



Correctional Service Canada    Service correctionnel  
Canada

Commissioner  
Ottawa, Canada  
K1A 0P9

Commissaire

Your file Votre

Our file Notre

February 16, 2024

Mr. Simon Larouche  
Clerk, Standing Committee on Public Safety and National Security (SECU)  
131 Queen Street, 6th Floor  
K1A 0A6  
House of Commons

Dear Mr. Larouche,

I am writing to provide further information to support the SECU committee's *Study on the Rights of Victims of Crime, Reclassification and Transfer of Federal Offenders*. As you know, I appeared before the committee on November 27, 2023, and as part of that hearing, committed to providing follow-up responses to questions the members had asked.

Given timelines, CSC originally provided the committee with an executive summary of the Terri-Lynn McClintic review as it was readily available. The full report is 120 pages and was only available in English at the time. It has now been translated. Please note that considering the level of personal information contained in the report, redactions were applied in accordance with the *Privacy Act*. I have attached the full report.

Note that following the transfer of this offender, in November 2018, CSC revised the policies governing the transfer of offenders (including transfers to Healing Lodges):

- the role of the Deputy Commissioner for Women was strengthened in reference to the decision-making processes for transfers of women offenders to all women's Institutions, Healing Lodges, and Section 81 facilities.
- the need for the engagement of relevant Indigenous communities in transfer recommendations to a Healing Lodge for women was reaffirmed; and
- prior to making a decision regarding a transfer to an environment without a secure and directly controlled perimeter for medium security-inmates serving sentences of 10 years or more, consideration must be given to:
  - the length of an inmate's sentence,
  - the time remaining before an inmate is eligible for an Unescorted Temporary Absence, and
  - requirement for the inmate to be in the "preparation for release" or "reintegration into the community" phase as identified in their correctional plan.

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I am also providing the committee with the data pertaining to the total number of inmates transferred from maximum-to-medium security facilities dating back to January 1st, 2012. Initially, only the number of transfers from maximum-to-minimum security was provided, as this was what was specifically requested. However, upon receipt of additional clarification, work began on the revised request.

Lastly, as previously noted, CSC is not in possession of any correspondence relating to a formal investigation by the Office of the Correctional Investigator (OCI). As acknowledged, CSC is only in possession of one email from the Office of the Correctional Investigator from March 2023. As requested, I am providing that email to the committee, but as with other documents, redactions have been applied to protect personal information. For anything additional, please refer to the OCI as they may have additional records pertaining to any reviews they undertook.

I value the role performed by Parliamentarians and committees such as yours. I have had the pleasure of working with your committee in the past and look forward to doing so again in the future. I trust that the information provided today will help your committee with its study.

Sincerely,



Anne Kelly

**Standing Committee on Public Safety and National Security  
Rights of Victims, Reclassification and Transfer of Federal Offenders  
November 27, 2023**

**QUESTION**

**(12:30)**

**Mr. Dane Lloyd:** There has been a lot of debate about this least restrictive measure, so I'm hoping that you can provide this committee with some information.

I would like a detailed number of the total number of inmates who were transferred from maximum security to minimum security since January 1, 2012 to the present day. I'm not asking for it now, but if you could provide that, it would be great.

Second, can you provide a justification for the transfer of each of those inmates—no personal information, but just a general justification for the reasons for those transfers during that same time period?

**ANSWER**

*The Corrections and Conditional Release Act (CCRA)*, and particularly sections 17 and 18 of the *Corrections and Conditional Release Regulations (CCRR)* guide CSC's assessment of offenders' security classification.

CSC's approach to both initial security classification and security reclassification includes the use of evidence-based assessment instruments together with the professional judgment of specialized staff and psychological assessments, if applicable. As mandated by the CCRA and CCRR, CSC regularly assesses offenders' security classification to ensure that they continue to be placed at the appropriate security level. The reclassification of an offender to a lower security level depends on their progress against the objectives of their correctional plan and upon the re-assessment of their institutional adjustment, escape risk, and risk to public safety.

<b>Executed Transfer Warrants From Maximum to Medium January 1, 2012 to November 26, 2023</b>	
<b>Fiscal Year</b>	<b>From Maximum to Medium</b>
2011-2012	78
2012-2013	291
2013-2014	319
2014-2015	227
2015-2016	219
2016-2017	227
2017-2018	209
2018-2019	230
2019-2020	216
2020-2021	197
2021-2022	223
2022-2023	253
2023-2024*	201

\*Note that data starts on January 1, 2012 and ends on November 26, 2023.

**Standing Committee on Public Safety and National Security  
Rights of Victims, Reclassification and Transfer of Federal Offenders  
November 27, 2023**

**QUESTION**

**(12:25)**

**Mr. Doug Shipley:**

Thank you for that answer. You mentioned that he was monitored during that time. I hope this horrendous criminal has been monitored for his entire 30 years.

Ms. Kelly, in our last meeting, Jeff Wilkins, the head of the corrections union, raised serious concerns about the routine overriding and downgrading of security classifications by upper management at Corrections Canada. He stated that he has no issues when a security classification is upgraded, but that, when it is downgraded, it can lead to serious public safety concerns. We heard that this practice contributed to two inmates' escaping and brutally murdering a 60-year-old man in British Columbia.

How many offenders' security classifications were overridden to a lower security classification last year?

**Ms. Anne Kelly:**

There are more overrides to medium than to minimum. Minimum is around 9%, but we did some research. The custody rating—

**Mr. Doug Shipley:**

My question is not about your research. My question is about how many offenders' security classifications were overridden to a lower security classification last year. Do you have that information today?

**Ms. Anne Kelly:**

No, I don't.

**Mr. Doug Shipley:**

Will you commit to this committee that you will be able to provide that and table that over the next little bit?

**Ms. Anne Kelly:**

Yes

## ANSWER

This report is based on information entered in the Offender Management System and its accuracy depends upon the timeliness and accuracy of the data entered in these systems.

Numbers presented are at the unique decision level, not the unique offender level. An offender may have had multiple security level decisions in the period under examination.

The Correctional Service of Canada (CSC) uses actuarial tools as part of its assessment and determination of the appropriate Offender Security Level (OSL) of offenders at admission and at various points during the offender's incarceration. Actuarial tools are used in conjunction with a structured professional assessment of an offender's institutional adjustment, escape risk, and public safety risk to determine an appropriate Offender Security Level (see [Commissioner's Directive 710-6](#) and [Commissioner's Directive 705-7](#)).

The actuarial tool employed by the Correctional Service of Canada (CSC) to help determine an offender's security level at admission into federal custody (i.e., Warrant of Committal admission or readmission following a release revocation) is the Custody Rating Scale (CRS). The CRS includes two subscales, Institutional Adjustment and Security Risk, with scores together informing a security classification designation of minimum, medium, or maximum. The Security Reclassification Scale (SRS) or the Security Reclassification Scale - Women (SRS-W) are the tools used to assist with security reclassification.

Regarding the relationship between the actuarial tools' designation and OSL, they can either be concordant or non-concordant:

- **Concordant:** The OSL decision is concordant with the actuarial tool's designation (e.g., CRS or SRS of medium, and OSL of medium).
- **Non-Concordant:** The OSL decision differs from the actuarial tool's designation (e.g., CRS or SRS of medium, and OSL of minimum).

The OSL takes into account the score from the actuarial tool (CRS or SRS) and many other elements, such as psychological assessments. The OSL is a combination of the expert's professional judgement (clinical element) and the score of the actuarial tool, which serves to anchor the security classification.

In 2022-23, CSC has determined or reviewed the Offender Security Level (OSL) in 12,012 instances. In 73% of these cases (8,751) the decision was concordant with the actuarial tool's designation. In 1,319 of the cases (11%) the decision represented a security increase while 1,942 of the cases (16%) represented a security decrease from the actuarial tool's designation.