CORRECTIONAL SERVICE CANADA

RESPONSE TO RECOMMENDATIONS MADE BY THE STANDING COMMITTEE ON PUBLIC ACCOUNTS (PACP) IN ITS 26th REPORT ENTITLED: "REPORT 3, PREPARING INDIGENOUS OFFENDERS FOR RELEASE, OF THE FALL 2016 REPORTS OF THE AUDITOR GENERAL OF CANADA"

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PACP RECOMMENDATION AND DEADLINE	CSC RESPONSE TO RECOMMENDATION 1
By January 31, 2019 Correctional Service Canada (CSC) needs to provide the Committee with a report outlining the results of the compliance review of its policy for reassessing an offender's security level following a significant event. This report should also clearly explain the policy changes regarding significant events.	Please find attached a Correctional Service of Canada (CSC) report on compliance and operational risk.

CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.

Compliance and Operational Risk Report

PROGRESS MONITORING AND REVIEW OF SECURITY CLASSIFICATION

ABORIGINAL SOCIAL HISTORY

JANUARY 2019

Introduction

As a result of the recommendations stemming from the Office of the Auditor General's (OAG) performance audit report, Preparing Indigenous Offenders for Release (2016), the Correctional Service of Canada (CSC) conducted a review on Progress Monitoring and Review of Security Classification as part of its Fall 2017 Compliance and Operational Risk Report (CORR). Furthermore, in the same CORR exercise, CSC examined the use of Aboriginal Social History in the correctional process.

What is CORR

CORR is an internal management tool used to monitor the implementation, compliance with, and quality of internal policies within CSC. The objectives are to improve the quality of internal policies and their day-to-day implementation at all levels and locations in CSC. These goals are achieved using a self-assessment "Verification Tool" (VT), which is designed by program area(s)/policy holders responsible for the policy under review. The VT is distributed to all applicable sites (i.e. institutions and other sites such as Regional and National Headquarters) and data are collected in accordance with the VT during an established period (i.e. the "review period"). The results are reported to CSC's Executive Committee (EXCOM) following the closing of the review period.

What we did

In the Fall 2017 CORR review, two VTs were included in the review cycle to examine the correctional case management process that was raised by the OAG report. The Progress Monitoring and Review of Security Classification VT focused on the monitoring of the offender's progress in the correctional plan which included the review of the offender's security classification. The Aboriginal Social History VT focused specifically on the use of Aboriginal Social History information in the correctional process as it applied to Indigenous offenders.

The Fall 2017 CORR review data was collected between September 2017 and December 2017 at all CSC-managed institutions using an internal web application. Any site that reported an assessment of non-compliance for any of the questions in the VT was recorded as a noncompliant site.

Progress Monitoring and Review of Security Classification

The Progress Monitoring and Review of Security Classification VT consisted of two criteria with a total of nine questions developed to assess compliance with the following legislative and internal policy requirements:

- *Corrections and Conditional Release Act* (CCRA) section 15.1, section 30, section 80

- *Corrections and Conditional Release Regulations* (CCRR) sections 17, 18, 102

- Commissioner's Directive (CD) 710-1 – Progress Against the Correctional Plan

- CD 710-6 – Review of Inmate Security Classification

Criterion 1 consisted of five questions on the systematic review and documentation of case management information throughout the correctional process to ensure that Correctional Plans were appropriately updated with respect to the monitoring, intervention, assessment and documentation of each offender's progress towards meeting the objectives identified in the offender's Correctional Plan.

Criterion 2 consisted of four questions on the systematic review and documentation of the offender's security classification to ensure that offenders were placed in an institution at the appropriate level of security throughout their sentence.

The offender files used in this CORR review included both Indigenous and non-Indigenous offenders incarcerated in a CSC-managed institution during the review period.

Aboriginal Social History

The Aboriginal Social History VT consisted of two criteria with a total of five questions developed to assess compliance with the following legislative and internal policy requirements:

- CCRA section 83

- CD 702: Aboriginal Offenders

- CD 705-6: Correctional Planning and Criminal Profile

- GL 709-1: Administrative Segregation Guidelines

- CD 710-6: Review of Inmate Security Classification

- CD 710-7: Work Release

- CD 712-1: Pre-Release Decision Making

Criterion 1 consisted of one question on the use of, and consideration of, the Indigenous offender's Aboriginal Social History when being assessed for admission to segregation.

Criterion 2 consisted of four questions on the application of the offender's Aboriginal Social History as it related to the Case Management process, particularly in the assessment of the Indigenous offender's security level, offence cycle, pre-release decision, and work release.

The offender files used in this CORR review included Indigenous offenders incarcerated in a CSC-managed institution during the review period.

What we found

Overall, CSC assessed and documented case management information throughout the correctional process. However, some areas of non-compliance were found in 21 of 40 sites related to the Progress Monitoring and Review of Security Classification (Table 1). The majority of noncompliant findings were due to issues with the difficulty of meeting prescribed timeframes. For example, results indicated that the 45-day timeframe to enter the Structured Casework record was not being met. Not establishing and/or recording goals for the offender also yielded many assessments of non-compliance. Sites identified immediate mitigation strategies and corrective actions in order to be policy compliant.

Table 1: Progress Monitoring and Review of Security Classification

Area of Review (Criterion 1):	Correctional Plans are appropriately updated to monitor, intervene, assess and document the offender's progress towards meeting the objectives identified in his/her Correctional Plan

The following questions were used to assess compliance with policy:

1. Select a sample of 5 offender files that have arrived at the institution within the last two years. Confirm that a Casework Record was completed to document the initial interview case conference and the interview with the offender and occurred **no later than 10 working days** after his/her arrival at the institution. (CD 710-1 paragraph 5)
2. Using the sample from question 1, confirm that a Casework Record was completed to document the initial interview case conference and the interview with the offender and occurred **no later than 10 working days** after a change in security level in a clustered institution. (CD 710-1 paragraph 5)
3. Using the same sample as question 1, confirm that a Casework Record was completed to document the initial interview case conference and the interview with the offender and occurred **no later than 10 working days** after a case reassignment. (CD 710-1 paragraph 5)
4. Using the sample from question 1, confirm that the Correctional Officer II/Primary Worker entered a Structured Casework Record within 45 days of admission to federal custody, arrival at an institution or case reassignment. (CD 710-1 paragraph 12 and Annex B)
5. Using the sample from question 1, confirm that the Structured Casework Record identifies the established goals for the offender for the next 45 days, as prescribed in the annex. (CD710-1 – section 4 of Annex B)

18 of 40 sites recorded at least one assessment of non-compliance in one of the questions listed above

Key reasons for non-compliance	• Difficulties were identified in meeting the prescribed timeframes due to changes/turnover in staff • Incomplete documentation with missing goals, objectives, and/or the recording of initial interview
Key risk mitigation strategies	• Communicating to the staff the correct template to be used when documenting important information • Performing periodic spot check verifications by management of all delays and interventions as required • Notifying front line staff at the time of work assignment • Regrouping front line staff to assume co-worker responsibilities in the event of a long-term absence

Area of Review (Criterion 2): Offenders are placed in an institution at the appropriate level of security throughout their sentence

The following questions were used to assess compliance with policy:

1. Select a sample of 5 offender files who have been classified as medium or maximum and have had a Security Classification Review (completion of the Security Reclassification Scale/Security Reclassification Scale for Women and Assessment for Decision) completed in the past 24 months. Confirm that the decision maker provided specific ratings for institutional adjustment, escape risk and public safety in the CSC Board Review Decision Sheet for Offender Security Level. (CD 710-6 paragraph 4)
2. Select a sample of 5 offender files who have been classified as medium or maximum security for at least 36 months and confirm that a Security Classification Review (Security Reclassification Scale/Security Reclassification Scale for Women and Assessment for Decision) has been completed at least every 24 months (confirm using the lock date of the Assessment for Decision for Offender Security Level against the lock date of the previous CSC Board Review Decision for Offender Security Level). (CD 710-6 paragraph 7)
3. Using the sample from question 2, confirm that the Assessment for Decision report contains a statement that the offender has been advised that he/she may have access to the Security Reclassification Scale Functional Specification on a CD Rom at the Institutional library or that a hard copy was provided to the offender. (CD 710-6 Annex B)
4. Select a sample of 5 Indigenous offender files who have had a Security Classification Review (completion of the Security Reclassification Scale/Security Reclassification Scale for Women and Assessment for Decision) completed in the past 24 months and confirm that the offender's Aboriginal Social History was taken into consideration. (CD 710-6 paragraph 10 and Annex B)

10 of 40 sites recorded at least one assessment of non-compliance in one of the questions

Key reasons for non-compliance	• Lack of continuity/changes in staff leading to oversights made by staff • Incorrect completion of documentation such as missing statements referencing access to the assessment scale being made available to the offender
Key risk mitigation strategies	• Communicating with and providing specific reminders to front line staff, including parole officers and managers, of the guidelines' and policy's content • Increasing awareness of the policy at the internal decision-making levels • Using Bring Forward (BF) systems to meet timeline requirements • Proactively reviewing upcoming offender security level cases prior to the BF date

Regarding the application of Aboriginal Social History in the correctional process, the VT yielded very few (8 of 40) sites that were noncompliant with policy (Table 2). The majority of these noncompliant assessments stemmed from the misapplication of the offender's Aboriginal Social History. Again, sites identified immediate mitigation strategies and corrective action in order to be policy compliant.

During the development of the Aboriginal Social History VT, it was noted that CD 702: Aboriginal Offenders requires more development and clarity; otherwise, it is difficult to develop impactful questions.

Table 2: Aboriginal Social History

Area of Review (Criterion 1): Consideration of Aboriginal Social History in admission to segregation	
The following question was used to assess compliance with policy: 1. Select a random sample of 10 Indigenous offender files who were in segregation and confirm that the offender's Aboriginal Social History was considered when being assessed for segregation admittance. (GL 709-1, Annex B, Assessment Tool) 7of 40 sites recorded at least one assessment of non-compliance in one of the questions	
Key reasons for non-compliance	• Insufficient training on Aboriginal Social History • Aboriginal Social History was considered at the time of placement, but there was no detail or analysis noted on the file
Key risk mitigation strategies	• Training surrounding the inclusion of Aboriginal Social History in initial segregation placement • Focusing additional attention on the quality review process with respect to Aboriginal Social History; instructing managers about this area of non-compliance and giving them a time line for follow-up to ensure compliance

Area of Review (Criterion 2): Consideration of Aboriginal Social History in the case management process
The following questions were used to assess compliance with policy: 1. Select a random sample of 10 Indigenous offender files who have had a Security Classification Review completed in the past 12 months and confirm that the offender's Aboriginal Social History was considered when conducting the review. (CD 710-6 paragraph 10)   2. Using the sample of 10 files from question 1, confirm that the offender's Aboriginal Social History was considered when developing the Analysis of the Offence Cycle for the Criminal Profile Report. (CD 705-6 Annex E, section Analysis of Offence Cycle)   3. Select a random sample of 10 files where an Assessment for Decision for Pre-Release Decision-Making was completed and confirm that the offender's Aboriginal Social History was considered and documented in the Assessment. (CD 712-1 Annex E, section Assessment for Decision)   4. Select a random sample of 10 files where an Assessment for Decision on Work Release was completed and confirm that the offender's Aboriginal Social History was considered and documented in the assessment. (CD 710-7 Annex B, section Overall Assessment)   4 of 40 sites recorded at least one assessment of non-compliance in one of the questions

Key reasons for non-compliance	• Insufficient training on Aboriginal Social History • Aboriginal Social History was either not included in documentation or it was listed but no analysis or detail was provided
Key risk mitigation strategies	• Training on the best practices to incorporate Aboriginal Social History in case management practices and decisions • Communicating policy requirements to managers and parole officers • Implementing quality control to ensure documents include Aboriginal Social History as opposed to listing Gladue decision factors

What actions we took

All areas of non-compliance with policy noted above were addressed.

Since 2017, several changes were made to various policy instruments to include important new requirements as well as to clarify existing policy direction as they pertain to Indigenous offenders. The clarifications and changes to CSC's policy framework include:

- Specific to Indigenous offenders, the requirement for a Security Classification

Review to be completed for Indigenous offenders following the successful completion of a main program and/or at specific intervals while participating in Pre-Pathways interventions and Pathways units, and/or following other significant events.

- Specific to Indigenous offenders, guidance on how to consider and document Aboriginal Social History is included in all policies where necessary.

As part of the implementation for Aboriginal Intervention Centres, CSC also provided training to front line staff on best practices to incorporate Aboriginal Social History in case management practices and decisions for Indigenous offenders. Between April 2017 and September 2018, 13 training sessions were held, with approximately 30 staff participating per session. Participants included Aboriginal Liaison Officers, Managers of Assessment and Intervention, and Project Officers. Elders on contract with CSC also attended the training. In addition, CSC provided a day of Continuous Development Training to all Parole Officers on integrated structured guidance for Aboriginal Social History in 2017/2018.

In four of five regions (Quebec trainers will be trained in February 2019), CSC completed "train the trainer" training for all interventions staff who will deliver training sessions to front line staff (Correctional Program Officers/Aboriginal Correctional Program Officers and teachers) on Aboriginal Social History factors and how to integrate the consideration of these factors in their decision-making processes as they pertain to correctional and education programs, as well as in their everyday work with Indigenous offenders. All regions will be responsible for training their program staff members during fiscal year 2019–2020.

Similarly, regional facilitators for the Elders Correctional Program Orientation (Quebec facilitators will be trained in February 2019) have completed their training for delivering the orientation session that has the goal of assisting Elders to become more comfortable with the CSC program environment through the provision of additional information about correctional programs, as well as the Elder's role within these programs. The ultimate goal is to strengthen the partnerships between Elders and Aboriginal Correctional Program Officers, ensuring effective and culturally relevant program delivery. All regions are expected to start delivering the orientation for Elders involved in correctional programs in fiscal year 2019–2020.

Our next steps

As a commitment to improve results for Indigenous offenders, CSC will continue to deliver Aboriginal Social History training and will develop and implement the diversity and cultural competency training for staff working with Indigenous offenders.

CSC will also implement the Path Home reminder system in order to ensure timely preparation of Section 84 release plans. The Path Home reminder system is an automated reminder system that sends emails to staff about offenders who have indicated an interest in or are pursuing a CCRA section 84 conditional release. The system is designed to make the case management team interaction with the Section 84 application process easier. The goal of the system is to achieve greater success in releasing Indigenous offenders to their home communities, which contributes to healthier and safer communities for Canadians.

As a self-reflective organization, CSC intends to assess the implementation of the changes in policy instruments as they relate to Indigenous offenders. Another policy compliance review with respect to offender security classification is planned for Winter 2020.

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PACP RECOMMENDATION AND DEADLINE	CSC RESPONSE TO RECOMMENDATION 2
By January 31, 2019 CSC needs to provide the Committee with the percentage of low-risk offenders that were prepared for parole hearings when they were first eligible for conditional release in 2018, and explain the concrete measures that were taken to ensure timely pre-release case preparation.	In 2017-2018, the Correctional Service of Canada implemented Aboriginal Intervention Centres (AICs) across all regions at a total of seven men's institutions to centralize Indigenous intake assessment and facilitate timely access to programs to ultimately ensure timely pre-release case preparation for Indigenous offenders. By the end of the summer in 2018, appropriate training was also provided for full implementation of AICs at women's institutions. In 2015, 37.2% of low-risk Indigenous offenders applied for Day Parole prior to their Day Parole Eligibility Date (DPED), compared to 46.6% of low-risk non-Indigenous offenders. Data for January 1 to October 14, 2018, indicates that 46.3% of low-risk Indigenous offenders applied for Day Parole prior to their DPED, compared to 44.1% of low-risk non-Indigenous offenders.

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PACP RECOMMENDATION AND DEADLINE	CSC RESPONSE TO RECOMMENDATION 3
By January 31, 2019 CSC needs to provide the Committee with the average time that Indigenous offenders had to wait for accessing culturally specific programs in 2018, and the percentage of eligible indigenous offenders for whom these programs were not accessible although they requested them in 2018.	Please find attached the Correctional Service of Canada's response to Recommendation 3.

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RESPONSE TO RECOMMENDATIONS MADE BY THE STANDING COMMITTEE ON PUBLIC ACCOUNTS (PACP) IN ITS 26th REPORT ENTITLED: "REPORT 3, PREPARING INDIGENOUS OFFENDERS FOR RELEASE, OF THE FALL 2016 REPORTS OF THE AUDITOR GENERAL OF CANADA"

CSC RESPONSE TO RECOMMENDATION 3

Recommendation 3 states that CSC should provide the PACP Committee with "*the average time that Indigenous offenders had to wait for accessing culturally specific programs in 2018, and the percentage of eligible indigenous offenders for whom these programs were not accessible although they requested them in 2018.*"

Question 1: Average Waiting Time for Indigenous Offenders

In 2018, the median number of days for Indigenous offenders from admission to federal custody to the start date of the first Indigenous **readiness program** was 100 days. The median number of days for Indigenous offenders from admission to federal custody to the start date of the first Indigenous **main program** was 154 days.

The median was used in the calculation as opposed to the average (mean) because the former provides a more precise measure of central tendency when the data are not normally distributed. The indicator was restricted to Indigenous offenders serving a sentence of four years or less, and who were enrolled into their first readiness or main program between January 1, 2018 and September 30, 2018.

The recent transition towards new Indigenous and Inuit program models has increased the wait times to first enrolment while the previous programs were being phased out and the new programs were phased in. This is in part due to training needs, as well as sites waiting to enroll offenders until the new programs were in place, thereby increasing the median days until enrollment. Performance results are expected to improve approximately two years post implementation.

Question 2: Percentage of eligible Indigenous offenders for whom these programs were not accessible

Table 1. Offender's preference for Indigenous or non-Indigenous programming

Program Stream Preference	Referral to Indigenous Main Program	Referral to Non-Indigenous Main Program	No Program Referral
Indigenous Programs	82.5%	9.3%	8.1%*
Non-Indigenous Programs	10.0%	90.0%	0.0%
Total	**80.1%**	**12.1%**	**7.8%**

Identifying correctional programming need forms part of the intake process and the development of an offender's Correctional Plan, which must be completed within 90 days of the admission date. The Correctional Service of Canada (CSC) has prioritized correctional programs, and makes sustained efforts to provide correctional programs at the most opportune time in an offender's sentence.

The data represents Indigenous offenders who had an identified correctional program need recorded in CSC's Offender Management System (OMS) between January 1, 2018 and September 30, 2018. The offender's preference for Indigenous or non-Indigenous programming was extracted from OMS and then compared to any accepted referrals to nationally recognized correctional programs.

Overall, the results show that over 80% of Indigenous offenders who had a preference for an Indigenous program had an accepted referral to a culturally appropriate program.

*Of the offenders who had a preference for Indigenous programs, 8% did not have an accepted program referral at the time the information was extracted. However, a qualitative file review determined that most of these offenders do in fact have an accepted program referral to a culturally appropriate program. These referrals were entered into the OMS after the data extraction date and therefore are not included in the results.