



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Annual Report of the Office of the Correctional Investigator 2005-2006



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Paper Version:
Cat. No. PS100-2006
ISBN 0-662-49431-8

PDF Version:
Cat. No. PS100-2006E-PDF
ISBN 0-662-43885-X

Internet: www.oci-bec.gc.ca

The photographs in this report are
the work of Bill Rankin. We thank
Mr. Rankin for his generous contribution.



THE PILLARS OF EFFECTIVE CORRECTIONS:

1. The absolute necessity of fostering a strong culture of human rights within the Correctional Service of Canada.
2. The need for correctional staff and senior managers to be accountable in their administration of law and policy.
3. The requirement to assist offenders to ensure their timely, safe reintegration into the community.



CORRECTIONAL INVESTIGATOR'S INTRODUCTION

Work in corrections demands passion, commitment and optimism.

Canadians are fortunate that the Correctional Service of Canada is staffed by individuals who overwhelmingly possess these characteristics. The men and women of the Correctional Service strive to conduct themselves with a high level of professionalism and competence.

Unfortunately, there are individual exceptions and systemic and structural challenges. Corrections is after all a human enterprise and there will be failures and mistakes.

My report, which reflects upon the problems of offenders, necessarily focuses upon the exceptions, failures and structural challenges.

In my last Annual Report 2004-05, I highlighted three pillars of sound correctional practice: the protection of human rights, the acceptance of accountability, and safe, supported, timely reintegration. Adherence to these basic principles is key to the Correctional Service meeting its two statutory obligations of safe, humane custody and assisting offenders, through rehabilitative programming and supervision, to return to their communities as law abiding citizens.

First, respecting and preserving fundamental human rights and freedoms should form the backbone of any correctional endeavour. The regular duties and functions of all correctional staff – such as use of force, searches, placements in segregation and transfers to higher security – can significantly impede and intrude upon

human rights. The Correctional Service has great authority over every single aspect of the lives of offenders. For this reason, the actions of the Correctional Service must comply with the rule of law and be consistent with human rights protections afforded by law. Through respecting the human rights of offenders, we as a society convey a strong message that everyone is to be treated with inherent respect and dignity regardless of his or her circumstance, race, social status, gender or religion.

Second, accountability is fundamental to our democratic system of government. Accountability and transparency in decision-making are central features of an effective correctional system. The Correctional Service must possess the means, strategies and methods for evaluating its performance, and be able to demonstrate to Parliament and Canadians the efficacy and fairness of its decisions. The corporate governance structure must be capable of preventing, detecting and rectifying violations of law and policy in a timely fashion. Accountability in corrections also means being responsive to the areas of concerns raised by offenders.

Finally, the Correctional Service's enabling statute, the *Corrections and Conditional Release Act*, builds upon the belief that successful rehabilitation and safe reintegration of offenders depend upon providing humane treatment and the least restrictive forms of custody and control, consistent with public safety. Successful, safe and timely reintegration is more likely to occur when rehabilitation programs, based on solid evidence, are provided early and through-

out the sentence. These programs might target mental health, anger management or substance abuse. Other programs, such as employment skills and education, must also be made available to offenders to better equip them for their eventual return to the community.

With the arrival this past year of a new Commissioner of Corrections, Correctional Service is going through a transition to new priorities to meet the demands of new leadership. Such a transition period provides a great opportunity for the Correctional Service to rejuvenate itself, and to look forward and seek new ways to achieve its goals and objectives.

However, looking to the future with optimism cannot be done without carefully reflecting upon the past history of the organization. For more than a decade, the Correctional Service has been the subject of many reviews and recommendations on how best to address chronic concerns. Looking forward should be done mindful of the past, as history in federal corrections is filled with repeated missed opportunities to address systemic issues.

The Correctional Service is a large, complex and decentralized organization. It operates within an environment which imposes competing demands and provides little tolerance for failure. Limited resources continue to be stretched ever more thinly and “doing more with less” has become the required standard operating procedure. This reality, no matter how challenging, does not excuse the Correctional Service for operating at odds with its legal and policy framework. If resources are the problem and operational demands make significant reallocation impossible, then new resources must be obtained. The focus must always be on doing what is right and respecting the three pillars described above.

By and large, despite considerable effort, there has not been adequate progress on the eight recommendations in last year’s Annual Report. Canadians should take notice as this lack of progress has clear repercussions on public safety. The Canadian public is not well served when the Correctional Service does not do what it is required to do to assist the rehabilitation of offenders.

This inadequate response often stems from structural problems which are resistant to change. Many of the issues the Correctional Service struggles with originate well outside of their institutions. Even so, while the Correctional Service is not responsible for the social conditions and policy decisions which shape its offender population, it is responsible for operating in compliance with the law.

Perhaps, to some degree, recommendations of the past have not focused sufficiently on outcomes, causing the Correctional Service to respond to those recommendations in a bureaucratic manner. I believe that too often the rationales for recommendations are lost in a sea of action plans, strategic plans, working groups and task forces. Over the years, too much effort has been invested in bureaucratic processes with little or no change in “outcomes.”

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As an ombudsman, it is my role to review offender complaints and comment on compliance and fairness issues – it is not my role to direct the Correctional Service on how to best manage itself. As an independent ombudsman office which has the benefit of looking objectively at problem areas, my recommendations directed to the Correctional Service should be designed to enhance accountability of Correctional Service managers and staff to ensure the safe, humane and lawfully administered custody and supervision of offenders.

Therefore, in this year’s Annual Report 2005-06, I will make recommendations which largely focus on improving “outcomes.” In this way, the rationales for my recommendations will not be lost. Hopefully the Correctional Service will respond by demonstrating its commitment to address systemic issues by improving performance on a set of key “outcomes” related to the specifics of the issues identified.

In November 2005, the Correctional Service announced its five new priorities: community transition; institutional safety and security; Aboriginal offenders; mental health; and, strengthening management practices. These priorities are of great interest to this Office, and we are pleased to see that the Correctional Service is in the process of prioritizing its many challenges and identifying measurable outcomes. We are hopeful that the focus will eventually achieve some concrete and significant results that will translate into effectively addressing these priority areas.

By the time this report is tabled before Parliament in the fall of 2006, I will have been Canada’s federal prison ombudsman for two and a half years – exactly halfway through my five-year term. This is, therefore, an opportune time for me to reflect on the effectiveness of my Office in fulfilling its mandate.

Since my appointment as Correctional Investigator, it has become abundantly clear that the key strength of this Office is its ability to address individual offender complaints at the institutional level. The dedication and professionalism of those involved in investigations and resolution of complaints are what makes this Office an important and effective organization. Our independence, paired with fair and professional investigative staff and managers, are key components of a productive ombudsman office. It is important to note that more often than not, Correctional Service staff and managers at the institutional level continue to be responsive to our representations and are, therefore, partners in our success.

Unfortunately, it has also become equally clear that the major weakness of this Office is its limited ability to cause the Correctional Service to reasonably address systemic issues and to ensure that its operations fully comply with its legislative and policy framework. This Office is, therefore, destined to deal with the same issues year after year, and has been unable to break this cycle and prevent complaints from emerging in the first place. Interestingly, the Correctional Service's internal grievance system is caught in the same unproductive cycle, responding to thousands of similar complaints and grievances year after year with limited ability to fix systemic issues that are the root causes of offender complaints.

The obvious concern with this pattern is the absence of sustained improvement. The list of unresolved issues that continue to plague the Correctional Service's compliance with its legal and policy framework includes:

- the Correctional Service has failed to demonstrate that it meets its statutory obligation to provide essential mental health care and reasonable access to non-essential mental health care in accordance to "professionally accepted standards." Over the last decade, the number of mentally ill offenders has more than doubled, yet the level of mental health services within its institutions has remained the same or diminished;
- the Correctional Service continues to provide physical health care services in facilities that have not been accredited and have not demonstrated compliance with "professionally accepted standards";
- despite the undeniable recognition of the benefits of harm reduction initiatives, a needle exchange program has yet to be introduced to curtail the spread of infectious diseases such as Hepatitis C and HIV within and outside the penitentiary walls;
- the Correctional Service has yet to establish a consistent "procedure for fairly and expeditiously resolving offenders'

grievances." This Office has raised the inadequacy of the Correctional Service's grievance system in every Annual Report since 1987. The net effect is that the current procedure remains non-compliant with legislative and policy requirements;

- the Correctional Service has failed to fully implement its harassment policy. In spite of the recommendation of Madame Justice Louise Arbour¹ a decade ago on the immediate necessity of implementing a harassment policy to protect offenders, the Correctional Service is still unable to comply with the provisions of its "new" harassment policy implemented almost three years ago;
- I have repeatedly recommended rescinding the policy which requires that federally sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration. The policy, which is contrary to all other classification policy, has been in place since 2001, and hundreds of offenders have now been unjustifiably (and at great financial cost) over-classified² as a result;
- the Correctional Service continues to rely on risk assessment tools that have been repeatedly found to over-classify women and Aboriginal offenders. Since concerns expressed in 1996 by Madame Justice Arbour, numerous subsequent observers have determined that the tools used by the Correctional Service should not be used. Until such time as new tools are developed, Aboriginal and women offenders continue to be unjustifiably over-classified and hence discriminated against;
- many offenders, often mentally ill, increasingly serve a significant part of their penitentiary sentence in administrative segregation. Since the Arbour Report of 1996, several internal and external reports have advocated independent adjudication of administrative segregation decisions to achieve legal compliance. After 10 years of recommendations, the Correctional Service continues to argue, without supporting evidence, that an enhanced internal segregation review process can achieve fairness and compliance with the rule of law, and reduce the number of placements in segregation;
- the Correctional Service is increasingly relying upon restrictive units and the creation of correctional sub-populations outside of the legal framework of the *Corrections and Conditional Release Act* to manage offenders without the benefit of adequate procedural safeguards;

- the Correctional Service does not meet its statutory obligation to ensure the rights of Aboriginal offenders to effective assistance in reintegrating into the community. The Correctional Service's own statistics confirm that the situation of Aboriginal offenders is deteriorating in many areas that the Correctional Service could positively influence. That includes significant delays in timely and safe reintegration into the community; under-representation in minimum-security institutions and over-representation in maximum-security institutions and administrative segregation; limited use of legislative provisions designed to enhance Aboriginal reintegration; and a high ratio of detention referrals. The situation of Aboriginal women in terms of security classification and timely conditional release is even more problematic;
- despite past efforts, the Correctional Service has failed to implement a more humane and less restrictive alternative to long-term segregation of women. There also remain significant barriers to the timely and effective reintegration of women offenders, including access to programming, mental health services, institutional employment, and post release housing;
- there are unreasonable delays in convening Correctional Service investigations into serious injury or death of inmates. Once investigations are completed, there are additional unreasonable delays in obtaining the Commissioner's response to the recommendations of the investigation reports and the ensuing action plans; and,
- the Correctional Service has not adequately addressed the ongoing excessively high number of delays in presenting cases to the National Parole Board for consideration. Moreover, the number of offenders involved in work release and unescorted temporary absence programming continue to decline, even when the success rates of these forms of conditional release have historically been very high.

I recognize that in the past the Correctional Service has often not disagreed with the issues identified or necessarily opposed my recommendations. One key stumbling block to reasonably addressing these issues is the Correctional Service's challenge in effectively managing competing priorities with limited resources. With this in mind, I encourage those who hold the purse strings and who are ultimately responsible to Canadians for ensuring the Correctional Service operates in full compliance with its legal mandate to become familiar with my report.

The need for the Correctional Service to effect fundamental, lasting changes to address the above noted issues continues to rank as the overriding concern for this Office. The power of an ombudsman is limited to making recommendations. Without increased commitment on the part of the Correctional Service and Parliament to make significant progress to resolve these long standing issues, federal offenders will continue to live in an environment plagued with violence, conditions not conducive to positive change, inadequate mental and physical health care, and limitations in the services necessary to assist their reintegration into society as law abiding citizens. At the end of the day, these factors all impact negatively on public safety.

It is my sincere belief that, if implemented, my recommendations would assist the Correctional Service in meeting its mandate. A hallmark of a mature, confident organization is its ability to accept external criticism and oversight, and adjust its operations accordingly. I look forward to working with the Correctional Service to achieve and sustain meaningful improvements in the coming year.

Howard Sapers

Correctional Investigator of Canada

A large, light-colored teepee stands in the foreground, featuring a prominent black and white illustration of a turtle on its side. The teepee is pitched in front of a multi-story building with several windows, each fitted with metal bars. To the right of the teepee, a flagpole with a flag is visible. The ground is a mix of dirt and gravel. The entire scene is overlaid with a semi-transparent dark blue filter.

THE KEY ISSUES:

1. Health Services, Including Mental Health and Needle Exchange
2. Women Offenders
3. Aboriginal Offenders
4. Institutional Violence and Investigations of Inmate Injury
5. Inmate Grievances, Allegations of Harassment and Staff Misconduct
6. Case Preparation and Access to Programs

KEY ISSUES

The following sections highlight key areas of offender complaints.

HEALTH SERVICES, INCLUDING MENTAL HEALTH AND NEEDLE EXCHANGE

By law the Correctional Service must provide essential health care services to every inmate in accordance with “professionally accepted standards.”

(A) Professionally Accepted Standards

For years, health care issues have been a primary area of offender complaints to this Office and the Correctional Service’s grievance process. By law, the Correctional Service must provide essential health care services to every inmate in accordance with “professionally accepted standards.” The law makes no reference to other measurements, such as community or provincial standards.

To help ensure that this obligation was being met, the Correctional Service committed in 2001 to have all its health care units and regional mental health facilities accredited. Accreditation involves a detailed examination of an organization’s services and methods of operation.

The Correctional Service sought the assistance of the Canadian Council on Health Services Accreditation to examine and improve the quality of care and service it provides to inmates. The Council is an independent, internationally-recognized agency that has accredited over 1,500 individual or provincial sites, 11 national and three international organizations. According to the Council, accreditation is not a “pass or fail” process but rather one of continuous improvement and an objective measure of progress against a set of professional standards.

The Council has a two-phase accreditation process. The first phase involves self-assessment: the organization seeking accreditation measures its own compliance against the Council’s national standards. In the second phase, surveyors from outside the organization undertake the accreditation survey and use the same national standards to independently measure the organization through an on-site survey. The findings from the survey are summarized in a written report.

The Correctional Service completed the first phase of the Council process which is basically a pre-audit to maximize the chances of success in the second phase (accreditation). Twenty-nine of a total of 54 sites subsequently underwent the second accreditation phase.

Failure to have health services accredited raises questions about the Correctional Service’s compliance with its legislative obligation to meet “professionally accepted standards.”

For an organization that has provided health care services for more than 100 years, it was with great concern that I learned that 52 per cent of the sites (15) failed to be accredited, 38 per cent (11) were accredited with various conditions, and only 10 per cent (3) were fully accredited. Two key factors that prevented accreditation included the inadequacy of the existing clinical governance structure and the absence of continuing professional education and training for health care staff. Accreditation for the remaining sites has been put on hold.

In the absence of any other objective measurement, failure to have health services accredited raises questions about the Correctional Service’s compliance with its legislative obligation to meet “professionally accepted standards.”

If no significant progress is made in the coming year, I will explore recommendations that would assign the delivery of health care services to accredited publicly administered providers other than the Correctional Service.

1. I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential health care according to professionally accepted standards, and that all institutional health care sites be accredited within one year.

(B) Mental Health

For three years, my Office has focused on the inadequacy of mental health care services for offenders.

In my last Annual Report 2004-05, I highlighted the fact that the proportion of federal offenders with significant, identified mental health needs has more than doubled over the past decade. I also stated that mental health services offered by the Correctional Service to these offenders have not kept up with the dramatic increase in numbers of offenders with mental illnesses.

The level of mental health services available continues to be seriously deficient, and in my opinion, the Correctional Service is not fulfilling its legislative obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care.

In July 2004, the Correctional Service approved a mental health strategy that promotes the adoption of a continuum of care from initial intake through the safe release of offenders into the community. Funds were obtained to strengthen the release end of the Correctional Service's mental health continuum.

This Office welcomed the news of new investments in community mental health by the Correctional Service in December 2005. Offenders with mental disorders, as a result, will be better served during their period of conditional release. However, no other investment has been made to consistently assess the offender population at intake and to ensure that their mental health needs are adequately addressed throughout their sentence.

Although mental health is now one of five priorities for the Correctional Service, there have been no significant changes at the institutional level over the past year. Offenders with mental illnesses continue to be segregated and punished for displaying symptoms of their illnesses and not treated adequately according to "professionally accepted standards." Over the last year, we have, in fact, witnessed the reduction in some mental health services that had previously existed – an example being the diminishing number of psychologists in the Ontario Region.

I recommended last year that immediate steps to sensitize and train all front-line staff to appropriately identify mental health behaviour and respond accordingly be undertaken, but such training has yet to be fully developed – let alone comprehensively delivered. This situation can only be described as critical.

2. I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care according to professionally accepted standards, and that all mental health care units and regional treatment centres be accredited within one year.

3. I again recommend that the Correctional Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.

(C) Needle Exchange

In 1994, the Expert Committee on Aids in Prison, established by the Correctional Service, reported on the increasing incidence of infectious diseases in federal penitentiaries. The committee found the causes of disease to include the use and sharing of contaminated drug paraphernalia. By 2004, most of the committee's recommendations for education, treatment and harm-reduction had been

implemented by the Correctional Service. The only outstanding recommendation relates to making clean needles available to inmates for exchange to prevent serious communicable diseases such as Hepatitis C and HIV spreading among the offender population and ultimately to society at large.

In a letter dated April 21, 2005, the former Minister of Public Safety and Emergency Preparedness indicated openness to exploring the viability of introducing a needle exchange program in Canadian penitentiaries. Around that time, the Correctional Service signed a memorandum of understanding with the Public Health Agency of Canada to receive scientific and technical advice concerning potential risks and benefits of prison needle exchange programs.

On March 30, 2006, Health Minister Tony Clement responded to my correspondence on this issue and said:

"I am especially concerned with the safe needle exchange program and with public health issues for all persons in Canada, including those in correctional facilities. Given the high rates of infectious disease among federal inmates, most notably Hepatitis C and HIV, departmental officials will continue to work closely with the CSC."

On May 10, 2006, the Standing Senate Committee on Social Affairs, Science and Technology, chaired by Senator Michael J. Kirby, tabled a report on mental health and addiction entitled *Out of the Shadows at Last*. Following a discussion on prison-based needle exchange, the report recommended "that the Correctional Service of Canada immediately implement expanded harm reduction measures in all federal correctional institutions."

4. I recommend that the Correctional Service immediately implement a prison-based needle exchange to ensure that inmates and society at large are best protected from the spread of infectious diseases.

WOMEN OFFENDERS

In April 1994, women at the Prison for Women were strip-searched by an all-male Institutional Emergency Response Team. In February 1995, the Correctional Investigator delivered a special report to the Solicitor General detailing concerns with respect to the emergency response team's intervention at the Prison for Women and the conditions and duration of segregation. The government responded by establishing a Royal Commission of Inquiry, chaired by Madame Justice Louise Arbour, now United Nations High Commissioner of Human Rights. The report of the Commission of Inquiry into Certain Events at the Prison for Women was released March 31,

1996. The recommendations of the Commission were directed to the Solicitor General of Canada of the day, the Honourable Herb Gray.

In her report, Madame Justice Arbour stated: “My objective in bringing forward recommendations on various aspects of corrections that have been touched upon by this inquiry is to assist the correctional system in coming into the fold of two basic Canadian constitutional ideals...the protection of individual rights and the entitlement to equality.”

On June 4, 1996, the Solicitor General of Canada stated: “After reviewing the report, I accept what I see as its basic thrust, namely that there must be respect for the rule of law by the Correctional Service in the way it carries out its responsibilities.”

Although the Solicitor General undertook to respond to the recommendations of Madame Justice Arbour, to date only the Correctional Service has provided a response. Since the release of Madame Justice Arbour’s report, there have been several additional reviews on federal correctional services which for the most part have repeated many of Justice Arbour’s key 1996 recommendations.³

There have been some improvements in the situation for women offenders. The Prison for Women has been replaced by five new regional facilities and a healing lodge which accommodate women offenders in closer proximity to their community. The women’s maximum security units in male penitentiaries have been closed. A Deputy Commissioner for Women has now been in place for a decade, which has assisted in maintaining a focus on women’s correctional issues.

In April 2005, in response to repeated recommendations from my Office, the Minister of Public Safety and Emergency Preparedness requested that the Correctional Service publish the *Ten-Year Status Report on Women’s Correction 1996-2006*. This report, issued in April 2006, is the Service’s own assessment of its efforts.

Given these developments and the great interest by criminal justice stakeholders in these matters, I considered it important that the Minister of Public Safety receive independent advice with respect to the Correctional Service’s advances in human rights, fairness and equity issues since the Arbour Report of 1996. I therefore recommended in my last Annual Report 2004-05 that the Minister appoint an expert committee to review the Correctional Service’s *Ten-Year Status Report* and to consult with stakeholders, identify gaps between recommendations made and actions taken, formulate recommendations to address the gaps and report directly back to

the Minister. I also recommended that the report of the expert committee be made public.

The Minister partly accepted my recommendation and asked that the Correctional Service establish the expert committee, which would then report back to the Commissioner of Corrections – not the Minister as recommended. The Commissioner and the Minister have assured me that the review will nonetheless be made public. I look forward to the results of the committee’s review, and will therefore limit my recommendations this year to immediate operational concerns.

This Office has noted over the course of the past two years a significant increase in the number of women offenders returning to the community on statutory release rather than on day or full parole. We have also noticed a corresponding increase during this timeframe in the number of waivers and postponements of National Parole Board hearings by women offenders. Both of these trends are most evident among Aboriginal women. While there has been a slight increase in the number of women on work release programs, there has been a decline in the number participating in unescorted temporary absence programs. After a significant decline in 2004-05, the number of reportable use of force incidents at women’s facilities has measurably increased over the course of this reporting year.

5. I recommend that, within one year, the Correctional Service:

- significantly increase all women offenders’ access to meaningful employment and employability programming;*
- continue to significantly increase community accommodations and support services for women offenders in underserved areas;*
- review the daily operations and staffing of the women’s secure units with a view to eliminating “deadtime”⁴ and to significantly increasing timely access to treatment, spiritual, academic and work programs;*
- significantly increase the number of women offenders appearing before the National Parole Board at their earliest eligibility dates;*
- build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities⁵;*
- significantly improve access to culturally sensitive programming and services for Aboriginal women who are currently imprisoned in the Atlantic, Quebec and Ontario regions;*

- review use of force incidents at women's facilities to ensure consistent compliance with policy;
- establish firm targets ensuring all front-line staff receive refresher training in women-centered approaches in accordance with the recommendation of the Canadian Human Rights Commission; and,
- provide women-centered training to all community parole officers working with women offenders.

ABORIGINAL OFFENDERS

Over the past decade, our annual reports have made specific recommendations addressing the systemic and discriminatory barriers that prevent Aboriginal offenders from full benefit of their statutory and constitutional rights and that significantly limit their timely and safe reintegration into the community.

Despite some positive steps, the overall situation of Aboriginal offenders has not measurably improved in recent years. Aboriginals account for a disproportionate share of the prison population. They represent 18 per cent of the federal prison population although they account for just 3 per cent of the general Canadian population.

The best estimate of the overall incarceration rate for Aboriginal People in Canada is 1,024 per 100,000 adults.

To illustrate the magnitude of this overrepresentation, according to the most current Statistics Canada information, Canada has an overall incarceration rate of 130 per 100,000 adults. This rate includes adults incarcerated in both provincial and federal institutions. Using the same numbers from Statistics Canada, the best estimate of the overall incarceration rate for Aboriginal People in Canada is 1,024 per 100,000 adults.⁶ Using the same methodology, the comparable incarceration rate for non-Aboriginal persons is 117 per 100,000 adults.

The Correctional Service does not control admissions to penitentiaries, but it does have a constitutional and statutory obligation to manage sentences in a culturally responsive and non-discriminatory manner. The areas of concern associated with Aboriginal Corrections go far beyond over-representation and require focusing on what happens to Aboriginal offenders while in the care and custody of the Correctional Service.

The Correctional Service has invested a great deal of effort and resources in addressing Aboriginal issues. Culturally sensitive programs have been established and Aboriginal issues have become a priority for the Correctional Service.

However, these efforts have not resulted in the kind of significant progress needed to improve the overall situation of Aboriginal offenders. The Correctional Service's own statistics confirm that correctional outcomes for Aboriginal offenders are not improving in many areas that the Correctional Service can positively influence. *The Final Report: Task Force on Aboriginal Peoples in Federal Corrections* in 1988 found that Aboriginal offenders were less likely to be granted temporary absences and parole, were granted parole later in their sentence, were more likely to have their parole suspended or revoked and were more likely to be classified at a higher security level. Unfortunately, this is as true today as it was nearly 20 years ago.

I stated in last year's Annual Report that after years of task force reports, internal reviews, national strategies, partnership agreements and action plans, the efforts and resources of the Correctional Service remained in large part unfocused and fragmented. I recommended again last year that the Correctional Service appoint a Deputy Commissioner specifically responsible for Aboriginal Corrections and the implementation of a comprehensive and effective strategic plan to address the many challenges. While the Correctional Service did institute a governance change, a Deputy Commissioner has not been appointed and the disadvantaged position of Aboriginal offenders remains.

I was advised in December 2004 that a "new Strategic Plan for Aboriginal Corrections" was under development and would be reviewed by the Correctional Service's senior Executive Committee (EXCOM) in February of 2005 and finalized by the end of April 2005. In December of 2005, the committee endorsed a "Strategic Plan for Aboriginal Corrections – Framework for EXCOM Discussion." A series of consultations, which included this Office, occurred during the period of January through April 2006 on the strategy. I was advised in April of 2006 that consultations on an "updated Strategic Plan for Aboriginal Corrections" was still on-going and that we would receive a copy of the strategy in the spring of 2006. Our Office received a document entitled *Strategic Plan for Aboriginal Corrections 2006/07 – 2010/11* on June 1, 2006. I understand that a further consultation process is currently under way to develop action plans to implement the strategy.

Given the continued absence of an approved action plan, my recommendation this year will focus on specific outcomes, in the hope that the Correctional Service will make significant and quantifiable progress in key areas related to closing the gap between Aboriginal and non-Aboriginal offenders in terms of timely conditional release.

6. I recommend that in the next year the Correctional Service:

- implement a security classification process that ends the over-classification of Aboriginal offenders;*
- increase timely access to programs and services that will significantly reduce time spent in medium and maximum security institutions;*
- significantly increase the number of Aboriginal offenders housed at minimum security institutions;*
- significantly increase the use of unescorted temporary absences and work releases;*
- significantly increase the number of Aboriginal offenders appearing before the National Parole Board at their earliest eligibility dates; and,*
- build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities⁷.*

7. I recommend that the Correctional Service significantly improve (above the required employment equity level) the overall rate of its Aboriginal workforce at all levels in institutions where a majority of offenders are of Aboriginal ancestry.

INSTITUTIONAL VIOLENCE AND INVESTIGATIONS OF INMATE INJURY

One of the key legal responsibilities of the federal correctional system is to ensure that inmates serve their sentences in a safe and secure environment. For years, this Office has expressed concern regarding the extent to which the Correctional Service provides such an environment. The overall level of violence in penitentiaries remains unacceptably high. And the Correctional Service continues with alarming frequency to manage its penitentiaries with an over-reliance on use of force and segregation to resolve disputes and tensions. Experience demonstrates that other mechanisms such as positive, ongoing interactions with offenders and alternative dispute resolution can in many instances prevent institutional violence.

The overall level of violence in penitentiaries remains unacceptably high.

Moreover, the lack of mental health services aggravates the situation. Too many vulnerable offenders suffering from mental illnesses are subject to abuse by predatory offenders while many more unnecessarily become the subject of use of force.

In the past year, the Correctional Service reported using force approximately a thousand times (967), a significant increase from the previous year (798). The ratios of use of force per inmate vary across the country, and are the lowest in the Ontario and the Prairies regions (one use of force to every 22.3 and 21.5 offenders, respectively). The highest ratios are found in the Maritimes, Quebec and the Pacific regions (one use of force to every 9.7, 11.6 and 11.9 offenders, respectively).

Most of the interventions using force are conducted at maximum-security institutions, but again striking differences in approach exist. For example, when considering use of force, Institutional Emergency Response Teams are used 56 per cent of the time in one maximum-security institution, whereas they are used only 13 per cent of the time in another maximum-security institution. Furthermore, use of force interventions rely on pepper spray (e.g., Oleoresin Capsicum) 66.5 per cent of the time in one maximum-security institution, but only 22 per cent of the time at another maximum-security institution.

Some penitentiaries clearly rely much more on use of force, whereas other penitentiaries appear to be managing offenders using less restrictive alternatives. These discrepancies need to be reviewed by the Correctional Service to ensure consistency and compliance with legal and policy requirements for use of force.

The thoroughness and timeliness of the investigative process into serious injury or death of offenders under section 19 of the *Corrections and Conditional Release Act* have been an issue for this Office for several years. Our most recent concerns have centred on the timely convening of investigations, on the timeliness of a meaningful analysis of completed investigation reports, and on approval by the Correctional Service's Executive Committee of recommendations and action plans developed in response to national investigative reports. As well, we note that, as of March 31, 2006, Correctional Service had not responded to 11 provincial coroners' reports on inmate suicides, some of which date back to 2001.

The number of injuries among inmates continues to be of grave concern. The Correctional Service continues to lack reliable and valid data on inmate injuries. For example, I have in past years received reports labelling suicides as minor injuries, and continue to receive quarterly reports on inmate injuries that cannot be reconciled with data from previous years or other sources. Moreover, limited analysis is conducted by the Correctional Service on the information provided to develop strategies to prevent future injuries and deaths.

Of further concern has been the ability of the Correctional Service to identify injuries that did not fit their definition of “serious bodily injury” and to demonstrate that these incidents were being appropriately reviewed. Where information is being gathered, a clear analysis of the causes of violence and injuries continues to be lacking. The report entitled *A Health Care Needs Assessment of Federal Inmates in Canada (April 2004)* noted that “injuries were common among inmates” and that a significant number of the injuries were “due to altercations or were self-inflicted.” The report further identifies within the section on “Areas of Further Knowledge Development” the requirement to have accurate “rates of inmate injuries and contributing factors.”

The number of injuries among inmates continues to be of grave concern. The Correctional Service continues to lack reliable and valid data on inmate injuries.

In response to these concerns, the Correctional Service committed last year to “the development of a corporate strategy to assist in the production of quality analytical quarterly reports” on inmate injuries and institutional violence. Although institutional violence has been identified as a priority area by the Correctional Service, we have been presented with no evidence of either consistent, accurate information collection or analysis.

The absence of reliable information and delays in the investigative process hinder the Correctional Service’s ability to review and take appropriate decisions in limiting inmate injuries and institutional violence.

8. I recommend that the Correctional Service establish a timely approval process by its Executive Committee for the development of action plans in response to investigative reports into incidents

of inmate deaths or major injuries. In no case should this process exceed six months from the date of the incident.

9. I recommend that the Correctional Service collect accurate information and conduct comprehensive analyses of all inmate injuries to significantly improve its ability to take appropriate action to limit inmate injuries and institutional violence and that this information be verified semi-annually as part of on-going internal audits.

INMATE GRIEVANCES, ALLEGATIONS OF HARASSMENT AND STAFF MISCONDUCT

The Corrections and Conditional Release Act requires the Correctional Service to establish “a procedure for fairly and expeditiously resolving offenders’ grievances.”

I concluded in last year’s Annual Report that the existing procedure was dysfunctional in terms of expeditiously resolving offender grievances, most notably at the national level. I presented two recommendations at the time:

(a) I recommend that the Service take immediate steps to overhaul its operations and policies in the area of inmate grievances to ensure fair and expeditious resolution of offenders’ complaints and grievances.

The review should include a specific focus on addressing harassment and staff misconduct grievances.

(b) I recommend that an external consultant be retained to assist the Service’s review of its operations and policy to ensure fair and expeditious resolution of offenders’ complaints and grievances, and to improve its use of evidence-based strategies to ensure consistency in addressing areas of offender concern.

While the Correctional Service initially “agreed” with these recommendations, the national review of the offender redress process was conducted internally. A final report on the review was produced in May 2006. The report acknowledges that the present operations “are not meeting statutory requirements,” but to date an action plan to reasonably address this matter has not been finalized.

In 1998, the Correctional Service extended the timeframes within the offender grievance process “to better reflect the time required to respond.” This Office raised concerns at the time indicating that such an extension was inconsistent with the Correctional Service’s commitment to “an effective, timely redress process for offenders.” During the fiscal year 2005-06, only 15 per cent of the grievances responded to at the Commissioner’s level were within these expanded timeframes.

The Correctional Service introduced a revised procedure three years ago in an attempt to reasonably address offender harassment complaints. This was seven years after Madame Justice Arbour recommended the “immediate” development and introduction of a responsive policy. The issues pertaining to harassment grievances have been repeatedly raised as a key priority in our annual reports and the most recent 2003 report from the Canadian Human Rights Commission. While the Correctional Service would appear to have finally developed a reasonable harassment policy, we are extremely concerned that so little progress has been made in ensuring operational compliance with the policy and legal provisions in such a key priority area.

10. I recommend that the Correctional Service immediately comply with its legal obligations and establish “a procedure for fairly and expeditiously resolving all offenders’ grievances.”

11. I recommend that within one year the Correctional Service provide evidence that complaint and grievance statistics are being used to identify and address areas of systemic offender concerns.

CASE PREPARATION AND ACCESS TO PROGRAMS

This Office initially raised the issue of delayed case preparation and access to programs in its Annual Report 1988-89. The focus at that time was on the increasing inability of the Correctional Service to prepare the cases of offenders in a thorough and timely fashion for conditional release consideration. It was evident from our review of the complaints received that a significant number of these delays were directly related to the Correctional Service being unable to provide the required assessments and treatment programming in advance of the offender’s scheduled parole hearing dates. Eighteen years later, these issues have yet to be adequately addressed.

In an attempt to address some of our recommendations, a joint working group involving the Correctional Service of Canada, the National Parole Board and the Office of the Correctional Investigator was established and in December 2004 issued a document entitled *Report on Factors Causing Delays in National Parole Board Reviews*. The report of this joint review provided concrete recommendations to facilitate timely reviews by the National Parole Board. It also recommended ensuring that offenders appearing before the Board receive the assistance and programs they need for their eventual safe community reintegration. I recommended in last year’s Annual report that the Correctional Service “immediately develop a responsive action plan to implement the recommendations

of the Joint Review Committee Report.” Although the Correctional Service “agreed” with the recommendation, no action plan has been approved.

My recommendation this year will therefore focus on outcomes, in the hope that the Correctional Service will make significant and quantifiable progress to improve timely case preparation and access to programs.

12. I recommend that in the next year the Correctional Service:

- significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates;*
- significantly reduce waiting lists for programs included in correctional plans to maximize safe and timely reintegration;*
- increase timely access to programs and services that will significantly reduce the time spent in medium and maximum security institutions; and,*
- significantly increase the number of unescorted temporary absences and work releases, which have drastically declined in recent years and yet have a very high success rate.*



ONGOING AREAS OF CONCERN

1. Population Management
2. Young Offenders
3. Elderly Offenders
4. Inmate Finances
5. Compassionate Temporary Absences
6. Classification of Offenders Serving Life Sentences
7. Inmate Access to Computers

ONGOING AREAS OF CONCERN

POPULATION MANAGEMENT

After years of calls for fundamental reforms, the Correctional Service continues to place offenders in administrative segregation and other more restrictive environments as its main tool for resolving disputes and tensions in penitentiaries.

Madame Justice Arbour's 1996 report concluded that "the management of administrative segregation that I have observed is inconsistent with the Charter culture which permeates other branches of the administration of the criminal justice."

She went on to say: "I see no alternative to current overuse of prolonged segregation but to recommend that it be placed under the control and supervision of the courts. Failing a willingness to put segregation under judicial supervision, I would recommend that segregation decisions made at an institutional level be subject to confirmation within five days by an independent adjudicator."

Over the last 10 years, several other internal and external reports⁸ have all observed similar fairness and non-compliance issues as those highlighted in the Arbour Report. They have made comparable recommendations calling for the independent adjudication of segregation cases. Yet, the Correctional Service has consistently rejected independent adjudication and continues to this day to argue that an enhanced internal segregation review process can achieve fairness and compliance with the rule of law.

On May 8, 2006, the Commissioner responded to my recommendation to introduce independent adjudication of administrative segregation decisions in last year's Annual Report. He informed me that at this time, instead of independent adjudication, the Correctional Service will introduce a number of new initiatives, including an internal audit, to strengthen compliance with policy and enhance fairness.

I welcome any initiative that will improve this situation, but I strongly believe that independent adjudication of segregation is necessary to ensure fair and unbiased hearings. It is also important in ensuring compliance with the Correctional Service's statutory framework, protection of prisoners' access to institutional programs and services during segregation, and the implementation of reintegration plans to ensure that the correctional authorities, in administering the sentence, use the least restrictive measures.

As the Correctional Service continues to attempt to improve its internal processes, the situation of segregated offenders continues to deteriorate. In the last three years, the number of voluntary segregated offenders who spent more than 90 days in segregation has tripled. Over the same period, the number of involuntary segregated offenders who spent more than 90 days in segregation has doubled.

As the Correctional Service continues to attempt to improve its internal processes, the situation of segregated offenders continues to deteriorate.

As I indicated in my last Annual Report, this Office has in recent years witnessed a "widening of the net" of restrictive forms of custody. The *Corrections and Conditional Release Act* refers to only two types of incarceration: the general inmate population and segregated inmates. The law precisely stipulates the rights and entitlements of each of those two populations, and describes rigorous procedural fairness for placements in administrative segregation. For example, this includes notices, reviews, hearings, regular visits by heads of institutions and health care.

Over the years, the Correctional Service has introduced a multitude of different offender sub-populations (e.g., transition units) that fall in-between those two legally defined populations. Many offenders now serve a significant part of their penitentiary sentence in these more restrictive units without benefiting from a pro-active reintegration strategy and formal regular reviews as legally afforded to offenders in administrative segregation.

In response to our recommendation last year on this matter, the Correctional Service committed to undertake a review to ensure that existing units are in compliance with law and policy. The results of that review, which was to be finalized by March 2006, are currently in draft form and have yet to be presented to the Correctional Service's senior management.

13. I recommend that in the coming year the Correctional Service:

- proactively implement the least restrictive options and significantly reduce the overall number of placements in administrative segregation;*
- significantly reduce the average length of stay in administrative segregation; and,*

· significantly reduce the time to effect intra- and inter-regional transfers.

14. I recommend that the Correctional Service *immediately* implement reasonable procedural safeguards for any offender confined in any situation that is not within the general inmate population, and ensure legal compliance with offenders' rights, entitlements and access to programs.

15. I recommend that the Minister play a leadership role by requesting that the House of Commons' Standing Committee on Public Safety and National Security examine the implementation of independent adjudication of administrative segregation decisions when it considers other amendments of the Corrections and Conditional Release Act.

YOUNGER OFFENDERS

This Office has often pointed out that the Correctional Service does not meet the special service and program needs of inmates aged 20 and younger. These younger offenders, numbering up to 400 at any given time, very often find themselves in disadvantaged situations – segregation, abuse by other inmates, limited access to and success in programming, gang affiliations, and delayed conditional release. Available data also indicate that Aboriginal offenders are significantly over-represented among younger offenders. For example, on May 9, 2006, there were 343 incarcerated offenders aged 20 and younger – 96 or 28 per cent of them were Aboriginal. The situation in the Prairies Region was most problematic as 58 per cent (72 out of 125) of offenders aged 20 and younger were Aboriginal.

Younger offenders...very often find themselves in disadvantaged situations – segregation, abuse by other inmates, limited access to and success in programming, gang affiliations, and delayed conditional release.

The Correctional Service does not provide special housing, programming or other services for younger offenders. While the Correctional Service's position is that programs available to all inmates can be adapted to meet the needs of younger offenders, the reality is that these young men and women continue to find themselves in the disadvantaged situations described above.

My recommendation this year focuses on outcomes, in the hope that the Correctional Service will make significant and quantifiable progress to improve the disadvantaged situation of younger offenders.

16. I recommend that within one year the Correctional Service:

- develop and implement new policies, programs and services specifically to meet the unique needs of offenders aged 20 and younger that will significantly reduce their time spent in maximum and medium-security institutions, and in administrative segregation; and,
- develop and implement programs and services designed to meet the unique needs of offenders aged 20 and younger that will significantly increase their timely and safe reintegration into the community.

ELDERLY OFFENDERS

Elderly offenders represent a large and growing special needs group within the federal inmate population. The Correctional Service completed a comprehensive internal review in 2000 which identified a wide range of areas that needed to be addressed so as to reasonably meet the needs of this population. At the time, the Correctional Service considered the situation such a priority that it established a new division with the specific mandate to address issues associated with accommodation, palliative care, reintegration options and program development.

In its March/April 2004 edition, the *Canadian Journal of Public Health* published "A Health Care Needs Assessment of Federal Inmates in Canada". It noted that there had been a 60 per cent increase in the number of inmates aged 50 and over with an 87 per cent increase in those aged 65 and over since 1993. The Report underlined the requirement for greater information on and specific attention to the health care needs of this growing segment of the inmate population.

Unfortunately, the challenging situation described in the internal Correctional Service's 2000 report and the 2004 report of the *Canadian Journal of Public Health* has not changed – in fact, it has further deteriorated as the number of elderly offenders continues to increase.

17. I recommend that Correctional Service respond to the special needs of elderly offenders and significantly improve key areas including accommodation, program development, palliative care, and reintegration options.

INMATE FINANCES

It has been close to 20 years since inmate allowances for work and program participation have been increased. This has drastically reduced their ability to purchase items inside institutions. We believe this has contributed to the violence that can accompany competition for increasingly scarce commodities in prison. In some regions, a lack of employment has exacerbated inmates' lack of access to funds. As well, there has been a general reduction in pay levels that inmates receive for participation in work and other programs. Low inmate allowances for work and program participation have adversely affected the amount of money that offenders can use to facilitate their integration into society during the initial phase of release.

The history of inmate pay provides a good indication of the inadequacy of today's inmate allowances for work and program participation. In 1981, the Cabinet Committee on Social Development approved a new inmate pay program. With the assistance of Statistics Canada, it calculated the rates of inmate pay, and the maximum pay rate was set at \$7.55 per day. Today, the maximum inmate pay rate is \$6.90 per day. In 1981, the Correctional Service created a "typical" inmate "canteen basket" to monitor the costs of the products that are mostly purchased by inmates. In 1981, the "canteen basket" cost \$8.49. The same basket now costs \$61.59 – or 725 per cent more than in 1981.

18. I recommend that the Correctional Service immediately increase inmate allowances for work and program participation. I further recommend that, from this time forward, inmate allowances be indexed to the rate of inflation.

COMPASSIONATE TEMPORARY ABSENCES

The *Corrections and Conditional Release Act* provides for escorted temporary absences for compassionate reasons to allow inmates to attend to "urgent matters affecting the members of their immediate family or other persons with whom the inmates have a close personal relationship." In most instances, inmates request compassionate temporary absences to visit a dying family member and/or attend a funeral.

In the last two years, this Office received a small number of complaints about the Correctional Service's denial of compassionate temporary absences. In these cases, this Office believes that the Correctional Service failed to apply its discretionary authority in accordance with its legal obligations.

In some cases, we disagreed with the Correctional Service's interpretation of "members of the inmate's immediate family or other persons with whom the inmate has a close personal relationship." Recent policy changes also require that the inmate now choose between either visiting a dying relative or close friend or attending their funeral. At a time of despair and sorrow, I believe that requiring a person to make this kind of choice lacks compassion, an essential element of the legal requirement.

Moreover, we are concerned that administrative delays in coordinating the logistics of compassionate temporary absences have prevented some offenders from attending funerals. In those situations, the Correctional Service has taken the position that, if a funeral is missed because of administrative delays, logistics or weather, inmates are no longer eligible under the policy because the matter is no longer "urgent." Furthermore, Aboriginal and women offenders are unduly affected by this position because they are more often incarcerated further from their home communities. Again, I consider that this position lacks the essential requirement of demonstrating compassion.

19. I recommend that the Correctional Service immediately:

- amend its policy requiring that inmates choose between either visiting a dying member of their immediate family or other persons with whom inmates have a close personal relationship or attending their funeral; and,*
- expedite the consideration of requests for compassionate temporary absences, and allow for a visit to the gravesite or with family members should circumstances make attendance at the funeral impossible.*

CLASSIFICATION OF OFFENDERS SERVING LIFE SENTENCES

On February 23, 2001, the Correctional Service issued *Policy Bulletin No. 107*. It requires that federally sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration. Since its introduction, I have considered this policy to be illegal and have recommended that it be rescinded immediately.

I have not been alone in my assessment. In its special 2003 report, the Canadian Human Rights Commission concluded that "adding a retributive element to the carrying out of the sentence is not rationally related to the legitimate purpose of assessing risk. It is in

fact contrary to the intent of both the *Corrections and Conditional Release Act* and the *Canadian Human Rights Act*.” The Commission recommended that the Correctional Service immediately revoke its two-year policy. Numerous other stakeholders, including the Canadian Association of Elizabeth Fry Societies, the St. Leonard’s Society of Canada, the Canadian Bar Association, and the Church Council on Justice and Corrections have expressed similar concern about this policy.

In September 2005, the Correctional Service amended its two-year policy to allow wardens to exercise their discretion to override the rating produced by the Custody Rating Scale. This amendment to the policy has affected placement practices, but, in our opinion, this procedural change did not alter the legality of the policy.

20. I recommend that the Correctional Service immediately subject all federally-sentenced offenders to an individualized security classification process as required by law and regulations.

INMATE ACCESS TO COMPUTERS

In 2003, the Correctional Service decided to prohibit the further introduction of computers to individual cells, based upon its review of reports on a series of incidents involving misuse of in-cell computers. The Correctional Service then increased inmate access to a limited number of computers in designated common areas outside cells. This Office, inmates and a number of community stakeholders voiced concerns about the necessity for the measures taken and the serious impact of reducing access to computers on offender programs, reintegration and personal uses such as litigation or recreation.

The supply of computers for centralized use shows no sign of growing sufficiently to meet needs, as more and more offenders enter the system without access to their own computer. Pressures on the current use of institutional computers for programs and employment also continue to increase.

In October 2004, the Correctional Service established an advisory committee to examine how it could improve inmate access to computers. The committee has yet to complete its final report and to present its recommendations to the Correctional Service’s Executive Committee.

21. I recommend that the Correctional Service:

- establish a reasonable ratio of computers to inmates in designated areas outside cells available for inmate use; and,*
- allow inmates to have computers for in-cell use.*

CONCLUSION

The Correctional Service has demonstrated progress in a limited number of areas since my last Annual Report. I would like to take this opportunity to highlight areas where our investigative staff have reported some improvements and achievements. These include:

- the range of Aboriginal-specific programs continues to expand and new innovative programs have been established;*
- the Correctional Service completed an employment needs survey for both incarcerated women and women on conditional release. It has also committed to develop an employment strategy for women offenders;*
- more Aboriginal offenders are now accessing healing lodges;*
- the Correctional Service approved a new governance structure for Health Services, which may help to ensure that health care funding is not diverted to address correctional funding pressures;*
- the Women Offender Sector has initiated a bi-annual review of offender grievances to ensure that systemic areas of concern are identified and consistently addressed; and,*
- although there are unreasonable delays in convening Correctional Service investigations into serious injury or death of inmates, the quality of the investigative reports once completed has shown significant improvement over the last reporting period.*

It is my sincere hope that the Correctional Service will significantly add to the above list of achievements in the coming year by fully addressing this year’s recommendations. This year’s report makes it very clear as to what the Correctional Service needs to do to improve its legal and policy compliance. We look forward to working collaboratively as the Correctional Service addresses the many issues listed in this year’s report.

The coming year will be challenging as several factors may influence the ability of the Correctional Service to respond to its pressing issues. New criminal justice policy may be implemented with the net effect of increasing prison populations. From our experience and the available research, the Correctional Service will be unable to meet its legislative mandate if such an increase is not paired with significant investments in reintegration initiatives, programming and health care services.

Two additional broad policy issues are of concern to this Office: Canada’s endorsement of the *Optional Protocol to the Convention against Torture* and the situation of national security detainees.

First, the protocol was adopted by the United Nations General Assembly in December 2002. Canada was a member of the group that drafted it and voted in favour of its adoption. The protocol establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment.

In my last Annual Report 2004-05, I encouraged the Canadian Government to yet again demonstrate its leadership by signing and ratifying this important human rights instrument. Moving quickly on signature and ratification would add to Canada's long historical tradition of promoting and defending human rights at home and abroad. It would also provide an opportunity to review the role and mandate of oversight agencies involved in the monitoring and inspections of "places of detention" and strengthen oversight mechanisms where required.

The second policy issue that concerns my Office is the situation of individuals detained pursuant to national security certificates. A national security certificate is a removal order issued by the Government of Canada against permanent residents and foreign nationals who are inadmissible to Canada on grounds of national security. A recent decision has been made by the federal government to transfer security certificate detainees held under the *Immigration and Refugee Protection Act* from Ontario facilities to a federal facility, pending their removal from Canada.

In Ontario facilities, the detainees could legally file complaints regarding conditions of confinement with the Office of the Ontario Ombudsman. That Office had the jurisdiction to investigate complaints filed by the detainees pursuant to the *Ontario Ombudsman Act*.

The Immigration Holding Centre has been built in Kingston within the perimeter fence of Millhaven Penitentiary. The Canadian Border Service Agency entered into a service contract with the Correctional Service to provide the Border Service Agency with the physical detention facility and with security staff. The Border Service Agency has a contract in place with the Red Cross to monitor the care and treatment of detainees in immigration holding centres, including the new Kingston holding centre. The Red Cross, a non-government organization, has no enabling legislation to carry out a role as an oversight agency.

The transfer of detainees from Ontario facilities to the Kingston holding centre means that the detainees will lose the benefit of a rigorous ombudsman's legislative framework to file complaints about their care and humane treatment while in custody. The Office of

the Correctional Investigator is concerned that the detainees will no longer have the benefits and legal protections afforded by ombudsman legislation. Pursuant to the *Optional Protocol to the Convention against Torture*, a non-profit organization with no legislative framework, such as the Red Cross, is unlikely to meet the protocol's requirement for domestic oversight.

On a final note, I would like to report on my commitment in last year's Annual Report to enhance this Office's citizen engagement and information activities, and to comment on emerging areas of focus.

This past year my Office has been involved in a record number of outreach activities. We have formally consulted with a number of non-governmental organizations, mental health organizations and experts, community groups, and organizations representing Aboriginal People and visible minorities. I have also increased my involvement with the media and my participation in public events to enhance the understanding of my role and responsibilities as Canada's federal prison ombudsman. My staff and I have written many articles which have been reproduced in a variety of publications. These activities have resulted in increased opportunities for public recognition of the benefits of independent prison oversight.

As for next year's focus, I am increasingly concerned about the high number of deaths and self-inflicted injuries in custody over the last decade. My Office is especially concerned with the growing number of similar recommendations made year after year by the Correctional Service's national investigations, provincial coroners and medical examiners, and the ability of the Correctional Service to consistently implement these recommendations across the country. A timely and systematic follow-up on corrective actions is required to ensure that preventive measures are taken and result in a lower incidence of self-inflicted injuries and deaths. Over the course of the next year, my Office will conduct a comprehensive review of reports and recommendations dealing with deaths and major injuries in custody, particularly suicides, and self-inflicted injuries.

There is much to be done to make corrections in Canada more fair, humane and effective but we are building from a solid foundation.

This Annual Report is the result of a dialogue between my Office, the Correctional Service, offenders and other stakeholders. By its very nature, it is a critical assessment and highlights problems, not

successes. Readers are cautioned against concluding that corrections in Canada is a failed enterprise – it is not. There is much to be done to make corrections in Canada more fair, humane and effective but we are building from a solid foundation.

Many thanks to all those, particularly my staff, who have helped me meet my mandate over the last year.

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1. *Commission of Inquiry into Certain Events at the Prison for Women in Kingston (1996)*.
 2. “Over-classification” refers to housing offenders in institutions that are more secure than public safety warrants – for example, placing someone in a maximum-security prison when medium security would do.
 3. For example, see: Working Group on Human Rights (chaired by Maxwell Yalden), 1997; House of Commons Standing Committee on Justice and Human Rights, 2000; Cross-gender Monitoring Project Report, 2000; Auditor General, 2003; Public Accounts Committee, 2003; and, Canadian Human Rights Commission, 2004.
 4. “Deadtime” refers to a situation where offenders have little to do when they should be involved in programs or other activities.
 5. Sections 81 and 84 of the *Corrections and Conditional Release Act* provide for the direct involvement of Aboriginal communities in supporting timely conditional release.
 6. In 2003/04, approximately 19 per cent of adult custodial admissions (i.e., provincial jails and federal penitentiaries) in Canada were Aboriginal. The average count of persons in custody in Canada was 32,000. The population of Aboriginal adults in Canada according to the 2001 census was approximately 594,000. The population of non-Aboriginal adults in Canada according to the 2001 census was approximately 22,064,000. The overall adult incarceration rate in 2003/04 was 130 per 100,000 adults. The Aboriginal incarceration rate of 1,024 per 100,000 adults is only an estimate because admissions and counts are not directly comparable because characteristics of counts data are weighted toward those who are serving longer sentences. Nevertheless, at a very broad level, we know that the percentage of Aboriginal admissions is of the same general order of magnitude as the counts. Please note that for international comparisons, the incarceration rate generally includes young offenders and is therefore based on the total population. For example, Canada’s incarceration is 108 (adult and youth) persons in custody per 100,000 general population (Corrections and Conditional Release Statistical Overview, 2005).
 7. Sections 81 and 84 of the *Corrections and Conditional Release Act* provide for the direct involvement of Aboriginal communities in supporting timely conditional release.
 8. These are the CSC Task Force on Administrative Segregation in 1997; the Working Group on Human Rights, chaired by Maxwell Yalden in 1997; the House of Commons Standing Committee on Justice and Human Rights in 2000; the Cross-Gender Monitoring Report in 2000; Justice Behind the Wall, by Michael Jackson in 2002; “The Litmus Test of Legitimacy: Independent Adjudication and Administrative Segregation”, by Michael Jackson, *Canadian Journal of Criminology and Criminal Justice*, Vol. 48, Number 2, 2006, pp. 157-196; the Canadian Human Rights Commission in 2003; and, the Department of Public Safety and Emergency Preparedness Canada in 2004.

A row of office chairs is shown in a room with large windows. The image is overlaid with a blue tint. The text "ANNEX A: STATISTICS" is centered over the image.

ANNEX A: STATISTICS

ANNEX A: STATISTICS

TABLE A: COMPLAINTS ⁽¹⁾ BY CATEGORY

CATEGORY	CASE TYPE		
	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Administrative Segregation			
Conditions	16	87	103
Placement/Review	121	243	364
Total	137	330	467
Case Preparation			
Conditional Release	64	134	198
Post Suspension	17	18	35
Temporary Absence	21	28	49
Transfer	62	66	128
Total	164	246	410
Cell Effects	193	424	617
Cell Placement	42	76	118
Claims Against the Crown			
Decisions	14	17	31
Processing	16	14	30
Total	30	31	61
Community Programs/Supervision	9	11	20
Conditions of Confinement	161	266	427
Correspondence	31	48	79
Death or Serious Injury	2	13	15
Decisions (General) – Implementation	26	23	49
Diet			
Medical	5	33	38
Religious	12	19	31
Total	17	52	69
Discipline			
ICP Decisions	14	4	18
Minor Court Decisions	10	13	23
Procedures	12	30	42
Total	36	47	83
Discrimination	11	8	19
Employment	61	88	149

File Information			
Access – Disclosure	58	75	133
Correction	92	59	151
Total	150	134	284
Financial Matters			
Access	48	78	126
Pay	62	87	149
Total	110	165	275
Food Services	17	38	55
Grievance Procedure	101	192	293
Harassment	12	17	29
Health and Safety – Worksite	9	5	14
Ion Scan/Drug Dog	9	16	25
Health Care			
Access	104	388	492
Decisions	101	279	380
Dental	12	29	41
Total	217	696	913
Mental Health			
Access	9	34	43
Programs	0	3	3
Total	9	37	46
Methadone	15	45	60
Official Languages	5	6	11
Operation/Decisions of the OCI	51	14	65
Programs			
Access	75	146	211
Quality/Content	34	36	70
Total	109	182	291
Release Procedures	29	31	60
Safety/Security of Offender(s)	61	138	199
Search and Seizure	32	47	79
Security Classification	85	142	227
Sentence Administration – Calculation	34	38	72
Staff Responsiveness	170	193	363
Telephone	57	138	195
Temporary Absence Decision	23	57	80

Transfer			
Implementation	58	110	168
Involuntary	75	101	176
Pen Placement	26	31	57
Voluntary	98	114	212
Total	257	356	613
Urinalysis	9	13	22
Use of Force	3	30	33
Visits			
General	84	178	262
Private Family Visits	38	84	122
Total	122	262	384
Outside Terms of Reference			
Parole Decisions	234	–	234
Other Issues	86	–	86
GRAND TOTAL	2,936	4,655	7,591

(1) See *Glossary*

(2) *I/R: Internal Response – see Glossary*

(3) *INV: Investigation – see Glossary*

GLOSSARY

Complaint: Complaints may be made by an offender or on behalf of an offender by telephone, facsimile, letter and during interviews held by the OCI's investigative staff at federal correctional facilities.

Internal Response: A response provided to a complainant that does not require consultation with any sources of information outside the OCI.

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: COMPLAINTS BY INSTITUTION

Region/Institution	Number of Complaints	Number of Interviews	Number of Days Spent in Institution
WOMEN'S FACILITIES			
Edmonton Women's Facility	114	35	7
Fraser Valley	43	14	3
Grand Valley	122	28	6
Isabel McNeill House	5	2	0.5
Joliette	92	13	4.5
Okimaw Ohci Healing Lodge	8	2	1
Nova	69	15	4.5
Regional Psychiatric Centre (Prairies)	6	3	2
Total	459	112	28.5
ATLANTIC			
Atlantic	217	62	8
Dorchester	256	68	9.5
Shepody Healing Centre	29	14	2
Springhill	147	52	6.5
Westmorland	44	12	2
Region Total	693	208	28
ONTARIO			
Bath	221	93	12
Beaver Creek	8	1	1.5
Collins Bay	126	43	7.5
Fenbrook	118	29	3.5
Frontenac	44	6	3
Joyceville	238	45	10
Kingston Penitentiary	319	82	8.5
Millhaven	166	55	7
Pittsburgh	28	2	2
Regional Treatment Centre	50	42	4
Warkworth	246	54	9
Region Total	1,564	452	68

PACIFIC

Ferndale	31	10	2
Kent	388	99	13
Kwikwèxwelhp	11	3	1
Matsqui	65	21	6
Mission	198	70	10
Mountain	304	113	13
Pacific & RTC	179	74	11
William Head	21	25	4
Region Total	1,193	415	60

PRAIRIE

Bowden	240	93	11.5
Drumheller	190	89	12
Edmonton	302	68	12
Grande Cache	52	14	2
Pê Sâkâstêw Centre	12	4	2
Regional Psychiatric Centre	94	35	6
Riverbend	10	4	1
Rockwood	14	4	2
Saskatchewan Penitentiary	227	77	12
Stan Daniels	8	6	2
Stony Mountain	271	105	12
Willow Cree	8	7	2
Region Total	1,428	250	76.5

QUEBEC

Archambault	250	151	11
Cowansville	245	122	14.5
Donnacona	218	90	15
Drummond	170	111	11.5
Federal Training Centre	112	28	3
La Macaza	205	66	13.5
Leclerc	198	110	9
Montée St-François	39	20	5
Port Cartier	391	222	15
Regional Reception Centre/SHU Québec	169	66	10
Ste-Anne des Plaines	20	3	1
Region Total	2,017	989	108.5

GRAND TOTAL	7,354	2,426	369.5
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TABLE C: COMPLAINTS AND INMATE POPULATION – BY REGION

Region	Total Number of Complaints (*)	Inmate Population (**)
Atlantic	792	1,397
Québec	2,169	3,321
Ontario	1,751	3,603
Prairies	1,586	3,293
Pacific	1,225	1,956
Total	7,523	13,570

(*) Excludes 68 complaints from provincial institutions.

(**) As of March 2006, according to the Correctional Service of Canada's Corporate Reporting System.

TABLE D: DISPOSITION OF COMPLAINTS BY CASE TYPE

Case Type	Disposition	Number of Complaints
Internal Response	Information given	2,004
	Referral	791
	Withdrawn	141
	Total	2,936
Investigation	Information given	1,029
	Not supported	359
	Pending	313
	Referral	749
	Resolution Facilitated	793
	Withdrawn	187
	Recommendation/Significant Impact	1,225
Total	4,655	
GRAND TOTAL		7,591

TABLE E: AREAS OF CONCERN MOST FREQUENTLY IDENTIFIED BY OFFENDERS

TOTAL OFFENDER POPULATION

Health Care	913
Cell Effects	617
<i>Transfer</i>	613
Administrative Segregation	467
Conditions of Confinement	427
Case Preparation	410
Visits and Private Family Visits	384
Staff Responsiveness	363
Grievance Procedure	293
Programs/Services	291

ABORIGINAL OFFENDERS

Transfer	108
<i>Health Care</i>	84
Administrative Segregation	82
Cell Effects	68
Case Preparation	61
Staff Responsiveness	57
Conditions of Confinement	55
Visits and Private Family Visits	52
Programs/Services	48
Telephone	36

WOMEN OFFENDERS

Health Care	66
Conditions of Confinement	29
Staff Responsiveness	26
Safety/Security of Offender	25
Cell Effects	24
Case Preparation	24
Administrative Segregation	23
<i>File Information (Access, Correction and Disclosure)</i>	23
Transfer	21
Security Classification	20

A blue-tinted photograph of a prison corridor. On the left, a high wall of vertical slats is topped with multiple layers of barbed wire. In the center, a tall, multi-story watchtower with a balcony and a roof-mounted light fixture stands prominently. A dirt path leads away from the wall towards the watchtower. In the foreground, a person in dark clothing is walking away from the camera, carrying a white bucket. Other figures are visible further down the path. The overall atmosphere is stark and institutional.

ANNEX B: SUMMARY OF
RECOMMENDATIONS

ANNEX B: SUMMARY OF RECOMMENDATIONS

1. I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential health care according to professionally accepted standards, and that all institutional health care sites be accredited within one year.

2. I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care according to professionally accepted standards, and that all mental health care units and regional treatment centres be accredited within one year.

3. I again recommend that the Correctional Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.

4. I recommend that the Correctional Service immediately implement a prison-based needle exchange to ensure that inmates and society at large are best protected from the spread of infectious diseases.

5. I recommend that, within one year, the Correctional Service:

- significantly increase all women offenders' access to meaningful employment and employability programming;
- continue to significantly increase community accommodations and support services for women offenders in underserved areas;
- review the daily operations and staffing of the women's secure units with a view to eliminating "deadtime" and to significantly increasing timely access to treatment, spiritual, academic and work programs;
- significantly increase the number of women offenders appearing before the National Parole Board at their earliest eligibility dates;
- build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities;
- significantly improve access to culturally sensitive programming and services for Aboriginal women who are currently imprisoned in the Atlantic, Quebec and Ontario regions;
- review use of force incidents at women's facilities to ensure consistent compliance with policy;
- establish firm targets ensuring all front-line staff receive refresher training in women-centered approaches in accordance with the recommendation of the Canadian Human Rights Commission; and,

- provide women-centered training to all community parole officers working with women offenders.

6. I recommend that in the next year the Correctional Service:

- implement a security classification process that ends the over-classification of Aboriginal offenders;
- increase timely access to programs and services that will significantly reduce time spent in medium and maximum security institutions;
- significantly increase the number of Aboriginal offenders housed at minimum security institutions;
- significantly increase the use of unescorted temporary absences and work releases;
- significantly increase the number of Aboriginal offenders appearing before the National Parole Board at their earliest eligibility dates; and,
- build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities.

7. I recommend that the Correctional Service significantly improve (above the required employment equity level) the overall rate of its Aboriginal workforce at all levels in institutions where a majority of offenders are of Aboriginal ancestry.

8. I recommend that the Correctional Service establish a timely approval process by its Executive Committee for the development of action plans in response to investigative reports into incidents of inmate deaths or major injuries. In no case should this process exceed six months from the date of the incident.

9. I recommend that the Correctional Service collect accurate information and conduct comprehensive analyses of all inmate injuries to significantly improve its ability to take appropriate action to limit inmate injuries and institutional violence and that this information be verified semi-annually as part of on-going internal audits.

10. I recommend that the Correctional Service immediately comply with its legal obligations and establish "a procedure for fairly and expeditiously resolving all offenders' grievances."

11. I recommend that within one year the Correctional Service provide evidence that complaint and grievance statistics are being used to identify and address areas of systemic offender concerns.

12. I recommend that in the next year the Correctional Service:

- significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates;
- significantly reduce waiting lists for programs included in correctional plans to maximize safe and timely reintegration;
- increase timely access to programs and services that will significantly reduce the time spent in medium and maximum security institutions; and,
- significantly increase the number of unescorted temporary absences and work releases, which have drastically declined in recent years and yet have a very high success rate.

13. I recommend that in the coming year the Correctional Service:

- proactively implement the least restrictive options and significantly reduce the overall number of placements in administrative segregation;
- significantly reduce the average length of stay in administrative segregation; and,
- significantly reduce the time to effect intra- and inter-regional transfers.

14. I recommend that the Correctional Service immediately implement reasonable procedural safeguards for any offender confined in any situation that is not within the general inmate population, and ensure legal compliance with offenders' rights, entitlements and access to programs.

15. I recommend that the Minister play a leadership role by requesting that the House of Commons' Standing Committee on Public Safety and National Security examine the implementation of independent adjudication of administrative segregation decisions when it considers other amendments of the Corrections and Conditional Release Act.

16. I recommend that within one year the Correctional Service:

- develop and implement new policies, programs and services specifically to meet the unique needs of offenders aged 20 and younger that will significantly reduce their time spent in maximum and medium-security institutions, and in administrative segregation; and,
- develop and implement programs and services designed to meet the unique needs of offenders aged 20 and younger that will significantly increase their timely and safe reintegration into the community.

17. I recommend that Correctional Service respond to the special needs of elderly offenders and significantly improve key areas including accommodation, program development, palliative care, and reintegration options.

18. I recommend that the Correctional Service immediately increase inmate allowances for work and program participation. I further recommend that, from this time forward, inmate allowances be indexed to the rate of inflation.

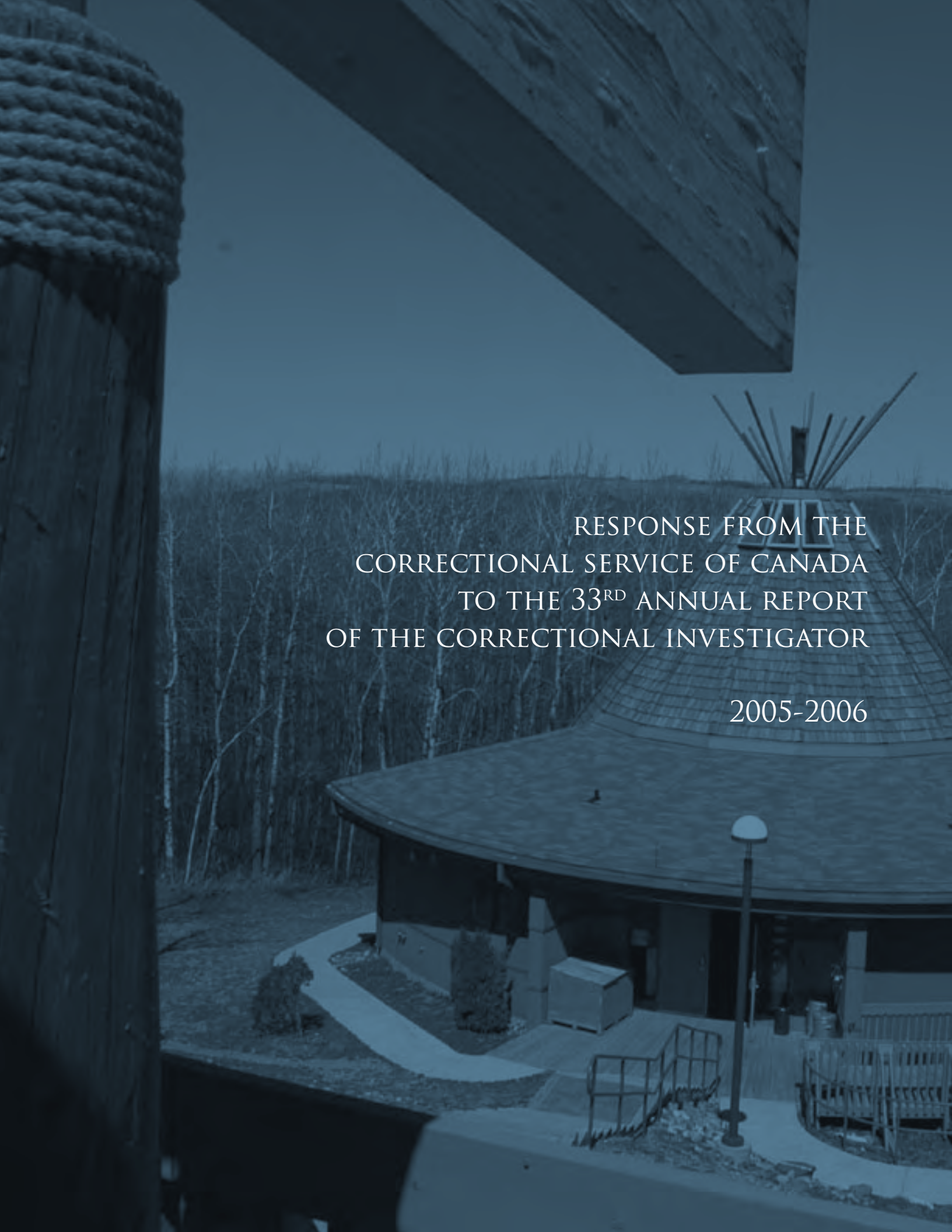
19. I recommend that the Correctional Service immediately:

- amend its policy requiring that inmates choose between either visiting a dying member of their immediate family or other persons with whom inmates have a close personal relationship or attending their funeral; and,
- expedite the consideration of requests for compassionate temporary absences, and allow for a visit to the gravesite or with family members should circumstances make attendance at the funeral impossible.

20. I recommend that the Correctional Service immediately subject all federally-sentenced offenders to an individualized security classification process as required by law and regulations.

21. I recommend that the Correctional Service:

- establish a reasonable ratio of computers to inmates in designated areas outside cells available for inmate use; and, allow inmates to have computers for in-cell use.
- allow inmates to have computers for in-cell use.



RESPONSE FROM THE
CORRECTIONAL SERVICE OF CANADA
TO THE 33RD ANNUAL REPORT
OF THE CORRECTIONAL INVESTIGATOR

2005-2006

INTRODUCTION

In Canada, the goal of the criminal justice system is to contribute to the maintenance of a just, peaceful and safe society. As the federal agency that manages Canadian penitentiaries and supervises federal offenders on conditional release in the community, the Correctional Service of Canada (CSC) plays an important role in contributing to public safety.

Research has shown that, for nearly all offenders, the best way to achieve public safety is the successful reintegration of offenders into society, through a gradual release using effective programming, support and supervision. To achieve these results, CSC must focus on actively encouraging and assisting offenders to become law-abiding citizens while it exercises reasonable, safe, secure and humane control in its institutions and effective supervision in the community.¹ In doing this, it must ensure, at all times, that public safety is the paramount consideration in the correctional process.

The Correctional Investigator (CI) is the Ombudsman for federally sentenced offenders. The primary function of the Office of the Correctional Investigator (OCI) 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 brought to the attention of CSC.

Over the years, CSC has worked with the CI to develop a unique and respectful working relationship, and to address and resolve issues of mutual concern. In his Annual Report, the CI provides an important, independent perspective on CSC operations, and thus gives CSC additional insight into its own performance.

His report this year is a compilation of issues that have been raised over several years and identifies areas where the CI considers that CSC has not met his expectations. The magnitude and breadth of the recommendations presented in this report require a comprehensive response which describes the context in which CSC operates and its ongoing efforts to improve results.

While the CI's recommendations are not binding, CSC nonetheless takes this report very seriously, analyzing each recommendation in detail, with a view to addressing the issues identified that are most pressing and capable of being addressed within its existing resource base.

It is important to understand that even if CSC agreed with all of the CI's recommendations which, as explained below, it does not, it would be beyond its reach and capacity to address all of them at once, given its existing financial and human resource constraints. Nevertheless, CSC is committed to continuous improvement and learning and this report provides an opportunity to do both.

In terms of overall context, the most fundamental point to be made here is that CSC's approach must continue to evolve rapidly to sustain even the current level of correctional results because of the changing offender profile. The simple reality is that offenders today present a broader range of risks and needs than at any time in our history. They have, for example, more extensive and violent criminal histories as youths and as adults:

- Last fiscal year, roughly 90% of offenders newly admitted to our federal institutions had a previous youth or adult court conviction;
- Nearly 50% of the new admissions in 2004-05 had served a prior youth sentence;
- Today, the great majority of offenders in federal prison custody are serving sentences for violent offences (76%);
- 26% of federal offenders have been convicted of homicide. There are now close to 1,000 federal offenders serving sentences for first degree murder;
- 80% of offenders admitted to a federal institution have a substance abuse problem and half committed their crime under the influence of intoxicants, drugs or alcohol; and
- An increasing proportion of federally-sentenced offenders, both male and female, now have more affiliations with gangs and organized crime (a 33% increase between 1997 and 2005).

As well, approximately 12% of male offenders and 26% of female offenders are identified at admission as presenting mental health problems. These proportions have risen since 1997 (from 7% to 12% for men, or an increase of 71%, and from 13% to 26% for women, or an increase of 100%). Consequently, CSC needs to rapidly strengthen and integrate its response to the mental health needs of offenders in institutions and in communities.

Furthermore, most offenders now have unstable job histories, low levels of education, and are generally in poorer health, having much higher rates of infectious disease such as HIV and Hepatitis than other Canadians. In addition, Aboriginal peoples continue to be over-represented in the correctional system; approximately 3% of the Canadian population is of Aboriginal ancestry, in contrast to approximately 18% of federally incarcerated offenders.

Additionally, over 50% of new male offender admissions are now serving sentences of less than three years. This trend toward shorter sentence lengths has been increasing for nearly a decade and continues to increase, leaving less time to change a lifetime pattern of attitudes and behaviours.

At the same time, the proportion of people who are being released under supervision as a result of discretionary release decisions is

decreasing and the proportion of those being released as a result of statutory release provisions, with less time in the community under CSC supervision, is increasing.

These factors pose significant challenges for the effective management, treatment, and employment of offenders while incarcerated

and for their eventual successful reintegration into the community. In this context, if CSC is to continue to make the contribution to public safety that Canadians expect and deserve, it will have to build more sophisticated and integrated approaches within a fiscally responsible framework.

CSC'S APPROACH TO THESE CHALLENGES

CSC administers 58 penitentiaries, 16 community correctional centres and 71 parole offices across Canada, to manage offenders who are sentenced to two years or more. On any given day, there are approximately 12,400 offenders in institutions and 8,300 under supervision in the community. On a flow-through basis, CSC manages approximately 26,000 offenders per year.

To position itself to meet the challenges of the changing offender profile described above, CSC's approach will be to focus, over the next three years, on five strategic priorities in order to achieve the following results:

Priority	Targeted Result
1. Safe transition of offenders into the community;	A reduction in the rate of violent re-offending by offenders, both while they are in the community under CSC supervision and following the end of their sentence;
2. Safety and security for staff and offenders in our institutions;	A reduction in violent behaviour within CSC institutions;
3. Enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders;	A narrowing of the gap in the rate of re-offending between Aboriginal and non-Aboriginal offenders, both while they are in the community under CSC supervision and following the end of their sentence;
4. Improved capacities to address mental health needs of offenders; and	An improvement in correctional results for federal offenders with mental disorders; and
5. Strengthening management practices.	An improvement in management practices at all levels, in institutions and the community.

Strategies have been developed for these five priorities and are now reflected in current business plans. Strategies for the four operational priorities, and expected results, have been developed based on extensive criminological research which demonstrates that gradual and controlled release of offenders to the community, when it is safe to do so, and with proper supervision and support — is effective in ensuring the short and long term safety of our communities. Offenders who have benefited from targeted interventions are less likely to commit new crimes.

Strategies for the fifth strategic priority, strengthening management practices, include focussing special attention on ensuring roles and responsibilities are well defined; internal communications are robust; teamwork is sustained across organizational boundaries and across disciplines; and management approaches are transparent, with decisions that are based on public service values, quality and cost effectiveness to provide public safety results for Canadians.

FRAMEWORK FOR RESPONSE

The CI's Annual Report includes 42 individual recommendations (including sub-recommendations) covering a broad range of topics. Given the very clear set of five priorities that CSC has established for 2006-07 and beyond, and that the CI's recommendations can be related to these priorities, CSC's response to these 42 recommendations is organized in terms of how each of these relate to the priorities.

This structured response will provide clarity for the reader who may wish to cross-reference any other CSC report including, most importantly, its 2006-07 Report on Plans and Priorities, and other mechanisms for reporting to Parliament.² It will also allow CSC to effectively monitor, where appropriate, progress in relation to its response as part of its ongoing work in implementing its business plan. For those who wish to review the response by numerical order of the CI's recommendations, please see Annex B for a cross-reference index.

From CSC's perspective, some of the 42 recommendations require additional attention at this juncture and others do not. In many cases, this is because, while CSC agrees with the overall thrust of the CI's recommendation, CSC has already taken action in many of these areas. For example, as described below, improvements in the delivery of programs and services at institutions and parole offices, which contribute to preparing offenders for a safe and gradual transition to the community, are already underway, and will have positive impacts that have not been recognized in the CI's report.

CSC will continue to work closely with the CI on many of the areas covered in the Annual Report. CSC has benefited greatly from the experience and input provided by members of the CI's office in relation to policy development and improvement of processes. The OCI has, for example, been instrumental in making recommendations that have improved the process for review of use of force incidents.

It should be noted that CSC's response does not include a response to recommendation 15 in the CI's Report because it has been made to the Minister of Public Safety and Emergency Preparedness rather than to CSC:

I recommend that the Minister play a leadership role by requesting the House of Commons' Standing Committee on Public Safety and National Security examine the implementation of independent adjudication of administrative segregation decisions when it considers other amendments of the Corrections and Conditional Release Act.

CSC's position on this issue has been clearly communicated to the CI. CSC is not in favour of, and does not support the implementation of independent adjudication, at this time.

This response to the CI's Annual Report has been developed to provide more context than has been provided in previous responses. As such, it should provide the reader with greater insight into the complexities of managing a rapidly changing offender population, and into how, over the coming years, CSC intends to maximize its contribution to public safety by focussing on five strategic priorities.

PRIORITY 1 – COMMUNITY TRANSITION

Safe transition of offenders into the community

In the context of the changing offender profile described earlier, CSC is facing a number of challenges in preparing offenders for a safe transition to the community. While the evidence demonstrates that a gradual, supervised release to the community provides the best results, the more complex and demanding population poses a major challenge for CSC. Offenders now pose a greater variety of risks and have more diverse needs which require targeted correctional programs and interventions and close monitoring

of the implementation of correctional plans for each individual. In this context, a major priority for CSC is to enhance its approaches toward ensuring that offenders can be safely returned to the community.

To contribute to public safety results, CSC continues to develop and integrate strategies that focus on purposeful interventions, correctional programs and effective supervision, as well as improvements in the monitoring of the offender's progress.

For example, CSC is improving offender preparation for release, aimed at adapting the intake process for offenders so that the offender's criminogenic needs are assessed earlier in the process and an appropriate Correctional Plan is developed. As well, additional amendments are being made to case management and programming, to ensure that there is more timely and purposeful interventions for those serving shorter sentences. Additionally, enhancements to Community Correctional Centres (CCCs) to manage the transition to the community will further support safe transition for offenders into the community.

CI's Recommendation 1:

I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential health care according to professionally accepted standards, and that all institutional health care sites be accredited within one year.

CSC'S RESPONSE:

CSC does and will continue to provide every inmate with essential health care and reasonable access to non-essential health care that will contribute to the inmate's rehabilitation and successful reintegration into the community.

Health care is provided according to professionally accepted standards by registered health care professionals; attaining accreditation of health care sites is a goal, but not a legal obligation.

All health professionals under contract or employed with CSC are registered and regulated by their independent licensing bodies and are governed by various statutory requirements. In accordance with the *Corrections and Conditional Release Act (CCRA)*, CSC only hires registered health care professionals to deliver health services to federally sentenced offenders. There are mechanisms in place to verify that all health care professionals have a current and valid license to practice.

Accreditation is a complex and iterative process in which CSC is actively engaged. It is a goal that CSC is pursuing, in order to

further improve its delivery of health care, but accreditation is not a legal obligation. All CSC Health Services Units, with the exception of one, were surveyed by the Canadian Council on Health Services Accreditation (CCHSA) between December 2004 and June 2006. Future follow-up visits will be done in accordance with the three year cycle.

Moreover, to ensure that standards of care are respected and problems are addressed, CSC has a number of mechanisms in place, including investigations, visits by the Health Care Advisory Committee, and continued pursuit of accreditation of all Health Services.

CI's Recommendation 5:

I recommend that, within one year, the Correctional Service:

- *significantly increase all women offenders' access to meaningful employment and employability programming;*
- *continue to significantly increase community accommodations and support services for women offenders in underserved areas;*
- *significantly increase the number of women offenders appearing before the National Parole Board at their earliest eligibility dates;*
- *build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities; and*
- *significantly improve access to culturally sensitive programming and services for Aboriginal women who are currently imprisoned in the Atlantic, Quebec and Ontario regions.*

CSC'S RESPONSE:

Within its available resources, and based on on-going needs analysis and research, CSC will continue to enhance services, programs and strategies, focussed on meeting the specific needs of women offenders, to reduce their risk of re-offending violently and to increase their ability to transition safely to the community.

- *significantly increase all women offenders' access to meaningful employment and employability programming;*

CSC recognizes the pivotal role that employment plays in promoting the reintegration of offenders into society as law-abiding citizens. CSC has developed a draft National Employment Strategy for Women Offenders, that is scheduled for implementation in April 2007. The objective of the Strategy is to increase viable and meaningful employment opportunities for women offenders, both in the institution and upon release, to contribute to their successful reintegration.

- *continue to significantly increase community accommodations and support services for women offenders in underserved areas;*

Over the past few years, CSC has increased bed capacity in the Atlantic Region; as well, CSC has significantly expanded bed capacity in the Pacific Region in the past year, including accommodation for Aboriginal women.

The expansion of small-scale alternative community accommodation (e.g. satellite apartments and private home placements) for women offenders in underserved areas has been limited by challenges in finding these types of accommodation with the required support and structure, often for one woman at a time. Nevertheless, CSC remains committed to seeking these opportunities in underserved areas.

- *significantly increase the number of women offenders appearing before the National Parole Board at their earliest eligibility dates;*

CSC constantly strives to bring forth program improvements that will contribute to a woman's release at the earliest appropriate date (e.g., earlier targeting of needs, flexible entry system for programs and reduction of minimum program group size). CSC continues to monitor those few women offenders who are past their parole eligibility dates, and remains committed to the reintegration of women offenders to the community.

- *build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities;*

A Section 84 Conditional Release Planning Kit has been produced and widely distributed throughout CSC, including to the women offender institutions, and to communities to provide a comprehensive guide on this type of release option.

Nine full-time Aboriginal Community Development Officer (ACDO) positions have been staffed across the country to create links, for both men and women offenders, with Aboriginal communities, to raise Aboriginal community interest in participating in the correctional process, and to initiate section 84 release planning.

- *significantly improve access to culturally sensitive programming and services for Aboriginal women who are currently imprisoned in the Atlantic, Quebec and Ontario regions.*

The Atlantic (Nova Institution), Quebec (Joliette Institution), and Ontario (Grand Valley Institution) regions have fewer Aboriginal women offenders than the two western regions. Elder and Aboriginal Liaison Officer services are provided at these sites and women's needs are addressed on an individual basis through interventions, such as sweat lodges and other cultural activities (e.g. Circles of Change Program at Grand Valley Institution).

CI's Recommendation 12:

I recommend that, in the next year, the Correctional Service:

- *significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates;*
- *significantly reduce waiting lists for programs included in correctional plans to maximize safe and timely reintegration; and*
- *significantly increase the number of unescorted temporary absences and work releases, which have drastically declined in recent years and yet have a very high success rate.*

CSC'S RESPONSE:

CSC strongly supports the principle that every offender ought to have access to the programs and treatments that meet their needs.

CSC takes every possible action, within its resources, to eliminate obstacles to offenders' participation in programs, including unescorted temporary absences (UTAs) and work releases, and activities which will help to reduce the risk they represent to society, ideally, by the time they reach their parole eligibility dates.

CSC cannot predetermine the numbers who will achieve this challenging goal, nor can CSC compel an offender to appear before the NPB at their earliest eligibility date.

- *significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates;*

CSC cannot commit to increasing offender appearances at the National Parole Board (NPB). There are other factors in addition to eligibility dates for release which must be considered, the first being whether the offender is ready to be released and can be safely managed in the community.

CSC's policy and procedures direct that an offender and the accompanying casework be prepared for presentation to the NPB at the earliest date that the offender is assessed as being able to be safely managed in the community.

- *significantly reduce waiting lists for programs included in correctional plans to maximize safe and timely reintegration;*

Waitlists are only one indicator of true demand for programs. Program Assignment Boards are in place in the institution and in the community to manage the program enrolment of offenders.

One approach that is currently being considered is reducing the time that offenders spend in the intake process, so that they can participate in correctional programs earlier in their sentence.

New programs and program referral criteria will be introduced, by the end of fiscal year 2007, to address the challenge of placing offenders in programs that are commensurate with their identified needs, risk level, and sentence length.

New policy, currently under development, will provide explicit guidelines for the referrals to programs, the management of wait-lists, and the functioning of the Program Board.

- *significantly increase the number of unescorted temporary absences and work releases, which have drastically declined in recent years and yet have a very high success rate.*

The decision to approve an Escorted Temporary Absence (ETA), an Unescorted Temporary Absence (UTA), or a work release is made on a case-by-case basis. Both public safety and the reintegration benefits of such a decision need to be considered and appropriately balanced. Therefore, CSC cannot commit to increasing the use of these Temporary Absences (TA) or work-releases on a population-wide basis.

However, CSC's efforts to streamline assessments and reduce wait times will contribute to increasing the number of offenders for whom Temporary Absences or a work release may be a viable correctional option. The efforts of the Aboriginal Community Development Officers to work with Aboriginal communities will also contribute to increasing TA opportunities for Aboriginal offenders.

CI's Recommendation 19:

I recommend that the Correctional Service immediately:

- *amend its policy requiring that inmates choose between either visiting a dying member of their immediate family or other persons with whom inmates have a close personal relationship or attending their funeral; and*
- *expedite the consideration of requests for compassionate temporary absences, and allow for a visit to the gravesite or with family members should circumstances make attendance at the funeral impossible.*

CSC'S RESPONSE:

CSC does not have the resources to accommodate every request for compassionate temporary absence. Moreover, CSC disagrees with the need to amend its current policy, since it reflects principles of compassion and current community standards.

CSC has an obligation to attend to the needs of the offender, manage public safety, and to responsibly manage within the limited

resources available to deal with the many serious challenges it faces. There are frequently very real tensions between these three obligations.

CSC is of the view that no further action is required with respect to reviewing requests for compassionate temporary absences, as CSC already exercises, and will continue to exercise, appropriate discretion when reviewing each request, on a case-by-case basis, and in keeping with law, policy and the principles of compassion.

CSC recognizes and supports the strengthening of an offender's community ties and respects the humanity of those under sentence. CSC therefore makes every reasonable effort to accommodate inmates wishing to attend funeral services of immediate family members or persons with whom the inmate has a close personal relationship.

Current policy ensures the humane treatment of offenders by allowing them, to the extent possible, to attend the funerals of certain individuals with whom the offender has a relationship. However, each application is evaluated, to determine the nature of the relationship between the offender and the deceased as well as the risk posed by the offender.

PRIORITY 2 – SAFETY AND SECURITY IN INSTITUTIONS

Safety and security for staff and offenders in our institutions

The changing offender population has a direct impact on the safety and security of institutions. There has been an increase in offenders demonstrating poor institutional adjustment, more anti-social behaviour, and there has been an increase in the proportion of offenders assessed as requiring placement into maximum security institutions at intake.³

CSC must work towards reducing all forms of violence, whether directed at staff or at offenders. At the same time, offenders must be provided with an environment that is secure and conducive to their rehabilitation. Furthermore, the high prevalence of offenders having substance abuse problems means that institutions are exposed to risks of violence associated with drugs.

CSC continues to look at ways to improve current practices, explore new and innovative strategies, and create better conditions for successful behavioural changes and rehabilitation of offenders.

To ensure the protection of staff and offenders in institutions, ongoing adjustments to security and interventions to address the changing offender profile must be put in place. Making these adjustments is a priority for CSC.

CI's Recommendation 4:

I recommend that the Correctional Service immediately implement a prison-based needle exchange to ensure that inmates and society at large are best protected from the spread of serious diseases.

CSC'S RESPONSE:

CSC actively works to reduce the spread of infectious disease, and continues to examine options to decrease the risk of transmission of infectious disease for offenders, staff, and the public. However, CSC's immediate focus is to curtail the supply, use and impact of drugs in institutions, while recognizing that additional efforts and resources will be required over time in the areas of prevention, treatment, enforcement, and harm reduction.

The Public Health Agency Canada (PHAC) has recently completed an initial study on the use of a safe-needle exchange program within the prison environment. CSC is analyzing the results of this study, within the overall context of CSC's strategy on drugs in institutions, and examining the experience of international jurisdictions that have implemented needle exchange programs. However, the primary focus for CSC in the near term will be on reducing the supply of drugs in its institutions.

CI's Recommendation 5 (cont'd from priority 1, page 37):

I recommend that, within one year, the Correctional Service:

- *review the daily operations and staffing of the women's secure units with a view to eliminating "deadtime" and to significantly increasing timely access to treatment, spiritual, academic and work programs; and*
- *review use of force incidents at women's facilities to ensure consistent compliance with policy.*

CSC'S RESPONSE:

CSC continues to seek increased opportunities for women offenders who are classified as maximum security to participate in programs and activities and to interact with others, while maintaining the safety and security of all concerned.

The thorough review of all use of force incidents at women's institutions is in place, and is a well-established practice.

- *review the daily operations and staffing of the women's secure units with a view to eliminating "deadtime" and to significantly increasing timely access to treatment, spiritual, academic and work programs;*

CSC's approach is to continually review and improve operations and access to programs and treatment for women offenders in the Secure Unit.

CSC is focussing, in particular, on the more effective management of women who have been placed on the Management Protocol⁴, as a result of committing an act causing serious harm within the institution or seriously jeopardizing the safety of others during their incarceration. Women on the Management Protocol, and those in segregation, are most likely to experience periods of non-structured time which presents a challenge for CSC.

CSC is seeking to secure additional resources to increase interventions, and consequently increase opportunities for these women to access programs, treatment, educational and spiritual activities.

· review use of force incidents at women's facilities to ensure consistent compliance with policy.

The CI report indicates that the reportable use of force incidents at women's facilities have measurably increased in 2005-06 following a significant decline in 2004-05. In contrast, CSC's data indicate that use of force incidents have remained relatively stable over the last three fiscal years: 71 in 2003-04; 62 in 2004-05; and 71 in 2005-06.

CSC has policies and procedures in place that govern the recording, viewing and transmitting of videotapes, including the transmission of every tape to the OCI for review. Policy and procedures clearly specify the roles and responsibilities at the local, regional, and national levels for the review process and for the monitoring of use of force incidents and reporting.

All Institutional Emergency Response Team interventions are videotaped and subsequently reviewed at the local and the regional levels to ensure compliance with policy. In addition, all videotapes of incidents involving women offenders are reviewed by CSC through the Office of the Deputy Commissioner for Women, in order to ensure compliance with policy and to address any problematic issues with the institutions.

CI's Recommendation 12 (cont'd from priority 1, page 38):

I recommend that, in the next year, the Correctional Service:

· increase timely access to programs and services that will significantly reduce the time spent in medium and maximum security institutions.

CSC'S RESPONSE:

CSC is committed, within its resources, to increasing and enhancing the provision of opportunities for offenders to participate in all programs, including

unescorted temporary absences and work release, that will assist in their gradual, supervised transition to the community.

CSC does not support numeric targets over comprehensive case-by-case reviews for the security classification or the gradual release of offenders. These decisions are based on a distinct review of each case. CSC will assist offenders to make the changes necessary to demonstrate that they have reduced the level of risk they represent.

Research has demonstrated that providing effective interventions is the most effective option for reducing institutional misconduct and maintaining safe and humane environments.

CSC is responding to the placement needs of the offender population through streamlining processes to ensure that, to the largest extent possible, all offenders have access to necessary interventions.

CSC's goal is to improve access to programs for all offenders, which will contribute to decreasing risk. Reduced risk results in a lowering of required security level, and shorter time spent at the highest security level.

Additionally, in order to appropriately address the program needs of Aboriginal offenders,⁵ recent revisions to case management policies incorporated the consideration of Aboriginal social history in the correctional planning and decision-making process, in accordance with the principles of the Supreme Court of Canada *Gladue*⁶ decision.

CI's Recommendation 13:

I recommend that, in the coming year, the Correctional Service:

- proactively implement least restrictive options and significantly reduce the overall number of placements in administrative segregation;*
- significantly reduce the average length of stay in administrative segregation; and*
- significantly reduce the time to affect intra- and inter-regional transfers.*

CSC'S RESPONSE:

CSC will continue to improve its practices to ensure that Administrative Segregation is used only in accordance with a fair and reasonable decision-making process, and to ensure that the offender is safely returned to the general inmate population at the earliest appropriate time.

- *proactively implement least restrictive options and significantly reduce the overall number of placements in administrative segregation;*

The change in the offender profile has presented challenges in managing a contained environment with limited resources and options. CSC is committed to using Administrative Segregation only when required, in accordance with the *CCRA*. Placement in Administrative Segregation is initially reviewed by the Warden, (if it was not the Warden who confirmed the order to segregate) and, after five days, followed up by a review board's recommendation, to ensure that the inmate's continued custody in segregation is warranted pursuant to the considerations in the *CCRA*.

Additionally, to assist in compliance with policy and procedures related to Administrative Segregation, CSC continues to provide training to Correctional Supervisors with respect to administrative segregation.

- *significantly reduce the average length of stay in administrative segregation;*

Multiple factors contribute to the need for Administrative Segregation. CSC's continuing efforts to enhance mental health support, reduce the influence of drugs, and develop strategies to manage gangs, together with the measures taken to reduce institutional violence, should lessen reliance on Administrative Segregation and help to reduce the number of offenders seeking voluntary segregation.

As to women offenders in segregation, CSC has commenced a two-year pilot Segregation Advisory Committee at Edmonton Institution for Women, with external membership, to review the cases of women in segregation over 30 consecutive days, and all women whose cumulative stay in segregation exceeds 60 days over a one-year period. The purpose of the Committee is to identify possible reasonable alternatives to both short and long term segregation.

In addition, CSC will be conducting a national audit on administrative segregation in the fall 2006. The audit will focus on:

1. the adequacy of the overall framework for the management of administrative segregation;
2. determining whether the initial placement and continued segregation is justified;
3. determining whether the conditions of confinement in segregation meet the intent of the law; and
4. assessing the level of compliance to the administrative requirements of the segregation process related to reviews/assessments as well as the recording of information.

- *significantly reduce the time to affect intra- and inter-regional transfers.*

Offenders requesting a voluntary transfer to alleviate their segregation status are considered a priority for transfer. On average, CSC conducts five inter-regional voluntary transfers a month in order to address long-term segregation cases. The success of these inter-regional transfers is monitored at the national level.

Additionally, for those cases where regions are having difficulty transferring an offender, Commissioner's Directive 710-2 Transfer of Offenders, was recently amended to allow for a final decision, where two regions cannot agree on a transfer, to be made at National Headquarters.

CI's Recommendation 14:

I recommend that Correctional Service immediately implement reasonable procedural safeguards for any offender confined in any situation that is not within the general inmate population, and ensure legal compliance with offenders' rights, entitlements, and access to programs.

CSC'S RESPONSE:

CSC is responsible for the safe custody of an increasingly diverse population, within which there are often conflicting groups or individuals. Care will continue to be taken to respect every aspect of the CCRA in providing an environment within institutions that allow inmates to live in a safe and compatible way, while ensuring that their access to programs and their safety and security are not compromised.

CSC has conducted a survey of "Transition Units" and other sub-population units. As a result of the survey, a Commissioner's Directive will be developed, to ensure that the needs of the various and potentially more challenging offender population that is being managed in institutions are met through safe and appropriate placement. CSC will also ensure full compliance with the *CCRA*, with respect to consistency of conditions of confinement across populations.

CI's Recommendation 16:

I recommend that, within one year, the Correctional Service:

- *develop and implement new policies, programs and services specifically to meet the unique needs of offenders 20 and younger that will significantly reduce their time spent in maximum and medium-security institutions, and in administrative segregation; and*
- *develop and implement programs and services designed to meet the unique needs of offenders 20 and younger that will significantly increase their timely and safe reintegration into the community.*

CSC'S RESPONSE:

CSC will continue to ensure that the needs of all offenders, including younger offenders, are appropriately dealt with through their individual assessments and plans, while ensuring their overall safety and ability to participate in programs.

Each Correctional Plan is developed on an individual basis and therefore addresses the unique needs and concerns of the offender. Where there are accommodations required because of age-related needs, those are built into the Plan.

CI's Recommendation 17:

I recommend that Correctional Service respond to the special needs of elderly offenders and significantly improve key areas including accommodation, program development, palliative care, and reintegration options.

CSC'S RESPONSE:

CSC will continue to ensure that the needs of all offenders, including elderly offenders, are appropriately dealt with through their individual assessments and plans, while ensuring their overall safety and ability to participate in programs.

As noted in our response to the issue of offenders under 20 years old, each Correctional Plan is developed on an individual basis and as such addresses the unique needs and concerns of the offender. When there are accommodations required because of age-related needs, those are built into the Plan.

CI's Recommendation 18:

I recommend that the Correctional Service immediately increase inmate allowances for work and program participation. I further recommend that from this time forward inmate pay be indexed to the rate of inflation.

CSC'S RESPONSE:

This is not an immediate priority for CSC. CSC is presently examining options to maximize the effective use of resources currently allocated for inmate allowances.

CSC recognizes that a change to the inmate allowance system is needed and has been working with the OCI over the past six months to develop an improved approach. The OCI is a

member of the Working Group that prepared a detailed report entitled, "Overview of Inmate Finances", in December 2005.

The analysis presented by the CI in these recommendations comes directly from the report. This in-depth report analyzed the issue from a legislative and historical perspective; issues raised by stakeholders; most recent changes to policy; comparisons nationally and internationally; inmate pay and motivation; and, the financial situation. As a result of this analysis, various options have been developed in order to create a more streamlined allowance system and these will be presented in the fall of 2006 to CSC senior management.

CI's Recommendation 20:

I recommend that the Correctional Service immediately subject all federally sentenced offenders to an individualized security classification process as required by law and regulations.

CSC'S RESPONSE:

CSC does not believe that any changes are required to this process at this time. CSC's approach to classification will continue to be based on individualized assessments, and be conducted in accordance with the law and regulations.

CSC does conduct individualized security classifications consistent with the *CCRA*. Security needs, programming, cultural and linguistic needs, and proximity to home community and family, along with institutional adjustment, escape risk and public safety ratings are considered in all placement decisions.

In situations where offenders are serving a life sentence, the security classification is carried out, in accordance with the *CCRA*, based on the elements noted above, the impact that a life sentence has on the individual, and the seriousness of the offence.

PRIORITY 3 – ABORIGINAL OFFENDERS

Enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders

As previously noted, Aboriginal peoples continue to be disproportionately represented in the correctional system. Moreover, Aboriginal people admitted to federal custody are increasingly younger and are more likely to be incarcerated for a violent offence, have affiliations with gangs and have much higher needs (relating to substance abuse, health, employment and education, for example). While many needs of Aboriginal men and women are similar, they require different types of interventions to address those needs. Furthermore, research highlights distinct background, offence patterns and need

characteristics among First Nations people on reserve, First Nations people off reserve, Métis and Inuit offenders.

To address the specific needs of all Aboriginal offenders, CSC's Strategic Plan for Aboriginal Corrections (2006-07 to 2010-11) will assist CSC in moving forward on three key areas:

- implement initiatives within a continuum of care to provide culturally appropriate interventions that address the specific criminogenic needs of First Nations, Métis and Inuit men and federally sentenced women offenders;
- enhance horizontal collaboration and coordination within CSC, within the Public Safety portfolio, and with other levels of government, Aboriginal organizations and stakeholders, to contribute to Aboriginal community development and to help Aboriginal offenders initiate and sustain their healing journeys; and
- address systemic barriers internally and increase CSC cultural competence

CSC's response is organized according to its five priorities, and recommendations related to community transition, safety and security in institutions, mental health and strengthening management are included in those specific sections, since these issues apply to all offenders, regardless of their heritage. Those responses will not be reiterated within this priority.

CI's Recommendation 6:

I recommend that, in the next year, the Correctional Service:

- *implement a security classification process that ends the over-classification of Aboriginal offenders;*
- *significantly increase the number of Aboriginal offenders housed at minimum security institutions; and*
- *build capacity for and increase use of section 84 and 81 agreements with Aboriginal communities.*

CSC'S RESPONSE:

CSC will continue to develop and use evidence-based tools that facilitate the overall assessment and security classification of all offenders, including Aboriginal offenders.

CSC is actively pursuing strategies to continue to enhance its ability to provide effective interventions for First Nations, Métis and Inuit Offenders. At the same time, CSC will continue to work collaboratively with its criminal justice partners and the community

to support the safe transition of Aboriginal offenders to communities, including those returning to urban areas.

- *implement a security classification process that ends the over-classification of Aboriginal offenders;*

The security classification tool used by CSC is appropriate for Aboriginal offenders, and the criteria which are used to classify offenders are contained in the *CCRA* and *Corrections and Conditional Release Regulations (CCRR)*. Empirical evidence has not been provided by the OCI that Aboriginal offenders are over classified.

Criticisms have been levied against CSC's reclassification methods. Therefore, CSC plans to conduct a needs analysis into the efficacy and cultural appropriateness of its re-classification methods, and will revise these methods, if the analysis provides evidence that changes are necessary.

As well, CSC is focussing its efforts on increasing access to programs and interventions which will help Aboriginal peoples who are incarcerated, to address criminogenic needs identified in each individual's correctional plan, and consequently improve the process of gradual supervised release.

- *significantly increase the number of Aboriginal offenders housed at minimum security institutions;*

The number of Aboriginal offenders eligible for transfer to minimum security is the result of a complex interaction of factors, not all of which are under CSC's control. Nonetheless, CSC is committed to assisting Aboriginal offenders in achieving the correctional goals that would enable them to be safely housed at minimum security. To this end, CSC is integrating the needs of Aboriginal offenders into each of its operational activities, such as Programs, to maximize the resources and energy that can be brought to bear on this objective.

- *build capacity for and increase use of section 84 and 81 agreements with Aboriginal communities.*

Section 81

As a result of increased Elder involvement and Pathways⁷ implementation, CSC healing lodges⁸ (minimum security) were near full capacity, as of March 31, 2006. The transition of four CSC-operated facilities to Aboriginal communities, and the development of new proposals for section 81 agreements, is dependent on a community's capacity to assume responsibility. A variety of funding mechanisms through Indian and Northern Affairs Canada (INAC), the Department of Justice (DoJ) and the National Crime Prevention Centre (NCPC) are in place to assist communities in developing that capacity.

Section 84

In 2005-06, 226 release plans were completed for presentation to NPB, reflecting a significant increase in community involvement. These release plans *do not* constitute agreements. Parole Officers integrate the plans into documentation for NPB's consideration in making a decision for a conditional release.

As noted previously in response to recommendation 5, (page 37), ACDO positions have been staffed across the country to create links for both men and women offenders with Aboriginal communities, raise Aboriginal community interest in participating in the correctional process, and initiate section 84 agreements.

Also noted elsewhere in this document, the Section 84 Conditional Release Planning Kit has been produced and widely distributed throughout CSC.

PRIORITY 4 – MENTAL HEALTH

Improved capacities to address mental health needs of offenders

There are an increasing number of offenders with mental health disorders, and mental health problems are up to three times more common in correctional institutions, than among the general population. Consequently, CSC needs to provide a full-spectrum response to the broad and multi-dimensional mental health needs of the offender population.

To this end, CSC has developed, and is working toward the implementation of an overarching multi-dimensional Mental Health Strategy. CSC has been successful in securing funding to implement the Community Mental Health component of the Strategy.

However, funding will be required to fully implement the remaining components. Currently, CSC is working in collaboration with other government departments to secure this funding as part of an inter-departmental process to strengthen mental health in Canada.

CI's Recommendation 2:

I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care according to professionally accepted standards, and that all mental health care units and regional treatment centres be accredited within one year.

CSC'S RESPONSE:

CSC will continue to provide every inmate with essential mental health care. However, CSC is currently limited in its capacity to improve mental health care without a significant increase in funding.

CSC agrees with the recommendation that all treatment centres should be accredited and currently four of the five regional treatment centres are accredited.

CSC has a comprehensive Mental Health Strategy to improve mental health service delivery. The proposed Strategy is a full-spectrum response to the mental health needs of offenders and provides a coherent national approach:

1. thoroughly screen all offenders, fully assess those showing signs of mental disorders, develop formal treatment plans as appropriate, and gather information on the true nature of mental health problems for federal inmates;
2. provide treatment to inmates suffering mental health problems using dedicated primary mental health care teams in all CSC institutions;
3. create intermediate care mental health units in selected men's institutions, to provide more specialized mental health care treatment to those inmates requiring daily support in a safe and secure environment;
4. upgrade staffing and facilities at mental health treatment centres to bring them to the level of psychiatric hospitals with respect to care for inmates with acute mental health problems; and
5. continue to provide comprehensive support to offenders in the community to ensure their safe reintegration.

The community portion of the Strategy is funded and underway while CSC seeks funding to implement the remaining portions of the Strategy.

It is expected that the community portion of the Mental Health Strategy will enhance reintegration for offenders with mental health problems by increasing the options for mental health support and intervention in the community thereby increasing reintegration success and public safety.

With regard to regional treatment centres, Shepody Healing Centre is the only remaining unaccredited treatment centre and is targeted for accreditation in 2008.

With respect to women offenders, an eight-bed Structured Living Environment (SLE) house is located at each women offender institution to address the needs and risks of women who have mental health problems and are classified at minimum and medium security levels. The SLE has 24-hour supervision and an interdisciplinary team who receives additional training including specialized mental health training. In its September 2005 inspection at Nova and Grand Valley Institution for Women, Her Majesty's Inspectorate of Prisons for England and Wales highlighted the SLE's as being an impressive model. For women who require intensive mental health care intervention, CSC has a separate unit for women at the Regional Psychiatric Centre (Prairies) and at l'Institut Philippe Pinel de Montréal.

CI's Recommendation 3:

I again recommend that the Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.

CSC'S RESPONSE:

CSC's Mental Health Strategy reinforces its commitment to training staff in this area, and to assist staff to achieve and maintain the level of competence required to carry out their duties.

Training for front-line staff in the identification and response to behaviour arising from mental health issues is currently in development. Institutions will be encouraged to include the mental health training module in their existing training plans while CSC seeks additional resources to allow for a formal delivery strategy to be developed. The delivery of the training to all front-line staff is contingent on having adequate funding, given that the funding required far exceeds financial capacity at this time.

As part of the Community Mental Health Initiative, the staff of parole offices, Community Correctional Centres (CCCs) and Community Residential Facilities (CRFs) will receive annual mental health training, beginning in fiscal year 2006-07. In addition, staff of the CRFs for women offenders will also receive additional mental health training this fiscal year.

As well, all front line staff and all staff in the Structured Living Environments in the women offender institutions are trained in Dialectical Behaviour Therapy (DBT), which targets emotion dysregulation and the various behavioural difficulties associated with it.

PRIORITY 5 – STRENGTHENING OUR MANAGEMENT PRACTICES

To improve the way we deliver on the key strategic priorities, and more generally, on all aspects of our mandate

CSC is an organization with close to 15,000 employees, across many disciplines, and operating 365 days a year, 24 hours a day, across all geographic regions of the country. CSC is also one of the largest federal custodians of real property assets. Most of these facilities have not had the benefit of cyclical renewals or major infrastructure replacements over their life cycle. As a result, a strategy to rigorously examine CSC's infrastructure needs, in light of the population management requirements associated with the changing offender profile, is being developed.

In this context, the integration of CSC's human resources and financial planning analysis into existing priorities and planning processes is essential to the effective achievement of its priorities. CSC is committed to successfully integrate transparency and accountability across all levels of the organization, align performance monitoring systems with corporate results commitments, and improve the development of policies and the delivery of programs. Ultimately this will ensure more coherence in the provision of better correctional results for Canadians.

If CSC is to be successful in achieving better results, it must continue its efforts to improve management practices. Four strategies currently being pursued to achieve this priority include: clarifying roles and responsibilities; enhancing the values and ethics program; improving internal communications, and addressing the longer-term infrastructure needs and facility rust-out.

HUMAN RESOURCES MANAGEMENT:

CI's Recommendation 5 (cont'd – see priority 1, page 37 and priority 2, page 40) :

I recommend that, within one year, the Correctional Service:

- *establish firm targets ensuring all front-line staff receive refresher training in women-centered approaches in accordance with the recommendation of the Canadian Human Rights Commission; and*
- *provide women-centered training to all community parole officers working with women offenders.*

CSC'S RESPONSE:

CSC will continue to provide its staff with high quality, timely training to ensure the level of competence and skills required to carry out their duties. The provision of refresher training in women-centered approaches has been included as part of the National Training Standards and is being closely monitored to ensure compliance with the Standards.

· *establish firm targets ensuring all front-line staff receive refresher training in women-centered approaches in accordance with the recommendation of the Canadian Human Rights Commission;*

CSC's commitment to the Canadian Human Rights Commission (CHRC) is to provide refresher training every two years. CSC has met this commitment by developing a refresher training course and ensuring staff complete this training every two years in accordance with our National Training Standards.

All front line staff recently received the refresher training. Once there has been an opportunity to assess the impact of the current standards and training needs, CSC will determine if there is a requirement to provide more frequent training.

· *provide women-centered training to all community parole officers working with women offenders,*

A significant number of parole officers working in women's supervision units have received women-centered training. CSC will consider means of ensuring training is readily available to all parole officers in women's supervision units.

For other parole officers who may be required to supervise a women offender, only on an irregular basis, supportive measures, including women-centred training, will be made available, as required.

CI's Recommendation 7:

I recommend that the Correctional Service significantly improve (above the required employment equity level) the overall rate of its Aboriginal workforce at all levels in institutions where a majority of offenders are of Aboriginal ancestry.

CSC'S RESPONSE:

While CSC is the second largest federal employer of Aboriginal peoples, it will continue to strive to further improve the level of representation of Aboriginal employees and managers in CSC.

The current Canada-wide Workforce Availability Estimate, based on the 2001 Census Survey, indicates that a total of 4.7% of the estimated workforce self-identified as being of Aboriginal descent. As of March 31, 2006, data show that 970 of CSC's 14,479 (6.7%) employees self-identified as being of Aboriginal descent. It is also noteworthy that CSC is second only to the department of Indian and Northern Affairs Canada (INAC) in recruitment and representation of Aboriginal peoples in the federal public service.

CSC is committed to building on the principles of employment equity to achieve a more diverse workforce that is not only representative of Canadian society, but also of the offender population. Measures continue to be identified to address systemic barriers and the continued under-representation of designated groups in various occupational categories and levels.

An integrated human resource management strategy that addresses recruitment, development and retention of Aboriginal employees will be completed by end of fiscal year 2007. A critical first step in the strategy will be the development of a business-based needs assessment and gap analysis to establish what capacity will be required throughout CSC, over the longer term. This assessment will inform consultations with the federal Aboriginal Human Resources Development Council and with Aboriginal organizations to determine options to address identified needs.

PERFORMANCE MONITORING:

CI's Recommendation 8:

I recommend that the Correctional Service establish a timely approval process by its Executive Committee for the development of action plans in response to investigative reports into incidents of inmate deaths or major injuries. In no case should this process exceed 6 months.

CSC'S RESPONSE:

All such incidents of inmate injury and death will be investigated and required corrective actions will be implemented in a timely way.

Over the last year, CSC has continued to improve the incident investigation process. These improvements have included the overall quality of the documents, the process for reviewing the reports and finalizing the action plans with Executive Committee members and the process for monitoring implementation of the approved responses.

During this coming year, CSC will be further reducing the time from which an investigation is convened to the time at which the Executive Committee reviews and finalizes the action plans. CSC is targeting to complete this process within six months for all routine

investigations however, for those investigations that are more complex, the process may extend beyond the six-month timeframe.

CI's Recommendation 9:

I recommend that the Correctional Service collect accurate information and conduct comprehensive analyses of all inmate injuries to significantly improve its ability to take appropriate action to limit inmate injuries and institutional violence and that this information is verified semi-annually as part of on-going internal audit.

CSC'S RESPONSE:

CSC will continue to review all sources of data that provide insight into incidents of violence within its institutions and use this data to take corrective action as necessary, and seek ways to improve the quality of the captured and reported data related to violent behaviour.

CSC is focussing on controlling and eliminating the factors that contribute to violence and injuries in institutions in a variety of ways, such as reducing the presence and influence of drugs in institutions, and adjusting Violence Prevention Programs to make them more accessible to those who require them. These improvements should result in better equipping offenders to self-regulate behaviours that may lead to violent situations.

CSC recognizes weaknesses in the data recording and analysis systems surrounding injury reporting. Measures to correct these weaknesses are already underway, and will result in more complete and accurate information. CSC is reviewing the process used to capture and record all incidents of violence, and will refine and improve this process over the coming year.

REDRESS SYSTEM:

CI's Recommendations 10 and 11:

I recommend that the Correctional Service immediately comply with its legal obligations and establish "a procedure for fairly and expeditiously resolving all offenders' grievances."

I recommend that within one year the Correctional Service provide evidence that complaint and grievance statistics are being used to identify and address areas of systemic offender concerns.

CSC'S RESPONSE:

CSC will continue to review and improve its current process for responding to offender complaints and grievances, at all levels within CSC.

CSC will continue to use the national level of the Offender Grievance system to resolve issues raised in third level grievances and to provide systemic analysis of trends or areas of concern for CSC.

The quality of grievance responses has improved over the past two years. The Knowledge Management System that was shared with the regions this year has assisted staff at all levels to improve consistency and clarity of responses.

Regional and operational staff reviewing the more comprehensive and clearly presented rationales for third level grievance decisions are using the information to increase their understanding of human rights requirements in the context of their work, and in turn are providing improved responses to grievances at the lower levels of the redress system and contributing to a correctional culture that is more respectful of human rights.

The more intensive review process has led to clearer identification of systemic issues and inadequacies in the clarity or comprehensiveness of existing policies. Work is done on an on-going basis with policy holders and operational managers to fix problems as they are uncovered. Some systemic analysis of trends and areas of concerns has occurred on an *ad hoc* basis; however, CSC recognizes that improvement must be made in this area and has taken steps, outlined above, to remedy the lack of consistent analysis. It should be noted that the CI report (page 29) positively comments on the analyses undertaken by CSC/Women Offender Sector on complaints and grievances regarding women offenders. These analyses are ongoing and will continue to be provided to the CI.

Through resource re-allocations, the backlog of grievances at 3rd level, at the end of FY05-06, had been eliminated. Every effort will be made through streamlining of processes and policy improvement to sustain these gains and ensure timeliness of responses at the national level. Of the 19,000 complaints and grievances addressed in 2005-2006, 79% were addressed on time. Of the 13,000 addressed at the institutional level, 87% were on-time.

INMATE ACCESS TO COMPUTERS:

CI's Recommendation 21:

I recommend that the Correctional Service:

- establish a reasonable ratio of computers to inmates in designated areas outside-cells available for inmate use; and*
- allow inmates to have computers for in-cell use.*

CSC'S RESPONSE:

CSC recognizes the benefits that computer access can bring to offender educational and work skills, and will continue to manage, within its resource base, the risks that computer access can pose.

CSC has worked very closely and productively with a broad range of stakeholders and experts in Information Technology on this issue since 2004, and has an established minimum of four computers in each institution and a minimum ratio of one computer for every 50 inmates.

CSC is currently conducting a study to determine whether the ratio of computers to inmates needs to be adjusted, and to establish a Protocol for Inmate Access to CSC-owned computers. The study will also include a Threat and Risk Assessment of in-cell use of computers.

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1. See Annex A for CSC's Mandate.
 2. The *Report on Plans and Priorities* is tabled each year in Parliament and guides all business planning in CSC.
 3. Since 2001, CSC's initial placement policy requires that offenders charged with murder spend at least two years in a maximum-security institution.
 4. The Management Protocol is a framework that provides the structure, monitoring and supervision required to ensure safety of staff, other inmates and the public by stabilizing the inmate's daily routine
 5. See page 43, Priority 3 Aboriginal Offenders, Enhanced Capacities To Provide Effective Intervention for First Nations, Métis and Inuit Offenders, for more detailed information on CSC's efforts to address this priority
 6. In 1999, the Supreme Court of Canada decision *R. v. Gladue* acknowledged the place in the criminal justice system of Aboriginal beliefs on justice and reconciliation and on the interconnectedness between individuals, families and communities (be it urban, rural or reserve).
 7. Pathways: traditional environment for Aboriginal offenders who wish to follow a healing path.
 8. Healing Lodges: institutions that offer culturally appropriate services and programs in an environment that incorporates Aboriginal peoples' traditions and beliefs.

ANNEX A

CSC'S MANDATE

The *Corrections and Conditional Release Act, (CCRA)* provides the legislative framework for CSC's work. The mandate of the Correctional Service of Canada is to contribute to the maintenance of a just, peaceful and safe society by:

- carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and
- assisting in the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

CSC is also guided by the Canadian *Charter of Rights and Freedoms* and numerous Acts, regulations, policies, and international conventions in the delivery of its service. These help to ensure that CSC exercises reasonable, safe, secure and humane control of offenders, and, as well, demonstrate fiscal responsibility in carrying out its mandate.

Consistent with the *CCRA*, CSC's Mission Statement reflects Canadians' values, including respect for the rule of law and safe, secure and humane custody. The Mission speaks to openness and integrity in our accounts to the public, and supports CSC's relationship with the CI, in general, and more specifically, CSC's transparency and accountability to the Canadian public.

ANNEX B

LISTING OF THE CORRECTIONAL INVESTIGATOR'S RECOMMENDATIONS AND CORRECTIONAL SERVICE CANADA'S RESPONSES

Correctional Investigator's Recommendations	CSC's Response
<p><i>Recommendation 1:</i> I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential health care according to professionally accepted standards, and that all institutional health care sites be accredited within one year.</p>	36
<p><i>Recommendation 2:</i> I recommend that the Correctional Service demonstrate compliance with its legal obligation to provide every inmate with essential mental health care and reasonable access to non-essential mental health care according to professionally accepted standards, and that all mental health care units and regional treatment centres be accredited within one year.</p>	44
<p><i>Recommendation 3:</i> I again recommend that the Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.</p>	45
<p><i>Recommendation 4:</i> I recommend that the Correctional Service immediately implement a prison-based needle exchange to ensure that inmates and society at large are best protected from the spread of serious diseases.</p>	39
<p><i>Recommendation 5:</i> I recommend that, within one year, the Correctional Service:</p> <ul style="list-style-type: none"> · significantly increase all women offenders' access to meaningful employment and employability programming; · continue to significantly increase community accommodations and support services for women offenders in underserved areas; · review the daily operations and staffing of the women's secure units with a view to eliminating "deadtime" and to significantly increasing timely access to treatment, spiritual, academic and work programs; · significantly increase the number of women offenders appearing before the National Parole Board at their earliest eligibility dates. · build capacity for and increase use of section 84 and section 81 agreements with Aboriginal communities; · significantly improve access to culturally sensitive programming and services for Aboriginal women who are currently imprisoned in the Atlantic, Quebec and Ontario region; · review use of force incidents at women's facilities to ensure consistent compliance with policy; · establish firm targets ensuring all front-line staff receive refresher training in women-centered approaches in accordance with the recommendation of the Canadian Human Rights Commission; and · provide women-centered training to all community parole officers working with women offenders. 	37 37 40 37 37 40 46 46
<p><i>Recommendation 6:</i> I recommend that, in the next year, the Correctional Service:</p> <ul style="list-style-type: none"> · implement a security classification process that ends the over-classification of Aboriginal offenders; · increase timely access to programs and services that will significantly reduce time spent in medium and maximum security institutions; · significantly increase the number of Aboriginal offenders housed at minimum security institutions; · significantly increase the use of unescorted temporary absences and work releases; · significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates; and, · build capacity for and increase use of section 84 and 81 agreements with Aboriginal communities. 	43 40 43 38 38 43

<p><i>Recommendation 7:</i> I recommend that the Correctional Service significantly improve (above the required employment equity level) the overall rate of its Aboriginal workforce <u>at all levels</u> in institutions where a majority of offenders are of Aboriginal ancestry.</p>	46
<p><i>Recommendation 8:</i> I recommend that the Correctional Service establish a timely approval process by its Executive Committee for the development of action plans in response to investigative reports into incidents of inmate deaths or major injuries. In no case should this process exceed 6 months.</p>	46
<p><i>Recommendation 9:</i> I recommend that the Correctional Service collect accurate information and conduct comprehensive analyses of all inmate injuries to significantly improve its ability to take appropriate action to limit inmate injuries and institutional violence and that this information is verified semi-annually as part of on-going internal audit.</p>	47
<p><i>Recommendation 10:</i> I recommend that the Correctional Service immediately comply with its legal obligations and establish “a procedure for fairly and expeditiously resolving all offenders’ grievances.”</p>	47
<p><i>Recommendation 11:</i> I recommend that within one year the Correctional Service provide evidence that complaint and grievance statistics are being used to identify and address areas of systemic offender concerns.</p>	47
<p><i>Recommendation 12:</i> I recommend that, in the next year, the Correctional Service:</p> <ul style="list-style-type: none"> · significantly increase the number of offenders appearing before the National Parole Board at their earliest eligibility dates; 	38
<ul style="list-style-type: none"> · significantly reduce waiting lists for programs included in Correctional Plans to maximize safe and timely reintegration. 	38
<ul style="list-style-type: none"> · increase timely access to programs and services that will significantly reduce the time spent in medium and maximum security institutions; 	40
<ul style="list-style-type: none"> · significantly increase the number of unescorted temporary absences and work releases, which have drastically declined in recent years and yet have a very high success rate. 	38
<p><i>Recommendation 13:</i> I recommend that, in the coming year, the Correctional Service:</p> <ul style="list-style-type: none"> · proactively implement least restrictive options and significantly reduce the overall number of placements in administrative segregation; 	40
<ul style="list-style-type: none"> · significantly reduce the average length of stay in administrative segregation; and, 	41
<ul style="list-style-type: none"> · significantly reduce the time to affect intra- and inter-regional transfers. 	41
<p><i>Recommendation 14:</i> I recommend that Correctional Service <u>immediately</u> implement reasonable procedural safeguards for any offender confined in any situation that is not within the general inmate population, and ensure legal compliance with offenders’ rights, entitlements, and access to programs.</p>	41
<p><i>Recommendation 15:</i> I recommend that the Minister play a leadership role by requesting the House of Commons’ Standing Committee on Public Safety and National Security examine the implementation of independent adjudication of administrative segregation decisions when it considers other amendments of the <u>Corrections and Conditional Release Act</u>.</p>	N/A (see page 36)
<p><i>Recommendation 16:</i> I recommend that, within one year, the Correctional Service:</p> <ul style="list-style-type: none"> · develop and implement new policies, programs and services specifically to meet the unique needs of offenders 20 and younger that will significantly reduce their time spent in maximum and medium-security institutions, and in administrative segregation; and, 	42
<ul style="list-style-type: none"> · develop and implement programs and services designed to meet the unique needs of offenders 20 and younger that will significantly increase their timely and safe reintegration into the community. 	42

<p><i>Recommendation 17:</i> <i>I recommend that Correctional Service respond to the special needs of elderly offenders and significantly improve key areas including accommodation, program development, palliative care, and reintegration options.</i></p>	42
<p><i>Recommendation 18:</i> <i>I recommend that the Correctional Service immediately increase inmate allowances for work and program participation. I further recommend that from this time forward inmate pay be indexed to the rate of inflation.</i></p>	42
<p><i>Recommendation 19:</i> <i>I recommend that the Correctional Service immediately:</i></p> <ul style="list-style-type: none"> · <i>amend its policy requiring that inmates choose between <u>either</u> visiting a dying member of their immediate family or other persons with whom inmates have a close personal relationship <u>or</u> attending their funeral; and,</i> · <i>expedite the consideration of requests for compassionate temporary absences, and allow for a visit to the gravesite or with family members should circumstances make attendance at the funeral impossible.</i> 	<p>38</p> <p>38</p>
<p><i>Recommendation 20:</i> <i>I recommend that the Correctional Service immediately subject all federally sentenced offenders to an individualized security classification process as required by law and regulations.</i></p>	42
<p><i>Recommendation 21:</i> <i>I recommend that the Correctional Service:</i></p> <ul style="list-style-type: none"> · <i>establish a reasonable ratio of computers to inmates in designated areas outside-cells available for inmate use; and</i> · <i>allow inmates to have computers for in-cell use.</i> 	48