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Chair

The Honourable John McKay

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• (1530)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I call to order the 127th meeting of the Standing Committee on Public Safety and National Security.

Our witnesses today are from the Correctional Service of Canada. We have our new Commissioner, Anne Kelly; the Assistant Commissioner, Larry Motiuk; and the Acting Senior Deputy Commissioner Fraser Macaulay.

Before I call on Ms. Kelly for her opening statement, I just want to inform members of the committee, particularly the permanent members, that our clerk, Jean-Marie David, is withdrawing from the committee to deal with health challenges. We don't know yet who the replacement clerk will be. As all members know, these folks are the institutional memory of all committees, and they serve us very faithfully. For those who feel so inclined, you can drop Jean-Marie a note. I know he does have his challenges.

Go ahead, Matthew.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Chair.

Could we get an easy motion through that the committee sends its best wishes to him?

The Chair: Absolutely.

I assume there is no opposition on that point. This may be the only moment in this entire afternoon that there's no opposition.

With that, may I ask Ms. Kelly for her opening statement? Again, on behalf of the committee, congratulations on your appointment.

Ms. Anne Kelly (Commissioner, Correctional Service of Canada): Thank you.

Mr. Chair and honourable members of the committee, it is a pleasure to appear before you today as the recently appointed commissioner of the Correctional Service of Canada, or CSC.

[Translation]

As you know, with me today is Fraser Macaulay, Acting Senior Deputy Commissioner, as well as Larry Motiuk, Assistant Commissioner of the Policy Sector.

[English]

While I have appeared before this committee as senior deputy commissioner as well as interim commissioner of CSC, I would like to take a brief moment to say a few words about my background.

First, I am absolutely honoured to have been appointed as the ninth commissioner of CSC.

I began my career in federal corrections in 1983 as a case management officer and have since had the great privilege of working alongside dedicated and hard-working correctional service employees.

[Translation]

Throughout my 35-year career in corrections, I have served in a variety of positions at the institutional, community and national levels, including as director general of offender programs and reintegration, deputy commissioner for women, regional deputy commissioner in the Pacific region, and senior deputy commissioner.

[English]

I have been lucky to witness the evolution of CSC and its approach to corrections as well as the considerable progress we have made in ensuring the effective rehabilitation and safe reintegration of individuals serving a federal sentence. From this evolution, I have experienced the value of working alongside and listening to CSC's partners and stakeholders, both in government and in the community, to enhance our strategies, programs and services so that we can better meet our mandate priorities and ensure public safety.

On September 5, 2018, I received my mandate letter from the Honourable Minister Goodale. This mandate provides CSC with a chance to reflect on what we have already accomplished and inspires us to continuously pursue excellence in corrections. The letter emphasizes CSC's key role in ensuring that when offenders return to their communities, they are well prepared to lead productive, law-abiding lives. It also identifies partnerships as a key theme and encourages working with volunteers, community members, and our many partner and stakeholder organizations. With their support, CSC will ensure that our offenders are better prepared and equipped to make appropriate choices and positive changes in their lives.

[Translation]

I have also learned first-hand the considerable importance of ensuring that CSC's correctional approach is tailored to the needs of our diverse offender population. Accordingly, the CSC offers a wide range of interventions to offenders, including programs and services that respond to their cultural, educational, employment, social, mental health, and criminogenic needs.

[English]

The mandate letter speaks to the importance of ongoing self-reflection. This is by no means new to CSC, and something we will continue to do. In fact, being open to change has allowed CSC to make progress in a number of key areas. I would like to highlight a few of these areas.

Nationally, there has been a steady decline in the incarcerated offender population, from over 15,000 in 2012-13 to just over 14,000 now; and a continuous increase in the number of offenders managed in the community, from approximately 7,500 in 2012-13 to over 9,200 at present. In 2017-18, we saw the highest number of day paroles reported since 2012-13, including for indigenous offenders and women offenders. This means the work our employees are doing is having a real and positive impact on getting offenders ready for release and successfully reintegrating into their communities.

• (1535)

[Translation]

In 2017-18, we also saw positive results of offenders upgrading their education. Approximately 72% of indigenous offenders and women offenders, and almost 67% of non-indigenous offenders, upgraded their education before the end of their sentence. This is in comparison to between 50% and 53% of offenders who ungraded their education before the end of their sentence in 2012-13.

[English]

The announcement of the reopening of the penitentiary farms at the Joyceville and Collins Bay Institutions in Kingston, Ontario, this year also presents an opportunity to support offenders in their reintegration through building meaningful employment and employability skills that are going to serve them well upon release.

As part of CSC's mandate, one of our key priorities is addressing the disproportionate incarceration of indigenous people and ensuring that our programs and interventions are culturally sensitive and contribute to their rehabilitation. CSC continues to enhance partnerships with indigenous peoples to create more opportunities for first nations, Métis and Inuit communities to participate in the care, custody and supervision of indigenous offenders, through sections 81 and 84 of the Corrections and Conditional Release Act.

[Translation]

CSC is currently reviewing proposals from several indigenous communities who have expressed interest in entering into a section 81 agreement to establish a healing lodge facility for the care and custody of indigenous men and women offenders.

[English]

CSC has also established aboriginal intervention centres across the country at seven institutions for men and at all institutions for

women. This initiative serves to strengthen indigenous offenders' timely access to culturally responsive programming in order to increase the potential for their successful reintegration into our communities.

With respect to mental health, as a result of funding through budgets 2017 and 2018, CSC has increased its intermediate mental health care capacity at some medium and maximum security levels at men's sites and at all women's facilities. CSC's health care model aligns with principles articulated by the World Health Organization, including primary care to provide early intervention in our mainstream institutions for those offenders with mild to moderate mental illness that promotes recovery; intermediate mental health care for offenders with more serious needs but who do not require admission to an in-patient hospital; and acute or hospital care at a regional treatment centre to stabilize offenders with the most severe symptoms and impairment.

[Translation]

With respect to administrative segregation, CSC revised its policies to ensure that specific groups of inmates, including inmates with a serious mental illness, or at risk of self-injury or suicide, are inadmissible to administrative segregation. We are spending considerable time ensuring that we are managing administrative segregation appropriately. Between 2013-14 and 2017-18, CSC observed a decrease in the use of administrative segregation, as total admissions decreased by 35% for men, and 42% for women.

[English]

As stated in my mandate letter, partnerships are key to our success, and CSC employees are my most important partners. Ensuring CSC's workplace is safe, respectful and supportive is absolutely critical to our success in achieving our mandate and priorities. I am committed to ensuring that we have a respectful workplace across the country, one that is safe for staff, offenders and visitors alike. It is my priority as commissioner to send a clear signal from the top that any form of disrespectful behaviour, be it in words or actions, is unacceptable.

Mr. Chair, it is clear to me that CSC's contributions to creating safer communities would not be possible without the dedication and passion of our staff, as well as our considerable volunteer base. As such, I will conclude my remarks by emphasizing how grateful I am for the work of our staff, partners and volunteers. I am honoured to serve as CSC's new commissioner and to be a beacon of good corrections. In the end, there is no greater responsibility than having the care and custody of other human beings, and therefore we must carry out these responsibilities with the highest level of integrity and professionalism. To be a member of CSC is more than a job; it is a vocation that can have a profound impact on the lives of offenders, their families and society as a whole. As my favourite quote says, "Every job is a self-portrait of the person who does it. Autograph your work with excellence, always".

• (1540)

[Translation]

Thank you once again for this opportunity to appear before you today, and we will be pleased to answer your questions.

[English]

The Chair: Thank you, Ms. Kelly.

Before I call on members for their questions, I would emphasize the point of a respectful workplace that was brought up and draw members' attention to Bosc and Gagnon, page 1,058, which talks about the authority of the chair to sanction members for unparliamentary language and persistent interruption. I just bring that to the members' attention. Thank you.

Ms. Dabrusin, you have seven minutes.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you, Mr. Chair. Thank you for that reminder.

Thank you, Ms. Kelly, for being with us here today.

I understand that yesterday the Minister of Public Safety and Emergency Preparedness asked you to conduct a review of an offender transfer decision made by Correctional Service of Canada. I wonder if you could start today by explaining how you plan to conduct that review.

Ms. Anne Kelly: Thank you for the question.

As per the minister's request, we will be conducting an in-depth review of the case. I've already identified two senior staff members to be on the board that will review the case, and I'm also seeking a community member to be part of that review.

As you may know, in CSC we have a rigorous case management process, but through this in-depth review we want to ensure that this decision was made according to the laws and the policies. Also as part of the review, we will ensure that we have a sound policy framework in place.

Ms. Julie Dabrusin: Thank you for that.

I was happy that in your opening statement you talked about the reopening of prison farms, and the next issue, which I am particularly interested in, is about food.

I was looking at the annual report of the Office of the Correctional Investigator for 2016-17, and in it there's mention of a riot that took place at a Saskatchewan penitentiary in 2016. Food was one of the issues that they locate as one of the causes that gave rise to it. It's mentioned that each inmate is given 2,600 calories, which, according to Canada's food guide is sufficient for a low-activity male, age 31 to 50. I was looking at another report from 2017 about young adults who are incarcerated in federal penitentiaries, and it pointed out that for young active males, the calorie requirement is much higher, 3,000 to 3,300, so it pointed to a need to review the food policy, and that was in fact one of the recommendations that was made by the investigator.

The Correctional Service of Canada's response to the investigator's recommendations mentioned that an internal audit of food services was planned for fiscal year 2017-18 and was to be published during the second half of 2018. I'm wondering if you could provide

me with an update as to that report. Where is that at, and what have you found?

• (1545)

Ms. Anne Kelly: In our response, we said that we would do a food services audit. The audit has been completed, and obviously we will be briefed on the results of this particular audit.

Ms. Julie Dabrusin: Do you know when you expect to see the answers published and made public?

Ms. Anne Kelly: I'll have to get back to you on when.

Ms. Julie Dabrusin: Would you be able to provide us with a copy of that when it's made available to the public so that we can review it?

Ms. Anne Kelly: Yes.

Ms. Julie Dabrusin: One of the other issues that was raised beyond just the calorie levels was about the nutritional requirements. Measures had been taken in the past years to have food become more processed, and there was more powdered milk. In fact, what was happening was that grievances were going up from incarcerated individuals because not only were they feeling hungry, but also there were complaints about the quality of the food in that there were health concerns being presented. Have you looked into any of that—not just the calorie side, but the additional part about the food that's being fed to these individuals?

Ms. Anne Kelly: Yes, the audit would look at the food and its quality.

We went to a different system. We have cook-chill, and then we have finishing kitchens. The inmates do have powdered milk. I have to say, though—and Larry is responsible for grievances—that as senior deputy commissioner, I used to sign third-level grievances, and I didn't see that many around food. As you know, with regard to the food that we serve, there's a dietician who reviews our diet. It has to be in line with the food guide as well.

Ms. Julie Dabrusin: You mentioned work with respect to the prison farms, but I understand with respect to the kitchens too that work and the learning of skills was a certain amount of it. Perhaps you can talk a little bit about what the plan is with regard to the work skills within the prison farms.

Also, have you noticed that there was a loss of skills and training based on the fact that kitchens were moved to this cook-chill system?

Ms. Anne Kelly: In terms of the prison farms, the inmates will be able to learn different skills, some of the soft skills. I think I mentioned before at this committee skills such as just being able to get up in the morning to go to a job.

They'll be working with animals, and at both Joyceville and Collins Bay there's also some land management that they're going to have to do. They're also going to be growing crops.

Because some of the buildings have to be refurbished and we have to build new buildings, we'll be using the inmates to do that. They'll be able to learn some skills in construction, those types of skills. I think it's going to be beneficial.

The Chair: You have a little less than half a minute.

Ms. Julie Dabrusin: I think that with less than half a minute I'm not going to get much more, but I would appreciate a copy of that report.

The Chair: Thank you very much.

Ms. Bergen, you have seven minutes. Welcome to the committee.

Hon. Candice Bergen (Portage—Lisgar, CPC): Thank you very much, Mr. Chair.

Thank you and welcome, Commissioner Kelly. Congratulations on your appointment. Thank you as well to your assistant commissioner and your deputy commissioner for being here.

Ms. Anne Kelly: Thank you.

Hon. Candice Bergen: As I'm sure you are aware, and you've been following the questions that we've been asking the government in the House of Commons with regard to this, the killer of *Tori Stafford*, who still has 17 years left to serve on the sentence that she was given for participating in the brutal murder of a little girl, has now been moved to a healing lodge.

I think you're obviously aware that we've been asking the government questions around that. I understand that a review has been requested. I will leave my questions around how in the world anybody could see that this would be a fair and legitimate decision to make, because that is not my question at this point. I think it's clear that Canadians are outraged. It's clear that the family doesn't understand how this could happen. We're not clear if the government is outraged, but if the government hypothetically was as outraged at this and felt it was as wrong as Canadians do, as we do, the minister has the ability to ask you as the commissioner, under the act, to immediately begin the process so that this decision would be reversed.

Is that correct? Is that how you understand the act?

• (1550)

Ms. Anne Kelly: The minister has asked me to do an in-depth review of the case, and this is what I'm going to do.

Hon. Candice Bergen: Thank you, but just so I'm clear, you understand the chain of command. In fact, I'll read from the act. Section 6 of the Corrections and Conditional Release Act states:

The Governor in Council may appoint a person to be known as the Commissioner of Corrections who, under the direction of the Minister

You're under the direction of the minister, Minister Ralph Goodale, correct?

Ms. Anne Kelly: Yes.

Hon. Candice Bergen: Under Minister Goodale's direction, the commissioner:

has the control and management of the Service and all matters connected with the Service.

That's a clear chain of command, so if Minister Goodale did in fact decide that this decision to have *Tori Stafford's* murderer placed in a healing lodge should be immediately reversed, he could go to you and immediately have that process begun.

Would that require a phone call or an email? What would it require so that you could begin that process?

Ms. Anne Kelly: Again, the minister has asked me to conduct a review of the case, and this is exactly what I'm going to do. I've already identified individuals to do the review, and I am seeking a community member. At the same time as we review the case—and I can't get into the specifics of any cases—

Hon. Candice Bergen: Respectfully, I have just seven minutes, so I've been very specific. I have just seven minutes, and I'm asking a very specific question that I think we as members of Parliament...but put aside this case. Let's say hypothetically, not even with this case, that something else was happening in our prisons that Minister Goodale thought was wrong and should be changed. How would he ask you? What would be the process whereby you would make those changes? How does that work? Would he send you an email? Would he call for a meeting? Would he need to write a directive? What's the process whereby the minister would direct you?

Ms. Anne Kelly: Well, in the case at hand, he has asked that I do an in-depth review of the case, and this is exactly what I'm going to do.

Hon. Candice Bergen: You know, I'm being admonished to be respectful, and I am, and I would ask that you afford me the same respect. If you're not willing to answer the question, I would ask that you would just tell me that. Just say, "I'm not going to answer your question."

I'm a duly elected member of Parliament and I'm asking you, ma'am, to please tell me the process. If a minister disagrees with something that is happening under your purview, how he would direct you? If you're not willing to answer that, please tell me, but please don't keep repeating that you're looking into this.

I would like to know, apart from this case, how he would begin the process. Let's say hypothetically that the government thought that a child killer should not be in a healing lodge; how a minister would communicate that to you so that you could begin.

Can I be clear? Although you are the commissioner, I think the responsibility now does lie with the minister. I think it's unfair that you are being put in this position, so I'm actually wondering what we can encourage him to do so that you then can do what he's asked you to do, because you're just trying to do your job under his direction.

Ms. Anne Kelly: Yes, I am. Again, I was recently appointed to the position of commissioner, and this is a case for which the minister has actually asked that I do a review. That's how it was done. He asked me to do a review, and that's what I'm going to do, an in-depth review.

Hon. Candice Bergen: But if there were another case?

Okay, let's not talk about this case. Again, if there were something else that was going on that the minister didn't like, how would he ask you to change that? How did he ask you to do the review? Did he send you an email? Did he phone you? How would the minister communicate with you?

Ms. Anne Kelly: He would ask me to do a review.

Hon. Candice Bergen: Okay, so if he would like you to change the process whereby *Tori Stafford's* murderer was in a healing lodge, he would just need to ask you to do that. That's what I'm hearing from your answers. He just needs to ask you, and then you can begin the process. I think it's clear that is what's needed.

Canadians watching this situation certainly have a lot of questions about how this could have happened. I think there are a lot of questions about whether there are any other child killers who are in facilities like the healing lodge. I think that if we as politicians and, dare I say, civil servants don't understand the gravity of this, we're probably missing not only victims' but the general public's view on this, so it would be very helpful to us if you would clearly state what you need the minister to do, because then we can encourage him, and hopefully the government will see this and will come to you immediately and ask you to begin the process to reverse this bad decision.

• (1555)

The Chair: Please be brief.

Ms. Anne Kelly: I just want to be clear. This was a tragedy that changed many lives forever. I have been asked to do a review. I am committed to doing a review of the case. As I said, we have a rigorous case management process, but through this review we will ensure that the decision was done according to the laws and the policies.

Hon. Candice Bergen: The minister has the ability to change that.

The Chair: Thank you—

Hon. Candice Bergen: He has the power.

The Chair: Thank you both, Ms. Bergen and Madam Kelly.

Mr. Dubé, you have seven minutes.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

Thank you for being here, Commissioner Kelly. Congratulations on your appointment.

Ms. Anne Kelly: Thank you.

Mr. Matthew Dubé: There are a number of points I would like to raise.

The first pertains to solitary confinement or administrative segregation, as the case may be. You are of course aware of the case in British Columbia that the government has appealed.

I know it is up to the Department of Justice to decide whether or not to appeal a decision. That said, from your point of view, what would prevent us from introducing a bill in the House of Commons to require the application of the standards stipulated by the court, standards that would be consistent with the United Nations guidelines on the treatment of prisoners?

Ms. Anne Kelly: Are you referring to administrative segregation?

Mr. Matthew Dubé: Yes, I am referring to the case in British Columbia. The judge ruled recently in favour of the British Columbia Civil Liberties Association. He ruled that stricter standards must be applied for the use of solitary confinement. The government filed an appeal in this case.

Is there something in your organization that would stand in the way of the court decision being implemented immediately? A bill to this effect would of course have to be passed.

Ms. Anne Kelly: As you know, two separate decisions are currently under appeal.

Administrative segregation is of concern to us. We work very hard to reduce the number of offenders in administrative segregation.

I have the statistics for the past five years. There has in fact been a significant reduction in the number of cases of administrative segregation. The average number of cases per day has decreased from 731 in 2013-14 to 310 in 2017-18.

These are complex cases. We continue to work hard on this. A number of steps have been taken.

Mr. Matthew Dubé: As Ms. Bergen pointed out, our speaking time is limited. I would say that mine is especially limited since I am the only NDP member on this committee.

I would simply like to know if you have any information to the effect that the government should not go along with the United Nations, which recommended limiting administrative segregation to 15 days and implementing a more robust mechanism for offenders to appeal a decision. Do you have any information that such measures could pose a threat to correctional officers, for instance? This would not take effect overnight, of course, but could stricter criteria be established right away for the use of solitary confinement?

Ms. Anne Kelly: Once again, we will wait to see what happens. We continue to work on this issue. We have made a number of changes. In 2015, for instance, we reviewed the selection criteria for persons serving on the segregation review board. In 2017, we made other important changes. Inmates may now spend two hours outside their cell and have a shower every day. We are continuing the work that was already done to try to reduce the number of offenders in administrative segregation.

• (1600)

Mr. Matthew Dubé: Thank you.

I would like to move on to something else.

The committee presented a unanimous report to the House of Commons regarding post-traumatic stress disorder. The report pertained specifically to correctional officers, who are often sorely overlooked even though their work is as important as that of the police and other public safety officers.

What steps has your organization taken to implement some of the report's recommendations and to resolve the situation on the whole?

Ms. Anne Kelly: I might switch from English to French in my answer.

In 2015, the commissioner at that time, Mr. Head, established a steering committee.

[*English*]

It was a steering committee on workplace mental health injuries.

[*Translation*]

It is for our employees, who are represented on this committee. We talk about what we can do.

We also have employee assistance services. Of course, when there are incidents at the institutions, we also have...

Mr. Matthew Dubé: Excuse me, my time is running out quickly. I would simply like to know if anything new has been done since the report was tabled in the fall of 2016. What happened in 2015 is fine, but have there been any further developments since the committee tabled its report?

Ms. Anne Kelly: We continue to implement measures. Our group meets and has devised an application to help employees with respect to mental health. We have also prepared...

Mr. Matthew Dubé: I will have to interrupt you. I probably have a minute left at most, and I have a final question for you.

The media have reported on some very troubling cases of workplace harassment involving certain officers, and some female officers in particular.

Has your organization taken corrective measures to put an end to certain situations that occur at certain institutions?

Ms. Anne Kelly: Absolutely. We have launched a campaign focused on respect. I don't know how much time I have left. We have created a video featuring members of the steering committee to condemn harassment and intimidation in the workplace. We have a campaign focused on respect that is designed to ensure respect in the workplace.

Further, if allegations come to light during performance evaluations, supervisors, managers and executives have to take appropriate measures immediately.

We also have a number that people can call to report issues. The calls are directed to the appropriate sector or region.

So a number of measures have been taken.

The Chair: Thank you, Commissioner Kelly.

[*English*]

Ms. Damoff is next.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

Thank you for being here today. Congratulations on your appointment and the work that you've done. I'm looking forward to what you will do.

You mentioned in your opening remarks that the most important partners at CSC are its employees. I see we have members of both the corrections officers union and the safety and justice employees union here today. Certainly the work they do, both inside and outside all of the corrections facilities, ensures both public safety and the rehabilitation of offenders when they are released and during their release.

Can you talk a little bit about what you're going to do to ensure that your staff feel both safe and supported in their workplace?

•(1605)

Ms. Anne Kelly: First, thank you for that.

I do want to recognize the staff who are here. In my 35-year career with CSC, one thing I can say is that the staff in the Correctional Service are passionate and believe in what they do. It's an incredibly challenging job.

I am thinking of our correctional officers who are our first-line responders when there are incidents in the institutions. It's not always easy. They do it with professionalism. Our nurses as well respond to incidents, as well as our parole officers and our program officers, who work on rehabilitation and safe reintegration of our offenders; our elders; our aboriginal liaison officers; our tradespeople, and our chaplains—everybody in CSC.

It's a great organization. As I said, when we have visitors in CSC, the one thing they tell me is how passionate the staff are about what they do.

Again, in response to Mr. Dubé's question, we have launched a respectful workplace campaign to ensure that people have the kind of workplace and the kind of environment they deserve when they come to work. It's important.

We also want to ensure that when allegations are made of harassment, intimidation or bullying, they are immediately addressed. As I said, as executive committee members, we've put together a video, we've sent it out to all the regions, and we've received good feedback on it. It denounces harassment and bullying, so that's one thing in terms of a safe and supportive work environment.

We also ensure that our staff are properly equipped to do their jobs, that they have the training they require to do their jobs, and also that they have the support they require when they are unfortunately responding to incidents. Sometimes it can have an impact on our employees who are first-line responders.

Ms. Pam Damoff: I have some other questions.

I think there is more work we need to do. I applaud you for the work you're doing, but I think we can certainly do better, and I'm sure we will.

Something you and I have talked about before is the appointment of a deputy commissioner for indigenous corrections. It was a unanimous recommendation from this committee as well as at the status of women committee and the correctional investigator.

I'm just wondering if that is something you would consider in your new role.

Ms. Anne Kelly: Thank you for that, and I remember I also responded to that.

As part of my mandate letter, I've been asked to look at governance. It is something I'm going to do, and that's going to be part of it.

Ms. Pam Damoff: Thank you.

A few weeks ago I went to the Regional Psychiatric Centre in Saskatoon. It's a wonderful facility and we should have more of them, but it has 204 beds in total, and it's the only one of its kind in all of Canada. There are 20 beds for women and there were only eight geriatric beds. For those older patients who may have dementia or some of the ailments of geriatric offenders, certainly one of the concerns that has been brought to our attention by the corrections investigator has been the aging prison population.

I'm wondering if you can talk about what you're going to be doing to address the aging prison population that we're facing.

Ms. Anne Kelly: Thank you, again.

Just to put it in context, I have a few statistics here. Those offenders who are incarcerated between the ages of 50 and 64, because 50 is considered to be aging, and it's—

• (1610)

The Chair: Could we put that to a vote?

Ms. Anne Kelly: I know. I have a hard time with that. I'm part of that category.

Of the 20% who are in custody who are between the ages of 50 and 64, less than 1% are women, and 3.7% are indigenous offenders. Indigenous offenders tend to be younger. Although 16.1% of the Canadian population is over 65 years of age, in CSC it's 5% who are 65 or over, of whom fewer than 1% are women and 3% are indigenous.

What we're doing is going to be conducted in two phases. The first phase is for inmates aged 65 and over. We're going to conduct functional assessments, do a review of the prevalence of chronic disease, and also look at the physical environment assessment. The second phase will be for the inmates who are between the ages of 50 and 64.

We also have an MOU with the University of Waterloo, which is expected to be signed. Once it is signed, CSC nurses will begin the assessments with those who agree to participate. The results are going to be shared with the university for analysis—not the names, though—and a geriatrician from Mount Sinai Health System will assist with the interpretation of the analysis.

The Chair: Unfortunately, we're going to have to leave your response there. Thank you very much.

Ms. Pam Damoff: Could we have the results?

The Chair: I'm sure she could.

Ms. Anne Kelly: I have just have one more sentence.

The Chair: No, Ms. Damoff was asking whether that response could be sent to the committee.

Ms. Anne Kelly: Absolutely.

The Chair: Thank you.

Mr. Clement, welcome back to the committee.

Hon. Tony Clement (Parry Sound—Muskoka, CPC): Thank you, Chair. It's great to be back.

Congratulations, Madam Kelly, on your appointment.

I just want to go over a bit of familiar ground.

You have acknowledged that under section 6 of the Corrections and Conditional Release Act, you serve under the direction of the minister on all matters related to the service. Is that correct?

Ms. Anne Kelly: Yes.

Hon. Tony Clement: Is it safe to say that ministers historically, and this minister, certainly has the power to issue directives to the commissioner regarding conditions of confinement?

Chief Superintendent Fraser Macaulay (Acting Senior Deputy Commissioner, Correctional Service of Canada): I'm just going to try to get through some of the—

Hon. Tony Clement: Well, a yes or no would be perfect, actually.

C/Supt Fraser Macaulay: Okay. Well, he has general direction, but not on case-specific incidents.

Hon. Tony Clement: Okay. That's good to know, because historically I can think of various ministers, such as Minister Day, who issued a directive regarding first degree murderers spending a certain amount of time in maximum security, or Minister Toews, who issued a directive banning the practice of prison pizza parties. However, you would say that is not specific but general.

Could a minister, if he so desires, have a say on the transfer of child killers to a minimum security facility when they are nowhere near the parole eligibility date? Is that something that a minister could do?

C/Supt Fraser Macaulay: Again, it's going to be tested through the courts, so you're asking me to then do the next step of what the courts would view that as.

There are mechanisms in place...I mean, you're well aware. You're part of the parliamentary workings from which laws and so on get formulated. The present laws don't have those conditions within them.

Hon. Tony Clement: However, it is true, based on some of the other examples I gave, that a direction crafted and issued by a minister could carve out, let's say, a child killer in the system, and say that those people in the system have to be in a maximum security situation and confinement for a period of time. Is that not correct?

C/Supt Fraser Macaulay: Well, I'm going to repeat again that it would be tested through the courts. We've done similar things, and we've had issues, even challenges of individuals. We base our assessments on individual case management assessments.

Laws are one thing. For principles and policies, there are processes in place that get tested all time.

Hon. Tony Clement: Absolutely.

Do you recall Minister Day issuing a directive requiring first degree murderers to spend a certain amount of time in maximum security?

C/Supt Fraser Macaulay: Sorry; I've only been in the organization 10 years, and that was prior to my arrival if that is the case.

Hon. Tony Clement: No worry. Stockwell Day is getting a bit old now.

However, the point is that you can issue a directive on a specific class of individuals within the system and require them to be in maximum security for a period of time. That's the point I'm making.

• (1615)

C/Supt Fraser Macaulay: The issue there is you're now interfering with their liberties, and as soon as you're interfering with their liberties, then it becomes a test in the courts, and there are laws around those things. It's a different thing—

Hon. Tony Clement: Right: interfering with liberties is the whole idea of prison. I just want to make that point clear—

C/Supt Fraser Macaulay: Yes, but the courts have been very clear that there—

Hon. Tony Clement: Can I go back to another point, that you and I believed—

Mr. Robert-Falcon Ouellette (Winnipeg Centre, Lib.): He didn't finish.

The Chair: I appreciate the assistance of my honourable colleague in chair management. However, I don't think Mr. Clement has reached the persistent stage yet.

Hon. Tony Clement: Thank you, Chair.

Could I just go back to something that you affirmed, which was that you believed that the minister could not issue a specific directive on a specific person, right?

C/Supt Fraser Macaulay: Correct.

Hon. Tony Clement: In 2001, I actually was a member of the Ontario legislature—a cabinet minister, in fact, in the Harris government—and I recall in that year that there was a prisoner who was being transferred. He was a murderer of a police officer, I believe in Sudbury, being transferred to a facility in British Columbia that earned the nickname Club Fed.

I believe at the time that Premier Harris was up in arms, as was most of Ontario society, that this cop-killer was going to a minimum security facility on Vancouver Island. There was a unanimous decision of the Ontario legislature to condemn that, and I recall that the minister, Lawrence MacAulay, who serves in the cabinet now, actually reversed the decision to send that individual to minimum security and made sure that he was held in a higher security prison.

Do you recall that at all? Would that be considered a precedent that is analogous to the current situation, sir?

C/Supt Fraser Macaulay: It would be previous to my time in the service. However, in many decisions that took place in the 1980s and 1990s and even as recently as 2000, the courts continue, as you are well aware, with jurisprudence and other things where limitations come into play, and they make court decisions that restrict—

Hon. Tony Clement: Is there any evidence that the minister has received that advice, sir?

The Chair: Thank you, Mr. Clement.

Hon. Tony Clement: I believe my time is over, but thank you very much for your answers.

The Chair: It is.

M. Picard, you have five minutes.

[*Translation*]

Mr. Michel Picard (Montarville, Lib.): Thank you.

Ms. Kelly, from what I understand, healing lodges can accommodate both mothers and their children.

[*English*]

Ms. Anne Kelly: In the healing lodges, as in any facility, let's say if there's an event, yes, it's possible that women will bring their children.

[*Translation*]

Mr. Michel Picard: Do you know how many incidents involving a child there have been in the history of the CSC?

Ms. Anne Kelly: Do you mean at healing lodges?

Mr. Michel Picard: Yes.

Ms. Anne Kelly: I do not have that information today.

Mr. Michel Picard: No cases come to mind. To your knowledge, at least, there have been no specific cases of an incident related to a child being present at a healing lodge.

Ms. Anne Kelly: No cases where there was an incident.

Mr. Michel Picard: Am I to understand that the quality of the mentoring, treatment and follow-up programs offered to participating persons leads you to believe that there are no unnecessary risks or irresponsible attitudes, and that this is conducive to the rehabilitation and ultimately reintegration of those persons into society?

Ms. Anne Kelly: You are asking whether our programs...

[*English*]

Mr. Michel Picard: Given the quality of your programs or the way the programs are built, I guess, if we didn't have any incidents so far, it's just because of lack of opportunities, because the way you supervise and accompany those persons shows the quality of the rehabilitation process.

Ms. Anne Kelly: Yes, and obviously in terms of the programs we offer, that's part of it as well. We have programs that we offer, a family violence program, so in our healing lodges, no, I don't know of any incidents that have occurred.

• (1620)

Mr. Michel Picard: Excellent.

[*Translation*]

Ms. Anne Kelly: That said, if children are present, they are under the supervision of their parent or guardian.

Mr. Michel Picard: Perfect, thank you.

We have heard comments recently from persons who have obviously never set foot in your establishments, who compared your establishments to condominiums.

Do you think that is the case?

Ms. Anne Kelly: No, I would not make that comparison. The inmates in our establishments certainly do not have the freedom that people in the community enjoy. They have to follow rules and routines. They are told when they can do certain things, where they can be, and so forth. So the answer is no.

[*English*]

Mr. Michel Picard: I'll give my last minute to my colleague Mr. Ouellette.

Mr. Robert-Falcon Ouellette: Thank you very much.

How long is it feasible to keep someone in a maximum security prison without moving them into a different facility? Could we keep them there for 25 years, and what would be the consequences for them—and for society—once we released them?

Ms. Anne Kelly: For society, yes, absolutely. For maximum security institutions, there are certain criteria. If you have an offender for whom institutional adjustment is a problem, or if the offender is a high escape risk or a high public safety risk, they might start their sentence at maximum security.

Obviously, we expect the offenders to participate in their correctional plan, meet the objectives set out in that plan, and participate in the programming that's offered. If they do, many of our offenders actually benefit from a security reclassification and may be moved gradually to medium security. Some of them actually make it to minimum security. There are offenders, however, who because of their behaviour may stay in maximum security longer.

We believe in gradual, structured supervision and for the offender to move from maximum to medium to minimum and establish—

The Chair: Madam Kelly, I'm trying to run a tight clock here. Otherwise, everybody gets upset.

Ms. Anne Kelly: Sorry.

The Chair: Mr. Motz, you have five minutes, please.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you.

Congratulations, Commissioner, on your posting. It's good to have you here today.

The government seems really concerned with the benefits afforded to criminals; I'm concerned about public safety. Within public safety are the correctional officers, who are at risk because of some of our government policies that you've been asked to implement. For example, in May the current Liberal government announced a needle exchange program in prisons, contrary to the current Drug-Free Prisons Act.

I'm curious to know about this. Did Public Safety Canada, Health Canada or any other department discuss the plan with you or your team, or with the union, or with the management of these facilities prior to that decision—yes or no?

Ms. Anne Kelly: The prison needle exchange is a CSC initiative. Actually, it's in keeping with the broader Government of Canada harm reduction strategy. Before we implemented it, we did speak to our union partners.

Actually, at this point it's a very slow implementation. It's only at two sites, at Atlantic and Grand Valley institutions. It's phased-in implementation. I have said to all the unions that I'm more than prepared to sit down and discuss it.

Mr. Glen Motz: Okay, well, just so you're aware, Commissioner, I've heard from them, and they tell a different story. They're quite concerned that, again, the front-line correctional officers have the potential to be impacted by a weapon being in the hands of a violent offender and an addict. They're concerned about that. I'm concerned that this decision will have a risk and a negative impact on front-line officers, so I would certainly encourage you.... The story I'm hearing

from them directly is different from what I'm hearing from you. There is obviously a disconnect.

One of the concerns I have also is that you've rolled this out slowly, you say, and there are only two institutions in which this needle program is implemented. Surprisingly, or interestingly, one of those institutions had its first heroin overdose in 15 years. I'm wondering how you reconcile that with the concept that prisons are supposed to be places where prisoners remain drug-free. I can tell you story after story of prisoners I locked up personally who said, "Thank you. I got clean in jail. If it weren't for jail, I'd be dead."

This is not good for our inmates. I'm just curious to know how you can reconcile that with the Drug-Free Prisons Act.

• (1625)

Ms. Anne Kelly: Certainly for us, drugs are an issue. We don't want drugs in our institution. The fact is that there are drugs.

The prison needle exchange program is a harm reduction measure. As you know, in CSC we've been providing condoms, dental dams, and bleach for a number of years.

With regard to the prison needle exchange, I want to mention that in terms of safely managing needles, we have had success with the threat risk assessment model, which is the model we use for EpiPens and insulin needles that we have right now in our institutions.

Mr. Glen Motz: Well, that's fair, but if you are concerned about the safety of prisoners—which you need to be, and that's your mandate, and I respect that—we also need the same respect and care and concern for correctional officers in there who run a risk.

To shift, according to an Order Paper question that was tabled by Minister Goodale on April 30, in the time since this current government was elected, 48 first degree murderers have been out on unescorted temporary absences and 204 second degree murderers have been out on unescorted absences. There was also a temporary absence that lasted 303 days. In my business before, a 303-day absence was AWOL.

I don't understand how these things can go on. Can you explain to Canadians how allowing, in this case, hundreds of murderers out on our streets unescorted is keeping public safety in check? How is that possible?

The Chair: That's a very important question, and unfortunately Mr. Motz has only left you 30 seconds to answer it.

Ms. Anne Kelly: Okay.

First of all, if they are serving a sentence of life, the authority for granting unescorted temporary absence—the first one—is the Parole Board of Canada.

As you know, even people serving a life sentence have eligibility dates for temporary absences. Once they reach those eligibility dates, again depending on the progress they've made in prison, they are eligible to request such a temporary absence. That's how this would have occurred.

The Chair: Unfortunately, we'll have to leave the answer there. If you wish to be more extensive in your response to Mr. Motz, I'm sure he and the committee would appreciate any additional response you may have.

The last three minutes go to Madam Damoff, please.

Ms. Pam Damoff: Thank you, Chair.

I think all of us are concerned about public safety, and that's the number one priority. It is important for us to remember that almost all of the people who are in prison today will get out and become our neighbour, our co-worker. That's just a fact.

If I'm looking at public safety, what I would like to see is people being rehabilitated and not reoffending when they are released into society, so that the person living next door to me is not engaging in criminal behaviours.

I'm sure you've read the two studies that we've done. A lot of that had to do with the good work being done by employees in prisons in ensuring that these people are being released and being successful.

I want to flag one thing for you. It's the availability of identification. It's not a federal responsibility, but the issue is that when people are being released from prison, they don't have a health card, a driver's licence, picture ID, so they can't find a place to live or find a job, and it can take months. I don't expect you to necessarily answer it today, Commissioner Kelly, but it's something....

I recently was at Willow Cree, and I heard it there. I heard it from the safety and justice employees. It's a huge stumbling block to people being able to have success when they're released. I don't know if you're aware of it.

Do you want to briefly comment on what we can perhaps do to work with our provincial counterparts on it? In this day and age, we

can do things online. As Scott Brison said, it seems like being Blockbuster in a Netflix world.

They have photo ID when they're in corrections. How can we work with our provincial counterparts to get that ID done before they're released, and without their having to be escorted?

• (1630)

Ms. Anne Kelly: That's a good question. It's something we've been talking about for many, many years, and it's so crucial to offenders.

I know we've reached out to the remand centres to ensure that they keep the ID if the offender has it and that it's transferred to CSC. We're also discussing it with our heads of corrections to see how we can work together.

I have a meeting with Indigenous Services Canada, because at this point in Calgary, they're going to accept the offender ID so they can get their treaty cards.

Slowly, we're trying to improve the process and ensure that offenders have the cards they require.

Ms. Pam Damoff: I would encourage you also to speak to the parole officers who are dealing with the offenders, because they are doing it on a day-to-day basis and there may be some suggestions there as well.

Ms. Anne Kelly: Absolutely. Thank you.

Ms. Pam Damoff: Thank you.

The Chair: Thank you, Ms. Damoff.

Thank you, Ms. Kelly, and your colleagues Mr. Motiuk and Mr. Macaulay, for your testimony here today. I hope you will see this committee as a committee that will be helpful to your future.

Again, thank you very much.

Ms. Anne Kelly: Thank you very much.

The Chair: The meeting is adjourned.

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