

**OFFICE OF THE CORRECTIONAL INVESTIGATOR**  
**DEPARTMENTAL PERFORMANCE REPORT**

**For the  
period ending  
March 31, 2001**

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**Lawrence MacAulay, P.C., M.P.**  
**Solicitor General of Canada**



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## **Section I: Message**

### **1.1 Correctional Investigator's Message**

I am mandated as an Ombudsman for federal corrections. The Office carries out this function within an environment that has traditionally been closed to public scrutiny with a high level of mistrust between offenders and correctional staff.

I am firmly committed to the Ombudsman concept and believe that the provisions of the *Corrections and Conditional Release Act* (CCRA) provide for a process through which the vast majority of individual and systemic concerns can be reasonably addressed. It is important for all parties to appreciate that the Correctional Investigator is neither an agent of the Correctional Service of Canada nor the advocate of every complainant or interest group that lodges a complaint. I am mandated to investigate complaints from an independent and neutral position and in cases where there is evidence of unfairness, make appropriate recommendations concerning corrective action.

This past year has been an exceptionally productive one for the Office. While we previously recorded modest gains in reversing a pattern of declining output, the magnitude of our most recent progress vis-à-vis our strategic outcomes is truly noteworthy. Empowered by an increase in funding, we have made great strides in infusing all of our operations with a renewed focus on achieving results for Canadians.

Accordingly, the Office's investigative staff have been more present than ever before within Canadian penitentiaries and have dealt with an unprecedented number of issues from or on behalf of offenders. Their findings have been followed up with a record number of recommendations for corrective action to the Correctional Service of Canada. In so doing, the Office has contributed to ensuring that our correctional system is not only managed in a fair and humane fashion but also in a manner consistent with the expectations and values of Canadians as provided for in the CCRA.

In the months ahead, the Office will be engaged in a strategic planning exercise. We will then strive not only to find ways of further enhancing our performance vis-à-vis our strategic outcomes, but also to measure and report on the latter in an even more accessible and meaningful fashion.

Canadians increasingly recognize that the communities in which they live are ultimately safer and better protected when offender concerns are addressed fairly, humanely and responsibly. In its role of Ombudsman, the Office fully intends to contribute in assuring Canadians that this is indeed what happens in our federal correctional system.

R.L. Stewart



## **Section II: Agency Overview**

### **2.1 Mandate**

The Office of the Correctional Investigator was established in 1973 pursuant to Part II of the *Inquiries Act*. With the proclamation in November 1992 of Part III of the *Corrections and Conditional Release Act*, this is now the enabling legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Solicitor General to both Houses of Parliament.

In addition, Section 19 of the *Corrections and Conditional Release Act* requires that the Correctional Service of Canada “where an inmate dies or suffers serious bodily injury” conduct an investigation and provide a copy of the report to the Correctional Investigator.

### **2.2 Mission Statement**

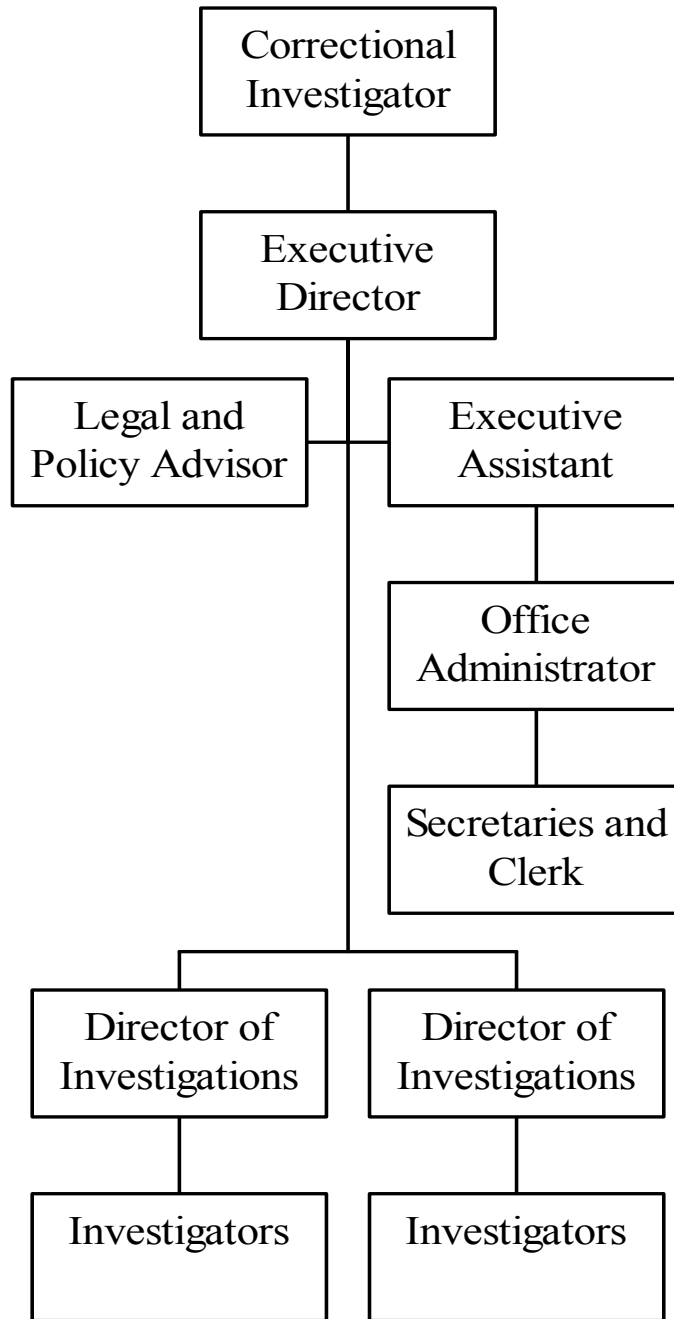
The Office of the Correctional Investigator is committed to maintaining an accessible independent avenue of redress for offender complaints and to provide timely recommendations to the Commissioner of the Correctional Service of Canada and the Solicitor General which address the areas of concern raised on complaint.

### **2.3 Agency**

The Office of the Correctional Investigator has one Business Line which, as detailed in Section 167 of the *Corrections and Conditional Release Act*, is to conduct investigations into the problems of offenders related to decisions, recommendations acts or omissions of the Commissioner of Corrections or any person under the control and management of, or performing service for or on behalf of the Commissioner of Corrections that affects offenders either individually or as a group.

The Office of the Correctional Investigator is headed by the Correctional Investigator who reports to Parliament through the Solicitor General. The Agency’s resources provide for 19 full-time equivalents, 11 of which make up the investigative staff. The total resources are \$2,142,000 for the fiscal year 2000-2001.

## 2.4 Organization Chart





## **Section III: Agency Performance**

### **3.1 Societal Context**

#### **Objective**

To act as an Ombudsman on behalf of offenders by thoroughly and objectively reviewing a wide spectrum of administrative actions and presenting findings and recommendations to an equally broad spectrum of decision makers, inclusive of Parliament.

#### **Strategic Priorities**

- Improve management practices and operations strategies;
- Increase awareness of the Office of the Correctional Investigator's mandate;
- Establish a more effective process, in cooperation with the Correctional Service of Canada, for resolving both individual and systemic areas of concern.

#### **Key Co-delivery Partners**

In October 1999, the Office signed a Memorandum of Understanding with the Correctional Service. The intent of this agreement is to assist both agencies in addressing areas of offender concern in an objective, thorough and timely fashion. Accordingly, the quality and timeliness of actions taken by the Correctional Service in response to the Office's findings and recommendations will remain of paramount importance.

In addition, the Office met throughout the year with various national and international associations, actively involved in the fields of corrections and criminal justice, either on an individual basis or at conferences, to review areas of mutual concern. These linkages highlight the value placed by the Office on a collaborative approach to the betterment of corrections consistent with the expectations of Canadians.

### 3.2 Performance Results Expectations and Chart of Strategic Outcomes

To provide Canadians with:	to be demonstrated by:
an independent and impartial review agency to investigate problems of federal offenders related to decisions, recommendations, acts or omissions of the Correctional Service of Canada.	<ul style="list-style-type: none"> <li>• the number of offenders using the services of the Office</li> <li>• the Office's accessibility to the offender population</li> <li>• the offender population's confidence in and understanding of the Office</li> <li>• the opinions of government and non-government agencies involved in federal corrections</li> <li>• the results of the actions taken by the Correctional Service in response to the Office's findings and recommendations</li> </ul>

### Strategic Outcomes, Planned Results, Related Activities and Resources

Strategic Outcomes	Planned Results	Related Activities	Resources (\$thousands)
To provide Canadians with:  an independent and impartial review agency to investigate problems of federal offenders related to decisions, recommendations, acts or omissions of the Correctional Service of Canada (CSC).	<ul style="list-style-type: none"> <li>• An effective, thorough, impartial and independent review process of all complaints made by or on behalf of federal offenders.</li> <li>• An Office which is accessible to the offender population and to all other parties who wish to file a complaint on their behalf.</li> <li>• An effective, thorough, impartial and independent review process of all CSC Investigations convened pursuant to section 19 of the <i>Corrections and</i></li> </ul>	<ul style="list-style-type: none"> <li>• Deal effectively, thoroughly, impartially and independently with all complaints made by or on behalf of federal offenders.</li> <li>• Visit all federal institutions on a regular basis and interview offenders who have a complaint.</li> <li>• Maintain a toll-free telephone line for offenders experiencing problems of an urgent nature and to provide easier access to the Office for Canadians from</li> </ul>	2,100

	<p><i>Conditional Release Act</i> (inmate death or serious bodily injury) and of interventions by Institutional Emergency Response Teams (IERTs).</p> <ul style="list-style-type: none"> <li>• Demonstrated leadership in identifying and addressing systemic problems and emerging issues in Corrections.</li> <li>• A multi-faceted, dynamic and responsive communications strategy.</li> <li>• Confidence and understanding of the Canadian public, including federal offenders, vis-à-vis the Office's role, mandate and services.</li> <li>• Positive results of the actions taken by the Correctional Service of Canada in response to the Office's findings and recommendations.</li> </ul>	<p>coast to coast.</p> <ul style="list-style-type: none"> <li>• Review all CSC Investigations as per section 19 of the <i>Corrections and Conditional Release Act</i> and all interventions of Institutional Emergency Response Teams (IERTs) in an effective, thorough, impartial and independent fashion.</li> <li>• Undertake any other investigative activity it deems necessary to carry out its primary mandate.</li> <li>• Continue to inform federal offenders and other Canadians of its mandate, role and services through all available media, inclusive of its own website.</li> <li>• Maintain an open, honest and professional working relationship with the Correctional Service of Canada, in keeping with our Memorandum of Understanding.</li> </ul>	
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### 3.3 Performance Accomplishments

#### Resources Utilized Towards Accomplishments

<b>Office of the Correctional Investigator</b>	
Planned Spending	1,763,000
Total Authorities	2,142,000
<b>2000-2001 Actuals</b>	<b>2,070,231</b>

Additional financial information can be found in Annex A - Financial Performance Overview

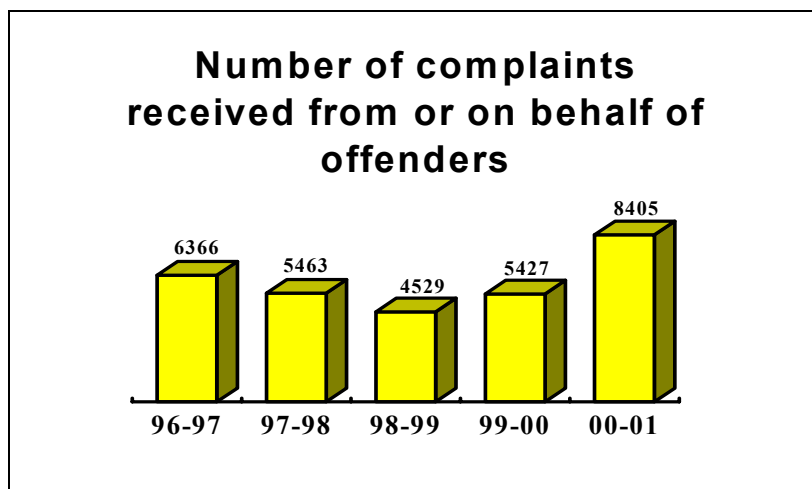
The primary function of the Correctional Investigator is to independently investigate and attempt to bring resolution to individual offender complaints. The Office as well has a responsibility to review and make recommendations on the Service's policies and procedures associated with the areas of individual complaint to ensure that systemic areas of concern are identified and appropriately addressed (i.e. transfers, case management, etc.). In so doing the Office aims to assure the Canadian public that the federal correctional system is managed efficiently, equitably and fairly.

All complaints received by the Office are reviewed and initial inquiries made to the extent necessary to obtain a clear understanding of the issue in question. After this initial review, in those cases where it is determined that the area of complaint is outside our mandate, the complainant is advised of the appropriate avenue of redress and assisted when necessary in accessing that avenue. For those cases that are within our mandate, the complainant is provided with a detailing of the Service's policies and procedures associated with the area of complaint. Where deemed necessary, an interview is arranged with the offender.

In addition to responding to individual complaints, the Office meets regularly with inmate committees and other offender organizations and makes announced visits bi-annually at each institution during which the investigator will meet with any inmate, or group of inmates, upon request.

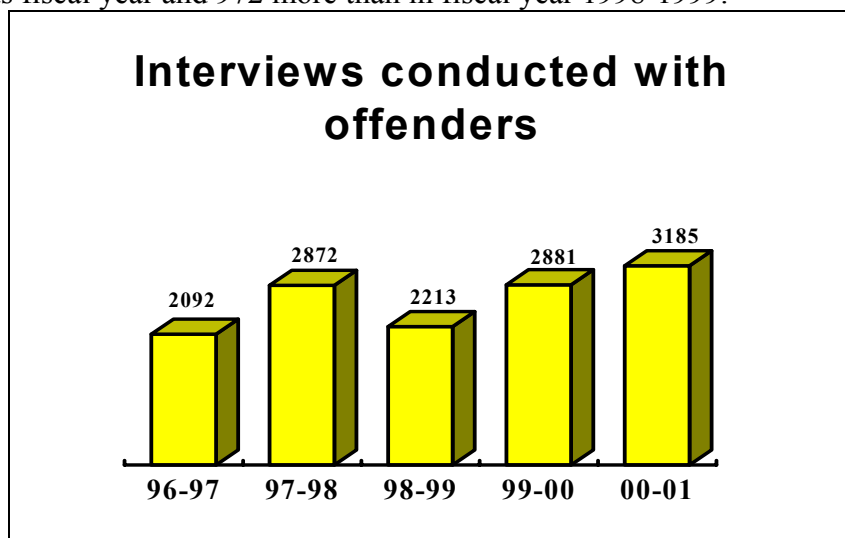
**TABLE 1**

From 1 April 2000 to 31 March 2001, the Office received an unprecedented total of 8,405 contacts with or on behalf of offenders, an increase of some 2,978 from the previous fiscal year and some 3,976 from fiscal year 1998-1999. The magnitude of these successive increases reflects the office's greater accessibility to the offender population. It also underscores the increasing confidence of offenders in the Office, as a viable recourse for problem resolution, and their greater understanding of our mandate, role and responsibilities.



**TABLE 2**

Also, in the course of the present reporting year, the Office's investigative staff spent 375 days at federal penitentiaries, and conducted 3,185 interviews, some 304 more than in the previous fiscal year and 972 more than in fiscal year 1998-1999.



In order to comply with the recommendations of the Arbour Commission<sup>1</sup>, the Office reviewed 546 Institutional Emergency Response Team (IERT) videotapes and other documentation related to Use of Force incidents, compared to 451 in the previous year and 243 in 1998-1999. We also reviewed 120 Correctional Service of Canada (CSC) investigation reports pursuant to Section 19 of the *Correctional and Conditional Release Act (CCRA)*.

Further to all of its investigative and review efforts, the Office has made an unprecedented number of recommendations to the Correctional Service of Canada, focused on corrective measures to address areas of operational concern.

As the above figures also illustrate, this has been an exceptionally challenging year for the Office. The level of our activities, which are significantly greater than those reported last year, clearly demonstrates the impact of the Office's implementation of the recommendations made by the Auditor General in December 1997<sup>2</sup>.

The Office's activities are consistent with its legislative mandate. While exercising due regard for economy, efficiency and effectiveness, the Office has increased its contribution to the safe, fair, humane and equitable treatment of offenders under federal jurisdiction.

In providing a viable and credible outlet for the tensions and pressures that inevitably develop within penitentiaries, the Office contributes to the reduction of costly disturbances and other acts of violence. The Office also contributes to the safety of all communities by helping to ensure that federal offenders who are released have not only been dealt with fairly and humanely but have also been provided with appropriate assistance in their bid to become law abiding citizens.

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<sup>1</sup> *The Honourable Louise Arbour, Commission of Inquiry into Certain Events at the Prison for Women, 1996*

<sup>2</sup> *Report of the Auditor General of Canada to the House of Commons, Chapter 33 - the Correctional Investigator Canada, December 1997*

## **Annex A**

# **Financial Performance Overview**

## Annex A: Financial Performance Overview

### Financial Table 1

#### Summary of voted Appropriations

<b>Financial Requirements by Authority (thousands of dollars)</b>				
<b>Vote</b>		<b><u>Planned Spending</u></b>	<b><u>2000-01 Total Authorities</u></b>	<b><u>Actual</u></b>
	Office of the Correctional Investigator			
30	Operating expenditures	1568	1947	1875
(S)	Contribution to Employee Benefits Plan	195	195	195
	<b>Total Agency</b>	<b>1763</b>	<b>2142</b>	<b>2070</b>



**Financial Table 2**

**Comparison of Total Planned Spending to Actual Spending**

<b>Agency Planned Versus Actual Spending (thousands of dollars)</b>			
<b>Business Line</b>	<b>2000-2001</b>		
	<b>Planned</b>	<b>Total Authorities</b>	<b>Actual</b>
FTEs	19	19	19
Operating	1763	2142	2070
Capital	-	-	-
Voted Grants and Contributions	-	-	-
Subtotal: Gross Voted Expenditures	<u>1763</u>	<u>2142</u>	<u>2070</u>
Less:	-	-	-
Respendable Revenues			
<b>Total Net Expenditures</b>	<b>1763</b>	<b>2142</b>	<b>2070</b>
Other Revenues and Expenditures			
Non-respendable Revenues	-	-	-
Cost of services provided by other departments	122	122	122
<b>Net Cost of the Program</b>	<b>1885</b>	<b>2264</b>	<b>2192</b>

**Financial Table 3**

**Historical Comparison of Total Planned Spending to Actual Spending**

<b>Historical Comparison of Agency Planned versus Actual Spending (thousands of dollars)</b>					
	<b>1999-2000</b>		<b>2000-2001</b>		
	<b>Actual 1998-99</b>	<b>Actual 2000-01</b>	<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual</b>
Office of the Correctional Investigator	1530	2007	1763	2142	2070
<b>Total</b>	<b>1530</b>	<b>2007</b>	<b>1763</b>	<b>2142</b>	<b>2070</b>

**Annex B**  
**Other Information**

## Annex B: Other Information

### i) Contacts for Further Information

Name	Title	Address	Tel. No.	Fax No.
R.L. Stewart	Correctional Investigator	275 Slater Street Room 402 Ottawa, Ontario K1P 5H9	(613) 990-2689	(613) 990-9091
Ed McIsaac	Executive Director	275 Slater Street Room 402 Ottawa, Ontario K1P 5H9	(613) 990-2691	(613) 990-9091

ii) **Agency Website:** [www@oci-bec.gc.ca](http://www@oci-bec.gc.ca)

iii) **Agency E-Mail Address:** [org@oci-bec.gc.ca](mailto:org@oci-bec.gc.ca)

iv) **Legislation and Associated Regulations Administered**  
*Corrections and Conditional Release Act, Part III. (R.S.C., 1992, Ch. 20).*

v) **Statutory Annual Reports and Other Agency Reports.**  
*Annual Report of the Correctional Investigator.*