


**The Correctional Investigator  
Canada**

**Departmental Performance Report**

**For the period ending  
March 31, 2006**



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The Honourable Stockwell Day, P.C., M.P.  
Minister of Public Safety  
(Public Safety and Emergency Preparedness)

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## **Section I: Overview**

### **A. Correctional Investigator's Message**

I am mandated by Parliament to act, on behalf of Canadians, as the Ombudsman for federal offenders. I firmly believe that effective and responsible oversight of correctional operations is highly valued by Canadians as an essential condition of a modern democratic society and of an open and accountable criminal justice system.

Canadians rightfully expect that federal offenders will be dealt with fairly and humanely and treated in a safe and secure custodial environment. They also legitimately expect that when these professional standards are not met, problems will be identified and addressed in a timely and reasonable fashion. To ensure that these expectations are fully met is both our *raison d'être* and the strategic outcome my Office strives to achieve on behalf of Canadians.

At mid point in my mandate, I am encouraged by the significant impact my Office has had in the day to day lives of thousands of individual offenders. Concerns with respect to transfers, segregation placements, visits and health care have been reviewed and addressed.

However, I remain preoccupied with the slow pace of progress accomplished by the Correctional Service of Canada in improving the quality of the correctional treatment it offers to the most vulnerable and historically disadvantaged segments of its population and notably, women offenders, aboriginal offenders and offenders suffering from mental health issues.

Additionally, there is a number of long standing systemic problems that remain resistant to change despite a broad spectrum of recommendations made to the Service, over the years, towards improvement or resolution. We will continue to foster an open honest and productive relationship that will assist in the quest for a solution to these outstanding issues and the betterment of the federal correctional system.

Howard Sapers  
Correctional Investigator



## B. Management Representation Statement

### Management Representation Statement

I submit, for tabling in Parliament, the 2005-2006 Departmental Performance Report (DPR) for The Correctional Investigator Canada.

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This document has been prepared based on the reporting principles contained in the *Guide for the Preparation of Part III of the 2005-2006 Estimates: Reports on Plans and Priorities and Departmental Performance Reports*:

- It adheres to the specific reporting requirements outlined in the TBS guidance;
  - It is based on the department's approved Program Activity Architecture structure as reflected in its MRRS;
  - It presents consistent, comprehensive, balanced and reliable information;
  - It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and,
- It reports finance based on approved numbers from the Estimates and Public Accounts of Canada in the DPR.

Name: \_\_\_\_\_

Title: \_\_\_\_\_



Correctional Investigator

### **C. Agency Program Activity Architecture**

The OCI's Strategic Outcome (SO) is "the problems of offenders in the federal correctional system are identified and resolved in a timely and reasonable fashion". It is also the expected result of the OCI's Program Activity (PA) "Oversight of Correctional Operations", which regroups the four OCI Priorities/Program Sub-activities described above (Section I – D. Agency Plans and Priorities).

As the chart below illustrates, each expected result at the Program Sub-activity/OCI Priority Level is expressed and should be perceived conceptually as a link in the results chain following from and to the OCI's Strategic Outcome (SO) and its expected result.

<b>Agency Program Activity (PA)</b>	<b>Expected Results</b>
Oversight of Correctional Operations	Achievement of OCI's Strategic Outcome (SO): "The problems of offenders in the federal correctional system are identified and resolved in a timely and reasonable fashion".
<b>Agency Program Sub-activities and Priorities</b>	<b>Expected Results</b>
Investigate and resolve individual offender issues	Individual offender complaints are reasonably addressed by the Correctional Service of Canada and corrective action is taken when necessary.
Investigate, monitor and resolve systemic offender issues	<p>The Correctional Service of Canada will recognize systemic offender issues, will reasonably address them, and take appropriate corrective action.</p> <p>The Correctional Service of Canada will be consistently compliant with previous undertakings, law, policy, and procedures.</p>
Monitor, evaluate and provide representations on CSC management of mandated issues (s.19 investigations and Use of Force incidents)	Increased thoroughness, objectivity and timeliness of the Correctional Service of Canada's investigative process regarding s.19 investigations and Use of Force incidents.
Investigate, resolve and provide leadership on specifically identified issues (Federally Sentenced Women and Aboriginal Offenders)	<p>Specific offender issues related to Federally Sentenced Women and Aboriginal Offenders are reasonably addressed by the Correctional Service of Canada and corrective action is taken when necessary.</p> <p>The Correctional Service of Canada will be consistently compliant with previous undertakings, law, policy and procedures with regard to specific offender issues related to Federally Sentenced Women and Aboriginal Offenders.</p>

## D. Summary Information

### Agency's Raison D'être and Strategic Outcome

Highly valued by Canadians is the democratic nature and respect of the Rule of Law by all of their federal government's departments and agencies. Of particular importance in that regard are governmental programs which have a significant and direct impact on the freedom, health, safety and human rights of individual citizens and/or of the more vulnerable segments of our society.

Canadian federal offenders who are under the care and control of the Correctional Service of Canada (CSC) represent such a group. Canadians expect that the federal government will, in the exercise of democratic checks and balances, closely monitor its correctional system to ensure that it is fair, safe, humane and effective, and that any problems will be identified and resolved in a timely and reasonable fashion.

To ensure that this expectation is met is both the raison d'être and the strategic outcome the Office of the Correctional Investigator (OCI) strives to achieve on behalf of Canadians.

### Agency's 2005-2006 Financial and Human Resources

Office of the Correctional Investigator (\$ thousands)	2005-2006			
	Main Estimates	Planned Spending	Total Authorities	Actual Spending
Operating Expenditures (Vote 60)				
Salaries	1,806	1,806	2,091	2,091
O&M	752	752	822	663
<b>Total</b>	<b>2,558</b>	<b>2,558</b>	<b>2,913</b>	<b>2,754</b>
Contributions to employee benefit plan (Vote 5)	361	361	361	361
<b>Grand Total</b>			<b>3,274</b>	<b>3,115</b>
<b>Full Time Equivalent</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>24</b>

\* Variance reflects adjustments obtained since the Main Estimates, inclusive of Supplementary Estimates, etc.

			2005-06	
Status on Performance			Planned Spending	Actual Spending
<b>Strategic Outcome:</b> The problems of offenders in the federal correctional system are identified and resolved in a timely and reasonable fashion				
Alignment to Government of Canada Outcomes: The OCI's mandate is to ensure that the federal correction system is fair, humane and effective, so that offenders may reintegrate society as law abiding citizens. In so doing, the OCI contributes to the broader Government of Canada Outcome of Safe and Secure Communities.				
Priority	Expected Result	Performance Status		
Investigate and resolve individual offender issues  (On-going)	Individual offender complaints are reasonably addressed by the Correctional Service of Canada and corrective action is taken when necessary.	Met	1,256	1,240
Investigate, monitor and resolve systemic offender issues  (On-going)	The Correctional Service of Canada will recognize systemic offender issues, will reasonably address them, and take appropriate corrective action.  The Correctional Service of Canada will be consistently compliant with previous undertakings, law, policy, and procedures	Partially met	677	710
Monitor, evaluate and provide representations on CSC management of mandated issues (s.19 investigations and Use of Force incidents)  (On-going)	Increased thoroughness, objectivity and timeliness of the Correctional Service of Canada's investigative process regarding s.19 investigations and Use of Force incidents.	Partially met	199	250

**Agency Priorities**

<p>Investigate, resolve and provide leadership on specifically identified issues (Federally Sentenced Women and Aboriginal Offenders)  (On-going)</p>	<p>Specific offender issues related to Federally Sentenced Women and Aboriginal Offenders are reasonably addressed by the Correctional Service of Canada and corrective action is taken when necessary.</p> <p>The Correctional Service of Canada will be consistently compliant with previous undertakings, law, policy and procedures with regard to specific offender issues related to Federally Sentenced Women and Aboriginal Offenders.</p>	<p>Partially met</p>	<p>300</p>	<p>136</p>
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## **E. Agency Performance**

Corrections are a difficult and at times thankless business, yet it is a key element of the Canadian criminal justice. The mandate of the Correctional Service of Canada (CSC) is to manage the sentence of the court consistent with the rule of law, respectful of individual and collective human rights. While giving primacy to the protection of the public, Canadians legitimately expect a correctional system that reflects their values, provides safe and humane custody which supports the offender's successful reintegration into society.

The primary function of the Correctional Investigator, as an Ombudsman for federal offenders, is to independently investigate and facilitate resolution of individual offender issues. In 2005-2006, the Office's investigative staff managed nearly eight thousand offender complaints, spent nearly four hundred working days in federal institutions, interviewed twenty five hundred offenders and at least half as many institutional staff. As in years past, it is with the resolution of the individual offender issue at the institutional level where the OCI has achieved its best performance in terms of providing expected results.

Where the OCI has been less successful, is influencing CSC to recognize and address systemic offender issues in a timely and reasonable fashion. Despite considerable investment in a more holistic approach, a sustained dialogue with CSC officials at all levels and a broad spectrum of recommendations towards improvement or resolution of systemic issues, evidence of meaningful progress on many fronts remains elusive. Accordingly, the OCI must continue to deal with thousands of cases on an individual basis, while at the same time expending resources focused on on-going systemic issues.

Workload pressures experienced by the OCI can be linked to a large extent to a number of emerging trends in its operational environment.

Foremost among these is the rapid growth within the offender population of individuals suffering with mental health issues. The May 2006 Senate of Canada Report Out of the Shadows at Last highlights the deficiencies in the mental health services offered to federal offenders.

At the operational level, this had a significant impact. The over-representation of offenders with mental health issues as effected the quality of institutional life, with the safety and security of both inmate and staff, and the respect of offenders' basic human right being negatively impacted. Evidence can be found, among a multitude of indicators, such as in the number and duration of placements in administrative segregation or similar custody arrangements, the increases in the number of incidents of institutional violence, and in the number of incidents where force is used by correctional staff against offenders. In turn, all of these manifestations result in a growing number of highly sensitive and complex issues being brought to the attention of the OCI, that are either directly about or relate to the gaps in the treatment of offenders suffering from mental health issues.

A growing number of offenders with mental health issues is only one dimension of the evolving profile of the offender population. It is also being skewed by the incarceration of an increasing number of younger, more violent and often gang associated offenders, who seek to reproduce their street subculture within federal institutions. As a result, there has been a significant increase in the level of institutional violence, not only among inmates but also in the growing number of incidents where CSC correctional officers and Institutional Emergency Response Teams have had to use force against inmates. Staff resources dedicated to Use of Force reviews and Investigations into inmate death or major injury has more than tripled within the last five years.

Another source of workload pressures for the OCI stems from CSC's perennial lack of progress in significantly improving the correctional treatment it offers to Aboriginal Canadians. They continue to be overrepresented within the offender population. They also continue to be over represented in higher security institutions, due to a large extent to the culturally insensitive security classification tools still used by CSC, despite being denounced as unfair and ineffective not only by the OCI, but also by many of its partners involved in Aboriginal corrections and in academic circles.

Moreover, Aboriginal offenders continue to be overrepresented in the segment of the offender population that serves the bulk or its entire sentence within the penitentiary, rather than benefiting from a timely conditional release to their community. They also continue to be overrepresented among the offender population whose conditional release is suspended and/or revoked before the expiry of their warrant.

To fully understand and appreciate why aboriginal offenders suffer such a fate within the correctional system, one must look beyond the generalities of cultural differences and systemic discrimination and also beyond the confines of the institution. The focus must also be on the lack of employment opportunities, adequate housing, accessible health care, mental health and post-penal after care services. For another perspective on this matter, we refer readers to Chapter 5 of the 2006 Report of the Auditor General of Canada.

Beyond the issues associated with the demanding workload are the unique characteristics of the correctional environment and the public we serve. There is a high level of mistrust between the keepers and the kept. The areas of concern raised on complaint often have an immediate and ongoing impact and in many instances involve rights, liberty or personal safety issues. The disadvantaged elements of our society; minorities, those with mental health problems and the poor, are significantly over represented in our penitentiaries. There is limited public understanding of the correctional process and as a group, federal offenders curry little public support.

These factors present a challenge to the traditional Ombudsman approach of facilitating a resolution to issues. Within the correctional environment the formal internal avenues of redress are viewed by offenders with suspicion, and informal resolution, absent of third party intervention, is seldom achieved. A good number of complaints are time sensitive and do not lend themselves to a thorough investigative process with formal findings and recommendations; they require immediate intervention and response. The diversity of the inmate population requires a specific focus, for example, on areas of concern related to Aboriginal offenders, women offenders and offenders suffering from mental health issues.

Externally, the Office has maintained its criminal justice outreach and public education activities. It held a formal press conference upon release of its 2004-2005 Annual Report, which focused on concerns related to mentally ill federal offenders, and received wide media coverage. Both OCI management and staff have established linkages with many stakeholders and disseminated information about our agency's mandate, role and responsibilities to various parties, conferences at the local, provincial, national and international level.

Internally, the Office has provided a wide variety of training opportunities to both intake and investigative staff. The objective pursued is that the OCI remains current and capable of providing timely assistance to offenders in relation to on-going and emerging correctional practices, trends and issues. We have, despite our reduced physical presence within federal institutions maintained the frequency of our meetings with offender organizations, Native Brotherhoods and Sisterhoods, Black Inmate Associations and Lifer groups.

Our debriefing process at the conclusion of institutional visits with the Warden aims to ensure that those issues which can be resolved are dealt with in a timely fashion. We have continued as well to review specific "areas of concern" with institutional managers during each visit. These areas frequently raised on complaint and issues associated with rights or liberty concerns such as segregation, the internal grievance process and involuntary transfers.

Throughout fiscal year 2005-2006, the Office has also engaged the Service's senior managers, at both the regional and national level, on a broad spectrum of on-going and emerging correctional issues. In the course of this dialogue, the OCI has clearly expressed its position, provided input, advice and recommendations for improvement or resolution not only on individual and systemic issues, but also regarding policy development, and review.

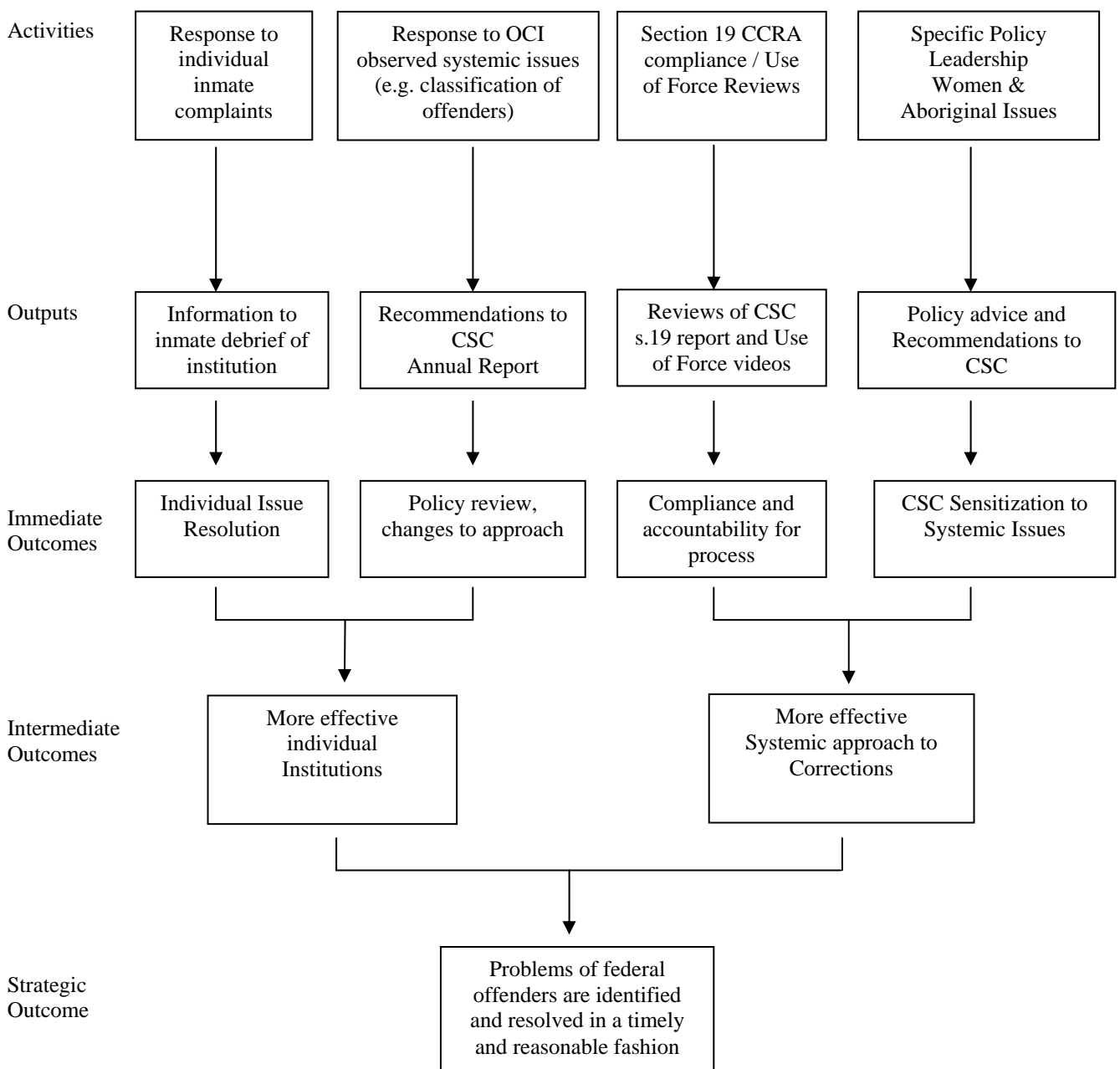
In the final analysis, the ultimate aim of our efforts is the achievement of the OCI's Strategic Outcome, which is to ensure that the problems of offenders in the federal correctional system are identified and resolved in a timely, fair and reasonable fashion.

## Section II: Analysis of Program Activities by Strategic Outcome

The Logic Model presented below illustrates the OCI's views of its service delivery methods to support its mandate and achieve its strategic outcome of timely and reasonable identification and resolution of problems encountered by federal offenders.

The Logic Model identifies the linkages between the activities of the OCI Program and the achievement of its outcomes. It clarifies the activities that make up its program and the sequence of outcomes expected to result from these activities.

### 2.1 OCI Logic Model



The following table presents the planned spending as per the 2005-2006 Report on Plans and Priorities (RPP), and the actual 2005-2006 spending.

## 2.2 Planned RPP-PAA and Actual Spending, 2005-2006

(\$ thousands)	Main Estimates	Total Authorities
Salaries	1,806	2,091
O&M	752	832
<b>Total</b>	<b>2,558</b>	<b>2,923</b>

<b>Program Activity</b>	(\$ thousands)	Planned Spending (RPP)	Planned Spending (PAA)	Actual Spending
Oversight of Correctional Operations	<b>Total</b>	2,432*	2,432*	2,336*

<b>Program Sub-Activity</b>	(\$ thousands)	Planned Spending (RPP)	Planned Spending (PAA)	Actual Spending
Individual Offender Complaints	<b>Total</b>	1,256	1,256	1,240
Systemic Offender Complaints	<b>Total</b>	677	677	710
Mandated Issues	<b>Total</b>	199	199	250
Specifically Identified Issues	<b>Total</b>	300	300	136
Corporate Issues	<b>Total</b>	487	487	418

\* Excludes spending on Corporate Issues

In its 2005-2006 RPP, the OCI restated its plans and priorities, in the context of complementing its Management Resources Results Structure (MRSS) and Program Activity Architecture (PAA).

The OCI's Program Activity (PA) is the "Oversight of Correctional Operations" and its Strategic Outcome (SO) is "the problems of federal offenders are identified in a timely and reasonable fashion". Our PAA related plans and priorities correspond to our four Program Sub-Activities.

## **Priority 1**

### **Investigate and resolve individual offender issues**

The role of the Correctional Investigator is to be an Ombudsman for federal offenders. The primary functions of the Office are to investigate and bring resolution to individual offender complaints. The vast majority of concerns are addressed by the OCI at the institutional level through discussion and negotiation.

### **Performance in 2005-2006**

In 2005-2006, the OCI recorded 7,591 contacts with or on behalf of federal offenders, compared to 7,696 contacts during fiscal year 2004-2005. It conducted 2,426 interviews in 2005-2006 with individual offenders, as opposed to 2,486 during the previous fiscal year.

These rather small decreases in the level of contact with individual federal offenders is of concern to the OCI, considering its significant investment over the last five years in shifting to a more systemic approach in dealing with offender issues. The Correctional Service has been less than successful in responding to recommendations made by the OCI for improvement or resolution on a number of systemic and for the most part, long standing issues. Consequently, the OCI must, while pursuing its dialogue engaging the Service on more global and proactive strategy on these outstanding systemic issues, continue to deal with them in the much less efficient case by case method.

In 2005-2006, the OCI spent 370 days within federal penitentiaries, as opposed to 427 days in the previous fiscal years. This 13.5% reduction in our institutional presence is, in large part, attributable to the presence on medical leave of two out of twenty OCI investigative staff members and highlights the OCI's limitations, given its size, in terms of reallocating resources internally. That the actual number of individual offender interviews has only diminished by 2% during the same period is indicative of the significantly longer hours the remaining investigators have invested every day of their institutional visits to maintain optimal levels of accessibility to OCI services. Discussions are on-going with Treasury Board to address this unsustainable fiscal impasse and other workload related pressures.

Above and beyond these considerations, the OCI notes that it has had significant success in the identification and resolution of issues brought to its attention by or on behalf of individual federal offenders. While a detailing of the complaints received and their disposition can be found in the “statistics” section of our Annual Report, allow us to mention that at the conclusion of 3,034 contacts in 2005-2006, offenders were provided with information by the OCI in response to their queries or concerns on a wide variety of correctional issues. In turn, offenders used the information provided to gain a better understanding of their personal situation, and/or resolve their issues with the Correctional Service.

Offenders seek information from the OCI in such large numbers because it is often more readily available, through a simple phone call, than within the institution. However, the overriding reason is that they have a greater level of trust in the information provided by the OCI given not only its independent status, but also, its reputation for both objectivity and impartiality.

In 2,018 contacts, where the OCI made an inquiry or undertook an investigation, our intervention and recommendation either facilitated the resolution of the offender’s issue or had a significant impact on the Service’s subsequent response.

Finally, in another 1,540 contacts, the OCI referred the offender to either CSC staff or the Service’s internal grievance process. In instances where the matter was outside our mandate, referrals were made to other government and non government agencies such as provincial ombudsmen, municipal police review boards, law and medical societies and other professional regulatory agencies. These referrals are in keeping with the ombudsmanship principle of assisting the resolution, but not necessarily as intervener in the first instance. In the case of federal offenders, it serves to direct to the next step or the appropriate body where an attempt at resolving an issue is in the first instance, best undertaken.

Referrals, along with the provision of information described above, provide offenders with the knowledge required to deal with issues in a non-violent, considerably more productive and socially acceptable fashion.

## **Priority 2**

### **Investigate, monitor and resolve systemic offender issues**

While the primary role of the Office of the Correctional Investigator is to investigate and resolve complaints from individual offenders, it has, as well, the responsibility to review and make recommendations on the Correctional Service of Canada’s policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

## **Performance in 2005-2006**

As indicated above, the OCI is concerned with the slow pace of progress made by the Correctional Service of Canada, with regard to a number of long standing systemic issues, despite significant efforts and a broad spectrum of recommendations by the OCI towards improvements or resolution. Consequently, the Office was again this year trapped in a cycle of dealing with the same issues in thousands of individual cases.

Among the issues that remain of gravest concern are 1) the provision of adequate mental and physical health care 2) the introduction of a needle exchange program to reduce the harm caused by HIV and other infectious diseases 3) the development of an effective, internal offender grievance system 4) a fair administrative segregation placement and review process and 5) timely access to correctional treatment programs and case preparation for decision making by the National Parole Board.

There are also a number of areas where the OCI's interventions and recommendations to the Service have had measure of success with regard to systemic issues. In three of the five regions, there have been significant improvements in the timeliness of the responses provided at the first and second level of the offender grievance process. In three out of five regions, the Service is offering one correctional treatment programs as part of the intake assessment process. This is particularly beneficial to offenders serving a sentence of four years or less, as it provides a head start in terms of the programs required in their correctional plan and improves their chances of being granted some form of conditional release earlier in the course of their sentence. Finally, the Service has improved its monitoring of parole waivers and postponements and of the number of inmates housed in institutions with a higher security rating than they require. Hopefully, this monitoring will lead to an improvement in the Service's overall performance in these areas.

## **Priority 3**

### **Monitor, evaluate, and provide representations on CSC's management of mandated issues (s.19 investigations and Use of Force incidents)**

Section 19 of the *Corrections and Conditional Release Act* requires that the Office review all investigations conducted by the Correctional Service of Canada following the death of serious bodily injury to an inmate. The OCI is also engaged in similar review process for institutional incidents involving the Use of Force, in keeping with the recommendation of the 1996 Arbour Commission of Inquiry.

## **Performance in 2005-2006**

A key objective in the OCI's oversight of correctional operations is to ensure that federal offenders are held in safe and secure custodial environments.

Accordingly, a major concern is that CSC staff use force against inmates only when there is no other viable option and then, only to the extent required in the circumstances.

The security and safety of the person is a fundamental protection offered by the Canadian Charter of Rights and Freedoms. Checks and balances such as provided by the OCI is perhaps of greater importance in a correctional environment, where the power relationship between the keepers and the kept are exceptionally unequal.

In 2005-2006, the OCI noted and repeatedly expressed its concern to the Service about the increase in the total volume of use of force incidents. It also brought to CSC's attention the over-reliance in some maximum security institutions on use of force interventions by the Institutional Emergency Response Team (IERT) and on the use of pepper spray, as opposed to other maximum security institutions who manage to maintain peace and good order, through dynamic security and alternative means of dispute resolution. These areas of concern remain a central focus and the Office continues to work with CSC at all levels of the organization to address these matters.

Another dimension of the OCI's focus on the safety and security of federal institutions is on the timeliness and quality of the investigation the Service of Canada must undertake, as per Section 19 of the *Corrections and Conditional Release Act*, when an offender suffers serious bodily harm or dies while in its care.

For many years now, the OCI has maintained that the timeliness and quality of CSC's investigative process, including meaningful analysis of the findings and enterprise wide sharing of lessons learned, was absolutely critical in lowering the level of institutional violence.

In 2005-2006, the dominant theme of our discussions with the Service again revolved around the issue of timeliness. The Service's delays in convening investigations, rigorously analyzing findings, approving and implementing both corrective action plans and preventive strategic plans remain an area of on-going concern.

While the OCI is encouraged by the recent identification by the Service of institutional violence as a priority area, it will continue to insist that CSC invests the resources necessary to systematically gather and thoroughly analyse significant data on this critical correctional problem.

#### **Priority 4**

##### **Investigate, resolve and provide leadership on specifically identified issues (Women and Aboriginal Offenders)**

The Office of the Correctional Investigator (OCI) conducts specialized investigations and attempts to resolve the issues raised by or on behalf of Women and Aboriginal Offenders. In cooperation with its partners, both governmental and non-governmental, it provides observations, advice, and direction to the Correctional Service of Canada and others regarding these issues.

## **Performance in 2005-2006**

The OCI's interventions and the active support of several key stakeholders have led to some progress by the Service in addressing some long standing systemic issues.

Foremost among these is the recognition by CSC that their initial classification instrument for women offenders was discriminatory and resulted in higher than needed security classifications for women. As a result, the Service has signed a contract for the development of a new initial classification instrument, that is gender sensitive and which recognizes the unique needs and circumstances of racialized women and women living with disabilities.

CSC has also been able to increase accommodation for women upon release to the community in the Atlantic and Pacific regions. These regions were previously underserved. Additionally, CSC has recognized that it must address the employment and employability needs of women offenders in order to reduce the likelihood of re-offending. As such, the Service conducted an employment needs survey for incarcerated women, which resulted in the development of a National Employment Strategy Framework for this population.

However, the OCI has been less successful in influencing CSC into meaningful corrective action on a number of critical issues. Among these, the OCI is concerned that there has been a significant increase in the number of women offenders returning to the community on Statutory Release, rather than on Day or Full Parole over the last two years. During the same period, there has been a corresponding increase in the number of waivers and postponements of National Parole hearings by women offenders, especially Aboriginal offenders.

At least part of the explanation revolves around timely access to correctional programs, notably in secure women's units. Additionally there remains a lack of access to Aboriginal programming outside the Prairie Region.

The plight of Aboriginal offenders in the federal correctional system has been a key issue for the OCI for at least a decade. Countless recommendations have been during that period to correct discriminatory correctional practices and improve treatment offered by the Correctional Service of Canada.

In response, there have been considerable investments by CSC and some positive outcomes. Aboriginal offenders tend to receive their first program of the sentence following admission to custody sooner than non-Aboriginal offenders. Aboriginal offenders can now be referred more often to treatment programs specific to their cultural background as a result of recent development Aboriginal programs. The rates of completion for Aboriginal offenders in treatment programs with an "Aboriginal" focus (violent offender; family violence; sex offender; substance abuse; and living skills programs), tend to be significantly better than those for non-Aboriginal offenders in the same program categories.

Moreover, the focus of Aboriginal offender program assignments has shifted towards more cultural-specific programming. Fiscal year 2005-2006 saw a significant increase in the percentage of Aboriginal offenders assigned to such programming. The range of Aboriginal-specific programs continues to be expanded by CSC, with new programs for Aboriginal offenders being added regularly.

Notwithstanding the above, the overall correctional outcomes of Aboriginal offenders has not measurably improved.

The systemic bias of existing classification and penitentiary placement instruments continues to result in an overrepresentation of Aboriginals in maximum security institutions and an under representation in minimum security institutions. Aboriginal offenders are less likely to be granted temporary absences or day or full parole at their eligibility dates. Their longer period of incarceration and increasing tendency to be freed either on statutory release or at warrant expiry results in less time in the community for programming, other forms of custodial assistance and supervision.

There has been a noted increase in the numbers of Aboriginal offenders who see their conditional release suspended and revoked. Aboriginal offenders are re-admitted to federal custody within two years after warrant expiry more frequently than non-Aboriginal offenders.

Aboriginal correctional issues continue to be a key area of concern for the OCI. We will continue, with the cooperation of our numerous stakeholders in the Aboriginal community, to engage the Service in a constructive and productive dialogue on addressing systemic and cultural barriers, and the adoption of culturally responsive correctional practices and strategies.

## **Section III: Supplementary Information**

### **A. Organizational Information**

#### **3.1 Mandate**

The Office of the Correctional Investigator was established in 1973 pursuant to Part II of the *Inquiries Act*. With the proclamation in November 1992 of Part III of the *Corrections and Conditional Release Act*, the Office was based upon its own legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety and Emergency Preparedness Canada to both Houses of Parliament.

#### **3.2 Mission Statement**

As Canada's federal prison Ombudsman offering oversight of federal Corrections, the Correctional Investigator contributes to public safety and the promotion of human rights by providing independent and timely review of offender complaints. The Correctional Investigator makes recommendations that assist in the development and maintenance of an accountable federal correctional system that is fair, humane and effective.

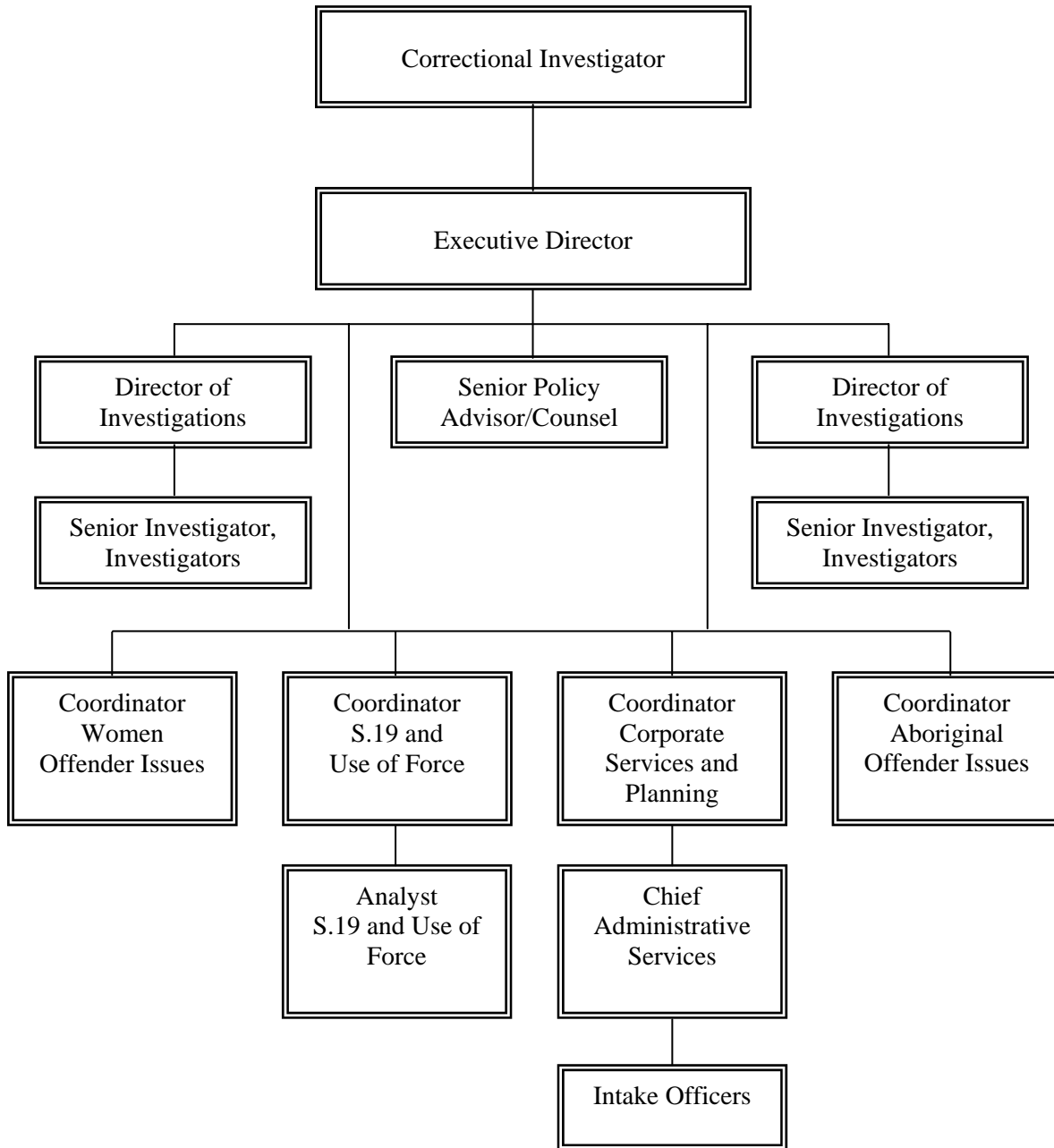
#### **3.3 Business Line and Resources**

The Office of the Correctional Investigator (OCI) has one Business Line which, as detailed in Section 167 of the *Corrections and Conditional Release Act (CCRA)*, which is to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner of Corrections or any person under the control and management of, or performing service for or on behalf of the Commissioner of Corrections that affects offenders either individually or as a group.

Section 19 of the CCRA requires that the Office reviews all investigations performed by the Correctional Service of Canada following the death or serious bodily injury to an inmate. The OCI is also committed to a similar review function with respect to Use of Force interventions, in keeping with the recommendations of the Arbour Commission of Inquiry.

The Office of the Correctional Investigator is lead by the Correctional Investigator who reports to Parliament through the Minister of Public Safety and Emergency Preparedness Canada. The Agency's resources provide for 22 full-time equivalents, of which twenty are directly involved, as intake officers, coordinators or directors, in the day to day addressing of inmate complaints. The total resources are \$3,273,900 for the fiscal year 2005-2006.

**Exhibit 3.1 – OCI Organization Chart**



## B. Financial Performance Overview

**Table 1: Comparison of Planned to Actual Spending (incl. FTE)**

(\$ thousands)	2003-04	2004-05	2005-2006			
	Actual	Actual	Main Estimates	Planned Spending	Total Authorities	Actual
Office of the Correctional Investigator	2,790	2,871	2,919	2,919	3,274	3,115
<b>Total</b>	<b>2,790</b>	<b>2,871</b>	<b>2,919</b>	<b>2,919</b>	<b>3,274</b>	<b>3,115</b>
Total	2,790	2,871	2,919	2,919	3,274	3,115
Less: Non-Respendable revenue	---	---	---	---	---	---
Plus: Cost of services received without charge*	256	258	258	258	258	258
<b>Net cost of Department</b>	<b>3,046</b>	<b>3,129</b>	<b>3,117</b>	<b>3,117</b>	<b>3,532</b>	<b>3,373</b>
<b>Full Time Equivalents</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>24</b>

**Table 2: Use of Resources by Business Lines (or Program Activities)**

2005-2006						
Business Lines-BL (or Program Activity-PA)	Budgetary				Plus: Non-Budgetary	Total
	Operating	Total: Gross Budgetary Expenditures	Less: Respendable Revenue	Total: Net Budgetary Expenditures	Loans, Investments and Advances	
Main Estimates	2,919	2,919	---	2,919	---	2,919
<i>Planned Spending</i>	2,919	2,919	---	2,919	---	2,919
Total Authorities	3,274	3,274	---	3,274	---	3,274
<i>Actual Spending</i>	3,115	3,115	---	3,115	---	3,115

**Table 3: Voted and Statutory Items**

Vote or Statutory Item	Truncated Vote or Statutory Wording	2005-2006			
		Main Estimates	Planned Spending	Total Authorities	Actual
50	Operating expenditures	2,558	2,558	2,913	2,754
(5)	Contributions to employee benefit plans	361	361	361	361
	<b>Total</b>	<b>2,919</b>	<b>2,919</b>	<b>3,274</b>	<b>3,115</b>

**Table 4: Net Cost of Department**

(\$ thousands)	2005-2006
Net Planned Spending (Total Main Estimates plus Adjustments, as per the Planned Spending table)	2,919
<i>Plus: Services Received without Charge</i>	---
Accommodation provided by Public Works and Government Services Canada (PWGSC)	258
Contributions covering the employer's share of employee's insurance premiums and expenditures paid by the treasury Board of Canada Secretariat (excluding revolving funds)	
Workers' compensation coverage provided by Social Development Canada	
Salary and associated expenditures of legal services provided by the Department of Justice Canada	
<i>Less: Non-responsible Revenue</i>	---
<b>2005-2006 Net cost of Department</b>	<b>3,177</b>

**Table 5: User Fee Act**

User Fee	Fee Type	Fee-setting Authority	Date Last Modified	2005-06					Planning Years		
				Forecast Revenue (\$000)	Actual Revenue	Full Cost (\$000)	Performance Standard	Performance Results	Fiscal Year	Forecast Revenue (\$000)	Estimates Full Cost (\$000)
Fees charged for the processing of access requests filed under the <i>Access to Information Act (ATIA)</i>	Other products and services (O)	<i>Access to Information Act</i>	1992	50.00	40.00	20,000	Response provided within 30 days following receipt of request; the response time may be extended pursuant to section 9 of the <i>ATIA</i> . Notice of extension to be sent within 30 days after receipt of request  The <i>Access to Information Act</i> provides further details: <a href="http://laws.justice.gc.ca/en/A-1/218072.html">http://laws.justice.gc.ca/en/A-1/218072.html</a>	100%	2006-07	50	20,000
									2007-08	50	20,000
									2008-09	50	20,000

**Table 6: Policy on Service Standards for External Fees**

A. External Fee	Service Standard	Performance Result	Stakeholder Consultation
Fees charged for the processing of access requests filed under the <i>Access to Information Act (ATIA)</i>	Response provided with 30 days following receipt of request; the response time may be extended pursuant to section 9 of the <i>ATIA</i> . Notice of extension to be sent within 30 days after receipt of request  The <i>Access to Information Act</i> provides further details: <a href="http://laws.justice.gc.ca/en/A-1/218072.html">http://laws.justice.gc.ca/en/A-1/218072.html</a> .	100%	The service standard is established by the <i>Access to Information Act</i> and the Access to Information Regulations. Consultations with stakeholders were undertaken by the Department of Justice and the Treasury Board Secretariat for amendments done in 1986-1992.

**Table 7: Travel Policies**

**OCI Statement:**

The Office of the Correctional Investigator follows the Treasury Board of Canada Secretariat “*Special Travel Authorities*”.

The Office of the Correctional Investigator follows the Treasury Board of Canada Secretariat “*Travel Directive, Rates and Allowance*”.

## Section IV: Other Items of Interest

### A. Government on-line

Website: <http://www.oci-bec.gc.ca>

Email: [org@oci-bec.gc.ca](mailto:org@oci-bec.gc.ca)

### B. Statutes and Regulations

Corrections and Conditional Release Act, S.C. 1992 Part 3

### C. Reports and Discussion Papers

- Auditor General 2006 Annual Report, Chapter 5, May 2006 (<http://www.oag-bvg.gc.ca>)
- Canadian Human Rights Commission (Special Report) – Protecting Their Rights: a Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women (2003) (<http://www.chrc-ccdp.ca>)
- Correctional Investigator's Annual Reports, 1998-1999 to Present (<http://www.oci-bec.gc.ca>)
- Correctional Investigator's Response to the Canadian Human Rights Commission's Consultation Paper for the Special Report on the Situation of Federally Sentenced Women (<http://www.oci-bec.gc.ca>)
- Correctional Investigator's Presentation to the Senate Committee on Social Affairs, Science and Technology: Mental Health, Mental Illness and Addiction, June 7, 2005 (<http://www.oci-bec.gc.ca>)

OCI Discussion Paper:

- Shifting the Orbit – Human Rights, Independent Review and Accountability in the Canadian Corrections System (<http://www.oci-bec.gc.ca>)
- Previous OCI Departmental Performance Reports and OCI Report on Plans and Priorities (<http://www.oci-bec.gc.ca>)
- The Senate of Canada U Out of the Shadow at Last – Transforming Mental Health on Addiction Services in Canada, May 2006 (<http://www.parl.gc.ca>)

## D. References

Name	Title	Address	Tel. No.	Fax No.
Howard Sapers	Correctional Investigator	P.O. Box 3421 Station "D" Ottawa, Ontario K1P 6L4	(613) 990-2689	(613) 990-9091
Ed McIsaac	Executive Director	P.O. Box 3421 Station "D" Ottawa, Ontario K1P 6L4	(613) 990-2691	(613) 990-9091
Maurice Gervais	Coordinator, Corporate Services and Planning	P.O. Box 3421 Station "D" Ottawa, Ontario K1P 6L4	(613) 990-2694	(613) 990-9091

## Statement of Management Responsibility (unaudited)

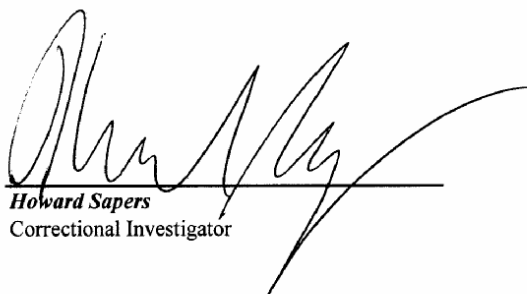
OFFICE OF THE CORRECTIONAL INVESTIGATOR

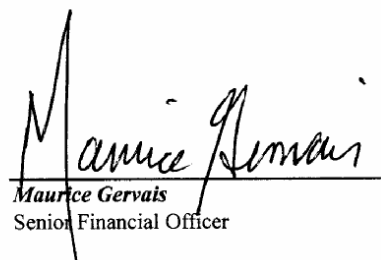
Responsibility for the integrity and objectivity of the accompanying financial statements for the year ended March 31, 2006 and all information contained in these statements rests with departmental management. These financial statements have been prepared by management in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Management is responsible for the integrity and objectivity of the information in these financial statements. Some of the information in the financial statements is based on management's best estimates and judgment and gives due consideration to materiality. To fulfil its accounting and reporting responsibilities, management maintains a set of accounts that provides a centralized record of the department's financial transactions. Financial information submitted to the Public Accounts of Canada and included in the Office's Departmental Performance Report is consistent with these financial statements.

Management maintains a system of financial management and internal control designed to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are in accordance with the Financial Administration Act, are executed in accordance with prescribed regulations, within Parliamentary authorities, and are properly recorded to maintain accountability of Government funds. Management also seeks to ensure the objectivity and integrity of data in its financial statements by careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility, and by communication programs aimed at ensuring that regulations, policies, standards and managerial authorities are understood throughout the Office.

The financial statements of the Office have not been audited.

  
Howard Sapers  
Correctional Investigator

  
Maurice Gervais  
Senior Financial Officer

Date 2006/09/14

Date 2006-09-15

## Statement of Financial Position (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

At March 31 2006 2005  
(in dollars)

### Assets

<b>Financial Assets</b>		
Accounts receivable and advances (Note 4)	26,235	167,134
	<b>26,235</b>	<b>167,134</b>

### Liabilities and Equity of Canada

<b>Liabilities</b>		
Accounts payable and accrued liabilities	160,593	359,640
Vacation pay and compensatory leave	137,680	137,680
Employee severance benefits (Note 5)	407,778	323,033
	<b>706,051</b>	<b>820,353</b>
<b>Equity of Canada</b>	(679,816)	(653,219)
	<b>26,235</b>	<b>167,134</b>

The accompanying notes form an integral part of these financial statements

<b>Variance</b>	<b>0.00</b>	<b>0.00</b>
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## Statement of Equity of Canada (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31 (in dollars)	2006	2005
<b>Equity of Canada, beginning of year</b>	<b>(653,219)</b>	(599,181)
Net cost of operations	<b>(3,510,112)</b>	(3,098,755)
Current year appropriations used (Note 3)	<b>3,167,758</b>	2,871,029
Change in net position in the Consolidated Revenue Fund (Note 3)	<b>57,757</b>	(84,312)
Services provided without charge by other government departments (Note 6)	<b>258,000</b>	258,000
<b>Equity of Canada, end of year</b>	<b>(679,816)</b>	(653,219)

The accompanying notes form an integral part of these financial statements

# Statement of Operations (unaudited)

## OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31  
(in dollars)

2006

2005

### Expenses

Salaries and employee benefits	2,589,737	2,146,007
Professional and special services	298,478	307,691
Travel and relocation	238,318	286,706
Accommodation	258,000	258,931
Communication	51,903	44,344
Equipment	40,062	22,109
Utilities, material and supplies	21,512	18,320
Information	2,965	10,339
Equipment rentals	4,686	2,466
Repairs	3,907	1,733
Other	544	109
	<b>3,510,112</b>	<b>3,098,755</b>
<b>Net Cost of Operations</b>	<b>3,510,112</b>	<b>3,098,755</b>

The accompanying notes form an integral part of these financial statements

## Statement of Cash Flow (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

For the Year Ended March 31  
(in dollars)

2006

2005

### Operating activities

Net Cost of Operations	3,510,112	3,098,755
<b>Non-cash items:</b>		
Services provided without charge by other government departments	(258,000)	(258,000)
<b>Variations in Statement of Financial Position:</b>		
Increase (decrease) in accounts receivable and advances	(140,899)	143,809
Decrease (increase) in liabilities	114,302	(197,847)
	<b>3,225,515</b>	<b>2,786,717</b>

### Financing activities

Net cash provided by Government of Canada	(3,225,515)	(2,786,717)
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The accompanying notes form an integral part of these financial statements

# Notes to the Financial Statements (unaudited)

## OFFICE OF THE CORRECTIONAL INVESTIGATOR

### 1. Authority and purpose

The *Office of the Correctional Investigator* was established in 1973 pursuant to *Part II of the Inquiries Act*. With the proclamation in November 1992 of *Part III of the Corrections and Conditional Release Act*, this is now the enabling legislation. The mandate of the Correctional Investigator, as defined by this legislation, is to function as an Ombudsman for federal offenders. The Correctional Investigator is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on his own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety and Emergency Preparedness Canada to both Houses of Parliament.

In addition, *Section 19 of the Corrections and Conditional Release Act* requires that the Correctional Service of Canada “where an inmate dies or suffers serious bodily injury” conduct an investigation and provide a copy of the report to the Correctional Investigator.

### 2. Significant accounting policies

The financial statements have been prepared in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector.

Significant accounting policies are as follows:

**(a) Parliamentary appropriations**

The Office is financed by the Government of Canada through Parliamentary appropriations. Appropriations provided to the Office do not parallel financial reporting according to generally accepted accounting principles since appropriations are primarily based on cash flow requirements. Consequently, items recognized in the statement of operations and the statement of financial position are not necessarily the same as those provided through appropriations from Parliament. Note 3 provides a high-level reconciliation between the bases of reporting.

**(b) Net Cash Provided by Government**

The Office operates within the Consolidated Revenue Fund (CRF), which is administered by the Receiver General for Canada. All cash received by the Office is deposited to the CRF and all cash disbursements made by the Office are paid from the CRF. The net cash provided by Government is the difference between all cash receipts and all cash disbursements including transactions between departments of the federal government.

**(c) Change in net position in the Consolidated Revenue Fund**

The change in net position in the Consolidated Revenue Fund is the difference between the net cash provided by Government and appropriations used in a year, excluding the amount of non-respondable revenue recorded by the Office. It results from timing differences between when a transaction affects appropriations and when it is processed through the CRF.

## Notes to the Financial Statements (unaudited)

OFFICE OF THE CORRECTIONAL INVESTIGATOR

### 2. Significant accounting policies (continued)

#### *(d) Expenses*

Expenses are recorded on the accrual basis:

- ☛ Vacation pay and compensatory leave are expensed as the benefits accrue to employees under their respective terms of employment.
- ☛ Services provided without charge by other government departments for accommodation are recorded as operating expenses at their estimated cost.

#### *(e) Employee future benefits*

**Pension benefits:** Eligible employees participate in the Public Service Pension Plan, a multiemployer plan administered by the Government of Canada. The Office's contributions to the Plan are charged to expenses in the year incurred and represent the total obligation to the Plan. Current legislation does not require the Office to make contributions for any actuarial deficiencies of the Plan.

**Severance benefits:** Employees are entitled to severance benefits under labour contracts or conditions of employment. These benefits are accrued as employees render the services necessary to earn them. The obligation relating to the benefits earned by employees is calculated using information derived from the results of the actuarially determined liability for employee severance benefits for the Government as a whole.

#### *(f) Measurement uncertainty*

The preparation of these financial statements in accordance with Treasury Board accounting policies which are consistent with Canadian generally accepted accounting principles for the public sector requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, revenues and expenses reported in the financial statements. At the time of preparation of these statements, management believes the estimates and assumptions to be reasonable. The most significant items where an estimate is used is the liability for employee severance benefits. Actual results could significantly differ from those estimated. Management's estimates are reviewed periodically and, as adjustments become necessary, they are recorded in the financial statements in the year they become known.

## Notes to the Financial Statements (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

### 3. Parliamentary Appropriations

The Office receives most of its funding through annual Parliamentary appropriations. Items recognized in the statement of operations and the statement of financial position in one year may be funded through Parliamentary appropriations in prior, current or future years. Accordingly, the Office has different net results of operations for the year on a government funding basis than on an accrual accounting basis. The differences are reconciled in the following tables:

**(a) Reconciliation of net cost of operations to current year appropriations used:**

(in dollars)	2006	2005
Net cost of operations	3,510,112	3,098,755
<i>Adjustments for items affecting net cost of operations but not affecting appropriations:</i>		
<i>Add (Less):</i>		
Adjustments to account payable at year end	391	-
Employee severance benefits	(84,745)	30,274
Services provided without charge by other government departments	(258,000)	(258,000)
	(342,354)	(227,726)
<b>Current year appropriations used</b>	<b>3,167,758</b>	<b>2,871,029</b>

**(b) Appropriations provided and used:**

(in dollars)	2006	2005
<b>Program expenditures</b> - Vote 60	<b>2,558,000</b>	2,558,000
Supplementary Vote 60a	-	128,150
Transfer from TB - Vote 15	-	11,000
Governor General's special warrants	354,900	-
	2,912,900	2,697,150
Less:		
Lapsed appropriations	(158,593)	(246,715)
	2,754,307	2,450,435
<b>Statutory amounts</b>		
Contributions to employee benefits plan	413,451	420,594
<b>Current year appropriations used</b>	<b>3,167,758</b>	<b>2,871,029</b>

## Notes to the Financial Statements (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

### 3. Parliamentary Appropriations (continued)

(c) Reconciliation of net cash provided by Government to current year appropriations used:

(in dollars)	2006	2005
Net cash provided by Government	3,225,515	2,786,717
Change in net position in the Consolidated Revenue Fund		
Refund/adjustments of previous years expenditures	391	-
(Increase) decrease in accounts receivable	140,899	(143,591)
Increase (decrease) in accounts payable	(199,047)	227,903
	(57,757)	84,312
<b>Current year appropriations used</b>	<b>3,167,758</b>	<b>2,871,029</b>

### 4. Accounts Receivable and Advances

The following table presents details of accounts receivable and advances:

(in dollars)	2006	2005
Receivable from other Federal Government departments and agencies	25,635	166,534
Employee advances	600	600
	26,235	167,134

### 5. Employee Benefits

*(a) Pension benefits*

The Office's employees participate in the Public Service Pension Plan, which is sponsored and administered by the Government of Canada. Pension benefits accrue up to a maximum period of 35 years at a rate of 2 percent per year of pensionable service, times the average of the best five consecutive years of earnings. The benefits are integrated with Canada/Québec Pension Plans benefits and they are indexed to inflation.

Both the employees and the Office contribute to the cost of the Plan. The expense presented below represents approximately 2.6 times the contributions by employees.

(in dollars)	2006	2005
Pension expense	305,954	308,296

## Notes to the Financial Statements (unaudited)

### OFFICE OF THE CORRECTIONAL INVESTIGATOR

#### 5. Employee Benefits (continued)

The Office's responsibility with regard to the Plan is limited to its contributions. Actuarial surpluses or deficiencies are recognized in the financial statements of the Government of Canada, as the Plan's sponsor.

*(b) Severance benefits*

The Office provides severance benefits to its employees based on eligibility, years of service and final salary. These severance benefits are not pre-funded. Benefits will be paid from future appropriations. Information about the severance benefits, measured as at March 31, is as follows:

(in dollars)	2006	2005
Accrued benefit obligation, beginning of year	323,033	323,033
Expense for the year	84,745	-
<b>Accrued benefit obligation, end of year</b>	<b>407,778</b>	<b>323,033</b>

#### 6. Related party transactions

The Office is related as a result of common ownership to all Government of Canada departments, agencies, and Crown corporations. The Office enters into transactions with these entities in the normal course of business and on normal trade terms. Also, during the year, the Office received services which were obtained without charge from other Government departments as presented in part (a).

*(a) Services provided without charge:*

During the year the Office received service without charge from other departments. These services have been recognized in the Office's Statement of Operations as follows:

(in dollars)	2006	2005
Accommodation	258,000	258,000
	<b>258,000</b>	<b>258,000</b>

The Government has structured some of its administrative activities for efficiency and cost-effectiveness purposes so that one department performs these on behalf of all without charge. The costs of these services, which include payroll and cheque issuance services provided by Public Works and Government Services Canada, are not included as an expense in the Office's Statement of Operations.

*(b) Payables and receivables outstanding at year-end with related parties:*

(in dollars)	2006	2005
Accounts receivable with other government departments and agencies	25,635	166,533
Accounts payable to other government departments and agencies	12,993	69,846