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Penitentiaries

Pénitenciers

PHASE TWO

THE ESCAPE OF NINE INMATES  
IN FIVE SEPARATE INCIDENTS  
AT COWANSVILLE INSTITUTION  
BETWEEN 14 APRIL - 1 MAY, 1973

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COMMISSION OF INQUIRY ON  
PENITENTIARY SECURITY WITHIN  
THE QUEBEC REGION

J. Ducros, J.S.C., President.

Lieutenant-Colonel A.D. Gauthier, Commissioner.

P. Jutras, Commissioner

Published under the authority of

HON. WARREN ALLMAND

Solicitor General of Canada.

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GENERAL

1.

In the first phase of its inquiry, the Commission had to deal with a single incident involving an institution intended to be "escape-proof". In its second phase, the subject of the Commission's inquiry is a series of five incidents at an institution which was neither designed nor intended to be escape-proof. The Correctional Development Centre (CDC) at Laval, Quebec was an "ultra-maximum" security penitentiary housing the type of inmate who will take all possible steps to escape and who is likely to endanger the public safety once at large. The five who escaped from the CDC on 13 May 1973 all had several previous escapes and lengthy criminal records. On the other hand, Cowansville was intended to be a special type of medium security institution for inmates unlikely to escape or be dangerous to the public.

2.

If a certain number of escapes each year can be expected within a medium security institution, the fact that nine inmates broke out of Cowansville in the two-week period of April 14 to May 1,

1973 immediately raised doubts as to whether the precept of medium security was being followed in the operation of the institution. These doubts were strengthened by the type of inmate involved in the escapes. These escapes coupled with the mass escape at the CDC resulted in the appointment of this Commission of Inquiry.

THE MANDATE (see annex A to this report)

3.

The Commission's mandate for its Phase Two inquiry covers the escapes which occurred at Cowansville Institution between 14 April and 1 May 1973. This time frame was of particular note only because of the high number of escapes which occurred in that short period. Apart from the possibility that one successful escape may encourage another (a phenomenon noticeable in many kinds of impulse acts), the only factors these escapes have in common are that when viewed collectively in relation to time, they appear to form a "wave" or "peak" of escapes, and several have exploited similar weaknesses in the Institution's security posture.

4.

The Commission attaches little importance to this "wave" aspect per se considering it to be mainly seasonal and coincidental. Rather, it has sought to analyze these escapes as a continuation of an evolving pattern to arrive at fundamental causes leading to escapes. This perspective reveals certain important weaknesses which are much less apparent if each escape is studied merely in isolation.

5.

Therefore, later in this report, a short description will be given of each escape occurring within the time frame of this inquiry's mandate. After each escape description, a short summary of the principal factors and deductions is provided but farther on, a more comprehensive analysis of the inter-relationship between the weaknesses exploited in those escapes is made in the broader context of Cowansville Institution's security posture.

#### THE INQUIRY

6.

The Commission visited Cowansville Institution on June 12, July 27, and August 15, 1973. On July 30 and August 1 and 2 at the Court House in Montreal, it heard the testimony of six witnesses either directly involved with the operation of the Institution or responsible for it on the regional level. The Commission also studied a mass of documents dealing with the escapes in question, the history of this Institution since its inception and Penitentiary Service policy matters pertinent to this inquiry.

7.

The six witnesses who were heard under oath and whose testimony was taken down in stenography before the Commission are:

Roger FERLAND, Assistant Director (Security), Cowansville Institution;

Donatien LAURIN, Assistant Director (Socialization), Cowansville Institution;

Guy LEMIRE, Director, Cowansville Institution;

Gérald PORTELANCE, President of the Cowansville Branch of  
Solicitor General Component of the Public  
Service Alliance of Canada;

Bienvenue MARCOUX, Assistant Regional Director (Security),  
Quebec Region; and

Albert LAFERRIERE, Regional Director (Quebec), Canadian  
Penitentiary Service.

8.

The Commission has not found it appropriate to summarize  
all statements made by the above witnesses.

Annexed to this report [not reproduced here] :

- (a) The list of thirty-eight (38)  
exhibits filed by witnesses.
- (b) The procès-verbal of the Commission's  
sessions.
- (c) The transcript of all testimony taken  
in stenography before the Commission.

May it be noted, however, that unlike the First Phase inquiry, this  
Phase was conducted more informally and the above records contain  
only a portion of the exhaustive amount of material submitted to and  
considered by the Commission.

#### THE INSTITUTION

9.

Cowansville Institution is located in Quebec's Eastern  
Townships, 70 miles from Montreal. The Town of Cowansville, three  
miles east of the Institution, has a population of 10,000 and forms

part of a relatively well-populated region which includes the City of Granby (population 35,000) and the Town of Farnham (population 8,000). The Institution occupies an area of 395 acres, surrounded by woods, farms and roads.

10.

The design of Cowansville Institution follows the form and functions of the standard medium security institution described in the 10-Year Plan of Institutional Development. Actually a complex of some 20 separate buildings, the Institution comprises a Living Centre (consisting of four pavilions, each with 108 individual cells and day rooms on two floors), a Work Centre for industrial and vocational training, a Community Centre for eating and recreational use, a Special Handling Centre with hospital, reception and dissociation facilities, and the Administration Centre.

11.

All of the components of the complex (with the exception of some satellite plants and offices) are located within a single 15-foot wire mesh perimeter fence approximately 1300 feet square. With the exception of the Work Centre, which is located at one corner of the complex and has its own interior perimeter fence, the spacious grounds within the perimeter fence are physically accessible to inmates except during those periods (especially nighttime) when they are confined to their cells. There are sentry shelters at four points outside the perimeter fence at a distance of approximately 1400 feet from each other and 100 feet from the fence.

12.

During the period with which the report is concerned (April 14 - May 1, 1973), the Institution had a staff of approximately 240 (including 72 security personnel) and an inmate population of approximately 430.

13.

The general disposition and appearance of the complex is that of a campus institution suited to the basic planning concept of inmate training in a low-hostility environment. Generally speaking, there is a relative freedom of inmate movement and contact with institutional staff inside the perimeter. The perimeter's physical security features at the time of the escapes in question consisted of the fence, a rough exterior roadway adjacent to the fence, and four low-profile sentry shelters. The standard inmate cell has moveable furniture and a window secured by lateral concrete louvers.

14.

Most of the inmates who are sent to Cowansville will, in the due course of the law, return to society within a comparatively brief number of years. This requires the Institution to work towards the protection of the public as much after the inmates's release as during his confinement. To this end, and in the hope of lowering the recidivism rate, Cowansville offers its inmates a programme of training and social rehabilitation.

15.

The effectiveness of the programme in a medium security institution depends in part on reducing the impact of security

measures on the daily routine and environment of the place. If the programme is sufficient for the number of inmates in the institution and the type of inmate is suitable to the programme, the institution will accomplish its task without there being any risk to the public resulting from the fact that security is less than maximum.

16.

There is a complex interplay of factors at work in such a system, and this complexity has obliged the Commission to inquire beyond the period of escapes defined in its mandate to appreciate the context shaped by the evolution of security over the Cowansville Institution.

PENITENTIARY SERVICE DEVELOPMENT AFFECTING COWANSVILLE

17.

The policy document having the greatest influence in Canadian Penitentiary Service development in recent times appears to be a master plan known as the 10-Year Plan of Institutional Development (1963-1973). A new concept aimed at increasing the importance of rehabilitative programmes and effecting a corresponding reduction in the then outmoded over-emphasis on custody was introduced to achieve a better balance between these two complementary aspects of Penitentiary operations.

18.

Maximum security institutions are premised on holding both inmates who actively try to escape or who would be dangerous to the

public if they escaped. Medium security institutions are reserved for inmates judged as unlikely to attempt to escape unless a clear opportunity is presented and who would not constitute a danger to the public if they succeeded in escaping.

19.

Based on these classifications and on estimates in the early 60's of inmate population projections for the 70's, the 10-Year Plan outlined the number and type of new institutions to be built in the period 1963-1973.

20.

Along the way, changes in rehabilitation concepts occurred which appear to have improved some aspects of the Penitentiary Service while adversely affecting others. New vogues in penology research at times influenced national authorities to modify the path traced in the 10-Year Plan. Most changes were effected without adverse results because all necessary adjustments were implemented in pace. On occasion, serious security problems arose when authorities at various levels:

a. either appreciated the impact on security inherent to a particular change and accepted the risk involved, but would not or could not, for considered reasons, accept to delay implementating that change until all security modifications could be effected;

b. failed to heed warnings from subordinates, when necessary modifications should have been apparent, due to a reluctance to part with established norms or programs; or

c. failed to detect the impact some changes would have on security until incidents such as escapes highlighted the flaw.

21.

Until 1972, there was a serious shortage of staff responsible for security matters at National, Regional, and to a lesser degree, at Institution headquarters. This deficiency in staff meant that security problems were often dealt with piecemeal and too little time was available to anticipate security problems before they arose let alone to take all appropriate preventive measures. Furthermore, the preponderance of staff whose responsibilities concerned rehabilitative programmes tended to out-weigh those assigned to security aspects.

22.

In the period immediately following the Summer 1972 rash of escapes, the Commissioner of Penitentiaries recommended many long-overdue and worthwhile security improvements, including an increase in security staff advisors at National and Regional levels and even at some institutions. While these steps promised to correct most of the security problems which had until now seriously deteriorated, they had not yet come sufficiently to fruition on the eve of the Spring 1973 sequel.

COWANSVILLE ESCAPE RECORDBACKGROUND

23.

While numerous factors would enter into a detailed analysis of the escapes which occurred at Cowansville since its opening in 1966, certain general deductions can be drawn from a cursory examination of the data obtained by the Commission.

24.

First, it is necessary to re-state that ZERO escapes is not a realistic goal for a medium institution. Originally, Cowansville counted on the careful selection of its inmates, the interest and value of its rehabilitation programme in itself and the deterrence value of a possible two years' consecutive sentence for escaping plus return to a maximum security institution, as sufficient inducement to hold its inmates within Cowansville given relaxed security inside and token perimeter security.

25.

It was appreciated that if an inmate chose to escape, the perimeter barrier would present little in the way of an obstacle, but the basic assumption was that few would try escaping and that those who did would not present a danger to the public. It was accepted from the beginning that a certain number of escapes could therefore be expected and were to be considered "normal" in the sense of not

prompting undue alarm per se. To attempt to eliminate this (undefined) minimum member would have necessitated restrictive security measures deemed counter-productive to its rehabilitation programme.

26.

In 1966, there were four escapes and two attempts. Considering the above principles and the breaking-in period any new institution undergoes, this total seems within acceptable limits to this Commission.

27.

In 1967, there was a rise in population and a slight rise in escape incidents with one successful escape and seven attempts. Again, this appears "normal".

28.

In 1968, no attempts were made - an exceptional year.

29.

In 1969, there was a sharp rise to thirteen escapes and eight attempts. As will be described in more detail later, this rise coincides with not only a major jump in population but with a subtle shift away from the intended inmate selection criteria. The Commission considers this to mark the major turning point at which factors beyond the control of Cowansville itself caused the initial gap between the designed security posture and the new security requirements necessary for its changed population.

30.

Some stability appears in 1970 and 1971 with twelve escape incidents each. In light of later developments, this is not necessarily considered a reflection of improved security, however.

31.

With the full impact of the liberalization of selection criteria in order to house larger numbers of maximum-type inmates in Cowansville, 1972 brings a major rash of escapes: twenty-six escapes and seven attempts.

32.

In the first third of 1973, the total reaches fourteen escapes and two attempts foreshadowing an even worse year than 1972. Of these escapes, nine occurred in the two-week period of 14 April to 1 May and involved five separate incidents. The inmates who escaped were almost all of a maximum-type which should not, but for the general shortage of maximum berths throughout the Region, have been sent to Cowansville. With the immediate injection of an emergency programme to complete security measures launched in the aftermath of the 1972 escapes, the haemorrhage at Cowansville appears stemmed. From May 1, 1973 to the writing of this report not one further escape has occurred.

33.

As a general conclusion, it appears clear to this Commission that significant increases in Cowansville's escape rate directly followed the decisions which caused it to stray away from its intended purpose without benefit of compensating increased security resources.

SPRING OF 1973 ESCAPES

34.

5123 CHARBONNEAU - April 14-15, 1973

At the time of his escape, this inmate was serving a life sentence for non-capital murder. The circumstances of the crime and the identity of the victim indicate that the killing occurred in the course of an underworld dispute, and that Charbonneau became an accomplice by virtue of the fact that he accompanied the killer to the scene. For this reason, he is given the benefit of the doubt in classification as to whether or not he is a violent type. Charbonneau has a record of convictions for burglary and car theft, in respect of which he had previously been an inmate at Cowansville. The record of this first sojourn at the Institution indicates an uncooperative, unmotivated and troublesome inmate with no interest in rehabilitation while waiting out the expiry of this relatively brief sentence. There is a striking contrast between this first performance and Charbonneau's record after his murder conviction in 1969. After three years of detention in maximum security at Archambault, he is recommended for transfer to a medium security institution. The transfer recommendation was based on Charbonneau's good behaviour at Archambault and the conclusion that he was not "a disciplinary problem". The decision to transfer Charbonneau to Cowansville appears to have been motivated mainly by a shortage of housing capacity in maximum security institutions resulting in the need to transfer a number of inmates at the lower end of the "maximum" classification scale to a medium security institution rather than to any positive conclusions concerning his reformability.

35.

The Escape

Charbonneau broke out of his cell at ten minutes past midnight on the morning of 15 April by breaking one of the concrete window louvers with a dumbbell weight obtained from the recreation yard. Proceeding from the cell window, Charbonneau escaped unseen over some part of the center field perimeter fence.

36.

Comments

Three gaps in the institution's state of security enabled Charbonneau to jump the fence unnoticed:

a. Only one guard was assigned to patrol the interior grounds of the Institution and Charbonneau had ample time to effect his escape in the time necessary for this foot patrol to circle the four pavilions of the Living Center.

b. In accordance with the routine which existed at the time, and which has now been modified, there was no sentry assigned to the center field exterior perimeter shelter after midnight.

c. In accordance with the routine which existed at the time, and which has now been modified, there was only one mobile patrol around the perimeter fence and this patrol was, at the time of the escape, at the main entrance of the Institution for the purposes of a shift change.

37.

The Commission finds that Cowansville authorities placed unwarranted trust in the supposed security of the Living Centre. In principle, the Institution was designed so that by day, with inmates given relative freedom throughout the Institution, the "ring of security" was based upon the perimeter fence, its four guard shelters and a mobile patrol. By designing the Living Centre as an inner security area comprised of four pavilions linked by a concrete "fence" with gates, it had been assumed that once inmates were in their cells for the night, the "ring of security" could be contracted from the outer perimeter fence to this inner area with the former becoming merely a secondary line of security by night.

38.

Charbonneau's escape was the eighth escape involving leaving a cell by breaking the concrete struts in the cell window frame since Cowansville Institution opened in 1966. The Commission is concerned that national authorities were so long in recognizing this weakness. The first written mention of windows being a serious problem is found in a report from Cowansville dated 31 October 1969 and most recently, in a Cowansville memorandum dated 9 April 1973. In the next two weeks, three other escapes occurred (Charbonneau on 14 April; Emard, Landry, and Sévigny on 16 April; and Lavalée and Vary on 1 May). A sample of these windows was to be tested by the Department of Public Works in 1969 yet it is only now that such a test seems to have been ordered to see if the windows were constructed to design standards. Although the test results are not yet available to this Commission, it is most likely they will confirm suspicions that these windows are sub-standard. (Photographs of these windows are at Annex C)

39.

The Commission again regrets that the history of escapes involving these weak windows did not result sooner in the steps subsequently taken: that of placing a second foot patrol in the vicinity of the Living Centre by night.

40.

Apart from this window problem, the Commission was not impressed by the so-called concrete "fence" joining these pavillions. As will be seen later, this fence was easily scaled in the Ouellette-Lebel escape and warrants improvements if that "inner ring of security" is to be made credible. The Commission regrets that more effective dispositions were not taken before the Charbonneau escape in light of the recognition of the window problem one week earlier.

41.

The limited manpower resources on the perimeter fence were all that were reasonably available at the time and their disposition could not be expected, as a "secondary line of security" by night, to have made up for the "inner line" problem. The Commission ascribes no negligence to the way in which individual correctional officers performed their duties at the time of this escape which exploited the normal distractions which occur at the change-of-shift.

42.

The Commission finds that Charbonneau was able to capitalize on a series of gaps in the overall security system of the Institution as it existed on April 14 and effect his escape with only

moderate effort and little, if any, risk of personal danger. In view of this conclusion, the suitability of Charbonneau as an inmate in a special medium-security institution may not be entirely relevant to the escape itself, but Charbonneau's case is an illustration of the unsuitable type of inmate being transferred to Cowansville Institution. The good conduct from a disciplinary point of view of an inmate, particularly an inmate serving a lengthy sentence, should not be the determining factor in the classification of the inmate for medium-security transfer. In such cases, greater consideration should be given to the reformability of the inmate, and his past record. In certain cases, it is conceivable that the good behaviour of a maximum security inmate is motivated by a desire to obtain transfer to a medium security institution for the purposes of escaping from that institution.

43.

7014 DOIRON - April 15, 1973

At the time of his escape, Doiron had five convictions for armed robbery and two convictions for escapes made in 1970. He was serving a 15-year sentence imposed in 1971 concurrently with a 10-year sentence imposed in 1970. He was transferred to Cowansville in February 19, 1973 after a favourable classification report. His behaviour during his brief stay in Cowansville refutes the assumptions and conclusions of this classification report. On April 12, 1973 a search of Doiron's cell revealed a jack and wire cutters concealed in the door of the cell and he was thereupon placed in dissociation pending an application by the Institution's Deputy Director (Security) for his transfer back to maximum security. It was from the dissociation

yard that Doiron escaped on April 15. He was recaptured on April 19 while being pursued for the armed robbery of a Caisse Populaire in Montreal that day.

44.

#### The Escape

This escape occurred at 1030hrs while Doiron and one other inmate were taking their walk under surveillance in the walled exercise yard of the dissociation center. Before his guard could react, Doiron dashed for the wall of the yard which he scaled by gaining a hold on the ventilation intake located near the junction of the wall and the building. Having cleared the dissociation wall, he was able to run the short distance to the perimeter fence, scale the fence and disappear in the direction of highway 40 before the sentry in position at that corner of the perimeter was able to use his weapon.

45.

The sentry post located nearest the point of escape was occupied by one of the Institution's instructors working overtime as a guard. This instructor had had no previous experience on guard duty and had not used a firearm for at least fifteen years. The sentry spotted Doiron when the latter was approximately fifty feet on the outside of the perimeter fence and running. He gave the alarm by radio immediately, but his shot-gun jammed on loading and he did not think of using his revolver. At the time the alarm was given, a special two-man motorized patrol was located at the extreme opposite corner of the perimeter. Doiron disappeared into the near-by woods by the time this patrol could reach the scene.

46.

Comments

The Institution's administrative inquiry concluded that the sentry's lack of weapon training was the principal factor in the success of the escape and that the officer of the day should not have appointed an inexperienced man to a sentry post. The officer of the day was reprimanded for his error in judgement.

47.

In addition to the inadequacy of the perimeter fence, Doiron's escape calls into question the security of the dissociation center, the practice of assigning untrained supplementary personnel to sentry duty and the classification problem.

48.

With respect to the security of the dissociation yard, the Commission concluded that the present role of Cowansville requires a maximum security component for dissociation and inmates awaiting re-transfer. Although Doiron's agility in clambering over the wall itself is remarkable, the design of the wall was inadequate in not having some form of barbed-wire top-guard and because of a climbing aid which should have attracted the attention of security personnel long before this escape. The Commission does NOT agree with a recommendation in the Institution's investigation report that inmates be handcuffed in the dissociation yard. With the removal of the climbing aid, that yard needs only to have Berka wire installed on top of the wall.

49.

This daytime escape clearly demonstrated the facility with which the inmate scaled the perimeter fence.

50.

Another important factor was the lack of weapons training of the person assigned to occupy the sentry position. The sentry performed adequately in giving the alarm but was effectively powerless in preventing the escape. However, this person was not a correctional officer and his performance cannot be taken as a reflexion of the security staff of the Institution. By the same token, the individual himself cannot be blamed for not possessing skills his regular job did not require. What has to be blamed is the lack of human resources available to the Institution and which prompted a regular post to be filled by temporary help.

51.

A major factor to the escape of Doiron is the subject's transfer to Cowansville despite his failure to meet the basic criteria for medium-security institutions. Doiron's record at the time of his transfer to Cowansville indicated a definite risk of escape. This was recognized by the Institution, which took immediate steps to have him returned.

5080 LANDRY, 6851 EMARD, 6904 SEVIGNY - April 16, 1973

52.

5080 LANDRY Landry was transferred to Cowansville from Archambault in December 1972. The classification report prior to transfer acknowledged the subject's doubtful reformability and

unsatisfactory behaviour but recommended transfer to a medium-security institution on the basis of the fact that he had been in maximum security for three years. Landry was serving a fifteen-year sentence for an armed robbery conviction received in 1969. He had previously spent five years in Kingston Penitentiary for a 1962 drug trafficking conviction. He was recaptured on June 7, 1973.

53.

6851 EMARD Emard was transferred to Cowansville from Archambault in October 1972. The transfer was approved by the regional selection committee on the strength of a favourable training record. He was serving a ten-year sentence for a 1971 conviction for attempted armed bank robbery while on parole from a five-year sentence for a similar offence in 1968. Part of the 1968 sentence had been served in Cowansville. He was recaptured on June 5, 1973.

54.

6904 SEVIGNY Sévigny was serving a fifteen-year sentence for armed truck hijacking and kidnapping. This sentence was imposed while the subject was already in Cowansville for lesser thefts. The subject had a good training record and was well regarded by the institutional authorities. His case is somewhat unusual and reflects the sort of desperation produced by being let down by the system. Prior to the hijacking, Sévigny had acquired the trade of barber during a previous minor imprisonment and had set up his own barbershop. The barbershop was closed down on a technicality by the local parity committee and this apparently encouraged Sévigny to return to his

earlier pattern of criminal behaviour on a more serious scale. It is the imposition of the fifteen-year sentence while at Cowansville that appears to have provoked his decision to escape. By that time Sévigny had become recognized as an escape-prone individual, and his transfer out of the Institution had been considered but rejected on the strength of his performance record.

55.

#### The Escape

Emard, Landry and Sévigny escaped from the Institution at approximately 2015hrs, by breaking one of the concrete louvers in the window of Sévigny's cell with a dumbbell weight in the manner used by Charbonneau in his escape of April 15. The escape occurred from pavilion 8, from which the three proceeded towards the perimeter fence on the north side of the Institution where maintenance and storage buildings shielded them from the view of the sentry position at the service entrance. They were spotted going over the fence by the guard on mobile patrol at the north-west corner of the perimeter. The conclusion of the Institution's administrative inquiry was that this officer was the weak link in the perimeter security system because of his slow response upon detecting the movements of the escapees, the confused manner in which he gave the alarm by radio and his failure to use his weapon or advance to intercept the escapees.

56.

The three disappeared into the woods without a shot being fired. Because of the slowness in giving the alarm, a second mobile patrol arrived too late to spot the escapees, but attempted to do so with the use of flares.

57.

Comments

In addition to the questions raised in connection with Charbonneau's escape of April 15, the escape of Emard, Landry, and Sévigny led the Commission to inquire into the adequacy of lighting of the perimeter, the sufficiency of fixed sentry posts, the instructions given officers on motorized patrol, and the influence of escape-prone inmates better suited to medium security.

58.

The lighting of the perimeter was not adequate to allow pursuit. This escape also illustrates the inadequacy of the existing stationary sentry positions in maintaining surveillance of the complete perimeter (detailed recommendations are made later in this report). Mobile security patrols should be used to come to the assistance of the stationary positions and not to become stationary posts themselves in the gaps between the shelters.

8680 OUELLETTE, 7156 LEBEL - April 18, 1973

59.

8680 OUELLETTE At the time of his escape, Ouellette was serving a four-year sentence for burglary. The lack of serious offences in his past record and the classification reports on him reveal nothing to indicate that he was not a good medium-security risk.

60.

7156 LEBEL Lebel was serving a twenty-year sentence for accumulated burglaries, thefts, armed robberies, manslaughter and

escape. He had been transferred to Cowansville from Archambault as recently as March 7, 1973. The classification report preceeding transfer noted the subject's good behaviour since his confinement in 1971 and recommended his transfer to Cowansville despite indications in the file that he had on a previous occasion been connected with escape preparations. Described as a "late-comer to crime", Lebel had no previous serious convictions prior to 1971, when he received two convictions for armed robbery and pleaded guilty to the reduced charge of manslaughter in connection with the death of the victim of one of these crimes. He was recaptured after six days of living off the land in the Cowansville area.

61.

#### The Escape

This escape occurred at 2030hrs. while the inmates were apparently at liberty to circulate in the interior courtyard formed by the four Living Center pavilions. From fifty to sixty other inmates witnessed the event. Ouellette and Lebel jumped the gate between pavilions 11 and 10, crossed the center field and jumped the perimeter fence on the east side of the Institution. It took them, in all, less than two minutes to reach the woods. The alarm was immediately given by the instructor on duty in the pavilion courtyard who noticed the two running for the gate between pavilions 10 and 11. Before the escapees reached the woods, both motorized patrols managed to reach the point of escape near the perimeter fence but were unable to intercept the inmates. They were also spotted by the sentry in the center field position. Over 37 shots were fired by the sentry and the three men on motorized patrol from the time the escapees were on the perimeter fence to their reaching the woods. Lebel was slightly wounded in the effort but not seriously slowed down.

62.

Comments

In addition to the inadequacy of the perimeter fence, the principal question raised by this escape is the effectiveness of the firepower of the perimeter security force. Related to this is the positioning of the stationary sentry posts and the location of the perimeter road travelled by the motorized patrols. Finally, the classification question appears once again.

63.

Both the stationary and mobile elements of the perimeter security force were confined to positions from which they had to chase after the escapees by foot over difficult and broken terrain before being able to make effective use of their weapons. This escape illustrates how the location of the Institution encouraged and facilitated escape by providing a dense wooded sanctuary a short distance from the perimeter. Once this sanctuary was attained, pursuit at night was extremely difficult and the escapees were almost assured of success. In their flight towards the sanctuary, the escapees could only be pursued, they could not (at that time) be cut off. This was because of the location of the then perimeter road contiguous to the fence.

64.

The insufficient number of fixed security positions, and the obstacles to direct pursuit were compounded by the type of fire-arm provided to the perimeter security force. Each stationary position was expected to cover a range exceeding seven hundred feet

with shot-guns designed for close-quarter use and ineffective at ranges in excess of one hundred and fifty feet. The ineffectiveness of these weapons in the conditions in which they had to be used had been well established throughout the Institution's escape history and must have been known to all the inmates. This in itself must have been an inducement to escape. More is said by this Commission on the matter of firearms at paragraphs 145 to 153 of this report. The status of progress towards correcting the perimeter road and nearby woods problems is described later.

7906 LAVALLEE, 6813 VARY - May 1, 1973

65.

7906 LAVALLEE Lavallée was serving a ten-year sentence for a series of armed robberies. This was the subject's first serious encounter with the law. A well-educated and intelligent individual, he was highly regarded by prison officials and considered an ideal classification case for Cowansville. On the other hand, the subject appears to have had a propensity towards escape. While in prison in Hull in October 1972, prior to his arrival at Cowansville, he had made serious preparations for an escape but had confessed these intentions and preparations before carrying them out. At Cowansville, he warned one of his instructors on April 17 that he was under irresistible temptation to escape. It should be noted here that in making his escape, Lavallée paused and was about to give up when his companion prodded him forward.

66.

6813 VARY Vary was serving a seven-year sentence for burglary, armed robbery and wounding with intent. This incident of

violence in his record occurred for no apparent reason in the course of the armed hold-up of a taxi driver when Vary was under the influence of drugs. At the time of his escape he would have been eligible for parole within one month. He had made an earlier escape attempt shortly after his arrival at Cowansville in 1971, but his preparations were cut short on discovery of a window jack and homemade daggers in his cell.

67.

#### The Escape

These two inmates escaped at approximately 0310 hrs by breaking out of Lavallée's cell window in the usual manner. Vary had been hiding under Lavallée's bed since the curfew, having placed an elaborately prepared dummy in his own bed. The perimeter security force had been on the alert since 0100hrs that morning as a result of unidentified flashlight signals being made from various locations in the perimeter woods. The alarm was given by radio by the guard on mobile patrol who noticed the two heading towards the perimeter fence under cover of the skating rink boards. The sentries occupying the two corner positions on the east side of the perimeter responded immediately to the alert and the firing began while the escapees were still on the fence. They managed to reach the woods before any member of the perimeter security force could get into effective firing range. The subsequent pursuit of the escapees through the woods and an attempt to cut off their getaway car on the main highway on the other side of the woods was frustrated by the lack of a direct access route between the Institution and the highway.

68.

Comments

The apparent anomaly in this escape is the fact that the perimeter security force was on alert prior to the escape having earlier detected signal light flashes from the woods. The Commission notes that the officer in charge took appropriate steps including advising the Cowansville Police who checked the roads in the vicinity with negative results, re-distributing his correctional officers to cover the area of the perimeter fence behind which the lights had been seen, and checking the woods as best he could at that time of night.

69.

The Commission concludes that despite these precautions the physical layout of the Institution is the principal factor facilitating this successful escape. Correctional officers on the perimeter responded as soon as the inmates were sighted approaching the fence, but distance and terrain obstacles prevented them from successfully intercepting the escapees.

70.

While failure to uncover the dummy in routine cell checks is clearly a technical fault of the part of the correctional officer responsible, this Commission considers this negligence of a minor nature considering the apparent realism of the dummy and what can be considered as reasonable in terms of cell checking procedures at a medium security institution. While the use of the dummy contributed to the successful escape, it was not the prime factor.

71.

The Commission concludes that outside assistance was provided to help the escapees in their get-away but this aspect is also secondary.

### THE COMMISSION'S FINDINGS

#### GENERAL

72.

At Cowansville, the weaknesses exploited in this rash of escapes stemmed mainly from factors beyond the control of that Institution rather than to any serious errors or omissions by the Institution's personnel.

73.

Factors common to the five incidents examined by the Commission were not new to these escapes but simply a continuation of the evolution in the Institution's overall state of security wrought as a result of the impact of major changes imposed on it in recent years.

74.

Each of the five escapes involved one or more inmates of a type unsuited to the Institution and unable to meet the medium security selection criteria which were recognized when the institution was designed and built.

75.

Each of the five escapes underscored the inadequacy of the static security of the Institution to offset the increased threat of escape inherent to this unsuitable type of inmate.

76.

In some of these escapes, the quality of response by one or more members of the security force was of an inadequate standard and therefore contributed to the success of the escape. It is likely, however, that even without this boost, the escapes would have succeeded anyway because of the weak perimeter.

77.

The Commission's inquiry led to the further conclusion that the common factor of inmate non-suitability went beyond the actual escapes and indicated a generalized situation in which the actual security needs of the Institution were far greater than those it was designed to deal with. In effect, the Commission found a minimum-medium type of institution being used as a medium-maximum. It was concluded that this was a situation likely to persist in the years to come and that a number of detailed steps had to be taken to close the gap between the original security classification of the Institution and the increased risk inherent in its present role.

78.

Finally, the Commission concluded that, regardless of whatever new security is imposed, the Institution should be returned to its original role as soon as possible, and that work should begin immediately towards this end.

THE CLASSIFICATION PROBLEMBackground

79.

As a medium facility, Cowansville was built to receive inmates who met the medium security criteria acknowledged in the 10-Year Plan. Those criteria envisaged the type of inmate who will not take active steps to escape if it involves risk and difficulty, but who would try to escape if an easy path was open to him. It is to be assumed that the design adopted by the 10-Year Plan for the standard medium-security institution intended not to leave an easy path of escape open to the inmate.

80.

On the other hand, the housing and detention of medium security inmates were not the only aims of the type of institution to be built on that design. Another aim was the rehabilitation of the inmate based on an environment and training programme better suited to prepare him for his eventual return to society. It was feared that the effectiveness of such an environment, and even the training programme itself, would be adversely affected by the atmosphere of a hostile or oppressive perimeter of the type which had hitherto characterized penitentiaries. It was this concern which had to be balanced with the need to place obstacles to escape. The resulting design for medium security institutions called for cells with louvered concrete windows (instead of steel-barred windows or no windows at all) and a wire-mesh fence (instead of the traditional wall obstructing all view of the exterior).

81.

It was recognized at the time that a certain number of escapes from medium security institutions would be inevitable. Even with the greatest attention to the proper selection of inmates for medium security classification, it is impossible to determine with complete accuracy whether an individual will take active steps to escape in even difficult or dangerous circumstances. Even those who are properly classified as "medium-security" may suddenly change their established behaviour pattern and escape through impulse.

82.

What is perhaps more readily ascertainable is whether an inmate is likely to use violence in attempting to escape or be dangerous to the community. It is on the selection of individuals who do not fall into this category that the design of Cowansville and the concept of the new medium security institution as a whole were predicated. With such a system of classification, the fact that a certain number of escapes will occur becomes acceptable when consideration is given to the advantages to society of an effective rehabilitation system.

#### A & Y Criteria

83.

In 1964, while construction of Cowansville was getting under way, an innovation in inmate selection was introduced which further influenced the role of standard medium security institutions and the design of their perimeter security. This was the segregation of "A" and "Y" class prisoners from the penitentiary inmate mass.

"A" class inmates are adult inmates on first commitment to prison, unless they are likely to have a bad influence on others; also, any adult inmate who has previously served a prison sentence if, having regard to the nature of the previous offence or the length of time since it was committed and the prisoner's general record and character, he is not likely to have a bad influence on others. Except in most unusual cases, all prisoners under 21 should be considered reformable. These would constitute the "Y" class to be confined in the same institution as the "A" class. The idea was to mix young reformable inmates with adult reformable inmates who would serve as a positive influence towards the ends of the rehabilitation programme. By putting even greater emphasis on rehabilitation, the "A" and "Y" criteria refined the role of the new institutions and intensified the consideration given to their psychological climate.

84.

In a memorandum dated 2 December 1966 and dealing with a request for additional fencing at the newly-completed Warkworth Institution, the then Commissioner of Penitentiaries wrote as follows:

"the planning of the medium security institutions was undertaken with great care and with a definite purpose.... There has been, therefore, a deliberate attempt to design an institution for a specific group of inmates and to provide for those inmates the environment and facilities that will give us the greatest possibility of carrying on a training program to the end that the greater proportion of these inmates will never again be sentenced to imprisonment."

85.

The importance of inmate selection to the attainment of this end is summarized in the following introduction to a divisional directive on classification dated 5 September 1967:

"It must be emphasized that "A" and "Y" institutions at Springhill, Cowansville, Warkworth and Drumheller are not to be considered as ordinary medium security institutions.

They are designed to offer an intensive training programme to young offenders and to selected adults who are considered reformable. It is evident that they cannot be used simply as "housing" institutions to relieve overcrowding elsewhere".

The Vacancy Period.

86.

In the years 1966 to 1969 the "A" and "Y" criteria continued to be applied in the selection of inmates for Cowansville, with result that the institution operated at far below capacity during that period. However, an increase in the escape rate which occurred in 1969 indicates that the criteria were being relaxed probably because of a desire to fill the institution, which had an occupancy rate of only 56% as late as January 1970, coupled with desire to close down the old St. Vincent de Paul penitentiary.

87.

Formally, however, the desirability of continuing the strict application of the "A" and "Y" criteria notwithstanding a high vacancy rate throughout the service was recognized at a special directors' conference held on November 20, 1968. A letter dated 3 July 1969 on behalf of the Regional Director to the Warden of Cowansville confirmed that there had been no change in selection criteria and turned down a request for improved fencing which had been made by the Institution following the rash of escapes which occurred that year. The Region's decision stresses the importance of not adding to an environment of hostility and refers to the Commissioner's memorandum of 2 December 1966 mentioned above.

88.

In November, 1969 the Institution's deputy director in charge of security prepared a report, later endorsed by its director, which repeats the dissatisfaction earlier expressed with regard to perimeter security, and particularly the need for better fencing and a road. This report is also the first written indication of a possible classification problem. As a result of the report, construction of a road around the perimeter is approved in principle by the Regional authorities, but the decision as to the fence remains unchanged.

89.

The classification problem appears to have become increasingly evident throughout 1970, as pressure came to be put on the Quebec Region to fill the vacancies in medium security institutions and reduce the population of St. Vincent de Paul Penitentiary. In February, 1970 the population of Cowansville was only 308 but it was estimated that the transfer of "medium" types from St. Vincent de Paul would bring the total up to 400 by the end of March of that year.

90.

The hundred-odd inmates who left St. Vincent de Paul for Cowansville in 1969 and early 1970 were probably acceptable medium security inmates if one looks at the selection criteria that preceded the introduction of "A" and "Y" selection and the designation of Cowansville as a "special" medium-type institution. On the other hand, it is clear that there was a relaxation of "A" and "Y" selection

in that period. The natural desire to put modern, vacant facilities to fuller use seems to be the explanation for this subtle disregard for the warnings earlier issued against using special medium institutions for housing purposes only. The strain put on existing training facilities and staff by this influx, together with the new type of inmate arriving at Cowansville, can be blamed for the rise in escapes in 1969. Another factor, however, added to the gradual erosion of the principles underlying Cowansville's special role in the system. This was the fact that many of the "Y" class inmates whose presence in Cowansville would have removed the vacancy situation were sent instead to the Federal Training Centre in Laval. In point of fact, Cowansville had ceased to be an "A" and "Y" Institution as previously conceived.

91.

This situation as it existed by the beginning of 1970 probably would have resolved itself with time. The growing pains resulting from a rapid increase in population numbers and the readjustment to a slightly different population composition would not have given rise to problems out of the ordinary. With a few security improvements to compensate for the waning of "A" and "Y" selection, the Institution could have continued to work towards its special task of training and rehabilitation as a medium security component in the overall penitentiary system of Quebec. Regrettably, changes in the maximum security components of that system began to interfere with these prospects in 1970.

The Change in Maximum Security Planning

92.

The whole question of maximum security needs for Quebec appears to have been put into suspension in 1970, pending a new analysis of inmate population trends and the development of an improved institutional design. The surprising decline in the nation-wide penitentiary population in the years 1964 to 1968, followed by a nominal increase in the years 1968 to 1972, was a situation unforeseen by the 10-Year Plan. Another development contrary to the plan was the opposition of many influential voices to the large Archambault-style of institution. This reaction culminated in the recommendations of the Mohr Report published in 1971.

93.

At all events, the plans for the construction of a twin institution for Archambault were abandoned.

94.

It was the desire to find a better concept and design which prompted the decision not to go ahead with the construction of a second new maximum institution for Quebec. The drop in population may have influenced the decision, but it could not have been a major factor. The revised 10-Year Plan which appeared in July 1969 forecasted a maximum security accommodation deficiency of 209 by 1973. On the other hand, a surplus of 249 medium security vacancies was expected to be available.

95.

Ideally, an institution's housing capacity should equal the number of beds it has provided that all other support facilities and the staff, are adequate. While Cowansville can house 450 inmates, it apparently does not have the workshop or other rehabilitative programme support facilities to cope with more than approximately 350 inmates. 450 may be its "maximum" capacity but 350 is its "optimum"; beyond that figure, its rehabilitation programme is compromised to a certain degree.

96.

With the overcrowding in maximum security institutions, however, it became not only a matter of exceeding the optimum capacity of medium institutions (the "quantity" factor) but of substantially altering the "quality" of their inmate population by injecting maximum security surpluses into medium security institutions.

97.

It is in this revised 10-Year Plan that we see for the first time the suggestion that medium vacancies be used to handle the overflow from maximum institutions. There is no indication, however, of what would have to be done to make this vacant accomodation suitable for the detention of maximum security inmates.

98.

It should be noted here that the St. Vincent de Paul Penitentiary was not closed down as scheduled, and that the prolonged operation of the old institution served to take care of the deficiency in new maximum security accomodation. It was felt

by the Regional authorities at the time that St. Vincent de Paul was quite adequate for these purposes. The older, perhaps notoriously outdated wings of the institution had been closed down, and other parts completely re-built or substantially renovated.

The Closing of St. Vincent de Paul Penitentiary

99.

In February 1970, the Quebec Regional Director received instructions from national authorities to close down what remained of St. Vincent de Paul Penitentiary notwithstanding the absence of the now cancelled second Archambault-type maximum institution. Instantly there was created a serious overcrowding problem in the remaining maximum security components. Within six months, approximately four hundred inmates of the old maximum were relocated in the other institutions of the Region. It can be estimated that about one hundred of these went to Cowansville.

100.

Necessarily, the selection criteria for Cowansville (which had already been "liberalized" due to the vacancy problem) were greatly reduced. In effect, the classification of inmates became a matter of housing ("quantity" considerations overrode "quality"). The "A" and "Y" criteria and the basic criteria of medium security became something of an unattainable ideal which served merely as a guideline in selecting the least maximum of maximum types for despatch to Cowansville. As long as an inmate showed a predisposition towards a training programme and had a

reasonably good behaviour record, he could be sent to Cowansville regardless of his "reformability". One can see how, as time progressed and this new classification formula became known, the good behaviour and programme interest of maximum security inmates could be motivated purely by the desire to be transferred to a medium security institution. By 1972, with the pressures of time and overpopulation, a large proportion of inmates generally recognized as "unreformable" could expect to be transferred to a medium security institution for reasons of "good behaviour" only. In this manner, the directive of 5 September 1967 warning against the use of Cowansville and its sister institutions for housing purposes only, was tacitly revoked by the decision to close St. Vincent de Paul Penitentiary before the completion of newer maximum security facilities to replace it.

#### The New Selection Criteria

101.

This is not to say that the quality of selection work deteriorated from what it was before 1970. If anything, it has improved. It is just that those responsible for classification have had a different task to fulfill that that required by the original classification formula for Cowansville. This new task has been, since at least early 1970, to deal with a serious overpopulation problem in available maximum security facilities by selecting the least bad security risks for transfer to Cowansville, Leclerc and the Federal Training Centre at Laval.

102.

As a temporary solution to the problem created by the closing of St. Vincent de Paul, the efforts of those responsible for classification seem to have worked well. In 1970 and 1971, the escape rate from Cowansville is not disturbing. However, with the sudden increase in inmate population beginning in 1971, the limit to the elasticity of the classification formula appears to have been reached, and many of the inmates who have had to be sent to Cowansville since that time have been obvious risks to the security of the Institution, if not the public as well.

#### The Impact of Overpopulation

103.

Returning to the situation as it was in 1970, it can be said that the influx of inmates from other institutions had two consequences on the security of Cowansville. The first was an overburdening of the Institution's security forces as it went suddenly from a vacancy situation to one of near-full occupancy. Despite a slight increase in the personnel allotment, the security force at Cowansville never seems to have caught its wind after the impact of this sudden drain of its reserves. One thing or another seems to have kept it slightly off balance ever since, e.g. the continued increase in the inmate population, the gradual increase in posts to be manned in response to the changing security complexion of the population, the inevitable repercussions of too much reliance on over-time, and, finally, a further drain on man-hours resulting from necessary training courses for the living unit programme introduced in April 1973.

104.

The second consequence of the 1970 population influx is less direct, but probably more devastating to security on a long-term basis. This is the effect on the Institution's role as a reforming influence of the presence of a significant number of inmates who, in the light of the "A" and "Y" criteria, scarcely seem reformable. These inmates are an excessive drain on the training staff of the Institution, they tend to counteract the efforts of that staff on the reformable population and their presence forces the Institution to raise its state of security to a level which penalizes the vast majority of reformable inmates for those who are unsuited to Cowansville's role. The importance of this factor affecting the programme has to be emphasized, because it will continue to exist at Cowansville so long as the maximum security accommodation shortage exists and regardless of whatever steps are taken to increase the physical security of the Institution.

#### PERSONNEL

105.

At Cowansville, personnel deficiencies were seldom apparent in the escapes under consideration; rather it is the physical deficiencies of the Institution which caused the problem. Certain impressions are worth recording, nevertheless:

- a. Senior management at Cowansville appears quite competent and the general impressions garnered by this Commission are most favourable. Prior to Director Guy

Lemire's arrival on December 11, 1972, that Institution suffered a rapid turnover in its directors having had four in a period of nine months. That fact itself could account in part for problems which were subsequently corrected under Mr. Lemire. Be that as it may, Mr. Lemire impressed this Commission as a young, through, hard-working, innovative, and knowledgeable Director. Of particular note would seem to be his talent at man-management reflected in the respect, confidence and co-operation he elicits from the rank-and-file at that Institution.

b.           The Assistant Director (Socialization), Mr. Donatien Laurin, has many years of experience in both security and programme aspects of the Penitentiary function. As such, there appears to be no friction between himself and the Assistant Director (Security). It is apparent that this co-operative attitude is encouraged at all levels helping to produce effective team work at the Institution. In view of this, the Commission is confident that the LU concept recently started at Cowansville will eventually pay dividends in improved dynamic security.

c.           The Assistant Director (Security), Mr. Roger Ferland, has also impressed this Commission as a senior officer thoroughly grounded in his specialty whose timely and practical security suggestions appear to anticipate changing needs without adversely affecting that Institution's programme. Because Mr. Ferland has been with Cowansville since its opening, his records and testimony were of

considerable assist to this Commission in tracing the evolution of that Institution to present date. Mr. Ferland was generally very quick to identify the impact or imbalance which would result with the introduction of the changes imposed on Cowansville which were covered earlier in this report. Unfortunately it took time, and the 1972 rash of escapes, to win national authorities to his support, and lastly,

d. The Commission notes, as mentioned earlier, that there is apparent high morale amongst rank-and-file. Few of the escapes examined by this Commission involved any degree of negligent performance of duty and in those instances, negligence was attributable to only one or two men on the then available security force. As previous escapes at this penitentiary were not examined in detail, it is not possible to draw a definitive conclusion about the overall calibre of the personnel. Some reservations must be expressed however, about the general appearance of some of the personnel on duty during this Commission's visits. A few correctional officers were relaxed in dress and bearing at their post; one questioned by this Commission was unsure of some aspects of his duties. While these few observations should not be interpreted as reflecting upon the entire security guard force, the Commission feels it necessary to mention this because of the well known necessity for any profession of this kind to present at all times the best possible appearance to enhance the authority and "presence" correctional officers must maintain.

Collusion or Assistance

106.

The Commission finds that two of the five escapes (Charbonneau and Lavallée/Vary) were most probably effected in part with the collusion or assistance of one or more outside confederates (unidentified) who provided a get-away car. From its inquiry, the Commission is satisfied that these escapes were NOT effected with the collusion or assistance of any personnel or employees of the Canadian Penitentiary Service and that none had prior specific knowledge of the intention and plans to escape.

TRAINING

107.

Information gathered by the Commission again reveals that this Institution, as well as the Correctional Development Centre investigated in our first phase, had until 1972 neglected its weapons training. Documents indicate that this phenomenon probably existed at other institutions throughout Canada as renewed emphasis on weapons training featured in a review of needed security improvements produced at National Headquarters in September 1972. In addition to individual training, Cowansville would benefit from a collective training programme involving particularly, the rehearsal of its escape or other emergency contingency plans. The numerous escapes at Cowansville do not, in themselves, constitute the collective training the Commission has in mind. An inmate escaping seldom obliges an institution's staff by repeating segments of his escape to which certain security force members responded poorly and on which they should be rehearsed.

THE SECURITY PROBLEMGeneral

108.

As was explained in our first report, security is a relative state achieved by the combined physical and human security elements. "Static" security mainly concerns physical security devices and security guard forces assigned to complement those features (e.g. guard shelters, fences, lighting, bars, etc...). "Dynamic" security places primary reliance on supervision and leadership of the inmates by specially selected officers known as "Living Unit" officers rather than simply on the ordinary static security measures.

109.

An institution's state of security always relied on a sound inter-action of both "static" and "dynamic" security; however, until the introduction of the Living Unit concept, the distinction between the two was not as sharply defined. This new concept divides the former correctional staff into two distinct groups:

- a. Living Unit (LU) officers are specially selected and trained to work in close daily contact with the inmates. They are assigned to a small group of inmates and function within the rehabilitative programme as a team. The LU officer relies on winning and holding the trust of his inmates to perform his task. Because he gets to know his inmates well, he is likely to detect changes in their moods which might affect their progress or threaten security sooner than was possible under the former relationship between custodians and inmates.

b. The custody function now is reserved to the Correctional Officer. These officers are specialized in security duties and have less direct contact with inmates. A major advantage is that such officers will be less subject to the stress which formerly shadowed their taking firm and necessary action in respect to inmates when they might later find themselves assigned in close contact with those inmates and risk reprisals.

110.

The relative emphasis placed on static or dynamic security within the overall state of security at an institution varies according to the institution's classification. At a maximum security institution there is more static security in proportion to dynamic security than in a medium security institution.

111.

Cowansville was initially conceived as a "minimum-medium" security institution. Given a meaningful rehabilitation programme and a select inmate population, its static security could remain "low-profile" (the LU concept had not yet been conceived as a later refinement to the internal management of inmates). At the beginning, static security was adequate for the quantity and quality of inmates comprising its population. As of approximately 1969, however, first the quantity was affected, then in 1970 the quality. As these changes were imposed on Cowansville, its senior staff identified improvements essential to its static security if its overall state of security was not to become imbalanced by its new population blend.

112.

National authorities for a while seem to have discounted the tandem-link between rehabilitation and security, advancing measures affecting the former while holding back needed modifications in the latter. As security fell behind, the gap widened.

113.

An escape is the successful exploitation of one or more deficiencies in an institution's physical security facilities, personnel, or both. The escapes at Cowansville exploited a number of weaknesses created by the gap between the design concept and the current security requirements. Here, the major deficiencies were in the physical security devices, the inadequate size of the security force and the classification problem rather than in the performance of personnel.

#### The Importance of Static Security on the Perimeter

114.

During the period of the escapes in question and for at least three years previously, the perimeter security of Cowansville was inadequate for the role the Institution was required to fill. The lack of static security measures on the perimeter seriously impaired the effectiveness of the armed guards who manned the fixed and mobile positions on the perimeter.

115.

As the need for greater security became progressively more apparent from 1970 onwards, the numbers of these guards and the shifts they worked were increased from time to time, but never to the

point where they were sufficient to overcome the lack of physical security. The physical characteristics of the perimeter impeded the guards more than the escapes.

116.

Almost all of the improvements earlier requested by the Institution over the years and accepted on a priority basis since the escapes of April 1973 were intended to boost the effectiveness of static security measures by increasing the time available to the perimeter guards and the speed of their movements in intercepting escape attempts.

117.

On one or two occasions there may have been personal failure in the performance of the personnel stationed on the perimeter, but this was neither a common factor in the escapes nor one which can be said to have been crucial to the success of any one particular escape. Only after the static security of the perimeter has been improved to the point where the efficient performance by the allotted number of guards is possible will it be reasonable to depend on personal proficiency to stop escapes.

#### The Weak Points

118.

The physical security deficiencies which were present throughout the period in question and prior to it were, in order of importance:

a. The Fence

There is no doubt that this was the single most important factor in the success of the escapes. The ease with which the fence was scaled made its value as both a psychological deterrent and physical obstacle to escape almost insignificant to the type of inmate involved. In at least one case, its obstruction of the guards' view was an aid to escape. While other factors have to be considered in the successful prevention of escapes since May 1, the Commission cannot but conclude that the relatively simple improvement of the added Berka wire has been chiefly responsible. Whether the improved fence is adequate for the present needs of the Institution is considered in the Commission's recommendations below.

b. The Terrain

The second most important factor in the success of the escapes was the nature of the terrain in which the perimeter forces had to manoeuvre in responding to an escape. At the time of the escapes, the land adjacent to the perimeter fence was broken by deep ditches, mounds and scrub growth. In many cases, this broken terrain prevented guards from advancing directly to where the fence was being scaled and impeded pursuit after the fence had been cleared. Similarly, the ravines and bushes gave visual cover to escapees once over the fence. Since May 1, extensive levelling and rechannelling work has significantly corrected this situation.

c. The Patrol Road

It appears that there was never officially a patrol road around the perimeter and that the road used by motorized patrols since the opening of the Institution was the track

made flush to the fence for its construction. The positioning of this "road" and its roughness effectively gave any escapee on the fence a head-start on the motorized patrol, which might be located as much as half a mile from the point of escape. What was needed from the beginning was a road placed sufficiently distant from the fence to allow interception, rather than pursuit. The Commission's comments on the adequacy of the road, approved in 1970 but only now under construction, are made below:

d. The Woods

It is extraordinary that the problem of the woods was not diagnosed and remedied before the Institution opened. This Commission can only surmise that esthetics were more important than security. It is only after numerous escapes that higher authorities accepted to spend funds on clearing the woods immediately beside the fence. The progressive clearance back to a point allowing a reasonable buffer zone, however, has taken several years.

In all but one of the escapes, the dense woods on the East side of the Institution and 500 feet from the fence afforded a refuge to the escapees and cut off pursuit. In perhaps two of the incidents within our inquiry, these woods concealed outside accomplices. Once through the woods, the escapee comes onto the Autoroute access road, which can only be reached by a vehicle in pursuit by a most roundabout route starting from the exact opposite direction. At the present time, these woods are private property and security patrols have no right to take preventive measures in that area.

e. The Lights

With most escapes occurring at night, the existing facilities have been found inadequate for the lighting of the exterior of the fence and, in places, have blinded proper observation of the interior from the outside.

f. The Windows

Ten escapes in the history of this Institution involved the breaking of the concrete louvers of cell windows to gain a free run to the fence (three of these escapes are within the five under review by this Commission). In addition, it was discovered that escapee Doiron had contemplated and prepared a similar departure. The problem of these concrete windows is fully described at paragraph 38 of this report.

119.

It is these physical security deficiencies which made any human error secondary in each of the escapes under inquiry. The lack of sentry fire in the Doiron high-jump can be contrasted with the barrage in the Ouellette-Lebel hurdle race which had little appreciable effect. The success of the inmates may not have depended on the fumbling in the Landry-Emard-Sévigny matter or the total lack of observation in the Charbonneau escape when compared to the successful escapes despite quick and concerted action in response to the Ouellette-Lebel and Lavallée-Vary cases.

Remedial Steps

120.

The obvious question raised by these deficiencies is why they were not remedied earlier.

121.

It is clear that it was recognized at all levels of the Service as early as February, 1970 that the closing of St. Vincent de Paul would result in Cowansville being obliged to fill a "housing" as well as performing a rehabilitation role. It is also clear that efforts were made at the outset on the regional and institutional levels to adapt security resources to this new role. This adaptation, however, relied principally on increased manpower, rather than increased physical security. As of 1970, the regional authorities required four armed posts (three fixed and one mobile) to be manned on the perimeter except during the morning shift (midnight to 0800hrs). This, the Institution succeeded in doing by heavy reliance on over-time.

122.

What is not apparent, however, is whether sufficient study was given before or after the closing of St. Vincent de Paul to the effect of that move on the security of institutions such as Cowansville. Such a study should have revealed a need to improve physical security measures rather than simply to increase patrols. There seems to have been a difference of opinion at the time as to the number of maximum security inmates in the Region, and an overly-conservative estimate accepted by the central authorities may have discouraged any feelings of alarm over the possible consequences of relocating so many former inmates of St. Vincent de Paul.

123.

However, by the first half of 1972 it must have been generally recognized on all levels that Cowansville's human resources were being over-taxed and that the physical security system was not

giving sufficient support. The institutional authorities were outspoken on these points in April and May 1972. In June 1972, a survey made by the central authorities recognized the general overcrowding problem in Quebec, the classification problem at Cowansville, and the need for additional staff at the Institution; it did not, however, touch on the physical security of the Institution.

124.

On the other hand, it seems that for some time national authorities had in fact been aware of the perimeter security problems at maximum and medium institutions. They were actively exploring various electronic detection or sensing aids in the hope of finding a technological break-through that would be less costly in the long run than adding guards or making more conventional improvements to fences. Promising items were tested or evaluated and this took time; as each item failed to meet expectations and the search passed to another item, more time went by. All the while many conventional improvements requested by institutions were deferred.

125.

Subsequent to the Summer 1972 rash of escapes, it appears that national authorities felt compelled to relax their still unpromising search for technological aids and to authorize, or seek approval for, long-awaited security improvements needed at various institutions. Some of the decisions having a bearing on Cowansville were:

- a. to install Berka wire on perimeter fences at a number of institutions with Cowansville heading the priority list;

- b. to implement the LU concept at Cowansville by Summer 1973 and to increase the size of the security force. (Ironically, the intensive training programme initiated for the new LU officers at Cowansville contributed to the shortage of correctional officers available for duty, to the need for over-time and to the use of inexperienced personnel on perimeter duties at the time of these escapes);
- c. to create new security staff advisor positions at national and regional headquarters;
- d. to arm foot and mobile patrols at medium institutions;
- e. to clear view obstructions in the vicinity of fences; and
- f. to increase weapons training.

126.

Also at that time we note that national authorities had come to the view that the experiment with "low profile" security at medium institutions such as Cowansville could no longer hold. That fundamental change in policy was now expressed as follows:

"that the Penitentiary Service now had no alternative but to provide maximum perimeter security if it was to protect the public, meet its legal obligations to keep dangerous inmates incarcerated and be allowed to continue its programme of changes inside."

127.

This was the Penitentiary Service's major turning point in the long years of drifting away from security in search of an ideal low-hostility reform programme environment. Between the moment of recognition and the ultimate achievement of the new improved security posture, however, the time-lapse was close to eight months. While not unduly long for normal government processing, it regrettably meant that too few improvements were yet available at Cowansville in time to stave off the Spring 1973 rash. Those escapes cleared any further delay in completing needed improvements and as of the date of this report, the only major problem outstanding is that of solving the cell window weakness.

128.

In retrospect, it is perhaps too easy to conclude that the immediate problem at Cowansville was so obvious and so easily dealt with that there should have been a greater degree of special attention and advocacy on all levels. What was needed was a public demonstration of the fact that something was wrong at Cowansville. This occurred in the escapes of April 1973 and the publicity they received.

#### The Improvements Since April 1973

129.

The response to this wave of escape was prompt and efficient. The decision was taken on the Regional level to give Cowansville priority in manpower needs and nine new men were sent to the Institution within a matter of days. Berka wire already allotted to the region following the 1972 incidents was re-routed to Cowansville and quickly installed.

The decision was taken to man four armed perimeter posts and two mobile patrols on a 24 hour basis. On April 19, the Deputy Regional Director (Security) visited the Institution with a representative of the Director of Security in Ottawa and a detailed list of points was drawn up for the tightening of perimeter security.

130.

By May 22, work was begun on the levelling of the perimeter terrain, tests are authorized on the window problem and the fire-arms problem was under review. On May 8, a compulsory fire-arm qualifying course for all security personnel was scheduled for May 11 to July 27. On June 19, a thorough security survey was begun of the whole Institution. On July 4, five new men were authorized by Ottawa to alleviate overtime and training problems.

131.

Most of the major improvements itemized in the list of requirements drawn up by the Regional and National officers who visited the Institution in April 19 and all of the improvements on which work or testing has begun were the subjects of prior requests by the Institution itself. For example, the road on which work began in June 1973 had been requested in 1970. Additional barbed wire was asked to be added to the perimeter fence top guard four years before the Berka was installed.

#### RECOMMENDATIONS

##### SECURITY IMPROVEMENTS

132.

By September 1972 the Penitentiary Service was forced by events to re-evaluate its original concept for "low-hostility" security at medium security institution and concluded that the level of security

provided was too low in consideration of the quantity and quality of escapes. Striving for the lowest hostility impact consistent with the acceptable level of security to be achieved, is a valid objective; what is now known to be "acceptable" has been re-defined through experience and the result is the revised policy of assuring strong perimeter security to compensate for the more relaxed security inside the Institution compatible with the rehabilitation programme.

133.

Just how strong to make the perimeter security is the problem at hand. It is evident that some improvements are a necessary increase to the long-term security posture at Cowansville even if it succeeds in returning to its intended "A" and "Y" type population. Other measures are needed at this time to temporarily raise security beyond this long-term level to meet the present threat inherent to the continued presence of "maximum-type" inmates. Once these can be re-located elsewhere, those additional measures would no longer be justified and should then be removed lest they constitute an unnecessary hostile environment which would likely have adverse effects on the balance of the inmates.

134.

In essence, this factor requires a flexible approach to security. Cowansville authorities demonstrated flexibility in recent years but higher authorities were not sufficiently flexible in responding to changing needs. The Commission wishes to stress the importance it attaches to this requirement because too much security is as great an evil as too little.

135.

One effect which is recognized by the Penitentiary Service and which is of concern to the Commission is that the very high level of perimeter security at present removes "a safety-valve"; inmates intent on escaping may now consider resorting to violence or hostage-taking. The potential for this is all the greater so long as Cowansville is not rid of its "maximum-type" inmates. Once these are removed that pressure build-up is likely to be defused to acceptable levels.

136.

Pending the relocation of Cowansville's "maximum-type" inmates elsewhere, the Institution must be equipped to perform an emergency role of medium-maximum security. The following steps in addition to the improvements which have been made since April 1973 will have to be made to make the perimeter security of the Institution adequate for medium security:

#### Double Fence

137.

The Commission concurs with the Penitentiary Service's intention to erect a second 15-foot wire mesh fence, topped with Berka wire, parallel to the existing fence at a distance of 15 feet. Berka wire on the existing fence is only a delaying factor and the second fence would increase that delay factor considerably. It was not felt that a double fence would create a hostile environment that would have repercussions on the programme. On the contrary, it is the Commission's opinion that the existing fence is still too much of an enducement to impulsive escape, and that this maintains an unsettling influence affecting the programme.

Property Acquisition

138.

The woods to the east of the property should be purchased as soon as possible and the public warned against unauthorized entry by an ordinary farm fence, with trespassing signs, to be erected along the entire outer limits of the Institution's property. A road should be made through the woods to the Autoroute access, and the area patrolled regularly. This road would also provide a more appropriate entrance way to the Cowansville Institution.

Lights

139.

The existing lights along the perimeter should all be facing inward. To light the buffer zone outside the fence, a second series of lights should be installed at a suitable distance away from the fence.

Patrol Road

140.

The new patrol road away from the fence, on which construction has commenced, should be modified to cut out sharp curves at the corners, and should be banked at the turns.

Sentry Shelters

141.

The four existing sentry shelters outside the fence should continue to be manned on a 24-hour basis, accompanied by at least one mobile patrol at all times. Correctional officers in these shelters should be armed with a rifle while the mobile patrol may continue to be armed with a shot-gun. The specialization resulting from the

recent start of the LU programme will be an advantage to be capitalized on in building up a highly trained perimeter security force, proficient in fire-arms use. The existing shelters should be improved to give better visibility from the inside, and more comfort to the guards. The Commission would not recommend the use of towers at this type of medium security facility. Towers would, in the opinion of the Commission, create an environment incompatible with the programme. Towers can observe, report and fire upon escaping inmates but the tower officer cannot leave his tower to reinforce the immediate ground pursuit. Furthermore, the design of the Institution does not lend itself to proper surveillance from towers, and the newly-improved terrain now permits effective patrolling from sentry-posts which need be only slightly raised.

#### Manpower

142.

The Commission recommends that the manpower allotted to the Institution for perimeter security be increased so that overtime need not be necessary on a continuous basis. The Commission trusts that none of its recommendations will, directly or indirectly, lead to decreased training or curtailment of the LU activities.

143.

The Commission also recommends that the Quebec Region set up a procedure to make available to any institution that requests it, a "flying squad" of a number of correctional officers pooled from its other unaffected institutions, able to be dispatched on short notice to meet periodic short-term increases in security threats.

Windows

144.

The pavilion windows should be brought up to the security standards they were intended to meet. Improved windows would restore security on that inner area which, if combined with a minimum of two foot patrols, might permit a reduction of the number of outer perimeter fence sentry posts now manned by night.

FIRE-ARMS

145.

Initially, the 10-Year Plan concept did not envisage arming correctional officers deployed on perimeter security at other than maximum security institutions but fire-arms were always available at medium institutions for use in case of serious disturbances, post-escape searches, and other special circumstances. Basically the array of fire-arms used by the Penitentiary Service include the .38 calibre revolver, the 12 gauge shot-gun and high-powered rifles. Until fairly recently, the rifle used was the former military weapon the .303 calibre Lee-Enfield. Recently, the Penitentiary Service has been considering a replacement for the Lee-Enfield and has added increasing numbers of .308 calibre hunting-type rifles with telescopic sights for use in towers. Maximum security institutions are provided with the full array of such fire-arms; Cowansville Institution, however, has so far been limited to the .38 calibre revolver and the 12 gauge shot-gun.

146.

In the context of the 10-Year Plan, the weapons held at Cowansville Institution were intended for use in exceptional cases only.

With the rise in escapes reaching exceptional proportions in 1972, national headquarters ordered that the personnel guarding the perimeter be armed. This development was justified by events but resulted at Cowansville in the use of weapons ill-suited to this role.

147.

The shot-gun is not an accurate weapon when compared to a rifle. When loaded with shells containing lead pellets ( or "shots"), it relies on dispersing these shots over a wide area to ensure hitting the intended target. Upon leaving the muzzle, the shots are in a mass but as the distance increases, that mass spreads over an increasingly wider pattern. A "choke" device narrows the shot dispersion pattern (thereby increasing the lethality factor) without increasing range and should not be considered for use on Penitentiary Service weapons. The fundamental characteristic of dispersion provides the advantage of a high probability of striking the intended target within range without demanding a great deal of marksmanship ability on the part of the firer. Although a variety of shell loads are available which may affect range and lethality, this weapon is basically a short range and indiscriminate weapon. In confined areas, the shot-gun can be highly effective and a reasonable compromise has been attained by providing shells containing plastic pellets for use at close quarters in order to reduce lethality or the probability of serious injury.

148.

Unfortunately, the deployment of such a weapon on the perimeter of Cowansville Institution where distances of approximately 1400 feet exist between guard shelters highlighted the major

weakness of this weapon: its limited range. The shot-gun loaded with "BB" shot does not reach beyond 150 feet with sufficient energy to stop a person. Inmates are well-informed on weapon characteristics and appreciated that a "safe-zone" of several hundred feet existed at the mid-point between guard shelters. In many escapes inmates were fired upon repeatedly by guards armed with shot-guns and were not even touched; in rare instances inmates using this "safe-zone" were barely touched but not stopped by spent pellets. Thus shot-guns in the hands of correctional officers in fixed shelters did not have the range to prevent or deter escapes over the perimeter fence.

149.

In the light of the nature and quantity of escapes from medium security institutions over the past two years, the Penitentiary Service has modified its former 10-Year Plan policy regarding perimeter security and now advocates the permanent deployment of armed correctional officers on a medium security institution's perimeter. This change in policy carries with it the need to review the weapons formerly available to medium security institutions. Cowansville authorities have recommended the use of semi-automatic rifles or alternatively, of providing SSG load shells for the shot-gun. The Commission is opposed to the latter suggestion for the following reasons:

- a. the SSG load shells would not increase range to eliminate the "safe-zone";
- b. the heavier projectile in the SSG load greatly increases the chance of inflicting lethal wounds within range and particularly at short range. Once issued to

correctional officers it is not practical to expect them to abstain from firing SSG ammunition upon inmates at the medium-to-short-range where a high lethality probability would exist. The inaccuracy of the shot-gun itself makes "aiming to wound" a matter of luck.

150.

The provision of a rifle to replace a shot-gun at raised shelter posts is supported by the Commission for the following reasons:

- a. rifle bullets will effectively cover the distances involved thus eliminating the "safe-zone". As such, the rifle is a credible deterrent and its deployment on the perimeter would likely deter a large proportion of impulse escapes;
- b. although a rifle bullet is recognized as highly lethal ammunition, the weapon itself carries the basic characteristic of accurate, aimed fire in the hands of a trained marksmen. As the Penitentiary Service policy on the use of fire-arms is that members will aim to wound rather than to kill, the rifle provides a far better assurance of striking the target at the selected point of aim than does the 12 gauge shot-gun.

151.

The Commission notes a strong reluctance among some senior officers to replace the shot-gun with a rifle at shelter posts. This appears to be based on a fear that correctional officers using rifles at ground level may endanger fellow officers when firing at escaping inmates; this danger can be minimized by raising shelters on sloping terrain and by indoctrinating officers to carefully choose their line of fire.

152.

Both the shot-gun and rifle are lethal weapons and under the condition where fire-arms are to be deployed on an institution's perimeter, the rifle is likely to be both more effective and less lethal. This paradox stems from the probability that a rifle will more likely deter certain escapes attempts thus actually minimizing the need to fire; if firing becomes necessary, the rifle's accuracy is more capable of simply wounding that risking fatal injuries inherent to the random pattern of the shot-gun.

153.

The shot-gun remains a preferred weapon for use at close quarters provided low-lethality ammunition is used. As such, this weapon is appropriate within the institution in controlling serious incidents and also in the mobile patrols on the perimeter because these can use the new perimeter road to intercept escaping inmates. It is not suitable for use by personnel assigned to shelter posts, however. Security force personnel should continue to be armed with the .38 calibre revolver, in addition to the rifle or shot-gun, for their own protection.

#### Temporary Measures

154.

Secondly, the following additional, but temporary, measures will have to be added to compensate for the added maximum security risk of the dual role:

Increased Sentry Posts

155.

Until the classification problem is resolved and so long as there are maximum security risks in the Institution, additional sentry posts should be positioned so that there is at least one for every 700 feet of perimeter. There should also be two motorized patrols.

Internal Security

156.

More rigid measures with respect to the searching of visitors and cells should be employed during the interim period. The Institution should conform to Regional directives to provide separate quarters and a special programme for those inmates who will eventually be removed from the Institution and sent to expanded maximum security facilities. While this is an added burden, it would permit special security measures to be taken without disturbing the "A" and "Y" sectors of the population.

On Similar Measures Elsewhere

157.

The Commission queries whether the interim steps which have become necessary at Cowansville are equally necessary elsewhere. The Commission is also against the adoption of temporary maximum perimeter security at any institution that does not require it. The Cowansville experience results from the overcrowding of maximum security facilities in the Quebec Region, the general disposition of the inmate population of that Region, and the peculiar physical and geographic disposition of Cowansville itself. The same or similar factors may or may not occur elsewhere. Again, what the Commission advocates is flexibility in modifications to security.

On the Programme

158.

The Commission recommends that a survey be made to assess the adequacy of the training and recreational facilities for the present population of the Institution. In view of the importance of the programme to the security of the Institution, consideration should be given to increasing these facilities pending the reduction of the population.

SUMMARY

159.

Once again, the Commission wishes to express its thanks to the Canadian Penitentiary Service for the full co-operation received in the course of the second phase of its inquiry and suggests that all questions raised in its Mandate at sub-paragraphs (a) to (i) have been dealt with in this report.

160.

The conditions which prevailed at Cowansville Institution in the Spring of 1973 evolved from a few major changes which drastically altered the nature of that Institution without benefit of needed modifications to upgrade its security posture. The result was a wide gap between the threat to security in terms of escape potential and the ability of the Institution to deter or prevent escapes. Those changes were:

- a. strong pressure from outside the Penitentiary Service in 1969 to hasten the transfer of inmates out of the "old" St. Vincent de Paul Penitentiary at a time when a planned second Archambault-type maximum security institution was not yet available; thereby
  
- b. causing a relaxation of the "A" and "Y" criteria for the selection of inmates acceptable in medium security institutions which not only raised the population of medium institutions like Cowansville but increased the latter's security problems without a concurrent, and offsetting increase in its security resources;
  
- c. and lastly, through the precipitous decision imposed on the Penitentiary Service in 1970 to close St. Vincent de Paul in the shortest delay possible without benefit of the second Archambault-type maximum security institution by this time definitely cut from the expansion programme. This decision did more than liberalize the "A" and "Y" criteria; it led to transferring the "least maximum" of maximum-type inmates into medium institutions such as Cowansville in direct contravention of the latter's designed role, without the implicitly necessary offsetting security improvements.

161.

The direct result of this chain of events created the widening gap in Cowansville Institution's state of security. Although that Institution recognized and requested corrective measures, its requests were at first turned down by National Headquarters which

was reluctant to abandon that Institution's original role. Only once inmates proved the existence of that security gap in the Summer 1972 rash of escapes did national authorities accept the need for these modifications. Although government machinery was set in motion to complete these modifications, little was completed in time to stave off the Spring 1973 rash of escapes.

162.

The Commission is pleased to note the positive steps taken by the Commissioner of Penitentiaries since September 1972 to redress the serious imbalance which had occurred in the Service whereby security considerations had for too long carried insufficient weight in the headlong pursuit of reformative programmes. The Service now appears to have the necessary staff and mechanisms to take preventative steps rather than merely react to security crisis as they arise.

MONTREAL, this 21st day of September, 1973

(Signed) J. Ducros  
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J. Ducros S.C.J., Chairman

(Signed) A.D. Gauthier  
\_\_\_\_\_  
Lieutenant-Colonel A.D. Gauthier,  
Commissioner

(Signed) P. Jutras  
\_\_\_\_\_  
P. Jutras, Commissioner

Second Rapport  
Phase Two Report

Le mandat



The Mandate

IN THE MATTER OF THE Penitentiary Act  
AND

IN THE MATTER OF escapes of inmates  
from Cowansville Institution during  
April, 1973 and the Correctional  
Development Centre on the 13th day  
of May, 1973

### COMMISSION OF INQUIRY

WHEREAS it is provided by Section 12 of the Penitentiary Act that the Commissioner of Penitentiaries may appoint a person to investigate and report upon any matter affecting the operation of the Canadian Penitentiary Service;

AND WHEREAS 5 inmates escaped from the institution known as The Correctional Development Centre in the Province of Quebec on the 13th day of May, 1973;

AND WHEREAS 10 inmates have escaped from Cowansville, in the Province of Quebec, during the period April 13 to May 1, 1973;

AND WHEREAS it is desirable that the escapes and all the circumstances surrounding them should be inquired into.

NOW THEREFORE I, Paul A. Faguy, Commissioner of Penitentiaries, do hereby appoint Justice Jacques Ducros, of the Quebec Superior Court, and Lieutenant-Colonel A.D.T. Gauthier, of the Canadian Armed Forces, and Pierre Jutras, Director, Drumheller Institution, under the general direction of Justice Ducros to inquire into and report upon the escapes on and subsequent to the 13th day of April, 1973 from the penitentiary situated at Cowansville in the Province of Quebec, and the escapes that occurred on the 13th day of May, 1973 from the institution known as the "Correctional Development Centre" in the Province of Quebec, and without limiting the generality of the foregoing to investigate and report on:

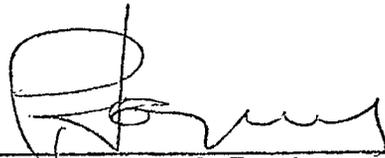
- (a) the manner in which the escapes occurred and the means used to escape;
- (b) the identity of those persons who instigated the escapes;
- (c) whether such escapes were effected with the collusion or assistance from any persons, and if so, the identity of those persons;
- (d) the extent and nature of the planning for the escapes;
- (e) whether there was any prior knowledge of the intention and the plans to escape on the part of any person in the employ of the Canadian Penitentiary Service;

- (f) whether all reasonable steps were taken to prevent such escapes or to effect the capture of the escapees when the fact of the escapes became known;
- (g) whether existing security procedures and facilities in these institutions are adequate and the extent to which such procedures and facilities were employed;
- (h) what additional security procedures and facilities, if any, may reasonably be adopted to minimize the risk of escape in the future from these institutions or from any other institution under the management and control of the Canadian Penitentiary Service within the Province of Quebec;
- (i) whether security communications between the Quebec Region of the Canadian Penitentiary Service and the Office of the Commissioner of Penitentiaries can be improved, and if so, by what measures.

AND I DO DIRECT THAT the Commission of Inquiry submit a preliminary report on the escapes from the institution known as the Correctional Development Centre first; subsequently, on the escapes from the institution at Cowansville; and finally, on all other matters relating to institutional security within the Quebec Region.

AND I DO FURTHER DIRECT THAT the reports required hereby shall be completed as expeditiously as possible.

GIVEN UNDER MY HAND at the City of Ottawa, in the Province of Ontario, this 14th day of May, A. D., 1973.



Commissioner of Penitentiaries

