

Rewards and Consequences

A Correctional Service for the 21st Century

A brief to the Independent Review Panel
studying the future of Correctional Service Canada

UCCO-SACC-CSN

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1. Introduction

The Union of Canadian Correctional Officers (UCCO-SACC–CSN) has represented 6,000 federal correctional officers since 2001. The intervening six years have borne witness to multiple struggles and profound debates over the operating philosophy of Correctional Service Canada and the role of the correctional officer within that system.

In the view of the Union, the professional judgment and experience that correctional officers have developed as the frontline staff of our institutions is often given inadequate weight or consideration when decisions are made that radically affect their ability to do their jobs effectively. Invariably, this has been due to common misperceptions and stereotypes that cloud the reality of the work of this hidden profession.

UCCO-SACC–CSN has worked hard to improve this situation. The Union has demonstrated that correctional officers make a crucial contribution to the law enforcement community and the administration of justice in Canada. We are thus pleased to have the opportunity to address the Independent Review Panel on the future of Correctional Service Canada.

As panellists will read, consultation, cooperation and transparency are common themes throughout our brief. As a Union, we strongly believe in the need for consistent, transparent rules of operation, for management, for staff, and, above all, for offenders.

In the United States, a Commission on Safety and Abuse in America’s Prisons recently conducted an extensive examination of the U.S. prison system, indeed reviewing many of the same questions that concern members of this panel. While it goes almost without saying that there are immense differences between our two systems of justice, the basic realities of incarceration are immutable.

As a Union, we are especially concerned with the ability of correctional officers to fulfill their mandate, since that effectiveness also helps ensure the safety of our members on the job and of our own families outside the institution. To that end, in their report, entitled, *Confronting Confinement*, the U.S. commission emphasized the central role of correctional officers.

“To ensure safe and abuse-free prisons and jails, and to promote better

public safety and public health outcomes of incarceration,” reads the report, “we must recruit and retain high quality officers and enhance the professionalism of the workforce.”

Salaries, working conditions, training and stress were deemed to be determining factors in the relative success or failure of differing correctional authorities. Ultimately, the commission concludes, “Corrections officers deserve a professional status equal to that of other law enforcement professionals, and correctional agencies should have the tools to know more about the people they are considering for employment.”

UCCO-SACC–CSN fully endorses this view. Correctional officers expect to be held to the highest professional standards, and equally, expect to be respected for their professionalism. We believe the Correctional Service needs to attract the best possible human resources and should make great efforts to ensure that new recruits have the profile and dedication required to succeed in a highly demanding profession.

This view may be reinforced by the fact that federal correctional officers have seen their authority within the institution consistently undermined over the course of several years. In a larger sense, we see this eroding ability to enforce the rules of the penitentiary as a development that reinforces the disrespect that offenders displayed for the laws of our society.

At the heart of our position is a belief that we need to change the balance of our correctional philosophy in a way that eliminates incentives to behave selfishly in breaking our collective rules, while rewarding behaviour that demonstrates a commitment to positive change.

2. The changing offender profile

While the inmate population of Canada's federal penitentiary system has remained relatively stable over the last several years, the offender profile is quickly evolving.

More inmates are classed as maximum-security, requiring more intensive security arrangements and vigilance by correctional officers. In fact, 15 % of inmates are now housed in maximum-security facilities, double the number of a decade ago. In particular, inmates belonging to extremely violent organized crime groups are more of a feature of correctional life today than in the past. As well, with the closure of provincially run mental health facilities in recent years, offenders with psychiatric problems constitute a growing inmate population and present a complex challenge to the Correctional Service.

These facts parallel an alarming rise in violence in federal institutions. In 2005-06, the Service recorded 933 assaults by inmates, including 376 against correctional staff (an increase of 28 % over the preceding year). These assaults caused 764 injuries, including 243 among CSC personnel.

According to CSC's "Strategic Plan for Human Resource Management, 2007-08 to 2009-10," the changing offender population presents significant security and reintegration challenges for CSC. In recent years, the offender population has been increasingly characterized by offenders with extensive histories of violence and violent crimes, previous youth and adult convictions, affiliations with gangs and organized crime, serious substance abuse histories and problems, serious mental health disorders, higher rates of infection with Hepatitis C and HIV, and a disproportionate representation of Aboriginal people.

"The trend lines for the changes in the composition of the offender population clearly illustrated that CSC should expect this transformation to continue for the foreseeable future. Effective management of this more complex offender population requires greater resources, new training and equipment for staff, and increase in specialized services (e.g., mental health care for offenders) and more distinct and targeted interventions."

In some cases, the numbers do not tell a complete story in terms of the intensity of violence.

In the past, inmates would take great care to hide from correctional officers an assault on or an attempt to murder a fellow inmate. No longer. Increasingly,

officers report inmates are launching brazen attacks with no effort at all to shield their violence.

The following selected statistics illustrate the problem. While this report was produced in 2004, its trendlines are clear and, as CSC stated above, continue to demonstrate a more intensive need for security in federal penitentiaries.

From: "The Changing Federal Offender Population: Profiles and Forecasts," produced by the Research Branch of CSC, July 2004

(Page 11) New federal (male) admissions serving less than 3 years designated maximum-security

1996-97: 49

2003-04: 197

Increase of 402%

(Page 24) Federal Admissions Profile: Total Institutional Adjustment

Gang Affiliation 1996-97: 10.8%

2003-04: 14.3%

Increase of 32.4%

(Page 26) Federal Admissions Profile: Total Mental Health

Prescribed Medication currently 1996-97: 9.8%

2003-04: 20.4%

Increase of 108.2%

Has current diagnosis 1996-97: 5.9%

2003-04: 10.2%

Increase of 72.9%

(Page 35) Federal Institutional Profile: Male Initial Custody Designation

Maximum Security 1996-97: 13.8%

2003-04: 24.1%

Increase of 74.6%

Regional focus: Atlantic

(Page 83) Federal Institutional Profile: Atlantic Institutional Adjustment

Disciplinary Segregation 1996-97: 22.9%

2003-04: 33.7%

Increase of 47.2%

Page 84: Atlantic Mental Health

Prescribed medication currently 1997-98: 13%

2003-04: 28.1%

Increase of 116.5%

Current diagnosis 1997-98: 5.7%

2003-04: 16.3%

Increase of 186%

3. Operational regimes

During the period of 2001-2002, UCCO-SACC–CSN and CSC engaged in a far-ranging exploration of an innovative correctional strategy, known as Operational Regimes. Initial discussions produced universal enthusiasm – from management, the Union and other correctional stakeholders.

Unfortunately, for a variety of reasons, the concept did not reach the implementation stage. Nonetheless, the Union continues to believe that the philosophy and the methods incorporated by the Operational Regimes approach are a recipe for success.

A correctional strategy based on Operational Regimes involves careful classification of each inmate into categories reflecting that inmate’s security risk, mental or health needs, and his or her commitment to a correctional plan. In general, inmates are non-compliant, semi-compliant or compliant. Each of these classifications will enjoy escalating levels of freedom, comfort and privileges under a transparent system of rules.

When an inmate loses privileges – a stereo, television, computer, video games, visits or recreation time – he or she can only regain them through corrected behaviour and a demonstrated willingness to follow their correctional plans. UCCO-SACC–CSN believes that the current inability to deprive a non-compliant inmate of his or her privileges is a major impediment to correcting the behaviour of this class of offender.

Similarly, the Union opposes a present CSC axiom, which holds that “segregation is a status, not a place.” This describes a situation in which a non-compliant inmate sentenced to segregation serves his penalty in his regular cell, with all the property and privileges he enjoyed before his conviction in Disciplinary Court. We believe this practice encourages a problem inmate to view the consequences of dangerous or otherwise non-compliant behaviour as insubstantial, and easily weathered.

A feature of the Operational Regimes system is the careful separation of inmates based on their level of compliance. Inmate populations that are following their plans are protected from dangerous threats or disruptive influences and therefore face a greater opportunity to succeed.

The federal government may have to amend portions of the Corrections and Conditional Release Act – in particular, Section 4 (d), which instructs the

Service to use “least restrictive measures” in the incarceration of inmates – in order to implement a system of Operational Regimes.

Thus, generally speaking, an Operational Regime is characterized by the integration of security, programming, healthcare and reintegration services to the promotion of structured interventions within an identifiable routine for each offender. The various professional communities in the correctional system are required to work as a team to assist and guide offenders in the successful completion of their correctional plans.

Attributes of the **structured interventions** that may be found in effective regimes, in whole or in part:

- Regime composition will be determined by offender profiles, security classifications, and program needs;
- Accredited reintegration programs delivered to offenders;
- All interventions are based entirely on correctional plans;
- Program interventions may be accompanied by peer-support groups and community support (life-line, Elders, etc...);
- All of the staff working on Operational Regimes are responsible for active intervention;
- Interventions extend beyond the classroom to encompass all activities and services;
- Offenders are encouraged to learn from everyday living, including all interactions with staff and each other;
- Offenders are encouraged to verbalize their thoughts and feelings while avoiding inappropriate behaviour;
- Solutions to problems are discussed and understood in the unit before action is taken. The discussion is regarded as a learning opportunity. Managerial information and issues that affect the unit are shared with the whole unit;
- Contingencies integrated within the environment will encourage responsible behaviour.

Unique Routines

Operational regimes have unique routines that maximize offender participation in programs and interaction with staff. The goal of actively assisting the offender to become a law-abiding citizen is pursued through all activities. An atmosphere

is fostered whereby frequent communication occurs between the offenders and staff. Some regimes will contain the following attributes:

- Correctional objectives and daily expectations are clearly presented and documented;
- Each working day includes specific time spent in program groups, as well as regime meetings/interactions;
- There are regularly scheduled meetings involving staff and offenders.
- There is a structured daily schedule of group activities;
- There is provision for crisis meetings, with a recognized procedure for calling one that can be used by staff or offenders;
- Unit Meetings between offenders, staff and external partners are regularly scheduled;
- Multidisciplinary meetings between staff are held regularly to discuss offender correctional plans, results, and progress;
- There is provision for participating in spiritual, cultural and social activities.

Qualified Staffing

- Operational regimes promote correctional objectives and human growth through the relationships between offenders and staff. The focus is on maximizing meaningful interactions with trained, qualified staff;
- Staff working on Operational Regimes are selected for this purpose and dedicated to the setting;
- Operational Regimes provide opportunities for high performance teams and innovative supervision;
- Staff working on Operational Regimes actively support and monitor each offender's correctional plans and goals;
- Staff working on Operational Regimes are provided with training about the theory and method of effective correctional treatment;
- Staff are provided with training to promote pro-social skills, resolve conflicts, enhance motivation;
- Staff are provided with the training and the tools to measure offender performance;
- Staff are provided with regular supervision throughout the week, related to their Operational Regime work;

- There are regular occasions when the staff team examine their own roles, and relationships, and their impact, as members of the team;
- There are regular staff meetings to foster continuous learning and case conferences.

Transparent Service

- Operational Regimes promote the position that offenders are active participants in their correctional plans. Offenders are provided with clear information and have a voice in all matters that affect them;
- Information about the Operational Regime is available to referrers and potential offender participants;
- Behavioural expectations, selection criteria, exclusion criteria are clearly delineated and accessible;
- There are clear statements available of the philosophy of the individual Regime, its rehabilitation aims, and the current program;
- These statements are open to comment, change and development by any member of the regime;
- Offenders are given the opportunity to be actively involved in decisions related to their tasks and their goals;
- Offenders work toward reintegration objectives and achieve their goals through mutual support;
- Offenders are given feedback and direction about any anti-social attitudes and behaviour and the effects these have on social support, staff, and other offenders;
- Offenders are given feedback and direction about impulsive or self-defeating behaviour as it occurs in the setting and the effects on others;
- Offenders provide implicit or explicit models for one another on constructive ways of coping with operational demands.

Performance Measurement

Operational regimes are managed for results, which must be operationally defined by and for offenders and staff. The values of enhanced communication, reinforcement, and support for behavioural change are the measures of performance.

- Each Operational Regime will maintain specific standards delineating staff/offender communication, skill enhancement, staff training, offender performance monitoring, or progress reporting. These standards will form the management indicators measuring compliance to the process;
- Performance indicators will measure the results (outcomes) of the regime (i.e., increased participation in programs, employment, reduction of security incidents, reintegration indicators);
- Regimes will implement internal mechanisms of quality control.

Pursuit of Excellence

The implementation of operational regimes will allow the Service to innovate and pursue our mission with excellence. All regime innovations will be monitored, assessed, and evaluated.

- Enhanced communication and trust between staff and offenders within regimes can provide new ideas, innovative solutions, and immediate feedback;
- Program delivery can be made more flexible and responsive;
- Innovation can extend to staffing models, supervision methods, and staff management;
- Regimes can be tailored to meet the reintegration needs of distinct groups. For example, operational regimes can be developed for offenders serving long sentences, offenders who require special handling, offenders in segregation, and special needs offenders, to name a few;
- Regime atmospheres can be implemented to promote the cultural needs of Aboriginal offenders and multi-cultural offenders;
- Regimes can address the long-standing needs for program opportunities for women offenders.

Recommendations

1) *UCCO-SACC–CSN strongly urges CSC and the Public Safety Ministry to carefully consider implementing a system of rules based on Operational Regimes.*

2) That the federal government review the Corrections and Conditional Release Act (1992) to ensure its compatibility with a corrections system based on Operational Regimes.

3) That a segregation sentence be served in an institution's segregation unit.

4. The Discipline Regime

In the public imagination, the discipline system of our prisons might be characterized by adjectives such as spontaneous, brutal, arbitrary and hidden.

In the Canadian reality, today's adjectives would more accurately include ponderous, bureaucratic, inconsistent, ineffective and, yes, hidden.

The Union does not wish a return to the days of flogging or other forms of corporal punishment. Far from it. We do, however, believe that the discipline system must be reformed in order to engender greater respect for the rules and laws that are intended to govern our institutions. We believe a new approach would ensure greater security for both staff and inmates, and, ultimately, have a positive impact on the rehabilitation of offenders.

The Union has engaged in extensive and ongoing discussions with CSC over its discipline policy. In 2002, a joint task force was established to review discipline procedures and policy. Both parties signed a report intended to overhaul CSC's discipline regime. However, the Union believes the recommendations of this report remain to be fully implemented.

UCCO-SACC-CSN believes in a discipline regime that is progressive and corrective. Escalating behavioural problems must be met with a timely and escalating series of penalties. Inmates must realize that there will be immediate consequences to behaviour that breaks the rules of the institution or the laws of our society.

This process must, at all levels, be transparent. Unfortunately, that is not now the case. The CSC discipline policy clearly states, in Section 1 of CD # 580, that it strives to "contribute to public safety and an orderly and safe correctional environment through a fair and transparent disciplinary process by: a) promoting compliance and discouraging non-compliance with institutional rules; b) contributing to offender rehabilitation and successful community reintegration."

Several elements make us doubt the transparency of this process. To begin, officers find it very difficult to do any kind of follow-up with regard to offence reports. Officers are not always informed about the next stage in the process once an offence report is filed.

Secondly, it's difficult for the officer to evaluate when reports are processed in the spirit of the law or when they are simply withdrawn by a superior out of convenience.

Section 30 of CD # 580 stipulates: “The Institutional Head or delegate, in consultation with the staff member who prepared the offence report, may withdraw a charge where new information suggests it is not warranted or all the parties have agreed to an alternative resolution.”

However, no mechanisms are in place to ensure that employees are indeed consulted. A computer record and an employee’s signature, compiled in the latter, would be an effective way to ensure adherence to this policy.

All these elements severely hamper an officer’s ability to judge the fairness and efficacy of the discipline system.

Impact of the current management approach

We believe that the results of an in-depth study recently undertaken by the Union into the discipline regime at maximum-security Donnacona Institution (see appendix, “Report on the Discipline System, Donnacona Institution”) are reasonably representative of how discipline is handled at CSC institutions across Canada.

An analysis of 3,648 major offence reports at Donnacona between January 1, 2006, and October 19, 2006, provides a statistical portrait of how the discipline system in this institution is managed.

We analyzed the offence reports from the moment the report was written until the inmate received a sentence. It’s important to note that our analysis deals with the number of offence reports and not with the number of inmates involved, because one inmate may have committed several offences.

Out of all 3,648 major offence reports presented to the Major Court of the institution, only 2,086 of them were entirely processed, with 1,478 postponed due to a lack of time. Out of the 2,086 remaining reports, 859 resulted in a guilty finding with regard to a major offence. Hence, 41.2% of the offence reports resulted in sanctions after being filed, while 58.8% of the reports were dismissed for various reasons (not guilty, untimely, stay of proceedings, and so on).

Among the major reports that resulted in a guilty verdict, the sanctions handed down were varied. The data reveal that 57.6% of the sentences for major offences can be found in two categories, namely: a) suspended sentences; and b) fines.

Types of sentences	Number of sentences	Percentage
Suspended	316 / 859	37%
Suspended + fine	121 / 859	14%
Fine	57 / 859	6.6%
Warning	8 / 859	1%
Agreement with inmates committee	12 / 859	1.4%
Confinement	136 / 859	15.8%
Confinement + suspended	89 / 859	10.4%
Confinement + fine	33 / 859	3.7%
Application of suspended sentence	41 / 859	4.7%
Other	46 / 859	5.4%
Total	859 / 859	100%

The data also reveal that only 30% of the offence reports gave rise to sanctions involving segregation (confinement). This number does not stand for a number of inmates, but is rather based upon the quantity of offence reports. In point of fact, although nearly one out of every three reports gives rise to a sanction of confinement, we can see that this number actually represents few inmates who are placed in segregation.

One of the reasons explaining this fact is related to the consolidation of several offence reports into one. Of the 859 offence reports resulting in a guilty verdict, 539 of these reports were consolidated together to determine the sentence to be handed out to the inmate (62.7%). In view of the fact that a sentence was given to one inmate who had received 32 offence reports, he alone represents 3.7% of the segregation sentences.

Guilty behaviour	Frequency	Percentage
Disobeys a justifiable order of a staff member	259 / 859	30.2%
Is, without authorization, in an area prohibited to inmates	1 / 859	0.1%
Wilfully or recklessly damages or destroys property that is not the inmate's	28 / 859	3.26%
Is disrespectful or abusive toward staff in a manner that could undermine staff authority	12 / 859	1.4%

Guilty behaviour	Frequency	Percentage
Is disrespectful or abusive toward any person in a manner that is likely to provoke a person to be violent	15 / 859	1.8%
Fights with, assaults or threatens to assault another person	80 / 859	9.3%
Is in possession of, or deals in, contraband	45 / 859	5.2%
Without prior authorization, is in possession of, or deals in, an item that is not authorized by a Commissioner's Directive or by a written order of the Institutional Head	75 / 859	8.7%
Takes an intoxicant into the inmate's body	25 / 859	2.9%
Fails or refuses to provide a urine sample when demanded pursuant to section 54 or 55	38 / 859	4.4%
Creates or participates in a disturbance, or any other activity that is likely to jeopardize the security of the penitentiary	188 / 859	21.9%
Does anything for the purpose of escaping or assisting another inmate to escape	2 / 859	0.2%
Offers, gives or accepts a bribe or reward	1 / 859	0.1%
Wilfully disobeys a written rule governing the conduct of inmates	58 / 859	6.8%
<u>Other</u>	<u>32 / 859</u>	<u>3.7%</u>
TOTAL	859 / 859	100%

This table reveals that more than half of the charges made reflect activities that are likely to jeopardize the security of the penitentiary. Nevertheless, few inmates received sanctions appropriate to their offence. Considering that only a handful of inmates are given confinement sentences, we can conclude that nine out of 10 sanctions involve a suspended sentence or a fine.

The inevitable result is that the correctional officer's authority is being undermined. When such behaviour is minimized and lightly sanctioned, an escalation of certain kinds of acts toward the staff and between inmates is predictable.

The frequency and seriousness of the incidents taking place at Donnacona Institution have, not coincidentally, been increasing. It thus comes as no surprise that the correctional officer's role is called into question.

A low priority is given to ensuring respect for the front line officer, despite

the fact that Section 20 of CD #580 specifies the spirit of the CCRA with regard to the staff:

“disrespectful language or actions toward staff shall normally result in a charge of a minor offence where it meets the terms of paragraph 40 f) or 40 r) of the CCRA: 40 f) is disrespectful or abusive toward a staff member in a manner that could undermine a staff member’s authority; 40 r) wilfully disobeys a written rule governing the conduct of inmates.”

Inmates quickly realize that a dysfunctional discipline system can be easily and repetitively manipulated. Correctional officers frequently confirm that inmates interpret the laxity of the regime in this way. This lack of dissuasive effect is captured in one inmate’s blunt yet accurate assessment of an officer’s threat to bring charges in response to an inmate’s verbal abuse: *“It’ll only cost me \$5 to tell you to go f*ck yourself all week long.”*

Timeliness

Section 36 of CD #580 stipulates that the initial hearing of major and minor charges of a disciplinary offence shall normally take place within two weeks after the laying of the charge.

However, the statistics reveal that only 20.5% of the hearings are held within the time limits stipulated by this directive. Out of all 2,028 offence reports filed, only 859, or 41.2%, led to sanctions of some sort. Hence, 58.8% of the major reports are rejected for various reasons, including many for administrative reasons such as timeliness.

It should be recalled that many rejected offence reports are unknown to the inmates’ future parole officers and thus are not considered during National Parole Board hearings.

In addition, two out of five reports are not recorded in the Offender Management System. This investigation revealed that 135 reports with guilty verdicts were not officially recorded in the OMS. This flaw has a significant impact upon case management, given that parole officers depend heavily on the OMS when evaluating cases to be presented to the Parole Board.

Clearly stated, this could play a role in releasing dangerous individuals into society or in fostering lower inmate security ratings in order to facilitate transfers into institutions with a lower security level. It’s even more worrisome to observe such a large number of dismissals of major cases in a maximum-security

institution. It's clear that cases are rejected because administrative time limitations are exceeded and that the OMS system does not reflect the true situation of inmate behaviour.

Budget cutbacks versus the discipline system

At Donnacona Institution, the Union discovered that the consistent application of discipline is secondary to budget questions.

In a context of budget cutbacks, local management decided to close the institution's segregation unit. This decision had a major impact on how disciplinary actions are handled. Assistant managers face heavy pressure to avoid placing a disruptive inmate in segregation.

Accordingly, management practices are no longer informed by the spirit of CD #580, namely, the establishment and preservation of a fair and transparent disciplinary process by promoting compliance and discouraging non-compliance with institutional rules. Rather they are geared toward managing the population as cheaply as possible.

In this case, budget considerations clearly conflict with the goal of ensuring offender rehabilitation. The local institution is manifestly breaching its own mission, because it is no longer contributing to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens. We are minimizing the behaviour of offenders in order to avoid placing them in segregation, which could compel local management to reopen the unit.

All this obviously creates tensions in the day-to-day management of offenders (lack of respect, increase in security-related incidents), in addition to a certain amount of tension in vertical labour relations because correctional officers bear the brunt of a system that no longer promotes inmate compliance.

Recommendations

The following recommendations are, for the most part, based on the ideas jointly developed by CSC and UCCO-SACC-CSN in the "Report of the Committee Reviewing Inmate Discipline in CSC Institutions," produced in 2002.

The disciplinary process

1) Freedom and comfort of inmates, as well as the privileges they are granted, must be significantly distinct from one level of security to the next.

The informal settlement

2.1) CSC must define the notion of “informal settlement” in such a way as to clarify its underlying principles and purpose to the staff.

2.2) Provide training on informal settlements to employees who work with inmates.

2.3) Establish clear expectations of communications and record-keeping.

Communications and follow-up on behaviour

3) CSC should ensure that employees who file an offence report receive a record that would indicate the sanctions imposed, if any, once the hearing has been completed. A computer-based system would be the best tool for this.

The process of dealing with offence reports

4.1) One committee in the institution, composed of correctional supervisors and chaired by a unit manager, should be responsible for quality control, as well as for the designation of offences and of their seriousness.

4.2) A correctional supervisor should be present in the unit to provide support to correctional officers when inmates are presented with offence reports and advised that charges are being brought against them.

4.3) Inmates should receive the report in person and sign an acknowledgement of receipt.

Disciplinary court

5.1) Permanently assign a person to the position of Disciplinary Court assessor for serious offences and ensure that only one person (clerk) should handle the logistics of the court for the entire institution.

5.2) The Disciplinary Court assessor should oversee the ultimate quality control of the offence reports before they are presented to the inmates and examined by the Court.

5.3) Disciplinary Courts for minor offences in the units should sit at least

once a week in medium and maximum-security institutions, and a system to provide alternates in the event of the absence of the person in charge should be set up.

5.4) *The Disciplinary Courts for both minor and serious offences must be impartial and perceived as such.*

5.5) *Establish a comprehensive training program on Disciplinary Court practices for all correctional staff.*

The sanctions

6.1) *CSC must clarify the notion of privilege and explain the underlying principles to correctional staff.*

6.2) *When the disciplinary sanction imposed on an inmate is a fine, the sanction should include a ban on effecting a transfer of funds towards a current account or receiving funds from the outside, during a period deemed appropriate by the Chairperson of the Court.*

6.3) *When administering a suppression of recreational privileges, we favour disconnecting the electricity in a cell, when it's possible to do so on an individual basis.*

6.4) *The suppression of recreational permissions or access to recreational rooms should be envisaged as possible sanctions available to the Disciplinary Court for both minor and serious offences.*

6.5) *The Chairpersons of the Disciplinary Courts should be able to envisage the withdrawal of the privilege to participate in social gatherings, restrictions with regard to visits, common or group sanctions in the case of group offences, and other losses of privileges depending upon the circumstances in any given institution.*

6.6) *Limits on outside visits should be implemented as soon as any inmate refuses to provide a urine sample.*

6.7) The Commissioner's Directive #597, Disciplinary Segregation, should be revised to give institutions the necessary leeway to determine the criteria as to what personal effects, including canteen items, an inmate can possess when in disciplinary segregation.

The segregation units

7) CSC should establish intermediary units in each institution to accommodate inmates who display consistent non-compliance with rules and their correctional plan. These units, where privileges would be distinct and more limited than in the general prison population, would also provide programs adapted to the needs of disruptive inmates.

The outside judicial system

8) CSC should review current protocol with local police forces and Crown prosecutors to help ensure that serious criminal offences – such as those linked to drugs, weapons, assaults (including bodily fluid attacks) and threats – lead to charges being laid in a court of law.

Federal laws

9) That the federal government amend the Corrections and Conditional Release Act, if necessary, in order to facilitate the above recommendations.

5. New penitentiary construction

The design of new penitentiary units is a crucial issue for both the correctional officers who will eventually staff these facilities and the inmates who will populate them.

For UCCO-SACC-CSN, certain basic precepts are vital to a safety-first approach to penitentiary design. Quality materials must be used in the construction of units that are designed with the ability to contain and control at a moment's notice. Attempts to save construction costs in the design or choice of materials for the institution invariably end up costing more in the long-run: in reconstruction and renovation costs, but also in injuries and, potentially, someone's life.

Often, there are common-sense solutions to problems that can be avoided if correctional officers are consulted at crucial stages of the construction project. Consider, for example, the recent construction of new units for 96 inmates at Collins Bay Institution in Kingston, Ontario.

The flimsy materials used to construct the walls of new living units at Collins Bay were so inadequate that they could not even support a fixed bed. Meanwhile, the new secure units were not built with barriers at the end of each range in order to control movements of inmates should the need arise. The ability of inmates to congregate in large numbers during emergency situations is a serious security risk.

Another flaw in the project design was lack of proper metal doors for the secure room behind an open control post. This room should provide a protected escape route for the correctional officer in the event of a serious incident, such as a riot.

Experience should have helped avoid these flaws. During an inmate uprising in 2001 at Drumheller Institution (which, like Collins Bay, is a medium-security facility), offenders simply smashed their way through the walls of each cell in order to take control over much of the institution. The compromises made in construction and design led directly to a major security crisis and expensive reconstruction and fortification of living units.

In some institutions, such as Fenbrook, the open-concept design that eschews range barriers has been accompanied by a strict inmate screening process, which can be effective in reducing the frequency and intensity of

security incidents. But this process is not a guaranteed, permanent feature of the institution as is its physical layout. A human error made in inmate selection, a change in policy, or a multitude of other reasons could eventually lead to a population that increased the odds of a loss of control in the institution. In this eventuality, officers would not have the ability to quickly and easily contain a potential crisis.

Ideally, new construction would reflect the principles of Operational Regimes: give CSC the ability to physically separate inmate populations according to their security classification and commitment to their correctional plan. UCCO-SACC-CSN also believes in the principle of the allowing inmates to be housed in the least restrictive setting possible – but only if the ability exists to quickly contain and control incidents as they arise. This goal is easier to meet if non-compliant inmates and special needs offenders are housed separately from the general population.

Recommendations

- 1) *Planned construction projects must be delayed and re-examined in light of the above principles.*
- 2) *Correctional officers must be consulted in each stage of the planning and construction process of new units or institutions.*
- 3) *Reliable materials and construction methods must be employed to ensure that doors, living units and range barriers are physically secure.*
- 4) *A clear policy that includes lines of decision-making accountability (“the buck stops here”) must be established to ensure quality control.*
- 5) *The principle of containment must be a priority. Violent incidents can arise in any institution. While we agree that freedom of movement should reflect an individual's personal security classification, correctional officers must be able to physically contain and minimize violent incidents to prevent escalation into a wider confrontation or uprising. The installation of effective range barriers and other measures*

must be a basic feature incorporated into all new penitentiary construction.

6) *Safe egress routes for correctional staff in the event of loss of control.*

7) *The choice of cell doors in certain units must minimize the possibility of attacks with bodily fluids or hot water on correctional staff.*

8) *Special needs wings to accommodate an aging population that is experiencing severe health decline. Design must reflect level of healthcare required.*

6. Security equipment

UCCO-SACC-CSN has made progress in its long and ongoing efforts to secure proper security tools for correctional officers, despite resistance, at times ferocious, from CSC leadership. More progress remains to be made.

In May 2004, the Union won a major Federal Court decision (Verville) regarding the carrying of handcuffs on the uniform. Aside from the immediate impact of the decision – the use of a simple but essential tool to control violent inmates – the Court recognized two concepts that are central to the safety and proper functioning of our workplace.

First, Justice Johanne Gauthier’s ruling defined “danger” as any existing or potential hazard or condition or any current or future activity that could reasonably be expected to cause injury or illness, including unpredictable human behaviour. In other words, “If a hazard or condition is capable of coming into being or action, it should be covered by the definition,” Justice Gauthier wrote. “One does not need to be able to ascertain exactly when it will happen.”

The decision also countered an interpretation of CSC’s “dynamic security” policy that posited that the mere sight of an authority symbol such as handcuffs would interfere with an inmate’s rehabilitation. In reality, this view led directly to unnecessary injuries and hospitalization of correctional officers because they were unable to quickly end physical altercations with a tool that, elsewhere, is a common feature of the profession.

Notably, Madam Justice Gauthier’s written decision was explicitly based entirely on evidence presented by correctional officers, and not on so-called expert testimony. Indeed, Justice Gauthier criticized a previous decision against the Union for ignoring the “eloquent” testimony of several correctional officers who spoke about the dangers they experienced on a regular basis.

The Union continued to make its case for better security tools, such as stab-proof vests. After long discussion and debate, CSC finally agreed to supply protective vests to officers in maximum-, multilevel- and the segregation units of medium-security institutions. This is welcome, but the Union maintains that vests should also be made available to officers in general population ranges of medium-security institutions, which are often just as dangerous and violent.

The Union is also awaiting the replacement of the obsolete and dangerous .38 revolver that is issued to officers conducting escorts. A modern 9 mm pistol

will eventually replace the near-museum pieces currently in use.

Other weapons need replacement: rifles, shotguns and tear gas guns are all models that are approaching 30 or more years of service.

Chemical agents: The Union believes that, in maximum-, multilevel and medium-security units, the carrying of an OC spray canister on the uniform would be an important non-lethal tool to ensure their protection against the most dangerous inmates in the country. Currently, this tool is by policy stored only in a cabinet (sometimes locked) of a control post. When attacks or fights erupt on a range or other common area, however, the inaccessibility of the OC spray canister renders it practically useless as a tool to control situations.

Finally, the current choice of tear gas employed to quell serious security incidents such as a riot or uprising is too weak and has very little effect on determined groups of rioters.

Recommendations

- 1) *Budgets must be allocated toward the regular renewal of the CSC armoury.*
- 2) *The Union must be consulted on all decisions regarding security equipment and weapons decisions.*
- 3) *CSC should continually study the evolving technology of non-lethal weapons and detection equipment.*
- 4) *Protective vests should be allocated to correctional officers in medium-security institutions.*
- 5) *OC spray canisters should be worn on the uniform of correctional officers in medium-, multilevel- and maximum-security institutions.*
- 6) *Handguns, rifles, shotguns and tear gas guns all need immediate renewal. A special budget should be established in this case to ensure that unnecessary delays in their replacement can be avoided.*
- 7) *CSC must choose a stronger form (and a better method of delivery) of tear gas to prevent injury and death to both inmates and staff during riot situations.*

7. Homemade weapons

The only limit to homemade weapons inside Canadian penitentiaries, it appears, is the limit to human imagination and creativity.

Shanks, shivs, picks, spears, dart guns, zip guns, garrottes – all these weapons are routinely and clandestinely manufactured by the inmates of our federal prisons using the materials at hand. Hundreds are seized by correctional officers every year. But, too often, not before they are used against staff or, more often, against other inmates, to gruesome and lethal effect.

Correctional officers in our medium and maximum-security units feel as if they are working in an armed camp. Their constant efforts to combat this arms race never seem to have more than a temporary impact.

As noted in a previous section of this brief, the Union has made progress in attaining additional security equipment and measures. But many officers still feel as if they are defenceless against this threat, especially in a correctional environment of growing, violent and highly organized criminal groups.

As for other crimes committed inside our prison walls, the current disciplinary or criminal sanctions imposed on inmates convicted of possessing a weapon pose little or no deterrent. Unless there are aggravating factors, an inmate can usually expect no more than a fine of \$10 to \$20 for having been found in possession of a deadly weapon.

It's into this explosive context that the Supreme Court of Canada lobbed a symbolic bomb: the Jason Kerr decision of June 23, 2004. The decision acquitted Kerr, a former inmate of maximum-security Edmonton Institution, of possessing a dangerous weapon on grounds of self-defence. The union believes that the acquittal of Kerr, who stabbed a fellow inmate to death at Edmonton Institution January 16, 2000, provides inmates with ready-made justification to avoid consequences for illegal weapons possession, and thus further encourages their proliferation.

It's interesting to note, as a dissenting opinion did in this case, that inmate Kerr admitted to regularly possessing weapons, even though he was found to have armed himself on that particular day in order to defend himself against an impending attack by a gang member at Edmonton Institution. As observed, his habit of preparing weapons for possible use as a dispute-resolution tool had no bearing on the Court's majority opinion. This is common practice: as the

Supreme Court decision noted, over 200 such weapons were found and seized at Edmonton Institution in the year following this incident.

Also worthy of comment is that, in our society, a regular citizen is not expected to rely on his or her own resources to face a violent threat, but to seek the protection and intervention of the competent authorities – especially if the would-be victim had forewarning, as did inmate Kerr. The position of UCCO-SACC–CSN is that inmate Kerr had the same option: to use his advance knowledge of an impending attack to seek the protection of the institution, instead of preparing for what turned out to be, predictably, a fatal knife battle.

This ruling, in the opinion of the Union, only reinforces the double standard between penitentiary governance and the rules of the wider society: hardcore criminals in federal incarceration face little or no sanctions for criminal behaviour, while the average citizen is expected, under threat of imprisonment, to obey our laws forbidding the same actions. The Union strongly questions the rehabilitative value of this approach.

One may argue that homemade weapons have always been a feature of a prison setting, and always will be. This may be in some senses true. But there is a question of degree. The rate of weapons seizures suggest that many inmates do not feel secure in our institutions, while many others, especially gang members, are determined to impose their will on the general inmate population, and, if necessary, correctional staff.

In other jurisdictions, however, this does not appear to be the case. In New York State, for instance, correctional officers report that the discovery of an edged weapon is a relatively rare occurrence. The reason? An inmate caught with a weapon can usually expect to have two or three years added to his or her sentence.

There is thus a strong disincentive to the manufacture and possession of contraband weapons in this jurisdiction. New York State corrections officers even say that the lack of armed threat has eliminated their need to wear protective stab-proof vests. Would it be so in Canada.

Recommendations

1) *That the Government of Canada legislate minimum criminal penalties for the possession of dangerous weapons in a penitentiary setting.*

- 2) *That CSC review and revise Disciplinary Court penalties for cases that do not warrant criminal prosecution.*

- 3) *That CSC review and revise search policies in an effort to increase the efficacy and unpredictable nature of cell searches.*

- 4) *That weapons detection systems be installed at “airport security” style checkpoints within certain institutions, to be used as regular and standardized tools to detect and seize weapons, especially in those units housing high-risk inmates.*

8. Attacks with bodily fluids

A growing phenomenon among the current offender population concerns attacks on correctional officers and other staff with bodily fluids: feces, urine, semen, blood or saliva. While not tracked by Correctional Service Canada, correctional officers report organic-liquid attacks on a weekly, sometimes daily, basis.

Given the astronomical rates of infectious disease among inmates in federal penitentiaries, these attacks are potentially life-threatening. The prevalence of Hepatitis C in Canadian federal penitentiaries (17%-40%) is estimated to be 20 to 50 times higher than among the general Canadian population (0.8%), while HIV rates are 5 to 40 times higher (1%-8% vs. 0.2%). (Source: Public Health Agency of Canada, April 2006)

Thus, the refusal by CSC to even consider attacks with bodily fluids as an “attack” is a serious blow to staff morale and considerably weakens the level of trust correctional officers have in their employer. Officers view assaults with disease-infected bodily fluids as nothing less than an assault with a deadly weapon and, depending on the circumstances, as an attempt to murder.

Indeed, it is difficult to imagine that a person who attacked a police officer in public with bodily fluids would not face a serious criminal charge.

For inmates, however, it is clear that attacks with bodily fluids are a consequence-free method of assaulting officers, as CSC will not press criminal charges, nor impose severe sanctions in Disciplinary Court. In some cases, these attacks are used by inmates to force a transfer from a unit that may house a threat or in order to flee a debt from gambling or drugs.

For the victim, however, the assault is no less devastating than had the officer been attacked with a traditional weapon. The psychological damage is obvious, as this form of attack is certainly an effective way to humiliate and degrade the victim.

More importantly, officers have no way of knowing whether they have been exposed to a life-threatening disease. They are given the choice of participating in a drug-treatment protocol (the Post-Exposure Protocol, or “PEP”), which leads to severe and debilitating side effects and long periods away from the workplace. The damage to family life and relationships is enormous.

Thus, the inmate who launches this form of attack is in effect exploiting

his or her rights under current health privacy laws as an additional weapon against the correctional officer. Often an inmate may be disease-free, removing the need to participate in drug treatment. But unless the inmate volunteers for a blood test, an unlikely scenario, officers remain in the dark.

In this way, current health privacy laws are an incentive for inmates to assault correctional officers with bodily fluids.

Also troublesome to the Union is that there appears to be no consistent response within CSC to these attacks, from one institution to another or among the five regions, in terms of the seriousness of medical response or in punitive sanctions for the attackers.

Recommendations

1) UCCO-SACC-CSN strongly urges the Government of Canada to enact a Blood Samples Act, along the lines of legislation already passed by several provincial governments (see appendix, "The Legislative Assembly of Alberta / Bill 204 / Blood Samples Act"). The law requires inmates who engage in bodily-fluid attacks or who otherwise contaminate CSC staff to submit to a simple blood test to reveal his or her medical status.

This law would ensure that officers attacked by inmates would have the right to know whether they are likely to contract a life-threatening disease. It could save them and their families terrible uncertainty and months away from work receiving "drug cocktail" treatments that may have been needless. If an inmate is infected with a particular illness, medical staff can better target treatment for the victim of an assault.

By itself, this practice would largely negate the incentive for some inmates to resort to assaults with bodily fluids.

2) Disciplinary measures must be of sufficient force to have a dissuasive effect. In certain cases, criminal assault charges should be filed.

3) CSC should engage in a campaign to inform and sensitize outside police forces and crown prosecutors as to the gravity, and human and institutional costs, of these attacks.

4) CSC should continue and intensify efforts to ensure local hospital staff are briefed and trained to immediately (within a two-hour window) and competently administer a Post-Exposure Protocol as required.

9. Drugs

The abundance and availability of illegal narcotics within Canadian correctional institutions is a matter of public notoriety. The institutional failure to confront this phenomenon is a leading cause of prison violence, intimidation and gang membership, not to mention a major obstacle to the central mandate of the Service: offender rehabilitation.

According to CSC figures, drug seizures have increased by 20 per cent over the past four years. Unfortunately, we believe this figure reflects a greater volume of drug smuggling into federal penitentiaries more than it does a greater success rate at stamping out the trade.

Given that the use or sale of drugs is the reason or a major contributing factor for the initial incarceration of a majority of federal offenders, it is surprising that more effort is not devoted to eliminating the availability of the same drugs within our penitentiaries. An addict, presented with the opportunity to assuage his cravings in an atmosphere that is otherwise unwelcome, will more often than not choose to do so. Likewise, the profit incentive for those responsible for smuggling and selling drugs in the institution is immense.

This assessment is not controversial. What is controversial is CSC's grudging response to increasing pressure to solve this problem.

Despite ample evidence as to the methods and accomplices of this smuggling, CSC has chosen to concentrate new anti-drug efforts on those who have rarely been shown to be involved in the drug trade: correctional staff. A CSC pilot project being implemented in three institutions (Kent, Drumheller and Joyceville) focuses solely on searches of CSC personnel for the illegal possession of drugs.

Instead of making an honest effort to address this challenge, CSC is choosing to insult the one constituency that has consistently and forcefully argued for a stronger anti-drug strategy.

The irony is that correctional officers are fully prepared to buy into a comprehensive search program if it is just that: comprehensive. Currently, too many holes in our system exist for visitors, lawyers and other outside groups to introduce controlled substances into the institution.

The biggest problem, however, is that existing tools, policies and CDs are not consistently employed. CSC already has at its disposal most of the resources

and tools it needs to prevent most of the drug trade in Canadian prisons. All it lacks is the political will to end the trade.

The benefits would be immense for the safety of our institutions, the health of the inmate population (especially in the transmission of infectious disease), and, above all, in the rehabilitation of offenders. CSC's drug problem could be radically diminished in days if only the Service would apply the tools at its disposal.

These tools include proper searches of cells and common areas, proper sanctions in the event of seizures, and proper consequences for visitors when they fail to pass an Ion Scanner. Effective measures should include simple and inexpensive tools such as installing nets to catch drug packages thrown over institutional walls or fences, and common sense practices such as cutting down of trees and shrubs that surround and institution. Finally, effective strategies would include an immediate change of inmate routines when intelligence is received indicating a drug shipment is imminent.

Recommendations

- 1) *Consistently apply existing policies and Commissioner's Directive # 585 ("National Drug Strategy") that concern narcotics in CSC institutions.*
- 2) *Augment the number and usage of drug-detection dogs and handlers inside the institutions.*
- 3) *Establish comprehensive search policies supported by the appropriate levels of human and material resources.*
- 4) *Respect expertise of correctional officers to recommend searches.*
- 5) *Employ the Ion Scanner for every visitor entering the institution.*
- 6) *Apply a 30-day ban on visitors suspected of possessing drugs.*
- 7) *Ensure correctional officers are properly trained to operate the Ion Scanner.*
- 8) *Improve searches of vehicles entering the institution and ensure they are conducted by correctional officers.*
- 9) *Apply appropriate resources required to patrol perimeter.*

10. A national strategy for high-risk women

The series of violent confrontations at the Kingston Prison for Women in April 1994 were a catalyst for sweeping changes to Correctional Service Canada policies governing the incarceration of federally sentenced women. The Commission of Inquiry into Certain Events at the Prison for Women in Kingston, led by Madam Justice Louise Arbour, issued a number of recommendations that continue to inform the management of the network of Institutions for Women that was subsequently developed in each of CSC's administrative regions across Canada.

One of the Commission's key recommendations concerned the use of segregation: "that the practice of long-term confinement in administrative segregation be brought to an end."

Unfortunately, violent incidents in institutions for women still give rise to prolonged segregation of inmates for periods as long as eight months. Disturbances in segregation areas continue to occur on a regular basis, accompanied by the withdrawal of inmate rights and privileges and at times by interventions of the institutional emergency response team.

In recent years, correctional officers, other CSC personnel and inmates have been taken hostage, severely assaulted, injured and threatened with death in a wave of incidents that repeatedly involved a hard core of female inmates.

The frequency with which these events recur has long since invalidated the notion that new models of incarceration and new institutions would by themselves resolve most of the problems that were common in previous penitentiary approaches. The direct impact of these incidents on staff and inmates should not be underestimated. We have no choice but to conclude that a certain percentage of the maximum-security female inmate population represents an ongoing and unacceptable threat to security in the units.

Even if the correctional model described in the Arbour report remains an attractive goal, punitive discipline persists as a feature of prison life for incarcerated women. Simply because no other alternatives exist, numerous offenders continue to serve long terms of imprisonment in segregation pursuant to the offender management protocol. Increasingly, these inmates have different needs and require greater supervision than do most women inmates in maximum-security institutions.

These inmates have been repeatedly transferred, but the receiving institution is usually no better equipped to deal with the high-risk inmate. Another institution is thus exposed to a predictable cycle of violence. These multiple transfers prompt us to associate them with an escalation in the violent acts committed by these inmates.

The current procedure for handling management protocol cases has a direct impact upon the daily operations of the Secure Units. When the inmates are being managed according to level 1 of the protocol, three correctional officers supervise their daily movements in the segregation area. This completely mobilizes the total number of officers assigned to the Secure Unit sector during the week. For all other periods (holidays, weekends), these daily activities require the enlistment of a correctional officer from another sector.

During movements or incidents in the segregation sector, we are thus allowing offenders to avoid our dynamic security. Accordingly, this compromises the security of staff, inmates and, indeed, of the entire institution.

To address this problem during a planned intervention, inmates in the Secure Unit must cease their activities and return to their module or cell. Terminating their activities in this way and limiting their movements, often over a long period, creates dissatisfaction and increases the level of tension in the unit.

In addition, many of these inmates require much heavier supervision due to an anti-social personality or severe mental health disorder. Isolating them from interaction with the personnel can lead to an increase in their level of anxiety. We can then be confronted with aggravated situations, with a nonetheless limited capacity to take action.

While segregating high-risk women for very long periods of time does effectively provide a means for managing the risk that they represent, the Union is conscious that this practice in no way responds to their considerable needs. The fact that these inmates cannot work and be remunerated entails problems at other levels. In addition to a restrictive milieu, we decrease their autonomy by impoverishing them and preventing them from treating themselves to miscellaneous canteen, hygiene and clothing items.

We cannot turn a blind eye to women who make regular use of violence, however. We must instead work to find a reasoned response to this phenomenon.

Recommendation

We believe new national strategy regarding high-risk women should be developed by CSC in partnership with UCCO-SACC-CSN. A central feature of this strategy would include the creation of a new Special Handling Unit designed to safely accommodate female inmates who pose a greater risk than the regular maximum-security population.

In order to foster a secure and humane approach to high-risk inmates, we propose the construction of a fortified secure area in one centrally located prison for women. This area would have to be independent and separate from the currently existing segregation sector and Secure Unit.

While UCCO-SACC-CSN has previously advocated the construction of smaller SHU units in each of CSC's five regional prisons for women, the Union is amending its position in favour of one unit in order to ensure that the offender management protocol is consistently applied.

The needs that we have identified for the effective operation of this unit are as follows:

- The sector should consist of at least 10 cells with electrically-operated doors and an integrated wicket;*
- include an enclosed shower with a wicket in the door;*
- an interview room with a fortified window that separates the inmate from the frontline worker with a secured letter slot;*
- a common area with a sofa, TV and washer-dryer;*
- access to the outdoor yard of the segregation area.*

In our opinion, the establishment of such a unit would help us more effectively deal with certain women who have been on the management protocol for several months. These two cells could also accommodate transit cases, court appearance cases or provide more space should the need arise.

The interview room would be practical for all meetings with psychologists, psychiatrists, nurses, teaching staff, members of the sisterhood, the chaplain, behaviour therapists and for all interviews with the case management team. In addition to establishing an acceptable degree of security, this interview room could guarantee the confidentiality of the interactions that take place there.

The common area would enable the inmate, depending upon her level of security, to enjoy additional activity time, wash her own laundry and generally maintain her living quarters. This would greatly enable a gradual assimilation into a structure that is less restrictive than confinement to a cell.

Hence, we believe that by offering these inmates the possibility of receiving psychiatric care, as well as opportunities for greater participation in programs and activity schedules, we will be helping them to eventually rejoin the maximum-security population in a healthier and more secure fashion. However, once this sector is up and running, the work team will have to be a permanent one and whatever additional resources are necessary for the proper operation of this unit should be provided.

11. Mental Health

As outlined in the chapter on the changing offender profile, inmates who suffer from mental illness constitute a growing sector of the inmate population in federal institutions. It has been well-documented that the withdrawal by provincial health authorities from residential psychiatric care over the past couple decades has resulted in a shift of responsibility for this societal challenge. Increasingly, this population is ending up in federal penitentiaries.

As a Union, we do not debate the wisdom or morality of this shift. Our priorities are the security of the institutions and the safety of our members. Unfortunately, these priorities have sometimes conflicted with approaches used by medical staff to treat the illness of these inmates. An inherent tension has arisen from their evident reclassification, in the minds of some, from “inmate” to “patient.”

UCCO-SACC-CSN’s position is to maintain an integrated approach to the management of this class of inmate. The Union fully supports psychological treatment, but insists on the need to recognize that the potential for violence and unpredictable behaviour remains, as does the resulting need for proper security protocols.

Too often a lack of clarity in the respective roles of correctional officers and medical staff leads to problems. At the mental health unit of Archambault Institution, for instance, medical personnel have taken it upon themselves to conduct searches of inmate cells in an attempt to control prescription drug consumption. A laudable goal, but this task should only be undertaken by a trained correctional officer. In other instances, medical staff have attempted to impose their own security guidelines, which goes far beyond their authority. As well, inmate disciplinary measures have been suspended for less-than-clear medical reasons.

These examples create tension in a unit, and encourage disruptive behaviour by inmates who already present a challenging profile.

Another concern for the Union is in the inmate screening for mental health units. We feel that a certain number of inmates housed in these facilities may in fact be protective custody cases fleeing a threat in a general population unit. This development may reflect the current overpopulation of medium- and maximum-security penitentiaries. But it is a waste of medical resources and is potentially disruptive to the ongoing treatment of inmates with legitimate mental health needs.

Recommendations

- 1) *Establish clear lines of authority and responsibility in mental health units.*
- 2) *Ensure that security operations, for example, searches, are planned and conducted according to CSC policy.*
- 3) *Implement clear criteria for inmate selection.*
- 4) *Ensure that new construction of mental health facilities or special needs units reflect both security concerns and the need to separate this population from other inmates.*

12. Hiring and training

UCCO-SACC-CSN is particularly preoccupied by the ability of the Correctional Service to attract quality recruits. This concern goes hand-in-hand with the need for a thorough and rigorous training regime that will properly prepare them for a demanding profession.

We feel that turnover among new correctional officers is disturbingly high. This suggests flaws in the selection process but also points to a training program that may not sufficiently prepare new hires for a career in the Service.

That is why the Union is strongly opposed to the plan CSC has announced to recast its current Correctional Officer Training Program (CTP). Currently, recruits spend 12 weeks in training in residence. However, CSC plans to halve the in-residence training period to 6 weeks, combined with a home-based six-week period of self-study modules based on DVD and online instruction.

We find this proposal to be completely unacceptable. In no way will a self-directed home study program prepare a future correctional officer for life behind the walls of our penitentiaries.

The Correctional Service of today is a highly complex organization that places great demands on its employees who work in very stressful situations. Gangs, disease, drugs, violence and a culturally diverse inmate population create a volatile setting in which correctional officers work to meet their rehabilitation mandate. This is why solid preparation, and, just as importantly, ongoing training, is of utmost importance.

Accordingly, UCCO-SACC-CSN has forcefully argued since its foundation for a commitment to a continuous and comprehensive training regimen for all correctional officers. To successfully confront the evolving challenges of today's correctional environment requires no less.

Recommendations

- 1) *Encourage choice of correctional officer employment as a career rather than simply a stepping stone.*
- 2) *Consultation with the Union over selection criteria and training guidelines.*

- 3) *Revision of training programs to more accurately reflect the reality inside institutions.*
- 4) *Establish a minimum of five training days per year for each officer.*
- 5) *Ensure training is a high budget priority when difficult choices are imposed.*
- 6) *Mandate periodic and updated refresher courses on subjects including but not limited to:*
 - *Use of force;*
 - *Weapons/retention training;*
 - *CPR and First Aid;*
 - *Gang identification, intelligence and subcultures;*
 - *Self- defence (including arrest and control techniques);*
 - *Cell extraction;*
 - *Preservation of evidence and giving evidence in court;*
 - *Dealing with mental health inmates;*
 - *Suicide;*
 - *Chemicals agents;*
 - *Vehicle interception procedure.*

13. The deployment study

Correctional Service Canada is currently engaged in a comprehensive review, known as the Deployment Study, of all correctional officer positions.

In the Union's view, this exercise is intended to produce a one-size-fits-all guide to institutional staffing needs, which CSC claims will carefully integrate physical layouts of different facilities and the resulting safety requirements. However, the Union has long been troubled by a lack of candid and open discussions of both the goals and motivations for what will be a major upheaval in the way federal penitentiaries are staffed and operated.

Above all, the Union objects to the apparent intention to reduce the number of Correctional Officer 2 positions in CSC in order to fund an expansion of management staff.

The Minister responsible for CSC has publicly guaranteed that there will not be any decrease in the total number of correctional officers employed by the Service. We take the minister at his word.

Nonetheless, it is clear that CSC plans to cut by half the number of CX-2 among the officer corps, while creating an equal number of lower-paid CX-1 positions. The salary savings thus recouped – an estimated \$4 million per year – will fund the creation of more management posts.

Generally speaking, the Union's position is that understaffing of certain institutions will not be solved by adding more managers to the CSC payroll. Correctional officers at this rank are intimately involved with inmates through their case management responsibilities. This proximity is an essential feature of the overall security strategy for the institution, and helps create a level of cooperation between officers and inmates.

The mandate CSC planners have to ensure this exercise remains cost-neutral may be one cause of what has become an arbitrary and confused process. The Union strongly rejects this misguided approach. We contend that the Deployment Study process has, from day one, not been concerned with the principle of best practices for CSC institutions.

Recommendations

- 1) *The Deployment Study process should be ended or delayed until it receives a clear mandate that is supported and developed by both CSC and correctional staff in a cooperative manner.*
- 2) *A new study should be based on the philosophy of best security practices.*
- 3) *The Union must be involved from day one.*

14. Employee Assistance Program / Critical Incident Stress Management

For many correctional officers, working on the frontlines of our federal penitentiaries carries great personal costs. The mental, emotional and physical toll of this career has been well-documented by the Union, among others (see appendices: *Correctional Officers of Correctional Services of Canada and their working conditions : a questionnaire-based study ; We Are Doing Hard Time*).

A major goal that UCCO-SACC–CSN has identified as a response to the phenomenon of premature work exhaustion due to stress lies outside the bounds of this committee’s mandate. The Union feels that panel members must nonetheless take an interest in the high levels of psychological distress among correctional staff.

In particular, we deplore the dreadful lack of an adequate, well-funded Employee Assistance Program (EAP) for correctional staff. UCCO-SACC–CSN has requested a budget of \$4 million to fund a proper EAP, a figure the Union believes is very conservative in light of the need for such a program and the benefits it can provide.

However, CSC devotes only \$800,000 toward an EAP intended to service 14,000 workers spread across Canada, from Nova Scotia to British Columbia. Of that number, 6,000 correctional officers are on operational status, leading to a higher-than-usual level of need for EAP services.

The cumulative stress that correctional officers suffer will have a very different impact on each of them. Some will find healthy outlets to decompress and be able to withstand years in this environment. Others will not fare so well.

There was a time when our members were very hesitant about approaching EAP/ CISM for help. It was believed that, because the process was initially started by the employer, we could not be sure of confidentiality. Attitudes have changed, however. EAPs now have wide support among our members.

The U.S. Department of Health and Human Services has published a report based on a review of hundreds studies that examine the effectiveness of Employee Assistance Programs. The following outcomes have been observed:

- Reduction of accidents, grievances, disciplinary actions, visits to medical departments, and worker compensation claims;

- Decrease in employee absenteeism, lateness and use of sick leave;
- Improvement of quality and quantity of work;
- Improved relationships with co-workers and supervisors;
- Reduction in alcohol consumption;
- Reduction in use of sick leave for employees with psychiatric and substance abuse problems;
- Reduction in admission rates and average lengths of stays for employees with psychiatric problems;
- Lower medical claims of employees, spouses, and dependents.

The U.S. government review reported that the return on investment (ROI) in such programs range from \$5 to \$16 for each dollar invested in an EAP. This is based on just two EAP services: counselling and substance abuse treatment. The actual ROI would be even higher if one included Work/Life information and referral services, according to the report.

Critical Incident Stress Management (CISM)

CISM teams have been developed to help individual correctional officers decompress in the aftermath of a traumatic incident in the institution, including assaults, hostage-takings, riots, suicides or murders.

Sadly, over the past year we have had to provide CISM to staff and families after the suicide of a fellow correctional officer, most recently during the Christmas holidays in Atlantic region. We also remember the grieving of members in Quebec Region after the tragic suicide of a colleague. The circumstances were very different but the conclusion is evident: correctional officers suffer from severe depression.

Thus, the team members who volunteer to serve in some of the worst possible situations and conditions offer an invaluable service to their fellow officers and support staff alike. They constantly make themselves available on short notice to defuse stress and ease the pressure on all staff. Their insight and integrity is a shining example of self sacrifice for the good of their community.

CISM as a process is functional but has changed very little over the past three years in terms of resources. The budget for this program is primarily used

for the funding of the National Coordinator and regional Coordinators positions. Few extra funds are available to develop programs or training. As with the EAP, it is becoming difficult to maintain the standards we have.

If the employer wants to demonstrate a solid commitment to the EAP/CISM process they must dedicate a budget envelope to the process.

Recommendations

- 1) *Immediately devote a budget of \$4 million to properly fund EAPs.*

15. Conclusion

Members of the Independent Review Panel face the difficult task of reconciling apparently conflicting visions of a future correctional system.

Canadians want their Correctional Service to succeed in correcting criminal behaviour in a setting of dignity and transparency, to rehabilitate inmates before they are released into the public. At the same time, their safety from predatory individuals and groups is a paramount concern: a penitentiary, above all, must be able to guarantee public security. UCCO-SACC-CSN believes these can, and must, be compatible visions.

Correctional officers have always occupied both the front row and the stage in the daily drama that is played out in Canada's penitentiaries. As well as anyone, they can judge the effectiveness of approaches that have dominated the modern era; particularly since the enactment of the Corrections and Conditional Release Act in 1992. They have seen the pendulum swing perhaps too far from an approach that emphasizes security. While change may have been necessary, we believe a certain balance must be restored.

Correctional officers are also the first to bear the brunt of the changing offender profile, in which a criminal hard core has become more violent, marginalized and seemingly impervious to rehabilitation. This development is occurring in the worrying context of infectious and contagious diseases, which presents both a health and a security challenge. Finally, the phenomenon of a growing and evolving gang membership is radically affecting the way penitentiaries organize daily activities and security strategies.

These challenges are intensifying. The Correctional Service of the future must find ways of dealing with violent inmates who do not comply with their correctional plan. They must not be allowed to continue preying on or disrupting the rehabilitation of other inmates. The physical design of our penitentiaries will be a key part of this priority.

The Union also believes CSC must implement a clear and transparent system of rewards and consequences. Rehabilitation is not achieved by a far-too-common institutional reflex to "buy the peace" from inmates with lenient responses to disruptive or criminal behaviour. This includes ending incentives to assault correctional staff as a way of winning certain privileges or treatment.

An approach based on Operational Regimes, in which there are immediate and predictable sanctions for non-compliant inmates combined with greater liberty and privileges for those offenders following their correctional plans, must be adopted. To be sure, the implementation of this strategy requires a considerable investment of money and political will, on the part of the government and of the management of CSC. But the costs of delay and denial are far higher.

Finally, CSC needs to implement an intensive system for the detection and seizure of drugs and weapons. Inmate rehabilitation cannot be achieved amid rampant drug use and trafficking by heavily armed and organized criminal groups.

Correctional officers and their union are committed to change. They want to work in a Service that is based on respect and transparency. They are also proud of the work they do in difficult circumstances, even though that work is for the most part hidden from the Canadian public. Ultimately, correctional officers are always mindful that they work on behalf of Canada's victims of crime, who are too often forgotten despite having the biggest stake in a successful Correctional Service.

UCCO-SACC-CSN

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