

Correctional Investigator's Analysis of CSC Action Plan in Response to the Report of the Canadian Human Rights Commission (2003)

On February 17, 2005, the Correctional Service of Canada (CSC) issued its responses to the Canadian Human Rights Commission (CHRC) report entitled *Protecting Their Rights, A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women* and released December 2003. What follows is a preliminary analysis of that action plan. This is a working document and will be updated as new information becomes available.

RECOMMENDATION 1

(Accept)

It is recommended that the Correctional Service of Canada develop and implement a needs-assessment process that responds to the needs of federally sentenced women, including Aboriginal women, women who are members of racialized groups and women with disabilities.

CSC Action		OCI Comments
<p>Action</p> <p>At the consultation with stakeholders, CSC further committed that the Research Branch will review the current wording of the DFIA tools.</p> <p>The field test of the revised DFIA at the women's institutions will be conducted over a one- to two-year period. Given the number of admissions annually, to ensure that sufficient data are collected to allow for analysis of results for the various groups identified by the CHRC - Aboriginal, racialized and disabled women - the field test cannot be done over a shorter period. The plan for validation testing for women offenders will be completed for the start date of the field test. The results of the field test will be shared with the CHRC.</p>	<p>Timeframe</p> <p>March 31, 2005</p> <p>Field test: Fiscal Year (FY) 2005-2006 & 2006-2007</p> <p>Results to CHRC: by mid FY 2007-2008</p> <p>Decision: by end of FY 2007-2008</p>	<ul style="list-style-type: none"> - There is a concern that the Research Branch does not employ a women-centered perspective in developing its actuarial tools. As such, development of any new tool is unlikely to take into consideration the unique socio-cultural-historical contexts of diverse women offender populations. - Upon further enquiry, OCI found that none of the "external experts" that were engaged in the development of the DFIA tools had recognized/specialized expertise in women-centered analyses. - Women offenders should be consulted in the development of risk assessment tools. - In sum, if the same theoretical framework continues to be used in the on-going development of CSC's actuarial tools, CSC is very likely to develop tools that will remain discriminatory against women offenders. Consultation

<p>DCW to coordinate review of the <i>Women's Institutions - Offender Intake Assessment Content Guidelines</i>.</p> <p>Related Requirement: Correctional Plans. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations.</p> <p>Contingent on the consent of the women, outside stakeholders will participate in the development of plans for the women currently housed at the Nova Secure Unit as well as two women housed in the Secure Units at EIFW and GVI respectively.</p>	<p>Implementation: FY 2008-2009</p> <p>June 30, 2005</p> <p>By February 28, 2005</p>	<p>with women offenders and drawing from recognized/specialized external expertise are essential steps in the development of a valid risk assessment strategy.</p> <ul style="list-style-type: none"> - Review of the correctional plans seems like a positive step, however, if the same non-contextualized assessment tools continue to be used by the Service, too many women will remain over-classified and over-programmed.
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RECOMMENDATION 2(a)

(Accept in principle)

It is recommended that the Correctional Service of Canada create a security classification tool explicitly for federally sentenced women, one that takes into consideration the low risk posed to public safety by most women, within one year.

CSC Action		OCI Comments
<p>Action</p> <p>Gender-informed initial security classification tool:</p> <p>CSC will proceed with the development of a gender-informed initial security classification tool by external expert(s). This is a multi-year project, not only because of the complexity of development but also the need for a lengthy field test to gather enough data given the relatively few women admitted each year.</p> <p>Gender-informed reclassification tool:</p> <p>Field testing of the gender-specific SRSW is complete. The tool has been finalized for external review. The external review occurred in mid-January 2005. The results will be presented to the CSC Executive Committee for decision on next steps.</p>	<p>Timeframe</p> <p>Request for proposal: March 31, 2005</p> <p>Research design: FY 2005-2006</p> <p>Field test: FY 2006-2007 & 2007-2008</p> <p>CSC decision: FY 2008-2009</p> <p>Implementation: FY 2009-2010</p> <p>External review: mid-January 2005</p> <p>Results to Executive Committee: March 2005</p> <p>Implementation: FY 2005-2006 As soon as the scale is implemented</p>	<ul style="list-style-type: none"> - Same concerns as discussed in Recommendation 1. - The timeframe recommended by the CHRC was to have this task completed within one year (December 2004). The Service expects to fully implement the new tool by FY 2009/10. Moreover, the Service publicly committed to undertaking this activity 6 months ago, yet the first step (the Request for Proposal) has still not been completed. - The SRSW was recently reviewed externally; however, none of the experts had recognized/specialized expertise in conducting women-centered correctional research.

<p>Related Requirement: Review and analyse the impact of the correctional environment on women offender risk and needs. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations. CSC committed to initiating an exploration of how to assess the impact of the correctional environment on women offender needs and level of risk.</p> <p>a) As a first step, CSC will develop a climate indicator and profiling model for women's institutions. This is a multi-year project, which will require 2 or 3 years of data collection, consultation and analysis.</p> <p>b) Recognizing the potential impact of the institutional environment on offender behaviour, CSC will invite academic institutions to pursue with their graduate students the framing of possible methodologies specifically for women's institutions.</p> <p>Related Requirement: Review of classification level of max women. This related issue was identified during the CSC stakeholder consultation on the CHRC recommendations.</p> <p>The Wardens of the women's institutions will ensure that the case of each woman assigned a max classification is reviewed and that the behavioural and management expectations in support of a safe reduction in her classification are clearly identified.</p>	<p>Preliminary model to be completed in FY 2007-2008</p> <p>Letter to academic institutions by March 31, 2005</p> <p>December 2004-March 2005</p> <ul style="list-style-type: none"> - The first step of this initiative (developing climate indicator and profiling model) is critical as it will impact on all of the next steps for this research. The concern is that if the basis is flawed, so will be the research results. A women-centered perspective is essential. - It is important that the Service engage academics that work within a women-centered perspective in order to properly inform the research project. - This activity is almost completed; however, there are still concerns that the tools that are being used to assess the women's security classification are the very same tools that classified these women as maximum security in the first place.
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RECOMMENDATION 2(b)

(Accept in principle - Joint action with Public Safety and Emergency Preparedness Canada)

It is recommended that the Correctional Service of Canada commission an independent study of the possible discriminatory impact of section 17(e) of the Corrections and Conditional Release Regulations on federally sentenced offenders with disabilities.

CSC Action		OCI Comments
<p>CSC proposes to jointly conduct with PSEPC an exploratory review of the impact of paragraph 17(e) on a sample of women offenders, which will complement the audit on accommodation of disabilities.</p>	<p>Project plan: March 1, 2005</p> <p>Draft report: December 30, 2005</p> <p>Final report: March 31, 2006</p>	<ul style="list-style-type: none"> - The CHRC recommended an <u>independent</u> study. However, the CSC has decided to reject this essential aspect of the recommendation. It is unclear whether the CSC or PSEPC have the internal capacity and the required expertise to conduct this review – especially within the given timeframes.
<p>CSC will ensure that the scope of work for the development of the gender-informed initial security classification tool referenced under 2(a) above specifies that the tool must respond to this as well as all other elements of the legislative frame.</p>	<p>See 2(a) above</p>	<ul style="list-style-type: none"> - In absence of an independent study as recommended by the CHRC, it is unclear how the Service will objectively determine its legal compliance.
<p>Complete the two human rights audits: Privacy and Access to Information and Accommodation of Disabilities.</p>	<p>By March 2006 (refer to recommendation 18)</p>	

RECOMMENDATION 2(c)(i)

(Accept - To action when tool is implemented)

It is recommended that the Correctional Service of Canada act immediately to address the issues concerning the disproportionate number of federally sentenced Aboriginal women classified as maximum security by immediately reassessing the classification of all Aboriginal women currently classified as maximum security using a gender-responsive reclassification tool.

CSC Action		OCI Comments
<p>Action</p> <p>The SRSW will be used, when implemented in FY 2005-06, to reassess the security classification of all maximum-security Aboriginal women on a priority basis.</p> <p>See also the related requirement response under recommendation 2(a) respecting the immediate review of all maximum-security women.</p>	<p>Timeframe</p> <p>Upon implementation of the SRSW</p>	<ul style="list-style-type: none"> - The CHRC recommended that the CSC acts on this issue <u>immediately</u>. However, the CSC has given an imprecise timeframe (in the next 15 months) for acting on this recommendation. It should be noted that the CHRC report was released back in December 2003. - It is not clear whether the SRSW was developed using a women-centered theoretical framework. Therefore, there is a concern that this new tool may also be discriminatory and result in over-classification of women.

RECOMMENDATION 2(c)(ii)

(Do not accept)

It is recommended that the Correctional Service of Canada act immediately to address the issues concerning the disproportionate number of federally sentenced Aboriginal women classified as maximum security by changing the blanket policy of not allowing maximum security women at the Healing Lodge to a policy that is based on individual assessment.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will implement a “healing lodge readiness” assessment process as a pilot project. The proposed preliminary parameters are:</p> <ul style="list-style-type: none"> • the development of a “healing lodge readiness” framework. • an annual case by case review of maximum-security Aboriginal women involving OOHl staff and champions, the Elders, the Aboriginal liaison officer and case management staff from the Secure Unit where the woman resides. • Results will be used by the Kikawinaw (warden) and the OOHl champion at each regional institution to recommend to the institutional head, the suggested programs/interventions, which will assist 	<p>Timeframe</p> <p>Healing Lodge readiness assessment frame: April 30, 2005</p> <p>Implementation: May 31, 2005</p> <p>Evaluation / review: September 2006</p>	<ul style="list-style-type: none"> - This recommendation was rejected. - It is notable that Madame Justice Arbour also made this recommendation in her landmark report in 1996. - The OCI is concerned that a “healing lodge readiness” framework may be discriminatory and considered paternalistic. The OCI believes that women, themselves, should decide whether they are ready to heal. It would be unlikely that the Service would develop a similar process for non-Aboriginal Christian women designed to assess whether they were ready to heal and whether they would be granted access to spiritual and religious programs. - Gaining access to the Lodge is already extremely difficult, and the OCI believes that a new readiness framework may make transfers to Healing Lodges even harder. - Case-by-case reviews will be difficult to conduct unless more resources are committed by the Service.

those women who are considered not ready or, for women considered ready, a re-classification of the woman and a transfer to the OOHL.

Elders and Aboriginal liaison staff in the women's facilities are already unable to meet the basic spiritual demands of women in the max units. Additional responsibilities require additional resources.

- Given that the CSC is getting ready to transfer control of the Lodge to the Nakaneet band, will any of these activities actually take place?

RECOMMENDATION 3

(Under Review)

It is recommended that Policy Bulletin No. 107, which requires offenders serving a minimum life sentence for first or second degree murder to be classified as maximum security for at least the first two years of federal incarceration, be rescinded immediately in favour of fair and balanced individual assessment.

CSC Action		OCI Comments
<p>Action</p> <p>This is a corporate policy issue that is currently being reviewed.</p> <p>Pending completion of the CSC review of the policy, all cases of newly admitted women subject to Policy Bulletin 107 will automatically be reviewed by the DCW (there have been 2 reviews to date). The Office of the Correctional Investigator (OCI) will be advised as those cases arise.</p>	<p>Timeframe</p> <p>Ongoing</p>	<ul style="list-style-type: none"> - The OCI agrees with the CHRC that the 2 year policy is illegal and should be rescinded immediately. - No timeframe has been provided for this activity. - Reviews of newly admitted women subject to Policy Bulletin 107 are being completed by the DCW. However, the “re-assessments” are being conducted using the same tools that have been shown to be discriminatory. Therefore, this initiative may not have any real practical impact.

RECOMMENDATION 4

(Under consideration)

It is recommended that the Correctional Service of Canada implement a pilot needle exchange program in three or more correctional facilities, at least one of which should be a women's facility, by June 2005. The results of the pilot project should be monitored, disclosed and assessed within two years.

CSC Action		OCI Comments
<p>Action</p> <p>CSC is committed to the continuous improvement of its application of the National Drug Strategy. CSC is working closely with Canadian public health agencies to ensure that harm reduction measures proposed, such as the needle exchange program, are applicable to a correctional environment.</p>	<p>Timeframe</p> <p>Consultation with Canadian public health agencies in winter 2004 / spring 2005</p>	<ul style="list-style-type: none"> - This recommendation has, essentially, been rejected. The rates of infectious diseases are drastically higher in prison than those found in the community. The rates are also much higher in the women offender population than the male offender population. A harm-reduction strategy that includes a needle exchange program is required to prevent the further spread of infectious (and sometime deadly) diseases. Such a strategy will prevent the release of newly infected women offenders in the community. The Ontario Medical Association recently endorsed the report of the Canadian HIV/AIDS Legal Network which calls for needle exchange programs in prisons and jails across the country. - It is unclear whether the pilot will be externally evaluated. - The Service should conduct an evaluation sooner than FY 2007/08.
<p>CSC is implementing the Safer Tattooing Practices Initiative pilot. A women's institution is part of the pilot. Once the evaluation results are available, CSC will consider next steps in harm reduction initiatives.</p>	<p>Implementation: FY 2005-2006 until end of FY 2007-2008 Evaluate: FY 2007-2008</p>	

RECOMMENDATION 5(a)

(Accept)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz the National Operational Protocol — Front Line Staffing be made into a formal policy in the form of a Commissioner's Directive or Standard Operating Procedure.

CSC Action		OCI Comments
Action The <i>National Operational Protocol — Frontline Staffing</i> is being finalized as a policy document. There will be consultation, which will include stakeholders.	Timeframe Consultation on draft policy: March 2005 Promulgation: September 2005	<ul style="list-style-type: none">- The OCI does not support the use of men as front-line staff in women's prisons.- The OCI has yet to be consulted on this draft Policy.- Will women offenders be also consulted?

RECOMMENDATION 5(b)

(Accept in part)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz that the ten day Women-Centered Training be mandatory for everyone who works in a women's facility.

CSC Action		OCI Comments
Action CSC will maintain the current process, whereby staff in the women's institutions are provided the WCTP training in accordance with the NTS.	Timeframe Complete	- Complaints of harassment and discrimination against both front-line staff and non-front-line staff remain a serious OCI concern. Given the impact on women offenders, the 10-day training should be mandatory.

RECOMMENDATION 5(c)

(Accept in part)

It is recommended that the CSC take immediate steps to ensure the National Operational Protocol — Front Line Staffing be strictly respected, viz that a refresher course on the Women-Centered Training for Correctional Service front-line staff be offered annually.

CSC Action		OCI Comments
Action A one-day refresher training program for staff working on the frontline in women's institutions to be delivered every second year will be developed and implemented in FY 2005-2006.	Timeframe Develop and implement a one-day refresher program: FY 2005-2006	<ul style="list-style-type: none">- Given the situation observed at women facilities, the CHRC recommended <u>annual</u> training.- It is uncertain if the Service will have the resources to develop and implement the refresher program during FY 2005/06.

<p>inmate Consultation:</p> <p>In addition to the MCF process, the DCW or a senior manager will meet annually with the Inmate Committees at the regional institutions to review and discuss compliance issues with respect to the <i>National Operational Protocol</i>; results and corrective action, if required, will be discussed and resolved with the wardens individually and as a group.</p>	<p>Ongoing: commencing in FY 2005-2006</p> <p>- Inmate consultation on these issues will be invaluable; however, the Service will need to properly consult with the inmate committees. In the past, inmate committee chairpersons have been asked for input on various, complex topics, but they have not been given adequate time to prepare or to respond, and they have never received any feedback on their input. The Committees should be notified several weeks in advance to ensure that they are provided sufficient time to adequately respond.</p>
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RECOMMENDATION 6(a)

(Under review - Joint with PSEPC)

It is recommended that the Correctional Service of Canada implement independent adjudication for decisions related to involuntary segregation at all of its regional facilities for women. The impact of independent adjudication on the fairness and effectiveness of decision making should be assessed by an independent external evaluator after two years.

CSC Action		OCI Comments
Action Independent adjudication is outside the current legislative framework. However, CSC and PSEPC will jointly develop options.	Timeframe summer 2005	<ul style="list-style-type: none">- The OCI agrees with the CHRC on this issue. Independent adjudication is necessary to ensure fair decision-making and legal/policy compliance.- Although independent adjudication has been recommended for many years (e.g., Jackson 1983, 2002, Arbour 1996, Yalden 1997, Parliamentary CCRA Sub-Committee 2000, CHRC, 2003), the Service has failed to implement this important recommendation.

RECOMMENDATION 6(b)

(Accept in principle)

It is recommended that Segregation Advisory Committee for Women’s Institutions should be created with membership from both within and outside the Correctional Service, including representatives of Aboriginal communities.

CSC Action	OCI Comments						
<table border="0"> <tr> <td data-bbox="205 602 296 630">Action</td> <td data-bbox="877 602 1020 630">Timeframe</td> </tr> <tr> <td data-bbox="205 651 863 1073"> <p>The DCW will establish a pilot project for the case by case review of all women in segregation over 30 consecutive days, and all women whose cumulative stay in segregation exceeds 60 days over a one-year period. The DCW will establish a committee with an external representative to conduct such reviews a minimum of twice per year over the next two years. The mandate for the committee must be within the current legislative frame. To ensure an appropriate period for evaluation, given the few long-term and/or repeated segregation cases, the pilot will operate for at least two years prior to evaluation. The results will be reported to CSC’s Executive Committee with recommendations for next steps.</p> </td> <td data-bbox="877 651 1066 1008"> <p>Committee mandate and membership by April 30, 2005</p> <p>Conduct reviews: FY 2005-2006 and 2006-2007</p> <p>Report: June 2008</p> </td> </tr> <tr> <td data-bbox="205 1094 863 1333"> <p>The DCW will examine in detail cases from FY 2002-2003 and FY 2003-2004, which fall under the parameters described above, in order to compile a list of reasons for segregation, alternatives tried to avoid segregation, and steps taken, which resulted in the women leaving segregation. This review will be shared with the review committee referenced above as background to facilitate their work.</p> </td> <td data-bbox="877 1094 1066 1154"> <p>Report by May 31, 2005</p> </td> </tr> </table>	Action	Timeframe	<p>The DCW will establish a pilot project for the case by case review of all women in segregation over 30 consecutive days, and all women whose cumulative stay in segregation exceeds 60 days over a one-year period. The DCW will establish a committee with an external representative to conduct such reviews a minimum of twice per year over the next two years. The mandate for the committee must be within the current legislative frame. To ensure an appropriate period for evaluation, given the few long-term and/or repeated segregation cases, the pilot will operate for at least two years prior to evaluation. The results will be reported to CSC’s Executive Committee with recommendations for next steps.</p>	<p>Committee mandate and membership by April 30, 2005</p> <p>Conduct reviews: FY 2005-2006 and 2006-2007</p> <p>Report: June 2008</p>	<p>The DCW will examine in detail cases from FY 2002-2003 and FY 2003-2004, which fall under the parameters described above, in order to compile a list of reasons for segregation, alternatives tried to avoid segregation, and steps taken, which resulted in the women leaving segregation. This review will be shared with the review committee referenced above as background to facilitate their work.</p>	<p>Report by May 31, 2005</p>	<ul style="list-style-type: none"> - It’s not clear exactly what this committee will be doing other than “reviewing cases”. The CHRC recommended the creation of an “advisory committee,” which suggests that CSC would gain by receiving (outside) advice on broad segregation-related matters. - The CSC has interpreted the CHRC’s recommendation as requiring only one external representative on the Committee. Moreover, the selection criteria for the external representative are unknown. There is no mention of Aboriginal representation on the Committee, despite the fact that long-term segregation is primarily affecting Aboriginal women. - The 3 women’s prisons that have had long-term segregation cases (EIFW, GVI and RPC) are limited in their segregation alternatives due to lack of space and resources. How will “reviewing these cases” change this reality? - The 3-plus years timeframe to complete this work appears unreasonable lengthy. - The committee should specifically be required to consult with women offenders.
Action	Timeframe						
<p>The DCW will establish a pilot project for the case by case review of all women in segregation over 30 consecutive days, and all women whose cumulative stay in segregation exceeds 60 days over a one-year period. The DCW will establish a committee with an external representative to conduct such reviews a minimum of twice per year over the next two years. The mandate for the committee must be within the current legislative frame. To ensure an appropriate period for evaluation, given the few long-term and/or repeated segregation cases, the pilot will operate for at least two years prior to evaluation. The results will be reported to CSC’s Executive Committee with recommendations for next steps.</p>	<p>Committee mandate and membership by April 30, 2005</p> <p>Conduct reviews: FY 2005-2006 and 2006-2007</p> <p>Report: June 2008</p>						
<p>The DCW will examine in detail cases from FY 2002-2003 and FY 2003-2004, which fall under the parameters described above, in order to compile a list of reasons for segregation, alternatives tried to avoid segregation, and steps taken, which resulted in the women leaving segregation. This review will be shared with the review committee referenced above as background to facilitate their work.</p>	<p>Report by May 31, 2005</p>						

RECOMMENDATION 6(c)

(Accept)

It is recommended that the Correctional Service should examine alternatives to long-term segregation for women offenders, in consultation with external stakeholders.

CSC Action		OCI Comments
Action CSC proposes to establish the advisory committee referenced under 6(b) above as a pilot project. The results from the pilot will be used to frame next steps/ further discussions.	Timeframe Refer to 6 (b) above.	- See comments for recommendation 6 (b) above.

RECOMMENDATION 7

(Accept in principle)

It is recommended that the Correctional Service of Canada consider the needs and low risk of minimum and medium security women inmates in the construction of additional facilities for women.

CSC Action		OCI Comments
Action In accordance with existing CSC planning practices and processes, the assessed risk/needs of women offenders will continue to form the basis for future plans to renovate or expand existing institutions. CSC will continue to conduct research, review external research, and consult with stakeholders to broaden its understanding of the risk/needs of women offenders. These findings will be used to reassess and adjust the accommodation and operational designs and intervention strategies that are most effective in responding to those needs.	Timeframe	<ul style="list-style-type: none">- This CSC Response does not accurately reflect the issue at hand. There is no discernable difference between the minimum and medium security beds in the women's regional facilities. Minimum security women are discriminated against when compared to their male counterparts. Any expansion needs to take into consideration this discriminatory reality.- OCI recommends that the Isabel McNeill House (only minimum women facility in Canada) remains open and run at full capacity. There are 10 beds but only 3-4 are filled at any given time.

RECOMMENDATION 8(a)

(Accept)

The Commission recommends that the Correctional Service of Canada ensure that the revised program strategy for women acknowledges that some of women's criminogenic factors are unique.

CSC Action	OCI Comments						
<table border="0"><thead><tr><th data-bbox="205 602 911 630">Action</th><th data-bbox="947 602 1129 630">Timeframe</th></tr></thead><tbody><tr><td data-bbox="205 651 911 769">The revised <i>Program Strategy for Women Offenders</i> (2004) describes the current state of knowledge and research with respect to women's criminogenic factors, including those unique to women. It is available on the CSC website.</td><td data-bbox="947 651 1129 678">Complete</td></tr><tr><td data-bbox="205 813 911 867">The strategy will be updated periodically to reflect the implications of new research.</td><td data-bbox="947 786 1129 813">Ongoing</td></tr></tbody></table>	Action	Timeframe	The revised <i>Program Strategy for Women Offenders</i> (2004) describes the current state of knowledge and research with respect to women's criminogenic factors, including those unique to women. It is available on the CSC website.	Complete	The strategy will be updated periodically to reflect the implications of new research.	Ongoing	<ul style="list-style-type: none">- This <i>Strategy</i> should be revised to take into consideration the findings of the 2003 CHRC report. The strategy should be informed by the unique social-cultural-historical factors impacting women.
Action	Timeframe						
The revised <i>Program Strategy for Women Offenders</i> (2004) describes the current state of knowledge and research with respect to women's criminogenic factors, including those unique to women. It is available on the CSC website.	Complete						
The strategy will be updated periodically to reflect the implications of new research.	Ongoing						

RECOMMENDATION 8(b)

(Accept)

The Commission recommends that the Correctional Service of Canada develop and implement gender-responsive programming that addresses the full range of women’s criminogenic factors.

CSC Action		OCI Comments
<p>Action</p> <p>As the majority of women in federal custody have committed crimes of violence, a violence prevention strategy unique to women offenders is being explored</p>	<p>Timeframe</p> <p>Proposed strategy: FY 2005-2006</p>	<ul style="list-style-type: none"> - This response does not respond to the CHRC recommendation. The issue here is that women do not currently have adequate access to gender-responsive programming in prison. Due to a lack of human and financial resources, the programs that are currently being offered are very limited in scope, are only offered within certain contexts, and are often untimely. This is particularly true for Aboriginal women’s programming and programs for maximum-security women. In addition, very few programs have actually been thoroughly evaluated. - Regarding the violence prevention strategy, the CSC first needs to conduct exploratory research in order to gain a better understanding of the socio-cultural-historical context within which women’s violence occurs. This would be best undertaken by an independent researcher with experience in women-centered participatory action research. This information could then be used to inform the new strategy.

<p>Related Requirement: Accreditation of women's programs was raised during the CSC stakeholders consultation on the CHRC recommendations.</p> <p>As the need to consider accreditation of women's programs arises in the future, discussion will occur with stakeholders.</p>	<ul style="list-style-type: none">- Despite stating that it has accepted this CHRC recommendation, CSC has not actually committed to developing a new violence prevention strategy. CSC has only committed to "exploring" the issue.- Given the unique contextual factors related to women's criminalization, women offenders require a more individualized approach to addressing their needs (see e.g., <i>Creating Choices</i>). Accredited programs will need to reflect this approach.
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RECOMMENDATION 9

(Accept)

The Commission recommends that the Correctional Service of Canada bring a gender focus to its employment and employability programming for federally sentenced women, including the development of job opportunities in the community.

CSC Action		OCI Comments
Action	Timeframe	
The Employability Skills Program pilot will be evaluated and a decision made on expansion to all the women's institutions by Executive Committee in FY 2005-2006.	fall 2005	<ul style="list-style-type: none"> - Unfortunately, CSC's institutional employment primarily consists of cleaning, grounds maintenance, and under-wear making. Also, while the women may be paid as if they are working full-time, many women complete their work in less than 1 hour per day. Maximum-security women have even less opportunities. - Every women's facility is cramped for space. Unless the Service is planning to increase physical space, it is nearly impossible to bring in any type of meaningful and useful in-house training into the women's facilities (e.g., a CORCAN operation). - The statistic that 600 third-party certificates were recently earned by women offenders is somewhat misleading. Many of these certificates were primarily earned for very short certificate programs (a few days) such as First Aid, CPR, Basics in Food Safety and WHMIS. According to CSC's own documents, only a very small percentage of the women that received these certificates find employment related to those certificates. - It should also be noted that the CSC completely underutilizes work releases in all of their women's facilities. This is an inexpensive avenue that could provide minimum-security women with real work
Complete the employment needs survey.	March 31, 2005	
Develop a National Employment Strategy for Women Offenders.	FY 2005-2006	
Facility plans will be developed, in response to the approved National Employment Strategy for Women Offenders, and incorporated into the CSC Capital Plan. The timing and funding of any related improvements will be in accordance with established priorities and budgets.		

	<p>experience in the community.</p> <ul style="list-style-type: none">- The Employment Needs Survey is a good initiative. However, already several issues have been raised: (1) women have complained that they were asked for input, but that they were only given 2 days to provide feed-back on the questionnaires; and (2) it isn't clear whether this survey takes into account the unique socio-cultural experiences of Aboriginal women and their various views regarding mainstream employment/work ethics.- The OCI is supportive of a National Employment Strategy for Women. However, the strategy will only achieve its goals if appropriate resources and additional space are provided.
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RECOMMENDATION 10

(Accept)

It is recommended that, based on common guidelines, an action plan for each region should be developed to ensure that the Correctional Service of Canada meets the need for accommodation for federally sentenced women on community release. The plan should include home placement agreements, satellite apartments and other options that would permit women on conditional release to be housed with their children.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will monitor the regional action plans and explore alternative accommodation options for women, such as private home placements (PHP).</p>	<p>Timeframe</p> <p>Ongoing.</p>	<ul style="list-style-type: none"> - The Service is not currently meeting the needs for accommodation for FSW on community release; especially in the Pacific and Maritimes regions. Monitoring and exploring options do not address the CHRC's recommendation to meet the pressing needs for accommodation of federally sentence women. - The CSC expects community-based organizations and private citizens to provide more beds for women, yet CSC committed no new financial resources to assist in this undertaking. - Offering training to staff in community-based residential facilities has the potential of opening up these facilities to more women with mental health disorders, but it will not address the problem of the shortage of beds. Also, the training is 2 years away.
<p>To assist in meeting the challenge for women with serious mental health disorders, CSC will offer training in mental health issues to community-based residential facility staff over FY 2005-2006 & 2006-2007.</p>	<p>FY 2005-2006; 2006-2007</p>	
<p>The DCW will coordinate the delivery of information sessions on PHP for women offenders in major releasing areas, based on the PHP Program successes in Edmonton.</p>	<p>FY 2005-2006</p>	

RECOMMENDATION 11(a)

(Accept)

It is recommended that the Correctional Service of Canada continue to take steps to ensure greater continuity between programs offered in the institution and those offered in the community. The community programming phase of the Woman Offender Substance Abuse Program may provide a good model for doing so and should be monitored.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will ensure the continuity factor is assessed in the WOSAP evaluation.</p> <p>Discuss this issue at the planned federal /provincial/territorial Heads of Corrections sub-committee meeting with a focus on identifying areas for joint initiatives.</p>	<p>Timeframe</p> <p>WOSAP evaluation: FY 2005-2006</p> <p>spring / summer 2005</p>	<ul style="list-style-type: none"> - There is a lack of continuity between ALL programs offered in prison and those offered in the community. The Service needs to focus on preparatory release requirements for successful transitions from prison to community settings. - Offering to assess the continuity factor in the WOSAP evaluation does little to improve significant systemic barriers.

RECOMMENDATION 11(b)

(Accept in part)

It is recommended that the Correctional Service of Canada offer more assistance to women on conditional release, particularly through employment counselling and child care.

CSC Action		OCI Comments
Action CSC will promote the value of the employment centres with parole officers to increase the number of referrals. CSC's legislative mandate does not extend to child care; child care is a provincial jurisdictional issue. However, CSC does play a liaison role and, therefore, will issue a document on <i>Mothers and Children in the Community</i> to provide direction to staff working with women who have children.	Timeframe Ongoing Consultation on draft document: September 2005	<ul style="list-style-type: none">- Employment centres may not always be responsive to the needs of women offenders. More referrals alone will unlikely increase the rate of employment of women offenders. More assistance is needed such as ensuring child care is available for women wishing to attend the employment centres.- The selection of the writer and the consultation process will be critical to the success of the document entitled "Mothers and Children in the Community."

RECOMMENDATION 12(a)

(Accept)

It is recommended that federally sentenced women be provided with an opportunity to consult with an Elder before finalizing their correctional plans. With the agreement of individual women, Elders should play a key role throughout case management and release planning.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will consult through the National Elders Working Group, the Aboriginal Advisory Board and the IFC to obtain their advice and ideas for further action to formalize and enhance their role in case management. Results of the consultation and recommendations for policy and process changes will be submitted to the Executive Committee by the end of FY 2005-2006.</p> <p>In the interim, CSC will pilot in a women's institution, a formalized case management process whereby prior to sign-off by the woman offender, she is asked if she would like to take her plan and consult with the Elder and/or the Native liaison officer and/or Chaplain. The woman's decision would be noted in the file and, if she chooses to consult, a reasonable timeframe and follow-up process would be established and documented in the file.</p>	<p>Timeframe</p> <p>Consultation: FY 2005-2006</p> <p>FY 2005-2006</p>	<ul style="list-style-type: none"> - Most women's facilities do not have a full-time Elder or an Aboriginal liaison, so providing direction/consultation on correctional planning will be extremely difficult without committing new resources. - Currently, if a woman is dissatisfied with her correctional plan, there is very little she can do to successfully challenge it. It is not clear whether Elder consultation will actually result in improved offender satisfaction and better correctional plans. - The timeframe for policy and process changes (end of FY 2005-2006) is unreasonable long given the straight forward nature of this recommendation.

RECOMMENDATION 12(b)

(Accept)

It is recommended that in partnership with Aboriginal communities and organizations, the Correctional Service of Canada should review the use of section 84 of the Corrections and Conditional Release Act, identify barriers to its use, and create and implement an action plan to encourage its use for federally sentenced women. Progress should be reviewed and reported within one year.

CSC Action		OCI Comments
<p>Action</p> <p>The upcoming ACDO meeting will be held at OOHL and will focus on the development of sustainable strategies to enhance the use of Section 84 agreements for Aboriginal women offenders. The outcomes of this meeting will be reflected in the new National Aboriginal Strategy.</p> <p>The DCW in collaboration with the Aboriginal Initiatives Branch will review the Section 84 agreements negotiated/active in FY 2003-2004 and FY 2004-2005 to identify concepts and best practices to share with all wardens and districts supervising Aboriginal women offenders on release.</p> <p>Related Requirement: Enhanced information sharing at intake. This related issue was identified during the CSC stakeholders consultation on the CHRC recommendations.</p> <ul style="list-style-type: none"> CSC will enhance information sharing for women offenders on Section 84 provisions during intake. Wardens of women's institutions will report to the DCW by March 31, 2005 on the process enhancements put in 	<p>Timeframe</p> <p>Consultation on National Aboriginal Strategy: spring / summer 2005</p> <p>September 2005</p> <p>Report to DCW: by March 31, 2005 Distribution: by March 31, 2005</p>	<ul style="list-style-type: none"> The Service cannot expect to increase the number of section 84 agreements without committing financial resources geared toward building community capacity within interested Aboriginal communities. The section 84 process is currently administratively too complex and cumbersome. Women complain of having to navigate this process with little support from the Service and they often withdraw their application before it is completed. Note that the Service has already missed the one-year deadline (imposed by the CHRC) to review and report back on progress with s. 84 agreements. CSC's response does not include specific milestones, deadlines, and timeframes for progress reports. Recommendation 12 (a) and (b) are consistent with Justice Arbour's 1996 recommendations concerning Aboriginal women.

place at their respective institutions.

- CSC is developing and will distribute to staff, offenders and the Aboriginal community a new document entitled *Section 84 of the Corrections and Conditional Release Act Release Planning Kit*, which will provide information on release options.

RECOMMENDATION 13

(Accept)

It is recommended that the Correctional Service of Canada consider whether its current organizational structure optimizes its capacity to ensure consistent human rights compliance in women’s facilities, and that it develop an enhanced functional capacity to ensure the consistent protection and promotion of human rights across its operations.

CSC Action	OCI Comments
<p style="text-align: right;">Timeframe</p> <p>With respect to the Corporate Human Rights Monitoring Tool, CSC will develop by March 31, 2005, a work plan to complete the identification of the human rights elements in the 94 MCF. CSC commits to completing this work for the top five MCF by June 2005 and the next five priority MCF by September 2005. A plan for completion of the other MCF will be developed.</p> <p>CSC will evaluate the results derived from the Corporate Human Rights Monitoring Tool (approved in September 2004) and submit a report to the Executive Committee.</p> <p>CSC will enhance the lessons learned approach to broaden understanding of human rights implications of corrections as decided at the November 2004 Executive Committee meeting.</p> <p>The national training courses (currently numbering 40) will be reviewed by the</p>	<ul style="list-style-type: none"> - CSC has failed to address this recommendation. Within the current hierarchical structure, the position of Deputy Commissioner for Women has no operational authority to ensure consistent human rights compliance in women’s facilities. This point was not even discussed in the Service’s response, although it claims to have accepted this CHRC recommendation. - This recommendation is consistent with Justice Arbour’s 1996 recommendation concerning the creation of a “separate stream” for Women’s Corrections under the authority of the DCW. - This recommendation was therefore rejected. - The CSC response instead discusses the development of a new complex computerized human rights monitoring system. The first annual report on CSC’s overall compliance with its human rights obligations will be based on data from FY 2007/08, and will therefore be issues during FY 2008/09. What will the Service do in the interim?
<p>Work plan: March 31, 2005</p>	
<p>First group of five MCF: June 2005</p>	
<p>Second group of five MCF: September 2005</p>	
<p>June 2007</p>	
<p>Ongoing</p>	
<p>Within three months following the completion of</p>	

<p>Human Rights Division and the CHRC. The goal of this exercise will be the identification of gaps in course material, as well as the addition of human rights content and language. The review will begin with the three programs with the largest impact. Based on what is learned from the review of these three courses, a long-term plan will be established to address the remaining 30 plus courses (refer to recommendation 16e).</p>	<p>the review of the first three programs, a multi-year work plan, based on lessons learned from the first reviews, will be developed for the remainder of the programs.</p>	
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RECOMMENDATION 14

(Accept in part)

It is recommended that, in consultation with its staff and inmates, the Correctional Service of Canada immediately develop and implement an anti-harassment policy and education program that applies to inmates. The policy should provide for independent anti-harassment counsellors for inmates. A short, plain-language version of the policy should also be developed and distributed.

CSC Action	OCI Comments
<p>CSC will draft for inclusion in all inmate handbooks a plain language standardized section on human rights (see also recommendation 16(b)) which will incorporate a question and answer section on the CSC anti-harassment policy and complaint/investigation process. An alternative communication method such as an audiotape version of the standardized section will also be produced.</p>	<ul style="list-style-type: none"> - Monitoring of CSC's new offender harassment policy remain a significant challenge. - The Service has committed finalizing an assessment of their harassment policy by March 31, 2005. - This recommendation is consistent with the stated position of Justice Arbour.
<p>Although all policies are available to offenders through the institutional libraries, until the standardized handbook section is available, wardens will ensure that by March 31, 2005, all offenders have received a hard copy of Policy Bulletin 186 – Harassment, and that offenders admitted after that date receive a copy during their intake interview.</p>	
<p>Wardens will ensure that inmate committees receive a briefing on these policy documents.</p>	
<p>CSC will complete harassment-sensitivity training with the staff who respond to the offender redress 1-800 line.</p>	
<p>CSC will develop and pilot at one of the women's institutions, a training session for women on how to present their views or position (advocacy training).</p>	

RECOMMENDATION 15

(Not accepted as stated; accept underlying requirement to ensure human rights are accommodated appropriately)

It is recommended that the Correctional Service of Canada immediately develop and implement a comprehensive accommodation policy that specifically addresses the accommodation of inmates on all prohibited grounds of discrimination. A short, plain-language version of the policy geared to offenders with cognitive limitations or low literacy levels should also be developed and distributed as part of an educational program.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will address the accommodation issue in the standardized section on human rights for inmate handbooks referenced under recommendations 14 and 16(b).</p> <p>The lessons learned approach and the integration of human rights issues into all staff training, referenced in response to recommendation 13, will enhance ongoing staff awareness of accommodation issues.</p> <p>CSC will continue to integrate accommodation issues into the appropriate CD. In revising its policies, CSC is taking care to ensure they are written in as plain a language as possible.</p>	<p>Timeframe</p> <p>Refer to recommendation 14</p> <p>Refer to recommendation 13</p> <p>Ongoing</p>	<ul style="list-style-type: none"> - In its response, the Service has failed to recognize the spirit and intent of this recommendation. It is not clear, exactly what the CSC plans to do to address this recommendation. The CHRC report calls for a review of its accommodation policy and the drafting of a new comprehensive accommodation policy that goes beyond physical, intellectual and learning disabilities.

RECOMMENDATION 16(a)

(Accept)

It is recommended that the Correctional Service of Canada establish guidelines for institutional handbooks to ensure that complete, consistent and accurate information is provided to inmates in all facilities.

CSC Action		OCI Comments
Action	Timeframe	
CSC will develop standard guidelines for inmate handbooks and will include a human rights section.	June 30, 2005	- This is a positive step.

RECOMMENDATION 16(b)

(Accept in principle)

It is recommended that the Correctional Service of Canada annually monitor the human rights-related content of inmate handbooks, orientation sessions and ongoing human rights-related training.

CSC Action		OCI Comments
CSC Action	Timeframe	
As referenced under recommendation 14, CSC will draft for inclusion in all inmate handbooks a plain language standardized section on human rights. CSC will annually review this content with the CHRC and make any revisions required.	June 30, 2005; ongoing.	- This is a positive commitment.
CSC will annually review a sample of the content of the orientation sessions to ensure the sessions include human rights related content.	September 30, 2005; ongoing.	
Once the human rights content has been incorporated into the various training courses, annual monitoring of the curricula will be conducted.	Refer to recommendation 13	

RECOMMENDATION 16(c)

(Accept)

It is recommended that the Correctional Service of Canada make available information suitable for women with limited cognitive abilities or low literacy levels, as well as information in alternate formats.

CSC Action		OCI Comments
Action	Timeframe	
CSC will ensure the standardized human rights content for inmate handbooks is available in alternative formats; the first approach will be the audiotape version of the Q&As related to CSC's anti-harassment policy as noted under recommendation 14.	June 30, 2005	
To assess the need for alternatives other than an audiotape, wardens will review and report on the methods used by their case management team to ensure offenders with limited cognitive abilities or low literacy levels are informed of the content of the inmate handbook (e.g., buddy system, verbal orientation by staff)	April 30, 2005	- No deliverables are attached to this recommendation.

RECOMMENDATION 16(d)

(Accept)

It is recommended that the Correctional Service of Canada ensure that the accountability accords for managers include contribution to human rights compliance.

CSC Action		OCI Comments
Action Measure accountability for human rights compliance via MCF.	Timeframe Ongoing	<ul style="list-style-type: none">- Specific requirements for the promotion of, and compliance with, human rights should specifically be included in performance agreements of CSC senior managers.

RECOMMENDATION 16(e)

(Accept in part)

It is recommended that the Correctional Service of Canada integrate human rights training vertically throughout the organization through effective knowledge management.

CSC Action		OCI Comments
Action Refer to recommendation 13	Timeframe	<ul style="list-style-type: none">- CSC does not have a continuing legal education strategy with scheduled training requirements on human rights related topics. This is especially important given the closed nature of the correctional environment and its potential on human rights.

RECOMMENDATION 17

(Accept in part)

It is recommended that the Correctional Service of Canada implement a pilot mediation project at facilities for federally sentenced women, using trained, external mediators trained in human rights to attempt to resolve complaints, as well as providing conflict resolution training for inmates. The pilot project should begin by the end of 2004, and it should be evaluated within two years of implementation by an independent contractor.

CSC Action	OCI Comments
<p style="text-align: right;">Timeframe</p> <p>With respect to the specific issue of the use of the complaint and grievance system by women offenders, the Service will:</p> <ul style="list-style-type: none"> • analyse available statistics and clarify issues in the use of the complaint and grievance systems by women offenders. • administer a survey to identify where mediation or other conflict resolution strategies are being used as well as obstacles to be overcome in their implementation. 	<ul style="list-style-type: none"> - This recommendation has essentially been rejected. - Historically, the Service has claimed to analyse the women's complaint and grievance statistics, but analyses have been sporadic and superficial. - It is unclear what the target population is for this proposed survey. - Given the very clear power differentials between prisoners and staff, informal conflict resolution is extremely difficult, especially if mediators are not independent from the Service. Women regularly complain to the OCI about informal resolution attempts that were coercive in nature. - In an attempt to address this, the recommendation specified "external mediators trained in human rights". This point was not addressed in the CSC Response.
<p>Work with the National Steering Committee on Restorative Justice to ensure that approaches to dispute resolution for offenders are consistent with the Integrated Conflict Management System (as per the Public Service Modernization Act).</p>	

RECOMMENDATION 18

(Accept in principle)

It is recommended that the Correctional Service of Canada work with the Canadian Human Rights Commission to develop, implement and assess a human rights audit model, including the identification and measurement of human rights performance indicators and public reporting.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will finalize and implement the Corporate Human Rights Monitoring Tool.</p> <p>The CSC annual audit plan includes and will continue to include activities related to human rights issues as well as specialized human rights audits as approved by CSC's audit committee.</p> <p>Complete the two human rights audits: Privacy and Access to Information and Accommodation of Disabilities.</p>	<p>Timeframe</p> <p>FY 2005-2006 (refer to recommendation 13)</p> <p>Ongoing</p> <p>By March 31, 2006</p>	<ul style="list-style-type: none"> - The Corporate Human Rights Monitoring Tool will not be evaluated before 2007/08. Moreover, it appears that CSC's Audit Division does not have the necessary resources and capacity at this time to conduct human rights audits on a regular basis/schedule.

RECOMMENDATION 19

(Under review - Joint with PSEPC)

It is recommended that the Solicitor General of Canada and the Correctional Service of Canada, in consultation with stakeholders, establish an independent external redress body for federally sentenced offenders.

CSC Action		OCI Comments
<p>Action</p> <p>CSC will arrange for an inspection pilot of two of the women's institutions by the U.K. Inspectorate of Prisons, and will take the necessary steps to improve where required.</p> <p>CSC will continue to review of models with PSEPC.</p>	<p>Timeframe</p> <p>Joint plan: April 15, 2005</p> <p>Inspection report: by September 2005</p> <p>March 2006</p>	<ul style="list-style-type: none"> - The benefits of a visit by the UK Inspectorate of Prison are unclear. Countless domestic reports by credible persons and organizations have already provided clear guidance to CSC. - Parameters for inspections need to be clearly defined and reviewed with stakeholders, including this Office. - There is no stated position with respect to the establishment of an independent external redress body, only commitment to review with PSEPC.