



Correctional Service
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SAFETY, RESPECT
AND DIGNITY
FOR ALL

LA SÉCURITÉ,
LA DIGNITÉ
ET LE RESPECT
POUR TOUS

Audit of Cross-Gender Staffing in Women Institutions

Internal Audit

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Canada

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EXECUTIVE SUMMARY

BACKGROUND

In March 2006, the Correctional Service Canada (CSC) promulgated Commissioner's Directive (CD) 577 - Operational Requirements for Cross-Gender Staffing in Women Offender Institutions. This policy has two objectives: (1) to ensure that the dignity and privacy of women offenders is respected to the fullest extent possible consistent with safety and security; and (2) to ensure cross-gender situations in the workplace do not expose staff or offenders to vulnerable situations.

In response to recommendation 5d) of the Canadian Human Rights Commission's (CHRC) December 2003 report *Protecting Their Rights – A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, CSC committed to an independent external evaluation two years following the implementation of CD 577 to ensure that its implementation was strictly respected. In preparation for this, CSC designed and implemented a management control framework in 2007 that provides a means for regional management to make assertions and attestations concerning the extent of compliance with CD 577.

This audit engagement was undertaken pursuant to CSC's commitment to conduct an independent review. The audit objectives were: to assess the adequacy of the management framework CSC has in place to support the effectiveness of CD 577 in meeting its policy objectives; and to assess whether operational practices in CSC's women offender institutions have complied with CD 577.

The audit was national in scope and included an assessment of compliance results from all women offender institutions during the period April 1, 2006 to March 31, 2008. The audit focused first on verifying and validating regional management's December 2007 attestations concerning the extent of implementation of CD 577 and then on assessing ongoing compliance with the Directive. In addition, the audit team identified and assessed factors in the management and operational frameworks that may impact the achievement of CD 577's policy objectives. The audit team carried out audit examination work at CSC headquarters and in four regional women offender institutions: Fraser Valley, Grand Valley, Joliette and Nova.

CONCLUSIONS

Management Framework

Some aspects of the current management framework are adequate to support CD 577 in meeting its objectives. However, changes and enhancements are needed in some important areas:

- increasing the clarity of the section of CD 577 dealing with escorts;
- strengthening staff selection processes and mechanisms;

- increasing the focus on cross-gender issues in Women-Centred Training;
- providing existing training to more non-CX staff;
- providing appropriate briefings or training for male contractors and commissionaires working in women's facilities;
- adjusting certain requirements listed in the Management Control Framework -- Appendices A and C; and
- implementing performance monitoring in institutions to assess compliance with CD 577.

Headquarters management has plans in place to improve some related areas (e.g. revised Women-Centred Training). However, the other areas that this audit has identified for improvement need to be addressed. One area that is particularly important concerns the absence of performance monitoring and documented information on file to verify management attestations made in December 2007. Such a performance monitoring regime is fundamental to effective management accountability in this area.

Compliance with CD 577

During the period April 2006 to March 31, 2008, the evidence available for this audit suggests that, with some exceptions, operational practices in women offender institutions were in compliance with CD 577 requirements. However, we identified instances of non-compliance, as well as issues related to the potential for non-compliance in such areas as: the inmate handbook content; videotaping of strip searches; security patrols in program areas; non-security escorts; use of force and the implementation of measures to prevent situations that could lead to potential and false allegations of staff misconduct.

The strength of our conclusions concerning compliance with CD 577 requirements rests on the extent and consistency of the evidence that we were able to gather during the audit. While we examined relevant policies, management reports, statistics, complaints and grievances, we found a general lack of documented information to support either the management assertions made in the 2007 Management Control Framework or much of the testimony that we received at the institutional level.

We have made recommendations in the report to address areas identified for improvement. Management has reviewed and agrees with the findings contained in this report and has developed a Management Action Plan to address the recommendations (see Annex C).

1.0 INTRODUCTION

1.1 History of Cross-gender staffing in CSC's women offender institutions.

Over the past 20 years, there has been a series of key events that have helped shape cross-gender staffing in institutions for women offenders serving a federal sentence in Canada.

- Prior to 1989, the Prison for Women in Kingston (the only female institution in Canada at the time) had no male front-line staff.
- In 1989, the federal government commissioned a Task Force to review the overall situation of women offenders and to chart a new direction. The Task Force Report on Federally Sentenced Women, entitled *Creating Choices*, was released in April 1990. The report made a number of recommendations, including closing the Prison for Women and replacing it with four new regional facilities and an Aboriginal Healing Lodge where women-centred training would be available.
- In 1994, Correctional Service Canada (CSC) opened front-line staff positions at its new regional women's institutions to both men and women. Selection would be based on such criteria as demonstrated sensitivity to, and awareness of, women's issues, and an ability to work in a women-centred environment.
- In 1995, Nova Institution in Truro, Nova Scotia; Edmonton Institution for Women in Edmonton, Alberta; and Okimaw Ohci Healing Lodge in Maple Creek, Saskatchewan began operations.
- In 1996, the *Commission of Enquiry into Certain Events at the Prison for Women in Kingston* (the Arbour Report) examined, among other things, the role of men in women's institutions. The Commission's Report indicated that the success of cross-gender staffing would depend on the protocols in place to deal with the inherent problems that it presents.
- In 1997, Joliette Institution in Joliette, Québec and Grand Valley Institution in Kitchener, Ontario began operations.
- In 1998, CSC promulgated the *National Operational Protocol – Front Line Staffing*, which dealt with such operational issues as staff announcing themselves in living units and the pairing of men and women staff during shift work. CSC also appointed a Cross Gender Monitor from an external consulting firm for the period 1997 – 2000 to provide an independent review of the operational impacts of cross-gender staffing in the new women's institutions.
- The Prison for Women officially closed on July 6, 2000.
- In 2003, the Canadian Human Rights Commission (CHRC) in its *Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women*, recommended that the National Protocol be elevated to the status of a CSC formal policy through the issuance of a Commissioner's Directive (CD) and that its implementation be assessed by an independent evaluator after two years.
- Fraser Valley Institution in Abbotsford, British Columbia began operations in 2004.

- In 2006, CSC converted the *National Operational Protocol* into CD 577 - *Operational Requirements for Cross-Gender Staffing in Women Offender Institutions* and committed to an independent external evaluation two years following the implementation of the CD.
- In 2007, a Management Control Framework (MCF) for CD 577 was approved and in November and December 2007 institutional management completed the first set of management attestations using the MCF.
- In 2008, after consultation with CHRC, CSC proceeded with an independent audit of cross-gender staffing in its women's institutions.

1.2 Background Information

In 2008 there were seven regional facilities for women offenders across Canada. The first five - Fraser Valley Institution (British Columbia), Edmonton Institution for Women (Alberta), Grand Valley Institution (Ontario), Joliette Institution (Quebec), and Nova Institution (Nova Scotia) accounted for about 95 percent of all women offenders incarcerated. The remaining two women's institutions were Isabel McNeil House¹ (Kingston, Ontario) and Okimaw Ohci Healing Lodge (Maple Creek, Saskatchewan).

The number of offenders incarcerated in federal women's institutions has increased significantly over the past decade. In 2000, the Prison for Women in Kingston that previously housed all federal women offenders had approximately 130 women offenders. As of February 2009 there were 535 women offenders incarcerated or temporarily detained in federal women's institutions in Canada.

As the number of women offenders increased, so also did the number of staff employed in women's institutions. From 2002-03 to 2007-08, the number of staff employed in women's institutions increased from 259 to 386. The number of male correctional officers (CX) employed in women's institutions increased from 38 to 80 over this same period. By the end of the period, 20.7 percent of correctional officers in women's institutions were male, up from 14.7 percent in 2002-03.

Exhibit 1 below, which outlines the number of offenders and the numbers of male and female correctional officers by regional women's institution for 2006-07 and 2007-08, shows that the proportions of female and male staff vary widely across institutions.

¹ Isabel McNeil House was closed in December 2008.

Exhibit 1 – Number of Offenders, Female and Male Correctional Officers/Primary Workers in Federal Women’s Institutions

Institution	2006-2007			
	# of Offenders	# of Female Staff	# of Male Staff	% of Male Staff
Nova *	70	52	13	(20.0)
Joliette *	68	58	11	(15.9)
Grand Valley *	131	48	20	(29.4)
Fraser Valley *	59	58	15	(20.5)
Edmonton	123	66	7	(9.5)
Okimaw Ohci	25	22	1	(4.3)
Isabel McNeil	4	8	-	(-)
TOTAL	480	312	67	(17.7)

Institution	2007-2008			
	# of Offenders	# of Female Staff	# of Male Staff	% of Male Staff
Nova *	67	64	14	(17.9)
Joliette *	112	52	16	(23.5)
Grand Valley *	134	44	27	(38.0)
Fraser Valley *	75	52	14	(21.2)
Edmonton	115	65	8	(10.9)
Okimaw Ohci	37	21	1	(4.5)
Isabel McNeil	4	8	-	(-)
TOTAL	544	306	80	(20.7)

Source: Offender (includes ESAs and absences) Corporate Reporting System, March 2009; Staff - CSC Women’s Sector, February 2009

*Regional institutions visited during the examination phase of the audit

1.3 Roles and Responsibilities

The Deputy Commissioner for Women is a member of the Executive Committee and is accountable to the Commissioner as the principal advisor for women’s corrections. The Wardens of the women offender institutions report directly to the Assistant Deputy Commissioners, Institutional Operations in each region who are accountable to their respective Regional Deputy Commissioners.

The Deputy Commissioner for Women’s responsibilities include, but are not limited to the development of national plans, policies, processes and performance measurements connected to women’s corrections; the development of women-centred programs and interventions; the provision of advice to the Assistant Commissioner Human Resource Management concerning the National Training Standards as they relate to women

offenders, and the conduct of reviews according to policy on issues relating to gender or cross-gender staffing policies and protocols.

The Regional Deputy Commissioners direct the activities of the Assistant Deputy Commissioners, Institutional Operations as they relate to the management of women offenders, including the implementation of approved plans, policies and procedures; meeting staff training requirements; the deployment of resources according to approved allocation standards, and ensuring staff selection processes meet demands.

The Assistant Deputy Commissioners, Institutional Operations direct the activities of Wardens responsible for women offenders.

The Wardens responsibilities relevant to cross-gender staffing consist of ensuring compliance with policy including ensuring that: a reference to CD 577 is included in the Inmate Handbook and that the Handbook emphasizes offenders' responsibility for conducting themselves appropriately with all staff; that during the orientation and intake processes, newly admitted offenders receive a copy of the CD and have the opportunity to have questions addressed; that the Handbook emphasizes that offenders are encouraged to bring privacy issues to the attention of institutional management; that all staff members, contractors and volunteers receive a copy of the CD; that any allegation of sexual misconduct or harassment is immediately reviewed to determine how to proceed and that all relevant issue that are not covered in the policy are brought to the attention of the Deputy Commissioner for Women through the Assistant Deputy Commissioner, Institutional Operations.

2.0 AUDIT OBJECTIVES AND SCOPE

The audit objectives were:

- to assess the adequacy of the management framework CSC has in place to support the effectiveness of CD 577 in meeting its policy objectives; and
- to assess whether operational practices in CSC's women offender institutions have complied with Commissioner's Directive 577.

This audit was national in scope and included an assessment of compliance results from all women offender institutions during the period from April 1, 2006 to March 31, 2008. The audit focused first on verifying and validating regional management attestations concerning the extent of implementation of CD 577 made in December 2007 and then on assessing ongoing compliance with the Directive. In addition, audit work was undertaken to identify and assess factors in the management and operational frameworks that may impact the achievement of CD 577's policy objectives.

The audit team carried out audit examination work at CSC headquarters and in four regional women offender institutions – Fraser Valley, Grand Valley, Joliette and Nova. The audit team also reviewed offender complaints, grievances and 'use of force' incidents for all institutions, including those not visited. The audit used the following sources to gather audit evidence:

- previous Women Offender Sector reports and documents as well as CHRC and other relevant reports and studies;
- files and documents that support the December 2007 management attestations concerning the extent of implementation of, and compliance with, CD 577;
- information and data from the Women Offender Sector and Human Resources concerning cross-gender policies, 'use of force' incidents, staff selection and training;
- testimony from managers, staff and offenders at institutions visited and from managers and staff at headquarters;
- data and documents from regional women's institutions concerning local cross-gender policies, allegations of staff sexual misconduct or harassment, specific inmate complaints, staff work descriptions, staff training and shift rosters for sample periods; and
- interviews with such external stakeholders as officials of the Canadian Human Rights Commission (CHRC) and the Office of the Correctional Investigator (OCI).

See Appendix A for further details concerning the audit objectives and criteria.

3.0 AUDIT FINDINGS AND RECOMMENDATIONS

3.1 Management Framework

We examined the following areas in order to determine the adequacy of the management framework in place for cross-gender staffing: (1) policies, procedures and guidelines in place; (2) defined roles and responsibilities of staff; (3) selection criteria for hiring and deploying male Primary Workers (PWs); (4) PW women-centred training; and (5) mechanisms in place to monitor compliance with CD 577.

Operational Policies, Procedures and Guidelines

We expected that operational policies, procedures and guidelines, consistent with furthering the achievement of cross-gender policy objectives, would be in place in women's institutions.

- Most managers and staff interviewed during the field visits indicated that CD 577 was sufficiently detailed to provide the necessary guidance for most situations related to cross-gender staffing.
- In addition, managers pointed to some relevant local Post Orders that related to such potential areas of cross-gender issues as escorts within the institution, counts and searches.
- Our review of CD 577 indicated that:
 - the intent of the current Paragraph 27 (Escorts Within the Institution) may not be fully understandable. First, whether intentionally or not, it provides that non-correctional male staff can be escorted by a male contractor in a unit

when women offenders are present. This may not be a desired situation given that neither non-correctional staff nor contractors may have taken women-centred training. Second, this section of CD 577 does not deal with security escorts of offenders within the institution; and

- Paragraph 24, which indicates that female facilitators are “preferred” for delivering programs with gender-sensitive components, has little practical meaning in setting out an operational requirement and may need to be reviewed.

In its recent review of ‘use of force’ incidents (2006 – 2008), the Women Offender Sector also recommended some revisions to areas in CD 577:

- Paragraph 20, which states “*Strip searches shall be videotaped by female staff only*”, needs further direction concerning videotaping of women offenders during decontamination showers;
- a paragraph should be added to indicate that male officers should remain out of the vicinity and sight lines when a female offender is naked;
- Paragraph 29 which states “*if the first response is by male staff, female staff will be deployed to assist as quickly as possible*” should clarify further what the word ‘assist’ means in this context; and
- the ‘Use of Force’ section needs more context, such as including in this section the content from Paragraph 28 to better explain that male staff are authorized to respond to spontaneous ‘use of force’ incidents, as required.

Roles and Responsibilities

We expected that roles and responsibilities in women offender institutions would be clearly defined and consistent with CD 577 requirements.

- In the institutions we visited, roles and responsibilities were set out in a variety of ways, including job descriptions, Post Orders and Standing Orders. We identified no inconsistencies with the requirements of CD 577.
- However, our review of the Primary Worker work descriptions indicated that there was little detail concerning specific areas related to CD 577. For example, in the Contextual Knowledge section of the work description there is detailed reference to such areas as shift duties, case management and risk assessment, but nothing concerning working in a cross-gender environment.
- Managers noted that staff orientations upon starting work at an institution, and regular briefings, are important means for staff to know and understand their responsibilities in relation to CD 577 – other means noted include women-centred training and refresher training, information circulated within institutions, peer modeling and mentoring.
- All male staff interviewed indicated that they understood their roles and responsibilities as these relate to cross-gender staffing. They indicated that the PW work descriptions, Commissioner’s Directives, Post Orders and local bulletins further assist them to fully exercise their responsibilities.

Selection Criteria

We expected that appropriate selection criteria would be applied in selecting male staff from permanent appointments or deployments to women's institution.

- Our review of headquarters documents as well as interviews with management and staff in institutions indicated that there is a comprehensive process for external recruitment of male staff for permanent positions in women's institutions. The process includes initial pre-selection screening, a knowledge test, a values interview and an ability skills assessment near the end of basic staff corrections training (CTP).
- The initial screening process begins with a review of candidate experience in working with women, in the field of corrections and in social services. A knowledge test follows in which candidates receive a 'Study Package' as pre-reading (concerning such areas as the Program Strategy for Women, CD 577 and Creating Choices) in order to prepare for next step, the test.
- Each region selects 10 to 15 test questions from a list of 60 generic questions prepared by headquarters and designed to cover the main subject areas of women's corrections. As a result, the interview questions used are different in each region.
- Those candidates that pass the test are then interviewed to assess their personal suitability to work in a women's institution. Each region selects its own questions covering six personal suitability areas listed in the national generic Statement of Merit Criteria and Conditions of Employment. Two of the six personal suitability areas listed in this Statement are directly related to women-centred issues.
- During our field visits, some managers expressed the view that the interview questions for PW recruitment could be more effective in screening out male staff not personally suited for work in a women's institution. In our view, the current regional (as distinct from a national) approach to choosing interview questions for PW recruitment increases the risk of an inconsistent interview process because of the absence of national controls.
- Male Correctional Officers (CX II) wishing to permanently transfer to a PW position in a women's institution must pass tests related to three essential qualification areas: understanding women offender needs; the ability to intervene effectively with women offenders; and sensitivity to gender diversity. However, the assignment of staff to women's institutions for short periods (weeks or months) does not require passing such tests.
- Interviews with managers in the field indicated that the screening process is less demanding when male or female staff are assigned for specific periods to women's institutions. Management testimony indicated that in some cases, it can amount to simply a review of the individual's performance and leave record, with perhaps some discussion with their supervisors concerning people and verbal skills. However, once assigned, any males are usually paired with experienced staff or given static duties in order to manage any potential risks.

- Since October 2007², there have been several staff deployments from male and female institutions across the country to replace male and female primary workers who were temporarily absent in Grand Valley Institution. At the outset, there was a nation-wide call to all institutions to identify staff to borrow and assign to replace twenty or more absent correctional staff. Emphasis was placed on availability as opposed to pre-screening in order to acquire these resources. In some cases the replacements lasted months.

Staff Training

We expected that male staff hired or deployed to women's institutions would receive women-centred training in a timely manner.

- Our review of training data from both headquarters and institutions indicated that only a few male staff did not receive WCT training either before or within the required four months of starting employment in a women's institution. For example, headquarters training data for 2006-08 indicated that two male staff at Grand Valley Institution (GVI) did not receive the WCT training within the required four-month time period.
- Little of the existing WCT training course content is dedicated to cross-gender staffing issues. Only a half hour of the current ten-day training program is dedicated to a discussion of cross-gender requirements and issues. Participants in the WCT program from 2006 to 2008 did not have to pass a test at the end of the course to gain or retain employment in a women's facility.
- As this audit was concluding, the regional staff college in Kingston had just revised the WCT and made cross-gender enhancements to the training program. New units related to CD 577 requirements have been added, as have cross-gender situational discussions and a quiz. Revisions to the program will also include a final (pass-fail) test at the end. The new program will be piloted in 2009-10.
- CSC also has a policy of WCT refresher training every two years. Refresher training has covered such subjects as 'use of force' and women's health. Our review of training data as well as some staff and management testimony indicated that the two-year schedule of refresher training is not always met. Grand Valley, Joliette and Nova institutions are currently behind in scheduled refresher training. However, plans are in place at two sites to resolve the backlogs.
- Male staff who were assigned to GVI after October 2007 for short periods did not receive any WCT training or briefing. Upon arrival for assignment, they were asked to read a package of cross-gender related documents and to direct any questions they might have had to their Correctional Manager. We were unable to determine the extent to which this reading was done.
- There is a three-day compulsory women-centred training program for non-CX staff (e.g. maintenance). Headquarters staff indicated that it is not always provided to

² In October 2007, an offender at Grand Valley Institution died of self-asphyxiation. There were significant ramifications as a result of this incident including a number of internal and external investigations and resulting disciplinary actions. In addition, there were numerous staff requests for leave following the incident which necessitated a number of short term assignments.

these employees. In addition, there is currently no WCT training program designed for security commissionaires who work in women's institutions on security patrols. We also noted during our visits to institutions that contractors working in these facilities (e.g. program staff) did not always receive a briefing concerning women-centred issues.

Monitoring Performance

We expected that mechanisms would be in place to monitor and report on performance in achieving the policy objectives or CD 577.

- CSC designed and implemented a management control framework (MCF) in September 2007 that provides a means for institutional managers to make assertions and attestations concerning the extent of compliance with CD 577. The first management assertions under the MCF were completed in November and December 2007 and covered the period April 2006 – November 2007.
- None of the institutions we visited maintained specific documented records to support the 2007 assertions. In three of the four institutions visited we found only the MCF Appendix C on file with some summary comments to support the 2007 assertions. One institution had a few detailed notes on file that included who they interviewed to verify their conclusions and areas that they did not look at.
- Managers relied mainly on exception reporting to make their MCF assertions (e.g. no complaints or grievances upheld, incident reports, ongoing monitoring by managers) as well as factors such as the processes in place to promote compliance with policy and staff training taken.
- Perhaps more importantly, we found it generally quite difficult to acquire any documentation in support of staff and management testimony related to compliance with CD 577. There were no institutional monitoring systems in place and few managers had the historical knowledge of the basis upon which management assertions were made less than two years earlier as they had not been in the position at that time.
- We also found some weaknesses in the design of Appendix A of the MCF. Four of the seven items listed for assertion deal with compliance while the others (items 1, 3 and 5) are procedural in nature. Further, some requirements listed in Appendix C (background details in support of Appendix A) only deal with process issues. For example, 2. Security Patrols Section a) i) asks for a confirmation that a process is in place to pair male staff after curfew, not whether this is actually occurring. Yet Appendix A attests that “the institution is complying with policy requirements”.
- Also under the same Section 2 b) ii), management is to ensure that all staff are aware that they must announce themselves before entering living units as distinct from providing assertions as to whether they are actually doing it.

CONCLUSION

Overall, while some aspects of a management framework are in place and working as intended, other areas will need attention if cross-gender staffing practices are to be effective on an ongoing basis.

The areas are as follows:

- the clarity of the 'Escorts Within the Institution' Paragraph 27 of CD 577 as well as other paragraphs identified by the Women Offender Sector in their review of 'use of force' cases;
- the extent of cross-gender content in the PW work description;
- the standardization of staff selection mechanisms, including screening male staff for short-term assignments;
- the amount of cross-gender content in WCT training and training for male non-CX staff, contractors and commissionaires;
- the nature of some requirements listed in Appendix A and C of the MCF; and
- the implementation of systems within each institution to monitor and document compliance with CD 577 requirements.

Headquarters management has current plans in place to improve some related areas (e.g. revised WCT training). However, the other areas that this audit has identified for improvement need to be addressed. One area that is particularly important is the absence of performance monitoring and documented information on file to verify management attestations made in 2007. Such a performance measurement regime is fundamental to effective management accountability in this area.

RECOMMENDATION 1

The Deputy Commissioner Women should ensure that the management framework is strengthened in the following areas:

- clear guidance in Paragraph 27 of CD 577, consistent with the policy objectives of CD 577, relating to escorts for non-correctional male staff working in areas where female offenders are present, and security escorts within institutions;
- areas of CD 577 recommended for adjustment by the recent review of 'use of force' incidents (2006 – 2008) by the Women Offender Sector;
- substantive cross-gender content in the Primary Worker work description;
- standardized questions for staff selection tests and interviews across all female offender institutions;
- some WCT training or briefing for male contractors before working in women's facilities;
- adjustments to some requirements in the MCF to make them more results-oriented.

RECOMMENDATION 2

The Deputy Commissioner Women, with the assistance of Regional Deputy Commissioners, should ensure that there is full, documented and verifiable compliance with CD 577 requirements.

3.2 Compliance with Legal and Policy Requirements

The audit scope also included an assessment of operational practices in women offender institutions relative to their compliance with cross-gender policy requirements in such areas as: (i) inmate handbooks; (ii) allegations of sexual misconduct, inappropriate conduct and harassment; (iii) security patrols; (iv) cells equipped with cameras; (v) searches and videotapes; (vi) programs; (vii) escorts; (viii) emergencies and use of force; and (ix) voluntary nudity.

Inmate Handbooks

We expected that the Institutional Head would ensure that inmate handbooks refer to CD 577 and encourage offenders to bring privacy issues to the attention of management.

In addition, we expected that newly admitted offenders would receive a copy of CD 577 and have their questions addressed; and all staff members, contractors and volunteers would receive a copy of CD 577.

- All interviews in institutions visited indicated that new offenders receive inmate handbooks and an orientation at the outset of their incarceration. They are generally encouraged to ask questions concerning its content and cross-gender staffing issues.
- Our review of inmate handbooks from the four women's institutions visited indicated that they are all different, generally quite long and are revised with the assistance of representatives of the institutions inmate committee and other volunteers. Offenders and staff interviewed indicated that they have little knowledge of the handbook's content as they do not tend to give them a thorough read but use them as reference documents when issues arise.
- With one exception, the handbooks we reviewed referred to, or attached, CD 577 and encouraged offenders to bring privacy issues to the attention of institutional management. One of the institutions that we visited had revised its inmate handbook but that handbook did not refer to or attach CD 577. Steps are currently being taken to meet CD 577 requirements in this area.
- Institutions revise their handbooks regularly. Inmates already incarcerated do not receive the revised version of the handbook but can read it, usually in the library. Staff are informed by e-mail about revisions to the handbook when they occur. They have access electronically to CD 577. Volunteers and contractors also have access to this Directive.

Overall, with some planned adjustments, Institutional Heads are meeting their responsibilities under Paragraph 11(a)–(d) of CD 577.

Allegations of Sexual Misconduct, Inappropriate Conduct and Harassment

We expected that the Institutional Head would urgently review any allegations of sexual misconduct or harassment and inform the Deputy Commissioner for Women about the allegations as soon as possible, and bring to the attention of the Deputy Commissioner for Women, through the Assistant Deputy Commissioner, Institutional Operations, any relevant issues not covered in CD 577.

We expected also that all staff would be sensitive to dignity and privacy issues and to situations that could lead to allegations of inappropriate conduct or to staff or offenders being vulnerable to false allegations of harassment or other impropriety.

Finally, we expected that managers would note situations involving an allegation of inappropriate conduct towards an offender and take immediate action as prescribed by CSC policy.

- Interviews conducted during our visits to institutions did not indicate any problems concerning the manner in which allegations of sexual misconduct or harassment were handled. Managers noted that the practice is to document and investigate the facts of any allegations immediately but could not provide documentation to corroborate this testimony. Our interviews in national headquarters indicated that they are made aware of allegations.
- Our review of complaints and grievances from all women institutions indicated that most did not involve issues or allegations of sexual misconduct or harassment. Of those few cases that were relevant, all had been denied except for one that was still outstanding. Two of the four institutions visited did not have any recent allegations of sexual misconduct.
- There were also two complaints of harassment that we explored further at the institutional level through interviews with managers, staff and offenders. Both cases involved practice not in keeping with the intent of paragraph 12 of CD 577. In one case, management placed the male primary worker in a vulnerable position for a false allegation. In the other, male staff behavior over a 12-month period was of a nature that, as a minimum, could be perceived as having the potential to lead to allegations of inappropriate conduct and harassment.
- Offenders interviewed indicated that they do not always use the formal grievance or complaint system to report incidents or allegations of this nature. Some believe that it would not be in their best interest to do so. Others indicated that they handle these incidents informally, especially if they feel that they are not of a serious nature. Trust and comfort in dealing with management is a prerequisite to the use of informal means.
- Staff interviewed at the institutional level indicated the main steps that should be taken to prevent situations that could lead to inappropriate conduct or false allegations are to ensure: that the recruitment process screens out unsuitable

candidates; that male staff are never alone in vulnerable situations with women offenders; and that cameras are used judiciously throughout the institution.

Overall, testimony from all sources at the institutional level indicates that there is general compliance with CD 577 in this area. However, two cases were identified that indicated a lack of preventative steps necessary to comply with Paragraph 12 of CD 577.

Security Patrols

We expected that all male staff would be paired or within sight of female staff for all security patrols after curfew until 0700 hours and, except during curfew, that all front-line staff would announce themselves upon entering a unit.

We also expected that in an emergency situation, female staff would be deployed as quickly as possible if a male staff member responds first.

- Managers, staff and offenders indicate that male staff are always paired with female staff after curfew. When there are too many males on a shift, management uses female staff overtime to ensure that this requirement is met. In some institutions, the high proportion of male primary workers, coupled with the shift structure, can result in too many males on duty at any given time. This in turn increases the amount and frequency of female staff overtime. This situation has been particularly acute in Grand Valley Institution where the proportion of male primary workers is currently above 30 percent.
- Male staff may be paired with other males during the day shifts in the institutions that we visited. Most staff we interviewed indicated that they always announce themselves before entering a secure or living unit. Offenders do not always hear the announcement because of other noises that may be present in the unit. We also noted that, in some cases, male staff have not announced themselves as 'males' before entering a unit. In our view male staff announcing themselves as males is a good practice.
- Male staff indicated that there are instances in which they respond first to an emergency. However in every case, they call for female backup and this support arrives quickly. Males interviewed indicated that they have never felt vulnerable in these situations.
- Most offenders we interviewed also stated that there were no problems with security patrols, with announcements, or with males being replaced by females in emergency situations.

According to the testimony received, security patrols comply with CD 577 requirements. Where necessary, female staff overtime is used to achieve compliance.

Cells Equipped with Cameras

We expected that cameras would be situated in such a way as to ensure offender privacy and would be monitored only by female staff.

- Management and staff testimony that we received indicated that female staff are always monitoring the camera when an female offender is under camera surveillance. There were a few incidents reported where male staff have been in the control post when the camera is running in the secure unit. In those instances, staff reposition the camera so it is not viewable by male staff. Sometimes camera screens are deployed in these situations.

Testimony supported by our limited observation, indicates that there is compliance with CD 577 requirements relating to cells equipped with cameras.

Searches and Videotaping

We expected that frisk and strip searches would be conducted only by female staff and that strip searches would be videotaped only by female staff.

We also expected that accountable managers who review videotapes incidents (including strip searches) would do so in a manner that respects as much as possible the dignity and privacy of women offenders.

- Managers and staff stated that only female staff conduct strip and frisk searches. This was confirmed by offenders we interviewed. In addition, many women offenders indicated that they had a clear understanding of their rights concerning searches. Similar to other areas of inquiry, institutions did not provide documented performance information to corroborate this testimony. However, the audit did not identify any related offender complaints or grievances during the period April 2006 to March 2008.
- There are several circumstances in which a videotape recording may be made. These include, but are not limited to strip searches following a use of force, cell extractions, Emergency Response Team (ERT) deployments, decontamination showers and health care assessments.
- During the strip search of a compliant inmate, a privacy barrier is placed between the offender and the camera operator. In situations where the inmate is not compliant, the camera operator videotapes the strip search ensuring that staff members performing the search and the offender are filmed simultaneously.
- Most staff and managers interviewed noted that male staff do not videotape strip searches. Headquarters staff indicated that they reinforced compliance with CD 577 by recommending that male staff remove themselves from potentially vulnerable situations at the earliest possible time and allow female officers to respond and/or operate the camera equipment.

- Overall, interview testimony indicates that all frisk and strip searches are conducted by female staff. However, one breach of policy concerning videotaping such searches as well as some testimony at the institutional level indicates inconsistency in the interpretation of what constitutes appropriate staff behaviour in these situations. Managers indicated that they exercise discretion in reviewing videotapes of incidents, including strip searches.

We expected that in the case of offender programs where the supervisor is a male, the area would be included in security patrols.

- With one exception, the institutions we visited comply with the CD 577 requirement for security patrols in areas where males are supervising programs.

We expected that male staff would conduct non-security escorts only if the female offender and male escort are comfortable with the arrangement.

We also expected that in the case of escorts within the institution, non-correctional male staff working in a living or secure unit would be escorted by a male or female staff member or contractor while female offenders are present.

- A non-security escort does not require offender restraints and the escort can be a correctional officer or other authorized person. For a security escort, an assessment of risk determines whether specific precautions and control mechanisms are required.
- Male staff interviewed stated that while in the past they had conducted non-security escorts, it is no longer the general practice at most sites to have male staff involved in such escorts. At sites where male staff are used to facilitate such escorts, we were informed that comfort level is not always assessed. One offender complaint that we reviewed involved a non-security escort in which management assigned both a male and female staff escort to the offender. The offender was not comfortable with the arrangement and complained after the escort. The complaint was upheld.
- When it comes to escorts within the institution, in our opinion Paragraph 27 of CD 577 has been written in such a manner that compliance could be achieved when a male non-correctional officer is escorted by a male contractor. We believe that this arrangement would not be in keeping with the spirit of CD 577 to ensure that cross-gender situations in the workplace do not expose staff and offenders to vulnerable situations.
- Our audit findings indicate that such situations do arise. In two of the four institutions visited, male security commissionaires are used at times to escort male maintenance and CORCAN staff for work in areas where female offenders may be present. Of additional concern is that these commissionaires have not received any form of WCT training and therefore may not be sensitive to cross-gender issues and concerns.
- Male staff in some of the institutions visited are concerned about being ordered by management to conduct security escorts from the secure unit to other areas within the institution. They indicate that there is insufficient camera surveillance of certain areas between buildings and this may make them vulnerable to false allegations by offenders. Staff believe that the 'Escorts within the Institution' section of CD 577 (paragraph 27) should speak to this issue and provide clear direction concerning security escorts.

Overall, testimonial evidence suggests a high level of compliance with CD 577 requirements relating to non-security escorts. However, the comfort level of both staff and offenders should be considered prior to assigning a male staff member to a non-security escort. We also noted the potential for problems resulting from the manner in which paragraph 27 of CD 577 is drafted and institutional practices in this regard.

Emergencies and Use of Force

We expected that staff would follow the Situation Management Model in order to control and restrain an offender when faced with an emergency where there is an immediate need to intervene.

We expected that women-only teams would provide first response to a situation requiring pre-planned use of force.

- At our request, the Women Offender Sector (CSC) conducted a review of all 'use of force' incidents for the period 2006-07 and 2007-08. The objective of this review was to determine whether there were any CD 577 policy compliance concerns with regard to any male staff involved in 'use of force' incidents during this period.
- There are two types of 'use of force' incidents, those where there is no time for staff to plan a response (spontaneous) and those where there is a planned response. The Women Offender Sector review indicated that over the two year period between 58 and 64 percent of all incidents were deemed and reported as spontaneous in nature.
- The findings from this review stated that of the 217 incidents reviewed over this period, only four did not comply with cross-gender policy. One case involved a male officer outside the segregation area videotaping an offender being strip searched during a spontaneous 'use of force' incident. The male was entirely out of sight lines and vicinity of the search area. The other three incidents involved planned 'use of force' in which a male staff acted as one of the ERT team handling the case due to a lack of trained female staff.
- Since male and females codes are not currently included in the institutional report forms, the review team could not determine in every case reviewed whether male staff were involved. Steps are underway to address this issue.
- There are currently three levels of review for 'use of force' incidents, institutional (done in 25 days), regional (20 days) and headquarters. During the regional review the incident also goes to the Correctional Investigator for their information.
- All institutions visited stated that they had some spontaneous and planned 'use of force' incidents in each of the last two years. The number of incidents varied by year and by institution. Male staff stated that they always follow the Situation Management Model by using the least amount of force required for the situation. Interviews with several offenders supported male staff testimony. Some male staff indicated that they were often reluctant to intervene or touch a female offender if it is not conclusive that there is a risk that the incident will result in harm to the offender or others.
- Managers indicated that they review all incidents involving use of force to ensure that the right level of force was applied in each case. They noted that there is usually only a portion of the female offender population that is involved in this type of incident. Segregation placement is a typical situation that might require use of force.
- Staff and management interviews confirmed that whereas male staff may be the first to respond to a spontaneous 'use of force' situation, they make way for female staff backup at the first opportunity. Management and staff interviews also indicated that

all-female Institutional Emergency Response Teams handle planned use of force situations.

The audit found general compliance with CD 577 expectations concerning use of force and the handling of emergencies.

Voluntary Nudity

We expected that in cases of voluntary nudity where the female offender is non-compliant with verbal direction to clothe herself and there is no immediate risk of harming herself, staff or other offenders, male staff should remove themselves from the area as soon as everyone's safety is assured.

- Testimony from institutional managers and staff indicates that cases of voluntary nudity are sporadic but are usually contained. There are a variety of reasons why these situations occur, from summer extreme temperatures to showing off or simply for shock value. Voluntary nudity can also be the result of offender mental health issues.
- Male staff indicated that they remove themselves from the area where voluntary nudity is occurring. Inmate testimony corroborated this statement. Some staff felt that such incidents placed them in a vulnerable position. Some staff prefer to handle these situations informally by warning the offender that recurring behaviour of this nature will result in a charge. Our review of offender complaints for 2006-2008 did not identify any cases involving voluntary nudity.

The audit did not identify any instances of non-compliance with CD 577 concerning voluntary nudity.

CONCLUSION

Compliance with CD 577

During the period April 2006 to March 31, 2008, the evidence available for our review suggests that, with some exceptions, operational practices in women offender institutions were in compliance with CD 577 requirements. However, we identified instances of non-compliance, as well as issues related to potential vulnerabilities for non-compliance in such areas as: the inmate handbook content; videotaping of strip searches; security patrols in program areas; non-security escorts; use of force and the implementation of measures to prevent situations that could lead to potential and false allegations of staff misconduct.

The strength of our conclusions concerning compliance with CD 577 requirements rests on the extent and consistency of the evidence that we have been able to gather during the audit. While we have examined relevant policies, management reports, statistics, complaints and grievances, we found a general lack of documented information to

support either the management assertions made in the 2007 MCF (as previously noted in section 3.1) or much of the testimony that we received at the institutional level.

RECOMMENDATION 3

The Deputy Commissioner Women, with the assistance of Regional Deputy Commissioners, should reinforce the requirement to comply with CD 577 in the areas of non-compliance and address potential vulnerabilities identified in this report concerning inmate handbooks, measures to prevent potential and false allegations of staff misconduct, videotaping strip searches, security patrols in program areas and the use of force.

Annex A

AUDIT OBJECTIVES AND CRITERIA

Audit Objective(s)

- To assess the adequacy of the management framework CSC has in place to support the effectiveness of CD 577 in meeting its policy objectives; and
- To assess whether operational practices in CSC's women offender institutions have complied with Commissioner's Directive 577.

Audit Criteria

We expect the following:

Management Framework

1. Factors in the Management Framework that affect policy effectiveness

- 1.1 Operational policies, procedures and guidelines consistent with furthering the achievement of CD 577's policy objectives are in place in Women Offender institutions as appropriate. *(Note that this would include identifying any gaps.)*
- 1.2 Roles and responsibilities in Women Offender institutions are clearly defined and consistent with CD 577 requirements.
- 1.3 Appropriate selection criteria are applied in selecting staff to be hired or deployed to work in a Women Offender institution.
- 1.4 Relevant training is available and is taken on a timely basis by all staff hired or deployed to work in a Women Offender institution.
- 1.5 Mechanisms are in place to monitor and report on performance in achieving the policy objectives of CD 577 and taking corrective action as needed. *(Note that this would include, but not be limited to the MCF. If such mechanisms are working well, one would expect them, over time, to reveal any gaps in CD577.)*

Compliance

1. CD 577/Inmate Handbook

- 1.1 CD 577 is included in the inmate handbook and available to all staff members, contractors, volunteers and offenders in women's institutions.

- 1.2 Newly admitted women offenders receive a copy of CD 577 and are afforded an opportunity to have their questions addressed.
- 1.3 The inmate handbook encourages offenders to bring privacy issues to the attention of institutional management.

2. Response to Allegations and Concerns

- 2.1 The Institutional Head immediately reviews any allegations of sexual misconduct or harassment and informs the Deputy Commissioner for Women about the allegations as soon as possible and brings to the attention of the Deputy Commissioner for Women through the Assistant Deputy Commissioner, Institutional Operations any relevant issues not covered in the policy.
- 2.2 All staff are sensitive to dignity and privacy issues and to situations that could lead to allegations of inappropriate conduct or lead staff and/or offenders to be vulnerable to false allegations of harassment or other impropriety.
- 2.3 Staff and managers who are aware, or made aware of an allegation of inappropriate conduct towards an offender take immediate action as prescribed by CSC policy.

3. Security Patrols

- 3.1 After curfew, until at least 0700 hours, all male staff are paired with female staff for all security patrols in the living units and must be within sight of a female staff for security patrols in the secure and segregation units.
- 3.2 Except during curfew, all front-line staff announce their entry into the living units, Secure Unit, and Segregation Unit.
- 3.3 If male staff provide first response in the event of an emergency, female staff are deployed to assist as quickly as possible.
- 3.4 Cameras are situated in such a way as to ensure offender privacy and are monitored only by female staff.

4. Searches and Videotapes

- 4.1 Female staff conduct all frisk searches.
- 4.2 Male staff do not conduct or witness strip searches of female inmates.
- 4.3 Only female staff videotape strip searches.

- 4.4 Accountable managers who review videotapes of strip searches and incidents respect, as much as reasonably possible, offender privacy and dignity.
- 4.5 Male and female physical and mental health professionals are deployed and intervene consistent with their professional functions and community health care standards.

5. Programs

- 5.1 When programs are supervised by a male, the area is included in security patrols.

6. Escorts

- 6.1 Non-security escorts are conducted by a male only if the female offender and male escort are comfortable with the arrangement.
- 6.2 Non-correctional male staff working in a living or secure unit are escorted by a male or female staff member while female offenders are present.

7. Emergencies and Use of Force

- 7.1 The level of physical intervention used is consistent with the Situation Management Model.
- 7.2 A women-only team always provides first response to a situation requiring pre-planned use of force.

8. Voluntary Nudity

- 8.1 Male staff intervene in cases of voluntary nudity only when there are reasonable grounds to believe there is an immediate risk of harm to the offender or others in the institution.
- 8.2 Offenders' actions/behaviours and the situational context are assessed to determine the immediate risk of harm.
- 8.3 In cases of voluntary nudity where the offender is non-compliant with verbal direction to clothe herself and there is no immediate risk of harm to herself, staff or other offenders, male staff remove themselves from the area as soon as everyone's safety is assured.

Table 3
LOCATION OF SITE VISITS

Region	Location
Atlantic	<ul style="list-style-type: none"> • Nova Institution for Women
Québec	<ul style="list-style-type: none"> • Joliette Institution for Women
Ontario	<ul style="list-style-type: none"> • Grand Valley Institution for Women
Pacific	<ul style="list-style-type: none"> • Fraser Valley Institution for Women
Total	4 sites

Annex C

AUDIT OF CROSS GENDER STAFFING MANAGEMENT ACTION PLAN

Recommendation	Action Summary	OPI	Planned Completion Date
Recommendation 1: The Deputy Commissioner Women should ensure that the management framework is strengthened in the following areas: <ul style="list-style-type: none"> clear guidance in Paragraph 27 of CD 577, consistent with the policy objectives of CD 577, relating to escorts for non-correctional male staff working in areas where female offenders are present, and security escorts within institutions; areas of CD 577 recommended for adjustment by the recent review of 'use of force' incidents (2006 – 2008) by the Women Offender Sector; substantive cross-gender content in the Primary Worker work description; standardized questions for staff selection tests and interviews across all female offender institutions; 	<p>Discuss with and send interim instructions to the women offender institutions clarifying the intent of paragraph 27.</p> <p>Wardens to communicate interim instructions to staff and advise DCW and ADCIO of action taken to complete.</p> <p>Review the CD in its entirety and address areas requiring amendments. Consult on revised CD.</p> <p>Assess the extent of cross-gender content required in the Primary Worker work description and amend accordingly.</p> <p>While this recommendation will be considered as part of a broader review of the correctional officer hiring process which commenced in June 2009, the following initiatives are underway which will assist CSC in recruiting suitable candidates:</p> <ul style="list-style-type: none"> a transitional Statement of Merit Criteria which will allow CSC to assess candidates' knowledge, ability to intervene with women offenders as well as their sensitivity to gender-diversity; 	<p>DCW in consultation with COP and SP</p> <p>DCW in consultation with COP and SP</p> <p>DCW in consultation with HRM</p> <p>HRM in consultation with DCW</p> <p>HRM in consultation with DCW</p>	<p>July 2009</p> <p>July 2009</p> <p>December 2009</p> <p>December 2009</p> <p>Working Group's review to be completed by March 31, 2010.</p> <p>July 2009</p>

Recommendation	Action Summary	OPI	Planned Completion Date
<ul style="list-style-type: none"> new standardized PW selection tools to assess abilities and skills have been developed; and job profiles have been created and a self-assessment questionnaire will also be developed. They will be posted online for those considering a position as a CX or PW. These tools will assist in attracting candidates for the right reasons. They will help candidates gain a better understanding of the requirements of the job and help them ascertain whether they are personally suited for such a position. some WCT training or briefing for male contractors before working in women's facilities; adjustments to some requirements in the MCF to make them more results-oriented. 	<ul style="list-style-type: none"> new standardized PW selection tools to assess abilities and skills have been developed; and 	HRM	Tools developed. Training sessions to occur over the course of the summer 2009. (Atlantic: complete; Pacific: underway)
	<ul style="list-style-type: none"> job profiles have been created and a self-assessment questionnaire will also be developed. They will be posted online for those considering a position as a CX or PW. These tools will assist in attracting candidates for the right reasons. They will help candidates gain a better understanding of the requirements of the job and help them ascertain whether they are personally suited for such a position. 	HRM	Job Profiles are expected to be online in September 2009. Development of the self-assessment questionnaire to follow.
	Instruct wardens to ensure that new contractors, including security commissionaires, receive a sensitivity briefing.	DCW	June 2009
	Develop a standardized briefing document to facilitate discussion.		July 2009
	Revise the MCF as required.	DCW	March 31, 2010. Amendments will occur following CD revision.
Recommendation 2: The Deputy Commissioner Women, with the assistance of Regional Deputy Commissioners, should ensure that there is full, documented and verifiable compliance with CD 577 requirements.	Remind wardens of the requirement to maintain documentation to support assertions made in the MCF. Provide additional guidance at the joint ADCIO/ Wardens meeting following completion of the revisions to the MCF.	DCW	June 2009 April/May 2010

Recommendation	Action Summary	OPI	Planned Completion Date
<p>Recommendation 3: The Deputy Commissioner Women, with the assistance of Regional Deputy Commissioners, should reinforce the requirement to comply with CD 577 in the areas of non-compliance identified in this report concerning inmate handbooks, videotaping strip searches, security patrols in program areas, use of force and measures to prevent potential and false allegations of staff misconduct</p>	<p>Brief wardens of the women offender institutions on the audit results and highlight areas of non-compliance or potential vulnerabilities identified in the Report.</p> <p>Discuss findings specific to their region with the ADCIOs and Wardens.</p> <p>Provide the final audit report to the Wardens of the women offender institutions and the ADCIOs for action as required and advise RDCs of the findings pertinent to their region.</p> <p>Confirm measures taken to address identified areas at joint ADCIO/ Wardens meeting.</p>	<p>DCW</p>	<p>Completed. Wardens were briefed on draft results of audit at meeting on May 5, 2009.</p> <p>Conference calls to occur by June 30, 2009.</p> <p>The final report will be provided once received.</p> <p>September 2009</p>