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**RESPONSE FROM THE CORRECTIONAL SERVICE OF CANADA  
TO THE 31<sup>ST</sup> ANNUAL REPORT  
OF THE CORRECTIONAL INVESTIGATOR**

**2003-2004**



## INTRODUCTION

### MANDATE

The mandate of the Correctional Service of Canada (CSC) within the broader justice system is set out in the *Corrections and Conditional Release Act (CCRA)*. CSC contributes 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.

CSC is also guided by numerous other Acts, regulations, policies, and international conventions in the delivery of its service.

### APPROACH

Canada's federal correctional system uses research-based approaches, the success of which is internationally recognized. Many of the world's correctional systems are using the research-based tools developed by CSC to assess offender risks and needs.

Criminological research repeatedly demonstrates that the approach outlined in the CCRA—gradual and controlled release of offenders to the community, when it is safe to do so and with proper supervision and support—is effective in ensuring the short- and longer- term safety of our communities. Offenders who have benefited from targeted interventions are less likely to commit new crimes.<sup>5</sup>

### THE CHANGING OFFENDER PROFILE

#### Aggregate Population

Today, offenders present a broader range of risks and needs than in previous years. They have had more extensive and violent criminal histories as youths and as adults. Ninety percent of male offenders have previously been convicted of adult or youth crimes. Approximately 81 percent have previously committed a violent offence. One in three is serving a sentence of more than 10 years. The number of offenders having characteristics that require classification as maximum security at admission has increased by 50 percent since 1997.

A growing factor in institutional safety and security is the incompatibility between individuals and among groups, partly due to the increase in younger offenders with shorter sentences. The growth in organized crime is reflected in an increase in gang affiliations among the offender population—15 percent in 2003 compared to 12 percent in 1997—and more leaders of organized groups are in federal custody. Gangs and organized crime adapt to law enforcement efforts, as strategic or functional alliances among these groups are common and are increasingly sophisticated.

Most offenders continue to have unstable job histories, low levels of education, a high occurrence of learning disabilities, poor problem-solving skills and difficulties with self-regulation. These factors pose challenges for effective treatment and successful program completion and employability.

Added to these challenges are those pertaining to health. Research has shown that inmates generally have considerably poorer levels of health than do

<sup>5</sup> J. McGuire, Ed., 1995. *What Works: Reducing Re-offending*, Chichester: John Wiley & Sons.

other Canadians. Of particular importance to criminal behaviour and public health are the continuing high rates among offenders, and the resulting costs, of alcohol and substance abuse (80 percent). Related to these problems are high rates of infectious diseases (e.g. HIV/AIDS [2 percent] and Hepatitis C [25 percent]).

4 Added to these continuing requirements is the recent increase in mental health problems among offenders. This trend adds to the number of residency and long-term supervision orders issued by the courts, with concomitant effects on population management, segregation and statutory releases. At admission, 20 percent have been previously hospitalized in a mental health facility, 11 percent have a current psychiatric diagnosis (an increase of about 70 percent from 1996/97), and 18 percent have been prescribed related medication. Suicide among incarcerated men is almost four times more frequent than among men in Canadian society. There is also an increasing need for chronic and palliative care, given the growing number of offenders serving life and indeterminate sentences.

At the same time, there has been an increase in the number of offenders serving short (under three years) federal sentences. The average sentence length is the lowest in 15 years. Short sentences allow less time for case management and program interventions.

## Aboriginal Offenders

Although Aboriginal people make up only 3 percent of the Canadian adult population, they currently account for 18 percent of offenders in institutions and 16 percent of offenders under supervision in the community.

As a group, Aboriginal offenders tend to be younger, are more likely to be incarcerated for a violent offence, have much higher needs (relating to employment and education, for example) and have had more

extensive involvement with the criminal justice system as youths. Case file records indicate that an extremely high percentage of Aboriginal offenders report early drug and/or alcohol use (80 percent), physical abuse (45 percent), parental absence or neglect (41 percent), and poverty (35 percent) in their family backgrounds. Twenty-eight percent of Aboriginal offenders had been raised as wards of the community and 15 percent had been sent to residential schools. Aboriginal offenders suffer from a higher incidence of health problems.

There is now a trend for courts to impose shorter sentences on Aboriginal offenders as compared with non-Aboriginal offenders.<sup>6</sup> At the same time, the data indicate that the current Aboriginal offender population is at higher risk to re-offend than their non-Aboriginal counterparts. The challenge of reducing the disproportionate representation of Aboriginal offenders in the federal correctional system, therefore, remains considerable.

## Women Offenders

Women make up 4 percent of the federal offender population. Since April 2000 the percentage of women incarcerated for a violent crime has increased by 9 percent (from 242 in 2000 to 264 in 2004). At the same time, the proportion of women serving short sentences (less than three years) has increased significantly, from 30 to 36 percent. Aboriginal women offenders exhibit significantly higher levels of identified needs than non-Aboriginal women.

## CHALLENGES

The changing offender profile and sentence lengths have created new challenges for CSC. The following sections discuss each challenge in terms of actions CSC has taken and initiatives that are planned.

<sup>6</sup> Canadian Centre for Justice Statistics, 2000. *The Over-Representation of Aboriginal People in the Justice System*, June.

## Control and Assistance

The changing offender profile requires new strategies for both control and assistance. Control refers to safety and security issues while assistance refers to health and program interventions.

### *Safety and Security*

CSC is introducing a number of additional institutional security measures, particularly in maximum security institutions. These include

- segmenting the maximum security population;
- rotational use of yards;
- structured use of inmate time;
- the addition of Assistant Warden Security Programs positions;
- retraining in use of ion scanners and guidelines for visitors on their use;
- the Climate Indicator Profiling System to identify potential trends that may lead to unrest;
- additional regular planned institution-wide searches;
- enhanced special events security measures;
- an accelerated use of force review process; and
- evaluated intensive support units for substance-abusing offenders.

CSC is enhancing intelligence and information systems by updating the Offender Management System (OMS). CSC is also working with partners in Public Safety and Emergency Preparedness Canada (PSEPC), Justice Canada and justice partners in other jurisdictions to develop a modern intelligence framework and integrated information systems to be able to respond to these new pressures. Finally, CSC undertook a review of the adequacy of maximum security institutions and made initial adjustments to infrastructure where required. Longer-term strategies are being explored.

## Health and Program Interventions:

*Health* – CSC has taken a number of steps to improve the provision of its health services. Specifically, CSC is in the process of getting accreditation for its health services units in

institutions, and a Memorandum of Understanding has been developed with Health Canada to better control infectious diseases. A review of the role of regional treatment centres is underway and consultations have begun to eliminate exposure to second-hand smoke in institutions.

CSC plans to implement a health information system, pilot-test a program of safe tattooing practices, develop an intake assessment strategy for mental health, and develop and implement community mental health strategies with Health Canada and related departments and service providers in other jurisdictions.

*Programs* – With regard to programs, CSC has introduced interventions for disruptive inmates at maximum security institutions (Integrated Correctional Intervention Strategies and Motivational Behavioural Intervention Strategies). A modularized program delivery approach will assist programming efforts for those offenders serving short sentences. Nine rehabilitation programs have been accredited (three for sex offenders, and three each on substance abuse, and living skills). As well, CSC introduced the Women Offender Substance Abuse Program.

CSC plans to evaluate the violence prevention, sex offender and substance abuse programs; implement the Lifer Orientation Program and as recommended by the Auditor General; increase women's programs available in institutions and the community; enhance women offenders' capacity to secure employment; pursue partnerships with universities for research and development with regard to women's issues; and actively augment community support.

The Correctional Investigator (CI) has noted a number of positive developments that CSC has achieved during the past fiscal year. Specifically, he referred to the recent opening of the fifth regional facility for women offenders in British Columbia and complimented CSC on its national consultation on community initiatives for women offenders in June 2003, which was followed by a series of regional consultations.

## Safe Re-entry into the Community

CSC has focussed on improving the potential for offenders' safe transition and long-term reintegration in the community. Specifically, CSC introduced intensive community supervision practices; developed a Community Maintenance Program; expanded its services in 25 employment and employability centres, addressing the needs of about 6000 offenders; and arranged community accommodation alternatives and support services for 300 special needs offenders. CSC has also refocussed Exchange of Service Agreements (e.g. in New Brunswick and Ontario) for seamless correctional service delivery and expanded community service and programming capacity for offenders while under supervision and after sentence completion.

Essential to public safety are communities which offer programs and services to offenders while under supervision and after sentence completion. CSC has, therefore, introduced a focussed approach to transition to the community; increased its focus on establishing inter-regional Citizen's Advisory Committees; and augmented citizen-led Circles of Support and Accountability on release.

CSC is currently reviewing the impact of Statutory Release with Residency. With regard to community supervision, CSC has undertaken a feasibility study of Community-based Security Intelligence Officers, plans to adjust the community management infrastructure for District Directors and has strengthened Memoranda of Understanding with police services.

## Reducing the Disproportionate Representation of Aboriginal Offenders

CSC has or is in the process of developing six programs targeted to Aboriginal offenders that deal with healing, family violence, sex offences and substance abuse. Elders and Native Liaison Officers have been engaged to deliver spiritual and cultural services and bridge cultural gaps within institutions. In terms of community capacity building, CSC has

engaged Aboriginal communities in the development of healing lodges (s. 81), hired Aboriginal Community Development Officers to enhance the role of Aboriginal communities in federal corrections (s. 84), and established Aboriginal advisory and working groups to better inform CSC policies and practices. CSC plans to implement its healing lodge and Inuit and Métis action plans in response to research report recommendations.

CSC and its partners agree that there has been very limited progress in developing successful strategies to dissociate offenders from Aboriginal gangs and is committed to working with them to find solutions. The CI has noted encouraging developments in programming and in population management that address the problem of Aboriginal gangs, most recently at Edmonton Institution. Specifically, he highlighted the special project introduced there, which he suggests has succeeded in "opening" the population for safe interaction among gangs and other inmates. The Service will continue to work with the CI on this issue.

CSC plans to implement the newly developed Aboriginal programs and expand Pathways units in all five regions. CSC is planning consultations with specialists with a view to better meeting the needs of Aboriginal women offenders. As well, CSC is exploring options for women's healing units and developing recruitment and retention strategies for Aboriginal nurses.

The CI has noted the progress CSC is making with regard to Aboriginal programs and Aboriginal community capacity-building.

## Relationship With the Office of the Correctional Investigator

The CCRA is the legislative framework for CSC's Mission Statement. The Mission reflects Canadians' values, including respect for the rule of law and safe, secure and humane custody. Consistent with the CSC Mission, which speaks to openness and integrity in our accounts to the public via the Minister, CSC is committed to being transparent in its responses to the CI.

To achieve effective solutions to the challenges it faces, CSC requires the engagement of Canadians and key partners, such as the CI, in the development of criminal justice policy. The CI plays a very important role in teaching offenders to resolve problems in pro-social ways, diffusing tensions and ensuring fairness for those inmates serving sentences in Canada's federal prisons. This role directly supports the criminal justice system in general and CSC in particular.

CSC has a unique and close relationship with the CI. Over the past year, meetings were held to

resolve issues of mutual concern, such as ion scan technology and inmate access to computers.

The CI continues to raise concerns that will be addressed in the body of this report. The report presents the CI's recommendations and CSC's responses. CSC's response has been organized by broad categories to afford the reader a more comprehensive view of actions taken in a particular area. As a result, the order of presentation of responses is somewhat different to that used in the CI's report.

## SPECIAL NEEDS

### ABORIGINAL OFFENDERS

#### *CI Recommendations:*

##### **I recommend that:**

- **the Minister appoint a Deputy Commissioner Aboriginals specifically responsible for Aboriginal programming and liaison with Aboriginal communities, as a permanent voting member of all existing Senior Management Committees, to ensure an Aboriginal perspective and presence in CSC decision-making;**
- **the Minister initiate an evaluation of CSC's policies, procedures and evaluation tools to ensure that existing discriminatory barriers to the timely reintegration of Aboriginal offenders are identified and addressed. This review should be undertaken independent of CSC, with the full support and involvement of Aboriginal organizations, and report by March 31, 2005.**

##### **CSC Response:**

- The Senior Deputy Commissioner of CSC has been assigned accountability for overseeing Aboriginal initiatives within the Service. The issue of having a Deputy Commissioner Aboriginal Initiatives was raised with the leadership of the

Métis National Council (MNC) and the Assembly of First Nations (AFN), for their consideration. Their advice was to invest in service delivery to Aboriginal offenders rather than build bureaucracy.

- The Service has undertaken a number of initiatives to ensure that policies and practices are culturally sensitive and in turn increase the potential for Aboriginal offenders' safe re-entry in communities. CSC has completed an initial comprehensive policy review to identify potential systemic issues.

In addition, CSC has or is in the process of developing six Aboriginal-specific programs addressing, for example, healing, family violence, sex offences and substance abuse. Elders and Native Liaison Officers have been engaged to deliver spiritual and cultural services and bridge cultural gaps within institutions. We have engaged Aboriginal communities in the development of healing lodges (CCRA s.81); hired Aboriginal Community Development Officers to enhance the role of Aboriginal communities in federal corrections (CCRA s.84) and established Aboriginal advisory and working groups (the National Aboriginal Working Group [NAWG] and the Commissioner's Aboriginal Advisory Committee [NAC]) to better inform CSC policies and practices.

CSC plans to implement its healing lodge and Inuit and Métis action plans in response to research report recommendations.

## WOMEN OFFENDERS

### *CI Recommendations:*

#### **I recommend that:**

- **the Minister mandate the early publication of a “final response plan” on Madame Justice Arbour’s recommendations, followed by a consultation process involving all interested stakeholders;**
- **the Department provide a public response to the Canadian Human Rights Commission recommendations by October 31, 2004.**

#### **CSC Response:**

In accordance with the direction of the then Solicitor General, CSC developed an action plan in response to the recommendations of the Arbour Report. The action plan was shared with the CI and approved by subsequent Ministers. With the exception of those handled by the Department of Justice, all the recommendations made by Madame Justice Arbour have been addressed and CSC is continually monitoring to ensure their ongoing relevance.

Examples of such action include the following:

- the DCW reviews complaint and grievance trends on a quarterly basis;
- every three months, the DCW reviews institution-supplied data on women offenders who have passed their parole eligibility date;
- a frontline staffing protocol has been drafted and disseminated to the field;
- statistics on the gender distribution of front-line staff are gathered every four months and compliance to the protocol is reported annually; and
- the DCW holds annual meetings with stakeholders and consults where issues require.

An action plan in response to the Canadian Human Rights Commission(CHRC) Report on Women Offenders will be completed by October 31, 2004.

Meetings have been held with representatives from the CHRC to develop an audit framework together. The Service will consult broadly on our response to their recommendations.

Some of the issues raised by the CI in the past and reiterated by the CHRC include:

- initial security classification;
- security reclassification; and
- assessment process.

The following is an update on initiatives undertaken by CSC related to these issues.

#### *Initial Security Classification*

A study was conducted examining the validity of the Custody Rating Scale (CRS) for women offenders. Concerns among stakeholders, however, persist. To address these concerns, Public Safety and Emergency Preparedness Canada is currently reviewing the observations and conclusions of research related to the validity and inter-rater reliability of the CRS as it applies to women and Aboriginal offenders. After concluding its review, the Department will propose further steps if necessary.

#### *Security Reclassification*

CSC’s Research Branch has developed a gender-specific security reclassification scale for women (SRSW). The three-year field test was completed in June 2003. Data have been analysed, and the final report will be completed and reviewed by an external panel of academic experts this fall (2004). It is anticipated that, pending approval, the tool will be implemented in late November 2004. Of note, the development and validation of the SRSW included an overrepresentation of Aboriginal women, and separate analyses were performed to ensure applicability to this group.

#### *Assessment Process*

CSC co-chaired a working group with the Native Counselling Service of Alberta to examine the applicability of the assessment process for Aboriginal offenders. The meeting was held in March 2003; the

working group consisted of both internal and external stakeholders, and focussed on the offender assessment process, including measures to assess security classification. As well, CSC is revising the offender assessment process to ensure that it is gender and culturally sensitive. The revised process will be ready for consultation with external experts in the field of Aboriginal offender assessment in November 2004.

## CROSS GENDER MONITORING PROJECT

### *CI Recommendations:*

#### **I recommend that:**

- **CSC's response to the 2001 Report of the Cross Gender Monitoring Project be finalized and publicly released by September 2004;**
- **consultation with interested stakeholders and other government departments on CSC's response be initiated by October 2004.**

#### **CSC Response – Agree in Part:**

The Service is in the final stages of completing the response to the Third and Final Report of the Cross Gender Monitoring Project, due December 31, 2004. A Cross Gender Evaluation Matrix was developed to acquire data relating to cross gender issues and practices. Quantitative data were collected over a period of six months (December 2003 – May 2004) in four of the women's facilities.

In addition to the quantitative data collection, site visits conducted in June 2004 focussed on issues related to staffing and the number and extent of complaints related to invasion of privacy and harassment. Interviews were conducted with both primary workers and operational managers in each of the women's facilities.

## YOUNGER OFFENDERS

### *CI Recommendations:*

#### **I recommend that:**

1. **CSC identify the obstacles to successful reintegration for younger offenders and develop action plans to meet identified problems before the end of 2004;**
2. **these action plans be implemented by March 31, 2005;**
3. **CSC work closely with representatives of other jurisdictions to determine the appropriate venues for provision of needed placements and programs and the best practices for dealing with younger offenders.**

#### **CSC Response – Agree:**

As of July 2004, there were 356 younger offenders (20 years old or younger) in CSC institutions and 79 in the community.

1&2. CSC manages younger offenders on a case-by-case basis, considering the offender's age, risk and needs, and in accordance with the CCRA, CCRR and CSC's policies.

Offenders aged 20 and under are a high needs group that are typically serving short sentences. With respect to reintegration efforts, our analysis indicates that in 2002–2003, 624 offenders 20 years of age or younger were enrolled in 1578 programs. Thus 5 percent of the approximately 30,000 program seats filled that year were occupied by younger offenders, who were primarily enrolled in education, substance abuse, and living skills programs. This information indicates that younger offenders are gaining access to programming at a rate that reflects their proportion of the offender population.

Our review also indicates that all major areas of need identified in contemporary criminal justice literature are being addressed with our current menu of programs (e.g., impulsivity, cognitive deficits, pro-criminal attitudes and values, substance abuse, sexual deviancy). The Service's correctional programs incorporate effective treatment techniques and approaches, such as motivational enhancement and structured relapse prevention, that are applicable to all offenders, regardless of age.

3. The CSC maintains a direct link to the current issues and progress regarding youth, (those offenders under the age of 18) via its participation as a member of the Coordinating Committee of Senior Officials – Youth Justice. This committee is part of the Deputy Ministers of Justice Forum. The purpose of this group is to assess progress in implementation of the recently enacted Youth Criminal Justice Act (YCJA). As of the latest meeting held in Montreal in early June 2004, there were no specific issues that required follow-up by CSC.

## ELDERLY OFFENDERS

### *CI Recommendations:*

**I recommend that CSC, in responding to the Health Care Needs Assessment of Federal Inmates in Canada, develop a specific action**

**plan focussed on addressing the identified needs of elderly offenders.**

### **CSC Response – Agree:**

In fiscal year 2003–04, there were 1748 offenders aged 50 or more, representing 14 percent of the federally incarcerated population.

The report does identify the demographic shift related to age and suggests that those incarcerated late in life for the first time might have distinct characteristics that do not “represent older versions of younger inmates.”

CSC has always provided individualized health care based on an assessment of each inmate's needs. In response to the report, CSC has piloted a specific health assessment form for individual offenders aged 50 or more. In fiscal 2004–2005 this health assessment form is being implemented in all regions. This should help in addressing the health needs of these offenders. The palliative care guidelines have now been developed and implemented across CSC.

## POPULATION MANAGEMENT

### DOUBLE BUNKING

#### *CI Recommendation:*

**I recommend that CSC take immediate steps to eliminate double bunking in reception and other non-general population units by the end of fiscal 2004–2005.**

#### **CSC Response – Agree in Part:**

CSC is continuing to make efforts to eliminate double-bunking within our fiscal framework. In April 2001, the level of double-bunking was at 11 percent and as of January 2004 it was 6 percent, the lowest in three years. This is attributable to a decrease in the overall offender population, an increase in accommodation cells, and more stringent monitoring of the exemption process.

CSC identifies single accommodation as the most desirable and appropriate method of housing offenders. Since the spring of 2001, regions have been required to report semi-annually on their progress in eliminating double-bunking and to request exemptions to the policy in cases where they anticipate requiring the use of double-bunking on an ongoing basis. Exemptions are granted for a six-month period. A national report consolidates the regional requests for exemptions for each six-month period and provides an overview of the national trends in double-bunking.

CSC has introduced a new reporting mechanism that may assist in reducing double-bunking in non-general population units. When Wardens are applying for an exemption, they are required to explain how they will manage their institution's population and the prioritization of where and why double-bunking will occur.

Eliminating double-bunking at reception is difficult given our lack of control of admissions. CSC recognizes the potential risks associated with double-bunking in reception units and continues to be vigilant in its oversight. To mitigate the risk, CSC

is in direct communication with jails with respect to security concerns about individual offenders and has trained staff to be sensitive to these risks. Exchange of Service Agreements with provinces also have resulted in better information-sharing.

No major incidents were reported in reception units where exemptions have been granted for the period of April 1 to September 30, 2004: Springhill Reception, Regional Reception Centre – Quebec, Millhaven Assessment Unit, Edmonton Institution and Bowden Institution.

### TRANSFER OF OFFENDERS

#### *CI Recommendation:*

**I recommend that CSC aim to achieve the following measurable results by the end of 2004:**

- 1. reduction to one week of the period during which inmates must await implementation of approved transfers;**
- 2. complete compliance with the statutory period of 60 days between an inmate's transfer request and the resulting decision, even in the case of inter-regional transfers;**
- 3. a 50-percent reduction in the number of inmates who are over-classified and who are in segregation for more than 60 days pending achievement of transfers.**

#### **CSC Response – Agree:**

1. CSC agrees in principle with the CI that the time to execute warrants should be reduced. It may not be possible to reduce the waiting period to one week considering, among other things, growing numbers of incompatibilities, bed availability, and availability and cost of transportation. An examination of our transfer data indicates that overall, 68 percent of voluntary transfers are executed within seven

days of the approval of the transfer and 57 percent of involuntary transfers (excluding emergency transfers) are executed within seven days of approval. Approximately 87 percent of all transfers (voluntary and involuntary) are executed within 15 days of approval. Of the remaining, 9 percent are executed between 16 and 24 days, and 4 percent between 25 and 30 days.

2. CSC is monitoring compliance and noted deficiencies must be addressed immediately by institutions where gaps have been identified.
3. In the majority of cases, offenders are accommodated in an institution of a security level that is consistent with their assigned security classification. The Service is examining the population of offenders who are housed in security levels higher than their assigned status and who are in segregation pending a transfer. CSC will identify the size of this population and will look at factors contributing to delays and the status of these transfer requests on a case-by-case basis. CSC is also currently examining the introduction of a regional review process that will focus on finding options for long-term segregated inmates.

## CSC POLICY ON CLASSIFICATION OF OFFENDERS SERVING LIFE SENTENCES

### *CI Recommendation:*

**I recommend that:**

1. **the policy concerning the security classification of offenders serving life sentences be repealed;**
2. **the Minister initiate an immediate review on both the legality of the policy and its impact on individual offenders over the preceding three years;**
3. **in the interim, CSC ensure that a revised review procedure for exemptions to maximum security classifications is implemented by August 31, 2004.**

### **CSC Response – Agree in part:**

1. CSC's evaluation of the policy on *Security Classification of Offenders Serving a Minimum Life Sentence for First or Second Degree Murder* is nearing completion. The Service is assessing the extent to which the policy achieved the outcomes intended and is looking at unanticipated consequences, if any. The report is due October 31, 2004.
2. Given that the implications of implementing the policy are currently being assessed, a recommendation to the Minister would be premature.
3. CSC agrees with the CI and has initiated a review of the exemption procedure of the policy on classification of offenders serving life sentences. The CI participated with CSC in the first stages of this review. This procedure will be implemented by August 31, 2004.

## CASE PREPARATION AND ACCESS TO PROGRAMS

### *CI Recommendation:*

**I propose to meet with the Chair of the National Parole Board and the Commissioner, on completion of the joint working group's report, to identify what specific actions need to be taken to address these issues.**

### **CSC Response – Agree:**

CSC is fully engaged in assessing the implications of the changing offender profile on programming and interventions and welcomes the CI's input in this initiative.

CSC has taken steps to rectify delays and lack of access to programs and temporary absences through a joint review with the National Parole Board (NPB) and the CI. Specifically, the review is attempting to identify the factors that contribute to a delay in

cases being reviewed by the NPB and determine ways to reduce them. The findings and recommendations of the joint review are nearing completion, with the final report expected by August 2004.

In addition to the work of the joint review, CSC has undertaken a number of activities to ensure offenders' needs are more accurately identified and addressed in a timely manner:

- Each operational site has reviewed its inventory of correctional programs to confirm and retain those programs that are currently operational and to delete those programs that are no longer in use;
- All parole officers have reviewed the accuracy of referrals to correctional programs on a case-by-case basis. These reviews are critical to the accurate determination of offender needs and the Service's capacity to deliver correctional programs.

## MAXIMUM SECURITY UNITS

**The CI made no recommendations in this area.**

The Service has experienced construction problems with the secure unit in Grand Valley Institution for Women. CSC anticipates the unit will open by August 31, 2004.

Fraser Valley Institution opened on schedule in March 2004. A priority for the Service was to establish the accommodation for the majority of the women who are at the minimum and medium security levels. This institution includes the structured living environment, which is the first element of the Intensive Intervention Strategy. The construction of the secure unit is well underway and CSC anticipates its completion by the summer of 2005.

## SECURITY

### USE OF FORCE

#### *CI Recommendation:*

**I recommend that:**

- 1. CSC implement the recent action plan developed by the Quebec region to ensure compliance with use-of-force procedures before the end of 2004;**
- 2. the quarterly reports currently produced on use-of-force interventions provide more in-depth analyses of the numerical data by the end of 2004;**
- 3. CSC maintain a record of those initiatives implemented to correct systemic shortfalls identified through the analysis of both use-of-force data and the actual reviews.**

#### **CSC Response – Agree:**

1. The Service has taken several actions vis-à-vis compliance issues in the Quebec Region. These include a review of challenging cases, staff training for situations that could result in use of force, and immediate briefings of senior personnel on problematic issues highlighted by the use-of-force videos. All actions are currently being implemented.
2. Quarterly reports on results on the use of force in institutions are now being reviewed by the Executive Committee. Input from the CI is welcome.
3. The Service has, in recent months, made efforts to address some of the systemic problems identified in the use of force through joint training exercises with several institutions and

through discussions with Wardens and the Assistant Deputy Commissioner, Operations, on best practices. The direct participation and input of the CI representative in many of these efforts is appreciated. The Security Branch will continue to address systemic issues through timely and innovative approaches such as joint training meetings. Results of these initiatives will be used as baseline data for future comparisons. The CI has acknowledged that some positive initiatives are being undertaken to improve overall performance.

## STRIP SEARCH POLICY

### *CI Recommendation:*

#### **I recommend that:**

- 1. CSC publish its materials related to strip searches by October 15, 2004;**
- 2. CSC develop measures to ensure compliance with the rules set out therein.**

#### **CSC Response – Agree:**

1. CSC agrees with the CI that policies governing strip searching are adequate. The Service will be providing a strip searching booklet to staff to enhance the proper application of these policies. In response to recommendations made by the CI, the booklet will incorporate additional direction to staff to assist them in understanding the circumstances and justifications required for authorizing exceptional and emergency searches. The strip searching booklet will be published by October 15, 2004.
2. CSC has a process in place to monitor and evaluate compliance in all aspects of its operations.

## THE ION SCAN AND OTHER NON-INTRUSIVE SEARCHES OF VISITORS

### *CI Recommendation:*

**I recommend that CSC implement its new ion scan procedures and conduct its review of the effectiveness of non-intrusive searches by the end of December 2004.**

#### **CSC Response – Agree:**

The Guidelines on the Use of Non-Intrusive Search Tools are expected to be promulgated by the Security Branch by July 31, 2004. Included in this package are:

- a nationally standardized threat risk assessment form;
- letters to inmates and visitors following positive indications and subsequent decisions on visit status;
- a form letter to be provided to all approved visitors. (This letter outlines the search procedures and expectations for visitors and also highlights CSC's drug strategy concerning prevention and interdiction.)

CSC has a process in place to monitor and evaluate compliance in all aspects of its operations.

## MONITORING AND INVESTIGATION OF INMATE INJURY AND INSTITUTIONAL VIOLENCE

### *CI Recommendation:*

#### **I recommend that:**

- 1. the CSC's investigation process, by the end of 2004, be compliant with the new timelines;**
- 2. all investigative reports into inmate death or major injury be reviewed nationally, and a summary report of the recommendations and corrective actions taken be produced quarterly.**

**CSC Response – Agree:**

1. Wardens and District Directors must provide an accountability report to the Commissioner and Senior Deputy Commissioner on all significant incidents within 48 hours of the occurrence. The report must include facts, corrective actions and timeframes. This allows the Service to immediately address any gaps in policy or practice following serious incidents.

The Service's revised investigation process, which was implemented in April 2004, requires Boards of Investigation to submit a final report within eight weeks of the signing of the convening order, followed by an extensive consultation at national headquarters to ensure completeness when the report is received. Comments from the consultation are included in the analysis document accompanying the investigation report. As part of the revised process, the investigation reports, with the analysis document, corrective measures and/or action plans, are being distributed in a more timely fashion to the CI and Executive Committee members. The Performance Assurance Sector ensures that the timeframes of this new investigation process are respected.

2. All investigation reports into death or serious bodily injury are being reviewed nationally. A roll-up of the number of investigations convened, including a comparative analysis covering the types of incidents, the types of institutions and the location of the incidents, is being produced on a quarterly basis. This report is shared with the CI.

CSC agrees with the recommendation of the CI to prepare a summary report of recommendations and corrective actions taken following investigations. However, we do not agree that they should be prepared quarterly, since each report is fully reviewed at Executive Committee meetings held every six weeks. These discussions result in immediate actions being taken. Given that considerable time is required to implement and follow up on actions taken, CSC is proposing a semi-annual reporting process. The first report will be available on December 15, 2004.

**ABORIGINAL GANGS****The CI made no recommendations in this area.**

CSC is not satisfied with progress to date on dissociating offenders from Aboriginal gangs. CSC is organizing Regional Think Tanks to address issues related to the disproportionate representation of Aboriginal offenders in federal institutions. Outside experts will assist CSC to identify needs, review results to date, set priorities and generate solutions. Gangs will inevitably be one of the initiatives addressed.

**INMATE ACCESS TO COMPUTERS***CI Recommendation:***I recommend that:**

1. **the solutions proposed by the working group be prioritized for implementation, so that the matter may be substantially resolved in the current fiscal year;**
2. **these solutions include providing effective access to all inmates who wish to acquire computer skills and to benefit from the information technology of the 21<sup>st</sup> century.**

**CSC Response – Agree:**

1. In June 2003, CSC changed its policy regarding inmate-owned computers, given the difficulties in preventing breaches when computers are available in cells. Policy was required to provide offenders access to computers in a controlled environment. The CI, the John Howard Society and the Canadian Association of Elizabeth Fry Societies participated in discussions of strategies to achieve this end.
2. Steps are being taken to ensure that there are computers placed in easily accessible locations, including libraries or program rooms open in the evenings for use by inmates. Certain institutions have installed computers directly in the living

units. Software controls have been installed on these computers to ensure that viruses cannot be introduced, and arrangements have been made to

have staff supervision for areas providing computer access.

## HEALTH CARE

### CONFIDENTIALITY OF HEALTH INFORMATION

#### *CI Recommendation:*

**I recommend that CSC implement a system that will:**

- 1. place all health information, irrespective of the purpose of its collection, under the custody and control of health service professionals;**
- 2. require express written consent of offenders before they provide health information to CSC staff for risk-assessment purposes;**
- 3. prohibit disclosure of health information without the offender's consent except where the disclosure is necessary to prevent serious, immediate harm to an identified person (the same standard that applies to the general public);**
- 4. provide offenders the opportunity to be apprised of health information that CSC intends to disclose and the opportunity to make representations about the disclosure;**
- 5. provide offenders with a description of all health information that is disclosed without their consent.**

#### **CSC Response – Disagree:**

CSC does not agree with the recommendations made by the CI on this issue. CSC protects all health information in accordance with the requirements of the Privacy Act and does not agree that additional systems or measures are required.

1. CSC has a corporate responsibility to protect health and personal information in its care, regardless of where it is stored. This is reflected in our policies. It would be neither effective nor efficient to transfer all health information to the custody and control of only health service personnel.

Access to necessary information by those with a need to know works best when information is organized according to the purpose for which it was collected. Offenders commonly enter CSC with health information that has been gathered by health professionals, and perhaps others, on orders of the court, or in some other way. This health information is normally found on case management files. It is considered to be protected and is confidential as mandated by the provisions of CD 803, the CCRA, and the Privacy Act.

2. CSC must obtain an offender's consent for all medical and mental health procedures or treatment, participation in research and for the sharing of health care information, except in some specific circumstances as prescribed by law. Consent must be informed, meaning the offender must have a clear understanding of the nature of the procedure and be fully apprised of the possible results and risks associated with the procedure.

CSC does not agree with the CI's recommendations that express written consent be obtained from offenders before they provide health information to CSC staff for risk-assessment purposes.

CSC believes that the following paragraphs of CD 803 address the CI's recommendation:

(Paragraph 2)

*The consent of the offender must be obtained for:*

- a) *all medical procedures;*
- b) *all mental health procedures, including psychiatric and psychological assessment and treatment;*
- c) *involvement or participation in any form of research, and*
- d) *the sharing of health care information, except as provided for in this directive and in relevant legislation.*

(Paragraph 3)

*Notwithstanding paragraph 2b, even if an offender refuses to consent to an assessment, in the interest of public safety, a risk assessment will be done based on available information.*

(Paragraph 4)

*Consent shall be voluntary, informed and specific to the assessment, treatment or procedure.*

(Paragraph 13)

*An offender who consents to a psychiatric or psychological assessment or treatment for case management purposes shall be considered to have also consented to release the results of that assessment or treatment to the appropriate case management personnel.*

(Paragraph 14)

*All information relevant to release decision-making or to the supervision or surveillance of offenders in the institution or the community shall be provided to the offender's case management officer whether or not the offender has consented to the release.*

(Paragraph 15)

*The confidentiality of the offender's information shall normally be maintained when the information is related solely to therapeutic matters and is not relevant to risk assessment or case management issues.*

3. Health professionals' codes of ethics require that health information be held secure and confidential unless there is a serious or immediate risk to some person, in which case the security considerations override the mandatory protection

of personal information. This is true in clinical practice in the community as well as in the correctional system. CSC respects all aspects of the Privacy Act.

At every step during the case management process, the offender is advised of information to be shared with the NPB or the case management team, including health information. The offender has an opportunity to respond to the disclosure. However, if the information is part of a decision-making recommendation, it will not be withheld.

This is addressed in CD 803, paragraph 17:

Information shared without the consent of the inmate shall only be provided to those persons who have a need-to-know. Such disclosure shall be documented on the offender's file and the offender notified of the disclosure unless to do so could jeopardize the safety of any person.

4. Health information is not disclosed without an offender's consent unless it is related to risk. In these cases, the provisions of CD 803 apply and such disclosures shall be documented on the offender's file and the offender notified of the disclosure unless doing so could jeopardize the safety of any person.

An internal audit focussing on privacy of information will be conducted in the 2004–2005 fiscal year. CSC will ensure that this audit include the issue of confidentiality of health information.

CSC proposes a meeting to clarify specific outstanding concerns of the CI.

## INFECTIOUS DISEASES

### *CI Recommendation:*

#### **I recommend that:**

1. **CSC introduce, before March 31, 2005, a safe needle exchange program based on thorough consultation with medical and security**

**experts, offenders, CSC staff and concerned community organizations;**

- 2. failing a positive response from CSC, the Minister direct the introduction of such a program.**

#### **CSC Response – Agree to explore:**

CSC's infectious diseases control program is based on a public health approach, which includes preventive services such as health education, voluntary screening for early detection and treatment of infection, and harm reduction programs (i.e. programs to reduce the harm associated with drug use) to help reduce the transmission of infectious diseases within the correctional setting.

Harm reduction initiatives, which are implemented in all facilities, include the availability of condoms, dental dams, water-soluble lubricants and bleach, as well as a methadone maintenance treatment program.

1. Given the considerable controversy around the issue of safe needle exchange, a good deal of consultation will be required to develop strategies to gain public acceptance. We welcome input from the CI.
2. CSC is piloting safer tattooing practices under controlled health and security conditions. The CSC Safer Tattooing Practices Pilot Initiative will

be an additional harm reduction measure to minimize the negative consequences associated with illicit tattooing practices. Objectives of the initiative are to:

- minimize the transmission of infectious diseases in the inmate population and to the community at large;
- minimize the risk of CSC staff injuries;
- promote health and wellness while maintaining security.

The pilot, which will be conducted in six sites, will begin this fiscal year 2004–2005. Evaluation of this project will contribute to knowledge regarding the feasibility and effectiveness of harm reduction initiatives.

## **FOCUS ON MENTAL HEALTH**

### **The CI made no recommendations in this area.**

The report of the National Treatment Centre Review Committee has been accepted by CSC. The Service acknowledges that a significant amount of work is required to develop the mental health continuum of care internally and in the community. CSC will engage in developing partnerships with other federal government departments, provincial correctional and community health service stakeholders with a view to responding to the needs of mentally disordered offenders.

## REDRESS

### ALLEGATIONS OF HARASSMENT AND STAFF MISCONDUCT

#### *CI Recommendation:*

**I recommend that:**

**CSC closely monitor the implementation of the revised process for addressing harassment and staff misconduct complaints and initiate an evaluation of its effectiveness, to be completed by March 2005.**

#### **CSC Response – Agree:**

CSC has developed tools as well as a clear process and procedures to ensure the effective handling and monitoring of grievances containing allegations of harassment. An automated suite of reports, updated every 24 hours, is accessible via RADAR to the offender grievance community and to the CI. This ensures that we are all reviewing the same information. Through these reports, staff can drill down to the offender level, accessing all relevant records directly through RADAR, ensuring consistency and accuracy of information obtained. An automated information review process is being implemented to provide for the ongoing monitoring of trends in harassment grievances. An internal assessment of our process should be completed by March 2005.

### INMATE GRIEVANCE PROCEDURES

#### *CI Recommendation:*

**I recommend that:**

- 1. CSC make timeliness of grievance responses a priority for all senior managers with any involvement in the process;**
- 2. before the end of 2004, CSC identify and provide the human resources necessary to assure timeliness on an ongoing basis;**

- 3. CSC ensure that the publication of all previously agreed-upon quarterly reports on grievances be instituted and that these reports be considered part of the agenda of all institutional and regional management committee meetings, as well as of CSC Executive Management Committees.**

#### **CSC Response – Agree:**

1. CSC is currently reviewing the manual and all of the grievance-related processes to improve timelines of responses. CSC developed a support tool for offender grievances at the third level to ensure the consistency, quality and timeliness of responses, which will be available to regions and institutions by September 2004.

We have also sent policy clarifications to management, staff and offenders in the form of letters and memos from the Senior Deputy Commissioner whenever necessary.

In an attempt to improve the timeliness of responses and to resolve issues at the lowest possible level, CSC plans to maximize the use of mediation in institutions.

The Rights, Redress and Resolution Branch has developed a survey for staff, offenders and stakeholders concerning mediation, outside review boards and institutional grievance committees. Its objective is to determine the value added and drawbacks of these alternatives to the redress process. A report is due by December 2004.

2. CSC is undertaking a human resource capacity review within the offender redress process.
3. CSC will ensure the production and availability of quarterly bulletins and will post them on the Infonet for access by all CSC staff and managers. An automated process for the timely production of these reports is being developed.

## POLICY DEVELOPMENT

### INMATE FINANCES

#### *CI Recommendation:*

#### **I recommend that:**

- 1. CSC immediately review inmate pay levels, access to employment and availability of funds on conditional release, and produce action plans to address these issues before December 31, 2004;**
- 2. a telephone system with rates comparable to those in the community be in place by March 31, 2005.**

#### **CSC Response – Agree in part:**

1. CSC agrees with the CI's recommendation to conduct a review of the policy governing inmate pay levels and access to employment and availability of funds on conditional release and to produce action plans to address these issues. The review will be completed by March 31, 2005.
2. CSC's Technical Services Branch is currently negotiating a contract with a service provider, but before this process can be finalized, it must have its rates approved by the CRTC.

### CSC NON-SMOKING POLICY

#### **The CI made no recommendations in this area.**

As a result of the growing evidence of the negative health effects of exposure to second-hand smoke, the CSC announced a consultation process on a proposal

to eliminate exposure to second-hand smoke inside federal institutions. The consultations will focus on addressing a number of issues, including how minimizing exposure to second-hand smoke for staff and inmates should apply to those with limited access to the outdoors, in such situations as maximum security institutions, suicide watches, Special Handling Units and protective custody. CSC's intent is to pursue this objective with due attention to its obligations to provide a healthy environment for those living and working in the federal correctional system.

### CONSULTATION ON HUMAN RIGHTS, INDEPENDENT REVIEW AND ACCOUNTABILITY IN THE CANADIAN CORRECTIONS SYSTEM

#### **The CI made no recommendations in this area.**

In response to the CI's paper on Independent Review, PSEPC is taking the lead on the policy review of Independent Adjudication for Administrative Segregation.