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Chair

Mr. Bruce Stanton

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• (1110)

[Translation]

The Chair (Mr. Bruce Stanton (Simcoe North, CPC)): Good morning, Committee members, witnesses and guests. This is the 4th meeting of the Standing Committee on Aboriginal Affairs and Northern Development. This morning, we have on our agenda study of the findings of the Correctional Investigator's Report regarding the incarceration of Aboriginal women.

[English]

This morning we welcome Mr. Howard Sapers, the correctional investigator. He brings with him Mr. Ivan Zinger, executive director and general counsel for the Office of the Correctional Investigator.

Mr. Sapers, Mr. Zinger, it's good to have you with us.

We will begin, as we discussed briefly before the meeting, with a 10-minute presentation.

Before we go to that, we have an intervention.

Monsieur Lemay.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Chairman, I have two important issues to bring forward, and I need answers.

Firstly, we must do an examination of the 2009-10 Supplementary estimates part B. When do you plan on having us examine these estimates?

Secondly, a remark was made by our whips at caucus. Some of you did not attend your respective caucuses yesterday. I fully understand. We are being asked to mention at each of our Committees that from now on MPs will not have to use their MP points for travel or missions within Canada. We were told yesterday that the Standing Committee on Aboriginal Affairs and Northern Development is one of the only committees — there may be a few others — whose members are required to use their points to travel in Canada. We were also told that we were to make requests to travel in smaller groups or, if the entire membership of the committee is to travel, that we must ask for additional monies.

Those are the two issues I wanted to bring up with regard to future travel by the Committee.

The Chair: Thank you, Mr. Lemay.

[English]

On the first point, on the supplementary estimates, it would be quite probable to discuss that possibility at our subcommittee meeting, which is planned for Tuesday of next week, at 10 a.m. I believe. This is certainly quite possible.

You will know that the committee did adopt a work plan, which did not include the review of those supplementary estimates. However, you will also know that in the course of the consideration of those estimates, if the committee chooses not to consider them, they're deemed to be adopted and approved. We'll carry on and so on. We can discuss that at subcommittee.

On the question of the utilization of members' special points for committee travel, we did discuss that. It was the feeling that all of the committee should travel, and that, in order to stay below the \$100,000 cap in respect to committee travel, it would have been necessary to require the committee to use their special points. Had we not pursued that course, it would have been much more expensive, approximately 40% more than what the cost of travel was. However, we take that point into consideration.

There is no future travel planned at the moment, but when we pursue the possibility of travel in the future, this is something that we can consider at committee and choose the course that we feel is the most appropriate.

I have Mr. Bagnell on this point as well, and Madam Crowder.

Go ahead, Mr. Bagnell.

Hon. Larry Bagnell (Yukon, Lib.): I'll be really brief, because I want to get to the witnesses.

I just want to agree, not for this trip but for future policy, that we send a message to the Board of Internal Economy. I know that a number of us are almost out of special points, and minimally, at least, if they cannot be considered special points, they can be, as plan B, regular points. A number of us almost couldn't have travelled because we're out of special points, but we have regular points left.

Secondly, I'd ask if sometime in the future we could discuss adding Air Canada and CMHC to our witness list, as we heard in committee meetings in the north.

Thank you.

The Chair: I must apologize, Mr. Duncan. I didn't realize that your name was on the list before Mr. Bagnell.

Mr. Duncan, followed by Madam Crowder.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Chair, my point is that these were both foreseen. My memory is that both items, the supplementary estimates and this question of travel, were fully discussed at the subcommittee. We determined a course of action and we went with it.

I'm a little surprised, after the fact and at the eleventh hour, to be hearing this as if it's brand new subject matter. It's not. We've had a full discussion and I thought we had made decisions.

•(1115)

The Chair: Thank you, Mr. Duncan.

Madam Crowder.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): On the issue of the supplementary estimates, my recollection of it is that we had agreed that we would have the minister for supplementary estimates. I'm a little concerned that we deferred the decision, the discussion on it, until Monday, December 1, when we have to have this meeting prior to December 10. My recollection of that discussion was that it was always in the planning that we would have the minister for supplementary estimates. This committee has a history of always having the minister on supplementary estimates.

The Chair: Okay. Let's deal with it right now.

Is it the wish of the committee to change our work plan to incorporate a meeting for supplementary estimates prior to the deadline of December 10?

[Translation]

Mr. Marc Lemay: Yes.

[English]

The Chair: There is no consensus.

Do we need to have a vote on the question? Okay.

All those in favour of changing the schedule to accommodate review of the budgetary estimates?

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

The Chair: So we'll go ahead with that. That's the decision of the committee and we'll make the accommodations to have that happen.

Let's proceed, then, with our orders of the day.

Monsieur Lemay.

[Translation]

Mr. Marc Lemay: My apologies to the witnesses. I will be brief, Mr. Chairman. It is important that we give notice to the parliamentary secretary in order for him to warn the minister that we are going to ask that he appear before us next week, or the following week, with regard to the Supplementary Estimates. That is a certainty, even if we come back to it and discuss it on December 1st.

[English]

The Chair: We assume that to be the case with budgetary estimates.

I will say, though, to the committee that we will have to look at what time that would be. We'll look at the schedule accordingly and try to work it in, as we said, before the deadline.

Now we will resume with our consideration of the orders of the day before us. We will begin with Mr. Sapers.

Mr. Sapers, you have 10 minutes

Mr. Howard Sapers (Correctional Investigator, Office of the Correctional Investigator): Thank you, Mr. Chairman.

Thanks for the invitation to appear before this committee once again, and thank you for acknowledging the importance of reviewing the situation of aboriginal peoples in federal custody.

In the course of my remarks, I'll speak to issues pertaining to the care, treatment, and custody of federally sentenced aboriginal offenders from the point of view of drawing comparisons between aboriginal and non-aboriginal offenders.

The Office of the Correctional Investigator's executive director and general counsel, Dr. Ivan Zinger, will take you through some of the key findings of a recent progress report on aboriginal corrections released by my office just two weeks ago.

I'm aware that the treatment of federally sentenced aboriginal women is of particular interest to the committee at this point. I'll try to provide some context to help you better understand their issues in the course of my remarks today.

Over the years, my office has issued a series of reports and recommendations regarding the treatment of aboriginal offenders under federal sentence. In fact, the very first annual report released by the Office of the Correctional Investigator more than 35 years ago documented instances of systemic discrimination against federally sentenced aboriginal offenders. Unfortunately, many of our recommendations made since then have gone unheeded or only partially addressed, or the response to them has not yielded the intended result.

As members may be aware, my office released a progress report on federal aboriginal corrections on November 13, 2009. I believe the report has been circulated to the committee members. The report is entitled "Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections". It was commissioned by my office and independently authored by Michelle Mann, whose previous work on aboriginal issues may be familiar to some committee members. The title refers to the fact that despite numerous well-intentioned plans, strategies, and commitments by the Correctional Service of Canada, the CSC, to address the documented gaps in correctional outcomes between aboriginal and non-aboriginal offenders, the actual results achieved to date have been nothing short of disappointing. The gap as measured by key correctional indicators is growing wider over time, not narrowing, despite the good intentions and the hard work of Canada's correctional authority.

It's important to note that the "Good Intentions" report looked only at what the Correctional Service had identified for itself as priorities. The commitments studied are those made by the service to Parliament, to the Treasury Board, and to Canadians in general. We purposely only considered progress or the lack of it against the stated intentions of the service. While there have been some positive developments and progress, the good news is limited.

I will ask Dr. Zinger to elaborate.

• (1120)

[*Translation*]

Dr. Ivan Zinger (Executive Director and General Counsel, Office of the Correctional Investigator): Mr. Chairman, on nearly every indicator, the Good Intentions report notes that correctional outcomes for Aboriginal offenders continue to lag significantly behind those of non-Aboriginal offenders.

Here are a few of the trends we have seen with regard to Aboriginal offenders: they tend to be released after having served a longer portion of their sentence; they are over-represented in segregated populations; they are often held in custody to warrant expiry; they are classified as higher risk and higher need; they are more likely to re-offend and have their conditional release revoked.

Aboriginal people have been disproportionately over-represented in federal correctional populations for a very long time. The problem is not new. However, what is new is the disturbing trend that rates of over-representation are getting worse, not better, over time. Aboriginal people now comprise 20% of the total federal offender population. That statistic translates into approximately 2,600 Aboriginal people incarcerated on any given day, in a federal penitentiary.

Statistically, one in five new admissions to a federal correctional facility is a person of Aboriginal descent. Among women offenders, the over-representation rate is even more dramatic — one in three federally sentenced women is of Aboriginal origin. The Aboriginal rate of incarceration is now approaching nine times the national average. Younger demographics for Aboriginal peoples suggest that disproportionate rates of incarceration will continue well into the next decade.

The geography of this over-representation is also skewed. In the Prairies' region of the Correctional Service of Canada, a region which incorporates the provinces of Manitoba, Saskatchewan and Alberta as well as the Northwest Territories and a portion of Northern Ontario, 64% of the current inmate population is Aboriginal. Visit any penitentiary in the Prairie provinces of Canada and you will witness the reality of over-representation first-hand.

In terms of personal characteristics, Aboriginal offenders under federal sentence tend to be: younger — with a median age of 27 years —; incarcerated for more violent offences; have much higher needs relating to employment and education; and have backgrounds of domestic, physical and/or substance abuse.

The vast majority of Aboriginal offenders in the system today are incarcerated in either medium or maximum security institutions. Aboriginal women offenders are grossly over-represented at maximum security. The Committee may be interested in knowing that the most severe crowding, including most of the double-

bunking, is in medium security prisons, and that maximum security institutions have the most limited access to correctional programs.

[*English*]

Mr. Howard Sapers: The classification of aboriginal offenders has been a long-standing concern for my office, and for very good reason. It's disturbing that the most common form of release for an aboriginal offender from a federal penitentiary is statutory release. As the "Good Intentions" report attests: "The combination of over-classification and lack of Aboriginal programming illustrates how systemic barriers can hinder timely and effective offender reintegration."

I would be the first to acknowledge that many of the factors contributing to the excessively high rates of aboriginal incarceration — poverty, social exclusion, substance abuse, discrimination — go well beyond the capacity of the correctional service to address in isolation. I am well aware that the federal correctional authority does not have control over the number of federally sentenced offenders. Nevertheless, the report states that the Correctional Service of Canada has the jurisdiction and the obligation, statutory and constitutional, to manage sentences in a culturally responsive manner. On this point the federal correctional service has fallen short, with negative consequences for aboriginal offenders and their communities.

Under the Corrections and Conditional Release Act, the legislation governing federal corrections, there are special provisions meant to give expression to the unique social and cultural circumstances of aboriginal offenders. Upon examination, we found a limited use of these legislative provisions designed to enhance aboriginal reintegration. Instead, we found an under-utilization of healing lodges, a chronic shortage of elders and dedicated aboriginal program delivery officers, inconsistent access to aboriginal programming, lack of an aboriginal anti-gang management and intervention strategy, lack of an aboriginal-sensitive classification instrument, absence of publicly available statistical evidence indicating progress or improvement in managing aboriginal offenders, and a lack of capacity to address the unique social and historical circumstances contributing to aboriginal offending.

Despite explicit intervention and direction from the courts in the Gladue decision, there is little sustained, concrete evidence suggesting that Canada's correctional service adequately addresses the history of dislocation, disadvantage, and discrimination that aboriginal people continue to experience when making decisions that significantly affect retained rights and liberties such as segregation placement, involuntary transfers, case preparation, and penitentiary security classification.

The situation for aboriginal people under federal sentence is not acceptable. In my view, the lack of sustained progress in improving outcomes for aboriginal offenders needs to be met by dedicated, focused, and accountable leadership within the Correctional Service of Canada. This is why my one single recommendation, coming as a result of the "Good Intentions" report, was a renewed call for the appointment of a deputy commissioner for aboriginal corrections.

While I would not normally see the addition of a senior bureaucrat as a solution to an operational impasse, in this case I am convinced that the service requires an executive with the authority to get things done and be accountable when there are questions about progress. There are executives sitting at the decision-making table focusing attention on women, health care, and human resources. Why not have the same focused attention and accountability for aboriginal corrections?

Mr. Chairman, I want to thank you and the committee for inviting us. We look forward to your questions.

• (1125)

The Chair: Thank you, Mr. Sapers and Mr. Zinger.

Now we will proceed to questions from members. Our first round for members will be seven minutes.

Let's begin with Mr. Russell.

Mr. Todd Russell (Labrador, Lib.): Thank you, Mr. Chair.

Good morning to each of you.

First of all, I want to thank you for your work. This is very important work. While statistics sometimes can tell us part of the picture, we're talking about people's lives here, the lives of many aboriginal people and their families, and their communities. We can never take away the human element that this represents.

It is astounding that we haven't seen progress when the reports have been coming out, as you tell us, for about 35 years. You say there is systemic discrimination. We haven't seen, with all of the recommendations, with all of the good intentions....

As a lot of people say, we know that the road...somewhere...is paved with good intentions. I'm sure for many aboriginal people, given this report, I mean, they're there.

If it's systemic discrimination, the system itself is flawed. Does the introduction of a program, or a series of programs, change that? Or are we looking at the architecture itself of the Correctional Service of Canada that has to be changed?

I know you made one very strong recommendation about the architecture itself, its structures, about having the deputy commissioner for aboriginal corrections, which has been rejected by the Correctional Service of Canada in the past.

I'm asking if the programs themselves can change it. Is it a fundamental issue of changing the architecture within the Correctional Service of Canada?

You know, it is unacceptable in Canadian society that one in five incarcerated people are aboriginal people; worse for women. It is unbelievable.

I read in your report that there's a bias in the classification system that says aboriginal people will go into medium and maximum security prisons more often than non-aboriginal people. When you get into those institutions, there's less programming so that people can reintegrate back into the communities. At the end of the day, we're not supposed to put people in prison and throw away the key. They're supposed to do their time in accordance with the law and the sentences that were handed down, but our job is to make sure that we

have healing, that we have people reintegrated into their communities so that they become contributors to their communities. It's important in aboriginal communities as well as anywhere else in the country.

Programs are important, I know, but programs by themselves, if there is systemic discrimination, I personally would have some concerns about. Is it that we must change the architecture and the structure of CSC?

• (1130)

Mr. Howard Sapers: Thank you.

You've identified very well the complexity of the matter at hand. I would agree absolutely that any program in isolation from the context in which that program is being offered is not likely to have the intended or sustained results.

The Correctional Service of Canada has in fact made progress, has in fact become more culturally competent, has put more effort into policy clarification, has increased its efforts in terms of recruiting and retaining aboriginal staff throughout the service, and has developed and tested good programs. In spite of all of that work, we're seeing the problem getting worse. Part of the reason the problem is getting worse, of course, is that the intake, the men and women who are being sent by the courts, continues to grow. That is beyond the Correctional Service of Canada's capacity or mandate to deal with.

The Correctional Service of Canada acknowledges that. In their strategic plan for aboriginal corrections, they talk about the context. In our report we talk about the context. This is an issue for Canadians, not just an issue for corrections.

Mr. Todd Russell: As you say, more aboriginal people are getting thrown into jails. The Correctional Service of Canada has no responsibility for that, of course, and no mandate around that particular piece. But they certainly have an obligation—moral, legal, ethical—to help these people who are thrown into jails, to help them once they're there.

I notice in your report, as well, that you say with all these new laws that are supposed to come into effect....

You know, I'm not sure how much work has been done to look at the impact a number of these new mandatory minimum laws are going to have. One thing you're saying is that because of these laws, we may have more people actually going into jail—so an accelerated rate of incarceration, probably primarily for aboriginal people given the demographics—and there will be less flexibility because of mandatory minimum sentences for the CSC to do certain things.

Can that not only exacerbate an already terrible state of incarceration for aboriginal offenders?

Mr. Howard Sapers: I have not seen a comprehensive roll-up of the cumulative impact of all the current and proposed legislative policy proposals. But we do know this: based on the current trends and the current demographics of the aboriginal population in Canada, based on the current practice of the courts and law enforcement and correctional authorities, growth is predicted in aboriginal intake into federal penitentiaries. And we know that the length of time in custody is also predicted overall to become longer.

The concern is that without investments in both infrastructure and human resources, and without developing better and more targeted program capacity, we will see more aboriginal offenders being held longer in custody—probably at higher security levels—and being released poorly prepared for community reintegration.

• (1135)

The Chair: You're out of time, Mr. Russell.

We're going to go to Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay: I wish to thank you for being here today. I much appreciate what you are telling us. I am choosing my words carefully, but my only thought is that I am horrified. Obviously, I am not horrified by the work that you do. In my opinion, you are doing an extraordinary job. This is why I will be asking that we invite the minister of Public Safety to come and discuss the situation of Aboriginals in custody. We must talk to the right people.

It is with great respect that I say that the observations contained in your report are horrifying. I will just read one. I do not know if you have already seen this lovely little book, but I imagine that the answer is yes. This is the annual report for 2008-09 of the Office of the Correctional Investigator. We see here that the incarceration rate for Aboriginals has gone from 815 per 100,000 in 2001-02, to 983 per 100,000 in 2005-06.

I hope that Mr. Head is listening, because I would like to ask a question. I would like to know where we are at now. We must be approaching 1,000 Aboriginals in jail per 100,000. That is unbelievable. Not only is it unbelievable, but it is nine times the rate for non-Aboriginals. Your observations leave me dumbfounded. I visited a penitentiary in Manitoba and one in Saskatchewan. It is true that virtually all of the residents are Aboriginals. Of course, there are a few Whites, but not many compared with the number of Aboriginals.

If you are asked to appear before the Committee next year, the situation will be the same. Things will not have improved. I have a tremendous amount of respect for Ms. Mann. In our penitentiaries, individuals are classified. You deal only with penitentiaries; provincial prisons do not come under your authority. From the very beginning, the classification of inmates has been poorly done. We find ourselves with an over-population or an over-representation of prisoners in isolation.

I have but one question to ask you. What do you expect from us, apart from calling upon the minister of Public Safety to appear before the Committee? What could we do to assist you?

[*English*]

Mr. Howard Sapers: As I said in my opening comments, I think it's very important that these issues be discussed in a broader context than just corrections. The fact that we're appearing now, as the Office of the Correctional Investigator, for the second time before this committee, gives me hope that in fact the political leadership is paying significant attention to this matter. I think the Correctional Service of Canada also relies very much on the knowledge and awareness of parliamentarians on this issue because their challenge as well is in part their mission and mandate being understood and their need for resources being well understood. I'm encouraged by

that, and I think it's the best way I can answer your question in terms of what my expectations or hopes would be from this committee.

I should say, to your earlier point about the incarceration rate for aboriginal offenders, that in fact statistics change over time. For our review we looked back to 2001 and brought the numbers forward to 2008. We see a progression of the over-incarceration. I have to also tell you that it's a little difficult to make comparisons, because for whatever reason, and I'm not totally sure why, Alberta, as a reporting jurisdiction, has been taken out of the most recent calculations made available by Statistics Canada. I think we would all acknowledge that Alberta numbers would be important in getting a fulsome picture of aboriginal incarceration, so please keep in mind that the numbers I'm about to share with you do not include Alberta.

In 2001-02, the aboriginal incarceration rate per 100,000 was 760. The non-aboriginal or the general adult incarceration rate in Canada in that reporting year was 118. If we bring the figures forward to 2007-08, that number is now 970 per 100,000 for aboriginal adults, as opposed to 130 for the general adult population in Canada. Every year has been worse than the year before.

• (1140)

[*Translation*]

The Chair: You have 40 seconds left.

Mr. Marc Lemay: Mr. Chairman, I was waiting for the interpreter to finish.

Have you sensed — encourage us a little, give us a chance — that there were programs being put in place in correctional centres to help Aboriginals succeed?

[*English*]

Mr. Howard Sapers: I'm in the position where I deal primarily with mistakes, failings, errors, and gaps. So when I report, I report on those from that perspective.

The Chair: That will have to do it, Mr. Sapers.

We must move on to the next speaker.

Madam Crowder.

Ms. Jean Crowder: Thank you, Mr. Chair.

Thank you for coming before the committee.

I'll start with two questions, and if I have time I'll go to the third. The two questions are linked.

In recommendation 12 of your report, you indicated that the Minister of Public Safety should immediately direct the CSC to appoint a deputy commissioner for aboriginal corrections. Somewhat linked to that is your recommendation 13, that the deputy commissioner for women should have full and direct line accountability, and therefore accountability for all matters concerning federally sentenced women.

In the department's response they talk about the aboriginal initiatives directorate, and see this as being a sufficient answer to dealing with the challenges facing the aboriginal population within the prisons. Linked to that, I believe you also raised the issues around reporting, and one of the ways we know there have been changes is that there's sufficient reporting. In the department's response they also talked about strengthened accountability and a template for results reporting and monitoring that will identify concrete actions to be taken, and specific accountability.

I'd like you to address the department's response to your recommendations, both on the appointment of the commissioner and the line authority for women, and on the statistical aspect of it, and whether their action, in your view, is sufficient to address the issues you've raised.

Mr. Howard Sapers: The Correctional Service of Canada has an executive committee, which is really the decision-making body. I believe the commissioner will be providing testimony to the committee later on today, and I think he will be in a very good position to explain how that decision-making body works.

My concern is that for the last decade we've seen very good plans, lots of analysis, strategies put in place, and programs being developed with the current governance model—that is, with having the primary responsibility for aboriginal corrections housed within the portfolio of responsibilities of the senior deputy commissioner, with a DG-level position, lower within the hierarchy of the service, providing support.

That governance structure, in my opinion, has not provided the results that would have been hoped for with the huge investment of time and money that has taken place, which is why we're saying that to expect different results from the same structure doesn't make a lot of sense. It would be time to change that.

I would make similar observations in terms of the deputy commissioner for women, a position created in response to an incident at the Kingston Penitentiary that gave rise to the Arbour inquiry. Madam Justice Arbour made the recommendation that a separate stream for women's corrections be created, headed by a deputy commissioner who had authority over purpose-built, specific women's correctional centres. The position of deputy commissioner for women was created, those purpose-built correctional centres have been created, and those are both positive steps, but the bridge between the two is missing. That deputy commissioner position does not have direct authority and only provides a policy support function.

There are so many reasons why I believe that has been inappropriate. It would far exceed the remainder of our seven minutes for me to enumerate them. They are well documented, not just in our reports but in several reports that have been made on this point.

•(1145)

Mr. Bruce Stanton: You still have three minutes.

Ms. Jean Crowder: Great.

Can I just come back to the issue around women? You identified this protocol that you thought was a major concern. Could you say

more about that? Just from reading your report, my understanding is that a different protocol is in place for men than for women.

Mr. Howard Sapers: There is no exact mirror protocol. For men there's a special handling unit, which is the most restricted form of custody we have. For women who present particular challenges to the correctional authority, there is a management protocol, a process that's been developed to very closely manage women who present particular challenges and security risks.

Currently there are four women on this protocol. The service itself has identified that this protocol is problematic, and it is being reviewed. I believe all four of the women on this management protocol today are aboriginal women. I think that is also a reflection of the extent to which aboriginal women are overrepresented in maximum security and in segregation. The most austere and restrictive forms of custody we have for women in this country seem to somehow attract aboriginal women.

I'll ask Dr. Zinger to elaborate on the management protocol if you want more detail on how it works.

Ms. Jean Crowder: I think more detail is important, because you raised it in your report as a particular area of concern.

Dr. Ivan Zinger: The troubling aspect of this protocol is that it's primarily focused on security, trying to manage an offender who often has serious and behavioural problems. The challenge is that the causes of those behaviours are often rooted in mental health issues.

The second aspect of this protocol that raises concerns to our office and others as well is the fact that it's virtually impossible to get out of this status, this protocol. The behaviour required to cascade down, because there are certain levels within that protocol, are so unrealistic for somebody who suffers from a serious mental health problem or has cognitive behavioural issues, perhaps even FASD. All this makes it unrealistic.

As a correctional practice, we do not believe this is an appropriate way of managing women. We're very glad to see that the service is taking steps and consulting to try to find another way to manage those difficult, we have to admit, women offenders.

Thank you.

•(1150)

The Chair: Thank you, Ms. Crowder and Mr. Zinger.

Now we'll go to Mr. Rickford for seven minutes.

Mr. Rickford, go ahead.

Mr. Greg Rickford (Kenora, CPC): Thank you, Mr. Chair.

Thank you to the witnesses.

I'm going to say, from the outset, that the fundamental role of this committee is to discuss, help shape, and set policy to make sure that first nations and Inuit people have the best opportunities available for them to fulfill and make choices and decisions around lifestyle that do not lead to situations that would give rise to incarceration. I think that's an important thing that was echoed by the committee chair the last time you were here. Perhaps I might push it a little bit farther to say that if there's value in this discussion in terms of its appropriateness here at this particular committee, it may be to look at the conditions and issues in the communities for offenders who are returning to their communities that we focus on.

I might also add, through you, Mr. Chair, that I think it's a little bit unfortunate that the critic for the NDP was not available for our expansive tour across the north to see some of the exciting things that are going on, to that end, in those communities. There are still challenges.

I'm going to get to a couple of questions that go to your report, and I'm going to refer to some of the discussion that occurred back in 2007. My frame of reference is that I'm not unfamiliar with this. I have spent a considerable amount of time involved in the Indian residential schools process. I was a signatory to that agreement. Subsequent to that, I acted as legal counsel on behalf of a number of people in that process, including working in the Kingston Penitentiary with a number of offenders who were directly or indirectly affected by the Indian residential schools.

Mr. Saper, in your speech today you talked about the ongoing matter of discrimination. I want to talk about that discrimination, building on what my colleague tried to develop earlier.

Is it because aboriginals are not being treated equitably, or is equitable treatment itself the problem? I mean, I've been in a maximum security penitentiary, and I've seen a number of great programs under way that other inmates don't have access to. I did not in that particular situation see a shortage, nor did I hear about it from the inmates or the first nations people, including liaison officers.

Can you make a comment and update us, perhaps? I know that there was a similar question posed to you the last time you were here.

Mr. Howard Sapers: I think the Correctional Service of Canada, like all public institutions, faces the dilemma of how to treat all with equality while still respecting individual differences. In the case of aboriginal offenders, of course, we have both constitutional and court-directed decisions that also require historical differences to be taken into account. The Correctional Service of Canada has developed some very culturally appropriate responses to those challenges.

On the other hand, organizations such as the Office of the Correctional Investigator, the Canadian Human Rights Commission, and others have found that on some very key areas—for example, initial penitentiary placement security classification and reclassification—the instruments used, the techniques used, are not culturally appropriate. They're in fact culturally insensitive.

• (1155)

Mr. Greg Rickford: I understand that. I know that with respect to the Indian residential school legacy, one of the issues, with respect to

prisons, was that first nations had a reluctance to follow further what they saw as Canadian institutional issues when they had already been in that situation, in their view—and I concur—under the terms of residential schools.

I go back to my observations on and my participation in terms of the number of programs available. Quite recently we saw, I believe it was in the *Winnipeg Free Press*, that as a matter of policy, the Correctional Service of Canada and provincial governments, to the extent they are involved, recognize the importance of culturally sensitive and appropriate resources not for just first nations but, for example, for Muslims, and they create or at least provide access to resources.

I want to move, if I can, to our response. Are you in a position today to respond to the five-year strategic plan for aboriginal corrections? I believe there were five corporate priorities. In addition to that strategy, this year an accountability framework has been introduced to measure progress and to report results.

Mr. Howard Sapers: In preparing for that response, we commissioned Michelle Mann to author the study that was recently released. What it does is it gives you a frame of reference to evaluate CSC's progress and also the appropriateness of that strategic plan and framework.

I also know that the service was called upon to report to Treasury Board. I believe the deadline for that report was the end of June of this year on the investment they had under their strategic corrections and horizontal initiatives for aboriginals, which reflected.... I can't remember the exact sum of money over five years.

The short answer to your question is that we're going to review that report to Treasury Board. We're going to compare it against the strategic plan—

Mr. Greg Rickford: Deadlines are important, because this is a discussion that took place—

The Chair: You're about out of time, Mr. Rickford. You only have about ten seconds left.

Mr. Greg Rickford: Just to create timelines here, in February 2007 we have this report. In 2008 we have, in an intervening period, the release of some very important corporate priorities and an accountability framework that deal with much of the content of this report—

The Chair: I'm sorry, Mr. Rickford. We're out of time.

Members, I'll let you know that we only have time for two more questions. We'll take one on the five-minute round, then we'll take the break.

We're going to go to Mr. Bagnell for five minutes, and that will be followed by Mr. Clarke.

Go ahead, Mr. Bagnell.

Hon. Larry Bagnell: Thank you for coming, and thank you for your excellent work.

If you ever feel that your reports—past, present, or future—are not getting the respect due from the government, please write to the clerk here so we can have that information.

Certainly, as the other members have said, it is quite an indictment of the federal government that aboriginal incarceration, already unacceptably high, is actually increasing. This is horrible and unacceptable. It has been brought up many times in Parliament.

A great danger to society comes from...because virtually everyone gets released from prison. They are more dangerous when they get released if there's not sufficient training and rehabilitation, with anger management.

I had different feedback than Mr. Rickford; I'm not sure you totally answered that.

So there's not enough of these, and therefore the government's current programs are actually making society more dangerous because of the lack of this. In fact, because there will be increased incarceration without an increase in these services, it will be even more dangerous, with more victims and more danger to society.

Do you have any comments on that, both for the aboriginal population, on which specific stuff is missing, and for the general population?

Mr. Howard Sapers: What we have seen, not just in Canada but internationally, is research over time that comes to a general conclusion that correctional programming and intervention works best when there is gradual, supervised reintegration at release from penitentiary into the community. The period of time under supervision and the quality of that supervision and access to community-based programs and safe housing, employment, etc., all comes with establishing or re-establishing life in a community, post-incarceration. We know that is the best kind of correctional practice.

We have been seeing in Canada over the last number of years fewer and fewer, comparatively speaking, releases under conditional release, under day parole and full parole, and more releases happening at the statutory release date or even warrant expiry. This means that time, that portion of the sentence that's served under careful supervision in the community, is being reduced.

• (1200)

Hon. Larry Bagnell: That's a very good point.

I'll just ask three quick questions so I can get them in.

One is the government's looking at reducing restorative justice, which, once again, has a much better success record in preventing victimization and reducing crime.

Second, would northern arctic criminals have a human rights case, in that they cannot have their incarceration close to home and their families and all the support systems that you partly just referred to?

Finally, there are special programs for FASD. My colleague says there is only one recommendation in your report, for a deputy commissioner, in spite of all these problems. Why are you so fixed on that being the solution to the problem, and the only solution?

Mr. Howard Sapers: I'll comment on your questions in reverse order, if I can.

The reason I've reintroduced the recommendation for a deputy commissioner is that I have run out of imagination. We have made numerous specific, individual, pointed recommendations around programming, hiring, training; around cultural sensitivity; around using sections 81 to 84 of the CCRA with more frequency and a more robust manner; about meeting the human rights challenges that are implicit in having discriminatory classification tools, etc. We've made those recommendations for decades, and we haven't seen the kind of results....

I want to make the point that this is not because there is a lack of awareness amongst the executive and most senior leadership of the Correctional Service of Canada. There is a group of senior leaders in that organization that is absolutely aware of this problem and focused on it. In spite of that, we haven't seen the kind of breakthrough that we would have hoped for.

That's why we come back to this as a governance issue within the Correctional Service of Canada.

Dr. Zinger.

Dr. Ivan Zinger: I can take just a short period of time on this.

Somebody asked earlier whether the architecture was appropriate. I think the view of our office is that the Corrections and Conditional Releases Act has everything the services need to move this issue forward. I'll give you a clear example.

There is a specific provision dealing with aboriginal offenders in this piece of legislation, one of which is section 81, which allows the Correctional Service of Canada, via the minister, to enter into agreements for the care and custody of aboriginal offenders by aboriginal communities.

The Chair: Thank you, Mr. Zinger. We're going to have to wrap it up there. We appreciate that.

Mr. Clarke, for five minutes.

Mr. Rob Clarke (Desnethé—Missinippi—Churchill River, CPC): Thank you, Mr. Chair.

I'd like to thank the witnesses for coming here today.

I'm very interested in the first nations. I was an RCMP member for 18 years. I have family who have been incarcerated. I have family members who have gone on probation. I've gone through the whole gamut of the correctional system. I've lived and worked in northern Saskatchewan as a police officer dealing with aboriginal and non-aboriginal communities.

You submitted a report. Has much changed from the report that you submitted back in 2007 up to this current report? What have you done? What's different?

Mr. Howard Sapers: Forgive me; I'm just not sure which report you said was submitted in 2007. Our most—

Mr. Rob Clarke: You appeared before the committee in 2007, correct?

Mr. Howard Sapers: Yes, okay. I just wasn't sure which report you meant.

The update we have most recently produced is the update that was commissioned, the "Good Intentions" report. I think what it tells you is that there has been some movement in terms of policy clarification, role clarification, the development of a strategic plan and accountability framework. There has been some new investment since 2007.

What we haven't seen is dramatic change in the correctional outcomes, in the gaps that were documented—not just in 2007, but the gaps that have been documented over time.

• (1205)

Mr. Rob Clarke: This is what I was seeing in Saskatchewan in working in the correctional field. The mission statement of the RCMP is "keep the peace". Now, I've seen healing circles work. I've seen sentencing circles. I've also dealt with the provincial correctional system, which has a first nation contingent as well—having correctional facilities located on various first nations, for example. There are victim impact statements that the victims can present at the sentencing.

What I'd like to know is the percentage of aboriginals in the correctional system classified as violent offenders, where they've committed crimes of physical violence against an individual. I'd also like to know what percentage of those offenders have committed the offences on aboriginal people.

When I was stationed at, for instance, Onion Lake, I thought I was being stationed to a quiet reserve. We had 743 complaints come in when I went in there. Once phone lines were provided to the community, they expected a policing service and to be protected. That number jumped three times, up to 2,100. In the last year I was stationed there, it was 2,600.

If you don't mind, would you answer those questions for me?

Mr. Howard Sapers: Thank you. I'll do my best.

I can tell you that in the strategy for aboriginal corrections accountability framework, released by the aboriginal initiatives directorate of the Correctional Service of Canada on April 28, 2009, table after table will give you precise answers to those questions about the criminal histories and the distribution of the indexed offences for which the population is serving sentences. If that information is not readily available to the committee, we can make it available.

I can also tell you that I don't have information on the victimization of aboriginal offenders. I don't know whether that information is being collected by anybody. It certainly is not being collected by my office, and it's well outside of my mandate.

The focus of my office, of course, is the administrative and procedural fairness of the Correctional Service of Canada as it applies its legal and policy framework to federal corrections. We really have insight and knowledge only about those men and women who receive federal sentences from the court and how they are dealt with by the Correctional Service of Canada.

Mr. Rob Clarke: You hear about discrimination. We have a mandate not to discriminate while providing a service to aboriginal Canadians to protect them. I'd like to have those numbers, if you could provide them to me and present them to the committee, the statistical data on the offenders and the ratio to the victims who are aboriginals, if you don't mind.

Mr. Howard Sapers: As I said, I don't have access to victimization numbers. I cannot provide you that information. I can certainly provide you access to the Correctional Service of Canada roll-up in their strategic document. I also know that you're going to be hearing from the commissioner of corrections. Frankly, I think he would be in a better position to speak to his organization's document than I would. I wouldn't want to interpret it for him.

The Chair: Thank you, Mr. Clarke and Mr. Sapers.

That's it, members.

We'll now suspend for five minutes, after which we will resume for the second part of our orders of the day.

• _____ (Pause) _____

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• (1215)

The Chair: Members, let's proceed with the second part of our meeting this afternoon. We would like to welcome Mr. Don Head, Commissioner of the Correctional Service of Canada. This is our continuing study of the findings of the correctional investigator's report regarding the incarceration of aboriginal women.

Mr. Head, I think you were here with us in the gallery during the first hour and generally know the rules and how this goes. You have up to 10 minutes for your presentation, and then we will go to questions from members.

Please proceed when you're ready.

Mr. Don Head (Commissioner, Correctional Service of Canada): Thank you, Mr. Chair.

Good afternoon, everyone. I would like to thank you for the opportunity to speak to you today.

By way of background, I have been Commissioner of the Correctional Service of Canada since June 2008. From 2002 until that time, I was the Correctional Service of Canada's senior deputy commissioner. I actually began my career as a correctional officer in 1978.

I have also worked in the provincial and territorial correctional systems, first in the Yukon as the warden of the territorial jail and as the acting director of community and correctional services, and then in Saskatchewan as the assistant deputy minister responsible for probation and correctional services for the Department of Corrections and Public Safety. I believe my experience in the territorial, provincial, and federal correctional systems has provided me with a good understanding of issues surrounding aboriginal corrections.

The disproportionate representation of aboriginal peoples throughout the criminal justice system has been well documented. Currently aboriginal peoples account for about 4% of the adult Canadian population, but 17% of the federal offender population. The factors associated with this overrepresentation are multi-faceted and complex. They involve such challenges as community health and well-being, socio-economic inequities, and intergenerational trauma. The factors are not only multi-dimensional; they are, quite frankly, societal in nature.

CSC is at the receiving end of the criminal justice system, and as such has very limited capacity to resolve these multiple factors. What we can do is take action within our legislative responsibilities to address the needs of first nations, Métis, and Inuit offenders as set out in the Corrections and Conditional Release Act.

The Corrections and Conditional Release Act is very specific about our responsibilities with respect to aboriginal offenders. It requires us to provide culturally appropriate policies, programs, and interventions that address factors associated with risk and needs of offenders as a foundation for their safe return to the community.

The Chair: Mr. Head, I'm going to slow you down a little so that we can do the simultaneous interpretation. I realize you have a lot of material here, but take your time. If there's something left at the end, we'll be able to work it in during the question-and-answer section.

Thank you.

Mr. Don Head: *Oui, monsieur le président.*

It also gives aboriginal people a place in the development and delivery of federal correctional policies, programs, and services, while providing for aboriginal spirituality and culture in the correctional environment.

For example, section 81 of the Corrections and Conditional Release Act sets out the provisions for the establishment of agreements for the transfer of minimum-security aboriginal offenders interested in pursuing a healing path from CSC facilities to the care and custody of healing lodges established in aboriginal communities. The Corrections and Conditional Release Act guides our efforts to address the needs of aboriginal offenders. In a moment, I will give you an overview of the steps that we have taken and plan to take to address these needs, but first I'd like to outline for you some of the challenges that we face in our work.

Aboriginal offenders tend to be younger than non-aboriginal offenders, with greater needs and higher risk levels. Many have lengthier criminal histories and a greater percentage of violent convictions and gang affiliations. Over the past several years, there has been a trend toward shorter sentences for all offenders, including aboriginal ones. This trend seriously limits the time available for CSC to provide access to programs and interventions dealing with important issues such as substance abuse and violence prevention, areas of critical importance for the safe return of aboriginal offenders to the community.

Aboriginal offenders tend to represent a greater proportion of unmotivated offenders who refuse to access programs and comply with correctional plans. They also demonstrate greater needs in areas such as substance abuse, employment and employability, and education. In this context, aboriginal offenders continue to serve a

greater proportion of their sentences in institutions, are more likely to waive or postpone their parole hearings, and have higher rates of reincarceration during periods of conditional release.

Responses to these issues are challenging, but we have taken a course of action that we believe will improve results over the long term. Research has demonstrated that reconnection with culture, family, and community are key factors in the rehabilitation and reintegration of aboriginal offenders. Therefore, Correctional Service of Canada's approach to aboriginal corrections is based on a continuum of care model. It begins at admission, is followed by paths of healing, and ends with the reintegration of aboriginal offenders into the community. This approach has a positive impact on public safety—it engages aboriginal offenders in the process, thus reducing the likelihood of reoffending and reincarceration.

The continuum of care model, which was developed with the guidance of aboriginal elders, was adopted by the Correctional Service of Canada in 2003 and expanded in 2009 to emphasize collaboration and horizontality within government agencies and aboriginal communities. The model provides the flexibility necessary to respect the diversity of first nations, Métis, and Inuit peoples. It is also respectful of significant provincial and territorial variations in cultures, traditions, and languages, as well as the diverse needs and capacities of rural, urban, remote, and northern communities.

In 2006 we developed the strategic plan for aboriginal corrections, which expanded on the continuum of care model. In 2009 the strategic plan was updated in light of our accountability framework, which is designed to ensure that the aboriginal dimension is integrated into all aspects of our planning, operations, reporting, and accountability. It is grounded in specific actions within the context of CSC's five corporate priorities. The actions supported by the accountability framework reflect an understanding of aboriginal cultures and history, the current social reality, and the importance of cultural traditions when formulating meaningful correctional policy for the aboriginal peoples in our care.

Since 2004, CSC has been working towards the development of a northern strategy for corrections. A framework has been finalized and is being consolidated within an overall strategy. A discussion paper will be presented to the February 2010 meeting of Correctional Service of Canada's executive committee. The strategy will focus on the Yukon, the Northwest Territories, and Nunavut, as well as Nunavik and Nunatsiavut. CSC will be working closely with other federal departments and agencies, and with provincial, territorial, and aboriginal stakeholders to develop the northern strategy.

Several northern corrections programs and initiatives are under way with a focus on Inuit offenders, including the delivery of culturally appropriate programs, staff training, and liaison and consultation with territorial and federal government counterparts. Aboriginal offenders currently have access to education, work, correctional programming, and social or cultural services.

• (1220)

We know that effective correctional programs are an essential element in preparing offenders for their safe return to the community. As such, aboriginal offenders participate in both national programs, formerly referred to as core programs, as well as aboriginal-specific programs, which include the integration of effective correctional program principles with traditional aboriginal healing approaches.

CSC operates eight aboriginal-specific programs designed with aboriginal stakeholders for delivery by aboriginal staff. These programs target violence prevention and substance abuse, key areas that place aboriginal offenders at a higher risk to reoffend.

Through our experience working with aboriginal offenders, we observed that programs that include culturally appropriate elements and correctional interventions have proven to be more effective with an aboriginal population, which has higher risks and needs than other segments of the population.

For example, a recent evaluation has shown that male aboriginal offenders who participated in the “In Search of Your Warrior” program were 19% less likely to be readmitted to custody relative to a comparison group, and enrolments by aboriginal offenders in that program increased by 80%. Completion rates for the aboriginal substance abuse programs increased from 56% to 93%. Those who participated in our community maintenance program were 59% less likely to be readmitted for a new violent offence.

Because of this success, CSC is continuing to build capacity to deliver culturally appropriate treatment. As part of our national program improvement plans, CSC is developing an integrated correctional program model that will allow for inclusive and more efficient delivery of programs to all offenders. This new program model will be piloted in the spring of 2010. This model includes an ongoing support for the higher-risk offenders—for example, those in maximum security institutions—as it is believed that offenders will have better opportunities to engage in the correctional plans and transfer to lower security, where they can focus on successfully completing their correctional plans and on reintegration efforts.

With respect to recruitment, retention, and cultural competency in our workforce, CSC is viewed as the second-best employer in the federal public service in terms of representation of aboriginal peoples. In fact CSC has developed a very aggressive strategy for the recruitment of aboriginal peoples for key positions of influence, such as program officers, community development officers, liaison officers, correctional officers, parole officers, and elders. In addition, we have promoted several aboriginal staff to assistant warden, deputy warden, warden, and other executive-level positions within our organization.

CSC has invested nearly \$33 million in aboriginal corrections through fiscal year 2009-10 to support the expansion of aboriginal interventions and healing programs in our institutions; healing

lodges in communities; increased access to elders in our institutions; an increase in Pathways units to offer more intensive healing and support; concrete action to address the needs of aboriginal offenders from the north, with a focus on Inuit offenders; and the creation of more aboriginal employment and job placement opportunities.

CSC continues to work collaboratively with all criminal justice partners and the community to fully support the safe transition of aboriginal offenders to communities. I believe our dedicated efforts have put us on track to respond to the unique needs of aboriginal offenders.

Thank you for this opportunity to speak to you this afternoon, and I welcome any questions that you may have.

• (1225)

The Chair: Thank you, Mr. Head.

Now we will go to questions from members, seven minutes first, both for questions and responses.

We will begin with Mr. Bagnell for seven minutes.

Mr. Bagnell, go ahead.

Hon. Larry Bagnell: Thank you, Mr. Chair.

I appreciate all the initiatives you're taking, and I encourage you to continue on with them. Those sound excellent. But the problem is the bottom line hasn't changed. As you probably heard, it's a pretty serious indictment on the federal government that over-incarceration is not getting any better or worse in spite of all these good ideas.

First, does that indictment rest with you or with the ministers of the government?

Mr. Don Head: If we look at the overall issues and concerns that we're dealing with, it does require a concerted effort, not only within the Correctional Service of Canada but across a broad spectrum of service providers. That could be at the front end of a criminal justice system or providing support for police in terms of how they engage and interact with aboriginal peoples in the communities. It could be for the courts to look at alternatives to deal with some of the issues that are presented in front of them, including issues of substance abuse, of mental health, or in terms of providing even the right kind of support in terms of legal aid for aboriginal peoples who are coming into the criminal justice system.

The work that I've talked about is under way, and it has required a significant investment in programs and resource areas in order for us to start to make a significant movement. Over the last couple of years we've started to receive that investment.

I would also suggest that there needs to be significant consideration in terms of what's required beyond the sentence of an offender, particularly an aboriginal offender. We know that aboriginal offenders, and offenders in general, who go through the programs participate in interventions and receive the kinds of services they need to address the factors that led them into conflict with the law work. They need to be sustained beyond the warrant expiry date of a sentence. That requires a significant discussion and investment in community-based services and social support services to help offenders stay out once they've moved through the system and have decided to uptake the types of programs and interventions that have been available through our system.

• (1230)

Hon. Larry Bagnell: Thank you.

I definitely agree that a number of things should be done that are outside of your control; you mentioned a number of them.

You'll be disappointed to hear that the government is actually moving to reduce the restorative justice options that you were just talking about.

But there are a number of things you can do. I don't know if you were here when the investigator spoke. I'm not sure how long you've been in the role, but he said that time and time again he's put in recommendation after recommendation that haven't been followed. It sounded like he was hitting his head against the wall.

Any comments on the things that are within your control?

Mr. Don Head: Again, to go back to my earlier comment, with the investments that we've received in the last several years, we're starting to make progress in the areas that we need to in terms of putting in place the types of programs that will have the right impact that's needed in terms of dealing with aboriginal offenders. There's financing for increasing the number of aboriginal programs that we have in the system. There's financing to increase the number of what we call Pathways units, or units that are created specifically for aboriginal offenders who want to follow a healing path and to move forward. We now received funding to do that. There's funding to hire more aboriginal liaison officers, aboriginal community development officers, the ones who are actually working with the offender directly and helping them to make good choices for the future. So significant investment in these areas have come our way.

I've indicated in previous committees that in order for us to see the significant decrease in the gaps that we see between aboriginal and non-aboriginal offenders, it will take five to ten years of the sustained kind of focus that we're putting on this area right now.

Hon. Larry Bagnell: I have two last quick questions. One is on your northern strategy. I think both you and the correctional investigator talked about the importance of the reintegration. If you're an Inuit or in the far north, you're not near the federal institution. What is your northern strategy doing about that?

Secondly, once again there are a lot of people, as you mentioned, with FASD who shouldn't probably be in the system at all. What are you doing to recommend to the government to deal with that problem?

Mr. Don Head: We have a series of initiatives, which I'd be glad to share with the committee in detail, in terms of providing

opportunities for northern offenders who are in our facilities. There's everything from Inuit-specific programs to putting in place an aboriginal community development officer in the north. We're working very closely with the Nunavut government and looking for opportunities to work more collaboratively. We're working with the Northwest Territories and the Yukon government in terms of how we can combine our energies and our resources to come up with better strategies to address the needs of individuals from the north, specifically including finding responses that will help with the reintegration of those northern offenders when they go back to their communities. That is key. Once they go back to the community, there has to be the right kind of support network.

Hon. Larry Bagnell: And FASD?

Mr. Don Head: We've done a lot of work in assessing the issues that are associated with FASD, and we're starting to make some progress in terms of the types of responses. The whole FASD issue is wrapped up in our overall approach to mental health, our response to mental health both at the institutional level and the community level within the correctional service.

The Chair: You still have 20 seconds, Mr. Bagnell.

Hon. Larry Bagnell: Most offenders have substance abuse problems. Do you have enough programs, or are you making recommendations to the government for other programs to prevent that?

Mr. Don Head: Yes, we have a strong capacity to respond to substance abuse needs, but as the population increases, we continue to make representation for additional resources to address that need.

• (1235)

[Translation]

The Chair: Thank you.

We now give the floor to the Bloc québécois. Mr. Lemay, it is your turn.

Mr. Marc Lemay: Welcome, Commissioner.

Thank you for being here. We met previously at the Standing Committee on Justice and Human Rights and you know how much of a statistics freak I am.

Could you tell me why it is impossible to get the figures for the penitentiaries in Alberta? Do you have the number of detainees?

[English]

Mr. Don Head: For the federal system?

[Translation]

Mr. Marc Lemay: Yes.

[English]

Mr. Don Head: Yes. It depends specifically on what figures you're looking for.

[Translation]

Mr. Marc Lemay: Could you tell me what the incarceration rate for Aboriginal is for 2007-08 and 2008-09? I mean the figures per 100,000 residents.

[English]

Mr. Don Head: For the province of Alberta?

[Translation]

Mr. Marc Lemay: I am talking about all of Canada.

[English]

Mr. Don Head: I don't have the figures with me. I think the ones that the correctional investigator shared with you earlier during his testimony were the figures we're familiar with. Nothing he cited seemed to be out of proportion.

[Translation]

Mr. Marc Lemay: I have the figures for 2005-06. It is 983 per 100,000 residents, whereas it was 815 per 100,000 residents in 2001-02. So I would like to have them for the following years. Could you provide us with these figures?

[English]

Mr. Don Head: Yes, we can provide you with the figures.

Those figures sound to be in the right zone.

[Translation]

Mr. Marc Lemay: Thank you.

In your presentation, you talked about incarceration. Allow me to quote you:

Aboriginal offenders tend to be younger, and have higher risk and needs than non-Aboriginal offenders. Many have a lengthier criminal history with a greater percentage of violent convictions and gang affiliations.

Could you provide us with the average length of sentences Aboriginals are serving in Canada's penitentiaries?

[English]

Mr. Don Head: Yes. We looked at, in comparison, two sets of figures that we can give you in terms of the admissions. We know that aboriginal offenders who come into our system, compared to non-aboriginal offenders at the time of admission, are coming in with a sentence that's about a month shorter than non-aboriginal offenders. And looking at the incarcerated population on any given day, the aboriginal offender population is serving a sentence on average about seven months shorter than a non-aboriginal offender.

[Translation]

Mr. Marc Lemay: Seven months, that is not much compared to 20 years. I would like to know the average length of sentences given to Aboriginals compared to those of non-Aboriginals.

[English]

Mr. Don Head: *Oui, pas de problème.* We can provide that to the committee.

[Translation]

Mr. Marc Lemay: I would like to know the average age of Aboriginals compared to that of non-Aboriginals. Could you provide us with these figures?

Mr. Don Head: Certainly.

Mr. Marc Lemay: I listened to you and I read your presentation but I mostly listened to the two previous witnesses. I find there is a lot of work to do. I saw some interesting ideas in your plan. We will probably see you again next year since it is my intention to invite you back. How will you ensure that all these plans will be implemented?

[English]

Mr. Don Head: There are a couple of things. Through our accountability framework document that we produced this year, we have much more stringent measures to measure our progress. We know that in the first few years it's going to be incremental, and we hope that'll ramp up in the future years.

We also produce a document now, our aboriginal offenders "Milestones" document, that monitors every correctional aspect of aboriginal offenders versus non-aboriginal offenders as to program participation, day parole, full parole, grants, denials, readmissions, post-warrant expiry two years, five years. We have those documents that are available for us to measure, and documents that this committee can easily have access to as well, to watch the progress over the coming years.

• (1240)

[Translation]

Mr. Marc Lemay: I want to congratulate Mr. Clarke, which is a rare thing for me. He is still an RCMP officer and he is Aboriginal. I am from Quebec where we now have quite a few Aboriginal police officers, both in the RCMP and the Sûreté du Québec as well as in the municipal police forces.

I notice there has been progress made with appointments at the level of warden, assistant warden and heads of institutions. But how about the guards who are in daily contact with Aboriginal detainees? They are mainly non-Aboriginals. Is this going to change? Is somebody looking into this?

[English]

Mr. Don Head: Very much so. As part of our overall human resource renewal strategy, we have a subsection that we're entitling our "aboriginal human resource renewal strategy". Within that strategy we're addressing all the issues related to recruitment of aboriginal people, addressing the learning and development needs of our staff, the retention issue, so that we get these people to stay working with the correctional service. There's also knowledge transfer, as we have individuals who are getting close to retirement and leaving, getting them engaged with younger staff, newer staff, to transfer their knowledge and experience so they can build on that.

We're engaged this year, and in the coming couple of years, in a very intensive approach to hiring more aboriginal staff. The majority of staff that we hire who are of aboriginal ancestry usually come into the organization at the correctional officer level.

[Translation]

The Chair: Thank you, Mr. Head and Mr. Lemay.

[English]

Now we'll go to Ms. Crowder, for seven minutes.

Go ahead, Ms. Crowder.

Ms. Jean Crowder: Thanks, Mr. Chair.

Thank you, Mr. Head, for coming before the committee.

As the correctional investigator noted, I think there are many good intentions within CSC in attempting to fulfill their mandate, but there are challenges in terms of the ongoing problems with aboriginal offenders within the CSC.

You're aware, of course, that the correctional investigator has recommended that there be a deputy commissioner responsible and that the department has strongly indicated it won't be doing that. His concern is that without that kind of structure in place, we won't see the kind of results that are needed.

Are you confident that within the structure the approach to aboriginal offenders is going to get the results?

Mr. Don Head: Yes, I'm absolutely confident that with the new approach we're taking, which includes enhancements to our strategic plan, the introduction of our accountability framework, the internal governance structures, and the manner in which I engage our entire executive committee around the issue of aboriginal offenders within the federal system, that will move the yardsticks.

Since I've been commissioner, I have reactivated the national aboriginal advisory committee. I have several significantly high-profile individuals from the community across the country, representing first nations, Métis—

Ms. Jean Crowder: On that point, when was the last time they met?

Mr. Don Head: The last time we met was in early summer. We've had three meetings in the last year.

Ms. Jean Crowder: That's definitely an improvement. There had been a long hiatus—

Mr. Don Head: That's right.

Ms. Jean Crowder: —when the committee hadn't met.

So you've met three times in the last year.

Mr. Don Head: Yes. Our next meeting is in January, and then I think the next one after that may be in March.

As an example, we held our last meeting in Iqaluit, and it was an opportunity for us to engage representatives from the Nunavut government and the community to talk about northern corrections issues.

Ms. Jean Crowder: You mentioned your accountability framework, and I know that the correctional investigator highlighted some challenges. He said the correctional service does not have the necessary data collection systems in place to monitor and evaluate its progress in the area of aboriginal commissions. They go on to say that they've been recommending quarterly reports, analyzing key correctional outcomes, and so on. He lists a whole gamut. He indicated that an integrated monitoring system was to be in place by March 2007. This date has long passed.

Have you changed the reporting requirements, and are you going to be gathering on a quarterly basis and reporting on a quarterly basis things like transfers, segregation, discipline, temporary absences, and all of that?

●(1245)

Mr. Don Head: Yes, very much so. We have a document now that we just published in September, which we call the aboriginal offenders "Milestones" document.

Ms. Jean Crowder: So that's publicly available?

Mr. Don Head: We haven't put it up on our website, but it is a document that we can make available to this committee.

Ms. Jean Crowder: I would appreciate a copy of that.

Mr. Don Head: Yes.

Ms. Jean Crowder: I think that would help in terms of the committee's being able to assess whether there's been progress.

You mentioned in your speech that the trend toward shorter sentences seriously limits the time available for CSC to provide access to programs. Yet I noted in the issues around security and classification that placement in maximum security institutions and segregation limit increased interventions that are available in lower security, and the correctional investigator pointed out that 45% of federally sentenced in maximum security are women. If people are in maximum security and they're limited in the kinds of programs.... I just wonder how that fits into the context of your saying that it seriously limits the time available to provide programs and services.

You have people who are in maximum security. They don't have access. You're talking about the fact that it's important for them to have access. How do you line that up?

Mr. Don Head: It's a very good question. That's one of the things we're trying to reconcile now. It's one of the reasons that we're moving very quickly on the introduction of what I mentioned briefly, the integrated correctional program model, which will allow us to deliver and to start offender engagement in programs much earlier in their sentence.

Ms. Jean Crowder: Including maximum security?

Mr. Don Head: Including maximum security. In some cases, it would be starting that program right during the time of reception, when they're sitting in the reception units.

Ms. Jean Crowder: If there were one thing that the committee could do to help you in your job, what would that be?

Mr. Don Head: I think it goes back to the question that was raised by Mr. Bagnell earlier, and that is really about the back end of the system. As I mentioned, I classify us as being the back end of the criminal justice system. But with the work that we've been doing around programs, the efficacy of those programs, the research that's showing that these programs work when they are delivered and we get them up, we need the new back end of that system to support those offenders when they go back out in the community.

I'd like to be able to say that I proclaim myself to be the front end of a new system that is able to support offenders once they've reached warrant expiry and to build on the learning, the programs, and the interventions that they were able to participate in within our system to help sustain them out in the community in a law-abiding way.

Ms. Jean Crowder: Do I have more time?

The Chair: One minute, Ms. Crowder.

Ms. Jean Crowder: I think most of us would agree that back-end support is really important, because reintegration into community in a healthy, safe way will help keep people from reoffending.

On the protocol, I think you probably know I mentioned the protocol with regard to handling women offenders who are high-risk. I understand that there are some changes coming to that. When can we expect to see changes to that protocol?

Mr. Don Head: I hope to have that within this fiscal year, to have the proposal in place. The management protocol, I think, was a response to some very challenging and difficult cases. It's been in place, and I think it's been pointed out that there are some difficulties with that. I recognize those difficulties, and I've asked our staff to look at how we address those in a way that is actually more progressive and looks at moving women back into a general population mode so that they can access interventions and opportunities like the rest of the women.

The Chair: You're right on time. Thank you, Ms. Crowder and Mr. Head.

Now we'll go to Mr. Duncan, for seven minutes.

Mr. Duncan, go ahead.

Mr. John Duncan: Thank you very much.

Mr. Head, thank you for your testimony.

It was nice to hear from our Liberal colleague from the Yukon that the previous administration was an absolute failure in terms of dealing with crime in the north over 13 years.

Well, he took a lot of shots at us, and I'm going to do the same with him.

I have many first nations in my riding. I've talked to community leaders and I've been involved in first nations issues nationally over at least the last 15 years. The issue that my colleague Mr. Clarke brought up previously, which is aboriginal crime against aboriginal within their own community, is a growing concern. Much of the leadership is quite concerned.

A lot of this is no surprise to you, I'm sure. It's drug-related, and of course we have the huge population increase in youth.

So you're at the sharp end and you have a very difficult task, and I commend you for your progressive initiatives, which you've talked about today, to try to make things better. When you talked about your comprehensive response and the accountability framework that has come into play this year, which integrates all aspects of corrections planning, operations, reporting, and accountability, would it be fair to say it would be very difficult to operate without doing that at this point, given the makeup of the population?

• (1250)

Mr. Don Head: It's a very good question. In order for us to make any inroads as it relates to aboriginal offenders, we need to have a very strong integrated approach, and that's what we're doing within the Correctional Service of Canada.

At the end of the day, as I mentioned earlier in my testimony, it's extremely important that in the long run we find just as equally effective an integrated approach from the beginning of the criminal

justice system to well beyond the criminal justice system. That's when we'll see long-term changes in terms of the issue that we're talking about today.

Mr. John Duncan: You did also mention that your department is viewed very positively, I think ranked number two in terms of aboriginal participation in your workforce. Is that a recent change or has that developed over time?

Mr. Don Head: It has developed over time. Just under 8% of my staff complement are individuals who have declared aboriginal ancestry. In some cases it's a little higher because people just haven't declared it. So that's a significant number in comparison to other federal government departments or agencies.

Just so you know, and it goes to an earlier question about our overall human resource strategy, we're not necessarily satisfied with that number. When 17% of our offender population are individuals of aboriginal ancestry, we need to have a staff complement that is as near reflective as possible of that number as well. We believe that having aboriginal staff working with aboriginal offenders, showing themselves as good role models, make up part of the right equation in terms of going forward.

Mr. John Duncan: There's apparently a CSC review panel looking at FASD. There's a research project proceeding to create an assessment scale. Are you familiar with this? How important is this? There must be some estimate of the percentage of the population generally in terms of having FASD.

Mr. Don Head: We have an addictions research centre in Montague, Prince Edward Island. It does most of our work and research on addictions. It works with agencies such as the Canadian Centre on Substance Abuse, and others like that. Our group has been doing a lot of work around FASD to come up with assessment tools that will help to point us in the direction. But as members of this committee know, a full pronouncement of somebody having FASD involves more than just a screening process or tool. It requires a much more in-depth examination of the individual and their family history.

We do not have anything definitive on the number of individuals who may have FASD. There have been estimates at different times that it could comprise 30% of the population or 50% of the population, but until we have these tools, we are not able to give a definitive number.

Giving a full exam to get that definitive declaration is a very expensive process. We are trying to make some inroads through the use of screening tools in our addictions research centre.

• (1255)

Mr. John Duncan: I also understand that an Inuit-specific risk prediction scale has been completed, or was supposed to be completed this year. I know the name but I don't know what it does. This committee just spent the last two weeks in the north, and would be quite interested in hearing from you on what that relates to.

The Chair: Give a short response, if you can, Mr. Head.

Mr. Don Head: I'm not sure about the status of the risk development tools, but we can provide this committee with some information on the risk tools we use so you can get some appreciation of them.

The Chair: Thank you, Mr. Duncan and Mr. Head.

Members, we are almost at 1 o'clock. We started a bit late. One item arose out of our discussions this morning that we need to deal with.

Do you wish to take two more questions with this witness and go until shortly after 1 o'clock? We did the same for the previous witness.

I am at the committee's discretion.

Mr. Greg Rickford: Take care of business.

The Chair: All right. It will not take very long.

We'll let you go, Mr. Head. We appreciate your audience here this morning.

Members, Mr. Lemay has raised the issue of expanding this study to include hearing from the Minister of Public Safety.

Is it the wish of the committee to expand the study, in regard to our orders of the day today, the study on the findings?

Mr. Duncan.

Mr. John Duncan: On a point of order, why would we take this as a committee discussion as opposed to a subcommittee discussion? Most of the time when we're talking about changing our work schedule, we take it to the subcommittee.

The Chair: If that's your wish; it's just that the item was raised in the course of the discussion today. We heard from other members on the point, so we could resolve the issue today, if you wish. It was really a point of discussion.

Madam Crowder is next, and then Mr. Bagnell.

Ms. Jean Crowder: I believe that when we originally talked about this motion, we were going to hear from the Elizabeth Fry Society. Is that still on?

The Chair: That's still on for Tuesday morning. It will be a split meeting. We will have representatives from the Elizabeth Fry Society, as well as the author pertaining to the honour of the crown subject. Mr. McCabe will be joining us for the second hour.

Next is Mr. Russell, and then Mr. Bagnell.

Mr. Todd Russell: Given the time and that we limited questions due to the time constraint, I think we should refer all future business of the committee to Tuesday, with the one caveat that agree we will deal with supplementary estimates. This discussion could go on and on, but we have a planned meeting. We should discuss it at the subcommittee meeting and bring it back.

The Chair: Mr. Bagnell.

Hon. Larry Bagnell: I hope the subcommittee can also address the question I raised this morning about adding Air Canada and CMHC to our witness list.

The Chair: You're right, Mr. Bagnell. That was within the course of our continuing consideration of northern economic development.

Let me just say that the reason I raised it here was that in fact the request came in the course of our deliberations. It was not raised as a motion, but it nonetheless was a request. It's perfectly in order to consider the question here before committee. But if the committee would rather move that to subcommittee, we'll do that on Tuesday morning.

With that in mind, we are adjourned.

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