
WHAT WE DO



Established under Part III of the *Corrections and Conditional Release Act*, my Office investigates and attempts to resolve individual federal offender complaints. As well, we have a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with individual complaints. In this way, systemic areas of concern can be identified and appropriately addressed.

We can initiate an inquiry on the basis of a complaint or on our own initiative. We have complete discretion in deciding whether to conduct an investigation and how to carry out that investigation.

The Office addresses the vast majority of inmates' complaints at the institutional level, through discussion and negotiation. When a resolution is not reached at the institution, the matter is referred to regional or national headquarters, depending upon the area of concern, with a specific recommendation for further review and corrective action.

Whenever I believe that a matter has not been adequately addressed and requires the attention of the Commissioner of Corrections, we report our findings and recommendations to the Commissioner pursuant to s.177 to 179 of the CCRA. That report provides a full informational basis for our conclusions and recommendations.

If at this level the Commissioner, in my opinion, fails to address the matter in a reasonable and timely fashion, it is referred to the Minister and eventually may be detailed within an Annual or Special Report.

In the course of an investigation, my staff has very significant authority to enter premises and to acquire information from files or individuals. This authority is tempered by strict legal rules limiting our ability to disclose information acquired. A vital assurance to all those with whom we deal, this confidentiality underlines the independence of the ombudsman approach from other forms of investigation and adjudication.

We are, above all, an ombudsman agency. This involves a fundamental balancing of authority and functions, which has long characterised the ombuds approach. Our legislation arms us with the operational tools and discretion to carry out thorough investigations on a broad range of offender problems. Nevertheless, we may only recommend solutions to offender problems, albeit at all levels. Our influence ranges from institutional staff and management through regional and headquarters staff and the Commissioner of Corrections to the Minister of Public Safety and Emergency Preparedness and, ultimately, through the Minister to both Houses of Parliament.

As with other ombudsman agencies, this balancing gives rise to two features that underpin our effectiveness as compared to other investigative or adjudicative mechanisms:

- our enhanced and direct access to information permits us to bring quite timely closure to most matters, usually at the institutional level
- the focus on persuasion that flows from our power only to recommend means that
 - we tend to address the most urgent and significant unresolved matters in our statutory reports and
 - we must attempt to buttress our findings and recommendations with a thorough and, we hope, compelling review of supporting information.

It will be the relevance and weight of the evidence that we provide and the clarity and strength of our conclusions that determine the outcome of our efforts.

A major focus in our work is fairness. Herein I refer, in part, to procedural fairness—ensuring appropriate offender input into CSC considerations that may lead to adverse decisions. More importantly, though, I refer to *fairness in the commonsense, flexible meaning of the word*. We want to see that CSC decisions take into account the needs and interests of all concerned. We believe that decisions and actions should not be coloured by preconceptions, alliances, stereotypes

or the simple failure to give a matter the attention it deserves. Beyond the complexities of law and policy, I believe that this reflects Parliament's purpose in creating the Office.

If everyone's conduct is measured by an informed, balanced, impartial standard, disputes are more likely to be resolved in a way that respects the rules.

If the persons applying the standard are impartial and independent, *and perceived as such*, they are more likely to succeed in their mission.