

NATIONAL INQUIRY INTO MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS
Correctional Service of Canada Responses to Testimony from
Institutional & Expert/Knowledge-Keeper Hearings

Panel III: Custodial Issues for Women, September 19, 2018

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THEME: WOMEN OFFENDER INSTITUTIONS/APPROACHES FOR INDIGENOUS WOMEN

Key issues identified in testimony:

- Adherence to the vision and principles of *Creating Choices*
- Concerns regarding regional women's institutions and CSC's ability to address rehabilitation and reintegration for women offenders

CSC RESPONSE

Vision and Principles for Women's Corrections

The five principles of *Creating Choices* (1990), as outlined below, remain relevant today and continue to guide the Correctional Service of Canada (CSC) in the development of policies, programs and interventions for women offenders. In fact, the Minister of Public Safety and Emergency Preparedness has recently reinforced the importance of the principles of *Creating Choices* in the [CSC Commissioner's mandate letter](#) (September 2018), specifically highlighting the value and relevance of these principles in providing guidance for progress in women's corrections:

1. **Empowerment** acknowledges that the limited life choices typically encountered by women offenders often leaves them feeling powerless and unable to make effective choices. As a result, they need assistance in gaining insight into their overall situation, identifying their strengths, and being supported and challenged to take positive action to gain control of their lives.
2. **Meaningful and Responsible Choices** highlights that women offenders need to have meaningful options which allow them to make responsible choices. Having the opportunity to make informed decisions will not only provide a sense of control and empowerment, but will also assist them in building their self-esteem and sense of self-worth.
3. **Respect and Dignity** stresses that mutual respect among women offenders and staff is crucial, as is the importance of acknowledging the diverse needs and cultural identities of women offenders as an integral part of the whole person. By engaging with another in a respectful and dignified way, one is more likely to increase their level of self-respect and to respond to others in the same way.

4. **Supportive Environment** recognizes that a positive and supportive environment is deemed important for fostering personal development, encouraging the use of acquired skills, empowering women offenders to acknowledge their strengths, and promoting physical and psychological health. Furthermore, positive community support and assistance accessing resources are considered important to women's achieving greater self-sufficiency and autonomy.
5. **Shared Responsibility** emphasizes the shared responsibility society has in receiving women offenders back into the community and facilitating their successful reintegration, which includes development, implementation, monitoring and evaluating interventions for women offenders.

Women-Centred Design and Approach for Women's Institutions

The design, structures and operations of federal women offender institutions respect and uphold the guiding principles set forth in *Creating Choices* while evolving to meet the shifting needs of the women offender population. While some changes to the physical infrastructure may appear to contradict the vision in *Creating Choices*, they have proven necessary to address the security needs of a minority of women and in fact assist CSC in upholding the basic principles of *Creating Choices*. By providing all women with the infrastructure that meets their needs, we demonstrate respect for the women who choose to engage in their correctional plan and allow them to gain control of their lives in a safe and supportive environment.

There are five regional women's institutions and one healing lodge for women offenders. The regional institutions are multi-level, which means they accommodate women classified at the minimum, medium, and maximum-security levels. The Okimaw Ohci Healing Lodge is also a multi-level facility, accommodating women classified as medium or minimum security. At all facilities, women classified as minimum and medium security reside in housing or apartment style units with communal living spaces within the general offender population. The women are responsible for their daily needs, including cooking, cleaning and laundry.

CSC's Intensive Intervention Strategy has been in place at the women's sites for approximately two decades to provide structured living environments for women with intermediate mental health needs and/or significant cognitive limitations, and secure units for maximum-security women. This strategy was implemented in all regional facilities for women (except the healing lodge) to provide the women with the intensive interventions and structure that they need within safe and secure accommodations.

The Structured Living Environments consist of 12-bed units for women classified as minimum or medium security. They are designed to provide a higher level of intervention and interaction with Primary Workers, Behavioural Counsellors and mental health staff. Residents of this unit are encouraged to use the facilities and participate in the activities and programs available in the rest of the institution as well as have the opportunity to access structured activities and interventions specific to inmates residing in the unit.

In addition to the stand-alone minimum and medium-security houses, four (4) women offender institutions have minimum-security units located outside of the perimeter fence: Edmonton Institution for Women, Fraser Valley Institution for Women, Grand Valley Institution for Women, and Nova Institution. This model reflects a holistic approach to custody that incorporates the reality of self-sufficient living while facilitating a progressive reintegration into the community. As a step along the reintegration continuum, these units also provide an incentive for positive behaviours in a supportive environment that encourages and assists women offenders to become law-abiding citizens.

Women classified as maximum-security reside in secure units. From a technical perspective, the construction of these units mirror men's medium security standards. They are divided into pods that contain a certain number of traditional cell-based accommodations. An interdisciplinary team approach and intensive interventions promote change in the inmates' behaviours and strengthen skills that allows them to safely transition to a lower security level. Interventions, educational programs and employment opportunities are offered and available in these units in order to help women follow their correctional plan.

Women residing in the Secure Units are not confined to these units. In addition to the interventions, services and activities offered within the Secure Unit, inmates in these units have access to shared spaces (e.g., gym, recreation facilities, health services, spiritual and vocational areas) as well as activities and interventions provided outside the Secure Unit. Each woman is assigned a reintegration movement plan level to manage her movement off the Secure Unit. The reintegration movement levels, guide decisions pertaining to staff escort and supervision requirements. Each woman is assessed individually based on the risk she presents when off the Secure Unit as well as on her particular needs, her behaviour, history, etc. A woman's reintegration movement level is reviewed on a regular basis to ensure it remains appropriate.

Staff Protocol in Women's Sites

CSC employs male staff in women offender institutions in accordance with specific policies, protocols and considerations for working in a women's facility. This ensures that the dignity and privacy of incarcerated women are respected to the fullest extent possible, consistent with safety and security, while also ensuring that the presence of men in the workplace does not expose staff or women inmates to vulnerable situations. Staff protocols are established for certain procedures in women's sites. For example, after curfew, all male staff must be paired with female staff for all security patrols in the living units and remain in sight of the female staff member.

Women-Centred Training for Staff

In order to ensure that CSC recruits the right people, all staff working with women offenders must complete Women-Centred Training (WCT). This training is specifically designed for staff working with women offenders to instil a stronger understanding of women's issues and help them intervene more effectively. This, in turn, makes staff interventions more appropriate and efficient,

and contributes to creating an environment conducive to rehabilitation. The topics addressed include gender differences, women's criminal pathways, relational theory, trauma, violence and abuse, substance abuse, mental health, as well as conflict theory and communication skills.

The training is founded on the *Creating Choices* principles, and ensures that a women-centred lens is applied to the entire curriculum. As a result, participants gain insight into the circumstances and factors that lead women to crime while being responsive to women's specific needs.

Every three years, CSC offers a WCT Continuous Development (WCTCD) training on a specific topic. The topic for the 2018-2021 WCTCD is *Creating Choices Revisited*. The objectives of this WCTCD is to renew participants understanding of the principles of *Creating Choices* and their importance in the application and implementation of programs and interventions for women's corrections and also recognize and appreciate how utilizing a women-centred approach assists in responding to the needs of the women offender population.

Primary Workers

Given the differing needs of women offenders from their male counterparts, Primary Workers (correctional officers) have an integrated role marrying both security and case management responsibilities to support a dynamic approach. Through dynamic security, Primary Workers contribute to a supportive environment by encouraging constructive relationships and by increasing awareness of factors that contribute to, or detract from, a safe and secure environment.

The principle of "Respect and Dignity" stresses that mutual respect among women offenders and staff is crucial, as is the importance of acknowledging the diverse needs and cultural identities of women offenders as an integral part of the whole person. By engaging with one another in a respectful and dignified way, one is more likely to increase their level of self-respect and to respond to others in the same way. This is an essential element in the overarching philosophy of the holistic approach adopted in the operations of the regional women's facilities.

Staff hired at the women's facilities are selected through specific processes and must demonstrate the ability to work in a women-centered environment. Every interaction has the potential to foster a positive institutional culture and create positive staff/offender interactions that are essential to teamwork.

THEME: GLADUE REPORTS/ABORIGINAL SOCIAL HISTORY**Key issues identified in testimony:**

- Concerns with application of the Gladue principle for the purposes of sentencing by the courts

CSC RESPONSE

Although the Gladue principle is a specific consideration required by judges in the sentencing of Indigenous peoples, CSC also considers Aboriginal Social History (ASH) in its case management decision-making regarding Indigenous federal offenders. An understanding of this history, and what offenders may be continuing to experience today, guides CSC in working more effectively, and in more culturally appropriate ways, with each Indigenous offender. This allows us to better address an offender's needs, thus increasing their reintegration potential and healing.

Most recently, CSC promulgated revised policies (January 2018) regarding initial security level classification and penitentiary placement, security level reclassification, pre- and post-release decision-making, including structured guidance for the consideration and documentation of ASH. As part of its policy directives, CSC has promulgated an ASH Tool that provides guidance to staff on how to consider ASH in case management practices, recommendations and decisions for Indigenous offenders.

CSC continues to offer professional training that provides parole officers with an understanding of ASH, release planning within Indigenous communities, and the role of Elders. Training content is developed in consultation with Indigenous Elders, the National Aboriginal Advisory Committee, and the National Elders Working Group. In 2017-2018, the training for parole officers included a specific focus on Indigenous offenders, and was delivered in collaboration with Elders and community staff who have a significant understanding of Aboriginal issues. CSC regularly reviews the curriculum of parole officer training to ensure that Indigenous-related specifics are included and that community representatives participate, including Elders. CSC continues to monitor and assess the impact of ASH training initiatives on case management decisions.

Bill C-83, An Act to amend the Corrections and Conditional Release Act, was tabled in Parliament on October 16, 2018. This Bill includes proposed changes whereby CSC has an obligation to consider systemic and background factors unique to Indigenous offenders in all decision-making.

THEME: SECURITY CLASSIFICATION OF WOMEN OFFENDERS/ASSESSMENT TOOLS**Key issues identified in testimony:**

- Security Classification/Assessment tools and validity for women
- Secure Units/ over-classification at maximum security/availability of counselling and programs
- Concerns with Movement Levels system at women offender institutions

CSC RESPONSE**Security Classification**

CSC is required, under the *Corrections and Conditional Release Act* (CCRA) to assign a security classification of maximum, medium, or minimum to each offender admitted to its facilities. In doing so, CSC considers the seriousness of the offence, the offender's social and criminal history, and the potential for violent behavior. In rendering a decision with respect to an offender's security level, specialized CSC staff use professional judgment and clinical assessments, including the application of actuarial tools such as the Custody Rating Scale (CRS), which consider all available risk-related information.

The Security Reclassification Scale for Women (SRSW) is an objective, gender-informed and research-based classification instrument that was developed because other security classification tools did not consider gender or diversity in their assessment. The SRSW assists correctional staff in assessing the level of security for a woman inmate to ensure that she is placed in an institution at the appropriate level of security throughout her sentence. The SRSW focusses on dynamic factors and concentrates on the offender's behavioural changes, if any, since the prior review. As per the CCRA, this type of review assesses the offender's risk in three areas: institutional adjustment, escape risk and public safety risk, and each area is given a rating of low, moderate or high.

Validity of Assessment Tools

CSC regularly conducts research on its risk assessment tools to assess their validity, including their validity for use with Indigenous offenders. A 2012 study on the Custody Rating Scale (CRS) with Indigenous and non-Indigenous women (Revalidation of the Custody Rating Scale for Aboriginal and non-Aboriginal Offenders) found no evidence that either the security classification process as a whole, or the CRS recommendation results in the inaccurate over-classification of Aboriginal women. The research found that the over-representation of Indigenous women at higher security levels is due to their higher level of risk and lower institutional adjustment rather than a bias in initial security classification.

The SRSW has been proven valid and reliable for Indigenous women through research conducted in 2013, 2012, 2008, and 2005. In addition, a June 2018 revalidation of the SRSW found that the tool was valid for both Indigenous and non-Indigenous women.

A June 2018 decision of the Supreme Court of Canada, *Ewert v. Canada*, confirmed that CSC must respect its statutory obligation under the CCRA to ensure that information on Indigenous offenders derived from the use of its assessment tools is as accurate and as up to date as possible. The Court indicated that CSC must ensure that its use of the tools with respect to Indigenous offenders do not perpetuate discrimination or contribute to a disparity in correctional outcomes between Indigenous and non-Indigenous offenders. CSC recognizes a need to ensure that the use of its assessment tools with respect to Indigenous offenders is culturally sensitive in order to provide appropriate results.

CSC is continuing its work with regard to classification and risk assessment tools to ensure that the use of these tools fully meets its obligations in respect of Indigenous offenders. Ongoing work is examining the need and feasibility of developing new culturally appropriate assessment measures founded on the Gladue principles, with the goal of ensuring that Indigenous offenders have access to effective, culturally appropriate programs and interventions as early as possible. Experience suggests that cultural and spiritual interventions and continued engagement with Indigenous Peoples, coupled with enhanced Aboriginal correctional programs for higher risk and higher needs offenders, is critical to sustaining positive outcomes for individuals and communities and, ultimately, contributing to public safety.

Maximum Security/Secure Unit for Women Offenders

By addressing the needs of women offenders at all levels of security, CSC provides a safe and secure environment to allow women to gain control of their lives in a supportive environment, including respect for those who choose to engage in their correctional plans.

The Secure Units in women offender institutions accommodate women classified as maximum security. The units are used to provide these inmates with intensive interventions in safe and secure accommodations. Historically, maximum-security women represent a small proportion of the women offender population.

At mid-year 2018-2019:

- women comprised 4.9% of the total CSC in-custody offender population;
- women comprised 3.2% of the in-custody offender population with a maximum offender security classification;
- 8.7% of women in-custody offenders (60/692) and 13.6% of men in-custody offenders (1,814/13,329) had a maximum offender security classification;
- 12.2% of Indigenous women in-custody offenders (33/271) and 16.8% of Indigenous men in-custody offenders (630/3,740) had a maximum offender security classification; and

- 6.4% of non-Indigenous women in-custody offenders (27/421) and 12.3% of non-Indigenous men in-custody offenders (1,184/9,589) had a maximum offender security classification.

(Source: Data Warehouse. Data current up to mid-year of fiscal year 2018-2019)

Movement off the Secure Unit

Movement off the Secure Unit provides a unique opportunity for all maximum-security women to participate in activities and interventions outside the Secure Unit. This approach provides women in the Secure Unit with a gradual reintegration plan toward the general population. CSC experience has shown that some women experience challenges when transitioning from the maximum-security unit, where there is constant staff presence, to the unstaffed houses of the medium- and minimum-security population.

All women in the secure unit have access to programs, interventions, education and employment opportunities. As deemed appropriate by law, policy and their specific case, women residing in the secure units can be accompanied by staff to access shared spaces (e.g., gym, recreation facilities, health services, spiritual and vocational areas) as well as activities and interventions provided outside the secure unit (in open population). The assignment of a movement level is not arbitrary; rather, an interdisciplinary team manages and defines the parameters of a woman's movement off the Secure Unit. A woman's assigned movement level does not prevent her from accessing interventions and services required by law and policy that are not available in the secure unit. In fact, the movement levels uphold the principles of *Creating Choices* by supporting and challenging women in the secure unit to take positive action to gain control of their lives, and progress toward a lower security level.

THEME: ADMINISTRATIVE SEGREGATION

Key issues identified in testimony:

- Use of Administrative Segregation
- Concerns regarding women with mental health issues in segregation/modified watch
- Recommendations to end the use of segregation in all its forms

CSC RESPONSE

Use of Administrative Segregation

At mid-year 2018-2019:

- women comprised 4.9% of the total CSC in-custody offender population;
- women comprised 1.4% of the in-custody offender population on administrative segregation status;
- 0.7% of women in-custody offenders (5/692) and 2.7% of men in-custody offenders (365/13,329) were on administrative segregation status;
- 1.1% of Indigenous women in-custody offenders (3/271) and 3.9% of Indigenous men in-custody offenders (147/3,740) were on administrative segregation status; and
- 0.5% of non-Indigenous women in-custody offenders (2/421) and 2.3% of non-Indigenous men in-custody offenders (218/9,589) were on administrative segregation status.

(Source: Data Warehouse. Data current up to mid-year of fiscal year 2018-2019)

CSC continues to focus on providing a safe and secure environment conducive to inmate rehabilitation, staff safety and the protection of the public. Administrative segregation is used as a last resort, and all reasonable alternatives must be explored and considered prior to an admission, and throughout the placement in segregation. In terms of disciplinary segregation, its use is limited to cases where an inmate has been found guilty of a serious disciplinary offence by an Independent Chairperson and the rules of natural justice are followed.

Most recently, CSC implemented changes to [Commissioner's Directive 709, Administrative Segregation](#), in 2017 to ensure its policies provided inmates with a safe and humane administrative segregation process. This includes changes to responsibilities at the institutional, regional and national review levels in order to strengthen and enhance the requirements related to all decisions and actions taken regarding administrative segregation. In addition, specific groups of inmates are identified who are no longer admissible to administrative segregation. This strengthened oversight has resulted in a significant decrease in the total number of offenders held in administrative segregation, with admission rates down by 12% overall since last year, including for Indigenous and women offenders.

Federal Budget 2017 allocated \$57.8 million and \$13.6 million ongoing to expand CSC's capacity to address mental health needs for inmates in federal correctional institutions and improve conditions of confinement in administrative segregation. Budget 2018 invested an additional \$20.4 million over five years and \$5.6 million per year ongoing to further support the mental health needs of federal inmates.

Inadmissibility to Segregation and Observation cells

Through the policy changes in 2017, the specific groups of inmates who are not admissible to administrative segregation include: (1) inmates with a serious mental illness with significant impairment, including inmates who are certified in accordance with the relevant provincial/territorial legislation; (2) inmates actively engaging in self-injury which is deemed likely to result in serious bodily harm; or (3) inmates at elevated or imminent risk for suicide.

These inmates are managed under [Commissioner's Directive \(CD\) 843, Interventions to Preserve Life and Prevent Serious Bodily Harm](#). CSC has an obligation to ensure the safety of all inmates. This includes a sub-population of inmates who engage in self-injurious or suicidal behaviours and those with a serious mental illness with significant impairment. Observation may be required as a last resort for the purpose of preserving life and preventing serious bodily harm. An observation cell used for monitoring an offender at risk of suicide or engaging in self-injury may be physically located on a segregation range, however, its use for this purpose is distinct from administrative segregation.

CD 843 reflects the principle of a least restrictive approach to managing the inmate's safety. The expectation is that enhanced observation will only be used as a last resort, and for the shortest period of time, to ensure the safety of the inmate. Health care professionals provide ongoing recommendations to the Institutional Head to support a least restrictive approach to managing safety.

Elimination of Segregation

Of note, Bill C-83, An Act to amend the Corrections and Conditional Release Act and another Act, would eliminate segregation, introduce a new correctional model and the use of structured intervention units (SIUs) for inmates who cannot be managed safely within a mainstream inmate population. Under the new model, structured interventions and programming would be offered to inmates in a safe and secure environment that will address their specific needs, with the goal of facilitating their reintegration into a mainstream inmate population as soon as possible. Inmates in an SIU would have an opportunity for a minimum of four hours a day outside of their cell, and two hours a day of meaningful human contact, and would receive continued programming to help them progress toward their correctional plan objectives. The SIUs would improve correctional outcomes, as well as assist in reducing the rate of institutional violent incidents, resulting in a safer workplace for staff.

THEME: REINTEGRATION/CORRECTIONAL PROGRAMS**Key issues identified in testimony:**

- Availability of culturally relevant correctional programs for Indigenous women offenders.
- Restriction on access to programs.
- Need for Indigenous community-led approach to the rehabilitation, healing, reintegration of Indigenous women offenders.

CSC RESPONSE**Culturally Relevant Programs for Indigenous Women Offenders**

CSC's National Indigenous Plan reflects CSC's commitment to preparing all Indigenous offenders for safe and successful reintegration. Various culturally specific services and interventions are provided to Indigenous women to prepare them for a safe and timely release into the community. Recent CSC research studies have confirmed that both Elder services and the Aboriginal Women Offender Correctional Programs contribute significantly to reduced reoffending.

Significant progress has been made in implementing CSC's Aboriginal Continuum of Care and Strategic Plan for Aboriginal Corrections, which created a foundation for ensuring culturally specific and responsive interventions for Indigenous offenders. This work has included the wide implementation of the Pathways Initiative across the Service, including intensive interventions that promote holistic healing and reinforce a traditional Indigenous way of life.

Upon intake, all women offenders are assessed and assigned to programs that match their needs and level of risk. Indigenous women can participate in either the Aboriginal Women Offender Correctional Programs (AWOCP) or the mainstream Women Offender Correctional Program (WOCP) available to all women offenders. Programs for women offenders are not independent programs, but rather build upon one another to address a woman's required program intensity. Women who need more intervention are referred to programs at a higher intensity level.

The AWOCP is comprised of four components. The first is an engagement program (12 sessions) designed to motivate participants towards positive change. This is followed by a moderate intensity program (45 sessions), and if appropriate, a high intensity program (58 sessions), and a self-management program (12 sessions). The self-management program is offered in the institution and the community and focuses on maintaining the skills learned in previous programming while building, revising and implementing healing and self-management plans. In the community, it serves as a refresher program and continues to support Indigenous women offenders after they leave the institution.

Of importance, the programs that form the AWOCP are gender-informed and culturally sensitive and are designed from an Indigenous worldview. The AWOCP includes content that addresses the Indigenous women offenders' social history experiences such as intergenerational trauma, residential school experience and involvement in the foster care system. The trauma-informed, Elder-assisted process focuses on healing through cultural identity and provides traditional teachings, ceremonies and spiritual counselling for Indigenous women offenders. Elders can have a profound impact on not only the women's behaviour, but also their value and belief system, better preparing them for reintegration to the community as contributing members of their families and communities.

The Aboriginal Women's Pathways Continuum is part of CSC's Continuum of Care. It provides opportunities for Indigenous women at maximum, medium, and minimum-security levels to engage in intensive healing interventions supported by Elders through ceremony, teachings, circles, and cultural activities. Indigenous women are able to access Pathways in a timely manner at three sites including participation of women at all three security levels. Where Pathways Initiatives do not currently exist, women have increased one to one access to Elders and follow, if desired a more intensive healing path.

In order to highlight the contribution of Pathways to the healing of Indigenous offenders and for the consideration of conditional release decisions by the Parole Board of Canada, CSC has developed structured guidelines to assist case management to document the impact of Pathways Initiatives in decision-making reports. Further, CSC will ensure the maximum use of Elder services, Pathways Initiatives, and Healing Lodges for those offenders for whom they are most appropriate.

As part of the ongoing commitment to work in partnership with Indigenous peoples and communities while ensuring that Indigenous offenders are provided with timely culturally appropriate treatment and rehabilitation opportunities, CSC is currently developing and will implement an Elder Program Orientation. The orientation will help to orient Elders in their roles in Aboriginal correctional programs and once finalized, the orientation will be co-delivered by an Elder and a CSC staff member.

Finally, CSC will be providing ASH Train the Trainers sessions as the first step in ensuring that all Correctional Program Officers, Aboriginal Correctional Program Officers and teachers are able to work more effectively with Indigenous offenders and incorporate ASH factors into their assessment of program and educational gains.

Many culturally specific services and interventions are provided to Indigenous women to prepare them for a safe and timely release into the community. Recent CSC research studies have confirmed that both Elder services and the Aboriginal Women Offender Correctional Programs contribute significantly to reduced reoffending.

Access to Programs

CSC has taken action to enhance its Offender Intake Assessment process to enable offenders' access to correctional programs earlier in their sentence, while simultaneously preparing them for pre-release by their Day Parole Eligibility Date.

CSC remains committed to delivering structured interventions that address the risk factors directly linked to supporting women offenders' safe and successful reintegration into the community. In response to the Auditor General's Report 5—Preparing Women Offenders for Release, CSC has created an automated information report to identify women who are low risk, have completed programs, and are past their earliest parole eligibility date. Wardens of the institutions review the reports monthly and discuss results with parole officers. These reports are discussed quarterly with the Deputy Commissioner for Women to identify results achieved and best practices that can be used to support women offenders' successful reintegration.

Involvement of Indigenous Communities/Organizations in Reintegration Programs:

CSC contracts with over 140 First Nations, Métis and Inuit Elders to provide spiritual, ceremonial and counselling support and teachings to offenders wishing to engage in the Aboriginal Continuum of Care. Elder services are available in all institutions, and in addition to institutional services, Elders may be engaged in Pathways Initiatives and Aboriginal Correctional Programs and are considered part of the case management team. They contribute to the case management process and through various traditional cultural and spiritual interventions assist offenders to address the issues related to their ASH that have brought them into conflict with the law. These interventions assist in reducing the risk that an offender poses, and they contribute to offenders becoming law-abiding citizens.

Elder services are provided to Inuit offenders through a visiting Elder program. The program launched in 2011 and the objective of Inuit Elders Visiting Program is to provide additional support to the inmates as part of an additional or continued healing path. The visiting Elder provides group traditional healing and one-on-one healing sessions and support to Inuit offenders.

CSC's consultations with the National Aboriginal Advisory Committee, the National Elders Working Group, as well as Indigenous Elders and staff, has highlighted the need for interventions and services that will support offenders to address the impacts of intergenerational trauma, addictions, and life skills to better prepare them to contribute positively to their families and communities upon release.

CSC is currently implementing several reintegration initiatives under federal Budget 2017 that will strengthen reintegration support for Indigenous men and women offenders as they transition from the institution to a life in the community. This includes project funding for Indigenous organizations delivering trauma, substance abuse, and life skills interventions for

First Nations, Métis and Inuit offenders at the Aboriginal Intervention Centres (AICs) and Healing Lodges. CSC is also contracting with Indigenous organizations and other entities with Indigenous expertise to develop and/or deliver services that support the reintegration needs of Indigenous offenders in rural, remote and urban centres.

CSC recruitment is committed to diversity and being representative of all Canadians and actively engages Indigenous communities to recruit employees. CSC continually reviews all hiring processes and recruitment efforts to enhance outreach to Indigenous communities, identify efficiencies, ensure fair and sensitive assessment practices and streamline assessment processes where possible. CSC has also developed a strategy for the hiring and retention of Aboriginal Correctional Program Officers. In addition, CSC is exploring the development of a Parole Officer Recruitment Advisory Committee with a mandate that includes continuous improvement of the Parole Officer program, as well as the recruitment of Indigenous staff.

THEME: INUIT OFFENDERS**Key issues identified in testimony:**

- Availability of programs and services for Inuit offenders, including considerations for specific cultures, food, and language
- Importance of correctional approaches that reflect differences among First Nations, Métis and Inuit offenders.

CSC RESPONSE

CSC recognizes the importance of developing policies, programs and interventions that take into account the unique culture, background and needs of First Nations, Métis and Inuit offenders, respectively.

In support of this work, CSC gathers disaggregated data to support evidence-based programs. For the past seven years, CSC has been able to report on the number of Indigenous women offenders in custody in federal institutions, grouped by First Nations, Inuit and Métis categories. CSC's Research Branch has also conducted focussed analysis when required, such as identifying trends to admissions of Indigenous women.

Programs and Services for Inuit Offenders:

CSC developed the Anijaarniq Holistic Inuit Strategy in 2014 with the objective of ensuring that Inuit offenders have the support and resources they need to return to their communities as contributing members of their families and society. CSC continues to implement the Anijaarniq Holistic Inuit Strategy to better respond to the needs of Inuit offenders and recognize the importance of the Inuit community when providing a true continuum of services to Inuit offenders. CSC also continues to work with communities and external partners to ensure Inuit offenders have increased opportunities to successfully reintegrate into their communities through conditional release rather than statutory release or warrant expiry date.

Inuit-specific services for men are offered in Ontario, Quebec, Atlantic and Prairie regions given that the majority of Inuit offenders are incarcerated in Beaver Creek Institution, Dorchester Penitentiary, Federal Training Centre and Bowden Institution. The Inuit Integrated Correctional Program (IICP) was developed specifically for male Inuit offenders through collaboration with Inuit stakeholders. IICP correctional program officers have been trained and further training will be offered in 2018-2019.

Due to the consistently small (less than five nationally) number of Inuit women offenders, CSC does not offer an Inuit program specifically for women. Rather, services are tailored to the needs of each Inuit woman, which includes culturally sensitive services as part of CSC's Anijarniq Strategy. This holistic approach provides Inuit offenders with the support and resources needed to return and remain in their communities as contributing members of their families and society.

In addition to interventions and services, CSC also ensures that Inuit offenders, both men and women have access to country food, as per Annex F of [Commissioner's Directive 702, Aboriginal Offenders](#). Country food of the Inuit people is a dietary requirement and must be provided at a minimum of once per month by the appropriate institutional food services.

THEME: MOTHER-CHILD PROGRAM/CONTACT WITH FAMILY**Key issues identified in testimony:**

- Restrictions on access to Mother-Child Program/family contact

CSC RESPONSE

CSC recognizes the importance of fostering the bond between mothers and children to minimize the negative effects of incarceration on children, as well as the positive influence children can have on a mother's motivation to succeed upon returning to the community.

The best interests of the child are the primary consideration in all decisions relating to participation in the CSC's Institutional Mother-Child Program, namely by ensuring the safety and security, as well as the physical, emotional, and spiritual well-being of the child.

The program offers a range of options for women inmates to develop, maintain, and/or strengthen the bond with their children. Women inmates, including Indigenous women, can apply to participate in the Institutional Mother-Child Program, which is comprised of residential and non-residential components. The residential component enables children to stay with their mothers while incarcerated on a part-time or full-time basis, while the non-residential component offers various other opportunities for women inmates to interact with their children. [Commissioner's Directive 768 – Institutional Mother-Child Program](#) provides the direction to implement, maintain and monitor the Program, including eligibility criteria and required assessments.

Non-residential opportunities can include escorted/unescorted temporary absences for family contact/parental responsibilities, private family visits, recording of stories, drumming, singing, pumping and storing of breast milk. In addition, video visitation is available to provide inmates with the opportunity to enhance family and community ties when in-person visitation is difficult or not possible. Indigenous women at Buffalo Sage Wellness House (Section 81 Healing Lodge) can also apply to live with their child while CSC continues to explore additional capacity for Indigenous women in other Section 81 locations.

THEME: HEALTH CARE IN CSC**Key issues identified in testimony:**

- Access to health/mental health/dental care for women offenders, particularly Indigenous women
- Placements for women with severe or acute mental health challenges, including mental health facilities in the community

CSC RESPONSE**Health Care Services for Offenders**

Ensuring the provision of effective and timely health/mental health interventions to offenders continues to be a legislated mandate and priority for CSC. [Commissioner's Directive 800, Health Services](#), and its associated guidelines, are CSC's key policy references on essential health services (clinical services, mental health and public health services).

As outlined in CSC's *National Essential Health Services Framework* (updated September 2017), the mission of CSC's Health Services is to provide offenders with efficient and effective health services that encourage individual responsibility, promote healthy reintegration and contribute to safe communities. Health care services must respect gender, cultural, religious and linguistic differences, and be responsive to the special needs of women, Indigenous peoples, persons requiring mental health care and other groups.

In order to support inmates in taking responsibility for proactively safeguarding their health, CSC provides information and education on health promotion and disease prevention, and direct health care services. Health Services are provided in ambulatory Health Care Centres in institutions, regional hospitals and regional treatment/psychiatric centres. Inmates may have to go to the community for emergency services, specialized health care services and for hospitalization that cannot be accommodated in CSC's regional hospitals. In CSC, health care is provided by a wide range of regulated and non-regulated health professionals. In broad terms, health care means medical, dental, mental health care and public health services. During the period of incarceration, inmates are provided with a range of coordinated health services that are accessible, affordable, and appropriate to the correctional environment.

Mental Health Care for Offenders

CSC delivers mental health services to meet the needs of offenders from intake to warrant expiry, as outlined in CSC's *Mental Health Strategy*.

The following principles are central to CSC's *Mental Health Strategy*:

- Offenders are the central partner in their interdisciplinary team and collaborate with staff to develop and monitor their individual treatment plans;
- Mental health services are delivered within a holistic framework, which merges all intervention models, including: medical, psychological, social, spiritual, correctional and recovery;
- Mental health services respond to the diverse backgrounds and needs of offenders, with particular emphasis on women and Indigenous offenders;
- Information sharing respecting policy and legislative requirements is required to support an integrated continuum of mental health services; and,
- There is a shared responsibility among all invested partners (e.g. CSC, community agencies, etc.) to support an integrated continuum of care for offenders with mental health concerns throughout their sentence.

The strategy is founded upon five key components:

- **Mental health screening at intake.** Multiple mental health screening processes are in place during the initial intake period to facilitate early identification of offenders with mental health needs and timely intervention.
- **Primary mental health care** is provided to offenders with mental health needs that is delivered by mental health care teams in mainstream CSC institutions. Primary Care services include mental health screening and triage; group and individual interventions, assessment and individualized treatment planning; monitoring and assessment of offenders in administrative segregation; and coordination of referrals to Psychiatric Hospital and Intermediate Mental Health Care. CSC's mental health guidelines, these services are required to be evidence-based and provided in a manner that is respectful of diversity.
- **Intermediate mental health care** (moderate and high intensity) provided to offenders who do not require admission to a Psychiatric Hospital, or do not consent to Psychiatric Hospital admission, but still need more mental health care than is available at the Primary Care level. In addition to the services provided in Primary Care, Intermediate Mental Health Care services include clinical case coordination;

psychiatric symptom management; therapeutic recreation and leisure activities; increased access to clinical staff; and, provision of care associated with activities of daily living. Intermediate Mental Health Care is provided at the Regional Psychiatric Centre, Structured Living Environments (SLEs) and all mainstream women's institutions.

- **Psychiatric in-patient hospital care** is provided to offenders who have such serious mental health needs that cannot be provided in institutions under primary or intermediate mental health care. All patients consent to admission to a hospital bed (under the care of psychiatrist with 24-hour nursing coverage) unless certified under provincial mental health legislation or a treatment order is provided by a court. Psychiatric Hospital Care services provide intensive psychiatric and nursing services for stabilization. Psychiatric hospital care for women is provided at the Regional Psychiatric Centre (RPC) or may be provided by an external hospital.

Admission to Regional Treatment Centres (RTC) are provided to persons who are unable to function and/or to receive adequate care within mainstream institutions due to mental disorder(s), cognitive impairment, physical disabilities typically associated with aging, or who require specialized assessments that can only be provided at an RTC. RTCs offer both acute psychiatric hospital level care and intermediate mental health care.

- **Transitional care for release to the community** (clinical discharge planning and community mental health services).

The provision of mental health services must be consistent with the individual's level of need. The level of need is assessed taking into account available mental health assessment information and clinical judgement and is based on signs and symptoms indicative of a mental health disorder and level of functioning.

Mental Health Care Facilities in the Community

CSC recognizes the importance of continuity of care in the community. As part of the Government of Canada's effort to enhance CSC's capacity to effectively and appropriately treat offenders with serious mental health needs through agreements with provincial health care systems, CSC maintains partnerships with external provincial hospitals as well as continues to seek opportunities for new partnerships.

CSC currently has eight acute care (in-patient psychiatric) beds and 12 intermediate mental health care beds available for federally incarcerated women at CSC's Regional Psychiatric Centre in Saskatoon (Assiniboine Unit). External in-patient psychiatric hospital beds are also available for women offenders at L'Institut Philippe Pinel de Montreal (12 beds). This provides CSC with a total of 20 acute in-patient care beds for women offenders with significant mental health needs. This is in addition to the 72 intermediate mental health care beds available at both the RPC (12) and in the SLEs in regional women's facilities (60).

In total, there are 92 beds specifically designated to address the mental health needs of women offenders. CSC is currently undergoing negotiations with the East Coast Forensic Hospital for expanded bed space to treat women offenders with serious mental health needs.

Expanding CSC's Capacity to address Mental Health Needs

As previously noted, federal Budget 2017 allocated \$57.8 million and \$13.6 million ongoing to expand CSC's capacity to address mental health needs for inmates in federal correctional institutions and improve conditions of confinement in administrative segregation. Budget 2018 invested an additional \$20.4 million over five years and \$5.6 million per year ongoing to further support the mental health needs of federal inmates, specifically women offenders in federal correctional institutions.

CSC recently commissioned the Center for Addiction and Mental Health (CAMH), one of the most prominent psychiatric hospitals in Canada to conduct an external assessment of its capacity to meet mental health needs of inmates. CAMH used the same methodology for men and women, relying on prevalence data from CSC research¹. The external reports suggest that with the Budget 2017 and 2018 funds received (for intermediate care for women in maximum security and for an additional 10 external hospital beds), CSC has sufficient capacity to meet the needs of women offenders.

THEME: STRIP SEARCHES

Key issues identified in testimony:

- Concerns regarding CSC's policy on strip searches, including Indigenous women's mental health/histories of trauma
- Recommendation to end use of strip searches by CSC

CSC RESPONSE

The *Corrections and Conditional Release Act* (CCRA) and the *Corrections and Conditional Release Regulations* (CCRR) establish specific types of searches that may be conducted by CSC staff, and the circumstances under which they can be conducted.

The CCRA and CCRR provisions, in conjunction with CSC policy in [Commissioner's Directive 566-7, Searching of Offenders](#), establish consistent searching practices across institutions. CSC also recognizes the need for specific searching procedures that consider the unique needs of women offenders, particularly given the high prevalence of women offenders who have experienced past trauma.

To ensure the dignity and privacy of women offenders, strip searches must be conducted in accordance with CSC's policy established in [Commissioner's Directive 577, Staff Protocol in Women Offender Institutions](#). In women's sites, primary workers (correctional officers) are responsible for carrying out searches. Specifically, a staff member of the same sex as the person being searched must conduct the strip search in a private area.

In addition, strip searches are normally conducted in a two-step process. In the first step, the woman being searched will be asked to remove all clothing that covers the upper torso, and a visual inspection of the body will occur. Once this area is searched, a shirt/top (either her own or institutional issue) will be provided to her to put on. In the second step, the woman will then be asked to remove all clothing that covers the lower half of her body. Once this area has been visually inspected, she will be given clothing to cover her lower body (her own or institutional issue). There is no requirement to be completely undressed at any time during the strip search process.

CSC's Women Offender Sector has worked closely with the Wardens of its women's sites to reduce and standardize the frequency of strip searches. For example, a random calculator with a set ratio of 1:3 must now be used when women are entering or leaving the institution.

Bill C-83, *An Act to amend the Corrections and Conditional Release Act and another Act*, introduced in Parliament on October 16, 2018. This Bill includes proposed changes to allow body scan searches as another method to conduct searching in federal correctional facilities. This technology will permit less intrusive searches as well as further strengthen CSC's ability to prevent the entry of contraband into its institutions.

**THEME: COMMUNITY-BASED APPROACHES –
SECTION 81 AGREEMENTS AND SECTION 84 RELEASE PROCESS**

Key issues identified in testimony:

- Lack of engagement and consultation with communities with regard to the care of Indigenous offenders
- Lack of community release options for women offenders in the community, including Section 81 agreements and Section 84 releases under the *Corrections and Conditional Release Act* (CCRA), particularly for women offenders
- Concerns with funding for Section 81 facilities

CSC RESPONSE

Engagement with Indigenous Communities and enhancing Section 81 Capacity across Canada

CSC continues to enhance partnerships to create more opportunities for the participation of Indigenous communities in the management of Indigenous men and women offenders. This includes the engagement and collaboration between the CSC and Indigenous communities on section 81 agreements under the *Corrections and Conditional Release Act* (CCRA) for Healing Lodges.

CSC continues to review the possibility of Section 81 agreements for women in the Prairies (Alberta, Saskatchewan and Manitoba), and reviews statements of interest from Indigenous communities from coast to coast to coast.

CSC currently has nine Healing Lodges, five of which are Section 81 Healing Lodges that are independently managed by Indigenous communities/organizations, and four that are managed by CSC in close partnership with Indigenous communities and are located directly on Indigenous lands. Of note, the latter group includes one healing lodge for women located in Maple Creek, Saskatchewan.

In September 2017, building on the partnership with Indigenous people, the Minister of Public Safety and Emergency Preparedness renewed the Section 81 agreement with the First Nation community of Waseskun in Quebec for another five years. In addition, in November 2017, the capacity of the Buffalo Sage Wellness House was increased by 12 additional beds in order to expand the culturally responsive environment and support the reintegration of Indigenous women offenders.

In March 2018, the Minister of Public Safety and Emergency Preparedness renewed two Section 81 agreements, one with the First Nation community of Crane River, Manitoba, and the other with the Native Counselling Services of Alberta for the Stan Daniels Healing Centre and the Buffalo Sage Wellness House for women.

Section 84 Release Process

Section 84 of the CCRA ensures that Indigenous communities can be meaningfully involved in the release planning of an offender who is a member of that community. Section 84 provides the legal framework for CSC to collaborate with an Indigenous community whenever an inmate who is applying for parole expresses an interest in having their community involved in their release planning.

Increasing the engagement of Indigenous communities in planning the release of Indigenous offenders is critical to the achievement of correctional results for Indigenous offenders. Through federal Budget 2017, CSC received funds to increase its complement of Aboriginal Community Development Officers (ACDOs) and Aboriginal Community Liaison Officers (ACLOs) by 50%, which is assisting in enhancing the role of Indigenous communities in the reintegration of Indigenous offenders.

In addition, in order for Indigenous offenders to have increased options to return closer to their home communities, funding was provided through Budget 2017 to allow CSC to contract with First Nations and Indigenous organizations to provide community reintegration support to offenders upon release, including Section 84 release planning. This includes assisting and linking offenders with appropriate community and program support.

Throughout the intake process, case preparation and pre-release activities, CSC staff ensure that offenders are made aware of culturally responsive initiatives, including the availability of, and process for, Elder-assisted parole hearings. Parole Officers, along with other members of the Case Management Team, Elders and other support persons, are available to assist offenders in submitting a request to the Parole Board of Canada for an Elder-assisted hearing.

Funding for Healing Lodges

Owing to such factors as the location (urban, rural, or remote) or the specific infrastructure needs of Healing Lodges, it is not possible to fund all Healing Lodges equally. However, in 2017, a new funding formula was negotiated by CSC with agreement holders in order to better support operations and respond to the needs of Indigenous communities/organizations managing Healing Lodges. This new funding formula, which has been deemed fair and respectful by agreement holders, applies to all existing and new section 81 agreements. It will provide access to funds and other administrative supports that will ensure the effective operations of all Healing Lodges, including adequately responding to the needs of Indigenous men and women offenders in their care and custody.

ⁱ <http://www.csc-scc.gc.ca/research/r-406-en.shtml> ; <http://www.csc-scc.gc.ca/research/005008-0357-eng.shtml>