

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

**For the  
period ending  
March 31, 1999**

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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 the keepers and the kept.

I am firmly committed to the Ombudsman concept and believe that the provisions of the *Corrections and Conditional Release Act* 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 eventful for all parties involved in Federal Corrections. In addition to our participation in the legislative review of the *Corrections and Conditional Release Act*, we initiated a review of our operations in response to the Auditor General's December 1997 report. The Office has taken a number of steps to address the report's findings and recommendations and I am confident that our operations are consistent with our mandate.

I look forward to the challenges of the coming years and anticipate a continued open and cooperative working relationship with our partners in the corrections field so as to ensure that offender concerns are addressed within an environment that promotes openness, accountability and fairness in decision making.

R.L. Stewart  
Correctional Investigator

## **Section II: Overview of the Agency**

### **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.

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 17 full-time equivalents, 10 of which make up the investigative staff. The total resources are \$1,540,000 for the fiscal year 1998-1999.

### **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 Operating Environment**

It is difficult for the Office of the Correctional Investigator to accurately project the workload as it is determined mainly by the number of complaints received by the Office and the complexity of the reviews associated with these complaints, requests from the Solicitor General and the number of Investigations completed by the Correctional Service of Canada pursuant to Section 19 of the *Corrections and Conditional Release Act*.

Among other factors which have and will likely continue to impact on the Office’s operations is the growth of the federal offender population and the significant increase in the number of penal institutions, notably with regard to Federally Sentenced Women’s

facilities. Finally, 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.

## **2.4 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.

## **2.5 Strategic Priorities**

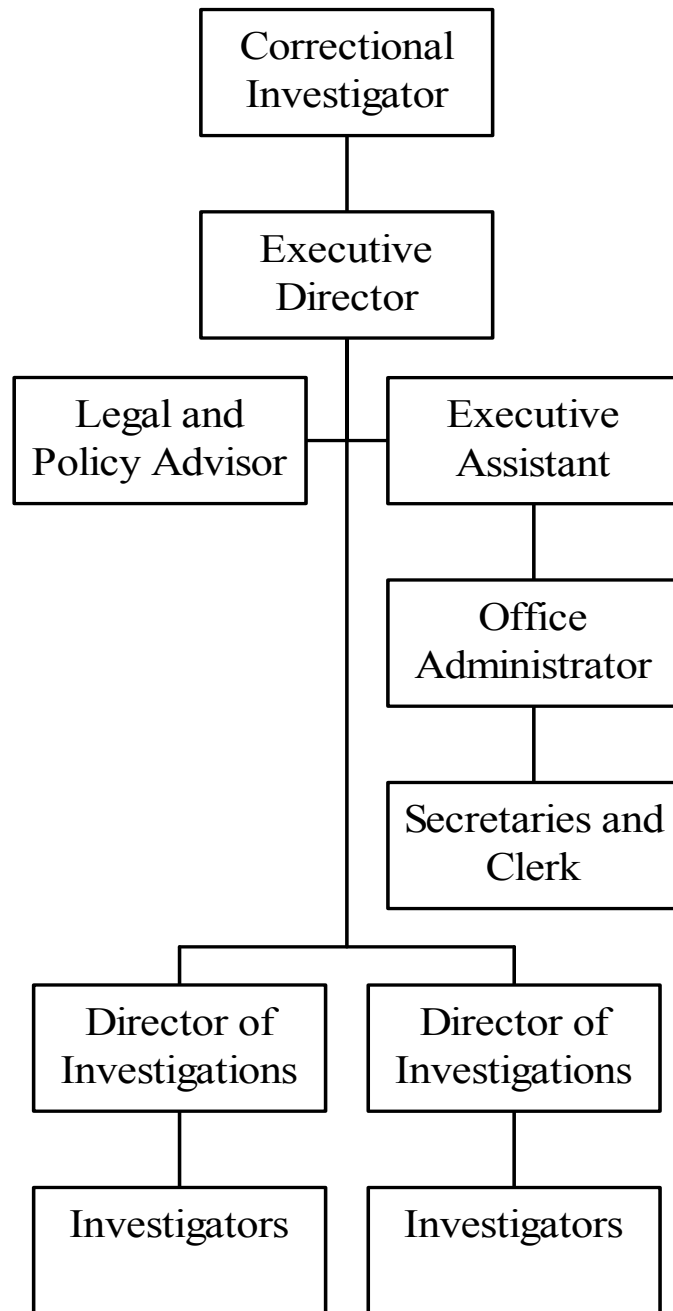
- Improve management practices and operations strategies;
- Increase awareness of the Office of the Correctional Investigator's mandate;
- Establish a more effective process, in cooperation with the Correctional Service of Canada, for resolving both individual and systemic areas of concern.

## **2.6 Agency Organization**

### **Business Line - Office of the Correctional Investigator**

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.

## 2.7 Organization Chart



## Section III: Agency Performance

### 3.1 Performance Expectations

Chart of Key Results and Commitments

To provide Canadians with:	to be demonstrated by:	achievement reported in:
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>	<ul style="list-style-type: none"> <li>• DPR Section 3.2, pages 8-10</li> </ul>

In response to a report by the Auditor General of Canada in December 1997, the Office addressed the following performance recommendations, in keeping with its strategic priorities:

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

## 3.2 Performance Accomplishments

### Resources Utilized Towards Accomplishments

<b>Office of the Correctional Investigator</b>	
Planned Spending	\$1 484 000
<i>Total Authorities</i>	<i>\$1 540 000</i>
<b>1998-99 Actuals</b>	<b>\$1 530 000</b>

The main function of the Office is the investigation of complaints lodged against the Correctional Service of Canada by persons under its jurisdiction. The primary function of the Correctional Investigator is to investigate and 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.

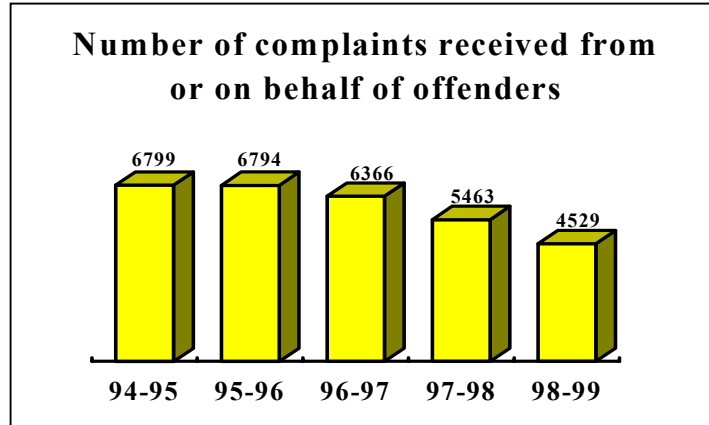
All complaints received by the Office are reviewed and initial inquiries made to the extent necessary to obtain a clear understanding of the issue in question. After this initial review, in those cases where it is determined that the area of complaint is outside our mandate, the complainant is advised 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.



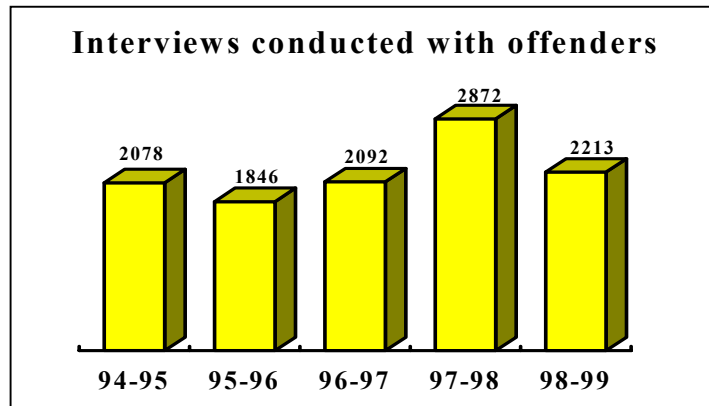
**TABLE 1**

From 1 April 1998 to 31 March 1999, the Office received a total of 4,529 complaints from or on behalf of offenders, a reduction of some 900 from the previous fiscal year.



**TABLE 2**

Also, in the course of the present reporting year, the Office's investigative staff spent 280 days at federal penitentiaries and conducted 2,213 interviews with inmates, some 700 interviews less than in the previous year.



These decreases reflect the Office's growing obligation to divert its already limited resources to non-investigative endeavors. In order to comply with the recommendations of the Arbour Commission, the Office reviewed 243 Institutional Emergency Response Team (IERT) videotapes and supporting documentation, compared to 120 during the previous year. We also reviewed 131 Correctional Service Investigation reports pursuant to section 19 of the *Corrections and Conditional Release Act (CCRA)*. Further to these reviews, the Office formulated a significant number of recommendations to the Correctional Service of Canada.

In addition, the Office has been actively involved in the legislative review of the Corrections and Conditional Release Act, inclusive of the public consultation process.

During the past year, the Office has as well invested considerable resources in responding to the Auditor General's recommendations implementing the Auditor General's recommendations. The Office has finalized a Policy and Procedures Manual which more clearly details our investigative process and links that process to our legislative responsibilities. A staff training program and adjustment to our data collection process have as well been initiated consistent with the policy and procedural changes. In addition, an information package has been developed which details both the Office's mandate and method of operation. This information will be forwarded to all federal penitentiaries and parole offices as well as community facilities which house federal offenders and will soon be available on our Website.

All of the above has been achieved with a budget that has not measurably increased since the promulgation of the Corrections and Conditional Release Act in 1992 (although Treasury Board has now provided some additional funds for the next fiscal year). This success is largely due to the creativity and determination of a very committed staff.

## **Section IV: Consolidated Reporting**

### **4.1 Year 2000 Readiness**

Year 2000 Readiness of our Agency's management information network has been thoroughly assessed and no significant problem area has been identified. From an internal perspective, we have determined that no Government Wide Mission Critical system is involved. However, we have, in compliance with central agency requirements and for our own purposes, prepared a detailed contingency plan.

## **Section V: Financial Performance**

### **5.1 Financial Performance Overview**

The resources afforded this Office have not increased measurably since the promulgation of the *Corrections and Conditional Release Act* in 1992, although the latter broadened the Office's mandate and other factors, detailed below, have subsequently added to an already very demanding working environment.

The Office is required by Section 19 of the *Corrections and Conditional Release Act* to annually review approximately 150 security investigations conducted by the Correctional Service of Canada. As a result of the Arbour Commission (1996), it must also review every year a growing number of videotapes and the supporting documentation with regard to intervention by Institutional Emergency Response Teams (IERTs). Over the last six years, the Office has also had to contend with a significant increase in the number of federal offenders and of federal institutions, notably with regard to Federally Sentenced Women facilities (from 100 federally sentenced women in one institution in one region to 300 federally sentenced women in 11 institutions in 4 regions).

Additional pressures on its resource base flowed from recent recommendations by the Auditor General of Canada. The Office has had to again shift some of its focus away from its primary mandate to rewrite its policies and procedures, redesign its database, train its staff and elaborate a new communications strategy.

In an attempt to cope with these budgetary constraints, the Office has consolidated and revamped its travel practices to facilitate the use of cheaper airfares and decrease the frequency of our visits to some regions. The Office has also reduced from 5 to 1 the number of phone lines resulting in a significant reduction of its telephone costs.

In the final analysis, the Office's resources were stretched to their limit and beyond. The performance of the past fiscal year has only been possible because of extraordinary efforts by the investigative staff. Additional resources for the next fiscal year were recently approved by Treasury Board and should provide some measure of relief from these exacting conditions.

The following financial tables are those which apply to the agency.

Financial Table 1	Summary of Voted Appropriations
Financial Table 2	Comparison of Total Planned Spending to Actual Spending
Financial Table 3	Historical Comparison of Total Planned Spending to Actual Spending

**Financial Table 1**

**Summary of Voted Appropriations**

<b>Authorities for 1998-99</b>				
<b>Financial Requirements by Authority (thousands of dollars)</b>				
<b>Vote</b>		<b>1998-99 Planned Spending</b>	<b>1998-99 Total Authorities</b>	<b>1998-99 Actual</b>
<b>Office of the Correctional Investigator</b>				
1	Operating expenditures	1 484	1 540	1 530
<b>Total Agency</b>		<b>1 484</b>	<b>1 540</b>	<b>1 530</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>1998-99</b>		
	<b>Planned</b>	<b>Total Authorities</b>	<b>Actual</b>
FTEs	17	17	16
Operating	1 484	1 540	1 530
Capital			
Voted Grants and Contributions			
Subtotal: Gross Voted Expenditures	1 484	1 540	1 530
Less:			
Respendable Revenues			
Total Net Expenditures	1 484	1 540	1 530
Other Revenues and Expenditures			
Non-respendable Revenues			
Cost of services provided by other departments	200	200	200
<b>Net Cost of the Program</b>	<b>1 684</b>	<b>1 740</b>	<b>1 730</b>

**Financial Table 3**

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

<b>Agency Planned versus Actual Spending by Business Line (thousands of dollars)</b>					
	<b>Actual 1996-97</b>	<b>Actual 1997-98</b>	<b>Planned Spending 1998-99</b>	<b>Total Authoritie s 1998-99</b>	<b>Actual 1998-99</b>
Office of the Correctional Investigator	1 264	1 398	1 484	1 540	1 530
<b>Total</b>	1 264	1 398	1 484	1 540	1 530

## Section VI: Other Information

### Contacts for further information and Agency web site \*:

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

\* The Office of the Correctional Investigator does not have a web site at the present time.

### Legislation and Associated Regulations Administered

*Corrections and Conditional Release Act, Part III. (R.S.C., 1992, Ch. 20).*

### Statutory Annual Reports and Other Agency Reports.

*Annual Report of the Correctional Investigator.*