

Office of the Correctional Investigator

2010-11

Departmental Performance Report

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

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Correctional Investigator's Message

External and independent oversight is difficult in correctional environments; however, it is key to accountability in this field. Since 1973, the Office of the Correctional Investigator (OCI) has played an important role in ensuring that Canada's correctional system is not only managed fairly and humanely but also in a way that is consistent with the expectations and values of Canadians. We believe our recommendations made to the Correctional Service of Canada (CSC) have resulted in positive change.

By providing Canadians with a degree of assurance that the CSC is operating in compliance with its legal and human rights obligations, the work of my Office contributes to public confidence in the CSC and the correctional system. The work performed by our investigative staff and their continued dedication to achieving fair and lawful outcomes for offenders, is rooted in the fundamental principle that offenders, like every other Canadian, must be treated with dignity. In this regard, the work of OCI investigative staff enhances federal corrections but also contributes to public safety in Canada.

In fiscal year 2010-11, the Office's team of investigators spent 341 days in federal institutions, interviewed more than 2,100 offenders and conducted 844 formal investigations. We received over 5,700 complaints/inquiries from federal offenders, 20,011 contacts were made via our toll-free number and over 1.7 million hits were recorded on our web site. In addition, our Use of Force team conducted over 1,000 file reviews. We also reviewed over 100 *Corrections and Conditional Release Act (CCRA)* section 19 cases involving serious bodily injury and deaths in custody. These are significant achievements for a micro agency with 30 full-time employees.

This Departmental Performance Report identifies accomplishments stemming from the following six key priorities which are discussed in the latest Report on Plans and Priorities: access to mental health services; preventing deaths in custody; conditions of confinement; issues facing Aboriginal offenders; access to correctional programming; and, issues affecting federally sentenced women offenders. These priorities assist investigative staff in structuring their visits to correctional institutions and often serve as the basis for interactions/discussions between our Office and the CSC. As the correctional populations increase, it is expected that these priorities will become even more important.

Information Management has become a concern and priority for our Office, just as it is across government. In our case, investment in this area continues to be required to ensure operational integrity as well as legal and policy compliance. During the reporting period, the Office staffed an indeterminate Chief, Information Management position and a three-year Information Management Strategic Plan was developed which will structure and prioritize investments and deliverables.

As discussed in last year's Departmental Performance Report, enhancing our level of public performance reporting capacity remains a management priority. Improvements to address information management, storage and retrieval vulnerabilities, including closing the gap on the quality and consistency of internal data entry practices improved during the reporting period. This resulted in more accurate data and reporting on the priorities.

Of note, the Office underwent a significant external audit and compliance exercise in the reporting period – it involved a core control audit of internal services. The findings demonstrate full compliance against all policies and guidelines with only the most minor variances. For a small Office with limited corporate services resources, this is a notable achievement.

Finally, what I present here are some of the highlights of the important work performed by my Office during the reporting period. They are a reflection of the ongoing commitment by all staff members to corporate obligations and the important mandate we strive to meet every year.

Original version approved by:

Howard Sapers
Correctional Investigator

Section I: Organizational Overview

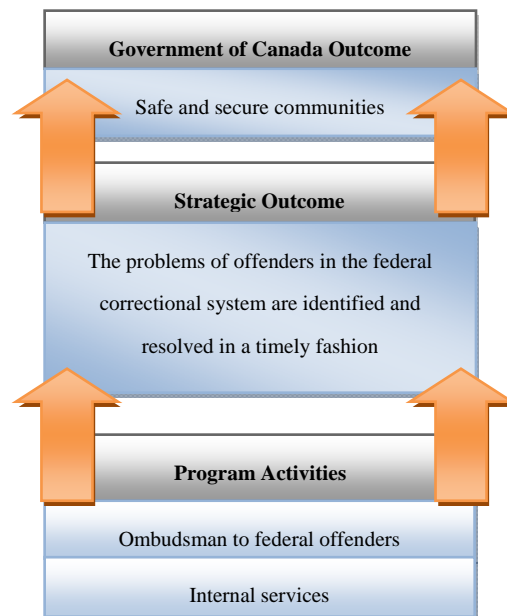
Raison d'être

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

Responsibilities

The mandate of the Office of the Correctional Investigator, as defined by the *Corrections and Conditional Release Act*, is to function as an Ombudsman for federal offenders. The Office of the Correctional Investigator 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 Canada to both Houses of Parliament.

Strategic Outcome and Program Activity Architecture (PAA)



Organizational Priorities

Performance/Priority Status Legend

Exceeded: More than 100 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result or priority identified in the corresponding Report on Plans and Priorities (RPP) was achieved during the fiscal year.

Met all: 100 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result or priority identified in the corresponding RPP was achieved during the fiscal year.

Mostly met: 80 to 99 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and expected outputs) for the expected result or priority identified in the corresponding RPP was achieved during the fiscal year.

Somewhat met: 60 to 79 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result or priority identified in the corresponding RPP was achieved during the fiscal year.

Not met: Less than 60 per cent of the expected level of performance (as evidenced by the indicator and target or planned activities and outputs) for the expected result or priority identified in the corresponding RPP was achieved during the fiscal year.

Priority	Type ¹	Strategic Outcome and/or Program Activity
Investigate and resolve individual offender issues	Ongoing	Ombudsman to federal offenders
Status:		
<ul style="list-style-type: none"> Stemming from the organization’s strategic outcome, “<i>the problems of offenders in the federal correctional system are identified and resolved in a timely fashion</i>”, this priority is also closely linked to six corporate priorities: conditions of confinement; access to mental health services; deaths in custody; Aboriginal issues; access to programs and federally sentenced women. Due to a full complement of investigative staff throughout the reporting period, the organization mostly met its service targets in responding to offender complaints. All complaints received were prioritized and addressed by investigative staff and cases were closed accordingly in the case management tool – DATIS. 		

1. “Type” is categorized as follows: **Previously committed to**—committed to in the first or second fiscal year before the subject year of the report; **Ongoing**—committed to at least three fiscal years before the subject year of the report; and **New**—newly committed to in the reporting year of the Departmental Performance Report.

Priority	Type	Strategic Outcome and/or Program Activity
Monitor, evaluate and provide representations on the Service's management of mandated issues (s. 19 investigations and use of force incidents)	Ongoing	Ombudsman to federal offenders
Status:		
<ul style="list-style-type: none"> • Stemming from the organization's strategic outcome, "<i>the problems of offenders in the federal correctional system are identified and resolved in a timely fashion</i>", this priority is also closely linked to six corporate priorities: conditions of confinement; access to mental health services; deaths in custody; Aboriginal issues; access to programs and federally sentenced women. • Section 19 of the <i>Corrections and Conditional Release Act</i> requires that the Office of the Correctional Investigator review all investigations conducted by the Correctional Service of Canada following the death or serious bodily injury to an inmate. The Office reviewed over 100 cases and met all service targets. • In keeping with the recommendations of the <i>Arbour Commission of Inquiry</i>, the review and assessment of use of force incidents was performed on over 1000 cases and met all service targets and eliminated an historical backlog of cases. 		

Priority	Type	Strategic Outcome and/or Program Activity
Investigate, resolve and provide leadership on specifically identified systemic issues of offender concern (e.g., Mental health issues; Aboriginal offender issues; preventable deaths in custody; program access; and, segregation and conditions of confinement)	Ongoing	Ombudsman to federal offenders
Status:		
<ul style="list-style-type: none"> • Stemming from the organization's strategic outcome, "<i>the problems of offenders in the federal correctional system are identified and resolved in a timely fashion</i>", this priority is also closely linked to six corporate priorities: conditions of confinement; access mental health services; deaths in custody; Aboriginal issues; access to programs and federally sentenced women. • The organization completed 31 systemic investigations and reports. The organization met all service targets for their completion. Details of these investigations will be included in the 2010-11 Annual Report. 		

Priority	Type	Strategic Outcome and/or Program Activities
Information Management	Ongoing	Ombudsman to federal offenders; Internal services
Status:		
<ul style="list-style-type: none"> • The Office of the Correctional Investigator finalized the staffing of a Chief, Information Management indeterminate position. The incumbent in this position has the overall responsibility of ensuring the organization takes the necessary steps in managing its information consistent with law and policy. • A three-year Information Management Strategic Plan was developed and approved by the Senior Management Committee. 		

Risk Analysis

The Office of the Correctional Investigator functions in a complex operational environment. As in years past, it is with the resolution of the individual offender issues at the institutional level where the Office has achieved its best performance in terms of expected results and its strategic outcome. Although this focus will continue, it has been expanded to include six investigative priorities which will be reviewed from a systemic perspective.

The operational challenges for the organization are rooted in the maintenance of an independent and objective review process within the correctional environment where it has virtually no control over either the number of complaints or the extent of the required investigative response.

In addition, the Office of the Correctional Investigator has seen the complexity of complaints increase over the last few years. Systemic issues including deaths in custody, correctional practices for the mentally ill, use of force and Aboriginal corrections issues, demand more investigative attention. The realignment of resources from daily operations to special topical reviews also impact on the ability to meet the mandate. This recognition resulted in the identification of six systemic investigative priorities.

Finally, because of the size of its investigative complement, the organization has to remain responsive to staff turnover with a view to ensuring continuous services to Canadians while minimizing disruption to operations. The organization was successful in this regard by launching annual anticipatory staffing processes that resulted in the establishment of pools of qualified investigators from which indeterminate positions were staffed.

Summary of Performance

2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
\$3,569	\$4,117	\$4,033

2010–11 Human Resources (full-time equivalents—FTEs)

Planned	Actual	Difference
28	30	2*

*The organization risk managed two FTEs to assist with operations while others were on parental leave.

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion

Performance Indicators	Targets	2010–11 Performance
Following prioritization, percentage of offender complaints addressed and responded to accordingly in a timely fashion.	100%	Due to a full complement of investigative staff throughout the reporting period, the Office was able to meet the level of service target in responding to offender complaints. All complaints received were prioritized and addressed by the Investigative Stream and closed accordingly in the case management tool (DATIS).
Percentage of responses to individual offender complaints by category.	100%	The Office of the Correctional Investigator's investigative staff conducted 2,100 offender interviews during the reporting period. Investigators spent 341 days in institutions – a slight increase over the previous reporting period. The Office also conducted 844 investigations during the reporting period. See Annex of responses by category.
Percentage of responses and recommendations on key systemic areas of offender concern identified and subject to OCI recommendations.*	100%	The Correctional Service of Canada responded to 100% of the OCI's recommendations on key systemic areas of offender concern. This was demonstrated in the CSC's response to the OCI's Annual Report.

*Additional information on the six key priorities can be found at www.oci-bec.gc.ca in the organization's 2010-11 Annual Report.

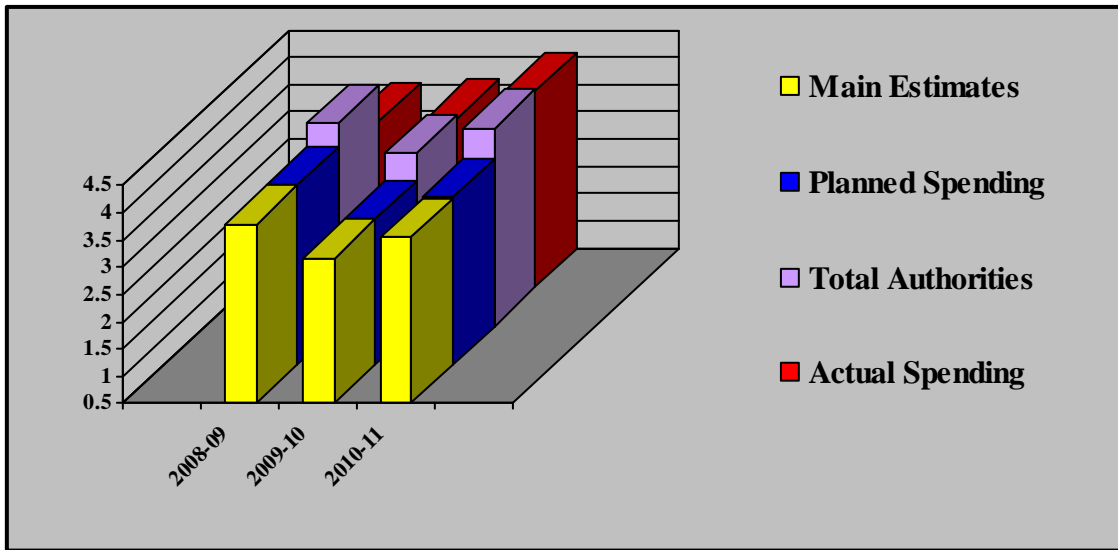
Program Activity	2009–10 Actual Spending (\$ thousands)	2010–11 ² (\$ thousands)				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Ombudsman to federal offenders	\$3,306	\$2,785	\$2,785	\$3,345	\$3,263	Safe and Secure Communities*
Internal Services	\$696	\$772	\$772	\$772	\$770	
Total	\$4,002	\$3,557	\$3,557	\$4,117	\$4,033	

* The OCI's main program activity provides independent oversight of federal Corrections and contributes to public safety by ensuring the timely review of offender complaints. In addition, it aids public confidence and assurance that the CSC is compliant with legal and human rights obligations.

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- Commencing in the 2009–10 Estimates cycle, the resources for Program Activity: Internal Service is displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

Expenditure Profile

Office of the Correctional Investigator Spending Trend
(\$ thousands)



Over the last three fiscal years, from 2008-09 to 2010-11, the Office of the Correctional Investigator's expenditures remained stable averaging \$3.7 M annually. Beginning with 2010-11, the organization was successful in securing permanent incremental funding to address workload pressures in both the investigative and corporate streams and to ensure it met its legislative mandate. In year three of this funding, the organization will see its appropriation permanently increase by \$999K.

Estimates by Vote

For information on our organizational Votes and/or statutory expenditures, please see the 2010–11 Public Accounts of Canada (Volume II) publication. An electronic version of the Public Accounts is available on the Public Works and Government Services Canada website.³

3. See Public Accounts of Canada 2010, <http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html>.

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion

Program Activity: Ombudsman to federal offenders

Program Activity Description

Through this program activity, the Office of the Correctional Investigator conducts investigations of individual offender complaints regarding acts, omissions, decisions and recommendations of the 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.

2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
\$2,785	\$3,345	\$3,263

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
24	26	2

Expected Results	Performance Indicators	Targets	Performance Status
To provide accessible and timely Ombudsman services to federal offenders.	<p>Ratio of completed institutional visits by security level.</p> <p>Average response time to offender problems.</p>	<p>90% meet standard</p> <p>85% meet standard</p>	<p>Mostly met. The organization was successful in this regard due primarily to having a full investigative complement for the entire reporting period which resulted in additional visits to institutions and additional offender interviews.</p> <p>Somewhat met. The Office of the Correctional Investigator was less successful in this regard with an average response time of 74%. This is reflective of the shift towards more systemic investigations as well as adjustments being made to the data capture requirements relating to the closing of inmate files.</p>

Performance Summary and Analysis of Program Activity

Investigative staff carried out professional, timely and responsive analysis of offender complaints and investigations throughout the reporting period. The number and frequency of institutional visits and offender interviews across the country was up in comparison to the previous reporting period. This increased presence within the institutions resulted in the continuing demand for the Office’s services and a greater awareness of what can be done in defence of offender rights. The challenge in the reporting period remained in striking a workable balance between managing daily complaints and involving investigative staff in the completion of systemic reviews. A secondary related challenge involved the required competencies in performing systemic investigations, namely analytical skills and the ability to write effectively.

Additional information on the OCI’s six key priorities can be found in the 2010-11 Annual Report at www.oci-bec.gc.ca.

Lessons Learned

Access, timeliness and quality of investigations are core elements of the Ombudsman function. To ensure these elements were adhered to, the Office of the Correctional Investigator embarked on a strategic planning and training exercise which culminated with the update of its Investigative Policies and Procedures Manual and a clearer understanding of expectations with regards to the investigative process. From this review, a more streamlined organizational structure will also allow a better allocation of resources to address priority areas and systemic concerns. This new structure is founded on six investigative priorities: conditions of confinement; access to mental health services; deaths in custody; Aboriginal issues; access to programs and federally sentenced women. The delivery mechanisms envisioned include the establishment of an investigative team mandated to tackle these priorities at a national level and the assessment of these key areas during institutional visits. Finally, expertise will continue to be sought from private and academic sectors.

Strategic Outcome: The problems of offenders in the federal correctional system are identified and resolved in a timely fashion

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.

*Due to the limited number of FTEs involved in the delivery of internal services, the Office of the Correctional Investigator has not established performance indicators, targets or expected results for the Internal Services activity. The organization has several memoranda of understanding 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.

2010–11 Financial Resources (\$ thousands)

Planned Spending	Total Authorities	Actual Spending
\$772	\$772	\$770

2010–11 Human Resources (FTEs)

Planned	Actual		Difference
4	4		0
Expected Results	Performance Indicators	Targets	Performance Status
n/a	n/a	n/a	n/a

Performance Summary and Analysis of Program Activity

The Internal Services program activity is committed to ensuring full compliance with Government of Canada policies and guidelines, legislation as well as OCI-specific policies and directives. This is accomplished through the development of internal processes and the provision of training in key corporate areas. In addition, employees working in this field demonstrated an enhanced sense of client service to the organization, its employees and members of the Public Safety Portfolio. Finally, the Office of the Comptroller General completed an audit of this activity in the reporting period. The results of this audit conclusively demonstrate that the organization is compliant with only the most minor variances identified by the auditors. A management action plan was developed and implemented to address two minor recommendations.

Lessons Learned

As stated earlier, Internal Services staff provided focused training in three specific corporate areas in the reporting period – ATIP, financial administration and travel. These areas were given training priority over several other corporate areas for which there is also a need, namely, information management, contracting and human resources. This requirement will be managed on a priority basis going forward.

Section III: Supplementary Information

Financial Highlights

Condensed Statement of Financial Position

As at March 31, 2011 (\$ dollars)

	% Change	2010–11	2009–10
Total assets	(3%)	100,810	103,932
Total liabilities	19%	775,709	651,872
Equity of Canada	23%	(674,899)	(547,940)
Total	(3%)	100,810	103,932

Condensed Statement of Operations

For the year ended March 31, 2011 (\$ dollars)

	% Change	2010–11	2009–10
Total expenses	6%	4,653,952	4,375,120
Total revenues	2053%	323	15
Net cost of operations	6%	4,653,629	4,375,105

Financial Statements

The Office of the Correctional Investigator 2010-11 Financial Statements (unaudited) can be found at: www.oci-bec.gc.ca.

List of Supplementary Information Tables

This Departmental Performance Report does not include any supplementary information tables.

Section IV: Other Items of Interest

Organizational Contact Information

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Additional Information

Complaints by Category Table

<u>CATEGORY</u>	IR	INV	Total
Administrative Segregation	131	215	346
Case Preparation	47	63	110
Cell Effects	188	218	406
Cell Placement	10	25	35
Claims	27	34	61
Community Programs/Supervision	5	16	21
Conditional Release	20	26	46
Conditions of confinement	215	252	467
Conviction/Sentence-Current Offence		1	1
Correspondence	55	59	114

<u>CATEGORY</u>		IR	INV	Total
Death or Serious Injury		14	46	60
Decisions (general) - Implementation		67	62	129
Diets		8	18	26
Discipline		20	23	43
Discrimination		3	6	9
Double Bunking		15	29	44
Employment		27	50	77
Financial Matters		26	53	79
Food Services		21	39	60
Grievance		157	125	282
HARASSMENT		37	50	87
Health and Safety - Inmate Worksites/Programs		3	6	9
Health Care		241	508	749
Health Care - Dental		6	49	55
Hunger Strike		1	16	17
Information		102	100	202
Inmate Requests		8	7	15
IONSCAN		1	1	2
Legal Counsel - Quality		21	19	40
MENTAL HEALTH		19	93	112

<u>CATEGORY</u>		IR	INV	Total
METHADONE		6	15	21
Office of the Correctional Investigator		1	1	2
Official Languages		5	2	7
Operation/Decisions of the OCI		15	10	25
Outside Court		2	5	7
Parole Decisions		81	53	134
Police Decisions or Misconduct		2	1	3
Private Family Visits				0
Programme/Services		58	122	180
Provincial Matter			2	2
Release Procedures		32	33	65
Religious/Spiritual		10	23	33
Safety/Security		14	30	44
Safety/Security of Offender(s)		32	58	90
Search and Seizure		9	18	27
Security Classification		54	81	135
Sentence Administration		11	6	17
Staff		171	173	344
Telephone		66	101	167

<u>CATEGORY</u>		IR	INV	Total
Temporary Absence		10	18	28
Temporary Absence Decision		5	21	26
Transfer		162	205	367
Urinalysis		5	9	14
Use of Force		11	54	65
Visits		67	138	205
Uncategorized				202
	GRAND TOTAL	2324	3388	5914

This table is populated with data from the OCI's case management tool: DATIS.

Glossary

Complaint: Complaints may be made by an offender or a third party on behalf of an offender by telephone, facsimile, letter or during interviews held by the Office of the Correctional Investigator's investigative staff at federal correctional facilities.

The legislation also allows the Office of the Correctional Investigator to commence an investigation at the request of the Minister or on the Correctional Investigator's own initiative.

Internal Response (IR): A response provided to a complainant that does not require consultation with any sources of information outside the Office of the Correctional Investigator.

Investigation (INV): A complaint where an inquiry is made with the Correctional Service and/or documentation is reviewed/analyzed by the Office of the Correctional Investigator's investigative staff before the information or assistance sought by the offender is provided.