortunately, the Correctional Service's methods for collecting and collating this data do not allow it to routinely conduct meaningful analyses, or to develop, implement and monitor cost-effective strategies to prevent future complaints.

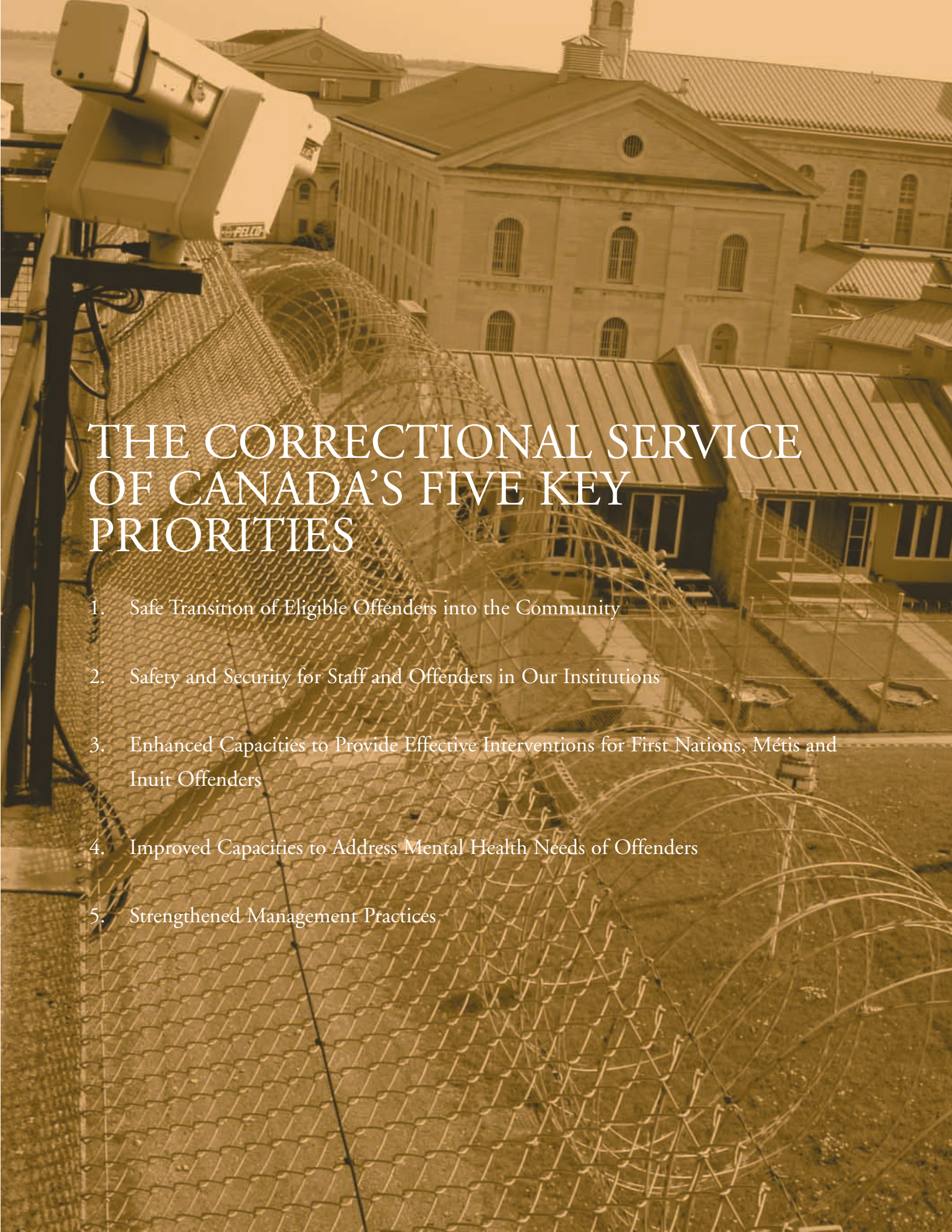
11. Unescorted Temporary Absences and Work Releases

Unescorted temporary absences and work releases are an important element of the safe and gradual reintegration of many offenders into the community. These forms of conditional release are largely under the purview of the Correctional Service. Over the past decade, the Correctional Service has significantly reduced their use, despite their high success rate. The lack of work release options for women offenders is especially worrisome, as work releases can significantly improve an offender's ability to move successfully into the community.

12. Human Resources Issues

The Correctional Service has developed a comprehensive and noteworthy human resources plan. To improve its ability to deliver on its mandate, the Correctional Service has determined that it must continue to increase the proportion of Aboriginal workers **at all levels**, beyond employment equity requirements, paying specific attention to institutions with significant Aboriginal offender populations.

The Correctional Service's ability to carry out its legislative mandate in the area of health care rests in part on its capacity to recruit and retain experienced health care professionals and program facilitators. The short-term nature of the funding for the Mental Health Strategy hinders the Correctional Service's efforts to recruit experienced health care professionals.



THE CORRECTIONAL SERVICE OF CANADA'S FIVE KEY PRIORITIES

1. Safe Transition of Eligible Offenders into the Community
2. Safety and Security for Staff and Offenders in Our Institutions
3. Enhanced Capacities to Provide Effective Interventions for First Nations, Métis and Inuit Offenders
4. Improved Capacities to Address Mental Health Needs of Offenders
5. Strengthened Management Practices

1. Safe Transition of Eligible Offenders into the Community

We know that evidence-based programming and treatment can significantly reduce re-offending, and we praise the Correctional Service for endorsing such programming and treatment approaches. An April 2005 CSC report, *The Safe Return of Offenders to the Community*, provides a detailed inventory of CSC programs and treatment initiatives—such as initiatives related to education, employment, substance abuse, living skills, sex offender treatment, violent offender treatment and family violence—that significantly decreased re-offending.

For almost two decades, this Office raised concerns in its annual reports about the decreasing ability of the Correctional Service to prepare offenders' cases in a thorough and timely fashion for conditional release consideration. A significant number of these delays related directly to the Correctional Service's inability to provide the required assessments and treatment before an offender's scheduled parole hearing dates. Now, as the Correctional Service faces increasing financial constraints, the situation has become critical. More offenders will return unprepared to the community, where they will be supervised for a shorter period. For the great majority of offenders, timely, gradual and supported reintegration is the most effective way to enhance public safety.

To address some of the issues associated with timely case preparation and access to programs, a Joint Working Group involving the Correctional Service of Canada, the National Parole Board and the Office of the Correctional Investigator was established. In December 2004, the committee issued its *Report on Factors Causing Delays in National Parole Board Reviews*. The report made recommendations to facilitate timely conditional release reviews. It also recommended ensuring that offenders appearing before the Board receive the assistance and programs they need for their eventual safe community reintegration in a timely manner. To date, there is no

evidence that correctional outcomes have improved in the following areas:

- the number of, and reasons for, delays in offenders appearing before the National Parole Board;
- waiting lists for programs included in correctional plans to maximize safe and timely reintegration;
- timely access to programs and services that will significantly reduce the time spent in medium- and maximum-security institutions; and
- the number of offenders involved in unescorted temporary absence (UTA) and work release programs, which have drastically declined over the past decade despite a very high success rate.

Moreover, the Correctional Service has limited capacity to monitor or analyze the above correctional outcomes, or to ensure that its efforts are having positive effects.

We support the Correctional Service's efforts to secure resources to improve timely access to a full range of effective offender programs and treatment. As the Correctional Service itself acknowledges, correctional programming provides "better control and stability in institutions and the community."

1. *I recommend that the Correctional Service secure and commit adequate funding to improve its capacity to provide the required assessments and programming in advance of the offender's scheduled parole hearing dates.*
2. *I recommend that the Correctional Service establish as a priority the timely preparation of cases to appear before the National Parole Board, as per policy. Performance in this key area should be closely monitored and measured on an ongoing basis through increased reporting.*

2. Safety and Security for Staff and Offenders in Our Institutions

Staff and offender safety is paramount, and the Correctional Service has correctly emphasized this fact in its last two Reports on Plans and Priorities. The Correctional Service has two key fundamental roles: to ensure a safe, secure correctional environment and to help offenders safely reintegrate into the community. To enhance safety, it must allocate resources to both security measures and assistance to offenders. In recent years, the Correctional Service has tended to invest in security measures, often without the same increased attention paid to rehabilitative initiatives. The challenge is to recognize that beyond a certain threshold, additional security investments do not necessarily yield additional public or staff safety benefits. Creating a more controlled environment that does not provide sufficient support and services to offenders may actually decrease the stability of institutions and the potential for offenders' safe and timely reintegration into the community.

The overall level of violence in penitentiaries remains unacceptably high. A key legislative responsibility of the federal correctional system is to ensure that inmates serve their sentences in a safe and secure environment. For years, this Office has expressed concern regarding the extent to which the Correctional Service provides such an environment. Experience shows that mechanisms such as positive, ongoing interactions with offenders and alternative dispute resolution could help diminish institutional violence. Additional mental health services could also improve the situation. Too many vulnerable offenders suffering from mental illnesses are subject to abuse from other offenders, while many more become the subject of avoidable use of force interventions and extensive placements in segregation.

The Deaths in Custody Study

We are concerned about the high number of deaths and injuries in federal institutions. In our last annual report, we stated that the Office was especially concerned about the number of similar findings and recommendations made year after year by the Correctional Service's national investigations, provincial coroners and medical examiners after reviewing inmate deaths. We undertook to conduct a comprehensive review of reports, observations and recommendations dealing with deaths in custody and other matters. Finally, we stated that, in order to reduce the number of fatalities, a timely and systematic follow-up on corrective actions was required to ensure that preventive measures were implemented.

In this context, the Office retained the services of a senior academic from the University of Ottawa to study deaths in custody. Specifically, this project examined all reported deaths—due to factors other than natural causes—that occurred over a five-year period in Canadian federal correctional institutions. The study included all deaths that the Correctional Service had determined were homicides, suicides, overdoses or accidents. The project was designed to identify areas in which improvements might enhance the Correctional Service's ability to prevent or respond to assaults and self-injury in the future.

The Deaths in Custody Study examined 82 reported suicides, homicides and accidental deaths in custody from 2001 to 2005, inclusive. The researcher reviewed CSC board of investigation reports and action plans, coroners' reports, correspondence between CSC and both OCI and coroners' offices, and other documents pertaining to each fatality. The study came to the following conclusions.

- **Finding #1:** *Investigative boards and coroners repeatedly raise several common concerns in a significant number of deaths in custody cases.*
- **Finding #2:** *There is no evidence that the Correctional Service has improved its overall*

capacity to prevent or respond to deaths in custody during the five-year study period.

- **Finding #3:** *The Correctional Service tends to act on the findings and recommendations of boards of investigation, but often disagrees with, or takes no action on, coroners' recommendations.*
- **Finding #4:** *Typically, a significant period of time elapses between an institutional fatality and the Correctional Service's adoption of formal measures to address issues arising from it.*
- **Finding #5:** *It is likely that some of the deaths in custody could have been averted through improved risk assessments, more vigorous preventive measures, and more competent and timely responses by institutional staff.*

The Deaths in Custody Study presents disturbing findings. The report provides evidence that the Correctional Service must enhance its capacity to focus on observations and recommendations related to deaths in custody. The Correctional Service has failed to consistently incorporate lessons learned and implement corrective action over time and across regions, as similar errors are repeated, and similar findings and recommendations are being made time and again. The study also suggests that the Correctional Service resists or fails to reasonably act on a large proportion of coroners' findings and recommendations, compared to the findings and recommendations of its own boards of investigation. The report concludes that "...the Service fell short in implementing its own policies and practices, and in doing everything possible to avert a fatality."

Beginning in 2005, the Correctional Service launched three initiatives to improve its capacity to respond to serious incidents and deaths in custody: it introduced emergency protocols for all institutional health centre nurses; implemented policy changes that addressed first responder responsibilities; and improved mandatory training for all nurses. To date, the Correctional Service has not reported on the impact of these measures.

The Correctional Service has indicated a willingness to address many of the Deaths in Custody Study's findings. We are currently in talks with the

Correctional Service in an attempt to make sure that it adheres to—or, in some instances, alters—existing procedures and practices to ensure **timely**

- convening of investigations;
- meaningful analysis of completed investigation reports;
- approval by the Correctional Service's Executive Committee (EXCOM) of recommendations and action plans developed in response to national investigative reports; and
- consistent implementation, follow-up and monitoring of actions taken in response to approved recommendations.

The Correctional Service has already committed to improving the timeliness and effectiveness of the investigation process, and to enhancing its mental health capacity and responsiveness to incidents. This initial undertaking is encouraging, and we look forward to further steps to fully address the areas of concern identified in the Deaths in Custody Study. We hope that this collaborative approach will result in significant improvements.

3. *I recommend that the Correctional Service establish a timely process whereby its Executive Committee approves the development of action plans in response to investigative reports into inmate deaths or major injuries. In no case should this process last longer than six months from the date of the incident.*
4. *I recommend that the Correctional Service develop an action plan on the steps it will take to establish a new process to ensure consistent and timely implementation, as well as regular follow-ups, of its recommendations, and those of coroners and medical examiners.*
5. *I recommend that the Correctional Service*
 - *establish a consistent framework for reporting and recording attempted suicides, self-inflicted injuries and overdoses;*

- *provide for the systematic review of the circumstances of these injuries in order to ensure that these cases are subject to appropriate review and to investigate, where required by law; and*
- *take corrective actions to prevent the recurrence of accidents and of wilful acts involving injuries.*

Communicable Diseases and Harm Reduction Initiatives

In April 2005, the Correctional Service signed a memorandum of understanding with the Public Health Agency of Canada (PHAC) to receive scientific and technical advice concerning the potential risks and benefits of prison needle exchange programs. The PHAC released its report in April 2006. It concluded that prison-based needle exchange programs in other jurisdictions have significantly reduced the transmission of infectious diseases, and that there was no evidence that these programs had jeopardized staff and offender safety.

On May 10, 2006, the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Michael J.L. Kirby, tabled a report on mental health and addiction, *Out of the Shadows at Last*. Following a discussion of prison-based needle exchange, the report recommended “that the Correctional Service of Canada immediately implement expanded harm reduction measures in all federal correctional institutions.”

In August 2005, the Correctional Service began implementing the Safer Tattooing Practices Pilot Initiative, which included an educational component and the setting-up of tattoo rooms in six federal institutions. We received a copy of the evaluation of the program in December 2006. The evaluation concluded that “the initiative has demonstrated potential to reduce harm, reduce exposure to health risk, and enhance the health and safety of staff members, inmates and the general public.”

On December 5, 2006, the Government of Canada cancelled the Safer Tattooing Practices Pilot Initiative and closed the six CSC tattoo rooms.

6. *I recommend that the Correctional Service evaluate the effectiveness and adequacy of its harm reduction strategies in consultation with its Health Care Advisory Committee.*

3. Enhanced Capacities to Provide Effective Interventions for First Nations, Métis and Inuit Offenders

The over-representation of Aboriginal people in Canada's penitentiaries has been well documented over the past decade: nationally, Aboriginal people make up less than 3% of the Canadian population but comprise almost 19% of the total federal prison population. For women, this over-representation is even more dramatic—32% of women in federal penitentiaries are Aboriginal. The fact that this huge over-representation has grown in recent years is alarming. While the federal inmate population in Canada actually decreased between 1997 and 2007, the number of First Nations people in federal institutions increased by almost 26.4%. Moreover, the number of federally incarcerated First Nations women increased by a staggering 151% over this period.

We estimated the overall incarceration rate of Aboriginal Canadians in 2006 to be 1,024 per 100,000, or almost nine times higher than the rate for non-Aboriginal Canadians. While the Correctional Service does not control social conditions or policy decisions that help shape its offender population, it is responsible for operating in compliance with the law and ensuring the unique needs of Aboriginal offenders are addressed.

The Correctional Service has implemented a number of very positive initiatives and programs for

Aboriginal offenders over the last six years, including the following:

- eight healing lodges;
- core Aboriginal programs, including Circles of Change, In Search of Your Warrior and Aboriginal Offender Substance Abuse Programming (under review and revision); and
- program-based and site-specific initiatives, such as Pathways, traditional circles, the Medicine Wheel Program, sentencing circles (for institutional offences), sweat lodge and longhouse teachings, and celebrations of cultural traditions and ceremonial practices.

Unfortunately, these positive local initiatives are not well coordinated by the Correctional Service and have had limited impact on narrowing the gap in correctional outcomes between Aboriginal and other offenders. In fact, in our last Annual Report (2005/06), we detailed the following persistent pattern of poor outcomes arising from existing CSC policies, procedures, practices and organizational structures.

- Inmates of First Nations, Métis and Inuit heritage face routine over-classification, resulting in their placement in minimum-security institutions at only half the rate of non-Aboriginal offenders.
- The over-classification of Aboriginal women is even worse. For example, at the end of September 2006, Aboriginal women made up 44% of maximum-security federally sentenced women, 41% of the medium-security female population and only 18% of the minimum-security female population.
- Placement in a maximum-security institution and segregation limit access to rehabilitative programming and services intended to prepare inmates for release.
- Aboriginal inmates are released later in their sentences than other inmates.
- The proportion of full parole applications resulting in reviews by the National Parole Board is lower for Aboriginal offenders.
- The proportion of Aboriginal offenders under

community supervision is significantly smaller than the proportion of non-Aboriginal offenders serving their sentences on conditional release.

- Aboriginal offenders continue to be over-represented among all offenders referred for detention.
- The rate of revocations for breach of conditions (no new criminal offence) is higher for Aboriginal offenders.
- Aboriginal offenders are re-admitted to federal custody more frequently than non-Aboriginal offenders, and too often this cycle of unfair treatment begins again.

On October 16, 2006, the Correctional Service issued its latest Strategic Plan for Aboriginal Corrections. The strategy came with a national action plan and five regional action plans, which included close to 200 actionable items. The great majority of the items had completion dates of March 2007 or earlier. These promising and ambitious undertakings have yet to be fully implemented and accordingly have not reversed any of the trends listed above.

We also note the Correctional Service's lack of progress in improving the treatment of offender populations in the North. A discussion paper, *Developing and Managing a Northern Correctional Framework*, reveals that complex issues are only beginning to be understood and that little concrete progress has been made on the Northern Strategy Framework (December 2004). A further discussion paper was issued in January 2006 but to date no substantive action has been initiated.

In past OCI annual reports, this Office recommended that the Correctional Service appoint a deputy commissioner specifically responsible for Aboriginal corrections to ensure that the Correctional Service incorporates Aboriginal concerns into all of its operational and policy decisions at the senior level. The Correctional Service instead expanded the role and responsibilities of the Senior Deputy Commissioner (SDC) by adding the Aboriginal portfolio to his duties. We viewed this response as a workable compromise, and we hoped it would help

the Correctional Service focus better on this key priority. Unfortunately, we are not encouraged thus far. A review of the last nine Records of Undertakings and Follow-Up from EXCOM Meetings does not provide evidence that Aboriginal-specific issues were discussed.

The Correctional Service continues to actively consult with Aboriginal communities, and we acknowledge its efforts to include Aboriginal communities in shaping Aboriginal corrections. However, the Correctional Service is not meeting its formal consultative legislative requirement. The *Corrections and Conditional Release Act* stipulates that the Correctional Service shall establish a National Aboriginal Advisory Committee to advise the Correctional Service on the provision of correctional services to Aboriginal offenders. The National Aboriginal Advisory Committee has not met since June 2004. We were advised that new terms of reference and membership for this committee are being developed.

We continue to be concerned that the Correctional Service does not have the necessary data collection systems in place to monitor and evaluate its progress in the area of Aboriginal corrections. We have for years recommended that the Correctional Service publicly issue detailed quarterly reports analyzing key correctional outcomes, including transfers, segregation, discipline, temporary absences and work releases, detention referrals, delayed parole reviews, and suspension and revocation of conditional release. The Correctional Service indicated in its Strategic Plan for Aboriginal Corrections that it would develop and implement an integrated monitoring system for assessing the impact of policy changes on Aboriginal offenders by March 2007. This date has now been shifted. In fact, we have seen no evidence of improved data collection or analysis, and we have been advised that the Correctional Service will now produce only basic annual reports on Aboriginal offenders, as it claims trends are not significantly changing over time.

Over the years, our Office and other observers have become increasingly concerned about the over-classification of Aboriginal offenders, and the use of the Correctional Service's actuarial risk assessment

tools, including reintegration potential scales.

Actuarial risk assessment tools are scales that measure risk related to recidivism, institutional adjustment or escape.

In 1996, Justice Louise Arbour was the first to express concerns regarding the validity and reliability of the Correctional Service's initial classification scale. The scale assesses several factors, including employment, marital or family situation, associates and social interaction, substance abuse, community functioning, personal and emotional orientation, and attitude.

The Correctional Service is currently doing a study to determine whether its re-classification scale needs to be revised. Depending on the result of the study, the Correctional Service will explore several options, including retaining, revising or replacing the existing scale. Consultations are underway and a draft internal report is now expected in December 2007. We are very concerned that if a new actuarial tool is required, it will take the Correctional Service many years to develop such a tool. With so much evidence regarding the inappropriateness of current tools for Aboriginal populations, we urge the Correctional Service to put in place interim measures as it proceeds to develop its new re-classification tools.

We were also notified that the Correctional Service has no plan to review its intake assessment tools to validate their appropriateness for use with the Aboriginal offender population. The combination of over-classification and lack of Aboriginal programming best illustrates how systemic barriers can hinder timely and effective offender reintegration. Aboriginal offenders are over-classified because of a poorly conceived actuarial scale. As a result, Aboriginal offenders are disproportionately placed in higher-security institutions, which have limited or no access to core programs designed to meet their unique needs. The absence of access to programming limits the opportunity for transfers to lower-security institutions, which in turn diminishes the chances of timely and safe conditional release. This scenario begins to explain why the reintegration of Aboriginal offenders is lagging so significantly behind the reintegration of other offenders. Clearly, these

differences in correctional outcomes cannot be explained by differences in criminogenic risk or need alone.

7. *I recommend that the Correctional Service reconsider its decision not to appoint a deputy commissioner for Aboriginal offenders with the authority to implement the Service's Strategic Plan for Aboriginal Corrections.*
8. *I recommend that the Correctional Service publicly report, on an annual basis, its progress in implementing its Strategic Plan for Aboriginal Corrections. The report should include progress on key correctional performance indicators, including transfers, segregation, discipline, temporary absences and work releases, detention referrals, delayed parole reviews, and suspension and revocation of conditional release.*
9. *I recommend that the Correctional Service immediately re-establish the National Aboriginal Advisory Committee, as required by law.*

4. Improved Capacities to Address Mental Health Needs of Offenders

We are pleased to report that the Correctional Service has made some progress in addressing the inadequacy of the mental health care provided to federal offenders. However, the full implementation of the entire CSC Mental Health Strategy is urgently required to ensure that the Correctional Service complies with its legal obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care according to professionally accepted standards. Improving outcomes in this area is critical, as offenders with mental illnesses continue to be segregated when they display symptoms of their

illnesses and are too often not receiving treatment according to professionally accepted standards.

The number of offenders in federal penitentiaries with significant, identified mental health needs has nearly doubled over the past decade. In 1997, 7% of incarcerated men and 13% of incarcerated women self-identified as having current mental health diagnoses. In 2007, 12% of incarcerated men and 21% of incarcerated women self-identified as having such diagnoses. The mental health services offered by the Correctional Service have not kept up with this dramatic increase and, in some instances, the services have deteriorated.

As reported in the Correctional Service's Report on Plans and Priorities (2007/08), mental health problems are up to three times more common among inmates in correctional institutions than among the general Canadian population. More than 1 out of 10 male inmates and 1 out of 4 female inmates have been identified at admission as having mental health problems, an increase of 71% and by 100%, respectively, since 1997.

In July 2004, the Correctional Service approved a mental health strategy that promotes the adoption of a continuum of care from initial intake through the safe release of offenders into the community. In December 2005, the Correctional Service secured funds to strengthen the community supervision of its mental health continuum. This Office welcomed the news of these new investments—approximately \$6 million per year for five years—in community mental health. Funding allocated to enhance discharge planning and community support will assist offenders during their period of conditional release. We also welcome the Government of Canada's inclusion in its March 2007 budget of new investments—approximately \$21 million for two years—to address the lack of a comprehensive mental health intake assessment process and to improve primary mental health care in CSC institutions.

The major limitation of the efforts to date is that the funding provided is only a small fraction of what is required to deal with this growing crisis. Moreover,

the funding has been allocated for the immediate and short terms, and no ongoing permanent funding has been secured. The Correctional Service recognizes the challenges of staffing additional positions. It cannot offer new permanent positions—for professionals such as psychiatric nurses, psychologists and behavioural science technologists—because the funding covers only a limited period of two to five years. This fact will undoubtedly hinder the Correctional Service’s ability to recruit professional staff.

10. I recommend that the Minister make securing adequate and permanent funding for the full implementation of the Correctional Service’s Mental Health Strategy a key portfolio priority.

11. I recommend that the Correctional Service fast track its training initiatives to ensure that all front-line employees are trained in dealing with mentally ill offenders.

5. Strengthened Management Practices

The Correctional Service’s Report on Plans and Priorities (2006/07) committed the Service to strengthening its management practices by ensuring that there is a “robust and effective organization that is able to deliver on its key operational priorities and other activities in a cost-effective manner and to do this in a way that is consistent with public service values that are essential to a healthy workplace and to the confidence and trust of Canadians.” The Correctional Service states that it will do so by improving results in the areas of harassment, staff grievances, respect, trust, accountability, management practices, ethics, resource, integrity, fairness, inclusiveness of the workplace and respect. The Correctional Service should be commended for its leadership efforts to strengthen its management practices. We will limit our comments and observations on this key priority to those initiatives that are of concern because of their impact on the

offender population. Clearly, management practices can, and do, influence the treatment of offenders.

Audit and Evaluation

In the last two years, the Correctional Service has enhanced its audit and evaluation capacity and incorporated external expert input in its processes and practices. We welcome this initiative and believe that this approach has increased quality and rigour in internal audits and evaluations produced by the Correctional Service. We encourage the Correctional Service to rely on this approach in key areas of concern, including the investigative process, offender grievances, inmate injuries and institutional violence.

Grievances and Harassment Complaints

In response to the 2005 Public Service Employee Survey, the Correctional Service co-developed, with its six bargaining agents, an action plan to address the three major areas of employee concern identified: harassment; grievances; and respect, trust and accountability. The action plan for this fiscal year includes the following:

- increasing training in, and awareness of, harassment and grievance issues;
- developing, in consultation with bargaining agents, a new policy on managing harassment;
- clarifying roles, responsibilities and accountabilities related to managing harassment and grievances;
- increasing the use of external facilitators and investigators in harassment investigations;
- increasing the monitoring of harassment and grievance processes; and
- training managers in conflict management.

Moreover, in its draft Strategic Plan for Human Resource Management 2007–2010, the Correctional Service indicates that it will measure the results of its efforts to improve “workplace health and effective and responsive labour relations” using the following benchmarks:

- demonstrated improvement in the management of employee harassment complaints, whereby
 - timeframes for harassment investigations are improved, and
 - harassment complaints are reduced; and
- demonstrated improvement in managing employee grievances at each level, whereby
 - grievance complaints at the third level are reduced, and
 - the number of adjudication cases drops.

This Office congratulates the Correctional Service for moving forward with the above initiatives, which include clear targets and timelines for reducing employee grievances and harassment complaints. We believe that dealing fairly and expeditiously with grievances and harassment complaints is vital. This Office also believes that human rights obligations require that, regardless of one's situation or circumstances, all grievance and harassment complaint processes reflect the same key principles. Applying these principles helps create a healthy environment conducive to effective correctional operations for both staff and offenders.

We encourage the Correctional Service to apply consistent thinking in its approach to addressing offender grievances and harassment complaints. The *Corrections and Conditional Release Act* requires that offenders have complete and unprejudiced access to “a procedure for fairly and expeditiously resolving offenders’ grievances.” Over the years, our Office has repeatedly concluded in its annual reports that the existing procedure is dysfunctional in terms of expeditiously resolving offender grievances, most notably at the national level. The system has been ineffective in dealing with the chronic backlog of cases. This situation continues to have an impact on the operations of this Office as, increasingly, offenders turn to us to resolve their concerns. The Federal Court has recently commented on the Correctional Service’s performance in this regard (*Caruana v. Attorney General of Canada*, T-1889-05, November 9, 2006) and stated:

This proceeding brings to light, undoubtedly not for the first time, the Correctional Service of Canada’s grievance procedure to provide

for “...fairly and expeditiously resolving offenders’ grievances in matters within the jurisdiction of the Commissioner,...”. Indeed, the Applicant’s experience in bringing forward a not unreasonable grievance leading to this judicial review discloses that CSC’s grievance procedure, at least at the second level in the Ontario Region at the time here at issue, was anything but expeditious and in stark contrast with the Commissioner’s directive as to what he or she interprets to be expeditious procedure.

The Correctional Service in 1998, facing excessively lengthy delays and a lack of compliance with its own policy, extended its timeframes “to better reflect the time required to respond.” This Office raised concerns at the time that such an extension was inconsistent with the Correctional Service’s commitment to “an effective, timely redress process for offenders” and did not reflect legal requirements. Almost a decade later, only 22% of the grievances identified as “high priority” at the Commissioner’s level were answered within these expanded timeframes in fiscal 2006/07, and the Correctional Service is again considering extending the already extended timeframes.

The Correctional Service introduced a revised procedure four years ago in an attempt to reasonably address offenders’ harassment complaints. It issued a further improved policy bulletin on harassment, sexual harassment and discrimination in September 2006. In our annual reports, we have repeatedly raised the issues pertaining to harassment grievances as a key priority. In 2004, the Canadian Human Rights Commission did the same. While the Correctional Service appears to have finally developed a reasonable harassment policy, we remain extremely concerned that little progress has been made in ensuring operational compliance with the policy and legal provisions in such a key priority area. The Correctional Service does not have enough trained and certified investigators to deal with the 400 harassment complaints it receives annually, and unreasonable delays remain the norm in addressing these sensitive and important grievances.

Human Resources Issues

In its draft Strategic Plan for Human Resource Management 2007–2010, the Correctional Service acknowledges that it must “put into place robust measures to recruit and retain a representative workforce.” The Correctional Service identified the need to continue to increase the proportion of Aboriginal workers **at all levels**, beyond employment equity requirements, particularly in its executive ranks and in institutions with significant Aboriginal offender populations. It plans to implement a national strategy for recruiting Aboriginal employees and senior executives to meet its needs, starting in March 2008.

12. I recommend that the Correctional Service immediately audit its operations to ensure it meets its legislative requirement to resolve offenders' complaints and grievances fairly and expeditiously. This audit should examine the use of grievance information and trend analysis to implement strategies to prevent future complaints and to systematically address areas of offender concern.

13. I recommend that the Correctional Service significantly increase (above the required employment equity level) the overall rate of representation of Aboriginal employees in its workforce at all levels in institutions where a majority of offenders are of Aboriginal ancestry.

Other Activities

We will take this opportunity to report on our continued commitment to enhancing this Office's citizen engagement and its information program for offenders. This past year, we have again been involved in a number of outreach activities. We have continued to increase our participation in public events to enhance understanding of the responsibilities of Canada's federal prison ombudsman. Articles we have written have appeared in a variety of publications. We have also made presentations to a broad spectrum of audiences at universities, colleges and community centres, as well as conferences attended by psychologists, criminologists, lawyers, judges, mental health professionals, prison administrators and interested citizens. These activities were opportunities to increase public understanding of the role of independent prison oversight within our criminal justice system.

We would like to report on two additional undertakings of our Office. First, the Office was selected to be the lead partner on an important project, fully funded by the Canadian International Development Agency, with the prison administration of China. The Jail Supervision Division of the Penitentiary Administration Bureau of the Chinese Public Security Ministry (JSD) openly acknowledged significant human rights challenges in its prisons and demonstrated an interest in responding to a recent report of the UN Special Rapporteur against Torture. The UN report was critical of Chinese authorities' treatment of their prisoners. This project is unique because the JSD is partnering directly with our Office, whose statutory mandate includes making recommendations on human rights compliance. The Office was specifically selected for this project because of its unique mandate and its established expertise in human rights in correctional settings.

Second, in April 2006, the *Canadian Journal of Criminology and Criminal Justice* released a special issue entitled "Prison Oversight and Human Rights," an evaluation of prisoners' human rights in Canada

and abroad. The Director of Policy and Senior Counsel of this Office acted as the guest editor of the special issue. A number of articles in this issue called for reforms previously recommended by the Office in our annual reports to Parliament. These recommendations include introducing independent adjudication for administrative segregation; improving the Correctional Service's inmate grievance process to ensure fair and timely resolution of offender complaints; improving access to programming and services specifically designed to meet the needs of women, Aboriginal people and offenders with mental health concerns; and encouraging Canada to sign and ratify the *Optional Protocol to the UN Convention against Torture* to strengthen external oversight mechanisms.

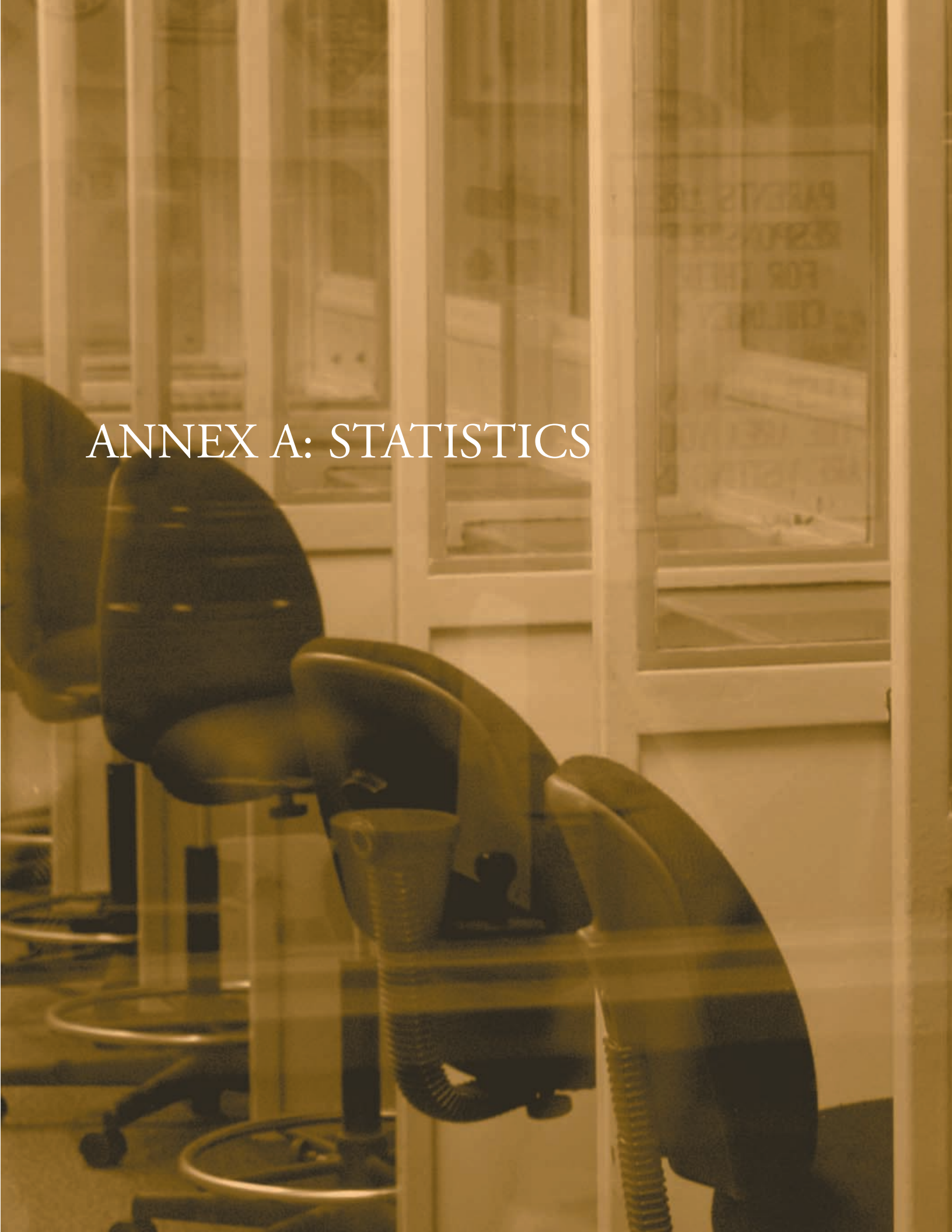
Conclusion

We are looking forward to working collaboratively with the Correctional Service on its five key priorities and to addressing the 12 public safety barriers we have identified in this year's Annual Report 2006/07. We acknowledge that none of the issues will be easy to resolve. However, we sincerely hope that the Correctional Service will respond not only to our specific recommendations but also to the issues themselves, by setting the bar high and committing itself to addressing these longstanding offender concerns in a reasonable and timely way. Canadians deserve nothing less than the best correctional system in return for their significant investment.

As for next year, the Office will focus on the Correctional Service's progress in addressing its five key priorities as they relate to offender concerns and on its ongoing response to the Deaths in Custody Study. We will continue to work with various stakeholders, and to increase our Office's citizen engagement and its information program for offenders.

As we move forward, confident of having addressed the Auditor General's recommendations, we are committed to building upon our investigative and policy capacity. Following a successful OCI organizational retreat and staff consultation, we have initiated concrete steps to review and enhance several internal OCI processes, including communications, investigation procedures, career development and staff training.

We look forward to the coming year and the obvious challenges it will present. We are confident, as indicated in the introduction, that the underlying issues detailed in this report can be resolved. The Office will continue to work with the Correctional Service in an open and cooperative fashion to assist in addressing areas of offender concern and to contribute to public safety.



ANNEX A: STATISTICS

ANNEX A: STATISTICS

Table A: Complaints⁽¹⁾ By Category

Complaints - see Glossary (1)
Internal Response - see Glossary (2)
Investigation - see Glossary (3)

CATEGORY	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Administrative Segregation			
Conditions	25	118	143
Placement/Review	87	223	310
Total	112	341	453
Case Preparation			
Conditional Release	66	123	189
Post Suspension	28	28	56
Temporary Absence	12	39	51
Transfer	64	69	133
Total	170	259	429
Cell Effects	246	440	686
Cell Placement	55	73	128
Claims Against the Crown			
Decisions	17	11	28
Processing	21	33	54
Total	38	44	82
Community Programs/Supervision	7	15	22
Conditions of Confinement	117	257	374
Correspondence	43	67	110
Death or Serious Injury	7	9	16
Decisions (General) - Implementation	36	34	70
Diet			
Medical	6	39	45
Religious	11	19	30
Total	17	58	75
Discipline			
Independent Chairperson (ICP) Decisions	6	6	12
Minor Court Decisions	17	14	31
Procedures	24	27	51
Total	47	47	94
Discrimination	12	17	29
Employment	54	92	146
File Information			
Access - Disclosure	70	87	157
Correction	115	71	186
Total	185	158	343

Continued next page

Table A: Complaints⁽¹⁾ By Category (cont.)

CATEGORY	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Financial Matters			
Access	46	67	113
Pay	58	77	135
Total	104	144	248
Food Services	27	46	73
Grievance Procedure	77	219	296
Harassment	25	36	61
Health and Safety - Worksite	5	5	10
Ion Scan/Drug Dog	9	7	16
Health Care			
Access	85	372	457
Decisions	117	238	355
Dental	18	86	104
Total	220	696	916
Mental Health			
Access	9	49	58
Programs	5	6	11
Total	14	55	69
Methadone	9	43	52
Official Languages	4	4	8
Operation/Decisions of the OCI	28	15	43
Programs			
Access	68	121	189
Quality/Content	25	25	50
Total	93	146	239
Release Procedures	27	45	72
Safety/Security of Offender(s)	50	117	167
Search and Seizure	13	28	41
Security Classification	63	130	193
Sentence Administration	21	37	58
Staff Performance	236	216	452
Telephone	44	136	180
Temporary Absence Decision	36	58	94
Transfer			
Implementation	35	131	166
Involuntary	62	146	208
Pen Placement	25	55	80
Voluntary	45	111	156
Total	167	443	610
Urinalysis	12	11	23
Use of Force	14	23	37

Continued next page

Table A: Complaints⁽¹⁾ By Category (cont.)

CATEGORY	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Visits			
General	33	73	106
Private Family Visits	73	178	251
Total	106	251	357
Outside Terms of Reference			
Parole Process/Decisions	133	61	194
Other Issues	63	33	96
Grand Total	2746	4916	7662

Glossary

Complaint: Complaints may be made by an offender or a party action on behalf of an offender by telephone, facsimile, letter and/or during interviews held by the OCI's investigative staff at federal correctional facilities.

The legislation also allows the OCI to commence an investigation at the request of the Minister or on the OCI's own initiative.

Internal Response: A response provided to a complainant that does not require consultation with any sources of information outside the OCI.

Investigation: A contact where an inquiry is made to the Correctional Service and/or documentation is reviewed/analyzed by the OCI's investigative staff before the information or assistance sought by the offender is provided.

Investigations vary considerably in terms of their scope, complexity, duration and resources required. While some issues may be addressed relatively quickly, others require a comprehensive review of documentation, numerous interviews and extensive correspondence with the various levels of management at the Correctional Service of Canada prior to being finalized.

Table B: Complaints by Institution

REGION/INSTITUTION	Number of Complaints	Number of Interviews	Number of Days Spent in Institution
WOMEN'S FACILITIES			
Edmonton Women's Facility	73	21	3
Fraser Valley	107	60	5
Grand Valley	134	55	10
Isabel McNeill House	17	7	1
Joliette	55	30	6
Okimaw Ohci Healing Lodge	19	11	2
Nova	30	14	4
Regional Psychiatric Centre	17	8	2
Total	452	206	33
ATLANTIC			
Atlantic	123	45	8
Dorchester	296	92	10.5
Shepody Healing Centre	30	14	2.5
Springhill	115	46	8
Westmorland	29	15	2.5
Region Total	593	212	31.5
ONTARIO			
Bath	131	62	8.5
Beaver Creek	58	17	4
Collins Bay	101	51	7
Fenbrook	282	96	13
Frontenac	33	17	3
Joyceville	166	55	12
Kingston Penitentiary	714	129	14
Millhaven	232	46	10
Pittsburgh	16	10	2
Regional Treatment Centre	126	34	8
Warkworth	339	110	11.5
Region Total	2198	627	93
PACIFIC			
Ferndale	21	11	2
Kent	199	69	13
Kwikwèxwelhp	16	4	3
Matsqui	161	62	8
Mission	157	100	11
Mountain	175	75	14.5
Pacific	150	91	5.5
Regional Treatment Centre	126	42	4
William Head	16	9	1.5
Region Total	1021	463	62.5

Continued next page

Table B: Complaints by Institution (cont.)

REGION/INSTITUTION	Number of Complaints	Number of Interviews	Number of Days Spent in Institution
PRAIRIE			
Bowden	217	75	15
Drumheller	151	54	16
Edmonton	385	90	13
Grande Cache	92	36	3.5
Pê Sâkâstêw Centre	12	4	2
Regional Psychiatric Centre	147	34	6.5
Riverbend	12	4	1.5
Rockwood	8	3	3
Saskatchewan Penitentiary	299	77	16.5
Stan Daniels	12	5	2
Stony Mountain	276	112	13
Region Total	1611	494	92
QUEBEC			
Archambault	126	60	6
Centre Régional Santé Mentale	76	37	4
Cowansville	131	61	9
Donnacona	223	109	17
Drummond	160	65	9.5
Federal Training Centre	60	15	2.5
La Macaza	121	67	12
Leclerc	150	35	7
Montée St-François	35	19	3
Port Cartier	329	146	12
Regional Reception Centre	94	31	3.5
Special Handling Unit	66	34	8
Ste-Anne des Plaines	31	20	2
Region Total	1602	699	95.5
GRAND TOTAL	(*)7477	2701	407.5

(*) Excludes 154 complaints from federal offenders in the community and 31 complaints from federal offenders in provincial institutions.

Table C: Complaints and Inmate Population - By Region

REGION	Total Number of Complaints (*)	Inmate Population (**)
Atlantic	593	1366
Quebec	1602	3301
Ontario	2198	3677
Prairie	1611	3364
Pacific	1021	1964
Women's Facilities	452	546
TOTAL	7477	14218

(*) Excludes 154 complaints from federal offenders in the community and 31 complaints from federal offenders in provincial institutions.

(**) As of June 2007, according to the Correctional Service of Canada's Corporate Reporting System.

Table D: Disposition of Complaints by Action

ACTION	Disposition	Number of Complaints
Internal Response	Information given	1959
	Referral	616
	Not supported	52
	Withdrawn	119
Total		2746
Investigation	Information given	1542
	Not supported	329
	Pending	102
	Referral	1255
	Recommendation/Resolution Facilitated	1474
	Withdrawn	214
Total		4916
GRAND TOTAL		(*) 7622

(*) Includes 154 complaints from federal offenders in the community and 31 complaints from federal offenders in provincial institutions.

Table E: Areas of Concern Most Frequently Identified by Offenders

TOTAL OFFENDER POPULATION	
Health Care	916
Cell Effects	686
Transfer	610
Administrative Segregation	453
Staff Performance	452
Case Preparation	429
Conditions of Confinement	374
Visits and Private Family Visits	357
Information – Access and Correction	343
Grievance Procedure	296
ABORIGINAL OFFENDERS	
Health Care	92
Cell Effects	77
Administrative Segregation	73
Staff Performance	73
Case Preparation	70
Program Access and Content	57
Information – Access and Correction	49
Conditions of Confinement	48
Visits and Private Family Visits	45
Telephone	29
WOMEN OFFENDERS	
Health Care	63
Staff Performance	36
Administrative Segregation	33
Temporary Absence Decision	28
Cell Effects	24
Security Classification	23
Case Preparation	21
Safety/Security of Offender	21
Cell Placement	20
Program Access and Content	20

Response of the Correctional Service
of Canada to the 34th Annual Report
of the Office of the Correctional
Investigator 2006-2007

INTRODUCTION

The goal of the Canadian criminal justice system is to contribute to the maintenance of a just, peaceful and safe society. Through its legislated mandate¹, the Correctional Service of Canada (CSC) plays an important role in contributing to public safety by:

- carrying out sentences imposed by courts through the reasonable, safe, secure and humane control of offenders in institutions, and effective supervision of offenders in communities
- assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens, through the provision of programs and other interventions in institutions and communities.

At the end of the 2005-2006 fiscal year, CSC was responsible for approximately 12,700 federally incarcerated offenders (excluding 1,200 offenders temporarily detained while on conditional release to the community) and 6,800 offenders actively supervised in the community. Over the course of the year, including all admissions and releases, CSC managed a flow-through of 25,500 different offenders.

Priorities

In order to deliver the best possible public safety results, CSC is continuing to focus on the same priorities identified in the previous year:

1. Safe transition of eligible offenders into the community;
2. Safety and security for staff and offenders in our institutions;
3. Enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders;
4. Improved capacities to address mental health needs of offenders; and
5. Strengthened management practices.

1. Annex A details our legislative mandate.

Challenges and Way Forward

For several years CSC has experienced increasing challenges due to shortfalls in funding, an infrastructure that is dated and rusting out, and an offender population that has become more complex and difficult to manage. The profile changes include higher numbers of extensive histories of violence, organized crime backgrounds, gang affiliations, infectious diseases and serious mental disorders, as well as a growing proportion of the population with Aboriginal ancestries.

In the 2007 Budget, the Government addressed the current challenges by putting in place a two-part scenario. First, two-year funding was provided to enable CSC to address its most urgent issues, specifically to:

- meet requirements for corrective maintenance in our institutions
- sustain security and safety of our staff and offenders
- meet basic legal and policy requirements, including information management and technology support
- provide additional capacity directly related to the changing offender profile.

Secondly, an independent review of corrections was launched. This review is currently being conducted by an independent panel which is examining CSC's operational priorities, strategies and business plans.

The panel has been asked to provide an assessment of the efficiency and effectiveness of CSC's contributions to public safety and to provide advice on how they might be strengthened. It is expected that this review will help set the stage for a clear, long-term direction for the federal corrections system as well as for sustainable resourcing levels. The panel will provide its report to the Minister by October 31, 2007, and, as announced by the Minister, it will be made public.

Response to CI's report

CSC's response to the recommendations of the Correctional Investigator this year must be understood in the context of the two-part scenario outlined above. Longer-term approaches can only be fully established once the independent review is completed and the Government has responded to it.

In addition, some of the Correctional Investigator's recommendations this year touch on areas where CSC already has taken action or launched a process to deal with the issue. As a result, those responses are framed in terms of CSC's ongoing progress.

SAFE TRANSITION OF ELIGIBLE OFFENDERS INTO THE COMMUNITY

Recommendation #1:

I recommend that the Correctional Service secure and commit adequate funding to improve its capacity to provide the required assessments and programming in advance of the offender's scheduled parole hearing dates.

With respect to assessment capacity, the following tools are currently under development:

- security reclassification scale for Aboriginal offenders
- Inuit-specific risk prediction scale
- revised dynamic factors identification and analysis component of the Offender Intake Assessment
- computerized mental health intake assessment
- Fetal Alcohol Spectrum Disorder screening protocol
- initial custody assessment for women
- dynamic risk assessment tool for women
- computerized assessment of substance abuse for women.

To address gaps brought about by the changing offender profile related to programming, national implementation has begun for a moderate intensity violence prevention program, an Alternatives, Associates and Attitudes program, an Aboriginal Basic Healing program, as well as expansion of the Aboriginal Offender Substance Abuse program. With respect to women offender programming, work is near completion for a women's violence prevention program.

In terms of securing additional funding to support further enhancement of its capacity in these areas, CSC is awaiting the results of the independent review that is currently underway. Assessing CSC's capacity to do effective programming and assessment are an important aspect of the panel's mandate.

CSC will continue to strive for improvement in these areas.

Recommendation #2:

I recommend that the Correctional Service establish as a priority the timely preparation of cases to appear before the National Parole Board, as per policy. Performance in this key area should be closely monitored and measured on an ongoing basis through increased reporting.

With respect to the timely preparation of parole cases appearing before the National Parole Board, CSC continues to monitor compliance with policy and measure performance on an ongoing basis. CSC conducts monthly reviews of our statistics via our Corporate Monitoring Tool and does a comparative analysis against the statistics kept and provided by NPB.

All CSC regions and operational sites have automated access to these performance measures for self-assessment and ongoing management improvement. In addition, National Headquarters regularly bring variances to the attention of senior administrators for corrective action.

CSC will continue its efforts to improve its performance in this area.

SAFETY AND SECURITY FOR STAFF AND OFFENDERS IN OUR INSTITUTIONS

Recommendation #3:

I recommend that the Correctional Service establish a timely approval process whereby its Executive Committee approves the development of action plans in response to investigative reports into inmate deaths or major injuries. In no case should this process last longer than six months from the date of the incident.

Our current practice already requires Executive Committee members to review, amend and approve all action plans for closure of these national investigations. While an action plan is under development, interim measures are initiated if required.

CSC has already put in place procedures to ensure that all routine investigations are completed within six months. For more complex investigations, the process may extend beyond the timeframe but only with the specific approval of the Senior Deputy Commissioner.

In addition, CSC resources were re-profiled during 2006-07 to improve timeliness. Increased tracking and accountability processes are also being established.

Recommendation #4:

I recommend that the Correctional Service develop an action plan on the steps it will take to establish a new process to ensure consistent and timely implementation, as well as regular follow-ups, of its recommendations and those of Coroners and Medical Examiners.

The procedure that has been in place for several years requires that recommendations from both CSC investigations and from external bodies be reviewed by national and/or region Health Services officials against evidence-based medical and health standards. All recommendations are seriously considered and, when a recommendation is deemed appropriate and feasible, an action plan is put in place. Follow-up is conducted to verify that the required action has been implemented.

As a process is already in place, CSC believes it is not necessary to establish a new one. Nevertheless, CSC recognizes that improvements to the discipline around the existing process are required. CSC is developing a number of different strategies to increase and support its capacity for a more rigorous and timely analysis of the information contained in investigation reports, as well as those of Coroners' and Medical Examiners. In addition, greater focus will be placed on communicating "lessons learned" to the operational sites.

Resources within the Correctional Operations and Programs Sector are also being re-profiled to increase CSC's capacity to monitor the progress on action plans and support their implementation.

CSC is progressively moving toward a more disciplined regime in which the implementation of action plans are effectively tracked, and lessons learned are integrated and communicated across CSC in a timely fashion.

Recommendation #5:

I recommend that the Correctional Service:

- (1) Establish a consistent framework for reporting and recording attempted suicides, self-inflicted injuries and overdoses.*

CSC is currently reviewing Commissioner's Directive 568-1, *Recording and Reporting of Security Incidents*, to more accurately define and report self-inflicted injuries, overdose incidents, and attempted suicides.

It is anticipated that the revised definitions and process, along with corresponding changes to the Commissioner's Directive 568-1, will be completed by fall of 2007.

(2) Provide for the systemic review of the circumstances of these injuries in order to ensure that these cases are subject to appropriate review and to investigate, where required by law.

Following the promulgation of CD 568-1 (see above), these inmate injuries will be reviewed on a quarterly basis by National Headquarters. This will be an important refinement to the review and investigative process that currently exists.

(3) Take corrective actions to prevent the recurrence of accidents and of wilful acts involving injuries.

In March 2001, through communications from the National and Regional Joint Occupational Safety and Health (NJOSH) Committees, the local Joint Occupational Safety and Health (JOSH) committees were reminded of this obligation to conduct reviews of the circumstances associated with all staff and inmate injuries of an accidental nature and to take specific timely corrective action when appropriate. As well, senior officials in the regions have been reminded of their obligation to ensure that all local committees continue to track and review all staff and inmate injuries of an accidental nature. As a result, CSC's discipline in this area has significantly improved.

CSC is exploring options to analyse and report nationally on staff injuries. The options will be discussed with the NJOSH Committee at their fall 2007 meeting and the selected option will be implemented fully by spring 2008. In addition, CSC will incorporate inmate accidental injuries into the national reporting process.

Recommendation #6:

I recommend that the Correctional Service evaluate the effectiveness and adequacy of its harm reduction strategies in consultation with its Health Care Advisory Committee.

The Health Care Advisory Committee has committed to providing CSC with their advice by fall 2007 on potential options related to the prevention of transmission of infectious diseases (including harm reduction) that might be implemented in CSC.

ENHANCED CAPACITIES TO PROVIDE EFFECTIVE INTERVENTIONS FOR FIRST NATIONS, MÉTIS AND INUIT OFFENDERS

Recommendation #7:

I recommend that the Correctional Service reconsider its decision not to appoint a Deputy Commissioner for Aboriginal Offenders with the authority to implement the Service's Strategic Plan for Aboriginal Corrections.

CSC's work in this important area is driven by the Strategic Plan for Aboriginal Corrections, which was extensively reviewed and discussed by Executive Committee prior to its formal approval. The Strategic Plan is a corporate priority and is integrated as such in CSC's Report on Plan and Priorities. This management accountability process publicly demonstrates our corporate ownership of the Strategic Plan.

The Senior Deputy Commissioner is responsible for the effective implementation of CSC's Strategic Plan for Aboriginal Corrections, and has been and continues to be a strong and effective voice at Executive Committee.

The Strategic Plan for Aboriginal Corrections clearly articulates the accountabilities of the Assistant Commissioner, Correctional Operations and Programs and the Deputy Commissioner for Women to ensure there is a corporate emphasis on implementing the specific initiatives in an integrated manner. In addition, every Regional Deputy Commissioner is responsible and accountable for improving results for Aboriginal offenders. This accountability acknowledges the fact that Aboriginal offenders are located in all institutions and on almost all parole office caseloads across the country.

In support of the Strategic Plan, a national implementation plan, with the appropriate involvement of Regions and NHQ Sectors, is in place and progress on implementation is reported twice annually. CSC believes this action is sufficient to ensure appropriate action and monitoring of results.

Aboriginal corrections is a major focus of the independent review panel. This focus includes programming and interventions, employment and capacity issues with respect to Aboriginal corrections. The Government's response to the recommendations of the panel could therefore involve some significant adjustments to the Strategic Plan as a result of the review panel's comments. Should changes to the current governance structure be needed to deliver on these adjustments, CSC will consider them at that time.

Recommendation #8:

I recommend that the Correctional Service publicly report, on an annual basis, its progress in implementing its Strategic Plan for Aboriginal Corrections. The report should include progress on key correctional performance indicators, including transfers, segregation, discipline, temporary absences and work releases, detention referrals, delayed parole reviews, and suspension and revocation of conditional release.

CSC produces an annual *Report on Plans and Priorities* (RPP) and reports on the results achieved against these plans in its annual *Departmental Performance*

Report (DPR). CSC uses the DPR to report on progress toward the goals of the National Action Plan on Aboriginal Offenders.

In addition, CSC contributes significantly to the Canadian Centre for Justice Statistics' *Adult Correctional Services in Canada* report and Public Safety Canada's *Corrections and Conditional Release Overview*. Both are annual statistical publications which contain information on Aboriginal offenders. CSC is in the early stages of developing its own annual statistical report. The report will include information on the total offender population, including Aboriginal and women offenders.

Recommendation #9:

I recommend that the Correctional Service immediately re-establish the National Aboriginal Advisory Committee, as required by law.

Work to select new members for the National Aboriginal Advisory Committee is underway.

IMPROVED CAPACITIES TO ADDRESS MENTAL HEALTH NEEDS OF OFFENDERS

Recommendation #10:

I recommend that the Minister make securing adequate and permanent funding for the full implementation of the Correctional Service's Mental Health Strategy a key portfolio priority.

During this past year, CSC has worked very closely with the Minister to secure funding for implementation of the Mental Health Strategy.

Consistent with the two-part scenario outlined in the introduction, CSC has been provided with funding for 2007/08 and 2008/09 so that it can move ahead with three elements of the strategy:

- 1) mental health intake screening and assessment
- 2) mental health primary care at selected sites and
- 3) some enhancements to the services provided at Regional Treatment Centres.

This investment is sufficient to move in the right direction for fiscal years 2007/2008 and 2008/2009.

Mental Health is a major focus for the independent review panel. Resourcing levels for CSC's mental health capacity beyond 2008/2009 will be determined by the Government's response to the recommendations of the panel.

Recommendation #11:

I recommend that the Correctional Service fast track its training initiatives to ensure that all front-line employees are trained in dealing with mentally ill offenders.

CSC recognizes the importance of training for staff required to work with mentally disordered offenders. CSC's Mental Health Strategy includes additional training for all staff and CSC has already begun to implement the first two years of this Strategy.

As part of the implementation plan for the elements of the Strategy for which CSC has received funding, training programs that were developed for the Community Mental Health Initiative are being adapted for use in institutions and will be piloted this fiscal year. The two-year funding received includes funds for the training of front-line staff, and CSC will provide as much training as possible given the resources available during this period of time.

STRENGTHENED MANAGEMENT PRACTICES

Recommendation #12:

I recommend that the Correctional Service immediately audit its operations to ensure it meets its legislative requirement to resolve offenders' complaints and grievances fairly and expeditiously. This audit should examine the use of grievance information and trend analysis to implement strategies to prevent future complaints and systematically address areas of offender concern.

An audit of the Offender Complaint and Grievance System has already been scheduled for next fiscal year (2008-2009). This timing was approved by CSC's Audit Committee as the most appropriate juncture for reviewing progress on the initiatives that have already been launched in this area.

The objective of this audit will be to assess the overall management control framework for the efficient management of offender complaints and grievances and to ensure compliance with relevant legislation, policy and procedures, including applicable Commissioner's Directives. The audit will also seek to identify opportunities for improvement, including the potential for CSC to identify and share best practices that have been implemented in specific regions or institutions.

Recommendation #13:

I recommend that the Correctional Service significantly increase (above the required employment equity level) the overall rate of representation of Aboriginal employees in its workforce at all levels in institutions where a majority of offenders are of Aboriginal ancestry.

CSC has developed a Strategic Plan for Human Resource Management that has prioritized our activities and initiatives for the next three years. Among these priorities is the development of a Departmental National Recruitment Strategy that will include Aboriginal recruitment as a focal point for recruitment activities and work began in summer 2007.

Recruitment/staffing mechanisms under the new *Public Service Employment Act* have been identified and will be further utilized to increase recruitment flexibilities. Work has also started to identify systemic barriers to remove any unnecessary recruitment/staffing impediments.

ANNEX A: CSC's MANDATE

The *Corrections and Conditional Release Act*, (CCRA) is the legislative framework for CSC. The mandate of the Correctional Service of Canada is to contribute to the maintenance of a just, peaceful and safe society by:

- carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and
- assisting in the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

Consistent with the CCRA, CSC's Mission reflects Canadians' values, including respect for the rule of law, safe, secure and humane custody of offenders and underlines our commitment to public safety.

Delivery of correctional services is also framed by the Canadian *Charter of Rights and Freedoms* and numerous Acts, regulations, policies, and international conventions.

