



The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

Annual Report

OF THE CORRECTIONAL INVESTIGATOR

2004-2005



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Correctional Investigator's Introduction



It is my privilege to present the 2004-2005 annual report of the Office of the Correctional Investigator of Canada.

This past year has been a difficult year for all who work in Corrections with the death under tragic circumstances of Ms. Louise Pargeter, a Parole Officer who was killed in the line of duty in Yellowknife, on October 6, 2004. This tragic event is a stark reminder of the difficult and sometimes dangerous challenges faced by correctional authorities.

The Office of the Correctional Investigator

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

Again this year, the Correctional Service of Canada made significant progress in some key areas of concern. For example:

- the Service is preparing to launch Canada's first safe tattooing pilot project in six penitentiaries. This will be a significant step to further curtail the spread of infectious diseases and will clearly demonstrate a commitment by the Service to improve public health;
- the Service made some important gains in its level of compliance with "use of force" policy and procedural requirements;
- the Service has expanded the use of agreements with Aboriginal communities for the custody and supervision of Aboriginal offenders in the Prairie Region. Moreover, Aboriginal-specific programming provided by the Service appears to be increasingly well received by Aboriginal offenders;
- we noted measurable improvements in the timely processing at the institutional level of inmates' claims against the Crown; and,
- this year marks the closure of the last co-located unit, where women offenders were detained within otherwise male penitentiaries.

During this past year, I had an opportunity to visit many correctional institutions in diverse communities across Canada and to engage with many correctional stakeholders. In my travels, it became apparent to me that there are three pillars to ensuring that the federal correctional system meets its two statutory objectives of safe and humane custody and supervision of offenders, and assisting the rehabilitation of offenders and their return to the community as law-abiding citizens. The three pillars are:

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

This year's Annual Report is structured differently from previous years. It is divided in two parts, the first part dealing with the three pillars and the second with key areas of concern about the treatment of federal offenders.

I begin with the three pillars because it is important for everyone that the correctional system comply with the laws governing fair and effective treatment of inmates. Carrying out the law and making fair decisions are key to increasing safety in penitentiaries for both staff and inmates. Ultimately, by endorsing a human rights approach there is a greater likelihood that the correctional system will release law-abiding citizens into society.

The Three Pillars



Human Rights and Corrections

Respecting and preserving fundamental human rights and freedoms should form the backbone of any correctional endeavour. The regular duties and functions of all correctional staff – such as initiating use of force, searches, placements in segregation and transfers to higher security – significantly impede and intrude upon the rights of offenders. The Correctional Service of Canada has great authority over every single aspect of the lives of offenders. For this reason, the actions of the Correctional Service of Canada must comply with the rule of law and be consistent with human rights protections afforded by law.

Human rights are universal legal guarantees protecting individuals and groups against actions that interfere with fundamental human freedoms and dignity. Canada's human rights obligations flow from many international treaties, conventions and declarations¹, and domestic statutes² and constitutional texts.³ Jointly, they form the bedrock upon which the Correctional Service's operations are based. Through respecting the human rights of offenders, we as a society convey a strong message that everyone, regardless of their circumstance, race, social status, gender or religion, is to be treated with inherent respect and dignity.

Human Rights

Respecting and preserving fundamental human rights and freedoms should form the backbone of any correctional endeavour.

The human rights obligations of the Correctional Service of Canada can be summarized in four key principles:

1. the safety of correctional staff, offenders and society at large is to be paramount;
2. offenders are to retain the human rights and fundamental freedoms of all members of society, except those that are necessarily removed as a consequence of their sentence;
3. decisions affecting offenders are to be made in a fair and forthright manner consistent with legislation and policy; and,
4. correctional authorities should apply the “least restrictive measures” in exercising their responsibilities consistent with public safety.

¹ For example, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention against Torture*, and the *Standard Minimum Rules for the Treatment of Prisoners*.

² Among these are the *Corrections and Conditional Release Act* and the *Canadian Human Rights Act*.

³ An example is the *Canadian Charter of Rights and Freedoms*.

Failure to comply with any of these four principles jeopardizes public safety because it hinders rehabilitation of offenders. For example, offenders may attend very highly regarded and appropriate rehabilitation programs aimed at reducing the risk of re-offending. However, if they live within an environment inconsistent with fair and humane custody, gains made in treatment may erode or dissipate completely. An environment respectful of human rights is conducive to positive change, whereas an environment of abuse and disrespect has the opposite effect.

Canada's domestic and international human rights framework was designed to ensure that the correctional system:

1. promotes and monitors respect for human rights;
2. prevents human rights violations; and,
3. detects and remedies human rights violations.

When applied effectively, this framework can help prevent human rights breakdowns, detect violations when they occur and rectify the situation to ensure that they do not happen again. Compliance can only be achieved if correctional staff and senior management have a clear, common understanding of human rights rules.

Accountability of Front-line Staff and Senior Management

Accountability is fundamental to our democratic system of government. Accountability and transparency in decision-making are fundamental features of a compliant and effective correctional system.

The Correctional Service of Canada must possess the means, strategies and methods for evaluating its performance, and be able to demonstrate to Parliament and Canadians the efficacy and fairness of its decisions. The corporate governance structure must be responsive and be capable of preventing, detecting and rectifying violations of law and policy in a timely fashion.

Accountability in Corrections also means being responsive to the areas of concerns raised by offenders. Mandated agencies, including the Service and this Office, must respond to the concerns of offenders in an objective, timely and corrective fashion.

It is well understood that accountability and governance of a decentralized organization of the size of the Correctional Service of Canada pose management challenges. Nevertheless, strong, central leadership is required to ensure that front-line staff, managers and senior managers understand their respective responsibilities and remain fully accountable. Unions must also accept and promote the dual roles – security and assistance – of the correctional mandate.

Accountability

Accountability and transparency in decision-making are fundamental features of a compliant and effective correctional system.

With the enactment of the *Department of Public Safety and Emergency Preparedness Act*, this past year, the Minister of Public Safety and Emergency Preparedness has a clear role and responsibility to establish strategic priorities for her Portfolio agencies, which include the Correctional Service of Canada. The Minister has the authority to initiate, recommend, coordinate, implement or promote policies, programs or projects relating to public safety.

This Office was encouraged by the Ministerial response to the recommendations from last year's Annual Report and fully supports her role and commitment in ensuring the accountability of the federal correctional system to Canadians and Parliament.

Reintegration of Offenders

The Correctional Service of Canada's enabling statute, the *Corrections and Conditional Release Act*, builds upon the belief that successful rehabilitation and safe reintegration of offenders depends upon providing humane treatment and the least restrictive forms of custody and control, consistent with public safety. The Act mandates that reasonable steps be taken to ensure that the living and working conditions of offenders are healthful and free of practices that undermine personal dignity.

All of our international and domestic human rights instruments affirm that persons deprived of their liberty have the right to be treated with fairness and have the right not to be subjected to cruel, inhumane or degrading treatment or punishment. The best argument for observing human rights standards is not merely that they are required by international or domestic law, but that they actually work better than any known alternative – for offenders, for correctional staff and for society at large. Compliance with human rights obligations improves, though does not guarantee, the likelihood of releasing a more responsible citizen in a timely fashion.

Humane treatment

Successful rehabilitation and safe reintegration of offenders depends upon providing humane treatment and the least restrictive forms of custody and control, consistent with public safety.

Successful, safe and timely reintegration is more likely to occur when rehabilitation programs, based on solid evidence, are provided early and throughout the sentence. These programs might target such problems as anger management and anti-social attitudes. Other programs, such as employment skills and education, must also be made available to offenders to better equip them for their eventual return to the community.

It is equally important to provide psychological and psychiatric services to offenders who have been identified as suffering from mental health problems such as schizophrenia and depression. Neglecting these areas of concern will jeopardize public safety and further cast doubts upon the ability of correctional and conditional release authorities to fulfill their mandates.

While some progress has been achieved during this past year, the Correctional Service of Canada continues to have significant and persistent challenges in the three pillars outlined above. The Office of the Correctional Investigator remains concerned about unresolved human rights issues, accountability gaps and failures to maximize offenders' chances of safe reintegration into the community.

We continue to encounter instances in which the legal and policy framework governing federal Corrections is not consistently applied, resulting in unnecessary restrictions on offenders' rights. Accountability monitoring systems remain weak in several areas.

Too often we are confronted with situations where the Service is defensive about accepting responsibility for human rights compliance breakdowns and is unresponsive about rectifying the situation promptly. There are recurring management accountability problems – commitments are made and not followed through; action plans are developed and not implemented; and recommendations of this Office are repeatedly rejected, while underlying systemic issues remain unresolved.

There are a number of issues from previous years which remain under active review by the Service. The level of institutional violence and inmate injuries have for a number of years been an area of concern for both this Office and the Service. Last year, more than a thousand offenders required medical attention as a result of assaults, fights or self-inflicted injuries. A further thousand offenders suffered "accidental injuries." There were as well some 800 reportable use of force incidents in federal institutions last year with approximately 20 per cent involving the use of chemical agents. These numbers are to say the least disconcerting.

The Service's investigative process continues to be non-compliant with policy requirements related to analyzing and reviewing investigations into incidents of offender death or serious bodily injury. This remains a significant area of concern and will be vigorously pursued with the Service.

Key Challenges

The Office of the Correctional Investigator remains concerned about unresolved human rights issues, accountability gaps and failures to maximize offenders' chances of safe reintegration into the community.

On a positive note, the Service has taken initial steps to collect information on a quarterly basis on inmate injuries and use of force incidents in an attempt to identify causes and areas where corrective action can be taken. Moreover, the Service has established an effective review and training process. This has resulted in both a reduction in the use of force incidents and a higher level of compliance with existing policy and procedural requirements.

This Office's mandate as an ombudsman for federal Corrections is to investigate and attempt to resolve individual offender complaints. As well, it is responsible for reviewing and making recommendations on correctional policies and procedures dealing with individual complaints. This is to ensure that systemic areas of concern are identified and appropriately addressed. This responsibility cannot be met unless the Correctional Service is consistently responsive in a thorough, objective and timely manner. I look forward to working with the Commissioner during the next year to ensure that our collective responsibilities in addressing these areas of concern are met.

Review of Key Areas of Concern



In this section, I will highlight key areas of concern and make recommendations to improve the Service's overall performance on issues related to human rights, accountability and safe reintegration. There are other areas which remain ongoing concerns for this Office and which are not featured in this Report, such as investigations involving major injuries or death, inmate finances and tailored programming and services for younger and older offenders. I will endeavour to continue working with the Service to achieve progress on these ongoing matters.

Mental Health Services

Over the years, this Office has been concerned with the increasing needs of one of the most vulnerable groups of offenders – those suffering from mental illnesses. In our last Annual Report, we included a special section highlighting our concerns. By and large, the section reflected our support for the mental health strategy recently developed by the Correctional Service of Canada and endorsed by its Executive Committee in July 2004. The Correctional Service's strategy acknowledges that the proportion of federal offenders with significant, identified mental health needs has more than doubled over the past decade. The strategy was released at approximately the same time as the study on health care needs of federal inmates was published in the April 2004 issue of *Canadian Journal of Public Health* (see www.cpha.ca).

This study indicated that inmates have consistently poorer physical and mental health as compared to the general population, regardless of the indicator chosen. That includes such socio-economic measures as level of education and unemployment; health behaviour, such as smoking and substance abuse; chronic conditions, including diabetes and heart conditions; infectious diseases, such as HIV and tuberculosis; mental health disorders, including schizophrenia and mood disorders; and mortality, such as homicide and suicide.

Unfortunately, mental health services offered by the Correctional Service to these offenders have not kept up with the dramatic increase in numbers. The level of mental health services available is now seriously deficient. This has been further highlighted by a recent review on mental health, mental illness and addiction conducted by the Senate Standing Committee on Social Affairs, Science and Technology, chaired by the Honourable Michael J.L. Kirby. In the Committee's interim report⁴, the Committee concurred with the Correctional Service's conclusions that:

- the Service must have a greater capacity to respond to the needs of offenders to gain access to mental health services and addiction treatment;
- the Service's five treatment centres are not resourced at levels comparable to provincial forensic facilities;

⁴ The report is entitled *Mental Health, Mental Illness and Addiction: Overview of Policies and Programs in Canada* (November 2004). It can be found at www.parl.gc.ca.

- psychologists are primarily engaged in risk assessment for conditional release decision-making as opposed to treatment and rehabilitation; and,
- there is no specific training for front-line correctional staff on mental illness and addiction.

The need for enhancements to community support for offenders on release was also identified as a priority to provide services throughout the course of the sentence and beyond.

Mental Health

The proportion of federal offenders with significant, identified mental health needs has more than doubled over the past decade.

The Service's strategy promotes the adoption of a continuum of care from initial intake through to the safe release of offenders into the community. The strategy indicates that significant investments are required in four major areas:

- comprehensive clinical intake assessment;
- specific requirements for enhancing the Service's current Treatment Centres;
- intermediate mental health care units within existing institutions to provide on-going treatment and assessment during the period of incarceration; and,
- community mental health services to support offenders on conditional release.

The Office was pleased that this past year the Executive Committee of the Correctional Service of Canada fully endorsed the above four-point strategy, and that funding was secured for many aspects of the community component of the strategy. Unfortunately, the Service has not secured or identified funding for the other three key components of its strategy.

The Service has developed an action plan filled with desirable commitments and timelines, but we anticipate little or no progress as the Service has admitted that it does not have a matching funding plan to implement the front end of its strategy. We are encouraged that the Service is examining its governance structure in the area of health and mental health care delivery to improve accountability of both regional and national headquarters. To date, the Service has not injected additional funds to support the implementation of the new structure.

Again, we welcome the news of new investments in community mental health. Mentally disordered offenders will be better served as they prepare for release and during their release into the community. However, strengthening the back end of the Service's mental health system provides only a partial solution. Properly assessing the offender population at intake and ensuring that their mental health needs are adequately addressed throughout their sentence is what should be done. This would enhance public safety by maximizing safe reintegration into the community. And it would fully capitalize on the community mental health component of the Service's strategy.

Recommendation #1:

- (a) I recommend that the Service secure and commit adequate funding for the timely implementation of its entire mental health strategy.**
- (b) I recommend that the Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.**

Women Offenders

Last year our Annual Report once again documented the failure of the Correctional Service of Canada to implement key recommendations of Madame Justice Arbour's 1996 *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*. Over the years the Correctional Service repeatedly claimed that it took "decisive action on all [of Justice Arbour's] 87 recommendations/sub-recommendations, with few exceptions". But subsequent significant inquiries, commissions and reports⁵ for the most part have repeated many of Justice Arbour's key 1996 recommendations.

The Canadian Human Rights Commission (<http://www.chrc-ccdp.gc.ca>) concluded again in a Special Report in 2003 that the Service had made some progress, but discriminatory practices were present in many significant areas. These included security classification, risk and needs assessments, responsive core programming, mental health services and reintegration policies for women offenders in general – more acutely for women with disabilities and Aboriginal women.

The opening of new regional facilities has not resulted in the evolution of human rights and effective correctional policies and practices anticipated in 1996. The Service continues to use classification tools and procedures that have been identified as discriminating against, and over-classifying, women offenders. This is contrary to the *Canadian Human Rights Act* and the *Corrections and Conditional Release Act*.

⁵ The Service's Working Group on Human Rights, 1997; the House of Commons Standing Committee on Justice and Human Rights, 2000; the Cross-Gender Monitoring Project, 2000; the Auditor General, 2003; the Standing Committee on Public Accounts, 2003; and, the Canadian Human Rights Commission, 2003.

A security classification process appropriate to women offenders has yet to be finalized. Yet it was initially identified as problematic by the Task Force on Federally Sentenced Women in 1990 and further commented on by Justice Arbour in 1996.

Women offenders

Systemic barriers and limited opportunities persist for Aboriginal women offenders to reintegrate in a timely fashion into their home communities.

The Service is failing in its obligation to promptly implement less restrictive alternatives to long-term segregation cases. It has not implemented independent adjudication of administrative segregation decisions to ensure legal compliance and fairness as recommended by Justice Arbour and the 2003 report from the Canadian Human Rights Commission (CHRC).

There remain significant barriers to the safe reintegration of women offenders, such as the overall lack of access to programming specifically designed to meet the needs of women. As well, there is not enough meaningful employment and employability programming, and inadequate accommodation and support for women offenders upon their release into the community.

Access to programs in secure units remains problematic. Only one true minimum-security institution exists and it is under-utilized. Systemic barriers and limited opportunities persist for Aboriginal women offenders to reintegrate in a timely fashion into their home communities as evidenced by the disproportionate number of Aboriginal offenders on statutory release.

Appropriate and timely resolutions of harassment grievances have yet to become a reality. Limited training in women-centred approaches for front-line staff has further hindered progress despite previous commitments.

Finally, the Service's governance structure remains inconsistent with that recommended by Justice Arbour to ensure the development of an effective "separate stream" for women's Corrections.

The Service's response to the CHRC report was released in February 2005. While providing a detailed bureaucratic action plan to the Commission's report, it has skirted in large part the substance and intent of the recommendations. This Office's comments on the Service's action plans forwarded to the Deputy Commissioner for Women in March of 2005 can be found on our website (www.oci-bec.gc.ca).

The Minister indicated in response to the recommendations of my previous Annual Report that she was advised by the Commissioner that the Service is preparing a 10-year public status report on women's Corrections, which will provide a detailed response to all of the recommendations in the Arbour Report as well as other relevant reports.

Recommendation #2:

I recommend that in May of 2006 the Minister appoint an Expert Committee to publicly report on the progress detailed in the Service's response on the advancement of human rights, fairness and equity issues since Madame Justice Arbour's report of 1996 – the Committee's report to be provided to the Minister by October 2006.

Aboriginal Offenders

The treatment of Aboriginal offenders has been a grave concern for this Office for a very long time. In fact, in the very first Annual Report 1973-74 of this Office, the then Correctional Investigator, Inger Hansen, reported instances of systemic discrimination against federally-sentenced Native offenders. Over the past decade, our Annual Reports have made specific recommendations focused on addressing the systemic and discriminatory barriers that prevent Aboriginal offenders from full benefit of their statutory and constitutional rights and that significantly limit their timely and safe reintegration into the community.

Despite some positive steps, it is our view that the overall situation of Aboriginal offenders has not measurably improved in recent years. Aboriginals account for a disproportionately high share of the prison population. They represent a staggering 18 per cent of the federal prison population although they amount to just 3 per cent of the general Canadian population.

Aboriginal offenders

Despite some positive steps, it is our view that the overall situation of Aboriginal offenders has not measurably improved in recent years.

The Service does not have control over admissions into its penitentiaries. But it has a statutory and constitutional obligation to do what it possibly can to attend to the rights and unique cultural needs of Aboriginal offenders and to effectively assist Aboriginal offenders to reintegrate into the community.

The Service has many mechanisms at its disposal to improve the situation and circumstances of Aboriginal offenders. The *Corrections and Conditional Release Act* provides a powerful and effective framework to mitigate against systemic discrimination during federal custody and community reintegration. The Service also continues to benefit from many years of government-wide commitments and financial investments to improve the overall situation of Aboriginal People in Canada. These commitments and investments have translated into some successful programming initiatives, but the overall impact has been sadly limited.

The Service's own statistics confirm our belief that the situation of Aboriginal offenders is not improving in many areas that the Service can positively influence. Aboriginal offenders are released much later in their sentence than non-Aboriginals, and tend to waive their rights to parole hearings at a much higher frequency than non-Aboriginal offenders.

Compared to non-Aboriginals, Aboriginal offenders do not benefit equally from earlier forms of discretionary conditional releases, such as temporary absences, work releases and parole. Compared to non-Aboriginals, a disproportionate number of Aboriginal offenders continue to exit federal penitentiaries on statutory releases. In this regard, the situation for Aboriginal offenders has deteriorated in the last five years as more and more are now released at their statutory release date.

Aboriginal offenders are also more likely to have their conditional release revoked than non-Aboriginals – the higher rate of revocation without new offences is especially worrisome. Aboriginals are under-represented in minimum security institutions and measurably more likely to be identified as having a low reintegration potential and being high-needs offenders. They are also significantly over-represented in administrative and disciplinary segregation.

The Service may claim that these developments are the direct result of the changing offender profile. However, an equally valid conclusion is that this state of affairs flows from the continued use of culturally-insensitive decision-making and a lack of national focus.

The Service has invested a great deal of effort and resources to address Aboriginal issues. However, these efforts and resources have not resulted in the kind of significant progress needed to improve the overall situation of Aboriginal offenders.

After years of changes in leadership within the Service, task force reports, studies, national strategies, partnership agreements and action plans, the efforts and resources remain in large part unfocused, fragmented and ineffective. The Service has failed to establish a representative workforce at all levels of the organization and it has provided limited career opportunities for Aboriginal staff. This has hindered progress in attracting and retaining Aboriginal employees.

The Service recently issued a further updated draft strategic document, entitled *Strategic Plan for Aboriginal Corrections (2005/06-2009/10)*, aimed at improving its performance on the management of Aboriginal issues. This latest draft document is superior in overall quality and focus to previous incarnations. However, the organization has failed to appoint a specific Deputy Commissioner responsible for Aboriginal issues to ensure the implementation of the strategic plan. For that reason, we are not optimistic that this plan will succeed in improving human rights compliance and timely, safe reintegration of Aboriginal offenders.

This plan could yield some much-needed progress if there is a significant change in the Service's governance and leadership structure, paired with a commitment to independent review of policies and evaluation of actuarial tools. Moreover, this is an area where we believe that strong Ministerial leadership and accountability, consistent with the overall government direction in the area of Aboriginal justice policies, is required to move this challenging agenda forward.

Recommendation #3:

- (a) **I recommend that the Service modify its governance structure and immediately appoint a Deputy Commissioner for Aboriginal Offenders with the authority to implement the Service's Strategic Plan for Aboriginal Corrections.**
- (b) **I recommend that the Service publicly release quarterly reports on the implementation of its Strategic Plan for Aboriginal Corrections, along with the quarterly performance reports on Aboriginal issues currently being developed by the Service.**

Inmate Grievances, Allegations of Harassment and Staff Misconduct

The *Corrections and Conditional Release Act* requires the Service to establish "a procedure for fairly and expeditiously resolving offenders' grievances". And it states that offenders must "have complete access to the offender grievance procedure without negative consequences."

With more than three decades of experience trying to create an effective system, it would be reasonable to expect that the Service would have already met these mandatory requirements. One could also expect that the Service would be highly skilled at relying on grievance statistics and other initiatives, such as alternative dispute resolution programs, to reasonably and fairly address offender complaints at the institutional level.

Unfortunately, over the years the Service has had a dismal overall performance in these areas. Its grievance policy is overly bureaucratic resulting in continuing unacceptable delays in response to offender grievances. The system has been ineffective in dealing with the chronic backlog of cases. There is a lack of commitment by senior management to the grievance process and as a result, the process is dysfunctional in terms of "expeditiously resolving offender grievances," most notably at the national level. This situation continues to have an impact on the operations of this Office as increasingly more offenders now turn to us to resolve their concerns.

Inmate grievance process

The process is dysfunctional in terms of "expeditiously resolving offender grievances," most notably at the national level.

Grievance data collection has improved in recent years, but there is little evidence that senior management uses the information to implement strategies to prevent future complaints or systematically address areas of concern. This is, in our view, one of the best long-term solutions to ensure a consistent application of policies and procedures related to areas of complaint. We are also aware that many Service policy sectors at the national level are unaware of the nature of the complaints and grievances that are resolved at the institutional or regional levels within their areas of responsibility.

The Service appears to be tentatively pursuing promising alternative dispute resolution initiatives, such as appointments of institutional mediators or the introduction of increased outside review of offender complaints. Such initiatives have the potential of alleviating the organization's grievance-related workload issues while diminishing tensions and reasonably addressing disputes in penitentiaries. However, these initiatives appear to be without senior management commitment. The Service's lack of long-term vision in this area is regrettable.

The Service introduced a new procedure two years ago to reasonably address harassment grievances. This was seven years after Justice Arbour recommended the immediate development and introduction of a responsive policy. The issues pertaining to harassment grievances have been repeatedly raised as a key priority in our past Annual Reports and the most recent 2003 report from the Canadian Human Rights Commission.

More than two years after introducing this new procedure, the Service released in March 2005 a report entitled *Assessment of Monitoring Systems for Offender Harassment Grievances*. The report candidly admitted that "...there remain significant gaps in compliance with policy and procedures. Key is a lack of understanding of what constitutes harassment. This translates into non-compliance with the harassment grievance management process." The report makes several positive recommendations, but a reasonable and committed action plan has yet to be developed and endorsed by the Service's senior management. It is as well noted that the Service does not have accurate statistics on the total numbers of harassment grievances, outcomes or resolution rates.

While the Service would appear to have finally developed a reasonable harassment policy, we remain extremely concerned that so little progress has been made in ensuring compliance with the policy provisions in such a key priority area, given the recommendations of Justice Arbour almost a decade ago.

Recommendation #4:

- (a) I recommend that the Service take immediate steps to overhaul its operations and policies in the area of inmate grievances to ensure fair and expeditious resolution of offenders' complaints and grievances. The review should include a specific focus on addressing harassment and staff misconduct grievances.**
- (b) I recommend that an external consultant be retained to assist the Service's review of its operations and policy to ensure fair and expeditious resolution of offenders' complaints and grievances, and to improve its use of evidence-based strategies to ensure consistency in addressing areas of offender concern.**

Case Preparation and Access to Programs

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

The timely provision of inmate programming continues to be a problem. There is overcrowding at the medium and maximum security levels while there are significant vacancies at the minimum security levels. Last year, on average minimum security institutions operated at 35 per cent below capacity. Delays in the preparation of cases for conditional release consideration remain unreasonably high. Work release and unescorted temporary absence programming, particularly at the medium security level, continue to decline. It is important to note that again Aboriginal offenders are particularly negatively affected by these practices.

The Office's previous recommendations in an attempt to begin addressing this issue have called for a review in the following areas:

- current program capacity, the extent of waiting lists and the introduction of measures required to address deficiencies;
- the specific reasons for the high number of waivers, postponements and adjournments of National Parole Board hearings;
- the causes for the dramatic decline in unescorted temporary absence and work release programming; and,
- the factors having an impact on the continuing disadvantaged position of Aboriginal offenders in terms of timely conditional release.

In an attempt to address some of our recommendations, a joint working group involving the Correctional Service of Canada, the National Parole Board and the Office of the Correctional Investigator was established and in December 2004 issued a document entitled *Report on Factors Causing Delays in National Parole Board Reviews*. The report of this Joint Review provided concrete recommendations to facilitate timely Parole Board reviews. It also recommended ensuring that offenders appearing before the Board have received the assistance and programs they need for their eventual safe community reintegration. The issues raised in this report continue to be a significant concern for all of the organizations involved.

Recommendation #5:

I recommend that the Service immediately develop a responsive action plan to implement the recommendations of the Correctional Service of Canada/National Parole Board/Office of the Correctional Investigator Joint Review Report on Factors Causing Delays in NPB Reviews in collaboration with the Parole Board and the Office. The action plan should include a strong audit and evaluation component.

Population Management

After years of calls for fundamental reforms, the Service continues to place offenders in administrative segregation and other more restrictive environments as its main tool for resolving disputes and tensions in penitentiaries. Over the last fiscal year, the Service made yet again a staggering 7,200 placements in administrative segregation. On any given day, there were, on average, approximately 800 offenders in segregation during this past year. This number is excessively high when one considers that a few years ago the Service introduced a number of other restrictive environments, such as transitional units, to assist in reducing the segregated offender population. In these instances, offenders have limited access to programs and services and limited ability to associate with other inmates.

Segregation

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

In recent years, this Office has witnessed a “widening of the net” of restrictive correctional environments. Long-term administrative segregation persists – on any given day during this past year, over 40 per cent of segregated offenders spent over 60 days in administrative segregation. At the same time, the Service has dramatically expanded the number of placements in other restrictive environments, without providing adequate procedural safeguards and access to programs and services. For example, it has opened several “transitional units”, which allow somewhat more interactions between offenders and limited access to programs compared to segregation units. Unfortunately, the Service does not keep any statistics on the number of offenders housed in these “transitional units” or on their average length of stay.

In her 1996 report, Madame Justice Arbour concluded that “the management of administrative segregation that I have observed is inconsistent with the Charter culture which permeates other branches of the administration of the criminal justice.” She went on to say: “I see no alternative to the current overuse of prolonged segregation but to recommend that it be placed under the

control and supervision of the courts. Failing a willingness to put segregation under judicial supervision, I would recommend that segregation decisions made at an institutional level be subject to confirmation within five days by an independent adjudicator.” In response to these findings and recommendations, the Service appointed a Task Force to assess whether the situation in men’s penitentiaries was similar to the one observed by Justice Arbour at the Prison for Women.

The Task Force on Administrative Segregation concluded in its final report in March 1997 that there was “...sufficient evidence of a casual attitude towards the demands of the law by CSC staff members and managers to justify Madame Justice Arbour’s assertion that CSC has a culture that does not respect the ‘Rule of Law.’” The Task Force went on to recommend rigorous enhancements to the administrative segregation process and experimenting with models of independent adjudication as proposed by Justice Arbour.

The Task Force also recommended the introduction of “transitional units” as temporary measures to bridge segregated offenders into the general inmate population. Unfortunately, many offenders now serve a significant part of their penitentiary sentence in these “transitional units” without benefiting from a pro-active reintegration strategy and formal regular reviews as legally afforded to offenders in administrative segregation. Contrary to their initial objective, “transitional units” are rapidly becoming permanent living quarters for many offenders.

The Service never assessed the model of independent adjudication as recommended by the Arbour Report, but instead piloted and evaluated an alternative model. The evaluation of this model conducted by the Service instead assessed the benefit of adding an external community member to existing Segregation Review Boards. The evaluation was also deficient as few cases were reviewed and the duration of the pilot project was insufficient to adequately assess the benefit of the expanded external membership of these review boards. Nonetheless, the evaluation did in fact conclude that procedural fairness was improved. The fact that the outcome of the decision was unaffected is not in our view relevant – fairness is a key principle of administrative law and a failure to provide due process is subject to judicial review.

In the end, the Service rejected independent adjudication and continues to this day to argue that an enhanced internal segregation review process can achieve fairness and compliance with the rule of law. Recent changes proposed by the Service, such as reviews by Regional Review Boards at the 120-day mark instead of 60-day mark, also fail to demonstrate a strong commitment to fairness and the timely implementation of less restrictive alternatives. Since the Arbour Report of 1996, several other internal and external reports⁶ have all observed similar fairness and non-compliance issues as highlighted in the Arbour Report. They have also made similar recommendations for the independent adjudication of segregation cases.

⁶ Among these are the CSC Working Group on Human Rights, chaired by Maxwell Yalden in 1997; the House of Commons Standing Committee on Justice and Human Rights in 2000; the Cross-Gender Monitoring Report in 2000; *Justice Behind the Wall*, by Michael Jackson in 2002; and, the Canadian Human Rights Commission in 2003.

In 2004, the Department of Public Safety and Emergency Preparedness Canada undertook its own evaluation and found that the Service's repeated attempts to achieve compliance with the rule of law and fair decision-making through operational enhancements to administrative segregation processes did not yield sufficient, sustained or desired results. The Department recommended to the Service's Executive Committee that it implement and test models of independent adjudication, but again this recommendation was rejected by the organization.

The Task Force on Administrative Segregation contained a set of key recommendations that were never addressed by the Service. These 1997 recommendations are even more relevant today after the Service has expanded its reliance on more restrictive population management. The Task Force observed that the *Corrections and Conditional Release Act* only refers to two types of incarceration: those inmates in the general inmate population and segregated inmates. The law stipulates precisely the rights and entitlements of each of those two populations, and describes rigorous procedural fairness for placements in administrative segregation. For example, this includes notices, reviews, hearings, regular visits by heads of institutions and health care.

Over the years, the Service introduced a multitude of different offender sub-populations that fall in-between those two defined populations. Unfortunately, the law is silent on the rights and entitlements of these offenders, and what degree of procedural fairness is required for each sub-population.

The Task Force recommended that this legislative omission be addressed to provide a statutory framework for the Service to create and manage sub-populations in accordance with due process. It was further recommended that, pending enactment of this legislation, the segregation review process under the Act should be used for any offender confined in any situation that is not considered to be within the general inmate population. This would allow inmates separated against their will from the general prison population to seek a decision with respect to:

- the grounds of their *involuntary* presence in any condition of separation from the general inmate population, including segregation;
- the measures which should be taken to permit release as soon as possible; and,
- the rights, privileges and conditions of confinement which they should be given.

The Service did not follow up on these important Task Force recommendations. It still has no clear national policy on the rights and entitlements of offenders incarcerated in various forms of restrictive settings, and what degree of procedural fairness is required for each of these offender sub-populations.

Recommendation #6:

(a) I recommend that the Service immediately adopt the independent adjudication model for administrative segregation proposed by the Department of Public Safety and Emergency Preparedness Canada.

(b) I further recommend that the Service conduct a comprehensive review on the rights, entitlements, access to programs, level of association and applicable procedural safeguards for all of its sub-populations that are not considered to be the general inmate population or administrative segregation. The review should be completed by March 31, 2006, and specific recommendations should be made to ensure legal compliance with due process/fairness requirements and the application of less restrictive alternatives.

Security Classification of Offenders

Offender Security Classification

Good decisions about security classification of offenders are essential to ensure public safety and safe reintegration of offenders. Those decisions are at the core of the Service's accountability to the public. Assigning a security classification that is too low may jeopardize public safety. On the other hand, over-classifying offenders hinders safe reintegration; violates the law which requires that the offender population be managed using the "least restrictive measures consistent with the protection of the public"; and unnecessarily diverts resources away from more productive rehabilitative programs and services.

Over the years, this Office and others have become increasingly concerned about over-classification of offenders and the discriminatory use of the Service's actuarial risk assessment tools. Actuarial risk assessment tools are psychological scales that measure risk such as recidivism, institutional adjustment or escape.

In May 2003, the Auditor General of Canada raised questions about the Service's initial classification scale for women offenders, including its validity and reliability. This followed concerns expressed in 1996 by Justice Arbour. The December 2003 report of the Canadian Human Rights Commission concluded that the tools used by the Service for intake risk and needs assessment, initial security classification and reviews of classification were "...blunt instruments that tend to lead to unjustifiable differential treatment". It added that: "In absence of adequate testing and modification, these instruments should not be used on women or Aboriginal offenders."

In July 2004, Professor Cheryl Webster, University of Ottawa, and Professor Tony Doob, University of Toronto, published an article in the Canadian Journal of Criminology and Criminal Justice in which they reviewed the Service's data used to validate its initial security classification scale. After a careful examination, they concluded "...the scale is remarkably wanting in terms of both its predictive validity and the equity of its outcomes with respect to women generally, and Aboriginal women in particular". They also stated that "many women offenders are presently being assigned to more restrictive custody levels without any empirical justification".

In December 2004, the Corrections Research Branch of the Department of Public Safety and Emergency Preparedness conducted its own review of the Service's data. The internal report confirmed the findings of Webster and Doob. Its authors concluded that "although there is some evidence for its application with men, this evidence is not overly convincing. With female offenders the evidence is much less convincing and opens the potential for systemic bias. In our opinion, continued research on the scale with women is likely to produce only minor improvements that may be insufficient to justify the use of the Custody Rating Scale for such a serious task as security placement."

The Service developed an action plan in response to the findings on the discriminatory nature of its actuarial tools and their questionable validity. Unfortunately, the action plan only partly responds to the many concerns raised. The Service has not relied on a women-centred perspective or theoretical framework in the re-development of its existing tools, and has not drawn on recognized, specialized experts on women-centred analyses.

The Canadian Human Rights Commission recommended that the Service introduce a new unbiased initial security classification scale by December 2004, but the Service only expects to fully implement the new tool by fiscal year 2009/10. This means that the Service will address this critical recommendation more than six years after the Canadian Human Rights Commission found that women and Aboriginal offenders were subject to systemic discrimination. This is clearly not a timely response to such an important issue.

Recommendation #7:

I recommend that the Service, with the assistance of outside experts in women-centred and Aboriginal approaches, implement a responsive immediate, medium- and long-term strategy to ensure that the observed systemic discrimination of women and Aboriginal offenders in terms of security classification and timely conditional release cease.

Classification of Offenders Serving Life Sentences

In response to public pressures, the Service issued Policy Bulletin No. 107 on February 23, 2001. It requires that federally sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration.

The negative impact of this policy was immediate. The Service's own Research Report R-160 states that "before the policy change, roughly four-out-of-five admissions serving minimum-life sentences for murder were being initially OSL (Offender Security Level) placed in medium-security". The report indicates that the new policy had the following effect: "With few exceptions, all minimum-life sentenced admissions for first- or second-degree murder are being classified as maximum-security for at least the first two years of their federal incarceration." This sudden unnecessary, detrimental, expensive and illegal over-classification of these offenders has also had a disproportionately negative impact on Aboriginal offenders.

In our Annual Report 2001/02, we stated that the Service's policy was contrary to law, unreasonable and improperly discriminatory to offender groups such as women, the elderly and youth. We recommended that the policy be immediately rescinded.

In our Annual Report 2002/03, we again stated that the policy was contrary to law and counterproductive. To ensure the placement in maximum-security institutions, the policy arbitrarily applies a high point value to the Custody Rating Scale evaluation of incoming offenders serving life sentences. We further indicated that this is contrary to the *Corrections and Conditional Release Act*, which requires that each offender be placed at a level of security according to a wide range of criteria.

In our latest Annual Report 2003/04, we yet again said that the policy is contrary to the Act and has exacerbated problems of overcrowding and conflict within penitentiaries. This Office encountered numerous examples where inmates who were clearly unsuitable for maximum security placement have either been refused relief or have encountered excessive delays in achieving reasonable reconsideration of their placement. Our latest Report again concluded that the policy remains contrary to law. It continues to produce the population management problems that arise from unnecessary placement of some inmates in higher security settings than their circumstances require.

In its special 2003 report, the Canadian Human Rights Commission concluded that "adding a retributive element to the carrying out of the sentence is not rationally related to the legitimate purpose of assessing risk. It is in fact contrary to the intent of both the Corrections and Conditional Release Act and the Canadian Human Rights Act." The Commission recommended that the Service immediately revoke its two-year policy. Numerous other stakeholders, including the Canadian Association of Elizabeth Fry Societies, the St. Leonard's Society of Canada, the Canadian Bar Association and the Church Council on Justice and Corrections have expressed concern about this policy.

Recommendation #8:

For a fourth consecutive year, I recommend that the Service immediately repeal its illegal policy which requires that federally-sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration. Failing a positive response from the Service, I continue to look to the Minister's leadership to ensure that this illegal policy is rescinded as soon as possible.

Ministerial Response to the Correctional Investigator's Annual Report 2003-04

Last year, my Annual Report included four recommendations that were directed to the Minister of Public Safety and Emergency Preparedness. The following four recommendations represented issues of long-standing concern with significant implications to the offender population. I recommended that:

1. the Minister appoint a Deputy Commissioner Aboriginals specifically responsible for Aboriginal programming and liaison with Aboriginal communities, as a permanent voting member of all existing Senior Management Committees, to ensure an Aboriginal perspective and presence in Service decision-making; and, that the Minister initiate an external evaluation of the Service's policies, procedures and evaluation tools to ensure that existing discriminatory barriers to the timely reintegration of Aboriginal offenders are identified and addressed. This review should be undertaken independent of the Service, with the full support and involvement of Aboriginal organizations, and report by March 31, 2005;
2. the Minister mandate the early publication of a "final response plan" on Madame Justice Arbour's recommendations, followed by a consultation process involving all interested stakeholders;
3. if the Service does not repeal its policy concerning the security classification of offenders serving life sentences, that the Minister initiate an immediate review on both the legality of the policy and its impact on individual offenders over the preceding three years; and,
4. if the Service fails to introduce, before March 31, 2005, a safe needle exchange program based on thorough consultation with medical and security experts, offenders, Service staff and concerned community organizations, that the Minister direct the introduction of such a program.

I was pleased that the Minister responded in a positive and constructive manner to the above recommendations. The Minister's response is reproduced in Annex B.

On the issue of Aboriginal Corrections, the Minister has asked the Commissioner to further explore the feasibility of appointing a Deputy Commissioner for Aboriginal Offenders. It is our strong belief that this governance change is required to move the Aboriginal agenda forward, and this is why we have recommended again in this year's Annual Report the appointment of a Deputy Commissioner for Aboriginal Offenders.

As well, the Service will conduct a review of Aboriginal policies, procedures and evaluation tools to ensure that they are both culturally sensitive and do not present barriers to the safe and timely reintegration of Aboriginal offenders. Although this is an internal review, it is a first step in identifying discriminatory barriers to effective conditional release.

As for the final response plan to the 1996 *Commission of Inquiry at the Prison for Women*, we are encouraged that the Commissioner has undertaken to provide a detailed public response to all of the recommendations made by Madame Justice Arbour as indicated in a previous section of this Report. Women's Corrections over the past decade has been the focus of a number of significant reports and recommendations. A detailed comprehensive public account of the actions taken in response to these reports is long over due.

The Service has proposed a number of amendments to the policy requiring offenders sentenced to life to serve the initial two years of their sentence in maximum security institutions. But, it remains in our opinion illegal. We continue to look to the Minister's leadership to ensure that this policy is rescinded as soon as possible.

Finally, the Minister has indicated openness to explore the viability of introducing a needle exchange program in Canadian penitentiaries. Such a program has the support of the public health field. The leadership role undertaken by the Canadian Public Health Agency in advancing safe needle exchange programs is a positive step in moving this issue forward. We are also encouraged by the Service's willingness to learn from other jurisdictions where such initiatives have been successfully implemented.

Conclusion

This year's Report is significantly different than the previous Annual Reports issued by this Office. It was important for me to highlight the three key pillars which must guide the actions of both the Service and my Office: a strong commitment to human rights compliance, accountability and safe community reintegration. This Office plays a critical role by making recommendations to assist the Service to improve all of these key areas, and we strongly believe that the net benefit of implementing our recommendations will ultimately improve the public safety of Canadians.

Priority recommendations

We consider that the implementation of these priority recommendations would go a long way to improving the Service's overall performance in achieving our common goals.

Readers familiar with our past Annual Reports will also notice that this year we limited the number of our recommendations to eight. We consider that the implementation of these priority recommendations would go a long way to improving the Service's overall performance in achieving our common goals.

We are encouraged by the progress that the Service has made in some areas of concern. We are committed to continue to foster a professional working relationship and open dialogue with our Service colleagues. We anticipate this will contribute to progress in resolving key areas of offender concern.

Over the course of the next year, my Office will significantly increase its citizen engagement and information sharing activities. The Government of Canada and its criminal justice institutions continue to be confronted with increasing public pressure demanding tougher measures, longer sentences and more stringent conditions of custody and confinement. Sensational media reporting of incidents involving isolated and horrifying acts of violence contributes to distorted perceptions, and pushes the system toward adopting unproductive measures in response. Longer and tougher sentences and harsher conditions of confinement are promoted as magical solutions to prevent and/or deter criminal behaviour and reduce re-offending. In contrast to such perceptions, it is well documented that social and rehabilitative initiatives are far better – and less expensive – in achieving the goals of prevention and deterrence of crime and re-integrating offenders into society.

We would like to convey our strong support for the new *Protocol on the Convention against Torture*. We encourage the Canadian Government to yet again demonstrate its leadership on the international scene by signing and ratifying this important human rights instrument. Moving quickly on ratification would add to Canada's long historical tradition of promoting and defending human rights and democratic values here and abroad.

Finally, I will take this opportunity to publicly acknowledge and thank my staff for their dedication and professionalism in managing what, at times, is an overwhelming workload. Their commitment to fairness in addressing offender concerns is the cornerstone to maintaining an accessible and independent avenue of redress for inmates. Their contribution is invaluable.

Annex A: Statistics



TABLE A: CONTACTS ⁽¹⁾ BY CATEGORY

CATEGORY	CASE TYPE		
	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Administrative Segregation			
Conditions	15	81	96
Placement/Review	88	284	372
Total	103	365	468
Case Preparation			
Conditional Release	56	131	187
Post Suspension	25	18	43
Temporary Absence	11	27	38
Transfer	33	47	80
Total	125	223	348
Cell Effects	198	369	567
Cell Placement	36	57	93
Claims Against the Crown			
Decisions	12	19	31
Processing	16	24	40
Total	28	43	71
Community Programs/Supervision	2	6	8
Conditions of Confinement	110	220	330
Correspondence	30	52	82
Death or Serious Injury	8	5	13
Decisions (General) - Implementation	12	24	36
Diet			
Medical	9	25	34
Religious	11	21	32
Total	20	46	66
Discipline			
Major Court Procedures	10	15	25
Minor Court Decisions	6	7	13
Minor Court Procedures	14	21	35
Total	30	43	73
Discrimination	4	12	16
Employment	37	67	104
File Information			
Access - Disclosure	66	87	153
Correction	123	75	198
Total	189	162	351

**TABLE A: (Cont'd)
CONTACTS ⁽¹⁾ BY CATEGORY**

CATEGORY	CASE TYPE		
	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Financial Matters			
Access	37	80	117
Pay	61	83	144
Total	98	163	261
Food Services	24	56	80
Grievance Procedure	113	265	378
Health and Safety - Worksite	5	13	18
Ion Scan	3	5	8
Health Care			
Access	87	498	585
Decisions	86	220	306
Total	173	718	891
Mental Health			
Access	7	32	39
Programs	0	5	5
Total	7	37	44
Methadone	17	61	78
Official Languages	9	11	20
Operation/Decisions of the OCI	50	20	70
Penitentiary Placement	41	48	49
Programs			
Access	55	150	205
Quality/Content	7	8	15
Total	62	158	220
Release Procedures	30	55	85
Request for Info	72	---	72
Safety/Security of Offender(s)	70	145	215
Search and Seizure	35	41	76
Security Classification	69	114	183
Sentence Administration-- Calculation	21	37	58
Staff Responsiveness	183	246	429
Telephone	63	148	211
Temporary Absence Decision	34	87	121

**TABLE A: (Cont'd)
CONTACTS ⁽¹⁾ BY CATEGORY**

CATEGORY	CASE TYPE		
	I/R ⁽²⁾	INV ⁽³⁾	TOTAL
Transfer			
Decision—Denials	86	187	273
Implementation	76	141	217
Involuntary	47	116	163
Total	209	344	653
Urinalysis	14	12	26
Use of Force	13	51	64
Visits			
General	101	213	314
Private Family Visits	43	110	153
Total	144	323	467
Outside Terms of Reference			
Parole Decisions	223	---	223
Other Issues	70	---	70
GRAND TOTAL	2,784	4,952	7,696

(1) See Glossary

(2) I/R: Immediate Response - see Glossary

(3) INV: Investigation - see Glossary

GLOSSARY

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

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

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

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

TABLE B: CONTACTS BY INSTITUTION

Region/Institution	# of contacts	# of interviews	# of days spent in institution
Women's Facilities			
Edmonton Women's Facility.....	79	24	7
Fraser Valley.....	77	19	4
Grand Valley.....	93	14	4
Isabel McNeill House.....	---	---	---
Joliette.....	90	10	4
Okimaw Ohci Healing Lodge.....	9	7	2
Nova.....	58	22	5
Regional Psychiatric Centre (Prairies).....	23	9	2
Regional Reception Centre (Québec).....	6	---	---
Total.....	435	105	28
ATLANTIC			
Atlantic.....	223	63	12
Dorchester.....	231	61	10
Shepody Healing Centre.....	28	7	2
Springhill.....	104	40	7
Westmorland.....	18	5	2
Region Total.....	604	176	31
ONTARIO			
Bath.....	117	43	10
Beaver Creek.....	35	5	2
Collins Bay.....	125	19	7
Fenbrook.....	183	51	7
Frontenac.....	49	24	8
Joyceville.....	296	81	15
Kingston Penitentiary.....	318	145	15
Millhaven.....	235	33	3
Pittsburgh.....	33	17	8
Regional Treatment Centre.....	67	30	7
Warkworth.....	325	80	16
Region Total.....	1,783	528	98
PACIFIC			
Elbow Lake.....	4	10	3
Ferndale.....	33	14	2

TABLE B: CONTACTS BY INSTITUTION

Region/Institution	# of contacts	# of interviews	# of days spent in institution
Kent	367	122	15
Matsqui	84	21	9
Mission	217	86	13
Mountain	252	97	15
Pacific & RTC	145	59	9
William Head	60	24	3
Region Total	1,162	433	69
PRAIRIE			
Bowden	247	85	14
Drumheller	204	96	12
Edmonton	260	70	16
Grande Cache	77	3	1
Pê Sâkâstêw Centre	7	2	2
Regional Psychiatric Centre	116	40	8
Riverbend	6	7	2
Rockwood	24	7	2
Saskatchewan Penitentiary	353	112	26
Stan Daniels	3	1	1
Stony Mountain	419	135	13
Region Total	1,716	558	97
QUEBEC			
Archambault	218	86	8
Cowansville	189	120	16
Donnacona	241	87	16
Drummond	271	36	6
Federal Training Centre	117	28	5
La Macaza	109	65	11
Leclerc	147	32	11
Montée St-François	33	24	4
Port Cartier	330	115	11
Regional Reception Centre/SHU Québec ..	191	81	13
Ste-Anne des Plaines	24	12	2
Region Total	1,920	686	103
GRAND TOTAL	7,617	2,486	427

TABLE C: COMPLAINTS AND INMATE POPULATION - BY REGION

Region	Total number of contacts (*)	Inmate Population (**)
Atlantic	672	1,354
Québec.....	2,026	3,353
Ontario.....	1,885	3,368
Prairies.....	1,825	3,143
Pacific.....	1,240	2,010
TOTAL	7,648	13,428

(*) Excludes 48 contacts from provincial institutions.

(**) As of March 2005, according to the Correctional Service of Canada's Corporate Reporting System.

TABLE D: DISPOSITION OF CONTACTS BY CASE TYPE

CASE TYPE	Disposition	# of complaints
Immediate Response	Information given	1,777
	Referral	816
	Withdrawn	191
Total		2,784
Investigation	Information given	1,468
	Not supported	360
	Pending	110
	Referral	1,225
	Resolution facilitated	1,530
	Withdrawn	229
Total		4,952
GRAND TOTAL		7,696

TABLE E: AREAS OF CONCERN MOST FREQUENTLY IDENTIFIED BY OFFENDERS**TOTAL OFFENDER POPULATION**

Health Care	891
<i>Transfer</i>	653
Cell Effects	567
Visits and Private Family Visits	467
Administrative Segregation	468
Staff Responsiveness	429
Grievance Procedure	378
File Information (Access, Correction and Disclosure)	351
Case Preparation	348
Conditions of Confinement	330

ABORIGINAL OFFENDERS

Transfer	100
Administrative Segregation	83
Visits and Private Family Visits	73
<i>Health Care</i>	71
Cell Effects	67
Staff Responsiveness	55
Case Preparation	54
File Information (Access, Correction and Disclosure)	53
Programs/Services	46
Conditions of Confinement	37

WOMEN OFFENDERS

Health Care	45
File Information (Access, Correction and Disclosure)	26
Telephone	25
Offender Security	25
Programs/Services	24
Visits and Private Family Visits	23
<i>Transfer</i>	23
Temporary Absence - Decision	22
Staff Responsiveness	22
Security Classification	22

Deputy Prime Minister
and Minister of Public Safety
and Emergency Preparedness Canada



Vice-première ministre
et ministre de la Sécurité publique
et de la Protection civile du Canada

Ottawa, Canada K1A 0P8

The Honourable L'honorable
A. Anne McLellan, P.C., M.P. c.p., députée

April 21, 2005

Mr. Howard Sapers
Correctional Investigator of Canada
P.O. Box 3421, Station D
Ottawa, Ontario K1P 6L4

Dear Mr. Sapers,

I recently had the pleasure of placing before the House your 2003/2004 Annual Report in which you directed several recommendations to my attention. Before I respond to them, I would like to acknowledge the strides the Office of the Correctional Investigator and the Correctional Service of Canada (CSC) have made in building a positive working relationship. One measure of this progress is reflected in your mutual agreement to assess virtually all of the substantive issues that underlie the recommendations in your annual report; another is the number of recommendations that CSC has agreed to implement. Together, you have succeeded in creating the environment in which these issues can be resolved.

In considering the recommendations you have placed before me, I am mindful that these issues fall within the responsibility of the Commissioner of Corrections and the interpretation of s. 6(1) of the *Corrections and Conditional Release Act* (CCRA) and of the former *Penitentiary Act*. With this in mind, and with regard to the CSC's position on your recommendations, I am pleased to respond to your individual recommendations.

Appointment of a Deputy Commissioner Aboriginal Offenders:

Aboriginal issues continue to be both important and challenging. I share your concern that the progress made in this area has been limited. I understand that CSC shares this view and has implemented a number of initiatives that are beginning to show improvement. These include Aboriginal-specific programs, healing lodges and the engagement of Aboriginal communities in Aboriginal corrections. That said, there is still much to be done. I will request the Commissioner to prepare an options paper that explores the feasibility of appointing a Deputy Commissioner for Aboriginal offenders. I would expect to see some further details articulating the advantages of moving in this direction as

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well as any identifiable disadvantages. I would also expect to entertain other options that the Commissioner might suggest that advance the same goals. I will expect to review these options by June 1, 2005.

Independent Review of the CSC's Policies, Procedures and Evaluation Tools:

The May 2000 Report of the Standing Committee on Justice and Human Rights recommended that the Auditor General undertake an evaluation of the reintegration process for Aboriginal offenders, particularly Aboriginal women. I understand that CSC has begun a review of its policies to ensure that they are both culturally sensitive and do not present barriers to the safe and timely reintegration of Aboriginal offenders. I have asked for this review to be completed by June 1, 2005. The Commissioner is also looking at the impact of the Supreme Court of Canada's decision in *Gladue*. I have asked her to provide me with regular status reports.

Final Response Plan to the Arbour Inquiry:

The 10th anniversary of the Arbour Inquiry report will occur in the spring of 2006. I have been advised by the Commissioner that CSC is preparing a 10-year status report on women's corrections. This report will provide a detailed response to all of the recommendations in the Arbour Report as well as other relevant reports.

Legal Review of Policy Requiring Offenders Sentenced to Life to Serve the Initial Two Years of their Sentence in Maximum Security:

With regard to the placement of offenders serving life sentences for first and second degree murder, CSC recently completed a study of the impact of the current policy on affected offenders. On the basis of the research, I am informed that CSC is in the process of proposing to amend its policy. These recommended changes to the policy include: (1) a clear assessment process (including an amended Custody Rating Scale) on which to base placement decisions; (2) delegation of decision-making authority from the Assistant Commissioner Correctional Operations to the Regional Deputy Commissioner for placement to medium security; and, (3) the implementation of a life sentence management strategy for offenders serving life sentences approved as medium security upon initial classification. The Commissioner will advise me when this new policy is implemented.

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Implementation of a Safe Needle Exchange Program:

Your recommendation that a safe needle exchange program be introduced by CSC has the support of many public health officials, including the recently formed Canadian Public Health Agency (CPHA). Moreover, I am aware that the CPHA has agreed to take a leadership role in advancing a safe needle exchange program. Plans are currently being considered for officials from the CPHA, CSC and its employee unions to visit Spain and Germany to observe safe needle exchange programs already in operation and consider whether they can be adapted to the Canadian context. I understand that these measures may lead to the development and implementation of an effective needle exchange program that can be supported by all stakeholders.

I trust that my response to your recommendations will assist you in working with the CSC to address the significant issues you have raised.

Yours sincerely,



A. Anne McLellan

c.c.: Commissioner Lucie McClung
Correctional Service of Canada

Annex C: Summary of Recommendations



Recommendation #1:

- (a) I recommend that the Service secure and commit adequate funding for the timely implementation of its entire mental health strategy.
- (b) I recommend that the Service take immediate steps to sensitize and train all front-line staff to appropriately identify disruptive mental health behaviour and respond accordingly.

Recommendation #2:

I recommend that in May of 2006 the Minister appoint an Expert Committee to publicly report on the progress detailed in the Service's response on the advancement of human rights, fairness and equity issues since Madame Justice Arbour's report of 1996 – the Committee's report to be provided to the Minister by October 2006.

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- (a) I recommend that the Service modify its governance structure and immediately appoint a Deputy Commissioner for Aboriginal Offenders with the authority to implement the Service's Strategic Plan for Aboriginal Corrections.
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- (a) I recommend that the Service take immediate steps to overhaul its operations and policies in the area of inmate grievances to ensure fair and expeditious resolution of offenders' complaints and grievances. The review should include a specific focus on addressing harassment and staff misconduct grievances.
- (b) I recommend that an external consultant be retained to assist the Service's review of its operations and policy to ensure fair and expeditious resolution of offenders' complaints and grievances, and to improve its use of evidence-based strategies to ensure consistency in addressing areas of offender concern.

Recommendation #5:

I recommend that the Service immediately develop a responsive action plan to implement the recommendations of the Correctional Service of Canada/National Parole Board/Office of the Correctional Investigator Joint Review Report on Factors Causing Delays in NPB Reviews in collaboration with the Parole Board and the Office. The action plan should include a strong audit and evaluation component.

Recommendation #6:

- (a) I recommend that the Service immediately adopt the independent adjudication model for administrative segregation proposed by the Department of Public Safety and Emergency Preparedness Canada.
- (b) I further recommend that the Service conduct a comprehensive review on the rights, entitlements, access to programs, level of association and applicable procedural safeguards for all of its sub-populations that are not considered to be the general inmate population or administrative segregation. The review should be completed by March 31, 2006, and specific recommendations should be made to ensure legal compliance with due process/fairness requirements and the application of less restrictive alternatives.

Recommendation #7:

I recommend that the Service, with the assistance of outside experts in women-centred and Aboriginal approaches, implement a responsive immediate, medium- and long-term strategy to ensure that the observed systemic discrimination of women and Aboriginal offenders in terms of security classification and timely conditional release cease.

Recommendation #8:

For a fourth consecutive year, I recommend that the Service immediately repeal its illegal policy which requires that federally-sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration. Failing a positive response from the Service, I continue to look to the Minister's leadership to ensure that this illegal policy is rescinded as soon as possible.

INTRODUCTION

CSC pursues its public safety mandate within a framework of human rights. Recently, we introduced the “*Can I? May I? Should I?*” model, that requires staff to test every decision from operational, statutory, and values-based perspectives. Over the last several years, CSC has significantly enhanced its capacity to account to Canadians on its performance with regard to human rights and safe reintegration of offenders by developing more sophisticated data collection, analysis, and reporting tools. CSC appreciates the important role of the Correctional Investigator (CI) in conducting investigations into the problems of offenders related to its decisions and actions.

There are ongoing interactions between correctional investigators and wardens on operational issues. Regional Deputy Commissioners (RDCs) meet with CI representatives several times a year to discuss specific concerns in each region and to ensure follow-up. In the case of systemic issues identified, CSC works with the Office of the Correctional Investigator (OCI) and other stakeholders to resolve them. Recent examples of such collaborative efforts include: universal access by offenders to computers, use of ion scanners and approvals of compassionate Escorted Temporary Absences (ETAs). Often we implement agreed actions. In some cases, solutions are not readily apparent to either the CI or CSC given the complexity of challenges in the correctional environment. This can result in delays in performance improvement. Where we disagree with the statement of the problem or the proposed solution, we continue to seek clarification and explore ways to resolve underlying issues.

In the past several years, CSC has undertaken a number of initiatives to better address the needs and risks of our current offender population. They range from the development and implementation of programs and interventions more specifically targeted to Aboriginal, women, and higher risk offenders, to more creative approaches to security and community outreach.

Results continue to improve in spite of a more complex offender population profile. In fiscal year 2004-2005, there was a 26% decrease (from 70 to 52) in major violent incidents compared to the previous year, the highest annual decrease in the past six (6) years. Moreover, major disturbances went down 87%, from eight (8) to one (1). There were nine (9) suicides, which is below the preceding five (5) year period's annual average of 11.4. There was one (1) major assault on staff compared to none (0) in the previous year. But, overall, in the last five (5) years, the average number of major incidents per 1000 inmates (flow-through population) in fact decreased from 4.8 to 3.0. At the same time, violent re-offending rates, for offenders under supervision, have remained stable for the past two (2) years at less than 2%. CSC continues to be vigilant in its efforts to prevent and address every incident.

The following is CSC's response to the Correctional Investigator's Annual Report for 2004-2005. A response is provided to each recommendation. Annexes provide clarification and further details on information provided in the Correctional Investigator's Annual Report.

MENTAL HEALTH SERVICES

Recommendation #1:

(a) I recommend that the Service secure and commit adequate funding for the timely implementation of its entire mental health strategy.

Agree

The Government of Canada has set aside \$29.5M over 5 years to fund the Community Mental Health component of the Strategy. The funds will be used to address discharge planning up to two years in advance of release, ambulatory care services, specialized mental health staff working out of Parole Offices to provide support to offenders with mental disorders in Community Correctional Centres (CCCs) and Community Residential Facilities (CRFs), annual mental health training for staff of the Parole Offices, CCCs and CRFs, and contracts for specialized services to address the needs of offenders with mental disorders in the community.

The funds required for full implementation of the remaining three components of the Strategy are significant. CSC will participate in an inter-departmental response to Senator Michael Kirby's final report and recommendations on mental health in Canada, under the leadership of Health Canada. We are hopeful that such initiatives will lead to opportunities for additional funding. The CI's support in securing the funds necessary to fully implement its Mental Health Strategy is appreciated.

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

Agree

As noted above, some of the funds approved for the Community Mental Health Strategy will be used for annual mental health training for staff of the Parole Offices, CCCs and CRFs. This training will be focused on the practical skills that staff require to understand, support and effectively intervene with offenders with mental disorders living in the community.

A training module on the recognition of and appropriate response to the behaviours of offenders with mental health disorders will be developed by Health Services in consultation with Learning and Development for all new recruits by October 31, 2006. This module will also be used to train all staff who have regular contact with offenders.

These training initiatives will supplement the Dialectic Behavioural Therapy (DBT) and Psycho-social Rehabilitation (PSR) mental health interventions already in place.

WOMEN OFFENDERS

Recommendation #2:

I recommend that in May of 2006 the Minister appoint an Expert Committee to publicly report on the progress detailed in the Service's response on the advancement of human rights, fairness and equity issues since Madame Justice Arbour's report of 1996 – the Committee's report to be provided to the Minister by October 2006.

CSC agrees that an expert committee will review and comment on the ten (10)-year status report on women's corrections prepared by CSC.

Between April 2003 and January 2004, three reports were issued on federal corrections for women, by independent agencies: the Auditor General, the Standing Committee on Public Accounts and the Canadian Human Rights Commission. The reports noted progress made to date. As well, CSC received favourable feedback on steps it is taking to address recommendations, particularly from the Canadian Human Rights Commission and the Committee against Torture (CAT). This Committee is under the auspices of the United Nations High Commissioner on Human Rights. Madame Arbour currently holds that position.

In September 2005, Her Majesty's Inspectorate for Prisons for England and Wales will be assessing the overall health of operations at Nova and Grand Valley prisons for women over a two-week period.

The Service is preparing a ten (10)-year status report on women's corrections, which will provide a detailed response to all of the recommendations in the Arbour Report as well as other relevant reports.

Annex A clarifies and provides further details on results for women offenders presented by the Correctional Investigator in his Annual Report.

ABORIGINAL OFFENDERS

Recommendation #3:

(a) I recommend that the Service modify its governance structure and immediately appoint a Deputy Commissioner for Aboriginal Offenders with the authority to implement the Service's Strategic Plan for Aboriginal Corrections.

To be determined

A review of CSC's governance structure is underway. The decision on whether to appoint a Deputy Commissioner for Aboriginal Offenders will be made within that context. In the interim, the Senior Deputy Commissioner (SDC) champions Aboriginal issues at the Executive Committee and with external partners.

CSC, in consultation with Aboriginal communities and Elders, has been focussing on the development and implementation of approaches to corrections that work for First Nations, Inuit and Métis offenders. Results are showing improvement despite Aboriginal Offenders' initial higher risk/needs ratings due mainly to the number and severity of previous offences.

Annex B highlights some of these results.

(b) I recommend that the Service publicly release quarterly reports on the implementation of its Strategic Plan for Aboriginal Corrections, along with the quarterly performance reports on Aboriginal issues currently being developed by the Service.

Agree

Starting in the fall of 2005, quarterly reports will be produced.

INMATE GRIEVANCES, ALLEGATIONS OF HARASSMENT, AND STAFF MISCONDUCT

Recommendation #4:

(a) I recommend that the Service take immediate steps to overhaul its operations and policies in the area of inmate grievances to ensure fair and expeditious resolution of offenders' complaints and grievances. The review should include a specific focus on addressing harassment and staff misconduct grievances.

Agree – already begun.

CSC is currently conducting a national review of the Offender Redress Process which will be completed by February 2006. The review addresses the efficacy of the current processes, as well as resource requirements and reporting structures.

The policy and processes of harassment and staff misconduct grievances are being strengthened. As well, monitoring and reporting processes were assessed and new tools have been developed to help ensure compliance with law and policy. The action plan addresses accreditation and training of harassment investigators, as well as the differentiation between staff performance and harassment for coding purposes. This will improve our capacity to accurately respond to and report on harassment grievances.

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

Agree to review operations and policy concerning offender complaints and grievance system.

Rates of timeliness nationally have remained fairly steady in the last three (3) fiscal years at around 78%. This year it has slightly decreased (- 2%) from last year. At the third level, timeliness continues to be a serious challenge and must be addressed. The review will address these issues.

The focus over the last two (2) years has been on improving the quality of responses and follow-up as well as identification of systemic issues and suggested corrective measures. The Senior Deputy Commissioner, as the delegated signatory, has reviewed all third level grievances and has followed-up on issues of management accountability and policy interpretation. The average number of grievances upheld has risen from 13% from 2001 to 2003, to 24% in the past two (2) fiscal years. As a result of these efforts, we are starting to see evidence of improved policy application by the field and a greater commitment to a culture of human rights.

CASE PREPARATION AND ACCESS TO PROGRAMS

Recommendation #5:

I recommend that the Service immediately develop a responsive action plan to implement the recommendations of the Correctional Service of Canada/National Parole Board/Office of the Correctional Investigator Joint Review Report on Factors Causing Delays in NPB Reviews in collaboration with the Parole Board and the Office. The action plan should include a strong audit and evaluation component.

Agree

Although the initial working group has been disbanded, CSC has enlarged the scope of this initiative and set robust re-entry for each offender as a priority for the executive cadre. The purpose of this initiative is to try to ensure that every offender has employment, housing, and a support system on release to the community.

Accountability mechanisms have already been enhanced through the Corporate Reporting System, a Management Control Framework, and an appropriate evaluation framework to monitor the implementation of the recommendations and results.

The CI and CSC have agreed to quarterly meetings to monitor results and processes in this, and other areas.

POPULATION MANAGEMENT

Recommendation #6:

(a) I recommend that the Service immediately adopt the independent adjudication model for administrative segregation proposed by the Department of Public Safety and Emergency Preparedness Canada.

Under consideration

The Corrections and Criminal Justice Directorate (CCJD) of the Department of Public Safety and Emergency Preparedness Canada (PSEPC), responsible for legislative policy, completed a review on the need for independent adjudication in 2004, and recommended its implementation. CSC requested some time to seek operational alternatives to better address concerns with regard to procedural fairness and overuse of segregation before determining an appropriate model for oversight. CSC will work with the CCJD to generate alternate models while continuing to focus attention on the operational concerns, and will present an Action Plan by December 1, 2005.

CSC is committed to restricting confinement only when an offender poses a risk to safety and security or when he or she is at risk in the general population. CSC is accountable for the consequences of its decisions on segregation placements, releases and conditions, given its mandate to maintain a safe, secure and humane environment for staff, offenders and the public. Our staff's specialized correctional knowledge and expertise and understanding of individual cases and institutional realities, positions them well to make decisions on the potential of an individual offender to successfully reintegrate into the general population.

CSC's current focus is on prevention of the types of behaviour that would result in admission to segregation. We are currently designing and implementing integrated correctional intervention strategies targeted to groups of individuals having similar profiles. Such strategies include formal programs, scheduled use of time, and appropriate security measures. The objective of each strategy is to help ensure progressive offender rehabilitation and ultimately safe reintegration.

(b) I further recommend that the Service conduct a comprehensive review on the rights, entitlements, access to programs, level of association and applicable procedural safeguards for all of its sub-populations that are not considered to be the general inmate population or administrative segregation. The review should be completed by March 31, 2006, and specific recommendations should be made to ensure legal compliance with due process/fairness requirements and the application of less restrictive alternatives.

Agree

CSC will undertake a review of current approaches to population management to be completed by the end of the fiscal year. The purpose of the review is to ensure that existing units are in compliance with law and policy. More specifically, the review will address:

- a. the number and purpose of units that exist;
- b. whether placement is voluntary or involuntary;
- c. the link between offenders' Correctional Plans and offender placement;
- d. conditions of confinement;
- e. the daily routine of the units;
- f. availability of programs; and
- g. average length of stay.

SECURITY CLASSIFICATION OF OFFENDERS

Offender Security Classification

Recommendation #7:

I recommend that the Service, with the assistance of outside experts in women-centered and Aboriginal approaches, implement a responsive immediate, medium- and long-term strategy to ensure that the observed systemic discrimination of women and Aboriginal offenders in terms of security classification and timely conditional release cease.

Agree

The lack of specific instrumentation for women and Aboriginal offenders requires the Service to develop and test new processes. CSC believes that classification systems should be appropriate for men and women offenders as well as Aboriginal and non-Aboriginal offenders and that validation studies should be specific to these groups of offenders. Consequently, the Service has sought external expertise to improve the design and development of security classification devices for women (including Aboriginal women) to enhance public, staff and offender safety. With respect to Aboriginal men, we are reviewing the applicability of existing tools.

Classification of Offenders serving Life Sentences (2-year rule)

Recommendation #8:

For a fourth consecutive year, I recommend that the Service immediately repeal its illegal policy which requires that federally-sentenced offenders serving a minimum life sentence for first- or second-degree murder be classified as maximum security for at least the first two years of federal incarceration. Failing a positive response from the Service, I continue to look to the Minister's leadership to ensure that this illegal policy is rescinded as soon as possible.

Disagree

Given the gravity of the crime committed and the length of sentence imposed, the needs and risks of offenders serving sentences for first or second degree murder are particularly complex. Therefore the presumption for initial placement for such offenders is maximum security, unless it is determined that the individual characteristics of the offender or the risk posed is manageable at a medium-security institution. The maximum timeframe for re-assessment of security level is two (2) years, allowing for observation and assessment of the offenders' behaviour and needs. Significant changes to situations result in immediate reviews. Outcomes continue to be monitored. No change in approach is anticipated at this time.

CSC has recently expanded its programs to more specifically address the needs of this population.

CURRENT STATUS OF ISSUES RAISED RELATING TO WOMEN OFFENDERS IN THE CI'S 2004/05 ANNUAL REPORT—Annex A

ISSUE	UPDATE/RESULT
Over-classification of Women	<ul style="list-style-type: none"> • 5% initially classified at the maximum-security level; • 44% and 51% initially classified at the medium and minimum levels, respectively.
Gender Responsive Tools	<ul style="list-style-type: none"> • Proposals for development of Initial Classification Tool received in June, 2005, with completion of tool anticipated in 2008. • Security Reclassification Scale for Women Offenders (SRSW) implemented on June 1, 2005: <ul style="list-style-type: none"> - recommends more placement of women at minimum security, and fewer at medium and maximum security; - significantly more predictive of institutional misconduct than the structured clinical assessment; - valid for Aboriginal women.
Segregation (from 2003-04 to 2004-05)	<p>Voluntary</p> <ul style="list-style-type: none"> - significant decrease in admission, from 40 to 26; - significant decrease in number of women that spend 10 days or less, from 39 to 20; - slight increase in the number of women that spend between 11 to 31 days, from 1 to 6 <p>Involuntary</p> <ul style="list-style-type: none"> - slight reduction in admissions, from 258 to 249; - slight decrease in the number of women who spend 30 days or less, from 239 to 233; - slight decrease in the number of women who spend between 31 and 275 days, from 19 to 16. <ul style="list-style-type: none"> • Introduced pilot of biannual reviews of cases of 30 consecutive or 60 cumulative days in a year spent in segregation to identify preventive strategies and best practices; • Opening of the women's unit at Institut Philippe Pinel de Montréal (IPPM) in May 2004 has assisted in alleviating the long-term segregation situation.

<p>Re-offending Rates</p>	<ul style="list-style-type: none"> • 2003-04: the revocation rate for women offenders was 0.56% (3 out of 534) for violent re-offending, and 4.68% (25 out of 534) for non-violent re-offending; • 2004-05: the revocation rate for women offenders was 0.39% (2 out of 519) for violent re-offending and 4.43% (23 out of 519) for non-violent re-offending.
<p>Access to Gender-Specific Programs</p>	<ul style="list-style-type: none"> • Programs specific to women, based on advances in knowledge about women offenders, now include, among others: <ul style="list-style-type: none"> - Women Offender Substance Abuse Program; - Survivors of Abuse and Trauma; - Circles of Change; - Spirit of a Warrior (two programs specifically developed for Aboriginal women); - Mother-Child program; - Peer Support program; - Pawsitive Directions; - Mentoring programs; - Dialectical Behaviour Therapy (DBT) (<i>offered in Structured Living Environments and Secure Units</i>) ; and - Psycho-social Rehabilitation (PSR) (<i>offered in Secure Units</i>) • Some programs have been modified to allow for continuous entry; • CSC is closely monitoring waiting lists.
<p>Meaningful Employment and Employability Programming</p>	<ul style="list-style-type: none"> • <i>Employment and Employability Skills Program</i> was developed in conjunction with the Conference Board of Canada and piloted at two institutions. <ul style="list-style-type: none"> - training will be provided to trainers in the fall of 2005; - program will be offered at all sites in 2005/06. • In 2004-2005, 8% increase in the number of women assigned employment from previous FY, from 487 to 525 women.
<p>Training in Women-Centred Approaches</p>	<ul style="list-style-type: none"> • The Women Centred Training Program is mandatory for all staff working with women and is part of the National Training Standards: <ul style="list-style-type: none"> - sensitizes staff to issues of sexism, racism, disability, sexual orientation, physical and or sexual abuse, self-injurious and suicidal behaviour, addictions, mental health issues and Aboriginal traditions and spirituality with a focus on women; • Refresher training will be implemented in 2007.

HIGHLIGHTS OF RESULTS FOR ABORIGINAL OFFENDERS

— Annex B

ISSUE	UPDATE/RESULT
Statutory Release	<ul style="list-style-type: none"> Remains true that Aboriginal offenders are more likely than non-Aboriginal offenders to be in the community on statutory release (48% vs. 34%) than on full parole (34% vs. 52%).

Over the last five (5) years, despite initial higher risk/needs ratings, CSC has managed to :

Community Supervision	<ul style="list-style-type: none"> Maintain the proportion of Aboriginal offenders in the community at approximately 32%.
Day Parole	<ul style="list-style-type: none"> Increase the Day Parole grant rate for Aboriginal offenders by 7.5%.
Re-incarceration Rate (new offence)	<ul style="list-style-type: none"> Decrease the percent of Aboriginal offenders revoked with a new offence by 28.4% (from 243 to 174).
Support in Aboriginal Communities	<ul style="list-style-type: none"> Increase involvement of and support from Aboriginal Communities, in offender release plans; Marked improvement in management and use of Healing Lodges: <ul style="list-style-type: none"> Willow Cree Healing Lodge at full capacity one year after opening; Ochichakosipi Healing Lodge nearing full capacity.
Recruitment and Representation	<ul style="list-style-type: none"> CSC is second only to the Department of Indian and Northern Affairs in terms of recruitment and representation in the federal public service. As of March 31, 2005, 951 (6.6%) of 14,338 employees were identified as Aboriginal. It should be noted that the Workforce Availability Estimate of Aboriginals Canada-wide, is 4.7%, based on 2001 Census and 2001 Participation and Limitation Survey (PALS). <ul style="list-style-type: none"> These 951 employees are distributed across functions and regions, given the distribution of Aboriginal offenders