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Annual Report
of the
Correctional
Investigator
1978 · 1979



The Correctional Investigator
Canada

Annual
Report
of the
Correctional
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1978-1979

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The Correctional Investigator
Canada

L'Enquêteur correctionnel
Canada

March 3, 1980

The Honourable Bob Kaplan
Solicitor General of Canada
House of Commons
Wellington Street
Ottawa, Ontario

Dear Sir:

As Correctional Investigator appointed to investigate and report upon complaints and problems of inmates in Canadian penitentiaries, I have the honour of submitting to you the sixth annual report on the activities of this office covering the period 1 June, 1978, to 31 May, 1979.

Yours respectfully,

R.L. Stewart,
Correctional Investigator

P.O. Box 950, Station B
Ottawa, Ontario
K1P 5R1

C.P. 950, Station B
Ottawa (Ontario)
K1P 5R1

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Appointment and Terms of Reference

On June 1, 1973, pursuant to Part II of the Inquiries Act, a Commissioner was appointed to be known as the Correctional Investigator and the office was thereby established and has been in continuous operation since that date. My appointment to the position was on 15 November, 1977 and a copy of Order in Council, P.C. 1977-3209, describing that appointment and the terms of reference is fully reproduced and appears as Appendix "A" hereto.

Procedures

A reading of the mandate shows that it is relatively silent when dealing with the procedures to be adopted in carrying out the function of the position. This was obviously done in order to allow the Correctional Investigator the flexibility needed to adjust his approach to changing conditions.

During the reporting year, a meeting was convened with the Commissioner of Corrections and his senior staff officials to discuss the recommendations contained in my last report and, more specifically, ways and means that might be introduced to more quickly bring future recommendations to the attention of the corrections people.

Both the Commissioner of Corrections and myself felt that with the time required to write, translate, proofread and print the annual report, as well as external factors such as a general election, possibly further delaying the tabling of the report, it was mutually agreed that we might together develop an improved system for bringing complaint issues which I had identified to light, and hopefully to quicker resolution.

I had subsequent meetings with the Inspector General who was the nominee of the Commissioner in this matter, and I am pleased to report that towards the end of this year we put in place a system whereby recommendations, and especially ones that deal with complaints which seek a change in policy, and which were previously made at the end of the year in the annual report, will now be made separately as the issues prompting these are raised. These will be initially directed to the Inspector General for his immediate review and response.

If a decision is made to accept a recommendation then the wheels will be set in motion and appropriate action taken to amend the pertinent directive or instruction to reflect the change in policy.

On the other hand if a decision is made rejecting the recommendation then reasons for so doing are to be given and the Correctional Investigator then can better assess what other action might be taken to resolve the problem.

I should stress however, that no matter the response by the Correctional Service of Canada to any recommendation made, this new procedure in no way precludes the Correctional Investigator from pursuing any other avenues of resolution open to him. It is being implemented solely to put complaints before the Commissioner at the earliest opportunity possible.

It is my intention in future reports to document both the recommendations and the responses thereto so that the reader will then have before him a more complete picture of each issue. By presenting matters in this fashion it is hoped to better focus public awareness on the real problems being addressed.

Organization and Operation

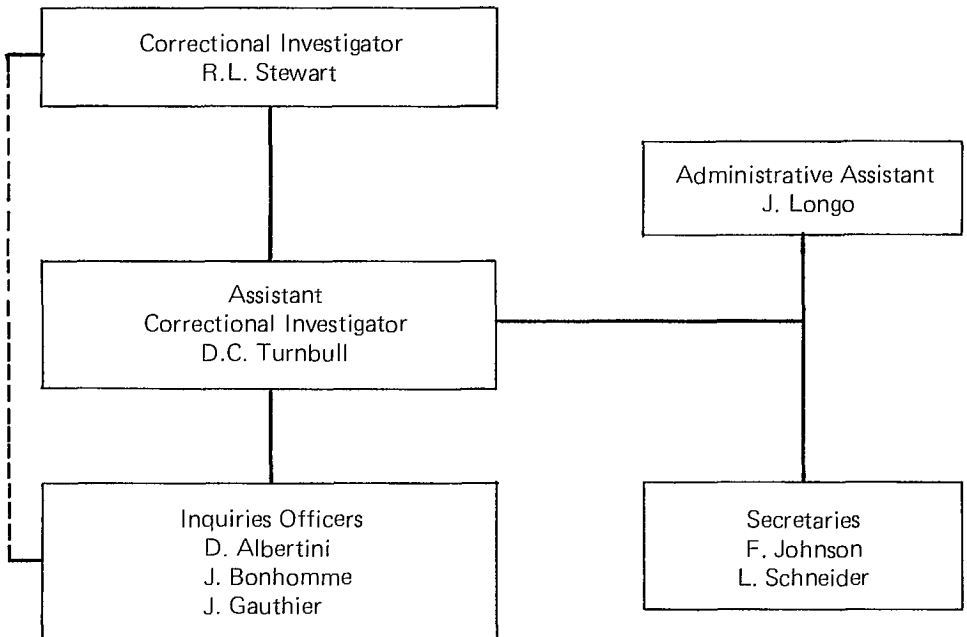
The total complement of staff in the office is quite small, being only seven and consisting of an Assistant Correctional Investigator, three inquiries officers, an administrative assistant and two secretaries.

This year we handled 1,102 complaints, held almost as many interviews with inmates and staff, and visited some 40 odd institutions right across the country on a regular basis. The total number of these visits was 231.

It immediately becomes quite apparent that the workload keeps us quite busy and I would like to take this opportunity to acknowledge all the members of my staff and to thank them for their dedication and hard work in performing a most difficult task, often under trying circumstances.

Because of this change in procedure my report by design is shorter than last year's version and will deal mainly with the organization and function of the office as well as with the more individual type of complaints we receive and how we deal with them.

Organization Chart



In dealing with inmate complaints we use the team approach whereby the entire staff is involved in the complaint processing procedure. Most of our initial contacts with inmates are through the letters which they send to the office. Each morning the mail is picked up at a post office box, opened and sorted. The complaint letters are then read, the salient points extracted and put into a resumé and attached to the inmate's file, unless it is a first contact in which case a file is opened. A daily mail meeting is then convened where each resumé is read and thoroughly discussed.

Requests we receive for information are referred to an appropriate staff person for research and reply. Depending on the nature of the complaint and where possible, a decision is taken at this point as to whether or not: (1) we have jurisdiction, (2) the complaint is premature, (3) the grievance procedure should be used first or (4) it should be referred to another agency. In any case the letter is acknowledged as soon as possible indicating to the inmate what further action he should take or what action we propose to take.

If a decision is made to investigate the complaint it is then referred to the inquiries officer responsible for that institution who in turn will usually arrange to meet with the inmate to further discuss and obtain a detailed account of the matter.

Following this initial interview, institutional files will be consulted and other documentation reviewed. As well, further interviews with appropriate people will be conducted until finally all the pertinent and necessary information has been gathered.

At this point, a conclusion is drawn and a decision made with respect to what action is now to be taken. If the complaint is found to be invalid or unsubstantiated the inmate is so informed. It might be that the complaint has some merit but is incapable of resolution, in which case this information is passed on to the inmate.

If we feel that there is sufficient merit in a particular complaint and that there is or should be a solution, an attempt is made to resolve it usually at the local level by asking that the matter be reviewed. If unsuccessful, we then climb the ladder of authority until we reach a sympathetic ear.

Most often these negotiations take place in an informal one-on-one situation with myself or the inquiries officer dealing with a director or other correctional staff person.

In the event that a consensus cannot be reached, or differing points of view cannot be resolved, my next avenue would be to submit a recommendation in writing to the Inspector General wherein I would describe the problem, set out all the relevant details and indicate the relief sought.

I should point out that frustrations do set in for the complainant as sometimes it might take several months to finally settle a matter one way or the other.

In any case, an attempt is made to keep the inmate informed on a regular basis of the progress we are making, and once a decision is reached the inmate is given that information. As is often the case, especially when dealing with a complicated or necessarily lengthy resolution procedure, the inmate may be seen on several different occasions in order to keep him abreast of what is happening. As well, if a recommendation is accepted, we continue to keep in contact both with the inmate and the staff person responsible in order to monitor its implementation.

Of course there is always a final appeal to the Minister in a situation where I might conclude that rejection of a recommendation was not based on sound reasoning. However, that situation has not arisen to date and I would like at this point in the report to thank Commissioner Donald R. Yeomans for the attention given to our office and for his efforts in attempting to resolve issues in a fair and responsible manner. I would also like to acknowledge the assistance of the many Correctional Service of Canada employees in all parts of the country, with whom we come in contact, for their understanding of the oft-times difficult role we have been given to play, and for their co-operation which is essential to the operation of this office.

Transfers

Complaints received in this office have been divided into twenty five categories and again this year, as has been the case for the past five annual reports of the Correctional Investigator, the transfer category heads the list with 215 inmates complaining.

Most complaints concerning transfer fall into one of three types: those dealing with transfer to greater security usually accompanied with the allegation that no valid reason was given; those denying transfer to lesser security; and, those denying transfer to an institution in another region.

The first type of complaint is the most numerous and most difficult for this office to deal with, for in a great many of these cases suspicion is the basis for the transfer to increased security. I do not quarrel with the necessity to move suspected inmates, but I am suggesting that the suspicion not be groundless nor petty and that documentation in support of such a transfer should be on the record somewhere.

In my last annual report I complained about the lack of documentation in some instances and the Commissioner of Corrections has agreed that information on which an inmate transfer is based should be on record. On the other point, the issue of suspicion alone being a valid ground for transfer to increased security poses a most difficult question for both inmates and staff. However, I will continue to investigate and bring to the attention of the Inspector General those individual cases where the suspicion is less than convincing. Hopefully some yardstick can be established by which the quality of suspicion can be more accurately measured and thereby eliminate those questionable transfers.

The following are some examples of transfer complaints we receive:

Case 4155

The inmate complained of the delay in receiving a reply to his application for transfer to Ontario from British Columbia. He had applied in April, 1978.

Our investigation showed that he had applied but in the meantime was transferred to another institution in the Pacific Region and the paperwork was misplaced. He put in a second application and was again moved within that region. At the time of this transfer the sending institution had not requested the required Community Assessment; however, in November, 1978, his Classification Officer at the receiving institution processed the application. We met with the inmate in January, 1979, and in speaking with his Classification Officer were told that a Community Assessment, done by the local parole office, had not been received.

In March, 1979 we followed up with the Classification Officer and were informed that the inmate had once again been moved within the region. At that time his application was still considered to be "active" but the Community Assessment had not been received.

The parole office was contacted and we were told that there was a completed Community Assessment dated 2 March, 1979, however, when the parole office informed the Transfer Board that it was complete they were told there was no application for transfer.

Contact was then made with the Transfer Board which informed this office that it did indeed have an application but could not make a decision without a Community Assessment. The Board was advised the Community Assessment was complete and where to obtain a copy. The inmate has now been transferred to Ontario.

Case 3858

We received a complaint from an inmate at a maximum security institution that he was being unfairly denied transfer to medium security. Our investigation indicated that because there was a lack of space in medium security in the region certain staff in the classification area were just not processing transfer applications. In this particular case the Classification Officer insisted that the inmate admit his guilt of the offence for which he was convicted before his transfer application would be processed. This approach was questioned by our office and the matter was subsequently reviewed by senior staff persons. We later learned that the inmate was assigned a different Classification Officer and that his transfer would be put forward without further delay.

Case 4248

An inmate complained that although he had been approved for a transfer which was to have taken place a week prior to notifying our office he had heard nothing further. We contacted the receiving institution and were informed that they were awaiting notification by the sending institution as to the date of transfer. On contacting the sending institution we were advised that they were awaiting word from the receiver as to when space would be available.

Finally, after useless and frustrating delay for the inmate, the institutions were able to arrange a mutually convenient day on which to effect the move.

Case 3523

An inmate who had voluntarily been moved to a psychiatric centre complained to our office that he had been transferred from the centre back to the maximum security institution without any explanation or apparent justification.

He explained to us that on admission to the centre he was confronted by security staff who told him that there was an inmate there who, while on the street, had raped the complainant's ex-wife. The complainant assured us that at that time he did not know the identity of the alleged rapist, however, security wanted assurances from him that there would be no trouble, to which he agreed.

The only hint of trouble we were able to uncover was a note on file to the effect that the two inmates had been observed eyeing each other in a menacing fashion. Nevertheless, the complainant was transferred.

Our investigation of the matter revealed that an error had been made in that the alleged rapist had in fact raped a woman who had the same surname as the ex-wife of the complainant but who was not that woman nor related to her. The security staff had made the assumption as to the identity of the woman without further verification and had confronted the complainant with incorrect information.

The complainant was transferred back to the psychiatric centre on orders from the Regional Director General, whom I had contacted in the case.

Medical

Complaints dealing with medical and health care problems numbered 117 and made up the second largest complaint category after transfers.

However, I think it must be mentioned that a large number of these complaints have to do with dissatisfaction concerning the type and quantity of drug prescriptions, as opposed to complaints dealing with other medical problems.

Another related area of inmate concern that has been identified through the growing number of complaints on the subject is the difficulty in obtaining diets prescribed for medical reasons. Often the problem is one of a lack of communication between the representative of the health care service, the food care officer and the inmate, or may be one of the unavailability of certain foods at certain times.

Perhaps the one area in which we receive complaints and are most frustrated, as there is really little that can be done, has to do with psychiatric treatment and the allegation that it is often unavailable to inmates, especially long-termers.

Quite often an inmate will advise us that the sentencing judge recommended a need for psychiatric treatment or that his doctor prescribed it. However, until more psychiatric beds are available to federal inmates, the inmate will continue to find himself in somewhat of a conundrum.

To better illustrate some of the situations inmates bring to our attention, I offer the following sampling of case reports:

Case 3986

During a visit to an institution, one of my inquiries officers was approached by two staff members complaining on behalf of an inmate, who was suffering a medical disorder.

We received the inmate's consent and reviewed the matter. We found that, prior to treatment, the attending physician required certain tests to be completed. The hospital providing facilities to the institution did not have the necessary equipment to perform the tests. Another hospital where the equipment was available was not prepared to administer the tests to an inmate as apparently they had previously experienced difficulties with inmate patients.

Our office worked with the Director General, Medical and Health Care Services and representations were made to the hospital.

Agreement was finally reached and the tests were conducted on an out-patient basis.

Case 3895

We received a complaint from an inmate, who claimed to be a diabetic, that he was not receiving his prescribed diet. Our investigation concluded that there was a real stalemate.

The hassle was between the inmate and the kitchen but the medical officer was not anxious to become involved in problems of diet because he was not a dietician. The problem was really a difference of opinion between the inmate and the kitchen and we were not able to resolve the dilemma.

Finally, it was suggested to the Director that perhaps the services of a dietician could be engaged as an arbitrator in the matter. This course of action was followed and the problem was resolved.

Case 3660

An inmate wrote complaining of medical treatment accorded to him. He indicated that on or about November 3, 1977, he had complained of chest pains to the Health Care Centre of an institution. He was hospitalized and subsequently discharged on November 7. On November 9 he again complained of the same symptoms and an electrocardiogram was taken. Finally he was transferred to an outside hospital on November 17.

My concern in this matter was that a serious heart condition was only diagnosed some fourteen days after the initial complaint of chest pains. To be fair, I can appreciate that symptoms can be mis-diagnosed and that that is a fact of life. However in this case I was troubled on two counts. Firstly, after studying the medical file it appeared to us that initially no consideration was given to the possibility of a heart problem, but if it was, there was no indication of tests being administered to confirm this. Secondly, we found no indication that the results of the electrocardiogram showing a massive anterior wall infarction were read or acted upon during the elapsed period of eight days after which the inmate was sent to an outside hospital.

The Director General, Medical and Health Care Services thanked me for bringing the matter to his attention and indicated that the matter would be reviewed by his officials. A copy of his report found that human error caused the delay in reporting the results of the electrocardiogram. He assured me however that regional staff had been instructed to initiate a follow up system which would ensure that such an error could not recur.

Processing of Claims

One of the recommendations made in the last annual report was that a system be devised to deal quickly and efficiently with inmate property claims. In response to that recommendation, the Correctional Service of Canada indicated that a project had been initiated to examine the present procedure and to develop an effective and efficient system to deal with claims.

Judging by the complaints we are still receiving, it would appear that the problem has not as yet been solved. Our experience shows that there is still too long a delay in processing these claims and also that there is still some confusion with respect to proper procedures relating to claims.

Case 3052

On the 10th of December, 1978 an inmate complained to our office that he had not yet received payment of an agreed settlement for the loss of personal effects in the amount of \$25.00 dated March 29, 1977.

After making inquiries and following the matter through the appropriate channels from the institution to region and on to headquarters, it was established that the settlement had never been paid to the inmate. Finally, on March 9, 1979, nearly two years later, the inmate was paid.

Case 4701

In this case an inmate complained to us in writing in August, 1978, to the effect that he had not received a reply to a claim against the Crown submitted in June, 1977, for reimbursement for lost effects following a transfer.

A review of headquarters' file produced a letter from the institution requesting a decision on the claim. Because there was no copy of a response, we next contacted Claims Administration and asked for a status report and received a reply advising us that the administrative inquiry had not substantiated the loss and so the claim was denied. As we had been unable to locate a copy of the inquiry in question and had some doubts that one even existed, we requested a copy from headquarters and were told that we would be able to obtain one from the institution.

The bottom line to all this was that an administrative inquiry required by Divisional Instruction 301(6) was never held. Apparently, there had been an informal verbal inquiry which was an incorrect procedure. The case is cited to illustrate the fact that the relevant Divisional Instructions were not being followed at the time.

As a follow up to this case and other subsequent complaints, on May 11, 1979, I wrote to the Inspector General and outlined to him some of our observations with respect to the processing of inmate claims and further pointed out what I felt were inconsistencies in procedure.

The problem identified in one region was basically that certain institutions in that region were dealing with inmate claims on an in-house basis and were improperly making the decision to reject the claim or reimburse the inmate.

The Inspector General agreed with my position that Divisional Instructions 301 and 503 spell out quite precisely the methods for dealing with a claim, leaving little room for personal interpretation in that the inquiry into a claim is to be sent to national headquarters for a final decision.

In this instance my recommendation was accepted and I was assured that action would be taken to remedy the situation. As well, I was further informed that consideration would be given to finding a means of reducing the time taken to process a claim.

Discipline

In more than one annual report from this office the recommendation has been put forward that a tape recording should be made of all hearings of charges of serious or flagrant offences. This would appear to be a simple request but to date it has not been accepted.

I am aware of only one maximum security institution that does tape its proceedings in this regard, and although Commissioner's Directive 213 does not require verbatim transcripts, it would appear to be the only practical solution. In some instances in some institutions no record is kept while in others the presiding officer or independent chairperson does keep some notes. However, the value of these is questionable when some weeks or months later an inmate asks us to review a decision and we in turn must question the adjudicator on a specific point perhaps not covered in the existing record.

We still receive a few complaints from inmates, usually in medium security institutions, who have been segregated under 2.30 (1) (a) in disciplinary court or who have been assessed damages there as well. Neither of these items are stipulated punishments under the regulations and should not be assessed in disciplinary court. We continue to find these departures and on every occasion bring them to the attention of the Institutional Director.

Case 3949

An inmate had complained to us about a matter which indicated a review of his institutional file. While examining an offence report, one of my Inquiries Officers discovered that the inmate, by way of punishment, had been segregated under Penitentiary Service Regulation 2.30 (1) (a) which of course is not correct as it is not one of the items listed in 2.28 (4) (a), (b) and (c).

This was brought to the attention of the Acting Director, who agreed with us that this was not a punishment that was available in disciplinary court, and indicated he would correct the error.

Case 4145

In this case an inmate complained to our office of having to pay excessively for damages incurred when he smashed up his cell. A file review revealed that institutional authorities had assessed damages in the amount of a certain sum against the inmate as a punitive measure in disciplinary court.

It was later explained to the authorities that the punishments set out in Penitentiary Service Regulation 2.28 (4) (a), (b) and (c) are the only ones allowed. It was further explained that there was an administrative procedure for assessing damages under Commissioner's Directive 232.

Case 4087

This inmate complained that his case was brought before the Disciplinary Board in a very hurried fashion and that throughout the procedure no record was kept of any kind. He felt that he had been wrongly convicted of the offence and asked our office to assist in having the matter reviewed. We made inquiries but were informed by staff that although they could see the advantages of keeping a record of the procedure, they were not doing so.

Again I feel it important to reiterate the recommendation contained in our annual report of 1973-74 that a tape recording be made of all hearings of charges of serious or flagrant offences.

Dissociation

In my report for 1977-78 one of my recommendations was for action to implement programs and activities for inmates in dissociation areas, with priority given to Special Handling Units.

Towards the end of the reporting year I made a tour of the Special Handling Unit with the Director at Millhaven Institution. Construction was nearing completion and it was anticipated that facilities would be in use by the end of the summer. It is of course much too early to comment but it is hoped that the programs and activities being finalized will provide the inmates with an adequate and much needed recreation component.

While Millhaven is completing its facility it is interesting to note that there have been little if any changes at the Special Handling Unit at the Correctional Development Centre in Quebec.

With respect to inmates in administrative dissociation, they continue to complain about the lack of programs and claim no indication of any changes, as conditions remain the same.

I am informed that an analysis of the administrative review process is under way and that a Commissioner's Directive to deal with the review boards and procedures is forthcoming. However, until some concrete changes are made, the inmates are not impressed with promises and continue to complain as in the past.

Case 4133

One inmate complained that although he was incarcerated at one institution he was transferred to another to serve time for a disciplinary conviction. It was the practice in that region at that time that an inmate sentenced to a term of dissociation would serve that time in a designated institution.

While in punitive segregation the inmate alleges that he requested writing material, however, was refused on the grounds that he was not an inmate of that institution and that the request had to go to the institution from which he came.

The inmate also complained that this movement had adversely affected his visits as his family showed up at the first institution unaware of the change. Because the inmate could not get writing material he was unable to advise his family of the move. No notice of the move was sent out by the institution.

The inmate further complained that while in the detention unit prior to appearing before the Disciplinary Board smoking privileges were denied him. This in effect amounted to being penalized before he had his hearing.

We visited both institutions. At one we examined the punitive segregation facility and reviewed the policies there. While at the other, we took a look at the policy with respect to the withdrawal of smoking privileges.

We were unable to substantiate the inmate's claim of being denied writing materials and it certainly was not the policy of the institution. Whether the complaint was valid, there is no way of proving. However, the policy of moving inmates to another institution to serve "hole" time has been discontinued.

We explained to the inmate that the institution acted properly and was under no obligation to inform visitors of the move. Visitors should telephone the institution prior to a visit to ensure that the inmate will be there.

With respect to the denial of smoking privileges, we checked with the Director who informed us that the general policy is that inmates are allowed to smoke but that there are exceptions made in special circumstances. Where it is felt that the inmate concerned is in such an agitated state that he may do harm to himself or others then in that case smoking materials are not permitted. It is strictly a judgment call.

I should point out that at some institutions we receive the argument that because of the lack of cell space inmates are often held in dissociation areas prior to appearing in disciplinary court, and as such are subject to the prohibition against smoking in that area.

The Office of the Correctional Investigator is of the opinion that except for special circumstances smoking privileges be permitted inmates awaiting an appearance in disciplinary court. In the special cases, inmates who constitute a danger to themselves or to others should first be examined by psychiatric or psychological staff before being denied smoking materials.

Case 4099

We received a complaint alleging unfairness in the administrative segregation process. This inmate had been in dissociation over four months and was convinced that the authorities had no evidence on which to hold him.

It was explained to him that this type of complaint was extremely difficult to resolve as an inmate could be dissociated on suspicion alone.

We did however investigate the matter and, as is often the case, found little to assist us. We were informed that the inmate was suspected of muscling and that other inmates had complained. A check was made with preventive security which had little or no knowledge of the inmate and nothing on file.

The Director was consulted and he was satisfied that the inmate was muscling, as the problem had eased and the range settled down after he had been dissociated.

The concern I would like to express in this and similar situations is the lack of documentation on which the decision to segregate is often made. We are presently studying the matter, but unfortunately our review was not complete before the end of this reporting year. I will, however, be sending to the Inspector General case studies which support our concerns and asking that action be taken to remedy this problem.

Miscellaneous Complaints

There are always complaints that do not fit into any of the categories listed, and I would like to just mention a few situations which I am sure will be of special interest to inmates reading this report, to let them know that there is someone who will take the time to investigate what some might think trivial but which experience will show are often matters which can lead to unpredictable frustrations.

Case 4077

An inmate alleged that he was forced to sign his fingerprint sheet and complained bitterly that he should not have been put in that position.

Because this was a new complaint to the office it was of particular interest to all the Inquiries Officers. A check was made at R.C.M.P. Headquarters Identification, and as well, the Identification of Criminals Act was reviewed. Neither source produced any requirement that an individual must sign a fingerprint form.

Contact was then made at the institution and we were able to ascertain that a staff member had told the inmate that if he refused to sign the sheet he would "be put on an offence report". When we asked for the authority requiring the signature we were told that it was institutional policy and that furthermore in twenty four years only a few inmates had refused to sign. Finally, we were informed that had the inmate not signed he would have gotten off with a warning on the offence report so — and to use the administrator's words — "it was really no big deal" and furthermore that "I really didn't need the signature anyway".

It was suggested that perhaps it was no big deal to the staff person but to the inmate it was a big deal and another example of unnecessary irritation.

Case 3997

We received a note from an inmate who was informed by a relative that his aunt had recently passed away and was complaining that he was not informed of the death by someone at the institution. The same relative indicated that the mother of the inmate had placed a call to the institution, and during her conversation with the Director, had requested that he pass along the news.

We looked into the matter and on direct questioning the Director denied receiving the telephone call. A further investigation revealed that no log was kept of incoming calls outside of normal working hours.

We then suggested that perhaps some action should be taken so that the situation would not be repeated.

A new procedure was devised whereby an emergency type message would be transmitted to the inmate in the shortest time possible.

Case 3739

In July, 1978 an inmate contacted a provincial ombudsman complaining that he was having a problem concerning the spelling of his surname. The ombudsman, not having jurisdiction in the matter, referred the complainant to our office.

The inmate advised us that he had learned that on his original Warrant of Committal some time earlier his surname had been incorrectly spelled. He did his time, was released and nothing was ever done about the spelling. A subsequent Warrant of Committal was issued spelling his name correctly but the institution continued to use the incorrect spelling.

Our investigation of the matter substantiated the inmate's allegation, so we approached the penitentiary authorities who informed our office that they could not change the

spelling to the correct form as they were obliged to use the spelling as set out on the original warrant.

We found it incredible that they took this position to perpetuate an obvious error rather than take steps to correct it.

We next asked the inmate to supply proof of spelling, which he did by producing a baptismal certificate. This was presented to the institution and forwarded to Regional Headquarters which responded by saying they were unable to make the change requested.

We then requested and received a supportive reply from the legal branch of the Service which we forwarded to the institution and which was again presented to Region.

Finally on May 16, 1979, some ten months later, action was taken to correct an error which could have been resolved simply and eliminated the needless frustration.

Conclusion

Each year it is our goal to maintain the highest level of service possible. Geographical realities coupled with staff resources and increasing numbers of complaints are major factors having a bearing on the effectiveness of the office. As a consequence, it may soon be time to consider the possibility of increasing and regionalizing our personnel in order to meet the growing challenges of tomorrow.

Changes previously referred to in our recommendation procedure is something we are hopeful will bring improvements by more quickly focusing attention on problem areas.

Through changes such as this, and through constant deliberations and quiet persuasion, it is our hope to be able to facilitate better lines of communication between the keeper and the kept.

TABLE A
COMPLAINTS RECEIVED – BY CATEGORY

Transfer	215
Medical	117
Sentence Administration	79
Visits and Correspondence	73
Temporary Absence	68
Compensation	56
Discipline	37
Dissociation	34
Diet	25
Staff	21
Financial Matter	18
Physical Conditions	18
Programs	15
Request for Information	13
Work Placement	13
Harassment	11
Use of Force	9
Cell Effects	9
Information on File	8
Grievance Procedure	8
Education	7
Hobbycraft	6
Canteen	6
Discrimination	5
Cell Change	4
Miscellaneous	70
 <u>Outside Terms of Reference</u>	
Parole	67
Provincial Matter	34
Court Procedures	5
Court Decisions	2
Miscellaneous	49
	<hr/>
Pending Previous Year	68
	<hr/>
	1170

TABLE B
DISPOSITION OF COMPLAINTS

<u>ACTION</u>	<u>NUMBER</u>
Pending	63
Declined	131
a) Not within mandate	241
b) Premature	437
c) Not justified	88 ¹
Discontinued	117 ²
Assistance, advice or referral given	37
Resolved	56 ³
Unable to resolve	<u>1170</u>

¹ Complaints are sometimes discontinued at the request of inmates, sometimes because they are released. If a complaint has general implication it is not discontinued because an inmate has been released.

² Some of these are outside our mandate.

³ Some complaints may be justified, however, because they are not capable of resolution we are unable to assist. For example, it may be that a complaint was the subject of a recommendation which was unsuccessful.

TABLE C
COMPLAINTS RESOLVED OR ASSISTED WITH – BY CATEGORY

<u>CATEGORY</u>	<u>RESOLVED</u>	<u>ASSISTANCE GIVEN</u>
Transfer	6	10
Medical	6	10
Sentence Administration	1	6
Visits and Correspondence	0	7
Temporary Absence	2	2
Compensation	1	13
Discipline	2	2
Dissociation	2	7
Diet	1	1
Staff	0	5
Financial Matter	0	1
Physical Conditions	0	0
Programs	0	1
Request for Information	0	11
Work Placement	1	1
Harassment	0	1
Use of Force	0	2
Cell Effects	0	1
Information on File	0	0
Grievance Procedure	1	1
Education	1	1
Hobbycraft	0	1
Canteen	0	1
Discrimination	0	2
Cell Change	0	0
Miscellaneous	7	8
<u>Outside Terms of Reference</u>		
Parole	0	9
Provincial Matter	0	0
Court Procedures	0	0
Court Decisions	0	0
Miscellaneous	1	7
	<u>32</u>	<u>111</u>

TABLE D

COMPLAINANTS – BY REGION

INMATE POPULATION BY CLASSIFICATION AT 31 MAY, 1979	WESTERN REGION 1358				PRAIRIE REGION 1871				ONTARIO REGION 2373				QUEBEC REGION 2981				MARITIME REGION 904			
	Max	Med	Min	Other	Max	Med	Min	Other	Max	Med	Min	Other	Max	Med	Min	Other	Max	Med	Min	Other
	341	859	158		593	1002	276		758	1259	356		1092	1508	381		338	402	164	

1978

June	3	1		1	3	4			6			2	14	3	2		4	1		1
July	3	1			6	7	1		13	4	1	3	10	4	3		2	2		
August	7	2	1		1	4			12	5		3	7	1	4		4	1		
September	6	1			1	9	1		2	3	1	4	6	2	4	1	7			
October	1	1			4	10			4	20		3	4	2	1		9			
November	7	1			5	4			11	8		2	5	6	3	2	2			
December	1	1			2	2			5	4	1	2	1	1	1		2	6		

1979

January	11	9			9	8			33	19	1	2	21	1	1	1	1			1
February	27	24	15	1	5	6		1	12	6		2	9	3		1	3	1		
March	4	4	2		2	1		1	3	1	2	1	7	3	2		2			
April	2	2	2		10	2			1	11		2	7	4	4		1	1		
May	8	3	5		15	2			1	2	8	3	1				2	1		

TOTAL 718

80	50	25	2	63	59	2	2	103	83	14	29	92	30	25	5	39	13	1	1
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TABLE E
COMPLAINANTS – BY INSTITUTION

	AGASSIZ	BRITISH COLUMBIA	ELBOW LAKE	FERNDALE	MATSQUI	MISSION	MOUNTAIN	PSYCHIATRIC CENTRE	RECEPTION CENTRE	WILLIAM HEAD	OTHER	BOWDEN	DRUMHELLER	EDMONTON	SASKATCHEWAN	SCARBORO	STONY MOUNTAIN	OTHER	BATH	BEAVER CREEK
1978																				
June		3								1	1				3		4			
July		2			1			1				3	2		6	1	2			
August	1	7			1					1		2	1		1		1			
September		6								1			4		1	1	5			1
October		1					1								4		10			
November		6					1	1				1			5		3			
December		1			1							1			2		1			1
1979																				
January		9					7	2		2		5			9		3			
February		25	4		15	11	5	2		4	1	2	1	1	5		3	1		
March		3			2	2		1		2		1			2			1		1
April		2	2		2							2		1	9					
May		1	4		1	1	2	7					2	1	14					8
TOTAL	1	66	4	6	23	14	16	13	1	11	2	17	10	3	61	2	32	2	2	9

TABLE F
INSTITUTIONAL VISITS

<u>MAXIMUM</u>	<u>NUMBER OF VISITS</u>
British Columbia	14
Saskatchewan	13
Regional Psychiatric Centre (Pacific)	5
Regional Psychiatric Centre (Ontario)	8
Regional Reception Centre (Ontario)	13
Correctional Development Centre	14
Dorchester	8
Millhaven	18
Prison for Women	8
Archambault	6
Laval	17
Edmonton	1
Kent	1
	Sub-total
	126
<u>MEDIUM</u>	
Stony Mountain	7
Drumheller	4
William Head	2
Mountain	6
Matsqui	7
Bowden	4
Springhill	3
Warkworth	5
Joyceville	17
Collins Bay	8
Cowansville	4
Federal Training Centre	5
Leclerc	10
Mission	4
	Sub-total
	86
<u>MINIMUM</u>	
Pittsburg	1
Beaver Creek	3
Landry Crossing	1
Frontenac	2
Bath	4
Montée St. François	1
Ste Anne des Plaines	1
La Macaza	2
Elbow Lake	1
Agassiz	1
Ferndale	1
Duvernay	1
	Sub-total
	19
	Total
	231

TABLE G
INMATE INTERVIEWS

<u>MONTH</u>	<u>NUMBER OF INTERVIEWS</u>
June	27
July	29
August	50
September	31
October	24
November	31
December	20
January	42
February	19
March	44
April	36
May	22
	<hr/>
	375

Appendix A

P.C. 1977-3209

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 15 November, 1977

WHEREAS the Solicitor General of Canada reports as follows:

That, as a result of the resignation of Miss Inger Hansen from the position of Correctional Investigator as of October 1, 1977, the temporary appointment of Mr. Brian McNally of Ottawa to the position of Correctional Investigator was made by Order in Council P.C. 1977-2801 of 29th September, 1977; and

That, in order to meet the demands of the Office of the Correctional Investigator, it is advisable to proceed to make a permanent appointment to the position as quickly as possible.

Therefore, the Committee of the Privy Council, on the recommendation of the Solicitor General of Canada advise that the temporary appointment of Mr. Brian McNally to the position of Correctional Investigator be terminated and pursuant to Part II of the Inquiries Act, Mr. Ronald L. Stewart of the City of Ottawa be appointed as a Commissioner, to be known as the Correctional investigator to investigate, on his own initiative, on request from the Solicitor General of Canada, or on complaint from or on behalf of inmates as defined in the Penitentiary Act, and report upon problems of inmates that come within the responsibility of the Solicitor General of Canada, other than problems raised on complaint

- (a) concerning any subject matter or condition that ceased to exist or to be the subject of complaint more than one year before the lodging of the complaint with the Commissioner,
- (b) where the person complaining has not, in the opinion of the Commissioner, taken all reasonable steps to exhaust available legal or administrative remedies, or
- (c) concerning any subject matters or conditions falling under the responsibility of the Solicitor General of Canada that extend to and encompass the preparation of material for consideration of the National Parole Board,

and the Commissioner need not investigate if

- (d) the subject matter of a complaint has previously been investigated, or
- (e) in the opinion of the Commissioner, a person complaining has no valid interest in the matter.

The Committee further advise that a Commission do issue to the said Commissioner, and

1. that the Commissioner be appointed at pleasure;
2. that the Commissioner be paid at the salary set out in the schedule hereto;

3. that the Commissioner be authorized to engage, with the concurrence of the Solicitor General of Canada, the services of such experts and other persons as are referred to in section 11 of the Inquiries Act, who shall receive such remuneration and reimbursement as may be approved by the Treasury Board; and
4. that the Commissioner shall submit an annual report to the Solicitor General of Canada regarding problems investigated and action taken.

Certified to be a true copy

Clerk of the privy council

Appendix B

CANADIAN PENITENTIARY SERVICE

March 10, 1976

COMMISSIONER'S DIRECTIVE No. 240

The Federal Correctional Investigator

1. AUTHORITY

This directive is issued pursuant to subsection 29(3) of the Penitentiary Act.

2. REVOCATION

Commissioner's Directive No. 240, dated 30 August 1973, is hereby revoked.

3. DEFINITIONS

In this directive:

- a. "Correctional Investigator" is a Commissioner appointed by the Solicitor General pursuant to Part II of the Inquiries Act whose mandate is to investigate and make recommendations on inmate complaints as a last resort.
- b. "Inmate" has the same meaning as that provided in Section 2 of the Penitentiary Act.
- c. "Inquiries Officer" is an investigator employed in the office of the Correctional Investigator pursuant to subsection 9(2) of the Inquiries Act.

4. JURISDICTION

- a. The Correctional Investigator may investigate and report upon problems of inmates coming within the responsibility of the Solicitor General.
- b. These investigations and reports may be undertaken on the basis of:
 - (1) the Correctional Investigator's own initiative; or
 - (2) complaints received from or on behalf of an inmate.
- c. The Correctional Investigator will not investigate problems or complaints:
 - (1) concerning any subject matter or condition that ceased to exist or to be the subject of complaint more than one year before the lodging of the complaint with the Correctional Investigator; or
 - (2) where the person complaining has not, in the Correctional Investigator's opinion, taken all reasonable steps to exhaust available legal or administrative remedies.
- d. The Correctional Investigator need not investigate if:
 - (1) the subject matter of a complaint has previously been investigated; or
 - (2) in his opinion, a person complaining has no valid interest in the matter.

5. RIGHT OF ACCESS

- a. In order to exercise the above described authority, the Correctional Investigator and the Inquiries Officers shall be given unlimited right of access to inmates in all Canadian penitentiaries, and in the discharge of their responsibilities may:
 - (1) make regular announced visits to all institutions, and
 - (2) make irregular unannounced visits to institutions as is deemed advisable.
- b. As soon as notice of a regular announced visit is received, the matter shall be publicized to the inmate population, and private interviews shall be arranged where:
 - (1) the Correctional Investigator or an Inquiries Officer wishes to interview an inmate, or
 - (2) an inmate wishes to have an interview with the Correctional Investigator or Inquiries Officer.
- c. The Correctional Investigator and the Inquiries Officers shall be provided with all the information that they request that pertains to any investigation; this includes the provision of copies of documents for retention, as required.

6. STAFF COOPERATION

CPS staff members shall cooperate fully with the Correctional Investigator and the Inquiries Officers in the discharge of their responsibilities.

7. HANDLING OF CORRESPONDENCE

- a. Correspondence from inmates to the Office of the Correctional Investigator shall be mailed from the institution unopened.
- b. Correspondence from the Office of the Correctional Investigator to inmates shall be delivered to the inmates unopened.

8. IDENTIFICATION

The Correctional Investigator and the Inquiries Officers carry identification cards signed by the Commissioner of Penitentiaries and they may be required to show these as well as submit to routine metal detection tests and routine checks of brief-cases.

Commissioner

A. Therrien

