

**ANNUAL REPORT  
OF THE  
CORRECTIONAL INVESTIGATOR**

**2001-2002**

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*June 28, 2002*

*The Honourable Lawrence MacAulay  
Solicitor General of Canada  
House of Commons  
Wellington Street  
Ottawa, Ontario*

*Dear Mr. Minister,*

*In accordance with the provisions of section 192 of the Corrections and Conditional Release Act, it is my duty and privilege to submit to you the 29<sup>th</sup> Annual Report of the Correctional Investigator.*

*Yours respectfully,*

*R.L. Stewart  
Correctional Investigator*

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## **MISSION STATEMENT**

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*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.*

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## **MANDATE**

*The Correctional Investigator is mandated by Part III of the Corrections and Conditional Release Act as an Ombudsman for federal offenders. The primary function of the Office is to investigate and bring resolution to individual offender complaints. The Office as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.*

*The notion of righting a wrong is central to the Ombudsman concept. This involves measurably more than simply responding to specific legal, policy or technical elements associated with the area of concern under review. It requires the provision of independent, informed and objective opinions on the fairness of the action taken so as to counter balance the relative strength of public institutions against the individual. It as well requires responsiveness on the part of public institutions which is seen to be fair, open and accountable.*

*The "function" of the Correctional Investigator, as defined by the Legislation, is purposefully broad:*

*"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 services for, or on behalf of, the Commissioner, that affect offenders either individually or as a group".*

*Inquiries can be initiated on the basis of a complaint or at the initiative of the Correctional Investigator with full discretion resting with the Office in deciding whether to conduct an investigation and how that investigation will be carried out.*

*In the course of an investigation, the Office is afforded significant authority to require the production of information up to, and including, a formal hearing involving examination under oath. This authority is tempered, and the integrity of our function protected, by the strict obligation that we limit the disclosure of information acquired in the course of our duties to that which is necessary to the progress of the investigation and to the establishing of grounds for our conclusions and recommendations. Our disclosure of information, to all parties, is further governed by safety and security considerations and the provisions of the Privacy Act and Access to Information Act.*

*The provisions above, which limit our disclosure of information, are complemented by other provisions within Part III of the Act which prevent our being summoned in legal proceedings and which underline that our process*

*exists without affecting, or being affected by, appeals or remedies before the Courts or under any other Act. The purpose of these measures is to prevent us from being compromised by our implication, either as a "discovery" mechanism or as a procedural prerequisite, within our processes - an eventuality which could potentially undermine the Office's Ombudsman function.*

*The Office's observations and findings, subsequent to an investigation, are not limited to a determination that a decision, recommendation, act or omission was contrary to existing law or established policy. In keeping with the purposefully broad nature of our Ombudsman function, the Correctional Investigator can determine that a decision, recommendation, act or omission was: "unreasonable, unjust, oppressive and improperly discriminatory; or based wholly or partly on a mistake of law or fact" or that a discretionary power has been exercised, "for an improper purpose, on irrelevant grounds, on the taking into account of irrelevant considerations, or without reasons having been given".*

*The Act at Section 178 requires that where in the opinion of the Correctional Investigator a problem exists, the Commissioner of Corrections shall be informed of that opinion and the reasons therefore. The practice of the Office has been to attempt to resolve problems through consultation at the institutional and regional levels in advance of referring matters to the attention of the Commissioner. While we continue to ensure that appropriate levels of management within the Service are approached with respect to complaints and investigations, this provision clearly indicates that the unresolved "problems" of offenders are to be referred to the Commissioner in a timely fashion.*

*The legislation as well provides that the Correctional Investigator, when informing the Commissioner of the existence of a problem, may make any recommendation relevant to the resolution of the problem that the Correctional Investigator considers appropriate. Although these recommendations are not binding, consistent with the Ombudsman function, the authority of the Office lies in its ability to thoroughly and objectively investigate a wide spectrum of administrative actions and present its findings and recommendations to an equally broad spectrum of decision makers, inclusive of Parliament, which can cause reasonable corrective action to be taken if earlier attempts at resolutions have failed.*

*A significant step in this resolution process is the provision at Section 180 of the Act which requires the Correctional Investigator to give notice and report to the Minister if, within a reasonable time, no action is taken by the Commissioner that seems to the Correctional Investigator to be adequate and appropriate. Sections 192 and 193 of the legislation continue this process by requiring the Minister to table in both Houses of Parliament, within a prescribed time period, the Annual Report and any Special Report Issues by the Correctional Investigator.*

*The vast majority of the concerns raised on complaints by inmates are addressed by this Office at the institutional level through discussion and negotiation. In those cases where 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. If at this level the Service, in the opinion of the Correctional Investigator fails to address the matter in a reasonable and timely fashion, it will be referred to the Minister and eventually may be detailed within an Annual or Special Report.*

*The Office, over the course of the reporting year, received 7,993 complaints. The investigative staff spend 344 days in federal penitentiaries and conducted in excess of 2,800 interviews with inmates and half again that number of interviews with institutional and regional staff. 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. We had, over the course of this reporting year, in excess of three hundred meetings with various offender organizations, including inmate committees, lifer groups, black inmate associations, native brotherhoods and sisterhoods. The areas of complaint continue to focus on those long standing issues which have been detailed in past Annual Reports. A specific breakdown of the areas of complaint, dispositions, institutional visits and interviews are provided in the statistics section of the Report.*

***I will take this opportunity to publicly acknowledge and thank the staff for their dedication and professionalism in managing what, at times, is an overwhelming workload. Their commitment to fairness and reason in addressing offender concerns is the cornerstone to maintaining an accessible independent avenue of redress for inmates. It is as well the base from which recommendations to the Commissioner of Corrections and the Solicitor General are developed. Their contribution is immeasurable.***



## Introduction

I concluded last year's Annual Report by stating that the response of the Correctional Service to the Issues raised by this Office continued to be excessively delayed, overly defensive and absent of commitment to specific timely action. I also expressed the hope that by providing specific recommendations on the Issues the current process of endless review, consultation and study would be replaced with actions that addressed in a measurable way the identified areas of offender concern.

The observations and recommendations detailed in last year's Report have in large part been ignored.

I presented my Report to the Solicitor General and the Commissioner of Corrections June 29, 2001. The Minister released the Report November 5, 2001. I received from the Senior Deputy Commissioner on November 5, 2001 the Correctional Service's response to the Report.

My Executive Director, following our review of the Correctional Service response, wrote the Senior Deputy Commissioner on December 3, 2001 stating in part:

*I am quite frankly disappointed with the Service's response. As you know we were initially advised in early July of this year that the Service's response would be finalized by the end of August. To be provided with a copy of the response on the same day that the Annual Report was tabled has served no one well.*

*With respect to the substance of the response, I readily accept the fact that there are and will continue to be issues where our respective positions are fundamentally different. What I find difficult to accept is a response which in large part, fails to reasonably address the specifics of either the Issues or the recommendations and continues to ignore past commitments.*

*I suggest that we get together to initiate a review of the issues which require further attention.*

*I agree that there are clear challenges ahead of us and I assure you that my objective is to improve the effectiveness of our working relationship so that we can cooperatively address offender concerns in an objective, thorough and timely manner.*

A response to this correspondence was not received from the Correctional Service until March 28, 2002, the last day of this reporting year. No meetings have been scheduled to initiate a review of these Issues which required further attention.

Madame Justice Arbour in her 1996 Report characterized the Service's approach in addressing Issues as "deny error, defend against criticism and respond without a proper investigation of the truth." I would add to this approach, delay the response and ignore both the Issue and past commitments.

Although I remain hopeful, the reality is that limited progress has been made on the substance of the Issues and the specifics of the recommendations have for the most part not been reasonably addressed. As such I have again this year provided a brief detailing of the Issue under review with specific recommendations designed to address the areas of concern associated with the Issue.

The Office's mandate as an ombudsman for federal corrections, is to investigate and attempt to bring resolution to individual offender complaints. The Office as well has a responsibility to review and make recommendations on correctional policies and procedures associated with the areas of individual complaint to ensure that systemic areas of concern are identified and appropriately addressed. This responsibility cannot be met without a consistent level of responsiveness on the part of the Correctional Service that is thorough, objective and timely.

# **1. Aboriginal Offenders**

The Sub-committee of the Standing Committee on Justice and Human Rights in their May 2000 Report on the Review of the Corrections and Conditional Release Act, characterized the figures provided by the Solicitor General on Aboriginal Offenders as "**alarming**".

The discriminatory impact of our criminal justice system and the resulting disadvantaged position of Aboriginals caught up in that system has been evident for decades. While Aboriginals represent approximately 3% of the general Canadian population, they occupy nearly 20% of our federal penitentiary cells.

From my perspective the specific areas of concern associated with this Issue go beyond over-representation and demand a focusing on what happens to Aboriginal offenders while in the care and custody of the Correctional Service. A Task Force more than a decade ago clearly indicated that federal Aboriginal offenders were less likely to benefit from temporary absence programs, were more likely to be detained, were granted parole later in their sentence, and were more likely to have their parole suspended or revoked. **This alarmingly remains the reality.**

While the Correctional Service collects data which reflects this reality, there is very little evidence of analysis or consistent management direction on addressing these areas of concern.

**I recommend that the Service produce, on a quarterly basis, a Report on Aboriginal offenders focused on:**

- **Transfers**
- **Segregation**
- **Discipline**
- **Temporary Absences / Work Releases**
- **Detention Referrals**
- **Delayed Parole Reviews**
- **Suspension and Revocation of Conditional Release**

**I recommend that the quarterly Report on Aboriginal offenders, inclusive of an analysis of the information recorded, be a standing agenda item of the Service's Senior Management Committees.**

I provided a number of years ago two recommendations that were intended as first steps in addressing the continued disadvantaged position of Aboriginal offenders. The first was focussed on ensuring that an Aboriginal perspective was brought to all deliberations of the Service's Senior Management Committees. The second centered on the need for an independent review of the Correctional Service's policies and operational procedures to ensure that

discriminatory barriers to the timely reintegration of Aboriginal offenders were identified and addressed.

My position on these matters is consistent with the objectives of the Subcommittee Report which called for the appointment of an Aboriginal Deputy Commissioner and the independent evaluation of the reintegration process available for Aboriginal offenders. The Correctional Service to date has not reasonably addressed either of these matters.

**I recommend, again, given the gravity of this Issue and the continuing disadvantaged position of Aboriginal offenders that:**

- **a Senior Manager, specifically responsible and accountable for Aboriginal programming and liaison with Aboriginal communities, be appointed as a permanent voting member of existing Senior Management Committees of the Correctional Service at the institutional, regional and national levels; and**
- **the Correctional Service's current policies and operational procedures be immediately reviewed to ensure that discriminatory barriers to reintegration are identified and addressed. This review should be independent of the Correctional Service of Canada and be undertaken with the full support and involvement of Aboriginal organizations.**

## **2. Women Offenders**

Women's Corrections, with the pending transfer of female inmates from the maximum security units in male penitentiaries to the Regional Facilities, is again about to experience significant change.

The current state of Women's Corrections at the federal level must be viewed within the context of the "vision for change" provided more than a decade ago by the Correctional Service's Task Force on Federally Sentenced Women (Creating Choices, 1990). The central theme of "Creating Choices" was, "that women's correctional needs are profoundly different from men's, and that to do justice to the aims and purposes of a sentence imposed on women, the correctional system must be gender sensitive" (Justice Arbour, 1996).

The 1995 Arbour Commission of Inquiry into Events at the Prison for Women provided both an impetus and a forum for the Correctional Service to commit to a set of operational principles for the future management of Women's Corrections. Justice Arbour's Report of April 1996, in addition to passing extensive comment on the Correctional Service's "disturbing lack of commitment

to the ideals of justice", provided a series of specific recommendations designed to ensure that future correctional practices would meet the needs of women offenders.

The initial response to the Arbour Report was positive. The Solicitor General in June of 1996 accepted the Report's central premise; "that there must be respect for the rule of law by the Correctional Service in the way it carries out its responsibilities". The Minister announced that a Deputy Commissioner of Women's Corrections would be appointed and the "recommendations for related organizational and program changes" would be implemented. A number of the Report's recommendations were identified at the time as "requiring further detailed study to determine the most effective means of achieving the objective that underlies the recommendation". These recommendations were to "be dealt with as part of a final response plan".

The Acting Commissioner of Corrections, that same month, stated that the "rule of law is fundamental and paramount in corrections and that women's corrections is a top priority for the Service, requiring unique insights, efforts and approaches".

Within two months of these initial responses to Justice Arbour's Report a decision was taken to transfer women from the Regional Facilities to maximum security units in men's penitentiaries. This decision which was roundly criticized by this Office and others, was characterized at the time by the Correctional Service as a "temporary measure".

Six years later:

- women continue to be housed in maximum security units within male penitentiaries;
- the organizational and program changes related to the appointment of the Deputy Commissioner for Women's Corrections to support the "separate stream" for Women's Corrections have not been implemented; and
- there has been no "final response plan" issued by Correctional Services on Justice Arbour's Report.

The Arbour Commission of Inquiry was a very public and very inclusive process. The Report was a landmark for corrections in this country. Its findings and recommendations focussed our attention not only on the potential for Women's Corrections but as well on the requirement for openness, fairness and accountability in correctional operations.

The response to Justice Arbour's Report by the Correctional Service has been anything but public and inclusive. The clear "vision for change" of a decade ago is clouded. The impact of the top priority ascribed to Women's Corrections in 1996 is open to serious question.

The movement of women from the men's penitentiaries to the Regional Facilities will present the Service with a number of immediate and long-term challenges. To meet these challenges, there is a need for a refocusing on both the potential for Women's Corrections and the requirement for openness, fairness and accountability.

**I recommend that this refocusing begin with:**

- **the completion of a "final response plan" by the Correctional Service on Justice Arbour's recommendations by October 2002;**
- **the distribution of the response plan to stakeholders (government and non-government) by November 2002;**
- **the initiation of a public consultation process by January 2003; and**
- **the issuing of a final report on the status of Justice Arbour's recommendations by April 2003.**

Openness, Fairness and Accountability require nothing less.

### **3. Sexual Harassment Policy**

The Correctional Service of Canada in 1995 lifted its restriction on male employment in women's prisons. The Arbour Commission of Inquiry in 1996 recommended that "the sexual harassment policy of the Correctional Service be extended to apply to inmates".

The Service's initial response to Justice Arbour's recommendation was: "accepted in Principle - Research into specific sexual harassment policies to protect offenders has begun. A draft issue paper will be completed by May 30, 1997".

This Office has been communicating with the Correctional Service for five years on this Issue. In February of 2001 we provided further representations on yet another draft policy from the Service. I was advised in response to those representations that "once the consultation results have been evaluated the Service will further articulate a response to your concerns and/or incorporate them into future drafts of the policy".

I concluded last year's Annual Report on this Issue stating: "It has now been five years since the Service accepted in principle the recommendations of

Justice Arbour. Our review of the Service's management of sexual harassment complaints indicates clearly the need for national policy and direction for the investigation of such complaints. The time for future draft policies has long passed."

I was advised in November of 2001 that the policy is "presently in the consultation phase". I was advised in March of 2002 that the policy document is "expected to be completed by June 2002". I was advised on June 19, 2002 that "the policy has been re-worked since receiving comments from the field. Given the new changes, the policy may require further national consultation. If further consultation is required, the expected completion date of June 2002 may not be feasible". It has now been six years!

**I recommend, as I did last year, that the Service immediately implement a policy on the Investigation of Allegations made by an Offender of Sexual Harassment which provides:**

- **that investigations are convened by the Deputy Commissioner of Women or if the complainant is male the Regional Deputy Commissioner;**
- **that a copy of all convening orders is forwarded to this Office;**
- **that all members of the Board of Investigation are trained in managing sexual harassment complaints;**
- **that at least one Board member is from outside the Correctional Service and that all Board members are independent of the facility where the complaint was filed;**
- **that complainants are consulted both during the investigation and prior to finalising the report in order to provide additional information and comment which will be recorded as part of the final report;**
- **that a copy of all finalised reports is provided to both complainants and this Office in a timely fashion; and**
- **that responsive follow-up action by the convening authority is initiated in a timely fashion.**

#### **4. Case Preparation and Access to Programming**

This Issue focuses on the Correctional Service's ability to provide responsive programming and prepare offender cases in a thorough and timely fashion for conditional release consideration. This is the heart and soul of good corrections.

I have acknowledged over the years the complexity of this Issue and the inter-relationship of the variables at play and their impact on the provision of

effective case management and programming. I have also acknowledged the various initiatives undertaken by the Service in its attempts to address these issues. Yet our review of offender complaints and the data collected by the Service leads me again to conclude that despite policy and operational changes these issues have not been reasonably addressed.

I provided in last year's Annual Report a further detailing of observations related to delays in Parole Board reviews of cases, the number of offenders incarcerated past their parole eligibility dates and the significant decline in the Work Release and Temporary Absence programs. I also highlighted the continuing disadvantaged position of Aboriginal offenders in terms of timely conditional release. I recommended that the Service initiate an immediate review of program access and timely conditional release and develop an Action Plan to address the identified areas of concern.

The Service in response stated that given their current initiatives they did "not agree that another review on the issue of program access and timely conditional release is required".

The areas of concern identified in previous years have not improved and in some instances have gotten worse.

- 53.9% of the reviews for full parole, in the 4<sup>th</sup> quarter of last year, were delayed. In the 4<sup>th</sup> quarter of 1999-2000, 42.8% were delayed;
- 72% of Aboriginal offenders are incarcerated past their full parole eligibility date; 59% of non-Aboriginal offenders are incarcerated past their full parole eligibility date;
- Suspension Warrant of Conditional Release per 100 is 13 for non-Aboriginals and 26 for Aboriginals;
- 56% of non-Aboriginals and 35% of Aboriginals during the 4<sup>th</sup> quarter of 2001-2002 reached warrant expiry without a revocation of their conditional release;
- in the 4<sup>th</sup> quarter of 1999-2000, 1,034 unescorted temporary absences and 831 work releases were recorded; in the 4<sup>th</sup> quarter of 2001-2002, the numbers were 698 unescorted temporary absences and 417 work releases; and
- the number of Aboriginal unescorted temporary absences and work releases have gone from 215 in the 4<sup>th</sup> quarter of 1999-2000 to 130 in the 4<sup>th</sup> quarter of 2001-2002.

The various initiatives referenced in the Service's response to my recommendations last year do not appear to be reasonably addressing these problems. The observations that I have presented are not intended as a conclusion on the overall effectiveness of case preparation and programming but rather as examples of areas that require extensive review and analysis.



**I recommend that the Service initiate immediately a review of program access and timely conditional release focussed on:**

- **current program capacity, waiting lists and specific measures required to address any deficiencies;**
- **the specific reasons for delays of National Parole Board reviews and actions required to reduce the numbers;**
- **the reasons for the decline in unescorted temporary absences and work release programming and the specific measures required to increase participation in this programming; and**
- **the reasons for the continuing disadvantaged position of Aboriginal offenders in terms of timely conditional release and a specific plan of action to address this disadvantage.**

**I further recommend that this review, inclusive of detailed action plans, be finalized by November 2002.**

## **5. Preventive Security Standards and Guidelines**

The areas of concern associated with the Issue have centered on the absence of clear national direction concerning the coordination, verification, communication and correction of preventive security information. There is further no clear identification of who is responsible and accountable for ensuring the accuracy of the information collected.

This Office over the years has received a significant number of inmate complaints concerning the preventive security information used by the Service in support of its decisions. This information, which the offender does not have access to, often negatively impacts on decisions related to visits, transfers, segregation and conditional release.

I recommended in 1996 that the Service develop Preventive Security Standards and Guidelines. The Service acknowledged the absence of clear national direction in this area and undertook to produce Guidelines by the fall of 1997. This never happened.

Following numerous re-visitings of this recommendation I was advised in March of 2001 that Preventive Security Guidelines would be issued by July 2001. I recorded this commitment in last year's Annual Report and recommended that in conjunction with the issuing of the Guidelines that the Service initiate a training program to ensure that the responsibilities and accountability detailed in the Guidelines were clearly understood.

I was advised by the Service in November of 2001 that there had been a delay "due to the requirement to integrate into the policy the results of consultation and comments received from institutional preventive security staff". I was further advised in June of 2002 that "Preventive Security Guidelines will be promulgated by the fall of 2002".

This excessive delay and failure to meet previous commitments is inexcusable.

**I recommend, as I did eight years ago, that the Service develop national Preventive Security Standards and Guidelines.**

**I further recommend that in conjunction with the issuing of the Preventive Security Guidelines that the Service initiate a training program to ensure that the responsibilities and accountabilities detailed in the Guidelines are clearly understood.**

## **6. Institutional Violence**

This Issue in conjunction with the Issues of Inmate Injuries, Suicides and Investigations speaks directly to the Correctional Service's legislated mandate of "carrying out sentences imposed by the courts through the safe and human custody of offenders". The Service must commit itself to the development of review and investigative processes that are responsive to incidents of institution violence, inmate injuries and death so as to ensure that they are kept to an absolute minimum.

The Correctional Service acknowledged in responding to my Annual Report in 1998 that "institutional violence was a serious concern". They undertook at that time to expand their information and reporting systems so as to include a wider range of indicators and provide a more representative picture. The Service also indicated that this information would be analyzed and appropriate corrective action would be taken.

The Correctional Service in April of 2000 again acknowledged that institutional violence was a serious concern and that it was "important to monitor a wide spectrum of information such as assaults, use of force incidents, inmate injuries and involuntary transfers". They again committed "to improving their automated information system by revisiting issues of accuracy of data and types of information recorded".

I stated last year that the information the Service currently collects is neither specific to, nor reflective of, institutional violence. This remains the case.

As an example, the Service's Corporate Results Report, which is presented to Senior Management for review, stated that for the months of January and February of 2002 there were three inmate assaults. The Service's daily information record, which records institutional and community incidents, identified twenty-seven inmate assaults for those same two months. The Service produces no reports specifically focussed on institutional violence and provides no analysis of the limited information they do collect. I concluded last year that "despite their previous commitments, institutional violence does not appear to be viewed by the Service as an area of serious concern".

The Service responded in March of 2002 stating that it was "committed to monitoring and examining all incidents of violence in an effort to improve measures to prevent and reduce future incidents. We are currently reviewing the capability of OMS to provide sufficient data related to minor assaults on inmates and staff". It has now been four years since the Service's initial commitment to monitor institutional violence.

**I recommend again that the Service take immediate steps to fulfill their previous commitments to the monitoring of institutional violence through:**

- **the implementation of an information system capable of capturing accurate and reflective data;**
- **the quarterly production of an analytic report on institutional violence; and**
- **the review of these reports by the Service's Executive Committee.**

## **7. Inmate Injuries**

The Correctional Service of Canada does not have national policy or direction related to the recording, reporting or review of inmate injuries. This matter was initially raised with the Service in 1994. At that time an Interim Instruction on the Recording and Reporting of Offender Injuries was issued. The Instruction in part provided for a consistent framework for the reporting and recording of injuries and for the systemic review of the circumstances of the injuries in order to ensure that the causes are subject to appropriate review and investigation.

Despite numerous representations from this Office, including the specific recommendation in last year's Annual Report that the Service implement national policy in this area, they have chosen not to do so. I was advised in March of 2001 that the Service had "initiated a comprehensive review of the way in which offender injuries are captured, reported and analyzed". I was then advised in November of 2001 that "the Policy Division had completed its review of all

existing policies and procedures that cover the issue of inmate injuries. The situation will be monitored to see if further direction is required". A request for the results of this review has gone unanswered.

I was subsequently advised in March of 2002 that "the Service has concluded that there is sufficient policy related to the reporting and recording of offender injuries".

The reality remains as I stated in last year's Report: "The Service has no clear picture of how many offenders were injured during the past year as a result of work or program activities, assaults, drug overdoses, use of force incidents, attempted suicides or institutional disturbances. The Service as well has undertaken no review of inmate injuries associated with any of the above".

**I recommend again that the Service implement a national policy on the Reporting, Recording and Review of Offender Injuries to ensure:**

- **the timely and accurate recording of injuries and the circumstances leading to those injuries;**
- **the quarterly analysis and reporting of information collected on inmate injuries; and**
- **the review of the quarterly reports by the Service's Executive Committee.**

## **8. Suicides**

I stated two years ago on this Issue that the Service's approach to the early identification and treatment of potentially suicidal individuals was uncoordinated and ineffective. I concluded "that the delay in implementing national policy in the area of suicide prevention was inexcusable".

I noted in last year's Annual Report that the Service's draft policy on the Prevention and Management of Suicide and Self-Injury had been in consultation for three years. I recommended last year, as I had in previous years, that the Service immediately implement a national policy in this area. I have recently been advised that the "national policy on the Prevention, Management and Response to Suicide and Self-Injury, is expected to be promulgated by July 2002".

There were thirteen suicides in federal penitentiaries during the last fiscal year. This is up from a five-year low of nine the previous year. I am hopeful that the new operational procedures with respect to early identification and follow-up of potential suicide cases will assist in limiting these tragedies.

A further area of concern with regard to suicides previously identified was the excessive delay in the review and follow-up on Suicide Investigations at the national level. The Service has recently introduced a procedure which will now have the draft investigative reports on suicides forwarded to Health Services for review. This procedure will allow Health Services the opportunity for input prior to the investigative report being finalized. It will as well provide Health Services with more timely information on suicides so that corrective action, if necessary, can be taken in a more responsive manner.

I am encouraged by the introduction of this procedure and we look forward to working with the Health Service's staff to ensure its effectiveness.

## **9. Investigations**

The Corrections and Conditional Release Act requires the Service when an inmate "dies or suffers serious bodily injury" to investigate the matter and report to the Commissioner or a person designated by the Commissioner. This section as well requires the Service to provide the Correctional Investigator with a copy of its report. The Service convened one hundred and fifteen investigations last year into inmate deaths and serious bodily injury.

The areas of concern associated with the Service's investigative process over the years have focussed on:

- the excessive delays in both finalizing investigative reports and initiating corrective action in response to the reports recommendations;
- the overly restrictive and inconsistent interpretation of what constitutes a "serious bodily injury"; and
- the absence of a thorough, timely and coordinated review process at the national level of investigations into incidents of inmate death and serious bodily injury.

These areas continue to be of concern. The Office again this year encountered situations where investigative reports were not finalized six to eight months after the incident, where action plans in response to investigative report recommendations were pending more than a year after the incident and incidents where inmate injuries, which resulted in transfers to outside hospital, were identified as minor. I am advised that the Service is currently reviewing its policy on Investigations and intends to address some of these areas of concern.

**I recommend that the policy on Investigations include specific timeframes for the completion of Investigative Reports and the verification of Action Plans.**

**I recommend that the Service monitor compliance with these timeframes and report on a quarterly basis the results to the Service's Executive Committee.**

**I recommend that all Investigative Reports into inmate death or serious bodily injury be reviewed nationally with a summary report on the recommendations and corrective actions taken, produced quarterly.**

**I recommend that guidelines for the determination of serious bodily injury be incorporated into the Service's policy on Investigations.**

**I recommend that all Investigative Reports into inmate deaths and serious bodily injury be provided to this Office within ten weeks of the convening of the Investigation.**

## **10. Special Handling Unit (SHU)**

The SHU is the Correctional Service's highest security level institution. The stated policy objective of the SHU is "to create an environment in which dangerous inmates are motivated and assisted to behave in a responsible manner so as to facilitate their reintegration in a maximum security institution". An offender is determined by the Service to be "dangerous if his behavior is such that it causes serious harm or death or seriously jeopardizes the safety of others".

The Service's Regional Deputy Commissioners are authorized to transfer an offender to the SHU for an assessment. The offender, by policy, prior to their transfer to the SHU for assessment, is placed in segregation at a maximum security penitentiary within their home region. This placement in segregation pending transfer, for a variety of reasons including awaiting outstanding charges, can extend well beyond a year.

The final decision-making authority on all placements in and transfers out of the SHU, prior to a policy change in February of 2001, was the SHU National Review Committee (N.R.C.). The final decision-making authority is now the Senior Deputy Commissioner with the N.R.C. acting as an advisory body. The current policy identifies the Commissioner of Corrections as the level of redress for inmate grievances on decisions taken by the Senior Deputy Commissioner. The specific areas of concern raised by this Office over the years have focussed on:

- the overall effectiveness of the SHU policy in meeting its stated objective;
- the absence of specific programming designed to address the identified needs of the SHU population;

- the on-going low level of inmate participation in programming at the SHU; and
- the fairness and objectivity of the decision-making and redress processes offered SHU inmates.

I continue to have serious questions about the effectiveness of the Service's policy of placing all "dangerous inmates" in one facility. This practice, as I have previously indicated, has the effect of labeling these offenders as the "worst of the worst" and creating a solidarity within this population which undermines the stated objective of the policy. This sense of solidarity has in part contributed to the traditional low level of participation in the programs currently offered in the SHU.

The Parliamentary Sub-committee in its May 2000 Report on the matter of promoting objectivity and fairness with respect to the SHU recommended the inclusion of representation from outside of the Correctional Service on the decision-making body. The Government Response of November 2000 supported the Sub-committee recommendation, stating that "further openness and accountability was an effective means of ensuring administrative fairness".

I was advised in May of 2001 that the matter of "outside representation on the National Review Committee will be examined in the near future along with other needed policy changes". I was further advised that a project had been initiated "to develop a needs base for inmate programming at the SHU". Neither the policy review, nor the development of inmate programming for the SHU have been finalized.

**I recommend that the Service's current review of the SHU policy focus on:**

- **the effectiveness of the SHU in meeting its current stated objective;**
- **the level of program participation and the relevance of current programming to the identified needs of the SHU population;**
- **the resource requirements necessary to meet the programming needs of the existing population;**
- **the appointment of an independent co-chair to sit with the Senior Deputy Commissioner as the decision-maker on SHU cases; and**
- **the implementation of a monthly independent review process for offenders housed in segregation awaiting transfer to the SHU.**

**I further recommend that this SHU policy review, which was initiated in May of 2001, be finalized by July 2002.**

## **11. Double Bunking**

I have recommended for a decade that the Service immediately cease the practice of double bunking inmates in non-general population cells. Our focus was on segregation and reception units where inmates were spending up to twenty-three hours a day in either their cells or confined to the unit. These cells were originally designed for one occupant and the practice of double bunking in these units was inhumane.

I was advised by the Commissioner in March of 2001 that "efforts to eliminate double bunking for administrative segregated inmates remains a priority. In this regard, plans to eliminate double bunking have been developed and are presently being reviewed. Double bunking and the capacity to double bunk in administrative segregation will be eliminated by September 2001. There is no double bunking in mental health units at this time; however double bunking is being used in some reception areas ... As part of the Service's overall review of double bunking practices, specific plans are being developed and reviewed to reduce and eliminate double bunking in these units".

The Commissioner's comments were recorded in last year's Annual Report. I stated that this was a positive step and acknowledged the Commissioner's efforts in this area. I further stated that I looked forward to reviewing with the Service their plans to eliminate double bunking in reception units.

I have been provided with no information on the Service's plans to eliminate double bunking in reception units. Although I was advised in June that double bunking is "not occurring in segregation", on March 31, 2002 there was double bunking in both reception units and segregation units.

**I recommend with respect to double bunking that:**

- **the Commissioner issue direction immediately prohibiting the practice in segregation units; and**
- **that the Service finalize plans to eliminate double bunking in all non-general population units by September of 2002.**

## **12. Use of Force**

The Correctional Service reported in excess of one thousand use of force incidents last year of which more than two hundred involved the use of gas. The use of force against an inmate is a significant action. It is an action that should be taken only as a last resort and an action that should be thoroughly and objectively reviewed so as to ensure full compliance with law and policy. There



should also be a review and analysis of these incidents independent of the institution, to ensure that systemic areas of concern are identified and addressed.

The Service, in 1997, established a procedure which required that all Use of Force videotapes along with supporting documentation were forwarded to their National Headquarters and this Office for review. The Service in June of 2000 revised its use of force policies. The existing policies, as I indicated in last year's Annual Report, address from a procedural perspective the majority of concerns previously identified. What remains very much at issue though is the full implementation of the policies, inclusive of staff training, and the effect of the policies on the Service's use of force practices.

Despite the policy changes, which introduced a more rigorous review at the regional and national levels, we continue to find an unreasonably high level of policy non-compliance in the areas of:

- authorization and use of gas;
- decontamination procedures following the use of gas;
- post incident health care interventions;
- strip search and privacy procedures;
- use of force in support of mental health interventions;
- authorization and use of restraint equipment; and
- the recording and follow-up on inmate statements of inappropriate or excessive use of force.

The Service's current information system on use of force incidents provides no information on policy violation. The system as well provides no information on the circumstance that lead to the decision to use force or the number of staff and inmate injuries incurred. As such the Service's existing Use of Force Reports, while presenting raw data on the number of incidents and type of force used, provides limited information and analysis to assist the Service in either reducing the number of incidents or addressing systemic areas of concern raised by these incidents.

I have as well noted, with respect to the review of use of force incidents at National Headquarters, that:

- incidents referred to the Women and Health Services sectors for review are not being responded to in a thorough and timely fashion; and
- the follow-up by national managers on identified areas of concern is inconsistent and often excessively delayed.

**I recommend that the Commissioner issue specific direction with regard to Use of Force to ensure that:**

- **information on injuries, policy violations and the circumstances that lead to the incident is collected;**
- **a report, inclusive of this information, is provided on a quarterly basis to management committees at the regional and national levels for the purpose of identifying and addressing areas of concern;**
- **the written results of the reviews undertaken by Women and Health Services sectors are provided in a timely fashion;**
- **the follow-up by national managers is consistent and timely; and**
- **investigations into inappropriate or excessive force are convened at the regional level and include a community board member.**

### **13. Allegations of Staff Misconduct**

This Issue as detailed in last year's Annual Report focussed on the need for a consistent, distinct process to ensure that inmate complaints of staff misconduct are investigated in a timely, thorough and fair manner.

The Issue was initially raised with the Service in September of 1999. The Service's position was that there were a number of policies which dealt with allegations of staff misconduct and as such there was no need to either produce another policy or consolidate existing policies.

I concluded last year's Annual Report indicating that even if the aggregate of the Service's current policies were sufficient, this would not provide the self-contained process that is required. It is essential that inmates not be required to sift through a variety of policies in order to achieve an effective remedy.

Surely the objective here is the establishment of a process that is visible, fair for all concerned, documents both the allegation and the response and is timely. The Service rejected my recommendation that such a process be established. In November of 2001 they stated again that "there are currently many mechanisms in place for inmates to register complaints against staff. CSC does not agree that a separate policy on this issue is required". I do not agree with the position of the Service on this matter.

**I recommend, given the significance of the Issue and the inconsistency in the Service's management of such allegations that a consolidated policy on the Investigation of Allegations of Staff Misconduct be developed to ensure that the process is transparent, fair and timely.**

## **14. Involuntary Transfer and Consent to Mental Health Interventions**

This Issue centered on the Service's decision to involuntarily transfer a medium security offender to a psychiatric facility for the purpose of assessment. We objected to the transfer on the basis that the placement in the psychiatric facility violated S.88 of the Corrections and Conditional Release Act, which provides that an inmate cannot be treated without their informed consent. The Service in responding asserted that an assessment was not treatment. I wrote the Commissioner in December of 2000 re-iterating our previous position as well as pointing out that Service's policy in this area requires informed consent for the purpose of mental health assessments.

I recommended in last year's Annual Report that the Service rescind its policy of involuntarily transferring inmates to psychiatric facilities and clarify within their policy that all procedures involving treatment and assessment by health care professionals are governed by the informed consent provisions of S.88 of the Corrections and Conditional Release Act.

The Service, in its November 2001 response to my recommendation, maintained its position that current policy does not circumvent the doctrine of informed consent to medical assessment or treatment. They further indicated that a review of relevant policies was underway "with a view to amending them to make it clear that risk assessment 1) that do not require the offender's active participation in the risk assessment process; and 2) are not being done for the purpose of imposing treatment, do not require consent".

I was advised that proposed amendments, if required, would be prepared for the Commissioner's review by December 31, 2001. I received a copy of the "proposed revisions" on May 21, 2002. I am not convinced, on initial review, that the draft amendments bring the Service's policy in line with the consent provisions of the Act. This Issue will be further reviewed with the Commissioner.

**I recommend, pending a review of the proposed policy amendments, that the policy of involuntarily transferring inmates to psychiatric facilities for the purpose of risk assessment be rescinded.**

## **15. Critical Incident Stress Intervention for Inmates**

This Issue has been under discussion with the Service since 1999. A Correctional Service Board of Investigation into the murder of an inmate in April of 1999 recommended that a study on how to improve critical stress

management interventions with inmates be undertaken. The Board of Investigation Report stated: "the policy and procedures for managing critical incident stress intervention with staff now appears to be well developed and working effectively. By comparison, the management of intervention for inmates is insufficiently articulate in defining the expectations on staff called to support inmates following a crisis".

I concluded last year's Annual Report stating: "it has now been more than two years since the Service's Board of Investigation made its recommendation. Both the Service's investigative process and this Office over the past two years have noted further specific incidents where the Service continues to fail to provide reasonable intervention. Yet, to date, no action has been taken".

I was advised in response to last year's Report that a policy addressing this Issue would be sent to the Commissioner for sign-off by the end of December 2001. Commissioner's Directive #253 which includes guidelines on Critical Incident Stress Management was signed off May 13, 2002.

## **16. Sharing of Information with Police on Release of an Offender**

This Issue as detailed in last year's Annual Report centered on whether the Service was under an obligation to inform inmates of what information was to be released to the police and provide them with the opportunity to make representation prior to its release.

The Commissioner agreed in December of 2000 that the Service would provide notice to offenders on what information was to be disclosed. This undertaking was implemented by way of an Interim Instruction in February of 2001 which requires staff to notify the offender of the information to be disclosed at least 90 days prior to the offender's release at warrant expiry.

I was recently advised that the policy will be further amended to ensure "that before taking any decisions to disclose information pursuant to S.25(3) of the CCRA, the Service will identify to the inmate concerned the information to be disclosed and provide the offender with a reasonable opportunity to make representation on the relevancy of the information disclosed". These policy amendments, which address the issue raised by this Office, are expected to be completed by the summer of 2002.

## **17. Strip Search Policy**

I provided in last year's Annual Report a number of case studies on strip searching practices focussed on the use of force to facilitate a strip search, inappropriate and demeaning strip search procedures and the misuse of the authority provided in the legislation for the "exceptional power of search" (strip searching all inmates in a penitentiary or any part thereof). Although we did not reach a resolution with the Service on all of these matters, the Commissioner responded in December of 2000 saying that "in order to learn more about how strip searches are conducted across the Service, a Task Force will be struck. I invite the participation of your Office in developing the scope and terms of reference for the Task Force".

This Office agreed to participate in the Task Force. There were meetings in February, May and October of 2001. Our primary area of concern centered on strip searches and the use of force to facilitate such searches. I was advised in November of 2001 that a report and recommendations from the Task Force would be available for senior management review by the end of December 2001. A "Working Group Draft Report" was forwarded to our Office in January of 2002 requesting our comments. Comments were forwarded to the Service in February of 2002 which stated in part: "It is most disheartening that at this late date, one year after the Commissioner of Corrections mandated a review of Strip Search issues, that the Service is now considering conducting "an audit on strip searches to determine their usage and value as part of security policy". It would appear that all that has been accomplished in the last year is for the Service to reach a conclusion that there is little or no meaningful information available regarding strip searches".

I was subsequently advised that a final report and recommendations on strip searches would be presented to the Service's senior management by March 31, 2002. As of June 19, 2002, I had not received a copy of this report. It has now been eighteen months since the Commissioner struck a Task Force on Strip Searches.

**I recommend that the Service's Task Force Report on Strip Searches be immediately released inclusive of action plans to address identified areas of concern.**

## **18. Inmate Pay**

Inmate remuneration for work and program participation has basically been maintained at its 1986 level.

The areas of concern that I have detailed over the years are two-fold. First, inadequate levels of pay assist in promoting and maintaining an illicit

underground economy in our penitentiaries. Second, inadequate pay levels negate the ability of offenders to save sufficient funds to support their reintegration into our communities. The objectives of Corrections are not enhanced by a thriving illicit underground penitentiary economy or the release of offenders without reasonable means to support their reintegration.

The Service in acknowledging these concerns four years ago proposed increasing all pay levels, introducing annual indexing into the inmate pay system and increasing offender purchasing power to offset the cost of personal hygiene and health care products. I was advised in April of 2001 that inmates would be provided with a \$4.00 per pay period (2 weeks) credit to purchase basic health and hygiene products. I was as well advised that the Service considered the matter closed and that no further action would be taken.

I concluded last year's Annual Report on this Issue by stating that "although it is evident from the Service's response that they are not prepared to pursue their proposal of increasing pay levels and introducing annual indexing, I have been provided with no rationale for their change of position". I have recently been advised that a review of the inmate pay policy is currently underway. I have not been provided with any information on the parameters of this review. This Office and the Correctional Service have, again this year, received numerous representations from Inmate Committees on the negative impact of the current pay structure on institutional operations.

**I recommend that the Service's review of the Inmate Pay policy focus on:**

- **the adequacy of the current pay levels and the impact on the illicit underground penitentiary economy; and**
- **the adequacy of funds currently available to offenders on their release to the community.**

The Service in January of 1998 implemented a Millennium Telephone System. The introduction of this system, which was essentially a security system, increased substantially the cost of telephone communications for inmates and their families. For example, in some regions the cost of local calls went from 25 cents to 2 dollars.

I was advised in January of 2000 that efforts were underway to ensure that offenders and their families were provided with telephone costs consistent with those in the community. This has not occurred.

I recommended in last year's Annual Report that the Service provide a subsidy to inmates and their families to bring the cost of telephone communications in line with community standards. I was advised in response to this recommendation that "the ongoing appeals of the tendering process to install a new inmate telephone system has unfortunately stalled the introduction of the

new system. This is beyond CSC's control. Subsidizing inmate telephone communications until the appeals are resolved is not an option the Service is prepared to consider".

It has now been four years since the implementation of a security system which unreasonably increased the cost of telephone communications for inmates and their families. Why is the Service not prepared to consider the option of subsidizing telephone calls so as to bring the cost in line with community standards? To date no rationale for this position has been provided by the Service.

**I recommend again that the Service provide an immediate backdated subsidy to the inmate population to bring the cost of telephone communications in line with community standards.**

**I further recommend, if the Service is unwilling to provide a subsidy to offset the unreasonable cost of this security system to the inmate population, that immediate consideration be given to whether it is necessary to continue with the Millennium Telephone System.**

## **19. Transfers**

I concluded a number of years ago on this Issue that I was not at all convinced that the Service was in a position to ensure either that the process leading to inmate transfer decisions was thorough, objective and timely or that the process was reasonably monitored to ensure compliance with the administrative fairness provisions detailed in the legislation.

Transfer decisions are potentially the most important decisions taken by the Correctional Service during the course of an offender's period of incarceration. Whether it's a decision taken on an involuntary transfer to higher security or the denial of a transfer to lower security these decisions affect not only the inmate's access to programming and family, they also impact directly on subsequent decisions concerning conditional release.

The Service in October of 1999 made significant revisions to its Transfer policy. I recommended in March of 2000 that the Service initiate an evaluation of the new procedure. The areas of concern identified at the time focussed on:

- the excessive periods of time offenders were spending in reception units prior to initial placement;
- the thoroughness, objectively and timeliness of the process leading to transfer decisions;

- the high number of offenders housed at a security level above their security classification;
- the continuing questionable quality of the transfer data used by the Service to monitor the process;
- the high number of Aboriginal involuntary transfers; and
- the increasing backlog on inter-regional transfers, many of which were intended to alleviate long term segregation cases.

The Service in responding on this Issue advised in March of 2001 that an assessment of the transfer process would be completed by March 2002. The Service provided no detail with respect to the proposed assessment framework or what specific aspects of the transfer process they intended to assess.

I was further advised in November of 2001 that our Office would be consulted on the assessment of the transfer process. I was subsequently advised in March of 2002 that "a review of the transfer process **will** be initiated. The start date of the audit will be May/June 2002 and a final product should be available by the end of December 2002". This Office has yet to be consulted on the framework or focus of the assessment of the Transfer process.

This endless delay and failure to meet prior commitments on such a significant Issue is inexcusable.

**I recommend with respect to the transfer process that the Commissioner:**

- **immediately initiate an audit on the quality of the transfer data (which for the past three years has been characterized by the Service as "in question") to determine its current validity;**
- **develop a framework for the assessment of the transfer process which specifically addresses the previously noted areas of concern;**
- **provide that framework to this Office by the end of July 2002; and**
- **finalize the assessment of the transfer process, inclusive of specific action plans by November of 2002.**

## **20. Inmate Grievance Procedure**

This Office has a vested interest in ensuring that the Correctional Service's internal redress procedures are both thorough and timely in resolving individual offender complaints and in identifying and responding to systemic areas of concern. With in excess of 20,000 federal offenders, this Office cannot be, nor were we ever intended to be, the primary reviewer of offender complaints.



The Corrections and Conditional Release Act requires that the Service provide a procedure for fairly and expeditiously resolving offender grievances. For this procedure to be effective it must be and be seen to be by the offender population as timely, thorough and objective.

The areas of concern with the procedure's operation over the years have focussed on:

- the continuing instances of excessive delay in responding to individual complaints;
- the limited evidence of management review and analysis of the grievance data or management direction to address identified systemic areas of concern; and
- the effectiveness of the current procedures in addressing Health Care issues and the concerns of Women and Aboriginal offenders.

The Service, in responding to these areas of concern last year, detailed a number of actions to be undertaken. I was advised that an Audit by the Service's Performance Assurance Sector of the grievance system was expected to be finalized by the end of June 2001 and "would be shared with Inmate Committees once it is released". This Audit as of June 2002 remains in "draft" form.

I was advised that a target date of January 1, 2002 had been established "to clear the backlog of overdue grievances and maintain a pattern of timely grievance completion rates for all but exceptional cases". The backlog of overdue grievances has not been cleared and there is no evidence of an emerging pattern of a timely completion of grievances.

I was advised that quarterly statistical reports on grievances for review and analysis by Health Care, Aboriginal Issues and Women Offender sectors were produced. I have not been provided, despite requests, with the results of their review and analysis of the grievance data by any of these sectors.

I was as well advised that a separate review was "presently being undertaken by the Aboriginal Issues Branch and that reviews will be shared with interested Aboriginal inmate organizations". I have not been provided, despite a request, with the results of this review.

Given the lack of action taken by the Service in addressing these previously identified areas of concern I return to my recommendations of a year ago.

**I recommend, with respect to the Inmate Grievance Procedure, that:**

- **the Service initiate action immediately, at all levels of the procedure, to clear up the backlog of outstanding grievances and establish procedures to ensure that grievances are addressed in a timely fashion;**
- **the Service issue clear policy direction to ensure, on a quarterly basis, that a thorough analysis of grievance data is undertaken by the Health Care, Aboriginal and Women Offender sectors;**
- **the Service's Audit Report, which was to be finalized in June of 2001, be immediately provided in its draft form to Inmate Committees for their comments;**
- **the Service release the review of the grievance process undertaken by the Aboriginal Issues Branch; and**
- **the Service re-visit its rejection of Justice Arbour's recommendations concerning senior management accountability and external review within the grievance procedure.**

## **21. Elderly and Young Offenders**

The Parliamentary Sub-Committee in its May 2000 Report on the Review of the Corrections and Conditional Release Act recommended an amendment to the legislation, "adding offenders who are young, elderly or have serious health problems to the list of offender groups considered to have special needs".

The Government Response of November 2000 stated that the corrections and conditional release system must respond to the individual needs of all offenders. "Expansion of the reference groups with special needs will ensure specific focus is given to these groups".

With respect to Elderly Offenders, the Commissioner established in early 2000 a Division at National Headquarters with a mandate to develop a strategy to manage the needs of older offenders. The Division in the Spring of 2001 finalized its Report, which addressed a broad range of issues, including:

- Institutional accommodation planning;
- community corrections (supervision and programming upon release);
- health care and mental health (including palliative care);
- staffing and training to address elderly offender needs; and
- assessment, case management and release planning.

I acknowledged the Report as a thorough and thoughtful document in last year's Annual Report and encouraged the Service to implement its recommendations in a timely fashion. We wrote the Correctional Service in May of 2001 asking for the results of their Senior Management review of the Report

on Elderly Offenders and a detailing of the action plans developed. We were advised in July of 2001 that the Report had been reviewed in May by the Service's Executive Committee and the Assistant Commissioner, Correctional Operations and Programs was to develop an action plan for the implementation of the recommendations. The Service stated, "no timeframe for the completion of the action plan was established at the meeting, but it will likely not be finalized until late fall 2001".

We were subsequently advised in December of 2001, as a result of our follow-up on this matter, that "due to a shift in priorities, it (action plan) will now be completed by the end of March 2002. I will provide you a copy at that time". As of this date, June 19, 2002, the Service has provided no action plan for the elderly offender strategy. It has now been more than a year since the Service's Management Committee reviewed the Elderly Offender Report and committed to the development of an action plan by the fall of 2001 for the implementation of the Report's recommendations.

**I recommend that the Service immediately finalize their action plans and initiate implementation of the recommendations from the Report of the Elderly Offenders Division.**

With respect to Young Offenders, I provided extensive commentary and a series of recommendation in my previous two Annual Reports on the Housing of Minors in Penitentiaries. I remain of the opinion that it is never appropriate to house minors in federal penitentiaries and that the Correctional Service, to date, has done very little to address the needs of young offenders within its walls.

**I recommend again that the Correctional Service and the Solicitor General urge amendments to young offender legislation that would prohibit the placement of minors in federal penitentiaries.**

**I recommend again that the Correctional Service create housing, programming and case management policy and procedures to meet the specific needs of young offenders under their care.**

## **22. Classification of Offenders Serving Life Sentences**

The Correctional Service in February of 2001 changed its policy on the security classification of offenders serving life sentences for first and second-degree murder. The justification for the change was accomplished through a "smoke and mirrors" exercise.

The "Custody Rating Scale", a tool that assigns mathematical values to three security classification elements - public safety, escape risk and institutional adjustment - was revised so that a life sentence automatically resulted in a prohibitively high public safety rating for a two year period. As a result, irrespective of any other considerations, "lifers" must serve their first two years in a maximum security institution.

I concluded in correspondence to the Commissioner in April of 2001 that the Service's policy was contrary to law, unreasonable and improperly discriminatory to specified offender groups (women, elderly and youth). I recommended at that time the policy be rescinded.

The adverse consequences of this policy are not limited to the offenders directly affected and their families. The Service is currently short over one hundred maximum security beds. It is estimated by the Service that one hundred additional maximum security beds were used this year "due to the adjustment in policy concerning newly sentenced lifers and that an additional one hundred lifers are anticipated by 2003". In the months preceding the policy change, half of the "lifers" sentences were placed without adverse effect on public safety in medium security institutions.

I return to the comments I provided in last year's Annual Report on this Issue from a number of non-government organizations active in the justice and correctional field.

From the Canadian Association of Elizabeth Fry Societies:

*This policy imposes an arbitrary standard that flies in the face of CSC's over-arching responsibilities to utilize the least restrictive correctional interventions and environments consistent with public safety. It also will necessarily raise unfounded questions regarding the value and importance of progressive community-based programs.*

From the John Howard Society of Canada:

*Aside from the apparent illegality of this policy, we also feel that it is fundamentally bad correctional policy. It justifies the unnecessary use of maximum security and that is abuse. The courts have already upheld, in other circumstances, that unnecessarily high levels of security are in themselves wrongful detention.*

From the Church Council on Justice and Corrections:

*We find the decision draconian in nature. We believe it is a violation of Correctional Service of Canada's mission statement and corrections policy developed over many years. It could be a violation of the law, which*

*remains to be seen, and it certainly is a serious undermining of the values and spirit of so many who work within [CSC].*

From the St. Leonard's Society of Canada:

*The policy has no apparent foundation in research or evidence. It neither furthers public safety nor the rehabilitation of the prisoner. In fact, it may have the opposite effect by developing in the correctional service a precedent for unfair treatment of prisoners based on a very superficial framework of offence based management. Arbitrary prison placement cannot be justified and should not be tolerated. Denunciation is not the mandate of Corrections either in law or theory.*

The Correctional Service in response to last year's Annual Report on this matter stated that the "Correctional Investigator's concerns and those of other agencies have been noted by the Service". I believe further note needs to be taken.

**I recommend again that the two-year policy be rescinded in favour of a system that provides an evaluation on the need for maximum security placement that is balanced against all other factors that must be considered in determining the level of security necessary.**

The arbitrary nature of these decisions is further highlighted in the review mechanisms provided for within the policy. Although there is provision for an override of the maximum security classification in the policy, there is no identification as to which factors should be given consideration in determining support for an override. This absence negates the ability of both staff and offenders to reasonably pursue a challenge of the maximum security rating. I have also noted that grievances filed by offenders related to this policy or cases referred by this Office have not been addressed in a thorough, objective and timely fashion in part because the grievance process is not linked to the override authority. We wrote the Correctional Service in January of 2002 on this matter, requesting a meeting to discuss these issues; to date no meeting has taken place.

**I further recommend that the Service ensure the existence of a fair, thorough and timely redress procedure on decisions taken under the existing policy.**

## **Conclusion**

The Correctional Service's policies, procedures and decisions affect immediately and directly the offender population. The Issues detailed in this Annual Report are significant. My interest lies in ensuring that the concerns of offenders are addressed in a reasonable and timely fashion. I believe if there is a collective will these Issues can be so addressed.

My concern is that without public accountability on these matters the Correctional Service will have license to continue to ignore the substance of the Issues and provide further undertakings that they have little intention of fulfilling.

**I recommend that the Correctional Service in its Response address specifically the Recommendations detailed in the Annual Report.**

**I recommend that the Service's Response be provided to the Office by September 4, 2002.**

**I recommend that the Solicitor General publicly release the Correctional Service Response when the Annual Report is tabled in Parliament.**

# **Summary of Recommendations**

## **1. Aboriginal Offenders**

**I recommend that the Service produce, on a quarterly basis, a Report on Aboriginal offenders focused on:**

- **Transfers**
- **Segregation**
- **Discipline**
- **Temporary Absences / Work Releases**
- **Detention Referrals**
- **Delayed Parole Reviews; and**
- **Suspension and Revocation of Conditional Release**

**I recommend that the quarterly Report on Aboriginal offenders, inclusive of an analysis of the information recorded, be a standing agenda item of the Service's Senior Management Committees.**

**I recommend, again, given the gravity of this Issue and the continuing disadvantaged position of Aboriginal offenders that:**

- **a Senior Manager, specifically responsible and accountable for Aboriginal programming and liaison with Aboriginal communities, be appointed as a permanent voting member of existing Senior Management Committees of the Correctional Service at the institutional, regional and national levels; and**
- **the Correctional Service's current policies and operational procedures be immediately reviewed to ensure that discriminatory barriers to reintegration are identified and addressed. This review should be independent of the Correctional Service of Canada and be undertaken with the full support and involvement of Aboriginal organizations.**

## **2. Women Offenders**

The movement of women from the men's penitentiaries to the Regional Facilities will present the Service with a number of immediate and long-term challenges. To meet these challenges, there is a need for a refocusing on both the potential for Women's Corrections and the requirement for openness, fairness and accountability.

**I recommend that this refocusing begin with:**

- **the completion of a "final response plan" by the Correctional Service on Justice Arbour's recommendations by October 2002;**
- **the distribution of the response plan to stakeholders (government and non-government) by November 2002;**
- **the initiation of a public consultation process by January 2003; and**
- **the issuing of a final report on the status of Justice Arbour's recommendations by April 2003.**

### **3. Sexual Harrassment Policy**

**I recommend, as I did last year, that the Service immediately implement a policy on the Investigation of Allegations made by an Offender of Sexual Harassment which provides:**

- **that investigations are convened by the Deputy Commissioner of Women or if the complainant is male the Regional Deputy Commissioner;**
- **that a copy of all convening orders is forwarded to this Office;**
- **that all members of the Board of Investigation are trained in managing sexual harassment complaints;**
- **that at least one Board member is from outside the Correctional Service and that all Board members are independent of the facility where the complaint was filed;**
- **that complainants are consulted both during the investigation and prior to finalising the report in order to provide additional information and comment which will be recorded as part of the final report;**
- **that a copy of all finalised reports is provided to both complainants and this Office in a timely fashion; and**
- **that responsive follow-up action by the convening authority is initiated in a timely fashion.**

### **4. Case Preparation and Access to Programming**

**I recommend that the Service initiate immediately a review of program access and timely conditional release focussed on:**

- **current program capacity, waiting lists and specific measures required to address any deficiencies;**



- the specific reasons for delays of National Parole Board reviews and actions required to reduce the numbers;
- the reasons for the decline in unescorted temporary absences and work release programming and the specific measures required to increase participation in this programming; and
- the reasons for the continuing disadvantaged position of Aboriginal offenders in terms of timely conditional release and a specific plan of action to address this disadvantage.

I further recommend that this review, inclusive of detailed action plans, be finalized by November 2002.

## **5. Preventive Security Standards and Guidelines**

I recommend, as I did eight years ago, that the Service develop national Preventive Security Standards and Guidelines.

I further recommend that in conjunction with the issuing of the Preventive Security Guidelines that the Service initiate a training program to ensure that the responsibilities and accountabilities detailed in the Guidelines are clearly understood.

## **6. Institutional Violence**

I recommend again that the Service take immediate steps to fulfill their previous commitments to the monitoring of institutional violence through:

- the implementation of an information system capable of capturing accurate and reflective data;
- the quarterly production of an analytic report on institutional violence; and
- the review of these reports by the Service's Executive Committee.

## **7. Inmate Injuries**

I recommend again that the Service implement a national policy on the Reporting, Recording and Review of Offender Injuries to ensure:

- the timely and accurate recording of injuries and the circumstances leading to those injuries;
- the quarterly analysis and reporting of information collected on inmate injuries; and
- the review of the quarterly reports by the Service's Executive Committee.

## **8. Suicide**

No recommendations are being made.

## **9. Investigations**

I recommend that the policy on Investigations include specific timeframes for the completion of Investigative Reports and the verification of Action Plans.

I recommend that the Service monitor compliance with these timeframes and report on a quarterly basis the results to the Service's Executive Committee.

I recommend that all Investigative Reports into inmate death or serious bodily injury be reviewed nationally with a summary report on the recommendations and corrective actions taken, produced quarterly.

I recommend that guidelines for the determination of serious bodily injury be incorporated into the Service's policy on Investigations.

I recommend that all Investigative Reports into inmate deaths and serious bodily injury be provided to this Office within ten weeks of the convening of the Investigation.

## **10. Special Handling Unit (SHU)**

I recommend that the Service's current review of the SHU policy focus on:

- the effectiveness of the SHU in meeting its current stated objective;
- the level of program participation and the relevance of current programming to the identified needs of the SHU population;

- the resource requirements necessary to meet the programming needs of the existing population;
- the appointment of an independent co-chair to sit with the Senior Deputy Commissioner as the decision-maker on SHU cases; and
- the implementation of a monthly independent review process for offenders housed in segregation awaiting transfer to the SHU.

I further recommend that this SHU policy review, which was initiated in May of 2001, be finalized by July 2002.

### **11. Double Bunking**

I recommend with respect to double bunking that:

- the Commissioner issue direction immediately prohibiting the practice in segregation units; and
- that the Service finalize plans to eliminate double bunking in all non-general population units by September of 2002.

### **12. Use of Force**

I recommend that the Commissioner issue specific direction with regard to Use of Force to ensure that:

- information on injuries, policy violations and the circumstances that lead to the incident is collected;
- a report, inclusive of this information, is provided on a quarterly basis to management committees at the regional and national levels for the purpose of identifying and addressing areas of concern;
- the written results of the reviews undertaken by Women and Health Services sectors are provided in a timely fashion;
- the follow-up by national managers is consistent and timely; and
- investigations into inappropriate or excessive force are convened at the regional level and include a community board member.

### **13. Allegations of Staff Misconduct**

I recommend, given the significance of the Issue and the inconsistency in the Service's management of such allegations that a consolidated policy on the Investigation of

**Allegations of Staff Misconduct be developed to ensure that the process is transparent, fair and timely.**

#### **14. Involuntary Transfer and Consent to Mental Health Interventions**

**I recommend, pending a review of the proposed policy amendments, that the policy of involuntarily transferring inmates to psychiatric facilities for the purpose of risk assessment be rescinded.**

#### **15. Critical Incident Stress Intervention for Inmates**

**No recommendations are being made.**

#### **16. Sharing of Information with Police on Release of an Offender**

**No recommendations are being made.**

#### **17. Strip Search Policy**

**I recommend that the Service's Task Force Report on Strip Searches be immediately released inclusive of action plans to address identified areas of concern.**

#### **18. Inmate Pay**

**I recommend that the Service's review of the Inmate Pay policy focus on:**

- the adequacy of the current pay levels and the impact on the illicit underground penitentiary economy; and**
- the adequacy of funds currently available to offenders on their release to the community.**

**I recommend again that the Service provide an immediate backdated subsidy to the inmate population to bring the cost of telephone communications in line with community standards.**

**I further recommend, if the Service is unwilling to provide a subsidy to offset the unreasonable cost of this security system to the inmate population, that immediate**

consideration be given to whether it is necessary to continue with the Millennium Telephone System.

## **19. Transfers**

I recommend with respect to the transfer process that the Commissioner:

- immediately initiate an audit on the quality of the transfer data (which for the past three years has been characterized by the Service as "in question") to determine its current validity;
- develop a framework for the assessment of the transfer process which specifically addresses the previously noted areas of concern;
- provide that framework to this Office by the end of July 2002; and
- finalize the assessment of the transfer process, inclusive of specific action plans by November of 2002.

## **20. Inmate Grievance Procedure**

I recommend, with respect to the Inmate Grievance Procedure, that:

- the Service initiate action immediately, at all levels of the procedure, to clear up the backlog of outstanding grievances and establish procedures to ensure that grievances are addressed in a timely fashion;
- the Service issue clear policy direction to ensure, on a quarterly basis, that a thorough analysis of grievance data is undertaken by the Health Care, Aboriginal and Women Offender sectors;
- the Service's Audit Report, which was to be finalized in June of 2001, be immediately provided in its draft form to Inmate Committees for their comments;
- the Service release the review of the grievance process undertaken by the Aboriginal Issues Branch; and
- the Service re-visit its rejection of Justice Arbour's recommendations concerning senior management accountability and external review within the grievance procedure.

## **21. Elderly and Young Offenders**

**I recommend that the Service immediately finalize their action plans and initiate implementation of the recommendations from the Report of the Elderly Offenders Division.**

**I recommend again that the Correctional Service and the Solicitor General urge amendments to young offender legislation that would prohibit the placement of minors in federal penitentiaries.**

**I recommend again that the Correctional Service create housing, programming and case management policy and procedures to meet the specific needs of young offenders under their care.**

## **22. Classification of Offenders Serving Life Sentences**

**I recommend again that the two-year policy be rescinded in favour of a system that provides an evaluation on the need for maximum security placement that is balanced against all other factors that must be considered in determining the level of security necessary.**

**I further recommend that the Service ensure the existence of a fair, thorough and timely redress procedure on decisions taken under the existing policy.**

## **CONCLUSION**

**I recommend that the Correctional Service in its Response address specifically the Recommendations detailed in the Annual Report.**

**I recommend that the Service's Response be provided to the Office by September 4, 2002.**

**I recommend that the Solicitor General publicly release the Correctional Service Response when the Annual Report is tabled in Parliament.**

# **STATISTICS**





**TABLE A**  
**CONTACTS <sup>(1)</sup> BY CATEGORY**

| CATEGORY                                   | CASE TYPE          |                    | TOTAL      |
|--|--------------------|--------------------|------------|
|  | I/R <sup>(2)</sup> | INV <sup>(3)</sup> |            |
| <i>Administrative Segregation</i>          |                    |                    |            |
| Conditions .....                           | 51                 | 46                 | 97         |
| Placement/Review .....                     | 147                | 174                | 321        |
| <b>Total</b> .....                         | <b>198</b>         | <b>220</b>         | <b>418</b> |
| <i>Case Preparation</i>                    |                    |                    |            |
| Conditional Release .....                  | 137                | 143                | 280        |
| Post Suspension .....                      | 51                 | 23                 | 74         |
| Temporary Absence .....                    | 67                 | 69                 | 136        |
| Transfer .....                             | 115                | 126                | 241        |
| <b>Total</b> .....                         | <b>370</b>         | <b>361</b>         | <b>731</b> |
| Cell Effects.....                          | <b>202</b>         | <b>169</b>         | <b>371</b> |
| Cell Placement .....                       | <b>42</b>          | <b>43</b>          | <b>85</b>  |
| <i>Claims Against the Crown</i>            |                    |                    |            |
| Decisions .....                            | 36                 | 24                 | 60         |
| Processing .....                           | 53                 | 39                 | 92         |
| <b>Total</b> .....                         | <b>89</b>          | <b>63</b>          | <b>152</b> |
| Community Programs/Supervision .....       | <b>10</b>          | <b>8</b>           | <b>18</b>  |
| Conditions of Confinement .....            | <b>132</b>         | <b>96</b>          | <b>228</b> |
| Correspondence .....                       | <b>44</b>          | <b>39</b>          | <b>83</b>  |
| Death or Serious Injury .....              | <b>2</b>           | <b>1</b>           | <b>3</b>   |
| Decisions (General) - Implementation ..... | <b>25</b>          | <b>9</b>           | <b>34</b>  |
| <i>Diet</i>                                |                    |                    |            |
| Medical .....                              | 11                 | 21                 | 32         |
| Religious .....                            | 13                 | 18                 | 31         |
| <b>Total</b> .....                         | <b>24</b>          | <b>39</b>          | <b>63</b>  |
| <i>Discipline</i>                          |                    |                    |            |
| ICP Decisions .....                        | 21                 | 5                  | 26         |
| Minor Court Decisions .....                | 15                 | 4                  | 19         |
| Procedures .....                           | 37                 | 20                 | 57         |
| <b>Total</b> .....                         | <b>73</b>          | <b>29</b>          | <b>102</b> |
| Discrimination .....                       | <b>27</b>          | <b>11</b>          | <b>38</b>  |
| Employment .....                           | <b>81</b>          | <b>49</b>          | <b>130</b> |
| <i>File Information</i>                    |                    |                    |            |
| Access - Disclosure .....                  | 69                 | 57                 | 126        |
| Correction .....                           | 204                | 67                 | 271        |
| <b>Total</b> .....                         | <b>273</b>         | <b>124</b>         | <b>397</b> |
| <i>Financial Matters</i>                   |                    |                    |            |
| Access .....                               | 27                 | 39                 | 66         |
| Pay .....                                  | 63                 | 49                 | 112        |
| <b>Total</b> .....                         | <b>90</b>          | <b>88</b>          | <b>178</b> |

**TABLE A (Cont'd)**  
**CONTACTS <sup>(1)</sup> BY CATEGORY**

| <b>CATEGORY</b>                                    | <b>CASE TYPE</b>          |                           |              |
|--|---------------------------|---------------------------|--------------|
|  | <b>I/R <sup>(2)</sup></b> | <b>INV <sup>(3)</sup></b> | <b>TOTAL</b> |
| <i>Food Services</i> .....                         | <b>18</b>                 | <b>17</b>                 | <b>35</b>    |
| <i>Grievance Procedure</i> .....                   | <b>121</b>                | <b>97</b>                 | <b>218</b>   |
| <i>Grievance Procedure Processing</i>              | <b>51</b>                 | <b>75</b>                 | <b>126</b>   |
| <i>Health Care</i>                                 |                           |                           |              |
| <i>Access</i> .....                                | 273                       | 372                       | 645          |
| <i>Decisions</i> .....                             | 192                       | 150                       | 342          |
| <b>Total</b> .....                                 | <b>465</b>                | <b>522</b>                | <b>987</b>   |
| <i>Mental Health</i>                               |                           |                           |              |
| <i>Access</i> .....                                | 9                         | 18                        | 27           |
| <i>Programs</i> .....                              | 7                         | 5                         | 12           |
| <b>Total</b> .....                                 | <b>16</b>                 | <b>23</b>                 | <b>39</b>    |
| <i>Official Languages</i> .....                    | <b>11</b>                 | <b>4</b>                  | <b>15</b>    |
| <i>Operation/Decisions of the OCI</i> .....        | <b>29</b>                 | <b>19</b>                 | <b>48</b>    |
| <i>Penitentiary Placement</i> .....                | <b>89</b>                 | <b>62</b>                 | <b>151</b>   |
| <i>Programs</i>                                    |                           |                           |              |
| <i>Access</i> .....                                | 94                        | 126                       | 220          |
| <i>Quality/Content</i> .....                       | 16                        | 11                        | 27           |
| <b>Total</b> .....                                 | <b>110</b>                | <b>137</b>                | <b>247</b>   |
| <i>Release Procedures</i> .....                    | <b>22</b>                 | <b>14</b>                 | <b>36</b>    |
| <i>Request for Info</i>                            | <b>102</b>                |                           | <b>102</b>   |
| <i>Safety/Security of Offender(s)</i> .....        | <b>75</b>                 | <b>90</b>                 | <b>165</b>   |
| <i>Search and Seizure</i> .....                    | <b>19</b>                 | <b>12</b>                 | <b>31</b>    |
| <i>Security Classification</i> .....               | <b>137</b>                | <b>72</b>                 | <b>209</b>   |
| <i>Sentence Administration-- Calculation</i> ..... | <b>51</b>                 | <b>26</b>                 | <b>77</b>    |
| <i>SHU - NRC Reviews</i>                           | <b>16</b>                 | <b>2</b>                  | <b>18</b>    |
| <i>Staff Responsiveness</i> .....                  | <b>316</b>                | <b>111</b>                | <b>427</b>   |
| <i>Telephone</i> .....                             | <b>90</b>                 | <b>79</b>                 | <b>169</b>   |
| <i>Temporary Absence Decision</i> .....            | <b>79</b>                 | <b>68</b>                 | <b>147</b>   |
| <i>Transfer</i>                                    |                           |                           |              |
| <i>Decision—Denials</i> .....                      | 143                       | 87                        | 230          |
| <i>Implementation</i> .....                        | 81                        | 59                        | 140          |
| <i>Involuntary</i> .....                           | 247                       | 144                       | 391          |
| <b>Total</b> .....                                 | <b>471</b>                | <b>290</b>                | <b>761</b>   |
| <i>Urinalysis</i> .....                            | <b>28</b>                 | <b>12</b>                 | <b>40</b>    |
| <i>Use of Force</i> .....                          | <b>8</b>                  | <b>28</b>                 | <b>36</b>    |
| <i>Visits</i>                                      |                           |                           |              |
| <i>General</i> .....                               | 173                       | 142                       | 315          |
| <i>Private Family Visits</i> .....                 | 110                       | 81                        | 191          |
| <b>Total</b> .....                                 | <b>283</b>                | <b>223</b>                | <b>506</b>   |

**TABLE A (Cont'd)**  
**CONTACTS <sup>(1)</sup> BY CATEGORY**

| <b>CATEGORY</b>                                  | <b>CASE TYPE</b>          |                           | <b>TOTAL</b> |
|--|---------------------------|---------------------------|--------------|
|  | <b>I/R <sup>(2)</sup></b> | <b>INV <sup>(3)</sup></b> |              |
| <u>Outside Terms of Reference</u>                |                           |                           |              |
| <i>Conviction/Sentence—Current Offence .....</i> | <b>17</b>                 | <b>-</b>                  | <b>17</b>    |
| <i>Immigration/Deportation .....</i>             | <b>11</b>                 | <b>-</b>                  | <b>11</b>    |
| <i>Legal Counsel-- Quality .....</i>             | <b>6</b>                  | <b>-</b>                  | <b>6</b>     |
| <i>Outside Court-- Access .....</i>              | <b>21</b>                 | <b>-</b>                  | <b>21</b>    |
| <i>Parole Decisions .....</i>                    | <b>254</b>                | <b>-</b>                  | <b>254</b>   |
| <i>Police Actions .....</i>                      | <b>17</b>                 | <b>-</b>                  | <b>17</b>    |
| <i>Provincial Matter .....</i>                   | <b>46</b>                 | <b>-</b>                  | <b>46</b>    |
| <b>GRAND TOTAL .....</b>                         | <b>4661</b>               | <b>3332</b>               | <b>7993</b>  |

- (1) See Glossary
- (2) I/R: Immediate Response - see Glossary
- (3) INV: Investigation - see Glossary

## **GLOSSARY**

**Contact:** *Any transaction regarding an issue between the OCI and an offender or a party acting on behalf of an offender. Contacts may be made by telephone, facsimile, letter, and during interviews held by the OCI's investigative staff at federal correctional facilities.*

**Immediate Response:** *A contact where the information or assistance sought by the offender can generally be provided immediately by the OCI's investigative staff.*

**Investigation:** *A contact where an inquiry is made to the Correctional Service and/or documentation is reviewed/analyzed by the OCI's investigative staff before the information or assistance sought by the offender is provided.*

*Investigations vary considerably in terms of their scope, complexity, duration and resources required. While some issues may be addressed relatively quickly, others require a comprehensive review of documentation, numerous interviews and extensive correspondence with the various levels of management at the Correctional Service of Canada prior to being finalized.*

**TABLE B**  
**CONTACTS BY INSTITUTION**

| <i>Region/Institution</i>                     | <i># of contacts</i> | <i># of interviews</i> | <i># of days spent in institution</i> |
|---|----------------------|------------------------|---------------------------------------|
| <b><u>Women's Facilities</u></b>              |                      |                        |                                       |
| <i>Edmonton Women's Facility .....</i>        | 37                   | 9                      | 2                                     |
| <i>Regional Reception Centre (Québec)</i>     | 21                   | 14                     | 4                                     |
| <i>Grand Valley .....</i>                     | 161                  | 43                     | 6                                     |
| <i>Isabel McNeill House .....</i>             | 6                    | 0                      | 2                                     |
| <i>Joliette .....</i>                         | 150                  | 67                     | 8                                     |
| <i>Okimaw Ohci Healing Lodge .....</i>        | 14                   | 16                     | 2                                     |
| <i>Nova .....</i>                             | 80                   | 13                     | 2                                     |
| <i>Regional Psychiatric Centre (Prairies)</i> | 27                   | 14                     | 4                                     |
| <i>Saskatchewan Penitentiary... ..</i>        | 40                   | 37                     | 5                                     |
| <i>Springhill .....</i>                       | 59                   | 23                     | 3                                     |
| <b>Total .....</b>                            | <b>595</b>           | <b>236</b>             | <b>38</b>                             |
| <b>ATLANTIC</b>                               |                      |                        |                                       |
| <i>Atlantic .....</i>                         | 270                  | 89                     | 17                                    |
| <i>Dorchester .....</i>                       | 318                  | 112                    | 9                                     |
| <i>Springhill .....</i>                       | 114                  | 40                     | 4                                     |
| <i>Westmorland .....</i>                      | 38                   | 9                      | 2                                     |
| <b>Region Total .....</b>                     | <b>740</b>           | <b>250</b>             | <b>32</b>                             |
| <b>ONTARIO</b>                                |                      |                        |                                       |
| <i>Bath .....</i>                             | 122                  | 43                     | 6                                     |
| <i>Beaver Creek .....</i>                     | 49                   | 18                     | 2                                     |
| <i>Collins Bay .....</i>                      | 109                  | 97                     | 6                                     |
| <i>Fenbrook .....</i>                         | 365                  | 28                     | 6                                     |
| <i>Frontenac .....</i>                        | 44                   | 14                     | 1                                     |
| <i>Joyceville .....</i>                       | 331                  | 67                     | 13                                    |
| <i>Kingston Penitentiary .....</i>            | 669                  | 183                    | 16                                    |
| <i>Millhaven .....</i>                        | 179                  | 69                     | 11                                    |
| <i>Pittsburgh .....</i>                       | 33                   | 5                      | 1                                     |
| <i>Regional Treatment Centre .....</i>        | 32                   | 15                     | 2                                     |
| <i>Warkworth .....</i>                        | 286                  | 81                     | 11                                    |
| <b>Region Total.....</b>                      | <b>2219</b>          | <b>620</b>             | <b>75</b>                             |
| <b>PACIFIC</b>                                |                      |                        |                                       |
| <i>Elbow Lake .....</i>                       | 16                   | 97                     | 2                                     |
| <i>Ferndale .....</i>                         | 22                   | 21                     | 2                                     |
| <i>Kent .....</i>                             | 135                  | 94                     | 6                                     |
| <i>Matsqui .....</i>                          | 55                   | 23                     | 3                                     |
| <i>Mission .....</i>                          | 75                   | 40                     | 4                                     |

**TABLE B (cont'd)**  
**CONTACTS BY INSTITUTION**

| <i>Region/Institution</i>                   | <i># of contacts</i> | <i># of interviews</i> | <i># of days spent in institution</i> |
|---|----------------------|------------------------|---------------------------------------|
| <i>Mountain .....</i>                       | 115                  | 66                     | 6                                     |
| <i>Regional Health Centre .....</i>         | 94                   | 1                      | 1                                     |
| <i>William Head .....</i>                   | 57                   | 19                     | 3                                     |
| <b>Region Total .....</b>                   | <b>569</b>           | <b>361</b>             | <b>27</b>                             |
| <b>PRAIRIE</b>                              |                      |                        |                                       |
| <i>Bowden .....</i>                         | 284                  | 114                    | 16                                    |
| <i>Drumheller .....</i>                     | 212                  | 116                    | 13                                    |
| <i>Edmonton .....</i>                       | 313                  | 43                     | 7                                     |
| <i>Grande Cache .....</i>                   | 176                  | 24                     | 5                                     |
| <i>Pê Sâkâstêw Centre .....</i>             | 7                    | 4                      | 3                                     |
| <i>Regional Psychiatric Centre .....</i>    | 115                  | 44                     | 4                                     |
| <i>Riverbend .....</i>                      | 30                   | 5                      | 4                                     |
| <i>Rockwood .....</i>                       | 14                   | 8                      | 3                                     |
| <i>Saskatchewan Penitentiary .....</i>      | 302                  | 93                     | 12                                    |
| <i>Stony Mountain .....</i>                 | 240                  | 65                     | 11                                    |
| <b>Region Total.....</b>                    | <b>1693</b>          | <b>516</b>             | <b>78</b>                             |
| <b>QUEBEC</b>                               |                      |                        |                                       |
| <i>Archambault .....</i>                    | 174                  | 104                    | 14                                    |
| <i>Cowansville .....</i>                    | 191                  | 60                     | 6                                     |
| <i>Donnacona .....</i>                      | 146                  | 77                     | 8                                     |
| <i>Drummondville .....</i>                  | 168                  | 61                     | 6                                     |
| <i>Federal Training Centre .....</i>        | 131                  | 78                     | 7                                     |
| <i>La Macaza .....</i>                      | 177                  | 140                    | 9                                     |
| <i>Leclerc .....</i>                        | 291                  | 64                     | 7                                     |
| <i>Montée St-François .....</i>             | 84                   | 18                     | 2                                     |
| <i>Port Cartier .....</i>                   | 264                  | 67                     | 8                                     |
| <i>Regional Reception Centre/SHU Québec</i> | 368                  | 155                    | 23                                    |
| <i>Ste-Anne des Plaines .....</i>           | 74                   | 31                     | 4                                     |
| <b>Region Total .....</b>                   | <b>2068</b>          | <b>855</b>             | <b>94</b>                             |
| <b>GRAND TOTAL .....</b>                    | <b>7884*</b>         | <b>2838</b>            | <b>344</b>                            |

\*Excludes 63 contacts in CCC's and CRC's and 46 contacts in provincial institutions

**TABLE C**  
**COMPLAINTS AND INMATE POPULATION - BY REGION**

| <b>Region</b>          | <b>Total number of contacts <sup>(*)</sup></b> | <b>Inmate Population <sup>(**)</sup></b> |
|------------------------|--|--|
| <i>Maritimes</i> ..... | 740  | 1190                                     |
| <i>Québec</i> .....    | 2068   | 3232                                     |
| <i>Ontario</i> .....   | 2219   | 3411                                     |
| <i>Prairies</i> .....  | 1693   | 3048                                     |
| <i>Pacific</i> .....   | 569  | 1779                                     |
| <b>TOTAL</b> .....     | <b>7289</b>                                    | <b>12660</b>                             |

(\*) *Excludes 704 contacts from CCC/CRC's, provincial institutions and FSW facilities.*

(\*\*) *Last quarter of FY2001-2002, as per the April 2002 Corporate Results Report, issued by the Correctional Service of Canada.*

**TABLE D**  
**DISPOSITION OF CONTACTS BY CASE TYPE**

| <b>CASE TYPE</b>          | <b>DISPOSITION</b>             | <b># OF COMPLAINTS</b> |
|---------------------------|--------------------------------|------------------------|
| <i>Immediate Response</i> | <i>Information given .....</i> | 2511                   |
|                           | <i>Outside mandate .....</i>   | 180                    |
|                           | <i>Pending .....</i>           | 52                     |
|                           | <i>Premature .....</i>         | 864                    |
|                           | <i>Referral .....</i>          | 801                    |
|                           | <i>Withdrawn .....</i>         | 253                    |
| <b>Total</b>              |                                | <b>4661</b>            |
| <i>Investigation</i>      | <i>Assistance given .....</i>  | 887                    |
|                           | <i>Information given .....</i> | 756                    |
|                           | <i>Pending .....</i>           | 148                    |
|                           | <i>Premature .....</i>         | 200                    |
|                           | <i>Referral .....</i>          | 472                    |
|                           | <i>Not justified .....</i>     | 397                    |
|                           | <i>Resolved .....</i>          | 328                    |
|                           | <i>Unable to Resolve .....</i> | 55                     |
| <i>Withdrawn .....</i>    | 89                             |                        |
| <b>Total</b>              |                                | <b>3332</b>            |
| <b>GRAND TOTAL</b>        |                                | <b>7993</b>            |



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**TABLE E**  
**AREAS OF CONCERN MOST FREQUENTLY IDENTIFIED BY OFFENDERS**

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**TOTAL OFFENDER POPULATION**

|   |     |
|---|-----|
| <i>Health Care</i>  | 987 |
| <i>Transfer</i>   | 761 |
| <i>Case Preparation</i>                                     | 731 |
| <i>Visits and Private Family Visits</i>                     | 506 |
| <i>Staff Responsiveness</i>                                 | 427 |
| <i>Administrative Segregation</i>                           | 418 |
| <i>File Information (Access, Correction and Disclosure)</i> | 397 |
| <i>Cell Effects</i>   | 371 |
| <i>Grievance Procedure</i>                                  | 344 |
| <i>Parole Decisions</i>                                     | 254 |

**ABORIGINAL OFFENDERS**

|   |     |
|---|-----|
| <i>Transfer</i>   | 109 |
| <i>Health Care</i>  | 75  |
| <i>Case Preparation</i>                                     | 62  |
| <i>Administrative Segregation</i>                           | 52  |
| <i>Staff Responsiveness</i>                                 | 51  |
| <i>Visits and Private Family Visits</i>                     | 50  |
| <i>Cell Effects</i>   | 43  |
| <i>File Information (Access, Correction and Disclosure)</i> | 37  |
| <i>Programs/Services</i>                                    | 35  |
| <i>Conditions of Confinement</i>                            | 31  |

**WOMEN OFFENDERS**

|   |    |
|---|----|
| <i>Case Preparation</i>                                     | 66 |
| <i>Health Care</i>  | 52 |
| <i>Staff Responsiveness</i>                                 | 48 |
| <i>Visits and Private Family Visits</i>                     | 41 |
| <i>Conditions of Confinement</i>                            | 32 |
| <i>Administrative Segregation</i>                           | 25 |
| <i>Cell Effects</i>   | 25 |
| <i>File Information (Access, Correction and Disclosure)</i> | 21 |
| <i>Discipline</i>   | 19 |
| <i>Temporary Absence - Decision</i>                         | 19 |