

# Office of the Correctional Investigator

2014–15

## **Departmental Performance Report**

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The Honourable Ralph Goodale, P.C., M.P.  
Minister of Public Safety and Emergency Preparedness

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## Correctional Investigator's Message

The Office of the Correctional Investigator was established in 1973 to function as an ombudsman for federally sentenced offenders. From the beginning, our independent and external oversight of the correctional system has enhanced accountability and transparency for parliamentarians and Canadians. Moreover, we have played an important role in ensuring that Canada's correctional system is managed fairly and is consistent with the expectations and values of Canadians.

Oversight of corrections encompasses more than the investigation of complaints and the filing of reports. Our effectiveness centres on the ability to be responsive and accessible by maintaining a regular schedule of institutional visits. We believe our recommendations to the Correctional Service of Canada make a difference in the lives of Canadians, and contribute to the protection of human rights and the maintenance of a just, peaceful and safe society.

During the reporting period, the Office's team of investigators cumulatively spent 381 days in federal institutions and interviewed 2,110 offenders. We received over 6,250 complaints from federal offenders, 22,065 contacts were made via our toll-free number and over 5.2 million visitor hits were recorded on our website. In addition, the Office's Use of Force team conducted 1,501 file reviews. We also reviewed 167 cases stemming from section 19 of the *Corrections and Conditional Release Act* involving serious bodily injury and deaths in custody. These are significant achievements for an agency of 36 full-time equivalents.

In addition, my Office completed the following in-depth systemic investigations:

- A Three Year Review of Federal Inmate Suicides (2011-2014);
- An Investigation of Federal Community Corrections Centres; and,
- An Investigation into the National Formulary.

From the corporate perspective, my Office participated in the 2014 Public Service Employee Survey for the first time and developed an action plan to address workplace issues identified in the survey. The Office's *Destination 2020* activities were led by an internal working group which developed both near and longer term recommendations to embed new technologies and innovations into the organization's work environment. In line with the core public service, the corporate stream led the development of policy directives for the Office's performance management framework, including individual evaluation criteria for the investigative, policy, intake and corporate streams.

Looking ahead, a five-year strategic planning exercise (2015-2020) will be launched to identify best operational practices and identify new reporting requirements and performance indicators to ensure the most effective delivery of our mandate.

As my current term will soon end, this may be my last Departmental Performance Report. As I complete my term, I want to take this opportunity to say what an honour it has been to have served this country as Correctional Investigator. It has been a rewarding and life-enriching experience on so many levels. As I make the transition from this part of my public service career, I would remind Canadians and parliamentarians alike that due process, fairness, proportionality, rationality and compassion are hallmarks of an excellent criminal justice system. Human decency and dignity are principles to be nurtured and protected even, and perhaps especially, for those among us deprived of their liberty. To do otherwise, is to diminish our own humanity.

Howard Sapers  
Correctional Investigator

## Section I: Organizational Expenditure Overview

### Organizational Profile

**Appropriate Minister:** The Honourable Ralph Goodale, P.C., M.P.

**Institutional Head:** Mr. Howard Sapers

**Ministerial Portfolio:** Public Safety and Emergency Preparedness

**Enabling Instrument(s):** *Corrections and Conditional Release Act*<sup>i</sup>

**Year of Incorporation / Commencement:** 1973

**Other:**

The six corporate priorities consist of the following areas of focus:

- Access to physical and mental health services;
- Preventing deaths in custody;
- Conditions of confinement;
- Issues facing Aboriginal offenders;
- Safe and timely reintegration; and,
- Issues affecting federally sentenced women.

Organizational priorities (“the how”) are as follows:

- Investigate and resolve individual offender issues;
- Review the CSC’s management of mandated issues;
- Investigate, resolve and provide leadership on specifically identified systemic issues stemming from the corporate priorities; and,
- Information Management.

## Organizational Context

### **Raison d'être**

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator (OCI) serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial and timely investigations of individual and systemic concerns. While an independent organization, the Office of the Correctional Investigator is part of the Public Safety and Emergency Preparedness Portfolio.

### **Responsibilities**

The mandate of the OCI, as defined by the *Corrections and Conditional Release Act (CCRA)*, is to function as an Ombudsman for federal offenders. The organization is independent of the Correctional Service of Canada (CSC) 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 its own initiative. As provided for in the *CCRA*, the Correctional Investigator reports annually through the Minister of Public Safety and Emergency Preparedness to both Houses of Parliament.

## Strategic Outcome and Program Alignment Architecture

**1. Strategic Outcome:** The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.

**1.1 Program:** Ombudsman for federal offenders

### **Internal Services**

## Organizational Priorities

### Organizational Priorities

Priority	Type <sup>1</sup>	Program
Investigate and resolve individual offender issues	Ongoing	Ombudsman for federal offenders
<b>Summary of Progress</b>		
<p>What progress has been made toward this priority?</p> <p>All complaints received were prioritized, addressed and documented by investigative staff; cases were closed accordingly in the case management system.</p>		

Priority	Type <sup>1</sup>	Program
Review the CSC's management of mandated issues	Ongoing	Ombudsman for federal offenders
<b>Summary of Progress</b>		
<p>What progress has been made toward this priority?</p> <p>Section 19 of the <i>Corrections and Conditional Release Act</i> requires that the OCI review all investigations conducted by the CSC following the death or serious bodily injury to an inmate. The Office reviewed 167 cases and met all service targets. Progress in this regard is measured by the number of cases that are not reviewed. In keeping with the recommendations of the <i>Arbour Commission of Inquiry</i>, the review and assessment of 1,501 use of force incidents was completed.</p>		

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the Report on Plans and Priorities or the Departmental Performance Report.

Priority	Type <sup>1</sup>	Program
Investigate, resolve and provide leadership on specifically identified systemic issues stemming from the corporate priorities	Ongoing	Ombudsman for federal offenders
<b>Summary of Progress</b>		
<p>What progress has been made toward this priority?</p> <p>During the reporting period, the Office continued to focus on system-wide concerns: A Three Year Review of Federal Inmate Suicides (2011-2014); An Investigation of the Correctional Service of Canada's Mortality Review Process; and, An Investigation into the Prescription Drugs/National Formulary.</p>		

Priority	Type <sup>1</sup>	Program
Information Management	Ongoing	Ombudsman for federal offenders
<b>Summary of Progress</b>		
<p>What progress has been made toward this priority?</p> <p>The Office continued with the implementation of several process improvements to support system implementations: a system to better manage Access to Information and Privacy requests; a correspondence tracking tool, and; a new case management system.</p>		

## Risk Analysis

### Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
The resolution of complaints in an environment traditionally closed to public scrutiny requires that the Office not only be, but be seen to be independent of the Correctional Service of Canada, Public Safety and Emergency Preparedness and the Minister.	As it relates to the delivery of its mandate, the organization's independence is entrenched in its enabling legislation – the <i>Corrections and Conditional Release Act</i> .	Ombudsman for federal offenders

<p>Given that the authority of the Office rests with its power of persuasion and quality of reporting rather than enforceable recommendations, it is imperative that appropriate administrative and public mechanisms be available to ensure that reasonable, fair and timely action is taken on the findings and recommendations made by the Office.</p>	<p>The administrative and public mechanisms available to Canadians included: the access to information and privacy process; media coverage of correctional issues; public statements by the Correctional Investigator; the OCI's web site; tabling of Special and Annual Reports; and the production of Systemic Investigation Reports.</p>	<p>Ombudsman for federal offenders</p>
<p>The Office's mandate is national in scope and the sheer number and complexity of issues require flexibility and constant re-evaluation of priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada.</p>	<p>As a small agency, the Office relied on 22 FTEs in the Investigative Stream to ensure that federal offender complaints and correctional systemic issues were addressed in a meaningful and timely manner. To achieve this, a nimble approach to priority management was used and staff flexibility was required in adapting to the changing environment.</p>	<p>Ombudsman for federal offenders</p>
<p>While new and planned cell construction may address long term population pressures, immediate capacity challenges including the closure of three institutions (estimated 1,000 beds) resulting in medium term increased the use of double bunking</p>	<p>In managing complaints stemming from institutional capacity issues, the organization relied on the approach described above (priority management).</p>	<p>Ombudsman for federal offenders</p>

Maintaining an independent and objective review process within a correctional environment where the Office has no control over the number and complexity of complaints requiring investigations presents a number of unique challenges. Moreover, the Office does not foresee a decline in either the overall demand for services or in the complexity of the issues it is called upon to address. The environment in which it operates is intrinsically challenging.

## Actual Expenditures

### Budgetary Financial Resources (dollars)

2014–15 Main Estimates	2014–15 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	Difference (actual minus planned)
4,659,652	4,780,000	4,987,194	4,768,000	-12,000

### Human Resources (Full-Time Equivalents [FTEs])

2014–15 Planned	2014–15 Actual	2014–15 Difference (actual minus planned)
36	36	0

### Budgetary Performance Summary for Strategic Outcome(s) and Program(s) (dollars)

Strategic Outcome(s), Program(s) and Internal Services	2014–15 Main Estimates	2014–15 Planned Spending	2015–16 Planned Spending	2016–17 Planned Spending	2014–15 Total Authorities Available for Use	2014–15 Actual Spending (authorities used)	2013–14 Actual Spending (authorities used)	2012–13 Actual Spending (authorities used)
Strategic Outcome: 1. The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.								
Ombudsman for federal offenders	3,623,993	3,730,000	3,630,481	3,630,481	3,900,328	3,687,215	3,862,669	3,689,306
Internal Services	1,035,659	1,050,000	1,050,000	1,050,000	1,086,866	1,080,785	1,083,370	1,247,361
<b>Total</b>	4,659,652	4,780,000	4,680,481	4,680,481	4,987,194	4,768,000	4,946,039	4,936,667

Since 2012-13, expenditure levels have remained stable as has planned spending in 2015-16 and 2016-17.

## Alignment of Spending With the Whole-of-Government Framework

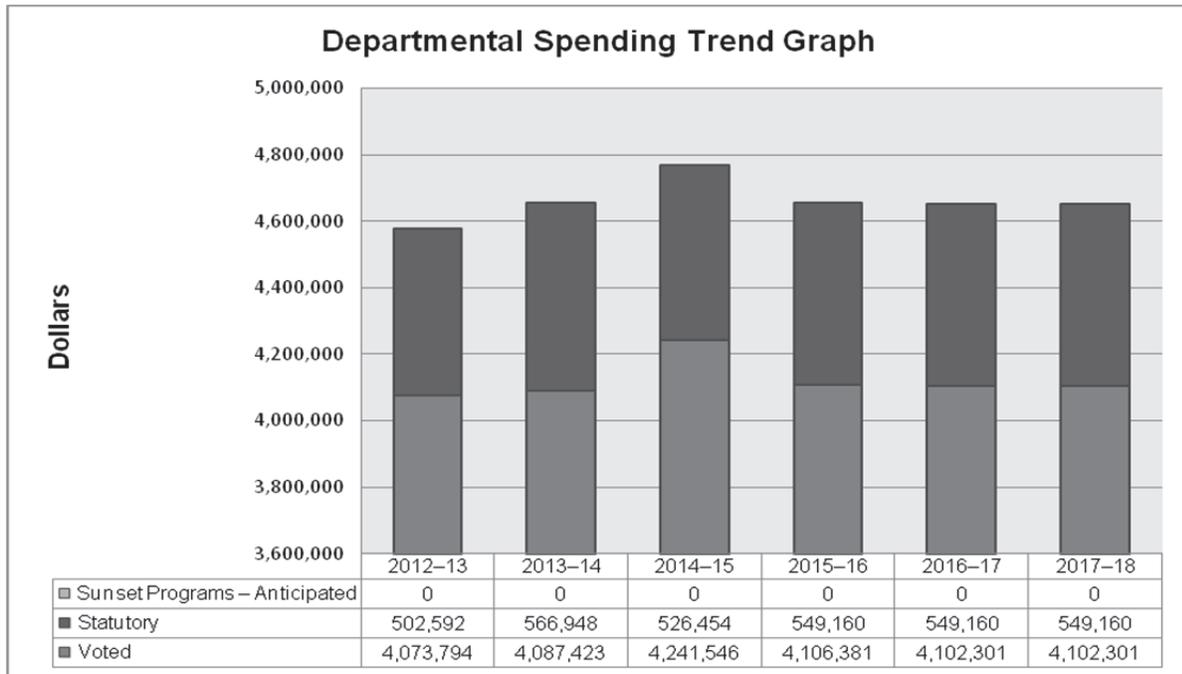
Alignment of 2014–15 Actual Spending with [the Whole-of-Government Framework](#)<sup>ii</sup> (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2014–15 Actual Spending
The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.	Ombudsman for federal offenders	Social Affairs	Safe and Secure Communities	3,687,215

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending	Total Actual Spending
Economic affairs		
Social affairs	3,730,000	3,687,215
International affairs		
Government affairs		

## Departmental Spending Trend



Over the six fiscal years depicted here, the organization’s actual and planned spending is consistent, averaging \$4.1 million of voted appropriations.

### Expenditures by Vote

For information on the Office of the Correctional Investigator’s organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2015](#), which is available on the [Public Works and Government Services Canada website](#).<sup>iii</sup>

## Section II: Analysis of Program(s) by Strategic Outcome

### Strategic Outcome:

The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.

### Performance Measurement

Performance Indicators	Targets	Actual Results
Percentage of recommendations from the Annual Report and other significant reports issued by the Office of the Correctional Investigator that are responded to by the Correctional Service of Canada.	100%	The Correctional Service of Canada responded to 100% of the Office's recommendations listed in its Annual Report and other significant reports.
Following prioritization of workload, percentage of offender complaints responded to (closed cases in the case management system) in a timely fashion.	90%	The Office did not meet its service target in responding to offender complaints. In this regard, 83% of offender complaints met the standard.
Accessible OCI services by federal offenders to support the organization's Ombudsman mandate.	1500 offender interviews and 15,000 contacts with the Office.	The results were generally consistent with previous reporting periods. Offender interviews totalled 2,110 (1,886 in previous year); 22,065 contacts (18,867) in previous year).

### Program 1.1: Ombudsman for federal offenders

#### Description

Through this program, the Office of the Correctional Investigator conducts investigations of individual offender complaints regarding acts, omissions, decisions and recommendations of the CSC. It also has a responsibility to review and make recommendations on CSC's policies and procedures associated with the areas of individual complaints, to ensure that systemic areas of complaint are identified and appropriately addressed, and to review all section 19 investigations performed by CSC following the death of, or serious injury to, an inmate.

Budgetary Financial Resources (dollars)

2014-15 Main Estimates	2014-15 Planned Spending	2014-15 Total Authorities Available for Use	2014-15 Actual Spending (authorities used)	2014-15 Difference (actual minus planned)
3,623,993	3,730,000	3,900,328	3,687,215	-42,785

Human Resources (Full-Time Equivalents [FTEs])

2014-15 Planned	2014-15 Actual	2014-15 Difference (actual minus planned)
31	31	0

Performance Measurement

Expected Results	Performance Indicators	Targets	Actual Results
To provide responsive and timely Ombudsman services to federal offenders.	Percentage of completed institutional visits.	90% completion rate as per Office of the Correctional Investigator policy and service delivery standards.	The organization was successful in surpassing this target – 94% was recorded.
	Number of section 19 and Use of Force cases reviewed.	100% completion rate as per Office of the Correctional Investigator policy and service delivery standards.	The Office reviewed 167 cases stemming from the CCRA section 19 (serious bodily injury & deaths in custody) within the prescribed standard. Moreover, the Use of Force team conducted 1,501 file reviews within standards.

**Performance Analysis and Lessons Learned**

A complement of four Intake Officers responded to 22,065 contacts; dealt with an average of 25 complaints per day (mostly from offenders) via the organization’s toll-free number; assessed the information provided by the caller; and in many cases, resolved the issue or directed the case appropriately to an investigator with a view to addressing the matter. Moreover, investigative staff carried out professional, timely and responsive analysis of offender complaints and investigations throughout the reporting period – thus ensuring the delivery of the Office’s important mandate.

As is the case every year, the number and frequency of institutional visits and offender interviews across the country ensured an organizational presence with clients. The Office's presence in the institutions resulted in the ongoing demand for the Office's services and a greater awareness and understanding of the Office's role and mandate. The operational challenge in the reporting period centered on the need to strike a workable balance between managing daily offender complaints and involving investigative staff in leading or supporting systemic investigations. Exploring best practices and lessons learned will continue and inform future systemic investigative models. In this regard, a review of the current systemic investigations model will be reviewed as part of the upcoming 5-year strategic planning exercise.

Moreover, the Office completed several systemic investigations:

- A Three Year Review of Federal Inmate Suicides (2011-2014);
- An Investigation of Federal Community Corrections Centres; and,
- An Investigation into the National Formulary.

## Internal Services

### Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are Management and Oversight Services, Communications Services, Legal Services, Human Resources Management Services, Financial Management Services, Information Management Services, Information Technology Services, Real Property Services, Materiel Services, Acquisition Services, and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not those provided to a specific program.

### Budgetary Financial Resources (dollars)

2014-15 Main Estimates	2014-15 Planned Spending	2014-15 Total Authorities Available for Use	2014-15 Actual Spending (authorities used)	2014-15 Difference (actual minus planned)
1,035,659	1,050,000	1,086,866	1,080,785	30,785

Human Resources (FTEs)

2014–15 Planned	2014–15 Actual	2014–15 Difference (actual minus planned)
5	5	0

**Performance Analysis and Lessons Learned**

The Internal Services program was managed to ensure full compliance with relevant Government of Canada policies, guidelines, and legislation as well as OCI-specific policies and directives. This was accomplished through the development and maintenance of internal control processes and the provision of training in key corporate areas. An effective system of internal control was maintained over financial reporting (ICFR) to provide reasonable assurance that financial information is reliable, that assets are safeguarded and that transactions are properly authorized and recorded in accordance with the *Financial Administration Act* and other applicable legislation, regulations, authorities and policies.

Corporate staff continued its active involvement in the Shared Case Management System Initiative and completed the implementation of a software application to manage Access to Information and Privacy requests and corporate reporting to the Treasury Board Secretariat and Parliament.

Lastly, the Office of the Comptroller General finalized its Horizontal Internal Audit of Shared Accountability in Interdepartmental Service Arrangements. No major concerns were raised in relation to OCI's practices in this area.

## Section III: Supplementary Information

### Financial Statements Highlights

Condensed Statement of Operations (unaudited)  
For the Year Ended March 31, 2015  
(dollars)

Financial Information	2014–15 Planned Results	2014–15 Actual	2013–14 Actual	Difference (2014–15 actual minus 2014–15 planned)	Difference (2014–15 actual minus 2013–14 actual)
Total expenses	5,273,619	5,248,551	4,955,805	-25,068	292,746
Total revenues	0	0	0	0	0
Net cost of operations before government funding and transfers	5,273,619	5,248,551	4,955,805	-25,068	292,746

Condensed Statement of Financial Position (unaudited)  
As at March 31, 2015  
(dollars)

Financial Information	2014–15	2013–14	Difference (2014–15 minus 2013–14)
Total net liabilities	577,980	484,351	93,629
Total net financial assets	249,547	201,013	48,534
Departmental net debt	328,433	283,338	45,095
Total non-financial assets	0	0	0
Departmental net financial position	-328,433	-283,338	-45,095

### Financial Statements

The 2014-15 financial statements of the Office of the Correctional Investigator can be found at the organization's [website<sup>iv</sup>](#).

## Supplementary Information Tables

The supplementary information tables listed in the *2014–15 Departmental Performance Report* are available on the Office of the Correctional Investigator’s [website<sup>v</sup>](#).

- Horizontal Internal Audit of Shared Accountability in Interdepartmental Service Arrangements

## Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations<sup>vi</sup>* publication. The tax measures presented in the *Tax Expenditures and Evaluations* publication are the responsibility of the Minister of Finance.

## Section IV: Organizational Contact Information

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## Appendix: Definitions

**appropriation** (*crédit*): Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

**budgetary expenditures** (*dépenses budgétaires*): Includes operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

**Departmental Performance Report** (*rapport ministériel sur le rendement*): Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Report on Plans and Priorities. These reports are tabled in Parliament in the fall.

**full-time equivalent** (*équivalent temps plein*): Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

**Government of Canada outcomes** (*résultats du gouvernement du Canada*): A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

**Management, Resources and Results Structure** (*Structure de la gestion, des ressources et des résultats*): A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

**non-budgetary expenditures** (*dépenses non budgétaires*): Includes net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

**performance** (*rendement*): What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

**performance indicator** (*indicateur de rendement*): A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

**performance reporting** (*production de rapports sur le rendement*): The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

**planned spending** (*dépenses prévues*): For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

**plan** (*plan*): The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

**priorities** (*priorité*): Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

**program** (*programme*): A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

**Program Alignment Architecture** (*architecture d'alignement des programmes*): A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

**Report on Plans and Priorities** (*rapport sur les plans et les priorités*): Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

**result** (*résultat*): An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

**statutory expenditures** (*dépenses législatives*): Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

**Strategic Outcome** (*résultat stratégique*): A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

**sunset program** (*programme temporisé*): A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

**target** (*cible*): A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

**voted expenditures** (*dépenses votées*): Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

**whole-of-government framework** (*cadre pangouvernemental*): Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

## Endnotes

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- i. *Corrections and Conditional Release Act*, <http://laws.justice.gc.ca/eng/acts/C-44.6/page-61.html>
- ii. Whole-of-government framework, <http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx>
- iii. *2014-15 Public Accounts of Canada*, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- iv. Office of the Correctional Investigator, <http://www.oci-bec.gc.ca/cnt/rpt/index-eng.aspx#FinState>
- v. Office of the Correctional Investigator, <http://www.oci-bec.gc.ca/cntoffice/rpt/index-eng.aspx#OTH>
- vi. *Tax Expenditures and Evaluations* publication, <http://www.fin.gc.ca/purl/taxexp-eng.asp>