

# **Office of the Correctional Investigator**

**2012-13**

**Report on Plans and Priorities**

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The Honourable Vic Toews, P.C., Q.C., M.P.  
Minister of Public Safety



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## **Correctional Investigator's Message**

The mandate of the Office of the Correctional Investigator reflects fundamental elements of Canadian democratic values and traditions in our criminal justice system. The Office is one of many oversight agencies that exist to provide independent assurance to Canadians and parliamentarians that federal services and programs are delivered in an open, transparent and accountable manner.

As an ombudsman for federally sentenced offenders, independence, impartiality and respect for human rights are the foundations of my Office's mandate. While established in 1973, the Office achieved legislative authority in 1992 with the proclamation of the *Corrections and Conditional Release Act (CCRA)*. With this legislation, Parliament expressly acknowledged the retained rights of federally sentenced offenders. Since 1973, the Office has maintained a tradition of excellence in achieving this mandate by delivering accessible ombudsman services to the federal offender population, through receiving and resolving individual complaints, conducting systemic investigations aimed at the root cause of individual complaints, and, pursuant to the *CCRA*, reviewing cases involving serious bodily injury or deaths in custody, as well as reviewing use of force incidents. The work performed by investigative staff and their ongoing dedication to ensure legal and policy compliance and fair decision-making, is rooted in the principle that offenders, like every other Canadian, must be treated fairly and in accordance with the rule of law.

In the reporting period, my Office will continue to pursue and monitor areas of concern, including our corporate priorities which reflect the challenges faced by the Correctional Service of Canada in managing Canadian penitentiaries and offenders. Our corporate priorities will continue to be: access to physical and mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women. The pursuit and monitoring of these areas will include the launch or completion of several systemic investigations, including: the adequacy of the *Mortality Review Process*; a review of the gap in correctional outcomes for Aboriginal peoples; management of self-injurious behaviour by women offenders; access to programs by black offenders; and, conditions of confinement in maximum security institutions.

On the corporate front, efforts to identify program efficiencies and reduce the costs of the delivery of our main program activity, Ombudsman to federal offenders, will continue to be a priority for the Office in the reporting period. To that end, a review of one of our major expenditures, travel to institutions, will be completed in order to confirm that the program is delivered in the most effective and cost efficient manner, consistent with our legislative mandate.

Finally, during the reporting period, my Office will deliver on several major components of our Information Management Strategic Plan. A significant investment in applications and other tools will be required. This will ensure an ongoing and effective information management capacity for the organization consistent with policy and best practices.

On a personal note, I was extremely pleased to have received the confirmation of my reappointment, effective April 1, 2012, to a three-year term as Correctional Investigator of Canada. It is therefore with renewed conviction, energy and optimism that I present the 2012-13 Report on Plans and Priorities.

Howard Sapers  
Correctional Investigator

## Section I: Organizational Overview

### Raison d'être

The Office of the Correctional Investigator (OCI) provides Canadians with timely, independent, thorough and objective monitoring of their federal correctional system to ensure that it remains safe, fair, humane and effective. Essentially, its oversight role is to ensure accountability of the Correctional Service of Canada in carrying out its statutory mandate in compliance with its domestic and international legal and human rights obligations.

### Responsibilities

The mandate of the OCI, as defined by the *Corrections and Conditional Release Act*, is to function as an Ombudsman for federal offenders. The organization is independent of the Correctional Service of Canada and may initiate an investigation on receipt of a complaint by or on behalf of an offender, at the request of the Minister or on its own initiative. The Correctional Investigator is required by legislation to report annually through the Minister of Public Safety to both Houses of Parliament.

### Strategic Outcome(s) and Program Activity Architecture (PAA)

The OCI's strategic outcome is: "The problems of offenders in the federal correctional system are identified and responded to in a timely fashion". The main program activity (Ombudsman to federal offenders), encompasses four organizational priorities and six corporate priorities.

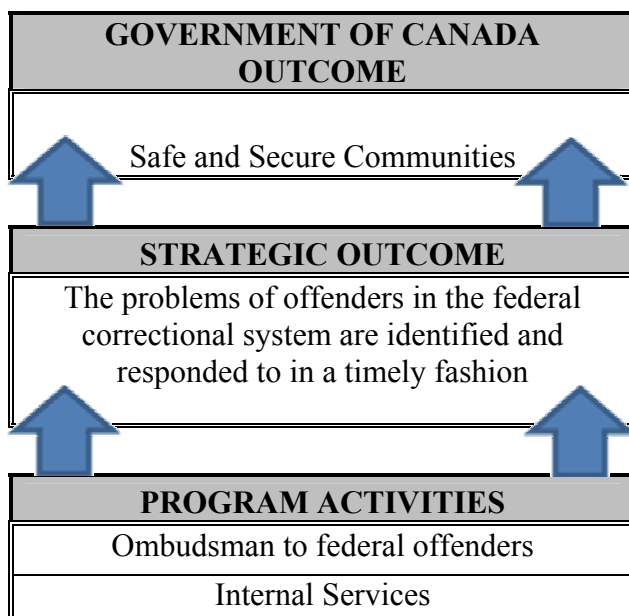
The OCI's organizational priorities are as follows:

- Investigate and resolve individual offender issues;
- Review the CSC's management of mandated issues;
- Investigate, resolve and provide leadership on specifically identified systemic issues stemming from the corporate priorities; and
- Information Management.

Its six corporate priorities consist of the following areas of focus identified as part of a strategic planning exercise, namely:

- access to physical and mental health services;
- preventing deaths in custody;
- conditions of confinement;
- issues facing Aboriginal offenders;
- access to correctional programming; and,
- issues affecting federally sentenced women.

The other program activity (Internal Services) supports the delivery of the Office’s Ombudsman role to federal offenders as well as its corporate obligations to the central agencies of the federal government.





**Organizational Priorities**

Priority	Type <sup>1</sup>	Strategic Outcome(s) and/or Program Activity(ies)
Investigate and resolve individual offender issues.	Ongoing	The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.
<p><b>Description:</b> The primary role for the OCI is to investigate individual offender complaints via the toll-free telephone line, institutional visits, and interviews with offenders, offender groups and CSC staff.</p>		
<p><b>Why is this priority?</b></p> <p>Section 167 of the organization’s enabling legislation, the <i>Corrections and Conditional Release Act</i>, states that: “<i>It is the function of the Correctional Investigator to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner or any person under the control and management of, or performing services for or on behalf of, the Commissioner that affect offenders either individually or as a group</i>”.</p> <p><b>Plans for meeting the priority.</b></p> <p>Resources (current and incremental) will be directed to lead and conduct investigations; individual complaints will continue to be prioritized and responded to; and information as well as outcomes will be documented in DATIS – the case management tool.</p>		
Priority	Type	Strategic Outcome(s) and/or Program Activity(ies)
Review the CSC’s management of mandated issues.	Ongoing	The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.

<sup>1</sup> Type is defined as follows: **previously committed to**—committed to in the first or second fiscal year prior to the subject year of the report; **ongoing**—committed to at least three fiscal years prior to the subject year of the report; and **new**—newly committed to in the reporting year of the RPP or DPR.

**Description:** Review S. 19 (serious bodily injury or deaths in custody) investigations and review use of force incidents; make representations and/or recommendations to CSC officials at the appropriate level; and monitor/evaluate their response.

**Why is this a priority?**

The organization’s involvement in S.19 reviews is required as per the *Corrections and Conditional Release Act*. The review and assessment of use of force incidents is in keeping with the recommendations of the *Arbour Commission of Inquiry* and best practices.

**Plans for meeting the priority.**

Resources (indeterminate FTEs) are committed to these areas to ensure the timely review of cases and appropriate interactions with the CSC.

Priority	Type	Strategic Outcome(s) and/or Program Activity(ies)
Investigate, resolve and provide leadership on specifically identified systemic issues stemming from the corporate priorities.	Ongoing	The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.

**Description:** Following a strategic planning exercise, senior management identified six systemic areas requiring a specific focus and periodic review: access to physical and mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women.

**Why is this a priority?**

The completion of national systemic investigations in these areas should result in a reduction in the number of individual offender complaints that the Office receives. More importantly, it should help address long-standing concerns of offenders as it relates to their incarceration and safe reintegration in the community as law abiding citizens.

**Plans for meeting the priority**

The OCI will conduct reviews and systemic investigations in these areas and increase its outreach efforts towards vulnerable groups, including those suffering from mental health issues. The OCI will review and make recommendations on the Correctional Service of Canada's policies and procedures. It will use comparative analysis of CSC's statistics; institutional performance relating to these corporate priorities; oversight and evaluation through follow-up; and impact analysis of CSC's responses. The organization will focus its efforts and resources in these areas.

Priority	Type	Strategic Outcome(s) and/or Program Activity(ies)
Information Management	Ongoing	The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.

**Description:** A structured approach to the management of information assets will result in the development of the appropriate tools, policies and governance in support of sound information management.

**Why is this a priority?** It is a requirement in order to remain compliant with policy and the law.

**Plans for meeting the priority.** The three-year IM Strategic Plan encapsulates yearly deliverables that are monitored on a quarterly basis. Adjustments to the Plan are made as required.

## **Risk Analysis**

Maintaining an independent and objective review process within a correctional environment where the Office has no control over the number of complaints requiring investigations presents a number of unique challenges:

- the Office's mandate is national in scope and the sheer number and complexity of issues require flexibility and constant re-evaluation of priorities. The client base and network of stakeholders are dispersed in a large number of often geographically remote locations throughout Canada;
- The average daily count is up this year compared to last, however, actual population growth to date has not reached projected levels and the cumulative effect of legislative and policy changes may only be realized over time. While new and planned cell construction will address long term population pressures, immediate capacity challenges resulting in increased double bunking continue;
- the resolution of complaints in an environment traditionally closed to public scrutiny requires that the Office not only be, but be seen to be independent of both the Correctional Service of Canada, Public Safety Canada and the Minister; and
- given that the authority of the Office rests with its power of persuasion and quality of reporting rather than enforceable recommendations, it is imperative that appropriate administrative and public mechanisms be available to ensure that reasonable, fair and timely action is taken on the findings and recommendations made by the Office.

In addition, the Office does not foresee a decline in either the overall demand for services or in the complexity of the issues it is called upon to address. The environment in which it operates continues to be extremely challenging. As documented in the OCI's latest Annual Report\*, "the offender population is increasing and will continue to grow as recent policy and legislative initiatives fully take effect". Regardless of population pressure, there remains a legislated requirement on the part of the CSC to provide safe and humane custody. Moving forward requires not only innovative and dedicated services, but also sound risk management, knowledge-driven decision-making, rigorous stewardship, clear accountabilities and responsible spending.

\*The Office of the Correctional Investigator Annual Report can be found at: <http://www.oci-bec.gc.ca/rpt/index-eng.aspx#AR>

**Planning Summary**

**Financial Resources (thousands)**

2012–13	2013–14	2014–15
4,674	4,652	4,652

**Human Resources (Full-Time Equivalent—FTE)**

2012–13	2013–14	2014–15
36	36	36

**Strategic Outcome: The problems of offenders in the federal correctional system are identified and responded to in a timely fashion.**

Performance Indicators	Targets
Percentage of recommendations from the Annual Report and other significant reports issued by the OCI that are accepted in whole or in part by the Correctional Service of Canada.	100%
Following the prioritization of workload, percentage of offender complaints responded to (closed cases in DATIS) in a timely fashion.	100%

Planning Summary Table

Program Activity	Forecast Spending 2011–12	Planned Spending			Alignment to Government of Canada Outcomes
		2012–13	2013–14	2014–15	
Ombudsman to federal offenders	\$3,331	\$3,730	\$3,722	\$3,722	Safe and Secure Communities
<b>Total Planned Spending</b>		\$3,730	\$3,722	\$3,722	

Planning Summary Table

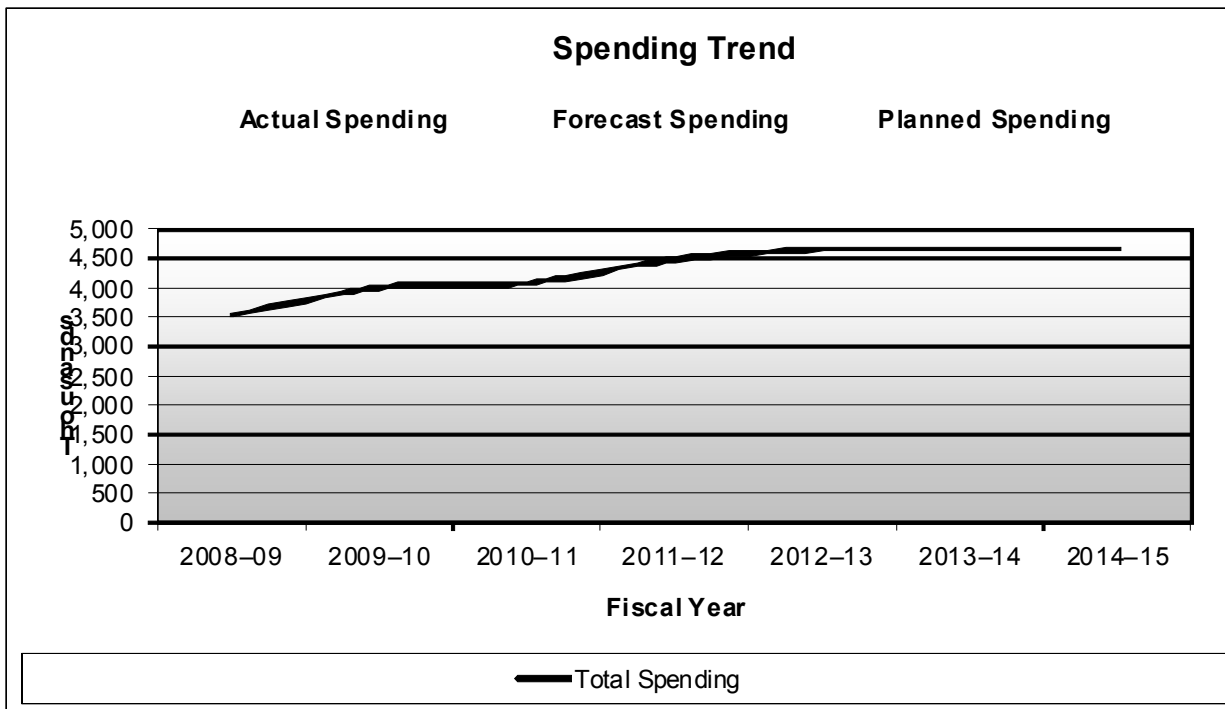
Program Activity	Forecast Spending 2011–12	Planned Spending		
		2012–13	2013–14	2014–15
Internal Services	\$1,142	\$944	\$930	\$930
<b>Total Planned Spending</b>		\$944	\$930	\$930

The planned spending amount for the Internal Services program activity includes corporate costs associated with the provision of services contracted out or performed by other organizations. These internal services include Access to Information and Privacy Contract, 30K; Memorandum of Understanding with Public Safety Canada, 200K; Memorandum of Understanding with the

Public Service Commission, 25K and 20K for the purchase of IT equipment. If this planned spending amount was adjusted to factor out these corporate initiatives, the Internal Services component would total 14% of the overall planned spending in 2012-13.

**Expenditure Profile**

**Departmental Spending Trend**



As reflected in this chart, organizational spending remains consistent until 2014-15. Funding received in 2010-11 to address workload pressures contributes to the organization’s forecast and planned spending trend which stabilizes at 4,652 (thousands) in 2013-14 and ongoing.

**Estimates by Vote**

For information on the organizational appropriations, please see the [2012–13 Main Estimates publication](#).

## Section II: Analysis of Program Activities by Strategic Outcome(s)

### Strategic Outcome

The OCI has a single strategic outcome: “the problems of offenders in the federal correctional system are identified and resolved in a timely fashion” and is supported by its main program activity “Ombudsman to federal offenders”.

The tables below describe how the organization’s main program activity aligns to the Strategic Outcome, and how the organization plans to measure success and ultimately benefit Canadians.

### Program Activity: Ombudsman to federal offenders

#### Program Activity Descriptions

Through this program activity, the Office of the Correctional Investigator conducts investigations of individual offender complaints regarding acts, omissions, decisions and recommendations of the Correctional Service of Canada (CSC). It also has a responsibility to review and make recommendations on CSC’s policies and procedures associated with the areas of individual complaints, to ensure that systemic areas of complaint are identified and appropriately addressed, and to review all Section 19 investigations performed by CSC following the death of, or serious injury to, an inmate.

#### Financial Resources (Thousands)

2012–13	2013–14	2014–15
3,730	3,722	3,722

#### Human Resources (Full-Time Equivalent—FTE)

2012–13	2013–14	2014–15
31	31	31



<b>Program Activity Expected Results</b>	<b>Performance Indicators</b>	<b>Targets</b>
<p>To provide responsive and timely Ombudsman services to federal offenders.</p>	<p>Percentage of completed institutional visits.</p> <p>Percentage of responses to individual offender complaints (closed cases) by timeframe.</p> <p>Percentage of usage by inmate population of OCI services as indicated by the number of interviews and contacts as per DATIS entries.</p> <p>Percentage of acceptance by CSC of OCI recommendations on key systemic areas of offender concern.</p> <p>Number of Section 19 and Use of Force cases reviewed.</p>	<p>100% completion rate as per OCI policy and service delivery standards.</p> <p>100% completion rate as per OCI policy and service delivery standards.</p> <p>Increased percentage of usage in comparison to previous fiscal year.</p> <p>100% of all recommendations made to the CSC are accepted in whole or in part.</p> <p>100% completion rate as per OCI policy and service delivery standards.</p>

### **Planning Highlights**

This Report on Plans and Priorities reflects a strategic planning exercise in which a review of investigative procedures and practices was completed and confirmed the organization's alignment with its mandate. From this exercise, six corporate priorities were identified: access to physical and mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women. A work plan detailing national systemic investigations in these areas was developed and will guide investigative staff in the reporting period.

In the first year of this Report on Plans and Priorities, the organization expects to house a full complement of investigative staff that will contribute to the delivery of the mandate, bolster systemic investigations and continue to effectively respond to individual offender complaints. It is expected that turnover will not be a factor in the life of this Plan which will allow for effective planning of institutional assignments, workload distribution and completion of systemic investigations. However, the organization will continue to rely on the ongoing establishment of pools of qualified candidates at every level within the investigative stream.

### **Strategic Outcome**

The OCI has a single strategic outcome: “the problems of offenders in the federal correctional system are identified and resolved in a timely fashion”, and is supported by its secondary program activity “Internal Services”.

### **Program Activity: Internal Services**

#### **Program Activity Descriptions**

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

**Financial Resources (Thousands)**

2012-13	2013-14	2014-15
944	930	930

**Human Resources (Full-Time Equivalent-FTE)**

2012-13	2013-14	2014-15
5	5	5

**Planning Highlights**

The organization has several memoranda of understanding (MOUs) in place with departmental service providers who provide basic corporate services to the organization, i.e., financial services, pay and compensation, contracting, staffing and other HR services. These MOUs include quality control, oversight, monitoring, and performance indicators. The organization's Internal Services performance is assessed by the OCG's core control and horizontal audits.

## Section III: Supplementary Information

### Financial Highlights

<b>Future-Oriented Condensed Statement of Operations</b>			
For the Year (ended March 31)			
(\$ dollars)			
	<b>\$ Change</b>	<b>Future-Oriented 2012-13</b>	<b>Future-Oriented 2011-12</b>
Total Expenses	343,443	5,376,474	5,033,030
Total Revenues		-	-
<b>Net Cost of Operations</b>	343,443	5,376,474	5,033,030

<b>Condensed Statement of Financial Position</b>			
For the Year (ended March 31)			
(\$ dollars)			
	<b>\$ Change</b>	<b>Future-Oriented 2012-13</b>	<b>Future-Oriented 2011-12</b>
Total assets	20,750	103,550	124,300
Total liabilities	18,661	848,848	830,187
Equity	39,412	(745,299)	(705,887)
Total	20,750	103,550	124,300

**Future-Oriented Financial Statements**

The full suite of future-oriented financial statements can be accessed at the Office of the Correctional Investigator web site at: [www.oci-bec.gc.ca/rpt/index-eng.aspx](http://www.oci-bec.gc.ca/rpt/index-eng.aspx)

**List of Supplementary Information Tables**

This Report on Plans and Priorities does not include any supplementary information tables.

## Section IV: Other Items of Interest

### Organizational Contact Information

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### Additional Information

The Office of the Correctional Investigator Website: <http://www.oci-bec.gc.ca>

E-mail: [org@oci-bec.gc.ca](mailto:org@oci-bec.gc.ca)

Enabling legislation: *Corrections and Conditional Release Act* at [www.justice.gc.ca](http://www.justice.gc.ca)

*Reports and Discussion Papers* found at the Office of the Correctional Investigator's website ([www.oci-bec.gc.ca](http://www.oci-bec.gc.ca)):

- Correctional Investigator's Annual Reports
- Previous Departmental Performance Reports and Reports on Plans and Priorities
- Financial Statements (Historic and Future-oriented)
- Core Control Audit of the Office of the Correctional Investigator
- Under Warrant: A Review of the Implementation of the Correctional Service of Canada's Mental Health Strategy
- Quarterly Assessments of the Correctional Service of Canada's Response to Deaths in Custody Reports and Investigations
- Deaths in Custody – Final Report
- Unauthorized Force: An Investigation into the Dangerous Use of Firearms at Kent Institution Between January 8 and January 18, 2010