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For Immediate Release

Special Report on Aboriginal Corrections Tabled in Parliament

Stronger leadership and improved implementation of mandated Aboriginal initiatives needed to address growing crisis in Canada's prisons, says Correctional Investigator

OTTAWA, March 7, 2013 – More than twenty years after Parliament enacted the *Corrections and Conditional Release Act (CCRA)* allowing the Correctional Service of Canada (CSC) to enhance Aboriginal community involvement in corrections and respond to the unique needs and circumstances that contribute to high incarceration rates for Aboriginal people, disparities in opportunities and outcomes between Aboriginal and non-Aboriginal offenders continue to widen, finds a report issued today by the Correctional Investigator of Canada.

“Close to one-in-four inmates in federal penitentiaries today are of Aboriginal ancestry, yet Aboriginal-specific legislative provisions are chronically under-funded, under-utilized and unevenly applied by the Correctional Service. In failing to fully meet Parliament’s intent, my review concludes that the federal correctional system perpetuates conditions of disadvantage for Aboriginal people in Canada,” said the Correctional Investigator, Mr. Howard Sapers.

The report, entitled *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, examines the implementation of Sections 81 and 84 provisions of the *CCRA*. Section 81 allows the Minister of Public Safety to enter into agreements to transfer care and custody of an Aboriginal offender who would otherwise be held in a federal penitentiary to an Aboriginal community facility. Section 84 provides for Aboriginal communities to be involved in the release of an Aboriginal offender returning to their community.

With respect to Section 81 implementation, the report found that just four agreements have been established between the federal government and Aboriginal communities since 1992. In all, these agreements amount to only 68 beds in four Healing Lodges across Canada. Even when operating at full capacity, these facilities can only accommodate two per cent of federally sentenced Aboriginal offenders. Further, no Section 81 agreements exist at all in British Columbia, Ontario, Atlantic Canada or the North, and it was not until 2011 that any Section 81 Healing Lodge spaces were available for Aboriginal women. Three of the four Section 81 facilities are on reserve land, yet a majority of Aboriginal offenders are released to an urban setting. Despite a near 40 per cent increase in the

Aboriginal incarcerated population between 2001-02 and 2010-11, no new Section 81 facilities have been added since 2001.

The report also found substantial funding discrepancies between Section 81 Healing Lodges operated by Aboriginal communities and CSC facilities. “We estimate that Aboriginal communities are getting about 60 cents on the dollar to operate their Healing Lodges compared to CSC-operated Healing Lodges” Sapers said. In 2009-10, the annual cost per offender at CSC-controlled Healing Lodges was approximately \$113,450 whereas it was \$70,845 at (Section 81) Aboriginal-controlled facilities, or about 62% of the CSC rate. The report found that salaries can be 50 per cent higher for similar work in CSC-operated Healing Lodges where there is also the added benefit of designated budgets for professional development and training.

Regarding Section 84 implementation, the report notes that while intended to enhance Aboriginal community involvement in release planning, the process has become bogged down by complex, bureaucratic and time-consuming exercises that are not well understood within or outside the CSC. As well, of CSC’s approximate 19,000 employees, just 12 are Aboriginal Community Development Officers, working to facilitate and coordinate this complicated process in all regions of Canada.

Other key findings of the report include:

- Limited understanding of Aboriginal people, culture and approaches to healing within federal corrections, especially among front line staff in facilities.
- Inadequate and uneven application of *Gladue* social history considerations in correctional decision-making.
- Funding and contractual limitations that impede the work of Elders inside federal institutions.
- Inadequate response to the urban realities and demographics of Aboriginal people.
- Penitentiary-based interventions far out-number community reintegration alternatives.

Specific recommendations of the report include:

- Appoint a Deputy Commissioner for Aboriginal Corrections to ensure adequate focus and accountability.
- Negotiate permanent, realistic and at-parity funding levels for existing and future Healing Lodges and significantly increase the number of bed spaces where the need exists.
- Expand CSC staff training initiatives about Aboriginal people, history, culture and spirituality to include training in the application of *Gladue* principles.
- Resolve workload, payment and standard of services issues faced by Elders to ensure that they are equal partners in the delivery of programs and services within CSC.

- Reduce the amount of red tape and accelerate the process for Section 84 releases.

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the CSC by providing accessible, impartial and timely investigation of individual and systemic concerns. *Spirit Matters*, as well as other recent reports, are available at www.oci-bec.gc.ca.

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