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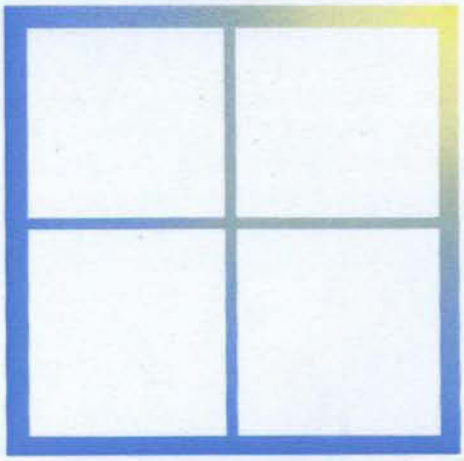
Canada

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*



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MEMBERS OF THE EXPERT COMMITTEE:

Constance Glube

> *" Until you make peace with who you are, you'll never be content with what you have. "*
> - A woman at Nova

Constance Glube's professional career in the legal field includes experience in private practice and municipal government and on the Nova Scotia Supreme Court.

Following several years practicing in a law office, Mrs. Glube opened her own legal practice in 1966. She joined the city of Halifax 's legal department in 1969, first as senior solicitor and, in 1974, as city manager - the first woman to fill that position in Canada.

Mrs. Glube was first appointed to the Bench in 1977 as a judge of the Supreme Court of Nova Scotia. Five years later she was named Chief Justice of the Supreme Court of Nova Scotia, the first woman in Canada to be named a Chief Justice. In 1998, Mrs. Glube was appointed to the Court of Appeal of Nova Scotia and retired as Chief Justice of Nova Scotia in December 2004.

Mrs. Glube holds a Bachelor of Arts from McGill University and studied at Dalhousie University law school where she obtained her LL.B. She has been presented with honourary doctorates from Dalhousie, Mount Saint Vincent and St. Mary's universities.

Mrs. Glube's honours and awards include her appointment as Officer of the Order of Canada, Canada's highest honour for lifetime achievement, and the Order of Nova Scotia. She also received the 125th anniversary of the Confederation of Canada Medal and the Queen Elizabeth II Golden Jubilee Medal which are awarded to Canadians who have made outstanding and exemplary contributions to their communities or to Canada as a whole.

Ms. Glube is Chairperson for the Committee.

Michèle Audette

Michèle Audette's professional career includes experience with Native women's organizations at the provincial and national levels as well as in provincial government.

From the Mani Utenam Innu community, Ms. Audette followed in the footsteps of her mother, Evelyne St-Onge, and became actively involved with Quebec Native Women Inc. She joined the organization in 1990 and was elected president eight years later.

In addition to serving on a number of committees and boards of directors for Aboriginal organizations, Ms. Audette was the interim president of the Native Women's Association of Canada in 2001.

Following Ms. Audette's mandate with Quebec Native Women Inc., in 2004, she was appointed to the position of Assistant Deputy Minister for the Status of Women in the Ministère de la Famille, des Aînés et de la Condition feminine for the Government of Québec. She recently started a new assignment with the First Nations of Québec and Labrador Health and Social Services Commission

Her involvement in social issues has won her a number of awards and distinctions, including the Femme de mérite (Woman of Merit) award for community involvement in 2004.

Sheila Henriksen

Sheila Henriksen's professional career in the criminal justice system includes experience in corrections and parole at the provincial and national levels.

From 1965 to 1986, and from 1992 to 1994, Mrs. Henriksen worked for the Correctional Service of Canada in various operational and executive capacities. From 1986 to 1992, she served as chair of the Ontario Board of Parole.

Mrs. Henriksen also worked for the Western Australia Department of Corrections during a one-year executive exchange program and, subsequently, participated in Australia's sesquicentennial conference on crime. She served as topic advisor to the Canadian delegation at the United Nations congress on crime in Caracas, Venezuela. As follow-up to Congress recommendations, she attended meetings at the Council of Europe in Strasbourg, France.

In 2004, Mrs. Henriksen retired from the National Parole Board as vice-chairperson for the Ontario Region following a ten-year appointment. During her term as Vice-Chair of the National Parole Board, Mrs. Henriksen participated in a Commonwealth conference on crime in Trinidad and conducted workshops on parole in Namibia. Since her retirement, she has served on the Kingston Police Services Board on a voluntary basis.

Mrs. Henriksen holds a master's degree in social psychology from Queen's University in Kingston, Ontario and a radio and television arts degree from Ryerson University in Toronto. She also trained and worked as a registered nurse in Trinidad and Canada.

In 2002, Mrs. Henriksen received the Queen Elizabeth II Golden Jubilee Medal, awarded to Canadians who have made outstanding and exemplary contributions to their communities or to Canada as a whole.

Ben Stobbe

Ben Stobbe's professional career in corrections includes probation, adult custody, labour relations and personnel at both regional and provincial management levels.

Mr. Stobbe started his career as a probation officer in British Columbia in 1969. He worked in administrative and operational positions. He was appointed District Director of Prince George Regional Correctional Centre in 1983 and subsequently Regional Director of Corrections. He held this position from 1985 to 1997, which included a temporary assignment as Assistant Deputy Minister of Corrections for British Columbia.

From 1997 until his retirement in 2003, Mr. Stobbe was the Executive Director of Adult Custody of the Corrections Branch of British Columbia. He was responsible for the operation of secure and open custody facilities, including the Burnaby Correctional Centre for Women, a facility holding women serving both provincial and federal sentences.

He holds a Bachelor of Arts from Western Washington University, a public service diploma from the University of Victoria and has completed the public administration program at Queen's University.

Mr. Stobbe received the Corrections Exemplary Service Medal in 1999 and the Queen Elizabeth II Golden Jubilee Medal in 2002, awarded to Canadians who have made outstanding and exemplary contributions to their communities or to Canada as a whole.

INTRODUCTION:

The issue of women's corrections has perhaps been the most scrutinized over the history of Canada's federal corrections system. Much has been written on the subject, more often due to one form of controversy or another, from the time female inmates were first admitted to Kingston Penitentiary during the 19th century.

The past ten years have likely been the most intense in this regard, beginning with the release of the Honourable Louise Arbour's report, *Commission of Inquiry into Certain Events at the Prison for Women*, when the old Prison was rapidly moving towards closure and the new facilities were sequentially in the process of opening. The closing of the Prison for Women and establishment of the new regional facilities was the result of the recommendations of the 1990 report of the Task Force on Federally Sentenced Women, *Creating Choices*, that introduced a new correctional approach to better respond to the needs of women offenders.

This confluence of activity represented a sudden transition in which women's corrections was thrust from the bonds of an antiquated past into the promise of a new future. This contrast offers a unique opportunity to look at the picture that has unfolded since Madam Justice Arbour tabled her recommendations, together with those from the various external reviews that followed, and the Correctional Service of Canada's (CSC) actions over that period to date.

The Commissioner of CSC formed the Expert Committee as an independent body, to provide an assessment of what has been achieved in women's corrections during the past ten years. This decision stemmed from a recommendation made in the Correctional Investigator's 2004 – 2005 Annual Report. The Committee members consist of individuals that bring expertise from various facets of the criminal justice system and sensitivity to women's issues.

The Committee members bring an expert point of view to the subject, but are not necessarily subject-matter experts.

Its mandate is described within a Terms of Reference annexed to this report and essentially asks that the Committee assess the progress achieved in women's corrections through a review of CSC's *Ten-Year Status Report on Women's Corrections*.

BACKGROUND:

The *Ten-Year Status Report* consists of a comprehensive narrative that provides a cumulative summary of the various accomplishments and challenges facing CSC in relation to several key themes drawn from the various external studies. The *Ten-Year Status Report* Annexes contain a detailed response to each recommendation made within the Arbour Report (1996); the Report of the Auditor General into the Reintegration of Women Offenders (April 2003); the 26th Report of the Standing Committee on Public Accounts (November 2003); and *Protecting Their Rights – A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women* by the Canadian Human Rights Commission (December 2003).

The *Ten-Year Status Report* represents the primary document used by the Committee to lead its review and overall assessment.

Following the announcement of the establishment of the Expert Committee in June 2006, individual members commenced site visits in the summer months, eventually visiting all of the Women Offender Institutions (WOIs). The Committee began its work together in late September, collectively visiting Edmonton, Okimaw Ohci Healing Lodge, the Prison for Women and Isabel McNeill House, and individually visiting Nova, Joliette, Grand Valley, and Fraser Valley in their respective regions of the country.

The Members also went to a number of community sites, primarily within the larger urban centres, that supervise and support the needs of women during conditional release. They officially met and informally spoke with many staff and several of the women at many of these locations.

The Committee met with a plenary group of fifteen external Stakeholders representing eleven organizations active in women's corrections issues and had a number of bilateral discussions with various key Stakeholders. The latter included the Correctional Investigator Canada and senior staff from that office, executive members of the Canadian Association of Elizabeth Fry Societies, senior officials from the Canadian Human Rights Commission, labour representatives from the Union of Canadian Correctional Officers, senior officials from the National Parole Board, and a cross section of subject-matter experts from CSC.

The meetings with CSC officials were in the form of presentations relating to the key areas described in the *Ten-Year Status Report* and a discussion of the accomplishments, challenges, and plans intended to meet the future needs of the women.

The Committee was provided with and reviewed a wealth of supporting documents.

Consistent throughout its exposure to the people and places surrounding this subject, the Committee was struck by the wealth of information, the depth of the commitment, and the extent of the passion expressed by those with an opinion or a role to play in matters of relevance to women's corrections.

The Committee wishes to make clear that the approach it took to this task does not constitute an evidentiary investigation, forensic audit, scientific evaluation or an inquiry of the sort that has, on many occasions, preceded this undertaking.

The Committee has chosen, in a manner consistent with the time given to meet its mandate, to conduct a global assessment and constructively determine what progress CSC has achieved in relation to the critical studies of the past ten years.

This report is an expression of the Committee's findings and opinions based on its discussion with people, and its examination of the places and information made available, in connection with the progress that CSC believes it has made in the *Ten-Year Status Report.*

Furthermore, the Committee is appreciative of the realities surrounding the management of any government program in the present day environment, and it is cognizant of the impact that recommendations from an external body can feasibly have on influencing meaningful change. Fiscal accountability, legislative and legal responsibility, changing population demographics, and overall business planning issues are embedded in those realities. The Committee believes it would be impractical to distance its observations from those realties when offering comments or recommendations that do not lend themselves to efficiency, effectiveness or accountability considerations.

With that in mind, the premise that emerged very quickly in this assessment is that, in the Committee's opinion, CSC has achieved remarkable progress in women's corrections over the past ten years, in relation to the recommendations of the earlier reviews.

For example, a Human Rights Division has been established; the Prison for Women has been closed; the regional facilities are now fully operational; an Aboriginal Healing Lodge for women has been opened; a host of women related research has been completed; cultural and gender-specific programs have been implemented; women-only emergency response teams have been created; administrative segregation accountabilities have been strengthened; the Mother-Child Program has been introduced; community residential services have been expanded; a mental health strategy for women has been implemented; the Structured Living Environment Units have been added; and various intervention strategies have been developed to support women admitted to the Secure Units now in place at the regional facilities.

CSC has clearly applied the sometimes difficult and costly lessons learned from the earlier reviews, to move forward with women's corrections.

This is most evident, in the Committee's view, in relation to Human Rights, certainly the most important theme and the one that represents the foundation for this report.

> *" One must resist the temptation to trivialize the infringement of prisoners' rights as either an insignificant infringement of rights, or as an infringement of the rights of people who do not deserve any better. When a right has been granted by law, it is no less important that such right be respected because the person entitled to it is a prisoner. "*
>
> - Louise Arbour, 1996

During all of its visits, meetings and readings, the Committee has endeavoured to listen, learn, ask pertinent questions and reflect, in an effort to distil each member's experience and achieve some consensus.

The Committee feels it was successful in this regard and it will use this report to offer some insight into the degree of respect and commitment that CSC has extended in achieving progress on its actions, as well as some constructive advice intended to help the overall effort sustain the momentum gathered to this point.

The Committee wishes to thank the women in prison and in the community that we met, the staff with whom we talked, and the members of the Citizens' Advisory Committees and all of the other Stakeholders and officials that we engaged. We also wish to thank Anne Kelly, the Deputy Commissioner of Women (DCW) at the outset of the Committee's formation, and Lori MacDonald, the acting DCW since September 2006, as well as her staff, particularly Rosemary L. O'Brien, Senior Project Officer, and Paulette Lajeunesse, Administrative Assistant.

DISCUSSION OF THE PRINCIPAL THEMES:

The principal themes contained in the *Ten-Year Status Report* consist of Human Rights, Cross-Gender Staffing Issues, Aboriginal Women Offenders, Security Classification, Management of Security Incidents in Women's Institutions, Administrative Segregation, Program Strategy for Women Offenders, and Community Transition.

While all of the themes are of significant importance, other equally important ones received less emphasis in the earlier major reviews.

The process that enabled the Committee's examination was bred from asking itself what has "jumped out" in terms of questions and issues that indicate CSC has work to do to make further advances. Out of this process, three additional themes emerged. They are Mental Health, Governance, and Human Resources, and are included in this report.

Among those themes that have been described in the *Ten-Year Status Report* there are some, while highly cogent to the issues that precipitated the Arbour report at that time, are of relatively less dominance today given the organizational progress over the past decade.

The Committee must stress that the crucial lessons learned from Arbour can never be permitted to lapse. It believes however, that the lessons learned from that experience have been firmly imprinted in CSC corporate memory and are strongly reflected in its actions over the period under review.

In its examination and discussion of the principal themes, the Committee continued to return to a fundamental thought concerning the basis for its review.

> *" CSC must have a women centred institution that is empowering for women. "*
> - Stakeholder

A women-centred focus is central to any thinking applied to the field of women's corrections. Although this may impress as a simplistic or obvious notion, the Committee nevertheless believes that this standard is the measure against which the principal themes must be considered.

The women-centred view therefore became the lens through which the Committee looked when assessing progress in its review.

GOVERNANCE

Does today's organizational model best enable a women-centred focus?

The Committee appreciates CSC's reasoning for not accepting the recommendation made in the Arbour Report, "that the federally sentenced women's facilities be grouped under a reporting structure independent of the Region, with the Wardens reporting directly to the Deputy Commissioner for Women" [Recommendation 4(c)].

We are not convinced that the rationale applies as well in the current day environment; nor do we believe that the existing organizational model best serves the needs of the WOIs as far as preserving and sustaining a women-centred focus.

The Committee is concerned as to whether the lines of accountability are not, at times, blurred when considering the direct working relationship that the DCW and respective Regional Deputy Commissioners (RDC's) have with the heads of WOIs. Although the DCW is a functional authority and the RDC a line authority, direction comes from and is sought through both offices.

Considerable evolution has happened over the period under review. The WOIs have moved from the conceptual stage to reality. A host of experiences have been gained and shared between facilities and the office of the DCW has been pivotal on not only the policy development side but also as the conduit for communication, oversight, and as a principal change agent.

The Committee believes that this evolution has reached a point where the need for a clear women-centred focus is greater than the administrative concerns and isolation fears expressed earlier by CSC.

" Please give serious thought to alternatives to the existing system. "
- Stakeholder

Women in prisons are a very unique population. Their numbers alone are small. Their program requirements are generally different, in terms of gender, criminality, institutional dynamics, and reintegration considerations.

We believe that a change in the reporting relationship will accept this reality, improve the effectiveness of existing resources, and sharpen the women-centred focus through a more uniform administrative approach.

The Committee is concerned that the WOIs do experience some isolation within their respective regions and that a fully realized women's corrections strategy is at risk within the present organizational arrangement.

We have been informed that CSC is undergoing organizational renewal at the regional and national levels. The Committee senses that some of the more significant administrative concerns associated with the earlier consideration of this issue are no longer as valid given the changes being made to CSC's overall governance structure.

The Committee recommends that CSC revisit the women's corrections governance structure in order to have the Wardens of the women offender institutions report directly to the Deputy Commissioner of Women.

The DCW position is currently vacant and the timing of such a measure would seem to be a useful consideration when staffing this position and taking the administrative steps necessary to facilitate implementation of a new reporting relationship.

HUMAN RESOURCES

Is CSC well positioned to meet its women corrections human resource needs going forward?

While leadership is an important element, employees are CSC's greatest resource and a critical component across all of the principal themes as well as the preservation of a women-centred focus.

Reliance on continued progress is directly tied to human resource competency and availability in relation to all of the key accomplishments documented in the *Ten-Year Status Report* and to have success in carrying forward the plans intended for the future.

The Committee notes that many of the Key Accomplishments contained in the *Ten-Year Status Report* as well as the Next Step descriptions, are linked to works in progress that hinge on having the people "on the ground" to make some of those accomplishments a reality. The measure of a program's success is in its execution and despite the evident progress made, CSC has been more broadly criticized by its Stakeholders due to implementation timelines and delays, that appear to be attributable to human resource factors.

For example, the Committee was told that staff shortages have delayed the timely availability of core programs; that some Parole Officers in the community have not received women-centred training; that the health care program is facing a potential crisis if unable to hire competent professionals; that there are not enough staff that are representative of growing minority segments of the population; and that there are concerns about the proper supervision of women newly admitted to the regional facilities.

Deployment models and program strategies will only work if they are supported by the right people in place on a readily available basis with the proper focus, skills and appropriate commitment.

There are shortfalls that are visible and that have had reported impact on CSC's overall capacity to deliver on its commitments, particularly in view of the realities facing all employers in the present day environment.

> *" Staff must be more culturally competent. "*
> - Stakeholder

Quality of the staff selection process based on a women-centred focus, when assessing the values and attitudes that candidates bring to the process and the training that follows, is pivotal to the implementation of CSC's policies and protocols. CSC has made progress in developing the selection tools for Primary Workers and delivering women-centred training for front line staff at WOIs.

Many of the front line positions, such as correctional officers, health workers, kitchen and other trades staff, are filled from outside CSC. Others, such as program delivery and parole officer positions, are filled internally. The associated training is comprehensive but expensive. Staff turnover is often high.

Additional challenges await CSC as its workforce ages and it strives to replace its workers with people that have the motivation, values and qualifications to work in the very demanding field of women's corrections.

Progress will suffer if the human resource situation is left unchecked.

The Committee recommends that CSC put a human resource strategy in place to support its women's corrections workforce needs.

This would include an analysis that identifies the staffing "hot spots" in relation to key operational positions that support program delivery followed by measures that enable CSC to effectively compete for the attraction and retention of a competent and representative workforce at entry levels.

COMMUNITY TRANSITION

Is the commitment that CSC has made to women's community corrections sufficient to promote success?

Although Justice Arbour did recommend that, "the first priority for the Deputy Commissioner for Women be the release and reintegration of women in custody" [Recommendation 4(j)], a considerable focus of the earlier reviews has been on the custody phase of the women's sentence.

Certainly CSC has shown some progress on the community side. For example, a national Community Strategy for Women was finalized in 2002; residential capacity has been expanded at various locations in the Atlantic and Pacific regions; specialized women's supervision units have been formed in major metropolitan areas (Montreal, Toronto, Edmonton, Calgary, and Vancouver); a Private Home Placement model has been created in Edmonton; a new pre-release program (Social Integration Program) was implemented in September 2006 and a national employment strategy for women commenced in November 2006; the community volunteer network has been expanded; and research has been conducted into factors contributing to revocation and return to custody issues.

Nevertheless, it would appear that the prison side of the sentence continues to dominate the thinking in women's corrections. For example, CSC's Report on Plans and Priorities (RPP) for 2006 – 2007 is primarily focussed on women's custody with less emphasis on the kind of community development initiatives that would directly support safe reintegration for women.

CSC has a large offender population. The segment of the women's population is fairly consistent at 4%. Yet it is the fastest growing[1], and its composition is presenting some alarming trends with respect to the proportion of Aboriginal women[2] and those that present mental health problems upon admission[3].

The regional women's facilities represent the hallmark of CSC's progress over the past ten years. But they will soon reach the tipping point, and this may undermine the very principles that guided their creation in the absence of a clear vision that more fully incorporates the community stage of the sentence.

The Committee must stress its complete understanding that decisions, which guide conditional release, are made exclusively on the basis of risk. When discussing community transition the clear emphasis is on public safety. The Committee recognizes that a thorough risk assessment includes a comprehensive initial assessment, followed by the development of a Correctional Plan and then program participation by the women that will contribute to their reintegration potential.

CSC has made good progress in the development of assessment tools and gender-sensitive women's programs that significantly improve reintegration opportunities.

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[1] *RPP 2006 – 2007*: The Changing Federal Offender Population, Profiles and Forecasts, 2005, *CSC Research,* October 2005. CSC has experienced a 12% decrease in the men offender population since 1997. The federal population of women in custody, however, increased by 6% since 1997.

[2] *RPP 2006 – 2007*: The Changing Federal Offender Population, Profiles and Forecasts, 2005, *CSC Research,* October 2005. The Aboriginal male offender population increased by 11% and the Aboriginal women population by 85% since 1997.

[3] *RPP 2006 – 2007*: Climate Indicator and Profile System (CIPS). More than one out of ten men offenders and one out of four women offenders are identified at admission as presenting mental health problems.

Almost 6 of every 10 women are serving out their sentence under conditional release in the community. This has been reasonably consistent over the past ten years. Roughly 34% of the women in custody are classified as minimum security. Approximately 55% of women newly admitted to the federal system are serving a sentence of less than three years[4]. While this represents challenges for CSC to prepare an increasing number of women for release into the community within limited time frames, their reintegration potential would appear consistent with past trends.

There would appear to be a relatively large pool of women that demonstrate safe reintegration potential if CSC could ensure their timely access to release opportunities. However the Committee believes that there are "missing links" that impede release opportunities, primarily in the area of release planning.

This reintegration potential is compromised on the community side by the reported increase in the numbers of women subject to revocation as a result of a failure to comply with the conditions of release, rather than criminal behaviour. This suggests to the Committee, by way of an example, 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.

As CSC continues to make the progress that we have observed on reducing the barriers that impede reintegration of the women who are in custody (at increasing numbers), the strain on its community capacity will only increase. The Committee is left with the impression that there is a lack of co-ordinated effort on the community side relative to what we have observed at the institutions.

> *" We don't see the integration between the institution and the community with programs and release planning. "*
> - Stakeholder

CSC is not alone in developing the necessary community capacity. There are many organizations, public and non-governmental, that share a responsibility here.

The relationship CSC has with its many Stakeholders shifts into one of true partnership on the community side of women's corrections. CSC relies on those partnerships to directly support the community transition of women.

The Committee takes a very positive view of these partnerships and believes that with improved commitment it can strengthen its community partnerships while closing the gaps that currently obstruct the full realisation of a women's community corrections strategy.

We believe that CSC needs to rethink its relationship with the Stakeholders that provide community services. The focus must be on enhancing agency collaboration in the provision of services that cross all of the unique needs that women bring into the community. Release plans need to be enriched to tap into the reintegration pool with better program follow-up for maintenance and relapse prevention purposes that offer improved continuity between the institution and community.

[4] *RPP 2006 – 2007*: Climate Indicator and Profile System (CIPS). A 61% increase since 1997 that represents one out of three women serving sentences of less than three years.

More creativity is needed at the grassroots level. Agencies that work with women are experts. They know their communities and they have the network of service providers that extend into the remote areas of the country. Agencies have the ingenuity and business acumen to maximize the return on increasingly scarce funding and they need increased partnerships with organizations like CSC to expand their collaboration initiatives. Their goals come from a longer view and are oriented towards achieving sustainability for women well beyond the warrant expiry date.

Although progress has been made, the community co-ordination capacity has not kept pace with the accomplishments achieved inside the women's facilities. The Committee is left with the impression that the development of women's community corrections competes for the attention of the District Directors and Area Managers responsible for community supervision. The DCW relies heavily on their collaborative support.

More focussed attention is needed to expand the network of Private Home Placements and alternative accommodations for women, particularly in remote areas. A clear and dependable point of contact at a senior management level is needed in each of the eight community districts to achieve and measure results on the formation and strengthening of community partnerships.

The Committee recommends that CSC make women's community corrections a higher priority in order to increase opportunities for successful reintegration into the community.

CSC will need to renew the national Community Supervision Strategy for Women it finalized in 2002 for this purpose. The Committee believes that the Wardens of the WOIs should participate and bring ideas to the renewal process given their knowledge of women's corrections and familiarity with the community districts to which the women will return upon release.

ABORIGINAL WOMEN OFFENDERS

Has CSC respected the commitments it has made in relation to the custody and treatment of Aboriginal women?

The Okimaw Ohci Healing Lodge (OOHL) is one example of how progress in women's corrections demonstrated a concept that integrated Aboriginal beliefs with an operational model that had broader application to CSC's entire Aboriginal population.

It has served as a benchmark to demonstrate the extent to which collaboration with key community Stakeholders can translate into concrete action.

The 1992 *Corrections and Conditional Release Act* (CCRA) opened the legislative door to a new relationship with Aboriginal peoples, and the 1996 Report of the Royal Commission on Aboriginal Peoples, in declaring that "the justice system has failed Aboriginal peoples," pointed to their numbers in prison.

While there may be no better example of progress in the Committee's review than OOHL, the exponential growth of the Aboriginal prison population over the last ten years has continued unabated.

With the 85% increase of Aboriginal women in custody since 1996, there has been an expansion of their representation within the overall women's population[5], a rise of those with a gang-related profile[6], greater numbers classified as maximum security[7], and a higher proportion of those convicted of violent crimes[8].

" As Aboriginal communities define their needs and aspirations in relation to community safety and crime prevention, we need to work with our partners to respond to those needs in a cohesive way. A holistic approach to community healing and development means working from the community's perspective to identify what we can bring to the process. "
- Senior Deputy Commissioner, CSC

" We cannot impact the over-representation of Aboriginal people, or recidivism rates, without community involvement, support and capacity. At the end of the day, it will be Aboriginal and Canadian communities which will have the power to change these results. "
- Director General, Aboriginal Initiatives, CSC

CSC Strategic Plan for Aboriginal Corrections, 2006

The Committee recognizes that the broader issues of Aboriginal self-government and matters of settlement with the Canadian government over land claims and other disputes, are works in progress over the long-term.

Developing the capacity for Aboriginal self-government is in its infancy and the willingness of a mosaic of Aboriginal communities to embrace an ever increasing accountability for criminal justice responsibilities, including those involving the corrections system, has yet to be fully determined. There are many fronts to the transition that is currently underway.

[5] *RPP 2006 – 2007*: CRS. Aboriginal peoples comprise only 2.7% of the Canadian adult population. Aboriginal women account for a higher proportion of the overall women's population at 25.1% and 31.4% of incarcerated women.
[6] *RPP 2006 – 2007*: Climate Indicator and Profile System (CIPS). An increase from 7% to 9% since 1997.
[7] *RPP 2006 – 2007*: Climate Indicator and Profile System (CIPS). A 75% increase from 4% to 7% of the Aboriginal women's population.
[8] *CSC Strategic Plan for Aboriginal Corrections, 2006*: As of April 10, 2006, 80.0% of Aboriginal women and 50.2% of the remaining women were convicted of Violent Offences (Murder or Schedule 1).

The Committee believes that CSC must take that long-term view and keep its eye on this horizon as it continues to integrate Aboriginal culture and improve conditions for Aboriginal people within the women's corrections environment. This is an environment that has a proven track record for taking the responsible risks that have enabled Aboriginal people to play a more meaningful role in the development and delivery of correctional practices in the Aboriginal spiritual context.

When referring to Aboriginal people, we include the Elders, staff and community resource people that come to the facilities and work with the women every day. It is essential that CSC cultivate a climate of respect and knowledge among all participants to build the trust that will take its plans forward on behalf of the Aboriginal women in its care.

This would include the formal recognition of Aboriginal spiritual learning and the priority consideration of Aboriginal women's participation in, for example, Elder visits, on the same level of importance as other program activities, such as education and training. While these Aboriginal elements may have been "enhanced" in Correctional Plans, they need to be reinforced in their implementation.

The Committee has been told that there is differentiation in how the institutional routine works around Aboriginal programs, specifically in relation to the women's preparation for sweat lodge ceremonies and the introduction of medicine bundles to the institution. For example, these programs are fully integrated in the routine at facilities with larger numbers of Aboriginal women in the West, and appear to be subject to disruption at facilities where the numbers of Aboriginal women are lower in the East.

This may be influenced by the uneven representation of Aboriginal staff at women's facilities. It could be caused by a simple lack of appreciation due to unfamiliarity with Aboriginal culture, or knowledge deficiencies that can be corrected through more targeted staff learning, beyond what is received during employee orientation.

CSC impresses as committed to taking the necessary strategic steps on behalf of Aboriginal women and its Plans and Priorities as well as its Strategic Plan for Aboriginal Corrections reflects the degree of its commitment. Examples include, establishment of the Aboriginal Pathways program at Fraser Valley and Edmonton; the delivery of Circles of Change and Spirit of a Warrior programs; development of a substance abuse program component for Aboriginal women; expansion of community residential services specific to Aboriginal women, such as the Anderson Healing Lodge in Vancouver; the creation of ten Aboriginal Community Development Officer positions to serve the needs of Aboriginal men and women across Canada; and improvements to the continuum of care for Aboriginal women described in CSC's business plan.

Other criminal justice partners have improved their focus, as we learned in our discussions with the National Parole Board and their work on extending the best practice experience they have had with Elder Assisted hearings into gender-specific and culturally sensitive approaches to their other panel hearings.

Although CSC has made commendable progress in most of the areas relating to the earlier reviews described in the *Ten-Year Status Report*, it has work to do.

Regarding the issue of allowing maximum-security women at OOHL, the Committee agrees that the potential for overall disruption outweighs the risks associated with the presence of women that are not ready for the Healing Lodge experience, regardless of security classification, and the impact of increased security measures on the therapeutic fabric of its operation.

The Committee believes however, that additional measures are needed to complement the improvements CSC is planning for the Secure Unit program by increasing Elder assistance to instil a more positive self image among the Aboriginal women that too often return to that unit.

The Committee recommends that CSC dedicate full-time Elders to the Secure Units at Edmonton and Fraser Valley.

This measure would be intended to support the Healing Readiness Commitment Process and Intensive Intervention Strategy for the maximum-security Aboriginal women that predominate at those locations. Perhaps the associated funding requirements could be found within the new resources that CSC is seeking to enhance security within those units.

We have learned that an initial security classification tool is being developed specifically for women and we believe that CSC made a wise choice to undertake this project. Furthermore, we are told that the design of this instrument will ensure that it is valid for Aboriginal women. Given their disproportionate numbers classified as maximum security we urge that CSC ensure that Aboriginal evaluation experts are consulted during this project, perhaps through the resources of the *Aboriginal Justice Learning Network.*

CSC cannot solve the overall problem alone; but it can sustain the hope. We hope, for example, that the ten Community Aboriginal Development Officers staffed across the country, will be able to equitably develop community program opportunities that will work towards bridging Pathways into the community for Aboriginal women.

This is a key issue for the Committee and directly tied to the community transition and programming themes. The "very low" Section 84's for women needs improvement. We are aware of the few number of women who are broadly dispersed geographically, however we believe that CSC action in this area does not meet the need and opportunity.

The extent to which CSC engages the Aboriginal communities and other governmental partners is the extent to which it will achieve success with its strategies.

We see the prospects for achieving improved results for Aboriginal women if CSC is able to establish greater dialogue with other government departments such as the Department of Justice Canada, Health Canada, Department of Indian Affairs and Northern Development, and Human Resource Development Canada, that would enable the sharing of existing resources in a more cohesive way. The Aboriginal employment skills program developed through CORCAN with HRDC is a best practice example.

We are told that CSC's Women Offender Sector is a good role model for exercising branch responsibilities in collaboration with the Aboriginal Initiatives Directorate.

Clear evidence of CSC moving on its commitment in the treatment of Aboriginal women exists in relation to the foothold it has established in the West where the needs are most acute. However, the Committee believes that an anchor is required in the East.

Aboriginal peoples are the fastest growing population in Canada. According to the 2001 Census, their birth rate is one and half times that of the rest of Canadians. Roughly one-third of their population are Aboriginal children fourteen years and under, far higher than the 19% of the non-Aboriginal population. While the highest concentrations of Aboriginal peoples live in the West and North, about half that number live in Central and Eastern regions of the country, with the highest absolute numbers residing in Ontario. Moreover, approximately 50% of all Aboriginal peoples live in urban areas, a growing trend, with 25% of those living in ten of Canada's largest metropolitan cities, including Toronto, Montréal and the National Capital area.[9]

The Committee recommends that CSC incorporate the need for an Aboriginal women's healing lodge facility in its long-range accommodation plan on a priority basis for Eastern Canada.

Given the emerging trends and current realities in Eastern Canada, CSC must apply its proven capability and exercise the foresight to match the Aboriginal population growth, perhaps in consultation with one of the several large Aboriginal communities located proximate to an urban area in the East.

> *" I have never been incarcerated before. The first two months I didn't open up. I had issues with trust. I can change it now. I can change it for my children. I have good access to Elders. Staff are caring. I need more in the area of anger and emotions. "*
>
> - A woman at OOHL

We are convinced that this measure will go a long way to cultivating the overall climate of understanding and awareness referred to earlier and enhance the healing prospects for Aboriginal women in more isolated situations.

The Committee would be remiss not to remind CSC that Canada's diversity is reflected in the smaller number of women who represent the broader range of cultures that are beginning to populate the women's facilities. The "language" of corrections can confuse the uninformed and CSC must, at the very least, ensure that it has the capacity in place to address those challenges and leave no person behind, regardless of culture.

[9] *Statistics Canada, 2001 Census:* Aboriginal Peoples of Canada (next Census report due January 2008).

MENTAL HEALTH

Has CSC developed the capacity to properly meet the challenges related to the treatment of women that experience mental health issues?

Although referred to in the text of the *Ten-Year Status Report*, the Committee feels it needs to include mental health as a principal theme due to the gravity of the issue and the range to which it impacts on the overall condition of women's corrections.

A scan of the recommendations contained in the Annexes of the *Ten-Year Status Report* reveals less emphasis on the issue relative to the pervasive nature of the problem.

We believe that women experiencing mental health issues are the most vulnerable of the imprisoned population and demonstrate the highest need upon their return to the community.

CSC recognizes this, as do its Stakeholders. It would seem however, that the voice of these women does not sound as loudly among the other women in custody. Yet, their peers have in many ways, contributed to the progress made in assisting to fashion the coping strategies to help the most vulnerable adapt within the correctional setting.

> *" The women's stories are astounding. They need health assistance not prison. The system is the antithesis of what's needed. "*
> - Stakeholder

The suicide and self-harm incident rate among women reached unprecedented heights well before the period under review and sparked earlier inquiries. The Peer Support initiative can trace its roots to this history; originating at the Prison for Women and evolving into a formal self help program implemented throughout CSC's facilities.

The external environment has played heavily into the present day scenario. The de-institutionalization of mental health facilities and the reluctance to fund needed community resources has undoubtedly contributed to the rise in admissions to Canada's federal and provincial correctional institutions. The one out of four women currently identified at admission to the WOIs as presenting mental health problems, represents an increase of 67% since 1997[10].

We have discovered that considerable research has been undertaken in this field. Women in prison suffer from much higher rates of mental health problems relative to those in the community in relation to diagnoses linked to Schizophrenia, Major Depression, and Antisocial Personality as well as challenges attributable to physical, sexual and childhood abuse[11]. This situation has been further complicated by the extreme proportion of women that have had a significant substance abuse problem; those that have a history of self harm or suicide ideation; and the many that experience serious medical problems, including Hepatitis C and AIDS. It is a grim picture and one that touches on CSC's capacity to achieve results in relation to all of the principal themes.

[10] *RPP 2006 – 2007*: Climate Indicator and Profile System (CIPS).
[11] Correctional Service of Canada: *The 2002 Mental Health Strategy for Women Offenders.*

CSC impresses as having undertaken its share of accountability very early in the period under review, through the research, policy, and program development it has committed to mitigate the situation, beginning with its 1997 Mental Health Strategy for Women Offenders. That Strategy has evolved and been refined through new techniques and the dedication of additional resources to support the program structure now in place.

The Structured Living Environment (SLE) is perhaps the most visible accomplishment among the host of related program initiatives, including Dialectical Behavioural Therapy and Psychosocial Rehabilitation, that CSC has put in place to enable a more uniform approach to the problem within its women's facilities. Certainly the accredited inpatient programs that provide acute care at the Churchill Unit (Regional Psychiatric Centre, Saskatoon) and Pinel (Pinel Institute, Montréal) have filled a gap surrounding intensive treatment needs.

The Intensive Intervention Strategy, applied within the SLE and Secure Units, exemplifies the kind of multidisciplinary approach that has brought staff together in a more focussed and communicative effort to assist women move beyond structured support towards self-reliance along the continuum of care.

The multidisciplinary approach is a template that has been applied in other areas of the operational model for women's corrections and we believe it is the most effective use of human resources witnessed in our review. We are told, for example, that Aboriginal culture and resource people have been integrated within several facets of the overall mental health program.

Despite the progress, the continuum of care envisioned by the Mental Health Strategy for Women Offenders is a work in progress. It has clearly evolved with the increased challenges that CSC has faced and it would appear that the organization is left to its own devices in many respects, given the limitations for partnership support due to competing demands in the broader health care community.

CSC has moved up the priority it has attached to mental health in its business plan and it impresses as fully committed to developing its overall capacity to properly meet the challenges.

Although we believe that the implementation strategy is a sound one, there are several impediments linked to resources issues. It has been suggested that CSC would need 50 to 60 million operating dollars annually and approximately 500 additional staff working along the continuum to fully realize its ambitions.

The community focus that CSC is currently applying to bridge services from its women's institutions by creating community mental health co-ordinator positions in the parole districts and providing mental health training to parole supervision resources, impresses as a sensible use of the funds it has received to date.

CSC faces an urgent challenge in the recruiting and retaining of health care staff with the necessary expertise to work with women offenders.

The Committee fully endorses CSC's bid for additional mental health funding and commends the progress it has achieved to this point.

PROGRAM STRATEGY FOR WOMEN OFFENDERS

Are the programs that are available to women, accessible, gender- focussed, and appropriate to their needs?

There are several recommendations in the previous reviews contained in the *Ten-Year Status Report* that pertain to women's programs.

Most of the groundwork for what has been accomplished originates with the *1990 Task Force on Federally Sentenced Women: Creating Choices*, perhaps one of the best examples of a partnership experience ever entered into by CSC.

The principles that guided that work: empowerment, meaningful and responsible choices, respect and dignity, supportive environment, and shared responsibility, were the basis for the design of the women's regional facilties and integration with the program strategy that followed.

Women bring a multitude of needs to the corrections system. Many of those needs are inter-related and programming solutions can be complex.

The Committee believes that CSC has made significant advances in women's programs since *Creating Choices*, particularly after the first program strategy was developed following that report.

> *" Without effective programs these people don't stand a chance. "*
> - Stakeholder

Considerable research has been conducted into women's program needs over the period. Relative to the "cookie cutter approach" described in relation to the wholesale adaptation of men's programs observed in earlier development efforts, it would appear that CSC has adapted what has been learned and experienced during the last ten years to a women-centred focus on the evolution of its current program strategy.

An impressive array of institutional programs are now offered across several areas of need, including treatment, social and cognitive functioning, Aboriginal programs and mental health. Notable examples are the Women Offender Substance Abuse Program (WOSAP), Sex Offender Therapy for Women, Abuse and Trauma, Parenting Skills and the Social Integration Program for Women Offenders, as well as the initiatives that support the Mental Health Strategy and Aboriginal women's programs referred to earlier.

WOSAP is a holistic, gender-specific program model, developed in partnership with the Addictions Research Centre and reportedly among the first of its kind internationally. Spirit of a Warrior was developed in partnership with the Native Counselling Services of Alberta. We are advised that a contract for the development of a Women Serving Long Sentences program was awarded in September 2006.

Approximately 7 of 10 women in prison have not obtained a high school diploma. During our review, CSC publicly announced that the education standard was being raised for all inmates, from Grade 10 to 12. This will mean that most of the women will be required to participate in CSC's education program and work towards their high school diploma, a preference that was repeatedly expressed during our discussions with external Stakeholders.

Education is directly tied to employability and CSC's main objective is to prepare the women for employment upon release. It has developed a National Employability Skills Program (NESP) through CORCAN, a Special Operating Agency within CSC that is mandated to prepare offenders for successful reintegration. The program has been developed in partnership with the Conference Board of Canada and, following an assessment of vocational needs upon admission, involves the development of basic employability skills in tandem with improving educational levels. It requires close collaboration with work supervisors at the women's facilities and its success hinges on the acquisition of skills through meaningful training opportunities inside to promote job readiness once out.

CORCAN has established Community Employment Centres in many of the larger urban areas across Canada to help offenders obtain employment upon release through counselling and referral measures. Given the unprecedented labour shortages anticipated in the service, construction and trades sectors over the coming years, the agency is actively engaging prospective employers and reportedly attracting interest in the employment of those under conditional release.

Approximately 50% of the employable women currently serving out their sentences in the community are not working. CORCAN will be evaluating the impact of NESP and tracking results in this respect. It has now been fully implemented at all WOIs.

CORCAN has shifted its focus over the past ten years from a business and manufacturing orientation to one that better integrates its activities with CSC's overall program strategy.

The network of programs and learning opportunities that CSC has developed and begun to extend into the community represents concrete progress, however many challenges need to be overcome.

The logistics involved with integrating and scheduling treatment, program, education, and employment activities according to the needs and priorities set for the women, are complex and difficult to administer.

There are issues relating to program accessibility. They have been partly addressed by affording "flexible entry" opportunities to the women, but will be compounded by the increasing population numbers, changing demographics, the need to acquire the grade 12 educational standard, and pressures associated with the rising numbers of those serving less than three-year sentences.

The Committee has also heard anecdotal complaints about the lack of "meaningful work" opportunities that CSC will need to clarify with its key external Stakeholders. An overrepresentation of cleaning jobs, women sewing men's underwear, cottage-style industry jobs, physical space limitations, and absolutely "nothing to do" in the Secure Units were cited as examples. Yet we are told that the cleaning jobs result in marketable certificates, involve technical training according to industry standards, and lead to well-paying jobs that are high in demand. A woman working in the textile shop at Joliette is actually depicted in CORCAN's NESP brochure, and despite the obvious problem with perception connected to such work, this image, and what the Committee was told at Joliette, conveys an entirely different message.

We witnessed an excellent use of space in a small CORCAN shop at Isabel McNeill House where women were shipping train brake orders and fabricating seat covers for the military.

It appears to the Committee that CSC has done a good job over the past ten years in developing the gender-based programs for women that are linked to their needs and that can enhance their prospects for healing and eventual success upon release. Evaluation is a significant component of CSC's program strategy and insufficient time has elapsed to measure the results in relation to CSC's overall reintegration goals. Nevertheless the organization impresses as having the commitment and thinking in place to achieve results as long as the staff resources are sustained and moving forward.

SECURITY: CLASSIFICATION, MANAGEMENT OF SECURITY INCIDENTS, AND ADMINISTRATIVE SEGREGATION

Do the methods used by CSC to manage women's security levels meet public safety and legal requirements while respecting gender-specific factors?

The Committee's discussions on security classification invariably led to issues more broadly connected with the Management of Security Incidents in Women's Institutions and Administrative Segregation. As these three themes are closely inter-related, we will deal with them collectively.

We discovered that this area generated considerable interest from the external Stakeholders and revealed a wide range of perspectives on the more general condition of women in prison, including the abolition of women's prisons.

Among its many legal responsibilities, CSC is required to assign a classification level at minimum, medium and maximum-security levels and to take public safety, escape risk and institutional adjustment factors into account.

As indicated in the *Ten-Year Status Report*, on March 12, 2006, 10% of the women were classified at maximum security, 45% at medium, 34% at minimum, and 11% unassigned a security level as they were still involved in the intake assessment process. The Committee was told that this security classification profile has been reasonably consistent over the past ten years.

The main preoccupation connected to classification would seem to revolve around the women classified as maximum security and the disproportionate numbers of Aboriginal women in this category. The broader criticism surrounds the quality of the information gathered and the tools administered to determine classification level, including the use of actuarial data and the overall validity of the process as it pertains to gender and culture related factors.

This criticism and surrounding debate among all Stakeholders has persisted over the past ten years.

> *" Aggression is often a defence and women are being punished. "*
>
> - Stakeholder
>
> *" The theory of cascading is not effective with one minimum. "*
>
> - Citizen's Advisory Committee Member
>
> *" We have not lost the spirit of Arbour and we are proud of the difference we are making in our work. "*
>
> - Staff member

The Committee received a very thorough briefing on the security classification process from a research specialist employed by CSC. She completed her doctoral thesis on the subject of women's security classification and has been directly involved in the study of this issue for ten years.

We were told there are fifty years of research about actuarial data in assessments of this nature and that the use of these tools reduces security levels by moderating the tendency towards "conservatism" using purely subjective methods.

The Custody Rating Scale (CRS) is an actuarial tool used by CSC in combination with a range of information, including police reports, the sentencing judge's comments, victim impact statements, social and family background reports, as well as assessment material gathered during the intake process, to determine an initial security classification level for men and women.

An institutional parole officer analyses the information and scores the results using the CRS to form the basis for the initial classification. The institutional parole officer can recommend to the Warden an "override" to that initial classification if indicated by the overall clinical assessment. This happens approximately 16% of the time. We were advised this is the norm and is consistent with the research in the field.

The security classification of women is reassessed at least annually using the Security Reclassification Scale for Women (SRSW). Women classified as maximum security are reassessed every six months due to the implications of having a maximum-security classification. The SRSW was implemented last year following a seven-year project involving consultation with various Stakeholders and oversight by an external review committee as well as three years of field testing.

Public safety, escape risk and institutional adjustment factors can be influenced up or down the scale as a result of changes observed through program participation and general behaviour that is continually assessed while a woman is in custody.

The CRS was developed in the Research Branch of the Public Safety Department using a sample of male offenders. We were told that it was validated for women on three occasions earlier this decade, including once for Aboriginal women.

As discussed elsewhere in this report, the profile of the women coming to prison is changing and much has been learned over the past ten years of research and development about their characteristics, needs, and gender-specific factors.

CSC advises that it is now time to take that experience and refine the initial security classification process specifically for women as well as to look at the overall validity of the SRSW, particularly for Aboriginal women.

The Committee endorses this decision. We are told that CSC has elected to contract directly with an external resource that holds a doctorate in forensic psychology, to lead the initial security classification review. This project is a four-year process and will involve broad consultation with various Stakeholders. External Stakeholder representatives tell us that this process has begun.

The Committee is impressed with the extent of CSC expertise in this area and we are confident that, during the interim, CSC will continue to use the existing classification process judiciously.

We remain concerned however, with the small but disproportionate number of Aboriginal women that are moving up the reclassification scale, resulting in admissions to the Secure Unit.

Furthermore, we are very concerned with those few women that are subject to extraordinary measures, sometimes resulting in long periods of confinement in administrative segregation. This is not a classification tool issue. It is connected to aggressive behaviour with consequences for other women and staff that results in criminal convictions, longer sentences, and continuing adjustment problems.

There were concerns from the outset about how some of the women would adapt to the new regional facilities. The WOI operational model was originally intended to accommodate women of all security levels in an environment that promoted the self-sufficiency and change envisioned by *Creating Choices*.

Unfortunately, several serious incidents occurred early in the transition experience, notably at Edmonton. CSC subsequently opened co-located secure units for maximum security women at male institutions in the Atlantic, Quebec, and Prairie regions (Prison for Women in Ontario and the Burnaby Institution for Women in Pacific remained in operation during that period).

As a result, CSC made the decision to construct and locate Secure Units at each of the regional facilities with the exception of OOHL. Maximum security women are currently accommodated in the Secure Units while those requiring more intensive treatment care are placed at the Churchill Unit or Pinel.

In the Committee's view, CSC's response to incidents of the type that led to the Arbour Commission, and those that have occurred at the regional women's facilities, has changed remarkably in the past ten years at all of its institutions, in particular at the WOIs.

The management of security incidents in women's institutions are now shaped by fundamental principles linked to fairness, dignity and human rights. For example, CSC has put a Situation Management Model in place to guide its interventions and emphasis is placed on the use of the least restrictive measures possible to gain control of an incident. It has developed an accountability process that governs any use of force to the highest standards in accordance with the law and CSC policy. Planned interventions where the use of force may be necessary are carried out by members of well-trained Emergency Response Teams composed of women staff members at the regional facilities. All of the response team interventions must be videotaped and a thorough review process is undertaken at the regional and national levels, including the office of the DCW and, where indicated, the Director General of Health Services.

The Committee believes that CSC's actions at the women's facilities in this area are perhaps the most tangible in relation to all of the recommendations made by Madam Justice Arbour.

Women that involuntarily enter administrative segregation following a security incident and those that are voluntarily admitted for various reasons are subject to numerous legal and human rights entitlements described in CSC's legislative and operating authorities.

The Arbour Commission's recommendations have had a very discernible impact on how CSC operates its administrative segregation units at the women's facilities. CSC launched a major task force in the aftermath of that report. As a result, several policy improvements and training initiatives have been undertaken during the past ten years to ensure that CSC staff members respect the law and basic human rights when discharging their duties in this highly restrictive situation.

The Canadian Human Rights Commission (CHRC) has more recently been closely monitoring the administrative segregation situation in the women's facilities.

Each of the regional women's facilities has a small administrative segregation unit with a three or four cell capacity. The Committee has been told that the Wardens of the WOIs use this measure infrequently. Our request for a random report on the number of women in segregation revealed that on July 9, 2006, there was one voluntary and ten involuntary cases of women located within the units at the five regional facilities.

It is apparent to the Committee that the most contentious issue regarding administrative segregation concerns the independent adjudication or judicial supervision of those segregated for longer periods.

CSC does not accept relinquishing its authority in this responsibility, contending that the consequences would undoubtedly compromise its institutional operations. The Committee did not include the men's institutions when it considered the adjudication issue, although Justice Arbour regarded it as an all-encompassing recommendation.

The Committee has been advised that CSC began a two-year pilot project at the Edmonton women's institution this year involving a Segregation Advisory Committee. This Advisory Committee includes two independent external members that participate in the segregation review process at regular intervals for those women subject to longer periods of confinement. This strikes the Committee as a very cautious approach and CSC may wish to consider applying the pilot to other facilities if the initial results appear favourable.

Progress has been made, in our view, over the ten-year period, considering the regard for human rights and respect for the Rule of Law that has been instilled in the segregation review and management process. Furthermore, we are convinced that segregation is used as a last resort at the women's facilities. We do believe however that any measures taken by CSC to improve its transparency in the review and oversight process will serve to better mitigate the situation. The Segregation Advisory Committee at work in Edmonton will be able to provide an informed view to CSC with its direct participation in the review process.

Women typically remain in segregation for relatively short periods and the focus at the WOIs is to modify their individual programs to facilitate a return to general conditions, quickly and safely.

Among the longer term cases of women in administrative segregation however, are those on the Management Protocol. At the time of our review, there were four women under this regime located at four of the women's facilities. These are women that have been criminally charged for assaultive behaviour towards other women or staff; in two cases this includes staff hostage-taking.

The Management Protocol is a strict regime that employs a cross-section of staff to assist the women cope with their conditions of confinement and apply program interventions to encourage co-operative behaviour while ensuring safety for everyone involved in the process. In some instances, a woman will be transferred to another institution for this purpose.

Although it is fortunate that the numbers of women in this situation are relatively few, it does signify a dilemma that continues to present challenges to CSC. At Prison for Women there were no options outside of managing these situations on site and this scenario was certainly one of the factors in the events that led to the Arbour Commission.

A by-product of establishing multi-security level institutions that geographically situate smaller numbers of women closer to home communities, is that the operation must be integrated to cohesively address all of the women's needs, at all levels of security. This means, for example, that with the presence of a Secure Unit, there is a fence surrounding the institution. It is also apparent that a multi-level facility is difficult to manage, and that the dynamics within the operation require attention to shifting priorities, day to day, while striving to achieve overall efficiency and individual fairness with the least disruption.

A common criticism heard by the Committee is that, compared to the men in prison, the women's situation is driven by an "economy of scale" and that the differentiation is unfair[12].

The Committee would agree that it is not an ideal operating framework; but it is far superior, in our view, to what existed ten years ago. The fence may represent a raw symbol of imprisonment, but it serves an obvious purpose and does not, in the Committee's opinion, present a barrier to reintegration. On the other hand, a significant barrier to reintegration may be lack of differentiation between medium and minimum security levels in a multi-level facility. We were interested to learn, from more than one community partner, and from the women in prison that one of the difficulties faced by women upon their release to a Community-Based Residential Facility (CBRF), is the stricter regime and reporting requirements at the CBRF compared to the experience inside.

What is of overall importance to the Committee is that CSC continues on a progressive track, improves upon the reintegration opportunities discussed earlier, and operates its women's facilities uniformly in terms of the women-centred focus and supporting program strategies.

We heard the concerns expressed about the safety risks posed by women on the Management Protocol. The Union representing Correctional Officers believes that it is necessary to situate these women away from the WOIs in a more secure facility modelled after the Special Handling Unit that exists for men.

[12] *Costs of Maintaining Offenders, CSC, 2005-2006*: Average cost to maintain all offenders over 2005-2006 was $71,004 including the average cost for women at $170,684.

The Union representatives framed this discussion in a way that suggested a separate facility better serves the needs of the women and affords more flexibility while providing a structure that improves safety.

Although the Committee believes that the concerns are genuine, we are not convinced that the best remedy to the problem involves more structure. We would rather see CSC efforts directed towards a program solution.

We are told that CSC is requesting additional staff resources from Treasury Board to support program improvements for the Secure Unit. It is our view that if those efforts are successful, any new resources be extended into improving the WOIs' capacity to work with the Management Protocol cases, including assignment of full-time Elders to work with the Aboriginal women in the Secure Units out West.

At the other end of the security classification scale, are the five women that are currently accommodated at CSC's single minimum-security institution for women, Isabel McNeill House (IMH); a ten-bed facility located in Kingston across from the Prison for Women site. Our visit there left us with mixed impressions. It was opened in 1990 and it has consistently received very positive reports from all of the Stakeholders. The level of interaction, innovation, and support there is certainly impressive, as is the commitment to progress on the part of the staff. However, uncertainty currently surrounds its fate and we are told that CSC is considering its closure. It is expensive to operate relative to the numbers accommodated, and there has been a reported reluctance on the part of the women at its "parent" institution, Grand Valley in Kitchener, to transfer there because of the uncertainty.

Many believe that IMH is the model for women's minimum facilities should CSC receive new money for such a purpose in the future. The location of this kind of facility in larger urban areas from where the women originate, is an appealing vision. However, the Committee recognizes that obtaining funding to realize that kind of plan in the near term is unlikely due to the smaller number of women, the wide geographical disparities, and the attendant costs. Nevertheless, the Committee encourages CSC to make a decision soon regarding IMH.

In the event that the decision is made to discontinue operations at IMH, the Committee would urge that CSC attempt to retain the existing funding in support of the women's corrections activity. Specifically, we believe that CSC should use that funding to address a concern we share regarding a recommendation made by Her Majesty's Inspectorate of Prisons in a report released following visits to Grand Valley and Nova:

1. There should be specific first night and orientation support, initially in separate accommodation, so that newly arrived women have access to objective and full information about the institutions and are prepared to move on to the houses.

The Committee recommends that if CSC decides to discontinue operations at Isabel McNeill House every effort be made to retain the existing resources so that they are proportionately distributed to the women's regional facilities and used to support the orientation of newly arrived women.

CROSS-GENDER STAFFING ISSUES

To what extent do cross-gender staffing issues impact on women's corrections?

With CSC's decision to maintain cross-gender staffing at women's institutions, the Committee believes that CSC must sharpen its women-centred focus and exercise improved vigilance in the selection, training and deployment of all of its staff at any of its locations that supervise women.

The Committee views the issue from a wide perspective. The related debate has expressed very wide opinion and there is little room for consensus. The deployment of men as Primary Workers on the "front lines" has been the central focus of the debate. CSC has refined and enshrined its cross-gender staffing operating protocol into policy earlier this year to "ensure that the dignity and privacy of women offenders is respected...and to ensure cross-gender situations do not expose staff or offenders to vulnerable situations."[13]

The debate will persist for as long as there are men employed in women's institutions due to the obvious sensitivities, the absolute nature of human rights considerations, and the ever-present potential for problems. In the Committee's view, the "front lines" are very fluid within a multi-disciplinary operating model of the type in place at the women's facilities. All of the staff – nurses, job supervisors, program officers, the Wardens, psychologists, volunteers, Elders, and Primary Workers, etc. - work with the women. It is the quality of those interactions that are of most concern to the Committee.

A modern day prison does not operate in a societal vacuum. The Committee is of the opinion that high quality interactions with males who possess the proper skills and understanding can contribute positively in this environment.

" The third report, covering the period 1999/2000, departs from previous annual reports by recommending an end to the use of male staff members as front-line "Primary Workers" in facilities for federally sentenced women (FSW) inmates. "
- Cross-Gender Monitor, April 2001

" While such a dramatic measure may eventually prove to be necessary, the Commission believes that the Correctional Service of Canada must vigorously pursue other alternatives before impairing the employment rights of men in such a fashion. "
- CHRC, December 2003

" I can't understand why CSC just doesn't get it. "
- Stakeholder

CSC was severely criticized in the final Monitoring project report that examined the cross-gender situation over a three-year period. The Canadian Human Rights Commission (CHRC), although wishing to make clear that it is not "opposed to not having males" employed as Primary Workers, believes that "more evidence is required" before reaching a "definitive position."

The Committee is struck by the irreconcilable views underscoring a final resolution to this issue. CSC needs to attest the protocol is being respected and get on with the evaluation it is planning for 2007-2008. CHRC wants to be involved with the selection of the evaluation source. CSC needs to formalize the evaluation criteria, develop the clear performance indicators for what the evaluation is expected to measure, and select the professional evaluation resource to get on with the project.

[13] Commissioner's Directive 577, 2006-03-08: *Operational Requirements for Cross-Gender Staffing in Women Offender Institutions*

HUMAN RIGHTS

How has CSC applied the lessons learned from the earlier reviews in relation to its human rights obligations?

It is the Committee's view that events at the Prison for Women and the findings of the Arbour Commission that followed, caused a profound change in CSC's corporate culture and its regard for human rights.

The outcome of that change is reflected in much of our discussion throughout the previous themes of this report.

The immediate impact of Arbour was the addition by the Commissioner, incorporating "respecting the rule of law" into the Mission Statement. A Working Group on Human Rights was established in 1997 and was led by a member of the United Nations Human Rights Committee at the time. It concluded that CSC's legislative authority, the CCRA, adequately addressed CSC's human rights responsibilities. Clearly, CSC's problem had been in its execution of those responsibilities and providing the necessary oversight. CSC therefore established a Human Rights Division in 1998 to put all the measures in place necessary to ensure that offenders are treated with the safety, dignity and respect that conforms with the protection of their human rights under the Charter.

Since then, related human rights training for all staff has been integrated with all orientation, refresher and specialized staff learning activities; offenders are routinely apprised of their human rights entitlements at key intervals during their sentence; internal audits and investigation frameworks have been adapted to ensure human rights issues are addressed; and the Human Rights Branch now encompasses responsibility for Offender Redress, including complaints, grievances and harassment allegations. CSC earlier adopted the Treasury Board policy on Harassment and has since adapted principles of that policy to allegations of harassment made by offenders.

> *" One of the more insidious components of the new model is feeling if one grieves they might hurt feelings or suffer consequences. "*
>
> - Stakeholder
>
> *" The whole exercise should be framed by human rights. "*
>
> - Stakeholder
>
> *" The Correctional Service of Canada (CSC) is a human rights organization. "*
>
> - Director General, Rights, Redress and Resolution, Correctional Service of Canada

Despite the evident progress in staff learning, performance management and the systemic improvements it has made, CSC continues to face challenges in its response capacity. For example, it has to periodically obtain additional resources to deal with grievance backlogs and there is currently a lack of trained and certified harassment investigators to deal with harassment allegations.

The latter challenge has particular application to women's corrections and carries over to the preceding theme concerning cross-gender staffing issues. The Committee has heard varying accounts to the effect that the women in custody fear recrimination if they grieve or file harassment allegations. Some women feel under pressure to withdraw a complaint and staff are encouraged to talk things out and resolve issues through mediation.

The Committee feels that the withdrawal of any complaints must be well documented noting reasons for the withdrawal and the signed agreement of the complainant. At the time of the Committee's review, there had been no third level grievances – those that fall under the Commissioner's authority – reach the national level during this fiscal year.

The Committee discussed the overall issue of human rights at length with the Director General, Rights, Redress and Resolution for CSC. We were highly impressed with the deep conviction and level of commitment expressed by the Director General when discussing the extent to which the CSC corporate culture has changed and the level of transparency that has been achieved – "light years of progress have been made." There was little doubt in the minds of the Committee members present, that this person is resolute in the challenge function that she performs in all facets of CSC operations concerning human rights.

Human Rights, Redress and Resolution branch staff members visit the women's institutions, are in routine contact with offenders when investigating complaints and grievances, and are accessible through a 1-800-telephone number available to offenders.

The branch implemented a human rights framework for decision making in June 2005 (Can I? May I? Should I?); CSC and CHRC are currently developing a Memorandum of Understanding to establish a framework to improve the management of discrimination complaints; and CSC expects to complete a human rights monitoring tool later this fiscal year to ensure its compliance with domestic and international human rights obligations.

The Correctional Investigator is mandated by the CCRA as an Ombudsman for federal offenders. He also investigates and brings resolution to individual offender complaints and he has a responsibility to review and make recommendations on CSC's policies and procedures associated with his findings. He submits a report to the Minister of Public Safety for this purpose each year.

We recognize the continuing interest from a number of Stakeholders to extend offender redress oversight by establishing an independent external redress body for all federal offenders.

It is the Committee's position that CSC has made substantial progress in the area of human rights over the past ten years and that a need for external adjudication beyond what is now available to women offenders is not indicated at this time.

RECOMMENDATIONS:

1. *The Committee recommends that CSC revisit the women's corrections governance structure in order to have the Wardens of the women offender institutions report directly to the Deputy Commissioner of Women.*

2. *The Committee recommends that CSC put a human resource strategy in place to support its women's corrections workforce needs.*

3. *The Committee recommends that CSC make women's community corrections a higher priority in order to increase opportunities for successful reintegration into the community.*

4. *The Committee recommends that CSC dedicate full-time Elders to the secure units at Edmonton and Fraser Valley.*

5. *The Committee recommends that CSC incorporate the need for an Aboriginal women's healing lodge facility in its long-range accommodation plan on a priority basis for Eastern Canada.*

6. *The Committee recommends that if CSC decides to discontinue operations at Isabel McNeill House every effort be made to retain the existing resources so that they are proportionately distributed to the women's regional facilities and used to support the orientation of newly arrived women.*

CONCLUSION:

While the Committee recognizes this report sets a very positive tone for what CSC has accomplished over the past ten years in women's corrections, it is fully aware there is considerable work ahead for CSC in order to move forward over the next ten years.

However, in light of the Committee's mandate, namely examination of the *Ten-Year Status Report,* our review of the many supporting documents, and our discussions with the people involved and impressions from the places visited, there is little doubt that remarkable progress has been achieved.

We know that there are some with an interest in women's corrections who view CSC's accomplishments less positively. Yet, we are not discouraged by their position since it is the extent of their passion and commitment to the women, that has kept the debate flowing and the progress moving forward. We strongly urge continued collaboration and partnerships between CSC and its Stakeholders, as well as aggressive action on the part of CSC to enlist the support of other government departments and agencies with common interests and issues of women in prison.

We hope that our observations and recommendations will invoke more progress and have a meaningful influence on the future direction for women's corrections.

APPENDIX A:

TERMS OF REFERENCE

EXPERT COMMITTEE REVIEW OF CORRECTIONAL SERVICE OF CANADA'S TEN-YEAR STATUS REPORT ON WOMEN'S CORRECTIONS, 1996-2006

Background

On April 1, 1996, Justice Louise Arbour's report on the *Commission of Inquiry into Certain Events at Prison for Women* was publicly released. Since then, there have been three additional major external reviews on federal correctional services for women:

- Auditor General (April 2003);
- Public Accounts Committee (November 2003); and
- Canadian Human Rights Commission, *Protecting Their Rights – A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women* (December 2003).

In his 2004-2005 Annual Report, the Correctional Investigator recommended that:

> *"in May of 2006 the Minister appoint an Expert Committee to publicly report on the progress detailed in the Service's response on the advancement of human rights, fairness and equity issues since Madame Justice Arbour's report of 1996 the Committee's report to be provided to the Minister by October 2006."*

In response to the Correctional Investigator's recommendation, CSC agreed:

> *"...that an expert committee will review and comment on the ten (10)-year status report on women's corrections prepared by CSC."*

The ten (10)-year status report provides a detailed response to all of the recommendations in the Arbour Report as well as other relevant reports.

Mandate

The Expert Committee will review CSC's *Ten-Year Status Report on Women's Corrections* and provide an independent assessment of progress achieved in women's corrections in relation to the recommendations of the above-noted external reviews.

Membership

The Expert Committee will be comprised of a Chairperson and 3 members, who collectively have a combination of experience pertaining to women's issues, corrections, parole and Aboriginal issues.

Process

1. The Expert Committee will review the *Ten-Year Status Report on Women's Corrections* and other relevant material.

2. CSC will make the necessary arrangements for each member of the Expert Committee to visit the women's institution located in their respective region. CSC will also make arrangements for the members of the Expert Committee to visit Edmonton Institution for Women and Okimaw Ohci Healing Lodge.

3. Meeting(s) and or teleconference(s) as necessary will be convened for members of the Expert Committee for the purpose of achieving their mandate, including a meeting with Stakeholders.

4. A final report will be prepared and submitted by the Chairperson of the Expert Committee to the Commissioner of CSC and will be publicly released by CSC.

Deliverables

The Expert Committee will develop a work plan, review all supplied documentation and prepare and submit a final report.

Timeframes

The Expert Committee will provide its final report by December 31, 2006.

Funding

All travel and accommodation expenses will be funded by CSC in accordance with Treasury Board travel directives. Administrative services will be funded by CSC.

APPENDIX B:

CONSULTATION LIST

EXPERT COMMITTEE REVIEW OF CORRECTIONAL SERVICE OF CANADA'S TEN-YEAR STATUS REPORT ON WOMEN'S CORRECTIONS, 1996-2006

Stakeholder Representatives

• Assembly of First Nations Women's Council	Marie Frawley
• Canadian Association of Elizabeth Fry Societies	Ailsa Watkinson Kim Pate Trish Crawford
• Canadian Federation of University Women	Monica Cullum
• Canadian Human Rights Commission	Ian Fine Donna Duvall
• Citizen's Advisory Committee	Sean Taylor Deborah Schlichter
• National Council of Women of Canada	Margaret MacGee
• National Parole Board	Renée Collette Monique Godin Janice Babineau
• Native Women's Association of Canada	Jolene Saulis
• Office of The Correctional Investigator Canada	Howard Sapers Ed McIsaac Carla Di Censo
• Public Safety and Emergency Preparedness Canada	Liliane Keryluk Corina Hayward
• Status of Women Canada	Viola Thomas
• Strength in Sisterhood	Sylvie Bouchard
• Union of Canadian Correctional Officers (UCCO-SAAC-CSN)	Michel Gauthier Marie-Josée Préville

Correctional Service of Canada Representatives

• Lisa Allgaier, Director General, Aboriginal Initiatives	NHQ
• Bev Arseneault, Director, Community Reintegration Operations	NHQ
• Denis Barbe, Manager, Education and Personal Development	NHQ
• Kelly Blanchette, Director, Offender Programs and Reintegration	NHQ
• Keith Coulter, Commissioner, Correctional Service of Canada	NHQ

- Suzanne Cuff, Project Officer, Citizen Engagement NHQ
- Kathy Dafoe, A/Director General, Women Offenders NHQ
- Doris Fortin, Manager, Women Offender Programs NHQ
- Chris Hill, A/Manager, Policy and Operations, Women Offenders NHQ
- Anne Kelly, Regional Deputy Commissioner Pacific
- Irene Klassen, Director, Employment and Employability, CORCAN NHQ
- Nicole Klic, Parole Officer, Women's Supervision Unit Toronto
- Jane Laishes, Senior Manager, Mental Health NHQ
- Brigitte Lavigne, A/Manager, Intensive Intervention, Women Offenders NHQ
- Lori MacDonald, A/Deputy Commissioner for Women NHQ
- Virginia McGowan, Director, Special Populations Research Division NHQ
- Shereen Miller, Director General, Rights, Redress and Resolution NHQ
- Rosemary T. O'Brien, Special Advisor, Community Operations, Women Offenders NHQ
- Lee Redpath, Manager, Institutional Reintegration Operations NHQ
- Allister Webster, Psychologist, Nova Institution, and National Clinical Advisor (Insitut Philippe-Pinel and Dialectical Behaviour Therapy) NHQ

We are very grateful to all of the Wardens at the women's institutions, members of their management teams and staff, inmate committee representatives, women in prison, district parole managers and their staff, community based residential facility managers and their supervision staff, who shared their experiences and stories with the members of the Expert Committee during its visits across the country.