

**Response from the
CORRECTIONAL SERVICE OF CANADA
to the
32nd ANNUAL REPORT
of the
CORRECTIONAL INVESTIGATOR
2004-2005**

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INTRODUCTION

The Correctional Service of Canada (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 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 p2

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 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 MISCONDUCTp3

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 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 p4

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 an individual 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 p5

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 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 CP'S 2004/05 ANNUAL REPORT**

ISSUE	UPDATE/RESULT p6
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 July, 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.
Re-offending Rates	<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.

**CURRENT STATUS OF ISSUES RAISED RELATING TO WOMEN OFFENDERS
IN THE CP'S 2004/05 ANNUAL REPORT**

<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 2004-2004, 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

ISSUE	UPDATE/RESULTS
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