



CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



Appearance of the Commissioner before the Standing Committee on Public Safety and National Security

A study of federal corrections

June 21, 2021

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1. Opening Remarks

Mister Chair and members of the committee, I would like to thank you for the opportunity to appear before you today.

I will address the Committee's motion, including the Correctional Service of Canada's response to the COVID-19 pandemic, the implementation of Structure Intervention Units, and our work related to sexual coercion and violence.

COVID-19

To begin, I want to offer thanks to the tireless and dedicated efforts of staff and the ongoing collaboration of offenders in helping us manage the COVID-19 pandemic. I am pleased to report that, as of last Friday, we had zero active COVID-19 inmate cases across the country.

Before speaking about our vaccination program, I want to highlight what has worked in getting to that result:

- our partnership with our public health experts, our unions, and our stakeholders, including the Red Cross
- completing infection prevention and control reviews at all of our 43 sites and implementing the recommendations
- developing an integrated risk management framework, with the help of our public health partners, unions and stakeholders, and using this framework to make decisions tailored to each site
- early on, developing a comprehensive testing strategy to limit the spread of COVID-19 in our institutions. To date, we have performed close to 50,000 tests
- training over 250 of our own staff to do contact tracing
- being an early adopter of rapid testing, which has resulted in the successful identification and containment of COVID-19 in our institutions
- communicating weekly with staff and inmates and monthly with stakeholders to keep them informed of the COVID situation
- Having CORCAN pivot during the pandemic and, along with a number of inmates, produce 850,000 masks and 61,000 gowns.

Now, turning to vaccines, which provides light at the end of this long tunnel.

In January of this year, the Service began vaccinating federal offenders, starting with the oldest and the most vulnerable. Then in April, we offered vaccines to all remaining offenders in our 43 institutions and 14 Community Correctional Centres as well as to the front-line staff who had not yet been vaccinated by their province.

As of May 31, 2021, over 75% of the offender population has received at least one dose of the vaccine. We continue to engage with inmates who have declined to understand their concerns and respond to them. Starting next week, we will begin administering second doses, which will help increase overall immunity.

COVID-19 has changed how we do our work. We had to make changes to how we deliver programming, had to limit comings and goings to and from our institutions, and implemented modified routines and changes to activities to promote greater physical distancing. Although not easy on anyone, it has truly been a team effort.

We are currently starting to plan for when we can safely resume activities and lift restrictions. This will continue to be a collaborative effort with public health and what the data is telling us.

Structured Intervention Units

I would now like to turn to Structured Intervention Units. As you know, in November 2019, we were one of the first countries in the world to abolish administrative segregation and implement a new Structured Intervention Unit or SIU model.

SIUs are not about punishment or causing harm – quite the opposite. SIUs are about helping inmates and providing them with the opportunity to engage in targeted interventions and programs to support their safe return to a mainstream inmate population as soon as possible. Although COVID-19 has created unique challenges for everything we do, including SIUs, I am extremely committed to the successful implementation of this new model and take it very seriously.

SIUs are in place at 15 of our 43 institutions. Inmates can only be transferred to an SIU if they meet one of three criteria in section 34(1) of the *Corrections and Conditional Release Act* and there are no other reasonable alternatives to placement in an SIU. SIUs are meant as a temporary measure to help inmates adopt more positive behaviours that keep the institution safe and secure.

There are currently 192 inmates in Structured Intervention Units, which roughly represents 1.5% of federal inmates in Canada.

For a bit of context, close to 80% of the inmate population is serving a sentence for a violent

offence: 8% for first-degree murder, 15% for second-degree murder, and 55% for a Schedule 1 offence. In addition, we have over 250 separate gangs in our institutions, resulting in many inmates being incompatible with one another.

In addition, inmates in SIUs present a profile that clearly distinguish them from the mainstream population. Recent analysis shows they are more impulsive, have low frustration tolerance, frequently act in an aggressive manner and are 14% more likely to hold attitudes that support instrumental or goal-oriented violence.

Before transferring an inmate to an SIU, every possible alternative is explored, such as mediation or conflict resolution, transfer to a different unit or range in the institution, involvement of the Inmate Committee or staff who have influence over the inmate, such as an Elder, Chaplain or Indigenous Liaison Officer.

It is important to note that support for inmates is not a “one-size fits all approach”. We deal with some difficult and complex situations. While some cases can resolve quickly, others take time, and require ongoing care and steady work to help the inmates safely reintegrate within the mainstream population.

It is also important to note that the law is clear. Inmates that do end up in an SIU are to be provided with the opportunity to spend a minimum of four hours a day outside their cell, including two hours of meaningful interaction. The legislation guiding SIUs recognizes that there are situations when an inmate may be held in their cell for longer, for example, if they refuse to leave. While this is their right, we continue to make active offers.

A key safeguard in place is external oversight. Independent External Decision-Makers or IEDMs across the country provide oversight of an inmate’s conditions and duration of confinement in an SIU. IEDMs monitor and review cases on an ongoing basis and provide recommendations and decisions to CSC. Their decisions are binding. As you know, the Correctional Investigator also provides oversight of federal corrections.

In cases where the inmate has not met the four hours out of cell or is not engaging in meaningful human contact with others for the minimum two hours for 5 consecutive days or 15 out of 30 calendar days, their situation is reviewed by an IEDM. As of May 31, 2021, there have

been close to 1,500 reviews by IEDMs. In 81% of these cases, the IEDM has concluded that CSC has taken all reasonable steps to provide the opportunities and encourage the inmate to use the opportunities. In the remaining 19%, the IEDMs have made recommendations to CSC. Once the decision from an IEDM is received, CSC has 7 days to act upon it.

The SIU model was a historic transformation and was implemented on a large scale. Everything was brand new. We knew that this would require culture change, new tools, systems, practices and policies to sustain the change. We knew that it would take time and adjustments to get everything right. We have been working through a number of challenges – with data systems, our app that monitors time out of cell, and providing more opportunities and options to inmates. We have been forthright about our challenges and we have a plan in place to tackle them.

In short, we know there is more work to do – and are working collaboratively to do it. Last week, we held a consultation on SIUs with over 30 organizations and individuals representing diverse perspectives. Three of the witnesses who appeared before me, Dr. Doob, Emilie Coyle and Catherine Latimer, were among our participants. We got great input and feedback and will build their comments into our plans moving forward.

To me, there is nothing more important than the care and custody of other human beings and every decision we make must work towards an inmate's safe and successful rehabilitation. I am highly committed to this.

Sexual Coercion and Violence

I will now talk about the importance of preventing and addressing sexual coercion and violence.

I want to be clear that the Correctional Service of Canada has zero tolerance for any form of violence in our institutions. The safety and security of those in our institutions is our top priority. Nobody who lives or works in our facilities should ever have to fear for their safety.

The core mandate of our correctional system is to rehabilitate and safely reintegrate offenders into our communities. We focus on providing safe environments to support inmates in becoming law-abiding citizens. This is our fundamental responsibility.

The incidence of Sexual Coercion and Violence in our institutions is an issue that we take very seriously. We are taking a number of actions to prevent and address it, and provide the necessary support to those in our care and custody.

CSC is currently developing a standalone policy specific to SCV. This new, dedicated Commissioner's Directive will focus on the prevention of sexual violence and coercion by providing tools for staff and offenders, including addressing the reluctance of victims to come forward.

Offenders have a number of avenues to report inappropriate behaviours as either victims or witnesses, including the offender complaint and grievance system, which contributes to safer institutions by helping staff identify and respond to issues quickly. We are also working on increasing prevention and awareness through educational information in order to prevent these situations from occurring and ensuring that inmates know how to come forward if they feel they are being victimized. Inmates also have access to the Office of the Correctional Investigator (OCI).

All allegations of sexual assault, violence or coercion must be reported and investigated. Employees, and specifically Managers, have an obligation to contact the police immediately regarding any incidents or allegations of misconduct that could constitute a criminal offence.

We track and monitor all cases related to SCV. This data helps to inform the development of evidence-based strategies to better work towards the prevention of SCV, especially for those who may be more vulnerable.

CSC has also been working in collaboration with Public Safety Canada to engage provincial and international partners to conduct research, better understand the prevalence of this issue, and learn from best practices.

I also plan to consult with stakeholders, staff and inmates to see what more we can do to prevent and address SCV.

I would also like to highlight that, as an organization, we have been working to reinforce a culture of respect, and build environments that are free of harassment, discrimination and violence of any kind – this is key to the successful rehabilitation of offenders in our care. We

have a number of strategies in place – one of which is an audit of CSC’s culture.

Before I close, I wanted to address some concerns raised at a previous appearance before this committee with regards to CSC’s implementation of the Correctional Investigator’s recommendations. I wanted to let the committee know that we track all of our commitments to the OCI, including our progress. From 2012 to 2020, the OCI submitted 131 recommendations to CSC and close to 90% have been completed. Those that are outstanding are from more recent reports and work is underway on all of them. This demonstrates the seriousness and dedication with which CSC approaches responses to the OCI recommendations. I thought it was important that I provide you with that update.

In closing, it is a time of rapid change all around us, including in federal corrections. We are working to transform many aspects of our business while we manage through this unprecedented pandemic. We know there is more to do to address some of these complex and important issues and, Mr. Chair, I couldn’t be more committed to this. As it becomes safer to have more visitors into our institutions, I look forward to being in a position to invite all of you into our facilities to learn more about the SIUs and see our progress firsthand.

Thank you.

2. Key Messages

Key Messages – COVID-19 Planning in Federal Corrections

- CSC has implemented a number of measures to protect the inmate population from the COVID-19 pandemic.
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- Since the beginning of the pandemic, CSC has implemented a comprehensive and coordinated response to limit the risk of COVID-19, all in line with the Public Health Agency of Canada's advice.
- Inmates who test positive are medically isolated and closely monitored by CSC health services. We also have partnerships with local hospitals should additional care be required.
- Everyone at CSC sites wear masks, practice physical distancing, and wash/sanitize their hands. Additional personal protective equipment is available to employees that need it, including health care staff.
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Results/Actions Taken

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- Since the beginning of the pandemic, CSC has installed more video visitation kiosks across the country. In addition, we have expanded the hours for which video visits are available at several sites and increased the bandwidth to support their use.
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- From the beginning of March 2020 to May 30, 2021, the federal custody population has declined by 1,459 inmates. This reduction is the result of fewer admissions from the provinces and territories, coupled with continued releases into the community.
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- As of June 18, 2021, there are no active COVID-19 case among inmates in the country.
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Key Messages – COVID-19 Vaccination Program

- We have worked very closely with the partners such as the Public Health Agency of Canada and the National Advisory Committee on Immunization to respond to the pandemic, including the provision of vaccines to inmates.
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- CSC's vaccination strategy follows the advice of the National Advisory Committee on Immunization. It supports the timely allocation, distribution and administration of the vaccine for those in federal care as efficiently, safely and equitably as possible.
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- In January, we began vaccinating federal offenders, starting with the oldest and most vulnerable. In April, CSC offered vaccines to all remaining offenders in its 43 institutions and 14 Community Correctional Centers (CCC), as per National Advisory Committee on Immunization guidelines.
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Results/Actions Taken

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- As of June 14, approximately 75% of the offender population has received at least one dose of the vaccine and 23% of the offender population is fully vaccinated.
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- We have also offered the vaccine to employees in correctional institutions and CCCs who work closely with offenders and had not yet received it by their provincial health authority.
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- Beginning in June, additional vaccination clinics are operating to administer second doses of the vaccine. This includes offers to all offenders in institutions and CCCs, and staff who received their first dose from CSC.

Key Messages - Structured Intervention Units

- Structured Intervention Units (SIUs) are part of a historic transformation of the federal correctional system that is fundamentally different from the previous model.
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- SIUs are meant as a temporary measure to help inmates adopt more positive behaviours that keep the institution, as a whole, safe and secure.
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- The legislation recognizes that there are situations when an inmate may be held in their cell for longer, for example, if they refuse to leave. This is their right.

Actions Taken

- We have completed an audit of our SIU policy and are finalizing a compliance review. Work is also underway, through an internal audit process, to review SIU operations since their inception. This will serve as a preparation for our departmental audit planned for 2022-23.
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- We continue to work with external bodies and stakeholders to ensure ongoing feedback of the new SIU model and make adjustments as we work to sustain this major transformation.
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- We have reviewed several external reports and met with stakeholders of the National Association of Criminal Justice in March 2021 and are presently hosting additional virtual stakeholder roundtables in June.
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- This will provide an opportunity for CSC to share some elements of how the SIUs are functioning and get stakeholder input into specific areas such as options for meaningful human contact, time out of cell and refusals and mental health services.
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- The Commissioner has also been hosting town halls with staff in each region and we are planning to engage with inmates in coming months to garner additional lessons learned on SIUs.
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- We will be expanding options to enhance our stakeholders' involvement (staff and volunteers of our non-governmental stakeholders and community partners) as well as CSC's Citizen Advisory Committee members, who have a mandate to observe, liaise and advise within our institutions and parole offices.

Key Messages - Sexual Coercion and Violence

- CSC has a zero-tolerance approach for sexual violence of any kind in any of its institutions.
- The safety and security of people in our institutions is a top priority and nobody who lives or works in those facilities should ever have to fear for their safety.

Actions Taken

- We are taking a number of actions to address this and provide the necessary support to those in our care and custody, and we know there is more to do.
- The Minister has agreed to write to the Standing Committee on Public Safety and National Security requesting that consideration be given to undertaking an independent study, along with a report on their findings, on SCV in federal corrections. Both internal and external research findings will assist Public Safety and CSC to determine the next steps in effectively and appropriately addressing SCV.
- CSC is currently drafting a new Commissioner's Directive that establishes a framework for preventing, detecting, responding to, reporting, and tracking incidents of sexual assault towards inmates in federal custody.
- CSC and Public Safety Canada are in the process of engaging their partners in the International Corrections and Prisons Association and in the provinces to conduct research and learn from their practices. This will help strengthen our approach and response to sexual coercion and violence going forward.

Key Messages - Risk Assessment

- CSC is continually working to eliminate systemic barriers in federal correctional institutions, and ensuring that all inmates have access to appropriate and effective programming and assessments that are culturally informed.
- CSC is committed to doing more to create an environment that is conducive to inclusion, equity and diversity – and one that is committed to self-reflection, action and continuous improvement.
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- Security classification reviews and initial placements are individualized decisions made by Institutional Heads following a thorough review of an offender's file. Prominent factors feeding into these decisions include a qualified case management team's clinical appraisal of institutional adjustment, escape risk and risk to public safety; an evidence-based Custody Rating Scale; and, when required, psychological risk assessments, Indigenous social history, or any other relevant case-specific information.

Actions Taken

- To ensure that risk assessment decisions of offenders are effective and appropriate, CSC is currently examining its assessment tools and case management processes, with the help of university partners, with a goal of ensuring they remain appropriate for Indigenous offenders. This will include consultation with Indigenous peoples and other ethnocultural groups.
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- Staff receive mandatory training about unconscious bias and cultural-sensitivity, and they are provided with resources to ensure assessments are reflective of the offender's needs.
- An Ethnocultural Offender Resource Kit is also available to assist staff in responding to the needs of ethnocultural offenders, including Black and Indigenous offenders.
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- CSC also works closely with the National Indigenous Advisory Committee to discuss ideas and actions relevant to Indigenous offenders including examining the barriers faced by diverse communities in the broader criminal justice system.

Key Messages – Overrepresentation of Specific Groups

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- The overrepresentation of Indigenous and Black Canadians in the criminal justice system and correctional institutions is a reflection of the systemic disparities that we must all work to fix.
- CSC acknowledges that Black offenders are second to the Indigenous population in terms of overrepresentation, comprising almost 9 per cent of the total federal offender population.
- Providing effective and culturally appropriate correctional and reintegration support for Indigenous offenders is crucial. For that reason, doing so has been a CSC corporate priority for more than a decade.

Actions Taken

- CSC has implemented a unique approach to Indigenous Corrections that is both culturally responsive to, and inclusive of, Indigenous communities, taking into account each individual offender's Indigenous social history, evaluating culturally responsive or restorative options, and determining the best ways to address the rehabilitative needs of the offender.
- We also work closely with the National Indigenous Advisory Committee to discuss ideas and actions relevant to Indigenous offenders including examining the barriers faced by diverse communities in the broader criminal justice system.
- CSC offers Black offenders varied interventions and services aimed at supporting their reintegration. These interventions include addressing cultural employment and mentorship needs, and strengthening culturally relevant supports upon release. It also includes participation in culturally relevant presentations from community members to offenders and staff, community outreach and access to culturally relevant materials.
- We are also conducting research to better understand the experience of ethnocultural offenders under our care, which includes Black offenders, highlighting the profile and diversity of this population.

Key Messages: 4th Report of the Standing Senate Committee on Human Rights (RIDR)

- The Correctional Service of Canada would like to thank the Senate Committee on Human Rights for their very thorough study on the human rights of federally sentenced persons.
- We have received a copy of their report and have begun a careful review of their findings and recommendations.
- CSC agrees with the Senate Committee that the human rights of people serving federal sentences must be at the core of Canada's correctional system.
- This is why, over the years, we have made transformational and historic changes to federal corrections while pursuing our efforts to build a culture of respect, and safe environments that are conducive to rehabilitation and reintegration, and ultimately, that contribute to public safety.
- This includes changes to health services, the implementation of structured intervention units, operational and policy changes, and actions to address systemic barriers.

Key Messages: Document Production Order

- A thorough search of CSC records was conducted and resulted in the collection of approximately 10,000 pages of documents.
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- Many of these documents were internal and available in only one official language, and required translation.
- As a result, while CSC is making all efforts to meet the requirements of the Committee, the number of documents that fall under the scope of the motion make it impossible to provide the full response on the date requested.
- We are committed to complete delivery of all documents as soon as possible.

Key Messages: Joint National Board of Investigation: Correctional Service of Canada - Parole Board of Canada

- What happened in Quebec on January 22, 2020, was a terrible tragedy that should never have happened.
- Our thoughts remain with the family and friends of Ms. Levesque for their loss.
- Following this incident, a Joint National Board of Investigation was convened by the CSC and the Parole Board of Canada.
- It was co-chaired by two community members independent of CSC and the Parole Board of Canada, who are criminologists. Its objective was to examine the circumstances that led to this tragic event.
- The Board of Investigation identified a number of gaps related to how this offender was supervised.

Actions Taken

- We are resolute in our commitment to implement the recommendations and are taking concrete actions that prevent this from happening again.
- In response to the recommendations, CSC is changing its direct supervision model in Quebec, strengthening community supervision and information collection and sharing policies and tools and implementing new, mandatory Intimate Partner Violence training.
- CSC and the Parole Board of Canada take this report and its recommendations extremely seriously, and they will continue to work hard to prevent any incident like this from ever happening again.

3. Sexual Coercion and Violence (Interim Report)

Public Safety Canada

Sexual Coercion and Violence in Federal Corrections

Interim Report

JUNE 16, 2021

RDIMS # 3872342

Executive Summary

In its 2019-2020 Annual Report, the Office of the Correctional Investigator (OCI) released a report on a national investigation into Sexual Coercion and Violence (SCV) in Canadian corrections. In this report, the OCI addressed two recommendations to the Minister of Public Safety, calling for the introduction of legislation that endorses a zero-tolerance approach to SCV and the designation of funds for a national prevalence study. The OCI also addressed recommendations to the Correctional Service of Canada (CSC) on this issue.

Sexual assault remains one of the most underreported crimes in the general public, a situation that is likely exacerbated in the correctional context where issues such as the significant power imbalance, organizational culture and other factors likely impact reporting. As it continues to become clear that public institutions are not immune to the issue, it is important to have a fulsome understanding of the true magnitude of the problem in order to appropriately and meaningfully respond to it. That is why Public Safety has committed to undertaking the first national prevalence study into sexual coercion and violence in Canada which will help to provide an understanding of the scope of the issue and risk factors for sexual victimization. The results of this survey will support ongoing policy and program enhancements to ensure offenders can serve their sentences in Canadian institutions with dignity and without fear.

There are some challenges to developing and conducting a methodologically sound, national survey that will provide us with the data we are seeking to further inform our approach to SCV in federal correctional facilities. However, the foundational work done to date will help address these challenges and inform the way forward as we continue to refine our approach for the national survey. It is expected that the study will be done in two phases with the Phase I pilot study focusing on a population on community supervision and Phase II focusing on offenders within institutions.

Given that the OCI's recommendations on SCV addressed to CSC and PS are closely linked, the Department of Public Safety and CSC have been working collaboratively to implement responses. As we continue to develop the approach for the national study, Public Safety and CSC have undertaken several parallel steps to both address SCV immediately and inform the way forward for the survey. CSC is currently drafting a new Commissioner's Directive (CD) that establishes a framework for preventing, detecting, responding to, reporting, and tracking incidents of sexual assault towards inmates in federal custody. The CD is expected to be promulgated in summer of 2022.

CSC will also examine existing reference material for offenders to ensure they are provided with readily available information on SCV and how to report incidents of victimization and that staff are appropriately trained to respond to these incidents as part of the Correctional Training Program (CTP).

To complement ongoing work and to further inform both the approach to SCV and the development of the national survey, PS and CSC have also undertaken the following activities: writing to the Standing Committee on Public Safety and National Security (SECU) to request an independent study of the issue, undertaking an international review of prison sexual violence, and consulting with federal, provincial and territorial partners on their approach to SCV in their

respective jurisdictions. Results from this work have underscored the need for reliable national data to further understand the scope of the issue in Canadian correctional institutions and inform a comprehensive strategy to continue addressing SCV in Canadian correctional institutions. Gathering this information through the survey will complement the ongoing work and inform any enhancements to policies, procedures and guidelines that are developed as the study is implemented.

Introduction

Sexual violence of any kind is a deeply personal, traumatizing experience that has long been underreported in official statistics. As such, it is difficult to understand the true prevalence of the problem. According to three studies completed by Justice Canada with survivors of sexual assault, approximately two thirds of sexual assaults remain unreported. This signals a significant gap in understanding of the true prevalence of sexual assault in Canada and underscores the difficult nature of capturing a fulsome picture of sexual victimization.

However, what is known from the current data on the general population, is that certain individuals are more likely to experience sexual violence than others. Women who are sexually assaulted are victimized at a higher rate than men. Further, rates of self-reported sexual assault of Indigenous people is almost triple that of non-Indigenous people. Moreover, sexual minority Canadians (i.e., those that reported their sexual orientation as gay, lesbian, bisexual or a sexual orientation that is not heterosexual) were more likely to have experienced physical or sexual assault than heterosexual Canadians and were less likely to report their physical assaults to police.

In recent years, there has been an increasing awareness of public outcry for social change as it relates to sexual violence and victimization, particularly in the wake of the #metoo movement, and the issue has become a mainstay in the public discourse. Over the past three years, there has been a promising positive trend in the reporting of sexual assault incidents to police, which could be attributed to the considerable public attention given to issues of sexual violence. However, the ongoing public discussion around sexual victimization has also highlighted that public institutions are not immune to it and that certain factors can exacerbate the issue of non-reporting, particularly in organizations with strict hierarchies and significant power imbalances, such as correctional institutions.

In addition to the investigation into SCV in the OCI's Annual Report, SCV in the correctional context continues emerge as a topic of importance in Canada. In a 2018 article in the Edmonton journal, it was noted that Alberta prison residents made 67 allegations of sexual assault over a 5 year period and only one resulted in a criminal charge. Moreover, in the past five years, a number of civil and class action cases regarding prison-based sexual violence have been brought against the Attorney General of Canada that include allegations of sexual misconduct by staff.

Given the complex nature of the issue, the Department of Public Safety is committed to undertaking a fulsome review to better understand the many facets of the problem and to ensure that tools/resources and policies are aligned to help prevent situations of SCV and respond accordingly when the need arises. It is well known that incidents of sexual violence are

underreported in general and are likely to be reported even less in the correctional context. To begin addressing this gap, the Department of Public Safety, in collaboration with the Correctional Service of Canada (CSC), has taken several steps to inform a way forward for the first national prevalence study of sexual coercion and violence (SCV) in Canadian federal corrections in over twenty-five years. Considerations arising from the work done to date will inform the development of a methodology for conducting the prevalence study and Canada's response to ensure offenders can serve their time in our correctional system with dignity and without fear.

Office of the Correctional Investigator's 2019-2020 Annual Report

Role of the Office of the Correctional Investigator

Under the provisions of the Corrections and Conditional Release Act (CCRA) (Part III), the Correctional Investigator (CI) serves as the Ombudsman for federal offenders. The CI's primary responsibility is to independently investigate and facilitate resolution of offender issues.

The Correctional Investigator plays an important role in our society, contributing to public safety by identifying issues of concern within the federal correctional system. Each year, the OCI publishes an Annual Report that includes recommendations to the Correctional Services of Canada and the Minister of Public Safety. The recommendations are responded to and responses are tabled in Parliament at the same time as the Report.

Recommendations Addressed to the Minister of Public Safety

In its 2019-2020 Annual Report, the OCI reported out on a national-level investigation into Sexual Coercion and Violence (SCV) in Federal Corrections. In relation to this investigation, the OCI directed two recommendations specifically to the Minister of Public Safety:

- 1) I recommend that the Minister of Public Safety introduce, in the next year, a legislative package that endorses a zero tolerance approach to sexual violence in federal corrections and establishes a public reporting mechanism for preventing, tracking and responding to these incidents, similar to the Prison Rape Elimination Act in the United States; and
- 2) I recommend that the Minister of Public Safety direct that CSC designate funds for a national prevalence study of sexual coercion and violence involving inmates in federal corrections. The survey should be developed, conducted, and the results publicly reported on, by external, fully independent experts, with the experience and capacity to conduct research on this topic in a correctional setting.

Minister's Response

The Minister jointly responded to the two recommendations as follows:

The Minister of Public Safety would like to jointly respond to recommendations #2 and #9 from the Correctional Investigator's Annual Report, as these two recommendations can assist in informing a strategy on tackling sexual coercion and violence (SCV) in federal corrections. A zero-tolerance approach to SCV is consistent with CSC's policy and is fundamental to its operations to protect the physical and mental health and overall safety of those who live and work within federal correctional institutions.

Given the importance of gaining a better understanding of SCV in the Canadian context, Public Safety has developed a research plan, slated to begin in Fall 2020, to begin assessing SCV in federal corrections. In collaboration with CSC, Public Safety will collect information and data on the size, scope and impact of this issue, with consideration of vulnerable populations such as inmates with prior trauma, LGBTQ2S+, women, and those with mental health issues in order to identify gaps in knowledge. An interim report on the work undertaken is set to be developed by Spring 2021 and will help inform future actions required to detect, prevent, and respond to sexual violence in correctional institutions. In leading this research, Public Safety will collaborate with CSC, and others as needed, to ensure coordination with other actions being undertaken by CSC on the issue as outlined in responses to other recommendations in this report.

In addition, given the serious nature of the issue, Minister has agreed to write to the Standing Committee on Public Safety and National Security requesting that consideration be given to undertaking an independent study, along with a report on their findings, on SCV in federal corrections. Both internal and external research findings will assist Public Safety and CSC to determine the next steps in effectively and appropriately addressing SCV.

Progress Update

As the OCI notes in its 2019-2020 Annual Report, Canada is lacking current official data related

to the prevalence of sexual coercion and violence in federal corrections. There has only been one nationally representative inmate survey that examined sexual coercion and violence against inmates, among other issues. This survey was conducted by the Correctional Service of Canada (CSC) in 1995 and only included male inmates. Of the 4,285 male federal inmates who completed the survey, approximately 3% reported being sexually assaulted by another inmate and another 6% experienced sexual coercion and violence. This study is now outdated and did not cover the prevalence of different types of sexual victimization by other inmates and / or staff and did not examine different groups who have been found to experience higher rates of sexual coercion and violence while incarcerated (e.g., women, LGBTQ2S+).

Given the important, sensitive and deeply personal nature of the subject matter, the Minister has directed officials to undertake several foundational steps to get a fulsome understanding of the issues. The following sections of this report outline work done to date, all of which will inform next steps for the national collection of Canadian prevalence data and will further inform the approach to address sexual coercion and violence in Canadian correctional institutions.

Letter to the Standing Committee on Public Safety and National Security

In October of 2020, the Minister of Public Safety wrote to the Standing Committee on Public Safety and National Security (SECU) to request that they undertake an independent study of SCV as deliberations at committee could help inform a strategy to address SCV in federal corrections. This committee has the general mandate to study and inquire into matters it considers necessary and Public Safety is one of the departments that falls within its area of responsibility. While the committee has not undertaken a study entirely devoted to the issue of SCV, on May 5, 2021 the committee voted to undertake a consolidated study to examine the current situation in federal prisons. One element of this consolidated study will focus on SCV by officers against female inmates. The Department will continue to monitor this study and ensure that its findings are considered in the development of the prevalence study and in any additional policies or guidelines created to respond to SCV in the correctional environment.

Literature Review

Given the lack of official data in Canada, the Department of Public Safety commissioned an independent literature review that examined international research on sexual coercion and violence to identify what is known generally with respect to the prevalence of this issue in correctional settings. The study pointed to the need for reliable and generalizable data in order to address the issue, indicating that a key step will be to create a national portrait of the problem through scientifically rigorous surveys. The report also includes a review of zero tolerance policies related to SCV applied to corrections in other jurisdictions and their effectiveness, emphasizing what works to inform potential future actions within the Canadian context. An executive summary of this literature review can be found in Annex A.

Overall, the literature review found that sexual coercion and violence is a reality for many incarcerated individuals. The report highlighted that five specific characteristics, including age, gender, sexual orientation and identity, prior sexual victimization, a history of childhood abuse

and behavioural health problems (including mental illness) can predict prison-based sexual violence. These findings are consistent with the risk factors identified in the OCI's Annual Report and will be taken into consideration during the development of the methodology and questionnaire for the national prevalence study.

The report also provided an overview of the strengths and limitations of the Prison Rape Elimination Act (PREA) in the United States. Specifically, the report highlighted the following strengths: the importance of a comprehensive and consistent definition of sexual violence that includes both non-consensual acts and abusive sexual contacts by other residents and staff, prioritization of sexual violence as a top priority for the correctional system, funding and guidance for the ongoing collection of reliable data, investments in safer prisons and lasting cultural change with respect to the issue. The five most notable limitations outlined in the report are: weak enforcement of compliance, a lack of accountability regarding the consequences for staff sexual misconduct, no private cause of action to sue facilities for failure to comply with PREA standards, the requirement to exhaust the facilities' grievance process before seeking any relief in the courts, and the inadvertent application of PREA to consensual sex. Both the strengths and limitations identified in the report will serve as key considerations for Public Safety, in partnership with CSC, to develop the methodology for the national prevalence study and consider potential policy and legislative responses.

Finally, the report includes several final considerations and best practices for survey design and administration that will be helpful in guiding the development of a methodology and survey for the national study. These best practices will be shared with the contractor selected to conduct the prevalence study for their consideration in the development of the methodology and survey design. A summary of these considerations is found in the executive summary of the report (Annex A).

Consultations

In order to ensure a fulsome understanding of the key considerations related to sexual coercion and violence in Canadian corrections, the Department of Public Safety worked with provincial and territorial (PT) counterparts through the Heads of Corrections (HOC) forum to gain an understanding of whether there are existing approaches to SCV incidents in PT correctional facilities.

Responses were received from eight provinces and territories. Largely, PTs indicated that incidents related to sexual coercion and violence are tracked as part of broader statistics or incident reports related to violence, sexual violence, or threats against the person, but not specific to SCV. Similarly, PTs indicated that training related to SCV is captured under existing policies related to violence in the workplace, victimization, assault and threatening behaviour. These results reiterate the paucity of specific data related to SCV in Canada and the complexity of the issue, highlighting the need for a multi-phased approach to ensure the right data is collected in the right way. Results of the national prevalence study and associated next steps will be shared with members of HOC for information should they wish to use the results in any reviews within their respective jurisdictions.

Public Safety Canada also approached other federal partners, including Health Canada, the Public Health Agency of Canada, the Department of Justice, Statistics Canada, and the Department of Women and Gender Equality to understand the key issues that should be considered with respect to sexual coercion and violence to ensure the scope is accurately defined for the prevalence study. The results of these consultations have ensured that the right areas of government remain informed and have input into the development of the study and any policy changes.

Commissioner's Directive on SCV

In response to one of the OCI's recommendations to the Correctional Service of Canada, CSC is currently working to develop a new Commissioner's Directive (CD) that will describe in detail how staff must respond when allegations of sexual assault are made, or an incident is suspected of having occurred. The CD will also specify the procedures to be followed in order to prevent, detect, respond to, report, and track such incidents. A draft CD is expected to be completed in June of this year. A formal national consultation process will take place with internal and external stakeholders in early 2022, with formal promulgation estimated for summer 2022. The development of this new policy is a key step in addressing SCV within federal institutions. Establishing a clear framework for responding to such incidents will help towards ensuring a safe and secure correctional environment as well as fulfilling a key mandate of the Correctional Service of Canada.

Next Steps

In undertaking the aforementioned work, CSC and PS have gathered key information that continues to inform the approach towards addressing SCV in federal corrections. The results of the work to date highlight the significant complexities of the issue and the requirement for a multi-phased response. Building on these initial steps, PS and CSC will continue the ongoing work to develop and implement a new CD to address SCV, review of existing policies and guidelines and working towards the launch of a request for proposals (RFP) for the national prevalence study. These next steps will highlight any additional gaps for action or potential policy and program enhancements that have not already been considered.

Review of Existing Policies and Guidelines

As plans for the national study are taking shape, CSC and Public Safety are working together to conduct a review of existing policies and guidelines to see where incremental action might be taken to address SCV in the federal correctional system immediately.

CSC's Correctional Training Program (CTP) currently has a section that provides an overview of potential high risk behaviour by inmates, including coercion of other inmates to perform sexual acts in return for protection, drugs, or acceptance. As PS and CSC continue to gather information in support of this work to prevent, detect and respond to SCV, CSC will be reviewing the CTP to examine whether that section can be strengthened to provide additional information and guidance for Correctional Officers.

Furthermore, while there are policies and procedures currently in place to respond to incidents of violence and assault (e.g., CD 568-1 – Reporting and Recording of Security Incidents), CSC is committed to ensuring inmates are aware and properly informed on the specific issue of sexual coercion and violence. To that end, CSC is developing easily readable material to increase awareness among inmates about sexual coercion and violence, including who they may contact if they feel they are being victimized. Moreover, CSC has committed to updating the inmate handbook section on sexual harassment to more extensively cover the issue of SCV and will include information about the process of reporting such information and guidance on how to report staff-on-inmate harassment.

Finally, CSC will seek to develop a performance measurement strategy to track process in this area and will make SCV a topic of mandatory discussion at Executive Committee (EXCOM) meetings at least twice a year to ensure continual monitoring and to discuss any necessary changes or adjustments to the strategy.

National Prevalence Study

It is largely known that sexual victimization during incarceration can have serious negative consequences (e.g., depression, post-traumatic stress disorder (PTSD), suicidal ideation), which may be exacerbated by the correctional environment (e.g., lack of autonomy; long-term and repetitive victimization). , In addition, there is an increased risk of transmission of HIV and other sexually transmitted infections (STI), which is a significant public health concern due to risk of spread inside and outside prison. ,

In Canada, there has only been one nationally representative survey examining sexual coercion and violence against inmates in prisons. This survey was conducted by CSC in 1995 and only

included male inmates. Of the 4,285 male federal inmates who completed the survey, approximately 3% reported being sexually assaulted by another inmate, and 6% experienced sexual coercion. This study is now outdated and did not cover the prevalence of different types of sexual victimization by other inmates and / or staff and did not examine different groups who have been found to experience higher rates of sexual coercion and violence while incarcerated (e.g., women, LGBTQ2S+).

The objectives of the proposed national prevalence study are to explore the prevalence of sexual victimization (e.g., sexual assault, sexual harassment and other problematic sexual conduct) in Canadian federal institutions, understand the nature and extent of the problem for racialized and at-risk groups such as women, LGBTQ2S+, and identify possible gaps in existing prevention and intervention plans. The proposed study involves two phases outlined below.

Phase I

Phase I, to begin in 2021 and run until early 2022 will consist of a pilot study. The target population of former federal inmates on community supervision for Phase I was selected because they are easier to access, especially given the additional barriers to accessing federal inmates during the COVID-19 pandemic. The goal of the pilot study will be to validate the methodology, including the questionnaire.

The purpose of the pilot study is to test sampling, recruitment and surveying methodologies with a subsample of former federal inmates under community supervision at the time of the study.

The process and outcome results of the pilot study will:

- Inform the methodology for the national prevalence study to be conducted in Phase II;
- Allow any methodological issues to be addressed before data collection is scaled up;
- Improve the validity and reliability of the data; and
- Ensure cost-effectiveness (e.g., rather than making changes to a national study in the middle of implementation).

Information gathered through Phase I will inform the development and implementation of Phase II within correctional institutions.

Phase II

Phase II of the study, to begin in early 2022, will consist of a national prevalence study. The study's population of interest includes all federally incarcerated inmates in Canada, however a representative sample of inmates may be drawn from the population. Phase II will provide information on the prevalence of sexual coercion and violence in Canadian federal corrections and will provide a foundation on which to consider additional policy and program changes to address the issue.

The results of the work undertaken to date underscore that this is an emerging issue around which there is a significant lack of data both in Canada and internationally. It is a sensitive and important topic that requires a considered and thoughtful approach. This is why Public Safety and CSC are taking the steps to ensure it is done right the first time. Implementing the study in two phases will ensure a sound methodology before implementing it nation-wide.

Upon completion of the study, a report on findings will be produced. Results of the prevalence study will be examined to determine if there are additional gaps for action. As necessary, results of the prevalence study could inform further enhancements and adaptations to existing policies and guidelines that have been implemented to address SCV.

Conclusion

The concerns raised by the Office of the Correctional Investigator (OCI) in its 2019-2020 Annual Report regarding sexual coercion and violence are extremely important and both the Department of Public Safety and CSC have undertaken significant steps to advance work to address the issue. The purpose of this report is to provide an overview of the work undertaken to date in response to the recommendations made with respect to sexual coercion and violence and outline the plans for next steps as Public Safety and CSC turn to implementing enhancements to policies and guidelines and to the collection of reliable national data. The work undertaken to date, and that to follow in the coming months, are important pillars in informing our strategy to detect, prevent and respond to sexual coercion and violence in correctional institutions, particularly as it relates to addressing gaps in services for various offender populations, including Indigenous peoples and Black Canadians, women, those with mental illness, and LGBTQ2S+.

By collaborating with stakeholders and partners, the Correctional Investigator, the Correctional Service of Canada, Public Safety and the Government of Canada all work toward the same goal: ensuring that Canada's federal correctional system is safe, humane and effective when it comes to rehabilitating offenders, reducing the risk of re-offending, and keeping our communities safe.

Public Safety will continue to work closely with CSC leadership to ensure that progress is made and that we continue to meet the highest standards when it comes to balancing the shared priorities of protecting the physical and mental health, and overall safety, of those in federal custody and maintaining public safety for all Canadians.

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Annex A

Definition of Sexual Violence. Sexual violence is any intentionally harmful act, contact, or behavior that is sexual in nature. There are three types of sexual violence: nonconsensual sexual acts (forced sexual acts commonly referred to as sexual assault or rape), abusive sexual

contact (intentional touching of private parts of the body), and sexual harassment (bullying, ridicule, voyeurism, degrading body searches). Any sexual violence against a prison resident by another prison resident is called resident-on-resident sexual violence. Sexual violence against prison residents by correctional staff is staff sexual misconduct.

Nature of the Problem. Sexual violence, independent of its location, is a human rights issue with an expensive set of public health consequences. Incarcerated people, under international law, are entitled to protection against torture and cruel, inhuman and degrading treatment. State officials and their surrogates have a legal and moral obligation to ensure that the human rights of incarcerated people are protected.

Prevalence of Prison-based Sexual Violence. Over the past fifty years, approximately fifty studies have estimated rates of sexual violence for prisons located around the world. Eighteen of the twenty studies published prior to 2004 were conducted in the U.S. According to these studies, rates of sexual violence in U.S. prisons varied from zero percent to 40 percent, with an average lifetime prevalence of 1.9 percent. International evidence on prison-based sexual violence for prison systems in Australia, the United Kingdom, and the United States has estimated prevalence rates ranging from one percent to 11.0 percent, with an (unweighted) average of 5.8 percent. Generalizing this average rate, approximately 600,000 incarcerated people worldwide experience sexual violence while incarcerated.

Gender Differences in Prison-Based Sexual Violence. The international evidence consistently finds higher rates of resident-on-resident sexual violence for female residents compared to male residents, while rates of staff sexual misconduct are higher for male residents than female residents (i.e., male residents compared to female residents are more likely to be victims of staff sexual misconduct).

Main Findings from Prison-based Sexual Violence Surveys. The survey evidence consistently shows that: prison-based sexual violence is widespread and unevenly distributed across prisons; only a small fraction of sexual assaults are officially reported; staff sexual misconduct is most prevalent followed by nonconsensual sexual acts; women are at greater risk for some types of sexual violence, while men are at greater risk for other types; and transgendered residents and those with mental illnesses and prior abuse histories are at highest risk for sexual violence while incarcerated.

Large-scale Studies of Prison Systems. Large scale sexual violence surveys of prison residents have been conducted in Australia and the United States and yield valid and reliable estimates of prison sexual violence that can be used to inform public policies and institutional standards and practices for harm prevention. The methods underpinning these surveys in terms of sample selection, response rates, survey design and content are examples of best practices for national data collection on prison-based sexual violence.

State of the International Evidence Base. Since 2000, twenty-eight reports (3 in Australia; 8 in the Europe; 17 in the U.S) estimated rates of prison-based sexual violence. Most of these reports are based on small samples (less than 1000 residents, n=20) and fewer than five prisons (n=12). Combined, these studies produced prevalence estimates ranging from less than

one percent to 26.0 percent. Six methodological challenges undermine the validity and reliability of this evidence: sensitive nature of the topic, study recruitment bias, variable recall periods, variable interview modalities, validity of reporting, and sample size and question design (these challenges are discussed in Section 1, pages 14-15).

Best Practices for Survey Data Collection. Studies of sexual violence yielding the most representative and generalizable prevalence estimates are those that include a representative random probability sample of prisons within a prison system, samples large enough to detect low probability events, response rates in excess of 60 percent, reflection timeframes of six to twelve months, surveys administered using computer-assisted self-interviewing (CASI) software under the direct supervision of research staff, and survey questionnaires inclusive of a broad set of questions about resident health and welfare and very specific questions about resident-on-resident nonconsensual sexual acts, abusive sexual contact, and sexual harassment and staff sexual misconduct.

Risk Factors for Prison-based Sexual Violence. Characteristics most often found to significantly and consistently predict prison-based sexual violence are: prior sexual victimization, particularly childhood abuse; behavioral health problems, especially mental illness; offense type, specifically having a sex offense charge; sexual orientation and identity; and younger age. Residents reporting serious psychological stress who identified as non-heterosexual recorded the highest rates of resident-on-resident sexual violence (21%) and staff sexual misconduct (10.5%).

State of the Evidence of Prison-based Sexual Violence in Canada. Canadian evidence on prison-based sexual violence is notably thin and idiosyncratic. It lacks the scientific rigor and legitimacy of evidence collected in the U.S. and Australia. To date, there has only been one small effort in 1995 on behalf of the Canadian government to collect reliable and valid sexual violence data from prison residents through a national inmate survey. Of the 4,285 male residents completing the survey in 1995, three percent reported being sexually assaulted and six percent reported being pressured for sex. Female residents were not included in the national inmate survey conducted in 1995. The “evidence” pieced together since then from official reports of sexual allegations by residents and newspaper accounts of lawsuits filed by residents and staff alleging sexual violence, harassment, and misconduct challenges the presumption that Canadian prisons are relatively safe and any sexual violence is rare. By not rigorously collecting data to validate this presumption of safety and rarity, the Correctional Service of Canada (CSC) is signaling that the “tip of the iceberg” sexual violence evidence for Canadian prisons is not sufficiently compelling to enlist the benefits of objective, scientific inquiry to assure, in fact, that the people who live and work inside federal correctional facilities are free from sexual harassment, violence, and misconduct.

Zero Tolerance Policies Against Sexual Violence. Only the U.S. has a specific zero tolerance policy against sexual violence. This policy, called the Prison Rape Elimination Act (PREA), was passed in 2003 but, due to bureaucratic delays, was not fully implemented until 2017. Canada endorsed the Standard of Minimum Rules (SMRs) (aka Nelson Mandela Rules) and, through this endorsement, committed itself to comply with and implement these rules as standard practice. Many of the general and specific SMRs overlap the standards set forth in PREA. The only difference is that the PREA standards are specific to sexual violence, while SMRs are

general to human rights protections and specifically address torture and cruel, inhuman, and degrading treatment and punishment, which is inclusive of sexual violence. Even without PREA-like legislation, Canadian correctional officials could interpret and implement the SMRs in concert with the intent and rigor of the PREA legislative mandate in an effort to stop prison sexual violence. But, only if SMRs are legislated through domestic law will they become enforceable as the Canadian government is not bound by international standards.

Effectiveness of PREA. There have been no national or state-specific evaluations of the effectiveness of PREA on reducing prison-based sexual violence. PREA was designed to eliminate prison rape by establishing practice-based standards for facilities that seek to prevent, detect, respond, and monitor custodial sexual violence and audit facilities for their compliance. There were no national outcome-based performance standards set for PREA. Since the implementation of PREA, there has been an increase in allegations of prison-based sexual violence but the prevalence of self-reported sexual violence by prison residents has held steady at approximately four percent from 2007 to 2012. The increase in official reports of sexual violence may be an indicator of PREA's effectiveness. That the prevalence of sexual violence has not significantly declined nationally may reflect the incomplete implementation of PREA. As of 2017, only nineteen states had fully adopted PREA standards, while another 34 states and territories were advancing toward compliance. Some prisons continue to have rates of sexual violence and staff misconduct significantly above the national average while others are embroiled in litigation around allegations of sexual misconduct by correctional staff.

Strengths and Limitations of PREA. PREA has both strengths and limitations. Five of the most noteworthy strengths are: it defined sexual violence comprehensively to include the nonconsensual sexual acts and abusive sexual contact by residents against other residents and sexual misconduct by staff; it made sexual violence a top priority for the correctional system; it funded and guided the on-going collection of reliable data on the size and nature of the problem; it made major investments in safer prisons; and it motivated lasting cultural change within prisons. The five most notable limitations are: enforcement of compliance is weak; there is lack of accountability regarding the consequences for staff sexual misconduct; there is no private cause of action (Congress, under PREA, did not give residents a private right of action to sue facilities for their failure to comply with PREA standards i.e., residents cannot sue claiming violations under PREA); the exhaustion clause (requires residents to exhaust the facility's grievance process before seeking relief in the courts) discourages reporting sexual violence; and the inadvertent application of PREA to consensual sex.

Potential Federal Action Plan for Canada. If Canada were to launch an initiative to eliminate custodial sexual violence, the first step would entail clearly and comprehensively defining sexual violence and then creating a national portrait of the problem through the commission of several scientifically rigorous surveys of both official records (reported allegations of sexual violence) and prison residents and staff (self-report). The portrait, reflective of the starting definition, would gain in focus and fullness if the right data were collected in the right way. For CSC to advance a credible policy effort to eliminate sexual violence, the following would be needed: (1) a definition of (sexual) violence; (2) a national survey of violence using best practice methodology; (3) a set of minimum standards that demonstrates a clear understanding that: sexual violence is perpetrated by residents and staff, prison culture sustains and perpetuates

sexual violence, and power asymmetries deter reporting and hinder prevention; (4) a timeline for full compliance with a set of graduated penalties and rewards for compliance; (5) an independent agency (possibly the OCI) tasked with external oversight and auditing compliance; (6) a combination of content-based training and education on (sexual) violence and zero tolerance standards and training modules based on principles of cognitive behavior therapy to change attitudes that support and perpetuate (sexual) violence; and (7) a rational research plan that sets research priorities to grow the evidence base to meet the needs of the zero tolerance policy and a funded research initiative that incentivizes academic and correctional agencies to collaborate around the conduct of research that addresses the prevention, deterrence, response, and investigation of custodial sexual violence and trauma-informed treatment of those who have been victims. Such a plan might be tasked to Public Safety Canada to develop and maintain corrections-academic partnerships with academic institutions to rigorously study custodial sexual violence.

4. CSC's Hot Issues Notes

COVID-19 Federal Corrections - Measures

Speaking Points:

- The Correctional Service of Canada is committed to protecting the health and safety of staff, inmates, and the public during these unprecedented times.
- Since the beginning of the pandemic, the Correctional Service of Canada has implemented a comprehensive and coordinated response to limit the risk of COVID-19, all in line with the Public Health Agency of Canada's advice.
- Active screening is occurring in each institution, inmates and staff must wear masks, practice physical distancing when feasible, wash/sanitize their hands often, and there is enhanced and frequent disinfecting and cleaning at facilities. The Service is also working with public health experts and the Canadian Red Cross to make sure its response is based on the latest science and evidence.
- In addition, CSC has vaccinated approximately 75% of the offender population with at least one dose of the COVID-19 vaccine. This helps to further protect everyone in these congregate living settings.
- As of June 18, 2021, there are no active COVID-19 case among inmates across the country.
- Any Inmates who do test positive are medically isolated and closely monitored by CSC health services. We also have partnerships with local hospitals should additional care be required.

Background – COVID-19 Federal Corrections - Measures

The Correctional Service of Canada (CSC) has implemented a number of measures to protect staff and the inmate population from COVID-19.

Cases among Inmates

As of June 18, 2021, there are no active COVID-19 case among inmates across the country.

Current Measures

Personal Protective Equipment

CSC continues to take exceptional measures to prevent the spread of COVID-19 in all CSC institutions to limit the risk to inmates and staff, including having everyone at sites wear masks. Additional personal protective equipment is available to employees that need it, including health care staff.

Suspension of Visits to Institutions

CSC is monitoring the situation closely as it evolves and will adjust its approach in consultation with public health partners across the country. At the first sign of one case of transmission at a site, non-essential staff and visitors will no longer be allowed in that site until the outbreak is contained.

Visitors will be restricted access to institutions if they are visiting an institution in an area that is identified as being moderate to high risk in accordance with CSC's National COVID-19 Risk Management Framework, or where inter- and intra-provincial travel restrictions apply.

Offenders will continue to participate in on-site programming and activities that support their rehabilitation. Health services will be maintained and temporary absences for medical and compassionate reasons will continue, as needed. Offenders are encouraged to continue connecting with their families and loved ones by telephone or video visitation.

Video Visitation

Since the beginning of the pandemic, CSC has installed more video visitation kiosks across the country. In addition, CSC has expanded the hours for which video visits are available at several sites and has increased the bandwidth to support their use.

In addition to having access to phone calls, inmates can visit by live video using virtual technology on an institutional computer. This allows inmates to develop and maintain family and community ties when in-person visits are not possible.

Prior to the COVID-19 pandemic, 57 video visitation kiosks were available to inmates across CSC's institutions. This number has since increased by 78%, with 102 video visitation kiosks now available. On average, 223 video visitation sessions are held each day across the country in CSC's institutions, a significant increase from the 41 sessions held on average daily pre-pandemic.

Release of Offenders

While being a full participant in the Canada-wide public health effort to fight COVID-19, CSC continues to fulfill its obligations with respect to the care and custody of inmates to prepare them for safe release into the community.

CSC and the Parole Board of Canada (PBC) continue to process eligible inmates for release in accordance with the law. A number of considerations go into release decision-making with public safety being the paramount consideration. COVID-19 and other health related issues are only one of the many considerations taken into account when releasing offenders into the community.

CSC, in consultation with PBC, has worked to streamline the case preparation process for offenders. In addition, PBC is working to ensure cases are dealt with as expeditiously as possible, while continuing to use risk- and evidence-based decision-making.

Since the beginning of March 2020, the federal custody population has declined by 1,445 inmates (as of June 6, 2021). This reduction is the result of fewer admissions from the provinces and territories, coupled with continued releases into the community. This downward trend in the federal inmate population is expected to continue over the coming months.

CSC is engaging with community partners on an ongoing basis to ensure that offenders on conditional release have a safe, secure and supportive environment to which they can return. This is an important part of any safe and successful release into the community.

Reduced Staffing Due to Self-Isolating

Staff members at a number of CSC institutions have tested positive for COVID-19. CSC is collaborating with public health authorities to conduct contact tracing to ensure that close contacts are self-isolating at home and additional testing is conducted, as needed.

CSC assesses operational decisions around schedules and activities on a regular basis when taking into consideration staffing levels. Staffing levels are monitored and assessed daily and adjusted, as required. On-site staff are showing flexibility and some have worked extended hours to meet the operational requirements of running Institutions.

Programming During COVID-19

In July 2020, CSC resumed group correctional programs in its institutions. In collaboration with public health experts, an Integrated Risk Management Framework was developed. It outlines different risk levels and mitigation strategies associated with each operational activity to protect staff, offenders, and the public. If, at any time, the COVID-19 risks associated with an activity change, the framework identifies actions to take in response.

Programming remains an essential part of reintegration. CSC continues to find ways to navigate the challenges associated with COVID-19 while resuming programming with new health and safety measures in place. CSC has prioritized access to programming for high-risk offenders and those approaching their release dates. Subject to public health and operational realities, CSC has promoted alternative program delivery methods such as the use of video conferencing. CSC also provides programming within the community. Offenders who did not complete institutional programs have access to community programs and community maintenance.

COVID-19 Vaccination Program

Speaking Points:

- The Correctional Service of Canada is committed to protecting the health and safety of staff, inmates, and the public during these unprecedented times.
- The Service has worked very closely with the partners such as the Public Health Agency of Canada and the National Advisory Committee on Immunization to respond to the pandemic, including the provision of vaccines to inmates.
- Under the *Corrections and Conditional Release Act*, the Correctional Service of Canada has an obligation to provide essential health care to the approximately 12,500 inmates in correctional institutions across the country.
- The Correctional Service Canada's vaccination strategy follows the advice of the National Advisory Committee on Immunization. It supports the timely allocation, distribution and administration of the vaccine for those in federal care as efficiently, safely and equitably as possible.
- In January, the Service began vaccinating federal offenders, starting with the oldest and most vulnerable. In April, it offered vaccines to all remaining offenders in its 43 institutions and 14 Community Correctional Centers, as per National Advisory Committee on Immunization guidelines.
- As of June 14, approximately 75% of the offender population has received at least one dose of the vaccine.
- The Service has now moved to administer second doses for offenders and staff in institutions and community correctional centres who received their first dose from CSC.
- As of June 14, approximately 23% of the offender population is fully vaccinated.
- The Service has also offered the vaccine to employees in correctional institutions and Community Correctional Centers who work closely with offenders and had not yet received it by their provincial health authority.
- The Service continues to be vigilant in applying infection prevention and control measures, including enhanced cleaning protocols, providing staff, inmates and anyone entering the sites with masks, if necessary, continuing ongoing education about hygiene, physical distancing and monitoring symptoms, COVID-19 testing, and contact tracing.
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Background – COVID-19 Vaccination Program

On January 8, 2021, the Correctional Service of Canada (CSC) began vaccinating inmates against COVID-19 in accordance with guidelines established by the National Advisory Committee on Immunization (NACI). Clinics were organized by medical staff to ensure elderly, medically vulnerable inmates were able to access the vaccine.

Procurement

CSC received doses of the Moderna vaccine, allowing CSC to begin vaccinating elderly, medically vulnerable inmates in January 2021. CSC receives vaccines from Health Canada as they become available and will continue to vaccinate inmates. CSC has the necessary supplies for administering the Moderna vaccine, including syringes and alcohol wipes, provided by the Public Health Agency of Canada's national inventory. CSC has monitored freezers (-20C) for COVID-19 vaccines storage at its regional pharmacies. Vaccines will be sent to health care units as necessary.

Vaccination Strategy

CSC established an integrated risk management process where, on an ongoing basis, decisions about its operations are made in close collaboration with public health authorities, unions, Elders, and stakeholders to prevent and mitigate the spread of COVID-19.

CSC is responsible for offering vaccines to all federally incarcerated individuals. As per NACI guidelines, elderly, medically vulnerable federal inmates were offered a vaccine during phase I. CSC is on track to offer vaccines (both doses 1 and 2) to all federally incarcerated individuals. Offenders in the community, excluding those individuals at CCCs, will be vaccinated by the provincial and territorial health authority.

The NACI has identified people living and working in congregate living environments, such as correctional institutions and Community Correctional Centres (CCCs), as priority populations for phase II of the vaccine rollout. Since mid-April, CSC has been vaccinating federal offenders who have not already received the vaccination in 43 institutions and 14 CCCs. The vaccine is also being offered to employees in correctional institutions and CCCs who work closely with offenders and have not yet been identified as eligible for vaccination by their province.

As of June 14, 2021, approximately 80% of offenders at the women's institutions and 75% of offenders at the men's sites have received their first dose of the vaccine. CSC has now moved to administer second doses for offenders and staff in institutions and CCCs who received their first dose from CSC. The second doses will follow in accordance with the NACI guidelines, no later than four months following the administration of the first dose. As of June 14, 2021, approximately 23% of the offender population is fully vaccinated.

During each phase of vaccination for the offender population, CSC provided offenders at all sites with information on COVID-19, vaccine safety and effectiveness, and how the vaccine can limit the severity of the virus. CSC also distributed information and health care staff were available to answer any questions from offenders prior to consenting to the vaccine. CSC works with Public Health Agency Canada to provide accurate and timely information to offenders.

Structured Intervention Units

Speaking Points:

- Structured Intervention Units are part of a historic transformation of the federal correctional system that is fundamentally different from the previous model.
- Structured Intervention Units are meant as a temporary measure to help inmates adopt more positive behaviours that keep the institution, as a whole, safe and secure.
- An inmate in a Structured Intervention Unit is visited daily by staff, including their parole officer, health care professionals, correctional officers, primary workers, Elders and Chaplains as well as other inmates and visitors.
- We continue to work hard to help inmates take advantage of the opportunities for time out of cell and meaningfully engage in diverse activities and programs, and support their safe return to a mainstream inmate population as soon as possible.
- The legislation recognizes that there are situations when an inmate may be held in their cell for longer, for example, if they refuse to leave. This is their right.
-
- An inmate's transfer to a Structured Intervention Unit is not a form of punishment. It occurs when the inmate's presence in a mainstream population jeopardizes the safety of the inmate or anyone else, the security of the penitentiary, or the conduct of a lawful investigation.

Background – Structured Intervention Units

Structured Intervention Units (SIUs) allow inmates to be separated from the mainstream inmate population—providing the opportunity to maintain their access to rehabilitative programming and interventions. Inmates in an SIU:

Receive interventions and programming specific to the reasons that led to the transfer; have an opportunity to be outside of their cell for at least four hours a day, with additional time for a shower; have an opportunity to interact with others for at least two hours a day; and receive daily visits from healthcare professionals who may recommend for health reasons that the inmate's conditions of confinement be altered or that they not remain in the unit.

SIUs are for inmates who cannot be managed safely within a mainstream inmate population. An inmate could be transferred to an SIU if they are a threat to any person or the security of the institution, their safety is in jeopardy or their placement in the mainstream population would interfere with an investigation, and there is no reasonable alternative.

Inmates in SIUs are provided with opportunities to participate in structured interventions, hobbies, leisure and physical activities, as well as research-based programming to address their specific risks and needs, with the goal of facilitating their reintegration into a mainstream inmate population as soon as possible. It is expected that SIUs will enhance correctional outcomes, as well as assist in reducing the rate of institutional violent incidents, resulting in a safer environment for staff, offenders and visitors.

Visits, engagement with partner agencies, Elders, cultural and spiritual leaders and opportunities for inmate interaction are available in providing opportunities for meaningful human contact. When visits are restricted due to measures related to reducing the spread of COVID-19, alternatives are available, such as video visitation.

As of June 14, 2021, there were 194 inmates in an SIU across Canada. This represents approximately 1.5% of the inmate population.

Independent External Decision Makers

Independent External Decision Makers (IEDM) provide oversight related to an inmate's conditions, frequency, and duration of confinement in an SIU and review cases.

As of May 31, 2021, there have been over 1,400 condition of confinement reviews by IEDMs. Often this happens because an inmate refuses the opportunities that are offered to them daily. In 81% of these cases, the IEDM has concluded that CSC has taken all reasonable steps to provide the opportunities and encourage the inmate to use the opportunities.

In the remaining 19%, the IEDMs have made recommendations to CSC. Once the decision from an IEDM is received, CSC has 7 days to act upon it. This external oversight contributes to the continued enhancement and shaping of SIUs.

Structured Interventions Units – Technological Services

CSC uses a technological application to enable the collection of SIU data to facilitate reporting on performance to institutional and senior management.

The “Long-Term Evolution (LTE) SIU project” creates a modern application for the management of offenders in SIUs. This application collects critical information in the daily interactions between staff members and offenders, allowing near real-time status updates on the inmates’ opportunities for interaction with others; net and total time spent in the SIU; time outside of cell; delivery of programs and interventions; leisure time; visits by correctional/intervention staff; health care review; and executive overview, among other things.

Interactions with inmates, programs referral, and decision information is also captured to ensure compliance with associated policies and legislation.

Summary of Independent SIU Reports

Report 1 - Understanding the Operation of Correctional Service Canada's Structured Intervention Units: Some Preliminary Findings

- October 26, 2020 (Dr. Doob, Dr. Sprrott)

The Independent Advisory Panel (IAP) stated that it had not received any data on which to base an analysis even as the panel's term expired. Because the data was limited, all findings were preliminary.

Key findings:

- Most 'visits' (person-stays) in SIUs were relatively short. However 16% of all stays exceeded two months.
- Those sent to SIUs tended to be disproportionately male, young, and Indigenous.
- Even over a 9 month period, multiple stays in SIUs were fairly common. 35% of people were there more than once in that time. Most of them had identified mental health issues.
- There were large regional differences in the use of SIUs, both in the number and length of time there.
- The stated reasons for transferring prisoners to SIUs varied substantially across regions. Those placed in SIU because of concern about the prisoner's own safety ended up staying in the SIU a substantially longer period of time than did others.
- Only 21% of prisoners in SIUs received the legally mandated 4 hours per day out of their cell on even half the days. Nor did it seem from the data that the requirement for 2 hours daily of 'meaningful human contact' was taking place on a regular basis.

Report 2 - Is there clear evidence that the problems that have been identified with the operation of Correctional Service Canada's "Structured Intervention Units" were caused by the COVID-19 Outbreak? An examination of data from Correctional Service Canada

- November 15, 2020 (Dr. Doob, Dr. Sprrott)

The report was a follow-up to the October report and examined SIUs through the lens of the pandemic. This was done largely in response to CSC's statement that COVID-19 "had significant operational impacts for CSC, including for SIUs".

The report stated there was no evidence the pandemic has had any impact on the problems identified in the reports, and that CSC appears to have no timeline for providing solid data that would allow comprehensive independent evaluation.

Other key findings:

- There is substantial regional variation in length of SIU stays, and, in this context, regional variation across time periods that we have no explanation for. However, these findings suggest that COVID (a national and world-wide problem) is not a simple cause of variation across time.

Report 3 - Solitary Confinement, Torture, and Canada's Structured Intervention Units

- February 23, 2021 (Dr. Doob, Dr. Sprott)

Following the end of the IAP's one year term in September 2020, CSC voluntarily provided SIU data to Dr. Doob and Dr. Sprott so they could continue their independent review.

Key Findings:

- 38.9% of those entering SIUs are missing their full four hours out of cell every day and that for placements of longer than 16 days, 63% missed their full four hours on 76% or more of days.
- There are wide statistical disparities across regions with regard to SIU operations.
- Quebec stands out as having the highest proportion (40.6%) of SIU stays that would be considered solitary confinement by the Mandela Rules and the Pacific stands out as having an alarmingly high proportion (19.5%) of its SIU stays that would be considered torture under the
- Mandela Rules.
- 28.4% of SIU stays qualify as solitary confinement under the Mandela Rules definition and that 9.9 per cent of stays qualify as torture under the Mandela Rules due to their prolonged (more than 15 days) nature.

Report 4 - Do Independent External Decision Makers Ensure that “An Inmate’s Confinement in a Structured Intervention Unit Is to End as Soon as Possible”?

- May 10, 2021 (Dr. Doob, Dr. Sprott, Ms. Iftene)

The report raised questions about the Independent External Decision Maker (IEDM) system, as the only active form of external oversight over the SIUs is working properly, and concluded that the current system is “inadequate.”

The researchers noted that they “we were not able to get access to any information which informed the decisions made by IEDMs.”

Key Findings:

- After about 60-67 days in the SIU, a prisoner’s stay must be given to an IEDM for review. CSC data suggest that 97% of cases are referred to the IEDM within 67 days (15% on that 67th day). However, some are not referred until after 70 days.
- There were 105 cases in which the person stayed in the SIU for at least 76 days (and in some cases more than 120 days) and there was no record of the case ever being sent to an IEDM for a review under s37.8.
- If the decision was that a person was to be removed from the SIU, they tended to stay longer than if the IEDM had decided that the prisoner should stay in the SIU.
- Black prisoners in SIUs are also more likely than other groups to be in the SIU for more than 2 months.
- This review process does not help remove those with mental health issues more quickly. Roughly 10%-11% of those with and without a “mental health need flag” had three or more reviews by an IEDM.

Sexual Coercion and Violence by Officers against Female Inmates

Speaking Points:

- CSC has a zero-tolerance approach for sexual violence of any kind in any of its institutions.
- The safety and security of people in our institutions is a top priority and nobody who lives or works in those facilities should ever have to fear for their safety.
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- The incidence of Sexual Coercion and Violence in institutions is an issue that we take very seriously.
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- We are taking a number of actions to address it and provide the necessary support to those in our care and custody, and we know there is more to do.
- CSC is currently drafting a new Commissioner's Directive that establishes a framework for preventing, detecting, responding to, reporting, and tracking incidents of sexual assault towards inmates in federal custody
- CSC and Public Safety Canada are in the process of engaging their partners in the International Corrections and Prisons Association and in the provinces to conduct research and learn from their practices. This will help strengthen our approach and response to sexual coercion and violence going forward.

Background – Sexual Coercion and Violence by Officers against Female Inmates

The 2019-2020 Annual Report of the Office of the Correctional Investigator

The report made four recommendations to the Correctional Service of Canada (CSC) and two to the Minister of Public Safety related to sexual coercion and violence (SCV) in institutions. The recommendations include the development of an evidence-based strategy for the prevention of SCV as well as a Commissioner's Directive (CD); education, awareness and training programs on SCV, as well as a specific flag in OMS for perpetrators. The recommendations to the Minister were to direct CSC to designate funds for an independent national prevalence study and introduce a legislative package that endorses a zero-tolerance approach to sexual violence and establishes a public reporting mechanism.

Measures in Place

CSC has a framework in place to establish safe correctional environments, which promotes effective correctional operations and interventions through the use of dynamic security, and contributes to the safety of the public, staff, and offenders (*Commissioner's Directive (CD) 566 – Framework for Safe and Effective Correctional Environments*). Specifically, all staff who directly interact with offenders must apply dynamic security practices while carrying out their responsibilities. This includes continually enhancing their knowledge of offenders' activities and behaviours (both positive and negative) through direct observation and interactions. CSC promotes the use of dynamic security practices for the prevention of security incidents, including incidents of SCV. Cases of sexual violence, when made known to staff, must immediately be reported and investigated.

In the case of a sexual assault or an allegation of a sexual assault, the Correctional Manager, Operational Desk, must notify the police force of primary jurisdiction, as per *CD 568- 4 – Preservation of Crime Scene and Evidence*. As well, any staff member made aware of a sexual assault must report it under *CD 568-1 – Recording and Reporting of Security Incidents*; sexual assaults also require a Warden's Situation Report under *CD 041 – Incident Investigations*. This would require the site to collect all the relevant facts surrounding the assault/allegations in order to have the Warden's report completed.

Public Safety's Research Plan

Public Safety (PS) has developed a research plan, slated to begin in Fall 2020, to begin assessing SCV in federal corrections. In collaboration with CSC, Public Safety will collect information and data on the size, scope and impact of this issue, with consideration of vulnerable populations such as inmates with prior trauma, LGBTQ2S+, women, and those with mental health issues in order to identify gaps in knowledge. An interim report on the work undertaken is set to be developed by Spring 2021 and will help inform future actions required to detect, prevent, and respond to sexual violence in correctional institutions. In leading this research, Public Safety will collaborate with CSC, and others as needed, to ensure coordination with other actions being undertaken by CSC on the issue as outlined in responses to other recommendations in this report.

In addition, Minister has agreed to write to the Standing Committee on Public Safety and National Security requesting that consideration be given to undertaking an independent study, along with a report on their findings, on SCV in federal corrections. Both internal and external research findings will assist Public Safety and CSC to determine the next steps in effectively and appropriately addressing SCV.

Actions taken to address SCV

PS and CSC have undertaken several parallel steps to both address SCV immediately and inform the way forward for the survey. CSC is currently drafting a new CD that establishes a framework for preventing, detecting, responding to, reporting, and tracking incidents of sexual assault towards inmates in federal custody. The CD is expected to be promulgated in summer of 2022.

CSC will also examine existing reference material for offenders to ensure they are provided with readily available information on SCV and how to report incidents of victimization and that staff are appropriately trained to respond to these incidents as part of the Correctional Training Program.

To complement ongoing work and to further inform both the approach to SCV and the development of the national survey, PS and CSC have also undertaken the following activities: writing to the Standing Committee on Public Safety and National Security (SECU) to request an independent study of the issue, undertaking an international review of prison sexual violence, and consulting with federal, provincial and territorial partners on their approach to SCV in their respective jurisdictions. Results from this work have underscored the need for reliable national data to further understand the scope of the issue in Canadian correctional institutions and inform a comprehensive strategy to continue addressing SCV in Canadian correctional institutions. Gathering this information through the survey will complement the ongoing work and inform any enhancements to policies, procedures and guidelines that are developed as the study is implemented.

Review of Policies

PS and CSC will continue to work collaboratively as CSC develops and implements a new CD to address SCV, and PS works towards the launch of a request for proposal (RFP) for the national prevalence study. These next steps will highlight any additional gaps for action or potential policy and program enhancements that have not already been considered.

Finally, CSC will seek to develop a performance measurement strategy to track process in this area and will make SCV a topic of mandatory discussion at Executive Committee (EXCOM) meetings at least twice a year to ensure continual monitoring and to discuss any necessary changes or adjustments to the strategy.

Risk Assessment Tool

Speaking Points:

- CSC acknowledges that Indigenous people, Black Canadians and other racialized people far too often experience systemic racism and disparate outcomes within the criminal justice system.
- CSC continually working to eliminate systemic barriers in federal correctional institutions, and ensuring that all inmates have access to appropriate and effective programming and assessments that are culturally informed.
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- To ensure that risk assessment decisions of offenders are effective and appropriate, CSC is currently examining its assessment tools and case management processes, with the help of university partners, with a goal of ensuring they remain appropriate for Indigenous offenders. This will include consultation with Indigenous peoples and groups.
- Currently, to assess the inmate security levels of individual offenders, staff receive comprehensive training on how to incorporate aspects of an offender's ethnic, cultural, religious, and/or linguistic needs.
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- The staff also receive mandatory training about unconscious bias and cultural-sensitivity, and they are provided resources to ensure assessments are reflective of the offender's needs.
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- An Ethnocultural Offender Resource Kit is also available to assist staff in responding to the needs of ethnocultural offenders, including Black and Indigenous offenders.
- We are committed to doing more to create an environment that is conducive to inclusion, equity and diversity – and one that is committed to self-reflection, action and continuous improvement.
- CSC also works closely with the National Indigenous Advisory Committee to discuss ideas and actions relevant to Indigenous offenders including examining the barriers faced by diverse communities in the broader criminal justice system.

Background – Risk Assessment Tool

All offenders who enter a federal institution undergo an assessment to ensure they are placed at the appropriate security level and receive the required programs and services required to address their specific needs. The assessment is conducted in accordance with the *Corrections and Conditional Release Act*, and the *Corrections and Conditional Release Regulations (CCRR)*.

Correctional Service of Canada (CSC)'s approach to both initial security classification and security reclassification includes the use of evidence-based assessment instruments. These include: the Custody Rating Scale for initial security level, the Security Reclassification Scale and the Security Reclassification Scale for Women and Criminal Risk Index that assesses their level of criminal risk for recidivism and recommended level of intervention. The assessment also includes the professional judgment of specialized staff and use of psychological assessments, if applicable. Section 18 of the CCRR identifies the following three domains that CSC must use to determine the inmate's security level: institutional adjustment; escape risk; and risk to the public in the event of an escape. To ensure they continue to be placed at the appropriate level, an offender's security classification is regularly reassessed during their sentence, including after the completion of correctional programs.

Staff Training

Given the importance of carefully assessing the unique needs of each individual offender, which may include social and cultural factors that impact how they respond throughout the correctional process, staff who are responsible to assess an inmate's security level receive comprehensive training on how to consider their ethnic, cultural, religious, and/or linguistic needs.

All employees are required to complete the mandatory Diversity and Cultural Competency Training. Where employees are expected to demonstrate an understanding of diversity that is inclusive of everyone; identify individual places of privilege and how this connects to their work in CSC; and, identify ways to improve working with diversity and cultural competency with offenders, employees, visitors and the public.

Indigenous Offenders

CSC continues to observe an increase in the number of federally sentenced Indigenous offenders. At the end of fiscal year 2020-2021, Indigenous offenders represented 31.6% of the total in custody population and Indigenous women offenders represented 43.2% of the total in custody women population.

Since 2018, as a response to the 2014 Office of the Auditor General (OAG)'s report – Preparing Indigenous Offenders for Release, CSC implemented in its policy that a Security Classification Review will be completed within 30 days of an Indigenous inmate's successful completion of a main program for inmates classified at maximum or medium security level. In addition, a Security Classification Review is initiated at least every six months for Indigenous inmates participating in Pre-Pathways interventions/Pathways units. In the past years, CSC has conducted several studies, and is currently undertaking additional research on some of its central classification tools. For example, CSC is working with academic partners to conduct

consultations with Indigenous communities in the development of risk assessment tools for Indigenous offenders.

CSC is working to respond to the disproportionate representation of Indigenous peoples in custody, through a variety of programs such as:

- The National Indigenous Plan, which incorporates advice and guidance from the Office of the OAG and the National Indigenous Advisory Committee (NIAC), is a national framework designed to transform Indigenous case management and corrections. The Plan includes streamlining existing Indigenous resources and services to ensure that those offenders choosing to access the Indigenous Continuum of Care interventions are prioritized for placement at specific sites.
- Indigenous Interventions Centres (IICs) are a key component of regional Indigenous action plans. The IICs integrate intake, programs and interventions, and engage Indigenous communities at the start of an Indigenous offender's sentence, or at least two years before their first eligibility date. IICs provide a more focused and targeted approach to interventions through specialized case management, with the necessary support and coordination to prepare Indigenous offenders serving shorter sentences for conditional release earlier in their sentences. IICs also offer Indigenous correctional programs and interventions in order to foster timely preparation of conditional release for Indigenous offenders.
- CSC has implemented the Pathways Initiative for offenders who are committed to following an intensive traditional path of healing which includes the active involvement of Elders. The Indigenous Women's Pathways Continuum provides opportunities for Indigenous women to engage in intensive healing interventions supported by Elders through specific activities.
- The Indigenous Women Offender Correctional Programs, which includes program continuum unique to Indigenous women offenders.
- CSC has developed and implemented Indigenous and Inuit specific Correctional Programs.

Decisions with respect to sentencing are outside of CSC's control. CSC does, however, influence the time Indigenous offenders spend in custody by providing culturally responsive programs and interventions to address an Indigenous offender's risk, provide effective rehabilitation and foster successful community reintegration. There has been a significant increase in the percentage of discretionary releases for Indigenous offenders, from 23.5% in fiscal year 2013-2014 to 40.1% in Fiscal year 2019-2020.

Black Offenders

8.6% of incarcerated offenders identified as Black at the end of 2020-21, while 7.1% of offenders supervised in the community identified as Black. From 2016-2017 to 2020-2021, the proportional decrease of incarcerated Caucasian offenders was 23.2%, and incarcerated Black offenders showed a decrease of 7.2% during the same period.

CSC is conducting research to better understand the experience of ethnocultural offenders under its care, including Black offenders. This multi year project has already highlighted the profile and diversity of this population and Emerging Research Results were produced in 2019. CSC is presently looking at aspects of the in-custody experience, including participation in correctional programs, education, employment, etc. CSC will also be studying how ethnocultural

offenders are reintegrating in the community, in terms of program participation, employment opportunities and successful completion of sentence. It is anticipated that the full research report will be available in the Fall of 2021.

Currently, Black offenders are offered a comprehensive level of varied interventions and services, aimed at supporting their reintegration. These initiatives include: addressing cultural employment and mentorship needs; participation in culturally relevant presentations from community members to offenders and staff; community outreach; ongoing interventions by the Project officer, Community Engagement and Ethnocultural Services; and access to culturally-relevant materials. Additionally, CSC requires mandatory training aimed at increasing the cultural competency of staff.

Although there are no specific correctional programs for Black offenders, the enrolment and completion rates of Black offenders in the Integrated Correctional Program Model and the Women Offender Correctional Programs show positive participation. Also, certain institutions benefit from the participation and activities of inmate groups composed of mostly Black offenders. Groups such as Black Inmates and Friends Assembly (BIFA), Christian groups, Rastafarian groups, and Muslim groups bring awareness, educate and develop a sense of belonging and self-esteem among the Black offender population.

Women Offenders

In November 2019, to reflect the elimination of segregation and to add time spent in a Structured Intervention Unit (SIU), the Security Reclassification Scale for Women (SRSW) was modified. The updated SRSW consists of different indicators, notably the number of convictions for serious disciplinary offences, the number of recorded incidents, the pay level, the motivation and progress in the Correctional Plan and whether the offender maintains positive family contact.

The reliability and validity of the adjusted SRSW was examined by CSC's Research Branch in September 2019, and was determined to remain valid for use with Indigenous and non-Indigenous women offenders.

Overrepresentation of Specific Groups in Federal Institutions

Speaking Points:

- CSC acknowledges that Black offenders are second to the Indigenous population in terms of overrepresentation, comprising almost 9 per cent of the total federal offender population.
- The overrepresentation of Indigenous and Black Canadians in the criminal justice system and correctional institutions is a reflection of the systemic disparities that we must all work to fix. Not just at the Correctional Service of Canada, but at all levels of society and the criminal justice system.
- Providing effective and culturally appropriate correctional and reintegration support for Indigenous offenders is crucial. For that reason, doing so has been a CSC corporate priority for more than a decade.
- Once in our custody, CSC provides programs and services that address offenders' needs and assist with their successful reintegration into society. We deliver interventions that are guided by evidence in correctional research, relevant theory, and current practices.
- CSC has implemented a unique approach to Indigenous Corrections that is both culturally responsive to, and inclusive of, Indigenous communities, taking into account each individual offender's Indigenous social history, evaluating culturally responsive or restorative options, and determining the best ways to address the rehabilitative needs of the offender.
- CSC works closely with the National Indigenous Advisory Committee to discuss ideas and actions relevant to Indigenous offenders including examining the barriers faced by diverse communities in the broader criminal justice system.

Background – Overrepresentation of Specific Groups in Federal Institutions

The Correctional Service of Canada (CSC) continues to observe an increase in the number of federally sentenced Indigenous offenders. CSC also recognizes that there are specific needs for ethnocultural offenders, such as those who identify as Black..

Indigenous Offenders

CSC continues to see an increase in the number of federally sentenced Indigenous offenders. At the end of Fiscal year 2020-2021, Indigenous offenders represented 31.6% of the total in custody population and Indigenous women offenders represented 43.2% of the total in custody women population.

CSC is working to respond to the disproportionate representation of Indigenous peoples in custody, through a variety of programs such as:

- The National Indigenous Plan which includes streamlining existing Indigenous resources and services to ensure that those offenders choosing to access the Indigenous Continuum of Care interventions are prioritized for placement at specific sites.
- Indigenous Interventions Centres (IICs) are a key component of regional Indigenous action plans. The IICs integrate intake, programs and interventions, and engage Indigenous communities at the start of an Indigenous offender's sentence, or at least two years before their first eligibility date.
- CSC has implemented the Pathways Initiative for offenders who are committed to following an intensive traditional path of healing which includes the active involvement of Elders. The Indigenous Women's Pathways Continuum provides opportunities for Indigenous women to engage in intensive healing interventions supported by Elders through specific activities.
- CSC has implemented correctional programming for Indigenous and Inuit offenders, designed to meet their specific needs by including ceremonial sessions, culturally relevant materials and Elder involvement.
- CSC has developed and continues to deliver Indigenous Social History (ISH) training for staff. The focus of this training is the integration of ISH considerations in decision-making and increased responsiveness to the unique needs of Indigenous offenders in interventions.
- Responsivity resource kits were developed to provide correctional and education program staff with the tools needed to work and interact effectively with offenders with special needs and/or those that require special considerations in the program context, such as women and Indigenous offenders.
- In December 2019, CSC convened a Sub-Committee of our Executive Committee focused on Indigenous Corrections. This committee has identified 8 priority areas that span not only the federal correctional continuum, but also CSC efforts to recruit and sustain an exemplary level of Indigenous staff, enhance Elder interventions, and collaborate across federal government departments as well as with provincial and territorial counterparts.
- The Sub-Committee will continue to provide strategic analysis, horizontal advice, and recommendations to EXCOM while ensuring a strong voice and action on Indigenous issues within CSC's senior management team.

Decisions with respect to sentencing are outside of CSC's control. CSC does, however, influence the time Indigenous offenders spend in custody by providing culturally responsive

programs and interventions to address an Indigenous offender's risk, provide effective rehabilitation and foster successful community reintegration. There has been a significant increase in the percentage of discretionary releases for Indigenous offenders, from 23.5% in fiscal year 2013-2014 to 40.1% in fiscal year 2019-2020. Additionally, CSC makes targeted efforts to recruit and retain Indigenous employees. CSC is one of the largest employers of Indigenous peoples in the core public administration.

Black Offenders

8.6% of incarcerated offenders identified as Black at the end of 2020-21, while 7.1% of offenders supervised in the community identified as Black. From 2016-2017 to 2020-2021, the proportional decrease of incarcerated Caucasian offenders was 23.2%, and incarcerated Black offenders showed a decrease of 7.2% during the same period.

CSC made considerable revisions to Commissioner's Directive (CD) 767 – *Ethnocultural Offenders: Services and Interventions*, promulgated in January 2021. The revised CD clarifies the roles and responsibilities of staff working with ethnocultural offenders and/or responsible for ethnocultural services and interventions, as well as the role of CSC's National and Regional Ethnocultural Advisory Committees (NEAC/REAC).

NEAC and REACs continue to advise CSC on effective ways to work with ethnocultural offenders, assist with interventions and activities, and provide a valuable link to the community for successful reintegration.

In May 2021, the Ethnocultural Action Framework was launched in every region. This framework represents a national approach, designed to enhance organizational capacity to respond with agility and inclusivity to the needs of ethnocultural offenders. Although the Framework does not specifically address the overrepresentation of offenders who identify as Black, it provides increased opportunities to ensure cohesive and consistent approaches across sites, and encourages collaboration at all levels, with the ultimate goal of supporting ethnocultural offenders in their successful reintegration to the community.

CSC is conducting research to better understand the experience of ethnocultural offenders under its care, including Black offenders. This multi year project has already highlighted the profile and diversity of this population and Emerging Research Results were produced in 2019. CSC is presently looking at aspects of the in-custody experience, such as participation in correctional programs, education, and employment.

CSC will also be studying how ethnocultural offenders are reintegrating in the community in terms of program participation, employment opportunities and successful completion of sentence. It is anticipated that the full research report will be available in the Fall of 2020. CSC invested \$20,000 for this project, in addition to approximately a 1.5 full time employee equivalent from CSC's Research Branch (combination of research managers, analysts and students). CSC used a combination of internal and external resources, in collaboration with Nipissing University.

In addition to professional internal research capacity, CSC maintains positive collaboration with several Canadian universities for the purpose of conducting studies, research, and reviews. This approach allows CSC to maintain the highest standards of research.

Currently, Black offenders are offered varied interventions and services aimed at supporting their reintegration. These initiatives include: addressing cultural employment and mentorship needs; receiving virtual community in-reach from community service providers and volunteers, when possible; providing culturally-relevant materials for personal development purposes; and recommending and facilitating Day Parole releases to “other locations”, as defined by the Parole Board of Canada, which may include offenders’ home communities in order to support access to enhanced cultural supports, where appropriate.

Additionally, CSC requires employees to complete mandatory Diversity and Cultural Competency Training, as well as provides ongoing professional development opportunities and resources to continually promote and increase staff awareness and inclusive practices.

Although there are no specific correctional programs for Black offenders, the enrolment and completion rates of Black offenders in the Integrated Correctional Program Model and the Women Offender Correctional Programs show positive participation and results. As offender ethnicity and culture are important responsivity factors in effective correctional programming, initial training for program staff include responsivity factors, how to address them, and how to adapt interventions within programs to the specific needs of ethno cultural offenders.

More specifically, in June 2011, CSC published *the Effectiveness of Correctional Programs with Diverse Offenders: A Meta-Analytic Study*. Conducted to assess the effectiveness of cognitive-behavioural treatment among individuals from a wide range of ethnic and cultural backgrounds, this research revealed that:

- Overall, all ethnic groups show(ed) a decreased likelihood of recidivism after participating in Correctional Programs;
- CSC’s Correctional Programs are equally effective across a broad range of ethnic groups, insofar as offenders who participate in programs are less likely to recidivate than non-participants, regardless of ethnic background;
- In general, ethnocultural offenders face lower re-admittance rates compared to their Caucasian counterparts, are assessed as lower risk, have less extensive criminal histories, fewer previous failures on community supervision, segregation, escape and conditional release, and are accordingly “less “entrenched” in criminal lifestyle;
- Overall, all ethnic groups showed a decreased likelihood of recidivism after participating in correctional programs.

Also, certain institutions benefit from the participation and activities of inmate groups composed of mostly Black offenders. Groups such as Black Inmates and Friends Assembly (BIFA), Christian groups, Rastafarian groups, and Muslim groups bring awareness, educate and develop a sense of belonging and self-esteem among the Black offender population.

Joint National Board of Investigation: Correctional Service of Canada - Parole Board of Canada

Speaking Points:

- What happened in Quebec on January 22, 2020, was a terrible tragedy that should never have happened.
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- Our thoughts remain with the family and friends of Ms. Levesque for their loss.
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- Following this incident, a Joint National Board of Investigation was convened by the CSC and the Parole Board of Canada.
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- It was co-chaired by two community members independent of CSC and the Parole Board of Canada, who are criminologists. Its objective was to examine the circumstances that led to this tragic event.
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- The Board of Investigation identified a number of gaps related to how this offender was supervised.
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- We are resolute in our commitment to implement the recommendations and are taking concrete actions that prevent this from happening again.
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- In response to the recommendations, CSC is changing its direct supervision model in Quebec, strengthening community supervision and information collection and sharing policies and tools and implementing new, mandatory Intimate Partner Violence training.
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- CSC and the Parole Board of Canada take this report and its recommendations extremely seriously, and they will continue to work hard to prevent any incident like this from ever happening again.

Background - Joint National Board of Investigation: Correctional Service Canada - Parole Board of Canada

Federal offender Eustachio Gallese has been serving a life sentence since December 16, 2006. He was sentenced for the second degree murder of his then-spouse, with no chance of parole for 15 years. The index offence occurred on October 21, 2004. He was first granted Day Parole (DP) on March 26, 2019. On September 19, 2019, his DP was continued while Full Parole was denied. On January 23, 2020, his DP was suspended due to his suspected involvement in another murder. He was charged and convicted of First-Degree Murder on February 27, 2020, in the death of Marylène Levesque. Gallese remains in federal custody.

Joint National Board of Investigation Recommendations

The Joint National Correctional Service Canada (CSC) – Parole Board of Canada (PBC) Board of Investigation (BOI) into the events surrounding the death of Marylène Levesque by offender Eustachio Gallese was convened on February 3, 2020. It was comprised of five members with the skills and expertise to carry out this investigation, including two external co-chairs, who are criminologists, independent of CSC and PBC. They conducted interviews and examined all of the documentation and facts around the release and supervision of an offender who was on Day Parole at the time of the incident, and presented findings and recommendations that cover the following themes: information collection and sharing, community supervision, training, and the PBC decision-making process.

The BOI report made five recommendations:

- That CSC revise Commissioner's Directive (CD) 705-2 – Information Collection to define a serious offence and specify the documents required, including source documents such as trial transcripts for sentenced offenders with a history of violence offences.
- That CSC revise CD 715-1 – Community Supervision to include a quality control mechanism with a network of collateral contacts.
- That CSC integrate training on domestic violence into the Parole Officer (PO) Induction Training and that this training be offered during the PO Continuous Development training.
- That CSC develop a case conference instrument that includes minimum indicators.
- That the direct supervision component set out in the contract agreement be taken away from the Maison Painchaud CRF and given back to CSC, and that CSC review the service models with all other CRF currently responsible for the direct supervision of offenders.

There were no recommendations for the PBC. However, the BOI report noted the following with regard to the PBC:

- The Parole Board members who made the conditional release decisions on March 26, 2019, and September 19, 2019, met all PBC training requirements and had the level of knowledge necessary to perform their tasks.
- The PBC training plan for new Board members was well structured and complete.
- The Parole Board members correctly applied the criteria set out in the Corrections and Conditional Release Act (CCRA).
- The Parole Board members fully applied the Risk Assessment Framework set out in the PBC Decision-Making Policy Manual.
- The PBC had at its disposal all the relevant and available information for sound decision-making.

- While the September 2019 written decision did not fully reflect what occurred at the hearing, this was not identified as a factor in Ms. Levesque's death.

Importantly, the report acknowledged that the Board Members explicitly prohibited the offender from visiting massage parlours for sexual purposes.

CSC's Response to the BOI Recommendations

CSC has thoroughly reviewed, analyzed, and accepted the BOI recommendations as part of its commitment to do everything possible to prevent such a tragedy from ever happening again.

In response to the report's recommendations, CSC is:

- Changing its direct supervision model in Quebec. Currently, Community Residential Facilities (CRF) provide accommodation and support to offenders, while some directly supervise a small number of offenders (approximately 155 out of 2000) on release in the community, in Quebec. By March 31, 2021, CSC will take over all aspects of community supervision from the Maison Painchaud CRF. In addition, CSC is reviewing all other contracts in Quebec with the goal of returning all direct supervision responsibilities for federal offenders back to CSC. These contractors will continue to house offenders, as is the case across the country. CSC values these partnerships, as they are essential to supporting offenders in their transition from institutions to the community.
- Strengthening community supervision policies and tools so that specific elements, such as collateral contacts of the offender (employer, family members and friends) are regularly discussed during case conferences between Parole Officers and their supervisors to help continually re-assess an offender's risk. CSC is revising its Information Collection policy to clearly define a serious offence for the purpose of information collection, specify which types of documents are required and relevant to an offender's history, and implement a formal monitoring mechanism.
- Implementing new, mandatory Intimate Partner Violence training, which will become a core component of the existing Parole Officer Continuous Development Training. It will be required for all Parole Officers and their supervisors to support them in assessing and managing the risk of offenders.

Now that the BOI report is complete, CSC has launched disciplinary investigations, as per Treasury Board guidelines, to determine any further accountability measures required. Since this incident, employees directly involved in the supervision and oversight of this case have been assigned other duties and are not supervising offenders.

5. Key Facts and Figures

The Offender Population

At the end of calendar year 2020, CSC was responsible for 21,996 offenders: 12,588 were in custody and 9,408 were supervised in the community. Of the offenders in the community, offenders on day parole represented 17%; offenders on full parole represented 48%; offenders on statutory release represented 30%; and offenders with long term supervision orders represented 5%.

(Source: Corporate Reporting System-Modernized - Data Warehouse. Data current up to 2020-12-27)

Operational Environment

CSC is responsible nationally for the management of 43 institutions (six maximum security, nine medium security, five minimum security, 12 multilevel security and 11 clustered institutions), 14 community correctional centres and 92 parole offices and sub-parole offices. CSC is also responsible for managing four healing lodges (included in the 43 institutions) and works in partnership with Indigenous communities to support the reintegration of Indigenous offenders back into the community.

CSC Workforce

CSC employs approximately 18,261 staff from a vast number of fields. As of January 21, 2021, CSC's front-line staff workforce included:

- 6,308 Correctional Officers;
- 448 Primary Workers;
- 1,252 Parole Officers;
- 473 Correctional Program Officers;
- 122 Indigenous Liaison Officers;
- 101 Indigenous Correctional Program Officers;
- 122 Social Program Officers;
- 893 Nurses; and
- 227 Psychology Staff.

CSC Results

At year-end 2019-2020, the following are results in a number of different areas:

- CSC is continuing to see a decline in the overall federal custody population, from 14,886 at year-end in 2014-2015 to 13,720 in 2019-2020, a decrease of 8%. CSC is also seeing an increase in the number of offenders being managed in the community, from 8,075 at year-end in 2014-2015 to 9,382 in 2019-2020. This represents an increase of 16%.
- CSC is showing an increase in the number of offenders being released on day parole over the past six years, from 1,975 in 2014-2015 to 2,542 in 2019-2020, an increase of 29%. The number of offenders who were released on day parole decreased in the past year, from 2,683 in 2018-2019 to 2,542 in 2019-2020, a decrease of 5%.
- CSC is showing a decline in the number of revocations of conditional release over the past six years, from 2,503 in 2014-2015 to 2,285 in 2019-2020, a decrease of 9%. However, the number of revocations of conditional release have been increasing since 2017-2018, when they were at a six-year low of 2,131.
- CSC is also seeing a decrease in the number of revocations with an offence over the past six years, from 496 in 2014-2015 to 455 in 2019-2020, a decrease of 8%. The numbers of revocations with an offence have fluctuated over the past six years, with a low of 412 in 2016-2017.

6. Committee Overview

Liberal Party of Canada

Name: John McKay

Other Role(s): Chair of SECU

Riding: Scarborough—Guildwood

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil.

Year First Elected: 2004

Past Profession: Lawyer

Statements on the Issue: Criticised CSC for not taking action on recommendations put forth by external bodies e.g OCI, OAG



Name: Pam Damoff

Other Role(s): Parl. Sec. Indigenous Services

Riding: Oakville North—Burlington

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil.

Year First Elected: 2015

Past Profession: Property developer

Statements on the Issue:

- Interest in improving Women Offender programming to ensure they have skills when released into the community.
- Criticized cuts to Community Correction Liaison Officer programs, done under the



previous government.

- Showed interest in studying how to improve the parole system.
- Interested in studying gender-based violence.

Name: Angelo Iacono

Other Role(s): Nil.

Riding: Alfred—Pellan

Province: Quebec

Preferred Language: French/English

CSC Facilities in Riding: Federal Training Centre

Year First Elected: 2015

Past Profession: Lawyer

Statements on the Issue: Nil

Name: Kamal Khera

Other Role(s): Nil.

Riding: Brampton West

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil.

Year First Elected: 2015

Past Profession: Registered nurse

Statements on the Issue: Supported the appointment process of PBC members.

Name: Joël Lightbound



Other Role(s): Parl. Sec. Public Safety

Riding: Louis-Hébert

Province: Quebec

Preferred Language: French/English

CSC Facilities in Riding: Nil

Year First Elected: 2015

Past Profession: Lawyer

Statements on the Issue:

- Expressed support re: CSC/PBC BOI.
- Supported current PBC appointment process (including increasing ethnic/gender diversity on Boards).
- Supported having discussions with opposition regarding caseloads of Parole Officers.
- Explained that parole criteria has not changed for years.



Name: John McKay

Other Role(s): Chair of SECU

Riding: Scarborough—Guildwood

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil.

Year First Elected: 2004

Past Profession: Lawyer

Statements on the Issue: Interests related to Indigenous people in the federal correctional system



Name: Pam Damoff

Other Role(s): Parl. Sec. Indigenous Services

Riding: Oakville North—Burlington

Province: Ontario

Preferred Language: English

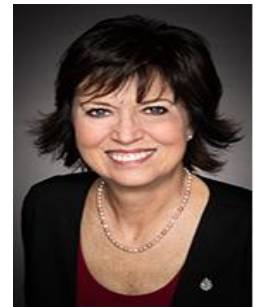
CSC Facilities in Riding: Nil.

Year First Elected: 2015

Past Profession: Property developer

Statements on the Issue:

- Shows a lot of interest in topics related to Correctional Services
- Recently spoke in favor of a study on how to rehabilitate people in prison to ensure offender don't reoffend
- Showed interest in Indigenous women offender
- Recently spoke out on rising numbers of Indigenous and Black Canadians in prison
- Recently showed interest in programming



Name: Angelo Iacono

Other Role(s): Nil.

Riding: Alfred—Pellan

Province: Quebec

Preferred Language: French/English

CSC Facilities in Riding: Federal Training Centre

Year First Elected: 2015

Past Profession: Lawyer

Statements on the Issue:

- Recently asked a question pertaining to COVID-19 measures in prisons



Name: Kamal Khera

Other Role(s): Nil.

Riding: Brampton West

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil.

Year First Elected: 2015

Past Profession: Registered nurse

Statements on the Issue:

- Defended the current appointment process of PBC members
- Recently showed interest in systemic racism and use of force in prison



Name: Joël Lightbound

Other Role(s): Parl. Sec. Public Safety

Riding: Louis-Hébert

Province: Quebec

Preferred Language: French/English

CSC Facilities in Riding: Nil

Year First Elected: 2015

Past Profession: Lawyer

Statements on the Issue:

- Shown interest in issues related to women in federal institutions
- Has asked questions on the prison needle exchange program
- Inquired on the benefits of parole, rehabilitation and reintegration of inmates
- Recently asked a question related to educational programs in prisons

Name: Gagan Sikand

Other Role(s): Member of Library of Parliament

Riding: Mississauga — Streetsville

Province: Ontario

Preferred Language: English

CSC Facilities in Riding: Nil

Year First Elected: 2015

Past Profession: Former Lawyer

Statements on the Issue: Nil

Name: Emmanuella Lambropoulos

Other Role(s): Member of Standing Committee on Industry, Science and
Technology

Riding: Saint-Laurent

Province: Quebec

Preferred Language: English/ French



CSC Facilities in Riding: Nil

Year First Elected: 2015

Past Profession: Former teacher

Statements on the Issue: Nil.

Conservative Party

Name:

Shannon Stubbs

Other Role(s):

Vice-Chair of SECU

Riding:

Lakeland

Province:

Alberta

Preferred Language:

English

CSC Facilities in Riding:

Nil

Year First Elected:

2015

Past Profession:

Senior Consultant for a public relations company

Statements on the Issue:

- Recently spoke out to move the motion to reconvene the study on the circumstances that led to a young women's death
- Recently asked a question pertaining to euthanasia in prisons



Name:

Damien C. Kurek

Other Role(s):

Member of Access to Information, Privacy and Ethics

Riding:

Battle River - Crowfoot

Province:

Alberta

Preferred Language:

English

CSC Facilities in Riding:

Nil

Year First Elected:

2019

Past Profession:

Farmer

Statements on the Issue:

- Showed interest in the Prison Needle Exchange Program



Name:

Glen Motz

Other Role(s):

Member of the National Security and Intelligence Committee of
Parliamentarians

Riding:

Medicine Hat – Cardston - Warner

Province:

Alberta

Preferred Language:

English

CSC Facilities in Riding:

Nil



Year First Elected:

2016

Past Profession:

Inspector

Statements on the Issue:

- Recently spoke out on the Quebec incident
- Showed interest in systemic racism
- Inquired about release of offenders during COVID-19
- Inquired about measure in place in prisons to prevent the spread of COVID-19
- Recently asked questions related to sexual violence and euthanasia in prison

Name:

Tako Van Popta

Other Role(s):

Nil

Riding:

Langley - Aldergrove

Province:

British Columbia

Preferred Language:

English

CSC Facilities in Riding:

Nil

Year First Elected:

2019

Past Profession:

Lawyer

Statements on the Issue:

- Recently spoke in favor of mandatory training for parole officers and members of the Parole Board of Canada
- Recently asked questions pertaining to sexual violence in prisons



Bloc Québécois

Name:

Kristina Michaud

Other Role(s):

Vice-Chair SECU

Riding :

Avignon—La Mitis—Matane—Matapédia

Province:

Quebec

Preferred Language:

French

CSC Facilities in Riding:

Nil

Year First Elected:

2019

Past Profession:

Former communications professional

Statements on the Issue:

- Recently spoke out on the Quebec Incident
- Recently spoke in favor of mandatory training for parole officers and members of the Parole Board of Canada
- Recently asked questions on sexual violence in prisons



New Democratic Party

Vice-Chair of Canada-China Relations

Name:

Jack Harris

Riding:

St. John's East

Province:

Newfoundland and Labrador



Preferred Language:

English

CSC Facilities in Riding:

Newfoundland Area Office - Newfoundland and Labrador Community Correctional Centre

Year First Elected:

2008

Past Profession:

Canadian Lawyer and Politician

Statements on the Issue:

- Spoke out on the Quebec Incident and community supervision
- Asked a question pertaining to treatment for addictions in federal prisons
- Asked for statistics on prisoners affected by mental health problems
- Recently showed interest in systemic racism in prisons
- Recently asked questions related to sexual coercive violence in prisons

7. June 9th – SECU Committee Meeting (Unrevised Transcript – Witness Testimony Only)

The Chair: We are back. I'll ask Ms. Latimer to speak for her seven minutes, and then Mr. Wilkins for his seven minutes. We'll see where that leaves us as far as members asking questions is concerned. Ms. Latimer, you have seven minutes, please.

Ms. Catherine Latimer (Executive Director, John Howard Society of Canada): Thank you, Chair, and committee members. It's good to be here. There are very few words to describe the current state of corrections in Canada today. Crisis, lawless, unaccountable and tragic would be some of them. In my 30 years as a lawyer I have never seen failings of this magnitude. Let's start with COVID. In March 2020, CSC assured stakeholders that it was "prepared to handle any cases of influenza or other respiratory illness, such as COVID-19." Reliance on its influenza strategy soon proved no match for a virus that we knew was far more contagious and deadly than the flu. Epidemiologists from around the world were calling for the safe depopulation of prisons, particularly for those who were medically vulnerable, but this did not happen in the federal corrections system. Instead, CSC chose to combat COVID with extreme isolation: no activity, no family, no books, no programming, no contact—complete isolation. Inadequate consideration was given to the severe mental health impacts these lockdowns have caused. CSC might claim that these measures were required by public health officials, but ultimately CSC was the decision-maker, and it should have known that Canadian courts have found that this type of extreme, cruel isolation violates prisoners' rights and is prohibited by international human rights documents. While CSC assured us that everything was under control, its own records show quite the opposite. December 2020 correspondence from the warden at Saskatchewan Penitentiary showed that prisoners had suicide and starvation pacts.

Correctional officers kept COVID-positive prisoners in the general population and simply hung flammable shower curtains around their cells to separate them from non-COVID prisoners. This was a formula for spreading the virus. On December 24, the same institution said, "The health and safety of our employees, offenders, and the public remains our top priority during this public health pandemic." Further inconsistencies are revealed in internal documents, from wardens telling correctional officers to ignore the advice of health authorities, to wardens telling prisoners that correctional officers do not need to wear masks. We have lots of documented inconsistencies that we would be happy to share.

Prisoners were generally not consulted about what steps should be taken to protect their health. When protests arose, usually about correctional officers failing to wear PPE, significant force was brought to bear: concussion grenades in one case and rubber bullets in another. The correctional investigator, Ivan Zinger, in his second update on COVID in June 2020, stated, "Some of these restrictions reach beyond measures or controls contemplated in either domestic or international law. Public health emergencies must be managed within a legal framework. Rights need to be respected and re-stored." I agree with Dr. Zinger. Rights were violated and legal limits were exceeded in CSC's approach to the pandemic. In the end, COVID-19 technically decimated the federal prison population, with more than 10% contracting the disease, six deaths and unquantified enduring health complications. The Liberal Party made a commitment, a campaign commitment, to implement Ashley Smith's coroner's recommendation, which included limiting solitary confinement to 15 days. In 2018, administrative segregation was ruled unconstitutional in Canada as violating charter rights. In 2019, we were told that abusive solitary confinement had ended and was being replaced by structured intervention units, where prisoners would be out of their cells for four hours a day with two hours of meaningful human contact.

As we learned from Dr. Doob and Dr. Sprott, this is not happening. Among the significant problems that have been identified, the structured intervention units are not delivering the measures the government promised they would, and 10% of the placements in structured intervention units experience the same prolonged solitary confinement condition that the courts found violated charter rights that are defined in international human rights documents as a form of torture. Yes, Canadians are being tortured by state officials. Minister Blair accepted these findings before this committee, yet the government has not directed CSC to stop placing people in solitary confinement for more than 15 consecutive days. Section 4 of the Department of Justice Act requires the Minister of Justice to see that the administration of public affairs is consistent with the laws. The Department of Justice has lost litigation in class action lawsuits on the basis that prolonged solitary confinement violates prisoners' charter rights. • (1845) The publication of the Doob and Sprott report last February should have signalled to the Minister of Justice or his staff that CSC was not administering public affairs in a manner consistent with the charter. He has not acted on his statutory obligations. This tolerance for the torture of Canadian prisoners should shock the conscience of us all and needs to stop immediately.

I'm delighted that the committee has agreed that the disclosures from CSC that are required will be made public. There is a profound public interest to know how this dire situation arose and has been allowed to persist: why 44% of SIU prisons are indigenous and 18% are Black; why Canada chooses to ignore international human rights standards, like the Nelson Mandela Rules, yet calls on other countries, like China, to respect those rules in relation to the treatment of the two Michaels; whether, as many feared, the SIUs are simply solitary confinement renamed, as the commissioner herself said in response to the Doob and Sprott finding of torture in the SIUs. She said, "I always stress with staff the importance of speaking of structured intervention units and not administrative segregation/solitary confinement."

Whatever it is labelled, wherever it is occurring in the federal correction system, keeping prisoners in their cells for more than 22 hours without meaningful human contact is solitary confinement, and such confinement for more than 15 days is prohibited as a form of torture and a charter violation. It must end. I know I'm running short on time so I'm going to be quick.

The Chair: You have 30 seconds, please.

Ms. Catherine Latimer: Regarding violence, images are more powerful. I would encourage everyone to take a look at the recently released video of the Black prisoner who was assaulted at Millhaven institution. I'd be happy to answer any questions on that. In conclusion, the failure of the Correctional Service of Canada to respect the spirit of the charter and the findings against prolonged solitary confinement and the international minimum standards that prohibit the form of confinement is shocking. While this confinement has been worsened by COVID, not even a pandemic can justify the rights abuses we have seen over the last year. I hope this committee will support the public's petition for a judicial inquiry into this fiasco which the government is required to answer by June 26. Thank you.

The Chair: Thank you, Ms. Latimer. Mr. Wilkins, you have seven minutes, please.

Mr. Jeff Wilkins (National President, Union of Canadian Correctional Officers): Thank you and good evening, Mr. Chair and the members of this committee. I'm Jeff Wilkins, the national president for the Union of Canadian Correctional Officers. I'm going to focus my opening statement more on the first part of the what the committee is looking into, and that's the current situation in federal prisons in relation to the Correctional Service response to COVID-19, but

I'm more than happy to answer any questions you may have with regard to the structured intervention units or the reports of sexual coercion and violence in Canadian prisons. I'd first like to express my pride in representing such an incredible group of professionals, the correctional officers of Canada, who have worked through this pandemic with pride, who have sacrificed their own health and safety in their mandate to protect the Canadian public, and who all too often are unrecognized for the vitally important role they play in the criminal justice system. Over the last 15 months, our members have been on the front lines battling this pandemic and performing the duties of all first responder groups.

Arguably, one of the most dangerous occupations in the country is that of a correctional officer, and the global pandemic only increased the danger for our members. While countless public servants were sent home and workplaces were closed, our members continued to don their uniforms and enter the institutions. Over the last 15 months, there have been significant outbreaks within institutions in every region except the Atlantic region. In recent statistics, it is known that there have been approximately 5,000 reported cases of COVID among federal public servants of the core public administration. Correctional officers represent nearly 450 of those cases, meaning that our members represent approximately 10% of the recorded cases of the entire public service. That's interesting when you calculate that our membership represents only 2% of the core public administration. Furthermore, our members were unable to telework, so our rates of infection were, for the most part, a result of work. The waves of this pandemic resulted in a turbulent wake that some institutions are going to feel the effects of for years to come. We saw cases where the workforce of correctional officers was depleted in some of our institutions to about 30%. Forced overtime became a reality for our members in many of our institutions.

The pandemic choked the induction training programs for new correctional officers entering the service, just when that relief was needed. When restrictions began to lift after the first wave, the service scrambled to try to put on as many correctional officer training programs as they could; however, we're still behind, and our members will face another summer where forced overtime will be a reality. UCCO-SACC-CSN was encouraged at the beginning of this pandemic when virtually all provinces moved to strengthen the front lines by providing a hazard allowance, while also creating and promoting morally inspiring messages about those working on the front lines. For those who stepped into the line of fire, it is both important to reward that bravery and to provide messages of thanks, respect and encouragement. Rightfully, front-line workers have been portrayed as heroes across this country, and I would like to highlight to this committee that the members of UCCO-SACCCSN, Canada's federal correctional officers, are heroes as well.