



REPORT OF THE CORRECTIONAL
SERVICE OF CANADA REVIEW PANEL

A Roadmap to Strengthening Public Safety



Report of the Correctional Service of Canada Review Panel, October 2007

© Minister of Public Works and Government Services Canada 2007

Paper Version:

Cat. No. PS84-14/2007E

ISBN 978-0-662-47313-8

PDF Version:

Cat. No. PS84-14/2007E-PDF

ISBN 978-0-662-47314-5

Internet: www.publicsafety.gc.ca

Cover photos are the work of Bill Rankin, Deborah Reid and Loran Phillips.
We thank them for their generous contribution.

Ce document est aussi disponible en français.



Contains 20% recycled content.

October 31, 2007

The Honourable Stockwell Day

Minister of Public Safety

Dear Minister,

I have the honour of submitting on behalf of the CSC Review Panel, a report which reviews, as mandated, the Correctional Service of Canada's (CSC) operational priorities, strategies and business plans. This report is an independent assessment of CSC's contributions to public safety and also includes advice on how the Panel believes the current federal correctional system can be improved.

I would like to extend my deep appreciation and thanks to each of the Panel members for their individual expertise and backgrounds, which contributed to the richness of discussions and the wholeness of this report.

Throughout the past six months of this review, we have gained further knowledge and insight about the federal correctional system, thanks to the openness and accessibility of CSC, from frontline staff and unions to managers and executive staff. Also, the CSC Review Panel Secretariat appointed to support and facilitate the operations of this review deserve our heartfelt thanks for their insight and advice throughout this review process.

The Panel believes that this review provides a realistic roadmap for Canada's federal correctional system to address the very real immediate needs now facing CSC; and to prepare the system for new challenges anticipated in the future. We strongly believe that if all of the recommendations in this report are supported and implemented, the safety of Canadians will be further enhanced.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rob Sampson', with a long horizontal flourish extending to the right.

Rob Sampson
Chair
CSC Review Panel



Robert Sampson, Chair, CSC Review Panel



Serge Gascon, Panel Member



Ian Glen, Panel Member



Clarence Louie, Panel Member



Sharon Rosenfeldt, Panel Member

Table of Contents

A. Executive Summary	iii
B. Background	1
(a) Historical Perspective	1
(b) Crime in Canada.....	1
(c) Changing Offender Profile.....	3
(d) CSC’s Legislative Framework.....	5
(e) CSC and the Criminal Justice System.....	9
(f) CSC’s Key Priorities.....	11
C. Refocusing the CCRA.....	13
(a) The CSC Mandate.....	13
(b) Offender Accountability	15
(c) Principles of the Act.....	15
INSIDE THE WALLS	19
D. The Current Environment	20
(a) Population Management	20
(b) Safety and Security	26
(c) Assessment and Correctional Interventions.....	33
(d) Education	41
(e) Work—Employability and Employment	44
(f) Managing Distinct Populations.....	49
(g) Roadmap for Change—Change in Operating Model.....	56
TRANSITION TO THE COMMUNITY	106
(a) Comprehensive Community Reintegration Planning	106
(b) Earned Parole	107
OUTSIDE THE WALLS	120
(a) Community Corrections.....	120
RECOGNIZING THE ROLE OF VICTIMS—PROVIDING VICTIM SERVICES	140
HUMAN RESOURCE MANAGEMENT—RESPONDING TO CHANGE AND NEED	144

ACCOUNTABILITY—MEASURING PERFORMANCE.....	149
(a) How does CSC currently measure performance?	149
(b) Gaps in Measurement Strategy	150
(c) Public Education	151
PHYSICAL INFRASTRUCTURE—YESTERDAY’S INFRASTRUCTURE DOES NOT MEET TODAY’S NEEDS.....	153
(a) Age of Current Facilities.....	154
(b) Challenge of Multiple Offender Subpopulations	154
(c) Separate and Discrete Facilities	156
(d) Proposed Regional Complexes	157
FINANCIAL MANAGEMENT	161
(a) General Comments.....	161
(b) Capital	161
(c) Operating.....	164
OTHER CONSIDERATIONS.....	168
(a) Frivolous and Vexatious Grievances by Offenders	168
(b) Initial Placement of Offenders Convicted of First and Second Degree Murder	168
(c) Collection of DNA Samples	170
Appendix A: Federal Penitentiaries by Region and Security Level	171
Appendix B: Offender Program Outcomes.....	173
Appendix C: Outcomes of CSC Educational Programs	174
Appendix D: CSC Program Outcomes	175
Appendix E: Statistics on Reoffending.....	176
Appendix F: Deloitte and Touche Report.....	179
Appendix G: The CSC Review Panel.....	207
Appendix H: Review Process	213
Appendix I: List of Recommendations	215
Appendix J: Summary of Presenters (Written and Oral)	236
Appendix K: Correctional Facilities Visited by the Panel.....	240

A. Executive Summary

Introduction

On April 20th, The Honourable Stockwell Day, Minister of Public Safety, announced the appointment of an independent panel to review the operations of Correctional Service Canada (CSC), as part of the government's commitment to protecting Canadian families and communities.

Mr. Rob Sampson, former Minister of Corrections for the Ontario Government, Chaired the Panel and was joined by four additional panel members with expertise in public policy and public safety. Members of the panel are Serge Gascon; Ian Glen; Chief Clarence Louie; and Sharon Rosenfeldt.

The Panel was mandated to provide the Minister of Public Safety with advice on:

- The availability and effectiveness of rehabilitation programming and support mechanisms in institutions and in the community post release, including the impact on recidivism and any legal framework issues;
- The availability and effectiveness of programs and services for Aboriginal offenders;
- Review the recommendations made in the report *Moving Forward with Women's Corrections*;
- The availability and effectiveness of mental health programs and services in institutions and in communities;
- The availability and effectiveness of work programs, including impact on recidivism;
- The initial placement of offenders convicted of first and second degree murder;
- CSC's approach to the location of its Community Correctional Centres and Parole Offices in urban areas;
- CSC's ability to deal with parole violations, and with frivolous and vexatious grievances by offenders;
- CSC's plans to enhance services for and support to victims;

- CSC's efficiency in delivering on its public safety mandate—identifying barriers and opportunities for savings including through physical plant re-alignment and infrastructure renewal;
- CSC's operational priorities, strategies and plans as defined in its business plan;
- Current challenges with respect to safety and security in institutions, including those related to reducing illicit drugs and combating violence, and requirements for the future; and
- CSC's capacity to deliver, including its capacity to address infrastructure rust out, maintain basic safety and security in institutions and communities, meet its basic policy and legal obligations; and adapt to the changing offender profile.

The Panel was not mandated to consider the introduction of privately-run penitentiaries into the federal correctional system.

Panel—Process of Consultation

Throughout the spring and summer, the Panel visited penitentiaries, parole offices and halfway houses across Canada and met with hundreds of frontline staff and managers, union representatives and CSC Executives to see first-hand the operations of federal corrections in Canada.

The Panel also met with non-governmental organizations such as St. Leonard's and Elizabeth Fry who work hand-in-hand with CSC to provide services and, in some cases, accommodation, to federal offenders on conditional release. In a variety of sites, the Panel also met with volunteers who have dedicated their time and energy to working with offenders, both during incarceration and in our communities.

Lastly, the Panel also received written submissions from key stakeholders and interested Canadians and met with many in person to discuss the challenges and possible solutions facing federal corrections.

The first observation that the Panel wishes to make is to express our appreciation for the hard work and professionalism of CSC staff, NGOs and volunteers that remains largely unseen by Canadians.

Current Correctional Context

After much deliberation, the Panel believes that this **Report charts a roadmap that is a transformation of the way in which CSC does business.** This is driven in large part due to the changing offender profile. The picture of who is arriving at penitentiary doors is an alarming one:

- Nearly 60% are now serving sentences of less than 3 years and have histories of violence;
- There has been an increase of more than 100% in the proportion of offenders who are classified as maximum security upon admission;
- 1 in 6 now have known gang and/or organized crime affiliations;
- About 4 out of 5 offenders arrive with a serious substance abuse problem, with 1 out of 2 having committed their crime while under the influence; and
- 12% of men offenders and 26% of women offenders are identified as having a very serious mental health problem.

What this profile means is that CSC is now faced with an **offender population that is more violent and requires either more interventions or possibly different types of intervention and this must be done in an even shorter timeframe than in the past.**

CSC is to be commended for its efforts to rehabilitate offenders but it continues to face resistance from a portion of offenders who have no interest in rehabilitation and are content to “wait out” the system until they reach statutory release (automatic release at 2/3rd of sentence). It is the belief of the Panel that life inside a penitentiary should promote a positive work ethic. **Today, an offender working hard at rehabilitation is often treated no differently than an offender who is seeking only to continue his criminal lifestyle.**

CSC is also faced with **severe challenges in safely housing today’s offender population in antiquated penitentiaries.** Many of the federal penitentiaries in existence today were built in the 1800s and early 1900s. Newer penitentiaries that were built in the mid-1900s reflect the correctional management philosophy of that era which assumed that all inmates could function as a homogenous group. It is not uncommon today to find

4 or 5 distinct sub-populations that cannot safely intermingle and 2 or 3 groups of offenders who have to be physically separated from other populations for their own safety, either through the use of segregation or special units. Over the past 10 years CSC has been facing capital and operating expenditure pressures. The rapid increase in demands for operational enhancements has caused CSC to make significant reallocations of its capital monies to the detriment of addressing the needs of its aging physical infrastructure. The Panel believes that this situation has to be addressed to provide the best cost-effective approach to addressing physical plant pressures without jeopardizing CSC's ability to fund its operating requirements.

The Panel is particularly **concerned about the safety of front-line staff and we are of the opinion that they require more tools and training**. Some of the most critical areas involve:

- the detection and prevention of illicit drugs entering penitentiaries;
- training on working with offenders with mental health issues; and
- motivational training for treatment-resistant offenders.

The Panel also notes with some alarm the significant reality facing CSC is that more than 40% of its staff could leave within the next three years, with a significant percentage of this group coming from the senior management ranks.

Finally, the Panel would like to commend CSC for its progress in providing quality services to victims. The Panel has concluded that the elements of the *National Victim Services Program* are sound and should result in even greater enhancement of the provision of information services to victims of crime.

Roadmap for the Future

The Panel believes that if the following five (5) key areas are strengthened, the Correctional Service of Canada will be in a position to offer greater public safety results to Canadians.

1. Offender Accountability

The rehabilitation mandate of CSC is not seen by the Panel as a one-way commitment. The Panel believes that **if rehabilitation is to occur and truly be sustained, it must be a shared responsibility of CSC and the offender.**

First and foremost, it is the responsibility of CSC to provide the opportunities and tools necessary to the offender—to provide the offender with ample opportunity to learn the skills required to correct behaviour. However, to change his or her behaviour, the **offender must seize opportunities offered to change—to pick up the tools of rehabilitation and use them.**

The *Corrections and Conditional Release Act* (CCRA)—which provides legal direction for CSC—is highly prescriptive in how CSC should operate—what it can and cannot do. In the view of the Panel, the Principles in the CCRA have to be strengthened to further emphasize offender responsibility and accountability.

2. Eliminating Drugs from Prison

It is not surprising that drug abuse and trafficking is an issue within the penitentiary walls given that about 4 out of 5 offenders now arrive at a federal penitentiary with a serious substance abuse problem. The current offender population is one that will look to find every vulnerability in CSC's security systems to introduce drugs into the penitentiary.

The Panel believes the **presence of illicit drugs in a federal penitentiary is not only unacceptable but results in a dangerous environment for staff and offenders.** This translates into assaults against offenders and staff, promotes transmittable diseases such as HIV/AIDS and Hepatitis and destroys hope of providing a safe and secure environment where offenders can focus on rehabilitation.

The Panel is recommending that CSC strengthen its interdiction initiatives on all fronts:

- Enhanced perimeter control
- Increased use of technology
- More drug detector dogs
- Better search of vehicles and individuals entering the penitentiary
- Intelligence gathering and sharing

3. Employability/employment

A current snapshot of the employment needs of the federal prison population taken at intake assessment identified that **more than 70% of offenders at admission had unstable work histories; more than 70% had not completed high school and more than 60% had no trade or skill knowledge.**

The Panel notes that employment, as a priority program, has been eclipsed over the past decades with the advent and wide development and distribution of programs designed to address other core need areas (e.g., substance abuse and violence).

CSC staff has spoken repeatedly to the Panel about the need to enhance both the quantity and quality of work opportunities available in penitentiaries, there is a need to move from employing large numbers of offenders in general maintenance jobs to providing more meaningful skills development to prepare the offender for employment upon release.

Without the means to earn a living upon release, an offender's rehabilitation is jeopardized. The Panel is therefore recommending that a more structured work day be implemented to allow for the proper allocation between work, education and correctional programs.

4. Physical Infrastructure

The Panel has heard from CSC how the shortcomings mentioned earlier could be addressed through the development, design and implementation of regional complexes across the country and moving away from a facility development approach that relies on stand-alone facilities.

A significant advantage of employing a regional complex design is the ability to reinforce an overall correctional management model that stresses the accountabilities of offenders to follow their correctional plans. No longer would CSC have to keep moving offenders between facilities within a province or across the country. Offenders would, as a norm, be maintained and managed within the complex but their overall location within the complex would be dictated by their motivation and participation against their correctional plans.

The Panel also sees the potential for being more effective in eradicating drugs from entering a complex. With four or five penitentiaries within one perimeter, CSC could

invest in relatively sophisticated equipment to screen not only people but also vehicles entering the compound. Also, drug detector dogs could be used much more effectively as well.

A regional complex would also provide an opportunity to deal more effectively and efficiently with distinct segments of the population. For example, offenders who require ongoing assistance for physical health care needs could be housed in regional health care units thus avoiding expensive costs associated with prolonged stays in community hospitals. As well offenders with mental health care needs would have better access to services that are located in one facility and not thinly spread out over several penitentiaries.

This design would also provide an opportunity to more consistently address problems associated with having segregation units in every maximum and medium security penitentiary across the country. A common segregation unit within a complex would provide a more consistent approach to managing the behavioural problems that a small segment of the offender population presents on a regular basis. Common approaches by properly trained staff could provide a safer and more effective alternative to the smaller segregation units which are not staffed properly to motivate offenders to modify their behaviours in a positive way.

5. Eliminating Statutory Release; Moving to Earned Parole

Conditional release of offenders has been a cornerstone of Canadian corrections for many years and the Panel is supportive of that concept. As stated earlier, rehabilitation must be a shared accountability and the offender must work to address his/her risks and needs. **Mirroring Canadian society—earning your own way—should be a core concept of life inside penitentiaries.**

The Panel believes that any arbitrary release that is not made based on rehabilitation is counter-productive and, when aggravated by shorter sentences, reduces public safety. This has been demonstrated by the fact that **most of the violent re-offending by federal offenders is done by those on statutory release.** To improve public safety and re-orient the correctional system to a system that places true accountability on offenders is to require offenders to earn their way back to their home communities and demonstrate to the National Parole Board that they have changed and are capable of living as law-abiding citizens.

The Panel is concerned that approximately 40% of statutory releases are not successfully completed, with 30% of these releases revoked for breach of conditions, and 10% for new offences and that violent re-offending rates are three times higher for statutory releases versus parole releases. The potential for increased risk as a result of the changing profile of the federal population points to the need for change.

Poor program participation and completion rates point to a growing problem associated with offender motivation to participate in correctional interventions. **The Panel is of the opinion that presumptive release is a key disincentive to offender accountability and is therefore recommending that Statutory Release and Accelerated Parole Review be abolished and replaced with an earned parole system.**

Elimination of Statutory Release and Accelerated Parole Review, supported by significant enhancements to programs that engage and support offenders, particularly high-risk offenders, in making behavioural changes **is key to improving conditional release outcomes.**

The report contains 109 recommendations which supplement the five major areas to be strengthened discussed above. Each section begins with a discussion of the current situation, followed by the Panel's observations and recommendations for change.

Topics range in complexity so it is important to consider the context and inter-relationships of recommendations as the Canadian federal correctional system, given its intricacies.

B. Background

In this section of the report, we will provide a brief historical perspective of the Act governing CSC; a brief outline of crime in Canada; a description of the changing offender profile; CSC's current legislative framework; CSC's role in the criminal justice system, and CSC's key priorities. This background information summarizes key information that positions the observations the Panel will be making throughout the report.

(a) Historical Perspective

All Canadians have the right to live in safe communities. Threats to that right should be addressed swiftly and effectively by the criminal justice system. The federal correctional system is a critical component of that response.

Much has changed in Canada's criminal justice system since 1992, when the *Corrections and Conditional Release Act* (CCRA), the statute that governs The Correctional Service of Canada (CSC), received Royal Assent. In the intervening 15 years, the nature and size of the federal offender population has steadily changed. The CCRA and CSC's mandate were designed to meet the challenges that the criminal justice system faced in the late 1980s. The Panel has concluded that the principles of the CCRA do not address the current and future challenges facing CSC.

(b) Crime in Canada

In a July 2007 report,¹ the Canadian Centre for Justice Statistics noted that in 2006 the national crime rate reached its lowest point in over 25 years. This decrease was driven by declines in non-violent crimes, primarily counterfeiting, thefts under \$5,000 and break-ins. These crimes do not usually result in a federal sentence of two years or more.

¹ Statistics Canada. Crime Statistics in Canada, 2006, *Juristat*, Catalogue no. 85-002-XIE, Vol. 27, no. 5, July 2007.

The overall violent crime rate remained relatively stable in 2006, primarily because the rate of minor assaults, which account for about 60% of violent crime, remained stable. However, many other serious violent crimes increased in 2006:

- murders increased for the second consecutive year to 852, 30 more than the previous year;
- aggravated assaults, the most serious form of assault, were up 5%, also the second consecutive increase;
- assault with a weapon or assault causing bodily harm increased for the seventh consecutive year, up 4%; this was the highest rate since the offence was introduced into the *Criminal Code* in 1983;
- robberies increased for the second year in a row, up 6%;
- robberies involving firearms rose 4% and accounted for approximately 1 in 8 robberies;
- kidnapping/forcible confinement continued to increase; over the past 20 years, the number of incidents reported to police has increased sevenfold, from about 500 in the mid-1980s to over 4,000 in 2006;
- youth crime increased by 3%, the first increase since 2003; the rate of youths accused of homicide was the highest since 1961; and
- drug crimes increased 2%; cannabis offences, which continued to account for approximately 60% of all drug offences, were down 4%, but cocaine offences were up 13% and offences related to other drugs, including crystal methadone, rose 8%.

A recent Statistics Canada study found that crime is not necessarily a problem only in large urban areas.² Small urban areas in Canada were found to have higher overall police-reported crime rates in 2005 than large urban areas (defined as Census Metropolitan Areas or CMAs) and rural areas, and homicide rates in rural areas were consistently high. However, CMAs reported the highest rates for both robbery and motor vehicle theft. In

² Statistics Canada, June 2007. A Comparison of Large Urban, Small Urban and Rural Crime Rates, 2005, *Juristat*, Catalogue no. 85-002-XIE. [vol. 27 no.3]

particular, robbery rates in CMAs were more than double those of small urban areas and almost 10 times higher than those of rural areas.

(c) Changing Offender Profile

To understand crime in Canada, it is important to understand the series of developments in the last 15 years that have gradually transformed the federal offender population profile. These include:

- the amendments to the *Criminal Code* that provide options to the courts for first-time, non-violent offenders;
- the introduction of conditional sentences for certain types of offences;
- the strengthening of laws to combat organized crime and gangs;
- the toughening of laws for child sex offenders;
- the closure of provincial mental health facilities; and
- the Supreme Court decision (*R v. Wust* (2000) 1 S.C.R. 455) that reduced sentences for time served while on remand status.

While these factors have contributed to a 12% decrease in the men offender population since 1997, they have also created many new challenges for CSC in implementing its mandate.

In a speech to the International Corrections and Prisons Association (ICPA) on October 23, 2006, CSC Commissioner Keith Coulter articulated the nature and gravity of these new challenges:

Our offenders have more and more extensive histories of involvement with the court system—roughly 9 out of 10 now have previous criminal convictions.

Our offenders also have more extensive histories of violence and violent offences in their criminal history, and far more are assessed as violence-prone, hostile, impulsive and aggressive.

There has been an increase of more than 100% in the proportion of offenders who are classified as maximum security on admission—13% are now classified at this level on admission.

An increase of 33% has occurred in the proportion of offenders with gang and/or organized crime affiliations—one in six male, and one in ten female offenders now have known affiliations.

The proportion of offenders serving sentences for homicide has increased by 14%—it now stands at more than one in four male offenders.

The percentage of male offenders has increased by 71%, with an increase of 67% in female offenders identified at admission as having very serious mental health problems—12% of the male and 26% of the female offender populations have this designation.

About four out of five offenders now arrive at a federal institution with a serious substance abuse problem, with one out of two having committed their crime under the influence of drugs, alcohol or other intoxicants.

There is a trend to shorter sentences here in Canada. This has meant an increase of 62% in the proportion of male offender admissions serving a sentence of less than three years.³

This dramatic change in the profile of the average federal offender means that CSC now has an offender population that is **more violent and requires either more interventions or different types of interventions, which must be provided in an even shorter timeframe.**

Furthermore, many offenders need to learn how to live as law-abiding citizens *for the first time*, as they have failed to learn the skills required to be productive members of society. The reasons for this vary. Many have failed throughout their lives, beginning in elementary school, and have subsequently moved through the juvenile justice system, the

³ “Canadian Corrections: Current Complexities,” CSC Commissioner Keith Coulter, International Corrections and Prisons Association Conference, October 23, 2006, Vancouver, BC, (http://www.csc-scc.gc.ca/text/speeches/commish/icpa_2006_e.shtml)

provincial adult correctional system, and in many cases, the mental health system. The reality is that many offenders entering a federal penitentiary are addressing their behaviours for the first time ever. While core programs in the past could focus on criminogenic needs, today's offender has to learn basic living and employability skills, and also address addiction and criminogenic needs.

(d) CSC's Legislative Framework

The *Corrections and Conditional Release Act* (CCRA) came into force in 1992, replacing the *Penitentiary and Parole Act* with a modern, comprehensive framework for corrections and conditional release that makes clear that public protection is the paramount consideration in all decisions relating to the incarceration and release of offenders. Also, for the first time, victims of crime were formally recognized in the federal corrections and parole process.

The Act laid out a dual mandate for CSC as follows:

3. *the purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by:*
 - (a) *carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders, and*
 - (b) *assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.*

To better define this dual mandate, the Act defined the mandate of CSC in the form of guiding principles, as follows:

4. *the principles that shall guide the Service in achieving the purpose referred to in Section 3 are:*
 - (a) *that the protection of society be the paramount consideration in the corrections process;*

- (b) that the sentence be carried out having regard to all relevant available information, including the stated reasons and recommendations of the sentencing judge, other information from the trial or sentencing process, the release policies of, and any comments from, the National Parole Board, and information obtained from victims and offenders;*
- (c) that the Service enhance its effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system, and through communication about its correctional policies and programs to offenders, victims and the public;*
- (d) that the Service use the least restrictive measures consistent with the protection of the public, staff members and offenders;*
- (e) that offenders retain the rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence;*
- (f) that the Service facilitate the involvement of members of the public in matters relating to the operations of the Service;*
- (g) that correctional decisions be made in a forthright and fair manner, with access by the offender to an effective grievance procedure;*
- (h) that correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and aboriginal peoples, as well as to the needs of other groups of offenders with special requirements;*
- (i) that offenders are expected to obey penitentiary rules and conditions governing temporary absence, work release, parole and statutory release, and to actively participate in programs designed to promote their rehabilitation and reintegration; and*
- (j) that staff members be properly selected and trained, and be given
 - (i) appropriate career development opportunities,**

- (ii) *good working conditions, including a workplace environment that is free of practices that undermine a person's sense of personal dignity, and*
- (iii) *opportunities to participate in the development of correctional policies and programs.*

A Work In Progress: The Five-Year Review of the Act

In accordance with Section 233 of the CCRA, which stipulates that a parliamentary committee conduct a comprehensive review of the provisions and operations of the Act after five years, in March 1998, the Solicitor General released a consultation paper entitled *Towards a Just, Peaceful and Safe Society: the Corrections and Conditional Release Act Five Years Later*. As part of the Department's consultation process this paper and a series of technical studies that followed were distributed widely and made available on the Internet, and the Solicitor General appeared before the Standing Committee of Justice and Human Rights in May 1998. A summary of the responses to the consultation paper was released in October 1998 by the Department of the Solicitor General.

The Standing Committee on Justice and Human Rights established the Sub-committee on Corrections and Conditional Release in November 1998 and gave it the mandate to conduct a review of the CCRA. The report, *A Work in Progress: The Corrections and Conditional Release Act*,⁴ which was delivered in May 2000, emphasized that the corrections and conditional release system could be significantly improved without drastically altering the fundamentals of the correctional system.

The following themes emerged from the report's 53 recommendations:

- community safety must always be the paramount consideration in all decisions made at every stage of the corrections and conditional release system;
- to achieve community safety, the corrections and conditional release system must continue to have as its primary goal the safe rehabilitation and reintegration of offenders as productive, law-abiding members of the community;

⁴ <http://cmte.parl.gc.ca/cmte/CommitteePublication.aspx?COM=162&Lang=1&SourceId=185038>

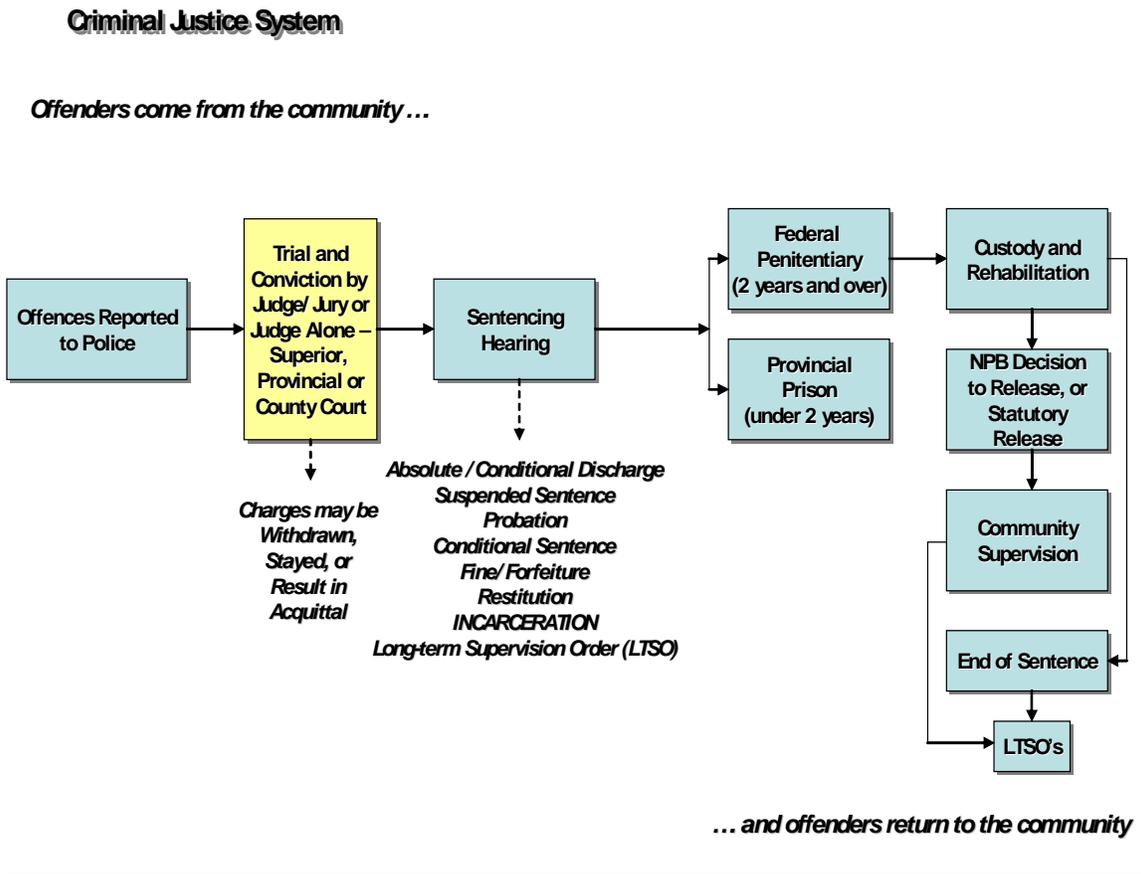
- the corrections and conditional release system should take every step possible to ensure that offenders actively participate in this process;
- because sentence management takes place in the context of the rule of law and the duty to act fairly where offenders' rights are constrained (but not nullified) by the correctional environment, decisions are to be made fairly and equitably by corrections and conditional release authorities;
- the corrections and conditional release system must reach out to Canadians to give them the opportunity to be involved in its operations; and
- the corrections and conditional release system put into place by Parliament in 1992 is still in transition, which is readily apparent in the physical contrast between older correctional institutions and those constructed more recently.

In its October 2000 response to the Sub-committee's report,⁵ the Government indicated that action would be taken on 46 of the recommendations in the report.

⁵ http://ww2.ps-sp.gc.ca/publications/corrections/ccra/CcraOct2000_e.asp

(e) CSC and the Criminal Justice System

The chart below describes the movement of an offender through Canada’s criminal justice system from the time of arrest to the end of the sentence.



The Correctional Service of Canada (CSC), an agency within the public safety portfolio, is responsible for administering court-imposed sentences of two years or more. This includes both the custodial and community supervision components of an offender’s sentence. CSC also administers the post-sentence supervision of offenders with Long-Term Supervision Orders for up to 10 years, and in some provinces CSC supervises provincial offenders on conditional release.

At the end of 2006–07, CSC was responsible for approximately 13,200 federally incarcerated offenders (excluding 1,100 offenders temporarily detained, who had been on conditional release to the community) and 6,900 offenders actively supervised in the

community. During 2006–07, CSC managed 19,500 incarcerated offenders and 16,400 supervised offenders, including all admissions and releases.

CSC has a presence from coast to coast, managing penitentiaries, mental health treatment centres, Aboriginal healing lodges, community correctional centres, community residential facilities and parole offices. In addition, CSC also manages an addictions research centre, a correctional management learning centre, regional staff colleges, five regional headquarters and a national headquarters.

**FEDERALLY
MANAGED
FACILITIES**

- 58 penitentiaries
- 16 community correctional centres
- 71 parole offices
- 4 Aboriginal healing lodges

CORCAN, a special operating agency of CSC, provides training in work and employability skills to offenders in penitentiaries to enhance their job readiness upon release. CORCAN also offers support services at 37 community-based employment locations across Canada to help offenders on conditional release secure employment. CORCAN’s services are provided through partnership contracts with CSC, other government organizations, non-governmental organizations and private enterprises.

CSC employs approximately 14,500 staff across the country. Slightly more than 5% are from visible minority groups, approximately 4% are persons with disabilities, and approximately 7% are Aboriginal. These rates are at or above the labour market availability of workers in these operational groups for the types of employment offered by CSC. Just under 45% of CSC staff are women.

WORK FORCE

Approximately 14,500 employees, of whom 87% work in penitentiaries and communities.

Two occupational groups, for the most part exclusive to CSC, represent over half of all staff employed in operational units. The correctional officer group makes up 43% of staff, while another 14% of staff is in the WP category, which includes parole and program officers who work in the institutions and in the community. The remainder of CSC’s work force reflects the variety of skills required to operate penitentiaries and community offices—health professionals, electricians, food service staff, and staff who provide corporate and administrative functions at the local, regional and national levels.

CSC managed a budget of approximately \$1.709 billion in 2006–07. Approximately 72% of CSC’s budget was allocated to the care and custody of offenders in penitentiaries and in communities. The budget includes fixed and semi-fixed costs, such as security systems, correctional staff salaries, facilities maintenance and food. The remaining 28% was allocated to rehabilitation and case management services.

(f) CSC’s Key Priorities

In 2006–07, CSC undertook a comprehensive process to identify new priorities in response to the changing offender profile, the significance of public safety and the Government’s emphasis on crime prevention. CSC deliberately limited the number of key priorities and associated plans to ensure sustained management focus and results in these areas. Five priorities were established:

- *Community Transition: Safe transition of eligible offenders into the community.*

CSC continues to focus its efforts on minimizing violent reoffending by offenders returning to the community. To assess performance in this area, CSC reports on the percentage of federal offenders in communities convicted of or charged with violent offences while under CSC supervision, and on the percentage of federal offenders convicted of violent offences and returning to federal custody between two and five years after their sentences. CSC also monitors and reports on non-violent reoffending.

- *Safe and Secure Institutions: Safety and security for staff and offenders in institutions.*

CSC is committed to continuing efforts to prevent violent and assaultive behaviour. More specifically, staff focuses on preventing the escalation of assaultive behaviour within CSC institutions, which is measured by the rate of major security incidents, the rate of assaults on staff and offenders, and the rate of injuries caused by offenders.

- *Aboriginal Offenders: Enhanced capacities to provide effective interventions for First Nations, Métis and Inuit offenders.*

This area remains a key CSC priority in order to maximize the results that can be achieved with the resources provided. More specifically, CSC focuses on preventing a further widening of the gap between Aboriginal and non-Aboriginal offenders. This is measured by the percentage of Aboriginal federal offenders in communities convicted of,

or charged with, violent offences while under CSC supervision, and by the percentage of Aboriginal federal offenders convicted of violent or non-violent offences and returning to federal custody within two to five years.

- *Mental Health: Improved capacities to address mental health needs of offenders.*

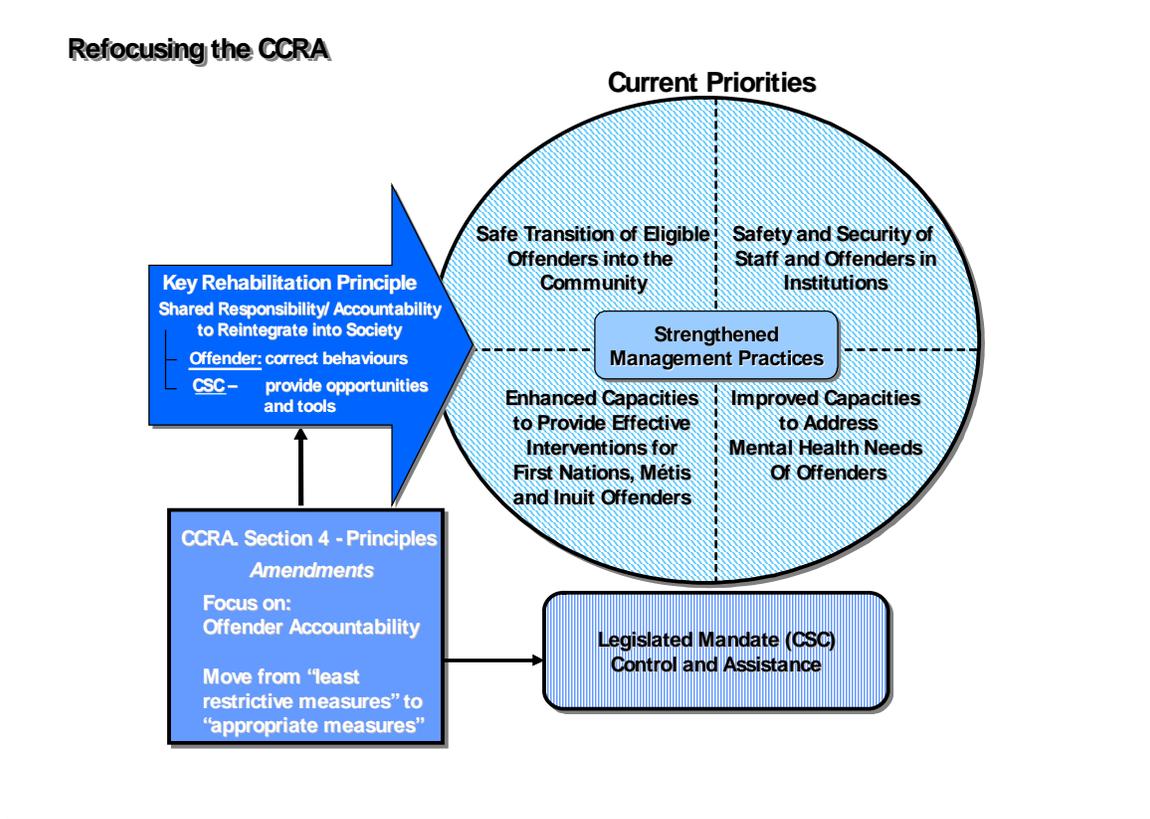
CSC focuses on improving correctional results for offenders with mental health disorders. This is measured by the percentage of federal offenders with identified mental health needs in communities convicted of or charged with a violent offence while under CSC supervision. CSC also assesses performance by the percentage of federal offenders with identified mental health needs convicted of violent or non-violent offences and returning to custody within two years.

- *CSC's Management Agenda: Strengthened management practices.*

CSC aims to strengthen management practices, which are reflected in improved results in harassment, staff grievances, respect, trust and accountability. These results will be measured by future Public Service Employee Surveys. Through its recently approved Ethics Index CSC also assesses performance improvements in the areas of ethics, resources, integrity, fairness, inclusiveness of the workplace, and respect. In addition, CSC reports on improvements in its management practices as measured by the annual Management Accountability Framework assessments conducted by the Treasury Board Secretariat.

C. Refocusing the CCRA

In the context of CSC’s current priorities, we explore CSC’s legislated mandate. We consider what we believe is the key rehabilitative principle and recommend changes to CCRA S.4 (Principles) to support an increased emphasis on offender accountability and propose changing the principle of ‘least restrictive measures’ with the principle of ‘appropriate measures’ to support correctional plan implementation. We provide recommended changes to CCRA Principles. The following chart provides an overview of the key issues reviewed.



(a) The CSC Mandate

The longstanding historical debate over crime, punishment, and the correctional system is essentially a discussion of the extent to which punishment overshadows or is overshadowed by efforts to correct criminal behaviour. This debate has taken place politically and in academia.

On October 7, 1971, Solicitor General Jean Pierre Goyer announced in the House of Commons the Government's intention to stress rehabilitation of criminals even though it posed a risk to the public. He went on to say that:

...too many Canadians...disregard the fact that the correctional process aims at making the offender a useful and law-abiding citizen, and not any more an individual alienated from society and in conflict with it... Consequently, we have decided from now on to stress the rehabilitation of individuals rather than protection of society.

This direction was not without controversy. Some view the correctional system as the mechanism for the infliction of the punishment component of the sentence, but it is clear to the Panel that the “punishment” and deterrent component of the *Criminal Code*'s sentencing principles is achieved by the incarceration of the individual—the offender goes to a penitentiary *as* punishment, not *for* punishment. The correctional system is therefore responsible for implementing the rehabilitation principle as part of its overall mandate to protect public safety, thereby linking CSC to the broader criminal justice system in Canada.

To make it clear, the Panel has taken the position that an individual is sentenced to a penitentiary *as* punishment and CSC delivers on that principle by admitting the individual to one of its institutions and, within the limitations of the original sentence ordered by the courts, holding that individual until it is determined that he or she can safely be returned to society. CSC then imposes the various restrictions on the on the offender's personal liberty in order for the correctional system to deliver on the rehabilitation principle.

It was with this intent that legislators in 1992 created the legislative mandate of CSC, which states:

3. The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by:

(a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders, and

(b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

It is the view of the Panel that this mandate of control and assistance remains as relevant in 2007 as it did in 1992, and will continue to serve the Service and the Canadian public well into the future. However, the Act does not discuss the importance of the balance between CSC's responsibilities and the offender's responsibilities.

(b) Offender Accountability

The Panel does not view the rehabilitation mandate of CSC as a one-way commitment. The foundation of the Panel's philosophy is the belief **that if rehabilitation is to occur and truly be sustained, it must be shared between CSC and the offender.**

First, it is CSC's responsibility to provide the opportunities and tools necessary to the offender—to provide the offender with ample opportunity to learn the skills required to correct behaviour. However, to change their behaviour, offenders must seize those opportunities, pick up the tools of rehabilitation and use them.

A fundamental principle of democracy is that individuals are responsible and must be held accountable for their actions. This should be no different simply because an individual is incarcerated. In fact, the Panel believes that it becomes even more important for offenders to accept accountability for their criminal acts. They must learn that they are responsible for their actions and are obligated to respect the rights and freedoms of others in society.

The CCRA provides legislative direction for CSC, and is highly prescriptive in how CSC should operate, and what it can and cannot do. But the Panel believes that the Act is weak in defining offender responsibilities. The Panel believes that an offender's responsibilities have to be strengthened in the Act.

(c) Principles of the Act

Section 4 of the CCRA provides principles to guide CSC in its administration of offender sentences. The Panel is particularly concerned with Section 4(d) of the Act that states:

that the Service use the least restrictive measures consistent with the protection of the public, staff members and offenders

The Panel believes that this principle has been emphasized too much by the staff and management of CSC, and even by the courts in everyday decision-making about offenders. As a result an imbalance has been created that places the onus on CSC to justify why the least restrictive measures shouldn't be used, rather than on offenders to justify why they should have access to privileges based upon their performance under their correctional plans. The Panel believes that this imbalance is detrimental to offender responsibility and accountability. The Panel acknowledges that these measures should be applied with respect to the Rule of Law.

RECOMMENDATIONS

1. *The Panel recommends that a substantive section be added to the CCRA entitled "Offender Accountabilities" and that, at a minimum, it contain the following:*

Offenders, as part of their commitment to society to change their behaviour and in order to help protect society, must:

- a) obey penitentiary rules as established by CSC;*
 - b) respect the authority of staff at all times; and*
 - c) actively participate in programs identified by CSC in their correctional plans (e.g., education, work, correctional programs).*
2. *The Panel recommends that the following amendments be made to Section 4 of the CCRA:*

Note that the underlined text identifies the Panel's recommended changes.

- a) that the protection of society be the paramount consideration in the corrections process;*
- b) that the sentence be carried out with regard to all relevant available information, including the stated reasons and recommendations of the*

sentencing judge, any direction provided by the Criminal Code on conditions of confinement, other information from the trial or sentencing process, the release policies of, and any comments from, the National Parole Board, and information obtained from victims, offenders, and other members of the criminal justice system;

- c) that the Service enhance its effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system, and through communication about its correctional policies and programs to offenders, victims, the public, and other members of the criminal justice system;*
- d) that, in managing the offender populations in general and the individual offenders, in particular, the Service use appropriate measures that will ensure the protection of the public, staff members and offenders, and that are consistent with the management of the offender's correctional plan;*
- e) that offenders retain the basic rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence, or that are required in order to encourage the offender to begin to and continue to engage in his or her correctional plan;*
- f) that the Service facilitate the involvement of members of the public in matters relating to the operations of the Service;*
- g) that correctional decisions be made in a forthright and fair manner, and that offenders have access to an effective grievance procedure;*
- h) that where possible, correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Aboriginal peoples, the needs of offenders with special mental health requirements, and the needs of other groups of offenders with special requirements;*
- i) that offenders be expected to actively participate in their correctional plans and in programs designed to promote their rehabilitation and safe reintegration;*

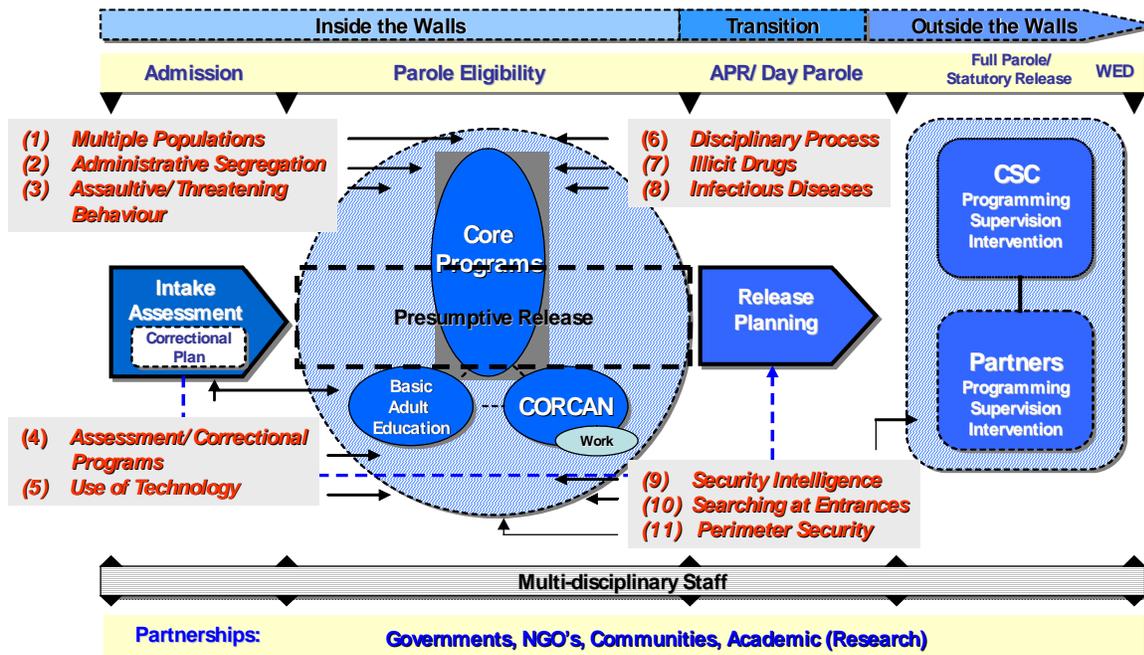
- j) that offenders be obligated to obey penitentiary rules and to respect the authority and position of the staff, and any conditions governing their release to the community; and*
- k) that staff members be properly selected and trained, and be given:*

 - (i) appropriate career development opportunities,*
 - (ii) good working conditions, including a workplace environment that is free of practices that undermine personal dignity, and*
 - (iii) opportunities to participate in the development of correctional policies and programs.*

INSIDE THE WALLS

In this section, we examine the current correctional environment and identify several key areas for consideration, including the importance of the offender’s correctional plan in the rehabilitation/reintegration process, the interrelationships among key programs (core, adult basic education, and employment), and planning for release to the community. We focus on safety and security, population management, intake assessment and correctional interventions. Related recommendations are found in the section entitled “Roadmap for Change—Change in Operating Model.” The following chart summarizes the key elements of the process an offender follows from intake assessment through transition to the community and identifies the eleven issue areas that we considered.

INSIDE THE WALLS – Current Focus



D. The Current Environment

CSC's mandate is to provide correctional interventions that allow offenders to learn behaviours and skills that will allow them to return to Canadian communities as law-abiding citizens. For offenders the correctional process has three distinct stages: admission to a federal penitentiary, where offenders work toward parole eligibility (inside the walls); gradual release to the community (transition); and day parole, full parole and statutory release under supervision in the community (outside the walls).

However, before we speak further about intake assessment and correctional interventions, it is important to first speak to the manner in which CSC manages its various populations within the penitentiary, and some of the security issues raised by stakeholders for consideration by the Panel.

(a) Population Management

The Panel believes that life inside a penitentiary should promote a positive work ethic. **Today, an offender working hard at rehabilitation is often treated no differently than an offender who is seeking only to continue his criminal lifestyle.** The Panel believes that this is detrimental to promoting offender accountability.

Neither the Act nor the Corrections and Conditional Release Regulations (CCRR) refer to the other subpopulations that exist within the two basic offender populations of today's penitentiary system—a general population and an administrative segregation population.

As stated earlier, when the Act was drafted there was a single, homogeneous general population, but this has not been the case for some time. With the growing number of offenders affiliated with criminal gang organizations, there has been a rise in the number of incompatible populations within federal penitentiaries. It is not uncommon to find four or five distinct subpopulations that cannot intermingle in a penitentiary, and two or three groups of offenders who for their own safety must be physically separated from other populations, either through administrative segregation or special units that separate them.

The physical and operational logistics of delivering correctional services for multiple sub-populations in a penitentiary designed for one general population presents extreme challenges as most penitentiaries are many years past their life cycle (see Appendix A)

and infrastructure replacement has been chronically under funded for a number of years and in particular over the past decade.

As important is the fact that the day-to-day management of these sub-populations is placing significant strain on physical infrastructure, particularly infrastructure that does not reflect current more efficient and more functional design layouts and has passed well beyond its life cycle. **Inefficiencies and security risks of the current infrastructure are addressed later in the report.**

Administrative Segregation

Both the Act and internal policy allow for two types of segregation: involuntary and voluntary.

Involuntary Segregation

The Warden may confine an offender to involuntary segregation when there are reasonable grounds to believe that the offender:

- a) jeopardizes or puts at risk the security of the penitentiary, and the safety of other inmates or staff;
- b) may interfere with an ongoing investigation; or
- c) may be personally at risk.

Involuntary segregation is a necessary tool that CSC uses to maintain a safe and secure environment, especially given the changing offender profile.

Specifically, the CCRA states that:

31 (1) The purpose of administrative segregation is to keep an inmate from associating with the general inmate population.

Duration

- (2) *Where an inmate is in administrative segregation in a penitentiary, the Service shall endeavour to return the inmate to the general inmate population, either of that penitentiary or of another penitentiary, at the earliest appropriate time.*

Grounds for Confining an Offender in Administrative Segregation

(3) *The penitentiary head may order that an inmate be confined in administrative segregation if the penitentiary head believes on reasonable grounds*

(a) *that*

(i) *the inmate has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and*

(ii) *the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person,*

(b) *that the continued presence of the inmate in the general inmate population would interfere with an investigation that could lead to a criminal charge or a charge under subsection 41(2) of a serious disciplinary offence, or*

(c) *that the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety,*

and the penitentiary head is satisfied that there is no reasonable alternative to administrative segregation.

Segregation may also be ordered as a sanction to offenders who have been charged with a disciplinary offence and appear before an Independent Chairperson. According to the CCRR:

40 (1) *Subject to subsection (2), where an inmate is ordered to serve a period of segregation pursuant to paragraph 44(1)(f) of the Act while subject to a sanction of segregation for another serious disciplinary offence, the order shall specify whether the two periods of segregation are to be served concurrently or consecutively.*

(2) *Where the sanctions of segregation referred to in subsection (1) are to be served consecutively, the total period of segregation imposed by those sanctions shall not exceed 45 days.*

(3) *An inmate who is serving a period of segregation as a sanction for a disciplinary offence shall be accorded the same conditions of confinement as would be accorded to an inmate in administrative segregation.*

Voluntary Segregation

According to the CCRA, an offender may be voluntarily segregated if the institutional head believes on reasonable grounds:

31.(3)(c) that the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety, and the institutional head is satisfied that there is no reasonable alternative to administrative segregation.

The composition of the voluntarily segregated population can generally be described as offenders who:

- have significant 'debts' and seek voluntary segregation as a temporary way to escape their creditors;
- are at risk in any of the subpopulations (multiple number of incompatibles) and seek the protection of segregation;
- generally fear for their safety and seek the protection of segregation;
- threaten violence if released from segregation and refuse to accept any proposed alternative;
- are not disruptive but are not following their correctional plans; and
- want to be or should be fully engaged in their correctional plans but cannot be integrated into a population that will provide that opportunity.

The Panel has heard that another factor contributing to this rise has been the fact that, **while in segregation, offenders maintain living conditions that are almost identical to those elsewhere in the penitentiary, without having to resolve the issues that brought them to segregation.** The CCRA states that:

37. an inmate in administrative segregation shall be given the same rights, privileges and conditions of confinement as the general inmate population, except for those rights, privileges and conditions that

- (a) can only be enjoyed in association with other inmate, or*
- (b) cannot reasonably be given owing to*

- (i) *limitations specific to the administrative segregation area, or*
- (ii) *security requirements.*

Furthermore, CSC policy prohibits double-bunking in segregation. A single cell can be considered to be another advantage over the offender's circumstances in the general population.

The Panel is concerned that if the living conditions in segregation continue to equal or exceed those found in other parts of the penitentiary and there are no viable alternatives to placement in the penitentiary, more offenders will seek voluntary segregation. The Panel believes that offenders may not see any benefit to engaging in their correctional plan, thereby allowing them to be isolated from the level of intervention necessary for their rehabilitation.

The Panel believes that living conditions in penitentiaries should serve two purposes:

- a) to provide a safe, secure environment, and
- b) promote positive, pro-social behaviour, **and an active interest in participating in the offender's correctional plan.**

Without having any incentives to provide to offenders who are working to rehabilitate, the Panel believes that the current environment of voluntary segregation diminishes offender responsibility and accountability.

Adequacy of the Inmate Disciplinary Process

The Panel heard from UCCO-SACC-CSN representatives that they believe that the disciplinary process is not working as it should. They specifically commented on the situation where “a non-compliant offender sentenced to segregation serves the penalty in a regular cell, with all the property and privileges enjoyed before conviction in Disciplinary Court.”⁶

⁶ “Rewards and Consequences: A Correctional Service for the 21st Century—A brief to the Independent Review Panel studying the future of Correctional Service Canada,” UCCO-SACC-CSN, June 2007, page 11.

UCCO-SAAC-CSN also provided the Panel with an analysis of what they termed “the Discipline Regime” and as an example, gave an analysis of offence reports at Donnacona Penitentiary between January 1 and October 19, 2006. The union reported that its analysis showed:

41.2% of the offence reports resulted in sanctions after being filed, while 58.8% of the reports were dismissed for various reasons (not guilty, untimely, stay of proceedings, and so on).⁷

The union noted issues around the timelines of the application of the disciplinary process. Section 36 of Commissioner’s Directive 580 stipulates that the initial hearing of major and minor charges of a disciplinary offence shall normally take place within two weeks after the charge is laid. However, the statistics reveal that only 20.5% of the hearings are held within these time limits. Out of all offence reports filed, only 41.2%, led to sanctions of some sort. Hence, 58.8% of the major reports were rejected for various reasons, including administrative reasons such as timeliness.

The union also noted that many rejected offence reports are not passed on to the offender’s future parole officers and thus are not considered during National Parole Board hearings. In addition, two out of five reports are not recorded in the Offender Management System (OMS). The union’s study revealed that 135 reports with guilty verdicts were not officially recorded in OMS, which had a significant impact on case management, given that parole officers depend heavily on the OMS when evaluating cases to be presented to the Parole Board.

The Panel was not able to confirm the accuracy of the union’s allegations with CSC management but, the essence of the union’s submission has led the Panel to conclude that in order to reduce levels of violence by offenders within the walls of the penitentiary system, **there must be significant and meaningful consequences for abusive or assaultive behaviour**. While the Panel heard from frontline correctional officers that some verbal abuse is to be expected from offenders given their profile, staff should not feel they have to accept this behaviour. There should be appropriate and meaningful consequences for offenders’ behaviour that is not deemed acceptable. Staff has repeatedly

⁷ Ibid., page 18.

told the Panel that current sanctions are inadequate, and are handed down too late to have any deterrent effect on the offender.

(b) Safety and Security

Providing a safe and secure environment in federal penitentiaries will always be an ongoing challenge. The Panel was truly impressed by the commitment of frontline staff and management, and their openness to discuss their daily challenges. The Panel is particularly concerned about the safety of frontline staff and offenders, particularly in medium- and maximum-security penitentiaries where the assaultive behaviour of offenders is occurring and, in many cases, is unpredictable. The Panel is also concerned that the presence of security cameras and staff are not deterring offenders from committing these assaults. The current consequences are obviously having little deterrent effect on this group of offenders.

This is particularly troublesome since CSC must use the incarceration time to begin the rehabilitation process that requires, in most cases, learning to respect rules and the law.

This concern was echoed by the Professional Institute of the Public Service of Canada (PIPSC) union:

Over the years, several security problems and unfortunate events have affected our members. It is recognized by all parties that the offender population is more violent and less concerned about the repercussions while incarcerated.

While many factors may be contributing to this climate of disrespect, the Panel believes the key underlying factor is illicit drug use and trafficking. The prevalence of drug abuse and trafficking should not be surprising given that about four out of five offenders arrive at a penitentiary with serious substance abuse problems, and about half the offenders have committed crimes under the influence of drugs, alcohol or other intoxicants. The current offender population will try to find every vulnerability in CSC's security systems to introduce drugs into the penitentiary.

According to a member of the Citizens' Advisory Committee at the Victoria, B.C., parole office:

When I have inmates tell me they can get just about any drug in an institution that they can get on the street and I hear from CSC institutional staff about drug-related violence, I have to wonder whether enough is being done to keep these drugs out of institutions.⁸

The Panel is convinced that drugs have also propagated the increase in organized gangs within penitentiaries and the ensuing violence as these gangs attempt to continue their criminal activity. Gang members are not averse to using violence to advance their agenda and to maintain or enhance their positions within the offender hierarchy. As long as drugs are a major source of revenue and power, the introduction of drugs into penitentiaries will continue to be their primary focus. Whether it be through the direct use of their associates in the community or through threats and intimidation of other offenders and their families, gang members will continue to use as many possible conduits as possible to introduce drugs into CSC penitentiaries.

The Panel members believe that illicit drugs are unacceptable in a federal penitentiary and create a dangerous environment for staff and offenders that translates into assaults on offenders and staff, promotes transmittable diseases such as HIV/AIDS and Hepatitis, and destroys any hope of providing a safe and secure environment where offenders can focus on rehabilitation.

As dismal as the situation seems, the Panel believes there are solutions requiring a sustained focus.

(i) Eliminating Drugs in Penitentiaries

CSC's Drug Interdiction Strategy

CSC's current drug interdiction strategy is based on prevention, treatment, and enforcement. This strategy is guided by Canada's National Drug Strategy, and is briefly outlined below.

⁸ Letter addressed to Lynn Garrow, Head, CSC Review Panel Secretariat, from Deryk Norton, member of the Victoria Parole Office Citizens' Advisory Committee, May 29, 2007.

Prevention

CSC's Drug Strategy includes awareness programs, immunization programs, infectious disease testing, methadone maintenance treatment and intensive support units. Harm reduction initiatives are also available.

Treatment

CSC provides a range of internationally accredited programs to offenders whose substance dependence is related to their criminal behaviour. The more difficult the offender's problem, the more intense the intervention. Programs have also been designed especially for women and Aboriginal offenders. These substance abuse and maintenance programs teach offenders to manage their patterns of substance abuse, with the goal of decreasing recidivism.

Enforcement

To reduce violence and illicit drugs in penitentiaries, all offenders—including those belonging to organized criminal groups—are monitored to prevent incidents and thus enhance safety. Offenders involved in violent incidents or found possessing or using illicit drugs face disciplinary actions and criminal charges.

While the Panel appreciates that CSC's approach to drug interdiction is headed in the right direction, we believe that much more can be done to prevent drugs from entering federal penitentiaries, and to reduce the negative impact they have on CSC's operations.

Drug Dogs

The Drug Detector Dog Program, introduced in CSC in 2001, has proved to be of great value. The dogs have many times accurately and quickly detected drugs both within the penitentiary and on visitors. The drug detector dogs have been a key component of the initiatives focused on stopping the flow of illicit drugs into penitentiaries. However, the present capacity is insufficient since each team can work only four hours per day, five days per week, and some teams must provide services to more than one penitentiary. The service gaps increase the likelihood that drugs will be introduced into the penitentiary.

(ii) Outside Sanctions for Assaultive and Threatening Behaviour

Correctional staff from across the country told the Panel that police and Crown Attorneys do not always respond to requests to lay criminal charges against offenders for minor assaults. The Panel is particularly concerned that CSC's partners in criminal justice appear to have abandoned CSC in enforcing minor assaults. The police, Crowns and judges must be educated so that they appreciate that although an assault may appear relatively minor, offenders' aggressive behaviour, particularly towards staff, cannot and should not be accepted.

(iii) Infectious Diseases

The safety of staff is of paramount importance. Staff recognize and acknowledge the inherent risks involved in working with offenders, but these risks can be better managed in a safe work environment. A healthy, safe, and secure workplace is a priority and must be continuously considered in all CSC decision-making.

In addition to threats posed by the prevalence of drug use among offenders and other high-risk activities such as unprotected sexual activity and unsafe tattooing, another significant threat to correctional officers is the alarming rate of infectious disease among the offender population. The exact rates of infectious diseases in the offender population are not known because testing for HIV and Hepatitis B and C is voluntary, as it is in Canadian communities. During the intake assessment process, offenders are screened for risk behaviours and are advised of the testing and treatment options available to them, but **all testing is voluntary**. This is in spite of previous studies that have found that offenders' rates of HIV are 7 to 10 times higher than the general Canadian population and their rates of Hepatitis C are 30 times higher, often as a result of their history.

This means that when correctional officers are pricked with dirty needles or showered with offenders' urine or feces, they literally fear for their lives.

The Panel heard from UCCO-SACC-CSN that:

*These attacks are potentially life threatening ... More importantly, officers have no way of knowing whether they have been exposed to life-threatening disease ... The damage to family life and relationships is enormous.*⁹

CSC has established collaborative partnerships with the Public Health Agency of Canada and other external service organizations that provide several types of expertise in infectious disease: control and prevention; education and training; screening, testing and treatment; and surveillance. The Panel believes that this should continue to be a priority for CSC.

(iv) Perimeter Controls

The perimeters of some penitentiaries are close to public access roads, which has created vulnerabilities for the safety and security of the penitentiary. Furthermore, the Panel is aware of managerial decisions not to staff some control towers on certain shifts and that some negative results have been evidenced. For example, there has been a dramatic rise in the number of drugs being launched into penitentiary grounds using arrows and/or tennis balls. The Panel believes that if the perimeter is not adequately secured, it will be impossible to eliminate drugs from a penitentiary.

(v) Searching

Most people imagine a federal penitentiary as an island, entirely separated from its surrounding communities, but nothing could be further from the truth. Hundreds of people enter and exit a penitentiary every week, including visitors, contractors, and staff. While penitentiaries do search visitors, the Panel observed during visits that some of these searches are no more than cursory. Ion scanners are used inconsistently at the entrances to the institutions, and in some penitentiaries, the Panel was told by staff that they could not properly use the technology because they had not been fully trained.

⁹ “Rewards and Consequences: A Correctional Service for the 21st Century—A brief to the Independent Review Panel studying the future of Correctional Service Canada,” UCCO-SACC-CSN, June 2007, page 34.

(vi) Visits

Section 71(1) of the CCRA states that:

In order to promote relationships between inmates and the community, an inmate is entitled to have reasonable contact, including visits and correspondence, with family, friends and other persons from outside the penitentiary, subject to such reasonable limits as are prescribed for protecting the security of the penitentiary or the safety of persons.

The Panel heard from staff and unions that visitors are considered one of the major sources of drugs coming into the penitentiaries.

This concern was also raised by several interest groups, including the Canadian Centre for Abuse Awareness (CCAA), as expressed to the Panel by Director of Public Safety John Muise:

[The CCAA recommends] that any visitor convicted of attempting to transport illicit drugs or narcotics into institutions be banned for life from entry upon CSC premises and that signs reflecting this policy be clearly placed (and articulated by CSC staff before entry) at all entry points into CSC institutions.¹⁰

Although visitors are pre-screened and searched, resources are insufficient to maintain a comprehensive search program. Visitor searches must be enhanced. It is the view of the Panel that the policy framework is sound, but quality assurance of implementation is lacking. We saw inconsistency in searches at the principal entrance to penitentiaries in our tours across the country.

(vii) Use of Technology

The Panel recognizes that CSC staff needs better technological tools to assist in the detection of drugs and other illicit contraband. The Panel's priority is to introduce more effective new technology at the principal entrances, to assist in drug detection.

¹⁰ "Submission to the CSC Review Panel," Canadian Centre for Abuse Awareness, June 11, 2007, Recommendation #25, page 16.

Another example of useful technology is enhanced cell phone detection and interception technology as today's cell phones are capable of accessing the Internet, text messaging, and taking photographs and video. As these devices become smaller and harder to detect, their presence inside a penitentiary allows offenders to conduct their criminal activities. This presents a serious security risk inside the penitentiary but also poses a public safety risk in the community. There are many more examples where technology could be of vital use and CSC should look to other jurisdictions to find effective new technology.

(viii) Intelligence Gathering

From across the country the Panel heard about the importance of “dynamic security”—interacting with offenders and knowing them well—to maintain safe penitentiaries. A key component of dynamic security is gathering intelligence, analyzing it and sharing it with those who need to know. Expectations of CSC to share information and intelligence have increased substantially, not only internally but outside the organization in conjunction with partners in the criminal justice system.

The Panel's view, however, is that CSC currently has a limited capacity to engage in security intelligence activities since there is currently only 1 security intelligence officer (SIO) for every 250 offenders. These SIOs are expected to monitor illicit activities that could potentially compromise the safety and security of the penitentiary. For example, they:

- cultivate offender sources who provide valuable information on ongoing threats;
- gather information through correctional officers' observation reports at the end of every shift;
- liaise on an ongoing basis with police, operations and police intelligence units;
- participate in morning briefings to alert staff of any potential risks/threats and advise on what to look out for (e.g., an SIO could receive information that two gangs are experiencing tensions on the street, which may play out within the penitentiary); and
- fulfill other roles and duties, including gathering information on an incident, writing reports, securing crime scenes, etc).

The Panel applauds CSC's efforts but believes that the SIO function must be strengthened. The return on investment should prove to be significant. Through more timely, effective and efficient collection, analysis and dissemination of information within CSC, and through more consistent and strategic sharing of information with criminal justice partners, the benefit should be:

- an increased awareness of the activities of high-profile offenders and offenders linked to organized crime and extremist groups within CSC penitentiaries and on supervised release;
- better decision making about offender placements and transfers;
- fewer incidents of extortion, fewer drugs and contraband entering penitentiaries, and less reinvolvement in criminal activity in the community;
- a more integrated approach to organized crime with criminal justice partners; and
- improved intelligence, resulting in the prevention of security incidents in CSC penitentiaries and in Canadian and international communities.

(c) Assessment and Correctional Interventions

Here, we examine the current intake assessment process and identify three key areas that we reviewed—the impact of the length (duration) of the intake assessment process on program 'starts' for offenders with short sentences; the need for comprehensive mental health assessments, particularly for Aboriginal offenders, and the development of a comprehensive correctional plan that includes offender program integration and an emphasis on developing skills to prepare for and find employment.

(i) Offender Intake Assessment

Determination of Security Classification

Upon admission to the federal correctional system, all offenders undergo intake assessment which is designed to assess each offender's risks and needs. Offenders are assigned to a security level according to Section 30 of the CCRA which states:

30.(1) The Service shall assign a security classification of maximum, medium or minimum to each inmate in accordance with the regulations made under paragraph 96(s.6).

Furthermore, the *Corrections and Conditional Release Regulations (CCRR)* identifies the following factors for consideration:

17. The Service shall take the following factors into consideration in determining the security classification to be assigned to an inmate pursuant to section 30 of the Act:

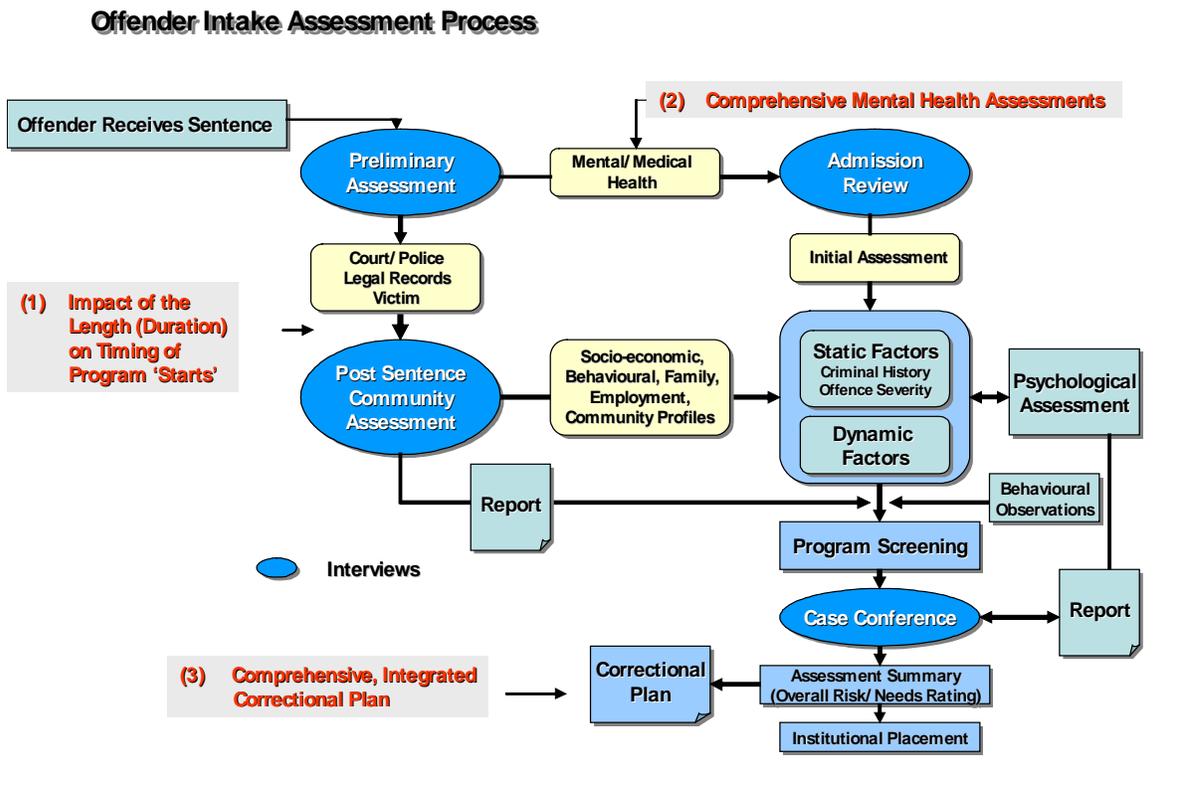
- (a) the seriousness of the offence committed by the inmate;*
- (b) any outstanding charges against the inmate;*
- (c) the inmate's performance and behaviour while under sentence;*
- (d) the inmate's social, criminal and, where available, young offender history;*
- (e) any physical or mental illness or disorder suffered by the inmate;*
- (f) the inmate's potential for violent behaviour; and*
- (g) the inmate's continued involvement in criminal activities.*

18. For the purposes of Section 30 of the Act, an inmate shall be classified as:

- (a) maximum security where the inmate is assessed by the Service as
 - (i) presenting a high probability of escape and a high risk to the safety of the public in the event of escape, or (ii) requiring a high degree of supervision and control within the penitentiary.**
- (b) medium security where the inmate is assessed by the Service as
 - (i) presenting a low to moderate probability of escape and a moderate risk to the safety of the public in the event of escape, or**

- (ii) requiring a moderate degree of supervision and control within the penitentiary; and
- (c) minimum security where the inmate is assessed by the Service as
 - (i) presenting a low probability of escape and a low risk to the safety of the public in the event of escape, and
 - (ii) requiring a low degree of supervision and control within the penitentiary.

The chart below describes all the elements of the Offender Intake Assessment process leading to the placement of the offender and the development of a correctional plan.



Offender Needs

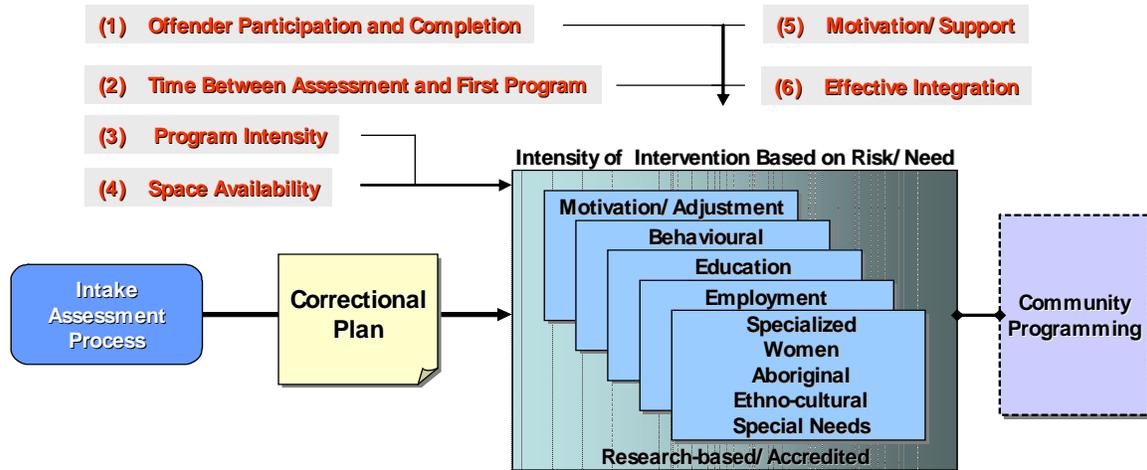
To thoroughly evaluate the offender, the intake assessment process includes a review of information on the impact of the offender's crime(s) on the victim(s), as well as information gathered from police reports, court transcripts, judges' comments on sentencing and other information. The assessment also establishes a multidisciplinary correctional plan for treatment and intervention to be carried out during the offender's sentence. Once this assessment process is complete, the offender is transferred to the appropriate penitentiary and the rehabilitative process begins.

CSC has been challenged for quite some time to complete this intake assessment in a timely fashion for offenders serving less than four years (eligible for parole by year 1.5 and statutory release by year three). Current policy states that for offenders serving less than four years, the intake assessment process should be conducted within 70 days. It is critical to complete an offender's intake assessment as quickly as possible because the end result is a correctional plan—a roadmap, so to speak, outlining what the offender should achieve through the rehabilitation process. In recognition of the need for a streamlined process CSC initiated a pilot to complete the Offender Intake Assessment (OIA) process in 45 days instead of 70. The Panel had not received the results of the pilot at the time of writing.

(ii) Program Effectiveness and Accreditation

In this section, we focus on the general effectiveness of programs as a primary factor in the rehabilitation process. We note that CSC has focused on the development and delivery of core programs at the expense of the development and delivery of basic adult education and employment programs. We identify concerns about low participation/completion rates, space availability and the need for high intensity programs to meet increasing offender risks and needs. We examine the responsibility and accountability of CSC and the offender to become more responsive to correctional plans. The following chart summarizes the path that an offender follows from intake assessment through to community programming and the six issue areas considered by the Panel.

Programs



CSC has collected data and profiled all offenders since 1995. This data allows for ongoing review of programming needs and the effectiveness of programs. Additionally, the data ensures that the correctional programs (programs that deal with an offender’s behavioural and attitudinal development) are research-based, are subject to a review and accreditation process, and are evaluated as appropriate for the federal correctional system. The Panel agrees with this approach and believes it should be continued. In fact, CSC is currently looking at a more streamlined accreditation approach, which the Panel supports.

The Panel heard from other correctional jurisdictions that CSC’s use of cognitive-based correctional programs has been highly effective and has been used by many other jurisdictions. CSC has made a determined effort to develop and deliver cognitive-based correctional programs that contribute to the rehabilitation of offenders. The Panel has been presented with evidence that programs based on sound research and theory do work and ultimately reduce reoffending. However, the Panel did not witness any extensive CSC work on integrating these programs with job readiness programs. In fact,

employment and employability programs appear to have been placed on the back burner by CSC and not given the attention that they require.

It is important to note, however, that if a safe, supportive environment is missing in CSC's penitentiaries, the learning acquired may be jeopardized and CSC risks that offenders will not have the opportunity to internalize the changes required to rehabilitate.

CSC must also consider identifying a framework that defines what and how programs should be made available at various levels of penitentiary security and in the community, e.g., adjustment and motivation programs at maximum security; behavioural, educational and employability programs at medium and minimum security. Program availability should be directly related to requirements for progressing to lower levels of security. The program framework must also be retooled to address the management of offenders serving shorter sentences.

(iii) Program Delivery and Availability

The Panel thoroughly reviewed the issues surrounding programs offered to offenders. While it is simplistic to point out that people are complex creatures, it is especially critical that this statement be understood in the corrections domain.

CSC has an offender population that is more violent and serving shorter sentences, which essentially leaves CSC less time to do more. Even as recently as 1999, the recommended number of correctional programs for offenders often could not be delivered prior to the earliest possible parole date. Today, this situation has been further exacerbated by the trend toward shorter sentences and the realities of the intake assessment process.

However, with the changing offender profile, offenders now generally have an increased level of risk and need. Therefore, it is reasonable to assume that these high-risk/high-need offenders require more intensive interventions than the offenders of the 1990s. Furthermore, on average, an offender does not even start the first program for six months after the intake assessment process.

Although the Panel has no statistics on the availability of spaces for offenders in correctional programs, we did hear from various stakeholders that in addition to timeliness, space availability is a challenge.

Jane Griffiths, President of the Church Council on Justice and Corrections, expressed to the Panel that:

Our members who volunteer in the present federal system report that there is not enough program space to conduct appropriate programming and it is a challenge to move the [inmates].¹¹

A spokesperson of the UCCO-SACC-CSN said he is concerned about the danger of releasing federal offenders into society before they have had access to rehabilitation and anger management programs. He said waiting lists for such programs are lengthy, causing a gridlock that forces some inmates to wait months for parole. Some, he said, leave the correctional system without receiving treatment for the problems that got them into trouble in the first place.¹²

Also, the Salvation Army told the Panel:

CSC has a world-wide reputation for developing risk assessment tools and standardized programs based on solid research on what is effective in reducing reoffending upon release. Unfortunately, there appears to be several systemic barriers to the timely delivery of these programs inside federal facilities. Failure to complete programs often means that access to early release is denied to individuals who might otherwise be safely managed in the community. The Salvation Army among other organizations is providing these programs in the community with training and funding through CSC contracts. We firmly believe this is a very successful, cost effective program delivery model which is significantly under-utilized.¹³

The Panel believes that, at this time, given the realities of limited resources, CSC's focus should be on effective program delivery in penitentiaries. Every effort should be made to review the modules of cognitive-based correctional programs to identify and lessen redundancies, thereby shortening program content and required time frames. Furthermore, as previously discussed, a better targeted correctional plan can ensure

¹¹ Submission to the CSC Review Panel, Church Council on Justice and Corrections, June 6, 2007, page 2.

¹² CBC News, October 9, 2007, <http://www.cbc.ca/canada/story/2007/10/09/inmates-programs.html>

¹³ Submission to the CSC Review Panel, The Salvation Army, Territorial Headquarters, M. Christine MacMillan, Territorial Commander. June 7, 2007, page 2.

offenders undergo key programs while incarcerated and are provided with programs that extend and maintain these programs in the community.

(iv) Offender Participation

Time pressures, capacity and available resources are not the only challenges affecting opportunities for rehabilitation. Offender participation in correctional programs is presently voluntary. The table in Appendix B shows that there is a serious drop-out or non-completion rate in rehabilitation programs for violence prevention, substance abuse and sexual offending. The Panel believes that this is again an issue where offender accountability has to be strengthened.

CSC is at a stage where it must focus its efforts on enhancing offender “responsiveness” for engaging in the correctional plan. In practice, this means that the assessment of motivation and other responsivity factors (e.g., age, gender) can help structure many of the decisions CSC makes regarding the living environment, security classification, temporary and conditional release recommendations, supervision requirements and placement of the offender.

Strategies have to be introduced into correctional practices to decrease offenders’ resistance to participate in their correctional plans. Correctional program strategies should be expanded to include “primers” to reduce program attrition. Motivated offenders should have first priority for placement in programs, and motivation-based approaches should be developed for non-motivated offenders.

Some form of incentive or consequence may be appropriate to engage program-resistant offenders. Non-completion of programs should have a bearing on decision making regarding the release of the offender to the community.

However, there are two issues of concern to the Panel:

1. Because shorter sentences are being given to federal offenders who have increased risks and needs, limited time is available for offenders to use and internalize the CSC programs and interventions before their release.
2. On average, offenders do not begin the first CSC program until six months after completing the intake assessment process.

(d) Education

(i) Background and Results

The CCRA clearly establishes CSC's legal responsibility to provide programs:

76. The Service shall provide a range of programs designed to address the needs of offenders and contribute to their successful reintegration into the community.

The delivery of education programs to offenders is guided by Commissioner's Directive (CD) 720, *Education of Offenders*. Each region has the responsibility to ensure that education service delivery meets their respective provincial requirements, and adheres to CSC's national policy.

The primary components of CSC's Education Program are Adult Basic Education (ABE), vocational education¹⁴ programs, and library services. Each program component provides offenders with opportunities to acquire education appropriate to their needs, achievement and ability. Together, these components provide education interventions that suit offenders' needs and abilities.

(ii) Importance of Educational Programs

Education has an undisputed role in the personal development and professional or vocational success of an individual in Canadian society. Upon arrival at a penitentiary, approximately 65% of offenders test at a completion level lower than Grade 8, and 82% lower than Grade 10. Since 1990, CSC had made a Grade 10 education the minimum standard for its ABE program. However, since the labour market in Canada sets increasingly higher standards for skilled employees, a Grade 10 or equivalent education is no longer sufficient to be competitive when seeking employment.

According to Statistics Canada, since the early 1990s, 84% of new jobs have required a high school diploma. In addition to this, various studies, including a 1996 Auditor General Report, have reiterated the need for educational services to be provided to

¹⁴ Note that post-secondary education programs are also offered; however, this component is not a primary component of CSC's Education Program.

offenders and the importance of upgrading offenders' education levels. Therefore, CSC determined that it had to adapt to current market trends and the realities of today's society. Consequently, in 2001, CSC made Grade 12 education the minimum standard for its ABE program.

The importance placed on education has been supported by research. A review of 97 articles that examined the relationship between correctional education and recidivism levels revealed "solid support for a positive relationship between correctional education and (lower) recidivism."¹⁵

(iii) Adult Basic Education

The ABE program is the education priority of CSC. It maintains the highest enrolment. In fact, 40% of all enrolments are for the ABE program. Since 2001, education programs are listed as a priority in the correctional plans of offenders who do not possess a Grade 12 education. Participation in the programs is voluntary; however, a refusal to participate in programs means that the offender is not eligible to receive a higher pay level.

(iv) Vocational Education

Vocational programs are currently the choice of approximately 25% of all offenders. They provide training in a wide range of job-related skills relevant to employment opportunities in the penitentiaries and in the community. Some of the subjects currently taught in CSC's vocational programs are:

- welding and metal trades;
- hairdressing;
- small engine repair;
- auto mechanics and auto body repair;
- electronics;

¹⁵ *Compendium 2000 on Effective Correctional Programming*, page 59, CSC 2001.

- carpentry and cabinet making;
- upholstery;
- plumbing;
- cooking; and
- computer programming.

The vocational education programs include a generic skills component that is applicable to several vocational fields. This component addresses industrial and shop safety and personal and interpersonal skills for success in the workplace.

(v) Post-Secondary Education

Post-secondary education gives offenders the opportunity to acquire a trade or profession, and to update trade qualifications. Less than 10% of participants in education programs opt for post-secondary education. Offenders generally pay for their own post-secondary studies, unless it can be demonstrated that the education addresses a very specific need.

(vi) Education Certificates

Prior to 1977, CSC provided its own certificates to indicate that offenders had taken certain courses and passed CSC's exams; however, these certificates were not recognized by provincial governments.

In 1977, Parliament assigned the provinces the responsibility to provide suitable educational programs to their residents, including offenders. As a result, provincial governments formally agreed to partner with CSC to provide educational services in federal penitentiaries. CSC then began offering a standardized curriculum to offenders, specific to each province, to ensure that all provincial governments recognize CSC's educational certificates at Grade 10 level and above.

Currently, all CSC regions have arrangements with the provinces that ensure educational certificates are recognized for grades 10 to 12. These certificates are recognized across all federal penitentiaries and by all provinces. Educational records are kept by each region's

ministry of education and are updated to reflect certifications, test results and course credits. These records are available in the event of transfer or release into the community.

(vii) Results

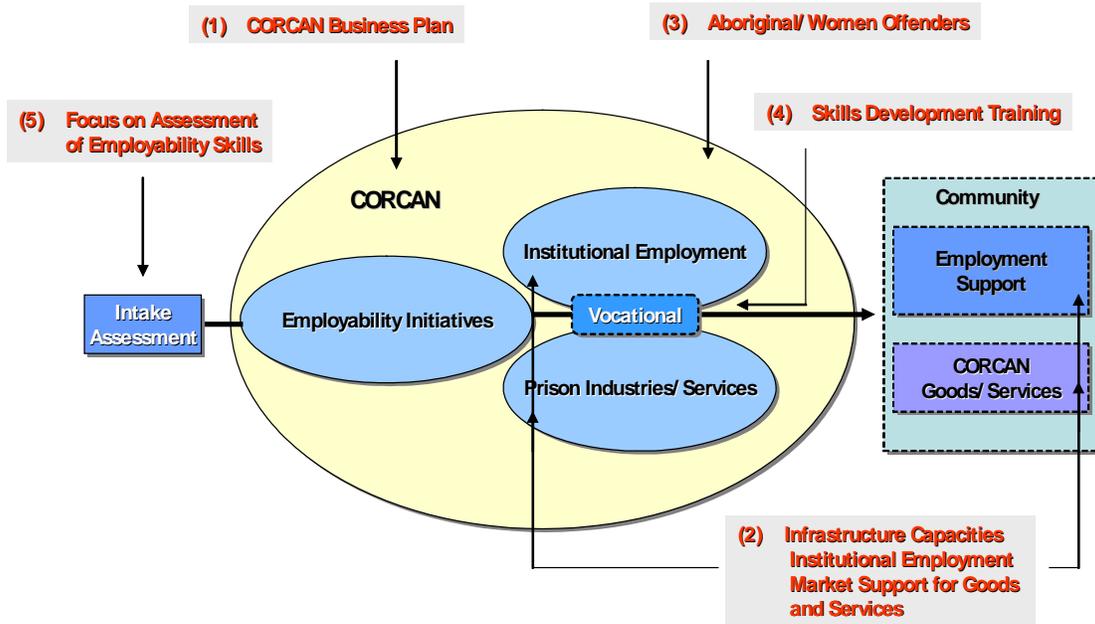
It is of concern to the Panel that the completion rate for all educational programs is currently 31% (see Appendix C). If education is a critical component of an offender's successful return to society as a productive, law-abiding citizen, the completion rate must be improved. The Panel did not receive any findings from CSC to explain why these results are so low. Anecdotally, we have heard of several reasons, including systemic (i.e., offender transfers or competing correctional program demands) and issues of motivation.

Interestingly, the completion rate for vocational programs is twice as high as that for educational programs. Again, whether this is due to systemic or motivational issues is not clear to the Panel.

(e) Work—Employability and Employment

In this section, we focus on the CORCAN mandate and the related Business Plan in the context of its effectiveness in preparing offenders for employment in the community. We look at the current penitentiary infrastructure capacity of CORCAN to provide offender employment in CSC penitentiaries and produce goods and services for market consumption. We identify employment as a key factor in the assessment process at intake assessment. We focus on particular requirements to address the unique needs of Aboriginal and women offenders in preparing for and finding employment and further focus on the need for an increased emphasis to be placed on skills development, particularly apprenticeship training. The chart that follows identifies the key elements supporting employability/employment initiatives and the five issue areas considered by the Panel.

Work – Employability and Employment



(i) The Offender Population

At admission, more than 70% of the federal penitentiary population had unstable work histories, more than 70% had not completed high school and more than 60% had no trade or skill knowledge. At any given time, only approximately 15% of the total offender population is working in a CORCAN facility.

The current offender profile demonstrates a low level of basic employment qualifications, poor employment histories, and life skills that have contributed to poor job performance. In addition, related deficits such as substance abuse and violent behaviour have contributed to offenders’ deviant behaviour. These deficits, if left unaddressed, will continue to limit the offenders’ ability to find and keep jobs.

(ii) The Mandate of CORCAN

CORCAN assists in the safe reintegration of offenders into Canadian society by providing employment and training opportunities to offenders during incarceration in federal penitentiaries, and during conditional release in the community. CORCAN is a

Special Operating Agency¹⁶ that reports to Parliament through the Minister of Public Safety. Each year the agency trains approximately 4,000 offenders in employability skills, including fundamental skills (communication, problem-solving); personal management skills (responsibility, adaptability, work safety) and teamwork skills. It operates 36 institutional sites across Canada and employs approximately 350 staff. Offenders are trained and employed in five businesses—agribusiness, textiles, manufacturing, construction and services.

Products produced by CORCAN are used within CSC, by other federal government departments, provincial and municipal governments, and non-profit institutions such as schools, universities and hospitals. CORCAN provides employment bridging services for offenders through 37 community employment centres across the country. The agency generated approximately \$60.5 million in gross sales in 2006–07.

(iii) The Current Focus

The Panel met with CORCAN staff during visits to CORCAN operations in Saskatchewan, Manitoba, Quebec, Ontario and Nova Scotia. The Panel has reviewed the CORCAN Business Plan.

CSC penitentiaries offer varying levels of employment, varying levels of utilization of operating capacity, and varying levels of availability and degrees of integration of employability, education and skills development programs.

The Panel has looked at the vocational training strategy. For example, the Pacific Regional Vocational Strategy indicated that “from an offender perspective, the most useful (employment) programs are those that are of longer duration, teach technical, life and interpersonal skills, and provide third-party certification in fields that are accepting of offenders and paying a living wage.” The evaluation pointed to:

- the need to have all programs certified by accredited public colleges or registered private career training institutions;

¹⁶ According to the Department of Finance, a Special Operating Agency is a federal government organization that has increased management flexibility in order to improve performance. Objectives include better overall management, improved operational results and greater focus on demand. (http://www.fin.gc.ca/gloss/gloss-s_e.html)

- the need to extend training into the community;
- the need to balance program costs against program outcomes; and
- the need for investments that are directly related to improving the knowledge, skills and opportunities for offenders to secure and maintain employment after release.

The Panel notes that **employment has been eclipsed as a priority over the past decade by programs that address other core needs (e.g., substance abuse and violence).**

Pascal Bélanger of the *Association de rencontres culturelles avec les détenus* told the Panel:

Although CSC can assert that their programs are among the best in the correctional world, this type of treatment is being done instead of job training as it was done in the sixties, seventies, and early eighties. So even if [an offender] can better understand the many factors contributing to his criminal behaviour, this cannot guarantee it will help him back to work ... Wouldn't it be much easier for a parolee to stay out of trouble and abide with its conditions of release if he can rely on a legal income, therefore staying away from criminal acquaintances?¹⁷

Offenders lack skills development training that can directly link them to an occupational group or specific job market. The Panel saw examples that demonstrate that basic education and specific skills can guarantee immediate employment and can offer a solid base that an employer can use to build increasing expertise through on-the-job experience and training.

There is a lack of focus in assisting Aboriginal offenders to prepare themselves for work when they return to their communities, either on reserves or in urban centres. The Congress of Aboriginal Peoples urged the Panel:

¹⁷ Submission to the CSC Review Panel, ARCAD, June 18, 2007, page 4.

*work programs must address the unique needs of Aboriginal offenders and must consider the types of employment that might be available to them in the communities to which they may be released.*¹⁸

Furthermore, the Canadian Human Rights Commission noted to the Panel that the employment and employability needs of women offenders are not being met either.

*In 1996, the Arbour Report recommended that priority be given to work programs that have a vocational training component. However, in 2003, the Auditor General in her report on the reintegration of women offenders found that there are few vocational programs available to women offenders and that women offenders have minimal access to meaningful work opportunities while incarcerated.*¹⁹

This was affirmed by the Canadian Association of Elizabeth Fry Societies:

*... there is insufficient meaningful employment and employability programming, and inadequate accommodation and support for women upon their release into the community.*²⁰

(iv) The Current Employment Model—Penitentiaries

Visits to CORCAN sites gave the Panel first-hand knowledge of the current limitations posed by the age of many penitentiary structures and equipment. In addition, **the availability of offenders for employment is often limited by penitentiary routines, competing requirements for program participation and related resourcing constraints.**

Providing meaningful employment in CSC penitentiaries requires a fine balance between providing jobs related to a penitentiary's operational requirements (working in the kitchen, providing general cleaning and maintenance services) and providing jobs

¹⁸ "Brief to the Panel Review of CSC Operational Priorities, Strategies and Plans," Congress of Aboriginal Peoples, May 2007, page 7.

¹⁹ "The Canadian Human Rights Commission's Submission to the Correctional Service of Canada Review Panel," June 11, 2007, page 10.

²⁰ "Submission of the Canadian Association of Elizabeth Fry Societies to the CSC Review Panel," June 10, 2007, page 13.

generated by CORCAN industries. CSC staff and parole officers have indicated that **to enhance both the quantity and quality of work opportunities available in penitentiaries, there is a need to move from employing large numbers of offenders in general maintenance jobs to providing more meaningful skills development to prepare the offender for employment upon release.**

CORCAN's capacity to respond to market opportunities for products and services varies significantly by region and penitentiary. The Panel notes that without investment in new capacity and increased markets, CORCAN faces a significant challenge in generating sufficient revenues to support investment strategies that would create employment opportunities for offenders and offset the costs of employability and employment training.

The Panel questions whether CORCAN can continue to balance revenues and expenditures to provide future employment and training requirements under its current operating model. The Panel questions whether CORCAN's prime objective is sufficiently focused on its core responsibility to produce fully trained and job-ready offenders ready for release to positions in the community.

(f) Managing Distinct Populations

In this section, we focus on the management of three distinct populations—Women Offenders, Aboriginal Offenders and Ethnocultural Offenders. We review and comment on the recommendations contained in 'Moving Forward with Women's Corrections' (Glube), and examine the distinct needs of Aboriginal and Ethnocultural offenders.

(i) Women Offenders

The Glube Report

The CSC Review Panel carefully considered the recommendations of the report, *Moving Forward with Women's Corrections*, submitted by the Expert Committee chaired by the former Chief Justice of Nova Scotia, Constance Glube, and CSC's response to these recommendations.

The detailed observations and recommendations of the Panel are found under the section entitled, "Roadmap for Change—Change in Operating Model."

(ii) Aboriginal Offenders

The Realities of Crime

In June 2006, the Canadian Centre for Justice Statistics²¹ presented a picture of the realities for Aboriginal people and their communities. Specifically, young people aged 15 to 34 experience violent victimization 2½ times more frequently than those aged 35 or older; on-reserve crime rates were about three times higher than crime rates elsewhere in Canada, and violent crime rates were significantly higher; rates of spousal violence were 3½ times higher than for non-Aboriginals; and Aboriginal people were 10 times more likely than non-Aboriginals to be accused of homicide related to alcohol and/or drug consumption. The report suggested that social disruption, particularly on reserve, will remain a significant challenge.

Socio-economic Realities

Census data suggest that Aboriginal people continue to migrate away from rural and non-reserve areas to large urban centres.

Social marginalization, particularly in large urban centres, will continue to be a barrier to addressing disparities between Aboriginal and non-Aboriginal Canadians, but even more so for Aboriginal offenders after release.

Most reserve communities will remain focused on socio-economic conditions such as clean water, health, housing, and education to support economic development.

Key Federal Initiatives

At the federal level, the public service is reorganizing to manage issues horizontally through new decision-making structures. The Aboriginal Horizontal Framework is providing an accountability mechanism to link the federal programs and services to Aboriginal Canadians across all 34 departments, and therefore improve integration and maximize the utilization of resources. An *Aboriginal Programs and Spending* Web site

²¹ Statistics Canada, *Victimization and Offending among Aboriginal Population in Canada*, *Juristat*, Catalogue No. 85-002-XIE, Volume 26, No. 3, June 2006.

provides more accessible information for Canadians to enhance the understanding of the diversity of initiatives across government.

In Budget 2006, the Government announced a commitment to work with First Nations communities to develop “workable solutions” to the issues they are facing. Commitments were made to move more quickly on self-government arrangements and agreements-in-principle for the transfer of federal programs and services. These changes have the potential to impact directly on how CSC manages existing agreements with Aboriginal communities (as defined in the CCRA) for the operation of healing lodges.

In May 2006, the Government announced a healing-based resolution framework to renew and rebuild relationships between Aboriginal and non-Aboriginal Canadians. The current focus of this initiative is completing the Indian Residential Schools Settlement Agreement to provide compensation to former students. The second component, a Truth and Reconciliation Commission, has a five-year mandate to focus on the effects and consequences of the residential schools experience, including individual and systemic harms, intergenerational consequences, and the impact on human dignity. CSC is working with Indian Residential Schools Resolution Canada, Health Canada and Service Canada to ensure that former students who are incarcerated are aware of their rights and have every opportunity to participate in the settlement agreement.

With respect to Northern Corrections, it should be noted that, particularly with respect to Inuit offenders that:

- the primary focus for population management remains on providing incarceration options for provincial/federal offenders;
- these offenders remain incarcerated for longer periods of time;
- the approach to community transition is currently focused in the South, with limited supervision and/or intervention activities in northern communities;
- the current and increasing focus is on sharing CSC program delivery methodologies;
- CSC is working with individual offenders to support their transition to the community, and with communities to build partnerships to strengthen capacity; and

- the development/introduction of government services and capacities is impacted by the availability of trained human resources and scarce financial resources.

The CSC Model

A Continuum of Care Model, adopted by CSC in 2003, provides the framework to integrate traditional Aboriginal approaches to healing within the CSC policy framework. The Strategic Plan for Aboriginal Corrections (2006-11) responds to the needs and aspirations of Aboriginal people within the CCRA. It is based on the following strategic priority: “to enhance capacities to provide effective interventions for First Nations, Métis and Inuit offenders.” National Aboriginal organizations have expressed their support for the plan. However, the Panel was told that the lack of resources has restricted its full implementation.

The Panel is of the view that the issues and challenges regarding the Inuit are well understood by CSC. Progress on a “Northern Strategy” is not for lack of analysis, but rather action.

(iii) Ethnocultural Populations

CSC Policy

Since 1994, CSC’s policy on ethnocultural offender programs has aimed to ensure that:

- 1. the needs and cultural interests of offenders belonging to ethnocultural minority groups are identified; and**
- 2. programs and services are developed and maintained to meet those needs.**

The policy stipulates, among other things, that racial harassment and discriminatory behaviour will not be tolerated. The placement of an offender will be determined on the basis of risk and the offender’s needs identified in the correctional plan, and not on the basis of race, language, religion or ethnic origin. The policy requires regions to report annually on their performance against ethnocultural offender program objectives and on activities carried out in compliance with the *Canadian Multiculturalism Act*.

Since the development and implementation of this ethnocultural policy, progress has been made in addressing the needs of visible minority offenders. Progress can be seen through the creation of regional ethnocultural advisory committees, the Multiculturalism Award,

and the recruitment of ethnically diverse staff that give institutions the internal cultural skills crucial to communication and intervention with ethnocultural minority offenders.

Ethnocultural Liaison Services

CSC has developed links with different community organizations to help address racism and racial discrimination. In addition, services by ethnoculturally trained workers are provided to help with cultural differences between offenders and case management personnel.

Religious Services

Religion, or spiritual beliefs and practices, is often the predominant indicator of one's culture and is therefore an important need to address. Religious customs vary widely and can be difficult to accommodate in penitentiary settings. To fulfil these requirements, CSC considers a number of factors, including traditional dress (e.g., turbans), religious diets (e.g., pork-free), sacred scriptures (e.g., the Koran), different days of worship, and access to a diversity of religious and/or spiritual leaders. CSC works closely with the Interfaith Committee on Chaplaincy, which provides crucial information on religions and multifaith calendars.

Linguistic Services

CSC policy guarantees the right to interpreter services for minority offenders who have difficulty speaking or understanding English or French, in quasi-judicial proceedings where the loss of liberty or privileges is at stake, e.g., disciplinary hearings and National Parole Board hearings.

(iv) Mental Health Population

Here, we review current mental health services in CSC, delivered in its penitentiaries and in the community.

The number of offenders admitted to CSC with identified mental health problems has been on the rise. In 2006, 12% of men offenders were identified at admission as having diagnosed mental health problems, an increase of 71% since 1997. For women, the 2006 rate was 21%, an increase of 61% since 1997. The Panel notes that mental health needs

are two to three times more common among men federal offenders than among the general male population in Canada.

Incarcerated federal offenders are excluded from the *Canada Health Act* and their treatment is not covered by Health Canada or provincial/territorial health systems. Under the CCRA, CSC is responsible for the mental health of offenders, and must provide or obtain mental health care services in its penitentiaries and in the community for offenders under supervision.

Current Mental Health Services in CSC

Admission

CSC has 10 reception centres that assess the criminal behaviour of newly admitted men offenders, and develop correctional plans to address these behaviours. Five facilities for women offenders conduct similar assessments.

Apart from a pilot project at the reception centre in the Pacific region, no systematic effort is currently being made to screen offenders for mental disorders at admission, or to follow up with in-depth mental health assessments aimed at identifying treatment needs. This is unacceptable.

This was further noted to the Panel by Correctional Investigator Howard Sapers:

The actual number of offenders with significant [mental health] issues is likely underestimated as CSC's mental health screening and assessment on admission is inadequate.²²

Comprehensive mental health screening and assessment is required to ensure that all offenders with mental health needs are identified before their correctional plans are developed and put into action. The lack of a comprehensive clinical assessment at admission delays diagnosis, effective treatment planning, and appropriate placement in a treatment program.

²² Presentation to the CSC Review Panel, Correctional Investigator Howard Sapers, June 27, 2007, page 16.

Although CSC has made some progress in moving to a more comprehensive process for mental health screening by streamlining existing measurement tools, the Panel believes that CSC's initiatives must be benchmarked with initiatives in place in other correctional jurisdictions. This benchmarking process should be the first step in an accelerated intake initiative to put in place a comprehensive and recognized assessment system, so that each offender would leave the intake assessment process with a correctional plan that maps out a treatment strategy that is fully integrated with programming activities addressing other behavioural and skills deficits.

Penitentiary Mental Health Care

Providing longer-term primary and intermediate mental health care institutions continues to be a challenge for CSC. Intermediate mental health care units are required for men offenders whose mental health problems are not severe enough to require in-patient care in a psychiatric facility, but who nevertheless need safe, structured environments that offer effective, supportive care.

Most penitentiaries have a limited number of psychologists on staff, and mental health care is usually limited to crisis intervention and suicide prevention. Psychologists spend a significant percentage of their time preparing risk assessments intended to assist the National Parole Board in making decisions regarding conditional release. The primary and intermediate mental health care provided to offenders is insufficient. Offenders with mental health problems usually do not receive appropriate treatment unless their needs reach crisis levels. Many are segregated for protection because of their inability to cope in regular penitentiary settings, and therefore they have limited access to programming or treatment.

As an initial response to this problem, interim funding was provided to CSC for 2007–09 to address some deficiencies. Areas to be addressed include the improvement of primary care in some CSC penitentiaries and staff training. Pilot testing initiatives such as telemedicine and telepsychiatry was identified as an alternative to the creation of intermediate care units, given the high capital costs associated with starting up these units, and the uncertainty of longer-term funding.

(g) Roadmap for Change—Change in Operating Model

The realities of the changing offender profile have created many future challenges for CSC, both inside and outside the walls. The Panel believes that a new core correctional model for operations both within the walls of a penitentiary and in the community must be implemented.

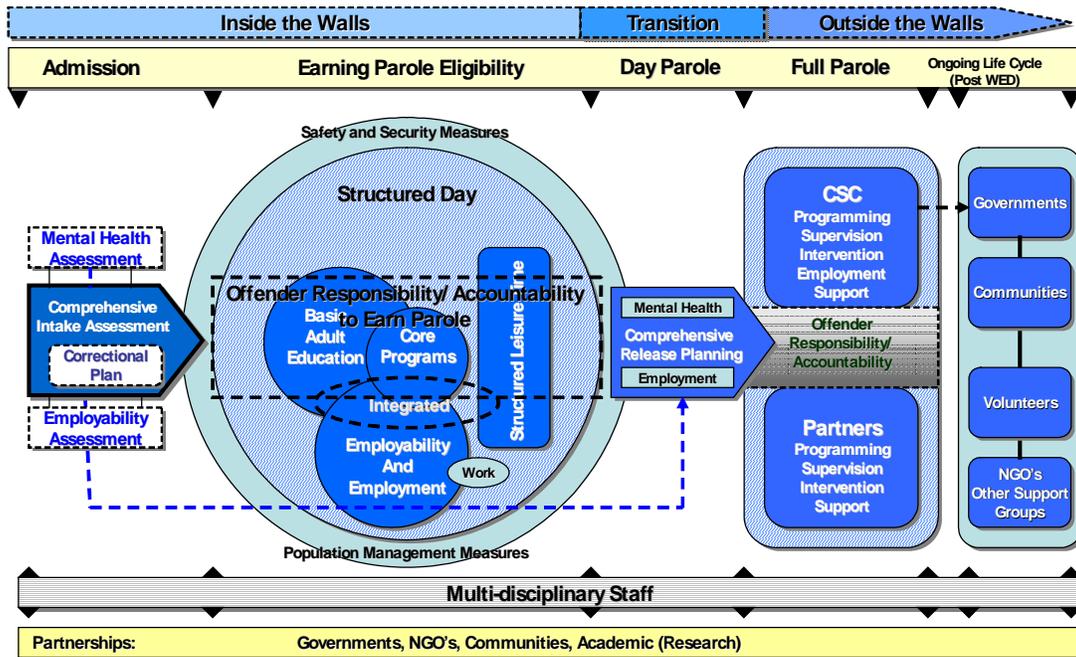
One important factor that should influence proposed changes in the operating model is that emphasis must be placed on the dual responsibilities and accountabilities of:

1. the offender to earn parole by actively following the correctional plan; and
2. CSC to provide the opportunities and tools required to support the offender in achieving the goals of the correctional plan.

Both of these must occur during incarceration and under conditional release in the community.

In this section, we identify a ‘roadmap for change’ to respond to the risks and needs of a changing offender population. Our observations are based on the overriding principle of ‘dual responsibilities and accountabilities’ of the offender to earn parole and of CSC to provide the opportunities and tools required to support the offender in achieving the goals set out in the correctional plan. We emphasize the need for integrated initiatives required to build comprehensive intake assessment information; integrated work, educational and correctional programs; penitentiary activities that support a structured approach to the offender’s day; a comprehensive ‘blueprint’ for the offender’s transition to the community; and, a fully-integrated supervision, intervention and support model in the community. We look at introducing a structured work day and enhancements to safety and security and population management. We raise issues related to the provision of services after the offender has completed the sentence and is no longer under CSC jurisdiction. The following chart identifies the elements of the new model.

Inside the Walls – Change in Operating Model



The Panel strongly supports the creation of a seamless process that manages the offender from admission through incarceration to conditional release, and ultimately until the offender is maintaining a crime-free lifestyle after the completion of the sentence (formally known as warrant expiry). To achieve this, the Panel recognizes the importance of an integrated approach that involves the:

- integration of comprehensive assessment information at admission, in order to develop the most effective correctional plan tailored to the unique risks and needs of individual offenders;
- integration of work, education and correctional programs, in order to ensure that the best combination of core behavioural, basic education and employability/employment interventions are providing the offender with the best portfolio of knowledge and skills to support his or her release to the community;
- integration of penitentiary activities to create a structured day that allows sufficient time for study, work and productive/pro-social leisure time;

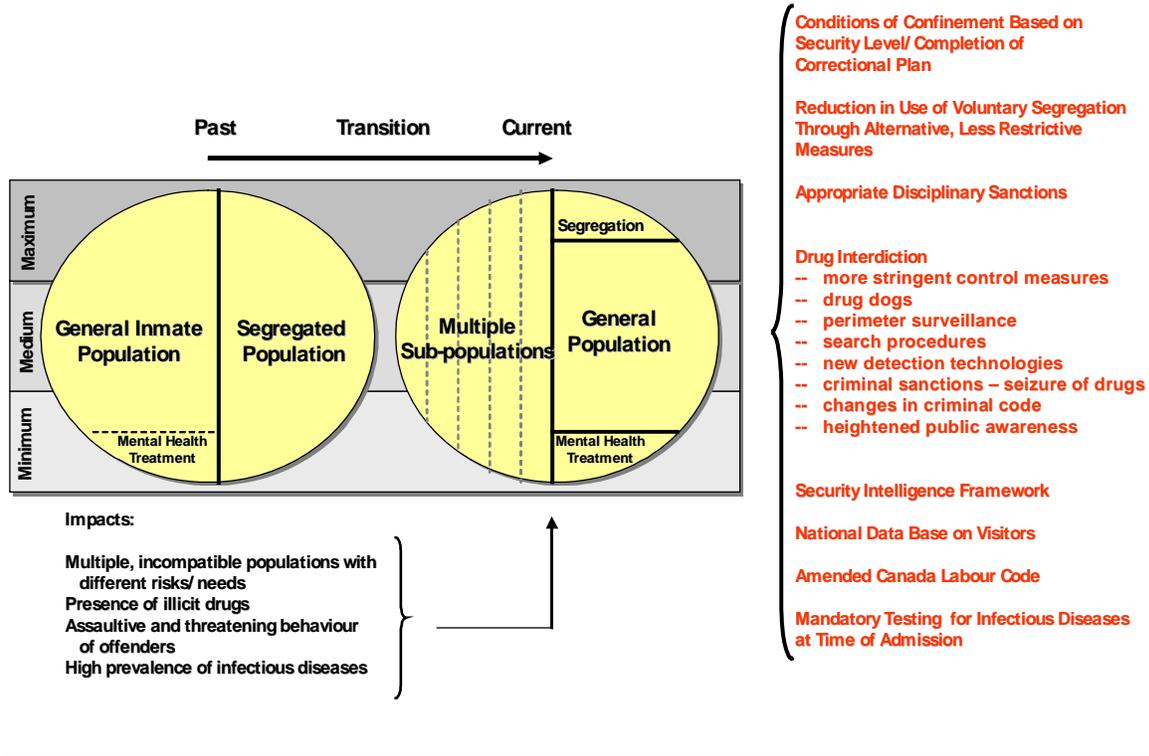
- integration of institutional and community correctional planning that leads to a comprehensive ‘blueprint’ for the offender’s transition to the community;
- integration of community programming, supervision, intervention, employment and support initiatives in the community, managed by CSC and/or its non-governmental partners; and
- integration of the work of community service providers as part of the ongoing support provided to offenders after they have reached their warrant expiry dates and are no longer under the jurisdiction of CSC.

These initiatives can only succeed in safe environments, with staff that are knowledgeable and well trained, and in partnership with a variety of interest groups working to achieve safe communities.

(i) Population Management

Here, we identify recommendations that respond to changes in the composition of the offender population and address related safety and security issues in CSC penitentiaries. The following chart shows changes that have occurred to institutional populations and the key factors that have contributed to that change. Eight issue areas, reviewed by the Panel, are identified.

Population Management/ Safety and Security



As the Panel indicated earlier in the report, life inside a penitentiary should promote a positive work ethic. Today, an offender who is actively engaged in his/her correctional plan is often treated no differently than an offender who is still engaged in criminal behaviour. The Panel feels that this is detrimental to promoting offender accountability. In this context, the Panel supports an approach that links conditions of confinement to an offender’s responsibilities and accountabilities. These conditions must be identified and managed under the rights and privileges stated in the Act. The following areas could be targeted: degree of association with other offenders; movement (escorted, unescorted, and supervised); private family visits (access to and degree of frequency); leisure activity; personal clothing and property; searching; pay levels and access to money; access to penitentiary and CORCAN employment; access to programs (school or cell-based).

Administrative segregation is a necessary tool for CSC to maintain a safe and secure environment, especially given the changing offender population. However, the Panel believes that there is an over-utilization of voluntary segregation as a longer-term management alternative.

The Panel has indicated that there should be appropriate and meaningful consequences for offender's behaviour that is not deemed to be acceptable under the rules of the penitentiary. The Inmate Discipline Process needs to provide fair, meaningful and timely sanctions for this type of behaviour.

RECOMMENDATIONS

3. *The Panel recommends that, at each security level (minimum, medium and maximum), a basic level of rights should be defined.*
4. *The Panel recommends that differing conditions of confinement should be dependent on an offender's engagement in his or her correctional plan and the offender's security level.*
5. *The Panel recommends that CSC should review the use of voluntary segregation to ensure that it is not being used by offenders to avoid participation in his or her correctional plan.*
6. *The Panel recommends that current disciplinary sanctions be reviewed and become more aligned with the severity of assaults and threatening behaviour, including the verbal abuse of correctional staff.*

(ii) Safety and Security

The Panel sees significant challenges ahead for CSC in maintaining and enhancing safety and security in its penitentiaries. The safety of staff is of paramount importance. CSC is challenged on three fronts in this area: drugs, gangs and the effective use of technology for security and information management purposes. The Panel has noted the inherent risks for frontline staff in working with offenders and the need to ensure that these risks are minimized through health and safety measures.

RECOMMENDATIONS

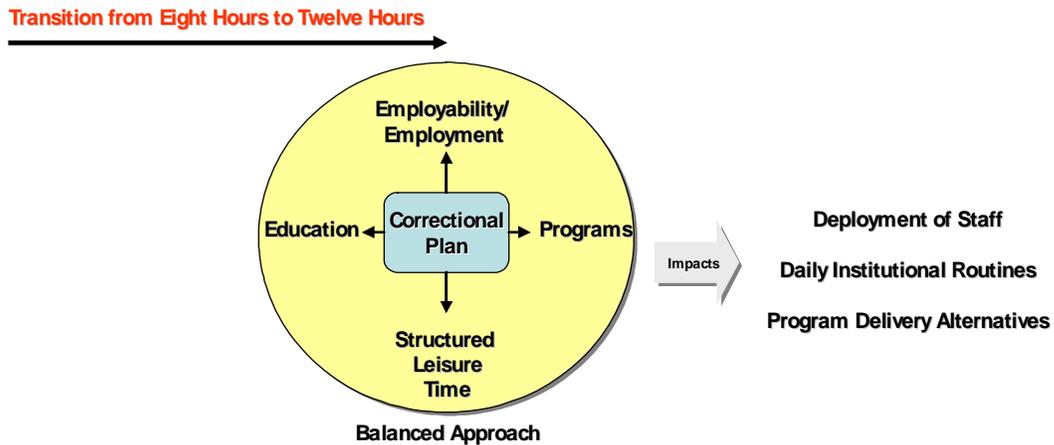
7. *The Panel recommends that CSC must become more rigorous in its approach to drug interdiction by enhancing its control and management of the introduction and use of illicit substances.*
8. *The Panel recommends that CSC's approach should:*
 - a) *entail the submission of an integrated request for resources supported by detailed performance targets, monitoring and an evaluation plan that requires a report on CSC's progress to the Minister, Public Safety, by no later than 2009-10;*
 - b) *incorporate a commitment to more stringent control measures (i.e., elimination of contact visits), supported by changes in legislation, if the results of the evaluation (see rec. (i)) does not support the expected progress;*
 - c) *increase the number of drug dog detection teams in each penitentiary to ensure that a drug dog is available for every shift;*
 - d) *involve the introduction of 'scheduled visits' so that more effective use of drug dogs can be made;*
 - e) *increase perimeter surveillance (vehicle patrol by Correctional Officers) and the re-introduction of tower surveillance, where appropriate, to counter the entry of drugs over perimeter fences;*
 - f) *include a more thorough, non-intrusive search procedure at penitentiary entry points for all vehicles, individuals and their personal belongings;*
 - g) *include the immediate limitation and/or elimination of the use of contact visits when there is reasonable proof that they pose a threat to the safety and security of the penitentiary;*
 - h) *include the purchase of new technologies, to detect the presence of drugs; (resources should be available for the ongoing maintenance and staff training);*

- i) enhance the policies and procedures related to the management of prescription drugs, urinalysis testing and the routine searches of offenders and their cells for illicit substances;*
 - j) work closely with local police forces and Crown Attorneys to develop a more proactive approach for criminal sanctions related to the seizure of drugs;*
 - k) include an amendment to the Controlled Drugs and Substances Act to create an aggregating factor (or a separate offence) for the introduction or trafficking within a penitentiary in Canada of any controlled or designated substance with a mandatory minimum penalty consecutively to any existing sentence(s);*
 - l) include the authority for CSC to prohibit individuals who are found guilty of such charges (highlighted in XI) from entering a federal penitentiary for a period of not less than 10 years; and*
 - m) include the development and implementation of a heightened public awareness campaign to communicate the repercussions of smuggling drugs into penitentiaries.*
- 9. The Panel recommends that CSC, as a priority, continue to strengthen its security intelligence framework for the collection, analysis and dissemination of information within federal corrections, police services and other criminal justice partners.*
- 10. The Panel recommends that a national database of all visitors should be created.*
- 11. The Panel recommends that the Canada Labour Code be amended to require an offender to provide a blood sample for testing after an incident that could have placed the staff member's health at risk because of the transmission of bodily fluid.*
- 12. The Panel recommends that the current voluntary testing of offenders at entry into the system for infectious diseases be made mandatory.*

(iii) The Structured Work Day

In this section, we note that the lack of a well-structured work day is creating an environment that is causing significant competition for scarce time and resources for programming, institutional employment, mental health interventions and leisure time. We support the benefits of increasing the number of available productive hours and note that this change has resource implications with respect to operating systems and related resource allocations. The following chart summarizes initiatives competing for an offender’s time and the three areas that will be affected by the introduction of a longer work day.

Structured Work Day



The Panel is of the opinion that in order to prepare an offender to return to society as a productive, law-abiding citizen, and in order to ensure that a good work ethic is learned while in incarcerated, a complete work day is required as the standard daily regiment while incarcerated. This will also provide CSC with sufficient time in the day in order to provide the necessary rehabilitation programs.

The Panel notes a recurring observation from its visits to CSC penitentiaries—the lack of a well-structured day was creating an environment that was causing significant competition for scarce time and resources for programming, penitentiary employment, mental health treatment and leisure time. The Panel also noted that recreational time was not directly linked to the offender’s correctional plan or needs. It was not clear to the Panel that an offender activity in general weight training had anything to do with their correctional plan or personal rehabilitative needs.

The limitations of a typical work day are described by the Citizens’ Advisory Committee at Millhaven Institution:

*The type of work in the maximum [-security] unit is somewhat limited and the number of hours of work per day in no way resembles that of a work day in the community. In the education and programs area, offenders address their need to upgrade their education and also participate in correctional programs designed to address their criminogenic needs. Most days, the approximate time spent in classroom settings would be a total of four hours per day due to the time required to move the various populations through the central area. Likewise, if the offender has a cleaning/maintenance job, he would rarely work more than three hours per day.*²³

An important and complementary issue that must be considered is the offender’s use of productive time and the reduction in offender idleness. The Panel has reviewed CSC’s approach to the management of productive hours in its penitentiaries. More specifically, the Panel reviewed the recommendations of an advisory committee that CSC established to make recommendations on the way that offenders in Canadian federal penitentiaries use their time outside the normal working day.²⁴ The Panel has recommended the creation of a structured day, recognizing the benefits of maximizing the integration and use of offenders’ non-discretionary (employment and programs) and discretionary (leisure activities) time. CSC should revisit the recommendations of the advisory committee as part of an overall review of the role of work and the effective use of a structured work day.

²³ “Response from Millhaven CAC to the areas the Review Panel is to address,” June 4, 2007, page 1.

²⁴ ‘Maximizing use of Offenders’ Time’, Correctional Service of Canada, December 6, 2002

While the Panel understands the impact of security requirements on institutional operations, the movement of offenders and the inadequate physical infrastructure, we nevertheless believe that there is flexibility to more effectively manage competing demands on an offender's time, and that it is critical to lengthen the active day in a penitentiary to 12 hours, but also make those 12 hours meaningful. Therefore, CSC should examine the penitentiary day in the context of the priorities in the offender's correctional plan, taking into consideration such factors as the impact on the deployment of staff to accommodate such measures, daily penitentiary routines, program delivery alternatives, etc.

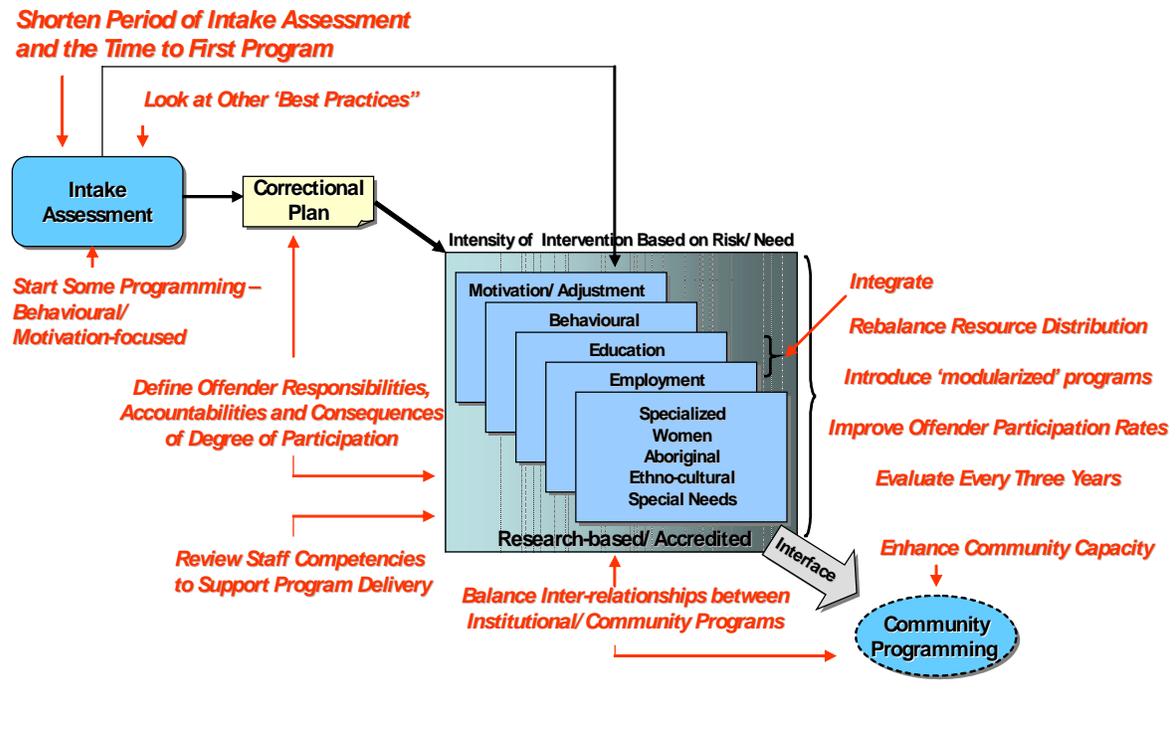
RECOMMENDATIONS

13. *The Panel recommends that, in order to allow sufficient time for the integration of work, education and correctional programming, and the introduction of structured leisure time, the length of the regular or active day should be lengthened from eight hours to twelve hours, allowing offenders to be actively engaged in meaningful activities.*
14. *The Panel recommends that recreation be a meaningful use of the offender's time with a direct link to the offender's correctional plan.*
15. *The Panel recommends that CSC pay more attention to the attainment of higher educational levels and development of work skills and training to provide the offender with increased opportunities for employment in the community.*

(iv) Assessment and Correctional Interventions

Here, we look at the relationship among intake assessment, the development of a comprehensive correctional plan and the development and delivery of programs in CSC penitentiaries and the community. Our recommendations focus on strengthening the integration of these initiatives to support the continuous involvement of the offender in the correctional plan in order to earn parole. The following chart summarizes the Panel's recommendations.

Intake Assessment and Correctional Interventions



The Panel believes that a quick yet thorough intake assessment is critical to the new correctional model it is proposing. The chart above outlines the panel’s vision for both intake assessment and correctional programming in its new vision.

The Panel fully supports the development of a more comprehensive intake assessment process that brings together behavioural/criminogenic, mental health and employment information into a well-developed correctional plan tailored to the unique risks and needs of the individual offender, and within the context of the length of the offender’s sentence. The key to positive results is the commitment of the offender to the correctional plan and the response by CSC to properly manage and support that commitment.

RECOMMENDATIONS

16. *In order to ensure offenders participate and successfully complete programs recommended in their correctional plans, the Panel recommends that CSC:*

- a) shorten the period of intake assessment and consider opportunities to start correctional programming (behavioural and motivation-focused) during intake assessment, particularly for offenders with short sentences of four years or less;***
- b) shorten the time before offenders start their first program. CSC should look to other correctional jurisdictions who have managed to shorten yet improve intake assessments;***
- c) change its program methodology to allow for the introduction of 'program modules' that facilitate offenders starting a program;***
- d) introduce a series of meaningful incentives and consequences to encourage offenders to participate in their correctional plans;***
- e) undertake a review of programs delivered in penitentiaries and the community in order to determine the right balance between the two;***
- f) consider community capacity to deliver programs, including:***
 - (i) the delivery of maintenance programs by contracted and trained program deliverers in communities where CSC cannot provide direct interventions,***
 - (ii) the use of trained volunteers to provide support to particular offender groups, offenders who require intensive mental health interventions in a halfway house setting;***
- g) undertake a review of the competencies (knowledge and skills) required by its staff to better manage the needs of the changing offender profile with respect to program delivery; and***
- h) consider introducing a multidisciplinary team approach to reinforce programming results in both the penitentiaries and the community.***

17. *The Panel recommends that, every three years, all programs be evaluated to ensure they meet recognized standards.*

(v) Education

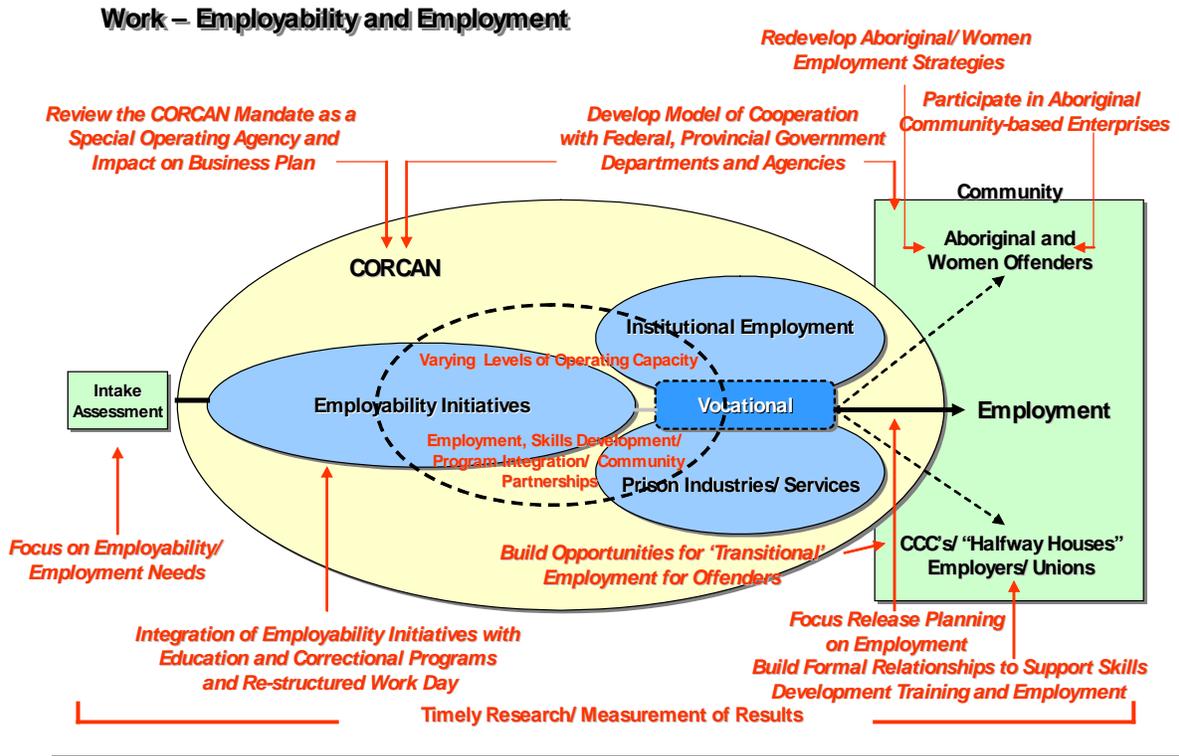
The Panel has indicated its belief that education and employment are key cornerstones of the successful reintegration of offenders to the community. The ‘stove-piped’ environment currently associated with the delivery of these programs must be changed. Offenders must be provided with the best portfolio of knowledge and skills that prepare them to find and keep jobs after release into the community. At the same time, offenders must be motivated to participate in these programs by introducing an increased sense of purpose—the ability to be employed.

RECOMMENDATIONS

18. *The Panel recommends that CSC review the reasons for the low offender participation rates in its adult basic education programs and identify new methodologies to motivate and support offenders in attaining education certificates by the end of their conditional release periods.*
19. *The Panel also recommends that these educational programs be reviewed and integrated with initiatives that are being undertaken to provide employability and employment skills for offenders.*

(vi) Work—Employability and Employment

In this section, we focus on ensuring employment becomes an integral part of the correctional plan, is linked to other programs (particularly education and skills development), is an integral part of pre-release planning and is linked to employer-generated job opportunities in the community. The following chart summarizes the recommendations of the Panel.



The Employment Continuum—Being Job Ready

The Panel has reviewed the CORCAN Employment Strategy and recognizes that it provides a basic framework within which future action can be developed and implemented.

The Panel sees the refocusing of CSC to an employability–employment model that prepares offenders to be ‘skills-ready’ for the labour market as a key priority in a new integrated approach to work. Work-oriented programs must play a key role in CSC’s rehabilitative approach. CSC must move ahead to reorient its program base to include pre-apprenticeship and apprenticeship accreditation programs that are developed and sanctioned by recognized outside organizations.

Such an approach should ensure:

- employability becomes an integral part of the offender’s correctional plan at intake assessment;

- the implementation of the plan includes penitentiary program integration (linking core educational, vocational and/or apprenticeship and employability programs, and work assignments);
- pre-release planning is linked to opportunities for community employment; and
- community employment is directly linked to employer-generated job opportunities.

The Panel had discussions with CORCAN staff that focused on their roles and responsibilities, and the Panel also talked to parole officers about the CORCAN staff involvement in case management process. The Panel has concluded that CORCAN supervisors, working at the front line, have an important personal relationship with offenders. As such, they are in a position to have a significant positive impact on them. They are seen as providing offenders with a sense of purpose, and are a key contributor to increasing offender motivation for employment and in promoting self awareness among offenders in being able to handle a job effectively. Any integrated approach must maintain the CORCAN staff's personal and professional leadership and relationship with offenders, and should actively pursue the input of CORCAN staff in the case management process and community release planning.

The needs of other groups of offenders should also be considered. For example, CSC staff indicated that offenders with short-term sentences and younger offenders need significantly more support to make them employment-oriented and job-ready. They suggested staged approaches (modular programs) that would start in the institution and follow the offender into the community. At the same time, staff expressed the need to consider the availability of institutional employment for long-term offenders.

The Panel noted gaps in providing offenders with other important tools needed for a smooth entry into the labour market: birth certificates, social insurance numbers, and other basic identification required by employers. These tools are as important and necessary as certificates in particular job skills.

This concern was echoed by Elizabeth White, Executive Director, St. Leonard's Society of Canada:

Our experience indicates that there is a continuing need for many federally sentenced persons to acquire both specific and generic job skills prior to seeking gainful employment in the public sector. For example, how to

*prepare a résumé, the importance of timeliness, appropriate dress and demeanour, etc.*²⁵

The Employment Continuum—Finding and Moving to a Job

It is critically important that an offender find and keep a job in order to be economically self-sustaining in the community. Employment is a positive indicator that the offender is moving to a crime-free lifestyle. The period immediately following release from a penitentiary is particularly challenging, as offenders need to find housing, secure health care and reconnect with families. CSC should re-evaluate the support structures in the community, including CORCAN community employment offices and community residential facilities, to ensure they can meet the challenges posed by an offender's reorientation of resources toward employment.

New roles, new routines and new social supports are the essence of a successful transition to the community.²⁶

This will require changing the employment continuum by taking a multi-component approach.

The institutional and community case management processes should be more closely linked to develop a comprehensive community release plan that considers employment as a key priority. There are benefits associated with extending the time available for this process to facilitate improved communications between institution and community parole officers and ensure the offender's job-readiness status is effectively matched to community support initiatives and employment prior to release.

As part of the community supervision and support process, CSC should ensure that opportunities for transitional employment for offenders have been identified and are in place. CSC will have to strengthen its labour market ties by ensuring employers are engaged prior to release and ready to accept pre-screened offenders for immediate employment. Particular attention will have to be given to the availability of employment

²⁵ "SLSC Submission to the CSC Review Panel," May 28, 2007, page 7.

²⁶ J. Laub and R. Sampson, *Prisoner Re-entry Perspective*, Washington, D.C.: Bureau of Justice Statistics, 2001; S. Maruna, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, Washington, D.C.: American Psychological Association, 2001; R. Sampson and J. H. Laub, *Crime in the Making: Pathways and Turning Points Through Life*, Cambridge: Harvard University Press, 1993.

as a key determinant of location of release. It is important to recognize the disparity between the home residences of returning offenders and the location and availability of skill-appropriate jobs, often defined as a 'spatial mismatch.'²⁷ The consideration of this disparity is fundamental in building both a short-term and longer-term community transition plan for the offender and requires attention in identifying job opportunities for offenders in general.

Finally, there is a requirement to work in conjunction with the National Parole Board to determine how employment will be factored into decisions for and conditions of release.

Partnerships for Employment—Employer Readiness

The Panel has seen exceptional efforts by CSC staff to develop partnerships with local community employers. These individual efforts provide a strong base on which broader partnerships with employers can be developed. CSC should strengthen its partnerships with various employers, associations, unions, universities and colleges, and private sector firms, to provide transitional support for offenders on conditional release leading to full-time employment.

The Panel believes that these strategic partnerships can start by identifying opportunities related to the building and construction sector. The Construction Sector Council, a national organization financed by both government and industry, is committed to the development of a highly skilled work force that will support the current and future needs of the construction industry in Canada. In its report, *Construction Looking Forward: National Summary of Labour Requirements for 2007 to 2015*, the council predicts that the demand for skilled workers in the construction trades will continue to exceed supply. Demographic factors (e.g., a retiring work force) will further contribute to this deficit in the work force.

At Saskatchewan Penitentiary CORCAN is involved in building modular houses in cooperation with the Federation of Saskatchewan Indians on projects such as South Beach Homes for First Nations, and CORCAN is also participating in construction projects in New Brunswick with Habitat for Humanity. These CORCAN initiatives

²⁷ J. Brennan and E. Hill, *Where Are The Jobs? Cities, Suburbs and the Competition for Employment*, Washington, D.C.: The Brookings Institution, 1999.

should be expanded. These examples indicate the contribution that CSC can make to community-based social housing initiatives, using federal–provincial funding to expand socio-economic benefits for Canadian communities. Challenges associated with spatial mismatch and the buy-in by unions and trade associations will have to be addressed.

Nevertheless, there is a real opportunity to work with the building trade unions to create a model of cooperation that can be used to strengthen strategic partnerships and collaborations with employers, trade associations and unions, private sector facilitators, provincial colleges and school boards, which can help improve the employability and employment skills and labour market opportunities for federal offenders.

The Panel was presented with the issues associated with entering into a joint venture with the building trades unions to establish trades apprenticeship training programs that would link apprenticeship training in CSC penitentiaries with job placement at the time of conditional release.²⁸ Using the apprenticeship programs model established with The Provincial Building and Construction Trades Council of Ontario (PBCTC), a framework for the implementation of a pilot project has been developed. The proposal provides a framework to merge the interests of the PBCTC, employers in the building and construction industry and CSC to prepare offenders with job-ready skills in the construction sector after release into the community. The Panel suggests that CSC use this framework to develop a generic approach that could be used nationally and with a variety of trades sectors to build integrated transition models or employment continuums that would prepare an offender for a specific job at release.

These discussions should be framed in the context of concerns that employers have with respect to the hiring of offenders. A study²⁹ submitted to CSC in March 2006 provided qualitative input from focus group discussions on general hiring practices and the experiences of some business executives from small and medium-sized enterprises. Employers that are hiring want to find employees with professional, job-related skills) and the right personal characteristics—dependability, teamwork, honesty, responsibility, etc. In addition, employers seek some type of job experience. Participants indicated they

²⁸ “Mutual Interests Pilot Project Proposal—Construction Trades Apprenticeship Training Leading to Offender Employment,” R. K. Mould, unpublished report, 2007.

²⁹ Phoenix Strategic Perspectives Inc., *Research with Business Executives Regarding the Hiring of Ex-Inmates*, unpublished report, March 2006, Ottawa, Ontario.

would need to be provided with the offender's profile describing how issues related to their past criminal behaviour had been identified and addressed. To allay these concerns, participants identified the need for comprehensive information on the offender from CSC (i.e., the crime, the individual's penitentiary record, assessments on the individual and recommendations from CSC officials). They also indicated the need for information on the types of training and skills development provided, how the training relates to industry needs (certification process) and an assessment of the offender's employment performance.

Aboriginal Community Capacity—Job Creation from New Economic Enterprises

The Panel places significant importance on linking employment strategies for federal Aboriginal offenders with the initiatives of the federal government to support the growth of economic enterprises for Aboriginal communities as it is critical to ensure that job ready Aboriginal offenders have employment opportunities available for them in their home communities.

The Report of the Standing Senate Committee on Aboriginal Peoples, *Sharing Canada's Prosperity—A Hand Up, Not a Handout*,³⁰ provides an important context to frame discussions between CSC and Aboriginal communities and employers. Such discussions should focus on providing employment to federal Aboriginal offenders as part of renewed economic and business development initiatives. Additional attention should be given to developing a context for discussions about creating employment opportunities for the Métis and Inuit people.

Successful Aboriginal employment initiatives can only be realized if CSC works in close cooperation with federal government departments and is an integral part of the government's initiatives to identify Aboriginal solutions by Aboriginal communities.

The Panel has seen several examples where CSC is an active participant in specific government actions—working with Human Resources and Social Development Canada (HRSDC) and Aboriginal communities to support employment in communities through the Aboriginal Skills Development and Employment Partnership Program, and working

³⁰ Standing Senate Committee on Aboriginal Peoples, *Sharing Canada's Prosperity—A Hand Up, Not a Handout*, March 2007.

with the Department of Indian and Northern Affairs and Aboriginal communities to create employment by participating in projects that leverage economic initiatives.

The Panel suggests that CSC work closely with the National Aboriginal Board in pursuing economic measures that help the reintegration of Aboriginal offenders to their communities by creating employment opportunities.

Discussions with the Aboriginal Human Resource Council³¹ explored options for the development of a framework for consultation. Suggestions were identified to use focus groups (Aboriginal human resource practitioners, including Aboriginal Human Resource Development Agreement Holders, educators and community representatives, and employers and companies) to look at existing best practices at the federal and provincial level as well as successful projects taken on by Aboriginal community groups. Such an approach should be more fully explored as the basis to redevelop an Aboriginal Employment Strategy, closely linked to government initiatives that support Aboriginal employment and Aboriginal economic enterprise development. The objective is to understand how CSC could participate in business investment initiatives that focus on innovative solutions to education (essential skills development and secondary school education attainment), and in recruitment strategies that help Aboriginal offenders successfully enter the labour force.

In conjunction with these focus group discussions, the Panel suggests consulting with representatives of HRDSC to explore how to address the unique needs of Aboriginal offenders.

Women Offenders—Meeting Employment Needs

It is important to note that, at intake assessment, more women than men offenders lacked an employment history; had been unemployed more than 50% of the time prior to their

³¹ A private–public, not-for-profit partnership that connects Aboriginal organizations and employers to partnerships and solutions that accelerate the recruitment, retention and the advancement of Aboriginal people in the Canadian labour market.

incarceration; were unemployed at the time of their arrest, and were dissatisfied with their trade or profession.³²

The Panel reviewed the National Employment Strategy for Women Offenders (October 2006) and its approach to addressing the unique employment needs of women offenders.

In this context, CSC should consider all recommendations on work with respect to:

- 1. assessment and correctional plan development requirements at intake,**
- 2. evaluation of the challenges to employment related to the unique operating environments in women's penitentiaries, and**
- 3. the gaps in the provision of support services and employment opportunities in the community.**

In light of the fact that 50% of employable women on conditional release in the community are not working, particular attention must be paid to and integrate transitional employment requirements with CSC's enhanced community supervision and intervention infrastructure for women.

Any CSC initiatives should take into account the observations and recommendations of the report of the Expert Committee Review, *Correctional Service of Canada's Ten-Year Status Report on Women's Corrections—Moving Forward With Women's Corrections, 1996-2006* (Glube, Program Strategy for Women Offenders).³³

Research—Fostering an Understanding of Performance

The Panel notes the lack of current CSC research on what works and doesn't work with respect to the contribution of work to positive reintegration outcomes. However, the available research did confirm what other correctional jurisdictions have found: that offenders need knowledge and skills that make an offender job ready in the eyes of employers. Furthermore, the Panel notes a lack of current CSC evaluation and

³² L. L. Motiuk and K. Blanchette, *Assessing Female Offenders: What Works*, In Ed. M. McMahon, *Assessment to assistance: Programs for women in community corrections* (pp. 235-266). Arlington, VA: American Correctional Association. 2000.

³³ http://www.csc-scc.gc.ca/text/prgrm/fsw/wos29/wos29_e.shtml

performance information that it could turn to for assistance in determining the success of current employment interventions on reoffending.

Consequently, the Panel suggests that CSC review and rebuild its research and evaluation frameworks to demonstrate the effectiveness of its employment initiatives in meeting labour market requirements and targeted employer requirements, and its contribution to reducing reoffending. This should occur in the context of the challenges posed by the changing offender population profile during incarceration and on conditional release in the community. This research should also build on the research completed in other correctional jurisdictions.

RECOMMENDATIONS

20. *The Panel recommends that the financial and correctional benefits of CORCAN operating as a Special Operating Agency should be evaluated in order to ensure that it properly reflects CORCAN's role in the new correctional model.*
21. *The Panel recommends that the results of the review be used to reconstruct CORCAN's Business Plan so that it better responds to the job and training needs of the changing offender population over the next five years.*
22. *The Panel recommends that the revised CORCAN Business Plan should also include approaches to working with federal/provincial government departments and agencies, particularly with Human Resources and Social Development Canada (HRSDC), Service Canada as well as private sector training/counselling facilitators.*
23. *The Panel recommends CORCAN must pay particular attention to:*
 - a) *integrating employability/employment initiatives and correctional and educational programs within a re-structured work day, and*
 - b) *focusing on preparing offenders to be skills-ready (vocational/apprenticeship) for national and local labour market opportunities.*

24. The Panel also recommends that the CORCAN support the job and skill needs of offenders on conditional release in the community and that CSC/CORCAN:

- a) identify approaches to strengthen release planning, by ‘bridging’ the offender to an available job in the community by ensuring the offender’s job-readiness status is effectively matched to community support initiatives;**
- b) ensure that opportunities for transitional employment for offenders have been identified and linked with the responsibilities of community correctional centres and halfway houses, and**
- c) ensure that CSC has developed relationships with employers, to provide a seamless transition of pre-screened offenders from the penitentiary to immediate employment.**

25. The Panel recommends that CSC/CORCAN focus on building formal relationships with employers to expand the employment opportunities for offenders. The Panel recommends the following specific priorities in this area:

- a) CSC redevelop its Aboriginal Employment Strategy focusing on building economic opportunities for Aboriginal community-based enterprises that support concrete employment opportunities for Aboriginal people;**
- b) CSC and CORCAN work with a Provincial Building and Construction Trades Council or another similar entity to create a pilot project that creates a pre-apprenticeship and/or apprenticeship program for offenders that leads directly to employment on release;**
- c) the Panel recommends that CSC and CORCAN work with the Saskatchewan Construction Association in establishing apprenticeship opportunities for young Aboriginals and opportunities that could be provided specifically to Aboriginal offender;**
- d) after evaluation of the above noted pilot and building on best practices, forge other such partnerships in other regions; and**
- e) CSC re-positions the recommendations identified above with respect to reassessing the National Employment Strategy for Women Offenders.**

(vii) Women Offenders

The Glube Report

The CSC Review Panel carefully considered the recommendations of the report, *Moving Forward with Women's Corrections*, submitted by the Expert Committee chaired by the former Chief Justice of Nova Scotia, Constance Glube, and CSC's response to these recommendations.

The Glube report provided a 10-year status report on federal women's corrections in Canada. The report is generally positive and states that "remarkable progress" was achieved in women's corrections between 1996 and 2006). The Panel agrees with this statement and generally endorses the Glube report, and will comment on the three areas where the Glube report suggested that further advances are needed: governance, mental health and strengthening community transition.

Governance

The Expert Committee recommended that CSC revisit the women's corrections governance structure so that the wardens of the women offender penitentiaries would report directly to the Deputy Commissioner of Women (DCW).

The Panel believes the functional role of DCW is currently satisfactory. The Panel agrees with CSC's response to the Expert Committee's recommendation that a "strong functional and strong leadership role by the [DCW], rather than a line authority model, is the most effective governance structure at this time. Balancing corporate attention and visibility with efficient use of resources is an important element in managing the overall model for women's corrections." CSC also promised to "enhance and strengthen the relationship of the DCW and her staff with all levels of the organization in order to ensure a clear and sharpened women-centered focus in support of the women's correctional model." The Panel supports this direction.

Mental Health Needs of Women Offenders

The Expert Committee commended CSC on the progress it had achieved in prioritizing and addressing the mental health needs of women offenders through its Mental Health Strategy for Women Offenders (1997; revised in 2002), which addresses varied mental health needs to maximize well-being and promote effective reintegration. However, the

Expert Committee recognized that CSC faces several impediments in implementing its strategy due to financial and human resources issues.

The Glube report also found that the Structured Living Environment (SLE) is “perhaps the most visible accomplishment among the host of related program initiatives, including Dialectical Behavioural Therapy (DBT) and Psychosocial Rehabilitation, that CSC has put in place to enable a more uniform approach to the problem [of mental health] within its women’s facilities.” The SLE provides a consistent approach in addressing many mental health issues with its dedicated staffing model and targeted mental health interventions (DBT and Psychosocial Rehabilitation). Women offenders living in general populations or who have previously resided in the SLE also have the opportunity to benefit from these interventions. The Panel was impressed by the SLE operating at Nova Institution for Women.

Notwithstanding the SLE’s positive impact, addressing the needs of women offenders with more significant mental health concerns remains a challenge. The Expert Committee acknowledged this and noted that although CSC is committed to meeting these challenges, significant resources are required to fully address these critical issues. The Panel witnessed challenges providing many types of mental health services, with both men and women offenders, and strongly supports the need for increased resources for mental health services to women offenders.

Human Resources

The Glube report recommended “CSC put a human resource strategy in place to support its women’s corrections work force needs.” This work has begun and CSC’s recently promulgated *National Human Resource Strategy* will provide the foundation for the development of a specific human resource strategy for the women’s portfolio.

Strengthening Community Transition Services for Women

Despite some progress on women’s community corrections, the Glube report found that CSC “is primarily focused on women’s custody with less emphasis on the kind of community development initiatives that would directly support safe reintegration for women.” The report also noted that significant challenges persist in providing a continuum of transition services for women offenders. The Expert Committee

recommended that “CSC make women’s community corrections a higher priority in order to increase opportunities for successful reintegration into the community.”

CSC is enhancing its Community Strategy for Women Offenders, which was supported by the Expert Committee.

Effective community corrections for women offenders requires an integrated approach involving advocacy groups, police, addictions and mental health experts, Aboriginal Elders, and public and non-governmental organizations. The Expert Committee suggested that “CSC needs to focus more effort on building its community capacity to improve release opportunities for women and expand support for the women under conditional release.” The report also noted that “more focused attention is needed to expand the network of Private Home Placements and alternative accommodations for women, particularly those in remote areas.”

The Panel agrees with the Expert Committee’s recommendation and believes there is a critical need for increased community infrastructure to facilitate community transition for women offenders.

Isabel McNeill House

Isabel McNeill House (IMH), a 10-bed facility in Kingston, Ontario, is CSC’s only stand-alone minimum-security women’s facility. Opened in 1990, it provided another option for minimum-security accommodation for women offenders when the Prison for Women was operational. However, the need for IMH decreased significantly when the Prison for Women closed in 2000 and was replaced by women’s penitentiaries housing multiple levels of security. On February 19, 2007, CSC announced that it would be closing IMH since it had “reached its limitation as a cost-effective and viable facility and it would not be responsible to spend the significant amount of funds required to keep the facility operational when other options exist.”³⁴ This decision is currently being challenged in the courts on behalf of the women offenders who reside there, and therefore, it would be inappropriate for the Panel to comment at this time.

³⁴ CSC Ontario Regional News Release, “Closure of Isabel McNeill House,” February 19, 2007.

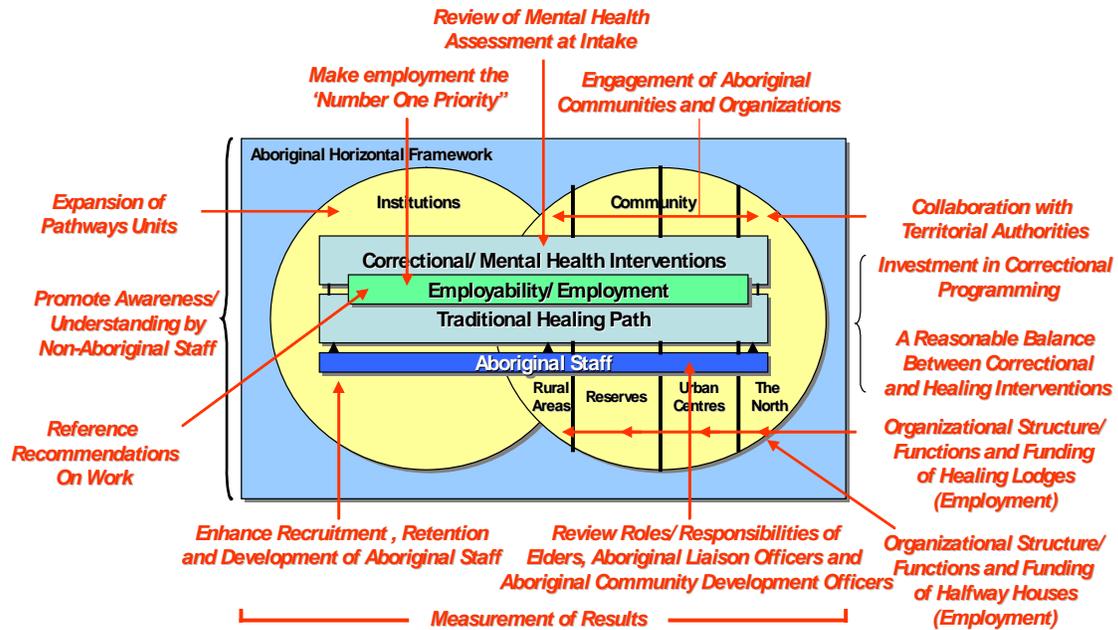
RECOMMENDATIONS

26. *The Panel, overall, endorses the recommendations contained in the report “Moving Forward with Women’s Corrections.”*
27. *The Panel recommends that a strong functional role for the Senior Deputy Commissioner, Women be maintained.*
28. *The Panel endorses the approach used for women with mental health issues and was impressed by the Structured Living Environment (SLE) and recommends that the model should be considered for adaptation to men’s corrections.*
29. *The Panel recognizes the importance of an independent review of the status of Women’s Corrections in Canada and recommends that the recommendations of the Glube Report should form the basis of a formal review in five years.*

(viii) Aboriginal Offenders

In this section, we focus our recommendations on the need for CSC to be responsive to the disparities between Aboriginal and non-Aboriginal offenders through appropriate, Aboriginal-specific measures. The following chart identifies the recommendations made by the Panel.

Aboriginal Offenders - First Nations, Métis, Inuit



Investing in Aboriginal Corrections

CSC is at a critical juncture in developing the infrastructure (both physical and interventions and services) necessary to move forward with its strategic plan. CSC must continue to be responsive to disparities between Aboriginal and non-Aboriginal Canadians in the context of initiatives to be undertaken by governments and Aboriginal organizations. Creating the conditions for success requires a more seamless approach with all stakeholders, while respecting the aspirations of Aboriginal people, the jurisdictional mandates of governments, and the needs of Aboriginal offenders and their communities.

There is an urgent need for broader implementation of Aboriginal-specific interventions, and significant investment is needed over the next five years. It should be noted that not all Aboriginal offenders will choose to follow a traditional healing path—some will choose to participate in mainstream correctional interventions. Others, particularly those associated with gangs, may resist any type of involvement, requiring concerted efforts to motivate them to change. CSC must ensure that the implementation of the Continuum of

Care model takes these options into consideration, focuses on addressing the needs of Aboriginal offenders and their communities, and is fully integrated with CSC's priorities.

As expressed to the Panel by Donna Duvall of the Canadian Human Rights Commission:

It is positive that the Service in its 2007–2008 RPP [Report on Plans and Priorities] recognized the unique background and needs of First Nations on reserve, First Nations off reserve, Métis and Inuit offenders. However, this needs to be translated into concrete action, one of which is ensuring that all Aboriginal offenders have access to cultural practices and ceremonies, such as the use of sweat lodges and smudging.³⁵

There is increasingly less capacity to meet the needs of Aboriginal offenders because of the growing numbers of Aboriginal offenders. A critical issue for CSC is maintaining these initiatives through appropriate measures and adequate funding.

Horizontal Collaboration

Greater horizontal collaboration and coordination is essential for CSC to effectively assess the impact of federal initiatives on Aboriginal corrections and to integrate correctional considerations into federal policy making. The federal Aboriginal Horizontal Framework identified 34 federal departments and agencies involved in program and service delivery in areas such as Aboriginal governance, health, housing, and employment. CSC must prepare for the next juncture in Aboriginal corrections—the further transfer of care and custody for Aboriginal offenders to communities. Broad government direction on relationships with the North will also dictate how this next stage proceeds.

CSC should continue to engage Aboriginal communities and First Nation, Métis and Inuit organizations.

³⁵ “The Canadian Human Rights Commission’s Appearance before the Correctional Service of Canada Review Panel,” August 7, 2007, page 8.

The Panel heard from the Congress of Aboriginal Peoples that:

*Aboriginal organizations and communities require the opportunity to be involved in supporting offenders, research, policy development and the identification of options and solutions.*³⁶

There is a requirement to assist Aboriginal communities, including tribal and band councils, in understanding their responsibilities to maintain contact with Aboriginal offenders during their incarceration, and to actively participate in the supervision and support of these offenders during conditional release. A primary objective for Aboriginal communities must be the employment of offenders returning to their communities.

In the North, CSC should develop a blueprint for the effective and integrated management of territorial and federal offenders, based on a set of mutually accepted goals and guiding principles that respect that each jurisdiction has unique challenges and opportunities and is at a different stage in its social, political and economic development. Joint interests and initiatives should continue to be managed through Exchange of Service Agreements.

Human Resource Capacity

CSC is to be congratulated as being the second-largest federal public service employer of Aboriginal people. However, CSC can further contribute through enhanced:

- a) recruitment, retention and development of Aboriginal people; and
- b) awareness and understanding by non-Aboriginal employees of Aboriginal realities, and tools to work more effectively with Aboriginal people and their communities.

CSC should ensure that Aboriginal staff are hired as correctional officers and parole officers and for management positions in penitentiaries and communities where Aboriginal representation is high. CSC should also use existing programs, such as Interchange Canada, to support staff exchanges between national Aboriginal organizations and CSC.

³⁶ “Brief to the Panel Review of CSC Operational Priorities, Strategies and Plans,” Congress of Aboriginal Peoples, May 2007, page 1.

CSC should implement cultural competency training for non-Aboriginal staff, to give them the tools to work more effectively with Aboriginal offenders and communities.

Aboriginal Elders and Aboriginal Liaison Officers will continue to play a critical role in providing spiritual and cultural services, and in reconnecting offenders with their families and their communities. CSC should review the roles and responsibilities of these positions to ensure a better balance between initiatives that support spiritual growth (healing) and initiatives that develop practical skills.

Aboriginal Community Development Officers (ACDOs) are also critical in supporting Aboriginal communities as they build capacity to participate in the reintegration process. More of these positions are needed and their activities should be specifically focused on working with reserves and other Aboriginal communities that are actively supporting reintegration and employment of offenders.

In light of the growing need for these positions, CSC should revisit resource indicators to identify future requirements.

Healing-based Correctional Programs

According to evaluation information, Aboriginal offenders are more likely to engage in and complete programs that are relevant to their life experiences and needs. Research has identified the need for healing-based programs designed for and preferably delivered by Aboriginal people. This premise has formed the basis for partnerships with Aboriginal organizations to develop and pilot seven national Aboriginal correctional programs. Their content reflects not only the requirements of CSC but also the teachings of the Elders. It is essential to engage Elders in delivering these correctional programs to ensure they integrate traditional teachings that are appropriate for the diverse needs of Aboriginal offenders. CSC should examine its program framework to ensure there is a reasonable balance between correctional and healing interventions. Although a continuing emphasis must be placed on programs addressing violent behaviour, particularly family violence, and on those that address the management of alcohol and drug abuse, CSC must also identify what resources are required to enhance employability and employment initiatives for Aboriginal offenders.

Preliminary evaluations have also identified the need for community-based maintenance programs that will allow Aboriginal offenders to sustain progress after release and beyond their sentences.

Developing a contingent of trained and qualified Aboriginal Program Delivery Officers and Aboriginal Elders will ensure program integrity is maintained while enhancing the cadre of individuals capable of delivering these programs in penitentiaries or in the community.

Aboriginal Employment

As pointed out earlier, the key challenge facing Aboriginal offenders is reintegrating back into their communities. This challenge becomes even more difficult when they also have to find employment, and when they have migrated from their communities to large urban centres. CSC cannot resolve these socio-economic challenges, but can assist in the transition by working closely with Bands and Councils.

In Section (e) Work—Employability and Employment, the Panel noted that Aboriginal offenders lack the employability skills required to find and keep a job. A series of recommendations has been proposed to respond to these gaps. The Panel recommends that employment be one of the highest priorities for CSC with respect to supporting Aboriginal offenders in returning to the community. The Panel encourages CSC to make greater use of Elders in working with offenders to enhance their employability skills.

Pathways Healing Units

Currently, there are seven funded Pathways Healing Units providing 200 beds at medium-security penitentiaries. These units have provided positive benefits: they provide alternative accommodation for Aboriginal offenders who want to disassociate themselves from gangs and/or actively follow their correctional plans in a supportive, healing environment.

Debra Hanuse, A/Director of the Law & Legislation Unit of the Assembly of First Nations, expressed the organization's support for this program:

Given the success of the Pathways Aboriginal Population Management Strategy in lowering rates of recidivism among First Nations inmates, we

*strongly support CSC plans to expand Pathways Healing Units to all regions in both men's and women's institutions.*³⁷

There are more than 2,500 Aboriginal offenders across Canada. In response to growing demands for broader implementation of these units, CSC should develop a fully integrated 'pathways model,' supported by a business case that identifies what resources are needed to transition offenders from maximum to medium security, from medium to minimum security, and finally to conditional release in the community.

Community Engagement

Mobilizing community capacity to develop a more holistic response to Aboriginal victimization and offending has significant potential to contribute to the broader government public safety agenda.

Nine ACDOs have been successfully increasing community engagement in correctional planning, release decision making and community supervision, in accordance with Section 84 of the CCRA.

The Panel believes that unique approaches are required to support the release of Aboriginal offenders to reserves, rural areas and urban centres. Each poses unique challenges, given the variations in infrastructure, supervision and intervention, and the capacities of Aboriginal communities. In preparing the Aboriginal offender for release and developing a comprehensive community reintegration plan these variations should be differentiated. In order to develop a longer-term strategy on community release, CSC should re-examine the interrelationships among the use of CCRA Section 81 (Healing Lodges) and Section 84 Agreements (supervision by an Aboriginal community) and the use of community correctional facilities. This review should include the role of these release alternatives in supporting the Aboriginal offender in seeking, finding and keeping a job.

The Panel believes that community residential facilities (halfway houses), dedicated to the supervision and support of Aboriginal offenders, particularly in urban centres, serve

³⁷ "First Nations' Perspectives on Services and Programs for First Nations Men and Women in the Criminal Justice System," Submission to the CSC Review Panel, Assembly of First Nations, June 11, 2007, page 13.

an important and effective role in allowing offenders to transition from the penitentiary to the community. CSC should ensure that resources are available to support and expand these houses to meet the needs of Aboriginal offenders released to urban centres.

CSC should review the organizational structure and operational functions of its healing lodges, and ensure that qualified Aboriginal staff apply for employment and continue working in healing lodges. A key goal should be to determine if classifications are adequate, and if resources are adequate to hire, develop and train Aboriginal staff. Healing lodges must continue to be an integral part of the Aboriginal community's commitment to safe reintegration.

The impact of earned parole should be reviewed with respect to the roles and responsibilities of Aboriginal halfway houses in the community. CSC should review the current funding formula to ensure it provides a stable funding base that fully responds to operational requirements.

Northern Strategy—Inuit Offenders

The Panel believes that CSC must consider how to enhance the continuum of culturally appropriate interventions that address the specific needs of First Nations, Métis, and Inuit offenders, and effectively support the movement of offenders from the South to the North. Through partnerships with provincial, territorial and Aboriginal groups, every effort should be made to supervise offenders close to their communities, and to respond to the unique challenges and opportunities in the northern jurisdictions.

Jennifer Dickson, Executive Director of Pauktuutit Inuit Women of Canada told the Panel that:

*The link between the community and CSC needs improvement. Most Inuit offenders return to their communities after their release, this is a given. That is why it is vitally important that Inuit communities are involved in the reintegration of Inuit offenders back into the community from the start of their incarceration.*³⁸

³⁸ "Submission to the Correctional Service of Canada Review Panel," Pauktuutit Inuit Women of Canada, June 4, 2007, page 8.

CSC should continue to share its program methodologies with northern jurisdictions and should assist in adapting the methodologies to community transition in the North. Finally, CSC should re-examine the profile of its federal offender population from the North, particularly the national Inuit population, to better understand their demographic, criminogenic and behavioural needs in the context of penitentiary and community initiatives.

Aboriginal Mental Health

Many Aboriginal offenders arrive in federal penitentiaries with significant mental health problems. The Panel recognizes that particular attention must be given to offenders, particularly Aboriginal offenders, with mental health disorders caused by the effects of Fetal Alcohol Spectrum Disorder (FASD). The Panel has made a recommendation in Section (iv) Mental Health to address this issue. The Panel emphasizes that CSC requires funding so that it can work jointly with academic researchers and Health Canada to develop a better understanding and response to FASD in a correctional setting. The Panel refers CSC to the work being implemented at the University of Saskatchewan and at the Fort Saskatchewan Correction Centre.

RECOMMENDATIONS

- 30. The Panel recommends that employment be the first priority in supporting Aboriginal offenders in returning to the community.***
- 31. The Panel recommends that, as the second-largest federal public service employer of Aboriginal people, CSC should:***
 - a) enhance recruitment, retention and development of Aboriginal staff, particularly in correctional officer, parole officer and management positions in CSC penitentiaries and in communities where Aboriginal representation is high;***
 - b) ensure that Aboriginal staff can demonstrate their knowledge and awareness of the particular challenges facing Aboriginal people on reserve and in Aboriginal urban communities; and***

- c) promote awareness and understanding of Aboriginal life among non-Aboriginal employees, and provide them with the tools and training to work more effectively with Aboriginal people and communities.*
- 32. The Panel recommends that CSC make resources available to respond to the specific needs of Aboriginal offender populations, such as further investment in correctional programming tailored specifically to their needs.*
- 33. The Panel recommends that CSC achieve a balance between correctional and healing interventions, and ensure that programming emphasis be placed on managing drug and alcohol problems, managing anger, and using conflict resolution.*
- 34. The Panel also recommends that CSC ensure it can measure the results of these programs effectively, so that it can demonstrate to Aboriginal communities that Aboriginal offenders have addressed their problems and can rejoin their communities.*
- 35. The Panel recommends that employment be CSC's first priority in supporting Aboriginal offenders' return to their communities. The Panel recognizes the importance of other program interventions to address the behavioural and skills deficits of Aboriginal offenders, but recommends that CSC achieve a better balance in providing these programs.*
- 36. The Panel recommends that CSC review its approach to mental health assessments of Aboriginals at intake and ensure effective screening techniques are in place.*
- 37. The Panel recommends that the number of Aboriginal Community Development Officers should be increased to work with Aboriginal communities and support local Aboriginal offender employment.*
- 38. The Panel recommends that Pathways Units be expanded in CSC penitentiaries to meet the requirements of Aboriginal offenders where warranted, and that these "Pathways Units" have a job-readiness components.*

39. *The Panel recommends that CSC continue to work with Aboriginal communities and First Nations, Métis and Inuit organizations, with the primary objective of securing employment for offenders returning to their communities.*
40. *The Panel recommends that CSC review the organizational structure and functions of its Healing Lodges in order to ensure that it can attract qualified Aboriginal staff.*
41. *The Panel recommends that CSC review its funding structure to ensure it can fully respond to the operational requirements of Healing Lodges.*
42. *The Panel recommends that CSC add job-readiness responsibilities for Healing Lodges in the context of the recommendations on employability and employment.*
43. *The Panel recommends that CSC seek resources to support and expand Aboriginal halfway houses, particularly with respect to support Aboriginal offenders in seeking employment.*
44. *The Panel recommends that CSC continue to advance its collaboration with the territorial authorities in addressing the unique needs of offenders, particularly Inuit offenders, returning to northern communities.*

(ix) Ethnocultural Offenders

In this section, we emphasize the requirement for CSC to be responsive to the needs of ethnocultural offender populations, ensuring that our full slate of recommendations take these groups into consideration, where applicable.

CSC recognizes the cultural diversity present in its populations and the challenge of ensuring the cultural appropriateness of programs and services. CSC also recognizes the important contributions of ethnocultural communities in preventing crime and the safe reintegration of offenders into the community

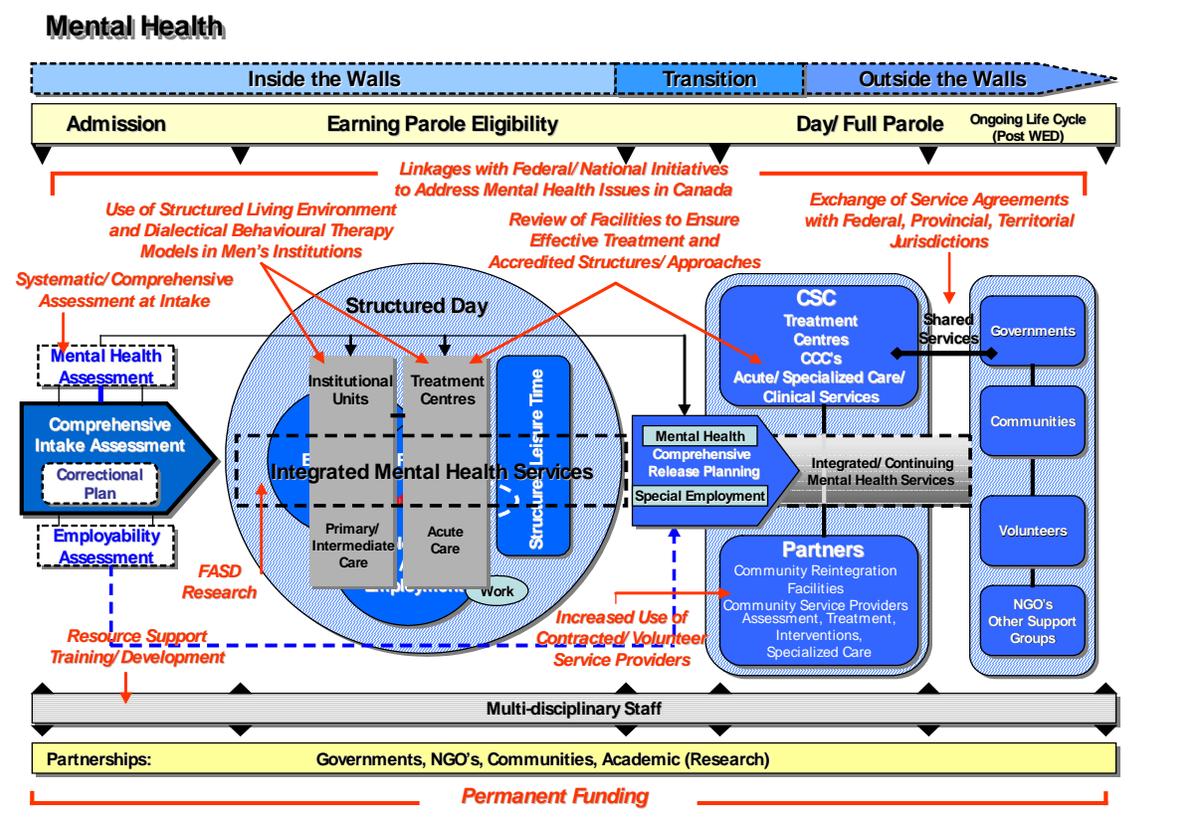
RECOMMENDATIONS

45. *The Panel recommends that the unique needs of ethnocultural offender populations be considered wherever applicable in the Panel's full slate of recommendations.*

46. *The Panel recommends that CSC continue to work with ethnocultural communities to ensure every means and resource is used to respond better to the needs of an increasingly diversified offender population.*

(x) Mental Health

The pervasiveness of mental health disorders among offenders requires ongoing support for the development and implementation of an integrated institutional/community mental health strategy. Here, we identify the elements of the support we feel is required. The chart that follows describes the elements of the enhanced, integrated mental health services delivery model. It summarizes recommendations made by the Panel.



The Panel would like to highlight that we were very impressed with CSC's efforts across the country to deal with offenders with mental health issues, some of whom were quite acute and hence resource-intensive. Managing a growing population of offenders with mental health needs has placed a burden on the federal prison system that is proving

costly in many ways. The Panel would like to state that it is frustrating to see that CSC has had to create its own internal health care system; in particular, operate a very resource intensive mental health system in order to provide offenders with the services and interventions that they require.

The penitentiary component of the mental health model the Panel is recommending is different in that it:

- places emphasis on a more comprehensive mental health assessment at intake;
- suggests increased integration of program interventions and mental health treatment initiatives in the correctional plan;
- supports ongoing training for mental health programs;
- proposes increased integration of interventions used for women and men offenders;
- places emphasis on strengthening the delivery of primary and intermediate care in penitentiaries and acute care in treatment centres;
- proposes stronger integration of mental health treatment initiatives with other community reintegration initiatives as a part of a comprehensive release plan;
- supports the increased use of contracted and volunteer service providers in the community; and
- suggests the current Mental Health Strategy be extended into the development of Exchange of Service Agreements with Federal, Provincial and Territorial jurisdictions in order to provide services to federal and provincial offenders at the end of their sentences.

Community Mental Health Initiative

The Panel has reviewed CSC's Community Mental Health Initiative, funded at \$29.5 million for 2005–10. The Panel endorses the initiatives identified by CSC and believes that CSC must better prepare offenders with serious mental disorders for release into the community by strengthening the continuum of specialized mental health support from incarceration to the community. The initiatives should enhance the level of services available to released offenders by improving discharge planning prior to release and by

providing clinical services by community mental health nurses and clinical social workers at selected parole area offices and community correctional centres.

As previously mentioned, the pervasiveness of mental disorders among offenders is a serious concern for CSC. Mental disorders occur in the offender population much more frequently than in the general public, and are more common among women offenders than among men. Many offenders have more than one mental health problem and often they also have substance abuse problems that only heighten their mental health needs. In many cases, the substance abuse has directly contributed to their committing the crime that resulted in incarceration. Furthermore, substantial numbers of offenders require special mental health services for organic brain problems, such as those caused by Fetal Alcohol Spectrum Disorders (FASD), dementia or injury. Considering the prevalence of mental health issues, it is not surprising that suicide rates among federal offenders in Canada are substantially higher than among the comparably aged general public.

Mental health issues become a serious challenge to CSC as they compromise its ability to fulfill its mandate of protecting the public and strain its capacities to care for offenders and safely reintegrate them. The Panel was told that federal offenders with mental health needs have only minimal services in the community, thus further impeding their safe reintegration. This problem will only grow as the demand for mental health services in communities far exceeds available capacity.

CSC's system for providing mental health care to offenders has several serious deficiencies, all related to a lack of resources:

- a lack of ongoing training for mental health professionals and correctional staff has prevented CSC from capitalizing on new developments in assessing and treating mentally ill offenders;
- the inconsistency of mental health assessment at admission has delayed diagnosis of offenders, thus preventing effective treatment planning and appropriate placement;
- insufficient primary mental health care for offenders has meant that offenders needing treatment often do not receive appropriate treatment, except in crisis. Many are then segregated because they are unable to cope in a regular penitentiary setting, but segregation further limits their access to programming or treatment;

- inadequate resourcing of treatment centres, which has led to a deterioration in the treatment centres' ability to provide a full spectrum of professional mental health care;
- a failure to provide support services in the community for mentally ill offenders after release, which contributes to recidivism and therefore further exacerbates the problem.

CSC has developed a comprehensive plan to address these deficiencies. The goal is to enhance its capacity to address the mental health needs of offenders, both within penitentiaries and in communities. The Mental Health Strategy, approved in 2004, sets out the following objectives:

Mental Health Screening and Assessment: To ensure that all offenders receive an adequate mental health screening when they enter the correctional system, and that those showing disorders promptly receive a full assessment and an individualized mental health treatment plan.

Primary Mental Health Care: To provide coordinated and comprehensive mental health care to offenders within the regular penitentiary setting, including psychological assessment and management, treatment, crisis intervention, personal support, information about illness, prevention measures and health maintenance.

To achieve this objective, every penitentiary should have both a team of mental health care professionals and correctional staff who are trained to respond appropriately to offenders with mental disorders.

Intermediate Care Mental Health Units (ICMHUs): To provide, intermediate-level care in correctional penitentiaries for men offenders whose mental health problems are not severe enough to require in-patient care in a psychiatric facility, but who nevertheless need safe, structured environments that offer supportive care instead of punitive responses to their behaviour. CSC's goal is to create ICMHUs in approximately 25% of the penitentiaries for men. (Note that intermediate-level care for women has already been addressed through the structured living environments.)

Mental Health Treatment Centres: To upgrade the services provided by CSC's treatment centres to offenders with severe mental health problems to a level equivalent to community forensic psychiatric hospitals, while ensuring that correctional security requirements are met.

Mental Health Support in the Community: To ensure that offenders requiring mental health services are prepared for reintegration and receive the necessary support during conditional release, and that offenders are prepared for transition to the community mental health system at the appropriate time with no loss of support.

The goal is to build on programs and treatments that the offender received in the penitentiary to ensure ongoing stability.

The Panel notes that the Community Mental Health Initiative, funded for five years in late 2005, has begun to enhance the level of services available to released offenders by improving discharge planning prior to release, by providing clinical services through community mental health nurses and clinical social workers at selected parole offices and community correctional centres, by providing services for the specialized needs of offenders with mental disorders (e.g., psychiatric assessments and interventions, living skills, employment, housing, etc.) and mental health training for all frontline staff at parole sites that have an identified need in this area.

The goal of the initiative is to provide the necessary support to offenders with mental health needs to help them transition successfully from the penitentiary to the community, to provide services to enhance their reintegration, and to improve continuity of services as their care shifts from CSC to provincial mental health systems.

Budget 2007 provided two-year funding for the remaining elements of CSC's Mental Health Strategy. The short-term funding has been a positive step in correcting the deficiencies in CSC's capacity to address the mental health needs of its offenders. During the next two years, CSC plans to add mental health screening and assessment to the admission process at all reception centres, to enhance primary care by placing teams of psychologists, psychiatric nurses, and other mental health professionals into selected penitentiaries, and to increase psychiatric resources at treatment centres.

As well, resources will be allocated to train mental health professionals and correctional staff, to attract health professionals through an aggressive recruitment campaign, and to test initiatives such as telemedicine and telepsychiatry.

The outcome of these initiatives is expected to be the attainment of the objectives associated with each element—effective mental health assessment at admission, comprehensive primary care, and a full range of mental health care in treatment centres for the most serious mental disorders, and effective mental health services to offenders in the community.

Assuming that demand for mental health services does not rise disproportionately beyond the current level, the full implementation of the Mental Health Strategy should provide adequate access to mental health services for offenders who require them. This should have a significant positive impact on offenders, on the safety and security of penitentiaries, and on public safety, as more offenders with mental health disorders reintegrate successfully into the community.

As positions become staffed, the resources allocated for community mental health services will have an increasingly positive impact offenders with mental health needs on conditional release—improved discharge planning, increased support of mental health professionals in the community, and improved continuity of care. This process will also establish links to appropriate provincial mental health services for offenders nearing the end of their sentences, when CSC's involvement ends.

Similarly, as the recent resources to fund the other elements of the strategy are deployed, significant improvements should be seen in identifying, assessing, and treatment planning at admission for offenders with mental health disorders, followed by improved mental health services, both in regular penitentiaries and in treatment centres.

However, the funding provided has been allocated only for the immediate future with no assurances of ongoing, permanent funding in the longer term. This has precluded the full implementation of the strategy, and will likely hinder CSC's efforts to effectively apply the resources.

For example, on the basis of this funding it will be very difficult for CSC to offer permanent positions to health professionals who are hard-to-recruit and in short supply.

The Panel met with Drs. John Bradford, Associate Chief, Integrated Forensic Programs, Royal Ottawa Health Care Group, and Pierre Tessier, Clinical Director, Secure Treatment Unit of the St. Lawrence Valley Correctional and Treatment Centre, Brockville Jail. They provided useful insights on assessment and the use of automated assessment tools. More of these discussions should occur, particularly with staff at provincial treatment centres who are working with provincial corrections to exchange best practices in the assessment and treatment of offenders with mental health problems.

Some offenders in the community need specialized mental health interventions. Contracts with professional practitioners in the community should address these specialized needs (e.g., psychiatric assessments and interventions, living skills development). Structures are also being put in place to train community staff in mental health issues.

The Panel recognizes that CSC has used federal funding opportunities to introduce and enhance mental health services. At the same time, the Panel acknowledges that there is still a serious gap in providing primary and intermediate care at the institutional level, and that resources are required to bridge this gap. The Panel supports the development of a mental health treatment environment within CSC penitentiaries that provides primary and intermediate care in structured mental health units, supported by a team of mental health care professionals and correctional staff trained to respond appropriately to offenders with mental disorders. Such care must provide:

- psychological assessment and management;
- treatment;
- crisis intervention;
- personal support; and
- information about illness, prevention measures and health maintenance.

CSC should therefore revisit its Mental Health Strategy to ensure that more comprehensive assessments and measures are occurring at intake assessment that result in treatment plans that are fully integrated with the offender's correctional plan.

The Panel, while recognizing the need for broadened mental health services, is aware that only interim funding has been provided, which has an impact on long-term planning. At the same time, the Panel recognizes the need for CSC to demonstrate, through a formal evaluation process, that the results of these initial efforts are providing effective

responses to meet its legislative obligations to provide mental health care to offenders over the longer term. The Panel recognizes that there is a serious gap in providing these services and supports the development of a CSC strategy to deliver primary and intermediate care that is fully integrated with federal mental health initiatives.

For women offenders with significant mental health needs, separate units have been established at all five women's facilities, with enhanced capacity for therapeutic intervention. With respect to mental health care and treatment of women offenders, the Panel referenced the observations of the report *Moving Forward with Women's Corrections—The Expert Committee Review of the Correctional Service of Canada's Ten Year Status Report on Women's Corrections, 1996–2006* (Glube Report, 2006). The Panel notes the report's positive reaction to the evolution of CSC's mental health strategy for women.

The Panel encourages CSC to ensure that the best practices identified for the treatment for women offenders are fully considered in developing intermediate health treatment units for men offenders.

Regional Psychiatric Treatment Centres

CSC currently has one treatment centre in each of the five regions, with bed space to accommodate approximately 700 offenders. Four have the status of a psychiatric hospital, and four are accredited. As well, the Regional Psychiatric Centre in the Prairies and the Institut Philippe-Pinel (a provincial facility) in Quebec both have units for intensive treatment of women offenders.

Each treatment centre offers a range of mental health services to offenders with acute and chronic mental health problems and/or requiring programming for sex offenders and violent offenders. Services are provided by psychiatrists, psychologists, psychiatric nurses, occupational therapists, social workers, and others. Over time, given regional differences and various organizational constraints, different models of care have been developed in the five regional treatment centres. Inadequate resourcing at some treatment centres has led to a deterioration in the capacity to provide a full spectrum of mental health care services that meet professional standards. The Panel visited centres in the Ontario, Atlantic and Prairie regions and noted significant disparities among the treatment centres in space availability, services provided, admission criteria, and significant differences in physical conditions and work conditions.

At the same time, the Panel notes that as acute care requirements continue to increase, continuing deterioration threatens the accreditation of these facilities and their ability to meet the standards of a community forensic psychiatric hospital.

The Panel notes that mental health treatment centres must be upgraded to a level of a community forensic psychiatric hospital if they are to provide treatment to offenders with severe mental health problems. At the same time, correctional security requirements must be met.

The centres have developed various forms of shared service delivery agreements with provincial and community service providers, to provide varying degrees of care to offenders with acute mental health disorders and/or requiring specialized treatment. The integrated academic–correctional model that has evolved at the regional treatment centre in the Prairie Region provides an environment that fosters research while nurturing treatment. However, after a review of the agreement that established the facility, the Panel noted that it was outdated and requires significant amendment to comply with current legislations, regulations and CSC policies.

Continuum of Care

A significant break in the continuum of care occurs when the offender reaches warrant expiry and is no longer under the direct care of CSC. The Panel has already noted its concern about the increasing role of the criminal justice system and particularly CSC in identifying and treating mental health cases that would have otherwise been the responsibility of provincial and territorial jurisdictions.

Public safety cuts across jurisdictional boundaries. It is clearly appropriate for CSC to explore how it might work with provincial partners to maintain a continuity of service for high-need offenders with mental health disorders both during and after the completion of their sentences, with the goal of enhancing their stability and reducing the likelihood of a return to the criminal justice system. Continuity of care is important, both during the offender's sentence and during the transition from sentence to post-warrant expiry status. CSC provides services to offenders who are serving federal sentences, and when these offenders' sentences end, CSC's responsibility for mental health is normally transferred to the provincial health system.

The Panel witnessed a break in the continuity of services in all regions that it visited, and sees a real need to develop joint ventures with provinces or non-governmental organizations to enhance the continuity of mental health services for offenders after they are released into the community.

This sentiment was also expressed to the Panel by Patrick Altimas, Director General of the Association des services de réhabilitation sociale du Québec:

The major problem when it comes to mental health is the lack of liaison between correctional services and health services, which operate under provincial jurisdiction ... We believe that CSC should form even stronger ties with resources in the various [jurisdictions] in order to ensure services are provided beyond the warrant expiry date.³⁹

Fetal Alcohol Spectrum Disorder (FASD)

Of particular interest to the Panel is the identification and treatment of offenders, particularly Aboriginal offenders, with Fetal Alcohol Spectrum Disorder (FASD), an array of mental disorders that result from fetal brain damage caused by the mother's substance abuse and addiction during pregnancy. A presentation and written brief to the Panel by the First Nations and Inuit Health Branch of Health Canada raised concerns about the capacity of the criminal justice system to provide appropriate treatment to offenders with FASD.⁴⁰ It was noted that individuals with FASD challenge the notion of criminal responsibility, given that FASD limits an individual's ability to form intentions and to understand and predict the consequences of his or her behaviour.

The Panel notes that CSC must engage specialists in this area to come to a better understanding of the approach that it should take. The Panel is aware of research at the University of Saskatchewan in conjunction with CSC's Regional Psychiatric Centre. The Panel encourages the expansion of these initiatives with other regional and national initiatives.

³⁹ Submission to the CSC Review Panel, Association des services de réhabilitation sociale du Québec, June 8, 2007, page 6.

⁴⁰ "Written brief prepared for the Correctional Service of Canada Review Panel," First Nations and Inuit Health Branch, Health Canada, May 2007, pages 4 & 5.

This is also encouraged by the Canadian Human Rights Commission who told the Panel that CSC should:

*give priority to this research so that assessment, management and programming strategies can be operationalized as soon as possible. We would note that this can only be achieved by the provision of the necessary funding for this work.*⁴¹

Recruitment/Retention of Mental Health Professionals

The Panel recognizes that CSC has received interim financing over the next two years to fund an aggressive recruitment campaign to hire psychologists, nurses, and psychiatrists. While this campaign will help with recruitment, it does not address the issue of retention. Frequently, health professionals leave CSC for more attractive work opportunities and they are difficult to replace.

The reality is that work in penitentiaries is usually not seen as an attractive option for most health care professionals because of the working conditions, the bureaucracy, the clientele, a lack of professional development opportunities, and the level of compensation (which is often lower than what other employers pay for comparable work). The Panel notes that a joint labour–management working group is currently developing approaches to improve the recruitment and retention of health professionals.

The Panel recommends that the observations and recommendations of this group be merged with the development of an integrated professional staff development and training strategy that maintains professional knowledge with current new developments in assessment and treatment, and provides training for correctional staff to supervise and interact appropriately with offenders with mental disorders.

Community Care

The Panel recognizes the importance of mental health support in the community to ensure that offenders continue with treatment and receive support after their sentences.

⁴¹ “The Canadian Human Rights Commission’s Submission to the Correctional Service of Canada Review Panel,” June 11, 2007, page 10.

CSC has one specialized community correctional facility for offenders with mental health needs, Martineau Community Correctional Centre in Montreal. A small number of community residential facilities, including the *Centre résidentiel correctionnel Madeleine Carmel* in Montreal, provide specialized care. Aside from this, the Community Mental Health Initiative provides some mental health support to offenders on conditional release through CSC psychologists working in district offices, supplemented by contracted psychiatric and psychological services offered at parole offices, community residential facilities and directly in the community.

RECOMMENDATIONS

- 47. The Panel recommends that the 'bridge funding' approved by Treasury Board for CSC's Mental Health Strategy be provided permanently to CSC so that they can implement and maintain its mental health initiatives and meet legislative obligations.*
- 48. The Panel recommends the delivery of mental health services is identified as a critical factor in the Government's public safety agenda in order to blend CSC initiatives with federal and national initiatives.*
- 49. The Panel recommends that Health Canada formally recognize the importance addressing the mental health problems of offenders and strongly encourages the newly established Mental Health Commission to include mentally ill offenders as one of its priorities.*
- 50. The Panel therefore recommends that a comprehensive and recognized mental health assessment system be incorporated into the intake assessment process, so that a treatment strategy that is fully integrated with programming can be developed.*
- 51. The Panel recommends increasing the use of contracted and volunteer service providers and the resources required to support their work in assisting offenders under conditional release in the community.*

52. *The Panel strongly supports the concept of the Structured Living Environment (SLE) for women offenders and recommends extending this approach to the treatment of men offenders.*
53. *The Panel recommends that particular attention should be given to the impact of the effects of Fetal Alcohol Spectrum Disorder (FASD), particularly for Aboriginal offenders.*
54. *The Panel recommends that, because of the variety of ‘models’ that have been implemented by each of CSC’s regions, CSC should conduct a review of its Regional Psychiatric and Treatment Facilities to ensure the most effective and accredited structures and approaches are in place to meet regional needs for the treatment of acute mental health and special needs cases.*
55. *The Panel recommends that the Review consider the overriding management principle that treatment and operational requirements should take place in the context of a “penitentiary within a hospital setting rather than a hospital within a penitentiary setting” so that a strategy and business case supporting the development of these facilities over the next five years can be developed.*
56. *The Panel recommends that CSC consult with other correctional jurisdictions on their ‘best practices’ related to the assessment and treatment of offenders in mental health treatment centres.*
57. *The Panel recommends that CSC work with federal, provincial and territorial correctional and health officials to identify ways to introduce and/or expand exchange of service agreements to provide mental health support in communities to both federal and provincial offenders after the end of their sentences.*
58. *The Panel recommends that CSC be provided with the funding to keep its professional mental health staff current with new developments in assessment and treatment, and provide for the training of correctional staff to effectively interact with and supervise offenders with mental health problems.*

TRANSITION TO THE COMMUNITY

In this section, we examine the critical components that must be put in place to assist an offender in making a successful transition from a penitentiary to the community. We focus on the accountability of the offender to earn parole and further explore what this means in terms of conditional release.

(a) Comprehensive Community Reintegration Planning

The Panel reviewed current policies related to CSC's *Pre-release Decision-making and the Release Process* in the context of (i) recommendations on adopting an 'earned parole' approach; (ii) establishing offender accountability; (iii) building effective links between penitentiary and community programming; (iv) building a stronger community link for employment; (v) enhancing community infrastructure; and (vi) addressing the needs of women and Aboriginal offenders, as well as offenders with mental health problems under conditional release in the community.

The combined impact of these and other recommendations will influence the approach taken by CSC to make pre-release decisions, prepare cases for consideration by the National Parole Board and work with a variety of service providers (community residential facilities, etc.) to plan the transition process for offenders.

The Panel believes that particular emphasis will have to be given to the following key transition factors to ensure a comprehensive release plan is put in place, ensuring the seamless blending of the offender's institutional and community correctional plans:

- a) clear statements of offender accountability with respect to expected behaviour in the community;
- b) focus on the need for the extension of correctional interventions that link penitentiary program results with the identification of behavioural, educational and employment programs in the community;
- c) a well-defined approach to the definition and implementation of transitional employment initiatives;
- d) identification of mental health interventions consistent with penitentiary assessments and available community service delivery infrastructure;

- e) clear linkages to the identification and responsibilities of community residential facilities targeted to provide specialized accommodation and program service delivery support in the community; and
- f) description of conditions recommended to the National Parole Board by CSC.

The Panel suggests that the comprehensive release plan be developed as an accountability contract between the offender and CSC with clearly defined expectations associated with well-developed milestones for the duration of the conditional release period.

This will require a longer period of time for the preparation of the plan and should be the result of a collaborative approach between institutional and community parole officers.

RECOMMENDATION

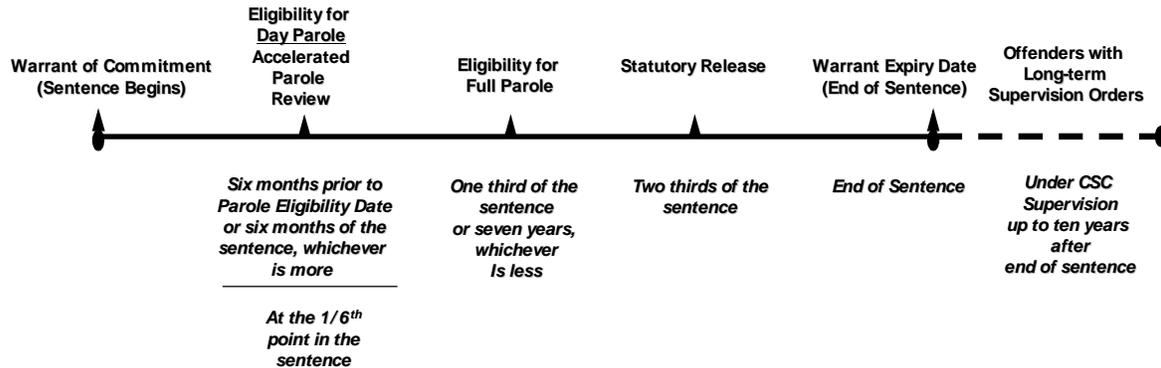
59. The Panel recommends that community reintegration planning, for offenders serving a fixed sentence, start at admission to ensure that focus is placed on programming, education, employment, and mental health treatment.

(b) Earned Parole

A proposal that a number of stakeholders, including the Ministry of Public Safety, encouraged the Panel to consider the concept of earned parole.

The following chart summarizes the current eligibility milestones for presumptive release to the community for offenders with fixed or determinate sentences.

**Sentencing Milestones
(Fixed Sentences)**



(i) Background

Parole is a form of conditional release that allows some offenders to serve part of their sentences in the community under certain conditions. Parole is a privilege and not a right, and is granted at the discretion of the National Parole Board (NPB).

The CCRA defines the purpose of conditional release as contributing to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.

Under current legislation, an offender is eligible for a parole hearing by the NPB after having served a certain portion of his/her sentence.

There are two forms of parole: *Day Parole* can be granted after an offender has served six months of a sentence, or six months before full parole, whichever is later, with conditions that require the offender to return daily to a penitentiary or a community-based residential facility; *Full Parole* can be granted after an offender has served one third of a sentence or

seven years, whichever is less, allowing the offender to be at large prior to the completion of sentence. *Statutory Release* means release from imprisonment permitted by law subject to supervision after an offender has served two-thirds of the sentence. The conditions imposed by NPB may include residency in a community correctional centre.

Of all statutory release supervision periods in 2005–06, 6 in 10 were completed without revocation; however, statutory release cases accounted for 79% of violent reoffending in the community, while representing 35% of the conditionally released population.

According to CSC, the average profile of an offender who reoffends while on statutory release is an Aboriginal male under 35 years of age, with low educational attainment (no high school diploma), unemployed at arrest, with gang affiliation, serving a sentence of less than three years usually for robbery. In addition, the typical offender tends to have a history of substance abuse, a previous criminal history, a previous negative correctional history (escape, segregation, revocation of parole), low program completion rates and higher levels of imposed residency conditions at release.

A common frustration expressed to the Panel was the lack of motivation displayed by a significant percentage of younger offenders. There seems to be a growing tendency by some offenders to wait out the parole system until they reach their statutory release date at two-thirds of their sentence. Consequences seem to be relatively minor for adopting this attitude—living conditions are the same as those for offenders actively engaged in rehabilitation, and few are denied release at their statutory release date. Additionally, offenders not positively engaged while incarcerated pose threats to the safety of staff and other offenders, which in turn, hampers the positive efforts being made by other offenders.

Although CSC has made some attempts to motivate disengaged offenders, the Panel believes that more must be done in this area. The Panel believes that staff require important additional training on gangs, motivational techniques and understanding the impact of mental illness. But, as stated earlier, rehabilitation must be a shared accountability and the offender must work to address his/her risks and needs. To encourage the offender, different privileges should be afforded those offenders who are positively engaged than to those who are not. Life inside penitentiaries should mirror Canadian society, and the core concept should be the same: earn your own way.

Gradual release of offenders has been a cornerstone of Canadian corrections for many years and the Panel supports that concept. However, the Panel believes that statutory release and accelerated parole have both undermined discretionary release and generally have not proved as effective as discretionary release in mitigating violent reoffending. The Panel believes that an arbitrary release that is not based on rehabilitation is counter-productive, and when aggravated by shorter sentences, reduces public safety. This has been demonstrated by the fact that most violent reoffending by federal offenders is committed by those released on statutory release. To improve public safety and reorient the correctional system to a system that places true accountability on offenders, offenders would be required to earn their way back to their home communities and demonstrate to the NPB that they have changed and are capable of living as law-abiding citizens.

(ii) Consultation

Since federal release policies impact the public, offenders, victims and a variety of stakeholders, the Panel engaged CSC staff and interest groups in discussions about the pluses and minuses of introducing earned parole and removing statutory release. By definition, earned parole would eliminate the presumptive release of offenders into the community at fixed dates in their sentences.

These discussions focused on increasing offender accountability to address the requirements identified in the correctional plan, the time to better prepare offenders for release, and the impact on public safety of releasing higher risk offenders into the community after serving two-thirds of their sentences.

The Panel heard from Heidi Illingworth, Executive Director of the Canadian Resource Centre for Victims of Crime:

It has been well documented by corrections research that the conditional releases with the highest success rates are those that rely on the judgements of professionals and are based on proper risk assessments that focus on public safety, where the lowest success rates are for those released by law, including statutory release and accelerated parole review ... We strongly believe that SR should be abolished, and it should be a release decided on by the National Parole Board (if and when it is earned by the offender). If

*the point of incarceration is to truly prepare and rehabilitate, then parole should be earned.*⁴²

The Panel also heard from the Canadian Centre for Abuse Awareness, who said:

*Earned parole opportunities come very early for many offenders starting as early as one sixth of a sentence. This is entirely appropriate, if done properly, but earned parole provisions should apply for the entirety of the sentence and not end with what has become an arbitrary date of release at two-thirds.*⁴³

The one resounding theme, heard from both within the walls of penitentiaries and in communities across Canada, was that statutory release is not working. The presumptive release of an offender after having served two-thirds of the sentence is not conducive to rehabilitation. For example, an offender serving a sentence of three years will be automatically released at 24 months, unless CSC can present acceptable reasons to the NPB to detain the offender because the offender is deemed likely to cause death or serious harm to another person or commit a sexual offence involving a child or a serious drug offence before the warrant expiry date. CSC's recommendation for detention must, according to subsection 129(3) of the CCRA, be based on "reasonable grounds" determined by the offender's behaviour and any additional information CSC has on the offender. The bar to detain offenders is set very high and few cases meet that bar.

Those offenders who wait out their sentences until they reach their statutory release dates are described as not following their correctional plans, lacking motivation to rehabilitate and causing disruption in the penitentiary, through either their gang affiliations or their involvement in the drug trade. Even with this pattern of behaviour, they currently have the same entitlements to privileges as offenders who are actively engaged in their correctional plans.

There was common agreement that if statutory release was eliminated, conditional release options would have to continue to support the benefits of gradual release to the community. Particular concern was expressed about the impact of releases directly from

⁴² "Brief to the CSC Review Panel," Canadian Resource Centre for Victims of Crime, June 4, 2007, page 8.

⁴³ "Submission to: CSC Review Panel," Canadian Centre for Abuse Awareness, June 2007, page 8.

penitentiaries of offenders who had reached their warrant expiry dates, meaning they would not be under the supervision of CSC in the community.

This concern was shared by the John Howard Society of Canada:

Enhancing the prospect of successful reintegration cannot be achieved by doing nothing. Leaving people in prison until their term expires is tantamount to doing nothing. The sentence is a window of opportunity within which correctional systems can make positive changes. Doing something constructive means actively working to influence the choices that individual [offenders] make on release and influencing the environment into which they are released. Both are achieved through gradual release.⁴⁴

As a consequence, the Panel believes that a review is required of how community-based interventions would be retooled to meet changing requirements for supervision and service delivery, while appropriate measures are taken to prepare the offender for the warrant expiry.

Proponents of earned parole agreed that it would enhance the accountability of both the offender and the correctional system in addressing the criminogenic and behavioural deficits that have contributed to the offender's crime cycle. Many parole officers expressed the view that "you can only take an offender's case as far as the offender wants to go; it's the offender who progresses the case."

There was significant support for introducing appropriate incentives for offenders to actively participate and make progress in their correctional plans. Some offenders have to be motivated to participate with incentives that reward achievement. There was support for establishing a direct relationship between motivation and action in following correctional plans and privileges, while recognizing the rights of offenders and the requirement to apply the least restrictive measures in their management while respecting the rule of law. This group was of the opinion that eliminating statutory release would create positive outcomes in the community, namely, reductions in rates of reoffending. Other proponents advanced the position that this approach of earned parole and motivating offenders with incentives that reward achievements in their correctional plan

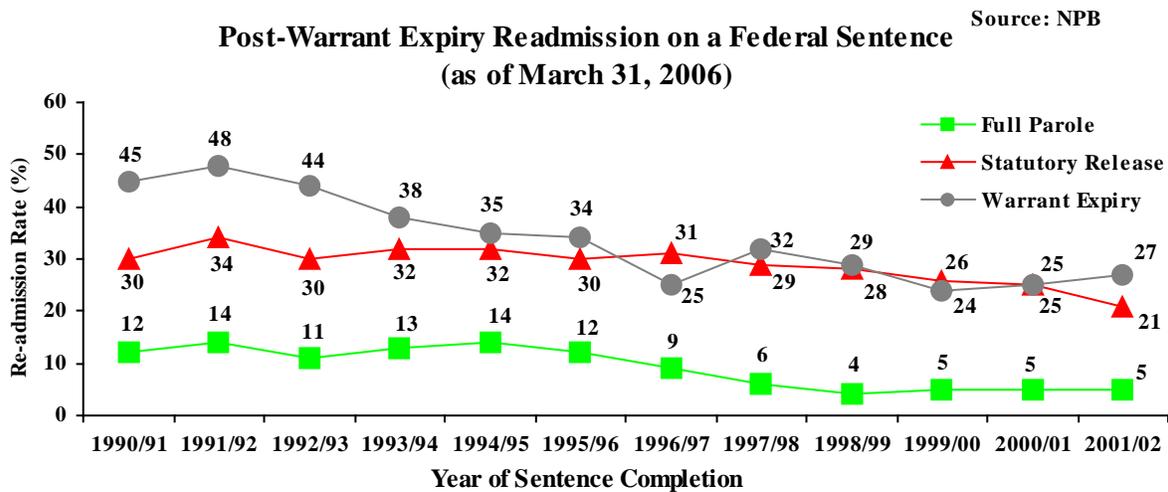
⁴⁴ Submission to the CSC Review Panel, John Howard Society of Canada, May 22, 2007, page 5.

would mitigate the risks posed by these offenders until they could demonstrate that they were ready for safe reintegration.

The Panel notes that these observations are valid and strongly suggests that every effort be made to ensure that the implementation of the earned parole approach reflect current management processes that prepare offenders for gradual release to the community. The Panel believes that public safety is best served through a period of supervised and supported release for offenders prior to the end of the sentence. The focus should be on enhancing these processes to place the onus on the offender to demonstrate accountability, to demonstrate progress in a viable release plan, and to demonstrate readiness to remain a law-abiding citizen after release to the community.

(iii) Reasons for Supporting Earned Parole

The Panel is concerned about the statistics on statutory releases: approximately 40% of statutory releases are revoked, 30% for breach of conditions and 10% for new offences, and violent reoffending rates are three times higher for statutory releases than for discretionary releases. The risk posed by these offenders and the potential for even greater risk as a result of the changing profile of the federal population points to the need for change.



The chart above shows that over the long-term (10 to 15 years after sentence completion):

- offenders released at warrant expiry are between 2½ and 4 times more likely to be re-admitted on a federal sentence than offenders that completed their sentences on full parole; and

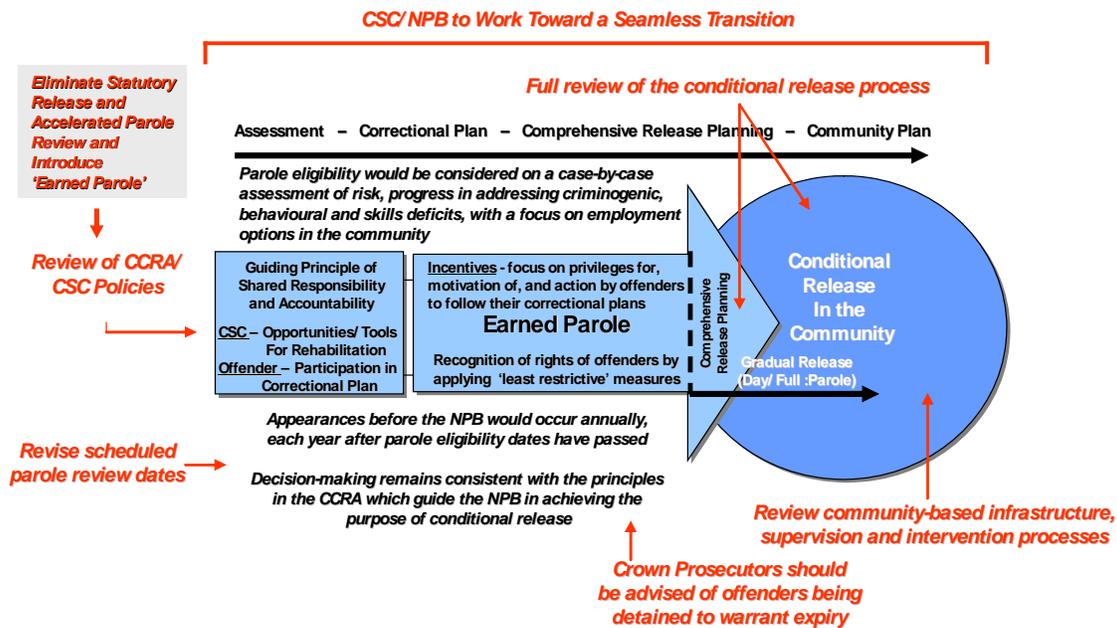
- offenders that completed their sentences on statutory release are between 2 and 2½ times more likely to be re-admitted on a federal sentence than offenders that completed their sentences on full parole.

Poor program participation and completion rates indicate a growing problem with offender motivation to participate in correctional interventions. **The Panel is of the opinion that presumptive release is a key disincentive to offender accountability.** To improve conditional release outcomes, legislative change is needed, and related enhancements must be made to programs that engage and support offenders, particularly high-risk offenders, in making behavioural changes.

(iv) Key Impact Statements

In this section, we focus on the impact of introducing earned parole on the requirements to ‘retool’ institutional and community-based interventions to meet the changing requirements for parole review, comprehensive release planning in support of gradual release to the community, and conditional release in the community. The following chart summarizes the Panel’s recommendations to address the impacts of eliminating statutory release and accelerated parole review, and introducing earned parole.

Earned Parole



The introduction of earned parole will result in the following actions:

- presumptive releases (accelerated parole review and statutory release) would be eliminated;
- an offender's release prior to the warrant expiry date (WED) would only be possible through a parole decision by NPB;
- parole eligibility would be considered after assessing risk, assessing progress in addressing criminogenic, behavioural and skills deficits described in the offender's comprehensive correctional plan, and assessing the community reintegration requirements, including employment options when released as outlined in the community release plan;
- appearances before the NPB would occur annually, each year after parole eligibility dates have passed;

- CSC would notify local Crown Attorneys of offenders who have been denied parole and will be detained to WED for non-compliance with their correctional plan for the purpose of considering the need for making a Section 810 application at the time of WED;
- the same test would be used for all release decisions; it would continue to be consistent with the principles outlined in the CCRA guiding the NPB on achieving the purpose of conditional release:
 1. that the protection of society be the paramount consideration in the determination of any case [CCRA.S.101(a)];
 2. that the Parole Board make the least restrictive determination consistent with the offender's correctional plan and individual risk/need assessment consistent with the protection of society [CCRA.S.101(c)];
 3. the offender will not, by reoffending, present an undue risk to society before the expiration according to law of the sentence the offender is serving [CCRA.S. 102(a)];
 4. the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen [CCRA.S.102(b)];
- any release plan submitted to the NPB should include CSC's consideration of either the placement of the offender directly into a job or with a high likelihood of a job placement;
- review for full parole would be by application with minimum waiting periods, e.g., six months;
- review for day parole would also be by application, with the same eligibility as currently exists; and
- additional criteria for granting parole would reflect the requirement for the offender to earn release through adherence to the correctional plan.

The earned parole approach should be supported by initiatives that address the specific risks and needs of offenders who have violently offended and have a high potential for violent reoffending.

Case management strategies would include intensive and ongoing risk assessment and prediction; the development of a comprehensive correctional plan that sets out a blueprint for the offender to move to gradual release to the community with a job or the strong likelihood of a job placement; clear statements of the offender's responsibilities and accountabilities for following that blueprint to earn parole; engagement of offenders in the parole process as early as possible and on a continuing basis; and preparation of offenders for release through more comprehensive community release planning. Particular attention will have to be given in applying these initiatives to the unique needs of women and Aboriginal offenders.

Offenders must fully understand the consequences of not meeting correctional plan requirements with respect to access to penitentiary privileges and conditional release, and the consequences of reoffending while in the community on conditional release.

The implementation of the enhanced strategy should respect the positive benefits that can be demonstrated with gradual, job-focused release. The principle should guide CSC in ensuring that every effort is made to support offenders in actively and successfully engaging in their correctional plan to reduce their risk to reoffend and consequently improve their eligibility for release. The two key components of conditional release, day parole and full parole, must be reviewed to ensure they are aligned with the earned parole and community employment approaches and are fully supported by a community infrastructure that offers supervision, programming interventions, and service delivery. This will mean closer liaison with police services, provinces and municipalities, new and innovative supervision strategies, and comprehensive release planning that continues the employment training and job-readiness programs started in the penitentiary.

There is a related requirement to review community infrastructure and partnerships with service deliverers as a result of the elimination of statutory release and the new focus on skills development and jobs. Particular attention should be given to the changing roles of and relationships among minimum-security penitentiaries, CSC community correctional centres, and community residential facilities providing contracted services. More emphasis should be placed on supporting work release initiatives and other forms of transitional employment, providing mental health support services, and providing

accommodation alternatives for offenders who are actively participating in their correctional plans and transitioning into the community.

The introduction of a new parole or release system could affect the size of the incarcerated population because of potential increases in time served. However, a new focus on employability and employment could have an opposite effect—the effectiveness of programming both inside and outside the walls would likely lead to a reduction in reoffending and a consequent reduction in the return rate of offenders to a federal penitentiary. While the Panel believes that the overall impact will be a reduction in reoffending, CSC, in conjunction with NPB, should develop impact statements that define a time frame for management—preparing for and changing legislation and then applying the legislative change—and should establish cost estimates for a phased implementation of the Panel’s recommendations. These estimates should be fully integrated with the Panel’s recommendations on the introduction of regional complexes.

RECOMMENDATIONS

60. *The Panel recommends that the CCRA be amended to replace statutory release and accelerated parole review with earned parole.*
61. *The Panel recommends that the CCRA be amended to reflect that the protection of society is the paramount consideration in the determination of conditional release (CCRA. S. 101(a)) and that (d) the National Parole Board makes the determination consistent with the offender’s correctional plan and an individual risks/needs assessment, consistent with the protection of society.*
62. *The Panel recommends that a full review of the conditional release process be undertaken in order to effectively link day parole and full parole with the objectives of the earned parole approach and the principles of gradual release. The review should also focus on the impact of releasing directly from penitentiaries offenders who reach their warrant expiry dates, when they are no longer under the supervision of CSC.*
63. *The Panel recommends that a review be conducted on how community-based interventions should be retooled to meet changing requirements for supervision and service delivery (i.e., employment).*

- 64. The Panel recommends that the NPB shall review cases annually each year after parole eligibility dates have passed.***
- 65. CSC should notify local Crown Prosecutors about offenders who have been denied parole and will be detained to warrant expiry for non-compliance with their correctional plan, to allow for consideration of issuing a Section 810 application at the time of warrant expiry.***

OUTSIDE THE WALLS

In this section of the report, we will review community corrections, both the current and revised model, and its linkage to earned parole. Our focus is on risk assessment and community supervision strategies; CSC/Police liaison; responding to breaches of parole; electronic monitoring; consequences of reoffending while on conditional release; management challenges for women and Aboriginal offenders in the community; CSC's work with community partners and volunteers, and the need for enhanced citizen and community engagement.

(a) Community Corrections

(i) Status/Structure/Current Priorities

As of April 2007, 8,447 federal offenders, or about 39% of the offender population, were under federal supervision, on conditional release, in the community—15% were on day parole, 47% on full parole, 36% on statutory release and 2% on long-term supervision orders.

There are 71 parole offices in 8 districts, which are responsible for supervising offenders under federal jurisdiction. CSC currently manages 16 community correctional centres (CCCs) for offenders on conditional release and on long-term supervision orders. Approximately 200 community residential facilities (CRFs), commonly called halfway houses, are operated by community-based agencies under contract with CSC.

Offenders can be released into the community under the following conditions:

- Temporary absences/work releases are granted to offenders to attend medical appointments or community programs, to visit family members or to go to work;
- Day parole is a form of conditional release granted by the NPB or a provincial parole board, which requires the offender to return to a penitentiary or a community-based facility (CCC or CRF) daily;
- Full parole is a form of conditional release granted by the NPB or a provincial parole board, which allows the offender to serve a portion of the sentence in the community under supervision;

- Statutory release (SR) is an automatic release of an offender after two-thirds of the sentence, during which the offender remains under supervision in the community; and
- Long-term supervision order (LTSO) is imposed by the court ordering an offender to be supervised in accordance with provisions in the CCRA for up to 10 years after the warrant expiry date.

The community supervision of offenders on parole, statutory release, and under long-term supervision orders is entrusted to federal parole officers, or to private sector, for-profit and not-for-profit agencies, such as the John Howard Society, the Salvation Army, St. Leonard's Society of Canada, Native Counseling Service of Alberta, and the Canadian Association of Elizabeth Fry Societies, under contract to CSC.

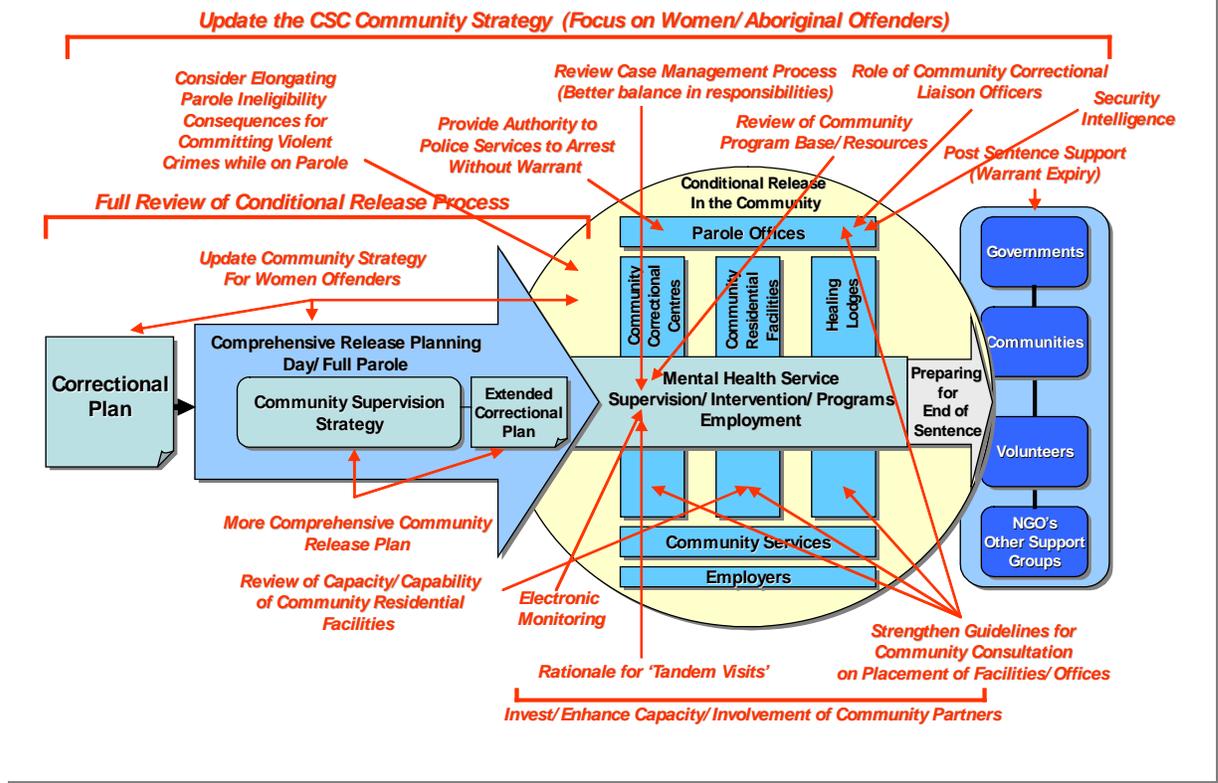
Informed and engaged citizens and communities are integral to safe offender reintegration. CSC depends on the communities it serves to accept and support offenders. The Panel believes that this is critical to public safety.

CSC is facing significant financial constraints that inhibit its ability to reallocate existing resources to address emerging pressures. The Service has received limited, temporary funding for 2007–09 to address key priorities: community staff safety, staff training, and new community programming and community mental health initiatives to ensure the continuation and reinforcement of programming and treatment implemented in the penitentiaries. These priorities and others have been identified by CSC to respond to the evolving challenges in accommodation, supervision and intervention requirements, which are being posed by a changing offender population.

(ii) Proposed New Model

In this section, we focus on recommendations that will contribute to the maintenance of public safety by ensuring gradual release controls are adhered to by the offender in returning to a law-abiding life in the community. We see the release of offenders supported by adequate community infrastructure, and supervision and programming interventions, all within an employment focus. The following chart provides a summary of the key processes supporting the preparation, transition and reintegration of an offender to the community and outlines the key recommendations impacting on the elements of these processes.

Outside The Walls - Community Corrections



The Panel notes that the community corrections component of the federal correctional system is the most visible to Canadians and therefore comes under the greatest scrutiny and becomes the target of the most criticism. Public acceptance of CSC’s conditional release approach is often criticized when things go wrong. Yet, CSC’s most important contribution to safe reintegration is a structured and supervised re-entry to the community while the offender is still under sentence. CSC faces the challenge of maintaining public confidence while attempting to accomplish two goals—maintaining public safety and ensuring the offender adheres to gradual release controls in returning to a law-abiding life in the community. Balancing the community’s desire for safety with the offender’s right to be released presents a continuing challenge to the criminal justice system.

A ‘cold release’ at the end of an offender’s sentence to an unsupervised environment is not effective corrections. The purpose of conditional release should continue to be to contribute to the maintenance of a just, peaceful and safe society by managing the timing and conditions of released offenders in a way that will best facilitate their rehabilitation and safe reintegration into the community as law-abiding citizens.

In this respect, the role of the NPB provides the window for offender entry to the community. NPB is an independent, administrative tribunal that works at arm's length from CSC in making decisions about the release of offenders. It imposes special conditions on offenders released to the community, e.g., abstinence from alcohol or drugs, attendance at treatment programs. Under CCRA S. 102, parole is granted to an offender if, in the opinion of the Board, (i) the offender will not, by reoffending, present an undue risk to society before the expiration, according to law, of sentence, and (ii) the release of the offender will contribute to the protection of society by facilitating the reintegration of the offender into society as a law-abiding citizen.

Linkages to Earned Parole and Conditional Release

The implementation of earned parole should respect the positive benefits of mitigating reoffending that can be achieved using a gradual conditional release program that is part of the offender's correctional plan. This principle should guide CSC in ensuring that every effort is made to assist offenders in being released to the community prior to their warrant expiry dates with meaningful opportunities for employment.

The Panel has recommended the review of two key components of conditional release, day parole and full parole, to ensure they are aligned with the earned parole approach in CSC institutions. This will mean that the release of offenders is supported by community infrastructure, supervision and programming interventions, all within an employment focus. Safe reintegration will require comprehensive release planning and closer liaison with municipal social and police services and provincial community services, and innovative employment-focused supervision strategies. There will also be a related requirement to review community infrastructure and partnerships with service providers as a result of the elimination of statutory release.

Risk Assessments and Community Supervision Strategies

CSC currently submits an extensive review of the offender's case history, and risk and reintegration potential, for consideration by the NPB. The review considers such information as the offender's criminal history, offence cycle, institutional behaviour, program involvement, psychological or psychiatric risk assessments, and release plans, including community support requirements.

The community supervision strategy can address several factors, including the frequency of contact with the parole officer, accommodation in a community-based residential facility, participation in correctional and treatment programs, and urinalysis testing.

All offenders on conditional release are required to abide by basic rules and stated behavioural expectations. For example, an offender's movement can be restricted to a specified geographic area. In addition, the NPB can impose additional special conditions, e.g., the offender must abstain from drugs, alcohol and/or intoxicants, must follow psychological and/or psychiatric counseling.

Earlier in the report, the Panel recommended a review of community release planning in the context of an earned parole model. The Panel fully supports conditional release to the community in such a parole model. However, changes are needed in correctional planning, the case management process, definitions of offender accountabilities, and requirements for offenders to actively and successfully complete their correctional plans and demonstrate positive behaviour in the community, especially when a new emphasis on employability and jobs is affected.

Community Supervision

CSC should be commended for the quality of its community supervision staff and the work they do. They have a challenging role: intervener, counselor on managing offender needs, and supervisor of offender behaviour to assess risk on an ongoing basis—all rolled into one.

The Panel notes that parole officers do their jobs very well, delivering appropriate supervision and intervention activities that contribute to the safety of the community. Community parole officers assess the offender's progress in the community on an ongoing basis, through regular contact with the offender, employers, family members, etc. They practice a multidisciplinary approach to community supervision, relying on input from police, psychologists, program providers, program facilitators, halfway house staff, etc., and using a variety of tools to effectively manage risk in the community: curfews or other special instructions, temporary placement of offenders in a community-based residential facility, counseling (psychological/psychiatric) and/or correctional, educational and vocational programs, etc.

The Panel reviewed an integrated model used in the Pacific Region for a short time and noted the benefits that resulted from institutional and community parole officers working in tandem to develop a comprehensive release plan for the offender.

The Panel was made aware of the concern of community parole officers, and those working in CSC penitentiaries, with their heavy caseloads which affected their ability to balance their interaction with offenders with requirements for report preparation and the entry of information into CSC's Offender Management System.

The Union of Solicitor General Employees (USGE) told the Panel:

Of concern to the USGE ... is the 1 to 25 ratio of offender to parole officer caseload. In many regions of the country this ratio is being used as a guideline only, seeing more parole officers with a caseload of 27 to 30 on a regular basis. In essence, this increase is causing burn-out of parole officers. It is virtually impossible for staff to take advantage of a normal eight hour work day or regular vacation time.⁴⁵

While recognizing the need for accurate, timely and comprehensive documentation, parole officers asked for assistance in streamlining their reporting requirements and improving the effectiveness of the reporting systems that they use. The Panel supports the need to streamline documentation requirements.

CSC/Police Services Liaison

Community correctional liaison officers are located in 17 communities across Canada. They are dedicated police officers employed by CSC to work closely with community parole officers. Their responsibilities include monitoring the activities of high-risk offenders, acting as a link with police and other relevant agencies in order to enhance information sharing, and helping reduce the number of 'unlawfully at large' offenders. The Panel has reviewed this initiative and met with many of these officers across the country. Although the program is in its infancy, initial benefits have already been in the exchange of operational information and finding offenders who are unlawfully at large. The Panel supports CSC's continued efforts to build this important community-based

⁴⁵ "USGE Submission to the CSC Review Panel," USGE, June 4, 2007, page 6.

initiative. At the same time, the Panel recognizes the need to collect security intelligence information in the community, which can be linked to similar information from penitentiaries to provide a complete picture of actual and potential criminal activity.

Tandem Visits

On October 6, 2004, in Yellowknife, NWT, Parole Officer Louise Pargeter, arranged to meet an offender at his home for a scheduled visit. RCMP later found her murdered in the offender's apartment. Officer Pargeter was the first CSC community parole officer murdered by an offender in CSC's history.

As an interim safety measure, then acting Commissioner Don Head issued a temporary policy bulletin instructing community parole officers that all visits to homes of offenders with criminal histories involving death or sexual assault would be conducted by two officers for at least the first three months of the offender's supervision.

This policy has since been modified, and the current Commissioner's Directive 715, Community Supervision Framework states:

66. Tandem supervision for home visits is mandatory for offenders with a criminal history involving a death and/or any sexual offence, for at least the first three months of the offender's supervision period, including the first 90 days of a temporary absence program.

69. Prior to the completion of the initial three-month supervision period, the Parole Officer and Parole Officer Supervisor will review the offender's case to determine if tandem supervision is still necessary and what safety measures are sufficient and appropriate to ensure staff safety. The decision of this review will be clearly documented in a Casework Record.

There has been much discussion in CSC over the appropriate way to handle visits to an offender's home. During discussions with community parole officers, the Panel reviewed procedures now in place to ensure the safety of parole officers, particularly when visiting offenders' residences. Most parole officers expressed the opinion that no place should be declared 'out of bounds' when supervising an offender. Other parole officers expressed frustration at what they perceived to be constraints placed on their professional judgement.

Given the utmost importance that the Panel places on the safety of staff, combined with the belief that there should be no place in the community that is “off limits” to the parole officer, the Panel agrees that a parole officer should discuss individual risk assessments and supervision strategies with his/her supervisor. The Panel supports the current CSC policy.

Breach of Parole—Power to Arrest

The Panel received representations from police services groups to consider the current lack of authority by police officers to arrest without warrant persons on parole who are believed to be in breach of conditions of parole.

At present under CCRA S. 137, a peace officer (usually a parole officer) can arrest with warrant, or when there is a belief on reasonable grounds that a warrant is in force to apprehend and detain the parolee, for up to 48 hours in order to obtain an electronically transmitted copy (a tele-warrant) of such a warrant.

At present, police cannot arrest without a warrant a federal offender for breach of parole conditions. So if police find a federal offender and someone on provincial probation, and both are suspected of being in breach of a condition, the person on probation can be arrested without warrant in certain circumstances under section 495 of the *Criminal Code of Canada* (CCC), since breach of probation is an indictable offence under S. 733 of the CCC. However, breach of parole is not an offence under the CCC or the CCRA so the federal offender cannot be arrested without a warrant.

Although the Panel was encouraged to recommend that breach of a condition of parole be made an indictable offence under the CCC, the Panel believes the more effective approach is to address the issue within the CCRA. That way the consequences of the breach and the impact on public safety can be properly assessed by the parole officer and the NPB, and if the conduct so warrants, the offender can be returned to a penitentiary.

In cases where the present use of issued warrants or tele-warrants is seen to be inadequate, an approach like those in CCC S.495 SS. (2) should be considered. This provision allows for arrest without warrant in any case where a peace officer believes on reasonable grounds that arrest is necessary to establish the identity of the person, or that failure to arrest would lead to the failure of the person to appear in court.

Electronic Monitoring

The Panel examined the need to consider the use of electronic monitoring of particular offenders with high risks and needs in the community. We heard a variety of opinions on the matter, from applying this technology to all released offenders under conditional release in the community to using it only for selected offenders under extended supervision by CSC.

Ontario Provincial Police Commissioner Julian Fantino told the Panel:

Law enforcement agencies across the nation are in favour of offenders being equipped with electronic monitoring devices while in the community. This additional method of ensuring compliance with release orders will certainly reduce the time and resources required for police to identify and apprehend violators. Successes of electronic monitoring include higher compliance rates, resulting in increased public safety ... This tool can be used for every person released in the community and not just the ones who are violent/sex offenders.⁴⁶

However, the Panel is not convinced that a general application of electronic monitoring for all federal offenders on conditional release is required. The Panel is concerned about the costs and benefits associated with implementation, and the level of effectiveness associated with continuous monitoring and response capacity for the conditionally released population. The Panel is aware that CSC is undertaking a pilot project on electronic monitoring, and suggests that the evaluation focus on the concerns raised by the Panel and consider plans to supervise selected offenders in conjunction with police services and other appropriate community groups. The Panel also suggests that CSC look at other jurisdictions that have been using this technology for some time in order to determine what best practices⁷ could be tailored to CSC requirements.

Reoffending while on Conditional Release

The Panel has heard both success stories and failures of offenders while on conditional release in Canadian communities. We appreciate that the failures are far less than the

⁴⁶ “Submission to the Independent Review Panel with Respect to Correctional Service Canada,” OPP Commissioner Julian Fantino, June 5, 2007, page 9.

successes but every failure results in a new victim and must be taken extremely seriously. Throughout this report, the Panel has emphasized the importance of offender accountability. This accountability does not end at the doors of the penitentiary but rather, transcends into the community where this accountability is heightened.

The Panel is of the view that reoffending on conditional release must be treated very seriously by the courts. Currently, Section 743.6 C.C.C. states:

Notwithstanding subsection 120(1) of the Corrections and Conditional Release Act, where an offender receives, on or after November 1, 1992, a sentence of imprisonment of two years or more, including a sentence of imprisonment for life imposed otherwise than as a minimum punishment, on conviction for an offence set out in Schedule I or II to that Act that was prosecuted by way of indictment, the court may, if satisfied, having regard to the circumstances of the commission of the offence and the character and circumstances of the offender, that the expression of society's denunciation of the offence or the objective of specific or general deterrence so requires, order that the portion of the sentence that must be served before the offender may be released on full parole is one half of the sentence or ten years, whichever is less.

The Panel encourages the judicial system to make greater use of this section of the Code and, in the cases where offenders on conditional release reoffend, that this section of the Code be used aggressively to reflect the gravity of the criminal act committed while on release and that subsequent sentences are ordered to be served consecutively not concurrently. Furthermore, the Panel is of the view that, in the case of repeated reoffending by offenders, consideration be given to amending the Canadian *Criminal Code* to further elongate the period prior to parole eligibility.

Programs in the Community

As a condition of release, some offenders are required to continue participating in programs that address the factors that led to their criminal behaviour. This can include programs to address sex offending, substance abuse, family violence, etc. Offenders released to the community are also assisted with educational programs, employment programs, support programs, and faith-based programs. CSC has always depended on the communities to provide support to offenders in their reintegration, but community

capacity varies and is often limited. CSC's accredited correctional programs have always included community intervention and aftercare; however, offender enrolment and completion have traditionally been limited due to a lack of widespread availability and the duration of the program.

CSC faces challenges in providing programming that can build on the positive results achieved in the institution, while meeting the delivery requirements imposed by the availability of trained staff and community resources. The Panel notes two important initiatives being undertaken by CSC.⁴⁷

CSC has developed the Community Maintenance Program (CMP), a multi-target program designed to increase timely access to community aftercare services for higher risk offenders, especially in remote locations. Its continuous admission and risk-based intensity level is customized to the ever-changing needs and challenges that offenders face in the community. The program is delivered by qualified and trained facilitators, including correctional program officers, non-government organization service providers, parole officers, and psychologists in the community.

In addition, the Counter-Point program is a moderate-intensity community-based correctional program that has been accredited by international experts. Its principal goal is to help participants change their criminal values and attitudes and take more responsibility for their criminal actions. The Counter-Point program appears to be effective. A recent study compared a sample of offenders who had completed the Counter-Point program with a sample of offenders released to the community. For those offenders completing the Counter-Point program, the study showed a 32% reduction in suspension rates, a 46% reduction in revocation rates, and a 38% reduction in new offences.

The Panel endorses this program but is still concerned by the low completion rates for these programs.

⁴⁷ The Panel notes that CORCAN maintains 39 community employment centres in communities across Canada to assist offenders in finding employment. The challenges facing these centres is addressed in the section of the report on "Work—Employability and Employment."

The Panel encourages CSC to enhance the employability/employment component of its community programs, and to ensure that evaluation measures are in place to measure its effectiveness.

The Panel is aware that community-based correctional programming can significantly reduce the likelihood of breaches of conditions. Likewise, the Panel is confident that the employability/employment addition will reduce the likelihood of breaches in parole. Parole revocations are a predictor of an increased level of custody, non-discretionary release and violent reoffending. These programs should help reduce the involvement of offenders in breaches of release conditions.

The Panel notes that in 2006–07 the completion rates for all community programs was just over 50% (see Appendix D). For women the completion rate was just over 30%. Programs for Aboriginal offenders were not rated. The Panel strongly urges CSC to review its community program base and the resources required to support the implementation of maintenance programming. Particular attention has to be given to developing programs for women and Aboriginal offenders, and to the relationships that should be in place to support the offenders' transition from institutional-based to community-based programs.

The Panel notes that continuing correctional programming in the community must be a key component of the offender's conditions of release. This becomes even more critical in implementing an earned parole approach and in emphasizing offender employment in the community. CSC must have the capacity to deliver programs in the community.

Challenges for Women Offenders in the Community

There is a need to update the CSC Community Strategy and enhance transition services in supervision, accommodation and intervention. The women offender population has steadily increased over the years. Short-, medium- and long-term options are being developed to ensure quality program delivery and reintegration efforts can be maintained. There is a need to improve employment services for women on release.

CSC is in the process of implementing a National Employment Strategy for Women. It should be reviewed in the context of the recommendations made by the Panel on employment.

Even with these initiatives by CSC, the Panel notes the lack of community infrastructure to support the special needs of women under conditional release.

This concern was raised by Elizabeth White, Executive Director of the St. Leonard's Society of Canada:

Community residential facilities exist across the country with the majority of them being located in urban settings. This allows residents access to a range of community social services and opportunities for employment. In general, numbers have not supported CRF options in small and rural settings. A particular constraint is faced by women. Owing to their small numbers in the corrections system, small houses are appropriate and their size does not allow for economics of scale. The issue of small houses has been on the agenda for both voluntary sector agencies and CSC for at least 10 years. It merits a focused joint approach at this time and a solution to the difficulties.⁴⁸

Because of significant variations in the size of the women offender population and its unique risks and needs, there is a need to review current infrastructure gaps and develop appropriate alternatives to minimum-security penitentiaries and community residential facilities. This will be particularly important when considering the impact of earned parole and the emphasis on employment.

Aboriginal Offenders

CCRA Section 81 supports a wide variety of custodial or service delivery arrangements for the care and custody of Aboriginal offenders. An offender could be transferred to the care and custody of an Aboriginal community at any time during his or her sentence. This can involve the supervision of offenders on day parole, full parole, or statutory release. In addition, there are 24 halfway houses for Aboriginal offenders across Canada.

CCRA Section 84 gives CSC the authority to involve the Aboriginal community in release planning for offenders. The intent of Section 84 of the CCRA is to encourage the reintegration of Aboriginal offenders into Aboriginal communities.

⁴⁸ "SLSC Submission to the CSC Review Panel," May 28, 2007, page 4.

CSC must re-examine its current initiatives with respect to conditional release into Aboriginal communities, either on reserve or to rural and urban centres. This review should include the impact of the introduction of earned parole and the emphasis on employment.

Partnering with Service Providers

Continuity of care is important, both during the offender's sentence and during the transition from sentence to post-warrant expiry status. Since CSC's mandate is to provide services only to offenders serving federal sentences, when an offender's sentence ends, CSC's responsibility for directly supporting the offender ends. CSC's support for offenders with mental health needs is normally transferred to the provincial health system.

Community correctional centres (CCCs) currently accommodate offenders on day parole or statutory release. Over the years, the offender profile at CCCs has changed to meet the special risks and needs of offenders. For example, CCC Martineau in Montreal accepts offenders with mental health problems, and Chilliwack CCC, in Chilliwack, B.C. accepts offenders requiring palliative care.

Community residential facilities (CRFs) exist to promote the successful reintegration of offenders into the community. A CRF provides suitable accommodation, monitoring and intervention, and provides social and economic support that helps conditionally released offenders become law-abiding citizens.

The Panel notes that successive changes in legislation enabled the NPB to impose residency at CCCs and/or CRFs in order to manage risk. As a consequence, there is an overwhelming demand for beds for offenders with residency requirements. CSC has undertaken several internal reviews of community-based facilities and is moving to improve the existing infrastructure. The Panel recommends that CSC reconsider current initiatives in the context of the Panel's report.

A full review of the community infrastructure is needed to respond to the current and emerging requirements for offender management in the community. Several factors contribute to the need for review: The combination of changes in supervision and intervention requirements associated with the changing offender population profile, recommendations to eliminate statutory release, and accelerated parole review; the

enhanced focus on offender employment; and community support requirements associated with the unique needs of Aboriginal and women offenders, and offenders with mental health problems.

Locating Parole Offices and Community Correctional Centres

The Panel has reviewed CSC's current guidelines on consultations on facilities' including parole offices. A presentation made by Andrew Aitkens, Vice-President of the Ottawa Centretown Citizen's Community Association, and discussions on vulnerable communities highlighted the need for zoning bylaws to define parameters for the proximity of businesses that pose a risk to community safety. The recommended review of community infrastructure should ensure that consultations take municipal bylaws into consideration. Community concerns about safety make housing released offenders a more complex challenge.

Citizen and Community Engagement

Enhancing the capacity of our partners to provide support services and assistance is critical to an integrated approach to public safety. While CSC can bridge some gaps in the short term, an investment in long-term community capacity is required to assist offenders' reintegration efforts, and ultimately to ensure community safety.

The Panel believes that when Canadians know more about the federal correctional system, they have more confidence in it. Enhanced awareness is crucial to a community's willingness to assist offenders in reintegrating safely into their communities.

John Braithwaite of LifeLine, a national initiative that assists long-term offenders and those serving life sentences, told the Panel that:

*A concerted coordinated comprehensive effort is required to raise the understanding and appreciation of Canadians as to what really works and what is simply punitive, vengeful, and superficial.*⁴⁹

An effective approach to providing safe communities depends on dialogue and collaboration—locally, regionally and nationally—in order to successfully address

⁴⁹ Submission to the CSC Review Panel, John Braithwaite, LifeLine, page 5.

information gaps. As noted by the Federation of Canadian Municipalities (FCM), “municipal governments must be engaged in discussions on correctional issues that affect community safety.”⁵⁰

The FCM/CSC/NPB/Public Safety Canada’s Joint Committee on Community Corrections meets quarterly and is co-chaired by CSC’s Director of Citizen Engagement and Community Initiatives. The committee’s mandate is to improve and preserve quality of life for Canadians by collaborating and creating opportunities for dialogue and information exchange among its members. In support of community safety and crime prevention, CSC, NPB, and Public Safety Canada are examining opportunities to work with the FCM in developing and implementing concrete initiatives that support local joint committees on community corrections. Strengthening CSC’s partnership with the FCM will enhance participants’ appreciation of the role of municipalities in helping to support the safe reintegration of offenders.

Volunteers in the Federal Correctional System

Volunteers make an essential contribution to public safety for many years by enhancing the work of CSC and by creating a liaison between the community and the offender. CSC benefits from the contributions of more than 8,000 volunteers in penitentiaries and in the community. CSC volunteers are involved in activities ranging from one-time events to ongoing services to offenders and communities, including tutoring, social and cultural events, religious and spiritual programming and substance abuse programs.

The Panel recognizes and applauds the strong commitment and contributions made by volunteers in the correctional system. Their efforts directly contribute to safer Canadian communities. However, the Panel echoes the position of Bill Huzar, National Co-Chair of the National Volunteer Association of CSC, that since federal legislation requires volunteer involvement in corrections, there should not be a discrepancy between the value that CSC places on their involvement and the financial resources that are required to support and sustain the essential services they provide. “There should be adequate

⁵⁰Letter to Lynn Garrow, Head, CSC Review Panel Secretariat, from Massimo Bergamini, Director, Policy Advocacy and Communications Department, Federation of Canadian Municipalities, August 28, 2007.

financial resources provided to recruit, train and sustain volunteers,” Mr. Huzar advised the Panel during consultations.⁵¹

In response to the challenges posed by the changing offender profile, Mr. Huzar raised the increasing need to recruit and train many types of volunteers: younger volunteers (ages 20 to 40), volunteers with specific skills in working with offenders with mental health problems and physical disabilities, Aboriginal volunteers, and volunteers from a wider variety of ethnocultural backgrounds and faith traditions, and volunteers that offset a gender imbalance.⁵² In essence, CSC has to encourage getting ‘community’ back into Community Corrections.

CSC considers establishing positive and reciprocal relationships with Canadian communities a necessary prerequisite to support public safety. Most offenders will eventually return to the community. Upon their release, whether at the end of their sentence or under conditional release, successful reintegration requires the support of citizens and communities. To that end, CSC is committed to engaging community partners and working collaboratively for safe communities. The Panel fully supports CSC’s work with community partners. The Panel met with various groups of volunteers and wants to applaud their contributions. The Panel recommends to CSC that they continue to be given full support.

RECOMMENDATIONS

66. The Panel recommends that a more comprehensive community release plan be developed that

a) measures the achievements attained by the offender against the requirements identified in the penitentiary correctional plan, as the basis for the development of a community correctional plan;

⁵¹ “Stronger in Broken Places—A Report Submitted to the CSC Review Panel,” The Volunteer Membership of the CSC National Volunteer Association, June 2007, page 13.

⁵² Ibid., page 11.

- b) clearly links conditional release conditions, imposed by NPB, with accommodation, supervision and programming interventions and employment initiatives;*
 - c) details the responsibilities and accountabilities of the offender to achieve reintegration objectives; and*
 - d) sets terms and conditions for formal reviews of progress to the end of the offender's sentence.*
- 67. The Panel recommends a full review of the capacity and capability of community residential facilities; in particular the current lack of community accommodation alternatives available for women offenders, as well as CCRA S. 81/84 agreements with Aboriginal communities.*
- 68. The Panel recommends that additional attention should be given to*
 - a) strengthening CSC's guidelines to include more extensive community consultation when selecting locations of both community correctional facilities and parole offices; and*
 - b) ensuring requests to Public Works for site acquisition include full consideration of amendments to municipal bylaws that provide for 'no go zones' that will protect potential vulnerable communities or areas.*
- 69. The Panel recommends that current community case management processes be reviewed to identify how a better balance can be achieved among the many responsibilities of community parole officers, in particular, to identify process efficiencies and ensure that the benefits of dynamic supervision are maintained.*
- 70. The Panel recommends that CSC review its community program base and the resources required to support the implementation of maintenance programming. Particular attention should be given to the development and availability of community programs for women and Aboriginal offenders.*
- 71. The Panel recommends that CSC update the Community Strategy for Women and enhance transition services in the areas of supervision, accommodation and intervention, including the consideration of initiatives supporting employment and employability for women on conditional release.*

72. *The Panel recommends that CSC include a rationale for the community correctional liaison officers in the business case that it prepares on the management of security intelligence.*
73. *The Panel is particularly concerned about safety and security in the community and recommends that*
- a) *where supervision strategies warrant a home visit and the profile of the offender creates a cause for concern, either a second parole officer or a police officer be tasked to accompany the parole officer and that such a decision be taken with the parole officer's supervisor with the critical factor for decision being the safety of the parole officer;*
 - b) *an evaluation of the results of the CSC pilot project on electronic monitoring consider amendments to the Corrections and Conditional Release Act to expressly permit the use of electronic monitoring as a condition of release, and expand the scope and term of the Canadian Criminal Code Section 810 orders that specifically authorize electronic monitoring and residency restrictions; and*
 - c) *consideration be given to amending section 137 of the CCRA to allow police services to arrest without warrant under conditions similar to those that now exist in Section 495 (2) of the Canadian Criminal Code.*
74. *The Panel recommends that CSC consider in its business case supporting the enhancement of its security intelligence initiatives the creation of community security intelligence officers and the strengthening of community correctional liaison officers to enhance the sharing of information among CSC and its partners in the criminal justice system at the municipal, provincial and national levels.*

75. *The Panel recommends that CSC complete its review of the use of electronic monitoring and consider initiatives that have been undertaken in other correctional jurisdictions to determine what 'best practices' could be tailored to CSC requirements. Results should be incorporated into policy proposals outlining advantages and disadvantages and resource impacts and recommending future options for this technology.*
76. *The Panel recommends that CSC continue to invest in and enhance the capacity and involvement of its community partners to provide support services and assistance to offenders as active community involvement is the key to maintaining community safety.*
77. *The Panel recommends that CSC enhances its programs of public education programs in the community and becomes more proactive and purposeful in communicating with Canadians or community capacity may slowly erode.*
78. *The Panel recommends that the judicial system to make greater use of Section 743.6 of the Canadian Criminal Code and, in the cases where offenders on conditional release reoffend, that this section of the Code be used aggressively and that subsequent sentences be ordered to be served consecutively not concurrently.*
79. *The Panel recommends that, in the case of repeated reoffending by offenders, consideration be given to amending the Canadian Criminal Code to further elongate the period prior to parole eligibility.*

RECOGNIZING THE ROLE OF VICTIMS—PROVIDING VICTIM SERVICES

In this section, we review the initiatives that have been undertaken by CSC to provide victim services and look at requirements to support effective communication and consultation with victims, victim groups and federal organizations focusing on victims. We note that there is a requirement to look at sharing additional information with victims.

The number of registered victims of crime has grown by more than 400% since 1995, from 1,200 to more than 5,000 today and is expected to reach 8,000 by 2010.

There was limited public recognition of the needs of these crime victims during the 1970s and '80s. In the latter part of the '80s and into the '90s, provinces and territories began enacting victims' legislation and supporting victim services. In 1992, Section 26 of the CCRA set out the responsibilities of CSC and the NPB for sharing information with victims. The CCRA recognizes that victims of crime have a legitimate interest in receiving information about the offender who harmed them and in providing information to be considered in decisions related to the conditional release of the offender. The Panel also heard concerns about some remaining silos between federal and provincial jurisdictions and strongly encourage various components of the criminal justice system to work together to offer victims a more integrated information-sharing system.

The 2006 Federal Budget provided funding for a new federal victims' strategy to give victims of crime a more effective voice in the federal corrections and justice system, and greater access to services. It also created a Federal Ombudsman for Victims of Crime.

As part of the strategy, CSC received \$13.6 million for 2006–11 to strengthen victim services and to better respond to information requests from victims. This funding allows CSC to implement a *National Victim Services Program* dedicated to providing timely information in its five regions, while promoting awareness among CSC staff to the concerns and needs of victims. Expected results will improve victim satisfaction through:

- improved services and the provision of timely information;
- increased awareness of available services among victims and criminal justice partners;

- improved relationships with victims and victim organizations; and
- improved professional relationships with government partners, including the National Office for Victims, the NPB, the Policy Centre for Victims Issues, and the Federal Ombudsman for Victims of Crime.

The Panel reviewed CSC's proposed implementation plan to ensure that it was responding to the Government's initiatives to support victims of crime and develop the human resource infrastructure required to deliver timely, accurate information to meet the needs of victims. An important part of the review was consultation with the recently appointed Federal Ombudsman for Victims of Crime, Steve Sullivan.

This Office has been mandated to address matters of federal responsibility, including:

- facilitating access to existing federal programs and services;
- addressing victims' complaints about compliance with the provisions of the CCRA;
- enhancing awareness among criminal justice personnel and policy makers of the needs and concerns of victims and the applicable laws that benefit victims of crime; and
- identifying emerging issues and exploring systemic issues that negatively affect victims of crime.

The Panel focused on CSC's proposals for the recruitment and hiring of regional staff who have experience in victim services, the development and provision of training in consultation with victims and victim groups, and the development of reference documentation that will assist CSC staff in responding to victim requests in a timely manner and will also give victims a variety of electronic and direct contact portals for information.

Furthermore, the Panel reviewed CSC's proposed communication strategy to support comprehensive communications with victims and its government partners.

Of particular importance to the Panel was the implementation of a consultation strategy for engaging the victim community, regionally and nationally.

The Panel has concluded that the elements of the National Victim Services Program are sound and should enhance information services to victims of crime. Because this

initiative is in its early stages, the Panel recognizes the need for a continued integration of activities and ongoing collaboration between CSC, NPB, Justice Canada and the Office of the Federal Ombudsman for Victims of Crime to ensure a seamless approach, and to ensure that victims and victim communities are consulted. The Panel was also impressed by CSC's willingness to proactively respond to suggestions made by the Panel in order to strengthen the National Victim Services Program.

Because future funding is contingent on a detailed evaluation, the Panel wants to ensure that methods to collect and analyze operational and financial information are put in place now to ensure the availability of timely, accurate information. The Panel is also encouraged that a Victim Advisory Committee will be created.

In consultation with the Federal Ombudsman for Victims of Crime, it is suggested that two recommendations of the Parliamentary Committee on Justice and Human Rights⁵³ be reviewed for reconsideration, namely:

- providing information to victims related to offender program participation, offender penitentiary conduct and new offences committed by a conditionally released offender resulting in reincarceration (possible amendment of Sections 26(1)(b) and 142(1)(b) of the CCRA); and
- advising victims in a timely manner, and in advance when possible, of the planned, anticipated or scheduled routine transfer of inmates (possible amendment of 26(1)(b)(ii) of the CCRA).

Currently, any information victims provide to CSC or the NPB for decision-making purposes is shared with the offender. Concern has been expressed about the potential impact of the use of this information on victims of family violence. Under Section 27(3)(a) of the CCRA, the CSC Commissioner may not disclose information if there are reasonable grounds to believe that the disclosure would jeopardize the safety of any person. The Panel believes that CSC must review how this section of the CCRA is operationally applied, to ensure that the proper safeguards are in place to protect victims.

⁵³ See the Committee's Report, "The Corrections and Conditional Release Act: A Work in Progress," Standing Committee on Justice and Human Rights, May 29, 2000.

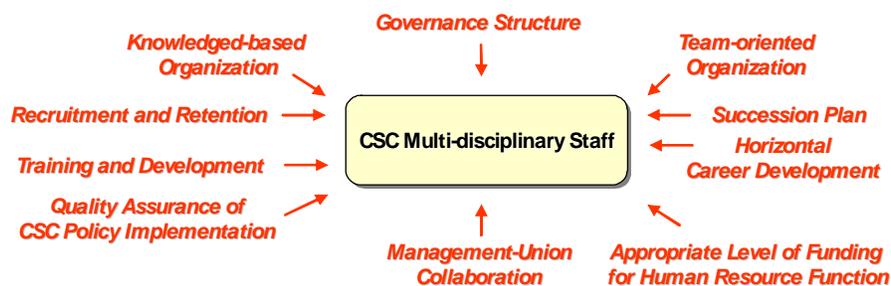
RECOMMENDATIONS

80. *The Panel recommends that CSC continue ongoing consultation with victims and victim communities and supports the creation of a Victims Advisory Committee, as well as continuing to collaborate with federal partners.*
81. *The Panel recommends that a strategy be developed, in conjunction with the Aboriginal Policy Branch, Public Safety, the Federal Ombudsman for Victims of Crime, and Aboriginal organizations, to reach out to Aboriginal victims to ensure their information needs are identified and addressed.*
82. *The Panel recommends that CSC ensures that it continuously reviews the progress being made with victim's services to ensure full implementation is achieved in a timely manner.*
83. *The Panel recommends that the Corrections and Conditional Release Act be amended to share information with registered victims on the progress of offenders in addressing their correctional plan and the incidents of penitentiary discipline on an annual basis at a minimum.*
84. *The Panel recommends that CSC's operational policy, in the context of Section 27(3)(a) of the Corrections and Conditional Release Act, and as applied to victims of crime, be reviewed to ensure that victims are aware of these provisions, that procedures are in place to determine potential risk, and that these provisions are being applied as and when appropriate.*
85. *The Panel recommends that, given the creation of the Office of the Federal Ombudsman for Victims of Crime, the provision of services to victims be reviewed holistically to ensure that resources are maximized and possible duplication of services avoided and gaps in service eliminated.*
86. *The Panel recommends that CSC heighten the awareness of available victim services by working with its provincial and territorial counterparts, i.e., Crown Attorneys, in order to allow for an improved exchange of information about victim services.*

HUMAN RESOURCE MANAGEMENT—RESPONDING TO CHANGE AND NEED

In this section, we endorse CSC’s Strategic Plan for Human Resource Management. We highlight a set of recommendations that respond to discussions that took place with frontline staff and for the basis of initiatives that should be undertaken by CSC to further the strategic priorities outlined in the Plan. The following chart provides a summary of the recommendations made by the Panel.

Human Resource Management



The Panel reviewed CSC’s Strategic Plan for Human Resource Management 2007–10 and the results of the Public Service Employee Survey (2005). The Panel recognizes the main priorities of the strategy—strengthening human resource management practices, tools and capacity; enhancing an effective representative work force; learning training and development to meet future business needs, improving workplace health, and

promoting effective and responsive labour relations. The Panel asks that CSC align these priorities and their initiatives with the Panel's observations and recommendations.

The Strategic Plan for Human Resource Management identifies CSC's commitment to strengthening management practices to ensure that there is a robust and effective organization able to deliver on its key operational priorities and other activities in a cost-effective manner, and that this is done in a way that is consistent with public service values that are essential to a healthy workplace and to the confidence and trust of Canadians. The Panel endorses the strategic plan.

Discussions with frontline staff across the country identified particular concerns that the Panel believes CSC should recognize.

As expressed by the Professional Institute of the Public Service of Canada (PIPSC) union:

For years now we have heard that a cultural change is needed at CSC. That better relationship and respect needs to be developed between the different groups who operate in the penitentiaries. Although we hear the words, in fact, very little has been done and our members unfortunately continue to find themselves in very uncomfortable situations and fear complaining or raising concerns for fear of reprisals, which in an penitentiary environment can have serious consequences.⁵⁴

And the Union of Solicitor General Employees (USGE):

Work conditions at both the institutional and community levels are continually evolving. CSC has acknowledged the need for ongoing employee training. Yet, when it comes time to replace words with action, promises and commitments repeatedly disappear. There is a pervasive viewpoint among USGE members that training opportunities are overwhelmingly weighted towards the managerial cadre...⁵⁵

⁵⁴ "Presentation to CSC Review Panel, Safer Communities," PIPSC, August 8, 2007, page 2.

⁵⁵ "USGE Submission to the CSC Review Panel," USGE, June 4, 2007, page 8.

These echoed concerns expressed in the Public Service Employee Survey (2005). In particular, the Panel notes that staff continue to feel that the quality of their work suffers because of four specific concerns: (i) priorities are constantly changing; (ii) organization structures are constantly changing; (iii) decision-making/approval process are cumbersome; and (iv) staff are being asked to do significantly more with fewer resources. Furthermore, staff continued to express concerns about the inability to take the initiative in their jobs, dissatisfaction with their career progress, and inadequate training to do their jobs.

The Panel notes with some alarm the significant reality facing CSC: more than 40% of its staff could leave within the next three years, with a significant percentage coming from the senior management ranks.

As we travelled across the country, the Panel noted instances where it was apparent that policies were not being fully implemented. Particular examples include security procedures at the principal entrances to penitentiaries, searching, cell effects. The Panel therefore strongly suggests that CSC ensures full compliance with its policies. There is a requirement for CSC to maintain high level of quality assurance to ensure what it is mandated to do in policy is actually being done. This will require the strengthening of its internal monitoring procedures.

The Panel suggests that CSC review its strategic priorities and the continuing concerns of frontline staff to describe how the following seven priorities will be examined in the context of the Panel's recommendations:

1. a staff recruitment and retention, and training and development plan that responds to industry standards;
2. a succession plan that maintains knowledgeable, trained frontline, middle and senior management levels;
3. a governance structure that supports more integrated functional support structures nationally, and strengthened decision-making at the frontline;
4. a collaborative approach to working with the unions to resolve frontline issues and concerns, consistent with the Public Service Renewal and the *Public Service Labour Relations Act*;

5. a knowledge-based organization that focuses on maintaining core competencies and developing enhanced capabilities to manage a changing offender population and the complex operational requirements associated with federal corrections;
6. a team-oriented organization that effectively brings interdisciplinary staff together in the effective and safe management of offenders in their transition from life inside the walls to life outside the walls as law-abiding citizens; and
7. appropriate levels of funding to ensure its human resource function can provide timely and effective service to the organization, particularly at the penitentiary and community levels.

RECOMMENDATIONS

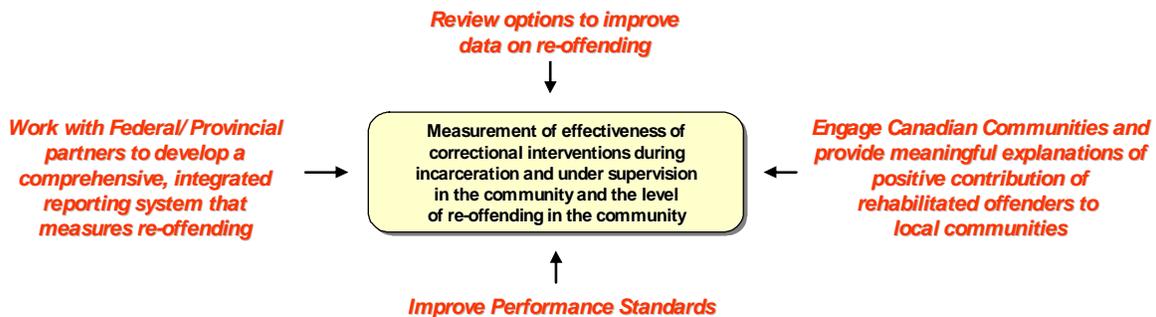
87. *CSC must focus on being a knowledge-based organization through the development and training of all staff to meet the unique skill requirements of their jobs and the management requirements associated with the risk and needs of a changing offender population. This should occur in the context of Public Service Renewal and in accordance with industry standards.*
88. *The Panel recommends that particular emphasis, be placed on horizontal career development, by allowing, through flexible classification and staffing processes (in accordance with the Public Service Modernization Act), the deployment of professional staff between and among penitentiaries, the community and regional and national offices. The goal should be to provide strong, effective and consistent leadership that focuses on resolving issues at the lowest level of management.*
89. *The Panel recommends that CSC review its current strategies for recruitment and retention of all staff, while focusing on ensuring*
 - a) *appropriate cultural representation, particularly representation of Aboriginal People, including Elders, Aboriginal Liaison Officers in penitentiaries and the community, and staff in women's penitentiaries, in the context of the recommendations of Glube;*

- b) *professionals to support mental health delivery programs and treatment in CSC penitentiaries, regional mental health facilities (including dedicated correctional officers) and the community;*
 - c) *the creation of an integrated security intelligence function; and*
 - d) *program and case management staff that can effectively respond to operational requirements posed by the introduction of ‘earned parole’; staff to respond to the development of an enhanced and integrated employability/employment model.*
90. *The Panel recommends that CSC review the operational requirements associated with the management of proposed structured populations and consider approaches to build inter-disciplinary teams—correctional officers, parole officers, mental health professionals, program and employment specialists, inter-faith staff—to maximize the participation of offenders in their correctional plans and prepare them for gradual transition to an offence-free reintegration in the community.*
91. *The Panel recommends that CSC have the appropriate level of funding to ensure its human resource function can provide timely and effective services to the organization, particularly at the penitentiary levels.*
92. *The Panel supports the collaborative approach and the requirement for adequate resources to support initiatives that are being taken by CSC management and the Unions to resolve frontline issues, consistent with the Public Service Modernization Act and the Public Service Labour Relations Act.*
93. *The Panel recommends that CSC consider a governance structure that ‘flattens’ the management structure in order to create more integrated functional support structures, nationally, strengthen decision-making at the frontline, and respond to the full set of recommendations proposed by the Panel.*
94. *The Panel recommends that CSC ensures a quality assurance process is in place to monitor compliance with CSC policies.*

ACCOUNTABILITY—MEASURING PERFORMANCE

In this section, we encourage CSC to be more rigorous in developing and monitoring results and performance standards. The chart that follows summarizes the four key recommendations made by the Panel.

Accountability – Measuring Performance



(a) How does CSC currently measure performance?

As with any other government department or agency, CSC is required to provide its Minister with a *Report on Plans and Priorities* which sets out the priorities of the Service, its work plans and the associated forecasted expenditures. This report is generally tabled in the House of Commons at the beginning of each fiscal year. Subsequently, at the end of the fiscal year, CSC is then required to account for its achievements against the earlier proposed plans in its *Departmental Performance Report*.

The result that CSC measures to assess the effectiveness of its correctional interventions, both while the offender is incarcerated and then under supervision in the community, is the level of reoffending committed by offenders. This is measured in a variety of ways (see Appendix E):

- reoffending with any conviction while on supervision;
- return to custody for a violent offence 2 years post-WED; and
- return to custody for a violent offence 5 years post-WED.

The above categories are also broken down by men offenders, women offenders, Aboriginal offenders, non-Aboriginal offenders, and offenders with mental health issues, and are published yearly in CSC's *Departmental Performance Report*.

(b) Gaps in Measurement Strategy

While the Panel acknowledges that CSC tracks the reoffending of offenders under its supervision, we are concerned that there is a breakdown in the subsequent tracking of all crimes committed by offenders. For example, if a former federal offender commits a crime that results in a sentence of less than two years, then that offender is not returned to federal custody and CSC's data does not capture this offence. Therefore, it is reasonable to assume that the reoffending data put forth by CSC regarding former offenders is probably understated, but by how much is not known.

The Panel was briefed by Statistics Canada, which is working with CSC and all provincial Heads of Corrections to create a seamless repository, but Statistics Canada informed the Panel that this would not be finalized for quite some time given the different methods of storing information, incompatible technology, etc. The Panel believes that this work is important and should continue as it provides Canadians with a true portrait of crime in Canada.

The Panel also encourages CSC to become more rigorous in developing and monitoring performance standards. One of the best examples that the panel has seen is that utilized by HM Prison Service in the United Kingdom. It sets out the standard to be achieved, lists performance indicators, and links the required outcomes to policies and procedures. Furthermore, it also includes key audit baselines.

Other gaps in performance measurement appear to be in the area of employability and the elimination of drugs from penitentiaries. The Panel encourages CSC to continue working to establish a baseline of the current situations, establish targets and develop an evaluation strategy that clearly measures results.

(c) Public Education

The *Corrections and Conditional Release Act* requires that the Service be:

5.(e) maintaining a program of public education about the operations of the Service.

The Panel was often struck by the enormity of CSC's operations and how little members of the public knew about the workings of the system. Across the country, the Panel repeatedly heard that communities were unaware of the vast contributions to public safety that were being made by the Service, through initiatives such as giving back to communities through the volunteer contributions of both staff and inmates, the provision of free inmate labour to assist in community restoration, etc.

Although the Panel recognizes the work that CSC puts into tracking recidivism, we feel that the Service's contribution to public safety is not recognized or understood locally. Public education and engagement appeared to be inconsistent across the country—in some sites, a great deal was being done, in other sites, very little. It is important that the Service reach out to engage communities and provide meaningful explanations of the potential contribution of rehabilitated offenders to local communities. Furthermore, perhaps it would be useful to drill down or “translate” the national or regional reoffending statistics to the local community so that citizens, city council and police can understand CSC's contribution to public safety.

RECOMMENDATIONS

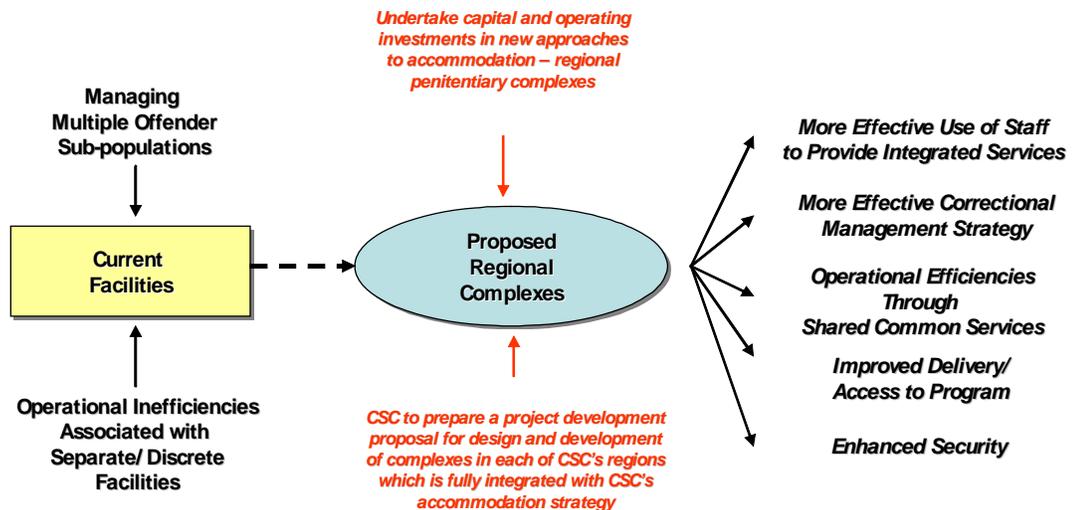
95. The Panel recommends that federal and provincial partners in the criminal justice system work together to develop a comprehensive integrated reporting system that effectively measures reoffending by offenders and clearly communicates this information to Canadians.

- 96. CSC should strengthen its performance measures and look to other correctional jurisdictions to improve its capability to develop 'targets for results'.***
- 97. The Panel recommends that CSC strengthen its performance measurement in the areas of offender employability and the elimination of drugs from penitentiaries.***

PHYSICAL INFRASTRUCTURE—YESTERDAY'S INFRASTRUCTURE DOES NOT MEET TODAY'S NEEDS

We asked CSC to conduct a preliminary review of the cost benefits associated with the development of regional complexes versus making improvements to its current infrastructure, or maintaining the status quo. We asked Deloitte-Touche to review these cost estimates, particularly in light of the limitations imposed by time constraints and limited consultations. We believe that this initial information supports further investment to examine new approaches to facilities design and construction that provide increased opportunities to deliver more effective and efficient correctional services in safe, secure environments. The following chart looks at the two key issues impacting on current facilities, proposals to look at the operational and cost benefits of moving to a 'regional complex model.'

Physical Infrastructure



(a) Age of Current Facilities

As the Panel toured a sampling of Canadian penitentiaries, we were impressed with the commitment of staff working in inadequate conditions. Many federal penitentiaries were built for a single homogeneous offender population. The Panel saw penitentiaries built in the 1800s and early 1900s where attempts had been made over the years to adapt them to the current realities. Other penitentiaries built in the mid-1900s reflect the correctional management philosophy of that era but assumed that all inmates could function as a homogenous group. There is even one penitentiary in which the cells lack toilets, so staff must release inmates individually to use the common facilities. (See a listing of federal penitentiaries by Region and Security Level in Appendix A.)

Irving Kulik, Executive Director of the Canadian Criminal Justice Association further describes the problem:

‘Patching’ has often been done in most existing CSC facilities, while in others some new units were added to the old, thus disrupting operations for years. In the end, few modern, functional and efficient institutions have been built in the last two decades. Old facilities are expensive to maintain and so when other budgetary considerations come into play, maintenance is delayed. Inevitably the organization has a huge collection of decaying buildings incorporating elements of new construction in an inefficient fashion.⁵⁶

(b) Challenge of Multiple Offender Subpopulations

While the more modern facilities reflect more current thinking around correctional management, they are built on a model that assumes all individuals are able to function responsibly. This approach is proving to be problematic as CSC statistics indicate that inmate assaults occur in both maximum- and medium-security penitentiaries.

As indicated earlier, the multiplicity of subpopulations cannot be mixed, either because of their incompatibilities (i.e., gangs) or their vulnerabilities (i.e., mental illnesses).

⁵⁶ “Brief to the CSC Review Panel from the Canadian Criminal Justice Association,” May 28, 2007, page 9.

The Panel has seen inconsistent institutional layouts that create significant discrepancies in how services are delivered. Of significant concern is how the physical layout of certain institutions creates environments that are very challenging for staff to interact with inmates in a manner that gives the proper balance of static and dynamic security. Some layouts make it difficult for CSC to provide an overall safe environment for staff.

On a practical level, many older institutions have “blind spots” or areas where the staff do not have a direct line of sight to offender activities. Consequently, there is high potential for assaults on staff or other offenders. Trying to rectify this situation in existing institutions, however, requires either very expensive construction in limited space, or a more expensive staffing option if construction is not possible.

The Panel has also noted that in some institutions the layout of control posts is not conducive to providing optimal security within certain living units. While staff and management at the local level try to identify workable solutions, it becomes a distraction to delivering effective correctional services and sometimes becomes a divisive issue between frontline staff and management.

Given all that the Panel has heard about the changing offender profile and the level of inmate-on-inmate assaults at the medium-security level, the Panel is concerned with achieving a proper balance between dynamic and static security within any newly built correctional living unit. The safety and security of staff and offenders is paramount, but if the balance is tilted towards static security a void is created between correctional staff and inmates, which is not conducive to the proposed integrated correctional management process. Equally, an environment that does not allow for the proper containment of a situation jeopardizes the safety of everyone. The Panel was surprised at the lack of barriers in some of the new medium security units that it saw at Springhill and Collins Bay. New penitentiaries must be designed to allow CSC to manage each population separately. This requirement was supported by UCCO-SACC-CSN who, in their brief to the Panel, stated:

Ideally, new construction would...give CSC the ability to physically separate the inmate populations according to their security classification and commitment to their correctional plan.⁵⁷

The Panel recognizes that CSC has tried to address these shortcomings by renovating or replacing construction over time; however, the reality is that the Service's construction budget is not sufficient to address these issues in all institutions in a timely manner. As well, the continued tinkering with existing infrastructure within the confined space of existing facilities often unintentionally creates other issues or concerns.

(c) Separate and Discrete Facilities

While the physical infrastructure within the walls/fences is problematic, the Panel noted other factors that impact negatively on the delivery of effective correctional services. For example, the location, or more specifically, the isolation of certain penitentiaries from other institutions within a region makes it extremely difficult to capitalize on approaches to manage the diverse challenges presented by the offender population. If a penitentiary is having difficulties with a certain group or category of offenders, it is difficult to combine resources within a region when the facilities are separated by hundreds of kilometres. In a crisis situation or when there's a need to access professional services at a different institution, the geographical separation of the penitentiaries creates a unique set of problems.

It is clear to the Panel that the geographical separation of penitentiaries within a region does not allow for the implementation of a more effective and efficient correctional planning model. Currently, when an inmate is transferred from one penitentiary to another, there is no seamless continuum of care in place. In many cases, staff at the receiving penitentiary must re-start elements of the correctional planning process and valuable time is lost in managing the offender's sentence.

The Panel is also convinced that, by having a physical infrastructure strategy that maintains an approach of separation, economies of scale are lost by replicating identical

⁵⁷ "Rewards and Consequences: A Correctional Service for the 21st Century—A brief to the Independent Review Panel studying the future of Correctional Service Canada," UCCO-SACC-CSN, June 2007, page 27.

management, administrative and operational structures in 58 penitentiaries across the country. While these approaches are necessary given the current approach and location of institutions, CSC cannot realize cost savings and reallocation opportunities through a more consolidated approach.

(d) Proposed Regional Complexes

The Panel has heard from CSC how the shortcomings mentioned earlier could be addressed by building regional complexes across the country and moving away from a construction philosophy that relies on stand-alone facilities.

Discussions with the Panel centred around the fact that if CSC could utilize a regional complex approach to the construction of its institutions, a more effective correctional management strategy can be put into effect that addresses many of the concerns identified earlier.

Overall, a regional complex would comprise minimum-, medium- and maximum-security accommodation areas, appropriately separated within a common perimeter fence but sharing common services and/or space at different times. For example, common programming or vocational skills development space could be accessed separately by different segments of the population or food services could be provided from a common preparation unit.

The idea of complexes is not foreign to CSC. In its travels across the country, the Panel saw examples where quasi-complexes were already either in existence or underway (i.e., Ste. Anne des Plaines, Saskatchewan Penitentiary, Pacific Institution Regional Treatment Centre, although integration of management infrastructure, sharing of common services, etc. still operated in silos.

A regional complex approach would provide an opportunity to more effectively and efficiently manage larger groups of inmates and use a larger pool of resources to address the needs of the inmates in a more targeted manner.

The Panel has also noted that there needs to be a better targeted use of program resources and questioned the appropriateness of trying to offer many core programs at maximum security. A complex would certainly allow for a better concentration of staff to deliver select, targeted programs to offenders. It is reasonable to assume that waiting lists for

programs could be reduced and that offenders would no longer have to wait, as they do in certain cases, to be transferred to another penitentiary before being able to access a program.

The Panel also sees the potential for being more effective in eradicating drugs from entering a complex. With four or five penitentiaries within one perimeter, CSC could invest in relatively sophisticated equipment to screen not only people but also vehicles entering the compound. Also, drug detector dogs could be used much more effectively as well.

Instead of groups of inmates with the same classification level being housed in institutions with capacities ranging from a few hundred to 500-600 offenders, a regional complex could house between 1500 and 2000 offenders. A regional complex would also be able to provide appropriate and separate accommodation for offenders at various security levels but provide a common management team to oversee the correctional plans and progress of offenders through their incarceration.

Resource utilization within a regional complex could be better maximized allowing CSC to easily shift specific capacities around within a common penitentiary perimeter without transferring inmates from a penitentiary in one city to one in another. This factor in itself would avoid unnecessary costs associated with transferring inmates, the gaps that are created by having a new case management team assume responsibility for an offender every time he/she is transferred, and worrying about having to duplicate an array of programming responses in each and every penitentiary, despite its size.

A significant advantage of a regional complex design is the ability to reinforce an overall correctional management model that stresses offender accountability to follow their correctional plans. No longer would CSC have to keep moving offenders between facilities within a province or across the country. Offenders would usually be maintained and managed within the complex but their overall location within the complex would be dictated by their motivation and participation in their correctional plans. Services and resources would be aligned within the complex based on inmate participation and motivation.

A regional complex would also provide an opportunity to focus resources to deal with distinct segments of the population or the distinct needs of segments of the population. For example, inmates who require ongoing physical health care needs could be housed in

regional health care units thus avoiding high costs associated with prolonged stays in community hospitals. As well offenders with mental health care needs would have better access to services that are located in one facility and not thinly spread out between several penitentiaries.

This design would also provide an opportunity to more consistently address problems associated with having segregation units in every maximum- and medium-security penitentiary across the country. A common segregation unit within a complex would provide a more consistent approach to managing the behavioural problems that a small segment of the inmate population regularly presents. Common approaches by properly trained staff could provide a safer and more effective alternative to the smaller segregation units, which are not staffed properly, to motivate inmates to modify their behaviour in a positive way.

Furthermore, since the offender would, as a norm, remain in the same regional complex during the sentence, the potential of maintaining important family ties increases. This is noted by the Canadian Families and Corrections Network:

Complexes [should] be encouraged because of their potential to affect the geographical dilemma faced by families, to incorporate or address family quality of life issues and relationship maintenance need and to improve potential community support during reintegration.⁵⁸

Although CSC has not had an opportunity to thoroughly identify overall cost savings associated with moving to a complex design approach, both the Panel and CSC believe this new approach would result in cost savings.

To validate the hypothesis as much as possible, the Panel contracted with Deloitte & Touche to independently estimate the costs of constructing and operating a new regional complex facility versus the status quo.

Overall, Deloitte & Touche concluded that although a significant level of rigour has been applied to developing several aspects of the cost estimates and that this has been conducted in a manner consistent with CSC's methodologies and practices, it may be

⁵⁸ Submission to the CSC Review Panel, Canadian Families and Corrections Network, May 23,2007, page 4.

possible that the analysis is overly weighted towards “business as usual.” That is, although the capital, operating and lifecycle estimates are consistent with CSC methodologies, they may not represent the most advanced thinking, such as that available from other departments (for procurement timelines), jurisdictions or third- party advisors. The underlying assumptions for the analysis may be considered reasonable only to the extent that CSC baseline data and standards (such as resource indicators) are reasonable. In many respects, the complex may be considered a transformational business model, potentially requiring new operating approaches and standards. (See Appendix F for complete report).

RECOMMENDATIONS

- 98. The Panel recommends that CSC pursue undertaking capital and operating investments in a new type of regional, penitentiary complex that responds to the cost-efficiency and operational-effectiveness deficits of its current physical infrastructure.*
- 99. The Panel recommends that CSC develop a ‘project development proposal’ for consideration which takes into account the recommendations of Deloitte’s October 4, 2007 Independent Review of the cost estimate for the construction and operation of a new corrections facility which was commissioned by the Panel.*
- 100. The Panel recommends that in the interim, CSC institute clear criteria to minimize authorization of retrofit projects.*

FINANCIAL MANAGEMENT

In this section, we review CSC's current capital and operating budgets. With respect to capital, we propose that CSC reconsider its current accommodation strategy from the perspective of building new regional, correctional complexes and identifying opportunities for more effective operational management processes. We also consider the management of health delivery from two perspectives—the costs associated with using outside hospitals and the approach required to adequately fund the cost of health care for federal offenders.

The Panel was asked to review CSC's Business Plan (2007–08 *Report on Plans and Priorities*) and operating budget for the fiscal period ending March 2008. Time constraints limited the Panel's review to critical, high-level observations.

(a) General Comments

The adjusted 2007–08 fiscal budget identifies expenditures of \$2.1 billion comprising \$1.3 billion in salaries and contributions to employment benefit plan; \$0.6 billion in general operating expenses and \$0.2 billion in capital allocations. The adjusted budget includes an addition of \$0.1 billion to support operating and capital non-discretionary initiatives to meet statutory requirements, pending the results of the Panel's report.

It is helpful to note that over the past 10 years CSC has been facing capital and operating expenditure pressures resulting from a number of factors that have been referenced in this report, including the changing offender population, increasing requirements for programming and mental health treatment interventions and the rapid erosion of physical infrastructure. The rapid increase in demands for operational enhancements has caused CSC to make significant reallocations of its capital monies to the detriment of addressing the needs of its aging physical infrastructure. The Panel believes that this situation has to be addressed to provide the best cost-effective approach to addressing physical plant pressures without jeopardizing CSC's ability to fund its operating requirements.

(b) Capital

CSC's capital expenditure allocation is \$162.0 million for 2007–08 and \$241.0 million for fiscal 2008–09. This includes re-profiling from delayed approved projects previous

years, and the addition of two years of interim funding, \$43.6 million in 2007–08 and \$89.2 million 2008–09, to address immediate physical plant and equipment pressures.

However, according to CSC, their true capital needs are better represented by requirements identified in the following table.

**Correctional Services Infrastructure
Long Term Capital Investment Requirements
Cost Basis in Current Dollars (No Inflation)
(000)**

Fiscal Year	Actual Reference Levels (*)	Operational Status Quo	Status Quo plus APR/EP (**)
2007-08	\$162,052	\$162,052	\$162,052
2008-09	\$241,050	\$298,650	\$298,650
2009-10	\$150,200	\$263,100	\$263,100
2010-11	\$132,295	\$242,895	\$246,895
2011-12	\$129,200	\$268,898	\$288,398
2012-13	\$129,200	\$305,253	\$357,253
2013-14	\$129,200	\$368,314	\$451,514
2014-15	\$129,200	\$335,417	\$429,417
2015-16	\$129,200	\$340,000	\$540,000
2016-17	\$129,200	\$360,000	\$560,000
Total- 10 years	\$1,460,797	\$2,944,579	\$3,597,279
Average per year	\$146,080	\$294,458	\$359,728

(*) Includes two years transition funding of \$43.6M in 07-08 and \$89.2M in 08-09 and reprofiling of previous years funding. Baseline is \$129.2M.

(**) Assumes APR and Earned Parole (EP) legislation will be adopted in 2008-09.

The *Operational Status Quo* column reflects CSC’s estimate of the capital required to remain within its statutory requirements as they relate to providing safe and secure facilities. The *Status Quo Plus (plus APR/EP)* column presents CSC’s estimate of its requirements in order to respond to population increases driven by the elimination of Accelerated Parole Review and Statutory Releases and their replacement with Earned Parole, as recommended in this Report. These estimates are primarily driven by an assumption of an increase of approximately 1,600 new beds over the 10-year period. The Panel notes that consideration has not been given to the positive impact that an earned parole program might have on reducing the number of offenders reoffending in the community and its impact on the total bed count. The Panel believes that a fully

functioning earned parole system, coupled with the recommendations in this report will have a positive impact on the effectiveness of the correctional system.

CSC carries out a yearly, extensive program review to assess its capital requirements and updates its Long-term Capital Accommodation Plan. In the preparation of this capital plan, CSC considers such factors as:

- code, regulatory and policy requirements;
- security requirements;
- addition of new capacity to respond to increases in offender populations;
- major repairs or upgrades to existing facilities and equipment;
- adjustment required for operational requirements; and
- replacement of facilities and equipment at the end of their life cycles.

Core to CSC's capital plan is an approved base, capital budget of \$129.2 million. The forecasted average cost of maintaining the *operational status quo* results in an average incremental requirement of \$148.4 million per year or approximately \$1.5 billion over ten years. The likelihood of the true requirement approaching \$175 to \$200 million per year is high when considering such factors as the continuing increases in the cost of capital projects (inflation); operational impacts related to the changing offender population that result in certain facilities becoming operationally dysfunctional, and changes in infrastructure to respond to programming needs, particularly those associated with 'retooling' CORCAN's operations. Further pressure will be applied to base capital needs as a result of some of the recommendations of this report.

A key consideration that is not factored into CSC's current capital cost estimates is the impact of building new facilities or even correctional in different regional locales or correctional complexes, financing these new capital expenses in a new way, and decommissioning facilities that have long served their usefulness. The Panel believes that these considerations must be added to the equation. CSC must be prepared to consider the cost advantages of 'building new facilities/complexes' vs. 'maintaining old infrastructure,' especially when considering the incremental and escalating maintenance costs of facilities that have well passed their normal life cycles. In this context, it should

be understood that the idea of a ‘complex’ is not foreign to CSC. The Panel saw examples where ‘quasi-complex’ were either in existence or under development (Sainte-Anne-des-Plaines, Saskatchewan Penitentiary, Pacific Institution and Regional Treatment Centre). The management of these facilities still does not take advantage of the operational efficiencies that would be associated with a complex.

What is clear to the Panel is that, if CSC is in need of additional capital of \$200 million or more each year to maintain and replace its current facilities, it warrants full consideration of whether these additional investments would be better allocated to financing new, more operationally efficient and effective complexes that could meet evolving population management requirements. The Panel believes that the physical configuration that has been described for complexes could meet these requirements, particularly when considering the report provided by Deloitte and Touche. It indicated that initial estimates provided by CSC were based on operating assumptions more specific to the status quo, and did not represent potential cost-efficiency and cost-effectiveness scenarios that were more futures oriented. As a consequence, their conclusion was that further consideration should be given to issues such as operational, program delivery and staff complement efficiencies accruing from the proximity of facilities; consideration of the financial impact of longer life cycles; management of the impact of future population growth, and savings from rethinking how refreshing and/or redeveloping of current infrastructure could occur.

(c) Operating

Generally, CSC’s operating budget is distributed in the following manner—79.4% to penitentiaries, 11.8 % to the community, and 8.8% to National and Regional Headquarters. It should be noted that some recent adjustments to this operating base such as resources for the correctional officer contract agreement and community mental health initiatives were primarily allocated to penitentiaries and the community. It is further noted that in 2007–08 approximately 7.7% is identified for *Program Development and Delivery* and 8.0% for *Health Care*.

The Panel has been told that under current operating assumptions there is little flexibility to reallocate resources to where they may be required in the future. Based on the needs of the changing offender population, increases to the current operating bases for programs and health could be significant. However, the Panel believes that there are possible

efficiencies that could be identified as part of CSC's response to its recommendations. Gains through operational effectiveness measures should be considered in both the penitentiary and community areas.

The Panel recommends CSC undertake a review of possible efficiencies that could be identified through the reengineering of penitentiary, operational processes. In particular the review and introduction of new approaches to program development and delivery should result in the identification of re-profiling opportunities.

At the same time, the Panel recognizes that CSC's current infrastructure may severely limit its ability to implement extensive re-profiling. The Panel strongly believes that the introduction of new physical infrastructures, either through redeveloped penitentiaries, or the building of new complexes, should provide CSC with the flexibility to re-profile costs to the benefit of improved program delivery.

The Panel suggests that CSC look at other correctional jurisdictions to determine the operational and related cost-effective benefits of moving in this direction.

With respect to the delivery of health care, the Panel notes that because offenders are outside the health care system (*Canada Health Act*) while they are under sentence CSC is totally responsible for the costs of their health care needs. Simply put, the majority of health needs of offenders would be funded either under provincial health plans of their respective provinces, if they were individuals in the community, or, in the case of mental health, under special allocations from Health Canada.

The total adjusted resource allocation for 2007–08 for health care is \$151.4 million. Actual costs for hospitalization alone have increased by 25% from \$5,778.4 million in 2004–05 to \$7,216.6 million in 2006–07. The Panel understands that hospitals in the Ontario Region use OHIP standards to build for care and treatment (inpatient care, day surgery) outside the penitentiary. At the same time, the Panel was made aware of variances in the use of these standards, particularly in areas outside major metropolitan areas. The Panel suggests that CSC review standards used in the delivery of outside hospitalization in each of its regions in order to ensure that they are consistent with provincial standards, or are justified based on factors such as geographic location, availability of specialist staff, etc.

The provision of both medical and mental health care in federal penitentiaries by CSC is of concern to the Panel, particularly in light of the escalating costs of health care and the diminished role of the provinces in providing acute mental health care in the community.

As a consequence, the Panel wants to highlight the importance of ensuring that both federal and national initiatives related to health care take into consideration the responsibilities and accountabilities of CSC. The Panel suggests that the Government examine how health care costs are funded for federal offenders and either consider providing a direct allocation out of Health Canada, or continuing consideration of these core costs in the determination of CSC budgetary allocations.

The Panel notes that CSC made a strong case for and received interim funding to offset ongoing capital and operating requirements to address the risks and needs posed by the changing offender population. The Panel believes that this funding is critical to provide a minimum response while CSC examines the immediate and longer-term impacts of the recommendations of the Panel. We believe this interim funding for 2007–09 should be made part of CSC's baseline operating allocations and referenced in future resource submissions.

RECOMMENDATIONS

- 101. The Panel recommends that any review of changes to CSC's physical infrastructure consider the impact of building new correctional facilities in different regional locales or correctional complexes, financing these new capital expenses in a new way, and decommissioning facilities that have long served their usefulness.*
- 102. The Panel suggests that CSC look at other correctional jurisdictions to determine the operational and related cost-effective benefits of building new correctional facilities in different regional locales or correctional complexes.*
- 103. The Panel recommends that CSC review standards used in the purchase of outside medical services in each of its regions.*
- 104. The Panel recommends that the government take into consideration the importance of ensuring that both federal and national initiatives related to health*

care reflect the responsibilities and accountabilities of CSC. The Panel suggests that the Government examine how health care costs are funded for federal offenders and either consider providing a direct allocation out of Health Canada, or continue consideration of these core costs in the determination of CSC budgetary allocations.

- 105. The Panel recommends that the two-year bridge funding provided by Treasury Board to CSC for the period of 2007–09 be extended as part of CSC’s normal operating allocations.*

OTHER CONSIDERATIONS

(a) Frivolous and Vexatious Grievances by Offenders

CSC is faced with a small number of offenders who file grievances continuously and in large numbers. These grievances must be managed more expeditiously, while protecting the offender's right to raise issues of concern for review and action.

The Panel reviewed legislative alternatives but concluded that they do not offer a fair and expeditious approach to managing these types of grievances. The Panel has concluded that these types of grievances should be reviewed and resolved at the first level of the grievance process and applying CSC policies at that level.

RECOMMENDATION

106. The Panel recommends that CSC clearly establish criteria to define offender grievances that are considered frivolous and vexatious and review its Offender Redress System to ensure that procedures are introduced at the 'first level' of the grievance process to address these grievances in the context of CSC policy.

(b) Initial Placement of Offenders Convicted of First and Second Degree Murder

The Panel was asked to comment on the current approach used by CSC to classify and place offenders sentenced to first or second degree murder in a maximum-security penitentiary for at least two years from the start of their sentence. The Panel recognizes the severity of a sentence for first or second degree murder and that such a sentence reflects the courts intent to address the sentencing principles of denunciation and deterrence.

In February 2001, in the House of Commons, the then Solicitor General announced the then Commissioner's direction that offenders convicted of first and second degree murder would have to spend a minimum of two years in a maximum-security penitentiary, prior to being considered for transfer to a lower security penitentiary.

Since the announcement, the 2001 policy has been criticized by various stakeholders, including the Correctional Investigator and the Canadian Human Rights Commission as being inconsistent with the overall approach applied to all other offenders; specifically, individualized assessment and security classifications based on defined factors in the CCRA. Their argument is that the policy for lifers is contrary to law, as prescribed in the CCRA, which stipulates that an offender's security classification and subsequent penitentiary placement provide the least restrictive environment, in accordance with the offence, history and needs, and taking into account the safety and security of the penitentiary and the public.

This policy has also been challenged in court on three occasions and, in all cases, CSC was successful on technical or jurisdictional grounds. However, while the legal perspective supports CSC's ability to change its policy, it was noted that any policy change must allow for the individual assessment of offenders rather than a generalized practice.

Although CSC has since made some minor adjustments in terms of where the decision-making authority is for any exceptions to the current policy, these changes have not resolved the larger debate around the perceived legitimacy of such a policy.

The Panel recognizes that a life sentence is the most severe sentence that an individual can receive in Canada and believes that the management of offenders serving life sentences must be more clearly defined within the federal correctional system. The Panel also agrees that all offenders should remain at a determined security level as long as that level of security is deemed necessary to best manage the offender in light of public and penitentiary safety.

However, it is critical to ensure that all processes related to the management of offenders have a clear grounding within legislation. An overall management strategy should be in place to ensure that the implications of a life sentence are understood and managed in a way that ensures public safety is paramount and that the needs of offenders are addressed in a logical manner over the course of the long-term sentence.

RECOMMENDATIONS

- 107. The Panel recommends that consideration be given to amend the CCRA to clearly define the initial security level and duration of placement of offenders convicted of first and second degree murder and the reasons for placement.*
- 108. Offenders convicted of first and second degree murder should be managed differently from offenders with short sentences. In light of the impacts of the amendment, CSC should use the results of intake assessment and the offender's correctional plan to manage the offender's sentence in a comprehensive manner until subsequent decision points related to the reassessment of the progress the offender has made in following the correctional plan.*

(c) Collection of DNA Samples

The Panel has heard from a number of interest groups suggesting that the DNA Data Bank should be expanded to include a broader range of offences and that consideration should be given to taking samples from all federal offenders, regardless of the offence committed.

RECOMMENDATION

- 109. The Panel recommends that, as part of its contribution to ongoing and effective criminal investigations, that CSC be supportive of any action that considers taking DNA samples from federal offenders in CSC penitentiaries, especially from sexual and dangerous offenders.*

Appendix A: Federal Penitentiaries by Region and Security Level

ATLANTIC REGION

Security Level	Institution Name	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Minimum	Westmorland Institution	1962	252	45
Medium	Springhill Institution	1967	367	40
	Dorchester Penitentiary	1880	413	127
Maximum	Atlantic Institution	1987	233	20
Multi-Level	Shepody Healing Centre	1880	48	127
	Nova Institution for Women	1995	70	12
REGIONAL TOTAL			1,383	

ONTARIO REGION

Security Level	Institution Name	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Minimum	Frontenac Institution	1962	193	45
	Beaver Creek Institution	1961	202	46
	Isabel McNeill House	1934	10	73
	Pittsburgh Institution	1963	226	44
Medium	Fenbrook Institution	1998	404	9
	Bath Institution	1972	342	35
	Collins Bay Institution	1930	217	77
	Joyceville Institution	1959	452	48
	Warkworth Institution	1967	537	40
Maximum	Kingston Penitentiary	1835	421	172
	Millhaven Institution	1971	414	36
Multi-Level	Regional Treatment Centre	1855	143	152
	Grand Valley Institution for Women	1997	118	10
REGIONAL TOTAL			3,679	

PRAIRIES REGION

Security Level	Institution Name	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Minimum	Rockwood Institution	1962	167	45
	Riverbend Institution	1962	126	45
	Willow Cree Healing Lodge	2002	40	5
	Grande Cache Institution	1985	243	22
	Pê Sâkâstêw Centre	1997	60	10
	Grierson Centre	1912	30	95
	Bowden Annex	1992	80	15
	Drumheller Annex	1997	72	10
Medium	Stony Mountain	1876	546	131
	Drumheller Institution	1967	526	40
	Bowden Institution	1974	415	33
Maximum	Edmonton Institution	1978	227	29
Multi-Level	Regional Psychiatric Centre	1978	194	29
	Okimaw Ohci Healing Lodge	1995	28	12
	Edmonton Institution for Women	1996	135	11
	Saskatchewan Penitentiary	1911	539	96
REGIONAL TOTAL			3,428	

Report of the Correctional Service of Canada Review Panel

QUEBEC REGION

Security Level	Institution Name	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Minimum	Montée St-François Institution	1963	243	44
	Federal Training Centre	1952	375	55
	Ste-Anne-des-Plaines Institution	1970	165	37
Medium	Leclerc Institution	1961	481	46
	Archambault Institution	1969	284	38
	Drummond Institution	1984	369	23
	Cowansville Institution	1966	423	41
	La Macaza Institution	1960	240	47
Maximum	Donnacona Institution	1986	355	21
	*Regional Reception Centre – includes the Special Handling Unit (SHU)	1973/1984	303	34/23
Multi-Level	Port-Cartier Institution	1988	237	19
	Joliette Institution	1997	99	10
	Regional Mental Health Centre (Archambault)	1969	119	38
REGIONAL TOTAL			3,693	

PACIFIC REGION

Security Level	Institution Name	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Minimum	William Head Institution	1959	140	48
	Kwikwèxwelhp Healing Village	1975	50	32
	Ferndale Institution	1973	166	34
Medium	Matsqui Institution	1966	350	41
	Mountain Institution	1962	440	45
	Mission Institution	1977	228	30
Maximum	Kent Institution	1979	228	28
Multi-Level	Fraser Valley Institution	1993	61	14
	Pacific Institution	1967	223	40
	Regional Treatment Centre	2004	192	3
REGIONAL TOTAL			2,078	

National Rated Capacity Total 14,261

NATIONAL TOTALS

	Institution	Date In-Service*	Rated Capacity as of March 31, 2007	Age
Number of Institutions	58 Institutions			
Institutions over 40 Years	28 Institutions			
Average Age	44 Years			
<i>Also included in current holdings:</i>				
	Prison for Women (P4W)	1934	Not applicable	73
	Laval Penitentiary	1867	Not applicable	140
NATIONAL TOTALS (including P4W and Laval)				
Number of Institutions	60 Institutions			
Institutions over 40 Years	30 Institutions			
Average Age	46 Years			

Appendix B: Offender Program Outcomes

Offender Program Outcomes by Type of Program

		2002-03	2003-04	2004-05	2005-06	2006-07
Violence Prevention Programs	All Outcomes	526	649	577	561	482
	% Completions	67%	65%	62%	62%	65%
Sex Offender Programs	All Outcomes	1389	1370	1212	1121	1060
	% Completions	67%	59%	59%	58%	63%
Substance Abuse Programs	All Outcomes	6060	5257	5051	5249	5458
	% Completions	69%	63%	60%	62%	66%
Family Violence Prevention Programs	All Outcomes	1235	977	745	817	836
	% Completions	84%	78%	68%	73%	74%
Living Skills Programs	All Outcomes	4366	3622	2996	2822	2534
	% Completions	78%	76%	76%	78%	79%
Community Correctional Programs	All Outcomes	473	487	563	610	763
	% Completions	64%	59%	64%	58%	55%
Special Needs Programs	All Outcomes	182	144	189	151	285
	% Completions	54%	45%	52%	42%	53%
Women Offender Programs	All Outcomes	82	149	300	358	405
	% Completions	77%	52%	39%	35%	28%
Aboriginal Initiative Programs	All Outcomes	263	267	289	220	304
	% Completions	39%	49%	35%	37%	29%

Source: Corporate Reporting System (August 19, 2007).

Appendix C: Outcomes of CSC Educational Programs

Outcomes of CSC Educational Programs

		2002-03	2003-04	2004-05	2005-06	2006-07
Educational Programs	All Outcomes	11 478	11 917	11 346	11 134	10 705
	Completions	27%	29%	30%	30%	31%
ABE I: Grade 1 to 5.9	All Outcomes	2 463	2 147	1 727	1 676	1 711
	Completions	21%	16%	14%	13%	14%
ABE II: Grade 6 to 8.9	All Outcomes	2 181	2 371	2 478	2 223	2 156
	Completions	15%	12%	15%	15%	16%
ABE III: Grade 9 to 10.9	All Outcomes	1 961	1 971	1 944	1 967	1 833
	Completions	17%	18%	23%	20%	22%
ABE IV: Gr 11 to H Sch Diploma	All Outcomes	1 684	1 817	1 838	1 576	1 411
	Completions	26%	28%	28%	20%	20%
GED: Completion of GED	All Outcomes	611	627	607	981	817
	Completions	35%	31%	31%	43%	39%
Vocational	All Outcomes	1 493	2 060	1 711	1 458	1 136
	Completions	49%	63%	65%	66%	67%
Emp Skills & Career Couns	All Outcomes	561	516	650	692	825
	Completions	70%	61%	64%	67%	70%

Source: CSC Corporate Reporting System (September 21, 2007)

Appendix D: CSC Program Outcomes

CSC Program Outcomes						
National / Community	Measure	2002-03	2003-04	2004-05	2005-06	2006-07
All Correctional Programs	All Outcomes	4,222	4,102	4,203	3,954	3,706
	% Completion	53.84	48.73	49.89	51.14	51.11
Community Correctional Programs	All Outcomes	476	487	563	610	756
	% Completion	63.85	58.73	63.77	57.87	54.76
Ethnocultural Programs	All Outcomes	0	0	0	0	0
	% Completion	0	0	0	0	0
Family Violence	All Outcomes	240	237	257	289	261
	% Completion	57.92	52.74	55.25	66.78	56.7
Living Skills	All Outcomes	666	468	306	235	246
	% Completion	70.42	65.17	63.73	57.87	57.72
Sex Offender Programs	All Outcomes	467	546	547	459	456
	% Completion	44.75	37.73	45.89	37.47	46.27
Special Needs Programs	All Outcomes	0	0	0	0	0
	% Completion	0	0	0	0	0
Substance Abuse Programs	All Outcomes	2,354	2,304	2,401	2,228	1,824
	% Completion	48.56	46.31	45.94	50.45	50.55
Violent Offenders	All Outcomes	15	32	24	29	33
	% Completion	53.33	25	41.67	34.48	48.48
Women's Programs	All Outcomes	0	25	104	103	129
	% Completion	0	8	34.62	33.01	31.78
Aboriginal Initiatives	All Outcomes	6	3	1	1	1
	% Completion	50	0	100	0	0
Education	All Outcomes	201	174	227	286	294
	% Completion	54.23	46.55	39.65	50.35	42.52
Personal Development	All Outcomes	338	315	209	158	175
	% Completion	74.56	73.65	92.82	89.24	93.14
All Programs (including correctional programs and other programs)	All Outcomes	4,761	4,591	4,639	4,398	4,175
	% Completion	55.32	50.36	51.33	52.46	52.26

Source: CSC Corporate Reporting System (October 21, 2007)

All Outcomes" includes all assignment statuses that fall within "Completion," "Drop Out" and "Population Management."
"Completion" includes the assignment statuses of Successful Completion and Attended All Sessions.

Appendix E: Statistics on Reoffending

Reoffending with Any Conviction while on Supervision

Aboriginal		01-02	02-03	03-04	04-05	05-06
Flowthrough	year	2516	2429	2471	2564	2631
	3-year average	2529	2502	2472	2488	2555
All Convictions	year	237	240	228	220	228
	3-year average	250	245	235	229	225
Rate	year	9.4%	9.9%	9.2%	8.6%	8.7%
	3-year average	9.9%	9.8%	9.5%	9.2%	8.8%

Non-Aboriginal		01-02	02-03	03-04	04-05	05-06
Flowthrough	year	14095	13953	13697	13592	13737
	3-year average	14341	14154	13915	13747	13675
All Convictions	year	937	916	860	874	830
	3-year average	978	980	904	883	855
Rate	year	6.6%	6.6%	6.3%	6.4%	6.0%
	3-year average	6.8%	6.9%	6.5%	6.4%	6.2%

Return to Federal Custody for Violent Conviction within 2 years post-WED

Aboriginal		00-01	01-02	02-03	03-04	04-05
Offenders Reaching WED	year	805	776	754	730	794
	3-year average	751	766	778	753	759
Re-Admission	year	62	41	54	59	67
	3-year average	54	51	52	51	60
Rate	year	7.7%	5.3%	7.2%	8.1%	8.4%
	3-year average	7.1%	6.7%	6.7%	6.8%	7.9%

Non-Aboriginal		00-01	01-02	02-03	03-04	04-05
Offenders Reaching WED	year	3831	3914	3880	3793	3749
	3-year average	3778	3809	3875	3862	3807
Re-Admission	year	171	181	188	174	204
	3-year average	174	170	180	181	189
Rate	year	4.5%	4.6%	4.8%	4.6%	5.4%
	3-year average	4.6%	4.5%	4.6%	4.7%	5.0%

Return to Federal Custody for Violent Conviction within 5 years post-WED

Aboriginal		97-98	98-99	99-00	00-01	01-02
Offenders Reaching WED for any type of offence	year	607	730	718	805	776
	3-year average	611	654	685	751	766
Re-Admission for violent offence	year	92	108	85	121	98
	3-year average	96	101	95	105	101
Rate	year	15.2%	14.8%	11.8%	15.0%	12.6%
	3-year average	15.8%	15.5%	13.9%	13.9%	13.2%

Non-Aboriginal		97-98	98-99	99-00	00-01	01-02
Offenders Reaching WED for any type of offence	year	4043	3820	3683	3831	3914
	3-year average	4122	3993	3849	3778	3809
Re-Admission for violent offence	year	370	348	292	317	314
	3-year average	373	361	337	319	308
Rate	year	9.2%	9.1%	7.9%	8.3%	8.0%
	3-year average	9.0%	9.0%	8.7%	8.4%	8.1%

Appendix F: Deloitte and Touche Report



Financial Advisory

Correctional Service of Canada Review Panel

Independent review of the cost estimate for the construction and
operation of a new corrections facility

October 4, 2007

Table of contents

1. Introduction	1
1.1 Description of the engagement	1
1.2 Framework for the review	1
2. Scope and Comparability of the Analysis	2
2.1 Definition of Status Quo and Complex Scenarios	2
2.2 Key assumptions related to the scope of the review	2
2.3 Comparability of Status Quo Facilities to the Complex	3
2.4 Cash Flow Comparison of the Status Quo and Complex.....	3
2.5 Consideration of Delivery Models	9
3. Capital cost assumptions.....	11
3.1 Sources	11
3.2 Key assumptions	11
3.3 Cost breakdown by functional area	12
3.4 Implementation timeline.....	14
4. Operating costs assumptions	16
4.1 Sources	16
4.2 Key Assumptions	16
4.3 Breakdown of Estimated Per Offender Cost	17
4.4 Resource Indicators: Efficiencies	17
4.5 Comparable Institutions for Operating and Maintenance Costs.....	18
5. Lifecycle maintenance cost assumptions.....	21
5.1 Sources	21
5.2 Key Assumptions	21
6. Conclusion.....	22

1. Introduction

1.1 Description of the engagement

The Correctional Service of Canada Review Panel (the “Panel”) has requested Correctional Services Canada (“CSC”) to develop a cost estimate for a new correctional facility that could incorporate the correctional activities of existing facilities located in the Kingston area into one footprint (the “complex”). The complex would be designed in order to incarcerate multiple populations. The objective of CSC’s analysis is to:

- determine the cash costs (capital, operating and capital maintenance costs) required for the new complex;
- compare these costs against the expected cash costs for the status quo facilities; and
- ascertain whether the results of the analysis warrants recommending further study to investigate the costs of the complex.

The Panel has engaged Deloitte to:

- independently review the estimates developed by CSC for comprehensiveness, and wherever possible, reasonableness; and
- Guide the refinements in the cost estimate as required.

1.2 Framework for the review

The following structure was adopted for the review.

- **Scope and Comparability:** Review the scope of the analysis and review the comparability between the status quo facilities and new complex facility (the “facilities”).
- **Capital Cost Assumptions:** Review the capital costs (e.g., materials and labour) associated with the construction of the facilities including related costs such as design/engineering.
- **Operating Cost Assumptions:** Review operating costs of the facilities which are predominantly labour costs but also additional expenses for operating, maintenance, offender related costs and allocations.
- **Lifecycle or Capital Maintenance Costs:** Review the capital expenditures that are incurred over the lifetime of the facilities. This may include major refurbishments, replacement of major components or equipment, etc.

2. Scope and Comparability of the Analysis

CSC has provided the all-in cash outflows for the status quo and the complex scenarios. This section presents that data for comparative purposes and comments on the reasonableness of the scope of the analysis and the comparability of the data.

2.1 Definition of Status Quo and Complex Scenarios

As mentioned, the purpose of this analysis is to compare a status quo costing scenario to a new complex scenario.

It is contemplated that the complex would be populated from the consolidation of 6 existing institutions: Pittsburgh, Joyceville, Warkworth, the Regional Treatment Centre, Kingston Penitentiary and Millhaven. These will be referred to as the status quo facilities.

The status quo put forth by CSC assumed, as captured in the CSC's long term capital management plan, that approximately \$640 million in capital investment is required to continue operating the existing facilities. Much of this capital investment would be spent in the near term on the Joyceville, Warkworth, Kingston Penitentiary and Regional Headquarters and Training facilities. This data can be seen in Figure 2.2.

The complex scenario contemplates continued operation of the existing facilities until such time that certain elements of the complex are commissioned (operational).

The following section provides a more thorough review of the comparison of these scenarios and the associated assumptions.

2.2 Key assumptions related to the scope of the review

Several key assumptions related to the scope of the analysis conducted by CSC are material to this review and the comparison of status quo to the complex:

- Land has been assumed to be owned and available to CSC and is therefore not considered as a separate cost item. The value of land whether owned, acquired or disposed should be considered in any further analysis as some of the facility sites could have a significant value;
- The quantification of risks has not been included in the status quo or the complex, even though there are different inherent risk levels between the two scenarios. Risk quantification should be considered in any further analysis;
- Decommissioning of facilities and transitioning costs associated with moving populations from the status quo facilities are outside the scope of this analysis. This was considered to not be in scope as the assets revert to Public Works and are therefore not under the purview of CSC. A more holistic view of cost and benefit may be appropriate in any further analysis;
- The information provided by CSC extends until FY19-20, which is presumed to be the year under which steady state is achieved. It should be noted that common practice is to project cash flow profiles for the full lifecycle of the asset. The life of special purpose buildings are generally beyond 20 years which suggests any further analysis should be longer in duration;
- The status quo estimates do not consider the impact of inmate population growth over the period of analysis. The cost implications of future expansions or reconfigurations to handle growth should be considered in any further analysis;
- The scope of the analysis will be limited to the boundaries of the facility itself. The effect of the complex on costs outside of the complex (e.g., transportation of inmates or materials) was not in scope. There is the possibility for efficiencies in this regard and should be investigated in any further analysis; and
- All-in costs are generally assumed, which accords with common practice. However, differences relating to project management effort (including advisors) associated with implementing the status quo (many smaller capital projects) or the complex (one larger capital project) have not been included in the costs and should be considered in any further analysis.

2.3 Comparability of Status Quo Facilities to the Complex

In addition to the key assumptions, it should be noted that there are small differences between the organization and support levels of the status quo facilities and the complex. No adjustments have been made to the costs to account for these differences. At this stage of analysis it is assumed that the net effect of these differences is not material, although this assumption should be confirmed in any further analysis. These differences are¹:

- The overall capacity identified in the "replacement" institutions is 2186 cells vs. a population of 2175 in the complex (not including segregation capacity).
- The distribution of inmate population security levels differs between the status quo facilities and the complex. It is generally assumed that the deficiency in maximum inmates is roughly balanced by the excess medium population. These differences are:
 - The status quo maximum/multi-level (Treatment/ Reception) is 978 (excluding SHU which is in Quebec) vs. 1025 (excluding SHU) in the Complex;
 - The status quo medium population is 982 vs. 800 for the complex; and
 - The status quo minimum population is 226 vs. 250 for the complex.
- For mental health, the Ontario Region has 149 cells at RTC (KP/RTC) and 14 cells at Millhaven for a total of 163 cells as compared to the 225 in the complex model. While not providing the same capability as the dedicated Treatment Centers, some institutions provide intermediate mental health care in the Region (33 Warkworth, 18 KP and 33 Millhaven), partially offsetting the disparity between the status quo and the complex in the area of mental health. It should also be pointed out that, while the capacity in the status quo may be less than for the complex model, these offenders are accounted for in the regular accommodation provided under the status quo. Hence, the difference is only the variation between regular accommodation / intermediate care and primary mental healthcare provisions, which is assumed to not be material. The complex provides 7% mental health capacity the status quo is currently approximately 5% of the overall capacity.
- For reception, there are 205 cells dedicated at Millhaven. The majority of these cells are typically double-bunked so that the number of beds used is generally between 300 and 350. The complex model assumes a 300 cell capacity.
- For the special handling unit (SHU), the status quo does not include a SHU in Ontario. However, Millhaven did at one point provide this capacity (1980s). Hence, given the comparability of the two options in terms of overall capacity, it is assumed that this capability is, at least from a facility perspective, partially accounted for in the status quo. There is currently one national SHU, located in Quebec, with a capacity of 110 cells. Assuming per capita use of the facility is comparable from each part of the country, the Ontario share of this facility would presently be about 30 cells.
- Although the status quo does not specifically identify a healthcare capacity, this capability is provided at all existing major institutions and is, hence, taken into account in the comparative data.
- While the overall capabilities (offices, programs, accommodation etc...) of the RHQ and staff training unit are generally the same between the status quo and the complex. However, the complex is assumed to provide significantly less space (existing 11300 m² vs. 9500 m² planned). This difference results from anticipated design efficiencies associated with construction of a more purpose-built facility, with better gross-to-net efficiencies, than the current heritage structures.

2.4 Cash Flow Comparison of the Status Quo and Complex

Figure 2.1 presents the cash flow profiles of the status quo and complex options. From this it can be seen that an incremental investment of approximately \$118 million is required to achieve approximately \$12.6 million in annual savings (realizable in 2021 and beyond). This \$12.6 million in

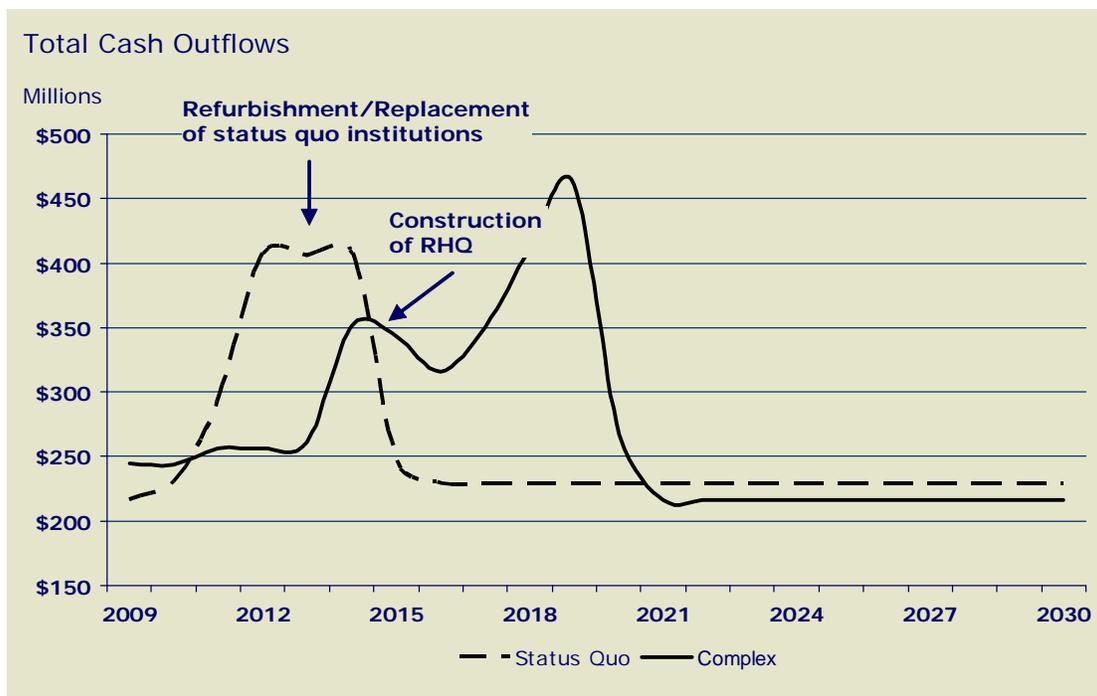
¹ The information in Section 2.3 has been provided by CSC

ongoing savings is attributed to an assumed operating cost savings of \$13 million per year and an assumed increment ongoing lifecycle maintenance cost of \$0.4 million per year.

The projected operating cost savings are less than what might be expected from the co-location of 6 facilities given that nearly 60% of the operating costs (see Section 4) are FTE-related. The low difference in lifecycle expenses is due to the fact that under both the status quo and complex scenarios, there is a high degree of asset refresh by way of refurbishment or redevelopment that occurs. In fact the complex scenario necessarily requires a high degree of asset refresh by way of refurbishment or redevelopment of the existing infrastructure during the planning and construction phase of the new complex. Further investigation of the planning and construction phases of the complex may aid in minimizing the degree of refurbishment or redevelopment of the existing infrastructure.

Based on the above, and the several key assumptions that would benefit from further analysis (as identified in Section 2.2 and later in the report) a recommendation by the Panel that CSC investigate the complex costs and benefits in more detail would be reasonable.

Figure 2.1 Cash Flow Profiles of the Status Quo and the Complex



Inherent in the complex cash flow profile above is the assumption that the status quo institutions will be used until the new complex is ready, assumed to occur in FY18-19. The raw data that supports Figure 2.1 is found in Figure 2.2.

Figure 2.3 provides the same data in a manner that allows the status quo to be compared to the complex on a facility-by-facility basis up to the completion date of the complex. Note that the assumed sale of the Pittsburgh facility, assumed by CSC to occur in FY19-20, has been placed in FY18-19 for the purposes of Figure 2.3 to ensure that it is captured within this timeframe.

Figure 2.2 Cash Flow Profiles Provided by CSC (Status Quo)

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	Total
Capital Costs	1.0	5.0	10.0	50.0	60.0	50.0	4.0	-	-	-	-	-	-	180.0
Lifecycle Costs	1.5	1.5	1.5	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	3.0	3.0	30.0
O&M	35.0	35.0	35.0	35.0	35.0	35.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	476.0
Capital Costs	0.5	2.5	-	-	-	-	-	-	-	-	-	-	-	3.0
Lifecycle Costs	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	13.0
O&M	16.0	16.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	263.0
Capital Costs	1.0	3.0	15.0	35.0	35.0	11.0	-	-	-	-	-	-	-	100.0
Lifecycle Costs	1.4	1.4	1.4	1.4	1.4	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	29.4
O&M	43.0	43.0	43.0	43.0	43.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	519.0
Capital Costs	1.0	2.0	15.0	30.0	30.0	22.0	-	-	-	-	-	-	-	100.0
Lifecycle Costs	1.3	1.3	1.3	1.3	1.3	1.3	2.6	2.6	2.6	2.6	2.6	2.6	2.6	26.0
O&M	45.0	45.0	45.0	45.0	45.0	45.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	543.0
Capital Costs	2.0	7.0	27.0	75.0	65.0	55.0	14.0	-	-	-	-	-	-	245.0
Lifecycle Costs	2.4	2.4	2.4	2.4	2.4	2.4	4.9	4.9	4.9	4.9	4.9	4.9	4.9	48.7
O&M	63.0	63.0	63.0	63.0	63.0	121.0	78.0	78.0	78.0	78.0	78.0	78.0	78.0	982.0
Capital Costs	1.0	2.0	10.0	9.0	-	-	-	-	-	-	-	-	-	22.0
Lifecycle Costs	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	4.9
O&M	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Property Sale	-	-	-	(7.0)	-	-	-	-	-	-	-	-	-	(7.0)
Capital Costs	6.5	21.5	77.0	199.0	190.0	138.0	18.0	-	-	-	-	-	-	650.0
Lifecycle Costs	7.9	7.9	7.9	8.0	8.0	9.4	14.7	14.7	14.7	14.7	14.7	14.7	14.7	152.0
O&M	202.0	202.0	207.0	207.0	207.0	260.0	214.0	214.0	214.0	214.0	214.0	214.0	214.0	2,783.0
Property Sale	-	-	-	(7.0)	-	-	-	-	-	-	-	-	-	(7.0)
Total (A)	216.4	231.4	291.9	407.0	405.0	407.4	246.7	228.7	228.7	228.7	228.7	228.7	228.7	3,578.0

Figure 2.2 Cash Flow Profiles Provided by CSC (Complex)

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	Total
Capital Costs	5.0	5.0	25.0	25.0	25.0	100.0	100.0	100.0	100.0	100.0	80.0	53.0	-	718.0
Lifecycle Costs	-	-	-	-	-	-	-	-	-	-	-	14.4	14.4	28.8
O&M	-	-	-	-	-	-	-	20.0	80.0	80.0	150.0	201.0	201.0	652.0
Capital Costs	-	-	-	4.0	4.0	20.0	11.0	-	-	-	-	-	-	35.0
Lifecycle Costs	-	-	-	-	-	-	-	0.7	0.7	0.7	0.7	0.7	0.7	4.2
O&M	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lifecycle Costs	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	-	-	66.0
O&M	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	-	-	385.0
Lifecycle Costs	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	-	-	22.0
O&M	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	-	-	176.0
Property Sale	-	-	-	-	-	-	-	-	-	-	-	(2.0)	-	(2.0)
Lifecycle Costs	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	-	-	60.5
O&M	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	-	-	473.0
Capital Costs	6.5	6.5	-	-	-	-	-	-	-	-	-	-	-	13.0
Lifecycle Costs	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	-	-	57.2
O&M	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	-	-	495.0
Capital Costs	1.5	0.5	-	-	-	-	-	-	-	-	-	-	-	2.0
Lifecycle Costs	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	-	-	105.6
O&M	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	-	-	693.0
Lifecycle Costs	1.4	1.4	1.4	1.4	1.4	1.4	1.4	-	-	-	-	-	-	9.8
O&M	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Property Sale	-	-	-	-	-	-	(15.0)	-	-	-	-	-	-	(15.0)
Capital Costs	13.0	12.0	25.0	25.0	29.0	120.0	111.0	100.0	100.0	100.0	80.0	53.0	-	768.0
Lifecycle Costs	29.7	29.7	29.7	29.7	29.7	29.7	29.7	29.0	29.0	29.0	29.0	15.1	15.1	354.1
O&M	202.0	202.0	202.0	202.0	202.0	202.0	202.0	202.0	222.0	282.0	352.0	201.0	201.0	2,874.0
Property Sale	-	-	-	-	-	-	(15.0)	-	-	-	-	(2.0)	-	(17.0)
Total (B)	244.7	243.7	256.7	256.7	260.7	351.7	342.7	316.0	351.0	411.0	461.0	267.1	216.1	3,979.1

Figure 2.3 Cash Flow Profiles on a Site-by-Site Basis until FY18-19

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	Total
Status Quo Complex	1.0	5.0	10.0	50.0	60.0	50.0	4.0	-	-	-	-	180.0
Joyceville Capital	-	-	-	-	-	-	-	-	-	-	-	-
Joyceville Capital	-	-	-	-	-	-	-	-	-	-	-	-
Status Quo Complex	1.5	1.5	1.5	1.5	1.5	1.5	3.0	3.0	3.0	3.0	3.0	24.0
Joyceville Lifecycle Costs	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	66.0
Joyceville Lifecycle Costs	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	6.0	66.0
Status Quo Complex	35.0	35.0	35.0	35.0	35.0	35.0	38.0	38.0	38.0	38.0	38.0	400.0
Joyceville O&M	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	385.0
Joyceville O&M	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	35.0	385.0
Status Quo Complex	0.5	2.5	-	-	-	-	-	-	-	-	-	3.0
Pittsburgh Capital	-	-	-	-	-	-	-	-	-	-	-	-
Pittsburgh Capital	-	-	-	-	-	-	-	-	-	-	-	-
Pittsburgh Property Sale	-	-	-	-	-	-	-	-	-	-	(2.0)	(2.0)
Pittsburgh Property Sale	-	-	-	-	-	-	-	-	-	-	(2.0)	(2.0)
Status Quo Complex	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	11.0
Pittsburgh Lifecycle Costs	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	22.0
Pittsburgh Lifecycle Costs	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	22.0
Status Quo Complex	16.0	16.0	16.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	21.0	221.0
Pittsburgh O&M	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	176.0
Pittsburgh O&M	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0	176.0
Status Quo Complex	1.0	3.0	15.0	35.0	35.0	11.0	-	-	-	-	-	100.0
Warkworth Capital	-	-	-	-	-	-	-	-	-	-	-	-
Warkworth Capital	-	-	-	-	-	-	-	-	-	-	-	-
Status Quo Complex	1.4	1.4	1.4	1.4	1.4	2.8	2.8	2.8	2.8	2.8	2.8	23.8
Warkworth Lifecycle Costs	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	60.5
Warkworth Lifecycle Costs	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	60.5
Status Quo Complex	43.0	43.0	43.0	43.0	43.0	38.0	38.0	38.0	38.0	38.0	38.0	443.0
Warkworth O&M	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	473.0
Warkworth O&M	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	473.0
Status Quo Complex	1.0	2.0	15.0	30.0	30.0	22.0	-	-	-	-	-	100.0
Millhaven Capital	6.5	6.5	-	-	-	-	-	-	-	-	-	13.0
Millhaven Capital	6.5	6.5	-	-	-	-	-	-	-	-	-	13.0
Status Quo Complex	1.3	1.3	1.3	1.3	1.3	1.3	2.6	2.6	2.6	2.6	2.6	20.8
Millhaven Lifecycle Costs	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	57.2
Millhaven Lifecycle Costs	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	5.2	57.2

Figure 2.3 Cash Flow Profiles on a Site-by-Site Basis until FY18-19 (continued)

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	Total
Status Quo	45.0	45.0	45.0	45.0	45.0	45.0	39.0	39.0	39.0	39.0	39.0	465.0
Complex	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	495.0
Status Quo	2.0	7.0	27.0	75.0	65.0	55.0	14.0	-	-	-	-	245.0
Complex	1.5	0.5	-	-	-	-	-	-	-	-	-	2.0
Status Quo	2.4	2.4	2.4	2.4	2.4	2.4	4.9	4.9	4.9	4.9	4.9	38.9
Complex	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	9.6	105.6
Status Quo	63.0	63.0	63.0	63.0	63.0	121.0	78.0	78.0	78.0	78.0	78.0	826.0
Complex	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	63.0	693.0
Status Quo	1.0	2.0	10.0	9.0	-	-	-	-	-	-	-	22.0
Complex	-	-	-	(7.0)	-	-	-	-	-	-	-	(7.0)
Status Quo	-	-	-	-	4.0	20.0	11.0	-	-	-	-	35.0
Complex	-	-	-	-	-	-	-	(15.0)	-	-	-	(15.0)
Status Quo	0.3	0.3	0.3	0.4	0.4	0.4	0.4	0.4	0.4	0.4	0.4	4.1
Complex	1.4	1.4	1.4	1.4	1.4	1.4	1.4	0.7	0.7	0.7	0.7	12.6
Status Quo	-	-	-	-	-	-	-	-	-	-	-	-
Complex	-	-	-	-	-	-	-	-	-	-	-	-

2.5 Consideration of Delivery Models

Inherent in the cash flow profiles is the assumption that the complex would be undertaken under a traditional design-bid-build delivery model. Given the government's increasing interest in pursuing alternative delivery models including public-private partnerships (P3), and the stature that this project would have within the government's planning priorities, it may be considered a viable candidate for an alternative model with greater private sector involvement.

The principal motivation for pursuing a greater role for the private sector would be to achieve greater value for money and, more specifically, greater economic and social benefits at a lower overall risk and cost. Value for money is achieved principally by allocating and managing design and construction risk more effectively. The allocation of these risks to the party best able to bear the risk results in resource allocation, production or economic and social efficiencies. Each party is motivated to minimize costs and maximize benefits, so the total cost of the risk is reduced.

The risk associated with the cost estimates is likely material to CSC's analysis. Some considerations for risk that may be made in future analyses are:

- To what extent is a different financing model appropriate for either the complex or status quo scenarios?
- What is the potential value of risk transfer in the status quo versus the complex scenarios? For example, it may be anticipated that there is less risk transfer available under the status quo scenarios because the capital programs, by and large, contemplate refurbishments as opposed to new-builds. Typically, within refurbishments, it is more difficult to transfer latent defect risk (the risk of discovering unknown issues during the refurbishment), thus lowering the amount of risk transfer. Similarly, in the status quo scenario, lifecycle risks are not transferred away from government. Therefore, it might be expected that lifecycle costs if adjusted for risk may be higher than what is currently assumed.
- To what extent can government transfer the performance risks of the facilities to the private sector thereby allowing CSC to focus on facility programming and monitoring performance.

A brief compare and contrast of the traditional and a P3 model referred to as design-build-finance-maintain is provided below.

Traditional Procurement

The traditional approach to capital project procurement is the design-bid-build approach. The government owner contracts with a design engineer to develop the project design documents (drawings, quantity estimates, and specifications) following the completion of the design. The construction contractor is selected through a competitive tender, with the contract assigned to the lowest bidder.

Because the contractor is bidding to construct a project that has been designed by others, it is not reasonable for it to bid a fixed price except for the simplest of projects. Any work required that was not foreseen and specified by the design documents is considered an "extra", and is negotiated during construction between the engineer, contractor, and government owner through a change order process. Traditional construction contracts therefore often anticipate some "time and materials" charges, and extras are generally incurred (for which a contingency allowance is usually planned). The cost of the project is not always certain at the outset, and the government owner retains much of the construction cost risk if the project does not progress as planned.

Innovation is possible in a traditional procurement. Many government owners push their design engineers to be creative and innovative, and many design engineers strive to bring innovative solutions to their clients. However, there is a structural limitation to the innovation that can be brought to a project in traditional procurement: there is only one designer and one operator (the government owner) dedicating their resources and talent to the problem at hand.

Design-Build-Finance-Maintain (DBFM)

In this scenario, the repayment of capital cost, financing costs, and maintenance costs are rolled into a series of performance payments made over a long period of time. This payment is then linked to a “payment mechanism” that provides the structure through which the private sector is incentivized to adhere to the agreed to performance standards. Combining construction, maintenance and financing skill sets at the beginning of the project creates more effective approaches to delivering the asset and related services. Key benefits of the DBFM model is the transfer of cost and time overrun risk, performance and life cycle cost risks to the service provider.

3. Capital cost assumptions

3.1 Sources

The review of the capital cost assumptions was supported by the information provided by CSC (names are those provided on the documentation received):

- Complexes. Capital Cost Estimates (class D, order-of-magnitude). 07/09/11;
- Project Time Frames. Complex (\$500 M Construction Value). September 11, 2007;
- Sept 2007 Cost per Offender Calculations – 2005-06 – Rated Capacity vs. Utilization; and
- Capital Costs, Background Information. Order of magnitude costs.

3.2 Key assumptions

The complex is assumed to have the following functional areas.

- Reception;
- Health care;
- Mental health;
- Special handling;
- Regional administration (reception, training, regional headquarters, etc);
- Maximum population;
- Medium population;
- Minimum population;
- Segregation unit; and
- A shared area.

The proposed complex is notionally assumed to be on the lands within the Millhaven facility. Therefore, no special accommodations need be made for localized inflation (e.g., special accommodations for inflation may need to be made if the complex were constructed in Vancouver, Edmonton or Calgary) or for the purchase of land. Thus, if the location of the complex was changed, a different set of assumptions would be necessary in order to account for these factors.

Assuming traditional procurement, the financing charges associated with the construction of the facility are not part of the costing, i.e. no capitalized interest.

No accommodation for how inflation may impact the cost over the construction timeframe has been made. This is an adjustment that should be made in further analyses given the material impact current rates of construction inflation are having on large capital projects in Canada, particularly if there are significant implementation timeline differences between the status quo and complex.

In addition, all referenced capital costs are reported in 2007 dollars. Order of magnitude estimates are (+/-) 25% and project costs are excluding land acquisition costs.

The facilities slotted for replacement are those deemed most in need of redevelopment/refurbishment, with exception of Pittsburgh, which is due to be incorporated because of its association with Joyceville. Thus, significant capital costs will be incurred on these facilities regardless of the construction of the complex. Furthermore, CSC has not incorporated any construction projects currently underway at any of the amalgamating facilities. They are deemed to be sunk costs. Therefore, budgeted capital costs may be slightly skewed.

The lifespan of the complex has been estimated to be 32 years which is deemed, by CSC, to be reflective of a typical lifespan of other correctional facilities. Additionally, when completing their calculations, CSC did not incorporate the relatively young life of the Pittsburgh facility in order to maintain simplicity. Thus all incorporating facilities are deemed to have a similar lifespan.

Property re-sale values have been considered in the capital costs when deemed applicable by CSC less costs of demolition. CSC has estimated that property resale values will result from Joyceville/Pittsburgh, \$2 million from the sale of farmland and Regional Headquarters of \$17 million based on 2001 market assessments plus 25% (the estimate does not consider the related costs prior to the sale, i.e. environmental costs). CSC has estimated that the sale of Warkworth will equal the cost of demolition, Kinston Penitentiary will remain heritage property and Millhaven will remain CSC property because of its proximity to Bath institution. These estimates are all contingent of current market conditions at the time of sale.

The option to include the regional headquarters as a part of the complex is in line with CSC's long term capital plan² which is to replace and rebuild the current regional headquarters. The costs are consistent with the latest estimates for the related projects.

Social trends, such as the requirement to separate rival gangs, have been considered in the proposed cost estimates.

The starting point for the capital cost assumptions are the "all-in" cost per cell standard costs for minimum, medium and maximum security levels. These costs are \$500,000 per maximum cell, \$400,000 per medium cell and \$200,000 per minimum cell. These standard costs include:

1. All expected costs for the facility including health care, kitchen, etc.
2. Approximately 35% of additional costs are added to the cost per cell/bed for planning and design fees, project management costs, furniture and equipment, telecommunications and electronics and construction site security; and
3. An estimated premium (stated as 5% to 25%) for construction within a correctional facility although the amount of this premium is not explicitly stated.

Efforts have been made by CSC staff to identify opportunities for co-location, such as placing reception with health care, and opportunities for improved service standards, such as providing shorter distance between inmate populations and the reception area. However, the structure and design of other complex models that exist in the other jurisdictions were not leveraged. Therefore, it cannot be ascertained whether the proposed complex model represents the most innovative and cost effective design layout. As the capital costs are a major cost item, this would seem to be a good area to find potential savings.

Given the key assumptions and the above standard costs, CSC uses its judgement and experience to estimate the required footprint for each area. This is then multiplied by an estimated cost per gross square meter (translated into gross square feet in this report) figure to arrive at the cost per functional area.

3.3 Cost breakdown by functional area

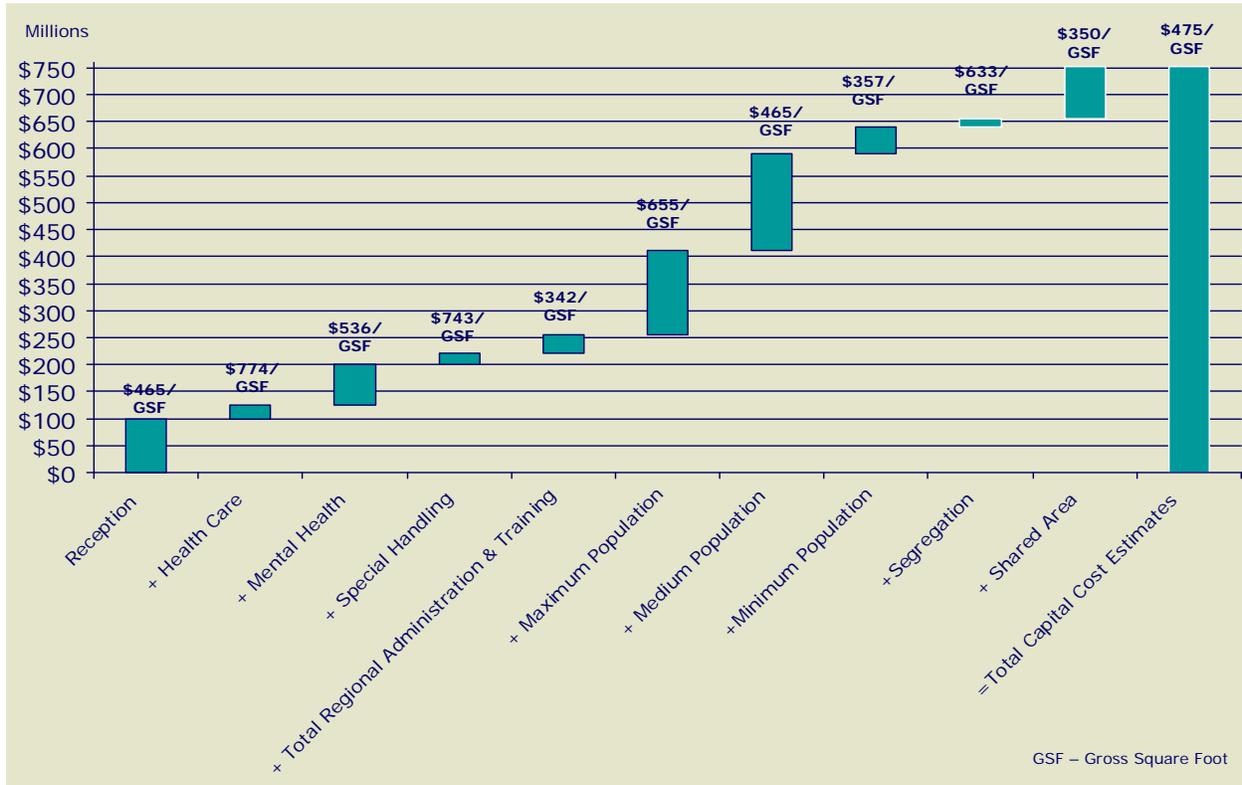
As noted above, construction costs for a new facility are typically reflected in unit costs and include all components of the facility including administrative, security, program, socialization, healthcare, inmate and technical services, inmate housing, segregation, employment, industries, education and vocational facilities, and all related systems and infrastructure including perimeter systems, site services, mechanical, electrical, security telecommunications, and all land development costs including site preparation, access, central service installations, landscaping, roads and pedestrian circulation.

Figure 3.1 illustrates the components of the capital cost estimates prepared by CSC for the complex. From this, it can be seen that the key costs are those associated with the maximum and medium

² This fact has been provided by CSC but was not corroborated by reviewing the Long Term Capital Plan

populations as well as the reception areas of the facility. This is to be expected as these are anticipated to be the largest areas within the facility.

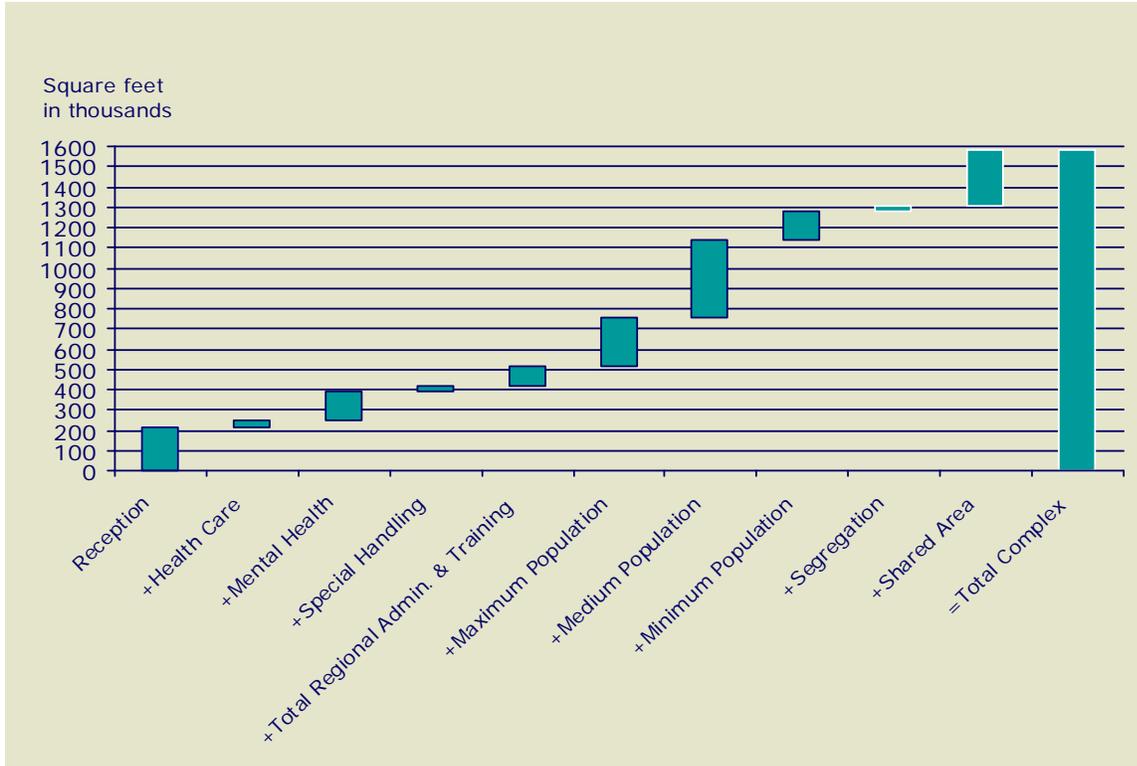
Figure 3.1 Complex capital cost estimate



Further, the relative 'cost per gross square foot' assumptions were reviewed. As might be expected, the highest costs per gross square foot are Health Care, Special Handling, Segregation and Maximum. Also as might be expected, the Minimum Population area and the Total Regional Administration and Training have the lowest gross square foot costs.

Furthermore, Figure 3.2 illustrates the total square footage consumed by each functional area in the new complex as compared to the total complex. It may be noted that the maximum and medium populations, reception and shared cores represent the largest areas in square feet of the complex.

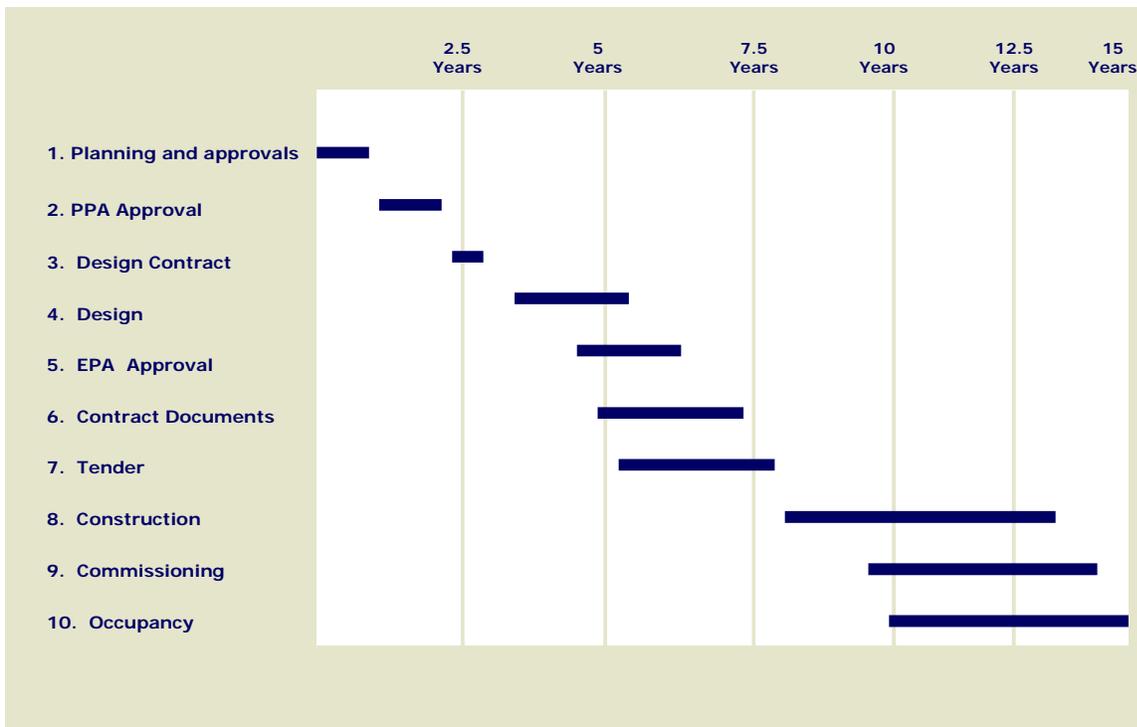
Figure 3.2 Square footage per functional area



3.4 Implementation timeline

CSC has established preliminary estimates relating to the procurement and implementation of the new complex. To the extent that the status quo assets will not meet the needs of CSC due to overcrowding or need for replacement, an interim solution may be required (and hence, accounted for) in the costing of the status quo comparison.

Figure 3.5 Estimate for implementation timeline



The key observations from the proposed timeline are:

- The timeline has a presumed design-bid-build delivery model. To the extent that other delivery models may be possible these timelines may be significantly reduced;
- The time from the planning to the construction stage is budgeted to be 5.25 to 8.25 years. This seems inordinately long, even for a construction contract of this magnitude. It is recommended that CSC consult with other Departments that have undertaken similarly sized projects in order to determine whether the approvals process can be reduced;
- Procurement is estimated to be 1.75 to 2.75 years. Typically it is estimated that this time frame should be approximately 1 year;
- The estimate has 1.5 to 2 years to develop the contract documents. Other comparables suggest that this could be as short as 0.75 to 1 year; and
- The construction period is projected to be 4 to 5.5 years. Based on the data received and the capital costing expenditures, this would translate into \$188M to \$136M spent on construction costs per annum. It is recognized that this assumption is dependent upon the location of the proposed complex. However, to the extent that the Millhaven site is preferred, the construction period would likely be on the low side of this proposed range.

A shorter implementation period for the complex should translate into lower costs and potential avoidance of any interim solutions to deal with overcrowding in the existing facilities. Given our concerns with the implementation timeline generated by CSC, we recommend that a more detail critical path based approach to generating the timeline be considered in any further analysis.

4. Operating costs assumptions

4.1 Sources

The review of the operating costs assumptions was supported by the information provided by CSC (names are those provided on the documentation received):

- Costing Worksheet – Regional Services Complex. Internal Services, Custody, Correctional Interventions and Services/Support from the Cost Template – Sept 19 – Planned Complex – includes SHU;
- Costing Summary – Regional Services Complex. Internal Services, Custody, Correctional Interventions and Services/Support from the Cost Template – Sept 19 – Planned Complex – includes SHU;
- Methodology worksheet from the Cost Template – Sept 19 – Planned Complex – includes SHU; and
- Resourcing Standards – Average FTE and O&M cost per offender. NCAOP 2006 – 2007.

4.2 Key Assumptions

As discussed in Section 3, the functional areas were identified as those that currently exist in the status quo facilities or would reasonably be needed at the new complex. Furthermore, CSC practice is to allocate regional and national costs on a pro-rata basis to each institution. The following categories of costs are assumed:

- Internal services, estimated on an FTE and salary basis;
- Case management, estimated on an FTE and salary basis;
- Security, estimated on an FTE and salary basis;
- Offender related costs, estimated on a FTE and salary basis as well as other operating costs and inmate related costs;
- Accommodation Services, estimated on an FTE and salary basis;
- Correctional interventions, estimated on an FTE and salary basis;
- Reception and health care, estimated on an FTE and salary basis;
- RHQ and NHQ redistributions, estimated on an other operating costs basis;
- Relevant adjustments to salary, estimated on an FTE and allowance basis;
- Overtime, estimated as 6% of salaries;
- Employee benefit costs, estimated as 18% of salaries; and
- Common services or contingency, estimated as 5% of salaries and operating and maintenance costs.

Costs are in 2006 / 07 figures and inflation is not considered. It is also assumed that people can be found to work in the complex. Depending on the location of the facility, this has proved not to be the case in some instances. This is a significant risk which should be considered further in the analysis.

Social trends, such as the requirement to separate rival gangs, have been considered in the proposed cost estimates.

As mentioned earlier, no estimates have been made for the savings that might result from the more efficient transportation of inmates or goods between differing institutions within the complex. Having 6 facilities co-located may reduce the need for capital investment and certain operating costs in transportation equipment or human resources and also reduce the associated operating costs such as

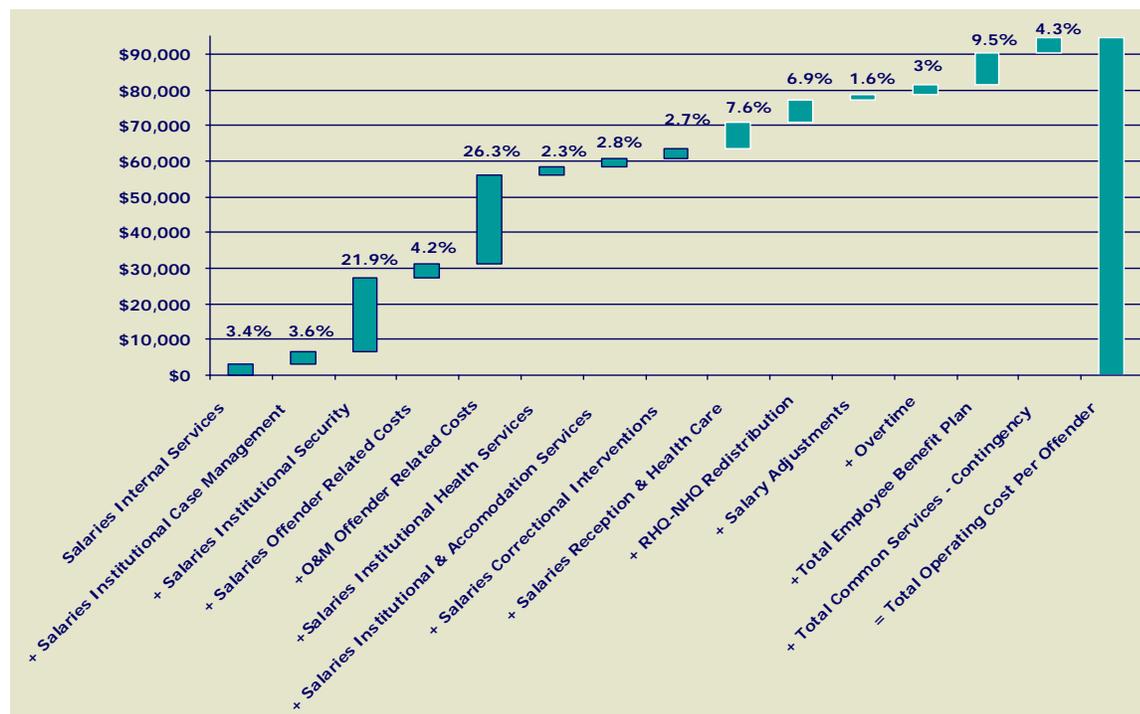
drivers, fuel, maintenance, etc. In Millhaven alone, the annual admission and discharge activity is 1300 inmates.

4.3 Breakdown of Estimated Per Offender Cost

Salaries represent \$59,112 or 62% of the total costs of \$94,584 for each offender. Thus, the estimates are particularly sensitive to the FTE standards that are assumed within each unit in addition to the underlying salaries assumed for these FTEs. In addition, Institutional Security Salaries and Operating and Maintenance Offender Related Costs represent 21.9% and 26.3% of the total operating cost of \$94,584 per offender.

Given the significance of the underlying assumptions to these operational expenditures, a more detailed analysis should be conducted in any further analysis to support these assumptions. A review of alternative institutional design models may be helpful confirming or identifying refinements to the assumed cost per offender.

Figure 4.1 Operating Costs Per Offender



Notes to figure:

Overtime is represented as an estimate of a total of 6% of the total salaries (i.e. \$95,533,577 x 6%).

Salary adjustments are a combination of additional allowances paid to FTE's for additional services such as bilingualism, penological factor allowance, shift premium and premium pay. The adjustments are calculated by multiplying a defined rate/allowance by the number of FTE's entitled to the allowance.

Total Employee Benefit Plan is represented as 18% of the estimated salaries, including overtime (i.e. (\$95,533,577 + \$5,732,015) x 18%).

Total Common Services, otherwise known as Contingency is estimated to be 5% of salaries, including overtime, operations and maintenance costs (i.e. \$95,533,577 + \$5,732,015 + \$70,035,598 x 5%).

4.4 Resource Indicators: Efficiencies

CSC employs operating standards to determine the number and level of employees required for its status quo facilities. These standards form the basis of estimated the FTEs for the proposed complex. This method biases the complex estimate to the business model of the status quo facilities. Thus, truly innovative and transformative ways of operating the facility may not be captured. As with the capital costs, it might prove useful for CSC to compare the proposed operating standards to those used in other jurisdictions.

Notwithstanding this, CSC has used the existing operating standards as the basis for estimating the required FTEs in the complex, and as such, has determined that some efficiencies exist. Figure 4.2 summarizes the standard number of FTEs under the proposed model. From this, it can be seen that the majority of the FTE's are within the security unit.

Figure 4.2 Proposed FTE's

Functional Group	Proposed FTE Requirements	Notes with respect to Efficiencies
Internal Services	117.61	<ul style="list-style-type: none"> Resource indicators have largely moved from one FTE per facility to one FTE per complex, thus creating efficiencies.
Institutional Case Management	100.6	<ul style="list-style-type: none"> The resource indicators have been adjusted for the Case Management Coordinator from one per institution to one for every 400 inmates, thus creating incremental costs.
Security	647.91	<ul style="list-style-type: none"> Significant consideration was made to tailor the security requirements to the size of the complex and the complexity of securing a mixed population. Security levels are assumed to be higher than for status quo facilities.
Institutional Health Services	64.21	<ul style="list-style-type: none"> A net efficiency in health personnel has been assumed.
Institutional & Accommodation Services	128.31	<ul style="list-style-type: none"> The original resource indicators required an FTE per institution. This has been consolidated to an FTE per complex.
Correctional Interventions	81.25 ³	<ul style="list-style-type: none"> FTEs assumptions are close to resource indicators.
Regional Populations	228.95	

Although the review of the information has identified varying levels of efficiencies, it is important to note that the potential for cost savings is dependent on whether the FTEs are at the appropriate salary grades. Further analysis should review whether the salary grades for the FTEs are appropriate.

4.5 Comparable Institutions for Operating and Maintenance Costs

Similar to the use of operating standards (or resource indicators) for the estimate of FTEs, CSC estimates the O&M costs for the complex by using the O&M costs of comparable facilities. However, the estimate is developed from the average of all facilities at each security level, rather than the facilities that would be consolidated into the complex. Figures 4.3, 4.4 and 4.5 represent the average operating and maintenance costs per offender for each security level. Identifiers, labelled as "status quo institutions" in these figures, show the actual O&M costs of the status quo facilities. One might expect that the O&M estimates for the complex should approximate that for the status quo institutions.

³ This figure was calculated from the Resource Indicator information provided by CSC. The mathematical model has 3 fewer FTEs for this category. The reason for this discrepancy is unknown at this time.

As illustrated in Figures 4.3, 4.4 and 4.5, there is a large degree of variability between the different facilities. Deloitte understands that the variability is partially attributable to location, for example higher heating costs for northern locations.

However, it is noted that the average of all the institutions approximates the actual O&M costs associated with the six status quo facilities. Therefore, the effect of having different sets of comparable institutions is not considered to be material at this stage of the analysis.

Figure 4.3 Average O&M per offender – minimum

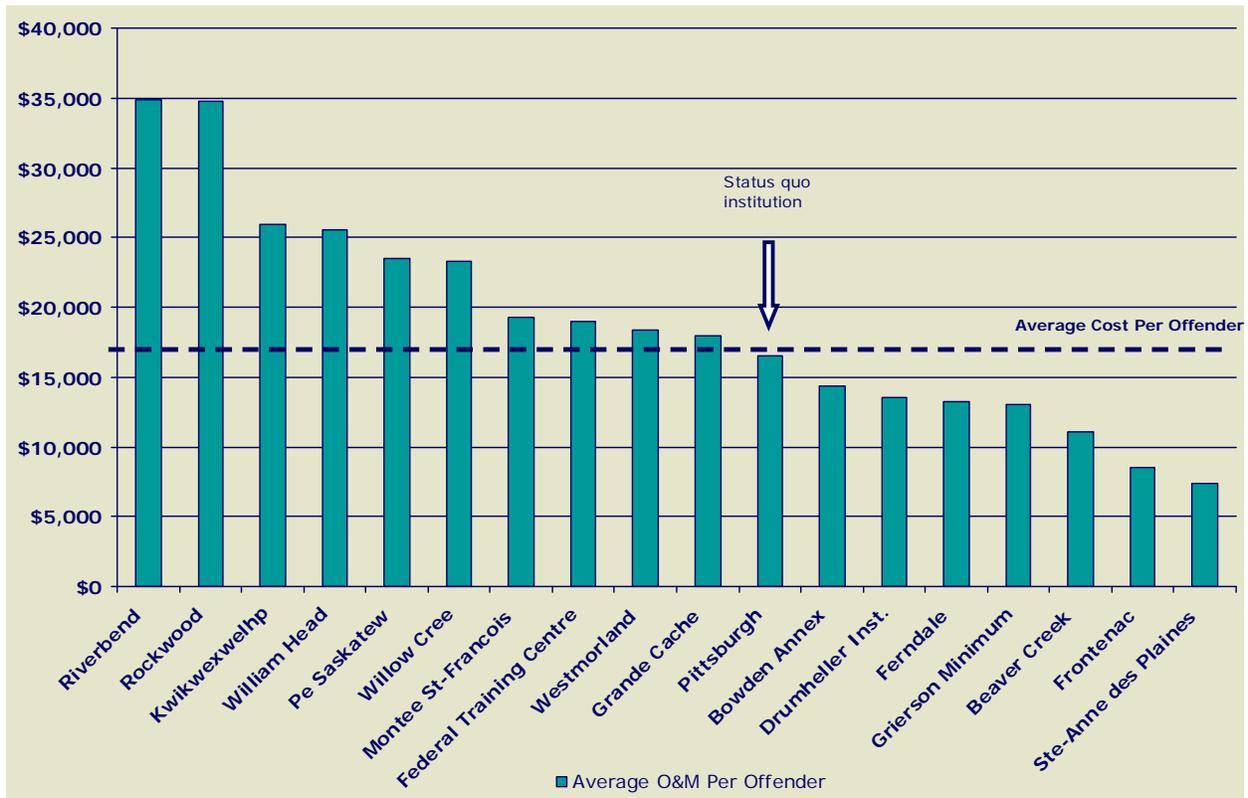


Figure 4.4 Average O&M per offender – medium security

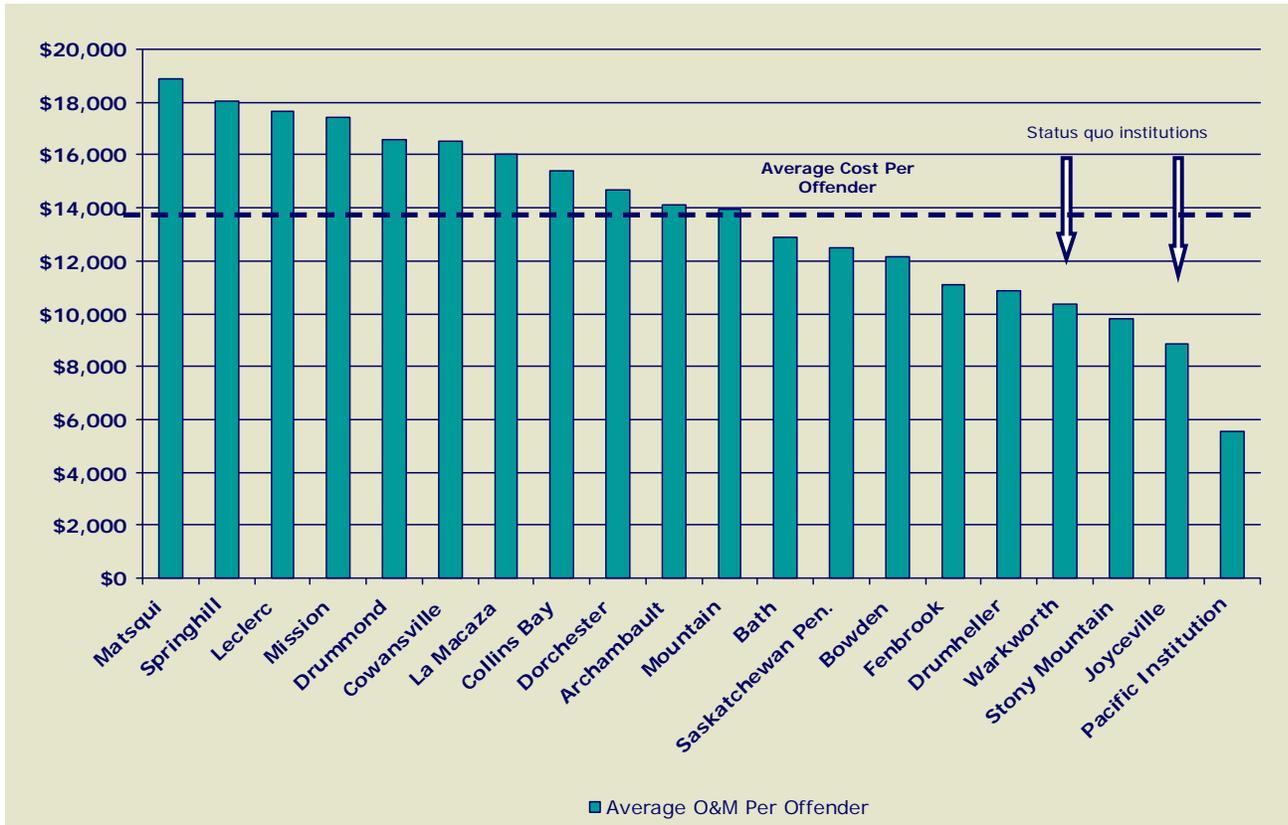
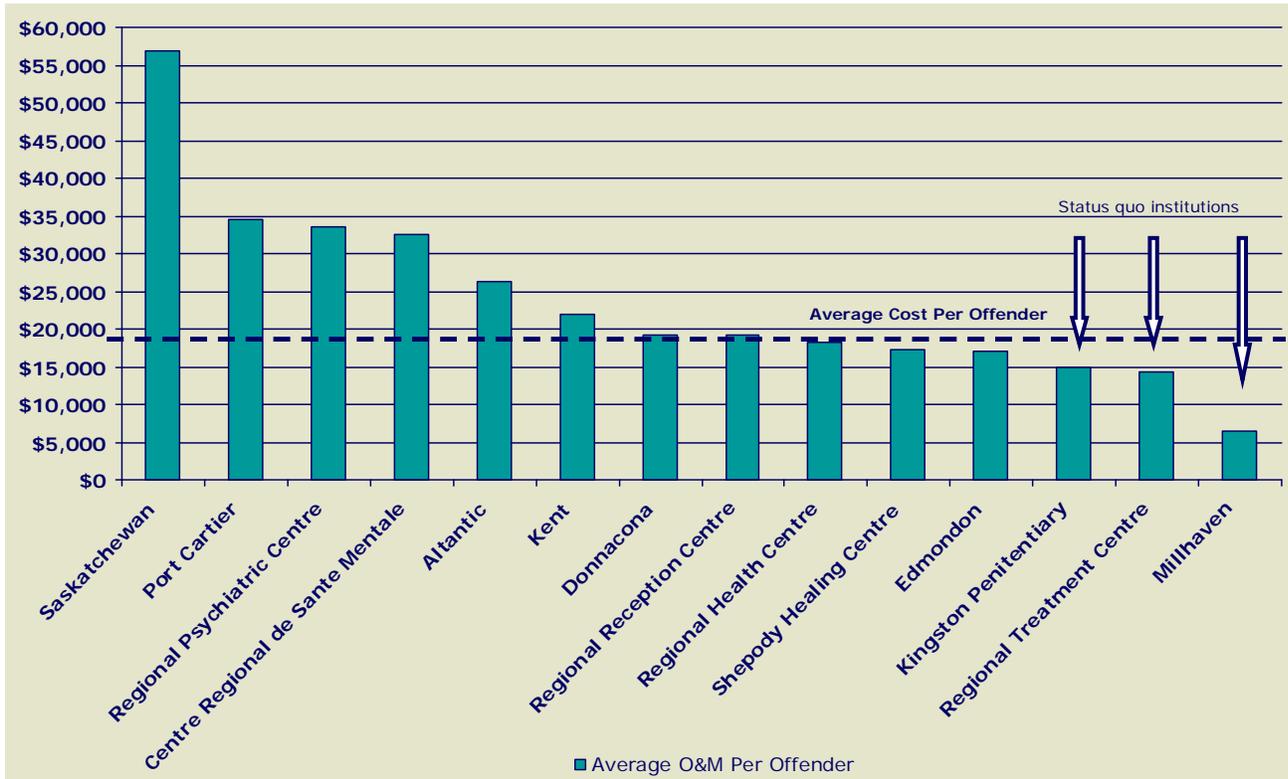


Figure 4.5 Average O&M per offender – maximum security



5. Lifecycle maintenance cost assumptions

5.1 Sources

The review of the lifecycle maintenance costs assumptions was supported by the information provided by CSC (names are those provided on the documentation received):

- Panel Review. Lifecycle Costs. Summary. This document included the capital, operating and maintenance and lifecycle costs associated with the status quo versus the new model.

5.2 Key Assumptions

CSC's typical levels of lifecycle costs are from 1% to 1.2% of the replacement of the facility, which is recognized to be an insufficient amount to maintain the facility. The key assumptions associated with the lifecycle costs are as follows:

- CSC has assumed 2% per year applied for new facilities, new construction or major redevelopments;
- CSC has assumed 1% per year is applied in a year that a major development has been initiated;
- CSC has assumed 4% per year is applied for existing institutions where the facility has gone beyond its estimated useful life and the facility is slated for closure;
- All options compared by CSC are assumed to have comparable life expectancies;
- Lifecycle is assumed to be the period of 2008 to 2040; and
- All projects are assumed to start at the same time.

Although no support from CSC was provided for these assumptions, the actual lifecycle costs were used to inform the estimate. Any further analysis should consider the quantum of lifecycle costs based on a best practice approach to asset maintenance and replacement as well as frequency of major expenditures, e.g. roof maintenance. This information can be gleaned from the experience in other jurisdictions or by engaging an independent cost consultant.

Lifecycle expenditures are highly dependent upon the type of asset and the delivery model that is employed to implement the assets. For example, P3s typically have lower aggregate lifecycle expenditures resulting from the private sector's financial interest in maintaining the asset. Thus, it would be best to compare CSC's estimates to similar projects procured in similar ways.⁴

For facilities that are well maintained, Figure 5.1 illustrates how the lifecycle costs would be distributed over the life of the facility (assuming an asset life of 30 years). This shows that a minimal amount of expense is likely to be spent in the early years of the life of the facility. The annual expense slowly climbs until peaking in years 21-25.

Figure 5.1 Schedule of lifecycle costs for Hospital Assets under a P3

	0-5 years	6-10 years	11-15 years	16-20 years	21-25 years	26-30 years	31 years	Total
Hospital 1	1%	6%	11%	16%	41%	26%	N/A	100%
Hospital 2	1%	4%	19%	33%	25%	17%	1%	100%

Thus, it may be inferred that for CSC's new build estimates, improvements to the estimated timing of the lifecycle maintenance may be possible.

⁴ This would be a natural comparison to data available from the Federal Bureau of Prisons

6. Conclusion

Overall it can be concluded that although a significant level of rigour has been applied to the development of several aspects of the cost estimates and this has been conducted in a manner consistent with CSC's methodologies and practices, it may be possible that the analysis is overly weighted towards "business as usual". That is that the capital, operating and lifecycle estimates have been developed in a manner consistent with CSC methodologies, but may not represent the most advanced thinking available, such as that available from other departments (for procurement timelines), jurisdictions or 3rd party advisors. The assumptions that underlie the analysis may be considered reasonable only to the extent that CSC baseline data and standards (such as resource indicators) are reasonable. In many respects, the complex may be considered a transformational business model, potentially requiring new operating approaches and standards.

Furthermore, greater care should be taken to develop a "real world" model in which the following elements are captured, and supported by best-in-class information from wherever it may be available:

- Inmate population growth and its effect on capacity at the status quo facilities;
- Direct linkages in population distribution and service levels between the status quo facilities and the complex;
- Detailed "critical path" approach to developing project implementation timelines;
- Incorporation of inflation to the status quo and complex scenarios;
- Projections for the full lifecycle of the asset;
- Risk quantification particularly regarding rehabilitation costs under status quo; and
- Potential efficiencies that exist from no longer needing to transport inmates or goods between institutions.

To that end, the key sensitivities in the estimates that should be considered for further exploration include:

- **The size of footprint of the units in the complex.** The assumed complex is nearly 1.6 million square feet. This large footprint drives the capital cost and lifecycle maintenance costs. To the extent that a smaller complex is possible, scenarios with a smaller footprint should be run.
- **The FTE standards that are used to compile the operating cost assumptions.** Current operating resource indicators have been used as the baseline for the complex. The appropriateness of these estimates is assumed given the similarities between the status quo and the complex assets. The number of FTE's required by the complex and the related salaries should be reviewed. Other jurisdictions that have undertaken these projects may be able to provide new perspectives on how efficiency and effectiveness may be improved.

Furthermore, it is believed that there may be opportunities to augment the analysis by including:

- **Current estimates to real-world references such as those in the US.** Despite the difference in operating models between the US and Canadian facilities, some comparative information may be gleaned from review the costs of other institutions. Co-location opportunities and security requirements are presumed to be two areas where comparative data may be useful.
- **Considerations for the risks associated with each scenario.** The risks inherent in undertaking the status quo and complex scenarios are not equivalent. A qualitative (or if warranted, quantitative) assessment of the risks between the two models can support the quantitative analysis.
- **Considerations for other delivery model options.** P3s provides a means through which risk (design, construction, maintenance and perhaps operating risk) can be transferred to the private sector. By amortizing the upfront capital payments to a long-term stream of payments linked to

performance outcomes, governments have found public private partnerships an effective way to accelerate infrastructure implementation and improve asset performance.

- **A third party review.** Involve construction and service providers with recent experience with similar projects in a detailed review of cost estimates and operational efficiency assumptions. This will help correct bias, if any, in CSC estimates.

www.deloitte.ca

Deloitte, one of Canada's leading professional services firms, provides audit, tax, consulting, and financial advisory services through more than 6,800 people in 51 offices. Deloitte operates in Québec as Samson Bélair/Deloitte & Touche s.e.n.c.r.l. The firm is dedicated to helping its clients and its people excel. Deloitte is the Canadian member firm of Deloitte Touche Tohmatsu.

Deloitte refers to one or more of Deloitte Touche Tohmatsu, a Swiss Verein, its member firms, and their respective subsidiaries and affiliates. As a Swiss Verein (association), neither Deloitte Touche Tohmatsu nor any of its member firms has any liability for each other's acts or omissions. Each of the member firms is a separate and independent legal entity operating under the names "Deloitte," "Deloitte & Touche," "Deloitte Touche Tohmatsu," or other related names. Services are provided by the member firms or their subsidiaries or affiliates and not by the Deloitte Touche Tohmatsu Verein.

© Deloitte & Touche LLP and affiliated entities.



Member of
Deloitte Touche Tohmatsu

Appendix G: The CSC Review Panel

Composition of the Panel

On April 20, 2007, the Honourable Stockwell Day, Minister of Public Safety, announced the appointment of an independent panel to review the operations of Correctional Service Canada (CSC), as part of the government's commitment to protecting Canadian families and communities. The CSC Review Panel was given an October 31, 2007 deadline for its report to be provided the Minister.

Members of the CSC Review Panel

Robert Sampson, Chair

From June 1995 to October 2003, Robert Sampson, as an elected member of the Legislative Assembly of Ontario and a member of the Government of Ontario Cabinet, held a variety of positions including Minister of Correctional Services from June 1999 to April 2002. As Minister, Sampson designed and supervised the implementation of the Ontario government's all-encompassing reform of the Ministry of Correctional Services focusing on a safe, secure, efficient, effective and accountable system of incarceration and correction in the Province of Ontario. In this capacity, he managed an annual operating budget of over \$600 million and capital plan of over \$500 million.

In 1996, as Parliamentary Assistant to the Ontario Minister of Finance, Sampson spearheaded the Ontario Government's review of legislation and regulations governing auto insurance coverage for over six million drivers in the Province of Ontario. This involved extensive public and stakeholder consultation and resulted in lower auto insurance rates across the province.

Sampson has an MBA from Queen's University and is currently President of White Label Mortgages Limited, specializing in building new-style, innovative and leading edge commercial mortgage brokerage services to Canadian corporations and groups. He is also Vice President, Corpfinance International Limited, providing debt and equity placements and financial advisory assignments for small and medium-sized corporations and all levels of government.

Serge Gascon

After a 30-year career with the Police Service of the City of Montreal, Mr. Gascon retired as the Deputy Chief. While with the Police Service he held a variety of management positions directing policing activities in the community, the organized crime unit, research and planning and systems evaluation. He also served as a member of the Management Committee and Chair and/or member of a number of committees addressing operational and administrative issues.

During his career with the Police Service, he created and introduced a systems evaluation program, a career planning model for the Service, and managed major operational initiatives dealing with high-risk events in the city. He has been President of the Regional Committee of the Criminal Information Service of Quebec, and has served on a variety of committees contributing to criminal justice (police, correctional services, justice and parole). He has served on numerous municipal, provincial and national committees in the fight against drug addiction.

Mr. Gascon has a B.A. in Education from the University of Montreal. Since his retirement, he has been a senior consultant in providing coaching and leadership training to groups such as the Sûreté du Québec.

Ian Glen, Q.C.

From May 2001 to May 2006, Ian Glen was the Chair of the National Parole Board of Canada. From 1975 to 2001 he held several senior positions in the federal government, including Chief, Communications Security Establishment; Deputy Minister, Environment Canada; Deputy Secretary to the Cabinet (Operations), Privy Council Office; Associate Deputy Minister, Department of Citizenship and Immigration; Associate Deputy Minister, Department of Public Security; and Associate Deputy Minister, Department of Employment and Immigration. Glen also held positions as General Counsel and Legal Advisor.

Glen has a B.A. from the University of Guelph and LL.B. from Queen's University.

Chief Clarence Louie

Chief Clarence Louie was elected Chief of the Osoyoos Indian Band in 1985. He has consistently emphasized economic development as a means to improve the standard of

living for his People. Under his direction, the Band has become a multi-faceted corporation that owns and manages eight successful businesses and provides employment for hundreds of citizens. His leadership has resulted in the financing and construction of a new pre-school, daycare and grade school as well as a new Health Centre and Social Services building for the Band.

Chief Louie was appointed chairperson of the National Aboriginal Economic Development in April 2007. He was also appointed to the Board of Aboriginal Business Canada in 2001 and has received numerous awards including: the Aboriginal Business Leader Award from All Nations Trust and Development Corporation; the Native Economic Developer of the Year Award from the Advancement of Native Development Officers; the Inspirational Leadership Award from Aboriginal Tourism BC; and the National Aboriginal Achievement Award for Business and Community Development. In 2003, Chief Louie was listed in *Maclean's* magazine as one of the "Top 50 Canadians to Watch."

Sharon Rosenfeldt

Sharon Rosenfeldt, of Aboriginal descent, began her career as an alcohol and drug abuse counselor at the Poundmaker's Lodge Treatment Centre in Edmonton, Alberta. In 1981, following the abduction and murder of her 16-year-old son, Daryn, she helped co-found *Victims of Violence*, a national organization dedicated to improving the situation of crime victims in Canada. This led to the implementation in 1984 of the first courthouse victim/witness program in Canada in the Edmonton Provincial court House.

In her capacity as President of *Victims of Violence* for a number of years, Rosenfeldt made numerous presentations to community groups, government departments and agencies, schools and universities and police services in North America. She has served as the Vice President of the Canadian Police Association's Resource Centre for Victims of Crime; Advisory Committee Member of Algonquin College's Correctional Worker Program and Durham College's design of a criminal justice curriculum; and a member of the Citizen's Advisory Committee, Ottawa Parole office, Correctional Service Canada.

Rosenfeldt has been a Board member and Chair of the Province of Ontario's Criminal Injuries Compensation Board, and from 1998 to 2004 served as Chair of the Office for Victims of Crime, an agency of the Ontario Ministry of the Attorney General.

In 2003, she was awarded the Meritorious Service Medal (Civil) by the Governor General of Canada for her life-long effort in improving the situation of crime victims in Canada.

Members of the CSC Review Panel Secretariat

A Secretariat was also assembled to assist the Panel in accomplishing the work they were mandated to do during the review process. The Secretariat included:

Lynn Garrow, Secretariat Head

Jim LaPlante, Special Advisor

Christa McGregor, Communications

John Fuoco, Executive Assistant

Sylvie Robert, Administrative Assistant

Natacha St-Denis, Clerk

Budget

Budget 2007 dedicated \$3.5 million to this review. Panel members have dedicated approximately 50 days each to this project and received \$1,000 per diem; the chair received \$1,200 per diem; and panel expenses were covered when attending meetings or touring facilities. A small and temporary Secretariat was assembled in temporary accommodation to support the Panel during the review process. All expenditures are available through the Public Accounts process.

Review Mandate and Terms of Reference

The Panel was mandated to review CSC's 2007–08 Report on Plans and Priorities and other relevant CSC documents; visit CSC facilities; and consult with stakeholders, justice experts, CSC staff and the general public. Based on this review, the Panel was requested to provide the Minister of Public Safety with an independent assessment of CSC's contributions to public safety, and advice on how they might be strengthened.

Specifically, the Panel's mandate was to focus on providing the Minister an assessment of and advice on:

- CSC's operational priorities, strategies and plans as defined in its business plan;
- current challenges with respect to safety and security in penitentiaries, including those related to reducing illicit drugs and combating violence, and requirements for the future;
- the effectiveness of programs and other interventions delivered in penitentiaries along with any related legal framework issues;
- the effectiveness of programs, supervision and support mechanisms in communities in reducing recidivism along with any related legal framework issues;
- the efficiency with which CSC delivers on its public safety mandate, the identification of potential barriers and opportunities for savings including through physical plant re-alignment and infrastructure renewal; and
- CSC's capacity to delivery, including its capacity to address infrastructure rust out, maintain basic safety and security in penitentiaries and communities, meet its basic policy and legal obligations; and adapt to the changing offender profile.

The Panel was not mandated to consider the introduction of privately run penitentiaries into the federal correctional system.

The Panel was also asked to examine the challenges posed by infrastructure rust-out and the need to modernize and renew that infrastructure in order to ensure CSC is in a stronger position to operate efficiently and effectively in the future. The Panel was to examine current programs, both within penitentiaries and in communities, to ensure they are achieving the best possible results in reducing recidivism.

Given the unique character of women's corrections, the Panel was asked to examine the recommendations made in the report, "Moving Forward with Women's Corrections," submitted by the Expert Committee chaired by the former Chief Justice of Nova Scotia, Constance Glube, and to give careful consideration to CSC's response to these recommendations.

In addition, the panel was asked to address the following specific issues:

- the availability and effectiveness of work programs;

A Roadmap to Strengthening Public Safety

- the availability and effectiveness of programs and services for Aboriginal offenders;
- the availability and effectiveness of mental health services in penitentiaries and in communities;
- the initial placement of offenders convicted of first and second degree murder;
- CSC's approach to the location of its Community Correctional Centres and Parole Offices in urban areas;
- CSC's ability to deal with parole violations, and with frivolous and vexatious grievances by offenders; and
- CSC's plans to enhance services for and support to victims.

Finally, the Panel was asked to examine the current regimes for accelerated parole and statutory release and provide the Minister with advice on alternative approaches.

Appendix H: Review Process

After the April 20, 2007 review launch announcement, the CSC Review Panel was briefed by correctional experts from within CSC, as well as justice experts from the NPB and the Canadian Centre of Justice Statistics. These initial briefings provided the Panel an overview of the current trends in Canadian criminal justice and the changing offender profile, the legislative framework of the federal correctional system, as well as CSC's programs, current challenges and latest performance results.

Call-out letters were also sent to numerous organizations, stakeholders, and partners who share the common objective of safer communities, as well as CSC Wardens and District Directors. They were invited to submit a written brief as a contribution to the review. These submissions provided the Panel with information they perhaps would not otherwise be able to collect and consider.

In addition, instructions for submitting written material to the Panel were posted on a featured web page on the Public Safety web site. Written submissions from private members of the public were also accepted. (A list of all submissions received by the Panel can be found at Appendix J.)

The Panel also visited as many correctional facilities as possible, including halfway houses and parole offices. Panel members toured penitentiaries of varying security levels in all regions of the country while meeting with management teams, citizen advisory committee representatives, union representatives, parole officers, correctional officers, frontline staff, program staff, health care workers, volunteers, and inmate representatives. (A list of facilities visited by members of the Panel can be found at Appendix K.)

After reviewing the submissions received from interest groups and individuals, the Panel selected those they would like to meet with for further consultation based on issues to address in accordance with the Review Mandate and Terms of Reference. The majority of these consultation meetings took place in Ottawa; however, many also were arranged during the Panel's visits across the country. (A list of those consulted can be found at Appendix J.)

At the end of this review process, members of the Panel were able to draw upon the expert briefings, written submissions, consultations and personal observations from their site visits, to formulate conclusions and recommendations and begin writing this report.

Appendix I: List of Recommendations

Refocusing the Corrections and Conditional Release Act

Principles of the Act

1. The Panel recommends that a “substantive” section be added to the CCRA entitled “Offender Accountabilities” and that at a minimum, it contain the following:

Offenders, as part of their commitment to society to change their behaviour and in order to help protect society, must:

- a) obey penitentiary rules as established by CSC;
 - b) respect the authority of staff at all times; and
 - c) actively participate in programs identified by CSC in their correctional plans (e.g., education, work, correctional programs)
2. The Panel recommends that the following amendments be made to Section 4 of the CCRA:

Note that the underlined text identifies the Panel’s recommended changes.

- a) that the protection of society be the paramount consideration in the corrections process;
- b) that the sentence be carried out having regard to all relevant available information, including the stated reasons and recommendations of the sentencing judge, any direction provided by the *Criminal Code* on conditions of confinement, other information from the trial or sentencing process, the release policies of, and any comments from, the National Parole Board, and information obtained from victims and offenders, and other members of the criminal justice system;

- c) that the Service enhance its effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system, and through communication about its correctional policies and programs to offenders, victims, the public, and other members of the criminal justice system;
- d) that, in managing the offender populations in general and the individual offenders in particular, the Service use appropriate measures that will ensure the protection of the public, staff members and offenders, and that are consistent with the management of the offender's correctional plan;
- e) that offenders retain the basic rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence, are required in order to encourage the offender to begin to and continue to engage in his or her correctional plan;
- f) that the Service facilitate the involvement of members of the public in matters relating to the operations of the Service;
- g) that correctional decisions be made in a forthright and fair manner, and that offenders have access to an effective grievance procedure;
- h) that, where possible, correctional policies, programs and practices, where possible, respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and Aboriginal peoples, the needs of offenders with special mental health requirements, and the needs of other groups of offenders with special requirements;
- i) that offenders be expected to actively participate in their correctional plan and in programs designed to promote their rehabilitation and safe reintegration;
- j) that offenders be obligated to obey penitentiary rules and to respect the authority and position of the staff, and any of the conditions governing their release to the community;
- k) that staff members be properly selected and trained, and be given -
 - (i) appropriate career development opportunities,

- (ii) good working conditions, including a workplace environment that is free of practices that undermine personal dignity, and
- (iii) opportunities to participate in the development of correctional policies and programs.

Roadmap for Change—Change in Operating Model

Population Management

- 3. The Panel recommends that, at each security level (minimum, medium and maximum), a basic level of rights should be defined.
- 4. The Panel recommends that differing conditions of confinement should be dependent on an offender's engagement in his or her correctional plan and the offender's security level.
- 5. The Panel recommends that CSC should review the use of voluntary segregation to ensure that it is not being used by offenders to avoid participation in his or her correctional plan.
- 6. The Panel recommends that current disciplinary sanctions be reviewed and become more aligned with the severity of assaults and threatening behaviour, including the verbal abuse of correctional staff.

Safety and Security

- 7. The Panel recommends that CSC must become more rigorous in its approach to drug interdiction by enhancing its control and management of the introduction and use of illicit substances.
- 8. The Panel recommends that CSC's approach should:
 - a) entail the submission of an integrated request for resources supported by detailed performance targets, monitoring and an evaluation plan that requires a report on CSC's progress to the Minister, Public Safety, by no later than 2009-10;

- b) incorporate a commitment to more stringent control measures (i.e., elimination of contact visits), supported by changes in legislation, if the results of the evaluation (see rec. (i)) does not support the expected progress;
 - c) increase the number of drug dog detection teams in each penitentiary to ensure that a drug dog is available for every shift;
 - d) involve the introduction of ‘scheduled visits’ so that more effective use of drug dogs can be made;
 - e) increase perimeter surveillance (vehicle patrol by Correctional Officers) and the re-introduction of tower surveillance, where appropriate, to counter the entry of drugs over perimeter fences;
 - f) include a more thorough, non-intrusive search procedure at penitentiary entry points for all vehicles, individuals and their personal belongings;
 - g) include the immediate limitation and/or elimination of the use of contact visits when there is reasonable proof that they pose a threat to the safety and security of the penitentiary;
 - h) include the purchase of new technologies, to detect the presence of drugs; (resources should be available for the ongoing maintenance and staff training);
 - i) enhance the policies and procedures related to the management of prescription drugs, urinalysis testing and the routine searches of offenders and their cells for illicit substances;
 - j) work closely with local police forces and Crown Attorneys to develop a more proactive approach for criminal sanctions related to the seizure of drugs;
 - k) include an amendment to the Controlled Drugs and Substances Act to create an aggregating factor (or a separate offence) for the introduction or trafficking within a penitentiary in Canada of any controlled or designated substance with a mandatory minimum penalty consecutively to any existing sentence(s);
 - l) include the authority for CSC to prohibit individuals who are found guilty of such charges (highlighted in XI) from entering a federal penitentiary for a period of not less than 10 years, and
 - m) include the development and implementation of a heightened public awareness campaign to communicate the repercussions of smuggling drugs into penitentiaries.
9. The Panel recommends that CSC, as a priority, continue to strengthen its security intelligence framework for the collection, analysis and dissemination of information within federal corrections, police services and other criminal justice partners.

10. The Panel recommends that a national database of all visitors should be created.
11. The Panel recommends that the *Canada Labour Code* be amended to require an offender to provide a blood sample for testing after an incident that could have placed the staff member's health at risk because of the transmission of bodily fluid.
12. The Panel recommends that the current voluntary testing of offenders at entry into the system for infectious diseases be made mandatory.

The Structured Work Day

13. The Panel recommends that, in order to allow sufficient time for the integration of work, education and correctional programming, and the introduction of structured leisure time, the length of the regular or active day should be lengthened from eight hours to twelve hours, allowing offenders to be actively engaged in meaningful activities.
14. The Panel recommends that recreation be a meaningful use of the offender's time with a direct link to the offender's correctional plan.
15. The Panel recommends that CSC pay more attention to the attainment of higher educational levels and development of work skills and training to provide the offender with increased opportunities for employment in the community.

Assessment and Correctional Interventions

16. In order to ensure offenders participate and successfully complete programs recommended in their correctional plans, the Panel recommends that CSC:
 - a) shorten the period of intake assessment and considers opportunities to start correctional programming (behavioural and motivation-focused) during intake assessment, particularly for offenders with short sentences of four years or less;
 - b) shorten the time before offenders start their first program. CSC should look to other correctional jurisdictions who have managed to shorten yet improve intake assessments;

- c) change its program methodology to allow for the introduction of program ‘modules’ that facilitate offenders starting a program;
 - d) introduce a series of meaningful incentives and consequences to encourage offenders to participate in their correctional plans;
 - e) undertake a review of programs delivered in penitentiaries and the community in order to determine the right balance between the two;
 - f) consider community capacity to deliver programs including:
 - (i) the delivery of maintenance programs by contracted and trained program deliverers in communities where CSC cannot provide direct interventions,
 - (ii) the use of trained volunteers to provide support to particular offender groups, offenders who require intensive mental health interventions in a halfway house setting;
 - g) undertake a review of the competencies (knowledge and skills) required by its staff to better manage the needs of the changing offender profile with respect to program delivery; and
 - h) consider introducing a multi-disciplinary team approach to reinforce programming results in both the penitentiaries and the community.
17. The Panel recommends that, every three years, all programs be evaluated to ensure they meet recognized standards.

Education

18. The Panel recommends that CSC review the reasons for the low offender participation rates in its adult basic education programs and identify new methodologies to motivate and support offenders in attaining education certificates prior to or by the end of their conditional release period.
19. The Panel also recommends that these educational programs be reviewed and integrated with initiatives that are being undertaken to provide employability and employment skills for offenders.

Research—Fostering an Understanding of Performance

20. The Panel recommends that the financial and correctional benefits of CORCAN operating as a Special Operating Agency should be evaluated in order to ensure that it properly reflects CORCAN's role in the new correctional model.
21. The Panel recommends that the results of the review be used to reconstruct CORCAN's Business Plan so that it better responds to the job and training needs of the changing offender population over the next five years.
22. The Panel recommends that the revised CORCAN Business Plan should also include approaches to working with federal/provincial government departments and agencies, particularly with Human Resources and Social Development Canada (HRSDC), Service Canada as well as private sector training/counseling facilitators.
23. The Panel recommends CORCAN must pay particular attention to:
 - a) integrating employability/employment initiatives and correctional and educational programs within a re-structured work day, and
 - b) focusing on preparing offenders to be 'skills-ready' (vocational/apprenticeship) for national and local labour market opportunities.
24. The Panel also recommends that the CORCAN support the job and skill needs of offenders on conditional release in the community and that CSC/CORCAN:
 - a) identify approaches to strengthen release planning, by 'bridging' the offender to an available job in the community by ensuring the offender's 'job-readiness' status is effectively matched to community support initiatives;
 - b) ensure that opportunities for transitional employment for offenders have been identified and linked with responsibilities of community correctional centres and halfway houses, and
 - c) ensure that CSC has developed relationships with employers, to provide a seamless transition of pre-screened offenders from the penitentiary to immediate employment.

25. The Panel recommends that CSC/CORCAN focus on building formal relationships with employers to expand the employment opportunities for offenders. The Panel recommends the following specific priorities in this area:
- a) CSC redevelop its Aboriginal Employment Strategy focusing on building economic opportunities for Aboriginal community-based enterprises that support concrete employment opportunities for Aboriginal people;
 - b) CSC and CORCAN work with a Provincial Building and Construction Trades Council or another similar entity to create a pilot project that creates a pre-apprenticeship and/or apprenticeship program for offenders that leads directly to employment on release;
 - c) the Panel recommends that CSC and CORCAN work with the Saskatchewan Construction Association in establishing apprenticeship opportunities for young Aboriginals and opportunities that could be provided specifically to Aboriginal offenders;
 - d) after evaluation of the above noted pilot and building on best practices, forge other such partnerships in other regions; and
 - e) CSC re-positions the recommendations identified above with respect to reassessing the National Employment Strategy for Women Offenders.

Women Offenders

26. The Panel, overall, endorses the recommendations contained in the report “Moving Forward with Women’s Corrections.”
27. The Panel recommends that a strong functional role for the Senior Deputy Commissioner, Women be maintained.
28. The Panel endorses the approach used for women with mental health issues and was impressed by the Structured Living Environment (SLE) and recommends that the model should be considered for adaptation to men’s corrections.
29. The Panel recognizes the importance of an independent review of the status of Women’s Corrections in Canada and recommends that the recommendations of the Glube Report should form the basis of a formal review in five years.

Aboriginal Offenders

30. The Panel recommends that employment be the first priority in supporting Aboriginal offenders in returning to the community.
31. The Panel recommends that, as the second-largest federal public service employer of Aboriginal people, CSC should:
 - a) enhance recruitment, retention and development of Aboriginal staff, particularly in correctional officer, parole officer and management positions in CSC penitentiaries and the community where Aboriginal representation is high;
 - b) ensure that Aboriginal staff can demonstrate their knowledge and awareness of the particular challenges facing Aboriginal people on Reserve and in Aboriginal urban communities, and
 - c) promote awareness and understanding of Aboriginal life among non-Aboriginal employees, and provide them with the tools and training to work more effectively with Aboriginal people and communities.
32. The Panel recommends that CSC make resources available to respond to the specific needs of Aboriginal offenders populations, such as further investment in correctional programming tailored specifically to their needs.
33. The Panel recommends that CSC achieve a balance between correctional and healing interventions, and ensure that programming emphasis be placed on managing drug and alcohol problems, managing anger, and using conflict resolution.
34. The Panel also recommends that CSC ensure it can measure the results of these programs effectively, so that it can demonstrate to Aboriginal communities that Aboriginal offenders have addressed their problems and can rejoin their communities.
35. The Panel recommends that employment be CSC's first priority in supporting Aboriginal offenders' return to their communities. The Panel recognizes the importance of other program interventions to address the behavioural and skills

deficits of Aboriginal offenders, but recommends that CSC achieve a better balance in providing these programs.

36. The Panel recommends that CSC review its approach to mental health assessments of Aboriginals at intake and ensure effective screening techniques are in place.
37. The Panel recommends reviewing the number of Aboriginal Community Development Officers should be increased to work with Aboriginal communities and support local Aboriginal offender employment.
38. The Panel recommends that Pathways Units be expanded in CSC penitentiaries to meet the requirements of Aboriginal offenders where warranted, and that these “Pathways Units” have a job-readiness components.
39. The Panel recommends that CSC continue to work with Aboriginal communities and First Nations, Métis and Inuit organizations, with the primary objective of securing employment for offenders returning to their communities.
40. The Panel recommends that CSC review the organizational structure and functions of its Healing Lodges in order to ensure that it can attract qualified Aboriginal staff.
41. The Panel recommends that CSC review its funding structure to ensure it can fully respond to the operational requirements of Healing Lodges.
42. The Panel recommends that CSC add job-readiness responsibilities for Healing Lodges in the context of the recommendations on employability and employment.
43. The Panel recommends that CSC seek resources to support and expand Aboriginal halfway houses, particularly with respect to support Aboriginal offenders in seeking employment.
44. The Panel recommends that CSC continue to advance its collaboration with the territorial authorities in addressing the unique needs of offenders, particularly Inuit offenders, returning to northern communities.

Ethnocultural Offenders

45. The Panel recommends that the unique needs of ethnocultural offender populations be considered wherever applicable in the Panel’s full slate of recommendations.

46. The Panel recommends that CSC continue to work with ethnocultural communities to ensure every means and resource is used to respond better to the needs of an increasingly diversified offender population.

Mental Health

47. The Panel recommends that the 'bridge funding' approved by Treasury Board for CSC's Mental Health Strategy be provided permanently to CSC so that they can implement and maintain its mental health initiatives and meet legislative obligations.
48. The Panel recommends the delivery of mental health services is identified as a critical factor in the Government's public safety agenda in order to blend CSC initiatives with federal and national initiatives.
49. The Panel recommends that Health Canada formally recognize the importance addressing the mental health problems of offenders and strongly encourages the newly established Mental Health Commission to include mentally ill offenders as one of its priorities.
50. The Panel therefore recommends that a comprehensive and recognized mental health assessment system be incorporated into the intake assessment process, so that a treatment strategy that is fully integrated with programming can be developed.
51. The Panel recommends increasing the use of contracted and volunteer service providers and the resources required to support their work in assisting offenders under conditional release in the community.
52. The Panel strongly supports the concept of the Structured Living Environment (SLE) for women offenders and recommends extending this approach to the treatment of men offenders.
53. The Panel recommends that particular attention should be given to the impact of the effects of Fetal Alcohol Spectrum Disorder (FASD), particularly for Aboriginal offenders.
54. The Panel recommends that, because of the variety of 'models' that have been implemented by each of CSC's regions, CSC should conduct a review of its

Regional Psychiatric and Treatment Facilities to ensure the most effective and accredited structures and approaches are in place to meet regional needs for the treatment of acute mental health and special needs cases.

55. The Panel recommends that the Review consider the overriding management principle that treatment and operational requirements should take place in the context of a “penitentiary within a hospital setting rather than a hospital within a penitentiary setting” so that a strategy and business case supporting the development of these facilities over the next five years can be developed.
56. The Panel recommends that CSC consult with other correctional jurisdictions on their ‘best practices’ related to the assessment and treatment of offenders in mental health treatment centres.
57. The Panel recommends that CSC work with federal, provincial and territorial correctional and health officials to identify ways to introduce and/or expand exchange of service agreements to provide mental health support in communities to both federal and provincial offenders after the end of their sentences.
58. The Panel recommends that CSC be provided with the funding to keep its professional mental health staff current with new developments in assessment and treatment, and provide for the training of correctional staff to effectively interact with and supervise offenders with mental health problems.

Transition to the Community

Comprehensive Community Reintegration Planning

59. The Panel recommends that community reintegration planning, for offenders serving a fixed sentence, start at admission to ensure that focus is placed on programming, education, employment, and mental health treatment.

Earned Parole

60. The Panel recommends that the CCRA be amended to replace statutory release and accelerated parole review with earned parole.

61. The Panel recommends that the CCRA be amended to reflect that the protection of society is the paramount consideration in the determination of conditional release (CCRA. S. 101(a)) and that (d) the National Parole Board makes the determination consistent with the offender's correctional plan and an individual risks/needs assessment, consistent with the protection of society.
62. The Panel recommends that a full review of the conditional release process should be undertaken in order to effectively link day parole and full parole with the objectives of the earned parole approach and the principles of gradual release. The review should also focus on the impact of releasing directly from penitentiaries offenders who reach their warrant expiry dates, when they are no longer under the supervision of CSC.
63. The Panel recommends that a review be conducted on how community-based interventions should be retooled to meet changing requirements for supervision and service delivery, (i.e., employment).
64. The Panel recommends that the NPB shall review cases annually each year after parole eligibility dates have passed.
65. CSC should notify local Crown Prosecutors about offenders in custody who have been denied parole and will be detained to warrant expiry for non-compliance with their correctional plan, to allow for consideration of issuing a Section 810 application at the time of warrant expiry.

Outside the Walls

66. The Panel recommends that a more comprehensive community release plan be developed that
 - a) measures the achievements attained by the offender against the requirements identified in the penitentiary correctional plan, as the basis for the development of a community correctional plan;
 - b) clearly links conditional release conditions, imposed by NPB, with accommodation, supervision and programming interventions and employment initiatives;

- c) details the responsibilities and accountabilities of the offender to achieve reintegration objectives; and
 - d) sets terms and conditions for formal reviews of progress to the end of the offender's sentence.
- 67. The Panel recommends a full review of the capacity and capability of community residential facilities; in particular the current lack of community accommodation alternatives available for women offenders, as well as CCRA S. 81/84 agreements with Aboriginal communities.
- 68. The Panel recommends that additional attention should be given to
 - a) strengthening CSC's guidelines to include more extensive community consultation when selecting locations of both community correctional facilities and parole offices; and
 - b) ensuring requests to Public Works for site acquisition include full consideration of amendments to municipal bylaws that provide for 'no go zones' that will protect potential vulnerable communities or areas.
- 69. The Panel recommends that current community case management processes be reviewed to identify how a better balance can be achieved among the many responsibilities of community parole officers, in particular, to identify process efficiencies and ensure that the benefits of dynamic supervision are maintained.
- 70. The Panel recommends that CSC review its community program base and the resources required to support the implementation of maintenance programming. Particular attention should be given to the development and availability of community programs for women and Aboriginal offenders.
- 71. The Panel recommends that CSC update the Community Strategy for Women and enhance transition services in the areas of supervision, accommodation and intervention, including the consideration of initiatives supporting employment and employability for women on conditional release.
- 72. The Panel recommends that CSC include a rationale for the community correctional liaison officers in the business case that it prepares on the management of security intelligence.

73. The Panel is particularly concerned about safety and security in the community and recommends that
- a) where supervision strategies warrant a home visit and the profile of the offender creates a cause for concern, either a second parole officer or a police officer be tasked to accompany the parole officer and that such a decision be taken with the parole officer's supervisor with the critical factor for decision being the safety of the parole officer;
 - b) an evaluation of the results of the CSC pilot project on electronic monitoring consider amendments to the *Corrections and Conditional Release Act* to expressly permit the use of electronic monitoring as a condition of release, and expand the scope and term of the Canadian *Criminal Code* Section 810 orders that specifically authorize electronic monitoring and residency restrictions; and
 - c) consideration be given to amending section 137 of the CCRA to allow police services to arrest without warrant under conditions similar to those that now exist in Section 495 (2) of the Canadian *Criminal Code*.
74. The Panel recommends that CSC consider in its business case supporting the enhancement of its security intelligence initiatives the creation of community security intelligence officers and the strengthening of community correctional liaison officers to enhance the sharing of information among CSC and its partners in the criminal justice system at the municipal, provincial and national levels.
75. The Panel recommends that CSC complete its review of the use of electronic monitoring and consider initiatives that have been undertaken in other correctional jurisdictions to determine what 'best practices' could be tailored to CSC requirements. Results should be incorporated into policy proposals outlining advantages and disadvantages and resource impacts and recommending future options for this technology.
76. The Panel recommends that CSC continue to invest in and enhance the capacity and involvement of its community partners to provide support services and assistance to offenders as active community involvement is the key to maintaining community safety.

77. The Panel recommends that CSC enhances its programs of public education programs in the community and becomes more proactive and purposeful in communicating with Canadians or community capacity may slowly erode.
78. The Panel recommends that the judicial system to make greater use of Section 743.6 of the Canadian *Criminal Code* and, in the cases where offenders on conditional release reoffend, that this section of the Code be used aggressively and that subsequent sentences be ordered to be served consecutively not concurrently.
79. The Panel recommends that in the case of repeated reoffending by offenders, consideration be given to amending the Canadian *Criminal Code* to further elongate the period prior to parole eligibility.

Recognizing the Role of Victims—Providing Victim Services

80. The Panel recommends that CSC continue ongoing consultation with victims and victim communities and supports the creation of a Victims Advisory Committee, as well as continuing to collaborate with federal partners.
81. The Panel recommends that a strategy be developed, in conjunction with the Aboriginal Policy Branch, Public Safety, the Federal Ombudsman for Victims of Crime, and Aboriginal organizations, to reach out to Aboriginal victims to ensure their information needs are identified and addressed.
82. The Panel recommends that CSC ensures that it continuously reviews the progress being made with victim's services to ensure full implementation is achieved in a timely manner.
83. The Panel recommends that the *Corrections and Conditional Release Act* be amended to share information with registered victims on the progress of offenders in addressing their correctional plan and the incidents of penitentiary discipline on an annual basis at a minimum.
84. The Panel recommends that CSC's operational policy, in the context of Section 27(3)(a) of the *Corrections and Conditional Release Act*, and as applied to victims of crime, be reviewed to ensure that victims are aware of these provisions, that

procedures are in place to determine potential risk, and that these provisions are being applied as and when appropriate.

85. The Panel recommends that, given the creation of the Office of the Federal Ombudsman for Victims of Crime, the provision of services to victims be reviewed holistically to ensure that resources are maximized and possible duplication of services avoided and gaps in service eliminated.
86. The Panel recommends that CSC heighten the awareness of available victim services by working with its provincial and territorial counterparts, i.e., Crown Attorneys, in order to allow for an improved exchange of information about victim services.

Human Resource Management—Responding to Change and Need

87. CSC must focus on being a knowledge-based organization through the development and training of all staff to meet the unique skill requirements of their jobs and the management requirements associated with the risk and needs of a changing offender population. This should occur in the context of Public Service Renewal and in accordance with industry standards.
88. The Panel recommends that particular emphasis, be placed on horizontal career development, by allowing, through flexible classification and staffing processes (in accordance with the *Public Service Modernization Act*), the deployment of professional staff between and among penitentiaries, the community and regional and national offices. The goal should be to provide strong, effective and consistent leadership that focuses on resolving issues at the lowest level of management.
89. The Panel recommends that CSC review its current strategies for recruitment and retention of all staff, while focusing on ensuring
 - a) appropriate cultural representation, particularly representation of Aboriginal People, including Elders, Aboriginal Liaison Officers in penitentiaries and the community, and staff in women's penitentiaries, in the context of the recommendations of Glube;

- b) professionals to support mental health delivery programs and treatment in CSC penitentiaries, regional mental health facilities (including dedicated correctional officers) and the community;
 - c) the creation of an integrated security intelligence function; and
 - d) program and case management staff that can effectively respond to operational requirements posed by the introduction of ‘earned parole’; staff to respond to the development of an enhanced and integrated employability/employment model.
90. The Panel recommends that CSC review the operational requirements associated with the management of proposed structured populations and consider approaches to build inter-disciplinary teams—correctional officers, parole officers, mental health professionals, program and employment specialists, inter-faith staff—to maximize the participation of offenders in their correctional plans and prepare them for gradual transition to an offence-free reintegration in the community.
91. The Panel recommends that CSC have the appropriate level of funding to ensure its human resource function can provide timely and effective services to the organization, particularly at the penitentiary levels.
92. The Panel supports the collaborative approach and the requirement for adequate resources to support initiatives that are being taken by CSC management and the Unions to resolve frontline issues, consistent with the *Public Service Modernization Act* and the *Public Service Labour Relations Act*.
93. The Panel recommends that CSC consider a governance structure that ‘flattens’ the management structure in order to create more integrated functional support structures, nationally, strengthen decision-making at the frontline, and respond to the full set of recommendations proposed by the Panel.
94. The Panel recommends that CSC ensures a quality assurance process is in place to monitor compliance with CSC policies.

Accountability—Measuring Performance

95. The Panel recommends that federal and provincial partners in the criminal justice system work together to develop a comprehensive integrated reporting system that effectively measures reoffending by offenders and clearly communicates this information to Canadians.
96. CSC should strengthen its performance measures and look to other correctional jurisdictions to improve its capability to develop ‘targets for results’.
97. The Panel recommends that CSC strengthen its performance measurement in the areas of offender employability and the elimination of drugs from penitentiaries.

Physical Infrastructure—Yesterday’s Infrastructure Does not Meet Today’s Needs

98. The Panel recommends that CSC pursue undertaking capital and operating investments in a new type of regional, penitentiary complex that responds to the cost-efficiency and operational-effectiveness deficits of its current physical infrastructure.
99. The Panel recommends that CSC develop a ‘project development proposal’ for consideration which takes into account the recommendations of Deloitte’s October 4, 2007 Independent Review of the cost estimate for the construction and operation of a new corrections facility which was commissioned by the Panel.
100. The Panel recommends that in the interim, CSC institute clear criteria to minimize authorization of retrofit projects.

Financial Management

101. The Panel recommends that any review of changes to CSC’s physical infrastructure consider the impact of building new correctional facilities in different regional locales or correctional complexes, financing these new capital expenses in a new way, and decommissioning facilities that have long served their usefulness.

102. The Panel suggests that CSC look at other correctional jurisdictions to determine the operational and related cost-effective benefits of building new correctional facilities in different regional locales or correctional complexes.
103. The Panel recommends that CSC review standards used in the purchase of outside medical services in each of its regions.
104. The Panel recommends that the government take into consideration the importance of ensuring that both federal and national initiatives related to health care reflect the responsibilities and accountabilities of CSC. The Panel suggests that the Government examine how health care costs are funded for federal offenders and either consider providing a direct allocation out of Health Canada, or continue consideration of these core costs in the determination of CSC budgetary allocations.
105. The Panel recommends that the two-year bridge funding provided by Treasury Board to CSC for the period of 2007–09 be extended as part of CSC’s normal operating allocations.

Other Considerations

Frivolous and Vexatious Grievances by Offenders

106. The Panel recommends that CSC clearly establish criteria to define offender grievances that are considered frivolous and vexatious and review its Offender Redress System to ensure that procedures are introduced at the ‘first level’ of the grievance process to address these grievances in the context of CSC policy.

Initial Placement of Offenders Convicted of First and Second Degree Murder

107. The Panel recommends that consideration be given to amend the CCRA to clearly define the initial security level and duration of placement of offenders convicted of first and second degree murder and the reasons for placement.
108. Offenders convicted of first and second degree murder should be managed differently from offenders with short sentences. In light of the impacts of the amendment, CSC should use the results of intake assessment and the offender’s correctional plan to manage the offender’s sentence in a comprehensive manner

until subsequent decision points related to the reassessment of the progress the offender has made in following the correctional plan.

Collection of DNA Samples

109. The Panel recommends that, as part of its contribution to ongoing and effective criminal investigations, that CSC be supportive of any action that considers taking DNA samples from federal offenders in CSC penitentiaries, especially from sexual and dangerous offenders.

Appendix J: Summary of Presenters (Written and Oral)

WRITTEN

Interest Groups

- **African Canadian Legal Clinic (ACLC)** – Richard Miller, Lawyer
- **Assembly of First Nations** – Debra Hanuse, A/Director, Law & Legislation Unit
- **Association de rencontres culturelles avec les détenus** – Pascal Bélanger, General Coordinator
- **Association des services de réhabilitation sociale du Québec** – Patrick Altimas, Director General
- **Canadian Association of Elizabeth Fry Societies** – Kim Pate, Executive Director
- **Canadian Centre for Abuse Awareness** – John Muise, Director of Public Safety
- **Canadian Centre on Substance Abuse** – Michel Perron, Chief Executive Officer
- **Canadian Criminal Justice Association** – Irving Kulik, Executive Director
- **Canadian Families and Corrections Network** – Lloyd Withers, National Coordinator
- **Canadian Human Rights Commission** – Hélène Goulet, Secretary General
- **Canadian Resource Centre for Victims of Crime** – Heidi Illingworth, Executive Director
- **Church Council on Justice and Corrections** – Jane Griffiths, President
- **Citizens' Advisory Committee (CAC)** – Sean Taylor, National Chairperson
 - Maurice Lavallée, President, Joliette Institution CAC
 - France Pellerin, President, Lanaudière CAC
 - Gérald Durocher, Member, Lanaudière CAC
 - Kingston Penitentiary CAC
 - Millhaven Institution CAC
- **Citizens' Advisory Committee, Victoria Parole** – Deryk Norton, member
- **Concerned Citizens for a Safer Neighbourhood** – Albert Galpin, member
- **Congress of Aboriginal Peoples** – Randy Martin, Corrections Justice Coordinator
- **Correctional Supervisor Advisory Committee** – Steve Wilcock, National Chairperson, and Correctional Supervisor at Frontenac Institution

- **Federal Ombudsman for Victims of Crime** – Steve Sullivan
- **First Nations and Inuit Health Branch, Health Canada** – Ian Potter, Assistant Deputy Minister
- **JEMTEC Inc.** – Eric Caton, President & CEO
- **John Howard Society** – Graham Stewart, former Executive Director and Craig Jones, Executive Director
- **LifeLine** – John Braithwaite
- **M2W2 Association** – Mary Reeves, Executive Co-director
- **National Associations Active in Criminal Justice (NAACJ)** – Susan Haines, Executive Director
- **National Ethnocultural Advisory Committee** – Dr. Emerson Douyon, National Chair
- **National Volunteer Association of CSC** – Bill Huzar, National Co-Chair/Vancouver Island Community Rep.; and Deirdre Crandall, Board
- **Office of the Correctional Investigator** – Howard Sapers, Correctional Investigator
- **Ontario Provincial Police (OPP)** – Julian Fantino, Commissioner
- **Pauktuutit Inuit Women of Canada** – Jennifer Dickson, Executive Director
- **Professional Institute of the Public Service of Canada (PIPSC)** – Isabelle Petrin
- **Salvation Army, Territorial Headquarters, Canada & Bermuda** – M. Christine MacMillan, Commissioner, Territorial Commander
- **St. Leonard’s Society of Canada** – Elizabeth White, Executive Director
- **Union of Canadian Correctional Officers (UCCO-SACC-CSN)** – Michel Gauthier, National Coordinator
- **Union of Solicitor General Employees (USGE)** – John Edmunds, National President
- **West Coast Prison Justice Society** – Michael Jackson, President and Professor of Law, Faculty of Law, University of British Columbia
- **Working Group on Justice and Corrections, Anglican Diocese of Toronto** – John Hill, Chair

Individuals

- **Black, Tom** – Senior Technical Policy Analyst, Public Safety
- **Brown, Gord** – MP (Leeds-Grenville)
- **Dick, Isabel** – private citizen
- **Doob, Anthony & Sprott, Jane** – Professor of Criminology & Associate Professor of Criminology, University of Toronto

- **Grant, Brian** – Engineering Maintenance Officer, CSC Prairie Region
- **Hadwen, Matthew** – Offender Management System (OMS), CSC
- **Hanger, Art** – MP, Calgary Northeast
- **Howes, Dr. Richard** – Psychological Department, Stony Mountain Institution
- **McKenzie, Ian** – Psychologist, Beaver Creek Institution
- **Moffit, Rod** – family member of victim
- **Newark, Scott** – former president of the Canadian Resource Centre for Victims of Crime
- **Ritchie, Ernie** – Parole Officer, Stony Mountain Institution
- **Roach, David and Judy** – volunteers at Grand Valley Institution for Women, Ontario
- **Runciman, Bob** – MPP (Leeds-Grenville), Official Opposition House Leader (Former Solicitor General of Ontario)
- **Stelmaszynski, Adam** – federal inmate
- **Stoddart, William** – federal inmate
- **Woods, Glen** – former member of the RCMP

Wardens and District Directors (DDs)

- **Bernier, Pierre** – Warden, Port-Cartier Institution, Quebec Region
- **Campbell, Judy** – Warden, Pacific Institution, CSC and Art Gordon, Executive Director, Regional Treatment Centre, Pacific Region
- **Townson, Craig** – District Director, Western Ontario District Office, Guelph, ON
- **Lang, Brian** – District Director, Community Corrections, Abbotsford, Pacific Region
- **LePage, Brenda** – Warden, Saskatchewan Penitentiary, Prairie Region
- **Mazzocchi, Loretta** – Warden, Joliette Institution, Quebec Region

ORAL PRESENTATIONS GIVEN

- **African Canadian Legal Clinic (ACLC)** – Richard Miller, Lawyer and Sharlene Theodore
- **Association de rencontres culturelles avec les détenus (ARCAD)** – Pascal Bélanger, General Coordinator
- **Canadian Association of Elizabeth Fry Societies** – Kim Pate, Executive Director
- **Canadian Centre for Abuse Awareness** – John Muise, Director of Public Safety
- **Canadian Criminal Justice Association** – Irving Kulik, Executive Director

- **Canadian Human Rights Commission** – Donna Duvall
- **Canadian Police Association** – Tony Cannavino, President; David Griffin, Executive Officer & Pierre Collin
- **Congress of Aboriginal Peoples** – Cathy Graham, Policy Analyst
- **Federal Ombudsman for Victims of Crime** – Steve Sullivan
- **John Howard Society** – Graham Stewart, former Executive Director and Craig Jones, Executive Director
- **Lee, Ian** – Professor, Carleton University
- **National Volunteer Association of CSC** – Bill Huzar, National Co-Chair/Vancouver Island Community Rep.
- **Newark, Scott** – former president of the Canadian Resource Centre for Victims of Crime
- **Office of the Correctional Investigator** – Howard Sapers, Correctional Investigator and Ed McIsaac
- **Ontario Provincial Police (OPP)** – Julian Fantino, Commissioner
- **Ottawa Centretown Citizen’s Community Association** – Andrew Aitkens, Vice-President
- **Pauktuutit Inuit Women of Canada** – Jennifer Dickson, Executive Director
- **Professional Institute of the Public Service of Canada (PIPSC)** – Isabelle Petrin and Denise Pouliot (Ottawa)
- **Salvation Army, Territorial Headquarters (Toronto)** – John Frame and Hugh Osler
- **Spice, Joan** – private citizen (Ottawa)
- **St. Leonard’s Society of Canada** – Elizabeth White, Executive Director
- **Union of Canadian Correctional Officers (UCCO-SACC-CSN)** – Michel Gauthier, National
- **Union of Solicitor General Employees (USGE)** – John Edmunds, National President

Appendix K: Correctional Facilities Visited by the Panel

Atlantic Region

- Atlantic Institution** (maximum security), Renous, NB
- Carlton Community Correctional Centre (CCC)**, Halifax, NS
- Dorchester Penitentiary** (medium security), Dorchester, NB
- Halifax Parole Office**, Halifax, NS
- Mountain Top House/Moncton Parole Office**, Moncton, NB
- Nova Institution for Women** (multi-level security), Truro, NS
- Shepody Healing Centre** (multi-level security), Dorchester, NB
- Springhill Institution** (medium security), Springhill, NS
- Westmorland Institution** (minimum security), Dorchester, NB

Quebec Region

- Archambault Institution** (medium security), Sainte-Anne-des-Plaines, QC
- Leclerc Institution** (medium security), Laval, QC
- Madeleine Carmel Community Residential Facility (CRF)**, Montreal, QC
- Martineau CCC**, Montreal, QC
- Montreal Metropolitan District**, Montreal, QC
- Regional Hospital/Regional Mental Health Unit** (multi-level security),
Sainte-Anne-des-Plaines, QC
- Regional Reception Centre** (maximum security), Sainte-Anne-des-Plaines, QC
- Sainte-Anne-des-Plaines Institution** (minimum security), Sainte-Anne-des-Plaines, QC
- Special Handling Unit (SHU)** (maximum security), Sainte-Anne-des-Plaines, QC
- Staff College/ Federal Training Centre**, Laval, QC

Ontario Region

Joyceville Institution (medium security), Joyceville, ON

Kingston Penitentiary (maximum security), Kingston, ON

Millhaven Institution (maximum security), Bath, ON

Pittsburgh Institution (minimum security), Joyceville, ON

Prairie Region

Stony Mountain Institution (medium security), Winnipeg, MB

Osborne CCC, Winnipeg, MB

Saskatchewan Penitentiary (medium/maximum security), Prince Albert, SK

Oskana CCC, Regina, SK

Regional Psychiatric Centre (multi-level security), Saskatoon, SK

Northwest Territories Area Parole Office, Yellowknife, NWT

Pacific Region

Belkin Enhanced CRF, Vancouver, BC

Kent Institution (maximum security), Agassiz, BC

Mountain Institution (medium security), Agassiz, BC

Vancouver Parole Office, Vancouver, BC