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CANADA

**REPORT 3, PREPARING INDIGENOUS
OFFENDERS FOR RELEASE, OF THE FALL 2016
REPORTS OF THE AUDITOR GENERAL OF
CANADA**

**Report of the Standing Committee on
Public Accounts**

**Hon. Kevin Sorenson
Chair**

MAY 2017

42nd PARLIAMENT, 1st SESSION

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THE STANDING COMMITTEE ON PUBLIC ACCOUNTS

has the honour to present its

TWENTY-SIXTH REPORT

Pursuant to its mandate under Standing Order 108(3)(g), the Committee has studied Report 3, Preparing Indigenous Offenders for Release, of the Fall 2016 Reports of the Auditor General of Canada and has agreed to report the following:

“REPORT 3—PREPARING INDIGENOUS OFFENDERS FOR RELEASE—CORRECTIONAL SERVICE CANADA,” FALL 2016 REPORTS OF THE AUDITOR GENERAL OF CANADA

INTRODUCTION

According to the Office of the Auditor General of Canada (OAG), “Indigenous offenders make up a growing and significant proportion of the federal offender population.”¹ For example, while “Indigenous peoples make up an estimated [3%] of the Canadian adult population, Indigenous offenders accounted for [26%] of all offenders in [federal] custody in the 2015–16 fiscal year.”²

Don Head, Commissioner, Correctional Service Canada (CSC), indicated that the “indigenous offender population differs from the non-indigenous offender population in a number of” ways:³

For instance, when we look at global statistics, [Indigenous] offenders tend to be younger, they are more likely to have served previous youth and/or adult sentences, they are incarcerated more often for violent offences, and they are more inclined to have gang affiliations and have higher risk and needs ratings.⁴

With respect to the prevalence of aboriginal gangs, particularly in the Prairie regions of Alberta, Saskatchewan and Manitoba, Mr. Head explained that one of the challenges that CSC faces “is the placement of certain individuals into certain penitentiaries to be able to follow their rehabilitation plan.”⁵

With the myriad of different gangs there and their conflicts, we cannot have the Native Syndicate in with this gang or that gang, so we're very careful about how we place individuals. Sometimes that creates some problems in integrating individuals on ranges or integrating individuals in an institution overall. The aboriginal gangs in the Prairie region are the fastest-growing group of gangs that we have to face.⁶

The mission of CSC “is to ‘contribute to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe,

1 Office of the Auditor General of Canada (OAG), [“Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada,”](#) *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.4.

2 Ibid.

3 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

4 Ibid.

5 Ibid., 1600.

6 Ibid.

secure and humane control.”⁷ According to the OAG, one of CSC’s “main legislated responsibilities is to support the successful reintegration of offenders into the community.”⁸ “The [Corrections and Conditional Release Act](#) requires CSC to adopt correctional programs and policies that are responsive to Indigenous offenders’ unique needs.”⁹

According to the OAG, in 2006, “CSC established a Strategic Plan for Aboriginal Corrections [the Plan] to address the specific needs of Indigenous offenders in the correctional system. The Plan included developing culturally specific correctional programs and interventions, and enhancing the cultural competence of staff working with Indigenous offenders. Longer-term objectives involved closing the gap in correctional outcomes between Indigenous and non-Indigenous offenders.”¹⁰

The OAG also noted that “CSC policies require decisions concerning Indigenous offenders to take into account their unique circumstances, as described in their Aboriginal social history,”¹¹ which include:

- the effects of the Indian Residential Schools system;
- family or community history of suicide, substance abuse, victimization, and fragmentation;
- poverty; and
- loss of or struggle with cultural and spiritual identity.¹²

The 2015 report of the Truth and Reconciliation Commission “called on the federal government to eliminate the overrepresentation of Indigenous people in custody over the next decade, and to issue detailed annual reports that monitor and evaluate its progress in doing so.”¹³ Additionally, it “also called for the government to eliminate barriers to the creation of additional Healing Lodges within the federal correctional system.”¹⁴ Given that “the government committed to implementing all of the Commission’s recommendations” in December 2015, CSC “has a role to play in

7 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.1.

8 Ibid.

9 Ibid., para. 3.2.

10 Ibid., para. 3.5.

11 Ibid., para. 3.6.

12 Ibid.

13 Ibid., para. 3.7.

14 Ibid.

addressing recommendations directed toward the successful reintegration of Indigenous offenders in federal custody.”¹⁵

In the fall of 2016, the OAG released a performance audit whose objective was to determine whether CSC “provided correctional interventions in a timely manner to Indigenous offenders to assist with their successful reintegration into the community.”¹⁶

On 15 February 2017, the House of Commons Standing Committee on Public Accounts (the Committee) held a hearing on this audit.¹⁷ From the OAG, the Committee met with Michael Ferguson, Auditor General of Canada, and Carol McCalla, Principal. CSC was represented by Don Head, Commissioner, and Anne Kelly, Senior Deputy Commissioner.

FINDINGS AND RECOMMENDATIONS

A. Indigenous Offenders Released from Maximum- or Medium-Security Institutions

The OAG “examined when Indigenous offenders were first released from penitentiaries, their type of release, and their level of security over the past three fiscal years.”¹⁸

The OAG “found that 740 of the 1,066 Indigenous offenders released in the 2015–16 fiscal year [69%] were released at their statutory release dates.”¹⁹ Consequently, “Indigenous offenders served longer portions of their sentences in custody than did non-Indigenous offenders, limiting the time available for them to benefit from a gradual and structured return to the community under supervision to the end of their sentences.”²⁰ Moreover, of the “740 Indigenous offenders released on statutory release in the 2015–16 fiscal year, 102 [14%] were released directly into the community from maximum-security institutions, and 483 [65%] were released from medium-security institutions. CSC policy does not require an offender at a higher level of security to be assessed for a possible reduction in security level following a significant event, such as the successful completion of a correctional program. [The OAG] found that only [13%] of Indigenous offenders at maximum- and medium-security levels had been assessed for reductions in their security levels after successfully completing a correctional program in the 2015–16 fiscal year.”²¹

15 Ibid.

16 Ibid., para. 3.8.

17 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

18 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.24.

19 Ibid., para. 3.25.

20 Ibid.

21 Ibid., para. 3.26.

Thus, the OAG recommended that CSC “ensure that Indigenous offenders are assessed for a possible reduction in their security level following a significant event—such as the successful completion of a correctional program—to support their reintegration.”²²

In response to this recommendation, CSC stated that it “will ensure that each offender’s initial correctional plan clearly outlines the significant events—such as the successful completion of correctional programs and the Pathways Initiative—that will require a reassessment of an offender’s security level and facilitate an offender’s safe transition to lower security and eventual community reintegration.”²³ CSC will also “revise policy as necessary, communicate expectations, and monitor results.”²⁴

In its action plan, CSC provided the nine following milestones:

1. Providing “interim direction regarding the need to reassess an offender’s security level following a significant event” (December 2016);²⁵
2. Conducting “policy reviews and developing draft Commissioner’s Directives” (March 2017);²⁶
3. Conducting “a national consultation regarding the impacts of assessment following defined significant events with internal stakeholders” (March to September 2017);²⁷
4. Finalizing the workload review and providing “recommendations regarding the impact on workload to senior management” (September 2017);²⁸
5. Enhancing the Offender Management System (OMS) “Timeline to permit manual entry of correctional planning events” (September 2017);²⁹
6. Enhancing “correctional plan template” (September 2017);³⁰

22 Ibid., para. 3.27.

23 Ibid.

24 Ibid.

25 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 1.

26 Ibid.

27 Ibid., p. 2.

28 Ibid.

29 Ibid., p. 3.

30 Ibid.

7. Developing OMS “requirements to support the automation of correctional planning events” (December 2017);³¹
8. Finalizing and communicating “policy changes regarding significant events” (December 2017);³² and
9. Conducting “a policy compliance review” (December 2018).³³

In light of this testimony, the Committee recommends:

RECOMMENDATION 1

That, by no later than 31 January 2019, *Correctional Service Canada* provide the House of Commons Standing Committee on Public Accounts with a report outlining the results of the compliance review of its policy for reassessing an offender’s security level following a significant event.³⁴ This report should also clearly explain the policy changes regarding significant events.

B. Indigenous Offenders Released on Parole

The OAG “examined whether CSC ensured that complete and timely reports on Indigenous offenders’ readiness for release were provided to the Parole Board by their first parole eligibility date.”³⁵

The OAG “found that few Indigenous offenders had been prepared for conditional release in a timely manner: [12%] of the 1,066 Indigenous offenders who were released in the 2015–16 fiscal year had their cases prepared for a parole hearing by their first parole eligibility dates.”³⁶ The OAG also “found that in the 2015–16 fiscal year, [83%] of the 1,066 Indigenous offenders released had waived or postponed their parole hearings” for a variety of reasons including “program non-completion due to CSC’s inability to provide them with timely access to correctional programs to ensure completion by their first parole eligibility date.”³⁷

31 Ibid.

32 Ibid.

33 Ibid.

34 According to the OAG, a significant event is an event such as the successful completion of correctional programs and the Pathways Initiative. OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.27.

35 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.33.

36 Ibid., para. 3.34.

37 Ibid., para. 3.35.

Michael Ferguson, Auditor General of Canada, OAG, told the Committee that, although “parole supervision is a highly effective way to support the successful return of an offender to the community,” CSC “prepared indigenous offenders for parole hearings less often than non-indigenous offenders,” and when CSC did, “it was later in their sentence.”³⁸

Therefore, the OAG recommended that CSC “ensure that low-risk Indigenous offenders are prepared for parole hearings when they are first eligible for conditional release.”³⁹

In response to this recommendation, CSC stated that it “will ensure that low-risk offenders have timely access to the correctional programs and interventions they require so that their case preparation is complete by the time they are first eligible for conditional release.”⁴⁰ CSC also committed to identifying “specific institutions where the intake assessment process and Aboriginal programming and interventions can be centralized to ensure timely pre-release case preparation.”⁴¹

In its action plan, CSC provided the seven following milestones:

1. Conducting analyses and identifying target groups (Completed);⁴²
2. Developing “a pre-release preparation process that begins at intake for eligible low risk Indigenous offenders” (January 2017);⁴³
3. Consulting with relevant stakeholders (June 2017);⁴⁴
4. Conducting policy reviews and revising Commissioner’s Directives (December 2017);⁴⁵
5. Finalizing and communicating “policy changes regarding pre-release preparation events” (December 2017);⁴⁶

38 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

39 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.37.

40 Ibid.

41 Ibid.

42 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 4.

43 Ibid.

44 Ibid.

45 Ibid.

46 Ibid.

6. Developing and implementing “plans for the centralization of Indigenous intake assessment and programming [...] in order to ensure timely pre-release case preparation for Indigenous offenders” (December 2017),⁴⁷ and
7. Revising “CSC policy and procedures for initial Security level classification and penitentiary placement to provide structured guidance on how Aboriginal social history should be considered and documented” (December 2017).⁴⁸

In order to ensure that this matter is addressed properly, the Committee recommends:

RECOMMENDATION 2

That, by no later than 31 January 2019, *Correctional Service Canada* provide the House of Commons Standing Committee on Public Accounts with the percentage of low-risk offenders that were prepared for parole hearings when they were first eligible for conditional release in 2018, and explain the concrete measures that were taken to ensure timely pre-release case preparation.

C. Access to Culturally Specific Correctional Programs

The OAG “examined whether correctional programs were provided to Indigenous offenders by the time they were first eligible for release” by focusing “on 843 Indigenous offenders who were serving short-term sentences (four years or less) and were released in the 2015–16 fiscal year.”⁴⁹

The OAG “found that Indigenous offenders waited almost five months, on average, to start correctional programs after admission to federal custody. As a result, few Indigenous offenders [20%] serving short-term sentences were able to complete their correctional programs by the time they were first eligible for release.”⁵⁰

Mr. Ferguson explained that as the indigenous offender population grew, CSC “could not provide them with the rehabilitation programs they needed when they needed them.”⁵¹ Furthermore, “access to these services was uneven across institutions.”⁵²

For example, healing lodges were designed to meet the unique needs of indigenous offenders, but they did not exist in all regions. There were none in Ontario, where

47 Ibid., p. 5.

48 Ibid.

49 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.48.

50 Ibid., para. 3.44.

51 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

52 Ibid.

approximately 500 indigenous offenders were located. We found that offenders who participated in healing lodge programs had very low rates of reoffending upon release, yet Correctional Service of Canada had not examined ways to provide greater access to more indigenous offenders.⁵³

For this reason, the OAG recommended that CSC “ensure that Indigenous offenders have timely access to correctional programs—including culturally specific programs—according to their needs and preferences, to support their successful reintegration.”⁵⁴

In response to this recommendation, CSC stated that it “has developed an integrated correctional program model for Indigenous offenders, which will be fully implemented” in 2018.⁵⁵ CSC will also “ensure that correctional program resources are aligned with the overall Indigenous offender population need and preference to create timely access to Aboriginal programs.”⁵⁶ Lastly, CSC committed to monitoring these initiatives on an ongoing basis “through performance planning and reporting indicators as well as a planned program evaluation.”⁵⁷

In its action plan, CSC provided the six following milestones:

1. Providing “additional guidance around appropriate prioritization of Indigenous Programming for Indigenous Offenders” (February 2017);⁵⁸
2. Fully implementing the “Aboriginal Integrated Correctional Program Model” (June 2017);⁵⁹
3. Developing an integrated Inuit correctional program “to ensure that Inuit offenders have timely access to correctional programs, including Inuit” correctional programs (September 2017);⁶⁰
4. Developing and implementing “plans for the centralization of Indigenous intake assessment and programming [...] in order to ensure timely pre-release case preparation for Indigenous offenders” (December 2017);⁶¹

53 Ibid.

54 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.54.

55 Ibid.

56 Ibid.

57 Ibid.

58 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 6.

59 Ibid.

60 Ibid.

61 Ibid., p. 7.

5. Developing structured OMS “indicators to allow the identification of Indigenous offender’s program need and preference” (December 2017),⁶² and
6. Evaluating correctional programs (June 2018).⁶³

Mr. Head mentioned that CSC will optimize the roles of “elders and spiritual advisors and the use of Pathways initiatives and healing lodges to provide strong, structured, and culturally supportive environments for indigenous offenders on the path to rehabilitation and reintegration.”⁶⁴

Mr. Head also stressed that CSC has made “targeted efforts to recruit and retain indigenous employees to assist in the delivery of indigenous interventions and to provide culturally relevant perspectives,” which have resulted in CSC being “the largest employer of indigenous peoples in the core public service.”⁶⁵

When asked how many indigenous offenders currently have access to rehabilitation programs, Mr. Head responded that all “offenders have access to all the mainstream programs at any given time,” and “Indigenous offenders have the ability to go down a path that is more specific to their cultural needs.”⁶⁶ He then went on to explain that the access to these programs is largely driven “by the desire of offenders.”⁶⁷

We have indigenous offenders who choose not to go down the path that would lead to healing lodges. Some will take the mainstream programs, and they have access to all the mainstream programs. For those who choose to go down the path of the healing lodge and Pathways, they’re there, so in terms of percentages, it’s hard to give you the number you’re looking for. I can tell you where we stand in terms of the healing lodge beds we have and how many are used. I can tell you about the Pathways initiatives and how many offenders are participating. I can tell you the number of individuals who have section 84 release plans. As I say, though, some of that is driven by the offenders themselves.⁶⁸

Mr. Head also explained that CSC will improve the access to culturally specific correctional programs as follows:

Going forward, we’re trying to accelerate both the intake assessment and the involvement in those programs. We want this to happen within the first month or two that an inmate comes into the system, as opposed to what was happening before, where it could take up to 150 or 160 days for individuals to get involved in programs. We’re literally targeting the first week that they come into the institution. Their assessments are

62 Ibid.

63 Ibid.

64 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1540.

65 Ibid.

66 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1550.

67 Ibid.

68 Ibid.

going to include asking them which stream they would like to pursue. They stay in the intake units and start their program primers, and in some cases they actually start their full programs while they're still in intake, without waiting until they've been transferred to another institution. The other big change we are putting in place is that we will [be] changing the lens through which we look at offenders who have completed the program. We're going to take a bit of what we call a presumptive transfer to lower security upon completion of the program. What the parole officers would have to do in these cases is sort of the reverse of what they're doing today: it's that once an offender has [completed] their program, the assumption is that they are now ready to be transferred to lower security.⁶⁹

In light of this testimony, the Committee recommends:

RECOMMENDATION 3

That, by no later than 31 January 2019, *Correctional Service Canada* provide the House of Commons Standing Committee on Public Accounts with the average time that Indigenous offenders had to wait to access culturally specific programs in 2018, and the percentage of eligible indigenous offenders for whom these programs were not accessible although they requested them in 2018.

D. Assessing the Impact of Culturally Specific Correctional Interventions

The OAG “examined whether CSC provided culturally specific interventions to Indigenous offenders.”⁷⁰

The OAG “found that access to correctional interventions varied considerably across institutions and regions.”⁷¹ The OAG also found that CSC “had not examined whether it provided enough access to culturally specific correctional interventions to meet the needs of the Indigenous offender population.”⁷²

In light of these findings, the OAG recommended that CSC “should examine the extent to which [[Pathways Initiatives](#)] and [[Healing Lodges](#)] contribute to the timely and successful release of offenders into the community and how they may be better utilized. [CSC] should develop guidelines and training for staff working with Indigenous offenders on how to demonstrate the impact of culturally specific interventions on an offender’s progress toward successful reintegration into the community.”⁷³

In response to this recommendation, CSC stated that it “will develop structured guidelines to assist case management staff in documenting the impact of culturally

69 Ibid.

70 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.59.

71 Ibid., para. 3.55.

72 Ibid.

73 Ibid., para. 3.71.

specific interventions, such as Pathways Initiatives, in decision-making reports.”⁷⁴ CSC will also “ensure the maximum use of Elder services, Pathways Initiatives, and Healing Lodges for those offenders for whom they are most appropriate.”⁷⁵

In its action plan, CSC provided the six following milestones:

1. Developing “tools and guidance to assist case management staff in assessing the impacts of Indigenous interventions (including Pathways, Elder Services and Healing Lodges) to the rehabilitation and reintegration of Indigenous offenders” (March 2017);⁷⁶
2. Reviewing and realigning, where necessary, Aboriginal Community Development Officer (ACDO) “resources to prioritize Section 84 release planning two years before an Indigenous offender’s first parole eligibility date” (April 2017);⁷⁷
3. Developing “a National Elder Orientation package to maximize their ability to contribute to the successful reintegration of Indigenous Offenders” (September 2017);⁷⁸
4. Implementing the recommendations of the Global Learning Needs Analysis including ACDO and Aboriginal Community Liaison Officer (ACLO) training (January 2017 to March 2020);⁷⁹
5. Developing “a National Indigenous Plan to ensure maximum use of culturally specific interventions including Elder Services, Pathways and Healing Lodges” (December 2016);⁸⁰ and
6. Monitoring “the results of the implementation of the National Indigenous Plan” (Ongoing).⁸¹

When asked to explain why CSC did not examine whether it was providing enough culturally specific interventions despite its legislative mandate to provide such interventions, Mr. Head provided the following response:

74 Ibid.

75 Ibid.

76 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 8.

77 Ibid., p. 9.

78 Ibid.

79 Ibid., pp. 9-10.

80 Ibid., p. 10.

81 Ibid., pp. 10-11.

There is no question that we did examine that. Did we provide enough? The answer is no, we did not. There are several reasons we could probably go into. One, of course, is the increased number of individuals coming into the system and the capacity to keep up with that. There were challenges around individuals who, to some extent, particularly with some of the youthful indigenous offenders that came into the system, were very much influenced by gangs to not participate in programs. There are all kinds of different factors in play. Did we have programs and interventions in place? Yes, we did. Did we have enough? The answer is obviously not. Are we trying to close that gap? The answer is yes, and we're trying to do it within the budget constraints we have.⁸²

When questioned on the OAG's finding that CSC "did not ensure that its culturally specific correctional programs operate with the required level of Elder involvement, potentially affecting the effectiveness of these programs," Mr. Head responded that CSC employs approximately 140 elderly people across Canada, but recruiting and keeping them is a constant challenge, partly because of their age:

We have several forums where we discuss this through the National Aboriginal Advisory Committee and the National Elders Working Group, to talk about how we can continually recruit elders and find elders in the community.⁸³

Thus, the Committee recommends:

RECOMMENDATION 4

That, by 31 October 2017, *Correctional Service Canada* explain to the House of Commons Standing Committee on Public Accounts how it has ensured maximum use of culturally specific interventions with its National Indigenous Plan, its new structured guidelines for case management staff and its National Elder Orientation package.

E. Access to Available Offenders' Official Documents Required for Intake Assessments

The OAG "examined whether CSC obtained the official documents required for completing the offenders' intake assessments in a timely manner."⁸⁴

The OAG found that:

[CSC] had little information available on offenders entering federal penitentiaries. When an offender received a federal sentence, his or her history in the provincial or territorial court system was not automatically forwarded to the federal correctional system. It could take months for [CSC] to obtain this information from provincial or territorial authorities, delaying assessments and program referrals.⁸⁵

82 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1605.

83 Ibid.

84 OAG, "[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#)," *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.83.

85 Ibid., para. 3.79.

In light of this finding, the OAG recommended that CSC “work with its provincial and territorial partners to ensure that it has timely access to available offender criminal histories and court documents.”⁸⁶

In response to this recommendation, CSC stated that it “will continue to liaise with its territorial and provincial partners to improve timely access to offender criminal histories and court documents.”⁸⁷ In its action plan, CSC provided the two following milestones:

1. Consulting “Information Retrieval Units to increase consistency nationwide in the timely collection of offender criminal histories and court documents” (March 2017),⁸⁸ and
2. Undertaking “a review of CSC’s existing Memoranda of Understanding (MOUs) with Provincial and Territorial partners to identify and correct gaps to improve on the timely access to courts documents” (September 2017).⁸⁹

Consequently, the Committee recommends:

RECOMMENDATION 5

That, by 31 October 2017, *Correctional Service Canada* explain to the House of Commons Standing Committee on Public Accounts how it has corrected the gaps in its existing Memoranda of Understanding with its provincial and territorial partners to improve timely access to available offender criminal and court documents.

F. Tools and Processes for Assessing Security Classification and Making Referrals to Correctional Programs

The OAG “examined how CSC used the Custody Rating Scale to complete Indigenous offenders’ security classifications and referrals to correctional programming.”⁹⁰ The OAG “found that Indigenous offenders were more likely than non-Indigenous offenders to be classified at higher security levels.”⁹¹ According to Mr. Ferguson, this finding is due to the fact that CSC’s “assessment tools did not

86 Ibid., para. 3.86.

87 Ibid.

88 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 12.

89 Ibid.

90 OAG, [“Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada,” Fall 2016 Reports of the Auditor General of Canada](#), Ottawa, 2016, para. 3.91.

91 Ibid., para. 3.87.

address the specific needs of indigenous offenders or consider their [A]boriginal social history, as required.”⁹²

For this reason, the OAG recommended that CSC “explore additional tools and processes to assess the security classification of Indigenous offenders, including the development of structured guidance for the consideration of an offender’s Aboriginal social history.”⁹³

In response to this recommendation, CSC stated that it “will continue to conduct research on the validity of its current assessment tools with regard to Indigenous offenders,” and “examine the need for and feasibility of developing new culturally appropriate assessment measures founded on the Gladue principles.”⁹⁴

In its action plan, CSC provided the three following milestones:

1. As part of CSC’s Annual Research Plans, reviewing assessment tools and, as needed, considering revisions “to ensure their validity for Indigenous offenders” (Ongoing);⁹⁵
2. Revising CSC’s policy and procedures for initial security “level classification and penitentiary placement, security level reclassification, pre- and post-release decision-making,” and ensuring “structured guidance on how Aboriginal social history should be considered and documented” (December 2017);⁹⁶ and
3. Developing and implementing “OMS indicators to guide the considerations of Aboriginal social history” (December 2017).⁹⁷

Therefore, the Committee recommends:

92 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

93 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.94.

94 *Ibid.*

95 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 13.

96 *Ibid.*

97 *Ibid.*, p. 14.

RECOMMENDATION 6

That, by 31 January 2018, *Correctional Service Canada* provide the House of Commons Standing Committee on Public Accounts with the key results of its research on the validity of its current assessment tools with regard to Indigenous offenders, and the key results of its examination of the need and feasibility of developing new culturally appropriate assessment measures founded on the Gladue principles.

The OAG also “found that the primary tool that CSC used to refer Indigenous offenders to correctional programs was the Custody Rating Scale,” which “was designed as a security classification tool, not a program referral tool, and could lead to higher-than-necessary referrals to correctional programs.”⁹⁸ Mr. Ferguson noted that, although CSC “had developed better tools, it had not yet put them into use.”⁹⁹

Therefore, the OAG recommended that CSC “use the most appropriate assessment tools available to refer Indigenous offenders to correctional programs.”¹⁰⁰ CSC responded that it “has developed and will be implementing the Criminal Risk Index, a more appropriate actuarial tool for the assignment of Indigenous offenders to correctional programs.”¹⁰¹

In its action plan, CSC provided the seven following milestones:

1. Finalizing “the development of actuarial measure for all offenders including Indigenous offenders and women offenders—Criminal Risk Index (CRI)” (Completed);¹⁰²
2. Developing “scoring guidelines associated with the” CRI (March 2017);¹⁰³
3. Holding a consultation on policy “requirements pertaining to the CRI” (April 2017 to March 2018);¹⁰⁴

98 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.95.

99 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1535.

100 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.97.

101 Ibid.

102 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 15.

103 Ibid.

104 Ibid.

4. Ensuring CRI modifications are made within the OMS (November 2017);¹⁰⁵
5. Revising CSC’s policy and procedure to reflect the implementation of the CRI (March 2018);¹⁰⁶
6. Training, and communicating with, “staff around operational changes pertaining to the new [CRI] and its impact on operational planning” (March 2018);¹⁰⁷ and
7. Implementing the CRI (March 2018).¹⁰⁸

Therefore, the Committee recommends:

RECOMMENDATION 7

That, by 31 March 2018, *Correctional Service Canada* confirm to the House of Commons Standing Committee on Public Accounts that it has successfully implemented the Criminal Risk Index.

G. Consideration of Aboriginal Social History

The OAG “examined whether CSC provided sufficient guidance and training to its staff on how to consider Aboriginal social history in their case management decisions.”¹⁰⁹

The OAG found that CSC “did not provide staff with sufficient guidance and training on how to consider an offender’s Aboriginal social history in case management decisions,” and that “staff did not document their consideration of an offender’s Aboriginal social history in their assessments for conditional release.”¹¹⁰

Consequently, the OAG recommended that CSC “develop structured guidance to support the consideration of Aboriginal social history factors in case management decisions” and that it “should then ensure that staff are adequately trained on how to consider Aboriginal social history in case management decisions.”¹¹¹ CSC responded that, building on existing training initiatives, it will continue to integrate Aboriginal social history considerations into case management training and practices.¹¹²

In its action plan, CSC provided the ten following milestones:

105 Ibid.

106 Ibid., pp. 15-16.

107 Ibid., p. 16.

108 Ibid.

109 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.102.

110 Ibid., para. 3.98.

111 Ibid., para. 3.106.

112 Ibid.

1. Providing interim guidance as to how Aboriginal social history (ASH) should be considered and documented in case management decisions (Completed);¹¹³
2. Delivering ASH training for regional management committees (Completed);¹¹⁴
3. Delivering “ASH training to specialized case management teams at intake, at sites where Pathways Initiatives are located, and at identified Inuit sites (April 2018);”¹¹⁵
4. Conducting “policy reviews and developing draft Commissioner’s Directives” (March 2017);¹¹⁶
5. Conducting “a policy consultation with relevant stakeholders” (June 2017);¹¹⁷
6. Finalizing and communicating policy changes regarding ASH (December 2017);¹¹⁸
7. Developing OMS indicators for offender security level, security reclassification review, pre-release decision-making, and post-release procedures (December 2017);¹¹⁹
8. Revising and delivering parole officer induction training to provide instruction on the appropriate consideration and documentation of ASH (March 2018);¹²⁰
9. Integrating structured guidance for ASH in parole officer continuous development training (March 2018);¹²¹ and
10. Conducting “a policy compliance review to monitor and assess the impact of ASH training initiatives on case management decisions” (March 2019).¹²²

In response to various questions about Aboriginal social history training, Mr. Head explained that this training is for the parole officers and the program officers—not necessarily the front-line correctional officers—because they are the ones who do

113 Correctional Service Canada, [Action Plan to address the recommendations of the OAG Performance Audit of Preparing Indigenous Offenders for Release](#), p. 17.

114 Ibid.

115 Ibid.

116 Ibid., p. 18.

117 Ibid.

118 Ibid.

119 Ibid.

120 Ibid.

121 Ibid.

122 Ibid., p. 19.

the assessments and reports that go to the Parole Board.¹²³ Additionally, CSC has developed training sessions on Aboriginal social history for both new and existing parole officers.¹²⁴ Lastly, in the past few months, CSC has also taken measures to ensure that all “regional management committees and various staff groups understand Aboriginal social history and how to use and incorporate it into recommendations and decision-making.”¹²⁵

In order to ensure that CSC’s staff are adequately trained on how to consider Aboriginal social history in case management decisions, the Committee recommends:

RECOMMENDATION 8

That, by 31 March 2018, *Correctional Service Canada* confirm to the House of Commons Standing Committee on Public Accounts that it has successfully integrated structured guidance for Aboriginal social history in both staff induction and continuous development training, and has implemented measures to ensure that staff follow this guidance.

CONCLUSION

The OAG “concluded that Correctional Service Canada provided correctional programs to Indigenous offenders to assist with their rehabilitation and successful reintegration into the community, but did not do so in a timely manner.”¹²⁶ The OAG also concluded that CSC’s “staff did not adequately define or document how offenders’ participation in culturally specific correctional interventions contributed to their potential for successful reintegration into the community,” and “staff was not provided with sufficient guidance or training on how to apply Aboriginal social history factors in case management decisions.”¹²⁷

In this report, the Committee made eight recommendations that seek to ensure that CSC implements each of its proposed corrective measures in order to properly address the gaps identified in the OAG’s audit.

Although CSC has no direct control on the number of Indigenous offenders receiving federal sentences, it has the legislative responsibility to provide them with timely access to rehabilitation programs and culturally appropriate services, which *can* influence how many of them successfully reintegrate into the community.

123 House of Commons Standing Committee on Public Accounts, *Evidence*, 1st Session, 42nd Parliament, 15 February 2017, [Meeting 45](#), 1625.

124 Ibid.

125 Ibid.

126 OAG, “[Report 3—Preparing Indigenous Offenders for Release—Correctional Service Canada](#),” *Fall 2016 Reports of the Auditor General of Canada*, Ottawa, 2016, para. 3.107.

127 Ibid.

SUMMARY OF RECOMMENDED ACTIONS AND ASSOCIATED DEADLINES

Table 1 – Summary of Recommended Actions and Associated Deadlines

Recommendation	Recommended Action	Deadline
Recommendation 1 (p. 5)	<i>Correctional Service Canada (CSC)</i> needs to provide the Committee with a report outlining the results of the compliance review of its policy for reassessing an offender’s security level following a significant event. This report should also clearly explain the policy changes regarding significant events.	No later than 31 January 2019
Recommendation 2 (p. 7)	CSC needs to provide the Committee with the percentage of low-risk offenders that were prepared for parole hearings when they were first eligible for conditional release in 2018, and explain the concrete measures that were taken to ensure timely pre-release case preparation.	No later than 31 January 2019
Recommendation 3 (p. 10)	CSC needs to provide the Committee with the average time that Indigenous offenders had to wait for accessing culturally specific programs in 2018, and the percentage of eligible indigenous offenders for whom these programs were not accessible although they requested them in 2018.	No later than 31 January 2019
Recommendation 4 (p. 12)	CSC needs to explain to the Committee how it has ensured maximum use of culturally specific interventions with its National Indigenous Plan, its new structured guidelines for case management staff, and its National Elder Orientation package.	31 October 2017
Recommendation 5 (p. 13)	CSC needs to explain to the Committee how it has corrected the gaps in its existing Memoranda of Understanding with its provincial and territorial partners to improve timely access to available offender criminal and court documents.	31 October 2017

<p>Recommendation 6 (p. 15)</p>	<p>CSC needs to provide the Committee with the key results of its research on the validity of its current assessment tools with regard to Indigenous offenders, and the key results of its examination of the need and feasibility of developing new culturally appropriate assessment measures founded on the Gladue principles.</p>	<p>31 January 2018</p>
<p>Recommendation 7 (p. 16)</p>	<p>CSC needs to confirm to the Committee that it has successfully implemented the Criminal Risk Index.</p>	<p>31 March 2018</p>
<p>Recommendation 8 (p. 18)</p>	<p>CSC needs to confirm to the Committee that it has successfully integrated structured guidance for Aboriginal social history in staff induction and continuous development training, and has implemented measures to ensure that staff follows this guidance.</p>	<p>31 March 2018</p>

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Correctional Service of Canada Don Head, Commissioner Anne Kelly, Senior Deputy Commissioner	2017-02-15	45
Office of the Auditor General of Canada Michael Ferguson, Auditor General of Canada Carol McCalla, Principal		

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings ([Meetings Nos. 45, 55, 56](#)) is tabled.

Respectfully submitted,

Hon. Kevin Sorenson
Chair

