

PROGRESS REPORT
ON THE PENITENTIARY SYSTEM
BY THE HONOURABLE JEAN-JACQUES BLAIS
SOLICITOR GENERAL OF CANADA

TO THE STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS
MARCH 14, 1978

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ACQUISITION 3

NOTE

This document contains a progress report on each of the recommendations of the Parliamentary Report on the Penitentiary System.

Although the ultimate goal of the Service is to implement the accepted recommendations, the immediate priority is to see that the response of the Solicitor General dated August 5, 1977, has been completed. To that end plans have been developed for implementation of that response and they are included in the progress report. The Minister's response has been summarized and broken down into parts, and the implementation plan for each part follows. Where those plans have been prepared, not by CPS but by the Secretariat of the Solicitor General's Department, that has been indicated.

The implementation dates contained herein have been provided by the Deputy Commissioners responsible, and are the best estimate possible at this time.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

2. The Omnibus Bill containing the provisions with respect to widening the availability of alternative to incarceration is being finalized by the Department of Justice.

It is hoped that the Young Offenders Bill can be introduced during the present session. Drafting of the Bill is still in process while simultaneous consultations are being held with the provinces in respect to certain aspects of the proposals.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Legislative proposals to expand alternatives to incarceration.

Implementation Plan

1. Finalize contents of draft legislation. Intention to present Bill during present session
2. Clear final draft of Bill through Cabinet Committee and Cabinet, session
3. Present Bill to House of Commons,

- Responsibility of DSG

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (b)

2. Young Offenders Act introduction

Implementation Plan

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|--|--|
| 1. Consultation with provinces on final details. | Continuing |
| 2. Complete drafting of bill. | No dates set |
| 3. Receive Cabinet approval for final proposals. | Hopes to introduce legislation to Parliament as soon as possible |
| 4. Introduce bill in Parliament. | |

- Responsibility of DSG

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

3. Discussions are taking place with the provinces to examine alternative federal-provincial division of responsibility for corrections. The last meeting of the Federal-Provincial Steering Committee was held in mid-January and a report is now being prepared for the next meeting to be held in April.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Discussion with provinces over correctional standards and jurisdictional split.

Implementation Plan

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|---|--------------------|
| 1. Regional data gathering, | March, 1978 |
| 2. Analysis and consolidation of regional data. | March, 1978 |
| 3. Steering Committee meeting. | April 4-5, 1978 |
| 4. Meeting of Continuing Committee of Deputy Ministers responsible for corrections. | Spring, 1978 |
| 5. Meeting of Federal/Provincial Ministers responsible for corrections. | Date not finalized |

- Responsibility of DSG

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

4. Based on the job profiles set out in the Samson Report, a study is now being conducted to revise job descriptions. At a recent joint meeting of security and human resources personnel a discussion was held on selection standards and it was agreed to proceed with the implementation plans set out below.

As of February the following NPS/CPS percentages of personnel have been cleared or documentation has been completed in order that the RCMP can do the security clearance. Atlantic Region 76%, Quebec Region 79%, Ontario 54%, the Prairie Region 62%, Pacific 50% and National Headquarters 88%.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response: Part (a) & (b)

Samson study on role of Correctional officer.

Study on staff selection procedures and qualification requirements.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

5. This was one of the recommendations referred to a Senior Interdepartmental Working Group. The Minister will be describing his views with respect to these issues directly to the Committee.

IMPLEMENTATION PLAN

Summary of the Solicitor General's Response:

5. CPS consultation with Treasury Board over pension status.

4. Implementation Plan

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|--|----------------|
| 1. Finalization of job descriptions. | February, 1978 |
| 2. List of alternatives to present selection standards submitted to Senior Management Committee. | March, 1978 |
| 3. Adjustments based on response to #2. | June, 1978 |
| 4. Finalization of medical selection standards. | June, 1978 |
| 5. Commence use of new selection standards. | July, 1978 |

Summary of Solicitor General's Response: Part (c)

All employees required to pass a security clearance

Implementation Plan

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|---|--------------|
| 1. Security clearance for all new employees. | Ongoing |
| 2. Submission by each region of all * documentation necessary to have all employees security cleared. | June, 1978 |
| 3. Reports forwarded by region to NHQ who will forward to RCM Police for final clearance. | Summer, 1979 |

* There has only been a legal requirement for Security Clearance since 1974 and there may be some difficulty with older CPS employees. However, all new employees are required to pass a security clearance.

6. Implementation Plan

1. Program to train all instructors in institutions and Colleges in use of information provided by Samson study to be completed. April, 1978
2. Presentation to Senior Management of a detailed plan to revise induction training program for CX officers. May, 1978
3. Commence revised induction training for CX officers. January, 1979

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

6. All regions reported that new recruits are receiving induction training and CPS is continuing to improve this training. As indicated in the plan set out below, by April, 1978, a program to train all instructors in institutions and colleges in the use of the information contained in the Samson Report will be completed. The Samson Report is a technical analysis of the role of the correctional officer. In some regions, notably Quebec, arrangements have been made for staff to take courses at local educational institutions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Development of better initial training course, elimination of operational constraints leading to difficulties in universal induction training program, examination of possibility of special training courses made necessary under accelerated construction program and possibility of special courses at local educational institutions.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

7. This policy is still in the process of being implemented. Regional quarterly reports are filed with the Director General of Human Resources. All of the regions will complete most of the training this year.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Policy Directive to be issued on continuing professional development for custodial personnel of one week a year refresher courses.

Implementation Plan

1. Quarterly progress reports on CX officer training sent to NHQ from regions. Next report due in May, 1978.
may 1978.
2. All regions will complete most of 5-day minimum training this 1977-78
fiscal year.
3. Regions plan to meet minimum 5-day training. Fiscal year

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

8. Since the November Progress Report, regions have almost completed a security analysis of perimeter posts. By June an analysis will be completed of all CX positions in operational security, and at that time the number of training positions can be determined.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Determine number of extra training positions needed to implement full training and continuing professional education of custodial personnel, and, later, of all personnel.

Implementation Plan

- | | |
|--|-------------|
| 1. NHQ representatives to visit regions and explain process of identification of training positions. | March, 1978 |
| 2. Identification of training positions through an analysis of operational security posts. | May, 1978 |
| 3. Analysis of data and calculation of training positions. | June, 1978 |
| 4. Report to Senior Management results of #3 for further direction. | July, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August 1977:

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

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

Progress Report to Date

9. Reaction to this recommendation is dependent upon the series of recommendations being studied by the Senior Interdepartmental Working Group. In the meantime, the professional career concept referred to in the Minister's August 5th response will be enhanced through the implementation of the new Code of Conduct for staff. It has been approved by the Commissioner, his Senior Managers, legal counsel and it has been sanctioned by the Treasury Board. Copies of the Code of Conduct are now in the hands of the National executive of the Public Service Alliance of Canada.
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STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

- 10 The necessary regulation has been ammended to change the probationary period for new staff from six months to two years.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Changes to probationary period

Implementation Plan

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|---|-------------------|
| 1. Request to change probation period to 2 years sent to Public Service Commission. | January, 1978 |
| 2. Public Service Commission consulted Public Service Alliance of Canada. | February, 1978 |
| 3. Implemented through change in regulations. | February 24, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

11. The principle that pay should reflect training and status is accepted, with the additional comment that pay should also reflect responsibilities and job performance. The particular point that the R.C.M.P. model be adopted requires more detailed study in the context of the examination of recommendation 26, as well as other proposals dealing with the organization, management and staffing of the Penitentiary Service. The new contract for correctional officers has just been approved by the AIB, and provides that newly appointed correctional officers are paid \$11,050. After four years of service, a correctional officer (CX1) can earn up to \$15,050 under the terms of this contract. Living unit officers earn, upon entry into the Service, \$14,250, and up to \$16,650 after three years service under the terms of this contract.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Examination of the R.C.M.P. model for pay.

Implementation Plan

See Response to Recommendation 5.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

12. Some international exchange visits have already taken place between CPS personnel and personnel from other jurisdictions. More are planned for the future. The recently-drafted policy on this recommendation includes correctional officers at the CX-4 level.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Continued expansion of international contacts through exchange visits.

Implementation Plan

1. Revised policy finalized by Senior Management Committee. March, 1978
2. Potential programs for staff at junior and senior level being investigated and submitted to Senior Management. May, 1978
3. Potential candidates identified. May, 1978 onwards

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977.

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

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Dual responsibility for Programs and security for all staff.

Implementation Plan

Implemented. See response to Recommendation 46.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

14. A system of identification tags for both staff and inmates is in most institutions and cards are in the process of being made for use in the remaining institutions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Name identification tags to be worn by staff and inmates.

Implementation Plan

1. Full recommendation implemented for inmates and staff.

March, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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Progress Report to Date

14. A system of identification tags for both staff and inmates is in most institutions and cards are in the process of being made for use in the remaining institutions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Name identification tags to be worn by staff and inmates.

Implementation Plan

1. Full recommendation implemented for inmates and staff.

March, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Responses, August, 1977:

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

Progress Report to Date

15. Through the strong position taken in the recent hostage-taking events, it is now clear to staff and inmates that the Government's policy for the safe release of hostages and the strict enforcement of the law has been implemented.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Safe release of hostages and strict enforcement of law.

Implementation Plan

Implemented, See CD 120

Summary of Solicitor General's Response

Part (b)

Transfer of hostage takers to Special Handling Units.

Implementation Plan

1. CD 174 was presented for approval to Senior Management Committee. February, 1978
2. Issued to the field. March, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

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

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

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

Solicitor General's Response, August, 1977: (Cont'd)

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

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

Progress Report to Date

16. Full Emergency Response Teams have been selected in two of the five regions - Ontario and Pacific Regions. In the remaining three regions a second staff selection board must be held in order to find a full complement of correctional personnel for the teams. Meanwhile training plans are being finalized.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Emergency Response Teams at the Regional and Institutional level.

Implementation Plan

1. Selection of successful candidates in all regions. April 1978
2. Establishment of training program for Emergency Response Teams. February, 1978
3. Completion of training for members of Emergency Response Teams. June, 1978
4. Selection and training of Institutional Response Team Members. September, 1978

Summary of Solicitor General's Response

Part (b)

16. Research on causes of hostage-taking

Implementation Plan

The Penitentiary Service sees to it that each hostage-taking incident within the Service is thoroughly researched and investigated.

Ongoing

Literature reviews on various aspects of dangerousness.

Completed or being reviewed

Proposals for further work on issue.

Being developed

Three-year study on penitentiary system.

Pilot study now under way and due to be completed by end of March. The projected length of the over-all study is 3 years, but the element concerning institutional disturbances is being given a higher priority and will be completed as a separate monograph which will be integrated into the final study.

Responsibility of DSG

Implementation Plan (cont'd)

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|--|----------------|
| 4. Planning and selection of Regional Implementation Committees. | June, 1978 |
| 5. Development of Regional Implementation. | October, 1978 |
| 6. Pilot Program in all regions. | December, 1978 |

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date:

18. See response to Recommendation 5.
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STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date:

19. Three regions have completed an analysis of all perimeter security posts and by June of this year, it will be completed in every region. Since the November Progress Report, a decision has been made to select a committee of three in each region to analyse every operational security post and to report the results to National Headquarters by May 1978.
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(cont'd)

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

9 Post analysis for maximum and medium security institutions.

Implementation Plan

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|---|----------------|
| 1. Perimeter security study completed in each region. | June, 1978 |
| 2. Implementation of a 3 man committee in each region to conduct analysis of all Correctional and Living Unit Officers. | February, 1978 |
| 3. NHQ Analysis of data. | June, 1978 |
| 4. Summary of Security Analysis sent to Senior Management Committee for approval and recommendation. | July, 1978 |
| 5. Implementation of approved recommendations. | December, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

20. The Minister supports the Subcommittee's theme that clear definition of lines of authority is essential, and that institutional directors must have the authority which is necessary for them to carry out their responsibilities. To this end, the Subcommittee's recommendation to clarify and define line authority and functional responsibilities is accepted, and a detailed internal role analysis will be performed.

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

Progress Report to Date:

20. The Management Consulting Team is now drafting a management guide which will set out the roles to be played by the three levels of the Service, i.e.
- 21 National Headquarters, Regional Headquarters and the Institutions. One part of the report will deal specifically with Recommendations 21 and 22 when it outlines the responsibility of Regions to the institutions and the role of institutions vis-à-vis the regions. The report is due to be submitted at the end of April, 1978. The suggestion that all institutional directors report directly to the Commissioner would seem, after serious review, to be very difficult to implement. Senior Management has approved a code of discipline which would give the Institutional Directors the right to dismiss employees for disciplinary offences.

With respect to Recommendation 22 (a) much of the work is being brought back to National Headquarters.

With reference to 22(f) all auditing will be the responsibility of the Inspector General. No auditing will be done by the Regions.

IMPELEMENTATION PLAN

Summary of Solicitor General's Response:

30. Detailed internal role analysis to define clearly the lines of authority and responsibility at institution, region and headquarters.

Implementation Plan

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|---|----------------|
| 1. Presentation of the paper from the Management Consulting Team. | April, 1978 |
| 2. Use of these proposals or modifications for development and implementation of new organization plan. | December, 1978 |

Recommendation:

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

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

Solicitor General's Response, August, 1977:

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

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

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

Progress Report to Date:

21. The Management Consulting Team is now drafting a management guide which will set out the roles to be played by the three levels of the Service, i.e. National Headquarters, Regional Headquarters and the Institutions. One part of the report will deal specifically with Recommendations 21 and 22 when it outlines the responsibility of regions to the institutions and the role of institutions vis-à-vis the regions. The report is due to be submitted at the end of April, 1978. The suggestion that all institutional directors report directly to the Commissioner would seem, after serious review, to be very difficult to implement. Senior Management has approved a code of discipline.

With respect to Recommendation 22 (a) much of the work is being brought back to National Headquarters.

With reference to 22 (f) all auditing will be the responsibility of the Inspector General. No auditing will be done by the Regions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Detailed internal role analysis to define clearly the lines of authority and responsibility at institution, region and headquarters

Implementation Plan

1. Presentation of the paper from the Management Consulting Team. April, 1978
2. Use of these proposals or modifications for development and implementation of new organization plan. December, 1978

- Responsibility of DSG

Recommendation:

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

Regional offices should have responsibility and authority for:

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

Solicitor General's Response, August, 1977:

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

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

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

(cont'd)

Implementation Plan

1. Presentation of the paper from the Management Consulting Team. April, 1978
2. Use of these proposals or modifications for development and implementation of new organization plan. December, 1978

(cont'd)

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

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

Progress Report to Date:

22. The Management Consulting Team is now drafting a management guide which will set out the roles to be played by the three levels of the Service, i.e. National Headquarters, Regional Headquarters and the Institutions. One part of the report will deal specifically with Recommendations 21 and 22 when it outlines the responsibility of regions to the institutions and the role of institutions vis-à-vis the regions. The report is due to be submitted at the end of April, 1978. The suggestion that all institutional directors report directly to the Commissioner would seem, after serious review, to be very difficult to implement. Senior Management has approved a code of discipline.

With respect to Recommendation 22 (a) much of the work is being brought back to National Headquarters.

With reference to 22 (f) all auditing will be the responsibility of the Inspector General. No auditing will be done by the Regions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Detailed internal role analysis to define clearly the lines of authority and responsibility at institution, region and headquarters

(cont'd)

Implementation Plan

1. Presentation of the paper
from the Management Consulting
Team.

April, 1978

2. Use of these proposals or
modifications for develop-
ment and implementation of
new organization plan.

December, 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

23. The Deputy Commissioner of Security is responsible for planning and development of all security policies. These policies are normally developed in consultation with line managers and they are submitted to the Senior Management Committee for approval. Following approval the appropriate Commissioner's Directives and Divisional Instructions are issued to Regional and Institutional Managers. Implementation of policy is monitored by functional specialists at the Regional and National Headquarters levels of the organization.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

23. Security to be controlled by Headquarters.

Implementation Plan

Implemented.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

24. This is one of the most fundamental changes recommended by the Sub Committee, and its implications are so far-reaching and difficult to assess on the basis of a quick examination that the Minister must request more time for a thorough examination of the proposal. Having said that, the Minister would like to raise some questions which occurred to him during a first examination of the recommendation. If the main purpose is to allow for more input from line staff in policy-making--which is suggested in the body of the Report--then the Minister's agreement is shown by the fact that steps have already been taken within CPS to involve staff in policy planning. But the means suggested by the Sub Committee do raise questions which must be answered. A policy-making board, with no or little support, analysis and research capability of its own, would appear to be severely hampered by such a lack. Secondly, throughout the federal government, the recent trend has been in the direction of making Crown boards and agencies more subject to ministerial responsibility, and therefore Parliamentary control. This recommendation would seem to be moving in the opposite direction. Thirdly, it is not immediately apparent that the recommendation would assist in the resolution of one of the problems the Sub Committee saw as central--that of lack of adequate definition of authority and consequent confusion as to who is in control of the system. This recommendation, in fact, could exacerbate that problem rather than resolve it. For all these reasons, more time is required to examine the proposal thoroughly, in an attempt to clarify the implications.

Progress Report to Date

24. Whether a five-member board should be established to make policy and appoint the Commissioner has been studied by the Senior Inter-Departmental Working Group.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

24. Five-member Board to make policy and appoint Commissioner to be studied.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date*

25. Atlantic: Local media contacts now being sought through Regional Public Affairs Administration.
- Quebec: Regional Public Affairs Administration published an internal review. Local Media contact possible at any time. Citizens' Advisory Committees exist in almost all institutions. Wide range of programs involving community access.
- Ontario: First FM Radio Show.
Press Tour of area penitentiaries.
Completion of Broad Scale Plan for public awareness and involvement.
- Prairie: Public education Programs scheduled for Saskatchewan Penitentiary, Edmonton Maximum and Bowden.
- Pacific: Citizens' Advisory Committees now exist in all institutions.
Matsqui has a wide range of programs involving community access.

* Deputy Commissioner Braithwaite is now conducting a major review of this whole area to develop recommendations for Senior Management. Also see Recommendation 49.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

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

Implementation Plan

Implemented on an ongoing basis as indicated by involvement noted in progress report.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

Progress Report to Date

27. See Response to Recommendation 5.

The Public Service Staff Relations Act will be amended to exclude, automatically, a person whose position is classified in an executive and managerial category. When the category is created, depending on how broad it is defined by Treasury Board, it is possible that more management exclusions will result.

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

28. The selection board for the appointment of an Inspector General has been held and viable candidates have been identified. The role of Management Review Group has been strengthened, and Senior Management is reviewing the progress on every recommendation.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

28. Establishment of Inspector General to ensure national policy implementation and investigate irregularities. Mandate of office of management review re-defined to do this.

Implementation Plan

- | | |
|---|-------------------|
| 1. Selection Board held. | February 15, 1978 |
| 2. Viable candidate identified. | |
| 3. Further exploration taking place with R.C.M. Police. | |
| 4. Final decision expected. | April 1978 |

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

29. The legal department is reviewing some of the Commissioner's Directives to determine if any can be included in the Penitentiary Service Regulations. A Directive Review Team has been established and an analysis of the directives review system has been completed.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

29. Update, consolidate and clarify Commissioner's Directives, and distribute to Institutional libraries

IMPLEMENTATION PLAN (CONT'D.)

Implementation Plan

- | | | |
|----|--|---------------|
| 1. | Analysis of Directive system being completed. | February 1978 |
| 2. | Policy paper on improved directives system to be submitted to Senior Management Committee. | March 1978 |
| 3. | Start processing and reviewing directives in new format. | April 1978 |
| 4. | Complete consolidation of new directives. | April 1979 |

Summary of Solicitor General's Response:

Part (b)

29. Handbook for inmates.

Implementation Plan

Atlantic	June 30, 1978
Quebec	February, 1978
Ontario	February, 1978
Prairies	October, 1978
Pacific	Implemented

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

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

Progress Report to Date

30. Independent Chairpersons have been appointed for all maximum security institutions and are now hearing cases involving institutional disciplinary offences in those institutions. Reaction from both staff and inmates has been positive.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response: Part (a)

30. Preparation of any necessary regulations under C-51.

Implementation Plan

1. Regulations under terms of Bill C-51 cannot be proclaimed until Provinces are ready for proclamation of earned remission. Summer of 1978
2. Awaiting result of consultation with provinces.

IMPLEMENTATION PLAN (CONT'D.)

Summary of Solicitor General's Response: Part (b)

30. Appointment of Independent Chairpersons.

Implementation Plan

Implemented.

Summary of Solicitor General's Response: Part (c)

30. Administration & Procedural Preparations for integrating Independent Chairpersons into institutional operations.

Implementation Plan

1. CD 213 has been revised to allow independent chairperson to hear offences. November, 1977
2. Consultation with independent chairperson at Senior Management Committee is planned. April, 1978
3. Evaluation of ongoing procedures. September, 1978
4. Issuing of final administrative procedure. October, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

31. All institutions with administrative segregation have some form of an Administrative Segregation Review Board.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

31. Segregation Review Boards currently being established in all institutions.

Implementation Plan

1. Monthly reports are submitted to National Headquarters to insure proper application of this procedure.
2. Implemented.

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

33. A correction must be made to the November Progress Report. Every Region does not have a Regional Classification Board. Some Regions are implementing this recommendation through an equivalent body.

Regular maximum security inmates are no longer being moved by commercial aircraft. A plan has been developed for the use of charter aircraft where required.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Regional Transfer Boards to give reasons for decisions and to re-examine same on request by inmate.

Implementation Plan

- | | |
|---|-------------|
| 1. CD on inmate transfer sent to Directives Management. | March, 1978 |
| 2. Issuance of CD. | May, 1978 |
| 3. Implementation in regions completed. | July, 1978 |

Summary of Solicitor General's Response:

Part (b)

33. Examine use of DND aircraft for transfers

Implementation Plan

1. Standing offers for the use of charter service when costs are reasonable are being negotiated.

February, 1978

2. Further discussions with RCMP are also ongoing for the use of their aircraft.

March, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

34. A bibliography of legal material has been prepared by National Headquarters and reviewed by departmental legal counsel.

Atlantic

All three main institutions have access to Penitentiary Legal Services.

Quebec

All institutional libraries have legal material available to inmates. In addition, the Regional library has a number of legal volumes available for institutions to consult or borrow. Furthermore, inmates in the Quebec Region receive excellent service from the Legal Aid.

Ontario

A Revised Bibliography is being produced. The former one was considered too academic. It is considered that all librarians will have the resources to purchase the items on this new list early in the new fiscal year at the latest.

Prairies

All institutions at present have sufficient legal resources from the community, i.e. legal aid. An inventory survey on legal materials is now being conducted within the Region.

Pacific

Legal aid services are quite adequate in the Pacific Region. As indicated by the Minister, the use of Legal Aid Services is superior to full legal libraries in each institution.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

34. Efforts to improve availability of legal research material, especially in areas where legal aid resources not sufficient.

Implementation Plan

1. Feedback from Legal Advisor will be circulated to region. March, 1978
2. National Headquarters will begin ordering material on basis of (1) one above. March, 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

35. The amendment to S. 14 (1) of the Parole Act having to do with clarification of sentence computation was tabled in the House on February 1, 1978 along with other proposals "to correct certain anomalies, inconsistencies, archaisms, errors and other matters of a non-controversial and uncomplicated nature in the Revised Statutes of Canada 1970 and other Acts subsequent to 1970" (Sessional Paper No. 303-7/7) (Hansard p. 2440). The proposals have been considered by the Senate and are now before the Standing Committee on Justice and Legal Affairs.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Clarifying amendment to Parole Act to provide that multiple sentences constitute a single sentence for Criminal Code purposes.

Summary of Solicitor General's Response:

Part (b)

Other clarifying measures explored, and cooperation of judiciary sought.

Implementation Plan

Parts (a) &
(b)

35. Depending on outcome of Parliamentary consideration, Bill will be introduced.

Responsibility of DSG

Recommendation:

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

Solicitor General's Response, August, 1977:

36. The Minister is impressed with the recommendation, and is prepared to move in this direction. C.P.S. officials have already consulted with experts on the system as it operated in New York State, and have visited institutions there, including Attica. Federal-provincial discussions on this issue, in the context of the question of inmate rights generally, have been held and will continue. The Minister has decided to introduce a pilot project on this model at the Saskatchewan Penitentiary, taking into account the need to prepare staff and inmates for the introduction of this new concept.

Progress Report to Date

36. The new grievance procedure is now under way at the Saskatchewan Penitentiary. As of February a total of 78 grievances had been filed. Of the 35 formal grievances, only 7 had to be passed to the second level.

Meanwhile at a meeting of the Federal-Provincial Committee on Inmates' Rights held in December, it was decided that a set of principles concerning inmates' rights would be prepared for presentation to the next meeting of the Deputy Ministers of Corrections.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Pilot project for grievance procedure at Saskatchewan Penitentiary.

Implementation Plan

- | | |
|---|-----------------|
| 1. Evaluation of Pilot Project. | June, 1978 |
| 2. Expansion plan of new procedure. | August, 1978 |
| 3. Submission of plan to Senior Management Committee. | August, 1978 |
| 4. Implementation of approved plans. | September, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

37. The legislative proposals on the Ombudsman referred to in the Speech from the Throne are likely to be introduced shortly. Under the terms of that Bill the Correctional Investigator will be appointed an Assistant Ombudsman.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Review of position of Correctional Investigator, and possible legislation to make C.I. responsible to Parliament.

Implementation Plan

- | | |
|---|------------------------------------|
| 1. Introduce Legislation in House. | Depends on Legislative time table. |
| 2. Implementation if legislation once passed. | Depends on Legislative time table. |

Responsibility of DSG.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

36. A new Commissioner's Directive on Inmate Committees has been prepared and was approved by Senior Managers in February. It is planned to have this C.D. implemented in all institutions by April of this year.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Inmate Committees, with flexibility in form, but accepting in principle range-by-range election, representation of minority groups, separate committees for protective custody inmates, chairman's position to be full time, some facilities to be provided.

Implementation Plan

- | | |
|---|----------------|
| 1. Submission of revised CD to Senior Management Committee. | February, 1978 |
| 2. Implementation of Inmate Committees in all institutions. | March, 1978 |
| 3. Implementation of revised CD. | April, 1978 |

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

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

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

In addition, a working group was established to determine the best method of implementing the Commissioner's priority of setting up and expanding penitentiary industries. An important aspect of this group's mandate is to work with the Department of Supply and Services, other government departments, Market research organizations, and other sources on determining the type of markets that may be available for present, expanded and new industrial activities.

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

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

Progress Report to Date

39. Implemented January 14, 1977, through an appropriate Order-in-Council, regulation 3.02 of the Penitentiary Service regulation has been amended to enable C.C.S. to obtain from T.B. appropriate authority to dispose on the open market product and services produced by inmates.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Examination of methods to increase work opportunities, sell on open market, give incentives to industry, American and Danish "corporation" models, and produce goods in demand but imported rather than domestically manufactured.

Implementation Plan

- | | |
|---|--|
| 1. Authority will be sought from Treasury Board to dispose of products and services produced by inmates as required. | As required |
| 2. Most of the equipment and furniture for new institutions are in the process of being manufactured by CCS. | Ongoing |
| Plans have been discussed during the Farm Managers conference to double our actual Farm productions in the next year. | October, 1978 |
| 3. a) A joint working group of DSS. CCS is presently working out the operation concept in order to identify the various product areas that can be the subject of appropriate product protocols. | October, 1978 |
| b) Negotiations are under way with various government agencies in the field of micro-filming and keypunch operation. | Ongoing on major contract expected signed nearest 1978 |
| c) Major elements related to the most appropriate form of organizations have been identified by the industrial task force and are presently being considered. | November, 1978 |
| 4. To be forecast upon endorsement of inmate employment program. | |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

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

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

In addition, a working group was established to determine the best method of implementing the Commissioner's priority of setting up and expanding penitentiary industries. An important aspect of this group's mandate is to work with the Department of Supply and Services, other government departments, Market research organizations, and other sources on determining the type of markets that may be available for present, expanded and new industrial activities.

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

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

Progress Report to Date

40. We have an Advisory Committee on Industries which is providing guidance in organization and implementation towards the fullest possible work opportunities. The concept of a national prison industries corporation does not appear to be a viable alternative at the present time.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Examination of methods to increase work opportunities, sell on open market, give incentives to industry, American and Danish "corporation" models, and produce goods in demand but imported rather than domestically manufactured.

Implementation Plan

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| 1. Authority will be sought from Treasury Board to dispose of products and services produced by inmates as required. | As required |
| 2. Most of the equipment and furniture for new institutions are in the process of being manufactured by CPS. | Ongoing |
| Plans have been discussed during the Farm Managers conference to double our actual Farm productions in the next year. | October, 1978 |
| 3. a) A joint working group of DSS-CPS is presently working out the operation concept in order to identify the various product areas that can be the subject of appropriate product protocols. | October, 1978 |
| b) Negotiations are under way with various government agencies in the field of microfilming and keypunch operation. | Ongoing on major contract expected signed nearest 1978 |
| c) Major elements related to the most appropriate form of organizations have been identified by the Industrial Task Force and are presently being considered. | November, 1978 |
| 4. To be forecast upon endorsement of inmate employment program. | |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

There are also special programs currently under way within the system which go further than this. Establishment of a bonus pay system, based on productivity and administered by groups of inmates, is currently in effect on a pilot basis in Warkworth, Mission, Laval, Leclerc and the Regional Reception Centre (Ontario). This program involves some 200 inmates, and early reports indicate that it has been a marked success. Late last year, a project whereby inmates may earn up to the minimum wage, and contribute toward their room and board costs, was introduced in Joyceville. This project will be evaluated over the course of the next two years by York University. At Mountain Institution, a native co-op produces handcrafts for sale on the open market. Fourthly, provision is made for the hiring of inmates by outside firms at Grierson Centre in Edmonton, and on a project run by Scott Paper Company in Nova Scotia.

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

Progress Report to Date

41. Inmates are being paid according to the new pay scales referred to in August by the Minister.

The pilot project at Joyceville Institution is currently in its second year of operation. Inmates involved in this project are earning salaries up to the minimum wage, and from this, pay toward income tax, unemployment insurance, Canada Pension Plan, and from \$10.00 to \$12.00 per week toward room and board.

41. A number of inmates also contribute toward upkeep of their families. Earlier this month a sale was completed with DSS for 2,000 shelving units for a sum of \$220,000.

There are 13 bonus plans now in operation with CPS prison industries. These will be evaluated by Treasury Board in March.

With reference to the new earned remission system the procedures for implementation are being finalized and regional officials are being trained in its implementation. It is expected to take effect early this summer.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response: Part (a)

41. Pay grades to vary from \$0.50 to \$1.95 per day.

Implementation Plan

The new inmate pay structure, as enunciated by the Solicitor General in August, is now being used.

Summary of Solicitor General's Response: Part (b)

41. Evaluation of Joyceville Industries Program.

Implementation Plan

1. There is to be a re-evaluation of Joyceville project by York University. September, 1978
2. The results of the York Evaluation to be analyzed and changes made where necessary. October-November 1978
3. Examine the possibility of establishing a similar industrial program at Springhill. March, 1978
4. Establishment of facilities and introduction of project to Springhill. December, 1980

Summary of Solicitor General's Response: Part (c)

41. Evaluation of other incentive projects.

Implementation Plan

1. Treasury Board to evaluate the existing 13 Industrial Bonus Programs. March, 1978
2. A decision to extend, continue or terminate Bonus Plans. Dependent on Treasury Board Evaluation.
3. Commissioner has asked the Advisory Committee on Industries to review the value of earned remission as a work incentive for inmates.

Summary of Solicitor General's Response:

Part (d)

41. Earned remission system under C-51.

Implementation Plan

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| 1. Divisional Instruction to be prepared on procedures to be followed in implementing this Directive. | February, 1978 |
| 2. Regional Official to be trained for implementation - Completed March 20/78. | February-March |
| 3. Issuance of CD and DI. | March, 1978 |
| 4. Discussions with the provinces to determine a common date of implementation for the new earned remission system is on-going now. CPS is prepared to go ahead. | Summer, 1978 |

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

Progress Report to Date

42. In some regions, e.g. Pacific and Quebec, trade groups are coming into the institutions to give advice on trade programs. Other regions are working closely with provincial authorities. In the Atlantic Region training is done at Springhill under the Department of Education of Nova Scotia; a similar arrangement has been made with the Quebec Education Ministry. In Ontario, the Inmate Employment Officer has started a review of existing training programs with representatives of industry. In the Prairie Region provincial apprenticeship departments are engaged in monitoring recognized trade courses.

The Canadian Penitentiary Service is now working on the production of goods on demand, as indicated in the implementation plan below.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

42. Training given in workshops must be monitored by official representatives of outside trade groups and arrangements should be made with the provinces for licensing or certification for apprenticeship programs.

Implementation Plan

Enter into discussions with provincial authorities in Quebec, British Columbia, the Prairie Provinces, New Brunswick and Nova Scotia regarding training and apprenticeship programs.

September, 1978

Summary of Solicitor General's Response:

Part (b)

42. Penitentiary System should be producing goods on demand.

Implementation Plan

Acoustical Screen and Stacking Chair Factory:

Start-up and prove-in of machinery and equipment, March, 1978.

Commence production April 3, 1978, employing 90 inmates

Microfilm Unit RHQ (Ontario).

Completed

Microfilm Unit - Quebec Region.

Operational latter quarter 1978 fiscal year

Microfilm Unit - Atlantic Region.

" " "

Locker Manufacturing - RHQ, Ont., Pilot Project.

Completed) Operational, employing

Shelving (Modular) - RHQ, Ont., Pilot Project.

Completed) 45 inmates

Post Office Metal Products - RHQ, Ont., Pilot Project.

Completed)

Lateral Filing Cabinet - RHQ (Ont.).

Commence production Sept. '78 employing 15-20 inmates

Ammunition Boxes - RHQ (Ont.).

Commence production Sept. '78 employing 15-20 inmates

DSS Modular Furniture - RHQ (Ontario, Prairies and Quebec.

Completed - operational - employing some 160-180 inmates

Program of manufacturing products for consumption by CPS facilities in major institutions across Canada i.e. shoes, tailoring, printing and furniture.

Operational latter part of 1978/79 fiscal year

Printing facilities rejuvenation of existing facilities - RHQ (Ontario and Prairies).

Feasibility and Design phase - 6 mos. Implementation phase - 3 mos. Operational latter quarter of 1978/79 fiscal year

New printing and bookbinding plant - RHQ (Que.) in new institution.

Feasibility and design phase - 6 mos.
Implementation phase - 3 mos.
Operational latter quarter of 78/79 fiscal year

New box and carton manufacturing plant in new institution - RHQ (Quebec).

Feasibility & design phase - 6 mos.
Implementation phase - 3 mos.
Operational latter quarter of 78/79 fiscal year

New Institution, Sharp's Farm, Alta., manufacturing a general line of wood, metal and upholstered products.

Occupancy and start-up of Industries August '78

New maximum institution, Agassiz, B.C.
Manufacturing a general line of wood, metal and upholstered products.

Occupancy and start-up of Industries November 1978

Modular house manufacturing plant - RHQ (Pacific).

Operational latter quarter of 1978 fiscal year

Rejuvenation of 5 existing institutions (one in each region across CPS).

Operational first quarter of 1979

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

43. Agreed. Current inmate enrolment in the CPS occupational development program consists of approximately 2,100 inmates enrolled full-time in the academic program and a further 1,100 inmates enrolled full-time in the vocational/technical program. Some 700 of the above follow correspondence courses of one kind or another on a full-time basis, with tutorial assistance being provided by the occupational development staff. Thus, approximately one third of the current inmate population is engaged in the existing occupational development program. Further expansion of the program seems possible, and will be examined, although it should be recognized that a significant number of inmates have learning disabilities which will require identification and diagnostic evaluation before special programming could be undertaken.

Progress Report to Date

43. In order to go about the implementation of Recommendation 42 and 43 in as enlightened a way as possible, with the aim of improving both the scope and quality of the educational and training programs in CPS, a special review of Penitentiary Education and Training in Canada is to be carried out in cooperation with the Ontario Institute for Studies in Education. A detailed plan is outlined below.

There is a need for original research and investigation on the subject of adults with learning disabilities. An investigator competent and available to carry out this research is being sought.

IMPLEMENTATION PLAN

Summary of the Solicitor General's Response:

Part (a)

43. Possible expansion of occupational development program.

Implementation Plan

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|---|-------------|
| 1. Commencement of study by Ontario Institute for Studies in Education. | March 1978 |
| 2. Review of present educational and training facilities and listing of requirements for up-to-date training equipment. | March, 1978 |

- | | | |
|----|---|------------------|
| 3. | Completion of a survey on the current practice of persuading inmates to learn and development of a policy for approval of Senior Management. | March-April 1978 |
| 4. | A review of educational policy and structures. | April, 1978 |
| 5. | Development of a deployment pattern for education and training of inmates and for financial requirements to meet those needs. | May, 1978 |
| 6. | Development and approval of a policy to reduce absenteeism and increase the pace of work in the classrooms and training shops. | May, 1978 |
| 7. | Completion of a study by the management consulting team which will be concerned with developing an adequate system for recording the educational and training achievements of the inmates as well as their on-the-job experience. | June, 1978 |
| 8. | Submission of report by Ontario Institute for Studies in Education and review of that report. | March, 1979 |
| 9. | Introduction of the system referred to in number two. | January, 1979 |

Summary of Solicitor General's Response:

Part (b)

43. Identification and evaluation of inmates with learning disabilities necessary before special program can be designed.

Implementation Plan

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|----|---|-----------------|
| 1. | Hiring of an investigator | July, 1978 |
| 2. | Survey to establish incidence of learning disabilities that exist in the inmate. | September, 1978 |
| 3. | Identification and diagnosis of the type of learning disabilities that exist in the inmate. | April, 1979 |
| 4. | Introduction of a remedial program through specialized teachers following completion of the research project. | 1979-80 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August 1977:

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

Progress Report to Date

44. The extent to which institutional personnel will be allowed flexibility in the development of training programs will be dependent upon the role analysis now being conducted, along with the amalgamation of the Penitentiary Service and the Parole Service.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

44. Study of Inmates' Program Planning to allow institutional personnel more flexibility in development of training programs.

Implementation Plan

1. See plan in Recommendation 20, 21, 22.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

45. The Director General of Medical Services and the Director of the Oak Ridge Social Therapy model at Penetanguishene will be meeting this month to finalize the terms of reference for the study which will be carried out to determine the feasibility of implementing this recommendation in the federal penitentiary system.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

45. Special report on possible application of Oak Ridge Social Therapy model (as well as other special programs such as Fort Steilacoom) and possible pilot Psychiatric Centre.

Implementarion Plan

1. Receipt of the draft terms of reference February, 1978 for study on feasibility of applying the Oak Ridge Model.

45. 2. Finalization of the terms of reference and employment of Dr. Boyd. March, 1978
3. Commencement of study by Dr. Boyd. April, 1978
4. Paper completed on the feasibility of applying Oak Ridge Model. October, 1978

Progress Report to Date

46. Before the new maximum and medium institutions are opened, a decision will be made by Senior Management for each institution as to whether or not to employ the team concept or the living unit concept.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

46. Extension of living unit and team concepts to all medium and maximum security institutions.
- | | |
|---|---------------------|
| (1) Renous (Max) | 1981 - Team Concept |
| (2) Dorchester (Medium) | 1981 - Living Unit |
| (3) Ste. Anne Des Plaines (Max) | 1980 - Team Concept |
| (4) Laval and Archambault (Max) | - Team Concept |
| (5) Drummondville (Medium) | 1980 - Living Unit |
| (6) Donnacona (Medium) | 1980 - Living Unit |
| (7) Collins Bay Institution | - Team Concept |
| (8) Millhaven | - Team Concept |
| (9) Edmonton (Maximum) | 1978 - Living Unit |
| (10) Agassiz (Max) | 1978 - Living Unit |
| (11) Kamloops (Medium) | 1980 - Living Unit |
| (12) Acting Regional Director (CPS) is investigating whether Mountain Prison (Medium) is best suited for Living Unit or Team Concept - Report Due | March 1978 |
| (13) B.C. Penitentiary | - Team Concept |

Recommendation:

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

Solicitor General's Response, August, 1977:

47. It is agreed that the social interaction among inmates and staff should be maximized. This concept will be facilitated by the architectural design of future institutions. Improved visiting and dining facilities, for example, are incorporated in the design for new maximum security institutions.

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

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

Progress Report to Date

47. The status of contact visiting by regions is as follows:

Atlantic: now exists in all institutions.

Quebec: to be constructed at Archambault; Laval is being phased out.

Ontario: now exists in all institutions but Millhaven and Regional Reception Centre, where it is available on a limited basis.

Prairies: now exists in all institutions.

Pacific: all institutions but B.C. Penitentiary.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

47. Contact visiting in all new maximum security institutions. Social interaction must be maximized.

47 (cont'd)

Implementation Plan

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|--------|--|----------------|
| 1. | Construction of contact visiting area at Archambault. | June, 1978 |
| 2. | Construction of contact visiting area at Millhaven. | 1979-80 |
| 3. (a) | Construction of contact visiting area at BC Pen. Approval for construction granted by Senior Management. | February, 1978 |
| 3. (b) | Tenders to be requested. | May, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

48. Interested groups such as self-help, recreational, educational, native, etc., have frequent access to institutions, and are welcome.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Interested groups should be allowed into the institution under the authority of the Institutional Director.

Implementation Plan

Implemented

Recommendation:

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

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

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

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

Solicitor General's Response, August 1977:

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

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

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

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

Progress Report to Date

49. There are Citizen's Advisory Committees in all institutions in the Ontario, Pacific and Prairie Regions. In the Quebec Region all institutions will have such committees by June 1978. In the Atlantic Region, Westmorland will have one by the end of this month, Dorchester will have one operational by March 1978. Springhill institution has a Citizen's Advisory Committee. In the meantime a national conference of representatives of Citizens Advisory Committees is to be held in Ottawa in April.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, 1977

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

Progress Report to Date

50. The construction plans are ongoing and the projected completion dates are set out below in the plan.

IMPLEMENTATION PLAN

Summary of Solicitor General's response:

Part (a)

Accelerated construction program.

Implementation Plan

Dates of Construction:

Renous (Maximum - Pop. 216)	1981
Dorchester (Medium - Pop. 252)	1980
Ste. Anne des Plaines (Maximum - Pop. 216)	1980
Drummondville (Medium - Pop. 252)	1980
Donnacona (Medium - Pop. 252)	1980
Collins Bay -(RPC - Pop. 170)	1980
Agassiz (Maximum - Pop. 192)	1978
Kamloops (Medium - Pop. 252)	1980

Note

These are construction completion dates, not occupancy dates. Institutions will not be clustered in order to share facilities because security would be very difficult to control.

Summary of Solicitor General's Response:

Part (b)

50. Long-term construction program.

Implementation Plan

A long range new construction program is in the planning stages. The scope of this program will be subject to the demands placed on the existing institutions and those new institutions under construction and/or planned for immediate construction, as the result of inmate population increases and expansion of inmate programs.

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

51. This recommendation has been embodied in Commissioner's Directive 206 which deals with the transfer of inmates. Although the Directive has not yet been processed by Directives Management all Regions report that this recommendation has been implemented.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response

Amend Divisional Instructions to allow controlled epileptics into minimum institutions with adequate medical facilities.

Implementation Plan

Implemented

Recommendation:

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

Solicitor General's Response, August, 1977:

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

On the specific question of the reception process, there are two possible approaches. The first, that of a separate institution, is currently in place in Quebec, and planned for Ontario and Pacific regions. The second approach, currently in effect in the Prairie and Atlantic regions, classifies an inmate sentenced to a federal institution while he is still in the provincial jail following conviction, and employs the "penitentiary placement" process. This process is thought to be most appropriate for these regions, because of the numbers of inmates who must be classified, and because of the large distances between federal institutions. As the Subcommittee itself points out in paragraph 634 of its Report, "a definite advantage of this system is that a young or first offender can be sent directly to a medium or minimum security institution from the provincial jail rather than being first received at maximum security institution."

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

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

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

Progress Report to Date:

52. The Canadian Penitentiary Service now has reception centres in each region, competently staffed for inmate classification.

The Pacific, Ontario and Quebec regions have facilities specifically assigned to the reception functions.

In the Atlantic Region, where inmates are received in existing institutions because there is no separate reception centre, new inmates are kept away from other inmates through scheduling procedures for the use of facilities.

In the Prairie region, all institutions keep the inmates similarly isolated except Saskatchewan Penitentiary where overcrowding precludes this.

It was decided in February that reception centres would be built at Bowden and Selkirk institutions.

Overcrowding at the British Columbia Penitentiary makes it necessary for between 5 and 10 per cent of new inmates to mix with others. This will be overcome when renovations of the East Wing are completed. When Kent institution is completed, the British Columbia Penitentiary will become the Regional Reception Centre.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response: Parts (a & b)

- (a) Competently staffed reception centres.
- (b) Isolation of new inmates.

Implementation Plan

Implemented

Summary of Solicitor General's Response: Part (c)

Major review of reception and classification as part of CPS/NPS integration.

Implementation Plan

- 1. C.D. on classification of inmates during reception process will be redrafted and sent to regions for review. April, 1978
- 2. Report to Senior Management Committee progress on CPS/NPS Case Management which includes classification. May, 1978

(cont'd)

Implementation Plan

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|---|---------------|
| 3. Assessment of regional comments and redrafting CD. | July, 1978 |
| 4. Presentation to Senior Management Committee. | August, 1978 |
| 5. Issue of revised CD. | October, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

It is recognized that there are problems presented by the fact that kitchens do not presently exist inside Archambault and Millhaven. This will be remedied by the provision of such facilities. As for B.C. Penitentiary, food carts will be used to ensure that meals are kept warm while being delivered to inmates.

Progress Report to Date

53. There are apprenticeship programs in nutrition and dietetics at nine federal institutions at the moment. Inside kitchens are now being planned for Archambault (completion 1980) and Millhaven (completion 1980). At a recent meeting of Senior Managers a policy of common dining for institutions was accepted.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

53. Inside kitchens to be built at Archambault and Millhaven.

Implementation Plan

- | | |
|---|----------------|
| 1. Plans for kitchens at Millhaven and Archambault approved by Senior Management. | February, 1978 |
| 2. Preparation of plans for construction of kitchens. | March, 1978 |
| 3. Expected completion date. | Spring, 1980 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

54. This Recommendation has been implemented. A new policy and procedures manual for Medical Services has been prepared and was distributed during the month of November. A consulting pharmacist has been hired on contract to streamline the more complex task of recording nationally the information in relation to all medications purchased and distributed in the institutions.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Implementation of new policy and procedures manual for medical services.

Implementation Plan

Implemented

Summary of Solicitor General's Response:

Part (b)

54. Directive to establish adequate drug dispensal records.

Implementation Plan

- | | |
|--|--|
| 1. Monitor the use of drugs in the institutions through the use of section 13 of medical information system. | On a monthly basis since November 1977 |
| 2. Report due from the consulting pharmacist. | October, 1978 |
| 3. Preparation of the report to SMC for approval. | December, 1978 |
| 4. Implementation of the report. | 1979 |

Recommendation:

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

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

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

Solicitor General's Response, August, 1977:

55. The question of the female offender is currently being reviewed on a federal/provincial basis, as a follow-up to discussions which took place on the subject at the recent Ministers' Conference. The recommendations of the Clark Report on the Female Offender, made public in March of this year, form an important part of that review.

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

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

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

Progress Report to Date

55. The life skills program has been restored and CPS is now training coaches in order to give more of these courses. The architects are now planning for construction of an activities building. Meanwhile the National Planning Committee will be meeting in Ottawa during March to prepare recommendations to be taken to the continuing Committee of Deputy Ministers responsible for corrections.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Parts (a & b)

55. Study of female inmates, Clark Report recommendations.
Use of exchange of service agreements.

Implementation Plan

- | | |
|--|--|
| 1. Preparation of Ministry Statement. | March, 1978 |
| 2. Completion of studies on security classification, population prediction, transfer mechanisms and standards. | March, 1978 |
| 3. National Planning Committee (NPC) Meeting. | March 7-9, 1978 |
| 4. Consideration of NPC recommendation by Continuing Committee of Deputy Ministers responsible for correction. | Date not firm not likely to be held this spring. |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

Progress Report to Date

56. A proposal is now being prepared for the kind of facilities which should be provided for a Special Handling Unit. It contains descriptions of the goals of programs in such a unit.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Special Handling Units to provide appropriate programs for "disruptive and dangerous" inmates.

Implementation Plan

- | | |
|---|--------------|
| 1. Report by Dr. Vantour re facilities for programs to be submitted to Senior Management Committee. | April, 1978 |
| 2. Development of approved program and CD. | May, 1978 |
| 3. Submission to Senior Management Committee dependent upon results of 1 above. | June, 1978 |
| 4. Plan for phased implementation of program for Special Handling Unit inmates. | July, 1978 |
| 5. Issuance of CD once approved by Senior Management Committee. | August, 1978 |

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

57. Camp Bison in the Ontario Region has been purchased and will be used for protective custody cases. In the Quebec Region, the plan is to use the Correctional Development Centre for protective custody inmates.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Separate institutions for Protective Custody in Ontario and Quebec.

Implementation Plan

Quebec

- | | |
|--|-------------|
| 1. Protective custody inmates to be housed in Correctional Development Centre. | 1980 |
| 2. They will begin to move in as Laval institution is phased out. | 1980 - 1981 |

Ontario

- | | |
|--|----------------------------|
| 1. Close protective custody unit at Millhaven. | March 1979 |
| 2. Close protective custody unit at Regional Reception Centre. | March 1980 |
| 3. Camp Bison to be opened and fully operational. | During fiscal year 1979-80 |

Summary of Solicitor General's Response

Part (b)

57. Separate protective custody units within existing institutions in other regions, and implementation of Vantour recommendations for their operation.

Implementation Plan

Atlantic

1. A regional committee is preparing plans for a permanent protective custody unit to be phased in with the opening of a new minimum and a new maximum security institution, as well as the closing of Dorchester. 1981

Prairie

2. A recommendation is to be forwarded to have Selkirk maximum accommodate fifty (50) protective custody inmates. April 1978

Pacific

3. Protective custody units exist at BC Pen and Mountain Prison. There are 18 Protective Custody inmates at the B.C. Penitentiary who are working in carpentry and masonry shops. There are approximately 30 Protective Custody inmates being isolated from other protective custody inmates and are held in the Super Maximum Unit area. This type of separation was recommended in the Vantour Report. The Regional Reception Centre in the B.C. Pen makes every effort to prevent an inmate from having to enter protective custody by classifying the inmate as quickly as possible and when possible, a transfer is arranged to an institution where the inmate can enter general population at Mountain Prison. Approximately 90% of the inmates who have at one time or another been in protective custody, have been able to enter into general population through the programs of that institution.

Recommendation

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

Solicitor General's Response, August 1977

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

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

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

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

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

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

Progress Report to Date

58. The option to extend the agreement with Quebec for ambulatory care in federal institutions has been exercised. Meetings have been held with Ontario Provincial officials on the subject of using "closed wards".

The Regional Psychiatric Centre in Saskatoon is now 65% completed. The medical and clinical directors have been appointed and they began preparatory work in January.

IMPLEMENTATION PLAN

58. Summary of Solicitor General's Response Part (a)

Option to extend agreement with Quebec for Ambulatory care in federal institutions

Implementation Plan

1. Contract to be implemented April 1978
2. Contract to be renewed. April 1979

58. Summary of Solicitor General's Response Part (b)

CPS meeting with Ontario officials re possible use of "closed" wards in psychiatric hospitals.

Implementation Plan

1. Regional Psychiatric Centre, as part of the accelerated building program to be completed. 1980
2. An exchange of services agreement to be worked out between CPS and Ontario Provincial authorities. It is difficult to give definite dates until Ontario government finalizes its plans for closed wards.

58. Summary of Solicitor General's Response Part (c)

RPC's in Saskatoon and Atlantic Regions to act as remand centres, admit patients held under Lieutenant-Governor's warrants, and affiliate with local universities.

Implementation Plan

Atlantic

1. Site selection and meetings with government and university representatives. 1977-78
2. Program Planning December 1980
3. Facilities Planning July 1981
4. Construction. December 1982
5. Fully operational June 1983

Prairies

1. Draft agreements have been sent to provinces and will be answered by Legal Counsel when returned. To be approved when returned from provinces
2. Full operationalization of RPC, in Saskatoon December 31, 1978

STATUS MARCH 1978

Recommendation

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

Solicitor General's Response, August 1977

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

Progress Report to Date

59. A program for the treatment of sexual offenders similar to the social therapy techniques of Fort Steilacoom which was viewed by the Sub-committee has been submitted and approved by Senior Management. The program will be implemented in Ontario; site selection is now under way.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response

Study of possible models for treatment of sex offenders, such as Fort Steilacoom, Illinois, Tennessee, and Minnesota programs

Implementation Plan

1. Mrs. Searle, the CPS employee in charge of this project, will be meeting with Senior Canadian Penitentiary Service officials with the objective of having a detailed plan worked out and documents by

March, 1978



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SHOULD BE

1 OF 2

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

Progress Report to Date

60. As was stated in August and November, 1977 the National Health and Welfare Department has the lead role in the interdepartmental consideration of the over all issue of drugs. The national capability for the treatment of drug addicts is the subject of interdepartmental examination at this time, and the results of the study will have a significant bearing on the government's approach to the issue of drugs.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Part (a)

Federal government examination of problem of drug abuse.

Implementation Plan

No specific date has been set for completion of the interdepartmental study. It is unlikely that the report will be completed before the summer.

60 Summary of Solicitor General's Response Part (b)

Canada/BC Task Force on drug abuse in B.C.

Implementation Plan

- | | |
|--|--------------------------------------|
| 1. Establish Federal/Provincial strategy committee. | Ongoing |
| 2. Provide for authorization to open first-class mail | Bill C-26 be debated in near future. |
| 3. Federal study of BC's proposal for "Health Entry Plan". | Early response expected |

Responsibility of DSG

Summary of Solicitor General's Response Part (c)

Continued examination of programs such as Portage.

Implementation Plan

- | | |
|---|---------------|
| 1. Negotiations ongoing for the establishment of a Portage Model Centre in Ontario. | April 1978 |
| 2. Review of Stonehenge proposal. | Jan.-Feb.1978 |
| 3. Meeting was held in Guelph with CPS department representatives. | February 1978 |
| 4. Contract agreement expected. | April 1978 |

Recommendation:

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

Solicitor General's Response, August, 1977:

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

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

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

Progress Report to Date

61. With reference to Wilderness Camp, the Pacific Region has wilderness camps in Clearwater, B.C.; Gutda, B.C.; and Wolfe Lake in the Northwest Territories. The Prairie Region is examining the use of a site near Banff. Ontario has found that most inmates are urban dwellers and there is no incentive for wilderness camps. For this reason two provincial forestry camps were closed last year. The Quebec Region has approached the provincial government to set up a forestry camp but has so far been unsuccessful. In the Atlantic Region it is felt that the Native Inmate Population (55 in number) is not large enough to justify a Wilderness Camp.

STATUS MARCH 1978

IMPLEMENTATION PLAN

Summary of Solicitor General's Response

Part (a)

61. Young Offenders Act

Implementation Plan

See Response to Recommendation No.2

Responsibility of DSG

Summary of Solicitor General's Response

Part (b)

Exchange of service agreements with the provinces re wilderness camps.

Implementation Plan

1. Examination of Native Crime and Justice Committee's Report. This will result in proposal for action. Ongoing
2. Submission of a proposal for a wilderness camp at Banff. April 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

The Minister cannot agree as a matter of principle with the suggestion that a Citizen's Advisory Committee should be constituted as a Board of Governors, with the power to appoint the institutional director and senior administrative staff. The need to appoint directors on the basis of merit and professional qualifications is an essential management function, and delegation of this function goes against the central theme of clear definition of lines of authority, and of the requirement for accountability and responsibility--a theme with which the Minister is in strong agreement.

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

Progress Report to Date

The Management Consulting Service has submitted its report on this recommendation that a Board of Governor's select the institutional director and his senior staff. Their recommendation after study is a compromise, i.e. that the Chairman of the Citizen's Advisory Committee should sit on the selection board for the Institutional Director. This concept is now being developed into a Directive which will be discussed at a national conference of regional representatives from Citizen's Advisory Committees being held in April. Should this recommendation be approved by Senior Management the Management Consulting Services further recommends that CPS would not have to wait until a new institution is opened before implementing this.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

To study the possibility of a Board of Governors for an Institutional Director.

STATUS MARCH 1978

62. Implementation Plan

1. Paper on this recommendation submitted.
2. To be discussed at a meeting of regional representatives of CAC's.
3. Development of a Policy proposal based on CAC's recommendations and submission to Senior Management.

April 1978

June 1978

STATUS MARCH 1978

Recommendation:

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

Solicitor General's Response, August, 1977:

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

Progress Report to Date

63. A paper on penal colonies has been prepared and another paper on the long-term offender is expected to be completed and submitted to Senior Management this month.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

In-depth study of penal community, and other approaches to problem of long-term incarceration.

Implementation Plan

1. Submission to Senior Management Committee of a paper on Long-Term Offenders. March, 1978
2. Assessment of Senior Management reactions to the paper on Long-Term Offenders and development of an approved program for pilot project. June, 1978
3. Any further plans dependent on decision of Senior Management.

Recommendation

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

Solicitor General's Response, August 1977

64. Based on the information available to the Subcommittee, its concern about the appearance of arbitrariness can be understood. However, for some years the National Parole Board, within limits imposed by resource availability, has instituted programs to lessen not only the appearance, but also the substance, of arbitrariness. Examples of programs now in operation which provide services in excess of those required by law are:

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

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

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

Progress Report to Date

64. The Criminal Law Amendment Act, 1977, enabled the Governor-in-Council to make regulations on a number of aspects of parole, touching on the rights of inmates. These includes the right to have a hearing when parole decisions are being taken, the right to know what information is in the hands of the Board, the right to have adverse decisions reviewed by other Board Members, the right to know the reasons for Board decisions, etc. Draft regulations have been developed and are awaiting submission for approval by the Governor-in-Council. In addition, it has for some months been Board policy to give written reasons for all parole denials.

The question of mandatory supervision is the subject of a research project. This will provide a data base upon which a considered response can be made.

IMPLEMENTATION PLAN

64. Summary of Solicitor General's Response

Regulations to provide for hearings and procedural safeguards for parole applicants and in cases of revocation of parole and mandatory supervision, under terms of C-51.

Implementation Plan

- | | | |
|----|--|--|
| 1. | The Criminal Law Amendment Act, 1977, referred to in Progress Report - expected to be implemented in one single stage. | Despite the complexity of the task, it is intended to proclaim these regulations early in 1978 |
| 2. | Study of Mandatory Supervision is now in process. | Long term |

- Responsibility of National Parole Board

STATUS MARCH 1978

Recommendation

65. The Standing Committee on Justice and Legal Affairs should have a permanent reference during the rest of the 30th Parliament and for the 31st Parliament to enable it to review the implementation of this Report in the context of the Criminal Justice System.

Solicitor General's Response, August, 1977

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

Progress Report to Date

65. This recommendation that a person be selected from the Penitentiary Service to work closely with the Standing Committee on Justice and Legal Affairs to inform them of the progress made towards implementation has been accepted in a modified way. The Minister tabled a progress report in his presentation to the Standing Committee and held several meetings "in camera" during the month of December, 1977, to discuss each of the 65 recommendations. During the appearance of the Minister at main estimates in March, 1978, he is tabling another report detailing the progress to date on each of the Parliamentary Committee's recommendations.

IMPLEMENTATION PLAN

Summary of Solicitor General's Response:

Continued close work with Standing Committee on Justice and Legal Affairs

Implementation Plan

Presentation of a recommendation by recommendation progress report for tabling before the Standing Committee on Justice and Legal Affairs.

March, 1978

17305

ADDENDUM TO
PROGRESS REPORT
ON THE PENITENTIARY SYSTEM
BY THE HONOURABLE JEAN-JACQUES BLAIS
SOLICITOR GENERAL OF CANADA

TO THE STANDING COMMITTEE ON
JUSTICE AND LEGAL AFFAIRS

MARCH 1978

ADDENDUM

Update to March Progress Report

April 4, 1978

In the March Progress Report under the Implementation Plans were a number of steps which were to be completed for the end of February or the end of March. The following lists those steps and indicates by recommendation whether those implementation stages have been completed. If they were not completed on schedule the reason has been set out along with the new expected completion date.

Recommendation Number and Summary of Stage to be completed:

- 3 - Discussions with the provinces over correctional standards were to have been led with Regional data gathering and analysis of that data. This was done with representatives from provincial governments, CPS, NPS and NPB.
- completed

- 4 - Job descriptions have been finalized and a list of alternatives to the present selection standards has been submitted to the Senior Management Committee. In addition, standards for tasks and competencies have been completed. These are now being assessed by supervisors and should be approved by the end of June.
- completed

- 8 - National Headquarters personnel were to have visited all the Regions to explain the process of identifying training positions.
- completed

- 12 - The revised policy on expansion of international contacts through exchange visits was to have been approved by Senior Management.
- completed

- 14 - Name identification tags to be worn by staff and inmates was to have been fully implemented. - completed*
- * Saskatchewan Penitentiary and Bowden Institute in the Prairies have not yet issued all I.D. tags. A shortage of printing materials at Bowden, and sick leave, educational leave and shift scheduling at Saskatchewan Penitentiary are the reasons for the delay. All other institutions report full implementation.
- 15 - The Commissioner's Directive on the transfer and discharge of inmates from Special Handling Units was to be approved by Senior Management and issued to the field. - completed
- 16a - A training program for the Emergency Response Teams was to have been established. - completed
- 17 - With reference to the employment of women as CX officers, selection standards and recruitment practices were to have been reviewed. - completed
- 19 - A 3-man committee was to have been established in every region to conduct an analysis of all Correctional and Living Unit Officers' positions. - completed
- 29a - Analysis and policy papers have been completed. It is expected that all present Commissioner's Directives will be processed in the new format by July 1, 1978. It is still expected that all C.D.'s, present and future, will be consolidated by April, 1979. - completed
- 33a - The Commissioner's Directive on Inmate Transfers was to have been prepared and sent to the Directives Management Team. There it will be processed, translated and issued. - completed

- 33b - Negotiations for standing offers on the use of charter flights, and discussions with the R.C.M. Police on the use of their flights are under way. - completed
- 34 - A centralized purchase of core legal materials has been done; however, this initial order will not be deemed to be full implementation. CPS objective is to provide materials that are not only relevant, but are packaged and presented in a manner that can and will be used and understood by the inmate population. - completed
- 38 - The new Commissioner's Directive on Inmate Committees was to have been approved by Senior Management, and all institutions were to have an Inmate Committee. B.C. Penitentiary is now holding elections. - completed
- 41b - The first evaluation of the Joyceville project was to have been analyzed. The possibility of establishing a similar industrial program at Springhill Institution has been examined and the results have proved positive. - completed
- 41c - The Bonus Plans, after one year of application in most of the institutions with industrial shops, have been a "great success". As a result there will be no need to re-submit to the Treasury Board, but instead a comprehensive report will be issued at the end of April which will form the basis for continuance. - completed
- 41d - Divisional Instructions were to have been prepared on the procedures to be used in implementing the earned remission system. Regional Officials were to be trained for implementation. - completed*

* The Commissioner's Directive and the Divisional Instructions will not be issued until this part of the Act has been proclaimed.

- 43 - The Ontario Institute for Studies in Education was to have begun its review of Penitentiary Education and Training in Canada. - completed
- The new Chief, Vocational Training, has started his analysis of present educational and training facilities, but the final report has been delayed for three months because he is on language training. - not completed
- A survey has been completed on the current practice of persuading inmates to learn. - completed
- 45 - The draft terms of reference were to have been received for the employment of Dr. Boyd to study the possibility of applying the Oak Ridge Social Therapy model as a pilot project. The contract is now in the hands of Dr. Boyd for signature. - completed
- 53 - Senior Management was to have approved of the concept of common dining rooms. - completed
- Consultants have been assigned the task of developing building programs and it is expected that the programs will be completed by the end of April, 1978. The expected completion date is still in the Spring of 1980.
- 55 - The National Planning Committee on the Female Offender met in March. A statement was prepared for the Ministry and the studies on security classification, population, prediction and transfer mechanisms have been completed. - completed

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SHOULD BE

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