

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

**For the  
period ending  
March 31, 2000**

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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. The legislative review of *the Corrections and Conditional Release Act* has been completed and many important changes proposed. The Office has pursued its agenda of operational improvement in order to further optimize the value and quality of its services to Canadians.

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. Canadian society is indeed better served and protected when everyone involved in Corrections strives steadfastly towards the fair, humane and equitable treatment of offenders.

R.L. Stewart  
Correctional Investigator



## **Section II: Agency Performance**

### **2.1 Societal Context**

#### **Objective**

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

#### **Strategic Priorities**

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

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

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

In addition, this year the Office met with the National Associations Active In Criminal Justice (NAACJ) to review areas of mutual concern. These linkages highlight the value placed by various criminal justice agencies on the Office's contribution to the betterment of corrections.

## 2.2 Performance Results Expectations and Chart of Key Results Commitments

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

### Key Results Commitments, Planned Results, Related Activities and Resources

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



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

### Resources Utilized Towards Accomplishments

<b>Office of the Correctional Investigator</b>	
Planned Spending	1,768,000
Total Authorities	2,183,403
<b>1999-2000 Actuals</b>	<b>2,007,493</b>

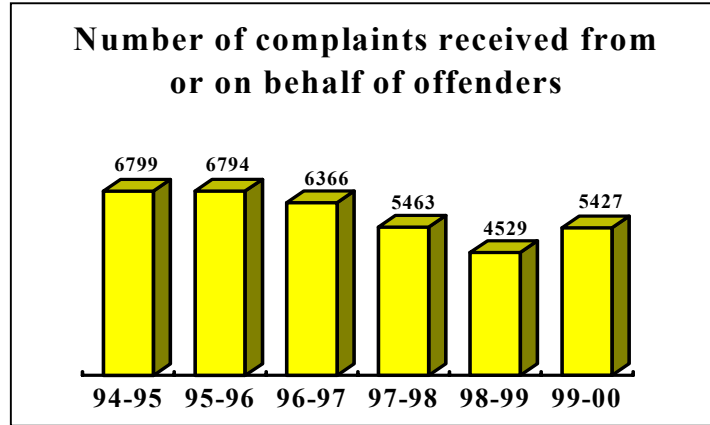
The primary function of the Correctional Investigator is to independently investigate and attempt to bring resolution to individual offender complaints. The Office as well has a responsibility to review and make recommendations on the Service's policies and procedures associated with the areas of individual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

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

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

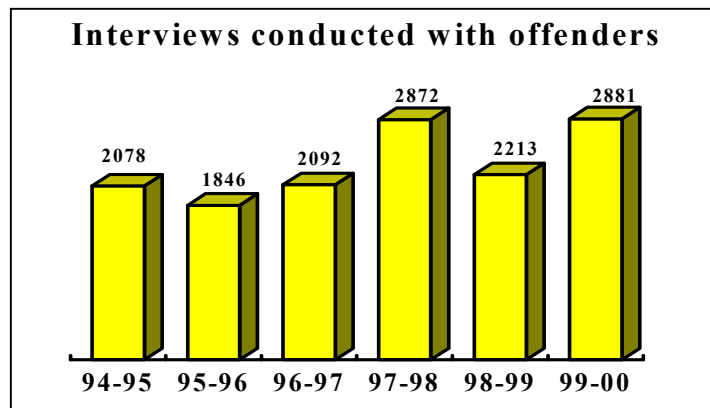
**TABLE 1**

From 1 April 1999 to 31 March 2000, the Office received a total of 5,427 contacts with or on behalf of offenders, an increase of some 998 from the previous fiscal year. This improvement reflects the Office's greater accessibility to the offender population. It also underscores the continued confidence of offenders in the Office, as a viable recourse for problem resolution, and their greater understanding of our mandate, role and responsibilities.



**TABLE 2**

Also, in the course of the present reporting year, the Office's investigative staff spent 364 days at federal penitentiaries, an increase of some 84 from the previous year and conducted 2,881 interviews with inmates, some 668 interviews more than in the previous year.



As illustrated by the above tables, Fiscal Year 1999-2000 saw a marked improvement in all of the Office's primary mandate performance indicators after many years of gradual

decline. This better state of affairs can first be explained by the budgetary increase afforded the Office, its first since 1992, which allowed the hiring, on a contractual basis, of three (3) more employees. Other contributory factors were the productivity gains achieved through the implementation of the Auditor General's recommendations, notably in the area of casework information processing and management.

In order to comply with the recommendations of the Arbour Commission, the Office reviewed 451 Institutional Emergency Response Team (IERT) videotapes and other documentation related to Use of Force incidents, compared to 243 in the previous year. We also reviewed 143 Correctional Service of Canada 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 (CSC), many of which led to noteworthy improvements by CSC to institutional management, correctional programs, policies and procedures.

## Section III: Financial Performance

### 3.1 Financial Performance Overview

This fiscal year saw this Office's budget increase for the first time since 1992. These additional funds provided some relief from the significant resources pressures the Office had been experiencing as a result of legislative and other changes to its mandate and the implementation of recommendations made by the Auditor General.

Three new staff were hired and the Office's primary mandate performance indicators improved after years of gradual decline.

The following tables are those which apply to the agency:

#### Financial Table 1

#### Summary of Voted Appropriations

<b>Financial Requirements by Authority (thousands of dollars)</b>				
<b>Vote</b>		<b>Planned Spending</b>	<b>1999-00 Total Authorities</b>	<b>Actual</b>
<b>Office of the Correctional Investigator</b>				
30	Operating expenditures	1568	1952	1776
(S)	Contribution to Employee Benefits Plan	200	231	231
<b>Total Agency</b>		<b>1768</b>	<b>2183</b>	<b>2007</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>1999-00</b>		
	<b>Planned</b>	<b>Total Authorities</b>	<b>Actual</b>
FTEs	17	17	17
Operating	1768	2183	2007
Capital	-	-	-
Voted Grants and Contributions	-	-	-
Subtotal: Gross Voted Expenditures	<u>1768</u>	<u>2183</u>	<u>2007</u>
Less:	-	-	-
Respendable Revenues			
<b>Total Net Expenditures</b>	<b>1768</b>	<b>2183</b>	<b>2007</b>
Other Revenues and Expenditures			
Non-respendable Revenues	-	-	-
Cost of services provided by other departments	122	122	122
<b>Net Cost of the Program</b>	<b>1890</b>	<b>2305</b>	<b>2129</b>

**Financial Table 3**

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

<b>Historical Comparison of Agency Planned versus Actual Spending (thousands of dollars)</b>					
	<b>1999-00</b>				
	<b>Actual 1997-98</b>	<b>Actual 1998-99</b>	<b>Planned Spending</b>	<b>Total Authorities</b>	<b>Actual</b>
Office of the Correctional Investigator	1398	1530	1768	2183	2007
<b>Total</b>	<b>1398</b>	<b>1530</b>	<b>1768</b>	<b>2183</b>	<b>2007</b>

## **Section IV: Agency Overview**

### **4.1 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.

### **4.2 Mission Statement**

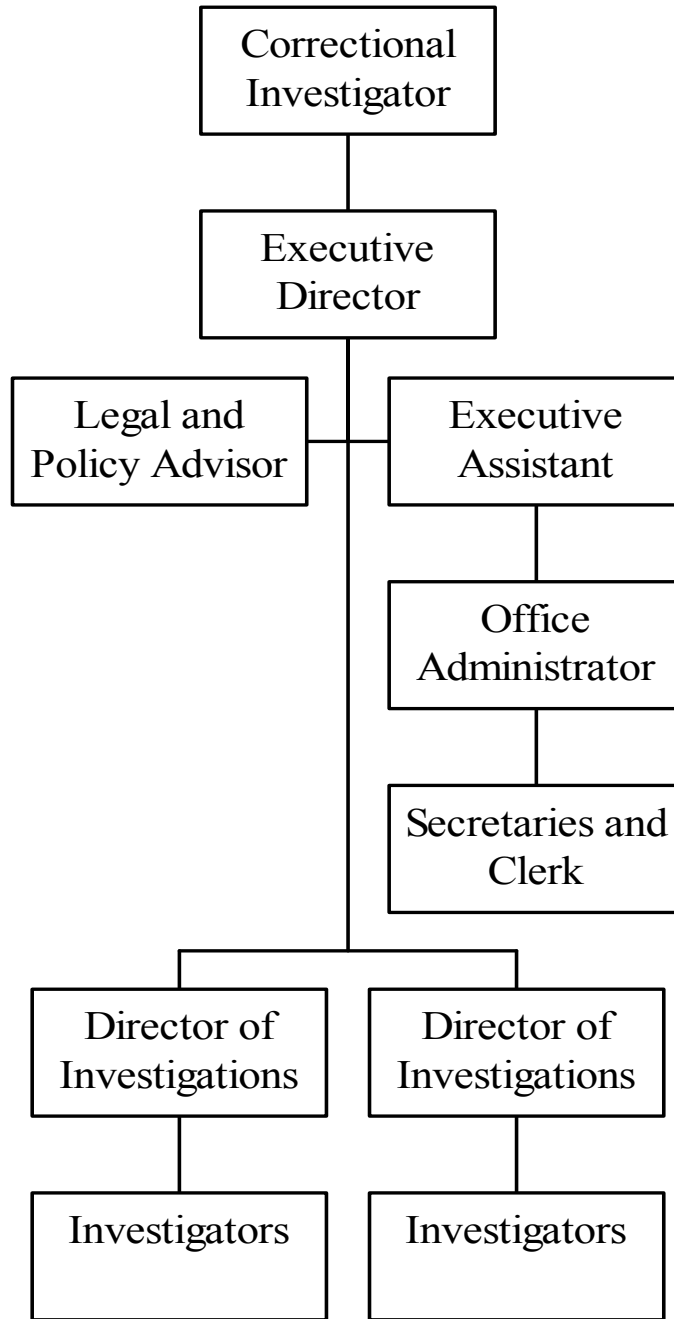
The Office of the Correctional Investigator is committed to maintaining an accessible independent avenue of redress for offender complaints and to provide timely recommendations to the Commissioner of the Correctional Service of Canada and the Solicitor General which address the areas of concern raised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

### **4.3 Agency**

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

The Office of the Correctional Investigator is headed by the Correctional Investigator who reports to Parliament through the Solicitor General. The Agency’s resources provide for 17 full-time equivalents, 10 of which make up the investigative staff. The total resources are \$2,183,000 for the fiscal year 1999-2000.

#### 4.4 Organization Chart





## Section V: Other Information

### 5.1 Contacts for Further Information and Agency Website

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

Agency website: [www@OCI-BEC.gc.ca](http://www@OCI-BEC.gc.ca)

### 5.2 Legislation and Associated Regulations Administered

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

### 5.3 Statutory Annual Reports and Other Agency Reports.

Annual Report of the Correctional Investigator.

