TOWARDS A JUST, PEACEFUL AND SAFE SOCIETY

REPORT ON CONSULTATIONS

The Corrections and Conditional Release Act Five Years Later

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EXECUTIVE SUMMARY

The consultation process found general support for the *CCRA*. The majority of issues identified during the consultation process were problems with implementation, rather than problems inherent in the legislation. The main problem identified with the *Act* related to accelerated parole review (APR). Respondents felt that offenders with alleged links to organized crime were benefiting from this provision given that their crimes, while serious, were not violent. Consultations conducted following the announcement of the Solicitor General's intention to exclude offenders convicted of organized crime offences from APR found broad support for this action.

The views of internationally respected corrections and conditional release authorities were received as part of the review. These respondent felt the *Act* was fair and progressive. They noted that Correctional Services Canada is playing a leadership role with regard to corrections and the development of programs, particularly for special need offenders.

Public Safety and Reintegration

There was general consensus that the gradual release of offenders through a controlled rehabilitative and reintegrative process is the most effective approach to both public safety and the management of individual offenders. Many participants offered the view that the federal conditional release system had gone too far in the opposite direction. They felt that the system had been tightened too much.

The role of community infrastructure and effective programming both within and outside institutions was emphasized as a means to assist offenders to successfully reintegrate into society. Partnerships between business, CSC and the voluntary sector were identified as a means to foster an environment accepting of offenders on conditional release. Improved public education efforts were also identified as a means to create an environment willing to welcome and assist conditionally released offenders.

While there was general agreement that the sharing of information between all segments of the criminal justice system had improved, there were concerns that critical information gaps still exist and that information is not always being received by CSC or NPB in a timely fashion. Improved information sharing was identified as a key component to ensuring public safety.

Some respondents indicated that the security classification process should be streamlined and that it should be re-evaluated to assess its applicability to women offenders. Some claim that the current security classification instrument tends to classify women at a higher security level than is warranted.

Several respondents expressed concern that the judicial determination provision, which allows judges to set parole eligibility at one-half the sentence for some offenders, was not being used in many cases; other respondents felt that determination of readiness for release should be made by correctional authorities, not the judiciary.

Significant concern was raised with what some people saw as the high number of offenders being detained. The ability of risk assessment tools to accurately predict which offenders should be detained was also questioned.

Openness and Accountability

Many victims care about the offender's status beyond the point of the trial. They want to be informed of the offender's status throughout his/her period of incarceration and while under supervision in the community. There was concern that victims are not always aware of their right to receive information. It was suggested that only those victims referred to a Victim's Services organization are made aware of all the rights and the processes available to them. It was recommended that there be more publicity targeted at victims' rights under the *CCRA*.

Most participants felt it was a progressive move to allow victims access to parole hearings, however for some victims, limiting their status to that of 'observer' falls short of their needs. Some victims want to have a voice at the parole hearing. They indicated that it is frustrating to sit and listen to what 'wonderful' progress the offender has made while they cannot express views such as the harm that was done to them.

Other participants took the view that the *Act* already correctly defines the proper role for observers/victims at conditional release hearings. It was felt that an expanded role for observers/victims could discourage parole applications and turn the parole hearing into an adversarial process and a second sentencing hearing. It was stressed that if victims are to be involved, the focus must be evidence based. Their participation must be meaningful, not political.

Fair Processes, Equitable Decisions

Several participants were in favour of increasing the protections available to offenders at, and following administrative segregation decisions. It was felt that administrative segregation is a serious sanction which ultimately tends to increase time served and punishment, since it "sets back" the entire release process. It should be used with restraint, and the time limits enforced. External review of administrative segregation decisions, with legal representation for offenders, was identified as necessary by some respondents. Not all respondents agreed that external review was necessary. In arguing against external review they noted existing requirements for CSC staff to act fairly, CSC expertise, and the existence of numerous external review bodies in the system already.

There were concerns that approaches taken by different Independent Chairpersons had resulted in the variable and "ad hoc" administration of Institutional Disciplinary Court. The need for formal training of Independent Chairpersons to ensure consistency throughout CSC regarding the use of punishment in disciplinary proceedings was identified.

Urine testing was raised as a privacy concern due to its intrusive nature. It was also raised as a health concern given the suggestion that it may have reduced marijuana use in institutions, but resulted in a move to hard drugs that are more difficult to detect through testing. Some respondents noted that if urinalysis has resulted in a move to hard drugs administered by needle, and thereby increased the risk of transmitting HIV, hepatitis or other serious viruses, drug testing in prison in its present form should be seriously re-evaluated.

It was suggested by some that CSC often transfers inmates between institutions, rather than dealing with the root causes of problems. Concern was raised that involuntary transfers are unfair as offenders are only given 48 hours notice. In order for offenders to respond to a planned transfer it was suggested that this timeframe be extended to five or seven days.

Special Groups, Special Needs

There was overwhelming concern with the continued over-representation of Aboriginal peoples in the correctional system. Despite the introduction of numerous programs for Aboriginal offenders, the fact remains that there are still too many Aboriginal people in custody and too few on conditional release.

There was broad concern with the lack of progress on s. 81 and s. 84 of the *CCRA*. These sections enable Aboriginal communities to be involved in the release plans of Aboriginal offenders and to enter into formal arrangements for their care and custody. To date, only one s. 81 agreement has been implemented. This was identified as a problem with implementation, rather than legislation.

The need for more culturally sensitive programming for Aboriginal offenders, including a strengthened role for First Nations communities and Elders in the rehabilitation and reintegration of their own people, was noted.

Concerns relating to women offenders were raised by a number of respondents. Some respondents felt that CSC has not adequately fulfilled its requirement, under s. 77 of the *CCRA* to consult with women's groups. Concern with the continued accommodation of maximum security women in male institutions was also identified. A number of respondents indicated a need for more programming within the women's facilities and the need for more reintegration opportunities in the community.

With respect to health issues, concern focused on the need to respond to the spread of infectious diseases and the need to plan for the challenges that will be presented by an aging offender population. The need to address the mental health need of offenders in custody and in the community was identified as a priority.

Office of the Correctional Investigator

Finally, with respect to the Office of the Correctional Investigator (OCI), there was concern that CSC does not have to take its advice. It was suggested that there should be a referral system to someone with power to make a binding decision. Alternatively, it was suggested that the OCI be given more "teeth" by increasing its enforcement authority and power. Some participants suggested that the OCI function should be enshrined in its own statute and report directly to Parliament, not through the Solicitor General. Other respondents were satisfied with the current status of the OCI, but saw a need for more resources.

BACKGROUND OF CONSULTATION PROCESS

Following a lengthy period of review and consultation, the *Corrections and Conditional Release Act* (*CCRA*) was enacted on November 2, 1992. The *Act* provided for a Parliamentary review five years later.

On March 3, 1998, Federal Solicitor General Andy Scott released the *CCRA* Consultation Paper *Towards A Just, Peaceful and Safe Society: The Corrections and Conditional Release Act Five Years Later*. This document provided information on key aspects of the *CCRA* based on twenty-four evaluation studies that had been conducted by the Ministry. Minister Scott invited interested Canadians to share their comments on how the *CCRA* is working. In receiving the views of the public, Minister Scott indicated that he hoped to receive input on how to make Canada's correctional system as effective as possible.

The *CCRA* is the legislative foundation of federal corrections and conditional release. The Solicitor General mandated a broad consultation process for a full and thorough review of the legislation. Accordingly, the goal of the release of the Consultation Paper was to encourage open and frank discussion on all aspects of corrections and conditional release. A summary of the views shared during the consultation process to date are provided in this document. The Solicitor General will be providing the results of the consultations to Parliament. Some groups or individuals have indicated that they will be providing their comments directly to the Parliamentary Committee.

Initial input to the *CCRA* Review was received at a meeting of the Minister's National Reference Group in Ottawa, on March 27, 1998. During April, May and June an additional seven in-person consultation meetings were conducted by Ministry officials in Halifax, Charlottetown, Montreal, Toronto, Winnipeg, Calgary and Vancouver. The Calgary consultation was a two-day meeting devoted entirely to Aboriginal issues. In all, over one hundred and seventy-five individuals provided their views in person.

There was an attempt to assemble a representative cross-section of criminal justice stakeholder groups at each consultation meeting. The consultation meetings comprised police groups, victims groups, offender-assisting agencies, academics, judges, lawyers, Crown attorneys, union representatives, Aboriginal groups, women's groups, and local community groups.

Offenders were also consulted as part of the *CCRA* Review consultation process. Ministry officials met with Inmate Committees in seven institutions. The Inmate Committees consulted covered minimum, medium and maximum level security institutions. An Inmate Committee from a Women's Facility was consulted. The views of two groups of offenders on conditional release in the community were also sought.

The *CCRA* Consultation Paper and all background documentation were made available on the Internet Site of Solicitor General Canada. With this technology, individuals were invited to provide their views on the *CCRA* electronically via e-mail. An additional sixty respondents provided their views by e-mail or through written submissions. A list of the individuals/groups consulted is provided in Appendix A.

PUBLIC SAFETY AND REINTEGRATION

INFORMATION ABOUT OFFENDERS

There was a general perception among participants that the *CCRA*'s requirement to share information about offenders among corrections, Crowns, Police and other criminal justice system agencies has enhanced the flow of information. An increased amount of information is now available to correctional authorities making critical decisions about offenders.

However, several participants expressed the view that in spite of recent improvements with regard to information sharing, serious problems still exist. Concerns with information sharing focused predominantly on information available for release decisions. Essentially, the problems identified centred around the fact that critical information gaps still exist and information is not always being received by the Correctional Service of Canada (CSC) or the National Parole Board (NPB) in a timely fashion.

Information Gaps

Concern with missing information highlighted the need for corrections officials to have the benefit of knowing the judge's reasons for sentencing - why the offender received a sentence of federal custody – yet this information is missing in a number of cases. It was stated that decisions about release should not be made without full information. Given data suggesting missing police and court information, there was concern that there does not seem to be a formal mechanism in place to decide when there is enough information available to fully and adequately assess risk.

Some police raised the concern that they are not consistently notified by CSC when a parolee comes into their jurisdiction, although most acknowledge special arrangements that have been developed to improve liaison between police and CSC.

Respondents provided a number of possible solutions that could be considered as a means to deal with missing information.

- Information exchange should be identified as the primary responsibility or function of specific officials and there should be accountability when information is not shared.
- Offenders suggested that someone at the institution should follow up to make sure relevant documents are received. They suggested that some of the 1,000 correctional officers to be hired could act as a "trouble shooters" to ensure relevant information was received. This would make the system more efficient.
- Greater cross-fertilization and regular discussion among representatives of the various components of the criminal justice system could improve information flow.

- The *CCRA* could be amended to ensure that all sectors of the criminal justice system are bound to provide all information about an offender to a centralized registry.
- Given that NPB and CSC each have the authority to grant certain types of release, and that problems with information sharing can jeopardize the safety of victims, a centralized process for conditional release decision making was recommended by one respondent. Specifically, the recommendation called for the development of a joint NPB/CSC committee to make all decisions regarding all types of conditional release for every offender.
- Further, one respondent recommended that each offender be assigned to the case load of a team consisting of one NPB employee and one CSC employee and that this team be responsible for: ensuring that all pertinent information is available for review; making recommendations regarding all requests for release; informing the victim of all requests for release and all decisions made regarding these requests, and notifying the victim if an offender is going to be released, either temporarily or permanently, in the vicinity of the victim's home community.

While the *Act* does address information sharing with provinces, the definition of "appropriate times" (ss. 25(l)), is possibly receiving too narrow an interpretation. In one province, CSC does provide offender profile information on those offenders being housed in provincial custody to facilitate local escorted temporary absences. However, such information is not usually made available in the case of federal offenders housed in provincial institutions on parole suspensions, parole revocations, or for those offenders returned to provincial custody to appear in court in relation to outstanding charges or to act as witnesses.

One respondent recommended that the *Corrections and Conditional Release Act* be amended to ensure that CSC provides information to provincial jurisdictions on federal offenders housed in their custody temporarily under the authority of parole suspensions, revocations or those transferred to provincial custody for local court appearances.

Particular concern was raised with respect to information gaps that result in the inability to identify offenders with a pattern of family violence. Information used in assessments by CSC to determine institutional placement and program needs is viewed by some as being insufficient to identify family violence offenders with the result that the offender may not be referred to appropriate treatment programs. This also affects risk assessment and release decision-making. Information is often inadequate to identify the offender because:

- the offence committed may not be indicative of a family violence situation (e.g., an offender may break into his wife’s home and damage property but he may only be convicted of a break and enter offence);
- a victim-offender relationship variable, or flag, to indicate there is a relationship between the victim and offender (both children and spouse) is not attached to the file;
- police reports, the most common source of information, typically do not reflect a prior history of abuse; and

- pre-sentence reports, often relied upon at admission to an institution, do not have the complete information about the past history of violence.

Timeliness

It was noted that in some cases all information is not received in time for release decisions; the information is sometimes available, but does not always reach CSC or NPB in a timely fashion. Respondents considered this to be an implementation problem, not a problem with the wording of the *Act*. It was noted that the timely exchange of information is especially critical for Accelerated Parole Review (APR) cases.

Some respondents felt there should be more accountability when information is not shared in a timely fashion. It is the offender who pays if the information is not available, as they do not get classified as quickly and may be released at a later point if NPB does not have the necessary information. There is no remedy for the delay the offenders face due to the lack of information or delays in information exchange. Some respondents expressed the need for consequences to be imposed on the system for failures of this kind. Among the suggestions made were:

- make it a summary offence to breach the *Act*;
- forbid the use of information that should have been, but was not, disclosed to the offender;
- give the Correctional Investigator greater authority; and,
- forbid the reception in penitentiary of an offender from provincial custody until all required information from provincial sources has been forwarded.

Respondents felt that the timeliness of information could be enhanced through greater use of electronic technology. It was recommended that CSC explore opportunities to further develop or create automated justice information networks to facilitate information gathering and reduce the duplication of data entry by various components of the criminal justice system. It was noted as imperative, however, that new technological initiatives that involve the collection, use and disclosure of personal information take into account the provisions of federal and provincial privacy legislation.

SECURITY CLASSIFICATION OF OFFENDERS

Offenders consulted estimated that approximately 25% of inmates are not placed in an institution consistent with their security classification.

The need for the classification process to be streamlined was identified. One offender noted that it was problematic to concentrate everyone in the same place to await classification. This offender, who was a first time, non-violent offender, spent over three months in Millhaven Penitentiary waiting to be classified. His lawyers were certain he would end up at Beaver

Creek, yet he had to wait 3 months. It was suggested that classification should be quicker so that offenders can get on with their sentence and their lives. Some offenders report having to wait six to eight months prior to classification.

It was suggested by some respondents that the security classification instrument is not valid for women offenders. The belief is that the current instrument tends to classify women at higher security levels than is warranted. It was recommended that women be excluded from s. 30 of the *CCRA*, security classification.

One respondent noted that 'risk' and 'need' assessments should also acknowledge particular groups of women including Aboriginal women, women of colour, women with special mental health needs, and women from diverse social and economic backgrounds. It was stressed that confidence in the security classification system as it applies to women is particularly important since maximum security women must now be accommodated in male institutions. It was also noted that high risk women are denied access to the Healing Lodge.

Staff from one CSC institution suggested that s. 18(b)(i) of the *CCRA* regulations regarding classification as medium security should to amended to refer to offenders "presenting a low probability of escape and a low risk to the safety of the public" or presenting "a moderate probability of escape and a low risk to the safety of the public". It was stated that this amendment would include cases presenting a moderate probability of escape and a low risk to the safety of the public. It was argued that such cases currently do not satisfy the definition of either medium or minimum security.

JUDICIAL DETERMINATION OF PAROLE ELIGIBILITY

Some respondents expressed concern with this provision of the legislation (s. 203 of *CCRA*, s. 743.6 *Criminal Code*) that allows the judiciary to lengthen the amount of time certain offenders must serve before parole eligibility. It was stated that the judge, at the time of sentencing, would not have the benefit of observing the offender's progress over time. Respondents found it difficult to see the advantage of judicial determination to either the community or the inmate. The public and the inmate are better served through a process of gradual release for offenders. A member of the judiciary concurred, indicating that he felt he did not have enough information, at the time of sentencing, to determine parole eligibility dates.

On the other hand, a member of the police community expressed concern that this provision has been used to such a limited extent. He felt that there should be greater effort to educate the judiciary about the availability of this provision as a means to increase the number of cases in which this power is exercised.

One respondent indicated that if any crimes merit delayed parole eligibility in the interests of denunciation and deterrence, crimes of violence against women should be among them. It was

noted, however, that judicial determination of parole eligibility is not likely to be of much use in either denouncing or deterring crimes of violence against women without broad based educational programs to sensitize judges and prosecutor to this issue.

CONDITIONAL RELEASE

There was general consensus among participants that the gradual release of offenders through a controlled rehabilitative and reintegrative process is the most effective approach to both public safety and the management of individual offenders. Many participants offered the view that the system had gone too far in the opposite direction.
In their opinion the federal conditional release system has been tightened too much. More particularly, there is no longer a general acceptance of the principle of taking short-term risks for long-term benefits, although the principle of "least restrictive" measure, consistent with public safety, is in the *CCRA*. Some respondents expressed concern that the value of gradual release is no longer an underlying assumption for conditional release decision makers.

One participant noted that the focus in release criteria on probable outcomes during the remainder of the sentence prior to warrant expiry is misguided. The proper focus should be on the long-term safety of the public, which is best achieved through attention to the long-term rehabilitative goals for the offender. Emphasizing the short term (to warrant expiry) sends the wrong message to parole decision-makers, suggesting to them that when in doubt, they should keep the offender incarcerated for the remainder of the sentence.

With respect to the overall purposes and principles and the criteria governing corrections and conditional release, participants felt that the stated purposes of the *Act* were fine, but that in practice the system was now placing less, not more, emphasis on reintegration. One respondent felt that the paramountcy of the "protection of society" consideration should be removed or redrafted to make it clear that long-term protection can be achieved through, and is not inconsistent with, reintegration of the offender.

A member of the judiciary indicated that he was struck by the statistics indicating that offenders are not being released as quickly as in the past. Judges are not aware of this, yet they are giving longer sentences for violent crimes.

Some respondents were critical of conditional release processes.

- One respondent suggested that persons convicted of offences three times while on any form of conditional release, should be ineligible for any further conditional releases, except emergency medical temporary absences.

- One respondent suggested that offenders who commit a new offence while on conditional release should automatically be required to serve the remainder of the sentence in custody,

as well as two-thirds of any new sentence for crimes committed while on conditional release.

- One respondent suggested that CSC should be required to prepare an annual report that would provide details on offenders charged with crimes while on conditional release.

- One respondent suggested that offenders ordered deported should be prohibited from any form of conditional release.

TEMPORARY ABSENCES (TAs)

Many respondents, particularly offender-assisting agencies, expressed concern about the decline in the use of the temporary absence program. All inmates, including the violent offender, should be allowed to participate in prison programming, regardless of political pressures and media scrutiny. Gradual and structured release is the safest route to release offenders. They learn how to handle the restrictions and limitations of parole through the temporary absence program. Given that most temporary absences are successful (99%), respondents expressed dismay at the rate at which their use has declined.

The drop in temporary absences has meant that offenders' links to family and community have been weakened. This impacts Aboriginal offenders particularly hard, since family and community are particularly important to them.

Offenders stated that TAs are nearly non-existent in medium security institutions, except for medical TAs. TAs are available in minimum security institutions to some offenders, but are still difficult to get. Long-term offenders need TAs to offset the effects of institutionalization and promote a state of normalcy.

One offender suggested that at some institutions it is the policy of the Warden not to allow TAs. ETAs are at the discretion of the Warden and these decisions are subject to very little accountability. Conversely, citing the importance of TAs as a tool for reintegrating offenders, CSC staff from one institution suggested that delegation to Warden level should be implemented for all TAs, except for the first TAs for offenders serving a life sentence.

Concern was raised by one respondent that with UTAs being at the discretion of the Institutional Warden, contact may not be made with the victim, thereby jeopardizing his/her safety.

It was noted that some inmates have trouble getting their release plans accepted by their case management team. Without that acceptance, it is impossible for them to obtain a temporary absence. However, it was noted that it is NPB that should have the last word concerning

release plans. Accordingly, it was suggested that an inmate should be able to submit his proposed plan directly to the Board.

One respondent raised concern with s. 17 (ETAs) relating to the potential delegation to a hospital under s. 17(6). It was felt this might not be appropriate unless there is a requirement for consultation between the hospital and CSC prior to most or all releases. Accordingly, it was recommended that s. 17(6) be amended to enable and recognize that the hospital head should have the ability to delegate these responsibilities as appropriate within the hospital organization.

Concern was identified with s. 115 to 118 (UTAs) in that it appears the roles of NPB and CSC overlap by virtue of the delegation of authority permitted in s. 117. It was recommended that consideration be given to amending the legislation to place the authority for the temporary absence program, in its various forms (i.e., ETAS, UTAS) and Work Releases under one structure: CSC or the NPB.

WORK RELEASE

An offender-assisting agency noted that working in the community provides the inmate with an opportunity to relearn work skills or to learn new work skills that will be marketable in the competitive marketplace. Programs offered in the sheltered work place of the institution offer less marketability. Through work release, the inmate learns the necessary work ethic of arriving promptly, taking only the permitted coffee and lunch breaks, producing to the maximum for a full working day, and relating to co-workers and supervisors in a community setting.

The need for a separate section in legislation for work release was questioned by one respondent. It was stated that the ETA and UTA sections provide the authority required for releases for work activity. Some respondents felt that this section, as with the UTAs section in s. 115 to 118, had unclear lines of authority between NPB and CSC.

It was noted that while sections 17(l)(b) and 116(l)(b) could be viewed as including releases for work activity under either "community service" for volunteer work or "personal development" for volunteer or paid work, an amendment to these two sections to clearly include releasing authority for escorted and unescorted absences for volunteer or paid work activity would eliminate the need for a separate section for work releases.

CSC staff from one institution recommended that the period of work release be increased to 90 days with delegation to Wardens for renewal/extensions.

One respondent suggested that ss. 18(2) be modified to allow work releases for inmates to take academic or occupational training.

Women offenders suggested that there should be recognition that women work at home. They suggested the use of work releases to allow women to maintain their home and care for their children.

DAY PAROLE

Many respondents argued that day parole is an effective form of re-entry to the community. It provides direction, structure and readjustment time for the offender and his/her family. If the inmate encounters difficulty in redefining his/her role in the family, it can be a contributing factor to re-offending. If the spouse has been coping well in the community, they may be reluctant to just hand over some of the areas of family responsibility to the newly released offender. It takes time and negotiation to establish the resumption of family roles. All inmates being released from an institution should have support. Release on day parole and the use of Community Residential Facilities provide the necessary support.

One respondent suggested that the *CCRA* should be amended to reinstate community service as a significant purpose of day parole.

More Community Residential Facilities geared towards the need of Aboriginal and women offenders would improve the success rates for day parole and other forms of conditional release.

One respondent noted that day reporting centres have not been specifically referenced in the *CCRA* as a valid form of day parole reporting. Accordingly, it was recommended that day reporting centres should be endorsed as a means of meeting day parole requirements. They were identified as particularly useful for conditionally released women with family responsibilities.

In relation to provincial offenders, the legislation does not require consideration of day parole applications from offenders serving less than six months. This restriction is not absolute and appears to permit some degree of discretion on the part of the Board. However, it was stated that discretion is not exercised. Applications are actively discouraged and are not given consideration. Accordingly, it was recommended that processes be reviewed for offenders serving less than two years. Apparent discretion in the legislation should be eliminated if there is no intention of providing parole for any offenders serving six months or less.

Some respondents felt that NPB should automatically review all cases for day parole, as was the practice prior to implementation of the *CCRA*. It is not always easy for inmates - especially those who have specific problems (mental health, etc.) - to follow what is happening as their case progresses through the system. The system is sometimes hard to understand and some inmates do not make any requests because they are not aware of the process.

FULL PAROLE

It was suggested that Parole Officers sometimes see parole as a tool of enforcement. There is not enough focus on meeting the offender's needs. In some jurisdictions "Intensive Supervision" means surprise visits in the early hours of the morning or late night to check for substance abuse, curfew compliance and employment verification. At the same time, there is little assistance offered in matters related to work or accommodations.

Offenders on parole should be thoroughly informed of the consequences of refusing to participate in programs, or of displaying bad or uncooperative attitudes and behaviors. The necessity of following a release plan and meeting other expectations that can affect release should be made more clear to the inmate.

CSC staff from one institution recommended that Accelerated Full Parole and Accelerated Day Parole be combined into just Accelerated Parole. An offender would be reviewed at his/her eligibility date at one-sixth of the sentence and depending on the appropriateness, would be placed in the appropriate Community Correctional Centre (CCC) or Community Residential Facility (CRF). This would eliminate the difficulties experienced with reviews for both day and full parole.

One respondent noted that a possible incongruency exists between s. 119(2), which limits day parole applications to offenders serving more than six months and s. 120(l) which restricts eligibility for full parole to one-third of the sentence. It appears that offenders serving six months could apply for full parole but not day parole. While it appears there is no actual restriction, beyond serving one-third of the sentence, full parole is in fact not available to provincial offenders serving less than eight months. Anecdotal evidence suggests offenders serving less than eight months are routinely counseled not to apply for parole because of insufficient time to process the applications. It was suggested that the *CCRA* should state any restrictions on eligibility for parole, beyond or in addition to the serving of one-third of the sentence, which are applicable to offenders serving less than two years.

Accelerated Parole Review (APR)

A number of participants, particularly those at the Montreal consultation meeting, were concerned about the Accelerated Parole Review (APR) process. Most felt that it should be abolished. They were critical of the fact that NPB has very little discretionary power regarding such cases. Parole is now almost automatic for an offender eligible for APR. This practice goes counter to the spirit of the law which requires the offender’s cooperation and willingness to work toward a gradual release. Participants felt that the public is not protected by APR as offenders are released automatically. It was stated that this process also shows a lack of respect for the case management process.

Some respondents did not approve of the current method of categorizing offences according to whether or not violence was used. This process leaves no room for looking at the cases' individual characteristics. It is an illogical process since among the inmates who are placed in the non-violent category, there are many whose criminality may be quite serious. Similarly, many classified as violent by the Schedule may not present a great risk. Too much attention is paid to the nature of the crime rather than to the inmate's progress. It was stated that the division into violent and non-violent was originally intended to deal with problems of overpopulation, and was not based on any principle of justice. In order to solve the overpopulation problem, it would be better to focus greater attention on individual risk assessment.

Still, some respondents did support the distinction between violent and non-violent crime. They felt that the wishes of the community should be respected, and the community wants this distinction to be made.

It was noted that prior to 1992, day parole eligibility was set at one-sixth of sentence for all inmates, and no one was complaining.

A further problem noted with accelerated review related to the time required for adequate case work with an inmate. It is hard to address an inmate's specific problems when he/she goes through the system too quickly.

An Inmate Committee suggested that offenders entitled to APR tend to refrain from taking programs which ultimately leads to increased revocations upon release.

In arguing for the elimination of accelerated review, some participants pointed out that before offenders receive a penitentiary sentence they have had a number of chances. They are placed in a federal institution only after having exhausted existing options (i.e. alternatives to incarceration or provincial custody). While such offenders may be serving their first federal sentence, they often have served multiple terms of provincial incarceration. These participants felt that there was no need to give offenders yet another chance. While administrative procedures for handling these cases more expeditiously may be warranted, different review procedures are not.

An offender-assisting agency called for research that would explore the cause of first-time, non-violent offenders, returning to prison on violent charges. Research should examine whether it is due to the short period of time served on the first offence or whether exposure to the hard core offenders has had a negative impact. The research should also examine whether short sentences allow for effective programming.

It was suggested by one respondent that there should be separate institutions for first-time, non-violent federal offenders. Smaller prisons, located in communities, would be more effective than warehousing offenders hundreds of kilometers away from family contacts.

The success of the APR program is dependent on the accuracy of the presumption that the offender is not violent, is unlikely to commit a violent offence if released, and is a first-time offender. Accelerated parole reviews established a reverse onus for release on parole. Parole is to be granted when NPB is satisfied there are no reasonable grounds to believe an offence involving violence will be committed prior to the expiration of the period of parole.

One respondent indicated that current information is insufficient to make that determination in the case of offenders who victimize members of their family. Further research is needed to determine the effect of APR on family violence offenders and their families. APR, while linked to a specific list of offenses, does not specifically require consideration of a family violence history. As such, it was recommended by one respondent that consideration be given to changing the requirement for APR to:

- have the Board be satisfied the degree of risk is manageable such that an offender, if released, would not commit any offences while on parole (this is the main criterion for regular parole);
- ensure stringent review of offenders with a history of family violence; and
- broaden the Schedule of offences to include chronic offenses such as fraud.

Not all respondents were critical of the APR process. Some felt that even though accelerated parole releases have lower success rates than regular full parole, they should be maintained. Concern was raised that any change to accelerated parole could exacerbate the steady decline in the number of people being released on parole.

It was suggested that APR is beneficial because it allows for differential treatment for different types of offenders.

One respondent noted that APR does not shorten the sentence, it just changes the way it is served.

Some respondents indicated that halfway houses are being used for offenders who could be released directly to the community. The increased use of parole with residency in accelerated parole review (APR) cases was seen as particularly misguided and out of keeping with the original concept behind APR. However, the extension of the accelerated parole criterion to accelerated day parole at one-sixth of sentence should end this practice.

A member of the Bar noted that judges should be expected to be aware of the release options available. Judges should be aware that first-time federal non-violent offenders are eligible for APR after one-third of their sentence and are eligible for accelerated day parole review after one-sixth of their sentence. Accordingly, correctional and conditional release authorities should not fear criticism of the sentence being undermined if an offender is released through the accelerated parole review process.

STATUTORY RELEASE

Statutory release has increased to comprise about half of all releases. Since their success rate (87%) is higher than that of APR cases (85%) and only slightly lower than regular parole (92%), one respondent questioned the basis for decisions to exclude them from parole releases. (Note: Success rate refers to those offenders who did not commit a further offence while under supervision.)

A few respondents felt that statutory release should be abolished. They argued in favour of discretionary release after one-third of the sentence. Their view was that discretionary authority, by an independent administrative tribunal, would further public safety and foster gradual reintegration.

Police representatives questioned the success rates for offenders released on statutory release. Some in the police community feel that that there should be a second level of parole that would be discretionary, rather than statutory release which they see as automatic.

Offenders indicated that they had problems with the "statutory release with residency" requirement. After reaching their statutory release date they found it unfair being told where they had to live. Moreover, there is no recourse for this decision. Many offenders indicated they would prefer to remain in the institution until warrant expiry rather than be released with a residency condition. One participant suggested that the decision to impose a residency condition should be made at a hearing in order to give the inmate a proper chance to comment on the decision.

An Inmate Committee suggested that some sort of transition between release from a maximum or medium security institution to a half-way house would be beneficial.

Problems were noted with inmates who leave the penitentiary on statutory release or at warrant expiry. Some have never gone through a gradual release program, yet overnight they are back in the community. It is very hard for caseworkers to deal with these inmates. It is often impossible to develop a relationship or obtain any kind of cooperation. This situation jeopardizes public safety. Offenders should not be released from penitentiary only on statutory release. There must first have been a gradual TA program followed by parole.

DETENTION

A number of problems and concerns were identified with the detention provisions of the *CCRA*.

- Some participants felt that detention is not being reserved for the "tiny percentage" that was originally anticipated, but is being over-used.
- There is no research which suggests that detained offenders perform any worse after release than statutorily released offenders.
- Detention puts an increased burden on police agencies to try to work with these offenders and refer them to helping agencies after they are finally released, a task that police are ill-equipped to do.
- Detention is a signal that the correctional system has failed. It would be preferable to rely on sentencing the truly dangerous to an indeterminate term and gradually release all others.
- The detention provisions remove hope from the offender.
- One Inmate Committee expressed frustration with the detention process, especially where the offender has completed all components of their correctional plan, but is still referred by CSC for detention by the Parole Board. This process is seen as unfair and demoralizing by offenders.
- Detention has placed a "shroud" over the entire system, which is now more geared towards "whom should we be keeping in", rather than "when and how should we reintegrate offenders".
- Detention is incongruous to both the purpose of parole as well as the protection of the community. With detention those high-risk, high-need offenders who most require gradual release will not receive it.
- One respondent suggested the detention criteria should be rewritten to make statutory release the presumptive option at the two-thirds mark in the sentence.
- The detention criteria, with its attention to the "impossible task" of predicting events up until warrant expiry, virtually ensures decision-makers will make borderline decisions in favour of short-term safety (incarceration), not long-term reintegration.
- One respondent suggested the present standard for detention of “reasonable grounds” to believe the inmate will commit a murder, serious violent offence, drug trafficking, or sexual offences involving a child while on conditional release is insufficient given the repercussions to the inmate. A higher standard, such as clear and convincing evidence, was recommended.
- Given the serious repercussions of detention, one respondent recommended an amendment granting the inmate the right to counsel, to be paid by CSC as prevailing rates.

Other respondents were fully supportive of detention as a means to keep dangerous offenders in custody, while at the same time acknowledging the need to identify community alternatives for non-violent offenders.

One province indicated that the current detention provisions are limited, refusing Parole Board members the opportunity to consider offences outside the scope of Schedule I or II. It was stated that such limits preclude protection of the community from persons serving sentences for, as an example, impaired driving, where risk of harm may reasonably be present based on historical offending cycles. A review of offences for inclusion in Schedule I or II was recommended.

Another province called for an amendment to the *CCRA* and the *Prisons and Reformatory Act (PRA)* so that provincial offenders could be detained until warrant expiry where there are reasonable grounds to believe that the offender is likely to cause death or serious harm to the victim, or another member of the community.

One respondent recommended that the list of offences applicable for detention be amended to include all offences related to gang activity and organized crime.

OTHER PUBLIC SAFETY AND REINTEGRATION ISSUES

Additional problems identified in connection with public safety and reintegration spoke primarily to implementation issues rather than to the wording of the *Act* itself. Problems identified with offender programming fell into this category.

Programs

There was a general perception that CSC programming does not place enough emphasis on vocational skills and job readiness. One respondent suggested that offenders should receive complete training in computer systems and software and that they should have access to the Internet. This respondent also suggested that offenders should have access to e-mail as a means to foster family and community ties.

Offenders noted the absence of meaningful educational programs and employment training within institutions. Offenders recommended that CSC cancel all work programs that do not result in certification or enhance one's credentials. Current education and training programs should be replaced with educational and vocational training equivalent to that which exists in the community.

It is particularly important that lifers receive meaningful training and work that keeps them up to date with the skills and new technologies that exist in the community.

Programs need to be focused on communities. There needs to be federal/ provincial/municipal and community cooperation, but not run by bureaucrats. It was stressed that offenders and parolees should be given realistic opportunities to make positive contributions to the development of their respective communities. Work on initiatives and concerns with the

environment were suggested including reforestation, the development of recreational parks, the preservation of salmon and the restoration of heritage properties.

Offenders felt that current programs help them adapt to institutional life, but have little applicability in the community setting. Programs within institutions do not help offenders reintegrate. There need to be more programs in the community.

Some participants noted that there are waiting lists for key CSC programs. Delays in referral to programs frequently interfere with timely consideration of release for day parole and full parole. Even offenders serving long sentences do not always receive the programming they need before their eligibility dates. It was suggested that CSC should inform NPB if the reason the offender has not yet completed a program is the result of resource shortages, rather than the offender's choice.

Offenders suggested that it does not look good at their parole hearing if they have not taken programs so some offenders, without alcohol or drug problems, end up occupying limited program space in order to have a record of program participation on their file. This does not make sense given current waiting lists for programs.

The *Act* acknowledges the importance of programs for offenders. In practice, however, programs for offenders are often not readily available, even when judicially recommended. Not all family violence offenders are recommended for treatment because of the inability to identify family violence offenders.

It was noted that there are huge gaps in the availability of programs in rural areas. When offenders are released and return to their homes there may be access to a parole officer, but not on-going programs.

Some respondents were skeptical about the effectiveness of the programs and the notion that if an offender takes a particular program he/she is rehabilitated. It is a myth to think the an offender who took program X is rehabilitated. It is on-going maintenance and the continuation of programming from the institution to the community that is required.

It was suggested that there should be greater use of longitudinal studies of released offenders to fully assess what programs are most effective. One respondent noted that more work needs to be done in relation to violent offenders in general, and sexual offenders in particular. It was felt by some respondents to be inappropriate that evaluations of these programs are currently being conducted by CSC. Independent longitudinal studies must be undertaken in order to gauge the effectiveness of programs.

Other respondents were of the view that there already is a great deal of existing information regarding the benefits of treatment programs. Rehabilitation is not a hopeless task.

One respondent noted that programming for offenders on conditional release is often scheduled during the day which is problematic for offenders who are trying to maintain a job.

In making decisions on release it was suggested that protection of society must be paramount. If high risk offenders are to be released there must be adequate community programs in place and they must be more closely monitored.

There was a concern that programs end at warrant expiry. It was felt that there should be a means for post-warrant expiry follow-up.

Many participants stressed the need for recognition of the importance of community rehabilitation programs in managing and reducing the long-term risk of repeat criminal conduct and that further resources are required to support community corrections initiatives. The development of meaningful approaches to assist offenders with learning problems was identified as a priority.

It was suggested that all the concerns raised with respect to programming are particularly heightened for women offenders.

Concern was raised that French inmates at Westmorland Institution may not have full access to bilingual programming.

Conditions of Conditional Release

Some believed that conditions are set down blindly, without a proper review of their pertinence or relevance.

Offenders saw a need for greater flexibility in the supervision of offenders on day parole and full parole. One offender, recognizing the logic of reporting regularly to the Parole Office, questioned why he had to report to police once per month.

One participant suggested that curfews have resulted in problems for offenders on release to keep a job. For example, a chef working nights cannot be in by midnight, if there is a sudden requirement to work overtime. The employer may not be aware of the person's status as a parolee, and disclosure of same may jeopardize his or her employment.

While several respondents were of the view that increased revocations and returns to penitentiary for "technical" breaches of conditions are contributing to the increase in penitentiary populations, some offenders consulted noted that revocations for a breach of conditions were not being over used.

Some believe that automatic parole revocations direct blind consequences to parolees without consideration of all mitigating factors. These revocations erode the discretion of parole authorities, and are not conducive to offender reintegration/rehabilitation.

Some offenders felt that Parole Officers should have the authority to insist that police officers "lay off." Their view was that offenders on release are often harassed unnecessarily by police officers.

Suspension Warrants

It was noted that many police agencies are not placing federal warrants on CPIC with Canada-wide status. Some jurisdictions are entering their warrants an CPIC inconsistently by including return restrictions, i.e.; 80 km or Ontario only. It was suggested that this should be clarified and direction made that all suspension warrants entered on CPIC should be Canada-Wide thereby executable anywhere in Canada.

A respondent from the police community noted that CSC maintains a current list of all suspension warrants in Canada. It was suggested that since parole violators are often transient, the information on all suspension warrants should be provided automatically to all major police agencies, particularly those with programs in place to aggressively pursue parole violators. Currently, when a police agency receives a request from an outside police agency to check for a parole violator, there is usually a considerable wait for file information and/or a picture of the violator. This delay could impact on public safety.

Police authority to arrest without warrant

Some in the police community believe the *Act* should give them power (analogous to situations involving probation, pretrial release, conditional sentences, etc.) to detain an offender on federal conditional release who is alleged to be in violation of his conditions long enough to contact the CSC duty officer to determine whether CSC wishes to issue a suspension warrant.

Other participants noted that there are already numerous revocations. Conditions of release are to be the least intrusive measures. Police authority to arrest without warrant would just exacerbate the situation. It was noted that parole supervisors who have regular and on-going contact with the offenders traditionally have had the authority to manage with discretion and that giving police greater powers may not result in better management of the case.

Entry Warrants

On a related point, one respondent from the police community noted that in the *Feeney* decision, the Supreme Court ruled that entry into a dwelling house for the purpose of arrest constitutes a search of a person. As a result of the ruling, police are not able to enter dwellings to arrest CSC offenders on Suspension Warrants unless they have an Entry Warrant. It is understood that Entry Warrants are required for all offenders on conditional release in the

community, including those in violation of parole. Accordingly, it was suggested that there should be some availability of an on duty parole officer, with delegated authority under the *CCRA*, to grant the issuance of a Warrant to Enter a Dwelling.

Alternatives to Incarceration

Some offenders felt that first-time non-violent offenders should not be put through the prison process. An offender serving two years for a non-violent offence indicated that five years community service and ten years probation would have been much better. He would not have lost family connections.

Some offenders felt that prison just teaches you to be passive. It does not have any rehabilitative value for non-violent/low-risk offenders. Creative alternatives should be available for non-violent/low-risk offenders.

One offender noted that his success on parole was due to volunteers who provided support and assistance. They did not control him, they supported him, which made the difference.

Offenders suggested that prisons do not promote healing. Some offenders felt that victim-offender reconciliation early in the sentence would be more beneficial.

Many respondents indicated that there should be more efforts to keep offenders out of custody – particularly property offenders.

A member of the judiciary indicated that conditional sentences were a positive step and recommended that they be made available for sentences longer than two years.

Offenders Serving Lengthy Sentences

One Inmate Committee noted that the Consultation Paper did not present statistics on offenders serving lengthy sentences. They felt that CSC should place greater emphasis on the needs of long-term offenders and lifers. Programs specifically for long-term offenders should be developed. TAs for lifers should be considered after a shorter percentage of their sentence is served.

Offenders serving lengthy sentences expressed hope that the increase in CSC staff would result in equal treatment for all offenders. Some offenders serving lengthy sentences do not feel they receive equal treatment or access to programs. There should be more community contact for lifers and long-term offenders to keep the effects of institutionalization to a minimum. Alternatively, another Inmate Committee suggested there are more programs opportunities available to lifers than was previously the case.

Long Term Supervision

A representative from the police community suggested that CSC should implement training and awareness sessions for police and Crown Attorneys regarding the application of the long-term offenders sections (CCC 753.1 to 753.4) which became part of the law in 1997. Under these provisions, offenders may be subject to up to ten years of community supervision following the end of their determinate sentence.

One respondent identified the possibility of a foreign offender becoming subject to a long-term supervision order as an impediment to the offender's removal from Canada. The regulations of the *CCRA* require offenders with a long-term supervision order to remain at all times in Canada within territorial boundaries fixed by the parole officer and to report to the police if so instructed by the parole supervisor. Due to a provision in the *Immigration Act* and recent jurisprudence in the Federal court [Cuskic], these conditions could prevent the removal of a high risk offender from Canada for up to ten years.

One respondent suggested that there should be an option for Federal correctional authorities to apply to the court for a form of restraining order similar to that provided for in s 810.1 or 810.2 of the *Criminal Code*. It was proposed that application would be made following warrant of committal expiry where the offender has been detained under the *CCRA* or where conditional release has expired yet the risk to reoffend in a violent way is considered high.

Restorative Justice

One participant acknowledged that the *CCRA* has addressed some of the principles of restorative justice within its framework, however, the *Act* does not include "restorative justice" within its definitions, nor is it directly referenced in the *Act's* purpose or principles. Reference to restorative justice would impact the letter and the spirit of the legislation.

While acknowledging that it may not be applicable in all situations, many participants felt that CSC should make greater use of restorative justice approaches. This would assist the healing of the offender and the victim and would also promote public education.

Some offenders saw merit with restorative justice approaches and hoped that this could lead toward an overhaul of the system.

Risk Assessment

Some participants raised the matter of predicting the incidence of violent offences and noted the progress made in Canada in the area of risk assessment and risk management. It was agreed that, although it might be possible to anticipate some of the violent offences that could be perpetrated by previously convicted offenders, there was always a risk of over-predicting danger or recidivism, and that this may, in part, be responsible for a growing over-reliance on

incarceration. Current prediction instruments cannot help predict re-offending by individuals with no previous criminal history. It was noted that emphasis on risk assessment should not overshadow other aspects of reintegration.

It was suggested that sentencing hearings should be lengthened in order for all relevant information to be presented, heard and documented so that more court information would be available for risk assessment. It was acknowledged that there were cost factors associated with this suggestion.

One participant suggested that the "dangerous offender" designation could be applied automatically in cases where the released offender had a long criminal history. Other views on this matter suggested that individual case differentiation is and should remain the core of the corrections system in Canada. It was noted that the system already errs on the side of caution and in effect detains a significant number of individuals. While some research suggests that some habitual offenders are unlikely to change their criminal ways, it is the application of risk prediction in individual cases which is important. The point was made that resources should be focused on the small number of persistent or habitual offenders who account for a large percentage of criminal offences.

While s. 25, 26 and 142 speak to the requirements to notify victims, police and others in the case of releases, the *CCRA* was written prior to the development of high-risk offender protocols between jurisdictions. Accordingly, it was suggested that the *CCRA* be reviewed to ensure it encompasses and is compatible with the protocols which have been established.

Young Offenders

One respondent indicated that the *CCRA* did not anticipate the management of young offenders sentenced to a federal term of incarceration, who serve all or part of their "federal" sentence in a provincial young offender facility, and occasionally in a provincial adult facility, prior to finishing their sentences in federal penitentiary. While the *Act* does provide various powers to an institutional head, including authority to grant escorted and work release temporary absences, it does not appear that the *Act* anticipated this would include the institutional head of a provincial young offender facility.

It was recommended that the *CCRA* be amended to recognize the presence of individuals sentenced in accordance with the *Young Offenders Act* who are serving federal sentences both in federal and in provincial institutions. The amendments should recognize and balance the special privacy protection provided in the *Young Offenders Act* with the provisions under the *CCRA* to collect and disseminate information about individuals.

Outstanding Charges

Courts, on occasion, abandon active remands for offenders who are serving one or more sentences. Since the offender is incarcerated the need to maintain a remand order to hold the person in custody is not necessary. Offenders are then returned to court for subsequent court appearances by means of a judicial order. This practice has the potential to enable an offender to be considered for and granted ETAs, UTAs, Work Releases, Day Parole, Full Parole or Statutory Release when they would not otherwise have been eligible had the remand order remained in effect. Similarly, consideration of outstanding charges should be factored in when an application for detention is being considered.

It was recommended that the *Act* be amended to require, prior to release, specific consideration of any and all outstanding charges, including whether the next scheduled court appearance is prior to the release under consideration, and whether the Crown or arresting police service have any objections to the release given the outstanding charges.

Public Education

There was a general consensus among participants at all consultation meetings and in a number of written submissions of the need for more and better public education. The need to improve public education regarding the low level of risk to the community posed by offenders on conditional release was stressed. It was suggested that the government undertake a national public education campaign to make the public aware of the workings of the criminal justice system, the actual risk of recidivism, and the success of CSC and its partner agencies in reintegrating offenders into the community. The CPAC coverage of the federal correctional system was cited as an excellent public communication product. It was suggested that similar efforts should be undertaken.

It was suggested that a higher, more formalized profile for Citizens Advisory Committees could assist public education efforts. Many interested and concerned citizens do not know how they can become involved. It was stressed that communication efforts should be focused at the local community level.

Offenders also noted the need for the government to get positive statistics out to the public. Making reference to the high success rates for conditional release programs they stressed the need to educate the public that locking offenders up and throwing away the key is not the answer. The public needs to understand reality, and reality is that many offenders are successfully reintegrated.

Other Conditional Release Issues

Concern was raised by some that public notification of the release of a high profile offender does not promote public safety. Communities must work with offenders, not against them.

A member of the police community suggested that notification of communities regarding the release of certain offenders should not fall to the police, but to CSC and NPB.

Some participants suggested that the case management process places too much focus on past behaviour rather than emphasizing progress or success while in custody. The focus should be on what is required for the offender to be released and successfully remain in the community.

On the whole, participants felt that the *CCRA* was right to bestow discretionary powers upon the NPB, and that Canada should resist any move towards a system of automatic parole. A system based on discretion exercised by competent, well-trained professionals with access to good information was identified as the best means to ensure that those who do not require further incarceration do not remain in custody unnecessarily.

It was noted that the Consultation Paper did not make reference to dealing with gangs, either in institutions or the community. This was seen to be a serious problem that needs to be addressed.

One respondent noted that the Consultation Paper and the related studies focused on public safety and reintegration without a corresponding focus on rehabilitation. It was stressed that reintegration into the community, without effective rehabilitation, will not be effective in ending the cycle of violence in society, particularly violence against women.
One respondent, citing the success of the Okimaw Ochi Healing Lodge suggested that a more holistic approach to rehabilitation should be advanced.

There were fears that hiring an additional 1,000 correctional officers would translate into another 1,000 prisoners incarcerated. Many participants felt that these resources would be more effective if channeled towards community supports and programs for offenders.

It was suggested by one respondent that the Review of the *CCRA* may be an opportune time to examine how provincial and federal correctional systems can be more effectively unified. It was suggested that there should be greater use of exchange of service agreements between provincial governments and the federal correctional system to effectively address the needs of offenders.

There was concern by some respondents that CSC has an institutional mind set and, therefore, reintegration policies and procedures take a lower priority. One Inmate Committee, however, noted progress in this area following the introduction of Reintegration Co-ordinators in each institution.

Alarm was raised that measures intended to relieve the harshness of sentences have been increasingly curtailed and that there has been a steady decline in granting parole despite the high percentage of successful completions.

One respondent suggested that the *CCRA* be reorganized in order to group together all provisions on the *Act* that apply to provincial parole boards and all provisions that govern sentence calculation.

One respondent called for the elimination of s.745.6 of the Criminal Code which allows offenders, who are serving life sentences for murder and who are not eligible for parole for more than fifteen years, to apply for a judicial review of their parole ineligibility period.

OPENNESS AND ACCOUNTABILITY

ROLE OF VICTIMS

Disclosure of Information to Victims

Many victims care about the offender's status beyond the point of the trial. Victims need to be informed of the offender's status throughout his/her period of incarceration and while under supervision in the community.

One respondent indicated that while efforts have been made to provide victims with 'Fact Sheets', the onus is still on the victim to know that they are allowed to have information concerning release applications and decisions. It is also up to the victim to request specific information separately from CSC and NPB, and to know they must request it separately. Given that the safety of victims can be jeopardized due to a lack of information, it was stressed that there needs to be a simplified method by which victims can be informed about the types of release that exist and the specific role of both CSC and NPB. Accordingly, it was recommended that a specific person, i.e. the Court Clerk, the Court Police Liaison Officer, Crown, or alternate court employee, be given the responsibility of informing all victims of the exact information they are allowed to receive from CSC and NPB and of all addresses, contact names, phone and fax numbers through which to access this information. All components of the criminal justice system should work together to ensure a seamless delivery of services to victims.

While victims receive information about releases, Board decisions, and the location of the offender, some also want to know what rehabilitative programs the offender becomes involved in, their conduct while incarcerated, and any new charges while incarcerated or in the community under supervision. It was recommended by one respondent that ss. 26(1)b) be amended to allow the disclosure of the following information to victims:

- name and address of the location where the offender is staying;
- programs attended (names of programs taken but not results attained);
- changes to institutions/area offices further to transfers;
- any psychological or other types of treatment given to the offender;

- recommendations for NPB hearings or file reviews.

Some participants felt that victims should not have to request information; it should be provided automatically. The Solicitor General has indicated that public safety is his paramount concern. It was stated that a victim may be at risk the moment an offender receives any form of conditional release, even a temporary absence. Accordingly, the victim should be provided with this information automatically. It was stated that there should be a legislative requirement to inform the victim similar to s. 25(3) which mandates CSC to inform police of the release of an offender who they believe will pose a threat to any person. It is crucial that the victim receive this information. If not placed in legislation, the obligation to provide the information must be referenced in policy and protocol.

Information that is available to the offender should also be made available to the victim.

CSC staff from one institution indicated that a better distinction should be identified between CSC and NPB roles with respect to victims. A better mechanism should be implemented to ensure victims receive the information that is available to them.

There was a general concern that victims were not aware of their right to receive information. It was suggested by one respondent that only those victims referred to a Victims Services organization are made aware of all their rights and the processes available to them. As many victims are not referred to Victims Services, it was recommended that there be more publicity targeted at victims rights under the *CCRA*. It was also noted that given the high rate of illiteracy in some regions, written pamphlets are not fully satisfactory. The distribution of information to victims needs to be proactive and creative.

It was felt that there should be certain people designated to make contacts with communities and victims before the offender is released.

Some offenders felt that both CSC and the NPB are providing victims with information in excess of that which is provided for in law.

Information Received from Victims

Some respondents felt that NPB relies too much on information about the offender when considering conditional release. It was suggested that the Parole Board should request a community assessment where the victim would be contacted, and place greater emphasis on victim impact statements before making their decision. It was stressed that the Board should attempt to make contact with the victim before the decision is finalized.

One respondent expressed the view that often victims' statements get watered down in order to be entered and used in conditional release decision making. Often the reports are watered down to the point that they are no longer useful.

Concern was raised that if a victim provides information or a victim impact statement it must be disclosed to the offender. Accordingly, it was recommended that ss. 141 (4) be amended to ensure that information provided to CSC/NPB is kept confidential from the offender.

One respondent expressed concern that the victims' voice is not being heard given the acknowledgment in the consultation document of the difficulty experienced obtaining victim impact statements used in court.

Family Violence

It was stated that, for the most part, the effectiveness of the *Act* relies on implementation and the ability of individuals within CSC and NPB to make decisions which protect victims. It was noted that the success of the *Act* in protecting family violence victims depends upon the ability to:

- identify family violence offenders
- refer offenders to appropriate and effective treatment
- monitor offender behavior while incarcerated (understanding the type and patterns of controlling behavior in which family violence offenders engage) and take appropriate action
- notify victims of release dates and other relevant information in a timely manner to enable victims to engage in self-protective behavior
- to use effective risk assessment tools which identify the risk of re-offending for family violence offenders
- impose conditions upon release which protect victims and to adequately supervise offenders on release.

Victim/Offender Reconciliation

Participants appeared to agree that the occurrence and outcome of victim-offender reconciliation efforts should have no bearing on the parole decision. Such events are dependent on the individuals involved, and their meaning and relevance to conditional release is questionable. A possible exception to this principle related to efforts in Aboriginal communities to build consensus around the return of the offender to the community; one participant felt that in such cases, victim-offender reconciliation should be considered by the releasing authority. Alternatively there was concern that trying to import healing and reconciliation processes into the criminal justice system would destroy them. Some participants took the view that correctional authorities should not even initiate such processes, because of the vulnerability of some victims and the excessive danger of manipulation of the process and pressure on the parties. Such processes should be mediated by a trained professional not connected to the criminal justice system.

General

While there was general acceptance of the broadness of the definition of "victim" within the *CCRA*, one respondent felt that the definition was not adequate to include all potential victims. It was suggested that the definition be expanded to include same-sex partners.

It was noted that there is no specific reference in the *CCRA* to the welfare or safety of the victim.

One respondent suggested that victim sensitivity training should be provided to all criminal justice professionals as part of a mandatory orientation program and it should be reinforced on a continuing basis.
It was pointed out that while the victims may initially state that they want no part of the process, this may change over time. It must be recognized that victims go through their own course of healing and that they may want to provide input later on in the process.

Victim services are most often police or court-based. The victim may not always feel as comfortable with these services as they might with a non-government agency.

As the current mandate of the Correctional Investigator does not extend to victims' complaints, it was suggested by some participants that an Ombudsman for Victims should be established. Other participants feared that this would be just another bureaucratic office and that it could be duplicative of the services provided by victim services offices.

Participants at the Winnipeg consultation meeting were supportive of the development of a National Victims Office, but believed that a Victims' Bill of Rights would be more beneficial. Dignity must be restored to the victims and a Bill of Rights would be more than symbolic. The criminal justice system, and particularly the correctional system, needs to look at processes through a victim's lens.

Many victims believe they should have the same access to services as does the offender. Many require counseling or psychological services, but the government does not automatically offer, or pay for, this.

Some respondents felt that the payment of restitution and victim surcharges should be made a priority for offenders in custody. It was noted that s. 44 of the *CCRA* requires payment of fines for institutional disciplinary charges. There should be an effort by CSC to ensure payment of restitution to victims as well as payment of surcharges. One province noted that victim surcharges are not meeting their financial need and that the money from surcharges, particularly on federal offences, has been decreasing in recent years.

OBSERVERS AT HEARINGS

Many respondents maintained that access to hearings was important as a means to show the openness of the National Parole Board and that it served to promote accountability. On the other hand, some respondents questioned the provisions allowing the public access to Parole Board hearings. There were concerns this would allow people to keep track of offenders which could make it difficult for inmates to put their past behind them. These respondents felt that the trial should be public, but that the remainder of the correctional process should be more confidential.

Some respondents were categorically opposed to the presence of victims at the hearing, unless the inmate had agreed to it. Some feared that the presence of observers would be harmful to the proper progress and the quality of the hearing. To justify the exclusion of victims, they pointed out that the information made public at hearings is of a confidential nature, and that some of it is not always verified, or verifiable. As well, from a clinical point of view, some people are upset at the presence of observers.

One respondent indicated that accommodation problems, in some institutions, has made it difficult for victims to attend hearings. It was noted that small rooms, close proximity to the offender, traveling through inmate populations in an institution, and extended waiting periods in institutions has created stressful situations.

Victim Participation at Parole Hearings

There was a plea, particularly from participants at the Winnipeg consultation meeting, for victims to have more than observer status. Some victims want to have a voice at the parole hearing. Victims are currently allowed to watch as observers but are unable to speak at parole hearings. This is a source of frustration for some victims as they must sit and listen to what 'wonderful' progress the offender has made, yet, they cannot express the harm that was done to them. They feel they should have the right to speak to the original factors in their case.

Most participants consulted felt it was a progressive move to allow victims access to parole hearings, however, for some victims limiting their status to that of "observer" falls short of their needs. It was noted that research, conducted for the B.C. Parole Board, indicated that victims needed to feel the same due process provided to offenders before they could support the concept of conditional release. Although impact statements and giving evidence are part of due process, many victims feel, post sentence, that they remain on the periphery, unable to participate in release reviews.

In support of openness and accountability, the B.C. Parole Board initiated procedures allowing for oral presentations by victims at release hearings. It was suggested by some that a consistent practice for allowing oral representation by victims across Canada would be ideal, however, an amendment to the *CCRA* would probably be required.

At the Quebec consultation meeting, opinions were split concerning victim participation at NPB hearings. Some felt that in order to promote openness and accountability, observers should be present. Others were more cautious and feared that the presence of victims, even as observers, has led to a climate of confrontation.

Participants who attended the Toronto consultation meeting took the view that the *Act* already correctly defines the proper role for observers/victims at conditional release hearings. It was felt that an expanded role for observers/victims could discourage parole applications and turn the parole hearing into an adversarial process and a second sentencing hearing. The information which the victim has, relevant to conditional release, is limited to factors related to public safety; if victims are to be allowed to speak at parole hearings, the law should specify the matters which it is proper for them to speak to. If victims are to be involved, the focus must be evidence based. Their participation must be meaningful, not political.
An offender-assisting agency indicated satisfaction with the way victims and offenders are treated by CSC and NPB. It is a fair balance and should not be pushed too far in either direction.

One respondent recommended that the option of presenting an oral impact statement could be limited to victims of violent and sexual offenses, but that they should be able to present this information to any hearing for temporary absence, work release, day parole or full parole conducted by CSC or NPB.

One respondent suggested that in the spirit of continuing the reconciliation and healing process, victims should be debriefed after the hearing regardless of whether they were an observer or a participant.

It was recommended, by some participants, that funds be made available to cover expenses for victims to participate in and/or observe hearings for conditional release.

One participant suggested that in addition to input from the victim, there should be a place in the parole system for public input in the parole decision and management process.

Most offenders agreed with the use of victim impact statements because there are appropriate checks and balances. However, they were concerned about giving victims a greater role in the parole process because some victims or victims' groups may target particular parole hearings. It would be unfair if the offender could not respond to the views expressed by victims.

Some offenders saw the need for greater victim involvement, but not in parole decision making.

Some offenders felt that allowing the press at Parole Board hearings has distorted the process. They believe that it has increased tension, heightened accountability, and resulted in more conservative decisions.

Attorney General Submissions at Parole Hearings

The B.C. Attorney General had requested, in 1997, to make an oral presentation at the parole hearing of a high profile offender. However, the National Parole Board indicated that the legislation and regulations did not contemplate such a practice. It was suggested that the Review of the *CCRA* may be an opportune time for the federal government to consider a provision which would give standing to Attorneys General to make oral presentations at parole hearings.

NATIONAL PAROLE BOARD DECISION REGISTRY

It was generally felt that the NPB decision registry had promoted openness and fostered accountability.

Following a hearing, Board members produce a decision sheet which is shared with the offender. The decision sheet contains personal information relating to the inmate, his/her criminal history, the decision taken by the Board as well as reasons for the decision. Decision sheets are a vehicle for providing information to the offender in question. They are also used to make decisions available to the public as required in ss. 144(2) of the *CCRA*.

The Office of the Privacy Commissioner raised concern that information contained in the registry has not been "depersonalized" to remove all personal identifying information. The Office of the Privacy Commissioner has received a number of complaints from individuals relating to the disclosure of personal information contained in parole decision sheets. They are of the view that the requirements of ss. 144(2) can be met by providing the public only basic information about the offender, the reasons for his/her incarceration, the decision taken and a synopsis of the reasons and rationale that support the decision.

Accordingly, the Office of the Privacy Commissioner suggests that the Board create two decision sheets. The first sheet, which would be shared with the offender in question, would contain all the information necessary for him or her to understand the decision. A second decision sheet would contain only the basic information about the offender, the decision taken and a synopsis of the reasons and rationale behind the decision. This second sheet could then be placed in a discrete holding, the decision registry, and could be made available to anyone who makes a request under ss. 144(2) of the *CCRA*.

EMPLOYEE PROFESSIONALISM

One respondent noted that high minimum entry standards for employment in correctional services are critical. It was noted that pre-employment training and on-going in-service

upgrading and development are equally important. It was suggested that the federal correctional service and the provinces explore opportunities to carry out joint efforts in regard to recruitment, employment, and staffing initiatives.

Offenders noted a pervasive prejudice among correctional officers towards sex offenders. This prejudice interferes with CSC's ability to effectively manage a sex offender's case or to ensure objective decision-making. More training and education is required on this area. There should be greater accountability, and a better discipline policy, for guards who do something wrong.

Inmates stated that some staff fail to abide by regulations. One Inmate Committee, referencing the Arbour Report, recommended that the *CCRA* examine legislative mechanisms by which to create sanctions for correctional interference with the integrity of a sentence. That is, if offenders are treated harshly or unfairly by staff there should be a means through which the sentence imposed by the court could be reduced.

It was noted that it is currently presumed that prisoners alone must be accountable and must somehow prove their innocence when accused of any wrongdoing beyond the crime for which he or she is sentenced. This presumption of guilt of prisoners, and their visitors, is in direct contradiction to all principles of democracy.

One respondent felt that lines of communication between offenders and their families are subject to arbitrary cut-off due to suspicion, involuntary transfers, and lockdowns.

A union representative stated that while there is ongoing training for correctional officers and an acceptable ratio of staff to inmates at 1:25, there is still a great deal of concern about burnout. Staff are being expected to do more with less. There are greater demands on staff and with more accountability there is more pressure. Also, as more less violent offenders are released, the institutions are left with a more violent, unstable population.
It was noted that due to heavy workloads Community Parole Officers have difficulty maintaining contact with any degree of frequency.

One respondent suggested that there are far too many Commissioner's Directives within CSC. The importance of standards and directives was acknowledged, but they must be clear, easy to consult and understandable. Too many directives serves to complicate and slow down the decision making process.

Some respondents worried that cases were being managed according to political angles. They felt that case workers and even Parole Board members were being influenced by the political agenda.

It was felt by some participants that case workers make little use of their professional judgment. They use risk management tools almost exclusively, to the detriment of reintegration. Others

suggested that ultimate accountability rests with the Case Management Officers who tend to be more restrictive.

There was praise for recent practice within NPB of hiring Board members who have correctional training and experience. It was noted that this has increased the Board's credibility and improved decision making.

OTHER OPENNESS AND ACCOUNTABILITY ISSUES

A member of the Bar suggested that the Minister should re-visit the Supreme Court of Canada's decision in Mooring v. Canada (NPB) [1996]. This respondent was not submitting that the NPB be legislatively constituted a court of competent jurisdiction, but that the procedures and practices of the Board be re-considered with a view to importing concepts from the *Charter of Rights and Freedoms.* This would better ensure that information relied on by the Board is relevant, credible, and fairly-obtained.

A former Parole Board member raised concern that progress reports on released offenders are no longer being provided to Parole Board members. In the past, Board members received this information and would know if the offender committed a new offence, was revoked for a technical revocation, or remained crime free. This process was abandoned, but was helpful to Board Members and should be re-implemented. Board members need more than the current post-suspension report they receive.

FAIR PROCESSES, EQUITABLE DECISIONS

ADMINISTRATIVE SEGREGATION

Several participants, particularly those in attendance at the Toronto consultation meeting, spoke in favour of increasing the protections available to offenders at, and following administrative segregation decisions. Administrative segregation is a serious sanction which ultimately tends to increase time served and punishment, since it "sets back" the entire release process. It should be used with restraint, and the time limits enforced. Some respondents claimed that certain inmates are serving very lengthy periods in administrative segregation. One participant felt it impacted disproportionately on black inmates.

Some CSC staff were in favour of judicial supervision or independent adjudication for all 30 day administrative segregation reviews. However, they felt that the Warden should maintain authority for placement and five day reviews.

Respondents noted that the charge of "jeopardizing the safety and security of the institution" is vague and invites abuse. All charges laid should be specific unless there is a high risk of harm or

injury to another individual. Offenders noted that administrative segregation is used too liberally for "the good of the institution".

Specific suggestions were offered to respond to the problems associated with administrative segregation including:

- legal representation (legal aid) at hearings;
- external review (including legal representation at external review hearings);
- notice to a higher official (e.g., the Solicitor General) after 60 days; and,
- less reliance on informant information.

Not all respondents agreed that external review was advisable. Arguments against external review included existing pressure on CSC staff to do it right in the first place; CSC expertise; and the existence of numerous external review bodies in the system already.

SEARCH, SEIZURE AND INMATE DISCIPLINE

Following a disciplinary charge, offenders have to appear before an Independent Chairperson (ICP) who resolves the issue and may impose a sentence. Numerous problems were identified by participants concerning ICPs and other aspects of the inmate discipline system including:

- Variable and "ad hoc" approaches taken by different ICPs. There is a need to formalize the training given to ICPs regarding the administration of Institutional Disciplinary Court to ensure consistency throughout CSC regarding the use of punishment in these proceedings.
- Inconsistencies in the disclosure to inmates of the "case" against them.
- The failure to use lack of intent as a basis for acquittal (rather than a factor at sentencing).
- The use of the formal disciplinary system to deal with minor matters which should be resolved informally.
- The "undue influence" and "appearance of bias" created by CSC advisors to ICPs.
- Lack of an independent prosecutorial function.
- Excessive delays in the adjudication of even minor charges.
- Aboriginal offenders are found guilty more often than non-Aboriginal offenders.
- Lack of explicit criteria governing the appointment of ICPs and inadequate training prior to and during their tenure. One participant suggested that criteria and training requirements be specified in the *Act*.
- The lack of review or appeal (other than to Federal Court) from ICP decisions.

A CSC staff member suggested that consideration be given to streamlining the procedures and processes of the Institutional Disciplinary Court by amending the *CCRA* to establish "summary convictions" for certain types of institutional infractions, similar to those under the *Highway Traffic Act of Ontario*. It was stated that in certain types of offences, as now defined under the *CCRA*, the provision of the duty to act fairly leads to processing delays for individual

charges. The ability to manage large numbers of cases in a timely fashion is dependent upon Chairperson availability, inmate stalling, etc. A system of summary infractions would eliminate some cases from undue delay in disposition before the Chairperson. It was suggested that many inmates would be quite willing to plead guilty to certain “summary conviction” charges, "with explanation", thereby freeing up time for the disciplinary board to deal with issues that do require its consideration. A system of "summary convictions" would also empower correctional staff in conducting their duties such as searching, urinalysis collection, managing institutional policy and rules, etc.

Offenders felt that fines imposed by ICPs, usually in the $40/50 range, are excessive given their wages. As a result of these fines, offenders claimed to have no money for extras and no money saved at time of release. Offenders called for a different sort of structure to resolve disputes. They felt that this process was not consistent with the CSC Mission statement with respect to the least restrictive option. Offenders felt that ICPs should reduce fines or have alternative sentencing.

One respondent suggested that monetary penalties have very little impact on offenders. Offenders with no job and no money do not take a fine seriously.

Offenders noted that charges are at the discretion of Correctional Officers. There is a great deal of discrepancy between institutions and between guards regarding what is a serious offence.

One Inmate Committee noted that during searches that are undertaken following a major incident at the institution, staff discard everything, including personal effects. Another Inmate Committee noted recent improvements with the respect shown by staff.

OFFENDER GRIEVANCE SYSTEM

As research indicates that approximately 5% of the inmate population accounts for almost 70% of complaints and grievances, some CSC staff indicated that a mechanism should be put in place to deal with those who abuse this valuable resource.

Offender grievances are sometimes regarded as odd or frivolous by staff, however, they are very real and important to the offender. It was suggested that the establishment of Regional Grievance Mediators could provide assistance and result in a more independent process.

Some offenders indicated that the grievance system is largely ineffective and will remain so until CSC adopts what Madame Justice Arbour called a mindset that allows it to admit error. The current system is a sounding board with no real impact.

One respondent expressed disappointment with the rejection of Madame Justice Arbour's recommendation that all third level grievances be personally reviewed by the Commissioner of Corrections. This was identified as a key means through which the Commissioner could keep abreast of the conditions in the institutions under his care and supervision.

Offenders noted that the grievance process is very long, bureaucratic, and frustrating. They felt that the decision is not likely to fall on the side of the offender unless there is no way for staff "to cover".

It was suggested that mediation of disputes should be examined as an option. It would offer the possibility of reducing hostility. Ex-offenders with credibility in both camps would be ideal choices for the positions.

Family members of offenders are impacted by CSC policies and decisions yet have no formal grievance procedure.

URINALYSIS

Drug testing was raised as a privacy concern due to its intrusive nature - the inmate is watched closely as he or she urinates. Although inmates may have a reduced expectation of privacy due to being incarcerated, they should nonetheless not be deprived of this fundamental human right to any greater degree than is necessary for attaining legitimate correctional goals.

Prior to its introduction, drug testing was justified as a means to reduce the extent of the drug trade and drug use. Corrections officials suggested that the drug trade and drug use were associated with violence and coercion in prisons. Urinalysis sought to reduce this, yet, it was noted that the *CCRA* Five -Year Review Study, *Urinalysis Testing*, did not address this fundamental issue. The study concentrated on explaining the nature of the program, rates of drug use within prisons, and measures to ensure the integrity of test results. The report only referenced an attempt to draw a link between drug seizures, urinalysis results and violent incidents in a future research project. While drug testing is intrusive, it may be justified if it produces a clear and substantial benefit or attains a legitimate correctional goal. It was noted that this justification has not been demonstrated.

Concern was raised that while urinalysis may have reduced marijuana use in institutions, it may also have resulted in a move to cocaine and heroin which is worse but more difficult to detect through urine testing. If urinalysis has increased the risk of transmitting HIV, hepatitis or other serious viruses or diseases since cocaine and heroin are administered by needle, drug testing in prison in its present form should be seriously re-evaluated.

Urine tests were said to be anxiety-producing. Inmates find it hard to wait for the results, and this can lead to volatility in the institution.

Various participants condemned the inappropriate use of urinalysis. Instead of being a clinical tool, it is used as a control measure. When a test is positive, the Parole Officer suggests various intervention strategies. However, the Parole Board often decides to revoke the offender's release and put him/her back in the penitentiary.

Some respondents recognized the usefulness of urinalysis. It makes it possible to identify and deal with relapses more quickly. The test forces an offender to explain the reasons for his substance abuse. It is an important control measure that leads to effective intervention for the offender. However, people who test positive should not systematically be suspended. An attempt should be made to solve the problem in the community.
One respondent indicated that the present system appears to be a fair and effective process, however, the length of time required for the return of test results could be improved. The importance of having urine tests properly assessed was also stressed.
One offender noted the need for community drug programming. Effective drug strategies in the community would prevent many offenders from ever going to prison.

INMATE INPUT INTO DECISIONS

An offender-assisting agency noted general satisfaction with inmate participation in the formation of the correctional plan. It was noted, however, that the high rate of illiteracy among offenders makes their participation in decision-making difficult.

One respondent suggested that successfully reintegrated ex-offenders could provide CSC with valuable information and insights.

One respondent suggested that an inmate's family should also be involved in institutional decisions as they too are affected by the situation of their incarcerated family member.

Frustration was expressed that CSC is not willing to meet with the families of prisoners. Family members of those men and women sentenced to serve long sentences have a great deal to contribute. They can speak to efforts at rehabilitation that have succeeded or failed and the role that CSC practices have played in this success or failure.

It was noted that any decisions made and actions taken which directly impact on offenders' families will be ineffective and inevitably fail if these policies are implemented without the involvement of offenders' families. It was proposed that before policies similar to the most recent Drug Strategy are adopted, representative family members of prisoners (from at least each Region) be consulted.

INFORMATION TO OFFENDERS

Some CSC staff indicated that the use and sharing of Institutional Preventive Security Officer (IPSO) information should be detailed to a greater extent in the *CCRA*.

There was a perception that the 'us' versus 'them' attitude between staff and offenders has blurred and softened in recent years. Inmates are generally aware that they can have access to their files and reports. The communication between the offender and his/her case management team is usually good.

One offender expressed concern with the difficulty encountered trying to access information that has been provided to the Parole Board. Offenders suggested that easier and more timely access to information maintained on them would improve the validity of information. Offenders claimed that there is no recourse for them if the information is wrong, yet it stays in their file through to parole.

Offenders raised concern that the system places too much reliance on "informant" information.

Offenders expressed concern about the number of incorrect entries that have been made on their files and the difficulty experienced attempting to correct this misinformation.

Offenders noted that they can do many positive things and one negative thing and only the negative will show up on the file.

Relationship between the *Privacy Act* and the *CCRA*

Under the *Privacy Act*, offenders have the right to request access to the personal information about themselves held by government organizations, including CSC and the NPB. Subject to certain specific exempting provisions, the requested information should be provided within 30 days. Offenders also have the right to request that corrections be made to information they believe to be inaccurate. Although the organization is not obligated to make the requested correction, it must, if requested, place a notation on its files and notify any other parties with whom the information has been shared in the past two years. Ultimately, offenders who are dissatisfied with the exercise of these rights as provided by the organization may seek a review by the Privacy Commissioner, and in certain circumstances, a review by the Federal Court of Canada.

The Office of the Privacy Commissioner noted that while ss. 23(2) and 24(2) of the *CCRA* regarding information sharing with an offender appear to mirror those of the *Privacy Act*, two important provisions of the latter *Act* are missing - namely, time limits and the right of complaint to an independent body. Offenders who are dissatisfied with the information or corrections provided to them under the *CCRA* may initiate a grievance, an internal CSC process. This falls

short of a review by an independent body in that the grievance process under the *CCRA* is not equivalent to the right of complaint enshrined in the *Privacy Act*.

Since the passage of the *CCRA*, the Office of the Privacy Commissioner has been confronted with situations where offenders who have been provided personal information under the provisions of the *CCRA*, wish to lodge a complaint against CSC or the NPB. In many of these situations, CSC and NPB have argued that the rights afforded to offenders under the *Privacy Act* apply only to information provided subsequent to requests under that *Act*. In such situations, offenders have had to formally request the same information under the *Privacy Act* and then lodge their complaints once they have received an answer. It was noted that while CSC and NPB are legally correct, requiring individuals to request information they already have acquired by legal means, is a waste of these resources.

Since ss. 23(2) of the *CCRA* already provides a link to the *Privacy Act* "…the offender shall be provided with access in the prescribed manner to such information as would be disclosed under the *Privacy Act* ...", the Office of the Privacy Commissioner recommends that this link be strengthened by including wording to the effect that any information provided to an offender under this provision be deemed to have been provided under the *Privacy Act*.

OTHER FAIR PROCESS, EQUITABLE DECISION ISSUES

Several other issues were raised during the consultation process which relate to the need for fair processes and equitable decisions.

Inmate Pay

Inmate pay was identified as a concern to incarcerated offenders. Their pay has been frozen for years, but many of their expenses are increasing. They are now required to pay room and board at a rate of 30% on any funds they make over $69 per month. Offenders are now required to purchase many items which were previously provided by CSC (i.e. their own non-prescription drugs such as Tylenol). Offenders are required to pay GST on these items, but are not getting it back as they would if they were not incarcerated.

Transfers

One participant identified problems associated with voluntary and involuntary transfers. The "least restrictive environment" criterion is not being used in connection with transfers. It was also suggested that giving inmates only 48 hours notice of an involuntary transfer made a mockery of the process; it is impossible to obtain effective assistance in responding to the planned transfer given such short notice. It was suggested that this timeframe be extended to five or seven days in order to be realistic and fair.

Offenders felt that CSC should take the decision to transfer an inmate more seriously. Transfers to a higher security institution impact negatively on offenders as there are many more restrictions and delays before they cascade down to release. Rather than dealing with the root causes of a problem, too often CSC deals with it by transferring the inmate.

Regulations

Inconsistency with respect to the enforcement of regulations was identified as a problem. Some things are tolerated for a while (e.g., sexual relations, drugs), and then suddenly a decision is made to punish. This creates an environment of uncertainty in the institution.

Offenders on release noted that there is no consistency in the operation of half-way houses. There are differences between those operated by CSC and those operated by the Salvation Army. Buntin Lodge was singled out as a half-way house that is more strictly operated. Offenders felt there should be a standard structure for the operation of half-way houses.

An offender noted that inmates who are not Canadian citizens are treated unfairly. They are denied transfers to lower security institutions and are not eligible for day parole if subject to deportation under s. 105 of the *Immigration Act*.

Some offenders argued that they get labeled as a gang member just by association or by the range they occupy. This has an impact on security clearance which in turn has an impact on the offender's eligibility for jobs in the institution. Offenders labeled as gang members are less likely to receive an ETA and are more likely to be detained. Offenders suggested that this problem would not exist if it were possible to break down the barriers between staff and inmates.

One inmate expressed concern that offenders have to admit guilt in order to take programs. There is no recognition of the wrongfully convicted. This offender is in the process of arguing wrongful conviction under section 690 of the *Criminal Code*, but has been told that until he admits guilt he will not be considered for any type of release. After much delay, this offender has taken all the required programs, but is not being considered for release.

Offenders indicated that they often waive their right to a parole hearing because they are not being supported by their Case Management Officer. However, offenders often feel that the Case Management Officer has not made a great enough effort to ensure they are ready for the hearing.

SPECIAL GROUPS, SPECIAL NEEDS

ABORIGINAL OFFENDERS

Section 79 – Definitions

Most participants noted satisfaction with the definitions contained in the *Act*. It was pointed out, however, that the definition of Aboriginal community leaves it open to manipulation by non-Aboriginal organizations if they have a predominantly Aboriginal leadership. It was noted that the legislation was designed as such to allow urban communities access to certain provisions of the legislation.

Section 80 – Aboriginal Programs

There was overwhelming concern about the continued over-representation of Aboriginal peoples in the correctional system.

Despite the introduction of numerous programs for Aboriginal offenders, the fact remains that there are still too many Aboriginal people in custody and too few on conditional release, particularly in the Prairie region. Hope was expressed that progress toward implementation of s. 81 and s. 84 agreements would help address this situation.
Concern was raised that Aboriginal programs are based on required needs. It was feared that CSC would look at the Aboriginal population as having the same needs as the non-Aboriginal population. Others indicated that numbers clearly indicate a need and that this need was being recognized by CSC.

The validity of Aboriginal programming was raised. Many respondents felt that Aboriginal programs were not considered to be as valid as regular core programming. When being considered for parole, Aboriginal offenders felt that they had to complete Aboriginal programming, in addition to regular programming. They felt that this put them in an unfair position. It was felt that if Aboriginal programs were recognized as being equal to regular core programs, more Aboriginal people would be released into the community at their parole eligibility date.

It was suggested that s. 80 of the *CCRA* dealing with Aboriginal programming should be modeled after s. 77, women offender programs, in order to require regular consultation with Aboriginal groups.

Some respondents felt that the distinction between male and female offenders was given greater attention than the distinction between Aboriginal and non-Aboriginal. It was noted that there are three to four times more Aboriginal offenders than women offenders in the federal correctional system, yet more money is spent on women offenders. An example that was given was the new regional women's institutions.

Section 81 – Agreements with Aboriginal Communities

There was broad concern that only one s. 81 agreement had been implemented, despite interest from a number of Aboriginal organizations and from the Northwest Territories. It was stated that the *CCRA* must go beyond recognition that Aboriginal peoples have specials needs; it must direct how action is to take place.

Participants felt that CSC looked at s. 81 agreements as a wing of CSC. Participants also questioned whether CSC really feels that communities are capable of delivering correctional services.

It was noted that CSC cannot divest itself from liability if harm is done in the community.

Participants noted the need for pilot projects to action the kind of experimentation with programs for Aboriginal offenders contemplated in the *Act*.

There is a huge need for Aboriginal communities to receive information. One participant indicated that her organization would like to receive more direction and guidance from CSC regarding the types of s. 81 agreements which would be likely to be funded; a lengthy manual was made available, but perhaps is not the kind of item that would be widely used by Aboriginal organizations and communities.

Aboriginal communities need more information about how they can become more involved in the correctional process. There needs to be more outreach to Aboriginal communities on the part of CSC. This could involve a focus on restorative justice and the role that the community plays in that process. To promote successful reintegration communities need to be involved in the setting up of programs. While it was recognized that this could be a slow process it was also identified as a vital process. The criminal justice system must be a part of the solution if it is ever to address systemic and structural problems.

There was consensus that s. 81 should be used to enhance the healing path in communities and that alternate processes should be seen as valid and be utilized. There are problems with a lack of support in communities. There is no training available, no half-way houses, and no mechanisms in place to teach spirituality. Participants had concerns about whether communities were well enough to absorb another person who may have strayed in their life.

Participants expressed the need for commitment on all sides, CSC, Aboriginal leadership, communities and offenders to heal.

Section 82 - Aboriginal Advisory Committees (AACs)

There was general consensus with the section of the *Act* dealing with Aboriginal Advisory Committees. It was suggested, however, that the word "may" should be removed from ss. 82(1) so as to require regional advisory committees in all regions. This would, in effect, remove the discretion to establish Aboriginal Advisory Committees. Other suggestions were that the

AACs could have more teeth, be more accountable to communities, and that the Native Brotherhood be used. It was also suggested that if service delivery agencies are members of the AAC, then they need training in the area of corrections and parole in order to give quality advice.

Section 84 – Parole Plans

Participants expressed the need for communities to receive both education and assistance to make this a reality. There is a need to be proactive, including communication and education. One issue raised was the need for effective delivery of an offender's parole application to the community.

The first choice for most Aboriginal offenders would be release back to their community or Reserve, but due to the lack of programs and facilities they end up in a half-way house in a city away from family and traditions.

In order to deal with this problem CSC needs to:

- develop contacts in Aboriginal communities. A greater use of TAs would be a means to help develop these contacts;
- provide more governmental funds to Aboriginal groups;
- provide funds to construct transition houses designed, staffed and administered by First Nations' elders; and,
- make greater use of federal-provincial cooperation.

General

Respondents indicated that:

- the Aboriginal sections of the *Act* were generally well written but that implementation was a problem;
- communication was needed with Aboriginal communities, and from individuals from the Assembly of First Nations and the Métis National Council;
- there is a need to focus on healing, how do we best prepare people to go back to the community;
- there is a need to build in recognition and respect, and;
- the legislation or regulations should reflect regional needs.

An Inmate Committee member from Stony Mountain Institution expressed a need for more Aboriginal staff. There should be greater effort to recruit Native correctional officers, caseworkers, and administrative staff. Approximately 50 to 60% of the offenders at Stony Mountain are Native so there should be some parity with the number of staff that are Aboriginal.

It was suggested that measures be implemented to attract Aboriginal employees. A bursary program was identified as a possible solution to encourage the recruitment of Aboriginal staff.

There are a number of specific initiatives and approaches, such as the concept of capacity building, improving public safety, and supporting strong communities in Gathering Strength: Canada's Aboriginal Action Plan that would have an impact on corrections and conditional release. These broader linkages should be kept in mind as new approaches to corrections and conditional release are considered.

WOMEN OFFENDERS

Some respondents felt that CSC has not adequately fulfilled its requirement, under s. 77 of the *CCRA* to consult with women's groups. It was stated that these consultations must be meaningful and must further the government's commitment to an inclusive model of decisions making. Consultations under s. 77 need to be more than information sharing sessions.

One respondent expressed disappointment that some of the key recommendations of Madame Justice Arbour were not fully implemented or were rejected outright. Particular concern was identified with CSC's rejection of the recommendation that the new Deputy Commissioner for Women have direct authority for the women's facilities and a direct role in responding to complaints and grievances.

The high proportion of aboriginal women offenders was raised as a concern.

The concern of over-classifying women as maximum-security risk was identified.

The continued accommodation of women offenders in male institutions was criticized. This had been set up as a 'temporary' measure, but respondents felt the practice had continued far too long.

It was suggested that the needs of federally sentenced women are not being met. It was stated that while women comprise a much smaller proportion of the federal inmate population, they have as much right to appropriate programming as do male offenders.

Numerous participants noted the relative scarcity of services for women offenders. There seems to be less and less funding available to serve women's needs, and less certification and training for women's organizations to provide correctional services.

Some participants argued that most women could be effectively supervised either in a community prison or a half-way house.

Women offenders have problems specific to their gender and profile that require specific measures. It was suggested that the Elizabeth Fry Society be given an opportunity to operate prisons in smaller areas so that women offenders are able to maintain contact with family and home. It would offer a more cost effective and humane treatment. It is disturbing that there are still women being held within the Prison for Women and in men's institutions.

One respondent expressed disappointment with the rejection of Madame Justice Arbour's recommendation for a Healing Lodge to serve the needs of all incarcerated women in eastern Canada. It was suggested that there is a need for a camp facility and a Healing Lodge for women offenders in Ontario.

It was noted that the per diems available for community residential facilities (CRFs) are too low to meet the need. All four private CRFs in Ontario which offer services to women are forced to seek funds from sources outside of corrections in order to stay open.

The process by which the Solicitor General approves new facilities is too cumbersome, including the requirement for CRFs to supervise offenders on a day parole basis.
There should be more home placements. Community Residential Facilities are being used for women who could be out in the community. As most women offenders are mothers there should be greater efforts to provide support in the home rather than in a half-way house.

Women offenders noted the need for more reintegration opportunities in the community. They specifically indicated a need for half-way houses for women offenders. These residences should be able to accommodate children. It was noted that the next halfway house west of Toronto is in Vancouver and that there are no half-way houses for women in the Maritimes.

Women offenders do not have the same opportunity to work at jobs in the institution so they do not earn as much money as male offenders.

At the Quebec consultation meeting, concerns were raised with regard to the Parole Board's presence at the Joliette institution. It was suggested that some women offenders have to wait too long prior to their hearing before the Board.

HEALTH SERVICES

One Inmate Committee suggested that health care costs have been reduced at the expense of health care quality.

One member of the Bar reported receiving more complaints about health care than about any other single area related to federal offenders. Her impression was that increasingly, health

conditions have to be life-threatening in order to be addressed. There seems to be too much "gatekeeping" in terms of access to health care services.

One offender noted that his medical condition (back pain/sciatic nerve problem), even though documented by a physician, was not taken seriously. Staff simply treated him as a con wanting narcotics, even though his medical file documented the condition. He felt that there was really nothing he could do from the inside. In effect, he had no recourse.

On a more positive note, one respondent suggested the health services provided in institutions is more comprehensive than the coverage afforded seniors in some provinces. There was praise for the fact that dental and visual aids are provided by the institution. However, it was noted that parolees do not receive the same care and in some cases the convoluted procedure to get assistance for health concerns, when on parole, takes far too long. This delay could exacerbate the medical condition.

One participant suggested that CSC should have the right to determine whether an offender has an infectious disease once a staff member has been exposed to his/her body fluids. The health and safety concerns of staff should override the privacy concerns of the offender.

There should be more programs for drug offenders aimed at treating their drug addiction as a health problem. This would better serve to reintegrate individuals back into a crime free life in society. It was suggested that methadone treatment should be available in institutions and upon release in community. It was noted that if an offender arrives in an institution and is already being treated with methadone, he is allowed to continue the treatment. It is impossible however, for a man who is already incarcerated to have access to this treatment. It was suggested that CSC should also promote needle exchange as a means to a safer environment. Offenders are coming out, so they should come out healthy.

The existing CRFs are not funded or equipped to deal well with other special needs offenders, including those with AIDS, disabilities, and older inmates.

It was noted that the aging prison population will present new challenges for CSC. Offenders released at age 30-35 had employment needs, while offenders being released at 55-60 will have special needs for social ties to support reintegration.

Parole by Exception - health condition

It was noted that the criteria for parole by exception are not adequate for those who are seriously ill. Board members seem to attach more importance to an inmate's offences than to his state of health. One participant noted that it was impossible for lifers to benefit from parole by exception. If this measure is truly an exceptional procedure aimed at ensuring the inmates' health, then lifers should be entitled to it.

Mental health

It is very difficult to manage mental health cases successfully. It was noted that often individuals with mental health problems are more of a nuisance than a danger to society. Accordingly, it was suggested that the criminal justice system should work more closely with the mental health system to adequately assist offenders with mental health needs.

It was noted that Psychiatric/Psychological Centres are desperately needed. Each major city should have such a service available to deal with parolees with mental health needs as well as sex offenders. The need for additional mental health services for women offenders was identified as particularly acute.

OTHER SPECIAL GROUPS, SPECIAL NEEDS ISSUES

Some respondents were critical of what they saw as the absence of any attention paid to prisoners from racial communities other than Aboriginals. In light of the Commission on Systemic Racism in the Ontario Criminal Justice System that documented evidence of dramatic over-representation of black men and women in provincial custody, this issue should be addressed by the federal correctional system. One participant called for a study of the problems experienced by black offenders in federal corrections. Her organization works with black offenders and her perception is that they suffer discrimination and disadvantage in the correctional system. The amount of research done on women and Aboriginal offenders should be matched by an equivalent amount for black offenders.

Offenders who are facing possible deportation are perceived as less likely to receive programs or to be released early than are others.

OFFICE OF THE CORRECTIONAL INVESTIGATOR (OCI)

Many respondents indicated that the Correctional Investigator's Office is understaffed and under-funded and unable, therefore, to attend to the vast numbers of decisions, recommendations, acts and omissions on the part of the CSC. Representatives of the Investigator's Office are located far from institutions and are only able to get to each institution infrequently. Access to the Investigator, and the ability of the Investigator to obtain vital information, is thereby inhibited.

It was recommended that the Office of the Correctional Investigator be given greater resources.

It was suggested that the role of the OCI be expanded to include public and victim complaints.

Not all inmates were aware of the existence of the Correctional Investigator (CI), despite the large number of complaints received annually by the CI's Office. At present, CSC uses a site-specific information package, distributed to all new admissions, which should include a telephone number for the CI's Office. Some participants suggested that the Inmates' Rights Handbook (containing, inter alia, information about the CI), which used to be distributed by CSC to all new admissions, be updated and printed for such usage again.

Some offenders argued that the Correctional Investigator is not solving their problems. They were critical of the fact that the Correctional Investigator is paid by the same system that they are grieving. They felt the Correctional Investigator should be outside the Ministry of Solicitor General Canada.

Offenders expressed concern that they only see staff from the Correctional Investigator's Office a few times a year. Concern was also indicated that there is too much change of staff within the Correctional Investigator's Office. Offenders felt that they were always talking to a new person, rather than to someone who knew their history.

Some respondents questioned the effectiveness of the Correctional Investigator given that CSC does not have to take the advice. It was suggested that there should be a referral system to someone with power to make a binding decision. Alternatively, the Office of the Correctional Investigator should be given more "teeth" by increasing its enforcement authority and power.

Some participants suggested the CI's function should be enshrined in its own statute and the Office should report directly to Parliament, not through the Solicitor General. The CI should have the status and authority to implement recommendations.

One participant suggested that a Letter of Agreement or Accord between CSC, NPB and the CI would enhance the level of cooperation regarding investigations and recommendations.

There should be time limit on how long CSC has to respond to issues raised by the Correctional Investigator. It is important that the CSC cooperate in order to make it possible for the Correctional Investigator to work effectively.

It was recommended that the Standing Committee seek a hearing with the Correctional Investigator to better understand the nature of the issues requiring that Office's attention.

One Inmate Committee suggested that many problems referred to the Correctional Investigator could be handled in the institution if there was better trained staff. The implementation of Grievance Mediators could alleviate the workload of the Correctional Investigator.

Some inmates suggested that since 1990 they have had less need to access the CI's Office as more issues are being resolved faster and at the lowest grievance level. Sometimes simply

mentioning the possibility of involving the Correctional Investigator helps to get the issue resolved.

It was recommended that the Correctional Investigator's office recognize that decisions, recommendations, acts and omissions on the part of CSC staff and administrators towards family members also impact offenders and should, therefore, be considered within that Office's mandate to investigate and address.

Appendix A

NATIONAL REFERENCE GROUP MEETING
March 27, 1998

Ms. Elizabeth White	St. Leonard's Society of Canada
Mr. Graham Stewart	John Howard Society of Canada
M. Pierre Sangollo	NJC, Member CACP
Mr. Evan Heise	Mennonite Central Committee
Mr. Jim Roxburgh	Prison Arts Foundation
Mr. John O'Leary	Frontier College
M. Serge Brochu	Université de Montréal
Mr. Wayne Crawford	Union of Solicitor General Employees
Mr. John Schmal	Federation of Canadian Municipalities
Mr. Todd Leach	Salvation Army
Ms. Priscilla de Villiers	CAVEAT
Dr. Julian Roberts	University of Ottawa
Ms. Kim Pate	Canadian Assoc. of Elizabeth Fry Societies
Ms. Wendy Fedec	Canadian Association of Police Boards
Mme Marie Beemans	Church Council on Justice and Corrections
Mr. Curtis Fontaine	Native Clan Organization
Ms. Bonnie Diamond	National Assoc. of Women and the Law
Mr. Michael Jackson	Canadian Bar Association
Mme Jenny Charest	Plaidoyer-victimes

M. Gaston St-Jean	Canadian Criminal Justice Association
Mme Johanne Vallée	Association des services de réhabilitation sociale du Québec
Mr. Robert Rowbothom	Prison Life
Mr. Pat Graham	The 7th Step Society of Canada
Mr. Dennis Theman	Nova Scotia Government Law Assoc., NJC
Ms. Doreen Saulis	Aboriginal Consultant
Ms. Martha McArthur	Block Parents of Canada
Ms. Doreen Sterling	Consultant
Mr. Randy Sloan	Native Counseling Services of Alberta
Ms. Lisa Addairo	National Associations Active in Criminal Justice
Dr. Ross Hastings	University of Ottawa

WINNIPEG CONSULTATION MEETING
April 23, 1998

Mr. Brian Stephenson	Victim Services
Ms. Sandy Atkin	Caveat Alberta
Ms. Darlene Rempel	Citizens Advisory Committee
Ms. Judy Heminger	Elizabeth Fry Society , Saskatchewan
Ms. Lorraine Parrington	Sexual Assault Program Klinic
Ms. Bev Chase	Ma Mawi Wi Chi Itata
Ms. Sharon Perreault	Family Violence Research Centre
Mr. Earl Scott	Native Clan
Ms. Judy Elliot	Legal Aid
Mr. Bill Mckenzie	RCMP
Mr. John Eyer	Winnipeg Police Services
Mr. Kerry Pearlman	Defence Lawyer
Ms. Linda Garwood	Union Representative
Mr. Graham Reddoch	John Howard Society
Mr. Andy Grier	John Howard Society Restorative Parole
Mr. Ray Wyant	Community Notification Advisory Committee
Dr. Steve Brickey	University of Manitoba
Ms. Lana Maloney	University of Manitoba
Ms. Vanessa Chopyk	University of Manitoba

TORONTO CONSULTATION MEETING
APRIL 29, 1998

Ms. Marian McGuire	Ontario Board of Parole
Mr. Earl Fruchtman	Criminal Law Division, Ontario AG
Mr. Barry Turnbull	Metropolitan Toronto Police
Mr. Kevin McAlpine	Durham Regional Police
Mr. Noel Catney	Peel Regional Police
Mr. Bill Sparks	John Howard Society of Ontario
Ms. Barbara Hill	John Howard Society of Ontario
Ms. Pauline Scott	Salvation Army Correctional Services
Mr. Jeff Rouse	St. Leonard's Society of Toronto
Ms. Trish Crawford	Ontario Halfway House Association
Ms. Carol Montagnes	Aboriginal Legal Services of Toronto
Ms. Caroline Frances-Gagner	Ontario Native Council on Justice
Mr. Bob Crawford	Spirit of the People
Mr. John Sawyer	Union of Ontario Indians
Ms. Bev Folkes	Black Inmates and Friends Assembly
Ms. Sandra Leonard	Criminal Lawyers' Association
Mr. Chip O'Connor	Fergus O'Connor and Associates
Ms. Charlene Mandell	Queens Correctional Law Project
Dr. Tony Doob	University of Toronto
Mr. Jack Fera	Ontario Ombudsman's Office

Mr. John Edmunds

Union of Solicitor General's Employees

MONTREAL CONSULTATION MEETING
Thursday, May 7, 1998

Mme Ruth Gagnon	Elizabeth Fry Society
Mme. Johanne Vallée	Quebec Association of Social Rehabilitation Agencies
M. Daniel Bellemare	Maison Radisson
M. René Blain	Quebec Parole Board
Mme. Isabelle Demers	Quebec Parole board
M. Pierre Morand	Carpe Diem CRC
M. Maurizio Mannarino	L'Espadrille CRC
Mme Carmel Patry	Quebec City Municipal Police
Mme Madeleine Ferland	La Maison CRC
M. Michel Gagnon	Association des résidences communautaires du Québec [Quebec CBRFs]
Mme Marie Beemans	Church Council on Justice and Corrections
M. François Bérard	Montreal half-way house
M. Steve Fineberg	Association des avocats en droit carcéral
M. Richard Renaud	Québec City police force
M. Gilles Thibeault	Comité régional sur les services correctionnels et la police
M. Henri Dion	Royal Canadian Mounted Police
M. Jean-Claude Bernheim	Office des droits des détenus - Inmates' rights bureau
M. Jacques Gauvin	Criminal Affairs Branch, Crown Prosecutor
Mme Carole Brosseau	Quebec Bar
M. Jacques Normandeau	Quebec Bar

M. Ronald Barckhouse Salvation Army

HALIFAX CONSULTATION MEETING
May 14, 1998

Ms. Ellie Reddin	Victims Services
Ms. Ann Sherman	Community Legal Information Association of P.E.I.
Mr. David Hardy	Saint John Community Chaplaincy
Mr. Tim Hoban	Miramichi
Mr. Mike Newman	Cons for Christ
Mr. Charles Ferris	New Brunswick Human Rights
Mr. Mike Dunphy	Dunphy & Associates
Dr. Sandra Bell	Saint Mary's University
Ms. Anne Derrick	Lawyer
Mr. Alex Denny	Mi'Kmaq Justice Institute
Ms. Rhonda Crawford	Elizabeth Fry Society of N.S.
Judge Pat Curran	Provincial Court
Mr. Phil McNeil	Lawyer
Mr. Terry Carlson	John Howard Society NF & Lab
Ms. Darlene Scott	Elizabeth Fry Society of NF & Lab
Ms. Linda Anderson	Labrador Legal Services
Mr. Phil Arbing	Province of P.E.I.
Mr. Warren Ervine	Christian Council for Reconciliation

VANCOUVER CONSULTATION MEETING
May 28, 1998

Constable John Cameron	Vancouver City Police
Ms. Kim Capri	John Howard Society of B.C.
Ms. Vivienne Chin	International Centre for Criminal Law Reform & Criminal Justice Policy
Mr. Jack Cooper	B.C. Borstal
Ms. Suzanne Dahlin	Victims Services Division Ministry of Attorney General B.C.
Professor Yvon Dandurand	International Centre for Criminal Law Reform & Criminal Justice Policy University College Fraser Valley
Mr. Ben Doyle	CAVEAT
Ms. Liz Elliott	School of Criminology Simon Fraser University
Ms. Irene Heese	B.C. Board of Parole
Ms. Barbara Jackson	Ministry of the Attorney General B.C. Policy and Legislation
Ms. Sasha Pawliuk	Prisoners' Legal Services
Ms. Patti Pearcy	B.C. Coalition for Safer Communities
Mr. Larry Rintoul	Concerned Citizens for Statutory Release Reform
Mr. Brian Tkachuk	Sentencing and Corrections Programs International Centre for Criminal Law Reform and Criminal Justice Policy

NATIONAL MEETING OF DIRECTORS/MANAGERS
OF VICTIMS SERVICES - CHARLOTTETOWN
June 11, 1998

Ms. Jackie Lake Kavanaugh	Newfoundland
Ms. JoAnne Marriott-Thorne	Nova Scotia
Mr. Phil Arbing	Prince Edward Island
Ms. Ellie Reddin	Prince Edward Island
Mr. Doug Naish	New Brunswick
Mme Joanne Marceau	Québec
Ms. Kate Andrew	Ontario
Ms Catherine Finley	Ontario
Mr. Larry Krocker	Manitoba
Mr. Wyman Sangster	Manitoba
Ms. Katrine McKenzie	Saskatchewan
Ms. Barbara Pratt	Alberta
Ms. Susanne Dahlin	British Columbia
Mr. Michael Hanson	Yukon
Ms. Mary Chenette	Human Resources Development Canada
Ms. Catherine Kane	Justice Canada
Ms. Lynne Dee Sproule	Justice Canada
Ms. Shelley Trevethan	Canadian Centre for Justice Statistics

CHARLOTTETOWN CONSULTATION
June 12, 1998

Mr. Barrie L. Brandy, Q.C.	Crown Attorney
Mr. David O'Brien, Q.C	Corrections P.E.I.
Mr. John Picketts	Corrections P.E.I.
Ms. Jill Lightwood	Crime Prevention
Mr. W. Kent Brown, Q.C.	Legal Aid
Mr. Gerald Quinn	Crown Attorney
Mr. Jack Keddy	Justice Institute
Mr. Bob Wall	Justice Institute
Ms. Rona Brown	Family Violence
Mr. Ron Yearwood	Charlottetown Christian Council
Mr. Wayne Ford	Corrections Programs Legal Aid
Ms. Trish Cheverie	Legal Aid
Ms. Nadine Moffatt	Provincial Correctional Centre
Mr. Jordan Stewart	Provincial Correctional Centre
Mr. Andrew Thompson	Provincial Correctional Centre
Mr. Gary Trainor	Provincial Correctional Centre
Mr. John Nicholson	Provincial Correctional Centre
Mr. Jim Beaton	Probation Officer
Chief Paul Cousins	Kensington Police

CALGARY ABORIGINAL CONSULTATION MEETING
June 17 – 18, 1998

Ms. Sarah Anala	Inuit Liaison Worker, AAC Member
Mr. Darren Winegarden	Federation of Saskatchewan Indian Nations
Mr. Dale Gamble	Beardy's and Okemasis First Nation
Mr. Harry Michaels	Beardy's and Okemasis First Nation
Mr. Bob Allen	Prince Albert Grand Council
Ms. Tuesday Johnson-Macdonald	Six Nations of the Grand River
Mr. Brian Chromko	B.C. Native Courtworkers
Mr. Gary McLean	Assembly of Manitoba Chiefs
Mr. Wally Swain	West Region Tribal Council
Mr. Wayne Stonechild	Community Native Brotherhood
Mr. Al Many Bears	Community Native Brotherhood
Mr. Pierre Lanier	Manigouche Centre
Ms. Janice Seabreeze	Community Native Sisterhood
Mr. Barry Good	Métis, Calgary Community

INMATE COMMITTEES CONSULTED

Stony Mountain Institution	Manitoba
Rockwood Institution	Manitoba
Offenders on Conditional Release	Toronto
Offenders on Conditional Release	Montreal
Federal Training Centre	Montreal
Springhill Institution	Nova Scotia
Nova Institution for Women	Nova Scotia
Kent Institution (2 Committees)	British Columbia

WRITTEN SUBMISSION FOR CCRA FIVE-YEAR REVIEW

Department of Justice	Newfoundland
Victim Services Program, Department of Justice	Newfoundland
Mr. David C. Day, Barrister	Newfoundland
Ms. Elaine Condon	Gander Status of Women
Department of Community Affairs and Attorney General	Prince Edward Island
Department of Community Services	Nova Scotia
Department of Justice	Nova Scotia
The Salvation Army	New Brunswick
Ministère de la Sécurité publique	Quebec
Quebec Board of Parole	Quebec
Le Groupe Onyx	Quebec
The Isabelle Bolduc Foundation	Quebec
Inmate Committee	La Macaza Institution
Association des intervenants en toxicomanie	Quebec
Warden	Ste-Anne-des-Plaines Institution
Department of Canadian Heritage	Ottawa
Department of Citizenship and Immigration	Ottawa
Department of Foreign Affairs and International Trade	Ottawa
Department of Indian & Northern Affairs	Ottawa

Department of Justice	Ottawa
Department of National Defence	Ottawa
Privacy Commissioner of Canada	Ottawa
Status of Women Canada	Ottawa
Ministry of the Solicitor General and Correctional Services	Ontario
Canadian Criminal Justice Association	Ottawa
Warden	Collins Bay Institution
Ms. Janet Strength, Staff	Beaver Creek Institution
Inmate	Bath Institution
Inmate Committee	Regional Treatment Centre, Kingston
Inmate	Kingston Penitentiary
Alliance of Prisoners' Families	Kingston
Mr. Douglas Coveney	Rittenhouse
Inmate Committee	Grand Valley Institution for Women
Mr. Don Cousens	Halton Regional Police Services
Ms. Wendy Fedec	Canadian Association of Police Boards
Mr. Scott Newark	Canadian Police Association
Mr. Steven Sullivan	Canadian Resource Centre for Victims of Crime
Ms. Lorraine Berzins	Church Council on Justice and Corrections
Dr. Toni Williams	York University

Mr. Nelson Freedman	Kingston
Ms. Patricia Little	Citizens Advisory Committee, Kingston
Probation Officers Association of Ontario	Brockville
The John Howard Society	Ottawa
Mr. Mauril Bélanger, M.P.	Ottawa-Vanier
Ms. Joanne Jarvis / Mr. Andrew Murie	MADD Canada
Manitoba Justice	Manitoba
Mr. Andy Grier	John Howard Society of Manitoba
Inmate	Stony Mountain Institution
Ministry of Justice and Attorney General	Saskatchewan
Correctional Services Division	Alberta Justice
Ms. Sandra Atkin	CAVEAT Alberta
Mr. John Schmal	Federation of Canadian Municipalities
Mr. David Hough	Alberta and BC Law Society
Ms. Gayle K. Horii	Strength in Sisterhood (SIS) Society
Inmates	Mountain Institution
Warden	Grande Cache Institution
Supt. Barker	Edmonton Police Services
Mr. Pat Graham	7th Step Society of Canada
Ministry of the Attorney General	British Columbia.
Asst. Warden	Mission Institution.

Ms. Martha McArthur	Block Parent Program of Canada Inc.
Mr. John Braithwaite	British Columbia
NWT Justice	Northwest Territories
Mr. Tony Peters	Catholic University of Leuven, Belgium
Dr. David Thornton	Her Majesty's Prison Service, England
Dr. Linda Blud	Her Majesty's Prison Service, England
Mr. Jouko Laitinen	Finland
Mr. Otakar Michl	Foreign Affairs, Czech Republic
Mr. Larry Soloman	National Institute on Corrections United States
Mr. Richard Kuuire	Director of Prisons, Ghana
Mr. Warwick Duell	Community Probation Service New Zealand
Ms. Beth Grothe Neilsen	University of Aarhus Denmark