

1. Legal Foundations of Federal Corrections

Canada's correctional system is the product of many influences. These include: ongoing research as to what constitutes effective corrections; regular consultations with the many groups and individuals who have a stake in corrections; the growing emphasis — both domestically and internationally — on prisoners' human rights; and a recognition of the community's role in the safe reintegration of offenders. The legal and ethical framework for our country's corrections system is shaped by the international obligations Canada has assumed as a signatory to various conventions and covenants, as well as by various key pieces of domestic legislation — in particular, the *Charter of Rights and Freedoms*.

The Corrections and Conditional Release Act: The cornerstone of federal corrections

Adult offenders, sentenced to two or more years, are sent to a federal penitentiary. The entire federal correctional system, from incarceration to parole, is governed by the *Corrections and Conditional Release Act*. Adopted in 1992, the Act states that “protection of society” should be the paramount consideration in the corrections process. It also states that corrections should use the “least restrictive measures” consistent with the protection of the public, CSC staff members and offenders. The Act differs from the legislation it replaced (the *Penitentiary Act* and the *Parole Act*) in several ways. It tightens up security measures for high-risk offenders, makes the corrections system more accountable to the public, allows victims to provide input into National Parole Board hearings, and offers more safeguards for offenders' human rights.

The Canadian Charter of Rights and Freedoms and its relationship to corrections

Enacted in 1982, the *Charter* is an integral part of the Constitution of Canada and, as such, is part of the “supreme law of Canada.” This means that if the rights guaranteed under the *Charter* appear to be violated by a particular law in the *Criminal Code*, the *Charter* will prevail. However, offenders do not have all the rights of other citizens, because the *Charter* also states that “the restriction of certain rights and freedoms may be justified in a free and democratic society.” CSC, under the authority of the *Corrections and Conditional Release Act*, must justify any restrictions imposed on those in custody. For example, one justification for restricting an offender's right would be concern for public safety.

Furthermore, within strictly defined limits, the *Charter* guarantees offenders many rights, including:

- freedom of conscience;
- the right to practice their religion;
- freedom of expression;
- freedom of peaceful assembly and association;
- the right to legal counsel;
- the right to a fair hearing;
- the presumption of innocence;
- freedom from arbitrary detention and imprisonment;
- the right not to be subjected to cruel and unusual treatment and punishment.

Other domestic legislation

In addition to the *Charter of Rights and Freedoms*, there are several other key laws that affect the rights of prisoners and the way in which the work of federal corrections is carried out.

The *Canadian Human Rights Act* outlines a comprehensive framework for countering discrimination in the federal and federally

regulated sectors. The Act applies to all government departments (including CSC), agencies and federally regulated businesses. The grounds of prohibited discrimination are: race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status, family status, disability, and a conviction for which a pardon has been granted. The *Privacy Act* protects unauthorized access to personal information and provides some individual control over the use and collection of such information. The fundamental principle underlying this Act is that government institutions should not gather personal information unless it is justifiably relevant to a particular government activity.

The *Access to Information Act* provides the public with the right to access information held by federal government institutions; however, certain conditions apply.

The *Official Languages Act* ensures the equal status of both English and French as the country's official languages. It also guarantees that the public has the right to receive services in the official language of their choice when dealing with federal government institutions.

Canada's international obligations and how they affect corrections

As a signatory to all the major international human rights declarations, covenants, conventions and protocols, Canada is expected by the international community to respect the provisions contained in these documents. If there is a conflict between domestic law and international obligations, domestic law prevails. In practice, however, there is little conflict, since the international provisions on the human rights of prisoners and the fair and humane treatment of prisoners are enshrined in Canadian legislation. The key international documents affecting

Canada's obligations with regard to corrections include:

- *United Nations Charter*;
- *Universal Declaration of Human Rights*;
- *Convention on the Rights of the Child*;
- *International Covenant on Civil and Political Rights*;
- *International Convention on the Elimination of All Forms of Racial Discrimination*;
- *Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*;
- *Standard Minimum Rules for the Treatment of Prisoners*.

2. Striking a Fair Balance

The *Corrections and Conditional Release Act* aims to strike a fair balance between two inter-related strategies:

- exercising reasonable, safe, secure and humane control of offenders in correctional institutions, as well as offenders under supervision in the community; and
- assisting and encouraging offenders to become law-abiding citizens.

The overriding goal is public safety, which is promoted both by proper control of offenders and by programs that help individuals to rehabilitate themselves. The latter is important because sooner or later, most offenders will complete their sentence and return to the community. During the incarceration period, public safety is achieved by ensuring the secure custody of the offender and maintaining a safe environment for both staff and inmates. But this is a time-limited strategy, as inmates who serve their sentences are released from prison's secure environment. Therefore, an equally important job of corrections is to prepare inmates to successfully return to the community

Section 4 ■ Federal Corrections

as law-abiding citizens. This strategy contributes to long-term public safety.

3. CSC's Mission Statement

CSC's Mission Statement reinforces the objectives described above:

The Correctional Service of Canada, as part of the criminal justice system and respecting the rule of law, contributes to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.

This statement illustrates that “good corrections” is not just a matter of locking up those who have broken the law; it also involves the process of helping offenders change for the better so that one day they can be returned to their communities as law-abiding citizens. The Mission document includes a number of *core values* and *guiding principles* that translate, into everyday practice, the provisions laid out in the *Corrections and Conditional Release Act* and the other major pieces of legislation (described above) that form the legal foundation of the federal corrections system. The *core values* and the *guiding principles* reaffirm respect for human rights and dignity, and the belief that the offender has the potential to change, given the proper support, including the full involvement of CSC staff in the correctional plan.

4. CSC's Structure

CSC is responsible for managing offenders sentenced to a term of two years or more. This responsibility includes the management of offenders within penitentiaries and the supervision of offenders on conditional release in the community. The Commissioner of CSC, who is accountable to the Minister of Public Safety and

Emergency Preparedness, is the Senior Executive Officer. National Headquarters is responsible for CSC's overall planning, policy development and administration. Five regional offices are responsible for administering the operations of correctional institutions and the supervision of offenders on conditional release in the community.

Employees

As of March 31, 2004, CSC had a total staff complement of slightly more than 16,000. Some 80% of staff work in institutions; of these, about half are correctional officers. Community supervision staff account for 8% of the total. The remaining 12% are employed at headquarters and central services.

Expenditures

In 2003/04, the total expenditures for CSC were \$1.5 billion to operate with \$976M spent on salaries, \$110M on capital expenditures and \$436M on operating costs. In 2003/04, the average annual cost of maintaining a federally sentenced male offender in a penitentiary was \$80,965. For women inmates, the cost is higher, \$150,867, due to the legal requirement to provide comparable and equitable facilities and services to a relatively small number of incarcerated women offenders (356).

Institutions

Penitentiaries are operated as maximum, medium, minimum or multi-level security facilities. CSC is responsible for 54 penitentiaries across Canada, five are regional women's institutions and one is an Aboriginal healing lodge for women. The women's institutions (with the exception of the Aboriginal healing lodge) are all multi-level security. Women offenders in British Columbia are currently accommodated in a provincial women's institution under an exchange of

services agreement. Each region has a mental health unit or facility.

Maximum-security institutions house offenders who pose a serious risk to staff, other offenders and the community. The perimeter of a maximum-security institution is well defined, highly secure and controlled. Offender movement and association are strictly regulated and directly supervised.

Medium-security institutions house offenders who pose a risk to the safety of the community. The perimeter of a medium-security institution is well defined, secure and controlled. Offender movement and association are regulated and generally supervised.

Minimum-security institutions house offenders who pose a limited risk to the safety of the community. The perimeter of a minimum-security institution is defined but not directly controlled. Offender movement and association within the institution are regulated under minimal supervision. A minimum-security institution is often the offender's last stop before re-entering society.

Multi-level security institutions house offenders of varying security classifications in different secure areas of the institution.

Parole offices

CSC has 19 district offices across Canada that oversee 71 parole offices. Each office is staffed with parole officers who are responsible for supervising conditionally released offenders in the community.

Community correctional centres

In addition to the parole offices, CSC operates a number of Community Correctional Centres across Canada. Designated as minimum-security institutions, these centres are small facilities in urban areas that mainly house offenders on day parole or other forms of conditional release. Within the centres, the director, parole officers and support staff work as a team, often in co-operation with community partners, to supervise and provide programs for offenders and to prepare them for full parole or statutory release.

Community-based residential facilities

Based on offenders' assessed security risk, they may be eligible for living in a community-based residential facility, commonly referred to as a "halfway house." There are about 175 of these facilities across Canada providing accommodation, 24-hour supervision, counseling and programming — all with the goal of safely reintegrating the offender into the community. Halfway houses are operated by non-profit agencies or private corporations contracted by CSC.

CORCAN

CORCAN, a special operating agency of CSC, is mandated to provide employability skills training and employment to offenders in federal institutions. Operating coast-to-coast in more than half of federal correctional facilities, CORCAN employs close to 4,000 offenders every year in a variety of business lines, including manufacturing, construction, agribusiness, textiles and services. Working conditions are

deliberately structured to replicate the private sector work environment so that offenders can acquire the skills and behaviours they will need to find and keep work once they are released from prison. Offender employees produce a range of products and services that are marketed to the public and not-for-profit sectors in Canada. Since 2000–01, CORCAN has also been responsible for all inmate work programs in federal institutions. CORCAN also offers employment placement services in 34 employment placement centres across Canada to help released offenders find work.

5. Roles of Front-Line Staff

Correctional officers

Correctional officers supervise, monitor and control the movement of the offenders within an institution, and provide perimeter security. They are responsible for the day-to-day maintenance of security within each institution. They act as escorts when offenders must be taken outside the institution for administrative reasons (e.g., court appearances, medical treatment). Correctional officers must have a good working knowledge of corrections, criminal behaviour and intervention techniques, and must be able to identify and diffuse any situation that could escalate into a more serious incident. In addition to ensuring dynamic security, correctional officers must also encourage and support offenders throughout the day as they work to change criminal beliefs, attitudes and behaviours. They are directly involved in working with offenders from the time they enter a correctional institution until they are released. This ongoing interaction gives the correctional officer in-depth knowledge of an offender's behaviours and progress. This knowledge is essential, both in maintaining security within the institution and in helping prepare the offender for a successful return to

society. Correctional officers work as a team with other institutional staff to assess offenders' progress and make recommendations for parole.

Primary workers

Front-line staff in women's facilities are not referred to as "guards" or "correctional officers", but rather, as "primary workers". In addition to traditional correctional officer duties, primary worker duties include case management and program support.

In staffing these positions, CSC recruits individuals who have experience working with women and/or individuals who are sensitive towards women's issues and have knowledge of the philosophy outlined in *Creating Choices* (the 1990 Task Force Report on Federally Sentenced Women). Once recruited, staff is required to participate in both standard correctional training and women-centered training. Women-centered training addresses issues such as sexism, sexual orientation, racism, Aboriginal traditions and spirituality, physical and/or sexual abuse, self-injuries and suicidal behaviour, addictions, and mental health.

Parole Officers

A parole officer's most important skill is the ability to accurately assess and manage offenders. Parole officers, whether they are working within a penitentiary or in the community, are key to the goal of successfully reintegrating offenders into society. Based on their assessment of the offender, parole officers, with other CSC staff, develop and administer a correctional plan of program and treatment options to address the offender's anti-social behaviour. (*See Section 5: The Correctional Process, for more detail on the correctional plan.*)

In developing a correctional plan for the offender, *institutional parole officers* work as a team with

psychologists, instructors, program delivery officers and correctional officers or primary workers. As part of their job, parole officers make recommendations to the National Parole Board (NPB); however, the final decision on parole of any offender rests with the NPB. In assessing the risk posed by an offender who is granted parole, NPB members will consider the information provided from CSC staff, but may also seek further advice, including input from victims. The NPB also sets the terms and conditions of parole.

Community-based parole officers, in addition to monitoring offenders on conditional release, help link them to counseling, education programs, substance abuse programs, and job-training opportunities. Based on their regular meetings with offenders and on information gathered from other people in the offender's circle of friends, family and acquaintances, parole officers can assess the degree of risk the offender poses to the community and adjust the supervision plan accordingly.

Psychologists

Psychologists play a vital role in the ongoing assessment and modification of offenders' behaviour. Their analysis of the complexities of human behaviour provides CSC staff with essential information that helps establish the basis for correctional plans. In addition, they design and conduct sophisticated psychological treatment programs and provide essential mental health treatment to offenders.

Nurses

Nurses in CSC facilities work independently and are also members of the multidisciplinary team. They are the front line of health services for inmates. Here, nurses work with less direction than they do in a hospital or ambulatory setting. They must be able and willing to accept this level of independence in a setting that requires constant

use of their expert judgment and clinical assessment skills. They must have a strong interest in health promotion and infection control.

Chaplains

Chaplains may be based either within the institution or in the community. The *Charter of Rights and Freedoms* guarantees offenders the right to practice their religion while incarcerated, and under the *Corrections and Conditional Release Act*, CSC is required to provide inmates with the necessities related to their religious or spiritual practices. Aboriginal Elders are responsible for addressing the spiritual needs of Aboriginal offenders, while chaplains are responsible for providing interfaith services to all other offenders.

CSC contracts with various faith groups for the services of institutional chaplains based on the religious affiliation of the offender population. Because of the number of Christian offenders, every institution offers both Protestant and Catholic chaplaincy services; service for other religious traditions such as Judaism, Buddhism, Sikh and Islam is provided through part-time contracts or appointed volunteers.

Community and institutional chaplains work together to build relationships with offenders prior to their release and with the local parole office to co-ordinate the supervision plan. Community chaplains have a dual role in that they work with ex-offenders to help them reintegrate and also minister to the wider community to help it receive and welcome ex-offenders.

Volunteers

(See Section 9: *Partners in Good Corrections*, for more information.)

Volunteers support and help improve CSC's programs and services, as well as act as positive role models for offenders. In working with

offenders, volunteers pave the way for their safe return to the community by showing that someone cares about them. Volunteers may also help raise public awareness of the issues and challenges facing the correctional system. There are currently about 10,000 volunteers within CSC whose activities include tutoring, as well as involvement in literacy programs, substance abuse programs and social/recreational activities.

6. Citizens' Advisory Committees

One of the biggest challenges facing CSC today is the role and responsibility of the community in helping to safely reintegrate offenders. Therefore, CSC is trying to reach out to the communities it serves. The *Corrections and Conditional Release Act* states that "CSC shall facilitate the involvement of members of the public in matters relating to [its] operations." Citizens' Advisory Committees (CAC) have helped to inform communities about the correctional process and have contributed to the overall development of correctional facilities and programs.

CAC members are local citizens who volunteer their time. They are appointed for a minimum two-year period, which may be renewed. Members are independent from the management of CSC and are not paid for their services.

As independent, impartial observers, they monitor and evaluate the day-to-day operations of CSC, including the provision of adequate care, supervision and programs for offenders. CACs also liaise between CSC and the public to build understanding and support for the correctional process.

Ultimately, local CACs should reflect the needs and characteristics (e.g., social, cultural and ethnic composition) of the community. Close to 600 citizens are currently involved with 105 committees across Canada. They provide an important link between CSC, offenders, and communities. It is recognized that a supportive community makes it easier for offenders to become responsible citizens.

7. Roles of After-Care Agencies

Community partnerships with after-care agencies can be effective in reducing the risk of re-offending and are an essential component of the corrections process in reintegrating offenders.

CSC has a number of relationships with community-based agencies, such as the John Howard Society, the Canadian Association of Elizabeth Fry Societies and the Salvation Army. Through contracts with CSC, these organizations supervise offenders on day parole and run halfway houses.

Apart from the residential accommodation provided by these facilities, halfway houses provide a wide range of services, including counseling and, in some cases, specialized treatment programs. While living there, resident offenders are subject to strict curfews and guidelines. After-care agencies offer a variety of programs to help offenders learn and practice the skills they will need in order to find and hold down a job. Examples of these skills include problem solving, critical thinking, interpersonal communication, and anger management.