



# Office of the Correctional Investigator



For the  
period ending  
March 31, 1997



Improved Reporting to Parliament —  
Pilot Document

Canada

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing what was known as the *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*. It also required 78 departments and agencies to table these reports on a pilot basis.

This decision grew out of work by Treasury Board Secretariat and 16 pilot departments to fulfil the government's commitments to improve the expenditure management information provided to Parliament and to modernize the preparation of this information. These undertakings, aimed at sharpening the focus on results and increasing the transparency of information provided to Parliament, are part of a broader initiative known as "Getting Government Right".

This *Departmental Performance Report* responds to the government's commitments and reflects the goals set by Parliament to improve accountability for results. It covers the period ending March 31, 1997 and reports performance against the plans presented in the department's *Part III of the Main Estimates* for 1996-97.

Accounting and managing for results will involve sustained work across government. Fulfilling the various requirements of results-based management – specifying expected program outcomes, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and report on achievements – is a building block process. Government programs operate in continually changing environments. With the increase in partnering, third party delivery of services and other alliances, challenges of attribution in reporting results will have to be addressed. The performance reports and their preparation must be monitored to make sure that they remain credible and useful.

This report represents one more step in this continuing process. The government intends to refine and develop both managing for results and the reporting of the results. The refinement will come from the experience acquired over the next few years and as users make their information needs more precisely known. For example, the capacity to report results against costs is limited at this time; but doing this remains a goal.

This report is accessible electronically from the Treasury Board Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/tb/key.html>

Comments or questions can be directed to the TBS Internet site or to:

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**OFFICE OF THE CORRECTIONAL INVESTIGATOR**  
**PERFORMANCE REPORT**

**For the  
period ending  
March 31, 1997**

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**Hon. Andy Scott, P.C., M.P.**  
**Solicitor General of Canada**

## **Section I**

### **Message**

I am mandated as an Ombudsman for federal corrections. The Office carries out this function within an environment that has traditionally been closed to public scrutiny with a high level of mistrust between the keepers and the kept.

I am firmly committed to the Ombudsman concept and believe that the provisions of the Corrections and Conditional Release Act provide for a process through which the vast majority of individual and systemic concerns can be reasonably addressed. It is important for all parties to appreciate that the Correctional Investigator is neither an agent of the Correctional Service of Canada nor the advocate of every complainant or interest group that lodges a complaint. I am mandated to investigate complaints from an independent and neutral position and in cases where there is evidence of unfairness, make appropriate recommendations concerning corrective action. The interest of the Correctional Investigator lies in ensuring that offender concerns are objectively and fairly addressed in a timely fashion.

This has been an eventful year for all parties involved with Federal Corrections. It has provided us with both a challenge and an opportunity to make the changes necessary to ensure that correctional operations are managed with integrity, are open and accountable and are consistent with the legislative provisions that govern them. Whether we collectively meet this challenge and act on this opportunity is dependent on our will to institute meaningful change.

I look forward to the challenges of the coming years and anticipate a continued open and cooperative working relationship with our partners in the corrections field so as to ensure that offender concerns are addressed within an environment that promotes openness, accountability and fairness in decision making.

## **Section II: Agency Overview**

### **Mission Statement**

The Office of the Correctional Investigator is committed to maintaining an accessible independent avenue of redress for offender complaints and to provide timely recommendations to the Commissioner of the Correctional Service of Canada and the Solicitor General which address the areas of concern raised on complaint.

### **Mandate - Roles and Responsibilities**

The Office of the Correctional Investigator was established in 1973 pursuant to Part II of the Inquiries Act. With the proclamation in November 1992 of Part III of the Corrections and Conditional Release Act, this is now the enabling legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint from or on behalf of an offender or inmate, at the request of the Minister or on his own initiative. The Correctional Investigator is required to report annually to Parliament through the Solicitor General.

In addition, Section 19 of the Corrections and Conditional Release Act requires the Correctional Investigator to review all investigative reports of the Correctional Service of Canada "where an inmate dies or suffers serious bodily injury".

The Agency's resources provide for 16 full-time equivalents, 10 of which make up the investigative staff. The total resources are \$1,284,000. for the fiscal year 1997-1998.

It is difficult for the Office of the Correctional Investigator to accurately project the workload as it is determined mainly by the number of complaints received by the Office, requests from the Solicitor General and the number of security investigations completed by the Correctional Service of Canada pursuant to Section 19 of the Corrections and Conditional Release Act. With an investigative staff of 10, reviewing in excess of 6,000 complaints from some 50 institutions and five regions, the Office realized that in order to avoid being overwhelmed by volume, it had to focus more attention on systemic areas of concern. This was done with the expectation that reasonably addressing these matters would assist in more effectively responding to the specific areas of individual concerns. In order to maintain a thorough and responsive investigative process that is and is seen to be objective and independent, the Office has or is in the process of initiating the following strategies:

- the establishment of procedures to ensure that systemic areas of concern (inmate grievance process, case preparation, transfers, internal investigations, discipline and segregation) are reviewed on each visit with the institution's senior management and the Inmate Committee;
- an increase in the contact between this Office and the Correctional Service of Canada's Regional Headquarters to ensure that systemic areas of concern are clearly identified and acted upon within a regional context;
- a reorganization within the Office which will identify one investigative position as responsible for the inter-regional coordination of individual complaints with ongoing systemic reviews at the regional and national levels;
- the identification of one investigative position as responsible for all Federally Sentenced Women and the coordination of the proposed changes flowing from the Arbour Commission of Inquiry;
- the establishment of Working Committees with the Correctional Service of Canada's National Headquarters staff on specific areas of systemic concern in an effort to ensure that both the relevant issues associated with the areas of concern and the individual cases that gave rise to the issues are addressed; and
- the consolidation and revamping of the Office's travel practices to facilitate the use of cheaper air fares and reducing the frequency of our visits to some regions.

The environment within which this function is performed presents a number of inter-related challenges, for example:

- the inherent tension between the keeper and the kept presents an environment which generates a high level of mistrust;
- the increased federal inmate population with resulting excessive overcrowding has heightened institutional tensions and compounded many long-standing areas of individual and systemic concern;
- the opening of new federal correctional facilities for women and the transfer of women into what were formerly all-male facilities has increased both the number of institutions to be visited and the number of correctional administrations which have to be dealt with.

In addressing these challenges, it must be noted that the Office of the Correctional Investigator has virtually no control over the number of complaints or the scope of the areas of concern requiring investigations; that the recommendations of the Correctional Investigator are not binding and as such in large part, the effectiveness of the Office in bringing resolution to areas of concern is dependent upon the responsiveness of the Correctional Service; and that while the federal penitentiary population and the number of correctional facilities has increased significantly over the past years, the operating resources afforded to this Office continue to decrease.

### Section III: Agency Performance

<b>Comparison of Total Planned Spending to Actual Expenditures 1996-97 by Business Line (millions of dollars)</b>								
Business Line	FTE's	Operating	Capital	Voted Grants and Contributions	Subtotal: Gross Voted Expenditures	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
Correctional Investigator	17	1.270	0	0	1.270	1.270	0	1.270
	16	1.264	0	0	1.264	1.264	0	1.264
Totals	17	1.270	0	0	1.270	1.270	0	1.270
	16	1.264	0	0	1.264	1.264	0	1.264
Other Revenues and Expenditures								
Revenue credited to the Consolidated Revenue Fund								0
								0
Cost of services provided by other departments								.290
								.290
Net Cost of the Program								1.560
								1.554

Note: Shaded numbers denote actual expenditures in 1996-97

<b>Departmental Planned versus Actual Spending by Business Line (millions of dollars)</b>					
Business Line	Actual 1993-94	Actual 1994-95	Actual 1995-96	Total Planned 1996-97	Actual 1996-97
Correctional Investigator	1.269	1.227	1.311	1.270	1.264
Total	1.269	1.227	1.311	1.270	1.264

**A.** Performance Expectation is to maintain an independent and impartial review agency to investigate problems of federal offenders related to decisions, recommendations, acts or omissions of the Correctional Service of Canada. This will be demonstrated by:

- the number of offenders using the services of the Office;
- the Office's accessibility to the offender population;
- the offender population's confidence in and understanding of the office;
- the opinion of government and non-government agencies involved in federal corrections; and
- the results of the actions taken by the Correctional Service in response to the Office's findings and recommendations.

The Office's operations are continually reviewed so as to ensure that the information gathered reflects our ongoing performance in relation to these expectations.



## **B. Performance Accomplishments**

The main function of the Office is the investigation of complaints lodged against the Correctional Service of Canada.

Operationally, the primary function of the Correctional Investigator is to investigate and bring resolution to individual offender complaints. The Office as well has a responsibility to review and make recommendations on the Service's policies and procedures associated with the areas of individual complaint to ensure that systemic areas of concern are identified and appropriately addressed.

All complaints received by the Office are reviewed and initial inquiries made to the extent necessary to obtain a clear understanding of the issue in question. After this initial review, in those cases where it is determined that the area of complaint is outside our mandate, the complainant is advised of the appropriate avenue of redress and assisted when necessary in accessing that avenue. For those cases that are within our mandate, the complainant is provided with a detailing of the Service's policies and procedures associated with the area of complaint. Where deemed necessary, an interview is arranged with the offender.

In addition to responding to individual complaints, the Office meets regularly with inmate committees and other offender organizations and makes announced visits bi-annually at each institution during which the investigator will meet with any inmate, or group of inmates, upon request.

The Office, with an investigative staff of ten over the course of the reporting year received 6,366 complaints, the investigative staff spent 359 days at federal penitentiaries and conducted in excess of 2,000 interviews with inmates and half again that number of interviews with institutional and regional staff. The numbers are consistent with our operations last year and have again been managed within a decreasing budget. This has been achieved in large part through the creativity and plain hard work of a very dedicated and talented staff and I wish to publicly acknowledge and thank them for their efforts.

Subsequent to the Special Report of the Correctional Investigator pursuant to s.193 of the Corrections and Conditional Release Act "Concerning The Treatment of Inmates and Subsequent Inquiry Following Certain Incidents at the Prison for Women in April 1994 and Thereafter" and the Commission of Inquiry established by the Solicitor General, this Office remains heavily involved in the review of the implementation of the recommendations of the Arbour Commission at the National, Regional and Institutional levels. This continues to absorb a significant portion of our available resources.

The Office reviewed 150 Correctional Service investigation reports pursuant to Section 19 of the Corrections and Conditional Release Act. As well, in the course of addressing individual offender complaints, the Office reviewed numerous Correctional Service investigations into such incidents as the use of force, segregation and institutional disturbance.

The Office strives to and generally provides a 30 day turn around from the time a complaint is received until the complainant is advised of the proposed action to be taken.

## Section IV: Supplementary Information

### A. List of Departmental Reports

- Annual Report of the Correctional Investigator - 1996-1997
- Main Estimates - 1997-1998

### B. Contacts for Further Information

Name	Title	Address	Tel. No.	Fax No.
R.L. Stewart	Correctional Investigator	275 Slater Street Room 402 Ottawa, Ontario K1P 5H9	(613) 990-2689	(613) 990-9091
Ed McIsaac	Executive Director	275 Slater Street Room 402 Ottawa, Ontario K1P 5H9	(613) 990-2691	(613) 990-9091

### C. Financial Summary Table

Office of the Correctional Investigator (millions of dollars)	1996-97 Main Estimates	1996-97 Actual
Vote 30 (millions of dollars)		
Program Expenditures	1.132	1.126
(S) Contributions to employee benefit plans	0.138	0.138
<b>Total Department</b>	<b>1.270</b>	<b>1.264</b>

### D. Workload/Volume Data

Type/Volume	1993-94	1994-95	1995-96	1996-97
Complaints Investigated	6,983	6,799	6,794	6,366
Interviews Conducted	2,028	2,078	1,847	2,092
Penal Visits Conducted	264	254	236	359

**E. Legislation**

Corrections and Conditional Release Act, Part III

**F. Organization Structure**