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—
Chair

The Honourable John McKay

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• (0845)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): I call the meeting to order. I think we're close enough to 9:45 to get started.

An hon. member: Are we changing the clock?

The Chair: Well, I haven't changed my clock yet; I'm from Saskatchewan. Don't you know that Scarborough is part of Saskatchewan?

Before we ask our witnesses to speak, I want to acknowledge that YOUth in Office are in our committee room. I see some of them at the back there. Maybe they could just stand and wave at us.

Some hon. members: Hear, hear!

The Chair: These are students from the Boys and Girls Clubs and Big Brothers Big Sisters. They're accompanying MPs for the day. We got our picture taken in front of Instagram's #KindComments; I think maybe that should apply to members and that we should try to make kind comments over the course of our day.

Welcome to all.

Before I call Mr. Zinger as our main witness, I want to acknowledge that I have received on your behalf a letter from the Minister of Public Safety directly relevant to one of the recommendations Mr. Zinger makes in his report, in which he is asking us to commence a study. I want to acknowledge receipt of that.

I also want to say, Mr. Zinger, that for my sins I was reading your annual report on the airplane. I want to compliment you on its being so accessible. You made really good points. It was clear, accessible, and highly readable. I thank you for making those efforts for us.

Without further ado, we have Mr. Zinger.

[Translation]

Dr. Ivan Zinger (Correctional Investigator of Canada, Office of the Correctional Investigator of Canada): Good morning, Mr. Chair and members of the committee.

Thank you for the invitation to appear. It is a pleasure to be here.

[English]

I'm joined today by Hazel Miron, senior investigator with my office. Hazel's caseload includes healing lodges. Of note, her great-

great-grandfather was one of the signatories of Treaty No. 8. Hazel is a band member from the Sucker Creek First Nation of northern Alberta. As correctional investigator, I often seek her advice on matters involving indigenous people and federal corrections. I invite members of this committee to benefit from her experience and knowledge as an indigenous woman working in correctional oversight. You may certainly direct your questions to her.

I commend the committee for taking on what probably is the most challenging issue in Canadian corrections today. Indeed, over-representation of indigenous people in Canadian jails and prisons has to rank among this country's most pressing social and human rights issues.

As my office has often noted, a history of disadvantage follows indigenous people of Canada into prison and often defines their outcome and experience there. As ombudsman for federally sentenced offenders, my remarks are limited to how people of aboriginal ancestry fare in federal custody and what could be done to bring about better results.

[Translation]

Let me take a moment to remind members of my office's role and mandate. Under the Corrections and Conditional Release Act, my office is mandated to conduct investigations into the problems of federal offenders related to decisions, recommendations, acts or omissions of the Correctional Service of Canada.

The Office is an oversight, not an advocacy, body. Staff members don't take sides when resolving complaints against the CSC. The office independently investigates legitimate complaints and ensures that federal offenders are treated fairly and in compliance with the legal and policy frameworks. We view corrections through a human rights lens, and we make recommendations to ensure safe, lawful and humane correctional practice.

• (0850)

[English]

With respect to the concerns of this committee, I would begin by noting that the failings of the criminal justice system with respect to indigenous people have been extensively studied and documented. Corrections did not create the problems of indigenous overrepresentation in Canada's criminal justice system, nor will it solve it on its own. As the Royal Commission on Aboriginal Peoples concluded more than 20 years ago, high rates of aboriginal overincarceration speak to the peoples' loss of culture, identity, and spirit. That conclusion still holds true today.

That said, for the period of time that a person is under federal sentence, it's fair to say that the Correctional Service of Canada has a role to play in addressing the factors that brought that individual into contact with the criminal justice system in the first place. On that score, the office has concluded that federal corrections is failing indigenous people.

In January 2016, the office reported that federal corrections had reached yet another sad milestone. At that time, indigenous overrepresentation in federal corrections had just surpassed 25% of the total inmate population. Less than two years later, today, indigenous people represent 27% of the total federal inmate population. Overrepresentation is even more entrenched for federally sentenced women of indigenous ancestry, who now represent 38% of the total female population in federal corrections.

The pace and intensity of this problem is quickening and deepening as the non-aboriginal inmate population declines. In fact, any net growth in the federal inmate population since 2012 is almost exclusively attributed to new or returning admissions of indigenous offenders.

[Translation]

Assuming all other things remain equal in indigenous and Canadian society, the year-on-year increase in the number of indigenous admissions to custody can be expected to get worse. Young indigenous people are coming into contact with the criminal justice system at rates that surpass even those of their parents. In 2015-2016, Statistics Canada reports that 35% of all admissions to youth correctional facilities in Canada were indigenous youth between the ages of 12 and 17.

Similar numbers are reported in provincial adult corrections. In 2015-2016, 75% of all admissions to provincial custody in Saskatchewan were indigenous. In the same year, 73% of all correctional admissions in Manitoba were indigenous. The rate was 31% for British Columbia, 70% for Yukon, 86% for the Northwest Territories and 100% for Nunavut.

Federal corrections mirror these broader regional and demographic trends. Today, 50.5% of the federal inmate population in the Prairie region is Indigenous. In fact, some institutions in that region can be considered "indigenous prisons".

For instance, at the regional Psychiatric Centre in Saskatoon, 62% of residents are indigenous; in the Stony Mountain Institution in Manitoba, the figure is 64%; there are also 64% in the Saskatchewan

Penitentiary; and finally, 61% of offenders are indigenous in the Edmonton Institution for Women.

[English]

In the office's latest systemic investigation, which looked at younger offenders aged 18 to 21 in federal custody, we noted that nearly two in five younger people in federal penitentiaries were of indigenous ancestry. Many of these youth reported previous contact with the youth justice system, some of the lowest levels of educational attainment, and the highest degree of involvement with child welfare authorities, including foster homes.

We titled the report "Missed Opportunities" on the basis that the Correctional Service of Canada was doing very little to turn the lives of these young people around. By the way, the majority of these young persons were serving their first federal sentence, and many indigenous young adults reported being gang-affiliated or pressured to join a gang within the walls of the penitentiaries.

In my 2016-17 annual report tabled in Parliament last week, I reported that indigenous people in federal corrections are released later in their sentence; are disproportionately overrepresented in segregation placement, use of force intervention, maximum security institutions, and self-injury incidents; and are more likely to be returned to prison due to suspension or revocation of parole. In fact, on nearly every indicator of correctional performance, indigenous people fare much worse than their non-indigenous counterparts.

Despite faster entry into correctional programs and higher completion rates overall, indigenous offenders are still being released later in their sentences and having parole revoked far more often than their counterparts. The majority of indigenous offenders are still being released from custody at their statutory release date, having reached two-thirds of their sentence. Most of these releases are still carried out from a maximum security or medium security facility, meaning indigenous offenders are released more often without the benefit of a graduated and structured return to the community.

In the context of overrepresentation, these results seem to defy reality. It bears reminding that the majority of indigenous people entering federal custody are serving a relatively short sentence of three years or less. Even so, the Auditor General reminds us that just over 10% of indigenous offenders had their case prepared for parole hearing at their earliest eligibility dates.

The Correctional Service has still not developed tools to assess how culturally specific interventions for indigenous offenders, such as elder services, healing lodges, Pathways, and partnership with community groups and organizations, contribute to safe and successful reintegration. There's still not adequate guidance or training on how aboriginal social history should be considered in case management decisions. As a consequence, not nearly enough attention or understanding is applied to Gladue factors in the administration of an indigenous person's sentence.

On the reintegration side, the space in the community to support indigenous offenders remains far from adequate. There are no agreements in place in British Columbia, Ontario, Atlantic Canada, and the far north. Three of the four aboriginal-run healing lodge facilities are on reserve land, yet indigenous offenders are being released to urban settings. Inexplicably, there continue to be substantial funding discrepancies between healing lodges operated by aboriginal communities under section 81 and those operated by Correctional Service of Canada. Finally, all section 81 facilities are designated minimum security, yet indigenous prisoners are predominantly classified and released from medium and maximum security institutions.

In my office's latest annual report, I recommended that the Correctional Service of Canada review its community release strategies for indigenous offenders with a view to, one, increasing the numbers of agreements with indigenous communities for the care and custody of medium security inmates; two, addressing discrepancies in funding arrangements between CSC and aboriginal-managed healing lodge facilities; and three, maximizing community interests and engagement in release planning for indigenous offenders at the earliest opportunity.

● (0855)

CSC appears to be responsive to these recommendations, though a clear sense of urgency, leadership, priority, and top-level engagement in these matters still appears to be lacking. I would note that CSC still resists the suggestion that it should create a deputy commissioner for indigenous corrections, a position that would be solely responsible for and dedicated to improving correctional outcomes and accountability for federally sentenced indigenous offenders.

● (0900)

[Translation]

Let me conclude by noting that the Truth and Reconciliation Commission called for the elimination of overrepresentation of aboriginal people and youth in custody over the next decade.

Over the years, similar calls to action and government commitments have been issued. For corrections, one thing is clear: we should not expect more of the same to produce better or different results.

Thank you for your attention and interest in the work of my office. We would be happy to take all of your questions.

[English]

The Chair: Thank you, Mr. Zinger.

Go ahead, Mr. Spengemann, for seven minutes, please.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Mr. Chair, thank you very much.

Dr. Zinger, Madam Miron, it's great to have you in front of the committee.

Madam Miron, I think it's special privilege for members of the committee to have you here and to hear your views this morning on this very important issue.

I'd like to thank you for being so frank and so compelling in your comments. I think this is a problem that the committee is very well

aware of and seized with, but that Canadians also are very concerned about. We have to be mindful that we're not inadvertently allowing some of the horrors of the residential school system to creep back in through the Correctional Service. Thank you for your work and your service.

I want to start by drawing your attention to chapter 4 of the "Annual Report of the Office of the Correctional Investigator 2016-2017". At the end of chapter 4—I'm just going to read them briefly—there are three recommendations:

- i. increase the number of Section 81 agreements to include community accommodation options for the care and custody of medium security inmates;
- ii. address discrepancies in funding arrangements between CSC and Aboriginal-managed Healing Lodge facilities, and;
- iii. maximize community interest and engagement in release planning for Indigenous offenders at the earliest opportunity.

Dr. Zinger, there is no recommendation that is specific to gender issues, even though you, in very compelling terms, had highlighted that 37.9% of the population of female inmates is indigenous.

Is the fact that there is no specific gender recommendation a result of the conclusion that gender applies equally across those three recommendations, or, if you were asked to be a bit more precise, are there specific issues that relate to gender, especially female youth? Girls, as you pointed out, are disproportionately represented, even more so than women, in the corrections system.

Dr. Ivan Zinger: Thank you for your question.

I have to say there's no shortage of recommendations my office has made over the years on issues related to indigenous people in prison. My office has established six corporate priorities, and one of them is of course indigenous people, but another priority that is included in my annual report is women in corrections. Under that chapter we're certainly quite sensitive to the situation of women in general, but also indigenous women.

In this year's report we were very concerned about how women who are classified as maximum security and housed in what are referred to as "secure units" are being treated within the facilities of the Correctional Service of Canada. I would say anywhere between 50 and 60 women are classified as maximum security in federal penitentiaries, and nearly half of these women are actually indigenous in their background.

I think one thing we are also very sensitive to is that the rate of trauma among indigenous women is very high, extremely high. I would argue that, yes, they are offenders, but first and foremost they have also been victims. The rate of physical, sexual, and psychological abuse is extremely high. The rate of trauma is also extremely high. The rate among indigenous women with respect to self-harm and suicide attempts is off the charts, much higher than for non-indigenous women. The service confines these women in an overly restrictive and harsh environment when it comes to secure units. There is no therapeutic approach and certainly no trauma-informed approach to address the high needs of these women.

● (0905)

Mr. Sven Spengemann: Thank you very much, Dr. Zinger.

Madam Miron, I would like to take you to the 2012 report, "Spirit Matters". A conclusion in that report states that there is "limited understanding and awareness within CSC of Aboriginal peoples, cultures, spirituality and approaches to healing."

We're now five years down the road from that report. I'm wondering if you could update the committee on whether that still holds true and what progress has been made on this particular issue, taking into account the disproportionate overrepresentation of indigenous women.

Ms. Hazel Miron (Senior Investigator, Office of the Correctional Investigator of Canada): I'd like to thank Ivan for the nice introduction.

I think there has been a little bit of progress in terms of the healing lodges and in corrections today. However, there seems to be, in my opinion, a drift from the cultural aspect and focus of the healing lodges and the institutions. There is a shortage of elders. For section 81 facilities especially, there's not enough money and resources to do the work that needs to be done.

In terms of the culture, they've drifted away from it. In the women's facilities a lot of incidents have increased. There is a little bit of improvement, but not what we should be seeing at this time.

Mr. Sven Spengemann: Thanks very much, Madam Miron.

Would it be possible for your office to provide the committee with a geographic mapping of both the current healing lodges and the elders who are involved in the corrections process? That would give us an idea of how broadly the country is covered through those two very important elements.

Dr. Ivan Zinger: Absolutely.

There are basically nine healing lodges, four of which are operated under section 81. I will remind the committee that section 81 allows for the Minister of Public Safety to enter into an agreement with an indigenous community for the care and custody of indigenous offenders. Only four such agreements, with a bed capacity of about 97 individuals, have been struck. Recently there was increase in capacity for women, with I guess now an additional 12 women at the Buffalo Sage institution.

We can certainly provide the committee with details on those facilities and on the number of elders.

Mr. Sven Spengemann: Thank you very much.

Thank you, Mr. Chair.

The Chair: I would remind members and witnesses to perhaps keep an eye on the chair. I have the unfortunate task of trying to keep things on track here.

Mr. Motz, I'm sure you'll help me keep things on track. You have seven minutes.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Mr. Chair.

Thank you, Dr. Zinger and Madam Miron, for being here today.

One thing I've always been curious about with regard to the overrepresentation of indigenous people in Canadian jails and prisons is their origin. Is the criminality occurring on reserve or is it

occurring predominantly in urban settings? I've never been able to determine exactly where it's coming from with regard to the contact with law enforcement.

Dr. Ivan Zinger: I'm not sure I'm the best person to answer that question. My mandate is specifically related to the administration of federal sentences. My expertise certainly lies more in that realm.

I will tell you that part of what we see is that many federal offenders, upon release, are interested in going back not to reserves but to urban centres. That's more the scenario that we see on a daily basis.

Maybe Statistics Canada can provide you with a better response.

● (0910)

Mr. Glen Motz: Right. Thank you.

You concluded that "federal corrections is failing indigenous people". How do you see that occurring?

Dr. Ivan Zinger: Well, their correctional outcomes are poor, and I think that's what they have control over. As I said in my remarks, the Correctional Service of Canada has no control over who is being admitted into their facility. The only control they have is to make sure that they do good case management, which allows offenders to take programs to address their needs, to reduce their risk of reoffending, and to be cascaded from the highest security to the lowest security and then back into the community. That isn't being done as rigorously as it should be.

That's one example of these kinds of failings.

Mr. Glen Motz: That brings me to another question. You also reported that federally sentenced indigenous persons are more likely to be classified in maximum security institutions than their counterparts. Why would that be?

Dr. Ivan Zinger: One of the things now being debated in the courts, which we have written about in our annual reports, is that the Correctional Service of Canada has never validated its actuarial tools to assess risk. It did validate the tools, but they never created tools specific to indigenous people. They're using tools developed for the cohorts, but they never looked at indigenous factors to develop tools from the ground up, so the risk inherent in the tools they're using is uncertain.

When the CSC looked at the reclassification tool for women, they developed a new tool from the ground up that was able to reduce classification by 20%, so we have a previous example that can be used to declassify people who do not necessarily need to be classified in this way.

We have many individuals who are classified in maximum security because they have significant mental health issues. There's a high prevalence of indigenous offenders with FASD. There are some severe addiction issues. People are being put into a higher classification than needed, rather than into a therapeutic environment where trauma-informed therapy is provided, where sustained addiction issues are being addressed, and where mental health issues and cultural needs are being looked after.

Mr. Glen Motz: Is programming for indigenous people as available in maximum security as it is in medium or minimum security?

Dr. Ivan Zinger: Access is one thing, but whether it is provided is another. The best results, the kind you see with healing lodges, are usually provided in lower-security institutions. That's where the programs have the highest rate of success. As you go up, it's more difficult to provide programs. They may have a program, but it may run only once or twice a year, so you find many offenders on a waiting list to complete programs in their correctional plan.

Mr. Glen Motz: I appreciate your saying that corrections did not create the overrepresentation of indigenous peoples in our justice system and that it won't necessarily be able to solve it either.

Ms. Miron, we know that young indigenous people are coming into correctional facilities and the justice system at rates that surpass those of their parents and those of other populations. What are the main drivers of criminality among our indigenous youth?

• (0915)

Ms. Hazel Miron: You have the residential schools and the trauma coming down through the families. If we go back three generations, the grandparents were affected by the residential schools, and this was passed on to the parents. These kids are suffering from the residual effects of trauma from the residential schools. I believe the last one closed in 1970.

Also, if they're coming off reserve and into the urban centres, I believe they get into conflict with the law simply because of cultural differences. There is overrepresentation, but on the upside there are also indigenous youth who are going to school and being successful.

The Chair: Thank you, Mr. Motz.

[Translation]

Mr. Dubé, you have seven minutes.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

Thank you for being here with us today, Mr. Zinger.

I would like to go back to the aspect of security and its impact. We see that there is an overrepresentation of the indigenous population in maximum security establishments.

I want to make sure I understood the comments you made in reply to my colleague's question. The offer of programs differs in those establishments, which inevitably causes rehabilitation issues. Is that correct?

Dr. Ivan Zinger: Yes. It is always more difficult to offer programs in maximum security facilities. The prison population is often fragmented. That means that certain units cannot mix with others, because there are gang-related safety issues, among others. It is difficult to find enough candidates to offer certain programs. This is an operational problem for Corrections Canada.

The routines are often very difficult to manage. What finally happens is that very few programs are offered every year in maximum security establishments where the majority of the prison population is indigenous.

Mr. Matthew Dubé: When the evaluation is done to determine the security level, does that process cause problems? Could improvements be made? Can you suggest solutions?

Dr. Ivan Zinger: I think it would be important for the correctional service to develop risk assessment tools that are more sensitive to indigenous reality. Some research work needs to be done if we are to develop tools that are better adapted to the realities of indigenous offenders, and if they are not to be penalized because of their origins.

Mr. Matthew Dubé: Last week, representatives of Public Safety and Emergency Preparedness told us that a mental health and addictions assessment had been done. However, I get the impression that there is still a lot of work to be done.

Do you agree?

Dr. Ivan Zinger: Absolutely. The majority of indigenous persons that are incarcerated are cases that require a lot of work, because they bring all sorts of problems into the penitentiaries with them that require follow-up.

One of the things we highlighted in this year's annual report is that despite the follow-up given to the recommendations of the Auditor General, and despite efforts to give indigenous inmates quicker access to various programs and obtain a higher level of participation, aboriginal persons leave the penitentiaries and return to them. Their parole is suspended or revoked at a higher rate than that of non-aboriginals.

We have to wonder if correctional service programs are adapted and effective at improving these mediocre results.

• (0920)

Mr. Matthew Dubé: Certain comments were made with regard to young adults who are also overrepresented.

I raised the issue with the representative of the correctional service who appeared before the committee. There are some very general programs for young adults. However, her answer showed that there aren't really any programs for indigenous youth, nor to address the issue you raised with regard to prior judicial records.

Do you have any recommendation to make in this regard? What could we do to assist young adults more specifically? As everyone knows, if we cannot rehabilitate them, this may potentially go on for the rest of their lives. That is, of course, what we would like to avoid.

Dr. Ivan Zinger: Recently, we published a report entitled "Missed Opportunities: The Experience of Young Adults Incarcerated in Federal Penitentiaries", which was about the issue of inmates aged 18 to 21.

We made 17 recommendations. We are still waiting for a reply from the Correctional Service of Canada.

What came out of the interviews we conducted with 94 inmates in that age group was that in general, there is no specific policy for that age group. In my opinion, the upcoming reforms should include a policy or a guideline from the commissioner for that age group. There are also no programs for these youths. In addition, parole officers have very little contact with those young offenders. They meet with them on average once or twice in a two-month period. We feel that there ought to be more follow-up to support these young people.

With regard to indigenous people, the most worrisome factor is the whole issue of affiliation with street gangs. There is really no strategy to distance these young people from street gangs, nor to prevent them from being recruited into them in our penitentiaries, thus jeopardizing their future lives.

The Chair: Thank you, Mr. Dubé.

Mr. Picard, you have seven minutes.

Mr. Michel Picard (Montarville, Lib.): Thank you, Mr. Chair.

Good morning, Mr. Zinger and Ms. Miron.

I'm afraid my question requires a rather long introduction, so I hope you will be patient with me.

The correctional system is not responsible for the increase in percentages. There is something or someone that causes this population to go into the system. This creates greater pressure on the correctional system, which must respond by offering programs that are non-existent or not available because they are so targeted.

In your presentation, you recommend "increasing the number of agreements with indigenous communities for the care and custody of medium security inmates." Even in ideal circumstances, if the entire indigenous system took charge of the entire indigenous population, all we would do is displace the problem onto the shoulders of another group, which would not prevent the increase in the percentage of indigenous incarcerated persons. We would not be solving the problem at the source.

In a way, is the system not adversely affected by the limit on the application of these recommendations? No matter how many programs you have, if these people continue to join the correctional system in industrial quantities, it will continue to be overwhelmed.

What is your position? What is your reaction to this reality which seems inevitable, and about which we would like to hear your recommendations? In fact, I think that all of the parties agree that we have to improve the system. However, we seem powerless to affect the things that do not occur at your level, but upstream from that.

Aside from improving the system so that people transit through it faster, may we expect the correctional system to make recommendations that will help reduce the number of people that enter it?

• (0925)

Dr. Ivan Zinger: Your analysis is quite correct. The problems are upstream, in society. In my opinion, the basic problem has to do with the social, economic, cultural and political rights of indigenous people. I think that when people are equal and when we have reached a level of recognition and an equal partnership, all of these problems could be solved upstream, once again.

As for criminal justice, the Correctional Service of Canada comes in at the end of the process. And so it would be unfair to ask it how to solve these societal problems. However, we have to pay close attention to what happens in the correctional universe. Indeed, we can observe the impacts of broad Canadian policies there. We can observe them and take them into account in our penitentiaries.

What do we see in our penitentiaries? We see that there is an overrepresentation of indigenous persons, serious mental health problems, and an overrepresentation of black inmates. The level of addictions is incredibly high. The average educational level attained by our inmates is grade 9. All of these problems have not been solved in society. And yet, it is there upstream that they must be solved.

To get back to the criminal justice system, I think it is the responsibility of police forces, prosecutors, judges and the correctional service to break down these barriers and not perpetuate this unfairness and injustice.

For my part, my role is limited to corrections. My legislative mandate is to investigate inmates' problems.

May I reiterate that solutions must be implemented, because if we continue to do exactly the same thing at the correctional level, we will not improve the performance indicators that are under the control of correctional services.

Mr. Michel Picard: Ms. Miron, did you want to add something?
[English]

Ms. Hazel Miron: I just want to add to that.

I think one of the missing pieces here, as I've said before, is that in overseeing all of the healing lodges, there's a drifting away from the MOU. The community is very much waiting to be included in the memorandum of understanding that they signed with CSC. Some of the specifics in those memorandums have not been met. I understand that they're going to be meeting again to discuss some of the specifics that they need in order to go forward.

There's an under-representation of indigenous staff working at the healing lodges, especially in senior-level positions. Elders do not have the decision-making authority that they're supposed to have.

I'm speaking from experience. I worked in a healing lodge for 10 years. You can't run a healing lodge with the colonial style of thinking. You need to run it from aboriginal ways of knowing. Once that is fulfilled, I think you'll get some really good results.

I'm not saying that CSC is.... They've made some gains in that area, but I think they need to return to the table, return to the community members and chief and council, talk to them, and start working on a relationship that is positive and inclusive.

They need to consult. One of the big problems we hear about in the paper all the time is that there's no consultation with the indigenous chiefs or indigenous people. I know from speaking with some of the chiefs and councils when I do my visits at the healing lodge that they are ready. They want to make a difference in terms of reconciliation.

If we don't start having that discussion, that dialogue, then I don't think there'll be any kind of remedy going forward in terms of CSC and helping our indigenous young offenders or the ones who are already incarcerated.

Programs have to be completed and initiated within the frame of reference of indigenous people, from indigenous ways of knowing. They need to have wardens and staff members who are role models for indigenous inmates and young offenders. In my role as senior investigator, I always hear the comment, "Wow, it's so good to see an indigenous senior investigator." I'm proud of that, because at least I give a voice.

I don't play favourites because I am a person that walks the two worlds. I walk in the white world and I walk in the indigenous world and I take the best of both. I'm speaking from my heart today because, as you know, there is a big crisis for our indigenous inmates. I am a survivor of the effects of residential school. I am a survivor of sexual abuse. There are a lot of things I can speak to.

I started working in 1995, when the model in "Creating Choices" started being used. They drifted away from "Creating Choices". Edmonton Institution is now basically a maximum security institution. I went back for four months to see it, after "Creating Choices" sort of eroded, and it was just a prison system. There are not enough indigenous staff members to offer assistance or to act as role models for indigenous inmates there. I know that when we started with "Creating Choices," about 70% to 80% of the women working there were indigenous, and we had success.

● (0930)

The Chair: Thank you, Ms. Miron and Mr. Picard.

Mr. MacKenzie, you have five minutes.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair, and thank you to the members for being here today.

First, I have to say that I agree with Mr. Picard. I think one of the problems we would all agree on is that if we cut it off before people end up there, for whatever purpose or whatever reason....

It was interesting when at one of our last meetings one of the presenters indicated that only 30% of the aboriginal community had had any feeling of tribal history or a connection to it. One of the things I was trying to bring back was that relationship between the community and the offender.

In your estimation, is one of the problems that these people have become detached from their history?

Ms. Hazel Miron: I believe so. In speaking with the indigenous fellows at the healing lodges, I hear a disconnect from their history.

Oftentimes they leave the reserve and get into conflict with the law, and then there are some issues. When they finally start going to programs that are indigenous-related, speaking with the elders and learning about their culture, they take another mindset in terms of their offending. There are a lot who go out of the prison system and don't come back once they've made that connection with their culture.

Mr. Dave MacKenzie: I thought I heard you say also, as I think Mr. Zinger indicated, that many of these aboriginal individuals,

perhaps more on the youth end, do not wish to go back to the reserve but wish to be released into a more urban setting. There seem to be two disconnects in that whole situation.

Our problem as a society may very well be not the disconnect but how we work with young people so that they're not in conflict with the law in the first place. I don't know whether that's an area that you wish to comment on. It seems to me—and I think that's what Mr. Picard is saying—that unless we can find those solutions, these numbers are just going to keep escalating. There has to be a reason that it's going down in the one population and going up in the other. Ultimately we will end up with only aboriginal community members incarcerated, and that doesn't seem right.

Do you have any comments or suggestions on how we can work together to fix that problem?

● (0935)

Dr. Ivan Zinger: Again, these are obviously very complex issues.

For the last 30 years, governments have not been able to stop or, even better, reverse the gross overrepresentation of indigenous people in jail. The incarceration rate is extraordinary. It keeps growing year after year. Various governments over that 30 years have, I think, attempted genuinely to address the issue.

I am encouraged by some of this government's approach in terms of a truly equal partnership. This certainly resonates with me. I'm quite focused on section 81.

Section 81 was introduced by the Brian Mulroney government in 1992. Those provisions under the Corrections and Conditional Release Act were seen at the time as extraordinarily creative, inventive, and so on, and they were looked at around the world as best practices.

However, , after 25 years, there have been only four agreements for a bed capacity of now just over 100 since some additional beds have been provided. In a way, by handing over to indigenous communities the responsibility—and you have to do this with the proper funding and support—of managing the care and custody of indigenous people, it parcels out and takes out all the issues with respect to culture and spirituality, because now you don't have to train your people to be more sensitive. You don't have to deal with issues around prejudice or racism. I would hope that these agreements would become the norm, not the exception.

The Chair: Thank you, Dr. Zinger. Thank you, Mr. MacKenzie.

Ms. Damoff, go ahead for five minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you very much.

Dr. Zinger, I'd like to start by commending you on your report. I know you had big shoes to fill after our previous corrections investigator. I particularly like your use of pictures in it. You commented on that yourself, but I think it gives the reader a far better sense of what is happening in corrections. Thank you for what you did with your report.

Unfortunately, I have only five minutes. I was encouraged by what you were saying about what our government is doing on this issue, because I think we would all agree that the government, in the way it views corrections in general and in particular with regard to indigenous peoples in corrections, sets the tone for everything that flows through CSC and the people who work there. As you probably know, we recently committed \$65 million towards the indigenous community corrections initiatives. That's a start.

Do you think that more investment in those types of programs would be useful?

Dr. Ivan Zinger: It's difficult for me to comment. What I can tell you is that tweaks are probably no longer the required action that needs to be put forward. The government has to be bold here, because many governments before yours have attempted to tweak the system. When you say, "Well, let's do a little better on the Gladue decision", the Gladue decision dates back to 1999 and has not made a significant dent in slowing it down. Maybe it has, but it's fairly minor. We know that the previous government, with its tough-on-crime agenda, only made things worse in terms of the composition of the inmate population, with lots of mandatory sentences as well as harsher sentences. It's time to be bold, as opposed to making minor tweaks and minor investment here and there.

If it were me, I would focus on the young people. It might take a generation, but focus on the young people so that they have what is required to live positive lives that do not drift into the criminal justice system.

● (0940)

Ms. Pam Damoff: While all of us recognize that there's a concern with people before they get into corrections, the focus of our study is access to programming and the inability of indigenous inmates to access early release.

In terms of parole, my understanding is that there used to be circles that were done with elders, and those were done away with in order to do it by video conference to save money. Are you familiar with that change, and do you see a benefit in going back to the way it was done previously?

Ms. Hazel Miron: The circle would be beneficial, because everybody involved is there and it's done really well. There would be a benefit to going back. However, in remote areas, they do have to go with the conferencing.

Ms. Pam Damoff: Okay, but you do see a benefit to using the actual circle with an elder.

Ms. Hazel Miron: Yes, I do.

Ms. Pam Damoff: Okay.

In terms of the young people, they're coming in with minor offenses and often leaving worse than when they came in. In terms of programming in our corrections facilities, we heard that programs were lumped in together so that there's one program. If you're a sex offender, you get the same program as someone who has mental health issues. Do you see a benefit to creating more programs, programs that are more targeted and culturally specific?

Ms. Hazel Miron: Yes. If they're going to spend money on the programs, they need to focus on programs coming from the cultural

perspective. They also have to look at indigenous program officers who can deliver the programs. That's very effective.

Ms. Pam Damoff: How do we get more indigenous officers in there? What kind of schooling is required, and is there a need for some support from the government to ensure that people are able to take the time to get the schooling they need to become those officers?

Ms. Hazel Miron: I would hope so. I do believe they need a degree now to become a correctional officer, so I'm not sure. A recruitment drive and things such as that do help. In my role, I do some speaking. I'm doing my master's degree in law and legal studies at Carleton University. I go to the classrooms and I speak about my experience and I talk about my profession.

The Chair: Thank you, Ms. Damoff and Ms. Miron.

Mr. Motz, you have the final question.

Mr. Glen Motz: Thank you, Mr. Chair. I'll be sharing this time with you at the very end.

The Chair: It's very kind of you, sir.

Mr. Glen Motz: No problem.

I have just one question, Dr. Zinger, and it's a "why" question to what you reported. Ms. Miron, I'd like to hear your response as well.

Specific to indigenous people in federal corrections, you say they are released later in their sentences and they are disproportionately overrepresented in segregation, use-of-force interventions, and self-injurious incidents. As well, they're more likely to return to prison due to the suspension of their temporary releases or their paroles. Why?

Ms. Hazel Miron: I can speak to one of them. Regarding the continuum of care that appears to be non-existent with CSC, I think that if there was a refocusing in terms of continuum of care, we would not see the numbers of revocations that we see now.

Mr. Glen Motz: I'll just interrupt, if I can. When you refer to "continuum of care", do you mean upon release?

Ms. Hazel Miron: Yes. When they are leaving the institution, there should be some kind of connection to the community. This is what the indigenous inmates are having an issue with, because there is really no plan to go into the community.

Mr. Glen Motz: Is there no plan, Ms. Miron?

Ms. Hazel Miron: Well, there is somewhat of a plan, but I don't think it's a very detailed plan in terms of release into the community. They do have to find employment or maybe go to school, and there is a shortage in community residential facilities. There is a lot of funding that isn't there. Yes, we have day parole housing, but there is a shortage of day parole houses. There are no healing lodges in Ontario. There are a lot of things that need to be looked at, and I think there needs to be a refocusing on returning to the elders' vision for the healing lodges in the community.

Just from my side of the house, I think they face a lot of racism in the institutions. Lots of times they are given waivers so they don't have to go to day parole. They are told to sign a form; they don't know what form they are signing, and they sign off their day parole eligibility date. That is why a lot of them have to stay beyond that eligibility date to reach their statutory release, and a lot of them are leaving on stat release.

• (0945)

The Chair: Thank you, Mr. Motz.

Before I let you go, it's not unprecedented but it is a bit unusual that there be a recommendation that a committee study a particular subject, and it's not unprecedented and not unusual that a minister write a letter asking us to do so. At this point, the committee is not undertaking to do so. Nevertheless, I imagine both you and the minister are quite persuasive on the direction of the committee.

In a very short intervention, could you be very directive as to what you wish to have the committee study when it comes to the conduct of a special study on inmate work and prison industries?

Dr. Ivan Zinger: Certainly, Mr. Chair.

Upon admission to federal penitentiaries, 60% of the inmates have an employment issue that requires some attention. We've talked about young people. When we conducted our study, what we found was that the majority of young people were not registered in programs or meaningful work. Most of the institutional work is a menial kind of work.

There is a prison industry called CORCAN, which has some good, well-equipped facilities with outstanding facilitators, but that involves less than 10% of the inmate population. When we look at women, for example, we see that they typically work only in stereotyped work, such as textiles, laundry, and sewing, and there are some pictures in my annual report to show these kinds of things.

Government after government has always thought that work would be useful for improving rehabilitation, that it would increase the skill level and then increase the likelihood of returning the person as a law-abiding citizen who is better equipped. I think work has to be significantly looked at, and this committee could certainly reflect on it and provide some guidance to the Correctional Service of Canada.

The Chair: With that, I want to thank Ms. Miron and Dr. Zinger. I expect we will be seeing you again. Thank you for your testimony, your work, and your service.

With that, we are suspended while we re-panels.

• (0945)

_____ (Pause) _____

• (0950)

• (0955)

The Chair: I call this committee back to order, please.

The meeting is now back in session. We have our witnesses here and I'm not sure who is going to be first. How about you, Ms. Andrews?

I'm going to reserve five minutes at the end of the committee hearing for committee business. With that, Ms. Andrews, are you first up?

Ms. Audra Andrews (Representative, Union of Solicitor General Employees): Yes. Thank you.

The Chair: Thank you very much.

Ms. Audra Andrews: I'm sorry if I'm a little nervous. I feel a little like a fish out of water.

The Chair: Don't be nervous. It's actually the members who should be nervous, rather than you.

Ms. Audra Andrews: Good morning, and thank you for having me here.

I realize it is not often that a front-line staff member has this opportunity, so for that I am extremely grateful.

I am currently employed working in a women's supervision unit as the community parole officer. I have been employed with CSC, Correctional Service of Canada, in this role, with other assignments, for over 15 years. Prior to that I worked as a hearing assistant with the Parole Board of Canada in the elder-assisted hearing panels, and before that at an urban aboriginal organization in Edmonton.

I have worked with both males and females in the community. My duties include supervising offenders on conditional release. They also include, but are not limited to, case preparation for offenders in the community and in federal institutions.

I self-identify as Métis, and my background is similar in many ways to the offenders that I supervise. My grandparents attended residential schools, and without going into detail, my family has felt the intergenerational effects. While it does not make me a subject matter expert, I do believe it helps me to more fully understand the unique circumstances that indigenous offenders face. They are marginalized to a large extent, and by the time they enter the federal system, many of them come with complex needs that have been outlined in detail by previous witnesses.

A flexible approach is required, one that includes not only increasing in-house CSC interventions, which is helpful, but utilizing the services of aboriginal community service providers, such as counsellors and aboriginal substance abuse treatment providers, to fill in service gaps and help the offenders build a bridge back to their community. Although not privy to all the initiatives and actions proposed as a response to the reports of the correctional investigator and Auditor General, I sense that CSC takes this seriously, and there is a culture shift in progress. I hope that meaningful, ongoing consultation takes place, though, with front-line staff, especially with aboriginal staff.

We need to ensure that along with providing increased timely access to interventions while incarcerated, we need to provide the same in the community to increase offenders' chances for success on release and prevent a return to incarceration. An example of that is that access to elders and ceremonies should be facilitated by CSC to all indigenous offenders in the community, not only to those who are in healing lodges.

Perhaps another approach to be considered could be to look at supervision units in the community that are similar to Pathways units in the institutions to increase results for offenders on conditional release.

Relationships with our public safety partners, such as the Parole Board of Canada, are an important part of improving results for aboriginal offenders. More work needs to be done on educating offenders on elder-assisted hearings and building relationships with aboriginal communities by taking the process to them—for example, through community-assisted hearings.

Front-line staff in the institution and community are always up to the challenge put forth by our organization with regard to increasing results for indigenous offenders, but increased caseloads, increasingly complex needs of offenders, and increased expectations without resources attached will make our jobs even more difficult than they already are.

Retention and recruitment of aboriginal staff is also essential, but hiring processes are long and arduous and sometimes take years to finalize. This needs to be streamlined in order for CSC to be seen as an employer of choice with aboriginal people.

Classroom and online training is proposed to inform staff about Gladue principles and aboriginal social history as part of their response, but it also needs to include experiential training, such as with elders and with the communities we serve.

Training on the development of realistic and meaningful section 84 release plans will hopefully be incorporated for all parole officers. In addition, access to subject matter experts outside CSC would also be helpful to develop the skills of front-line staff in dealing with all offenders with complex needs.

Engagement of aboriginal communities earlier in the offender's sentence would also be helpful, as section 84 release plans take time to properly develop.

I want to stress that any changes that are proposed also need to take into account not just institutions: a creative approach and appropriate resources to manage offenders when they are on conditional release will also be required. Adequate preparation of an offender prior to release is also essential, such as ensuring offenders have appropriate identification, employment skills, program completion, and community supports. With these, any offenders, especially aboriginal offenders, are far more likely to succeed on their release.

In closing, I know how fortunate I am to be in the job, a job that I love, where I am witness to profound change, but at the same time believing that I contribute to the safety of the community.

● (1000)

A job in corrections is a difficult one. We work in the shadows, unseen for the most part by the public, dealing with danger and vicarious trauma.

I also believe in the mission of CSC and that keeping offenders accountable is not negated by treating them with compassion. Change is coming, but I believe it will take time.

The Chair: Thank you very much.

Go ahead, Mr. Ordman.

Mr. Zef Ordman (Regional Vice-President, Union of Solicitor General Employees): Hi. My name is Zef Ordman. I started in Correctional Service Canada as a correctional officer, and then I became a parole officer. In that role, I also became a crisis negotiator and hostage negotiator inside the institution.

As for my experiences inside the federal institutions in Alberta, for the past three years I've been the regional vice-president for the union that represents about 50% of the staff inside the institutions in Alberta. I'm very familiar with all of the federal institutions in the province.

My colleague said she was a bit nervous. I am. I'm actually more comfortable in a room full of inmates.

Some hon. members: Oh, oh!

Mr. Zef Ordman: There's always the potential.

I use the word "inmate" because when you're in prison, you're an inmate. When you're out, you're an offender.

Here is one of the difficulties I see. Someone asks, "What do you do as a parole officer?" Well, at Bowden Institution, which has about 700-plus inmates, give or take, I would say probably 70% are aboriginal or indigenous, and that's by self-declaration. You could be Sven Svenson. If you self-declare that you're indigenous, you're indigenous, but that's neither here nor there. The vast majority of my caseload are indigenous, at times 100% indigenous. The system's not working on many levels.

You have 30-plus broken human beings who've done horrible things, and they're all getting out, with the rare exception. There's a small minority, but generally in one year, two years, five years, 10 years, or 15 years, they're getting out. The question is, how do you mitigate risk?

As a parole officer, you're wearing many hats. I see my inmates all the time. I was right in the unit with 120 inmates. My door was open. I had murderers, rapists, thieves, fraudsters, and others. I'd see them every day like this, talking to them, walking past them when I get coffee.

The difficulty is...it's all great. CSC loves to say our programs work, and maybe they do on a macro level, but when you're the parole officer and you have to write your name to the risk assessment, you're looking at that individual. In many cases, they don't have supports. There are reserves that ban them from coming back. They say they won't take them back. There are inmates who say, "Zef, I grew up in Calgary. I'm going to Calgary."

The intensity of the workload has changed. The parole officers who are trying to do the risk assessments are swamped. Now CSC has done a reverse onus thing, so for 60 or 90 days the offender comes in. We're dealing six months or a year down the road. You have to write up a report. You might have only seen the offender for 30 minutes, but the report's due in 30 days, and inside an institution 30 days go very quickly.

It's like the legs of a stool. Okay, you have a program. I have some doubts personally that programs do what they say they're going to do, and I think they could be done better, but it's employment, it's housing, it's all these things. The white middle-class kid who's got parents on the outside and is 19 or 20 has employment, has education, has housing. The aboriginal kid doesn't have any of that. When they ask why the parole officer is not recommending this guy for release, it's because there's only one leg of the stool, and that's the programming.

Attending all sessions of a program is considered successful programming. To me, that means he sat in there and didn't tell anyone to eff off. I get, "Oh, he successfully completed the program", and management comes down on the parole officer, asking why I'm being so risk-averse. Well, there are no legs for the stool.

My final ask would be for real training, real professional training, for parole officers, and we need real, full, extensive, aboriginal-centred programs that address all their needs: health, education, work, and housing. I could go on and on.

Thank you.

• (1005)

The Chair: Thank you.

Ms. Damoff, go ahead for seven minutes.

Ms. Pam Damoff: Thank you very much to both of you, not only for being here today, but for what you do.

You mentioned that you work in the shadows, and I've often said about you folks that if you're doing your job well, we never hear about you, so thank you for what you do to keep us safe and to ensure that people in our institutions are being treated with compassion and fairness.

You were talking about that circle of support, and needing employment and housing. I understand that before offenders leave prison, or when they leave prison, they are going to need a health card, their SIN card, and their driver's licence. They're going to need all that ID that we take for granted. Often they come into the prison institution without all of that.

Can you explain some of the challenges around that and suggest some recommendations that might assist with that? You can't get a job if you don't have your ID.

Mr. Zef Ordman: Generally speaking, many of the inmates who come in don't have any ID. They don't have health cards. They don't have a driver's licence. They have nothing.

To access health, you need a health card. If you're in the province of Alberta, Alberta won't give you one, so by the way, you're going back to Manitoba. You get these hurdles, and it also becomes

something of a workload issue. At one time we were doing escorts to the registry in Innisfail, but you can understand how the public reacts when there are two guards standing beside a guy getting his driver's licence, and then there's pushback from the community.

Then you try to facilitate, but federal CSC ID is not recognized. They can't even take the ID that we have for them as inmates and use it anywhere outside of the prison, so it becomes difficult. How are you going to get a job? How are you going to get a bank account? To do anything inside of the prison takes, actually, a lot of effort, because there are all these people, so you have to get an escort. What's their security level? If they're in a medium, how many guards do they need? Is it one, two? Do they need a van? All of that costs a lot of money.

Ms. Pam Damoff: Sorry to interrupt you, but I was just going to say that these days we are able to do a lot of things online. Certainly I renewed my driver's licence online. You know who the inmate is. They have federal ID. You'd think there would be some way to bring those provincial agencies to you to be able to facilitate doing that on site, prior to release.

Ms. Audra Andrews: I have to be careful. I would preface this by saying I'd like to keep my job, so I have to be careful and measured in my responses.

I know that on our site we actually did an ID clinic, and we had Indian Affairs come in. I think that would be helpful. My recommendation would be to have our provincial partners and Indian Affairs come in to the prisons prior to the offenders getting out, so that they have the proper ID.

I can give you a personal example of an offender who didn't have his ID. We had a job set up for him. He couldn't get it because he didn't have his birth certificate or his SIN card, and he ended up failing.

It would make a huge difference.

Ms. Pam Damoff: Does Indigenous and Northern Affairs Canada come into the institutions to ensure that the offenders have status cards?

Ms. Audra Andrews: They do not, to my knowledge.

Ms. Pam Damoff: Would that be helpful in terms of employment and education upon release if the people who were eligible for status cards were able to receive them prior to release?

Ms. Audra Andrews: Any identification they could get prior to getting out would be extremely helpful and would increase their chances for success, because in order to access any other programs in the provinces, you need to have your health card. You need to have your birth certificate. You need to have your social insurance card. Without any of those, you can't even access employment programs in the community, which are extremely helpful for our offenders.

• (1010)

Ms. Pam Damoff: When we talk about encouraging more indigenous peoples to work in our institutions, what challenges do you see to achieving that goal, and what steps could the federal government take to make it easier and to be successful in encouraging more indigenous people to work in our institutions?

Mr. Zef Ordman: I think one thing is that you have to go to them. I don't want to call it marketing, but you have to go and recruit the best people possible. The process is outrageously long. When I entered as a correctional officer, I then had to go for three months and not get paid, so you have to be very young or very committed. The process prevents a lot of people from entering, and a big entry into at least the institutions, the prisons, is from the correctional officer side of things.

The other thing is the security clearance. They upped the level of the security clearance nationally a couple of years ago, I think, and the problem is like this: if you're 32 and you did something a bit stupid at 19, you won't get hired.

Should that be something that excludes them? Some indigenous individuals would be great for working around, but they grew up in dysfunctional environments and made some mistakes. Now they're 28 or 30, but because they had a criminal record or something happened, they are excluded.

Ms. Audra Andrews: I would also recommend, though, that one of the things you can look at is building bridges with organizations that provide services for offenders for employment.

For instance, in Edmonton they have Women Building Futures, which is trying to get women into the trades program. Well, we can't get our offenders into that program until they have no conditions imposed on their release.

We could start building bridges, making agreements with some of those organizations and bringing them into the prisons instead of using the whole made-in-CSC approach, which we tend to do in terms of providing it all in the institution, using CSC stuff.

Some of these people have already done the program, so why are we reinventing the wheel? We should be bringing them into the institutions and utilizing those resources so that we make that bridge again for the offenders when they get out on release.

Ms. Pam Damoff: I only have 30 seconds left. Just quickly, do you think if CSC were doing more outreach into the communities and building those bridges, it would be helpful overall?

Ms. Audra Andrews: Absolutely. We need to do a better job of getting back into the aboriginal communities, and the community in general, and telling them what we do, and in doing so, build some paths that would work for our offenders.

Ms. Pam Damoff: Thank you very much.

The Chair: Thank you, Ms. Damoff.

Before I turn it over to Mr. Motz, I just wanted to pick up on the comment, "I'd like to keep my job." You are protected by parliamentary privilege. Nothing ranks above parliamentary privilege. If there are any consequences that flow from your full and honest testimony before this committee, this committee will want to know about that. I hope that provides you with some assurance. As I say, parliamentary privilege ranks above all other laws in this country.

Mr. Motz, you have seven minutes, please.

Mr. Glen Motz: Thank you, Mr. Chair, and I appreciate your comments, because I was certainly going to suggest that to our witnesses.

Thank you both for being here. From my perspective, we require you to be completely honest and forthright in your opinions, which is why you're here.

You explained that the system isn't working, and a systems approach only works if there are appropriate systems in place. We understand that. I guess I'm curious to know how you fix the system. You have touched on the idea, which Ms. Damoff has brought out, of potentially filling some gaps where inmates are not able to access identification, but there are other systems that are broken, in the opinion of you guys.

What are they, and how do we fix them?

Ms. Audra Andrews: I have an answer to that. We talked about utilizing elders; our elders are mired in paperwork in the institutions. That's not what they were designed for.

An elder I used to work with said their culture is not paperwork. We should be freeing the elders up to do their jobs, and most of that job is working with the offenders, bringing them into ceremony, working with them on a one-to-one basis. They should not be bogged down with paperwork.

I don't know what the answer is to that, but I would recommend that the elders be freed up to do their work. Their work is important, and it makes a huge difference in the lives of our offenders. That's one of the things I would recommend.

I also recommend building up community capacity, as I said in my statement, because when the offenders get out, they need that support. I can probably give you tons of examples of success that happened because we built a circle of support around offenders in the community, and they were able to succeed. I can give you many examples of that, and some in which we fell short because they didn't have the supports they required.

• (1015)

Mr. Glen Motz: Okay.

Go ahead, Mr. Ordman.

Mr. Zef Ordman: My best analogy is when I look at the typical suburban kid, the 19-year-old or 20-year-old young adult, who does something bad, and the supports they have. In some ways, if we're going to have the same results, we need to mirror those supports. You need education, and that exists to a degree, but you need real trade skills.

When I go to EIFW, Edmonton Institution for Women, the women's facility in Edmonton, I see a whole bunch of sewing. If I go to Bowden, they have this horrible food that's boiled in a bag, and you don't need all these offenders to work in the kitchen. What are they doing? You walk in and there are 30 offenders and they're trying to give them something to do, but there's really not a lot to do.

CORCAN was a great idea, but a lot of the times, whether it's based on sales or purchasing.... They have state-of-the-art wood-working shops, state-of-the-art welding shops. At Edmonton Institution, they closed it down, because they were having issues there.

The inmates, whether male, female, aboriginal or not, need real job skills. Many of them have never worked. Just getting up and going somewhere for us is pretty insignificant, but for them it's like a milestone. You got up and you actually went somewhere and you did something. Then with school, I can't tell you the number of drug dealers who've come up to me and said, "Zef, I got 99% on my math test." I said, "Well, it didn't surprise me, because you were pretty good in math to begin with from your other vocation."

When everybody here says, "Oh, the programs, the programs", if these programs were so great, CSC could be self-funding. They could have one to make fat people skinny and they'd be self-funding. We get broken people 19 and 20 years old, and we think that in four weeks, eight weeks, 12 weeks, we're going to reverse years and years of....

It's all those legs of employment, education—and then out in the community....

We have backlogs. We have inmates approved at Bowden to go to minimum from medium—backlogged. Where do you go? Where do you put someone?

When you say to your kid who's 18, "I'm kicking you out of the house; go to Edmonton on Monday", they have no jobs and no money, but they've known these other dysfunctions. Would you think they'd succeed? I think maybe not.

We have people who are at the far other spectrum and we wonder why they return. They come in and they see their relatives. They see their uncles. They see brothers, cousins. Going to prison is a family reunion, and that's horrible to think that's happened.

Mr. Glen Motz: Thank you.

Ms. Andrews, you indicated that the elders have paperwork issues, and that's not the environment they are there for and it's not what they're accustomed to.

As we know in our business, if you don't document it, it doesn't happen. We appreciate that there still needs to be paperwork, so there has to be that gap. Do you have a solution to that issue?

Ms. Audra Andrews: Right now some of the liaison officers in the institution—and we have a few in the community as well—work alongside the elders to provide that documentation. It doesn't necessarily need to be the liaison officer. You can have some specially trained parole officers or case management officers who have the expertise in that area—and it is important to have that expertise, by the way—who could be doing that documentation.

There are no clear guidelines in terms of how to translate that into what we need in CSC, but I think there certainly needs to be more work done on that aspect.

Mr. Glen Motz: I have about a minute or so left.

I appreciate that the key to success for anyone not returning, including our indigenous community, is community support. That is part of it.

Obviously there are some gaps there, and some of them are CSC-connected and some of them are community responsibilities. I get that. If I'm hearing both of your comments correctly, we do have a

system breakdown. If this committee were to make recommendations on how to fix that, where would you start?

● (1020)

The Chair: Unfortunately, you have 10 seconds.

Ms. Audra Andrews: Okay.

Rebuild community capacity and reinvest in community corrections.

Mr. Zef Ordman: Invest in front-line staff in the institutions.

Mr. Glen Motz: Thank you.

The Chair: Thank you, Mr. Motz.

Go ahead, Mr. Dubé, for seven minutes, please.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

[*English*]

Thanks for being here today.

You mentioned the Edmonton Institution. Given the situation that's been going on there for a number of months now, if not longer, I was wondering, both for yourselves and the folks you work with and represent, and also for corrections, what effect the quality of the working environment, or perhaps lack thereof, has on rehabilitation.

If I'm not mistaken, I remember one of the things that was said about the situation was that the fear that is created has an effect on the work that's being done and on the objectives that we all seek to achieve.

Could you elaborate a bit on what the impact actually is, and how we can potentially fix it?

Mr. Zef Ordman: The impact of the harassment, bullying, and high stress because of the work environment is outrageous, and Edmonton's not alone. It's across Canada. It's happening in B.C. It's happening in Ontario. It's happening in Quebec. It's been happening for decades. My opinion is that it's the tip of the iceberg. For what you see above the water, there's a huge mass below.

It affects the rehabilitation if you're being harassed by co-workers or dealing with dysfunctional inmates. On a regular basis, inmates would threaten to kill me. I'd even have them say, "I know where you live." At a certain level, you put it to the back of your head, but no one who works in CSC is the same 20 years later. It might be similar with police officers.

When I went to get on a plane to come here, there was a nice sign, something to the effect of "If you're rude, we can refuse service." I would actually like that in my office, but then I would have no one in my caseload.

Someone once said, "Zef, do you have Tourette's?" I said, "No. I just swear a lot."

You acclimatize to your environment to some extent. Harassment and bullying, I would say, are rampant and need to be dealt with. CSC has made strides, but it's a very big issue.

Then there's working in the environment itself. People think there are guards, the correctional officers, and inmates. That's not how it works. There are those people, but the parole officer and the single mother who's the clerk are also on the unit with 120 inmates. They say it's a medium security prison, but some medium security prisons have more lifers than the maximums do. They have our biggest riots, for example in the Saskatchewan Penitentiary, where it was somewhat linked to the food issue, maybe. There are a variety of issues. Drumheller penitentiary was burned down. Those were medium security.

I'm used to going in, but they're very high-stress places. The paperwork is almost overbearing on the front-line staff, and doing that extra work interferes with casework. I mean, the POs are being asked to organize weddings, and I ask, "Well, which do you do?" Do you pick housing and get someone at housing to organize another offender's...? There's this piling of good ideas.

Anyway, there are harassment issues and a high-stress environment, and they've had a detrimental effect on the front-line staff and the offenders.

Ms. Audra Andrews: First of all, the morale can be really low at times, especially in the job that we do. It's extraordinarily difficult. The level of vicarious trauma amongst parole officers and correctional staff is extremely high, and it's cumulative.

We need to have training, which CSC has actually put into place—it's called Road to Mental Readiness—so there is some training in place, but overall, I think our training to help us regain skills has really decreased in quality over the years. We need to have an increase in the quality of training. It needs to be in-person training. We need to access subject matter experts outside of the service.

We need to be freed up to do our jobs, which is interacting with offenders. That is our job. Right now, we're so bogged down in paperwork and compliance issues that we can't do our jobs. I'm a little bit luckier in the community in that I'm freed up a little more to do some of that, but if you want the most bang for your buck, free us up from the paperwork that we're bogged down with. I know it's necessary—I'm not saying it's not—but we need to be freed up to do the work that we were hired to do.

•(1025)

Mr. Matthew Dubé: Your union, if I'm not mistaken, also represents some of the other workers within the system, teachers and people like that. Am I correct?

A lot of what you're saying would apply to that specific example, but there could be a number of others who are working directly in achieving some of these goals, such as getting people jobs when they leave and things like that.

We talked about the medium, minimum, maximum. One of the things that's come up a few times since this study began is the overrepresentation of indigenous people in maximum security institutions. What are your thoughts on how CSC goes about classifying who goes where? Do you see any problems with that, and if so, what are some solutions you might be able to provide?

Ms. Audra Andrews: One of the initial tools they use is the custody rating scale. I believe Mr. Zinger probably touched on that, as the correctional investigator has in the past.

I know the validity of the some of the tools has been questioned. I guess the higher-ups probably know more than I do in regard to what the plans are for those tools. I know that in some committee meetings they talked about using the criminal risk index.

Perhaps they need to look at some of those culturally relevant tools, because often the custody rating scale—and I've done hundreds of them in my career—is unfairly biased on aboriginal offenders. Their security rating is going to come out higher all the time. Very rarely did I have an offender who would come out as minimum. It was very rare.

Mr. Zef Ordman: There are different things. They talk about actuarial tools, and there are a whole bunch of those. Then there are professional judgment tools, which means you're the parole officer looking at that offender and the situations that happen. There's entering the system—you enter as a maximum, medium, or minimum—but then once you're in the system, are you going to go up or down? With many, but not all, aboriginal offenders, if there's violence, they're going up. I could explain that at length.

We've cut off segregation, which is a good thing, because it was overused, but now the question is how to manage that. Now there are more unintended consequences; there's more violence and other behaviour inside the institution. Where do you put these people? You get two or three gangs—

The Chair: Thank you. I appreciate it. I hate to be the cutter-offer.

Mr. Zef Ordman: Well, it's hard to explain. It's okay. Thank you.

The Chair: Ms. Dabrusin, you have seven minutes, please.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you.

I really appreciate hearing from your experience. It's helpful to get that coming from the front lines, as opposed to always a view looking down from above.

One of the things Dr. Zinger mentioned in the earlier hour as leading to higher security classifications was fetal alcohol syndrome. In your experience, what programs or what ability do we have to properly assess how to handle fetal alcohol syndrome within the system? Also, if you have any recommendations, I would like to hear them.

Mr. Zef Ordman: I want to say technically almost nothing, and I would suspect many of the inmates on my caseload suffered from that. However, it's thousands of dollars, and who's going to pay for and do the assessment?

Inside of CSC, when we say someone's mental health is stable, we're comparing them to other inmates. We're not comparing them to the general population. If we compare most of the offenders or inmates, they're off the charts.

I would suspect fetal alcohol. I would expect mental health issues. There's depression. There's PTSD. You need psychologists and doctors, not the parole officer who is trying to put this information....

There are lots of gaps. We can't even get timely information from the police when they come in, because they don't have the resources. It's not that they're mean-spirited.

• (1030)

Ms. Julie Dabrusin: I don't know if you had something, Ms. Andrews.

Ms. Audra Andrews: I was just going to say that anecdotally I can tell you the levels are higher than people would expect. When they get to the community, very often we may have suspicions that they have FASD, but we don't have the access to do a proper assessment.

Sometimes, if we're lucky enough, we have something called a "community mental health team". They may have some connections to get that assessment done, but there are waiting lists in the community, and only a very specific skill set is applicable. For instance, for psychologists to do the assessment, they have to have a very specific skill set to do a proper assessment for FASD, because it requires so much information. Yes, anecdotally there are quite a few, but without proper assessments I don't really have a clear answer.

Ms. Julie Dabrusin: Would that be the answer you want? Would it be helpful for you to have assessments at an earlier stage in the institutions?

Mr. Zef Ordman: Well, it's the assessment, but it's also the resources to deal with the assessment. Just telling someone they have fetal alcohol syndrome or PTSD, if there's no way to treat them....

There might not be a solution, but right now we don't even have that initial information.

Ms. Audra Andrews: The earlier, the better. We're talking about programming, but an offender with FASD is going to have a limited capacity to benefit from a program if they can't actually participate. Sometimes there are behaviours associated with FAS that preclude them from being able to succeed in a program, so the earlier the assessment, the better.

Ms. Julie Dabrusin: Thank you.

I really like your analogy, Mr. Ordman. You have been talking about the stool without legs, or without all of the legs. Ms. Connidis, director general of the crime prevention, corrections, and criminal justice directorate at Public Safety Canada, came to speak with us. One of the things she talked about was an indigenous community corrections initiative for community safety planning, going out into communities to try to build that community support. Have you heard of anything being improved as a result of that? Is that working?

Ms. Audra Andrews: In order to prepare for this, I listened to ParlVu and I was really enthused by that idea. I'm unaware of how it's communicated to the front line. If I had not listened to it, I wouldn't have known about it. I'm very enthused about hearing that kind of stuff, because I did work in the community before I worked with corrections. When I worked at an aboriginal organization, if someone came up to me and talked about section 84, I asked, "What?" I didn't know what it was. Then I came into the field and I had an understanding of what it was.

Some of the communities don't know what they don't know. When I've gone into some of the communities and done some release planning with them in the past, their capacity is not there. They want to work with offenders, but the knowledge and the capacity and the resources are just not there. We need to do it in partnership with Public Safety, because they can't do it in isolation. We should be working alongside them.

Ms. Julie Dabrusin: That's good. You raised a good point about involving you on the front line as these discussions are happening so that you can be aware of how that's playing out.

I have offered my colleague Mr. Saini my last minute and a half.

Mr. Raj Saini (Kitchener Centre, Lib.): In a minute and a half I'll ask a very simple question and you can give me an answer in a minute and a half.

Obviously there's going to be some commonality among the general pool of offenders. One of the things I heard you speak of in the previous hour is that there are mental health issues and there are also addiction issues. If you're really going to help somebody, if those two issues are not dealt with, then no programming or anything else is going to help. Is there a checklist? Are there criteria?

When you go to a physician, there's a checklist. They check your cholesterol, your blood pressure, your blood sugars. They go through that checklist to know exactly how to analyze the problem.

If an offender appears and you go through a checklist, there has to be some commonality over the course of time, especially with your experience, whether it be mental health or addictions. If those two issues are not dealt with, in my understanding or experience, going down the line, you're not going to get the best of what you're trying to offer. Is that done, or should more resources be applied to it? Give me an idea of how it works.

• (1035)

The Chair: Be very brief.

Ms. Audra Andrews: I think we do a pretty good job of analyzing the problems. We look at contributing factors to a crime, and if substance abuse is an issue, then we will address it. We have tools to assess that. Do we always have the right programs at the right time, and do we have those supports later on in the community? Addiction is lifelong, and one program is not necessarily going to cure it, so it's a matter of follow-up and a continuum of care in the community. You can't just drop them off and say "Good luck; you've got the skills."

Mr. Zef Ordman: Now they're only getting one program that theoretically meets everything, which I somewhat doubt, so there is no drug-related or violence-focused.... It's not happening. There's one program to fit all, roughly speaking.

The Chair: Thank you, Mr. Saini.

Ms. Gallant, you have five minutes, please.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Thank you, Mr. Chairman.

As you know, section 84 of the CCRA requires CSC to involve communities in the planning for the release of indigenous inmates to the community. If an inmate expresses an interest in being released into an aboriginal community, CSC is required to provide the community with an opportunity to propose a plan for the inmate's release and integration. Section 84 therefore encourages the participation of indigenous communities by requiring CSC to seek their input as part of the process.

How often do aboriginal communities take part in the planning for the release of the indigenous inmates to the community?

Ms. Audra Andrews: Do you want my honest answer?

Mrs. Cheryl Gallant: Yes. That's why we're here.

Ms. Audra Andrews: Not very often. I've worked in the system a long time, and I think there's room for improvement in most of the quality of the section 84 releases. I can only comment on my experience, and I worked with the Parole Board prior to this. There were a lot more good-quality section 84 releases.

How often does that happen? I guess you'd have to ask the higher-ups for the stats, and I'm sure they'd provide them to you, but good section 84 releases take time and they're resource-driven.

There's also not a lot of knowledge, I think, among front-line parole officers as to how to go about doing that. There's protocol to be followed; you don't just phone or email. You should be going there in person, presenting protocol to the community, building relationships with the community, before you're asking them to accept an offender back. It takes time. It's resource-driven, and I think there's room to improve the expertise that goes along with a section 84 release.

Mrs. Cheryl Gallant: How often do the victims who might still be residing in these communities take part?

Ms. Audra Andrews: I can tell you from my personal experience that the victims are central to the process. I haven't done one in a long time. However, in my involvement, we would not release an offender to a community if there was risk to the victim, unless we actually...

Sorry, I'm getting lost here in my answer.

The victims are absolutely central to what we do in our work.

Mrs. Cheryl Gallant: The victims, then, would be notified were a dangerous offender to be released back into their community.

Ms. Audra Andrews: Yes. We have processes in place through the Parole Board of Canada and through our victims services division in CSC for them to provide input at the very earliest opportunity. They have to look at victim statements when we do a risk analysis on a case. If the victim has some involvement right from the outset, if they have registered as a victim, they will absolutely have input on that.

Mrs. Cheryl Gallant: Is that provision in place for non-indigenous people as well?

Ms. Audra Andrews: It's for all victims.

Mrs. Cheryl Gallant: Really.

Ms. Audra Andrews: Yes.

Mrs. Cheryl Gallant: If somebody is let out on parole, the victims of their previous crime are supposed to be notified in advance.

Ms. Audra Andrews: Yes, if they've registered.

Mrs. Cheryl Gallant: Is there room for improvement? Would it be prudent to make such consultations with the community, and specifically the victims, mandatory rather than relying upon, as you said, registration?

Ms. Audra Andrews: Do you mean in terms of consultation with the victims prior to release?

Mrs. Cheryl Gallant: Yes. I mean consultation specifically with the victims and making sure they're part of this consultation.

Ms. Audra Andrews: Going back to our culture and the way that it has always been in the aboriginal culture, it's about healing and getting back to that state of normalcy, I guess, for lack of a better word. It's difficult to answer. That's a good question for an elder to answer.

In our culture, it's about making things right again, and many times from the teachings that I have, obviously the victims would be part of that.

• (1040)

The Chair: You have a little less than one minute.

Mrs. Cheryl Gallant: Would it be beneficial to have all victims notified prior to release, rather than depending upon these persons even knowing that a registry exists that they have to be part of if they want the heads-up?

Mr. Zef Ordman: Some victims don't want that. Some individuals don't want any connection at all. Some are very active in wanting to be informed and kept in the loop.

Ms. Audra Andrews: Sometimes aboriginal communities are very small. Especially if the offender is going back to a reserve, they will know that the offender is coming back. There are usually ceremonies and things in place for them to manage that. They will do healing circles and that type of stuff.

Again, that's a better question for an elder to answer. They have more knowledge in terms of what ceremonies and things can take place. I don't think I'm answering your question.

The Chair: You're doing a terrific job.

Thank you, Ms. Gallant. Mr. Spengemann, you have two minutes.

Mr. Sven Spengemann: Thank you, Mr. Chair.

Thank you both for being here, for your service, and for your expertise.

I want to give you an opportunity to round out the discussion that you had with my colleagues Ms. Dabrusin and Mr. Saini on the question of addiction and substance abuse.

I want to put it in a very simple way. How much of your work, qualitatively, is connected to substance abuse or addiction in terms of the case-by-case work that you do every day?

Mr. Zef Ordman: In an institution, it's organized mayhem. You're managing 30-plus offenders, and as a parole officer, you're the central person for everything in terms of problems in the unit. There's a lot of, as I'll call it, managing dysfunction, and then trying to target whether, for example, I can get this offender a job in the kitchen. I might be able to, but I might not. There's a lot of juggling.

I can make referrals, I can make suggestions in terms of program, but it's quite restricted. You almost have to...I don't want to say "sell your soul", because that's too hard, but if you want to get one offender into a program and they're an exception because they somehow fall outside these rigid guidelines, it's quite difficult to get them in.

There are not enough psychologists, and all these mental health issues are way higher than in the normal population. There's the need for those resources and to integrate that with elders, and sometimes in institutions there's a breakdown. In the Edmonton Institution, for example, there are silos. In better institutions, you have a good relationship as a parole officer with the elder, with the aboriginal, with the social programs, with the kitchen, and informally you get a lot of stuff done.

To answer your question, it's managing all that, as well as legislative timelines and new objectives, and there is a swamping of work and new best practices.

Ms. Audra Andrews: I would answer that the majority of my aboriginal offenders do have substance abuse issues.

The Chair: Thank you.

Before I bring the meeting to a close, I want to thank both of you for your courage and your service, and for bringing this huge dose of reality to our study. It's been quite impressive, and I want to thank you for that.

Colleagues, I have a couple of motions that we need to deal with before we suspend. I'm looking for someone to move, first of all, the motion with respect to the informal meeting with our Italian counterparts. Seeing Mr. Picard bounce up, that is moved. Do we have any discussion or objections? All in favour?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Thank you.

I just noticed that we have McKay, Dubé, Damoff, Motz, and Holland coming for that meeting tomorrow after question period. More, I'm sure, will be welcome.

Second, we have the request for a project budget. That is for this particular committee. I'd ask that somebody move the motion in favour of that budget. Ms. Damoff so moves. All in favour?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Thank you very much.

Do you see how efficient we can be here? It's amazing.

Finally, I would just note that there will be a room change with respect to the meeting with the minister on Thursday morning. It will be in room 415 as opposed to this one.

Go ahead, Ms. Gallant.

• (1045)

Mrs. Cheryl Gallant: Mr. Chairman, is it possible to televise from room 415?

The Chair: Yes. That's why we're moving.

Mrs. Cheryl Gallant: Thank you.

The Chair: Again, thank you, both of you, for your testimony.

With that, the meeting is adjourned.

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