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**RESPONSE OF
THE SOLICITOR GENERAL
TO THE PARLIAMENTARY
SUB-COMMITTEE REPORT
ON THE PENITENTIARY SYSTEM
IN CANADA**

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In this paper I have set out my reaction to the principles enunciated in the Report of the Parliamentary Sub-committee on the Penitentiary System in Canada and my comments on each of the 65 recommendations the Sub-committee has made. I have accepted 53 of the recommendations in whole or in part and have reserved my position on others that, because of their far-reaching implications, require further examination on an urgent basis by the departments and agencies involved.

I would like to congratulate the Chairman and members of the Sub-committee on the report they have produced and thank them for the very great effort, judgement and imagination that have characterized their hearings, their deliberations and their recommendations. The Sub-committee has come to grips in an impressive way with many of the problems that have been facing the Penitentiary Service for many years. These problems have in the past proved to be both chronic and intractable, in spite of the best efforts, over the years, of thousands of well-intentioned and capable individuals.

The Sub-committee has mapped out a course that will lead to fundamental and wide-ranging reform. No group in society will benefit more from these reforms than the inmates of our penitentiaries. It is of first importance that inmates realise that a responsible attitude on their part is a prerequisite to continued public support of reform programs.

It would be unrealistic to expect that all the problems facing our penitentiaries will be overcome in the next year or so, or that, to quote the Report, we will be completely successful in "dealing with crime and criminality which is something that ultimately must involve all elements of the social fabric. It is wrong to assume that alterations to our approach to imprisonment, or to our criminal justice system for that matter, can cause these changes to occur." However, I would like to make it very clear that the officers and staff of the Canadian Penitentiary Service and all others concerned in the Ministry of the Solicitor General will spare no effort to achieve the ends so well enunciated by the Sub-committee.

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PRINCIPLES

The Solicitor General endorses the thirteen principles enunciated in the Sub-committee Report, and welcomes the Sub-committee's recognition of, and agreement with, the evolving philosophy of Canadian corrections which is contained in them. These principles embody many of the goals and objectives which have been articulated in the Federal Corrections Agency Task Force Report, made public in March 1977 and submitted to the Sub-committee during the course of its deliberations.

These general statements of philosophy, attitude and policy cover the purposes of imprisonment, the correctional staff, the organization and management of the Penitentiary Service, justice within the walls, and work. They include recognition of the central role of the staff in the reform of penitentiaries. In reaching the goal of a professional career service, the RCMP model is one which will be given consideration. The Minister strongly supports the principles concerning the establishment of decentralization as a basic organizational principle, with the delegation of authority, responsibility and accountability as close to the level of action as possible.

A. PREFACE

1. "A crisis exists in the Canadian Penitentiary system. It can be met only by the immediate implementation of large-scale reforms. It is imperative that the Solicitor General act immediately on this Report as a matter of the utmost urgency."

The Solicitor General strongly supports the call for reform of the system, and evidence of his commitment is contained in this document itself, and in his pledge to implement those recommendations which further the goal of reform which he shares with the Committee. Approximately four out of five recommendations are accepted in principle, as this detailed response demonstrates. While there are serious problems which must be resolved, doubt is expressed about use of the term 'crisis' to describe a situation which has been of ongoing concern for some time. It should also be noted that the Sub-committee was established as a result of disturbances in 3 institutions in a system containing 54.

B. THE PURPOSES OF IMPRISONMENT

2. "The criminal justice system should be carefully re-examined with a view to enlarging the alternatives to incarceration."

The Sub-committee's call for expansion of the alternatives to incarceration is one of the areas in which action, already well underway, will be continued on a priority basis. Pilot projects in the area of diversion and restitution have been funded in all regions of the country by the Ministry of the Solicitor General. Legislative proposals based on recommendations of the Law Reform Commission in the area of sentencing options were presented by the Solicitor General and the Minister of Justice to their counterparts at the Federal/Provincial Minister's Conference at the end of June. Furthermore, the approach contained in the proposals for a Young Offenders Act constitutes direct application of this principle in the field of youth justice. The proposals on Young Offenders would give the sentencing judge a whole range of options: imposition of a community work order, payment of a fine, compensation to the victim, restitution, probation conditions, with detention orders the ultimate sanction.

3. "The federal government should commence discussions with the provinces with a view to establishing standardized correctional operations across the country."

Discussions with the provinces on the subject of standards and division of jurisdiction have been held at several meetings of federal-provincial Ministers and Deputy Ministers of Corrections. A working group was established on the decision of the Ministers' Conference in May 1975 to examine the issue of jurisdictional divisions in more detail. These discussions were continued at the Federal/Provincial meeting of Ministers responsible for Corrections held in late June of this year. The recommendations of the Parliamentary Sub-committee have also been brought to the attention of provincial Ministers. The conference has directed the Continuing Committee of Deputy Ministers to examine the question of standards and jurisdictional split on a priority basis. The Continuing Committee of Deputy Ministers is to report progress at the next Conference of Ministers.

C. THE CORRECTIONAL STAFF

4. "The basic qualification for a correctional officer should be a grade 12 education (or its tested equivalent) and a minimum of three years' experience in a field involving extensive person-to-person relationships (teaching, corrections, counselling, supervision, sales). Additional education should be substitutable for experience or additional experience for education. The selection procedure should carefully consider the psychological attributes of prospective recruits to ensure their aptitude, maturity, stability and self-discipline for penitentiary work. They should also be required to pass security clearance."

The Minister strongly supports the principle underlying this recommendation, forming as it does part of the Sub-committee's theme that the Penitentiary Service be a professional career service. Within the Penitentiary Service, a major study is underway already on the role of the correctional officer, and another is addressing the question of selection procedures and qualification requirements, including the use of psychological testing as a selection tool. Therefore, while the very specific qualifications for selection may be subject to refinement and adjustment, the principle is one which can readily be accepted. It is agreed that all employees should be required to pass security clearance.

5. "Retirement at 55 years of age must be mandatory for all employees other than professional staff, with full pension after 25 years of service. Early voluntary retirement at age 50 after 20 years of service should be optional."

The Penitentiary Service will examine with Treasury Board the question of providing special consideration in terms of pension status to penitentiary employees. CPS has developed a proposal which could add flexibility to the Sub-committee recommendation by addressing not only the question of early retirement, but also the problem of "burn out" at an earlier career stage, the class of employees who would qualify for the plan, and the possible loss of valuable and experienced employees through mandatory retirement at age 55. As only 4% of employees now stay in the Service until retirement age, it is important to establish a plan which takes into account the "burn out" problems which occur among young employees. Changes in legislation would be required to implement this recommendation.

6. "All custodial personnel must have an initial training course of three months' duration which combines instruction and field work, and they must not begin regular work in an institution before completing it. The best instructors available in the system should be utilized."

The principle is supported, although the specific details of the training program may be subject to refinement. CPS will work toward eliminating the operational constraints which have at present led to difficulties in implementing the policy of universal induction training. CPS is developing a system in which initial training programs can be closely matched to the requirements of particular positions. It should be noted that the accelerated construction program will require many more people to be trained in a short time, and CPS is now looking at the possibility of establishing special courses, in conjunction with local educational institutions.

7. "Custodial personnel must have full opportunity for continuing professional educational development and should be required to spend a minimum of one week a year in refresher courses or upgrading."

The Minister agrees with this proposal, which has now been issued as a CPS policy directive.

8. "A sufficient number of training positions must be established to allow for the full and adequate training and continuing professional education of custodial personnel without depriving institutions of necessary staff. This number should be established annually."

The Minister supports the principle of this recommendation as well, and would establish as a goal that the proposal be expanded to include all personnel, not just custodial personnel in respect of which some allocation has already been made. Work on determining the number of such additional positions will begin immediately, but it should be recognized that current restrictions on growth in the size of the public service are an important factor to be taken into account.

9. "Staff appointments above the initial level should either be made by promotion within the system, or appointees (other than professional persons or those who already have equivalent experience) should be required to spend a period of six months gaining experience in security before assuming their positions. It is vital that the service hold out the probability of promotion for the deserving officer."

The Minister fully supports the professional career concept which is at the heart of this recommendation. Within CPS, steps have already been taken to establish a strong program of human resources career planning, centering on the development of a clearly set out career ladder, made accessible by a full program of training opportunities and promotional opportunities from within. The recent appointment to a newly-created position of Director General of Human Resources in CPS demonstrates the importance attached to this area.

The idea of exposing new personnel to security experience is excellent, with the qualification that a mandatory six month period may not be necessary or appropriate. It is agreed that all staff in contact with inmates, except professional staff such as doctors, dentists and psychiatrists, but including Regional staff having an impact on inmate programming, should be required to have security experience.

10. "The period of probation for new employees must be one year after the completion of the initial training course."

Agreed. This will be implemented. The word "course" should be taken to include both courses at staff college and on-the-job training. A change will be sought to the regulations under the Public Service Employment Act in order to implement this recommendation.

11. "Staff must be paid in keeping with their training and status and we find the R.C.M.P. Police to be the appropriate model."

The principle that pay should reflect training and status is accepted, with the additional comment that pay should also reflect responsibilities and job performance. The particular point that the R.C.M.P. model be adopted requires more detailed study in the context of the examination of recommendation 26, as well as other proposals dealing with the organization, management and staffing of the Penitentiary Service. The new contract for correctional officers has just been approved by the AIB, and provides that newly appointed correctional officers are paid \$11,050. After four years of service, a correctional officer (CX 1) can earn up to \$15,050 under the terms of this contract. Living unit officers earn, upon entry into the Service, \$14,250, and up to \$16,650 after three years service under the terms of this contract.

12. "In order to increase staff experience and to enhance the quality of Canadian penology, there must be regular programs of exchange of manpower for periods up to a year or two with penitentiary systems in other countries."

The Minister is in total agreement with the Sub-committee's point that exposure to ideas and practices in effect in various other jurisdictions is of value. The principal approach to this goal is continuation and expansion of the current program of contacts through short-term visits and participation in international correctional organizations and conferences.

13. "As far as possible, all staff members should have dual responsibility for security and program."

The Minister supports this recommendation, and notes the Committee's endorsement of the Team and Living Unit concepts which have been adopted as CPS policy. See also the response to recommendation 46.

14. "All staff members and all inmates in penitentiaries must wear name identification."

Accepted for all maximum and medium security institutions. Target for implementation of this recommendation is two months.

15. "A "no deals" rule should establish that no agreements of any kind will be negotiated in hostage-takings while hostages are being held."

The twin objective of government policy is to effect the safe release of hostages and to enforce the law firmly and strictly. Hostage takers will be subject to immediate transfer to special handling units, where further appropriate action will be determined. Charges will also be laid in all cases of hostage taking. In summary, it is firm government policy that no hostage taker derive any ultimate benefit from his illegal act, and that institutional directors be in full command of the resolution of such incidents.

16. "Each maximum and medium security penitentiary must have a tactical unit of staff trained to deal with hostage-taking and other crises. When necessary, a director should also call on the assistance of police tactical forces. The decision as to the role of Inmate Committees, if any, should also be left to the director."

Again, the underlying principle that institutional directors be in command is supported. A three-pronged approach to this question is already underway in CPS, with the establishment of institutional emergency response teams, to be trained and complemented by regionally-based teams. The use of outside resources--police--is also to be decided by the director when required.

This policy of establishing regionally-based emergency response teams provides maximum flexibility and a variety of options to institutional management responding to hostage and other crisis situations. Regional emergency response teams will assume a multi-faceted role ranging from police liaison and technical squad operations to the development of contingency plan models for institutions, and the training and conditioning of staff to crisis management. In effect, their duties embrace both preventive and response functions, covering both normal and emergency operations. In addition to their primary role as members of an emergency response team, they will be coordinating body in the regional security organization in the following fields:

- a) contingency planning and training;
- b) security surveys and evaluation;
- c) security investigations;
- d) security manpower deployment; and
- e) security operations and resources.

Twenty-five man years, distributed on the basis of five per region, have already been allocated in order to put these emergency response teams in place. Position descriptions for each function have been developed following consultation with senior security personnel from the field and each region is now in position to formally establish a regional emergency response capability.

During the past several months, a crisis management model has been developed, again following extensive field consultation both at the operations and training level, as well as with members of the police community and the Department of National Defence. The model was developed in order to provide line managers a standard and appropriate system of dealing with crises within institutions. All institutional and regional directors were introduced to the concept at the Directors' Conference held in Ottawa in January. As a follow-up to this, a national training seminar was held at the Correctional Staff College in Kingston, and was attended by selected representatives from all five regions.

All regions are now engaged in the preparation and presentation of training sessions at the local level to ensure that appropriate contingency plans and procedures are developed and implemented in keeping with the crisis management model.

Also, senior members of CPS have, during the past year, attended a number of national and international conferences and seminars dealing with the subjects of violence and terrorism and our efforts in the field of the prevention and control of such incidents remain, as one would expect, a high priority with senior management.

In addition, research programs are being conducted through the joint efforts of CPS management and the Ministry of the Solicitor General Secretariat in an effort to determine more accurately the causes of hostage-taking incidents and by so doing, to enable CPS to develop and implement preventive and remedial measures.

17. "Women should be employed on the same basis as men in the penitentiary service. Selection must be according to the same criteria used for men to ensure that recruits have the aptitude, maturity, stability and self-discipline required for penitentiary work."

The principle of the recommendation is supported. CPS will be guided by the provisions of the Human Rights Act (Bill C-25) in this regard, and work has already begun with the Public Service Commission on this issue.

A three-member committee chaired by the PSC Anti-Discrimination Branch is currently in the process of reviewing the whole question of the employment of women within the Correctional Officer category of the penitentiary service, and this committee is examining the American system as part of its work. Also, women are already employed on the same basis as men in several occupational categories.

18. "When the new system of qualifications, pay, promotion and pensions is being instituted, all present penitentiary staff should be re-examined with a view to determine their continuing suitability for penitentiary service. Those who are not deemed suitable should be transferred to other government departments, retired from the Service with appropriate pensions, or dismissed."

This question is dependent upon several other recommendations dealing with the structure of the penitentiary service. Its acceptance is therefore contingent upon the findings of the senior working group which is announced in response to recommendation 26.

D. ORGANIZATION AND MANAGEMENT OF THE PENITENTIARY SERVICE

Principles 7-10, as statements of purpose, are certainly accepted by the Minister. The difficulty, however, arises in finding the most appropriate ways of applying these principles in a complex organization which is currently undergoing merger, decentralization and development simultaneously. To some extent, recommendations 24 and 26 can be interpreted as determining the content of the other recommendations in this section, but in this response an attempt has been made to deal with many of the detailed recommendations within the framework of the present system--pending decisions on the major re-organizational proposals contained in recommendations 24 and 26.

19. "A rigorous post analysis must be carried out in all maximum and medium security institutions to eliminate overmanning of posts."

Agreed. An analysis of post requirements is also automatic when preparing for the introduction of the Team and Living Unit concepts, which reflects existing CPS policy. Further, Regional Emergency Response Teams will have as part of their duties the carrying out of regular security surveys which will include post analysis. The Minister points out that increases in security personnel resulted from concern about escapes during 1972 and 1973, and that action taken as a result reduced escapes from institutions by approximately 75%. The Minister also wishes to draw attention to the Sub-committee's own analysis of staff-inmate ratios, and to their support for small, specialized institutions, programs and work--all of which require a higher staff-inmate ratio than do the large 1000-inmate institutions common in the United States. It should also be kept in mind that the ratio of security personnel to inmates is about 1:2.4. The balance of CPS staff consists of program, professional and institutional support personnel required to run a complex, program-oriented system such as that encouraged by the Report itself. (By the Report's own analysis, if all Regional and Headquarters staff were to be eliminated, the staff-inmate ratio would only change from 1:1.1 to 1:1.3.)

20. "The penitentiary system must be clearly defined by a vertical management system with short lines of authority and communication between the top and bottom, and no intervening line authority between the directors of institutions and the Commissioner of Penitentiaries. The responsibility and the authority of each position must be clearly defined in writing by a carefully conducted internal role analysis."

The Minister supports the Sub-committee's theme that clear definition of lines of authority is essential, and that institutional directors must have the authority

which is necessary for them to carry out their responsibilities. To this end, the Sub-committee's recommendation to clarify and define line authority and functional responsibilities is accepted, and a detailed internal role analysis will be performed.

That having been said, consultation with institutional directors on the Report revealed unanimous opposition to the suggestion that they report directly to the Commissioner. This would be impractical in a system with more than 50 institutions.

21. "Directors of institutions must have responsibility and authority for:
 - (a) the selection, hiring and dismissal of staff for the institution up to management level;
 - (b) provision of personnel services;
 - (c) creation delegation and transfer of term positions, within budgetary limitations;
 - (d) manpower and career planning;
 - (e) in-service staff training; and
 - (f) program planning.

In short, directors must have the power and authority to manage their institutions. They must report directly to the Commissioner and not to regional offices."

As is stated in response to recommendation 20, the principle that institutional directors must have adequate power and authority to manage their institutions is agreed. On the question of their direct reporting relationship to the Commissioner, however, institutional directors saw this as unrealistic.

The general content of the recommendation's outline of directors' responsibilities and authorities is consistent with the present situation. For example, institutional directors presently have been delegated the authority to select and hire most of their staff, and they make the recommendations upon which the Commissioner's decision to dismiss is based. In the last year, for example, the Commissioner--acting as Deputy Head for such purposes, as is required in other government departments--upheld disciplinary action initiated by line managers which resulted in 18 employees leaving the Service. Personnel services are presently available in some institutions, and it is intended to increase the number of institutions which have their own personnel services, in accordance with resource availability. With respect to term positions, institutional directors presently perform the function described in the Sub-committee recommendation. Manpower and career planning, as well as in-service staff training, is currently carried out by institutional

directors on a shared basis with regional directors, and CPS believes that effective planning and training requires the participation of both levels of management. Institutional directors also have a great measure of control over their institutional planning at present.

That having been said, the division of responsibilities will be re-examined in light of the Report's comments. This will be done in the context of the internal role analysis referred to in recommendation 20.

22. "Regional offices must not have line management responsibility but should play a consultative, audit service and support role. They must not interfere with the running of institutions. Divisional instructions must be abolished. Commissioner's Directives 102 and 106, to the extent that they subordinate institutional to regional directors, must be rescinded.

Regional offices should have responsibility and authority for:

- (a) the planning, development and construction of new institutions in the region;
- (b) the training of manpower for the region (shared with institutions);
- (c) regional consultation and discussion;
- (d) purchasing and stores (shared with institutions);
- (e) personnel services, accounting and budgeting (shared with institutions); and
- (f) the auditing of institutions in the region."

The only official at regional level having line authority is the Regional Director himself; all the other regional personnel are functional staff with no line authority. In a system with more than fifty institutions, in all parts of the country, the presence of regional directors having such authority is essential to the operation and control of CPS. As is stated in response to recommendations 20 and 21, a direct reporting relationship between institutional directors and the Commissioner in Ottawa is simply unworkable in such a system.

Having said that, it is agreed that the functional staff at regional level should not "interfere in the running of institutions", and should have a consultative, audit, service and support role.

On the question of divisional instructions, the Minister believes that these instructions, issued under the authority of the Commissioner to the institutional directors, are the only way in which procedures can be defined to control the implementation of policy in practice. Divisional instructions are directly related to, and based upon, the general policies outlined in Commissioner's Directives, and give detailed instructions as to how those policies are to be implemented in the field.

The recommendation to rescind Commissioner's Directives 102 and 106 to the extent that they "subordinate institutional to regional directors" flows from the recommendation that no regional personnel have any line authority, and cannot be accepted for the reasons outlined in the first paragraph.

With these provisos, the definition of authority and responsibility outlined by the Sub-committee is generally accepted. As was stated earlier, the internal role analysis to be undertaken will address the question of how the definition of role and authority can be improved, and the Sub-committee's views on the matter will be given very close attention.

23. "Security should be controlled by the head office of the Canadian Penitentiary Service."

The Deputy Commissioner (Security) is in charge of the development of security policies from the national level, and issues Divisional Instructions on the implementation of those policies.

On the operational level, the responsibility for maintaining security is that of the institutional directors.

24. "The Commissioner should remain the chief administrative officer of the penitentiary system but he should be appointed by and responsible to a Board of five members (appointed for 5 year terms on a staggered basis by the Solicitor General) which would have sole responsibility for the making of policy. The Board must not have an attached bureaucracy additional to the Penitentiary Service. It should report to the Solicitor General and should be required to make an annual report to Parliament through the Solicitor General."

This is one of the most fundamental changes recommended by the Committee, and its implications are so far-reaching and difficult to assess on the basis of a quick examination that the Minister must request more time for a thorough examination of the proposal.

Having said that, the Minister would like to raise some questions which occurred to him during a first examination of the recommendation. If the main purpose is to allow for more input from line staff in policy-making--which is suggested in the body of the Report--then the Minister's agreement is shown by the fact that steps have already been taken within CPS to involve staff in policy planning. But the means suggested by the Sub-committee do raise questions which must be answered. A policy-making board, with no or little support, analysis and research capability of its own, would appear to be severely hampered by such a lack. Secondly, throughout

the federal government, the recent trend has been in the direction of making Crown boards and agencies more subject to Ministerial responsibility, and therefore Parliamentary control. This recommendation would seem to be moving in the opposite direction. Thirdly, it is not immediately apparent that the recommendation would assist in the resolution of one of the problems the Sub-committee saw as central--that of lack of adequate definition of authority, and consequent confusion as to who is in control of the system. This recommendation, in fact, could exacerbate that problem rather than resolve it. For all these reasons, more time is required to examine the proposal thoroughly, in an attempt to clarify the implications.

25. "The Penitentiary System should be open and accountable to the public."

The Minister strongly supports this principle, and points to the numerous examples of increased openness within the system in the past several years. The policy on Citizens' Advisory Committees (see the response to recommendation 49) and on the participation of outside groups in institutional programs (see the response to recommendation 48) form an important part of this effort. Continuation of this trend is accepted policy within CPS, subject to the considerations of confidentiality which the Sub-committee itself identified.

26. "The Penitentiary Service under the board must be an independent agency of the government not subject to the Public Service Employment Act or the Public Service Staff Relations Act. It should resemble the R.C.M. Police in its discipline and professionalism. Employees should be subject to discharge for misconduct or incompetence."

This is another of the Sub-committee's most far-reaching recommendations, and very careful examination of its implications is required. In order to do this, a working group consisting of senior officials from CPS, the Ministry of the Solicitor General, the Privy Council Office, Treasury Board, and the Public Service Commission is being established upon the recommendation of the Solicitor General. This group is to examine several potential models in an effort to determine the most appropriate means of achieving the agreed-upon goal--that of establishing the structure best equipped to deal effectively with the difficult problems of corrections.

27. "Employees of the Penitentiary Service who perform supervisory or confidential functions should not be entitled to belong to unions. Matters clearly under the prerogative of management such as security, programming and inmate welfare must not become the subject of collective bargaining. Compulsory arbitration must be the only means of dispute settlement."

The Public Service Staff Relations Act is presently under review, and that review will study the question of management exclusion. CPS agrees with the Sub-committee that more of its managers should be excluded from union membership.

It is also agreed that security, programming and inmate welfare should not be part of collective bargaining, although staff should be consulted on such matters.

The recommendation concerning compulsory arbitration will be examined by the working group on the future relationship between CPS and the Public Service, announced in response to recommendation 26.

28. "An Inspector-General of Penitentiaries should be established, reporting directly to the Commissioner. This person should be charged with inspecting institutions and investigating irregularities, but he should refer criminal investigation to the appropriate police force."

Accepted. The position of Inspector-General of Penitentiaries will be created, and the mandate of the present office of management review will be redefined to implement the Sub-committee's recommendation. In this process, the role of the Inspector General must be carefully differentiated from the present role of the Correctional Investigator.

The principal tasks of the Inspector-General will be to ensure that national policy is being carried out and to investigate irregularities.

E. JUSTICE WITHIN THE WALLS

29. " Commissioner's directives must be consolidated into a consistent code of regulations having the force of law for both inmates and staff. They should be understandable and should be made available to both staff and inmates on entry into the penitentiary system."

With respect to the recommendation regarding Commissioner's Directives, work is underway to update, clarify and consolidate these Directives, and to eliminate outdated ones. Once this process is completed, the consolidated Directives will replace the present Directives now available in institutional libraries, and a handbook for the guidance of inmates will be produced and made available to inmates at the time of their entry into the penitentiary system. Locally-produced inmate handbooks are currently available at Reception Centres in Ontario and Quebec, and in Prairie Region institutions.

With respect to the recommendation that the Directives be transformed into regulations having the force of law, the potential complications and costs are enormous, and cannot be borne at this time. The need to operate the system in a manner consistent with the principles of natural justice is recognized and accepted, however, as is shown by the fact that due process is presently built into Commissioner's Directives dealing with discipline. See also responses to recommendations 30 and 36, in which provisions for disciplinary and grievance procedures are discussed.

30. " Independent chairpersons are required immediately in all institutions to preside over disciplinary hearings. Cases should be proceeded with within 48 hours unless there is reasonable cause for delay."

An amendment was introduced at Report Stage of Bill C-51 enabling the Governor in Council to make regulations to implement this recommendation.

As an initial step, the Minister has set November 15 as the target for having Independent Chairpersons in place in maximum security institutions, subject to the necessary legal formalities being complied with. These Independent Chairpersons would preside over institutional Disciplinary Boards hearing cases involving serious or flagrant offences. The Independent Chairperson alone would determine guilt or innocence on the charge.

It is intended that Independent Chairpersons be appointed by the Solicitor General from the ranks of supernumerary and retired judges, and from members of the bar.

The recommendation to proceed with cases within 48 hours is not attainable, and it is proposed to require that cases be proceeded with within seven days unless there is reasonable cause for delay.

31. "With respect to administrative segregation, there must be a Segregation Review Board and due notice in writing of the Board's decisions. The functioning of this system must be reviewed after two years to determine if it adequately protects the rights of inmates."

Agreed. This reflects current policy. Segregation Review Boards, chaired by Institutional Directors, are currently being established in all institutions.

32. "Gas should not as a normal practice be employed against a single inmate. Where force is required to remove a resisting inmate from his cell, he should be physically overpowered by a team of guards."

As the Report states, the present directives on this subject reflect the principles contained in the recommendation. If there have been abuses or errors in the application of the policy, it is agreed that steps be taken to prevent their recurrence. As the Sub-committee itself notes, there is a requirement for a certain degree of flexibility in order to allow for appropriate judgments to be made in specific situations.

33. "The transfer of inmates from an institution (either at their request or involuntarily) should normally be arranged by the Director of that institution with the Director of the receiving institution. Transfers should be effected by train or by Government bus or by Government aircraft, not by commercial aircraft."

Institutional Directors, consulted on the Report, opposed this recommendation, and consider transfers as a proper function for regional authorities. On the question of complaints, it is suggested that Regional Transfer Boards give reasons for transfer decisions and that if an inmate believes the facts on which these reasons are based to be unfounded, then he may lodge a complaint asking the Regional Transfer Board to re-examine its decision.

On the question of transportation modes, there is considerable doubt concerning the security, economy, and practicability of the Sub-committee recommendation. Long-distance transfers by train, for example, pose great difficulties from the point of view of security and expense. The Minister is, however, pursuing discussions with the Minister of National Defence in order to ascertain whether an agreement can be reached for the regular use of military, as opposed to commercial, aircraft.

34. "Institutional libraries must provide adequate material for legal research, especially in the field of criminal law."

It should be pointed out at the outset that legal aid would seem to provide a more appropriate solution to the problems referred to in the Sub-committee's recommendation, and that legal aid systems are administered by each of the provinces. That having been said, it is agreed that efforts will be made, especially in areas where legal aid resources are not sufficient, to make basic criminal law material available for inmate use, either in institutional libraries or through loan arrangements.

35. "Uncertainty by inmates as to the length of their sentences is a factor causing unrest in penitentiaries. Since such uncertainty results from ambiguities as to the precise meaning of judicial sentences, the Minister of Justice should refer this problem to a study group with a view to amending the Criminal Code to remove this problem."

In response to the unanimous view of the Sub-committee, suggestions for appropriate amendments will be submitted to the Department of Justice for inclusion in legislation to be introduced at the next possible opportunity.

One of the possible sources of ambiguity will be removed by introducing an amendment to the Parole Act, which will provide that multiple sentences constitute a single sentence for the purposes of the Criminal Code. Other measures that will lead to simplification of the computation of a sentence will be explored. Cooperation of the judiciary will be sought so that the method of expressing sentences does not lead to misunderstanding by the penitentiary authorities.

36. "The grievances of individual inmates in each institution must be dealt with by a committee composed of equal numbers (two and two) of staff and inmates. This committee should be chaired by a member of the administrative staff who should vote only in the case of a tie. Where their decision is not in his favour the inmate should be entitled to appeal to an outside mediator who would advise the director. The decision of the director shall be final, except in instances where the grievance involves general policy over which the director does not have jurisdiction, in which case the matter should be referred to the Commissioner of Penitentiaries."

The Minister is impressed with the recommendation, and is prepared to move in this direction. C.P.S. officials have already consulted with experts on the system as it operated in New York State, and have visited institutions there, including Attica. Federal-provincial discussions on this issue, in the context of the question of inmate rights generally, have been held and will continue.

The Minister has decided to introduce a pilot project on this model at the Saskatchewan Penitentiary, taking into account the need to prepare staff and inmates for the introduction of this new concept.

37. "The position of Correctional Investigator should be continued for the present, subject to review of the role in two years. The Investigator should report directly to Parliament rather than to the Solicitor General."

Agreed in principle, with the comment that legislation is required to make the Correctional Investigator responsible to Parliament directly. In that the Sub-committee recommends a review of the whole concept in two years, it seems preferable to defer such legislation pending the result of that review.

38. "The Inmates in each institution should be represented by an Inmate Committee elected at least in part on a range-by-range basis. Where they are present in sufficient numbers, minority groups such as native peoples, métis and blacks should have representation on the Committee. Inmates in protective custody in institutions where not all inmates are in protective custody should be represented by separate Committees. The position of chairman should be a full-time one and the institution should provide some facilities to the Committee."

This recommendation is accepted in principle. Sufficient flexibility must be retained for the exercise of directors' discretion in order to take into account special circumstances in individual institutions.

F. WORK, EDUCATION AND TRAINING

39. "The Penitentiaries Act should be amended to allow the products of inmate labour to compete on the open market, and the change should be implemented after full consultation with industry and with labour."

AND

40. "A national prison industries corporation should be established, and the full cooperation of business and labour enlisted in providing guidance in organization and implementation towards the fullest possible work opportunities in penitentiaries."

The Minister strongly supports the Sub-committee's emphasis on the importance of work, and of increasing productive opportunities. Legislative authority for sales of goods and services on the open market is not required, and in fact CPS has already begun moving in this direction under authority of a regulation which went into effect in January of this year.

As the Sub-committee points out, support from industry and labour is crucial to the success of this concept, and the consultation recommended by the Report has already begun by formation of the Advisory Committee on Industries, which held its inaugural meeting in Ottawa last October 21 and 22. This Committee is made up of representatives from the Canadian Labour Congress, the Canadian Manufacturer's Association, the judiciary, and the federal government. As part of its terms of reference, the Advisory Committee is to:

forecast the trends in industry regarding the product line and skills for the purpose of keeping the inmate training program in step with future employment prospects,

assist in exploring the possibility of expanding the scope of the market beyond the present constraints, and

consider and advise on the viability, significant implications, advantages and disadvantages of establishing inmate training programs through which commercial entrepreneurs may organize and operate inmate-manned manufacturing and service plants on penitentiary property.

In addition, a working group was established to determine the best method of implementing the Commissioner's priority of setting up and expanding penitentiary industries. An important aspect of this group's mandate is to work with the Department of Supply and Services, other

government departments, Market research organizations, and other sources on determining the type of markets that may be available for present, expanded and new industrial activities.

This examination will cover various possible approaches, such as incentives to industry which could locate within institutions, agreements such as that with Scott Paper allowing inmates to work outside institutions during the day, and the American and Danish models referred to by the Sub-committee.

On the question of possible conflict with domestic industry, one suggestion is to concentrate as much as possible on the production of goods in demand, but currently imported rather than produced by Canadian firms.

41. "There must be a graduated system of incentives based on labour productivity. Incentives should include bonuses for piecework and improvements, and earned remission. Inmates working either inside or outside penitentiaries should be required to pay room and board at reasonable rates and to contribute to the support of their families to the extent that these demands are compatible with their retaining a financial incentive to work."

This is accepted in principle. In this connection, it is important to note that incentives other than financial rewards can, and do, play an important role in motivating inmate behaviour. Participation in programs, temporary absences, and so on are examples of such incentives. The principle that statutory remission be replaced by an equivalent measure of earned remission is contained in Bill C-51.

Throughout the system, the use of pay grades for inmate work is a reflection of the acceptance of the Sub-committee's point. These grades will be increased on August 1st, and pay will vary between \$.90 and \$1.95 per day, depending on the grade achieved by the individual inmate.

There are also special programs currently underway within the system which go further than this. Establishment of a bonus pay system, based on productivity and administered by groups of inmates, is currently in effect on a pilot basis in Warkworth, Mission, Laval, Leclerc and the Regional Reception Centre (Ontario). This program involves some 200 inmates, and early reports indicate that it has been a marked success. Late last year, a project whereby inmates may earn up to the minimum wage, and contribute toward their room and board costs, was introduced in

Joyceville. This project will be evaluated over the course of the next two years by York University. At Mountain Institution, a native co-op produces handcrafts for sale on the open market. Fourthly, provision is made for the hiring of inmates by outside firms at Grierson Centre in Edmonton, and on a project run by the Scott Paper Company in Nova Scotia.

All of these approaches are promising, but it must be understood that it will take time to introduce them throughout the system, and after careful evaluation of the operation of the pilot projects. Such evaluation may result in such wider application, in modification of the approaches used, or in recommendations for other approaches. The principle, that of rewarding productivity on the part of inmates, is certainly one which seems fruitful, however, as is shown by the number and variety of projects described above.

42. "The training given in workshops should be monitored by official representatives of outside trade groups, and the penitentiary system should direct itself towards the production of things in demand. Arrangements should be made with the provinces for apprenticeship programs and licencing or certification."

Agreed. The current occupational development program includes academic courses from the primary grades to university graduation, and vocational/technical training in a variety of trades, e.g., machinists, sheet metal workers, welders, electricians, motor vehicle mechanics, body repairers, draftsmen, printers, brick-layers, dry-wall installers, television repairmen, etc.

Almost all the courses offered are recognized for purposes of academic credit or trade certification by the appropriate authorities in all provinces in which there are institutions. In the academic program, recognition is by school boards, provincial departments of education, community colleges or universities, depending on the course. In the vocational/technical training program, the certifying authority can be the provincial Department of Labour, the Department of Education, the Ministry of Colleges and Universities (Apprenticeship Branch), or the trade union involved, depending on jurisdiction and program.

A few trades, e.g., horticultural workers, industrial carpenters, millwrights, are not designated as certifiable trades, so that in such cases the question of certification does not arise.

43. "Academic education and trades training must be provided. Every inmate who so wishes should be allowed to follow correspondence courses."

Agreed. Current inmate enrolment in the CPS occupational development program consists of approximately 2100 inmates enrolled full-time in the academic program and a further 1100 inmates enrolled full-time in the vocational/technical program. Some 700 of the above follow correspondence courses of one kind or another on a full-time basis, with tutorial assistance being provided by the occupational development staff. Thus, approximately one third of the current inmate population is engaged in the existing occupational development program. Further expansion of the program seems possible, and will be examined, although it should be recognized that a significant number of inmates have learning disabilities which will require identification and diagnostic evaluation before special programming could be undertaken.

G. SOCIALIZATION

44. "Institutional budgets should be such as to allow personnel more independence in the development and the establishment of training programs."

The Minister supports the recommendation, commenting that it forms a part of the already on-going policy of decentralization within CPS. As the Sub-committee noted, a study of program planning has already been completed by CPS. Since then, however, a series of recommendations made by the Management Consulting Service concerning the reorganization at all levels of the Inmates' Program Branch is well along the road to implementation. An Implementation Assistance Group has started to study the institutional program structure itself, and the need for institutional autonomy with respect to the devising of particular program modalities is well recognized.

45. "The social therapy technique developed by the Oak Ridge Division of the Ontario Mental Hospital at Penetanguishene is the most promising known for assisting offenders in self-reformation. This technique should be introduced into both maximum and medium security institutions immediately to the extent that it is possible to separate entirely the inmates in social therapy from the rest of the prison population. New institutions should be built with the need for small completely contained units in mind."

The Minister has requested that a special report be prepared by CPS within three months describing how, where and when the Oak Ridge approach could be implemented within the penitentiary system. This report will also study other approaches, such as that employed for sex offenders at Fort Steilacoom (see response to recommendation 59).

Since it would not be possible to duplicate the Oak Ridge model in all institutions, one possibility is to introduce the social therapy technique for a small, carefully selected group of inmates at one of the Regional Psychiatric Centres.

46. "There must be ongoing relationships between the same staff members and the same inmates. In particular, the Team Concept and especially the Living-Unit Concept must become the ordinary theories of staff management at every institution."

As the Report notes, this is the established goal of the Penitentiary Service.

"Living Unit" is the name of the process designed to foster the acquisition of social skills by inmates.

The process seeks to change inmates' behaviour patterns by encouraging them to engage in the problem-solving process which can assist them in learning new social roles. This problem-solving orientation provides opportunities for achievement, an important element in the learning process. Within a Living Unit, staff join with inmates to resolve the day-to-day problems which occur when people live in close proximity to each other, and to collaborate in the pursuit of common goals. In other words, members of the Living Unit--staff and inmate alike--manage the affairs of the Unit to the greatest degree possible. This concept is an integral part of the new penitentiary construction program, the design for which accommodates the "living unit" approach.

The "Team Concept", as the title implies, is a system of management premised on the team principle of custodial staff organization and deployment. Within this system, the custodial staffs of institutions are organized into two groups, one responsible for security functions where there is little or no contact with inmates and the other in areas where there is close or continuous contact with inmates. Each group is subsequently sub-divided into teams with permanently assigned leaders responsible for all aspects of supervision of their units, including duty postings, training, performance appraisal and the assignment of rest days and annual leave. Typically, a team consists of a senior security supervisor and several junior supervisors who are given sufficient staff to provide the security services necessary for a pre-determined area of an institution, with authority to operate within fairly broad but well established guidelines. Essentially, the Team Concept is decentralization and delegation of authority and responsibility to organized units of Security staff at the operational level of an institution.

With one exception, all medium security institutions are now operated under the Living Unit concept. The Team Concept is currently in operation in Dorchester, British Columbia Penitentiary and Millhaven, and will be extended to the other maximum security institutions.

47. "Social interaction must be maximized in prison life. This means frequent interaction between staff and inmates, between inmates themselves as in common dining, and between inmates and visitors, as in contact visiting. Inmates should spend as much time as possible outside their cells and in general have conditions of socialization as much like those of the outside community as possible."

It is agreed that the social interaction among inmates and staff should be maximized. This concept will be facilitated by the architectural design of future institutions. Improved visiting and dining facilities,

for example, are incorporated in the design for new maximum security institutions.

It should be recognized that these changes cannot be introduced in every institution immediately and that a certain degree of flexibility must be retained in order to deal with particular inmates and security problems.

With reference to contact visiting, this privilege now exists in all medium security institutions. The necessary facilities for contact visiting are included in the design for new maximum security institutions.

48. "Outside groups which do not disrupt the orderly operation of the institution should be allowed increased access."

The Minister agrees in principle with the recommendation, adding that groups allowed into the institution must be sincere and constructive participants in the programs of the institution. Also, groups should be allowed in only under the authority of the Institutional Director. The Institutional Director's authority to run his institution must be respected, as the Sub-committee emphasizes throughout.

CPS is quite open in its willingness to accept the help of interested groups, as is shown by the fact that many such groups and associations are already actively involved within the institutions.

49. "Citizen Advisory Committees must be established in all federal maximum, medium and minimum penal institutions. Members should be recruited from a cross-section of society representing a wide variety of interests as well as the ethnic and cultural characteristics of the local and institutional communities. Members should be appointed by the Commissioner on the approval of the institutional director and removed in the same manner, and should be required to undergo a security clearance."

The principal function of these Committees should be to assist the director with the overall development of the institution and its programs. They should assist in determining the types of program that are needed for inmates in the institution in response to the needs of staff and inmates. They should define the degree of general citizen participation compatible with the goals of the institution, and advise the institutional director of local attitudes towards the institution and its programs. With the help of the director and his staff, the Committee will develop methods of informing and educating the public in the operation and programs of the institution.

Citizen Advisory Committees should not take on the role of mediator during disturbances.

The Committees should hold regular meetings inside the institution with the director, staff and the inmates' committees. They should have, at all reasonable times, access to the institution and to the non-classified files and information held by the institution. An annual report should be submitted to the Commissioner of Penitentiaries by each Advisory Committee. This report should be made public."

The Minister agrees that Citizen's Advisory Committees (CAC) should exist in every institution.

It is also agreed that CACs should represent a cross section of the community; and that the selection and appointment of the members should be done by the Commissioner, on the recommendation of the Institutional Director.

The principal function of the CAC is to advise the Institutional Director on the overall development of the institution and its programs, as well as on methods of informing and educating the public on the operation and programs of the institution.

The question of whether the CAC should take on the role of mediator in a crisis should be a decision of the Institutional Director. It is agreed that the CAC is to have access to non-classified files concerning the policies and programs of the institution. The CAC will be encouraged to make an annual report to the Commissioner, and assistance will be given to enable such reports to be prepared. Such reports could be made available to the public by the CAC's themselves.

H. INSTITUTIONS

50. "New institutions should be small (200-250 inmates) and may be clustered together with several shared functions."

Support for the Mohr-type institutional design which is current government policy is welcomed by the Minister. An accelerated construction program, aimed especially at replacing the obsolete, fortress-type maximum security institutions, has already been announced by the government. The target for completion of nine such institutions is December 1979. The long-term construction policy, which will be phased over the next five years, will result in the eventual construction of 24 new institutions designed to respond better to specific needs of inmates in the field of vocational, academic or industrial programs, and to allow the implementation of the living unit concept which is also endorsed by the Sub-committee.

51. "Controlled epileptics should not be excluded from minimum security institutions."

This is agreed in principle. There is no reason to exclude controlled epileptics from minimum security institutions or Community Correctional Centres where adequate medical services are available, and Divisional Institutions will be amended accordingly. There could be a problem in minimum facilities such as forestry camps where such medical services are not so readily available, and these special concerns will be discussed by the Director General of Medical Health Care Facilities and his senior medical staff.

52. "Competently staffed Reception Centres for the classification of inmates must be located in every region. If Reception Centres operate within another institution, inmates awaiting classification must be isolated from the rest of the population, and facilities in existing institutions should be adapted to this end. A major review of the approach to classification is required: information should include all sources, the inmate should have the right to see his final report, and the correctional staff should have no de facto veto."

The emphasis on the importance of reception and classification is strongly supported, and a major review will necessarily be carried out as part of the process of integrating the Canadian Penitentiary Service and the National Parole Service under the terms of Bill C-51.

On the specific question of the reception process, there are two possible approaches. The first, that of a separate institution, is currently in place in Quebec, and planned for Ontario and Pacific regions. The second approach, currently in effect in the Prairie and Atlantic regions, classifies an inmate sentenced to a federal institution while he is still in the provincial

jail following conviction, and employs the "penitentiary placement" process. This process is thought to be most appropriate for these regions, because of the numbers of inmates who must be classified, and because of the large distances between federal institutions. As the Sub-committee itself points out in paragraph 634 of its Report, "a definite advantage of this system is that a young or first offender can be sent directly to a medium or minimum security institution from the provincial jail rather than being first received at maximum security institution."

With these considerations in mind, then, the principle that there should be a separate reception and classification process is accepted, although the specific form that process might take could vary in accordance with regional differences, and might not necessarily take the form of a separate institution per se.

On the subject of access to files, the Minister would go further in providing access throughout the term of incarceration, not just at reception. This is provided for in the Human Rights Act (Bill C-25). In addition, other aspects of due process and inmate rights are being considered in the context of the study being made of the Law Reform Commission's recommendation with respect to a Sentence Supervision Board, as well as in the context of the federal/provincial discussions on inmate rights referred to in reply to other recommendations.

It is agreed that staff should have no "de facto" veto over classification decisions.

53. "Inmates must be fed adequately and nutritiously and should eat in common."

Agreed. Presently, the menus in each institution are developed by professional nutritionists and dieticians. The authorized ration scales are determined on the advice of these professionals and follow the military scale. CPS has budgeted for each institution to obtain professional advice on the program diets for inmates. It was suggested that one way to improve the present quality of food service is to offer viable accredited apprenticeship opportunity for inmates, including training in such areas as nutrition and dietetics. The latter has been proposed for the Food Services Training Program at the Drumheller Institution. The concept of common dining has been endorsed but may not be applicable to all present institutions.

It is recognized that there are problems presented by the fact that kitchens do not presently exist inside Archambault and Millhaven. This will be remedied by the provision of such facilities. As for B.C. Penitentiary,

food carts will be used to ensure that meals are kept warm while being delivered to inmates.

54. "The Penitentiary Service must keep adequate records of the drugs dispensed to inmates so that control may be exercised over the amount of medication employed."

Concern over the variation in quality of medical services from one institution to another led CPS to adopt a major new policy and procedures manual for all medical services to inmates throughout the system. This policy was developed after considering the Commissioner's Directives and the reports of the National Health Services Advisory Committee, which is composed of representatives nominated by national medical, dental and nursing professional organizations, and appointed by the Commissioner. The new policy manual was approved in March of this year and is in the process of implementation now. This new policy is designed to provide better, standardized, treatment and care for all inmates, as well as better information about, and control over, medical programs to CPS management.

With respect to the specific recommendation dealing with the keeping of records of drugs dispensed to inmates, it is agreed that the current situation is not adequate. A directive will be issued within two months to ensure that adequate drug dispensal records are kept. The Director General for Medical Services will have the responsibility for supervising this system, along with the new Inspector General referred to in the response to recommendation 28.

55. "An immediate beginning must be made on phasing out the Prison for Women. Until the phaseout is complete, facilities and space must be provided immediately for an activity centre, and the life skills program must be restored.

As a replacement for the present Prison for Women small cottage-type institutions or village clusters must be established in at least three regions of Canada, with adequate programs to prepare women for release. Where security is required, it should be provided only on the perimeter, or for the very small group that requires it.

If there are not enough women for government operated Community Corrections or Release Centres to be established, alternative residential arrangements or resources in the community must be found and used. Private homes could be recognized by the National Parole Service as Community Resource Centres for women on day parole."

The question of the female offender is currently being reviewed on a federal/provincial basis, as a follow-up to discussions which took place on the subject at the recent Ministers' Conference. The recommendations of

the Clark Report on the female offender, made public in March of this year, form an important part of that review.

The review could result in the kind of institutions recommended by the Sub-committee, or it might be established that the present exchange of service agreements with the provinces provide a more appropriate vehicle for the provision of programs and facilities with which the Sub-committee was concerned. These agreements have already resulted in the transfer of a significant number of federal female inmates to provincial institutions.

The review process referred to above will also explore further innovative alternative residential arrangements as part of its mandate, such as the use of private homes for day parolees, as suggested by the Sub-committee.

In response to the specific recommendations referring to programs at the Prison for Women, the life skills program--which assists inmates in the development of better social interaction skills generally--has been resumed, and planning for an activities centre has also begun.

56. "For individuals who have persistently resisted discipline, work and socialization, a limited number of special correctional units should exist. These institutions should have all the programs and services of other maximum institutions, including the therapeutic community."

There is doubt that the provision of a "therapeutic community" with "all the programs" of other maximum security institutions is a realistic possibility for the type of inmate described. As the Sub-committee itself noted, these units would be dealing with those very few inmates who are "seriously disruptive and dangerous;" whose attitudes and behaviour risk "destroying the opportunities and hopes for personal reformation pursued in good faith by the many."

That having been said, the principle that programs of some appropriate nature be provided is certainly accepted. This structured program would provide opportunities for such inmates to prove they have made the necessary adjustments in behaviour to warrant a reclassification of security.

The Minister points out that the program of regional Special Handling Units has only recently been initiated, and feels that this program should be continued in order to provide the appropriate facilities for dealing with the kind of inmate described.

57. "A small number of maximum security institutions should be used exclusively for inmates who require protective custody. Each such institution should have a section designated as medium security."

Plans for such an institution in Ontario are well advanced. It is also intended to designate an institution for protective custody inmates in Quebec region, as a result of the new construction program. In other regions, separate units within existing institutions will be employed for protective custody cases, and the recommendations of the Vantour report will be followed as to their operation.

58. "Regional Psychiatric Centres should be withdrawn from the jurisdiction of the Penitentiary Service and placed under the federal Ministry of Health and Welfare. Discussions should be held with the provinces to coordinate federal and provincial mental health services."

As a first point, it should be noted that the Department of National Health and Welfare is not involved in the delivery of services directly. Such services are normally the responsibility of provincial authorities, and it is for this reason that CPS has, and will continue to have, very close working relationships with the appropriate provincial authorities with respect to the operation of Regional Psychiatric Centres.

To be more specific, an agreement was signed in April between the Ministry of the Solicitor General and the Quebec Ministry of Social Affairs whereby the latter, mainly through the Philippe Pinel Institute, agreed to provide all in-patient psychiatric care to mentally ill federal inmates incarcerated in the province of Quebec. The option exists to extend this to the provision of ambulatory care in federal institutions by April 1978.

In Ontario, CPS already utilizes the services of the Mental Health Centre at Penetanguishene to the extent that they are available and CPS representatives are meeting this month with the Ontario Ministry of Health to discuss the details of the Ontario proposal to open a number of "closed wards" in certain of their psychiatric hospitals.

Both the Ontario and Pacific Psychiatric Centres are affiliated with local universities, and the Pacific Psychiatric Centre is recognized as a psychiatric hospital by the Government of British Columbia. Hospitals by-laws have been approved at the RPC (Pacific), which has a Board of Governors.

The Psychiatric Centre in Saskatoon will treat both federal and provincial inmates who become mentally ill while incarcerated, and will also admit patients held under Lieutenant-Governor's warrants, and act as a remand centre. This centre will also be affiliated with the university. A pattern similar to the Saskatchewan model will be followed by the Psychiatric Centre planned for the Atlantic region.

In summary, the Sub-committee's goal of avoiding duplication, and of having RPC's act as "hospitals" is one which has been active CPS policy for some time now, and which can be achieved without the transfer of jurisdiction to the Department of National Health and Welfare.

59. "There should be several separate institutions for the treatment of sex offenders, since their therapy needs are distinctive from those of other inmates with personality disorders. Admission should be on a voluntary basis."

CPS is cognizant of the special problems presented by sex offenders, and of various potential models which could be employed in their treatment. Various models, including the Fort Steilacoom approach, as well as approaches used in such jurisdictions as Illinois, Tennessee and Minnesota, are currently being closely examined, and a report on their possible application in our federal institutions is expected to be ready in October.

60. "A special institution should be established in British Columbia for the treatment of drug addicts."

Recent experience, in Canada and in many other countries, has demonstrated that the drug problem must be looked at in a much wider context than that of the criminal justice system alone. With this in mind, the federal government is giving consideration to a series of approaches to the general question of drug abuse, and a joint Canada-British Columbia task force is examining all aspects of the problem as it is found in that province.

While earlier efforts to provide treatment programs for drug addicts have proven disappointing, especially inside penal institutions, CPS agrees that programs such as the Portage Project in Montreal--involving the treatment of addicts while on day parole--are worthwhile examples that may provide hope for the future. Other such programs will be sought out and examined.

61. "At least one separate institution should be provided for youthful offenders on a selective basis. There should be at least one wilderness camp for native peoples and northern residents accustomed to life in remote areas."

The Minister is highly sympathetic to the problem identified by the Sub-committee in this area. With respect to young offenders, the proposals to replace the Juvenile Delinquents Act, which the Minister hopes to present to Parliament in the Fall, represent a major initiative in the area of prevention, diversion and the provision of alternatives to incarceration for young people who come into conflict with the law. In addition, provision will be made in the proposal for the transfer of convicted young people who have been raised to adult court back to the provincial system to serve all or part of their sentence.

It should be recognized, however, that fully 40% of federal inmates are between the ages of 18 and 25, and that the fact that these individuals have been sentenced to penitentiary terms is indicative of the fact that they have been found guilty of serious crimes. Most such people, then, are not suitable for the kind of special treatment which the Sub-committee appears to have in mind.

With respect to the suggestion regarding wilderness camps for individuals more accustomed to remote surroundings, the Minister agrees that this is a worthwhile idea. Use of exchange of services agreements with provinces may be the best way to employ already existing facilities under provincial jurisdiction for suitable federal inmates. With respect to native inmates in particular, an unprecedented, "grass roots" level survey is currently being carried out by the Native Crime and Justice Commission. The aim of this survey, carried out under the auspices of the Native Council of Canada, is to collect information that will be of assistance in coming to grips with the underlying causes for the disproportionate incarceration rate of native people in Canada, and especially in the Western provinces.

62. "The CPS should research the possibility of expanding, in at least one new institution, the Citizen Advisory Committee into a Board of Governors on an experimental basis. Such a Board should consist of about 12 members and should appoint the director and senior administrative staff."

The Minister cannot agree as a matter of principle with the suggestion that a Citizen's Advisory Committee should be constituted as a Board of Governors with the power to appoint the institutional director and senior administrative staff. The need to appoint directors on the basis of merit and professional qualifications is an essential

management function, and delegation of this function goes against the central theme of clear definition of lines of authority, and of the requirement for accountability and responsibility--a theme with which the Minister is in strong agreement.

However, as responses to previous recommendations have demonstrated, he is sensitive to the need to increase community involvement in both the policy and operations of penal institutions specifically, and in the criminal justice system as a whole. For this reason, it is policy that Citizens' Advisory Committee's should be established in penitentiaries, as is stated in the response to recommendation 49.

63. "The Canadian Penitentiary Service should carry out an in-depth study of the feasibility and viability of penal communities in reasonably inaccessible areas as an alternative to confinement in conventional institutions for inmates serving long sentences without eligibility for parole."

Accepted. On this question, the Minister has recently received a report identifying options for dealing with long-term inmates, and the Ministry funded a conference of international experts on this issue. This conference was held June 9 - 11. As recommended, the specific suggestion of a penal community will be given further in-depth examination, in the context of continued study of other possible approaches to the problem of long-term incarceration.

I. PRE-RELEASE AND PAROLE

64." The appearance of arbitrariness in parole, especially in parole revocation without notice or reasons, is an unsettling factor in penitentiary life. There is also much resentment of the fact that mandatory supervision places dischargees under conditions similar to parole for a period of time equal to that of their earned and statutory remission. The parole system should be reviewed with a view to lessening these arbitrary aspects."

Based on the information available to the Sub-committee, its concern about the appearance of arbitrariness can be understood. However, for some years the National Parole Board, within limits imposed by resource availability, has instituted programs to lessen not only the appearance, but also the substance, of arbitrariness.

Examples of programs now in operation which provide services in excess of those required by law are:

- (1) parole hearings for all inmates in federal institutions who have not indicated in writing that they do not wish to be heard in person;
- (2) provision of oral reasons in cases of denial of parole, and written reasons in cases which require in excess of two votes;
- (3) an internal review of decisions to deny parole; and
- (4) reasons in writing to all provincial inmates.

In addition, since April 1975 suspended persons on parole or mandatory supervision must be interviewed by a parole officer within 10 days of apprehension. Reasons for suspension are provided and discussed, and the opportunity given for explanation of the behaviour which resulted in cancellation or suspension. This may result in cancellation of suspension and reinstatement of parole or mandatory supervision.

Further, the provisions of Bill C-51 are a step toward formalizing these procedures in the law. Under the terms of C-51, regulations will be recommended to the Governor-in-Council providing for procedural safeguards and establishing the right to a hearing, upon application, in cases of parole applications by federal inmates. Such hearings will also be provided for, upon application, in cases of parole and mandatory supervision revocation.

J. CONCLUSION

65. "The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the criminal justice system.
(Also for the 31st Parliament)"

As the Minister has said in the House, he intends to work closely with the Committee. He believes the Standing Committee on Justice and Legal Affairs will have adequate opportunities to monitor progress on implementation of the recommendations during its consideration of estimates.

