# RESPONSE TO THE REPORT OF THE SUB-COMMITTEE ON *CORRECTIONS AND CONDITIONAL RELEASE ACT* OF THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS: A WORK IN PROGRESS: THE *CORRECTIONS AND CONDITIONAL RELEASE ACT*

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## INTRODUCTION

The Report of the Standing Committee on Justice and Human Rights "A Work in Progress: *The Corrections and Conditional Release Act (CCRA)"* is a welcome addition to the information, research and knowledge currently available regarding corrections and conditional release in Canada. The Committee's recognition that the *CCRA* is still in transition reflects the reality of continuous change in Canadian society, the complexity of the corrections and conditional release process and the need for continued adaptation to address new developments and new knowledge about issues of law, policy and operations. This thorough review by the Committee and its recommendations contribute to ongoing renewal of corrections and conditional release legislation and program delivery. In an ever-changing society, it is critical that the corrections and conditional release system adapts to remain effective.

The findings outlined in the Report can be viewed as one measure of progress to date. The Report highlights many positive aspects of the corrections and conditional release system, yet identifies room for improvement. The Committee's review has emphasized that the corrections and conditional release system can be further improved in some areas without calling for fundamental change to the system. The title of the Committee's Report: "A Work in Progress:" reveals the approach taken by the Committee which underlies all of its recommendations. While the Act is fundamentally sound, opportunities for improvement exist.

The Report echoes the submissions and testimony of offenders, victims of crime, members of the bar, offender assisting agencies, police, Crown attorneys, academics and countless others who are actively involved in the criminal justice system on a daily basis. The Committee held public hearings in Ottawa and in many other parts of the country. It visited correctional facilities of all levels of security across Canada and attended parole hearings. While visiting correctional facilities, the Committee held *in camera* meetings with management teams, correctional officers, parole officers, program staff, National Parole Board members, inmate organizations, citizen advisory committee members, and others. A wide range of perspectives is reflected in the Committee's recommendations.

The Committee also benefited from the work of the Ministry of the Solicitor General which prepared 24 evaluation studies summarizing the impact of various aspects of the legislation since its enactment in November, 1992. In March 1998, the Solicitor General released a consultation paper entitled *Towards a Just, Peaceful and Safe Society: the Corrections and Conditional Release Act Five Years Later.* The Ministry undertook a broad consultation process to seek the views of Canadians on how to improve the corrections and conditional release systems. The results of the consultation process were published in October, 1998, and were provided to the Committee to assist in its work.

The Report expands on the Standing Committee's earlier review of the role of victims in the criminal justice system that resulted in the Report entitled *Victims Rights: A Voice Not A Veto*. The recommendations in both reports echo calls heard by the Committee for the enhancement of the role of victims in the corrections and conditional release system. The Government is sensitive to the view that necessary and timely information must be provided to crime victims and wants to examine processes to provide victims with the opportunity to have a voice during the corrections and conditional release process.

The Committee's Report proposes many practical solutions to problem areas which can be addressed in the short-term and within existing resources. Others may require longer for full implementation, but initial steps can be taken in the near term. The Government will be continually responsive to the needs and concerns of Canadians about their safety. The Ministry of the Solicitor General will continue to monitor closely the corrections and conditional release process to determine if reforms are meeting their intended objectives. Consultations will be conducted with key stakeholders, including victims, police, the voluntary sector, offenders, and criminal justice practitioners to identify emerging concerns and trends. The Government agrees with the Committee's recommendation that we must ensure that on key initiatives to reform policy and law we engage the community in open discussion, and that we are vigilant in considering public protection and community safety as the paramount objectives.

The Committee undertook a thorough review of the provisions and operations of the CCRA and made 53 recommendations which reflect the views of many of those consulted. The Government will make every effort to fulfill the spirit of the recommendations in a timely and effective manner. The Act was proclaimed in force November 1992 and has already undergone several amendments. For example, in 1996, comprehensive sentence calculation improvements were undertaken and in 1997 the day parole eligibility date was amended. The Government continues to be open to positive and progressive improvements to the Act to promote public safety.

The Government response to the Committee's recommendations is categorized as follows:

- Action to be taken (includes action taken, underway, or to be taken by immediate implementation or further examination)
- Alternative action taken
- Considered, but not pursued at this time

The Government intends to take action on 46 of the Committee's 53 recommendations. The Government's response is based on the fundamental principle that public protection is paramount and that public protection can be best achieved through the gradual and supervised release of offenders into the community. This principle is clearly supported by the Committee's report. The Committee's 53 recommendations are organized under eight themes or chapters. The following is the Government response to each recommendation organized as presented by the Committee.

## PUBLIC PROTECTION AS THE PARAMOUNT CONSIDERATION

The Committee made five recommendations under the theme "Public Protection as the Paramount Consideration". It recommended amendment of the purpose and principles sections of the Act so that protection would become a stand-alone paramount principle. The Committee also recommended adding offences to the Schedules of the Act which provide a means to ensure effective management of sentences involving violence (Schedule I) and serious drug offences (Schedule II). The Schedules impact on the administration of the sentence as Schedule I offenders are not eligible for accelerated parole review and Schedule I and II offenders are potentially subject to detention beyond the statutory release date. It was the Committee's view that the schedules have a direct impact on public protection as they provide the basis for delaying the release into the community of offenders posing an unacceptable risk to reoffend.

Under this theme, the Committee also recommended: that police be authorized to arrest, without warrant, conditionally released offenders they believe to be in breach of conditions; that the Correctional Service investigate job-related death or serious bodily injury to correctional staff; and, that only Correctional Service staff be authorized to act as escorts for temporary absences accorded to maximum security inmates.

The Government is committed to ensuring that public protection is the paramount consideration in all decisions made throughout the corrections and conditional release system. There can be no question that this is the most fundamental objective of the system. In the 2000 Speech from the Throne, the Government stated its commitment to work with Canadians to ensure that our communities remain safe. In recent years the Government has taken measures to further public safety including:

- Tougher new measures to deal with violent offenders, for example a national flagging system to help prosecutors identify high-risk offenders (Bill C-55);
- The creation of a national volunteer screening system to help organizations screen out child sexual abusers who apply to work with children;
- Providing for the unsealing of records for pardoned sex offenders (C-7) for screening purposes;
- Adding up to ten years of supervision for certain sex offenders (Bill C-55);
- New legislation to strengthen the Dangerous Offender provisions of the *Criminal Code* (Bill C-55);

- Tough new laws on stalking (Bill C-36)
- Making peace bonds more effective to keep abusers away from women and children (Bill C-55);
- New laws allowing police to gather and use DNA evidence and creation of a DNA data bank (Bills C-3 and S-10).

These reforms reflect advice from many sources, including provincial and territorial governments, the police, national voluntary organizations and other partners in the criminal justice system. They also reflect input from Canadians, who have made their own concerns about public safety very clear.

**RECOMMENDATION 1**

**The Sub-committee recommends that section 4 and section 101 of the *Corrections and Conditional Release Act* be amended so that the paramountcy of the protection of society is established as the (stand-alone) basic principle applicable to the Correctional Service of Canada and the National Parole Board. What remains of section 4 and section 101 is to be retained, as amended, as guiding principles.**

**Response: Action to be taken**

Effective public protection is, without question the most important and fundamental purpose and objective of Canada's correctional system. Both the Correctional Service of Canada and the National Parole Board state this clearly and explicitly in their Mission Statements. It is also clearly and explicitly stated in sections 4 and 101 of the *CCRA*. The Act directs both correctional agencies to respect public protection as the first and paramount purpose of their operations and release decisions. The Government will maintain public protection as the guiding principle and reinforce whenever necessary. It is noted that the Committee did not find that this principle was not being respected and implemented in federal correctional programs.

**RECOMMENDATION 2**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended by adding child pornography offences and criminal organization offences (as defined in section 2 of the *Criminal Code*) to the schedules. As it further amends criminal legislation, Parliament should consider adding other offences such as deceptive telemarketing to the schedules as a means of denouncing criminal conduct.**

**Response: Action to be taken**

The corrections and conditional release system is complex and dynamic. There is a need to monitor all processes to ensure that priorities and public concerns continue to be addressed. The role of sentencing in the denunciation of criminal behaviour is clear.

Section 718 of the *Criminal Code* provides for denunciation of unlawful conduct and providing reparations for harm done to victims as sentencing objectives.

The Government agrees that child pornography is a serious offence. As recommended by the Committee, the Government will continue to review the Schedules as new offences are adopted by Parliament to ensure that they are consistent with public concerns, while simultaneously directing the sound management of serious sentences for violent and serious drug offences.

**RECOMMENDATION 3**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to allow a police officer observing an offender to be in breach of a condition of any form of conditional release to arrest that offender without warrant.**

**Response: Alternative action taken**

A warrant for the arrest of federal offenders on conditional release can be issued 24 hours a day. The *Corrections and Conditional Release Act* provides for facsimile transmission of warrants, and authorizes police to arrest an offender without warrant on the knowledge that a warrant is being issued. Correctional Service of Canada duty officers are available by phone on a 24-hour basis to issue warrants at any time. Correctional Service parole officers assess the level of risk presented by an offender who is breaching a condition to determine the necessary level of intervention. In some cases, arrest may be an inappropriate over-reaction which could have a negative impact on potential for successful reintegration of the offender.

In addition, to permit prompt and effective police intervention, the Government has enacted additional amendments to the law to deal with these situations.

- Subsection 161 (1) was added to the *Criminal Code* in 1993 to authorize a Court to impose an order up to life prohibiting a convicted sex offender from being in any area where children can reasonably be expected. The amendment gave police full authority under the Code to arrest without warrant any conditionally released offender who breaches this order.
- Section 264 of the *Criminal Code* was introduced in 1993 to make any threatening behaviour such as stalking a criminal offence. A released offender who threatens a potential victim can be arrested by police without warrant.

While recognizing the need for police to have the necessary tools and authority to ensure public safety, the Government recognizes the need for correctional authorities to have the primary authority to manage the safe rehabilitation and reintegration of offenders into the community as productive, law abiding citizens. The Government believes that the necessary processes have been put in place to ensure public safety without unnecessarily limiting the opportunity for safe offender reintegration.

**RECOMMENDATION 4**

**The Sub-committee recommends that section 19 of the *Corrections and Conditional Release Act* be amended to require the Correctional Service to investigate and report to the Commissioner of Corrections on the job-related death of, or serious bodily injury to, correctional staff.**

**Response: Action to be taken**

The Government intends to take action on the Committee's recommendation that investigations should be undertaken in the event of the death of, or serious bodily injury to, correctional staff. As the Committee acknowledges, the investigations of deaths or serious bodily injuries that occur in correctional facilities provide critical information for improved operations and the safety of correctional staff. Investigations provide the opportunity to identify gaps or weaknesses in day to day operations and promote a correctional system that is open, responsive and accountable.

The Government recognizes the need for, and benefits of, effective human resources management. In addition, the Government recognizes that its employees are its most important and valued resource. Existing legislation and policy that relate to this recommendation include the Canada Labour Code Part II, *the Canada Occupational Safety and Health Act* and Regulations, Treasury Board Policy, HRDC Labour Programs policies and CSC Occupational Safety and Health Committee policies.

The existing legislation and policies state that where a manager becomes aware of an accident affecting any employee, the Department must, without delay, appoint a qualified person or persons to carry out an investigation of the hazardous occurrence. In addition, the Department must report to a HRDC safety officer, the date, time, location and nature of any accident that resulted in the death of, or serious bodily injury to, an employee not later than 24 hours after becoming aware of that result. (Ref. Chapter 4-1, Treasury Board Manual).

In response to the recommendation, CSC policy will be amended to state that: "When an employee dies or suffers serious bodily injury at the workplace, the Service shall investigate the matter in accordance with Part XV of the Canada Occupational Safety and Health Regulations and that a report must be given to the Commissioner or to a person designated by the Commissioner."

The Committee recommendation makes no reference to investigation into the job-related death of NPB members or staff. The Board will, however, address this issue in policy, ensuring that investigations are carried out in the case of tragic incidents involving NPB employees while on the job.

**RECOMMENDATION 5**

**The Sub-committee recommends that section 17 of the *Corrections and Conditional Release Act* be amended to require that only Correctional Service staff be authorized to act as escorts in the escorted temporary absences accorded to maximum-security inmates.**

**Response: Action to be taken**

Temporary absences from the institution are an essential component to the planned and gradual release of offenders into the community as law-abiding citizens. With lower security level inmates, volunteer citizen escorts may perform the escort duties following training and a screening process with enhanced reliability and criminal records check. Correctional staff act as escorts in the majority of escorted temporary absences.

Consistent with the paramountcy of protection of society, the Government accepts the view of the Committee that escorted temporary absences for maximum-security inmates should be accorded a greater degree of importance and scrutiny. To ensure this increased level of security, CSC only uses peace officers trained in the use of restraint equipment for maximum-security inmates. These peace officers may be CSC staff or employees of other service providers, such as provincial mental hospitals with whom the Correctional Service of Canada enters into service agreements. From time to time a volunteer or contract staff member such as a Chaplain or Native Elder may accompany the escort to provide additional support to the offender**.**

Commissioner's Directive 545, Security Escorts states that all security escorts must be carried out by CSC staff or peace officers. A maximum-security inmate will be escorted by a minimum of 2 escort officers. Restraint equipment, e.g. hand cuffs and leg irons, are applied according to risk and need.

**PUBLIC PROTECTION AND OFFENDER REHABILITATION**

The Committee made five recommendations under the theme “Public Protection and Offender Rehabilitation”. Offender rehabilitation and successful reintegration is a key component to public protection. Prisons provide time-limited public protection by holding offenders in safe custody during a sentence. Long-term public safety can best be assured by the gradual and controlled return of offenders to the community as law-abiding citizens.

The Government is committed to a balanced approach in dealing with offenders providing highly secure custody where necessary while striving to understand and address the factors that lead to criminal behaviour. Offenders come from the community and almost all will return there, so the best way to protect society is by assisting them, beginning while they

are in custody, to address the factors which lead to criminal lifestyles and supporting their efforts to become law-abiding citizens upon their release.

**RECOMMENDATION 6**

**The Sub-committee recommends that the Correctional Service of Canada increase its efforts and allocate additional resources (1) to obtain more quickly the information considered necessary to conduct offender intake assessments that are effective for offenders' safe reintegration into the community; and (2) to ensure that the information it receives is accurate and complete.**

**Response: Action to be taken**

Timely, complete and accurate information is essential to an effective corrections and conditional release system. The Correctional Service requires comprehensive, accurate and up to date information on each offender in order to assess the offender and develop an effective correctional plan. The exchange of information is a shared responsibility. Section 23 of the CCRA requires the Correctional Service to make all reasonable effort to obtain specific pieces of information for all offenders sentenced, committed, or transferred to penitentiary as soon as practicable. Section 726.2 of the *Criminal Code* requires a sentencing court to give reasons for sentence and Section 743.2 also requires the court to forward to CSC its reasons and recommendations relating to the sentence, any relevant reports, and other information relevant to administering the sentence.

In the past, the Correctional Service has faced numerous challenges associated with the complexity and volume of information generated by various criminal justice jurisdictions. The Correctional Service has made significant advances in this area. Official information sharing agreements have been signed with nine provinces. In addition, the 1999 Auditor General report on reintegration noted that CSC had taken steps to clarify its internal policy on the type of external documents required to do initial assessment, and also that the timeliness of acquisition of this information had improved between 1996 and 1999.

In the longer term, the Integrated Justice Initiative was approved in 1999 as the Government's strategy for addressing the vulnerabilities and complexities of criminal justice information systems. It is led by the Department of the Solicitor General and is aimed at enhancing offender and crime-related information exchange among criminal justice agencies in Canada.

The Canadian Police Information Centre (CPIC), a gateway to an interconnected national system of public safety information linking law enforcement agencies, courts, corrections and parole is undergoing a substantial renewal. The CSC/NPB Offender Management System (OMS) is being renewed to expand the ability of corrections and parole officials to manage offenders, support reintegration decisions and enhance information sharing with criminal justice partners. Funding has been provided by the Government to enhance OMS compatibility with other justice systems to facilitate automated exchange of information.

The Government is also committed to providing federal prosecutors with integrated access to information.

**RECOMMENDATION 7**

**The Sub-committee recommends that the Correctional Service of Canada increase its efforts in community programs and allocate more resources to them, in order to ensure that offenders on conditional release receive the support considered necessary for their successful reintegration into the community.**

**Response: Action to be taken**

The safe reintegration of offenders in the community is one of the most important functions of the Correctional Service and the National Parole Board. When the Solicitor General appeared before the Sub-committee on May 31, 1999, he noted the Government's commitment to expand community-based programs that provide treatment, training and supervision for offenders on conditional release.

Beginning in 1998-99, CSC obtained incremental Government funding to expand community programming. In addition, the Government recently provided funding in Budget 2000 aimed at improving community-based programming. Appropriate allocations of resources will:

- target specific offender groups including women offenders and Aboriginal offenders;
- introduce programs aimed at increasing offender employment in the community; and
- provide training and development of program providers.

Many of the Correctional Service's internationally accredited programs, including the Cognitive Skills Training program and Choices, a substance abuse program, have recently been made available in the community.

**RECOMMENDATION 8**

**The Sub-committee recommends that paragraph 4(*h*) and subsection 151(3) of the *Corrections and Conditional Release Act* be amended by adding offenders who are young, elderly, or have serious health problems to the list of offender groups considered to have special needs.**

**Response: Action to be taken**

The corrections and conditional release system must respond to the individual needs of all offenders. There are currently two groups recognized in legislation as having special needs in particular, women and Aboriginal offenders. Expansion of references to groups with special needs in the context of corrections and conditional release will ensure specific focus is given to these additional groups.

While small in number, the unique needs of young offenders in the federal correctional system need to be addressed. Correctional programs and treatment must take account of the offender's youth.

A larger and growing special needs group is represented by older offenders. As the Canadian population in general ages, so too does the offender population. Budget 2000 funding addresses, in part, the special needs of an aging offender population. The Correctional Service of Canada will continue to respond to the challenges presented by an aging offender population in terms of its programming, accommodation and health needs.

The federal offender population 50 years of age or more is considered "older" since the research indicates that the aging process for offenders is accelerated by approximately ten years due to factors including socio-economic status, access to medical care and the lifestyle of most offenders. As of June 2000, the older offender population was 3803, which represents 17% of the overall federal offender population. Recent or current initiatives within the Correctional Service of Canada to address the needs of aging offenders include the following:

- A Division was created on November 1, 1999 with the mandate to conduct research and consultations and to elaborate a sound correctional strategy adapted to specific needs of the older offender population.

- Reviewing CSC policies, to ensure that they accurately reflect the specific needs of the older offender population; reviewing all correctional programs to assess their correctional value for older offenders; and validating assessment tools to determine their suitability for older offenders.

- Organizing a National Workshop to bring together the current initiatives and experts in the fields of geriatrics and corrections in order to map out a blueprint for the future.

- Developing new community release options and non-traditional aftercare facilities to enhance the safe reintegration potential of the older offender population, and a training curriculum for staff working with older offenders.

In the context of its vision for the year 2000 and recent Government funding, NPB has developed extensive plans to enhance its policies, training, risk assessment tools and decision processes to address the growing diversity of the federal offender population and the communities to which they will return. Issues related to aging, youth and health will be considered carefully in this review of diversity.

**RECOMMENDATION 9**

**The Sub-committee recommends that the Correctional Service of Canada create a deputy commissioner for Aboriginal offenders position, with powers and responsibilities similar to those of the existing deputy commissioner for women position.**

**Response: Action to be taken**

Despite many efforts, Aboriginal offenders continue to be significantly over-represented in the offender population. Aboriginal offenders are located throughout the correctional system. The particular needs of Aboriginal women offenders are also of concern to the Government. The Solicitor General has asked the Commissioner of Corrections to look at the organizational structure to ensure that it better reflects these issues and allows for more direct representation from an Aboriginal perspective on all issues at the Executive Committee level.

Structural change in CSC alone is, however, considered insufficient to address the serious challenges surrounding Aboriginal offenders. In this context, the Correctional Service has implemented a number of measures to address the particular needs of Aboriginal offenders. A comprehensive Aboriginal strategy was set out in the 1997-98 CSC corporate plan, with the following components:

- Strengthened Institutional Programming. The CSC Aboriginal Program Strategy is based on the identification of needs specific to aboriginal offenders, and the provision of additional programming to round out the range of core programs currently available to respond to those needs in a culturally appropriate manner. New program areas include: an aboriginal assessment/orientation program to be delivered prior to the standard intake assessment process; a national Aboriginal Healing Program; and a new program for violence prevention, "In Search of Your Warrior".

- Aboriginal Community Corrections (CCRA Sections 81 & 84). In March of 1999, CSC approved the Framework on the Enhanced Role of Aboriginal Communities in Corrections. Since that time, the Service has signed three Section 81 agreements and has commenced discussion with eight other Aboriginal communities. Section 84 agreements enable Aboriginal communities to be involved in the release plans of offenders seeking parole or statutory release and section 81 enables the Minister to make formal arrangements with Aboriginal communities for the care and custody of Aboriginal offenders.

- The healing lodge concept also governs the operation of three CSC facilities and a number of facilities operated by aboriginal communities where CSC contracts for beds. As of July 2000, a total of 221 beds were available for inmates at healing lodges in CSC, with an additional 140 beds under immediate development. Preliminary

discussions are underway with other First Nation communities for the development of ten new Healing Lodges over the next five years.

To enhance CSC's ability to deal with the issue of Aboriginal offenders, the Government has provided funding over five years to CSC to address the needs of Aboriginal offenders and the particular needs of Aboriginal women offenders including:

- development of a national infrastructure for consistent delivery of Aboriginal community corrections initiatives;
- construction of six new Aboriginal community healing lodges;
- development grants to assist Aboriginal communities to assess and implement traditional healing practices to facilitate safe reintegration;
- national program review, research and development;
- establishment of a national Aboriginal working group on corrections, made up of five national Aboriginal organizations to partner with CSC in validating and/or developing new aboriginal community and institutional corrections policies.

Since 1992, consistent with the intent of the CCRA, the National Parole Board has also carried out numerous initiatives to address the unique needs and circumstances of Aboriginal offenders and aboriginal communities including:

- sensitization of Board members and staff by providing cultural workshops and training on Aboriginal issues;
- participation in Aboriginal ceremonies and teachings to enhance understanding of Aboriginal culture and values;
- active recruitment of qualified Aboriginal individuals as Board members and staff, particularly in the Prairies and Pacific regions;
- development of a corporate policy on Aboriginal offenders;
- development of innovative decision processes (e.g. elder-assisted hearings, community-assisted hearings, for Aboriginal peoples);
- participation in the Aboriginal Community Corrections Initiative to expand outreach to Aboriginal communities and strengthen the use of elder and community assisted hearings; and
- evaluation of the elder-assisted hearing process to assess impacts and effects and develop improvements (e.g. incorporation of Coast Salish Traditions in assisted hearings in the Pacific region).

The recently approved Effective Corrections initiative provides greater momentum for NPB efforts to address issues related to Aboriginal offenders. Additional Government funding approved for the initiative will enable the Board to address key issues related to Aboriginal offenders and communities; including:

- development of improved policy, risk assessment tools and training;
- enhanced community outreach, particularly in the Prairies region; and

- expansion of innovative decision models for Aboriginal offenders, including models which address the needs of offenders from the Nunavut Territory.

The Ministry of the Solicitor General is also taking steps to address the need of Aboriginal offenders. The Aboriginal Community Corrections Initiative (ACCI) is part of the Federal Government's overall agenda for Aboriginal justice. Recent enhancement of Government funding will be used over the next five years to expand corrections-related knowledge and expertise within Aboriginal communities, develop the ability of Aboriginal communities to take on new challenges, and implement innovative arrangements in First Nations, Metis, Inuit and urban communities. The ACCI compliments components of *Gathering Strength* - the federal response to the Royal Commission on Aboriginal Peoples (RCAP) final report.

**RECOMMENDATION 10**

**Since previous Auditor General of Canada audits of the process of reintegration into the community have not addressed issues specific to women or Aboriginal offenders, the Sub-committee recommends that the Auditor General carry out an evaluation of the process of reintegration into the community available to women, as well as an evaluation of the process available to Aboriginal offenders in the federal correctional system.**

**Response: Action to be taken**

Given the special needs of women offenders and the continuing overrepresentation of Aboriginal offenders in the correctional system, the Solicitor General supports the Committee's recommendation and will request that the Auditor General consider undertaking an evaluation of the reintegration process for these groups of offenders in the near term. Preliminary discussions with the Office of the Auditor General indicate support for this approach.

**PUBLIC PROTECTION AND GRADUAL OFFENDER REINTEGRATION INTO THE COMMUNITY**

The Committee made 10 recommendations under the theme "Public Protection and Gradual Offender Reintegration into the Community". The gradual, supervised release of offenders into the community is an essential component to public protection. The reintegration process involves: assessment of offenders to determine readiness for safe release; development of appropriate release plans to support and structure release; and supervision to support and monitor behaviour. Appropriate community supervision and support, and gradual release programming is fundamental for the long-term protection of society.

**RECOMMENDATION 11**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to require Correctional Service Canada to review all cases eligible for statutory release in order to determine whether they should be referred to the National Parole Board for a detention review.**

**Response: Action to be taken**

As the Committee notes, the gradual release of offenders with conditions and under supervision is far better for public safety than releasing offenders without any supervision at the end of their sentence. Effective immediately, all offenders eligible for statutory release will be reviewed by the Correctional Service of Canada for possible referral to the National Parole Board for a detention review. The *CCRA* currently only requires Schedule I and II offenders to be reviewed for possible detention, although others may be detained where there is sufficient cause. Embedding in legislation existing CSC policy that requires the Correctional Service to review all offenders entitled to statutory release for possible detention would be a further assurance that protection of the public is the paramount consideration.

**RECOMMENDATION 12**

**The Sub-committee recommends also that the *Corrections and Conditional Release Act* be amended to require the National Parole Board to review all cases eligible for statutory release in order to determine whether special conditions need to be attached to the inmate's release and, if so, to identify these conditions.**

**Response: Action to be taken**

Review by the National Parole Board of all offenders entitled to statutory release to determine whether special conditions should be attached to the inmate's release is a further means to address the offender's needs in the community and issues of public protection. Special conditions may be imposed by the National Parole Board to help control behaviour that is linked to criminal activity. These may include residency requirements, curfews, restrictions on movement, prohibitions on drinking and drug use, participation in treatment programs and prohibitions on associating with certain people.

**RECOMMENDATION 13**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to ensure that the accelerated parole review procedure is not available to offenders incarcerated for offences listed in Schedule II to the Act, regardless of whether there has been a judicial determination of parole eligibility.**

**RECOMMENDATION 14**

**The Sub-committee also recommends that the *Corrections and Conditional Release Act* be amended to ensure that the National Parole Board, in reviewing the cases of offenders eligible for accelerated parole review and determining whether they should be released on day parole or full parole, takes into account the general recidivism criterion.**

**Response: Action to be taken**

Accelerated parole review ensures that first time non-violent offenders who do not present a risk of committing a violent offence while conditionally released are reviewed for release under supervision as soon as they become eligible. Accelerated parole review provides a streamlined administrative process to ensure that candidates that can be managed safely in the community are released at their parole eligibility date.

The Government intends to take action on the Committee's recommendations for greater restrictions of eligibility and granting of accelerated parole review. At the same time, the Committee considers it important to retain accelerated parole review. The success rates for accelerated full parole and day parole are very high. Taken literally as drafted, recommendations 13 and 14 would effectively eliminate the program since almost 80% of currently eligible offenders (98-99 CSC Basic Facts) would be ineligible and those few remaining would more frequently be denied release even though most would present a very low threat to the community.

In keeping with the spirit of recommendations 13 and 14, the Government through consultation, will examine a variety of mechanisms to tighten the accelerated parole regime to target those offenders who cause most concern with respect to their on-going criminal behaviour, e.g. serious drug offenders, and offenders involved in organized crime.

**RECOMMENDATION 15**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended in order to combine work releases and escorted and unescorted temporary absences into a single structure and to make the Correctional Service responsible for granting, renewing and extending these forms of conditional release at its discretion.**

**Response: Action to be taken**

The Government intends to take action to ensure the decision-making powers of the Correctional Service of Canada and the National Parole Board are clearly defined. Appropriate timeframes and processes to ensure administrative fairness would be developed to implement this recommendation. Temporary absences authorized by the

Correctional Service of Canada would be limited to 120 days. Release beyond 120 days would require a decision by the National Parole Board. Determination to grant unescorted temporary absences for offenders serving a life sentence or an indeterminate sentence will continue to be a decision of the National Parole Board.

**RECOMMENDATION 16**

**The Sub-committee recommends that a provision be added to the *Corrections and Conditional Release Act* providing offenders with the possibility of requesting National Parole Board reviews of Correctional Service decisions concerning escorted and unescorted temporary absences.**

**Response: Considered, but not pursued at this time**

A process whereby decisions of the Correctional Service could be appealed to the National Parole Board would add excessive complexity to the system. The Government supports the right of offenders to be treated fairly and equitably. Existing avenues of complaint open to offenders include the internal complaint and grievance system and judicial review. In addition, offenders have access to the Office of the Correctional Investigator for review of CSC decisions in this area.

**RECOMMENDATION 17**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to include, in the list of grounds for granting escorted and unescorted temporary absence release, participation in educational, occupational, and life-skills training programs.**

**RECOMMENDATION 18**

**The Sub-committee recommends that section 116 of the *Corrections and Conditional Release Act* be amended to allow institutional heads to grant escorted temporary absences for group activities considered likely to foster offenders' socialization.**

**Response: Action to be taken on recommendations 17 and 18**

The Government supports the use of escorted and unescorted temporary absences for participation in educational, occupational and life-skills training programs, and for work release in a streamlined system as proposed in recommendation 15. Research indicates that many intervention programs that deal with offenders' criminogenic needs are more effective when delivered in the community. Escorted temporary absences for group activities are also an important element of the gradual reintegration of offenders into the community as law-abiding citizens.

**RECOMMENDATION 19**

The Sub-committee recommends that section 121 of the *Corrections and Conditional Release Act* be amended to make offenders serving life sentences or indeterminate sentences who are terminally ill eligible for parole on compassionate grounds. In these cases, the Act must provide that National Parole Board decisions are subject to approval by the Chair of the Board.

**Response: Action to be taken**

With the aging of the prison population, and the higher incidence of serious infectious diseases among incarcerated offenders, there will be an increased need during this and subsequent decades to implement a variety of responses to deal with terminally-ill offenders. Access to community facilities for some of these offenders would improve the range of options available.

Parole on compassionate grounds for terminally ill offenders who are not eligible yet who in the opinion of the National Parole Board do not present an undue risk, is consistent with the desire to maintain a just, peaceful and safe society. The recommendation is consistent with the requirement to carry out sentences imposed by the courts through the safe and humane custody and supervision of offenders. However, to give the Chairperson a veto over a decision made by other members of the Board would create a dangerous precedence in relation to the issue of the independence of Board members.

**RECOMMENDATION 20**

**The Sub-committee recommends that section 121(1)(*d*) of the *Corrections and Conditional Release Act* be amended so that offenders subject to deportation orders under the *Immigration Act* are considered exceptional cases and may thus be granted parole solely for the purposes of deportation at any time during their sentences.**

**Response: Considered, but not pursued at this time**

Currently, offenders can be deported when released on full parole. Their sentences are then deemed to be complete unless the offender returns to Canada. Were Canada to release offenders earlier in the sentence for deportation, without concern for the risk presented, they would be returned to their country of origin with no mechanism for completing the sentence or to be supervised. This would open Canada to potential criticism by these jurisdictions that believe that their citizens are put at risk. In addition, this could signal that foreign nationals are treated more leniently than Canadian citizens, and even attract foreign nationals to come to Canada for criminal purposes believing they will simply be expelled if caught.

The preferable mechanism for dealing with such cases is to rely on the *Transfer of Offenders Act*. If a country is a treaty signatory, an offender may request to return to the home country to serve the sentence, under terms and conditions set out in the legislation. In such a case, the receiving country continues to administer the Canadian sentence. Otherwise, at least the denunciatory portion (usually one-third) of the sentence must be served before deportation.

Bill C-31, the *Immigration and Refugee Protection Act* which is currently before Parliament, proposes changes to the *Corrections and Conditional Release Act and the Prison and Reformatories Act*. The proposed changes provide that foreign offenders under a deportation order would become eligible for unescorted temporary absence and day parole later in their sentence: at full parole eligibility which is generally at one-third of the sentence. Foreign offenders granted unescorted temporary absence and day parole after full parole eligibility date would become subject to detention and removal by the Department of Citizenship and Immigration.

## FAIR AND EQUITABLE DECISION MAKING

The Committee made seven recommendations under the theme "Fair and Equitable Decision-Making". Ensuring that the decisions of corrections and conditional release authorities are made fairly and equitably is fundamental. Respect and fair treatment is a requirement of the *CCRA* because they are essential to meeting our Charter obligations and accomplishing the purpose of public protection through the successful reintegration of offenders.

### RECOMMENDATION 21

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to provide for the adjudication (by independent chairpersons appointed by the Solicitor General as part of the inmate discipline process) of involuntary administrative segregation cases every 30 calendar days and of voluntary administrative segregation cases every 60 calendar days.**

### Response: Action to be taken

The Government proposes an Enhanced Segregation Review process that includes external membership. This model will attempt to balance independent adjudication with the promotion of appropriate operational accountability by the Correctional Service of Canada. This model will be implemented on a pilot basis in all regions and a detailed independent evaluation will be undertaken. The development of the pilot may be guided by a Steering Committee comprised of internal and external members.

**RECOMMENDATION 22**

**The Sub-committee recommends that section 30 of the *Corrections and Conditional Release Act* be amended to add a new level of security classification to be known as special security and that section 18 of the *Corrections and Conditional Release Regulations* also be amended to define the new level of security classification.**

**RECOMMENDATION 23**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* and the *Corrections and Conditional Release Regulations* be amended to provide a complete legal foundation for the continued existence of the special handling unit and the transfer, review and monitoring measures to which it is subject in its day-to-day operation. Provision should be made in these amendments for representation from outside the Correctional Service on the Special Handling Unit National Review Committee.**

**Response: Action to be taken**

Recommendations 22 and 23 relate to the special handling unit and the classification of offenders transferred to the special handling unit. The legislation currently requires the Correctional Service to use the least restrictive measures consistent with protection of the public, staff and offenders. Commissioner's Directive 551, entitled Special Handling Units, details the process to be followed to have an offender transferred to the special handling unit. In response to the Committee's recommendation, the policy set out in the Commissioner's Directive will be reviewed to ensure that necessary safeguards are clearly defined. While it does not appear necessary to make further legal provisions for the Special Handling Units, the Government intends to take action on the Committee's recommendation for external representation on the Special Handling Unit National Review Committee. Further openness and accountability is an effective means to ensure administrative fairness.

**RECOMMENDATION 24**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to allow for the appointment of independent chairpersons and senior independent chairpersons for five-year renewable terms, during good behaviour, by the Solicitor General. The amendment should specify that independent chairpersons are to exercise adjudicative functions with respect to administrative segregation and serious disciplinary offences. Finally, the amendment should set out criteria to be applied in the selection and appointment of independent chairpersons.**

**Response: Action to be taken**

As outlined in response to recommendation 21, the Government proposes to conduct a pilot project that would evaluate an enhanced segregation review process with external membership.

**RECOMMENDATION 25**

**The Sub-committee recommends that subsection 163(3) of the *Corrections and Conditional Release Regulations* be amended to require the National Parole Board to render, wherever possible, post-suspension decisions within 45 days of case referral or offender reincarceration.**

**Response: Action to be taken**

Currently the *Corrections and Conditional Release Regulations* require post-suspension decisions within 90 days. The Government will consider amendment to the *Corrections and Conditional Release Regulations* to require post-suspension decisions within 60 days unless there are circumstances beyond the control of the Board which make this timeframe impossible.

The gradual supervised release of offenders into the community is the best means to promote public safety. The period of reincarceration prior to a post-suspension decision can have negative impacts on the offender's reintegration. Currently the majority of post-suspension decisions are rendered within the 45 day period recommended by the Committee. The National Parole Board will continue to strive to render post-suspension decisions within 45 days. However, there are exceptional cases, outside the control of NPB, that require additional time.

**RECOMMENDATION 26**

**The Sub-committee recommends that section 141 of the *Corrections and Conditional Release Act* be amended to require the National Parole Board to advise an offender in writing of the reasons for withholding information to be used in the consideration of a case. The Parole Board should also be prohibited from considering withheld information where the offender has not been advised in writing of the reasons for non-disclosure.**

**Response: Action to be taken**

Within the context of the duty to act fairly, the CCRA currently requires information to be shared with offenders in writing. The reasons for withholding information (i.e. not in the public interest or disclosure would jeopardize the safety of any person, the security of the institution or interfere with the conduct of an investigation) are specified in s.141 (4) of the CCRA. The reasons for non-disclosure are currently provided in writing.

The *CCRA* requires CSC to provide offenders with all information collected at the time of admission to penitentiary, if so requested in writing. This includes court information, offence details, social histories and reports used at trial or sentencing. The *Act* also requires CSC to give offenders all information, or a summary of the information to be considered in making decisions about offenders, within a reasonable period of time before the decision is taken. The *Act* also requires NPB to provide offenders all information to be considered in decision-making, at least 15 days before the decision is to occur, unless the offender waives this requirement.

**RECOMMENDATION 27**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to prevent National Parole Board members appointed to the Appeal Division from participating in any other parole decisions during their terms as members of that Division. Regional members of the National Parole Board should also be prevented from participating in Appeal Division decisions. At least one member of each Appeal Division panel reviewing a case should be a lawyer.**

**Response: Action to be taken**

The Government will examine changes to the structure of NPB to ensure that it meets the needs for procedural fairness.

The Government strongly endorses the need for independence and fairness within the conditional release process. The Government recognizes the Committee's concerns that the role of NPB members appointed to the Appeal Division should be clear. Similarly, there is a need to weigh the educational benefit to regions of involvement by Appeal Board members. It serves an important training function to ensure that members of the Appeal Division remain current.

**OFFICE OF THE CORRECTIONAL INVESTIGATOR**

The Committee made five recommendations in the section dealing with the Office of the Correctional Investigator. The Office of the Correctional Investigator and the Correctional Service of Canada recently entered into a memorandum of understanding to improve interaction between the two Agencies. The operation and effectiveness of the memorandum of understanding will be examined on an ongoing basis to ensure the rights of offenders are respected.

**RECOMMENDATION 28**

**The Sub-committee recommends that sections 192 and 193 of the *Corrections and Conditional Release Act* be amended so that the annual and special reports of the Correctional Investigator are submitted simultaneously to the Minister and to Parliament.**

**RECOMMENDATION 29**

**The Sub-committee recommends that section 192 and section 193 of the *Corrections and Conditional Release Act* be amended so that the annual and special reports of the Correctional Investigator are automatically referred to the standing committee of the House of Commons responsible for considering the activities of the Office of the Correctional Investigator.**

**Response: Considered, but not pursued at this time**

Under the current legislation the Correctional Investigator reports to Parliament through the Minister. The Government believes that the current structure enables the Correctional Investigator to effectively act as an ombudsman on behalf of offenders. It is essential that offender's rights are respected within the correctional process and the work of the Office of the Correctional Investigator contributes to this need.

**RECOMMENDATION 30**

**The Sub-committee recommends that section 195 of the *Corrections and Conditional Release Act* be amended so the responses by the Correctional Service to the recommendations by the Correctional Investigator are included in the Correctional Investigator's annual and special reports.**

**Response: Action to be taken**

Given the importance of the principles of openness and accountability to the corrections and conditional release process, the Government supports the view of the Committee that responses of the Correctional Service to the recommendations of the Correctional Investigator be included in the report of the Correctional Investigator.

**RECOMMENDATION 31**

**The Sub-committee recommends that section 170 of the *Corrections and Conditional Release Act* be amended to require the Correctional Investigator to conduct an independent investigation when an inmate is seriously injured or dies, even if another investigation is already being conducted under section 19 or section 20 of the Act.**

**Response: Considered, but not pursued at this time**

Currently all inmate deaths are investigated by the Coroner or Chief Medical Officer. As well, the Correctional Investigator has the authority to investigate cases of death or serious bodily injury.

Correctional Service Canada's national investigation teams presently include a member of the community with no affiliation to the Correctional Service. This measure is intended to ensure that investigations carried out by the Correctional Service result in credible reports. The duplication of investigative efforts would be inefficient and confusing. Moreover, as the Committee noted in recommendation 4, investigations should be undertaken by CSC to identify corrective steps and reduce the possibility of a reoccurrence.

To promote further openness and accountability of the investigation process Government will explore the following options:

- informing the victim or the victim's family about the investigation and the availability of the Investigation Report;

- requiring formal consultation with Citizen Advisory Committees at the beginning of the investigation process to receive input on the mandate for the investigation;

- sharing Investigation Reports with the Citizen Advisory Committee and conducting a de-briefing.

These measures will enhance the openness of the investigation process.

**RECOMMENDATION 32**

**The Sub-committee recommends that the budget of the Office of the Correctional Investigator be increased in order to expand the number of investigators and cover directly related expenses such as office equipment, communications, and travel required to conduct investigations.**

**Response: Action to be taken**

The Correctional Investigator independently and impartially evaluates whether the Correctional Service is meeting its obligations to respect offender's rights and entitlements. Respecting the rights of offenders is essential to their successful reintegration into the community. The Office of the Correctional Investigator requires adequate resources in order to fulfill its mandate. The Government believes the mandate of the Correctional Investigator is extremely important and recently provided the Office with increased funding.

**ADVISORY COMMITTEES TO THE CORRECTIONAL SYSTEM**

Recommendations 33, 34, and 35 make suggestions that would expand public involvement in the correctional process. The Government supports consultation mechanisms aimed at improving the correctional services provided in penitentiaries and the community. Increased public involvement also leads to a better understanding of the system and increased public confidence.

**RECOMMENDATION 33**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to include a provision requiring the Correctional Service to establish representative local citizens' advisory committees at each penitentiary and parole office in Canada, and including a general description of these committees' advisory, independent observer and liaison roles.**

**Response: Action to be taken**

Each institution and parole office will be supported by a Citizens' Advisory Committee from the local community. Co-located facilities or facilities located in nearby communities may share a Citizens' Advisory Committee. Currently the *Corrections and Conditional Release Regulations* make institutional heads and parole office directors responsible for committee member recruitment and the smooth operation of Citizens' Advisory Committees. Citizen Advisory Committees play three main roles: providing advice, serving as impartial observers, and creating a bridge between CSC and local communities. They also help to inform the public about the correctional system. Recognizing the requirement for establishing Citizens' Advisory Committees in law is a further means to promote the openness and accountability of the corrections and conditional release system.

Currently, there are 73 Citizens' Advisory Committees located across Canada, comprised of more than 470 volunteers. The Citizens' Advisory Committee program has been cited as a "best practice" among federal departments by the Privy Council Office and the Canadian Centre for Management Development, and also earned CSC the "Organization of the Year" award from the International Association of Public Participation, for its contribution to citizen engagement. The Committee's recommendation adds further support to good work presently underway.

**RECOMMENDATION 34**

**The Sub-committee recommends that section 82 of the *Corrections and Conditional Release Act* be amended to require the Correctional Service to establish regional Aboriginal advisory committees.**

**Response: Action to be taken**

Given the particular needs of Aboriginal offenders, effective consultation mechanisms to receive input are essential. Effective consultation also helps to ensure recognition of the fact Aboriginal traditions differ across the country. The structure and mandate of the regional Aboriginal advisory committees will be developed through consultation. The regional committees will address the needs of both male and female Aboriginal offenders.

**RECOMMENDATION 35**

**The Sub-committee recommends that section 77 of the *Corrections and Conditional Release Act* be replaced by a section requiring the Correctional Service to establish a national women's advisory committee responsible for advising it on providing appropriate correctional services to women offenders.**

**Response: Action to be taken**

The women offenders' initiative within CSC has been subject to substantive and ongoing consultation with many interested parties throughout its evolution. Currently, Citizens' Advisory Committees have been established in all women's facilities and these committees have now been linked into a national committee which serves the advisory committee function. The Deputy Commissioner for Women also has regular ongoing consultation with a core group of non-governmental organizations whose mandate focuses on criminal justice and women offenders. The National Aboriginal Advisory Committee also includes within its mandate the needs of aboriginal women offenders. Accordingly, the establishment of a separate advisory committee is not seen as the best mechanism for enhancing the consultation process.

Nevertheless, the importance of legislating the requirement for consultation is well accepted and the Government will consider amending section 77 of the *CCRA* to broaden the requirement for consultation beyond strictly "programs" to include "consult regularly to ensure correctional effectiveness of services for women offenders". This amendment would be more reflective of the current broad scope of consultation.

As well, in discussions on this issue, it became apparent that there is a need for a more broadly based committee looking at issues related to women in conflict with the law, both federally and provincially. To this end, the Department of the Solicitor General will explore options for the establishment of a federal/provincial/territorial structure to deal with women offenders issues.

**VICTIMS' RIGHTS**

The movement to provide more inclusive processes for victims continues to gain momentum in Canada. In this context, the Standing Committee report, "Victims' Rights - A Voice - Not a Veto", addressed the importance of greater involvement by victims in the corrections and conditional release systems. The Government of Canada is now committed to taking further steps to address the concerns of victims and is currently engaged in a variety of efforts to move towards a more comprehensive strategy and relationship with victims. Within the Ministry of the Solicitor General, considerable advances have been made to recognize and respond to the needs of victims, particularly since the implementation of the *Corrections and Conditional Release Act.*

The Correctional Service of Canada and the National Parole Board have developed a number of services and initiatives to assist victims. Both agencies provide information to victims as stipulated in the *Corrections and Conditional Release Act* through Victim Liaison Co-ordinators in all CSC institutions and parole offices, and National Parole Board Regional Community Liaison Officers. CSC and NPB operate joint Victims Units in the Ontario and Pacific regions, and share a national data base to provide timely information exchange. Victims are allowed to attend National Parole Board hearings as observers, and to access NPB decisions through a decision registry that, by providing the reasons for decisions, serves as a source of additional information about the offender who harmed them. CSC has experience with victim-offender mediation services and supports such restorative approaches when appropriate. In addition, both agencies have continued to learn from victims and their advocates through consultations, and joint educational initiatives with victims. Victim sensitivity training for CSC and NPB employees and publications directed to victims have been developed. CSC and NPB also liaise with provincial victim service providers.

In order to build on progress to date, the Ministry recognizes the need for development of a comprehensive strategy based on consultation and involvement of all relevant stakeholders with particular emphasis on victims and their advocates. The strategy must provide balance, addressing the respective needs, concerns, and privacy rights of both victims and offenders. The strategy must also take into account that the Ministry through its agencies is not mandated to be the sole or primary service provider to victims. Rather the Correctional Service of Canada and the National Parole Board are key partners with other levels of government and community based groups who must work collaboratively to co-ordinate and provide improved information and services for victims.

Victims have told the government that what they want is more information, more access to information earlier in the process, more opportunities to be heard, and more opportunities to provide information. All these things can best be achieved with an approach that seeks to understand and address the underlying needs that create these requests and interests. The underpinning of the Government' s strategy will be to endorse an open, citizen-centered approach that begins at the first opportunity that the Government has, through its agencies, to be of assistance to the victim and to promote, with the general public, understanding of our mandate.

The Government is committed to exploring a delivery structure that uses a co-ordinated approach through both NPB and CSC, giving both clarity and focus to the concerns and needs of victims. The development, design and operation of this structure will be guided by the strategy, and will consider the views of, and links to, relevant stakeholders and partners. There is broad support for consultations with victims and victims' groups with respect to the effectiveness of implementation of any new initiatives.

The Government also recognizes that restorative justice is an emerging approach in which some victims have a significant interest and where their views must be part of the consultative process. Both CSC and NPB are looking into the potential for initiatives that would contribute to community healing for all parties and to enhanced safety achieved through a more balanced approach to the needs of victims, offenders and the community. A criminal justice system that is more inclusive, accountable, reparative and collaborative would continue to evolve. The responses to the recommendations in this Chapter are in keeping with the strategic direction described earlier.

**RECOMMENDATION 36**

**The Sub-committee recommends that paragraphs 26(1)(*b*) and 142(1)(*b*) of the *Corrections and Conditional Release Act* be amended to allow for the provision to victims, as defined in the Act, of offender information related to offender program participation, offender institutional conduct, and new offences committed by a conditionally released offender resulting in reincarceration.**

**Response: Action to be taken**

The Government recognizes the desire of some victims to receive additional information about the offender who harmed them and accepts the principles underlying this recommendation. A number of measures to provide victims with additional information will be pursued including:

- providing information to victims about new offences committed by a conditionally released offender resulting in federal reincarceration;
- providing victims with information and the reasons for transfer of the offender who harmed them and, where the transfer will place the offender in a minimum security institution, advance notification of the transfer wherever possible;
- providing access, for consultation purposes, to audiotape recordings of National Parole Board hearings. Information regarding the offender's conduct and participation in programs will be available through this medium; and
- expanding the ability to communicate more directly and effectively with victims of crime, and providing information to victims through creation of a national CSC/NPB Victim Unit and expanding regional services within their respective mandates.

However, the Government takes note of the concerns expressed in *Victims' Rights - A Voice - Not a Veto* that releasing information about offenders' program participation throughout the sentence could result in an inordinate loss of privacy that could run the risk of infringing the Charter of Rights. It is believed that providing additional information about transfers will be indicative of the offender's institutional conduct and the progress, or lack thereof, he or she may be making, is relevant to risk assessment, and would be a specific and defined expansion of releasable information.

With respect to the final part of this recommendation, the Government accepts the recommendation of the Committee that all new offences committed by a conditionally released offender resulting in federal reincarceration be provided to victims.

Victims may now be notified whether or not an offender is in custody and in addition would be told about the offences resulting in federal reincarceration. However, in some cases, offenders commit an offence while on conditional release but may only be convicted after they have reached warrant expiry date. Such information is not provided to CSC if the offender receives a provincial sentence. As mentioned in the preamble to this Chapter, the Government is committed to working collaboratively with victims, victims' advocacy groups, and other levels of government to ensure, as far as possible, a seamless service delivery for victims. This area will therefore be further explored within those venues.

Finally, it should be noted that section 8(2)(m) of the *Privacy Act* permits the release of personal information in the public interest based on specific criteria. This option is available to the Commissioner of Corrections and the Chairperson of the National Parole Board when the public interest clearly outweighs the loss of privacy, for example, when the victim may be considered to be at risk from the offender.

**RECOMMENDATION 37**

**The Sub-committee recommends that subparagraph 26(1)(*b*)(ii) of the *Corrections and Conditional Release Act* be amended to allow for the Correctional Service of Canada to advise victims (as defined in the Act) in a timely manner, and wherever possible in advance, of the planned, anticipated, or scheduled routine transfer of inmates.**

**Response: Action to be taken**

The Correctional Service of Canada recognizes the interest of some victims in transfers of offenders, and in particular transfers which could place the offender in the vicinity of the victim and in a situation where he or she could have access to the community. Each year, offenders make thousands of applications for transfer and CSC makes thousands of transfer decisions. In addition, anticipated decisions may be subject to change. Full implementation of this recommendation would be confusing and of limited utility to victims and would be a significant administrative burden.

The Government intends to take action to make information about <u>all</u> transfers, and a brief reason for any transfer, available under paragraph 26(1)(b), shortly after the transfer takes place. This would considerably expand the scope of the information currently available to victims. Only in cases where the release of this information could jeopardize the safety of any person or the security of the institution would it not be released.

In addition, when a planned, anticipated, or scheduled routine transfer would place the offender in a minimum security institution where the offender could have access to the community, the Government will explore procedures to provide notification 'in a timely manner, and wherever possible in advance', of the transfer. This approach would target transfers that could alarm victims who are afraid of the offender being in their area.

This expansion of available information would be particularly useful to victims of offenders serving longer sentences who may not have access to information from NPB decisions until a number of years after their sentence. The Government will initiate a dialogue with victims to determine how these new measures can be as responsive as possible to their needs.

**RECOMMENDATION 38**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to facilitate victim access, for consultation purposes at Correctional Service or Parole Board offices, to audiotape recordings of Parole Board hearings.**

**Response: Action to be taken**

The Board, in consultation with the Correctional Service, will develop processes to facilitate access by victims to hearing tapes in a way that will enhance their understanding of the decision-making process. Some restrictions may be necessary consistent with the concept that this initiative is to respond to victims who are not able to attend the hearing.

For example, that only the most recent hearing tape would be made available, tapes could only be listened to while the offender was under sentence, and that some tapes might not be accessible due to safety and security concerns. It should be noted that the quality and clarity of hearing tapes is often problematic, and steps will be taken to make improvements.

**RECOMMENDATION 39**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to allow victims, as defined in section 2 and section 99, to presumptively attend and personally read statements, at the beginning of Parole Board hearings, that set out the impact of the offence on them since the offender's conviction, or any concerns they have about the conditions of any release. Such victims should also be able to present their statements on audiotape or videotape.**

**Response: Action to be taken**

The Government will provide victims with the opportunity to read a victim impact statement during the initial phase of a conditional release hearing. Currently victims have a presumptive right to attend Board hearings. The *CCRA* states that the Board shall allow

observers to attend hearings unless there are demonstrated security or privacy concerns, and it is very rare for an application to be denied. Additionally, the Board already accepts written, audiotaped and videotaped submissions for consideration in decision making.

This ensures the interests of victims are recognized and that the inquisitorial nature of Board hearings is preserved. The Board believes that this process will best serve the exchange of information and contribute to the risk assessment process.

An increase in the number of victims attending hearings when they are allowed to read a statement is anticipated. This initiative is complex. The Government will respect the needs of victims including assistance obtaining statements, providing information about the hearing process and their participation, and accompanying and briefing them before, during and after the hearing.

**RECOMMENDATION 40**

**The Sub-committee recommends that the Solicitor General of Canada, in conjunction with the Correctional Service of Canada and the National Parole Board, develop a comprehensive strategy to prevent any unwanted communications from offenders in federal correctional institutions, especially with victims.**

**Response: Action to be taken**

Section 95 of the *Corrections and Conditional Release Regulations* now enables an institutional head to prevent an inmate from communicating with a person by mail or telephone, if the recipient submits in writing their desire not to receive any communication from the inmate.

Further to the above, CSC has operated an inmate telephone system, for the last three years, which limits the telephone numbers to whom an inmate may place a call. If CSC is alerted that a victim, or any member of the public, is receiving unwanted telephone calls, the number can be removed from the inmate's approved list. There are some limitations to the system in that 3-way calling cannot be prevented but if CSC is advised that this is occurring, steps will be taken to address the problem. Also, advances in technology may allow further refinements to be made to the system in the future. With respect to offenders on conditional release, the National Parole Board may impose a 'no contact' condition if it is warranted. Violation of such a condition may result in reincarceration.

The Ministry will enhance its communication efforts to victims to ensure that every effort is made to inform victims who are currently registered, as well as those registering for the first time, of their right to stop unwanted communication from offenders. One such initiative is the upcoming publication of A Handbook for Victims that will be provide general information on the corrections and conditional release process as well as an explanation of victims' entitlements, including the right to prevent unwanted communication from offenders.

As well, the creation of the CSC/NPB Victims' unit proposed in response to recommendation 41 could serve as a venue to gather information and continue to improve on the action being taken based on advances in technology or other emerging initiatives.

**RECOMMENDATION 41**

**The Sub-committee recommends that:**

**(a) the *Corrections and Conditional Release Act* be amended by adding part IV to establish the victims' information and complaints office, to have jurisdiction over victim-related activities of both the Correctional Service of Canada and the National Parole Board;**
**(b) this office be empowered to both provide information to victims as defined in the Act and to receive, investigate, and resolve individual and system-wide victim complaints; and**
**(c) the office be empowered to table its special and annual reports containing Correctional Service and Parole Board comments on its findings and recommendations, simultaneously with the Solicitor General of Canada and Parliament. The Act should provide for the referral for consideration of such special and annual reports to the appropriate standing committee of the House of Commons.**

**Response: Action to be taken**

The Government accepts the goals and purpose of the recommendation, but does not support the need for an independent body to provide victims' information and respond to complaints. The National Parole Board and the Correctional Service of Canada are accountable for delivery of legally mandated services. The Government believes victims will receive more comprehensive and timely information by enhancing and expanding services provided to victims and the resources for providing these services. The needs of victims will thus be addressed more effectively and efficiently.

The Government will examine an enhanced administrative structure that will respond to victims' needs for timely and accurate information within the strategy outlined in the preamble to this Chapter. It is proposed that a national CSC/NPB unit for victims be created:

- to provide initial information and to perform a broker or referral function, directing the inquiry to the appropriate NPB regional office or CSC operational unit;
- to receive complaints and rectify problems;
- to provide a 'victims' lens' at the national level for both NPB and CSC;
- to ensure the needs of victims, relative to the needs of offenders, are brought to the attention of other government departments;
- to develop information for dissemination to victims and the general public;

- to complement the work being done by the Department of Justice's Policy Centre for Victims Issues;
- to provide input into the development of training materials; and
- to provide reports annually to the Solicitor General.

NPB Regional and CSC institutional and community victim services officers would continue to be the primary sources of ongoing information about the status of the offender. They would also provide support to victims who choose to read a statement at NPB hearings, or access hearing tapes. This coordination of expanded functions would provide a seamless and comprehensive service to victims in contact with the Board or the Correctional Service.

These services for victims will take advantage of existing and emerging technologies to ensure a comprehensive service is available across the country.

The Government supports the avenues of complaint currently available to victims through the Commissioner or Chairperson, the Minister, or Members of Parliament.

A detailed model to efficiently meet the needs of victims will be examined and consultations will be undertaken.

## CORRECTIONS AND CONDITIONAL RELEASE SYSTEM-WIDE AND LONG-TERM ISSUES

The Committee made twelve varied recommendations under the theme "Corrections and Conditional Release System-Wide and Long-Term Issues." The Committee recommendations relate to: staff involvement in policy development; training; health care; drugs in institutions; the need for plain language drafting of legislation; and, further Committee review of the CCRA.

### RECOMMENDATION 42

**The Sub-committee recommends that paragraph 4(*j*) of the *Corrections and Conditional Release Act* be amended to allow for staff organizations to be involved in the process of developing correctional policies and programs, and to require the provision of mandatory, ongoing appropriate staff training.**

**Response: Action to be taken**

As the Committee notes, broad consultation on the development of correctional policies and programs is a key component to sensible policy and the smooth implementation of new policy. Paragraph 4(j) iii provides that staff members be given opportunities to participate in the development of correctional policies and programs. The Correctional Service will continue to ensure that the views of staff are canvassed in the development of

policies and programs. Where appropriate, such consultations are conducted through staff organizations.

NPB will also continue to implement measures which ensure full involvement of staff and Board members in development and refinement of NPB policy. For example, the Board, consistent with its vision for the year 2000 and beyond, has implemented plans for

development of policy discussion papers in priority areas such as victims, diversity, restorative justice, aboriginal offenders, citizen engagement, and integrated justice information. These papers are distributed throughout the Board for review and comment.

The Government agrees with the importance of staff training. The Correctional Service and the Union of Solicitor General Employees have agreed to a joint consultation process on training. The goals of this initiative include: joint identification and prioritization of training needs; identification of national training standards; and development of an on-going process to review and evaluate training needs.

In the context of its vision, NPB has also developed extensive plans for enhancement of training across the Board. With increased Government funding, the Board has established a minimum annual training standard of 15 days for every Board member. Additional funding provided by the Government will enable NPB to gain access to the latest information on risk assessment and risk management for inclusion in NPB training modules. This training will also be provided for appropriate staff. In addition, the Board is developing a long-term strategy for creating a continuous learning environment which will enhance quality of life in the workplace for NPB employees and position the Board for excellence in the long-term.

**RECOMMENDATION 43**

**The Sub-committee recommends that the Correctional Service of Canada and the National Parole Board comprehensively review their training and job classification programs to determine their adequacy, availability, accessibility, relevance and efficacy. This comprehensive review should ensure that: all positions have detailed job descriptions reflecting on an ongoing basis the functions actually performed by employees and members; all employees and members are provided with an amendable manual containing current information required to perform their functions; and all employees and members have access to national on-the-job training directly related to the functions to be performed by them. Once this has been completed, both agencies should keep their training and job classification programs under continuous review.**

**Response: Action to be taken**

The Government agrees with the need to review training and job classification programs. Employees of the Correctional Service and the National Parole Board work in a very

demanding and stressful environment. The Government accepts this recommendation in the context of the current Universal Classification Standard (UCS) process. All jobs will be measured against the same yardstick, which is built around four critical factors required by the *Canadian Human Rights Act* – skill, effort, responsibility and working conditions. In addition, a review of RCMP, CSC and provincial work conditions was recently undertaken and is being used in current negotiations with Treasury Board Secretariat.

Subject to the availability of resources, the Correctional Service will endeavour to expand training in three strategic areas:

- enhancement of the leadership and strategic direction to the field with respect to planning, priority setting, monitoring/quality assurance and reporting on training activities and results as well as increasing the development of national curricula.

- development and delivery of basic operational and specialized training programs to line staff to address recommendations from the various external and internal reports, including the CCRA review. Some of these programs such as orientation, certification and national programs would be delivered via the five Staff Colleges and others such as, cell extraction, weapons re-certification, first aid/CPR, SCBA re-certification, etc. would be delivered locally.

- delivery of management training programs that are customized to the specific correctional or legal competencies necessary to meet public and government expectations and standards of performance. This training will be offered in a central location to favor the sharing of best practices in regards to operational issues.

The Government has accepted the recommendations of the Strong Report which looked at classification of Order-in-Council appointees. This review will include Members of the National Parole Board who are not subject to Public Service classification and pay regulation.

**RECOMMENDATION 44**

**The Sub-committee recommends that the Correctional Service of Canada increase the budgetary allocation provided for inmate health care, using current or increased fiscal resources, so as to ensure the delivery of quality services from within or outside of the Correctional Service.**

**Response: Action to be taken**

The delivery of quality health care to offenders is a priority of the Correctional Service. The Government recently provided CSC with funds to meet the rising costs of current services, such as the provision of drugs or outside hospitalization. Assuring appropriate, equitable and adequate access to the full range of physical and mental health services required to respond to changing needs of the incarcerated population may require either

additional resources, or more effective use of existing resources, or both. The challenges include: the treatment of infectious diseases, introduction and/or improvement of prevention and education programs, automation of offender health care information, and responding to the health needs of the aging offender population. To this end, CSC has established a Task Force on Health Services to provide advice on the level and type of services and the infrastructure required to support them.

**RECOMMENDATION 45**

**The Sub-committee recommends that section 13 of the *Corrections and Conditional Release Act* be amended to require the warden of a correctional institution to refuse to receive an offender if there is not a certificate signed by a registered health care professional at the time of admission or transfer. This section should be further amended to provide for correctional staff access to such health care information, only to the extent strictly necessary to take steps to protect their own health.**

**RECOMMENDATION 46**

**The Sub-committee consequentially recommends that section 23 of the *Corrections and Conditional Release Act* be further amended to require the Correctional Service to acquire health care certificate information mentioned in section 13 in relation to offenders sentenced, committed, or transferred to a penitentiary.**

**Response: Considered, but not pursued at this time**

The Government believes that CSC's current procedures can ensure a collection of more reliable information without endangering relations with the provinces, or interfering with accepted confidentiality standards. Current procedures require community staff to complete a health care checklist during preliminary assessment, this checklist must be reviewed immediately upon reception, and all newly admitted offenders must be seen by a nurse as soon as possible after admission to verify/obtain medical information, and subsequently must undergo a thorough medical examination within seven days of reception.

The Government recognizes the importance of respecting the confidentiality of health information. The "need to know" confidential information only exists in exceptional circumstances and generally requires informed consent from the patient before disclosure. Correctional staff have legal and ethical obligations to protect the confidentiality of offender health information.

Consensus in the health care community is that adoption of universal precautions is a better way to prevent exposure to infectious diseases. Not all inmates are tested for all infectious diseases, as testing is voluntary, and therefore disclosure of the infectious disease status of inmates could create a false sense of security and less emphasis on use of universal precautions, resulting in potentially increased risk to staff. Health Canada has

developed a protocol for managing individuals exposed to blood borne pathogens, and CSC health services staff are trained in this protocol. Training is also provided to front-line staff and inmates.

**Drug Strategy**

Recommendations 47, 48 and 49 provide options for addressing the presence and use of drugs in institutions. Substance abuse by offenders in federal penitentiaries and in communities post-release impact on successful reintegration. The recommendations are targeted at providing legislative support to CSC's drug strategy by strengthening the search and seizure provisions and providing more stringent measures for situations where drugs are brought into prisons via the visiting program. Controlling the demand and flow of illicit substances in federal institutions involves a dynamic response balancing preventative, interdiction and therapeutic approaches.

Once admitted to federal institutions, all offenders are assessed regarding their substance abuse patterns prior to being transferred to a penitentiary from the assessment unit. This information enables the Correctional Service of Canada to identify the number of offenders who have substance abuse problems, the degree of abuse and whether they were involved in substance abuse on the day they committed their offence. Almost 7 out of 10 offenders admit to having a substance abuse problem that would warrant treatment while in prison.

CSC offers a wide range of substance abuse programs to meet the various needs of offenders. The starting point of this graduated process is the introduction/orientation program for newly-admitted offenders (male and female). From this base the offender can be referred to one or more of the following levels of service:

- High intensity programs for the serious abuser;
- Intermediate intensity programs;
- Brief, low intensity programs for offenders with less difficult substance abuse problems;
- Community-based maintenance programs offering the offender opportunities to practice and master their relapse prevention skills; and/or
- Aboriginal-specific treatment programs for both male and female offenders.
- CSC also supports self-help support programs such as Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). Substance Abuse Treatment is a major area of programming for CSC. During 1996-97, CSC had 9,899 enrolments in substance abuse programs.

Research studies have demonstrated that substance abuse treatment of offenders is effective. For example, a recent study on the intermediate intensity program found that

program participants had fewer readmissions to custody, fewer new offences, and a rate of violent recidivism half that of those who did not have access to the program.

Substance abuse is a major factor in criminal behavior and these programs can help to reduce crime and violence. The Government recently established an Addictions Research Division of the Correctional Service of Canada. The mandate of this dedicated research facility is to encourage and stimulate addiction research in criminal justice and to develop a co-ordinated program of applied research activity across jurisdictions.

**RECOMMENDATION 47**

**The Sub-committee recommends that the search and seizure provisions of the *Corrections and Conditional Release Act* be amended to require the non-intrusive search for the presence of drugs of all those entering and leaving penitentiaries.**

**Response: Action to be taken**

Presently Sections 45, 47 (1), 59 and 63 of the CCRA with Sections 43, 47, (a) 54 (1) and 56 of the *Corrections and Conditional Release Regulations* give authority to staff to conduct a non-intrusive search of all persons (inmate, visitor or staff member) entering or leaving the penitentiary. Currently, routine non-intrusive searches are not conducted on staff members on a daily basis. Institutional heads have the authority to instruct their staff members at the Principal Entrance and other entry points to conduct non-intrusive searches of all those entering or leaving the penitentiary.

The Solicitor General has requested that the Commissioner of Corrections review existing policies to ensure they provide for further use of non-intrusive searches, including ion scanners and drug dogs at maximum and medium security institutions. Serious consideration of procedures to conduct routine searches of all those entering or leaving the institution, including staff, will be undertaken.

**RECOMMENDATION 48**

**The Sub-committee recommends that section 62 of the *Corrections and Conditional Release Act* be amended so that at each penitentiary there is a warning conspicuously posted at the entrance or the visitor control point that any person or vehicle entering or leaving a penitentiary is subject to being searched under the Act or Regulations, explicitly including reference to searches for the presence of drugs.**

**Response: Action to be taken**

Section 62 of the current legislation requires the posting of such a warning, however, the purpose of searching in a penitentiary is not only to find drugs, it is for preventing all contraband and unauthorized persons and items to enter or leave the institution. An important part of CSC's drug strategy is to ensure all those people who enter institutions

understand why these searches are required, and the serious negative implications of bringing contraband, especially drugs, into institutions.

**RECOMMENDATION 49**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* and the Regulations be amended to allow the warden of a correctional institution to suspend for a determinate period of time the right of an inmate to have visitors and/or the right of anyone to visit an inmate where it has been determined that a visitor has attempted to bring drugs into a penitentiary.**

**Response: Action to be taken**

The *Corrections and Conditional Release Act* at paragraphs 4 (*d*) and (*e*) and 71 (1) and the Regulations at sections 90 (1) and 91 authorize the warden to suspend visiting rights of an inmate if the security of the penitentiary or safety of person is jeopardized. The restriction or suspension may continue as long as this risk persists. However, the decision must comply with section 4 (*d*) (*e*) of the CCRA regarding the least restrictive measure and paragraph 71 (1) regarding reasonable access to community, family and friends. In particular situations, it may be difficult to establish that the drugs were requested by an individual inmate to be brought in by his or her visitor. Careful assessment on a case-by-case basis, with due attention to the legal provisions set out above and the specific nature of the risk posed will ensure a fair process in support of CSC's overall drug strategy.

**RECOMMENDATION 50**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be reviewed with the goal of simplifying its structure, organization and language.**

**RECOMMENDATION 51**

**The Sub-committee further recommends that any future amendments to the *Corrections and Conditional Release Act* be drafted in plain language.**

**Response: Action to be taken**

The Government is sensitive of the need for the drafting of legislation using plain language. Any measure to help those outside the corrections and conditional release

system better understand the process will be explored, recognizing that authority for drafting legislation rests with the Department of Justice.

**RECOMMENDATION 52**

**The Sub-committee recommends that the Correctional Service of Canada and the National Parole Board review their communications and public education strategies with the goal of countering misinformation about the corrections and conditional release system.**

**Response: Action to be taken**

The Government agrees that there is a need to counter misinformation about corrections and conditional release and has provided funding to that end. CSC recently launched a three-year social marketing strategy designed to enhance understanding about corrections, build confidence in CSC's programs and mandate, encourage citizen engagement and improve relationships with partners and the media. It complements other activities of the Ministry of the Solicitor General, to raise public awareness about Canada's criminal justice system. Examples include:

- The television documentary "A Test of Justice" which follows an offender through his arrest, imprisonment and conditional release into the community, was broadcast by CTV in 1998;

- The tabloid "Crime and Your Safety" was distributed to 1,200 community newspapers across Canada;

- "Inside Out: A Teacher's Guide to Corrections and Conditional Release" has been distributed to 2,200 high schools and is included as a teaching resource in the curriculum of four provinces;

- Over 60,000 copies of "Myths and Realities: How Federal Corrections Contributes to Public Safety" were distributed in 1999;

- The video "Creating Choices, Changing Lives" documents the evolution of women's corrections over the past decade. CSC also produced a pamphlet "The Transformation of Federal Corrections for Women" which addresses myths and realities with respect to women offenders;

- CSC has launched a new Internet site, which is designed to raise awareness and refute common stereotypes;

- CSC has also collaborated with the media on several balanced and informative stories on the correctional system over the past year, including a three-part series on *CBC-*

*TV's Magazine* program, *CBC Radio's Ideas* program plus many articles in newspapers and magazines.

NPB has developed a strategy for public information and community partnership for supporting the safe reintegration of offenders in the community. This strategy is based on three types of activity:

- Development of relevant and accessible information products for the public and for target groups;

- Citizen engagement activities to involve individuals in meaningful discussion of key issues - to provide them with a voice on issues which affect their families and their communities; and

- Partnership development for creation of a network of citizen spokespersons for conditional release.

Work on this strategy is in the preliminary stages. There are indications, however, that even with the limited funding available, there is real potential for expanding public understanding of parole and its effectiveness in contributing to public safety.

Public opinion research shows that when Canadians know more about corrections and conditional release, they become more supportive of the supervised and gradual release of offenders into the community. The Ministry will continue activities to raise public awareness, recognizing that changing attitudes is a significant communications challenge, requiring a sustained, long-term effort.

Recent funding received by the Department of the Solicitor General for a Citizen Engagement strategy will support progress toward the Committee's recommendation. To build Canadians' knowledge and confidence in the criminal justice system and to ensure meaningful public input to the development of social policies and priorities the Ministry will, among other measures, focus on:

- more frequent and rigorous public opinion surveys and focus groups;
- maximizing public education use of the Internet;
- greater public participation in joint public education activities with voluntary sector partners.

**RECOMMENDATION 53**

**The Sub-committee recommends that the *Corrections and Conditional Release Act* be amended to require that a further comprehensive review of its provisions and operation be undertaken in five years by a committee of the House of Commons. If**

**the Act is not amended, this review should commence within five years of the government response to this report. The next five-year review should be concentrated on: the steps undertaken to implement the findings and recommendations contained in this report; statutory release; maximum-security/special-needs women offenders; and the memorandum of understanding between the Correctional Service and the Correctional Investigator.**

**Response: Action to be taken**

The Standing Committee on Justice and Human Rights has the right to undertake any review of the correctional system it deems required. The current authority of the Standing Committee allows for any or all of the proposed reviews to be undertaken, without timeframe. The Government must remain vigilant to ensure that the legislative framework is vital and current. Rather than committing to a broader review at a pre-determined time, the Government believes that by undertaking specific reviews on key areas of the legislation the Government can ensure its policy directions are being achieved.