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• (1625)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I call the meeting to order.

As we have quorum, I will bring down the virtual gavel so that we can commence the fourth meeting of the Standing Committee on Public Safety and National Security.

The Clerk of the Committee (Mr. Jean-Marie David): Mr. Chair, we have one more member who has advised us that he is just a minute away. If we could wait until Dr. Zinger gets here, that would be awesome.

The Chair: I'm just worried about running out of time at the tail end, not so much at this time. I virtually brought down the gavel so I think we have started.

Dr. Zinger is, fortunately, available to us. He's a witness who needs no introduction. I will ask him to bring his remarks and to confine himself to seven minutes. Then I see that we have quite a number of members who have questions to address to Dr. Zinger.

With that, welcome, Dr. Zinger.

Dr. Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada): Good afternoon, Mr. Chair and members. Thank you very much for the invitation to appear before your committee. Today I will provide you a briefing on my 2019-20 annual report, which was tabled in Parliament last week on October 27.

I will try to keep my opening remarks as brief as possible. I'll focus on two national-level investigations featured in my report, including sexual coercion and violence in federal corrections and learning behind bars.

Before I get into the substance of my remarks, first allow me to say a few words about my office and mandate. As the ombudsman for federal corrections, my job is to investigate, from the law, “problems or complaints of offenders related to decisions, acts or omissions of the Service”. I am independent and impartial, and I am not a prisoners' rights advocate. When my staff investigate, we look for compliance with the law and fair decision-making.

The issues highlighted in my latest annual reports point to significant gaps in how the Correctional Service of Canada meets its legal and policy obligations.

On the issue of sexual coercion and violence behind bars, for instance, my office found that sexual victimization exists in the shadows of penitentiaries and is largely dismissed as an inevitable con-

sequence of incarceration. We found that sexual violence is a pervasive but under-reported problem in federal prisons. Victims do not report their experiences of abuse, as there are too many disincentives and risks associated with disclosure. Many are afraid to report, fearing retaliation, retribution or re-victimization by the perpetrators. They face the risk of not being believed, of being ridiculed or even of being punished for reporting coerced sex. Many victims are survivors of previous abuse and feel guilt and shame.

In responding to my report, the Government of Canada and the Correctional Service issued public statements assuring Canadians that they take this issue “very seriously” and that the Correctional Service has a “zero-tolerance” approach to sexual coercion and violence.

I want to be clear and forthright with the members of this committee. In conducting this investigation, my office found no evidence to support claims that the Correctional Service of Canada endorses or has adopted a zero-tolerance approach to sexual coercion and violence behind bars. To the contrary, we found a culture of silence and organizational indifference. Indeed, CSC appears to take this absence of evidence as evidence of the absence of a problem.

The agency has never conducted any research or prevalence studies in this area of corrections. There is no stand-alone policy to guide how staff are expected to respond or prevent sexual victimization. The only policy guidance in existence is buried in appendix 7 of “Guidelines on Sexually Transmitted Infections”, which is directed to nursing staff.

There is no specific national program, initiative or office of primary interest at CSC national headquarters aimed at preventing sexual coercion and violence.

There are no mandatory requirements for the Correctional Service of Canada to publicly report on incidents of sexual violence behind bars. Consequently, most incidents are not investigated by correctional authorities, and rarely or never do they reach the courts.

CSC has no strategy to protect vulnerable groups or persons who are disproportionately victimized behind bars, including LGBTQ+, women, and those with a history of trauma and abuse, disability or mental health issues.

There is no coordinated or centralized approach to detect, flag, track or manage repeat or chronic perpetrators of sexual violence. We found that alleged perpetrators were often simply shuffled around the institution or involuntarily transferred to another facility.

• (1630)

In light of these findings, I made three key recommendations that would give practical effect to a zero-tolerance approach in preventing, detecting and responding to sexual abuse and violence behind bars.

I called for legislation that would make public reporting in this area mandatory, similar to the United States Prison Rape Elimination Act, which was introduced almost 20 years ago.

I asked the minister to fund a national incidence and prevalence study to be conducted by a fully independent expert.

Finally, until legislation is passed, I call on the Correctional Service of Canada to proactively develop a comprehensive commissioner's directive that would provide staff with direction on how to prevent, detect and respond to incidents of sexual coercion and violence.

I am pleased that the Minister of Public Safety has requested that this committee conduct a study of sexual coercion and violence in Canadian prisons, including examining legislation that is in effect in other jurisdictions. I sincerely hope that you will accept this request, conduct a timely study and produce a public report that would provide Canada with a legislative road map for eradicating all forms of sexual victimization and abuse in our prison system.

[*Translation*]

The investigation into learning behind bars looked at access to education and skills training in the federal correctional system.

What is important to note from this study is that Canada is falling further and further behind the rest of the industrialized world in terms of digital learning and skills training behind bars. There are increasing signs of decline, given that little action has been taken to implement dozens of my office's previous recommendations in this area.

Inmates in federal custody do not have access to monitored email, tablets, or supervised use of the Internet. A moratorium prohibiting offenders from bringing a personal computer into a federal institution or purchasing one has been in place since 2002, almost 20 years ago.

Schooling behind bars relies mainly on paper and pens. Textbooks are outdated and libraries are under-resourced. There are virtually no opportunities to pursue post-secondary education...

• (1635)

[*English*]

The Chair: Dr. Zinger, you're a fair bit past your time. Could you wind it up in another minute or so?

Dr. Ivan Zinger: Okay, perfect.

The Chair: Thank you. Sorry about that.

[*Translation*]

Dr. Ivan Zinger: Vocational training courses are rare, prison workshops operate from outdated platforms, and inmates describe prison work as commonplace and meaningless. Only 6% of the prison population works in the CORCAN prison industry.

Finally, the number of offenders on a waiting list to participate in education and work programs remains very high.

Given the general inertia and inaction in this area, I have chosen to make the following recommendation to the minister: I recommend that an independent expert task force be established to guide the reforms previously recommended by my office.

I'll be happy to answer your questions.

[*English*]

The Chair: Thank you, Dr. Zinger.

I have on my list Mr. Motz for six minutes, Ms. Damoff for six minutes, Ms. Michaud for six minutes and Mr. Harris for six minutes.

Mr. Motz, you have six minutes, please.

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

Thank you, Dr. Zinger, for being here.

In your report you said, and I quote:

I am deeply [disturbed] by [CSC's] and Government's responses to my latest Annual Report. I am concerned by the lack of engagement with the matters addressed in my report. The response contains very few clear deliverables or concrete timelines. Most recommendations are met with vague and future commitments to review, reassess, or even, in the case of sexual violence in prisons, redo the work that my Office has already completed.

It seems that CSC is ignoring or disregarding your report, Dr. Zinger, and it is essentially falling to this committee to hold them to account.

Do you have any mechanism to push for more or better results or responses, aside from seeking time with this committee?

Dr. Ivan Zinger: Thank you for your question.

The legislative framework makes me an ombudsman, and as a traditional ombudsman, my authority is limited to making recommendations.

Of course, I have several tools to try to put pressure on the organization that is subject to my oversight, which is Correctional Service of Canada. I certainly have an annual report that is tabled before Parliament. I can issue special reports. I can issue public interest reports. I can go to the media. All of this is to ensure that the assessment by my office and the investigation by my office carry the most appropriate weight.

I will tell you that it is a frustrating business to be an ombudsman. Let's put it this way.

Mr. Glen Motz: Thank you, Dr. Zinger. I would agree, based on your comments.

Your report details the very disturbing prevalence of sexual violence in our prisons. One of your recommendations was a call for legislation to implement a zero-tolerance and preventive approach to sexual abuse and violence in prisons. Has the government agreed to introduce such legislation?

Dr. Ivan Zinger: The Minister of Public Safety has done a few things with respect to this recommendation. I would say that I think, given the nature and the scope of the problem, a legislative response is the appropriate response. The minister has not said "No", but he has simply written to your committee, SECU, to see if it would study the issue and make recommendations, including legislative options.

Mr. Glen Motz: Thank you for those comments, Dr. Zinger. I find it a little odd that the minister responsible for putting forward such legislation is going to bring that to the committee to study when we already know the problem based on your report. However, I will move on.

Your report raises some serious concerns about the application of euthanasia in prisons. The specific euthanasia cases you mention in your report show a clear conflict between the safeguards and ethics around euthanasia and the nature of incarceration. Your report calls for a full moratorium on this practice. Has the government agreed to such a moratorium?

Dr. Ivan Zinger: Let me just clarify exactly what we have written in my annual report. We're talking about how the moratorium would be limited to carrying out the procedure inside the penitentiary.

This is the law in Canada, and I think it is very appropriate for Canadians citizens who are incarcerated to seek out MAID, medical assistance in dying. We believe that it is more appropriate that these decisions should be made in the community when the offender is on parole and serving the remainder of his or her sentence in the community. The recommendation for a moratorium was simply based on the one case of the procedure being carried out inside the penitentiary. That, for us, raises very big ethical and moral issues.

There have been three other cases in which people have sought it successfully, and the procedure was carried out in an outside hospital. We still had concerns with those. Hopefully, I'll get a chance to make remarks before the committee with respect to Bill C-7 to make sure that the government reinstates the obligation for the Correctional Service of Canada to investigate MAID, because it's considered a death in custody even if the procedure is done outside in the community.

• (1640)

The Chair: You have a little less than a minute, Mr. Motz.

Mr. Glen Motz: Thank you very much, Mr. Chair.

Dr. Zinger, have you ever called in the victims ombudsman to discuss the issue of victim services in a federal prison with respect to the sexual violence you mentioned in your report?

Dr. Ivan Zinger: The victims ombudsman actually reached out to my office, and I intend to speak to her in the coming weeks.

Mr. Glen Motz: Thank you very much. I appreciate your responses.

The Chair: Thank you, Mr. Motz.

With that, you have six minutes, Madam Damoff.

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

Dr. Zinger, I want to first thank you and your staff. I've been on this committee for five years now, and it's really frustrating, the reports and recommendations that come from your office, including from your predecessor, Mr. Sapers.

The Chair: Pam, you're frozen. Pam, let's restart you. You just started, and then you froze, so let's go back and start over again.

Ms. Pam Damoff: Well, I started with a thank you.

The Chair: You can't say thanks often enough.

Ms. Pam Damoff: No, you can't say thanks to Dr. Zinger often enough, because his work is often thankless.

I want you and your staff to know, Dr. Zinger, how much it is appreciated and how frustrating it is that the recommendations that you make.... You keep putting forward really important recommendations, and they seem to be ignored.

I have a couple of questions. The first one is about the number of indigenous women in the prison system. You've stated that the current number is 44%. I'm just wondering, Dr. Zinger, if you track those by region. If so, would we be able to get those numbers? I suspect that if you went to someplace like the Edmonton Institution for Women, that number would probably approach 80% or higher.

Dr. Ivan Zinger: The answer is yes. It's not just my office that tracks this; the Correctional Service of Canada has very good data on it. I am happy, however, to provide any sort of breakdown of the regional numbers. That's fairly easy for us to do, and it's easy also for the Correctional Service of Canada to provide you those numbers.

Ms. Pam Damoff: I think 44% is a horrible number, but if you look at it by region, it's even worse, and I often remind people of that.

My next question is this. Indigenous and Black Canadians are overrepresented in the prison system, and it's only getting worse. They are overclassified, and they don't have access to programming or early release.

Our committee made recommendations, the status of women committee made recommendations and you've made recommendations to address this issue. SIUs aren't working as they're legislated or intended. Dr. Dubé has highlighted this just recently, and you've highlighted a number of issues at CSC.

I'm wondering, Dr. Zinger, whether you think it would be helpful for the minister to set targets for CSC and require public reporting. It seems that we keep recommending things, but nothing is improving.

• (1645)

Dr. Ivan Zinger: Absolutely. It's not just my office that made these recommendations; they are now being endorsed widely. When we speak about indigenous offenders, for example, or people who are incarcerated, recommendations that my office has made have now found their way into the Truth and Reconciliation Commission of Canada in its calls to action. We can find them in the Auditor General's report of 2016, "Preparing Indigenous Offenders for Release". We found them in your committee, dated June, 2018. We found them in the status of women committee in June 2018 as well.

Let us not forget also that there are many recommendations in the National Inquiry into Missing and Murdered Indigenous Women and Girls that basically cut and paste recommendations straight from my reports and those of my predecessor, Howard Sapers.

I think at some point it's not just a case of dismissing me as an ombudsman—by the way, I am part of the enabling legislation for the Correctional Service of Canada—but now it's also a question of maybe not respecting democratic values, because duly elected individuals have made those recommendations and inquiries and commissions have been set up by elected officials to look into issues and make recommendations. All of this seems not to be acted upon by the Correctional Service of Canada, so I am concerned.

Ms. Pam Damoff: How do we ensure that these things happen? Do you think the minister has to set public targets for what they need to do? Do you have suggestions for how we can push the Correctional Service of Canada to actually start implementing these recommendations?

Dr. Ivan Zinger: Absolutely. It was a best practice for the Minister of Public Safety to publicly issue the mandate letter of the commissioner of the Correctional Service. The mandate letter was great.

I have no problem with that mandate letter. The sole problem with it is that there are no dates for deliverables. It contains vague commitments. I think time frames are important, as is a list of clear deliverables. I think we would move a little bit more quickly if there were clear guidance in those mandate letters to ensure that there is accountability in the end.

The Chair: You have a little less than a minute, Ms. Damoff.

Ms. Pam Damoff: Okay, so I probably don't have more time, but Dr. Zinger, is there anything else that you want to add?

Dr. Ivan Zinger: One thing the minister has done is write to this committee. I certainly hope the committee will initiate a study on a really important issue that has been neglected for a very long time, and I hope that if a recommendation comes from your committee, it will be acted upon pretty quickly.

Ms. Pam Damoff: Okay. Thank you very much, Dr. Zinger.

The Chair: Thank you, Ms. Damoff.

[*Translation*]

Ms. Michaud, you have the floor for six minutes.

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

Mr. Zinger, thank you for being with us and for publishing this report.

We received the message from the minister in which he asks us to undertake a study on sexual violence in the prison environment. Of course, the Bloc Québécois supports the idea of undertaking such a study. Fighting sexual violence is one of our priorities, and it should also be one of the government's priorities.

On the other hand, you have studied the issue as part of your report, and your recommendations are quite clear. Don't you think it's time to implement those recommendations, rather than do more studies on the subject?

Dr. Ivan Zinger: The answer is yes, absolutely.

Indeed, I would have preferred that the government respond to my recommendation by saying that it would ask the Department of Justice to consider legislative options, with a clear commitment to introduce legislation by a specific date, such as next spring. That would have been ideal. It would have better reflected the nature of the problems that exist in our penitentiaries. Such a clear measure would have been an impeccable response to my report.

• (1650)

Ms. Kristina Michaud: You rightly said you were a little disappointed with the response of the minister and the government in general to your previous annual report, last year's annual report. What about this report?

The minister has already responded with his commitments. Are things less vague than the last time? Are there more commitments for which a specific deadline has been set?

Do you think that the pandemic argument is likely to be used? For your part, you did say in your report that you were able to conduct your study despite the pandemic. You went out there and you were able to do your job. Despite this, do you think there is a risk that the pandemic argument will be used to explain the lack of action?

Dr. Ivan Zinger: I think that's a question you're going to have to ask the Correctional Service of Canada.

However, it is clear to me that the response to my report is far from satisfactory. I understand that the pandemic has made the situation very difficult for the Correctional Service and that the Correctional Service has made it a priority to respond to the pandemic. However, we must continue. You can't just put everything else aside.

This report raises issues related to inmate safety and rehabilitation. I am thinking for example of the investigation we did on learning. This is a matter of public safety. A lack of programs and education affects public safety because, as we well know, education and vocational training are important in reducing recidivism rates in the community. As a result, society is far better off when the Correctional Service of Canada provides timely rehabilitation programs.

Ms. Kristina Michaud: On the subject of the study on sexual violence, you proposed the implementation of a series of legislative measures following a zero-tolerance approach. You mentioned the example of the Prison Rape Elimination Act, which was passed in the United States almost 20 years ago. Clearly, Canada cannot claim to be ahead of the curve in this area.

What contributed to the success of this U.S. law? Can you tell us more about it?

Why is it necessary to enforce similar legislation in our prisons in Canada?

Dr. Ivan Zinger: I think the Correctional Service of Canada is where the U.S. was 20 years ago, which is that very few prisoners report social coercion or sexual assault.

The United States has responded to this problem with strong legislation. We should seriously consider this kind of mechanism.

The U.S. Department of Justice has an obligation to conduct anonymous inmate surveys to ensure that the number of cases is declining and that the measures in place are improving from year to year. A variety of programs, services and surveys are mandatory. Outcome verifications, called audits, are even carried out, and financial resources can be allocated on the basis of success. In fact, federal prisons in the states that successfully pass their audits receive additional funding.

There are all kinds of things in terms of training and education for staff, but also education for inmates. As I said, it's very well developed.

Two years ago, I was in Louisiana. As a simple visitor in a Louisiana prison—

• (1655)

[English]

The Chair: I'm sorry, Dr. Zinger; you'll have to hold with that example, as Madame Michaud is over her time.

Mr. Harris, you are next. You have six minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair, and thank you, Dr. Zinger, for your presentation and report.

In reading your report, I'm a bit shocked to hear that the minister has had this report since June, and it's now the end of October. He

suggests that this committee should help write some legislation based on existing legislation that's 20 years old.

Wouldn't it make more sense for the minister to direct the people who developed the legislation? We'll have a look at it as a committee, and we'll be happy to do that, but you lay out the road map yourself, as I see it.

Starting with the whole notion of a response by the minister and by the CSC, you talk about the issues of sexual violence and coercion. We have a zero-tolerance policy for that in our institutions, but they're not counting it. They don't have any prevention programs. They don't have any way of looking after it and they don't have anything in place that you would expect to see if they were taking it seriously.

In fact, you found no evidence to support the claim that they have a zero-tolerance policy. Wouldn't it make more sense for the minister to listen to your report and issue directives to the Correctional Service of Canada to actually put these things in place? You have some recommendations here, but is there any evidence that the minister has taken any action to require directives or policies to be put in place, for prevention programs to be put in place? Has any of that happened, other than the mandate letter, which doesn't provide any specifics?

Dr. Ivan Zinger: It would have been my preference if the response to my recommendations would have had the minister stating clearly that he directed the Department of Justice to draft legislation accordingly. That would have been my preference, absolutely, but that's not the response I got. The response I received is that the minister isn't excluding legislation, but he has made the request to your committee to study it and make recommendations, including assessing the merits of something similar to the Prison Rape Elimination Act of the United States.

Mr. Jack Harris: This committee has other things on its plate, such as studying racism in Canadian policing, the use of systemic racism and the use of risk assessments in federal prisons. The Globe and Mail just recently reported on the failure to abolish solitary confinement, which the Supreme Court of Canada requires and legislation requires. An oversight committee was ignored for a year as it tried to get answers.

All of these things are going on. Meanwhile, we have a department that should be able to tell the Correctional Service of Canada how to behave itself and how to implement policy. Is this something we should be making a priority when the minister already has some very good advice from you as to what direction to go and how to do that? Isn't that something that could be, and perhaps should be, already implemented to some extent?

Dr. Ivan Zinger: I will tell you that the list of issues you have just mentioned are issues on which my office made many recommendations over the years. Certainly I can point to, for example, this report on a case study of diversity in corrections that dates back to 2013, which was picked up by a UN committee working group on the treatment by Canada of Canadians of African descent, which repeated recommendations by my own office.

There is lots of it. I so wish that, yes, there would be more movement on my recommendations, so that down the road there would be fewer class action lawsuits or articles in *The Globe and Mail* or responses of the Supreme Court of Canada. We have been saying that actuarial tools used by the Correctional Service are perpetuating systemic discrimination in corrections. We'd been saying that for years prior to the Supreme Court of Canada's decision. Now we're two years out after the decisions have been rendered, and there is still no definite action on the part of the Correctional Service of Canada.

• (1700)

Mr. Jack Harris: Dr. Zinger, we hear about oversight all the time, and we have, through your good offices, lots of oversight. We have the Auditor General. We have the Supreme Court of Canada. We have commissions like the missing and murdered aboriginal women's committee. We have groups like the status of women committee. We have committees at this House making recommendations. We have so much oversight that the problems are obvious and in clear sight. What we really need is action, is it not?

I was asked today about what kind of oversight we need. I said that we don't need oversight anymore; we need action by the government on the problems that have been identified.

I won't ask you to agree with that. I think you've already said as much.

I don't know if I have enough time, but—

The Chair: You have less than 15 seconds.

Mr. Jack Harris: Well, then I'll just tell you what I was going to ask. You have given some good examples on how some of this sexual coercion and violence can be prevented. I would love to hear you explain some of those issues so that people can understand that it actually can be done.

The Chair: You'll have to explain that at another question.

That completes our first round of questions.

On our second round of questions, is we have Mr. Van Popta for five minutes, Madam Khera for five minutes, Madame Michaud for two and a half minutes and Mr. Harris for another two and a half minutes. I have yet to be advised as to the second Conservative questioner. Finally, we will have Mr. Lightbound for five minutes.

With that, we have Mr. Van Popta for five minutes.

Mr. Tako Van Popta (Langley—Aldergrove, CPC): Thank you very much, Dr. Zinger, for being with us here this evening and sharing your wisdom and experience. Thank you for your report as well. As I read through it, I sensed your frustration in observing what appears to be a pattern of inaction by the minister on a number of issues, which I'll get to in a minute.

First I want to thank you for your contribution to the very important national discussion about medical assistance in dying. As you know, this passed second reading in Parliament last week. It's been sent to the justice committee for review. I just want to know what your thoughts are on that, and whether you think that a parliamentary review should be undertaken before we pass any legislation, and, importantly, whether you would be willing to come to that committee to give evidence. I think you have something valuable to contribute.

Dr. Ivan Zinger: Thank you.

I would be delighted to put forward two amendments to that bill. My expertise is not infinite, but there are two things that I think are important to at least hear, which are some of the concerns in my office.

The first one is simply that the procedure of MAID should never happen in a penitentiary. I think that's a no-no. I don't think any country in the world does that. This is about shortening the life of an individual by the state in a prison setting. The optics are terrible.

What should happen in the best-case scenario is that those who are ill and meet the criteria should be very promptly released under community supervision and while on parole make those decisions in dignity and respect. This should be consistent with the legislative criteria. If that's not possible and the person is still in prison and the release is not possible, then in these exceptional cases the procedure could be, and has been, done in a civilian or a community hospital.

The second one is that the Correctional Service should investigate those cases. Right now there's an exception. I don't know how that exception went into the existing law. It means that they don't have to investigate. If they don't investigate, I don't even get notified.

When there's a death in custody or the death of a parolee, my office gets notified. Now, I don't even get notified. Of the deaths from MAID—there have been four MAID cases so far—three were done in the community. We reviewed two out of the three. I had some grave concerns with the two that we reviewed out of the three.

I think it's important to continue that. For example, if an individual who is seeking MAID and meets the criteria dies, it doesn't mean it wasn't premature, in the sense that if the Correctional Service provided terrible medical services, it should not learn from those mistakes.

Those are some of the concerns I have.

• (1705)

Mr. Tako Van Popta: Thank you for that.

I mentioned that there was a tone of frustration in your report. I'm going to turn to a topic that was asked about by previous speakers. It's what is clinically called SCV, or sexually coerced violence.

I understand that the minister has had this report in his hands since June of this year, and here it is November 2. We finally got a letter from him; I just received it today. It was addressed to Mr. McKay, our Chair, saying that this committee should study this report.

This is after three meetings of this committee getting together to determine what our priorities were. The minister could have had this letter to us a week, a month or two months ago.

Sorry; that's not a question. It's just a comment.

I want to follow up—

The Chair: You have about 20 seconds left, unfortunately.

Mr. Tako Van Popta: It's a quick question.

It's a question that Madame Michaud asked about referencing the Prison Rape Elimination Act in the United States. How effective was that in stemming the problem there?

The Chair: That is an important question, Dr. Zinger. Unfortunately, Mr. Van Popta has left you no time to answer it. Regretfully, I will have to move on.

It's now Madam Khera's turn. You have five minutes, please.

Ms. Kamal Khera (Brampton West, Lib.): Thank you, Mr. Chair.

Thank you, Dr. Zinger, first and foremost, for being here, and for all the incredible work that you and your team do every single year. I could truly feel your frustration for sure with the Correctional Service of Canada.

As a committee, we have been very clear in terms of pushing. We have the CSC coming before us in our next meeting an hour from now. We will certainly be talking about your report. Your report truly shines a very unfortunate light into the corrections facilities and the realities that we have here in Canada.

I was certainly appalled to learn the facts about your investigation into sexual coercion and violence in federal corrections. Certainly I did not know about that. There isn't a specific preventive strategy for incidents of sexual violence, especially for those who are the most vulnerable.

One of the problems that you talked about is under-reporting. Can you talk a bit about what can be done to promote safe and efficient reporting for those crimes?

I'll give you time for the example that I know you wanted to share earlier.

Dr. Ivan Zinger: Certainly, you have to create an environment within the prison setting where it's not so hard to disclose what happens. Right now, there are so many risks and disincentives that the disclosure just doesn't happen, so it's very grossly under-reported.

We know that in society at large it's an issue. We know that the research suggests that only about 5% of sexual assaults in the community are reported. The great majority just do not get reported.

You have to create an environment where disclosure is more likely to happen. How do you do that? You have to bring education forward for both staff and inmates. You have to do the training. You need to have a strategy to protect those who are more vulnerable and at risk of being victimized. You need to also have a strategy for the predators, to make sure that they don't just get shuffled around.

All that has to come, and you have to track incidents. You have to conduct those regular inmate surveys to ask them if they've been the target of sexual violence and coercion in the last six months, in the last year or ever.

Also, we have to remember that sexual coercion and violence are not just sexual assault. We're talking about sexual harassment, threats and sexual exploitation. All of these things fall under that caption. What we've seen is that the service has simply not done its homework in order to know what the prevalence is, and they can't respond to it because they don't know.

The Prison Rape Elimination Act is not the panacea. I'm sure that a Canadian version of it could be drafted to inspire best practices from their experience. They now have a commission based on that statute. They have a resource centre. They've drafted guidelines and best practices. All of this could be inspiring the drafters at the Department of Justice to do a bang-up job to have something that could effect change in the correctional system, and I think not doing it is problematic.

• (1710)

Ms. Kamal Khera: Thank you for that.

Would you know of any other jurisdictions around the world—except the U.S.—that we could look at and that have the best strategies to prevent sexual coercion and violence in correctional facilities?

Dr. Ivan Zinger: Certainly. I will tell you that Scandinavian countries are some of the most progressive countries in the world when it comes to corrections, so I would certainly look at them, but I would also look at some European countries. I'm sure my staff can provide you with some assistance there to point you in the right direction.

The Chair: Thank you for that, Madam Khera. You have 20 seconds left. Maybe we'll try to save it for some other future question.

[Translation]

Ms. Michaud, you have the floor for two and a half minutes.

Ms. Kristina Michaud: Thank you, Mr. Chair.

I will continue on the same subject, namely coercion and sexual violence.

You reiterated that there is no single, accessible policy to guide how staff should act, no approach to detecting and reporting cases that occur, and no approach to managing victims and perpetrators alike.

If there is no single strategy at this time, what means are available to inmates when they are sexually assaulted in correctional facilities?

Dr. Ivan Zinger: You ask me what the current situation is.

We looked at the figures over a five-year period. During this period, about a dozen cases were reported each year, for a prison population of about 14,000 individuals. If we take into account the comings and goings of some inmates and the number of individuals who stayed in the penitentiaries during this period, we are talking about 20,000 people who stayed in the institutions, and only about a dozen cases were reported. The Correctional Service has investigated one-third of these cases internally, which means four or five cases per year. It was found that charges were laid, criminal suits were initiated, or some action taken in only 12% of these cases. This is extremely low. This suggests that there is a much more serious problem.

In 2007, the service conducted a survey of inmates but did not ask about violent sexual abuse. It asked a question about sexual activity, but did not ask whether or not it was consensual. Among men, 17% of the inmate population reported having engaged in sexual activity. In the female population, it was 31%. We know that this is part of the prison experience, but we do not know the extent of coercion and sexual violence in this environment.

• (1715)

The Chair: Thank you, Ms. Michaud.

[English]

Mr. Harris, go ahead for two and a half minutes.

Mr. Jack Harris: Thank you, Chair. It's very dark.

The Chair: The lights have gone out on you, Mr. Harris.

Mr. Jack Harris: The lights have gone out in the neighbourhood, and we just heard the loud sound of a transformer blowing up across the way. However, fortunately I have a battery-powered Surface Pro and wireless Internet, so I'm able to talk to you still.

Dr. Zinger, leaving all of that aside, I did start by asking you about what kind of preventive measures could be implemented, because I think what's important about sexual violence and sexual coercion is making sure it doesn't happen if you can possibly do that. Could you outline some of those preventive measures? I know you talked about some of them in response to Madam Khera, but would you just talk about them in terms of how they might prevent this type of thing from happening?

Dr. Ivan Zinger: You have to put strong policy in place. My annual report talked about legislation, but while legislation is developed, the Correctional Service of Canada can do a whole lot of things to try to prevent and detect and respond to sexual violence.

In terms of engaging with respect to education and awareness and programming and specific initiatives, it's about having a strong policy that makes it clear that those who are identified as being the most vulnerable will be looked after and protected and that predators will be flagged and tracked and managed appropriately. When you carry out investigations, those investigations should be mandatory and they should try to break down those things. In many ways it's about embarking on a dialogue in an era of Me Too or Time's Up when disclosure has become easy or easier. That's what the Correctional Service has to do. It has to make disclosure easier, and that means that staff have to be engaged on these issues and informed and willing to learn, and that the offender too has to break away from that infamous inmate code.

Mr. Jack Harris: Thank you for that. That gives us some encouragement.

The Chair: Thank you, Mr. Harris. It was a very enlightened question.

With that, we have five minutes to be split between Mr. Motz and Mr. Van Popta.

Mr. Glen Motz: Thank you, Chair.

Dr. Zinger, it seems unheard of that a report from an auditor general or a conflict of interest office would be ignored, but it seems very much as though this minister is treating your investigation as secondary to other reports.

You have conducted an investigation, a thorough one. You have written a report. In that report, you have made recommendations with some solutions. From your perspective, specific to sexual coercion and violence, why would the minister be delaying getting at the recommendations in this report and instead be sending it to committee for further study? We already know what the problem is. We already know what some solutions might be. In your opinion, why would that be occurring?

Dr. Ivan Zinger: I think that question should be directed to the minister and the Government of Canada.

In my view, the response of the Correctional Service is dismissive and unresponsive and I think now there is quite a long track record of adopting that stand.

When I look at politicians and leadership in terms of the minister, the mandate letter and even the Trudeau government in publishing these mandate letters of all the ministers, I think that's great. Maybe the problem is no longer at the political level but at the bureaucracy.

Perhaps part of the resistance to change is the public service. I think it's time it takes a look at itself, and once they have clear marching orders, are they actually moving mountains to make it happen and reflect the will of the elected officials?

I think there is something to be said here. Sometimes I'm not that critical of the political elite, because they've done everything they could. The Correctional Service got their marching orders. Your committee did a wonderful report and issued recommendations to the Correctional Service, yet two years later there is no change, so maybe we have to look at the bureaucracy in the public service. I only know corrections; in terms of valuing the democratic system and values, we should probably be chatting about the bureaucracy too.

• (1720)

Mr. Glen Motz: Thank you.

The Chair: Thank you, Mr. Motz.

Mr. Van Popta, you have two minutes.

Mr. Tako Van Popta: Dr. Zinger, I am going to move on from SCV to education. I think we've established, to quote Mr. Harris, that it's time for the minister just to put a bill to us that is similar to the U.S. Prison Rape Elimination Act, and we'll study the bill.

Regarding education, in your opinion, would this committee's time be more productively spent on studying education in prisons, or rather the lack thereof, and how important education is to rehabilitation and coming back into communities?

Dr. Ivan Zinger: Again I would say, with all due respect, that my office has written on this aspect for over a decade, and the typical response we have from the Correctional Service is about a few pilot projects that are very great, but they've been pilot projects for years, and very little has been done to make computers accessible or make e-learning accessible.

It would have been so much better right now, during COVID, if every inmate had a tablet available to them. In terms of remaining in contact with their loved ones and in terms of education, we would have been way ahead. Now we're lagging so much behind. Tablets are available in very many American states and they're available in all sorts of countries, yet the Correctional Service still continues to say, since 2002, that inmates cannot have their own computers or purchase a secure computer that would have all the requirements to ensure safety and security. That's since 2002. They've been studying it since then.

There's inertia, and I think to me it's a question. This is why I didn't make any more recommendations on this. It's because I'm tired of making recommendations. I directed it to the minister and asked them to have some independent working group develop a road map with time frames and deliverables that would make this a reality and bring Canada in line with industrial countries that do corrections the best.

The Chair: Mr. Van Popta, unfortunately we're going to have to leave it there. The final five minutes goes to Mr. Lightbound.

[Translation]

Mr. Joël Lightbound (Louis-Hébert, Lib.): Thank you very much, Mr. Chair.

Mr. Zinger, you're taking the words right out of my mouth. I'm going to talk about education. It's obviously a battle that your office has been fighting, making recommendation after recommendation for a decade now.

In light of this more recent study, what best practices have you observed? What would be the easiest measures to put in place to increase positive educational outcomes in the prison system?

You also mentioned the inertia of the Correctional Service. What are the barriers that are cited to justify the failures of the Correctional Service that we see in this area?

• (1725)

Dr. Ivan Zinger: Corrections officials often tell me that it's a question of resources, that they're building partnerships and running pilot projects.

However, on the whole, we see that all educational activities at the secondary level are carried out using paper and pencils. However, we do not live in an era where these tools are the norm. All work-related equipment is often obsolete. Individuals are not given practical tools and vocational training that will later be useful to them in society.

I don't think it's a question of resources. You have to keep in mind that Correctional Service Canada spends over \$120,000 per inmate annually. The Correctional Service's inmate-to-staff ratio is the highest in the world, at 1:1. In fact, more than 40% of penitentiaries have more staff than inmates, and sometimes more correctional officers than inmates. We are breaking records in terms of resources invested, but objectively speaking, we still have outdated practices that are not enviable on a global scale.

I am not opposed to the spending, but at least the performance indicators have to be commensurate with the money spent. Right now we have a correctional system with an outdated infrastructure. As well, 3,700 cells are empty. We keep spending money, but we can't get performance indicators that match up with the investment we're making.

Mr. Joël Lightbound: That is why you recommend having an independent body that establishes a roadmap and monitors progress.

That was my only question. I had several others, but they have already been answered.

If you have something to add, Mr. Zinger, the floor is yours.

Otherwise, that is all for me, Mr. Chair.

[English]

The Chair: Thank you, Mr. Lightbound.

We have a couple of minutes. Is there anyone who is anxious to ask a question?

Go ahead, Madam Damoff.

Ms. Pam Damoff: Thank you, Mr. Chair.

Dr. Zinger, one of the things I wanted to ask you—because you folks have been there for quite some time—is what impact the cuts made by the previous Conservative government had on corrections.

Have you seen more investments made in corrections since we were elected? I'm not trying to pretend that there aren't problems, but I think it's important, given all of these questions about how badly we're doing.

What impact did things like DRAP and the cuts that were made have on people in the correctional system?

Dr. Ivan Zinger: Well, I wrote an academic paper that looked at the 10 years of the Harper government and I'm sure I can share that with the committee.

What we saw during those years was that there was a lot of tough-on-crime legislation that was put forward. The Correctional Service basically capitalized on that and asked for a lot of resources, and it got a lot of resources. We were all anticipating—at least the Correctional Service of Canada was anticipating—that they would grow significantly in terms of the inmate population. They got huge money in terms of infrastructure and also in terms of staffing. This is when we gained a lot of the staffing.

What happened was that from when the Harper government came in to when they left, the inmate population remained the same. It was basically 14,000, yet the human resources skyrocketed. We're now close to 19,000 employees for the service, and because of COVID, we're down to 12,500 in terms of the inmate population.

• (1730)

Ms. Pam Damoff: What about programming, Dr. Zinger?

The prison farms were closed. CORCAN was shut down. Frozen food was sent into the prisons.

Dr. Ivan Zinger: Yes. What happened with DRAP was that the government asked departments, including CSC, to make their contribution. The Correctional Service did something; it protected its salary envelope and cut all the services to inmates. That's why we ended up with an extraordinary ratio between inmates and staff, with so few services and funding available to do things like education, programming, health care and so on.

That has been the tragedy. It was basically self-serving to protect the salary envelope. The Correctional Service provided initiatives—such as the farms and other initiatives, for example—to deal with essentials in terms of—

The Chair: Madame Damoff, we're going to have to leave it there.

I see that Mr. Harris has a question. I'm quite sure that Mr. Harris will be challenged to ask a short question, but I live in faith.

Mr. Harris, can you ask a short question? That will be the final question.

Mr. Jack Harris: Sure.

Would you comment a little on the therapeutic units?

I note in your report that you say inmates often spend 23 hours a day in their cells, which doesn't seem to be very conducive to mental health improvement. Can you comment on that?

Dr. Ivan Zinger: Yes. Thank you for raising that point.

This was the third systemic investigation we undertook. We looked at therapeutic ranges. The Trudeau government provided some funding to establish this initiative to try to enhance mental health services to offenders, so we actually looked at those therapeutic ranges in maximum security institutions. We found that many of them were not operating at full capacity. We found that the infrastructure was often deficient. Those ranges in some penitentiaries were simply housed in the old administrative segregation ranges. There were always problems finding program rooms, and yards were inadequate.

We also found that the level of care that was being provided did not match what was initially planned. We witnessed the fact that they are often putting individuals who do not meet the criteria for intermediate care in those ranges as simply placements to deal with problems of incompatibility and so forth. Overall, we were quite disappointed with the implementation of those new ranges.

In terms of a response, the service provided us with the response that they will look into it in two years from now. That again sort of undermined the work my office does. The findings are.... We did so many interviews with both staff and inmates. We reviewed the policy, reviewed the practices, reviewed the files. I think it speaks for itself that if they are going to continue that model, they have to do a better job at implementing what they had in mind on paper—

The Chair: Mr. Harris, we'll have to leave it there.

As always, Dr. Zinger, you bring many items before the committee, all of which are well thought out and greatly appreciated. As a couple of members have said already, your work is appreciated. We particularly appreciate the insight and the thoroughness with which you conduct your office. Thank you. I don't doubt that you will be coming back before us, and hopefully sooner rather than later.

Colleagues, we're going to have to leave this meeting. We've gone slightly over. Just as for food for thought, we are so far behind on all of the work we have to do, I'd be interested to know, from each party, whether there is an appetite to put meetings on for next week, which is actually a break week. If at some time you could communicate that with me, I'd appreciate it.

With that, I will note that we are meeting with the minister at 6:30 p.m. The preference, for those of us who are on virtually, is to be online 15 minutes prior, so we'll see you all at 6:15 p.m. Thank you very much.

The meeting is adjourned.

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