



Correctional Service
Canada

Service correctionnel
Canada



SAFETY, RESPECT
AND DIGNITY
FOR ALL

LA SÉCURITÉ,
LA DIGNITÉ
ET LE RESPECT
POUR TOUS

CSC Action Plan in Response to the Report of the Canadian Human Rights Commission

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PREFACE

At the outset, the Correctional Service of Canada (CSC) wishes to thank the Canadian Human Rights Commission (CHRC) for the thorough and broad-based review of the delivery of correctional services to women that is responsive to the purpose and objectives of the *Canadian Human Rights Act*. CSC believes that the CHRC has successfully integrated within the frame of the three-part human rights test established by the Supreme Court of Canada, the range and variety of input gathered through research, workshops and interviews of over one hundred groups and individuals.

CSC wishes to assure the CHRC, the public, staff, women offenders and stakeholders that it is committed to strengthening its gender- and rights-based analysis to support effective corrections, therefore enhancing the safety of all concerned: the women themselves, staff, and the public at large. Therefore, CSC will use the guiding principles outlined in the report as a foundation to improve its analytical frame for women offender issues.

The recommendations contained in the report *Protecting Their Rights – A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women* will assist CSC in continuing to improve the effectiveness of corrections for women offenders as well as strengthening its capacity to promote and maintain a culture that respects its human rights obligations. In general, CSC accepts the challenge presented by the recommendations as a whole – establishing correctional practices for women offenders which are consistent with human rights principles and which also enhance safe and secure operational practices. There are some recommendations, as outlined in this action plan, where CSC differs on how best to achieve the stated objective while generally accepting the underlying principle. In those cases, the Service will outline the steps it is taking to address the concerns raised by the CHRC.

In preparing this action plan, CSC focused its attention on defining specific actions and timeframes to address the individual recommendations, many of which are interrelated. The background for each recommendation provides the current context for the specific actions. In some cases, work is underway on similar or overlapping recommendations from other sources such as CSC's commitments to the Public Accounts Committee and the Office of the Auditor General. As well, where a recommendation falls outside of CSC's legislative mandate, the recommendation has been referred to the Public Safety and Emergency Preparedness Department. The Service will work with the Department on these issues. Finally, there are several instances of multi-year projects in the action plan. Therefore, CSC will provide the CHRC with an annual report on the actions outlined until all actions have been completed or, alternatively, until systemic procedural changes have been made that result in a specific action becoming a standard ongoing activity.

CSC wishes to acknowledge the contribution of groups and individuals who were consulted on an approach to each of the 19 recommendations. The consultations demonstrated that there are groups and individuals who would like CSC to take actions that go beyond the recommendations and that fundamentally challenge the concept of incarceration as applied to women offenders. Those groups and individuals may conclude that the Service's response is limited since only those suggestions which can be implemented within the legislative frame are reflected in the action plan. Since CSC's role and mandate is outlined within its governing legislation, the *Corrections and Conditional Release Act*, proposals for changes to the law need to be directed to Parliament.

There have been a number of reports since the 1990 task force report on women offenders, which have supported CSC in shaping and re-shaping women's corrections to meet the challenges of the present and prepare for the future. The CHRC report articulates a comprehensive rights-based context for the next evolution in women's corrections.

RECOMMENDATION 1

(Accept)

It is recommended that the Correctional Service of Canada develop and implement a needs-assessment process that responds to the needs of federally sentenced women, including Aboriginal women, women who are members of racialized groups and women with disabilities.

Background:

The CSC research-based needs analysis, referred to as the Dynamic Factor Identification and Analysis (DFIA), currently in use indicates that, as concluded over a decade ago by the *Creating Choices* Task Force, and also by subsequent research:

- many women offenders are high need regardless of security level
- major need areas continue to center around substance abuse and family/emotional issues

CSC notes that data from the needs analysis has been used to shape correctional responses unique to women offenders. For example, the Structured Living Environment (SLE) was developed based on needs data that suggested more high need women could be accommodated at lower security levels and kept out of long-term segregation if they received more intensive and structured interventions and support. The SLE approach is currently being evaluated. A second example is the Women Offender Substance Abuse Program (WOSAP), which is a women-centered substance abuse treatment program. This program was developed specifically for women offenders due to consistent demonstration through the DFIA that substance abuse is a significant need area for the majority of women offenders.

The proportion of women at each security level assessed using the current DFIA indicates both that the majority of women are high needs and that high need is not equated exclusively with maximum security. As of December 5, 2004, of the total assessed incarcerated population of 371 women, 167 were high need. Of the 167 high need women, only 17 (10.2%) were classified as maximum security. The remainder were medium (114) and minimum security (28). Eight of the 167 had not yet been assigned a security classification.

CSC is committed to developing and implementing effective interventions, which are based on appropriate tools and processes. CSC periodically reviews, validates and updates all its tools and processes using new research, consultation with experts and statistical reviews. Therefore, CSC will incorporate the suggestions flowing from the CHRC report and the consultations with stakeholders to enhance the appropriateness of the needs analysis for women offenders.

The DFIA instrument is currently being updated. A series of gender- and culturally-responsive interview prompts and rating guidelines have been added. For example, the new domain on responsibility is broken into two factors: general motivation and person-specific factors (individual differences).

Examples of responsivity factors that may be woman-specific include:

- 1) May have an eating disorder?
- 2) Has engaged in self-injurious behaviour?
- 3) Low self-esteem?

The revised DFIA was created by synthesizing information from the following sources: extensive literature reviews, consultation with women's institutions, reviews by external experts in corrections and a statistical review of 770 women offender cases that examined the reliability and predictive validity of the indicators and corresponding dynamic factor ratings.

Until the revised DFIA is ready for implementation following field-testing, the Deputy Commissioner for Women (DCW) will review and update, as necessary, the *Women's Institutions - Offender Intake Assessment Content Guidelines* and ensure the requisite staff in the women's institutions receive refresher training as required in the use of these guidelines.

Action:

| Action | Timeframe |
|--|--|
| At the consultation with stakeholders, CSC further committed that the Research Branch will review the current wording of the DFIA tools. | March 31, 2005 |
| The field test of the revised DFIA at the women's institutions will be conducted over a one- to two-year period. Given the number of admissions annually, to ensure that sufficient data are collected to allow for analysis of results for the various groups identified by the CHRC – Aboriginal, racialized and disabled women - the field test cannot be done over a shorter period. The plan for validation testing for women offenders will be completed for the start date of the field test. The results of the field test will be shared with the CHRC. | Field test: Fiscal Year (FY) 2005-2006 & 2006-2007 Results to CHRC: by mid FY 2007-2008 Decision: by end of FY 2007-2008 Implementation: FY 2008-2009 |
| DCW to coordinate review of the <i>Women's Institutions - Offender Intake Assessment Content Guidelines</i> . | June 30, 2005 |
| <p>Related Requirement: Correctional Plans. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations.</p> <p>Contingent on the consent of the women, outside stakeholders will participate in the development of plans for the women currently housed at the Nova Secure Unit as well as two women housed in the Secure Units at EIFW and GVI respectively.</p> | By February 28, 2005 |

RECOMMENDATION 2(a)

(Accept in principle)

It is recommended that the Correctional Service of Canada create a security classification tool explicitly for federally sentenced women, one that takes into consideration the low risk posed to public safety by most women, within one year.

Background:

This recommendation refers specifically to the process used for the initial security classification of women offenders. The security classification level is reviewed regularly during the period of incarceration usually as part of the process of preparing for a release or transfer decision or in response to an incident.

CSC is legislated to provide a security classification to all offenders as per section 30 of the *Corrections and Conditional Release Act* and sections 17 and 18 of the *Corrections and Conditional Release Regulations*.

In establishing the initial security classification of offenders, CSC uses the Custody Rating Scale (CRS) as one component in a comprehensive assessment process. In her April 2003 report, the Auditor General recommended further validation and reliability testing of the classification instruments used for women offenders. CSC subsequently committed to the Public Accounts Committee that it would develop a classification instrument specific to women offenders. As such, CSC is proceeding with the development of a new gender-informed initial security classification tool using independent resources, with expertise in research methodologies applicable to women involved in the criminal justice system.

Classification instruments require time to develop and test. However, with the advances in research methodologies and tools since the CRS was first implemented (1994), CSC estimates that a new tool may be ready for field testing within one year of the awarding of the contract. It is anticipated that the field test would then run for approximately two years to ensure the validity of the instrument. Upon conclusion of the field test, the findings and operational implications (OMS; staff training, etc.) will be presented to Executive Committee for decision.

In the interim, CSC will continue to use the CRS – which has been validated for women offenders, most recently in 2004 – as one of the tools in establishing the initial classification. An offender's security classification is not static but responds to the progress made while incarcerated. As such, the security classification of each offender is reviewed regularly throughout the sentence using the Security Reclassification Scale.

CSC is currently finalizing a security reclassification tool “built from the ground up” for women offenders. This project was initiated in 2002 after the CRS had been revalidated for women offenders and CSC turned its attention to the data on the number and trends in reclassification decisions. CSC was developing a reclassification tool for men offenders at that time. Rather than adapt the tool developed for men offenders, CSC piloted the development of the Security Reclassification Scale for Women (SRSW).

The field test sample comprised an over-representation (42%) of Aboriginal women to ensure applicability of the scale for that particular group. To date, data show that the scale is responsive

to both non-Aboriginal and Aboriginal women. More specifically, the SRSW is showing good reliability and validity for both Aboriginal and non-Aboriginal women.

Action:

| Action | Timeframe |
|---|--|
| <p>Gender-informed initial security classification tool:</p> <p>CSC will proceed with the development of a gender-informed initial security classification tool by external expert(s). This is a multi-year project, not only because of the complexity of development but also the need for a lengthy field test to gather enough data given the relatively few women admitted each year.</p> | <p>Request for proposal: March 31, 2005</p> <p>Research design: FY 2005-2006</p> <p>Field test: FY 2006-2007 & 2007-2008</p> <p>CSC decision: FY 2008-2009</p> <p>Implementation: FY 2009-2010</p> |
| <p>Gender-informed reclassification tool:</p> <p>Field testing of the gender-specific SRSW is complete. The tool has been finalized for external review. The external review occurred in mid-January 2005. The results will be presented to the CSC Executive Committee for decision on next steps.</p> <p>Once approved, reclassification reviews of all women, both Aboriginal and non-Aboriginal, will be conducted on an ongoing basis using this gender-informed tool. Maximum-security women will be given priority.</p> | <p>External review: mid-January 2005</p> <p>Results to Executive Committee: March 2005</p> <p>Implementation: FY 2005-2006</p> <p>As soon as the scale is implemented (refer to 2(c)(i))</p> |
| <p>Related Requirement: Review and analyse the impact of the correctional environment on women offender risk and needs. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations. CSC committed to initiating an exploration of how to assess the impact of the correctional environment on women offender needs and level of risk.</p> <p>a) As a first step, CSC will develop a climate indicator and profiling model for women’s institutions. This is a multi-year project, which will require two to three years of data collection, consultation and analysis.</p> | <p>Preliminary model to be completed in FY 2007-2008</p> |
| <p>b) Recognizing the potential impact of the institutional environment on offender behaviour, CSC will invite</p> | <p>Letter to academic institutions by March 31, 2005</p> |

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| academic institutions to pursue with their graduate students the framing of possible methodologies specifically for women's institutions. | |
| <p>Related Requirement: Review of classification level of maximum-security women. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations.</p> <p>The wardens of the women's institutions will ensure that the case of each woman assigned a maximum-security classification is reviewed and that the behavioural and management expectations in support of a safe reduction in her classification are clearly identified.</p> | December 2004 – March 2005 |

RECOMMENDATION 2(b)

(Accept in principle – Joint action with Public Safety and Emergency Preparedness Canada)

It is recommended that the Correctional Service of Canada commission an independent study of the possible discriminatory impact of section 17(e) of the Corrections and Conditional Release Regulations on federally sentenced offenders with disabilities.

Background:

Corrections and Conditional Release Regulations, s. 17(e):

The Service shall take the following factors into consideration in determining the security classification to be assigned to an inmate pursuant to section 30 of the Act: (e) any physical or mental illness or disorder suffered by the inmate.

CSC recognizes the importance of appropriate security classifications and placements for offenders.

CSC's mandate is to apply the law in administering the sentence. Issues related to the intent of the law and possible *Charter* implications of certain provisions of the law, therefore, are more appropriately examined by Public Safety and Emergency Preparedness Canada (PSEPC) and/or the Department of Justice.

Action:

| Action | Timeframe |
|---|--|
| CSC proposes to jointly conduct with PSEPC an exploratory review of the impact of paragraph 17(e) on a sample of women offenders, which will complement the audit on accommodation of disabilities. | Project plan: March 1, 2005 Draft report: December 30, 2005 Final report: March 31, 2006 |
| CSC will ensure that the scope of work for the | See 2(a) above |

| | |
|--|--|
| development of the gender-informed initial security classification tool referenced under 2(a) above specifies that the tool must respond to this as well as all other elements of the legislative frame. | |
| Complete the two human rights audits: Privacy and Access to Information and Accommodation of Disabilities. | By March 2006 (refer to recommendation 18) |

RECOMMENDATION 2(c)(i)

(Accept – To action when tool is implemented)

It is recommended that the Correctional Service of Canada act immediately to address the issues concerning the disproportionate number of federally sentenced Aboriginal women classified as maximum security by immediately reassessing the classification of all Aboriginal women currently classified as maximum security using a gender-responsive reclassification tool.

Background:

At present, as required by the Secure Unit Operational Plan, reclassification security reviews of maximum-security women offenders are conducted every six months.

The SRSW was developed to be responsive to women offenders, including Aboriginal women offenders.

Once the SRSW is implemented (see recommendation 2(a)), the reclassification of all women, both Aboriginal and non-Aboriginal will be conducted on an ongoing basis using this gender responsive tool.

Action:

| Action | Timeframe |
|--|---------------------------------|
| The SRSW will be used, when implemented in FY 2005-06, to reassess the security classification of all maximum-security Aboriginal women on a priority basis. | Upon implementation of the SRSW |
| See also the related requirement response under recommendation 2(a) respecting the immediate review of all maximum-security women. | |

RECOMMENDATION 2(c)(ii)

(Do not accept)

It is recommended that the Correctional Service of Canada act immediately to address the issues concerning the disproportionate number of federally sentenced Aboriginal women classified as maximum security by changing the blanket policy of not allowing maximum security women at the Healing Lodge to a policy that is based on individual assessment.

Background:

The Arbour Commission report made the same recommendation and it was not accepted at that time for the reasons reiterated below.

First, it is important to note that, pursuant to the *Corrections and Conditional Release Act*, CSC has a legal obligation to ensure that the penitentiary environment is safe.

The Okimaw Ohci Healing Lodge (OOHL) has neither the static security nor the staffing levels required to accommodate and manage the needs and the risks of women classified at the maximum-security level. It has no fence and its operational philosophy requires a high level of ongoing daily commitment to working intensively and quasi-independently on their personal healing path, respect for all in the OOHL and Nekaneet community, including staff, and the ability of each individual to balance their needs with that of the community as a whole.

Research, assessment and experience have shown that the community-living model even within the fenced perimeter of the regional institutions is not appropriate for this group of offenders. The community-living model at the OOHL is situated within the healing frame of Aboriginal culture and philosophy. CSC recognizes that the OOHL context places even higher demands on individual women particularly in terms of the level of interaction required on a daily basis with staff, Elders and Nekaneet community representatives.

Input from those, including Elders, who have worked with the maximum-security women, suggest that healing lodge candidates must have reached some basic prerequisites to be able to benefit from the intensive healing processes at the lodge. In addition to the concern that there will be a negative or disruptive impact on those women who are ready, there is a concern that the women who are not ready will be set up to fail rather than to succeed. CSC is not prepared to accept the impact on the healing approach implemented at OOHL by increasing the staffing levels and the security orientation as required to manage the high need and high risk maximum-security women.

CSC will continue to work with Aboriginal staff and Elders and community representatives/organizations to conduct the research and program development to increase correctional effectiveness for Aboriginal offenders including those interventions that potentially will support moves to lower security levels.

CSC is committed to ensuring that first, the assessment of “healing readiness” is driven by Aboriginal staff and Elders who work with maximum-security women and second, is explicitly considered in the security reclassification process for maximum-security women. To that end, CSC will take action to ensure that those women who are ready and who would benefit from the lodge’s approach are identified in a more structured and proactive manner.

Action:

| Action | Timeframe |
|---|--|
| <p>CSC will implement a “healing lodge readiness” assessment process as a pilot project. The proposed preliminary parameters are:</p> <ul style="list-style-type: none"> • the development of a “healing lodge readiness” framework. • an annual case by case review of maximum-security Aboriginal women involving OOHl staff and champions, the Elders, the Aboriginal liaison officer and case management staff from the Secure Unit where the woman resides. • Results will be used by the Kikawinaw (warden) and the OOHl champion at each regional institution to recommend to the institutional head, the suggested programs/interventions, which will assist those women who are considered not ready or, for women considered ready, a re-classification of the woman and a transfer to the OOHl. | <p>Healing Lodge readiness assessment frame: April 30, 2005</p> <p>Implementation: May 31, 2005</p> <p>Evaluation / review: September 2006</p> |

RECOMMENDATION 3**(Under Review)**

It is recommended that Policy Bulletin No. 107, which requires offenders serving a minimum life sentence for first or second degree murder to be classified as maximum security for at least the first two years of federal incarceration, be rescinded immediately in favour of fair and balanced individual assessment.

Background:

CSC’s current policy requires that offenders serving a life sentence for first or second degree murder spend at least the first two years of their federal sentence in a maximum-security institution. In exceptional cases, offenders may be assigned a medium-security classification within that two-year period with the approval of the Assistant Commissioner, Correctional Operations and Programs.

Between the implementation of the policy in February 2001 and the end of December 2004, 14 women sentenced to a minimum life sentence for first- or second-degree murder were admitted to a federal women’s facility. Of those 14, seven were initially assigned a maximum-security classification. Four of the seven are now classified as medium security.

CSC is completing a review of the policy on *Security Classification of Offenders Serving a Minimum Life Sentence for First- or Second-Degree Murder* as indicated in the *CSC Response to the Office of the Correctional Investigator Annual Report*.

Action:

| Action | Timeframe |
|---|------------------|
| This is a corporate policy issue that is currently being reviewed. Pending completion of the CSC review of the policy, all cases of newly admitted women subject to Policy Bulletin 107 will automatically be reviewed by the DCW (there have been 2 reviews to date). The Office of the Correctional Investigator (OCI) will be advised as those cases arise. | Ongoing |

RECOMMENDATION 4**(Under consideration)**

It is recommended that the Correctional Service of Canada implement a pilot needle exchange program in three or more correctional facilities, at least one of which should be a women's facility, by June 2005. The results of the pilot project should be monitored, disclosed and assessed within two years.

Background:

Drug use is a problem for correctional organizations throughout the world. It is a contributing factor to criminal behaviour and the spread of infectious diseases. Substance abuse has serious implications for the health and safety of CSC staff, offenders and the public.

CSC's approach to substance abuse is comprehensive. It includes interdiction, assessment, prevention, treatment and research. CSC offers all inmates preventive services such as health education; voluntary screening for early detection and treatment of infection; and, access to harm reduction measures and devices such as condoms, dental dams and bleach, to help reduce the transmission of infectious diseases within the correctional setting.

CSC-delivered health services are framed within the context of professional community standards and availability. Because issues related to the transmission of infectious diseases are first and foremost issues of public health, CSC is working in partnership with the Public Health Agency of Canada and with Health Canada to assess the validity and reliability of the existing material related to needle exchange in prison. In that way, CSC will be able to determine where needle exchange fits in the whole range of health initiatives used to reduce the spread of disease. Through that partnership, CSC will be able to ensure that the necessary interventions regarding infection control and prevention in prison are applied. CSC is implementing safer tattooing pilots as another harm reduction program.

Action:

| Action | Timeframe |
|--|--|
| CSC is committed to the continuous improvement of its application of the National Drug Strategy. CSC is working closely with Canadian public health agencies to ensure that harm reduction measures proposed, such as the needle exchange program, are applicable to a correctional environment. | Consultation with Canadian public health agencies in winter 2004 / spring 2005 |
| CSC is implementing the Safer Tattooing Practices Initiative pilot. A women's institution is part of the pilot. Once the evaluation results are available, CSC will consider next steps in harm reduction initiatives. | Implementation: FY 2005-2006 until end of FY 2007-2008 Evaluate: FY 2007-2008 |

RECOMMENDATION 5(a)

(Accept)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz the National Operational Protocol — Front Line Staffing be made into a formal policy in the form of a Commissioner's Directive or Standard Operating Procedure.

Background:

The *National Operational Protocol* was implemented as a performance support tool in 1998. It has been an element of women-centred training since its inception.

CSC is finalizing the conversion of the *National Operational Protocol* into a policy document.

Action:

| Action | Timeframe |
|---|--|
| The <i>National Operational Protocol — Frontline Staffing</i> is being finalized as a policy document. There will be consultation, which will include stakeholders. | Consultation on draft policy: March 2005 Promulgation: September 2005 |

RECOMMENDATION 5(b)

(Accept in part)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz that the ten day Women-Centered Training be mandatory for everyone who works in a women's facility.

Background:

The original ten-day Women-Centred Training Program (WCTP) was delivered to all staff until 2000 when the curriculum was reviewed and revised.

The WCTP sensitises staff to various issues, including sexism, racism, disability, sexual orientation, physical and/or sexual abuse, self-injurious and suicidal behaviour, addictions, mental health and Aboriginal traditions and spirituality.

During the second revision in 2002, it was determined that individuals that do not work on the frontlines required less intensive training and shorter versions of the training were developed (see below).

- The ten-day course continues to be delivered to all primary workers (PW) and assistant team leaders who work on the frontline with the women.
- The three-day version covers the same topics but more briefly, as it is designed for staff periodically working with women (i.e., non-frontline staff).
- The one-day version is for managers and provides an overview of the ten-day and three-day curricula. Managers are assessed through the selection process for their knowledge of, and sensitivity to, women's issues and as such do not require the level of in-depth training provided to staff.

The WCTP (all versions) is a part of the National Training Standards (NTS). Training courses included in the NTS are mandatory and compliance against all NTS is monitored by CSC Learning and Development and reported to the Executive Committee. For those staff participating in the Correctional Training Program (CTP), WCTP is normally offered when elements of the CTP that are not required for work at a women's institution (e.g., weapons training) are being taught. The WCTP is always offered prior to the employees' arrival at the women's institution.

For many years, CSC staff had to participate in a mandatory anti-harassment training workshop. In 2003-2004, a joint learning program initiative between the Union of Solicitor General Employees (USGE) and CSC led to the development and pilot of a revised anti-harassment training program. This program will be part of the NTS effective April 1, 2005.

The program is designed to promote an awareness of, and sensitivity to, human rights issues and a better understanding of each person's role in the prevention, identification and resolution of harassment complaints.

Action:

| Action | Timeframe |
|---|-----------|
| CSC will maintain the current process, whereby staff in the women's institutions are provided the WCTP training in accordance with the NTS. | Complete |

RECOMMENDATION 5(c)

(Accept in part)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz that a refresher course on the Women-Centered Training for Correctional Service front-line staff be offered annually.

Background:

As a general training approach, CSC plans for, and supports, refresher training in all key mandatory areas.

Therefore, a national training standard and program for refresher training specifically on women's issues will be developed, implemented and monitored.

It should be noted that the current annual mandatory training in the women's institutions requires that both parole officers and PW receive annual training on case management issues, some specific to working with women. As well, there is initial and refresher training for staff responsible for specialized interventions such as dialectical behaviour therapy. There are also NTS for this specialized training.

Action:

| Action | Timeframe |
|--|---|
| A one-day refresher training program for staff working on the frontline in women's institutions to be delivered every second year will be developed and implemented in FY 2005-2006. | Develop and implement a one-day refresher program: FY 2005-2006 |

RECOMMENDATION 5(d)

(Accept)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz that the implementation of the National Operational Protocol be assessed by an independent external evaluator after two years.

Background:

CSC uses a range of approaches, both internal and external, to assess compliance with policy and procedures.

Most recently, CSC has established a consistent internal approach to performance measurement in a number of key policy areas through the establishment of the Management Control Frameworks (MCF) that are structured self-reporting tools used at the operational level. Internal corporate level audits and evaluations will use MCF results as part of the data collection and will verify the reliability and integrity of the self-monitoring approach.

The MCF results are presented to the Executive Committee for review and approval of corrective action.

Action:

| Action | Timeframe |
|---|-------------------------------------|
| MCF: CSC will develop and implement a MCF for the <i>National Operational Protocol</i> . The MCF will be administered once in each fiscal year commencing in FY 2005-2006. As per the MCF process, the results and corrective action will be reviewed by Executive Committee. The MCF results will also be used for accountability contracts at all levels of supervision and management at the institutional level. | FY 2005-2006 and 2006-2007 |
| Independent Evaluation: CSC will arrange for an independent evaluation. The MCF results (and any other data such as complaints and grievances on compliance issues with respect to the <i>National Operational Protocol</i>) will be provided to the independent evaluator for use in the independent evaluation. The independent evaluation, therefore, will take place in FY 2007-2008. | FY 2007-2008 |
| Inmate Consultation: In addition to the MCF process, the DCW or a senior manager will meet annually with the Inmate Committees at the regional institutions to review and discuss compliance issues with respect to the <i>National Operational Protocol</i> ; results and corrective action, if required, will be discussed and resolved with the wardens individually and as a group. | Ongoing: commencing in FY 2005-2006 |

RECOMMENDATION 6(a)

(Under review – Joint with PSEPC)

It is recommended that the Correctional Service of Canada implement independent adjudication for decisions related to involuntary segregation at all of its regional facilities for women. The impact of independent adjudication on the fairness and effectiveness of decision making should be assessed by an independent external evaluator after two years.

Background:

Since the 1996 Arbour report, CSC's use of administrative segregation has been the subject of many reviews. Out of these reviews came calls for the Service to test and/or implement independent adjudication (Administrative Segregation Task Force; Human Rights and Corrections report (1997 report produced by the CSC Working Group on Human Rights, chaired by Max Yalden); the *Corrections and Conditional Release Act* review; and the present CHRC report). Specific concerns raised in the reviews included: overuse, long stays and questionable admissions. All external bodies see the proposed solution to these concerns as one variation or another of independent adjudication.

CSC's Executive Committee discussed independent adjudication most recently at the September 2004 meeting. As recorded in the minutes:

CSC's shares the concern of long stays and possible overuse but situates this within operational realities which must be addressed first:

- *Outdated infrastructure*
- *Lack of alternatives*
- *Difficulties with transfers*
- *Management of long-term cases, including those who refuse to leave segregation*

Members discussed the issues and concluded that the proposed PSEPC model for independent adjudication does not respond to the CSC concerns and, based on experience with the enhanced review pilot, would not resolve the concerns identified by external bodies. Members decided to generate alternate models while continuing to focus attention on the operational context concerns.

At present, CSC will continue with internal measures to address segregation concerns. In the past, as a means to address some of the issues raised in these reviews, while maintaining its accountability for segregation placements, CSC has tested a number of initiatives, such as an "enhanced" internal review model, enhanced segregation review pilots and a revised regional review process. Out of these initiatives have come lessons learned and best practices which are being used as a basis to improve performance.

In the case of women, the length of time that they spend in segregation is generally short, though there are some exceptional cases. The DCW and her staff regularly review the use of segregation and work closely with the women's institutions to develop alternatives for the small number of women whose stay in segregation exceeds 60 days.

Action:

| Action | Timeframe |
|---|-------------|
| Independent adjudication is outside the current legislative framework. However, CSC and PSEPC will jointly develop options. | summer 2005 |

RECOMMENDATION 6(b)

(Accept in principle)

It is recommended that Segregation Advisory Committee for Women's Institutions should be created with membership from both within and outside the Correctional Service, including representatives of Aboriginal communities.

Background:

CSC is committed to examining alternatives to long-term segregation and enhanced transparency of the administrative process.

Often the women who become long-term segregation cases suffer from mental health problems and experience difficulty coping with daily living in either the maximum-security pods or in the community-living houses. Since 2001, eight-bed mental health units, called SLE houses, have been operational at each regional institution. Staff trained in mental health issues and interventions provide 24-hour support and care to women with mental health problems.

CSC also has two psychiatric units, one at the Regional Psychiatric Centre in Saskatoon (11 beds) and the other at a provincial forensic psychiatric hospital, Institut Philippe Pinel de Montréal (15 beds). Both offer intensive psychiatric treatment. Admission to both these units is voluntary, unless the woman has been certified as incompetent to make such a decision by the provincial standards where she is accommodated. The availability of these accredited mental health beds is helping to alleviate long-term segregation status.

Action:

| Action | Timeframe |
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| The DCW will establish a pilot project for the case by case review of all women in segregation over 30 consecutive days, and all women whose cumulative stay in segregation exceeds 60 days over a one-year period. The DCW will establish a committee with an external representative to conduct such reviews a minimum of twice per year over the next two years. The mandate for the committee must be within the current legislative frame. To ensure an appropriate period for evaluation, given the few long-term and/or repeated segregation cases, the pilot will operate for at least two years prior to evaluation. The results will be reported to CSC's | Committee mandate and membership by April 30, 2005 Conduct reviews: FY 2005-2006 and 2006-2007 Report: June 2008 |

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| Executive Committee with recommendations for next steps. | |
| The DCW will examine in detail cases from FY 2002-2003 and FY 2003-2004, which fall under the parameters described above, in order to compile a list of reasons for segregation, alternatives tried to avoid segregation, and steps taken, which resulted in the women leaving segregation. This review will be shared with the review committee referenced above as background to facilitate their work. | Report by May 31, 2005 |

RECOMMENDATION 6(c)

(Accept)

It is recommended that the Correctional Service should examine alternatives to long-term segregation for women offenders, in consultation with external stakeholders.

Background:

CSC is committed to examining alternatives to long-term segregation. However, CSC notes that there are few cases of long-term segregation in women's institutions. As well, CSC notes that the concerns and the solutions proposed by external groups and individuals are well documented and have been discussed in a number of fora with stakeholders.

As a basis for further examination of alternatives, CSC proposes to establish the advisory committee referenced under 6(b) above as a pilot project. The results from the pilot will be used to frame next steps/ further discussions.

Action:

| Action | Timeframe |
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| CSC proposes to establish the advisory committee referenced under 6(b) above as a pilot project. The results from the pilot will be used to frame next steps/ further discussions. | Refer to 6 (b) above. |

RECOMMENDATION 7

(Accept in principle)

It is recommended that the Correctional Service of Canada consider the needs and low risk of minimum and medium security women inmates in the construction of additional facilities for women.

Background:

CSC accommodation planning is based on population analysis – risk, needs, forecasted numbers, etc. All these elements feed into the master plans of renovations/changes to existing institutions and into the operational plans for new institutions.

Due to small numbers, the 1990 *Creating Choices* Task Force recommended and CSC accepted to accommodate women in multi-level regional-based institutions. The needs and risk requirements of all security levels were considered in the development of the regional institutions.

While this continues to be of concern to stakeholders, CSC maintains that the risks to the delivery of effective corrections, that surfaced as the new institutions opened, required changes to the original level of static security.

CSC also conducted extensive consultations and research to develop the 1999 Intensive Intervention Strategy for Women Offenders to ensure that the approach ultimately approved and implemented was/is based on women offender risks and needs. The SLE and the Secure Unit designs, inclusive of staffing model and correctional interventions, are unique to women offenders – they are not adaptations from interventions with men offenders. The SLE model comes from community-living houses for disabled adults and youth. As for the maximum-security model, the Integrated Correctional Intervention Strategies (ICIS) currently being piloted for men offenders has many of the same elements as those developed years earlier for women.

There are advantages to an approach which also addresses the individual woman's desire to stay in an environment where she has developed relationships and connections – security reclassification does not mean a move as is the case with men offenders. For example, because the Secure Units are part of the regional institutions, wardens have the flexibility to gradually reintegrate women from maximum security into the main population through the use of shared spaces and shared programming. On the other hand, by replicating certain services such as meal preparation and program space, wardens also have the flexibility to ensure women classified at lower security levels can continue to address their correctional plans by maintaining maximum-security women apart from the main population.

In summary, CSC does recognize the distinct needs of the various populations and has developed integrated operational, staffing and physical models that both facilitate the operations of multi-level institutions and promote dynamic interactions between staff and inmates.

Action:

| Action | Timeframe |
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| <p>In accordance with existing CSC planning practices and processes, the assessed risk/needs of women offenders will continue to form the basis for future plans to renovate or expand existing institutions.</p> <p>CSC will continue to conduct research, review external research, and consult with stakeholders to broaden its understanding of the risk/needs of women offenders. These findings will be used to reassess and adjust the accommodation and operational designs and intervention</p> | Ongoing. |

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| strategies that are most effective in responding to those needs. | |
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RECOMMENDATION 8(a)

(Accept)

The Commission recommends that the Correctional Service of Canada ensure that the revised program strategy for women acknowledges that some of women’s criminogenic factors are unique.

Background:

The *Correctional Program Strategy for Federally Sentenced Women* was developed in 1994 (with the assistance of Dr. Kathleen Kendall who had, in 1993, completed a comprehensive evaluation of programs at Prison for Women).

Work on revising the program strategy began in 2003 and the new version has been subject to broad consultation with both internal and external stakeholders.

The revised *Program Strategy for Women Offenders* (2004) provides up to date information on program needs of women offenders and includes the overall strategy for women’s programming (including Aboriginal women) in the institutions and in the community.

The revised *Program Strategy for Women Offenders* (2004) describes the current state of knowledge and research with respect to women’s criminogenic factors. The references below are taken from pages 5 and 6 of the *Strategy*:

However, while some criminogenic needs such as pro-criminal attitudes and association with criminal peers are criminogenic for women, there is preliminary evidence to indicate that some factors are more relevant for women offenders: emotional dysregulation, self-injurious behaviour, suicide attempts and self-esteem. There is evidence that self-injurious behaviour is linked to recidivism and to institutional incidents of violence, substance abuse, and disciplinary problems.

Although some basic elements of effective correctional programming may apply to both men and women offenders, there are some elements that differentiate the two. Gender-specific programming must reflect an understanding of the psychological development of women. Current thinking in this area suggests that women place great value in the development and maintenance of relationships. Consequently, “situational pressures such as the loss of valued relationships play a greater role in female offending”. While social learning theories and cognitive behavioural interventions have proven effective with offender populations of both genders, some academics believe that relational theory is an approach that adds effectiveness to programming for women. Relational theory focuses on building and maintaining positive connections and relationships. The main goal is to increase women’s capacity to engage in mutually empathic and mutually empowering relationships. To enable change, women need to develop relationships that are not reflective of previous loss or abuse.

Action:

| Action | Timeframe |
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| The revised <i>Program Strategy for Women Offenders</i> (2004) describes the current state of knowledge and research with respect to women’s criminogenic factors, including those unique to women. It is available on the CSC website. | Complete |
| The strategy will be updated periodically to reflect the implications of new research. | Ongoing |

RECOMMENDATION 8(b)
(Accept)

The Commission recommends that the Correctional Service of Canada develop and implement gender-responsive programming that addresses the full range of women’s criminogenic factors.

Background:

As outlined in the *Program Strategy for Women Offenders* (2004), programs for women offenders are developed and updated based on gender-informed research, criminogenic needs and women-centred principles. Based on consultation with experts on women’s ways of learning and on women offenders, the focus of women’s programs is on responsivity and relational theory.

Program evaluations assist in ensuring that programs target the criminogenic needs of women. The evaluation process for correctional programs for women offenders is designed to link specified program goals to measurable outcomes. Currently, CSC’s correctional programs, designed specifically for women, include a built-in evaluation plan where offenders are assessed both pre- and post- program participation.

Program development or re-development is an ongoing activity and will be conducted in the context of the *Program Strategy for Women Offenders* (2004). For example, the WOSAP, which is one of the first programs in place that addresses the multiple needs of women, is in the second year of a two-year demonstration project. WOSAP is being delivered at each of the regional women’s institutions and the maintenance relapse prevention component is being delivered at 11 community sites. A second program facilitator training session took place in June 2004. A full evaluation will be conducted (though data collection is already underway) at the end of the two years.

With the implementation of WOSAP, Survivors of Abuse and Trauma (guidelines were developed with community representatives and it has been offered by community agencies since the institutions opened), Dialectical Behaviour Therapy and the Individualised Sex Offender Program for Women, many of the women’s criminogenic factors have been addressed. The development of a violence prevention program specific to women offenders is currently being explored. Taken together, these programs address the unique criminogenic needs of women identified by the research currently available.

Action:

| Action | Timeframe |
|---|---------------------------------|
| As the majority of women in federal custody have committed crimes of violence, a violence prevention strategy unique to women offenders is being explored | Proposed strategy: FY 2005-2006 |
| <p>Related Requirement: Accreditation of women's programs was raised during the CSC stakeholders consultation on the CHRC recommendations.</p> <p>As the need to consider accreditation of women's programs arises in the future, discussion will occur with stakeholders.</p> | |

RECOMMENDATION 9

(Accept)

The Commission recommends that the Correctional Service of Canada bring a gender focus to its employment and employability programming for federally sentenced women, including the development of job opportunities in the community.

Background:

CSC recognizes the importance of employability skills training and employment in the safe reintegration of offenders.

Though education and employment are recognized as high need areas for women, issues such as substance abuse often constitute a greater need in the women's life and are often the program priority particularly for women serving short sentences (37% are serving three years or less). It is also recognized that given their education level, many women will likely return to service industries and more traditional employment.

CSC has undertaken a series of actions to address the employment need area for women offenders in the institution and in the community.

With respect to **employment in the institutions**, an early positive effect of the initiatives is that CSC has increased employment opportunities for women by ten percent in each of the women's facilities: between April 1, 2003 and March 31, 2004, a total of 487 women held a full or part-time institutional work assignment.

In FY 2002-2003, CSC allocated ten percent of its total vocational training program restructuring monies to women offender initiatives such as: Career and Occupational Preference System (COPS) and Career Ability Placement Surveys (CAPS); Vocational Assessments; Basics in Food Safety; WHMIS; Industrial Cleaning Program; First Aid and CPR; Portfolio and Essential Skills; Socio-Occupational Integration Services; Industrial Sewing Machine Mechanic's Helper and

Industrial Design. Between April 1, 2003 and December 5, 2004, 600 third-party certificates were earned by women offenders.

CSC has also contracted with the Conference Board of Canada to develop a gender-informed Employability Program Strategy (which is part of the Employment and Employability Program (EEP)). The program is designed to enhance the employability of women offenders through institutional work experience. In fiscal year 2003-2004, EEP training was provided to requisite staff in each of the women's institutions. The Employability Skills Program (certified by the Conference Board of Canada under Skills Solutions and widely recognized by employers across Canada) will be piloted in two women's facilities in FY 2005-2006. Using the evaluation results, CSC will be able to determine how the program is received and to assess its effectiveness. An implementation strategy will then be developed to ensure it is delivered at all sites on an ongoing basis.

With respect to **community employment**, between April 1, 2003 and September 30, 2004, close to 100 community work assignment placements for women offenders were made, following assessment in an employment centre, in the following general categories: administrative support, food and beverage services, call centres, construction, general labour, tourism and horticulture. As of October 20, 2004, 162 of 333 employable¹ women (49%) on release in the community were working.

The Service's Research Branch is conducting a survey with both incarcerated women and women on conditional release to obtain an enhanced understanding of their work experience; training and skills before and during incarceration; their perceived employment competencies and suggested strategies for overcoming impediments to obtaining and maintaining meaningful work in the community on release; and, an assessment of their interests in pursuing particular vocational training and employment experiences. Survey dissemination to offenders and staff began in February 2004. Data collection and analysis will be completed by spring 2005.

The information derived from the above survey will serve as the basis for developing a National Employment Strategy Framework for Women Offenders.

The population has increased since the opening of the institutions and consequently, space for vocational programs continues to be a challenge. A master planning exercise is underway for the women's institutions in which space requirements are being reviewed.

Action:

| Action | Timeframe |
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| The Employability Skills Program pilot will be evaluated and a decision made on expansion to all the women's institutions by Executive Committee in FY 2005-2006. | fall 2005 |
| Complete the employment needs survey. | March 31, 2005 |
| Develop a National Employment Strategy for Women Offenders. | FY 2005-2006 |

¹ Women who are full-time students, have physical disabilities, are participating in programs, or are retired are not included in the total number of "employable" women.

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| Facility plans will be developed, in response to the approved National Employment Strategy for Women Offenders, and incorporated into the CSC Capital Plan. The timing and funding of any related improvements will be in accordance with established priorities and budgets. | FY 2006-2007 |
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RECOMMENDATION 10

(Accept)

It is recommended that, based on common guidelines, an action plan for each region should be developed to ensure that the Correctional Service of Canada meets the need for accommodation for federally sentenced women on community release. The plan should include home placement agreements, satellite apartments and other options that would permit women on conditional release to be housed with their children.

Background:

CSC ensured funding support for approximately 144 beds in the community for women on day parole, full parole or statutory release with residency. There is, however, a significant challenge identifying appropriate placements for women who have more serious mental health concerns or threatening behaviour. A number of pilots, funded through Effective Corrections for Community Residential Services, explored alternative residential models (e.g., home placement agreements, satellite apartments) and have now been given long-term support.

In addition, a national community initiatives meeting was held in Ottawa in June 2003 and a national Aboriginal community initiatives meeting was held in Edmonton in May 2004. Regional community initiative meetings took place in all regions during FY 2003-2004 to discuss a myriad of issues, including alternative accommodation options for women.

Building on these focused initiatives, comprehensive regional action plans are being developed to address community residential issues for women. For example, Atlantic Region has moved forward significantly with the planning of a women only community-based residential facility, a priority identified in their regional action plan. CSC will continue to monitor this area and work with community stakeholders.

Action:

| Action | Timeframe |
|---|-------------------------|
| CSC will monitor the regional action plans and explore alternative accommodation options for women, such as private home placements (PHP). | Ongoing. |
| To assist in meeting the challenge for women with serious mental health disorders, CSC will offer training in mental health issues to community-based residential facility staff over FY 2005-2006 & 2006-2007. | FY 2005-2006; 2006-2007 |

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| The DCW will coordinate the delivery of information sessions on PHP for women offenders in major releasing areas, based on the PHP Program successes in Edmonton. | FY 2005-2006 |
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RECOMMENDATION 11(a)

(Accept)

It is recommended that the Correctional Service of Canada continue to take steps to ensure greater continuity between programs offered in the institution and those offered in the community. The community programming phase of the Woman Offender Substance Abuse Program may provide a good model for doing so and should be monitored.

Background:

Every offender has a correctional plan developed to respond to her particular risks and needs both in the institution and the community. The Service addresses the offenders' needs through a combination of its own programs, community-based programs, specialized services, and other interventions.

The revised *Program Strategy for Women Offenders* which frames ongoing program development addresses the requirement for continuity.

As noted by the CHRC, the maintenance/ relapse prevention portion of the WOSAP (delivered in women's institutions) is currently being implemented, on a pilot basis, in 11 communities, ensuring a continuum of delivery between the institutions and the community. The evaluation will provide CSC with assistance in identifying challenges and strategies in this area.

There is a federal/provincial/territorial Heads of Corrections sub-committee on women offenders. A meeting is tentatively scheduled in spring/summer 2005. The issue of community-based programming and possibilities for joint initiatives will be placed on the agenda.

CSC will continue to monitor effectiveness of community programs for women and work with community partners to continue to enhance these programs.

Action:

| Action | Timeframe |
|---|--------------------------------|
| CSC will ensure the continuity factor is assessed in the WOSAP evaluation. | WOSAP evaluation: FY 2005-2006 |
| Discuss this issue at the planned federal /provincial/territorial Heads of Corrections sub-committee meeting with a focus on identifying areas for joint initiatives. | spring / summer 2005 |

RECOMMENDATION 11(b)

(Accept in part)

It is recommended that the Correctional Service of Canada offer more assistance to women on conditional release, particularly through employment counselling and child care.

Background:

CSC has implemented employment centres, managed through CORCAN, to provide services to offenders in the community. These locations provide a spectrum of employment services that include individual employment assessment, counselling, job search techniques and on-the-job placements to offenders released to the community.

Since the release of the Auditor General's report in April 2003, CSC has revised its Case Management Bulletin (dated 2003-08-29) to ensure women with employment needs or women who have no evidence of employment in the community upon release, are referred to the employment centres.

CSC has also developed an employment report to link need in the area of employment identified at intake with employment status on release. This report will help inform the Service on where it needs to focus its efforts.

Action:

| Action | Timeframe |
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| CSC will promote the value of the employment centres with parole officers to increase the number of referrals. | Ongoing |
| CSC's legislative mandate does not extend to child care; child care is a provincial jurisdictional issue. However, CSC does play a liaison role and, therefore, will issue a document on <i>Mothers and Children in the Community</i> to provide direction to staff working with women who have children. | Consultation on draft document: September 2005 |

RECOMMENDATION 12(a)

(Accept)

It is recommended that federally sentenced women be provided with an opportunity to consult with an Elder before finalizing their correctional plans. With the agreement of individual women, Elders should play a key role throughout case management and release planning.

Background:

CSC believes this recommendation should also include Chaplaincy for non-Aboriginal women (and Aboriginal or Métis women who may wish to work with a Chaplain).

CSC has already revised several policies to clarify that Elders are an integral part of the case management team and when an offender is working with an Elder, that their input be sought and included before any decision is made. For example, Commissioner's Directive (CD) 700 on Case Management states: "Persons who have meaningful interaction with offenders in the institution and the community shall be involved in the case management process and shall report and record significant observations on individuals' behaviour."

Elders are available to assist women from the time of their arrival in a federal institution - assisting with their correctional plan and/or healing plan is within their scope of work. This process is of course, most effective where there is an Elder working full-time in the institution. Elders are consulted regularly by case management teams who are engaged in updating case work records. Native liaison officers also consult with Elders regarding their clients. Elders are integral to all Aboriginal programs in CSC facilities. They not only provide ceremony but ongoing wisdom to the group. They also participate in Elder-assisted parole hearings and the reintroduction of women to the community.

Chaplains generally meet the women during the first week of admission to discuss services and assistance they can offer. The Chaplain's involvement is usually determined by the relationship that evolves between the two individuals. Chaplains are normally regular participants in case management discussions.

Any proposal to formalize the involvement of Elders and Chaplains in the case management process will require further consultation with Elders and Chaplains as well as the National Elders Council, the Aboriginal Advisory Board and the InterFaith Committee (IFC). It should be noted that the IFC is currently engaged in a comprehensive exercise to build a new CSC/IFC Memorandum of Understanding. The IFC will be requested to include this recommendation in their deliberations.

Action:

| Action | Timeframe |
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| CSC will consult through the National Elders Working Group, the Aboriginal Advisory Board and the IFC to obtain their advice and ideas for further action to formalize and enhance their role in case management. Results of the consultation and recommendations for policy and process changes will be submitted to the Executive Committee by the end of FY 2005-2006. | Consultation: FY 2005-2006 |
| In the interim, CSC will pilot in a women's institution, a formalized case management process whereby prior to sign-off by the woman offender, she is asked if she would like to take her plan and consult with the Elder and/or the Native liaison officer and/or Chaplain. The woman's decision would be noted in the file and, if she chooses to | FY 2005-2006 |

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| consult, a reasonable timeframe and follow-up process would be established and documented in the file. | |
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RECOMMENDATION 12(b)

(Accept)

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| <p>It is recommended that in partnership with Aboriginal communities and organizations, the Correctional Service of Canada should review the use of section 84 of the Corrections and Conditional Release Act, identify barriers to its use, and create and implement an action plan to encourage its use for federally sentenced women. Progress should be reviewed and reported within one year.</p> |
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Background:

Regions are engaged in discussions with a number of Aboriginal communities to raise interest in participating in Section 84 arrangements; however, such participation is ultimately the decision of the community.

Institutional awareness sessions have been held at various women's facilities to increase both staff and inmate knowledge about Section 81 and 84 provisions. The Parole Officer Orientation Induction Training Program now includes a component on Section 81 and 84 agreements.

Ten Aboriginal community development officer (ACDO) positions have been staffed across the country to create links for both men and women offenders with Aboriginal communities, raise Aboriginal community interest in participating in the correctional process, and initiate Section 84 agreements. As well, an Aboriginal advisory committee has been established in the Pacific Region to explore Section 81 and 84 agreements for women offenders. Each institution has identified a "champion" to serve as a promoter of OOH.

A national Aboriginal community initiatives meeting was held in Edmonton in May 2004. Participants examined current program and service delivery to Aboriginal women on conditional release and discussed ways to further develop and enhance community initiatives for federal Aboriginal women offenders.

Action:

| Action | Timeframe |
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| The upcoming ACDO meeting will be held at OOH and will focus on the development of sustainable strategies to enhance the use of Section 84 agreements for Aboriginal women offenders. The outcomes of this meeting will be reflected in the new National Aboriginal Strategy. | Consultation on National Aboriginal Strategy: spring / summer 2005 |
| The DCW in collaboration with the Aboriginal Initiatives Branch will review the Section 84 agreements negotiated/active in FY 2003-2004 and FY 2004-2005 to identify concepts and best practices to share with all | September 2005 |

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| wardens and districts supervising Aboriginal women offenders on release. | |
| <p>Related Requirement: Enhanced information sharing at intake. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations.</p> <ul style="list-style-type: none"> • CSC will enhance information sharing for women offenders on Section 84 provisions during intake. Wardens of women’s institutions will report to the DCW by March 31, 2005 on the process enhancements put in place at their respective institutions. • CSC is developing and will distribute to staff, offenders and the Aboriginal community a new document entitled <i>Section 84 of the Corrections and Conditional Release Act Release Planning Kit</i>, which will provide information on release options. | <p>Report to DCW: by March 31, 2005</p> <p>Distribution: by March 31, 2005</p> |

RECOMMENDATION 13

(Accept)

It is recommended that the Correctional Service of Canada consider whether its current organizational structure optimizes its capacity to ensure consistent human rights compliance in women’s facilities, and that it develop an enhanced functional capacity to ensure the consistent protection and promotion of human rights across its operations.

Background:

CSC’s current legislative and policy framework is based on fundamental Canadian values, such as: equality, respect for the rule of law, valuing every human being, and, tolerance of diversity. CSC established an internal human rights division in 1997 to strengthen CSC’s capacity to promote and maintain a culture that respects human rights. The division works closely with other headquarters functions to advance CSC’s human rights agenda through assisting in reviews of draft policies from a human rights perspective, development of specific training programs and performance monitoring within a human rights frame. However, CSC’s position is that, in an organization comprised of numerous operational sites, the effective approach is not the strengthening of one unit to which is allocated the responsibility for human rights. Rather, the effective approach is to strengthen the capacity at all levels to identify potential human rights issues and seek expert advice at the internal complaint level. Human rights is everyone’s responsibility and everyone’s accountability. To this end, a number of different tools have been utilized to build organizational capacity with respect to human rights.

In FY 2004-2005 the Human Rights Division initiated human rights orientation briefings with regional management committees. These briefings provide the most senior managers in each region with increased understanding of their roles and of the tools available to them.

Training is another vehicle to further enhance the consistent protection and promotion of human rights across CSC operations. A review of the present national training courses for personnel at all levels will be conducted to determine if this vehicle is being well utilized. The courses will be prioritized based on their human rights implications. The three courses with the largest impact will be reviewed by the Human Rights Division and the CHRC. The goal of this exercise will be the identification of gaps in course material and opportunities to add human rights content and language. Based on what is learned from the review of these three courses, a long-term plan will be established to address the remaining thirty plus courses (refer to recommendation 16e).

CSC's work to bring the government's ethics policy to life within corrections was initiated at the executive level. Managers are accountable for establishing and maintaining a working environment that is respectful of all. As an example of formal training in this area, in FY 2001-2002, CSC developed and introduced the Ethics in Corrections Program at its Correctional Management Learning Centre. As of FY 2004-2005, it is mandatory that all executives take this three-day program within 12 months of their appointment. As another example, CSC dedicated one third of its Executive Development Symposium in April 2004 to increasing understanding of how senior managers are expected to discharge their responsibilities in this area.

CSC has also extended a lessons learned approach to the review and analysis of complaints made by offenders and by staff to the CHRC. At the November Executive Committee meeting, CSC conducted such a lessons learned/trend analysis and concluded that the focus should be on prevention through front-end action. Awareness of human rights accommodation issues (e.g., religion and disability) and their impact/response in a correctional environment is key to prevention. Therefore, a more comprehensive "lessons learned" exercise from resolved complaints will be initiated using the offender redress grievance bulletins and the human rights complaints quarterly reports as a basis for effective communication with staff on the human rights aspects of correctional work.

As well, to enhance consistent human rights compliance not only in women's facilities but throughout the Service, CSC Executive Committee recently approved the design of a Corporate Human Rights Monitoring Tool. This tool, which CSC is developing in consultation with the CHRC, will utilize legislation, policy, MCF, grievance data and audit results to assess the Service's overall performance related to human rights (refer to recommendation 18). It will support the effective identification of human rights policy issues, support corrective action and provide an accountability frame for results. The implementation of the Corporate Human Rights Monitoring Tool will assist CSC in assessing the organizational capacity at all sites with respect to compliance with human rights. This process provides a management framework to ensure adherence and increased sensitivity to human rights across CSC.

Developing a tool that will integrate all of the aforementioned information in a coherent, meaningful way will be a complex task, taking at least one full year. It is important to note that CSC will be the first correctional organization in the world to have developed a tool to monitor human right compliance within its organization. The Corporate Human Rights Monitoring Tool will be completed during FY 2005-2006 with full implementation planned for FY 2006-2007 with reporting on annual performance commencing in FY 2007-2008. The annual report will serve to identify priority areas for corrective action and orientation sessions on human rights.

Action:

| Action | Timeframe |
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| With respect to the Corporate Human Rights Monitoring Tool, CSC will develop by March 31, 2005, a workplan to complete the identification of the human rights elements in the 94 MCF. CSC commits to completing this work for the top five MCF by June 2005 and the next five priority MCF by September 2005. A plan for completion of the other MCF will be developed. | Workplan: March 31, 2005 First group of five MCF: June 2005 Second group of five MCF: September 2005 |
| CSC will evaluate the results derived from the Corporate Human Rights Monitoring Tool (approved in September 2004) and submit a report to the Executive Committee. | June 2007 |
| CSC will enhance the lessons learned approach to broaden understanding of human rights implications of corrections as decided at the November 2004 Executive Committee meeting. | Ongoing |
| The national training courses (currently numbering 40) will be reviewed by the Human Rights Division and the CHRC. The goal of this exercise will be the identification of gaps in course material, as well as the addition of human rights content and language. The review will begin with the three programs with the largest impact. Based on what is learned from the review of these three courses, a long-term plan will be established to address the remaining 30 plus courses (refer to recommendation 16e). | Within three months following the completion of the review of the first three programs, a multi-year workplan, based on lessons learned from the first reviews, will be developed for the remainder of the programs. |

RECOMMENDATION 14**(Accept in part)**

It is recommended that, in consultation with its staff and inmates, the Correctional Service of Canada immediately develop and implement an anti-harassment policy and education program that applies to inmates. The policy should provide for independent anti-harassment counsellors for inmates. A short, plain-language version of the policy should also be developed and distributed.

Background:

The Service is committed to providing a workplace that is free of harassment and discriminatory behaviour.

CSC has an anti-harassment policy that applies to offenders. In March 2003, CSC released a policy bulletin on harassment, which clarifies the Service's policies and redress procedures pertaining to harassment. An additional policy clarification was issued on June 9, 2003, that

specifically outlines the process for addressing offenders' allegations of harassment and provides for a trained harassment investigator external to the site where the alleged harassment took place.

These instructions ensure that offenders are protected by the same procedural safeguards outlined in the Treasury Board Policy and in CSC's *Guiding Principles on Prevention and Resolution of Harassment in the Workplace*.

CSC recently conducted training to reinforce the processes involved in handling offender harassment grievances (including allegations of staff misconduct). As well, a monitoring system is in place to ensure that responses to these grievances meet the requirements of the duty to act fairly and due process. Specifically with respect to women offenders, policy ensures that the DCW is advised of all third-level grievances in which a woman offender makes an harassment allegation.

In addition, CSC's expectations for employees in their relations with the public and offenders are set out in Commissioner's Directive 060 – Code of Discipline. With respect to relationships with offenders, the Code states that:

Staff must actively encourage and assist offenders to become law abiding citizens. This includes establishing constructive relationships with offenders to encourage their successful reintegration into the community. Relationships shall demonstrate honesty, fairness and integrity. Staff shall promote a safe and secure workplace and respect an offender's cultural, racial, religious and ethnic background, and his or her civil and legal rights. Staff shall avoid conflicts of interest with offenders and their families.

With respect to staff training, a joint learning program initiative between the USGE and CSC has led to the development of a revised anti-harassment training program. This program was piloted in FY 2003-2004 and added to the NTS for FY 2004-2005. The requirement is that a percentage of managers and employees in the Service meet this standard each year.

CSC's policy on complaints and grievances allows allegations of harassment and sexual harassment to be subjected to an outside review. The policy ensures that outside investigations are conducted by trained harassment investigators that do not work in the institution or parole office where the complaint is lodged. Rather, reviews are conducted by investigators who must be free of any conflict of interest; this guarantees procedural fairness and the appearance thereof. Harassment grievances are externally reviewed by the OCI and this process will continue without any modifications.

Action:

| Action | Timeframe |
|--|---------------|
| CSC will draft for inclusion in all inmate handbooks a plain language standardized section on human rights (see also recommendation 16(b)) which will incorporate a question and answer section on the CSC anti-harassment policy and complaint/investigation process. An alternative communication method such as an audiotape version of the standardized section will also be produced. | June 30, 2005 |

| | |
|---|------------------|
| Although all policies are available to offenders through the institutional libraries, until the standardized handbook section is available, wardens will ensure that by March 31, 2005, all offenders have received a hard copy of Policy Bulletin 186 – Harassment and that offenders admitted after that date receive a copy during their intake interview. | March 31, 2005 |
| Wardens will ensure that inmate committees receive a briefing on these policy documents. | By June 30, 2005 |
| CSC will complete harassment-sensitivity training with the staff who respond to the offender redress 1-800 line. | By June 30, 2005 |
| CSC will develop and pilot at one of the women’s institutions, a training session for women on how to present their views or position (advocacy training). | March 31, 2006 |

RECOMMENDATION 15

(Not accepted as stated; accept underlying requirement to ensure human rights are accommodated appropriately)

It is recommended that the Correctional Service of Canada immediately develop and implement a comprehensive accommodation policy that specifically addresses the accommodation of inmates on all prohibited grounds of discrimination. A short, plain-language version of the policy geared to offenders with cognitive limitations or low literacy levels should also be developed and distributed as part of an educational program.

Background:

Human rights considerations are part of every decision, policy development and process within CSC.

CSC issued Policy Bulletin No. 96 on the duty to accommodate in June 2000. With reference to offenders, the bulletin states: “The **duty to accommodate** under the *Canadian Charter of Rights and Freedoms* and the *Canadian Human Rights Act* also applies to **offenders** and is covered by CD 700 - Case Management.”

Commissioner’s Directive (CD) 700 requires the provision of high quality programs and services which by their orientation and nature satisfy both the special needs of [these] offenders and the needs of the inmate population as a whole and shall ensure that the *Guidelines relating to Offenders with Disabilities* are followed.

In addition, CSC has other policies that address the 11 prohibited grounds of discrimination listed in the *Canadian Human Rights Act* (see Appendix A).

As noted under recommendation 13, CSC is developing a workplan to complete the identification of the human rights elements in the 94 MCF. Part of this exercise will focus on highlighting when processes etc., may need to vary to accommodate an offender's needs under the *Canadian Human Rights Act*.

The *Program Strategy for Women Offenders* ensures that in program development and delivery, the diverse needs and abilities of women are addressed.

As well, construction standards have ensured that CSC's women's institutions are accessible as per building codes. For older institutions, plans to address accessibility were developed in 2001 and work was completed in May 2004. This is now an integrated element in the design process.

Action:

| Action | Timeframe |
|---|----------------------------|
| CSC will address the accommodation issue in the standardized section on human rights for inmate handbooks referenced under recommendations 14 and 16(b). | Refer to recommendation 14 |
| The lessons learned approach and the integration of human rights issues into all staff training, referenced in response to recommendation 13, will enhance ongoing staff awareness of accommodation issues. | Refer to recommendation 13 |
| CSC will continue to integrate accommodation issues into the appropriate CD. In revising its policies, CSC is taking care to ensure they are written in as plain a language as possible. | Ongoing |

RECOMMENDATION 16(a)

(Accept)

It is recommended that the Correctional Service of Canada establish guidelines for institutional handbooks to ensure that complete, consistent and accurate information is provided to inmates in all facilities.

Background:

Institutions revise and update inmate handbooks and training materials /orientation information as issues arise.

The Service will take this opportunity to ensure that inmate handbooks consistently provide essential information in plain language.

Action:

| Action | Timeframe |
|--|---------------|
| CSC will develop standard guidelines for inmate handbooks and will include a human rights section. | June 30, 2005 |

RECOMMENDATION 16(b)

(Accept in principle)

It is recommended that the Correctional Service of Canada annually monitor the human rights-related content of inmate handbooks, orientation sessions and ongoing human rights-related training.

Background:

All facilities provide inmate handbooks and orientation sessions to inmates at admission. As mentioned in the action section of recommendation 13, CSC will ensure that training courses reflect human rights issues.

Action:

| Action | Timeframe |
|---|------------------------------|
| As referenced under recommendation 14, CSC will draft for inclusion in all inmate handbooks a plain language standardized section on human rights. CSC will annually review this content with the CHRC and make any revisions required. | June 30, 2005; ongoing. |
| CSC will annually review a sample of the content of the orientation sessions to ensure the sessions include human rights related content. | September 30, 2005; ongoing. |
| Once the human rights content has been incorporated into the various training courses, annual monitoring of the curricula will be conducted. | Refer to recommendation 13 |

RECOMMENDATION 16(c)

(Accept)

It is recommended that the Correctional Service of Canada make available information suitable for women with limited cognitive abilities or low literacy levels, as well as information in alternate formats.

Background:

CSC policy references the duty to accommodate as noted under recommendation 15.

Action:

| Action | Timeframe |
|--|----------------|
| CSC will ensure the standardized human rights content for inmate handbooks is available in alternative formats; the first approach will be the audiotape version of the Q&As related to CSC's anti-harassment policy as noted under recommendation 14. | June 30, 2005 |
| To assess the need for alternatives other than an audiotape, wardens will review and report on the methods used by their case management team to ensure offenders with limited cognitive abilities or low literacy levels are informed of the content of the inmate handbook (e.g., buddy system, verbal orientation by staff) | April 30, 2005 |

RECOMMENDATION 16(d)

(Accept)

It is recommended that the Correctional Service of Canada ensure that the accountability accords for managers include contribution to human rights compliance.

Background:

Accountability accords for senior managers currently include human rights compliance, insofar as they include compliance with CSC's legislative and policy framework. MCF are the tools CSC uses to monitor this compliance. In addition, the *Annual Report of the Correctional Investigator* serves to identify areas of organizational accountability related to offenders' rights.

Action:

| Action | Timeframe |
|---|-----------|
| Measure accountability for human rights compliance via MCF. | Ongoing |

RECOMMENDATION 16(e)

(Accept in part)

It is recommended that the Correctional Service of Canada integrate human rights training vertically throughout the organization through effective knowledge management.

Background:

CSC will be highlighting the human rights issues in each of its existing training programs, with the assistance of training specialists. As referenced under recommendation 13, a review of all mandatory national training programs is planned to ensure that they articulate the human rights elements of corrections. As noted, this will be a multi-year task, given that over 40 training programs will be subject to review.

Action:

| Action | Timeframe |
|----------------------------|-----------|
| Refer to recommendation 13 | |

RECOMMENDATION 17

(Accept in part)

It is recommended that the Correctional Service of Canada implement a pilot mediation project at facilities for federally sentenced women, using trained, external mediators trained in human rights to attempt to resolve complaints, as well as providing conflict resolution training for inmates. The pilot project should begin by the end of 2004, and it should be evaluated within two years of implementation by an independent contractor.

Background:

CSC agrees with the objective of reducing conflict in its operating environments and acknowledges that the complaint and grievance process is one instrument for managing conflict and that mediation is one instrument for resolving conflict. However, other instruments are available and a strategy that employs a continuum of approaches would be more effective and is consistent with the broader direction of government.

CSC has been promoting mediation, conflict resolution and restorative justice broadly for over a decade. Consequently, CSC has developed skill and expertise, as well as a wide range of government and non-government partners for designing, delivering, and evaluating conflict resolution activities. This was not necessarily the case at the time the complaint was made, but in the intervening years much development has taken place positioning the Service to take internal accountability for these tasks. As well, while open to working with external groups in an advisory capacity, CSC believes that integrating sustainable change throughout the organization requires the development of in-house skills and experience.

A number of initiatives over the years have specifically focused on conflict resolution with women offenders including:

- the use of traditional healing approaches at the OOHL, particularly through an elevated role for Elders. This work was favourably evaluated by Dale Leclair in 1996;
- the establishment of peer mediation programs at all women’s institutions;
- the creation of a unique partnership to facilitate and address conflict resulting from the return of women offenders to Newfoundland; and,

- the training of staff at several sites in restorative justice and conflict resolution.

More broadly, CSC has also implemented pilot projects to integrate conflict resolution and restorative justice approaches into various operational dimensions dealing with staff, offenders and community. These initiatives have resulted in the establishment of an entire unit at Grande Cache Institution aimed at integrating these processes into their daily regime.

In response to changing human resource legislation, an initiative is also underway to elaborate an integrated conflict management system for the Service. The National Steering Committee on Restorative Justice will provide internal oversight on the implementation of specific actions under this initiative to ensure that all similar actions/projects related to offenders are consistent with the broader planning on the federal government-wide Integrated Conflict Management System. Representatives from women offenders, women offender advocacy groups, human rights organizations, and restorative justice–dispute resolution organizations will be invited to participate in the development and evaluation of specific projects.

Action:

| Action | Timeframe |
|---|--------------------------------------|
| <p>With respect to the specific issue of the use of the complaint and grievance system by women offenders, the Service will:</p> <ul style="list-style-type: none"> • analyse available statistics and clarify issues in the use of the complaint and grievance systems by women offenders. • administer a survey to identify where mediation or other conflict resolution strategies are being used as well as obstacles to be overcome in their implementation. | <p>Ongoing</p> <p>March 31, 2005</p> |
| <p>Work with the National Steering Committee on Restorative Justice to ensure that approaches to dispute resolution for offenders are consistent with the Integrated Conflict Management System (as per the Public Service Modernization Act).</p> | <p>Ongoing</p> |

RECOMMENDATION 18

(Accept in principle)

It is recommended that the Correctional Service of Canada work with the Canadian Human Rights Commission to develop, implement and assess a human rights audit model, including the identification and measurement of human rights performance indicators and public reporting.

Background:

As noted above, CSC is developing in consultation with CHRC a corporate monitoring framework to monitor human rights.

CSC has an annual audit plan. Audits use the MCF results as well as site visits, file reviews, etc. The current audit plan includes two human rights audits: Privacy and Access to Information and Accommodation of Disabilities, which will be completed in FY 2005-2006.

Audit reports are published on the CSC website.

Action:

| Action | Timeframe |
|--|---|
| CSC will finalize and implement the Corporate Human Rights Monitoring Tool. | FY 2005-2006 (refer to recommendation 13) |
| The CSC annual audit plan includes and will continue to include activities related to human rights issues as well as specialized human rights audits as approved by CSC's audit committee. | Ongoing |
| Complete the two human rights audits: Privacy and Access to Information and Accommodation of Disabilities. | By March 31, 2006 |

RECOMMENDATION 19

(Under review – Joint with PSEPC)

It is recommended that the Solicitor General of Canada and the Correctional Service of Canada, in consultation with stakeholders, establish an independent external redress body for federally sentenced offenders.

Background:

Calls from outside experts for more independent oversight in the correctional system have been suggested in the past by a range of committees, agencies and stakeholders.

An independent redress body with authority to compel compliance would require a legislative change. If implemented for corrections, it would have implications for other government review bodies.

A review to date has not identified any other correctional jurisdiction which is known to have an oversight body that can compel compliance with its recommendations. The lack of international models to inform and guide discussions, as well as the potential implications for other government bodies in Canada, presents difficulties in conceptualizing a model that results in granting to an independent body executive powers over CSC decisions other than through the

current redress through the courts. However, this review is not yet complete and models from other components of the criminal justice system will be examined.

CSC is willing to continue to participate in discussions on independent external redress but will not take the lead. However, CSC will explore an external review of the women's institutions with the assistance of Her Majesty's Inspectorate of Prisons for England and Wales. Such an external review of operations by external independent reviewers with expertise in women's corrections will provide valuable feedback to CSC.

The Inspectorate was established in the 1980's "to provide independent scrutiny of the conditions for and treatment of prisoners and other detainees, promoting the concept of 'healthy prisons' in which staff work effectively to support prisoners and detainees and seek to reduce re-offending or achieve other agreed outcomes." The Inspectorate's *Expectations* - based on international human rights standards – are the criteria used in conducting inspections². These *Expectations* form the basis of all inspection reports and a set of *Expectations* has recently been drafted for women's prisons.

Action:

| Action | Timeframe |
|---|--|
| CSC will arrange for an inspection pilot of two of the women's institutions by the U.K. Inspectorate of Prisons, and will take the necessary steps to improve where required. | Joint plan: April 15, 2005 Inspection report: by September 2005 |
| CSC will continue to review of models with PSEPC. | March 2006 |

² HM Inspectorate of Prisons. *Expectations*. London, UK. 2004.

Acronym Legend

| | |
|--------|---|
| ACDO: | Aboriginal Community Development Officers |
| CD: | Commissioner's Directive |
| CHRC: | Canadian Human Rights Commission |
| CSC: | Correctional Service of Canada |
| CRS: | Custody Rating Scale |
| CTP: | Correctional Training Program |
| DFIA: | Dynamic Factor Identification and Analysis |
| DCW: | Deputy Commissioner for Women |
| EEP: | Employment and Employability Program |
| FY: | Fiscal Year |
| ICIS: | Integrated Correctional Intervention Strategies |
| IFC: | InterFaith Committee |
| MCF: | Management Control Frameworks |
| NTS: | National Training Standards |
| OCI: | Office of the Correctional Investigator |
| OOHL: | Okimaw Ohci Healing Lodge |
| PHP: | Private Home Placements |
| PSEPC: | Public Safety and Emergency Preparedness Canada |
| PW: | Primary Workers |
| SRSW: | Security Reclassification Scale for Women |
| SLE: | Structured Living Environment |
| USGE: | Union of Solicitor General Employees |
| WCTP: | Women-Centred Training Program |
| WOSAP: | Women Offender Substance Abuse Program |

Appendix A

Commissioner's Directives that address the *Canadian Human Rights Act's* prohibited grounds of discrimination

| | |
|--------------------------|--|
| Race | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 060 - Code of Discipline • CD 767 - Inmate Ethnocultural Programs • CD 840 - Psychological Services |
| National / Ethnic Origin | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 060 - Code of Discipline • CD 500 - Reception and Orientation of Inmates • CD 767 - Inmate Ethnocultural Programs • CD 840 - Psychological Services |
| Colour | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 060 - Code of Discipline |
| Religion | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 060 - Code of Discipline • CD 880 - Food Services (and related SOP 880-01 - Central Feeding) |
| Age | <p>Policy Bulletin 96 - Duty to Accommodate</p> |
| Sex | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 700 - Case Management • CD 726 - Management of Correctional Programs • CD 768 - Institutional Mother-Child Program • CD 800 - Health Services • CD 840 - Psychological Services |
| Sexual Orientation | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 770 – Visiting |
| Marital Status | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 770 – Visiting |
| Family Status | <p>Policy Bulletin 96 - Duty to Accommodate</p> <ul style="list-style-type: none"> • CD 768 - Institutional Mother-Child Program • CD 770 – Visiting |