

# Offender Transfer Audit Report



Performance Assurance Sector  
Correctional Service Canada

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## *Executive Summary*

In accordance with the Performance Assurance internal audit calendar for 2002-2003, the Offender Voluntary and Involuntary Transfer Audit was conducted by Correctional Service of Canada (CSC). The objectives of the audit were twofold:

- 1) Assess institutional compliance to legal and policy transfer process requirements;
- 2) Assess the institutional and regional internal transfer process control systems.

A total of 19 sites were audited. One maximum, medium and minimum-security institution from each region and all federally sentenced women's facilities were audited (Annex A for Institutions visited).

This internal audit assessed compliance to both the voluntary and involuntary transfer standards. These standards are outlined in the Corrections and Conditional Release Act (CCRA section 28 and 29), the Corrections and Conditional Release Regulations (CCRR sections 11 to 16), Departmental Policy (Commissioner's Directive, CD 540), and Standard Operating Practices (SOP 700-15). During the audit period (October 2001- March 2002), a random sample of cases (20 cases, including voluntary and involuntary, at one maximum, one medium and one minimum-security institution per region, (Appendix A) were selected. Transfers to the Special Handling Unit were not part of this audit. The audit time period was extended in some regions for a complete sample. Approximately 410 cases were examined. At federally sentenced women's facilities the number of transfers completed were smaller (5 cases reviewed or less) as facilities are multi level and therefore the audit sample constituted 100% of all transfers completed during the audit timeframe.

A numerical scoring system, based on the file reviews and interviews conducted in 19 of the institutions visited, was used to compile the regional results. Management at each of the facilities audited was provided with a verbal debriefing as well as detailed summary of their results. Each Regional Headquarters also received a verbal debriefing and the results for all audited institutions within their region.

The key findings from the review of the transfer process are as follows:

Finding 1: The majority of voluntary and involuntary transfer reports reviewed were complete in addressing rationale for transfer.

Finding 2: Voluntary and involuntary transfer reports usually but not always meet required timeframes.

Finding 3: It was not evident in all cases reviewed that the offenders received all information pertaining to their transfer and were advised of their right to file a grievance.

Finding 4: The final decision by the Institutional Head does not always contain a rationale for the transfer decision.

Finding 5: The lack of bed space at some institutions resulted in delays in executing transfer warrants for penitentiary placement, voluntary and involuntary transfers as well as inter and intra regional transfers.

To address the concerns that were raised as a result of this audit, all institutions completed action plans to address there noted deficiencies. These action plans were reviewed and approved by the specific Regional Headquarters. A listing of the national recommendations and action plans can be found on page 10 of this report.

## ***Introduction***

The transfer of a federal offender is an important step that will be made during an offender's incarceration. It determines an inmate's access to programming, community support, and provision of a safe environment - elements that will aid in an offender's ability for rehabilitation, and allow the offender to successfully reintegrate into the community as a law-abiding citizen. The Corrections and Conditional Release Act (CCRA section 28) indicates that offenders are to be incarcerated in the least restrictive environment that accommodates their security and program needs as well as accessibility to the offender's home community and family. As a result, it is essential that the Service provide a transfer process that is fair, efficient and effective.

The transfer of an offender may take place for one or more of the following reasons:

- to respond to reassessed security requirements;
- to provide access to the home community, a compatible culture, a linguistic environment, or to required programming;
- to provide access to relevant programs and services, including health care, taking into account the offender's willingness to participate in those programs and services;
- to provide a safe environment to the offender;
- to provide better access to programs and services in the offender's preferred official language;
- for assessment purposes;
- for court proceedings;
- to place the offender in an aboriginal correctional facility established under section 81 of the Corrections and Conditional Release Act;
- To separate offenders identified as co-convicted and under current sentence for an offence resulting in death or serious harm whose association or whose influence on each other may be detrimental to the rehabilitation and safe reintegration of one or more inmates, or to the safety and security of the institution.

The offender initiates voluntary transfers, generally to be closer to family members and or for a reduction in security. Involuntary transfers are initiated by the case management team as a result of reassessed security requirements for the protection of the offender, staff or other offenders. Transfers can take place within the region he/she is currently incarcerated (intra-regionally) or between regions (inter-regionally).

## Objective and Scope

The audit assessed the timeliness of the transfer process along with compliance to timeframes based on legal and policy frameworks. Identification of good practices and impediments to ensuring timely transfer of offenders was conducted. The review also assessed the thoroughness and objectivity of the transfer process leading to a transfer decision. The audit focused on compliance with the law and policy specifically in the areas of case preparation, quality of reports, inmate notification and response, and decision making.

A compliance assessment of each institution was conducted based on the following legal and policy sources:

- Correctional and Conditional Release Act and its Regulations;
- Commissioner's Directive (CD) 006 "Classification of Institutions";
- CD 095 "Information Sharing with Offenders";
- CD 540 "Transfer of Offenders";
- Standard Operating Practice (SOP) 700-15 "Transfer of Offenders"; and
- SOP 700-1 "Information Sharing and Disclosure".

Requirements were verified through OMS and documentation reviews, including interviews with staff.

## Approach and Methodology

The audit consisted of interviews and file reviews in order to gather information to conduct a compliance assessment of each institution visited and to address the areas of concern noted by the Office of the Correctional Investigator.

The audit teams:

- Obtained a list of transfers per institution from Performance Assurance for a 6 month period (October 2001 to March 2002)
- Selected 20 transfers per institution - 15 voluntary and 5 involuntary (ensured that at least 25% were inter-regional transfers (approx. 60 transfers per region)
- Conducted file reviews through OMS prior to the on-site visits
- Conducted site visits and completed documentation reviews and interviews at institutions and regional headquarters
- Debriefed the institutions and regions

## Statement of Assurance

All documentation pertaining to the audit sample for the review period was audited by at least two national auditors. Local policy, forms, handbooks, etc. were also examined and interviews were conducted with staff.

The internal audit conclusions found in this report were based on the assessment of findings against pre-established criteria agreed upon by the Performance Assurance Sector (NHQ), and the Reintegration Division (NHQ). They reflect the audit work carried out from July to November 2002 on a sample of transfer cases that occurred between October 2001 and March 2002.

It is the opinion of the Performance Assurance Sector that sufficient audit work has been performed and the necessary evidence has been gathered to support the conclusions contained in this audit report.

## ***Key Findings***

The following are the key findings of the audit team:

### **Quality of Reports**

Thoroughness and objectivity and quality of the content are necessary to make an informed decision for voluntary and involuntary transfers. Reports required for decision-making are Correctional Plan Progress Reports (CPPR) (as required) and Assessment for Decision (A4D). CPPR's are completed to update the offender's progress in relation to his/her initial Correctional Plan. The A4D is a comprehensive review of all information in support or denial of the transfer. This report allows the offender to know the case against him/her in the case of involuntary transfer.

***Finding #1: The majority of voluntary and involuntary transfer reports reviewed were complete in addressing rationale for transfer.***

Institutions at all security levels generally followed content guidelines as set out in policy when completing reports for voluntary and involuntary transfers. Content guidelines are set out for CPPR's and A4D's to ensure all required information is contained in the reports for decision making. A rationale was present in the majority of transfer reports to support or deny the transfer recommendation.

Not all transfer submissions contained a CPPR resulting in approximately twenty percent of the cases being non-compliant. An update of the offender's progress, which is documented in the CPPR, is necessary to make an informed recommendation for transfer. Voluntary transfers are generally initiated to reduce security based on significant progress made by the offender against

his/her Correctional Plan. Involuntary transfers are usually a result of a need for increased security, which would impact on the offender's Correctional Plan.

Minimum-security transfer reports must include a reference to the criteria for detention and the GSIR scale. In most cases this requirement was not included in the assessment report. This requirement ensures that the appropriate review for detention has been completed prior to placing an offender to minimum security.

The security reclassification scale (SRS), including the overall security classification rating and the reasons (i.e. maximum, medium, and minimum) were completed in all transfer reports. Included was an explanation as to why the rating was chosen. A completed SRS in the Assessment for Decision ensures that the security classification decision related to the transfer has addressed public safety, escape risk, and institutional adjustment. This demonstrates that the requirements of section 18 of the Corrections and Conditional Release Regulations have been met.

Reviews of the hard copy file found that the offender application form was absent from a few offenders' files (less than twenty percent of the cases were non-compliant). However an entry of the date the offender requested a transfer to the case management team was found on the Offender Management System (OMS). The offender initiates a voluntary transfer via the completion of a transfer application form. This form should be filed on the offender's hard copy file.

Preventive Security information was contained in almost all reports for voluntary and involuntary transfer's (405 out of 410 cases). There were 5 cases nationally that did not have notations relating to a review of preventive security. A gist of preventive information outlining any security concerns or a statement made indicating that there was no security concerns was documented in the A4D.

Case conferencing with a designated person at the receiving institution to confirm appropriateness of transfer to that specific institution (i.e. availability of appropriate programs/and the presence of incompatibles) generally occurred and was documented in the A4D. Including documentation of the case conference in the Assessment for Decision confirms that the sending and receiving institutions have assessed the appropriateness of the transfer.

The Unit Manager is responsible for the Quality Control of both the CPPR and A4D. A standard practice at the institution is to have a Unit Board review recommendations for transfers prior to the case being submitted to the Warden for decision. Unit Boards are chaired by the Unit Manager and are attended by the unit parole officers, correctional supervisors and other relevant members. Although OMS may have indicated that the Unit Manager reviewed the report, and therefore quality control was completed, hard copy files did not always contain the CPPR and A4D reports (80% plus met compliance).

## **Timeliness of Reports**

Timeframes to report completion and decision making are important in executing the offender's sentence. Policy outlines timeframe requirements for all transfer reports completions. The CCRA outlines the offender's right to make application at the time prescribed by the regulations for a review by the National Parole Board (NPB) for conditional release consideration. Delays in transfer can result in delays of the review for conditional release by the NPB and programming and prolonged incarceration at the wrong security level.

***Finding #2: Voluntary and involuntary transfer reports usually but not always meet timeframes.***

The thirty-day timeframe for completion of the A4D for recommendation of voluntary transfer was not always met (153 of 195 cases were compliant). A positive practice by all sites is the use of RADAR to monitor compliance on meeting the thirty-day timeframe for completion of the Assessment for Decision for voluntary transfers. The sixty-day timeframe for completion of final decision on voluntary transfers also was problematic in meeting full compliance (170 of the 195 cases were compliant). Inter-regional voluntary transfers had difficulty in meeting timeframes of sixty-day completions (33 of 42 cases were compliant). Voluntary transfers generally are in support of future reintegration to the community and or accessibility to the offender's home community. Delays in transfer can result in the offender's inability to participate in his/her Correctional Plan in a timely manner. Active participation and progress by the offender in meeting the objectives set out in the correctional plan are taken into consideration by the case management team when supporting/or not a request by the offender for conditional release.

The requirement to advise the offender in writing within two days of the reasons for involuntary transfer was respected in almost all cases (102 of 105 cases were compliant). Minor non-compliance was also found with the requirement to attach Assessment for Decision and Correctional Plan Progress Report to the notification for involuntary transfer in the hard copy file. It is imperative that the offender receives Notification of Involuntary Transfer with all required information as to why the involuntary transfer is being recommended. The offender must be given two days to provide a written rebuttal to the involuntary transfer.

## **Sharing of Information with Offender**

The offender shall be provided with all the information to be considered in making the transfer decision. This shall include confidential and preventive security information to the fullest extent possible when it impacts on an application for a voluntary transfer or is considered in an involuntary transfer recommendation. The principles of the duty to act fairly and of fundamental justice require the CSC to provide the offender an opportunity to respond in an informed manner to the information being considered in making the transfer decision.



***Finding #3: It was not evident that in all cases reviewed that offenders received all information pertaining to their transfer and were advised of their right to file a grievance.***

Hard copy file documentation pertaining to transfer recommendation and decision did not clearly indicate that a copy had been shared with the offender. In some cases transfer reports and final decisions were not always contained on the hard copy file. Verification of documentation to support whether or not reports were shared with the offender is required. Documentation was not always present to reflect that when an involuntary transfer was proposed the offender be advised in writing of his or her right to legal counsel.

Files reviewed did not, in some cases (eighty percent of the cases were compliant), indicate that the offender had been informed in writing of his/her right to file a grievance after a decision on transfer was rendered. All Institutions indicated that offenders receive the offender handbook, which informs them of their right to file a grievance. Institutions have commenced indicating the right to file a grievance on the final decision sheet, which is provided to the offender.

Transfer to a new institution can be daunting if the offender is not given information to assist in their adjustment to the new facility. All Institutions indicated that offenders received orientation upon arrival at the placement institution. This process assists the offender to orient himself or herself to the receiving Institution to assist in their adjustment.

The audit teams noted that the National Parole Board was always notified in writing in the event a transfer was completed two months prior to an offender's parole board hearing date. Full compliance in this area ensures that the offender's transfer will not jeopardize the offender's request for a review, at the time prescribed by the regulations, for conditional release consideration.

In conclusion minor non-compliance was found indicating that documentation on hard copy file was not always present or available to confirm that the offender received all information pertaining to the transfer and that his/her rights to submit grievance or contact a lawyer were respected in all cases reviewed.

### **Decision Making: Voluntary and Involuntary Transfers**

Decision-making is a critical and final step in the transfer process. It is essential that the decision-maker makes an informed decision and communicates in writing to the offender why the decision was made. The principles of the duty to act fairly and of fundamental justice require that an offender be provided with the opportunity to respond in an informed manner to the notice of transfer and must be strictly adhered to.

***Findings #4: The final decision by the Institutional Head does not always contain a rationale for the transfer decision.***

Final decisions must include the rationale that the decision-maker is using to support or not support the transfer. There were several final decisions that only indicated "concur with case

management team", and/or were limited with respect to the rationale for transfer. The offender needs to have a complete understanding of the reason for support or denial of the transfer.

The authority regarding the transfer decision and the issuance of a transfer warrant were completed correctly in all cases reviewed. Full compliance ensures that the responsible decision-maker was the one to make final decision and sign the warrant for transfer as per CCRA section 29 and Commissioner's Directive 540 section 5, Delegation of Authority.

Documentation to be considered by the decision-maker was available in all cases as required (i.e. CP, CPPR, A4D etc.). Informed decision-making could be made when all available information was presented to the decision-maker.

In conclusion, the major issue for decision-making is to ensure the offender receives a comprehensive rationale from the decision-maker so that he/she understands why the decision to approve or deny transfer was made.

### **Execution of Transfer Warrants**

The Correctional Investigators Annual Report of 2001-2002 also indicated specific areas of concern associated with:

- "The excessive periods of time offenders were spending in reception units prior to their initial placement";

During the sample period of July 1 to October 31 2002 there were 937 penitentiary placements across the country (not including direct placements in the Prairie Region). Transfer warrants were executed as follows:

Atlantic Region penitentiary placed and transferred a total of 82 inmates. The average amount of time for the transfer to take place was 15.5 days. An additional 51 inmates were placed directly from Springhill Reception to Springhill Institution with no waiting period.

Quebec Region penitentiary placed 253 inmates. The average amount of time for transfer to take place was 22 days. There is a noted exception. Transfers to Port-Cartier institution took an average of 58 days for three inmates. Drummond and La Macaza institutions had lengthy delays 30 and 28 days respectively, as both institutions are at capacity.

Ontario Region penitentiary placed 359 inmates. The average amount of time for a transfer to take place was 24 days. However Bath, Joyceville and Kingston Penitentiary had averages of 36, 26, and 18.5 days respectively. These institutions are usually at capacity. Warkworth Institution had the highest average of 77 days for 46 inmates transferred during the review period.

Prairie Region has a decentralized process of penitentiary placement. The majority of intake cases are penitentiary placed to the institution that completed the intake process. There were 83 inmates who were transferred to an institution other than the intake unit that completed their

intake process. The average amount of time for transfer to take place for these cases was 15 days.

Pacific Region penitentiary placed 109 inmates. The average amount of time for transfer to take place was 16 days.

All Regions and penitentiary placement institutions in the regions monitor closely the length of time it takes to complete the intake process and then transfer the offender to his/her placement institution.

***Finding #5: The lack of bed space at some institutions resulted in delays in executing transfer warrants for penitentiary placement, voluntary and involuntary transfers as well as inter and intra regional transfers.***

There is a backlog of inter-regional transfers. This issue impacts on transfers approved for the purpose of alleviating long-term segregation.

The regions have indicated that the two most significant reasons affecting timely inter-regional transfers are bed space availability (especially at maximum security institutions) and insufficient seats on the quarterly inter-regional flights.

Cross-country inter-regional flights take place quarterly in the fiscal year. Additional flights are scheduled as required on a smaller aircraft (usually 4-seat capability) to transfer offenders across regions in close proximity. Usually these smaller flights do not cross the country.

In conclusion, additional cross Canada flights appear to be required to execute timely inter regional transfers. All regions continue to address on a regular basis the lack of bedspace at specific facilities across the country. This will continue to be an ongoing issue given the volume of inmates in our institutions.

***Recommendations and Action Plans***

The audit teams conducted site and regional debriefings to discuss the audit findings. Site specific action plans have been submitted by all institutions and approved by the Regional Deputy Commissioners. Specific areas requiring improvements have been, or are in the process of being, addressed.

The following are the audit team's recommendations and the action plans submitted by National Headquarters:

**Recommendation #1**  
All transfer documentation/reports should be on the offender management system. It is recommended that the Notice of Involuntary Transfer be added to the forms on OMS.  
Action by: Assistant Commissioner, Correctional Operations and Programs

**Action Plan: Pending the renewed OMS, institutions were directed to enter this form in an OMS "Memo to File." Memo to that effect forwarded to RDCs dated June 23, 2003.**

### **Recommendation #2**

In order to strengthen the internal control system for transfer, establish a national framework, to monitor compliance with legal and policy requirements and address deficiencies on a systematic basis. Incorporation of compliance reviews and assessment reports is suggested.

Action by: Assistant Commissioner, Correctional Operations and Programs

**Action Plan: This recommendation was addressed by the Management Control Frameworks (MCFs) that were completed for use at the institutional level in August 2003, identifying improved performance. The Deputy Commissioners will reinforce the requirements of the internal control system to the institutional heads.**

### **Recommendation #3**

The document for decision making for all transfer decisions should include a statement indicating the offender's right to file a grievance.

Action by: Assistant Commissioner, Correctional Operations and Programs

**Action Plan: SOP 700-15, paragraph 54, requires that the decision-maker advise the offender in writing of their right to file a grievance. Those audited institutions that were not in compliance are now doing so. This was confirmed by a follow-up review. In addition, the ACCOP will incorporate this notification into the OMS transfer forms, within the next two(2) years.**

**In addition to the three (3) recommendations, it was noted that all institutions audited in each region had areas of non-compliance for voluntary and involuntary transfers. Each institution was requested to complete an action plan addressing all areas that were identified as not complying completely with law and policy requirements.**

**All audited institutions completed comprehensive action plans that were signed off by the Deputy Commissioner of the Region. Follow-up action plans were also completed in May 2003, indicating actions taken by the institutions to address non-compliant areas. Those follow-up action plans were also signed-off by each Deputy Commissioner in May.**

## Appendix A - Institutions Audited

### Atlantic Region:

Atlantic Institution	Maximum Security
Dorchester Institution	Medium Security
Westmorland Institution	Minimum Security
Nova Institution for Women	FSW Prison

### Quebec Region:

Donnacona Institution	Maximum Security
Archambault Institution	Medium Security
C.F.F Institution	Minimum Security
Joliette Institution	FSW Prison

### Ontario Region:

Kingston Penitentiary	Maximum Security
Joyceville Institution	Medium Security
Frontenac Institution	Minimum Security
Grande Valley Institution for Women	FSW Prison

### Prairie Region:

Saskatchewan Penitentiary - Max Unit	Maximum Security
Saskatchewan Penitentiary - Medium	Medium Security
Grande Cache Institution	Minimum Security
Edmonton Institution for Women	FSW Prison

### Pacific Region:

Kent Institution	Maximum Security
Matsqui Institution	Medium Security
Ferndale Institution	Minimum Security