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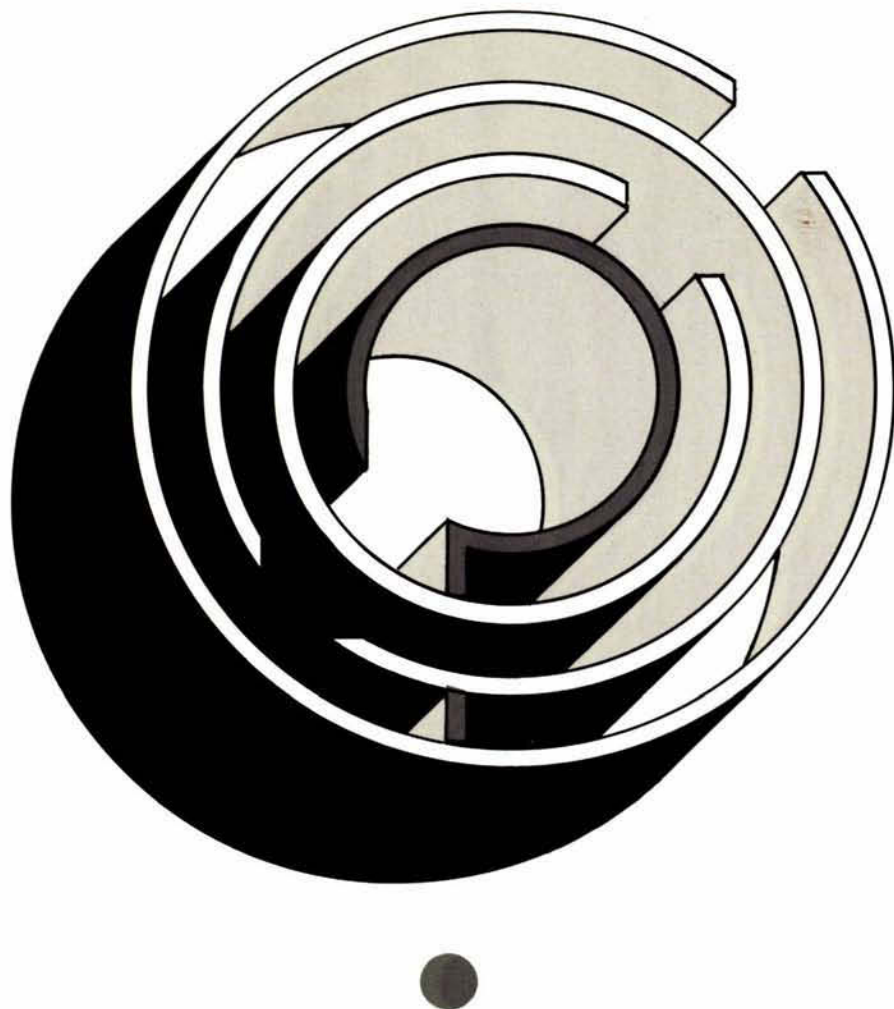
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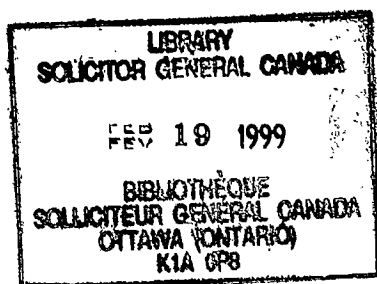


Annual Report
of the
Correctional
Investigator
1997 - 1998



The Correctional Investigator
Canada

Annual Report of the Correctional Investigator



1997-1998



The Correctional Investigator
Canada

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June 26, 1998

The Honourable Andy Scott
Solicitor General of Canada
House of Commons
Wellington Street
Ottawa, Ontario

Dear Mr. Minister:

In accordance with the provisions of section 192 of the Corrections and Conditional Release Act, it is my duty and privilege to submit to you, the twenty-fifth Annual Report of the Correctional Investigator.

Yours respectfully,

R.L. Stewart
Correctional Investigator

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INTRODUCTION

From April 1, 1997 to March 31, 1998 this office received a total of 5463 complaints from or on behalf of offenders, a reduction of some 900 from the same period of time as reported in last year's Annual Report. It is of interest to note that the greatest decrease occurred in the Quebec Region while the only increase was 200 more complaints from federally sentenced women.

This has been what I would describe as a back on track year for corrections in Canada. From my perspective as set out in previous reports from this office, a number of complaint issues were not getting resolved. Under the leadership of Commissioner Ingstrup, problem areas were acknowledged and have been or are being addressed.

Our office has been invited and has taken part in various task forces, focus groups and meetings in the areas of administrative segregation, Special Handling Unit reviews, inmate grievance policy, Federally Sentenced Women, health care redress, aboriginal issues and the review of the *Corrections and Conditional Release Act (CCRA)*.

I am pleased to report that I believe significant progress has been made during the past year and I would like to thank the men and women in the Service for working with my staff and hope that we have contributed in some small way to better corrections in this country.

As the Office of the Correctional Investigator struggles with heavy work loads and limiting resources I would like to publicly acknowledge the positive work ethic and dedication of my staff in what is a most challenging career environment, and thank them for their support and commitment.



STATISTICS

TABLE A
COMPLAINTS RECEIVED BY CATEGORY

Administrative Segregation	
a) Placement	182
b) Conditions	41
Case Preparation	
a) Parole	222
b) Temporary Absence	112
c) Transfer	272
Cell Effects	287
Cell Placement	86
Claims	
a) Decisions	66
b) Processing	50
Correspondence	53
Diet	
a) Food Services	22
b) Medical	22
c) Religious	19
Discipline	
a) ICP Decisions	31
b) Minor Court Decisions	20
c) Procedures	106
Discrimination	35
Employment	89
Financial Matters	
a) Access to Funds	71
b) Pay	184
Grievance Procedure	157
Health Care	
a) Access	218
b) Decisions	254
Information	
a) Access	76
b) Correction	232
Mental Health	
a) Access	22
b) Programs	8
Other	63
Pen Placement	45
Private Family Visiting	168
Programs	257

TABLE A (cont'd)
COMPLAINTS RECEIVED BY CATEGORY

Request for Information	294
Security Classification	103
Sentence Administration	66
Staff	263
Temporary Absence Decision	102
Telephone	89

Transfer	
a) Decision	301
b) Involuntary	276
Use of Force	60
Visits	220

Outside Terms of Reference

National Parole Board Decisions	184
Outside Court	21
Provincial Matter	14
TOTAL	<hr/> 5463

TABLE B
COMPLAINTS - BY MONTH

<u>Month</u>	<u>Number</u>
<u>1997</u>	
April	595
May	683
June	630
July	511
August	336
September	325
October	482
November	529
December	271
<u>1998</u>	
January	331
February	503
March	267
Total	5463

**TABLE C
COMPLAINTS RECEIVED BY INSTITUTION**

Institution	April	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
<u>CCC's and CRC's</u>	4	4	2	6	1	2	0	2	1	6	6	3	37
<u>Maritimes</u>													
Atlantic	9	14	12	0	5	2	22	36	2	7	16	1	126
Dorchester	19	7	38	6	0	1	28	17	16	7	31	4	174
Springhill	13	20	21	1	3	0	13	1	26	3	14	9	124
Westmorland	0	0	5	1	0	1	3	7	2	0	2	1	22
Prov.-Maritimes	2	4	2	0	0	0	1	0	0	2	2	1	14
<u>Ontario</u>													
Bath	13	39	3	30	0	1	33	1	5	8	9	20	162
Beaver Creek	1	1	0	4	0	6	2	6	3	0	1	2	26
Collins Bay	16	14	17	7	6	17	7	4	18	6	5	6	123
Frontenac	0	1	0	3	1	1	3	2	0	2	0	0	13
Joyceville	16	38	19	77	6	8	21	12	20	11	46	9	283
Kingston Penitentiary	22	15	21	5	29	3	5	5	4	54	4	6	173
Millhaven	10	15	5	6	3	3	3	4	4	2	21	0	76
Pittsburgh	2	15	8	31	1	3	4	1	0	2	18	3	88
Regional Treatment Centre	1	1	4	1	4	1	5	0	0	21	7	5	50
Warkworth	26	35	7	10	33	12	16	8	8	5	60	14	234
Prov.-Ontario	4	1	2	1	7	3	4	2	4	3	3	3	37
<u>Pacific</u>													
Elbow Lake	0	7	1	2	0	0	0	4	2	1	0	2	19
Ferndale	0	1	2	2	0	0	0	0	0	0	0	0	5
Kent	53	14	20	41	6	6	45	5	16	32	4	2	244
Matsqui	1	2	3	5	1	5	1	4	2	0	0	2	26
Mission	6	17	8	42	0	6	4	26	2	0	0	13	124
Mountain	12	28	6	15	6	5	36	0	0	13	0	3	124
Regional Health Centre	2	6	3	4	1	1	3	5	0	0	1	6	32
William Head	12	17	2	4	2	4	4	8	0	0	1	6	60
Prov.-Pacific	2	2	2	1	0	2	0	0	0	0	0	0	9

TABLE C (cont'd)
COMPLAINTS RECEIVED BY INSTITUTION

Institution	April	May	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
<u>Prairies</u>													
Bowden	11	30	13	8	38	5	17	4	10	5	8	7	156
Drumheller	10	23	13	3	25	7	13	2	15	3	5	2	121
Edmonton	5	22	15	9	3	1	21	4	11	3	5	4	103
Grande Cache	49	12	14	18	2	12	1	4	12	1	0	0	125
Hobbema	0	0	0	1	0	0	1	0	2	0	0	0	4
Riverbend	5	1	3	0	1	6	1	1	0	1	5	0	24
Rockwood	0	2	2	0	0	7	0	4	0	2	17	0	34
Regional Psychiatric Centre	13	5	21	0	0	15	0	0	12	1	12	6	85
Saskatchewan Penitentiary	20	5	15	4	0	19	4	4	14	4	26	4	119
SHU Prairies	7	2	9	0	0	0	0	1	0	0	0	0	19
Stony Mountain	4	15	9	2	3	28	3	20	5	8	4	52	153
Prov.-Prairies	0	0	0	0	0	1	0	0	1	0	0	0	2
<u>Quebec</u>													
Archambault	15	9	40	1	10	5	9	22	3	4	43	8	169
Cowansville	37	10	3	0	31	2	2	26	2	3	1	6	123
Donnacona	16	5	44	2	4	2	43	4	3	27	6	14	170
Drummondville	36	12	7	24	5	2	7	33	1	3	22	6	158
Federal Training Centre	6	10	25	2	1	3	17	4	2	3	22	4	99
La Macaza	13	16	2	21	9	6	15	7	4	18	6	6	123
Leclerc	25	49	9	4	38	9	10	32	4	8	12	4	204
Montee St. Francois	4	5	5	19	2	13	1	4	11	5	4	3	76
Port Cartier	10	4	61	7	5	29	18	45	1	1	1	0	182
Regional Reception Centre	1	7	6	2	6	3	9	14	7	0	1	1	57
SHU Quebec	15	11	18	3	13	1	0	28	1	2	2	4	98
Ste-Anne des Plaines	5	4	20	2	4	3	3	9	1	3	6	5	65
Prov.-Quebec	0	1	0	2	5	1	1	1	1	2	0	0	14
<u>FSW Facilities</u>													
Edmonton	0	12	3	1	0	1	3	13	0	4	1	0	38
Psychiatric Centre	0	0	2	0	0	0	0	0	0	0	3	0	5
Saskatchewan Penitentiary	5	2	3	1	0	3	0	0	11	0	0	0	25
Springhill	0	0	2	0	0	0	0	0	0	0	8	0	10
Isabel McNeil	0	0	0	4	0	0	0	1	1	0	0	0	6
Joliette	2	64	3	63	0	32	6	31	1	3	31	7	243
Grand Valley	2	0	12	2	18	1	1	45	0	29	1	1	112
Nova	3	0	22	0	0	1	14	1	2	0	0	0	43
Okimaw Ohci Healing Lodge	0	0	1	0	0	0	1	1	0	0	0	0	3
Prison for Women	32	21	17	1	0	0	1	4	0	3	0	2	81
RRC Quebec	0	0	0	1	0	5	0	0	0	0	3	0	9
TOTAL	597	677	632	512	338	316	485	529	273	331	506	267	5463

TABLE D
COMPLAINTS AND INMATE POPULATION BY REGION

<u>Region</u>	<u>Complaints</u>	<u>*Inmate Population</u>
Pacific	643	1906
Prairies	945	3147
Ontario	1265	3421
Quebec	1538	3542
Maritimes	460	1219
Federally Sentenced Women	575	282
CCC's and CRC's	37	468
Total	5463	13985

* Figures provided by the Correctional Service for March 31, 1998

TABLE E
DAYS SPENT IN INSTITUTIONS

<u>Institution</u>	<u>Days</u>
Archambault	7
Atlantic	8
Bath	7
Beaver Creek	1
Bowden	6
Collins Bay	5
Cowansville	9
Donnacona	12
Dorchester	11
Drumheller	8
Drummondville	10
Edmonton	7
Edmonton Institution for Women	3
Elbow Lake	1
Federal Training Centre	13
Ferndale	3
Frontenac	2
Grand Valley	7
Grande Cache	2
Hobema Healing Lodge	3
Isabel McNeil House	4
Joliette	10
Joyceville	10
Kent	14
Kingston Penitentiary	6
La Macaza	6
Leclerc	9
Matsqui	6
Millhaven	9
Mission	8
Montee St. Francois	6
Mountain	15
Nova	6
Okimaw Ohci Healing Lodge	0
Pittsburgh	4
Port Cartier	18
Prison for Women	5
Regional Health Centre, Pacific	4
Regional Psychiatric Centre, Prairies	5

TABLE E (Cont'd)
DAYS SPENT IN INSTITUTIONS

<u>Institution</u>	<u>Days</u>
Regional Psychiatric Centre, Prairies, Federally Sentenced Women	4
Regional Reception Centre, Quebec	4
Regional Reception Centre, Quebec , Federally Sentenced Women	4
Regional Treatment Centre, Ontario	4
Regional Treatment Centre, Ontario, Federally Sentenced Women	1
Riverbend	3
Rockwood	3
Saskatchewan Penitentiary	7
Saskatchewan Penitentiary, Federally Sentenced Women	4
Special Handling Unit, Prairies	4
Special Handling Unit, Quebec	6
Springhill	8
Springhill, Federally Sentenced Women	5
Ste.Anne des Plaines	5
Stony Mountain	3
Sumas Centre	1
Warkworth	6
Westmorland	8
William Head	3
Total	353

TABLE F
INMATE INTERVIEWS

Month	# of Interviews
<u>1997</u>	
April	202
May	248
June	369
July	290
August	198
September	162
October	338
November	398
December	133
<u>1998</u>	
January	35
February	437
March	62
Total	<hr/> 2872

TABLE G
DISPOSITION OF COMPLAINTS

<u>Disposition</u>	<u>Number</u>
Advice given	463
Assistance given	961
Information given	1309
Not justified	398
Not within mandate	219
Pending	372
Premature	1178
Resolved	336
Unable to resolve	74
Withdrawn	153
Total	<hr/> 5463

TABLE H
COMPLAINTS RESOLVED BY CATEGORY

<u>TYPE</u>	<u>RESOLVED</u>
Administrative Segregation	
a) Placement	12
b) Conditions	4
Case Preparation	
a) Parole	7
b) Temporary Absence	9
c) Transfer	21
Cell Effects	25
Cell Placement	6
Claims	
a) Decisions	6
b) Processing	3
Correspondence	4
Diet	
a) Food Services	0
b) Medical	3
c) Religious	3
Discipline	
a) ICP Decisions	1
b) Minor Court Decisions	3
c) Procedures	5
Discrimination	0
Employment	3
Financial Matters	
a) Access to Funds	13
b) Pay	26
Grievance Procedure	12
Health Care	
a) Access	14
b) Decisions	8
Information	
a) Access	7
b) Correction	8
Mental Health	
a) Access	1
b) Programs	0
Other	2
Pen Placement	4
Private Family Visiting	18
Programs	17
Request for Information	1
Security Classification	4

TABLE H (cont'd)
COMPLAINTS RESOLVED BY CATEGORY

<u>TYPE</u>	<u>RESOLVED</u>
Sentence Administration	4
Staff	3
Temporary Absence Decision	7
Telephone	9
Transfer	
a) Decision	26
b) Involuntary	2
Use of Force	3
Visits	29
National Parole Board Decisions	2
Outside Court	0
Provincial Matter	1
Total	336

SOME LONG-STANDING SYSTEMIC AREAS OF COMPLAINT

The following pages are devoted to a description of some long-standing areas of complaint, the Service's response to those issues and the actions taken in an effort to resolve the backlog.

1. SPECIAL HANDLING UNITS - EMPLOYMENT AND PROGRAMMING

In response to complaints received concerning these Units, our investigation resulted in several recommendations being submitted to the Service. These suggested a need to identify and catalogue the needs of the Special Handling Unit (SHU) population and ensure that individual programming opportunities are available that specifically address those needs related to reintegration to a maximum-security institution. Also to ensure that the operation of the centralized SHU is capable of meeting the language, cultural and mental health requirements of those individuals transferred to the Unit.

Status of CSC's Action

A review of programming needs of offenders in SHU's was conducted as part of an overall review of SHU's in June 1997. Included were examinations of classifications of types of offenders in the SHU; the ability of CSC to deliver corresponding programs to meet those needs within the SHU structure; language issues; aboriginal offender needs; and mental health needs.

Several issues have been responded to and a National Committee has been formed to address programming for offenders committing violent offenses. Work is also underway to develop an effective strategy for addressing needs for SHU and other offenders.

All in all the Service feels it has addressed the concerns set out in our last Report on those issues and I would concur.

I should perhaps mention that in last year's report two other recommendations were made concerning the current composition of the National Review Committee and the right of inmate access to the Committee. Both of those issues were dealt with in last year's report and are now closed.

2. INMATE PAY

For every one of the past ten years we have received complaints concerning the inequities of the inmate pay scale and every year we make recommendations to the Correctional Service to look into the situation. These complaints first and foremost deal with the need for an "across-the-board" increase to offset the erosion of an inmate's financial situation. Such an increase would allow inmates to save more monies for their eventual release and would help to lessen tension and illicit activities within institutions. Complaints were also received

concerning the Service's application of its pay policy, specifically in the areas of unemployment and participation in treatment programming. Consequently, we recommended that the Service establish a reasonable minimum daily allowance and that all inmates, regardless of their status, receive at least that daily minimum.

Status of CSC's Action

The issues raised were considered by the National Committee on Inmate Pay which prepared a document and presented it to the Executive Committee. Our office was invited to make input and provide comments during the consultative phase of the review, which we did. I am advised that decisions have been made and directives are being amended. Unfortunately, the mandate given to the National Committee was a "zero" pay increase and therefore an inmate pay increase was not considered an option. Hopefully the recommendations of the Committee will deal effectively with these important issues and resolve the problems that exist. The biggest problem, however, still exists in that there will be no across the board pay increase. Even though our recommendation has been rejected and CSC considers the issue to be closed, the problem will not go away.

3. GRIEVANCE PROCEDURE

The comments and recommendations from this Office on the Service's management of the Inmate Grievance Process span a decade and a half and are well known to the Correctional Service. Last year our comments indicated that there had been a measurable improvement in the grievance system's operations and that the key now for the Service is to follow through in its commitments and ensure that the resolution of inmate grievances remains a management priority.

Status of CSC's Action

The CSC suggests that recent changes to the grievance process have provided offenders with investigations and responses to their complaints that are meaningful and timely. Also, mechanisms that have been established permit managers to extract and analyze cumulative information from grievances in order to identify trends, patterns and anomalies.

The appropriate Commissioner's Directive has been revised and our Office was pleased to provide input during the consultation period. We are advised that the corresponding Training Manual has been developed and that staff training is to be completed.

As well, we have been advised that the Inmate Affairs Branch has developed a Decision Registry system of upheld cases in order to ensure that any corrective action is completed in a timely manner. This Branch also produces the "Inmate Affairs Quarterly Bulletin" to ensure that CSC staff respect legal and policy requirements. Some regions have repeated this exercise attempting to produce a bulletin on a quarterly basis. Following a suggestion from our Office, a decision was taken to share this bulletin with inmates across the Service.

Additionally, the Director, Inmate Affairs produces a statistical report on offender grievances twice yearly, which is distributed to regions and operational units. And, finally, both the Executive Information System and Offender Management System store data on performance of the grievance system which is available as required.

4. CASE PREPARATION AND ACCESS TO PROGRAMMING

The whole issue of case preparation and access to programming is a very complex one and is also one on which there is not a significant difference of positions between this Office and CSC. In fact the Commissioner, in a report to the Minister, stated that "CSC acknowledges that the process of case preparation and access to programming needs to be addressed". It is my opinion that a decade of tinkering and public commitment to change has not resulted in a system that prepares inmates for conditional release consideration in a timely fashion. Evidence of this can be found in the statistics in terms of inmates incarcerated beyond eligibility dates and the length of waiting lists for programs. Certainly evidence is also found in the number of complaints filed with this Office concerning case preparation.

Status of CSC's Action

The Service has established a Steering Committee and a Working Committee which will address 20 different areas of the case management process. For example, changes to the transfer process and outlining the different roles of the COII and Parole Officer are some of the areas currently under review. Recommendations for each area will be presented to EXCOM for approval once completed. All changes resulting from the 20 different recommendations are anticipated to be completed by January, 1999.

The CSC has introduced a program accreditation process which will ensure that programs meet the objectives of the *Corrections and Conditional Release Act (CCRA)* and that they are visibly recognized as a valuable element in offender reintegration and related decision making.

The issue of effective management information for correctional programs has become a priority and is seen as an integral part of enhancing the management of correctional programs as a whole. A national project is currently underway to further enhance CSC's ability to obtain an effective and realistic representation of all program activities, both in the institutions as well as in the community. A combination of data bases are being modified and/or developed in order to provide information that reflects accurate, detailed and consistent reflections of correctional program activities and expenditures. It is expected that these data bases will enable CSC to enter and retrieve effective management information for correctional programs.

In response to the high numbers of waivers, regional data collected on waivers has been made available on the Executive Information System since June 1997, and the following action has been taken:

1. Implement a national policy that, on an interim basis, requires Wardens or Deputy Wardens to "sign off" on waivers prior to the waiver being submitted;
2. During the CCRA review, consider removing the right to waive a hearing;
3. CSC will remind Wardens/Deputy Wardens/Reintegration Managers to use action indicators to identify and intervene in cases where delays are emerging;
4. On an ongoing basis, CSC will require Regions to regularly monitor waivers and postponements and intervene where delays are occurring;
5. On an ongoing basis, CSC will require Parole Officers to immediately submit to their supervisor a brief action plan to remedy each postponement resulting from uncontrollable causes; and
6. On an ongoing basis, CSC will include in Parole Officer evaluations the frequency of waivers and postponements.

5. DOUBLE BUNKING

For some time, at least a decade, the issue of double bunking and more recently double bunking in segregation and dissociation areas, has been a matter of concern to this Office and I think it fair to say a matter of concern to CSC. We are also concerned about the Service's ability to monitor the level of double bunking.

Status of CSC Action

The Service has taken a number of steps to address the concerns related to this matter, including monitoring and reporting on the level of double bunking and also reviewing data quarterly and taking corrective action where necessary. A program has been developed to extract statistics and a report produced to show the length of time of double bunking. An audit found no double bunking in segregation in 12 of 17 institutions visited.

CSC accommodation policy is currently being amended and will address the issue of double occupancy and also affirm that CSC believes that double occupancy is inappropriate as a permanent accommodation measure within the context of good corrections.

6. TEMPORARY ABSENCE

The Temporary Absence program is a very important tool in the successful reintegration of offenders back into society but unfortunately there has been a significant decline in the use of this program. It has been our recommendation that the Service establish both a clear policy direction to promote the use of Temporary Absences and Work Release Programs and an information system capable of monitoring variances in their use across the Service.

Status of CSC's Action

In response to this recommendation, CSC has expanded its monitoring capabilities to include the number of Temporary Absences and Work Releases granted by each institution; the outcome of each Temporary Absence or Work Release, and the purpose and timing of the Temporary Absence or Work Release within the offender's sentence.

In addition, the Commissioner indicated in a memorandum to the Regional Deputy Commissioners that he expected regions to make use of these programs where appropriate.

The Service, in its final response on this issue, indicated that National Headquarters is monitoring the use that regions and institutions make of the Temporary Absence and Work Release programs in accordance with CSC's policies and regulations. Reports are being produced that show national and regional utilization of these programs and that data is examined and follow up made to resolve problems with regard to the use of these programs.

At this point in time, I am satisfied with the response of CSC to the Temporary Absence and Work Release recommendations and consequently will close the file on this issue.

7. TRANSFERS

Our position with respect to the long-standing concerns raised by inmates on the Service's Transfer and Penitentiary Placement process is that it is excessively delayed and poorly managed. As well, too many inmates are housed at a security level above that required by their security classification or are spending unreasonable periods of time in reception units. I have suggested that the process needs to be centrally managed with the development of an information system capable of providing management with data relevant to the performance of this process.

Status of CSC's Action

Amendments to the current transfer process have been drafted which will result in a transfer process that is fair for offenders, easy to manage and that effects transfers in a more timely manner. These are at the decision making level. A monitoring system to track performances for offender transfers has been developed and the transfer data is available to the responsible official for appropriate action where necessary.

The Service will also monitor offender placement through the recently developed classification instrument which is presently undergoing field tests. Full implementation of the instrument will be completed by December 31, 1998.

8. ISSUES ARISING FROM A SASKATCHEWAN PENITENTIARY HOSTAGE TAKING

A) Reintegration of Protective Custody Inmates

One of the areas of concern following the Saskatchewan Penitentiary Hostage Taking of March, 1991 was the CSC policy of integrating Protective Custody (PC) offenders into the general population given the presence of an increasing number of hard core maximum-security inmates. The Commissioner of the day was also concerned and decided to launch a national review of the integration of PC inmates and the impact of policies governing this process. However, the review was abandoned in favor of a fundamental review of violence among inmates which was narrowly focused and made only passing comment on the concerns associated with integration. In last year's response to our Annual Report, we were advised that the Service does not intend to conduct specific research studies on this issue at this time but that the Review Committee on Inmate Pay will consider our concerns regarding the impact that inmate pay levels may have on illicit activities and institutional violence.

Consequently we will await the decisions of the Committee on Inmate Pay.

B) Preventive Security Guidelines

Also arising from the Saskatchewan Penitentiary Hostage Taking was our concern with the lack of relevant security information that was available during the course of the incident.

It was noted at the time that the Service had little, if any, national direction with respect to the coordination, verification, communication and correction of preventive security information or the responsibility and accountability of the Preventive Security Officers in relation to this information. As such, the Office of the Correctional Investigator recommended that the Service develop Preventive Security Standards and Guidelines to bring some clarity to this area.

Status of CSC's Action

To respond to the concern of the Office, a form outlining essential data on an inmate's participation in a violent incident has been developed and sent to the field for insertion into all preventive security files.

To respond to certain other concerns, the Director General, Security, recently issued a memorandum to the field directing that institutions routinely examine information contained in preventive security files to ensure accuracy or to measure impact. Further, a Standard Operating Practice has been developed dealing with preventive security files, focusing on the recording and follow up to written comments in the files.

9. MENTAL INCOMPETENCE

This issue centers on the Service's responsibility to provide independent representation to inmates who are not reasonably in a position to act for themselves on matters of significance which fall under the authority of the Commissioner of Corrections.

We have been advised by CSC that the procedures for mental incompetence remain a provincial matter and vary significantly among provinces. We were further advised that national policy in this area will not be considered until such time as a uniform Mental Health Act is enacted; which is not in the foreseeable future.

Status of CSC's Action

The Service suggested that in response to our concern that we note complaints received and provide specifics to the Service for further action. Copies of files already completed were also required. No cases have been cited. The Corporate Advisor, Health Services, indicated that he would discuss the matter with officials in the field. The general consensus was that CSC need not adopt any additional measures in this area.

I agree with CSC's position that this issue be closed.

10. DISCIPLINARY COURT

Following an attempt by this Office to investigate a complaint regarding a minor court disciplinary conviction, we were advised that the Service did not maintain a record of such hearings, which was contrary to the pertinent Regulation.

We recommended that the Service take steps to ensure such hearings would be recorded and preserved. We also recommended that an audit be done to ensure that it was in compliance with both the Act and the Regulations. Following receipt of a copy of the Audit, further concerns that we had with the disciplinary process were forwarded to the appropriate official for discussions and action.

Status of CSC's Action

The pertinent Directive is in the process of being amended to deal with procedural fairness and the use of incriminating information. Changes were also made regarding the sharing of documentation prior to a hearing. Additionally, a memorandum has been distributed to the field notifying the regions that all disciplinary hearings are to be audio taped. As well, all regions now have a Senior Independent Chairperson which should promote greater consistency in sentencing.

I concur with CSC that this issue should now be closed.

11. USE OF FORCE, INVESTIGATIONS AND FOLLOW UP

The position of the Office of the Correctional Investigator with respect to this issue has been consistently detailed in our Annual Report since 1990-91 and is as follows:

- all use of force incidents are thoroughly and objectively investigated, including input from inmates affected;
- management is responsible for reviewing the reports and ensuring that corrective action is taken; and,
- an information base is maintained regionally and nationally on use of force incidents, type of force used, circumstances, number of injuries, etc., for the purpose of review and analysis to ensure that such incidents are kept to a minimum.

Status of CSC's Action

The Service completed an Audit Report on the use of force and in response to this audit a recommendation for the requirement for refresher training in areas such as physical handling and the application of restraints was put forth. This issue will be handled in conjunction with the Regional Deputy Commissioners as part of their review of the IERT and Cell Extraction Team. The Service originally informed the Office of the Correctional Investigator that this review was scheduled to begin in October, 1997 and be completed by March, 1998. However, this process will not begin until July, 1998.

The Security Branch has issued an interim instruction for Commissioner's Directive 605 - Use of Force. This directive currently states that following an incident where force has been used, an investigation shall be ordered by the Institutional Head or other designated authority. The interim instruction directs the following:

In all instances where force was used, the Institutional Head shall ensure that a report on the use of force is properly completed. All use of force reports shall be reviewed by the Institutional Head to determine if only necessary force was used and if any corrective actions should be taken. Where the Institutional Head has reasons to suspect that the amount of force used could have been excessive pursuant to the provision of paragraphs 25 to 27, 34, 35, 37, 494 and 495 of the *Criminal Code*, the Institutional Head shall convene an investigation.

In keeping with this policy change, the use of force report has been revised to reflect the clarification of roles and responsibilities of staff involved during and after an incident where force was used. Additionally, guidelines for the completion of the report have been incorporated into the form.

The Service is currently working to provide the means for information contained in the Use of Force Report to be entered into the Offender Management System (OMS). However, there are currently a number of priority changes which must be made to OMS as soon as possible without jeopardizing the schedule for other changes to critical areas such as administrative segregation. It is anticipated that changes to OMS will be completed in the Fall, 1998.

12. INMATE INJURIES AND INVESTIGATIONS

A previous recommendation to the Service had to do with the issue of Section 19 (CCRA) investigations, the recording and reporting of inmate injuries and suicide investigations.

Section 19(1) of the CCRA states:

Where an inmate dies or suffers serious bodily injury, the Service shall, whether or not there is an investigation under Section 20, forthwith investigate the matter and report thereon to the Commissioner.

Our position on this matter was a need to ensure that the Service's investigative process, in addition to being thorough, objective and timely, has the capacity at both the regional and national levels to correlate, analyze and follow up on the results of investigations in a timely and responsive fashion.

Status of CSC's Action

The Service's most recent review of the investigative process has resulted in a number of changes which they believe will assist the Service to expedite the finalization process in the future. The Service is not yet satisfied that they have reached optimum performance so will continue to consider other methods to speed up the process.

Some of the many changes already made to improve the investigative process are such things as assigning two senior positions as permanent investigators for national investigations; developing and delivering a training package; developing a Directory to identify additional community resource people; and very importantly, including in Convening Orders the requirement to identify non-compliance with the law or policy.

To address consistency, CSC distributed a memorandum to the regions notifying them of their requirement to consistently comply with Section 19 of the ACCRA. As well, Section 19 investigative reports are to be clearly labelled as such and a copy sent to our Office.

13. INMATE SUICIDES

In last year's report we noted some concerns with respect to investigations on suicides and more particularly the delegation of responsibility for such investigations from the national to the regional level in June, 1996. We were advised by the Commissioner that a national review and analysis on a bi-annual basis of suicide investigation reports would continue. We requested clarification of the review and analysis process plus a copy of the bi-annual retrospective study.

Status of CSC's Action

The Service informed this Office that although the investigation of inmate suicides is the responsibility of the individual regions, all inmate suicides are reported to National Headquarters which is responsible for reviewing the report to determine if there are any issues which may have national impact.

The Service provides to us a description of the type of analysis and reviews which occur at NHQ as well as further clarification as requested. A copy of the retrospective study on inmate suicides was also provided.

The Service recently contracted for an external review of their policies and practices with respect to suicide prevention. That report is presently being reviewed by CSC.

CONCLUSION

Despite our progress to date there are still a number of troublesome areas that need attention. I am concerned with certain problems of Federally Sentenced Women, especially in the area of percentages of identified maximum-security women being Aboriginal. I am also concerned about the over-representation of Aboriginals incarcerated in Federal penitentiaries generally.

Another issue that needs to be finalized is the Memorandum of Understanding between my Office and the Correctional Service of Canada. This agreement will set out the framework, protocol and nature of the working relationship between the two agencies and hopefully provide a structure to facilitate the timely resolution of offender concerns.

I look forward to these and other challenges and am committed to working closely with the Correctional Service to continue to improve our rapport.

