

Standing against violence: A safety review of BC Corrections

1. Introduction

My Government gave me a task: to consult with Corrections officials within the Corrections Branch of the Ministry of Justice as well as related stakeholders, to tour custodial centres and Community Corrections offices, to hold stakeholder consultation meetings, and to present a report to the Minister of Justice with recommendations to improve safety for the public, for Corrections staff, and for offenders.

My mandate limits my focus to the enhancement of safety in our correctional system, which I define as 'eliminating violence and the threat of violence' from the system. We have the responsibility to aim for a nonviolent system even if we fall short, because we will achieve much more by striving for the ideal than by settling for certain levels of violence - and thereby accepting and condoning some violence.

Throughout the consultative process my mandate was taken seriously and treated with the highest of courtesy and transparency by the Ministry. I had access to any information I requested and any staff or stakeholders (including inmates) I wished to speak to. I was deeply impressed with the sincere passion and commitment by everyone involved with the system, including a demonstrable concern for the welfare of a difficult client population. In turn, I must offer my own respect and thanks to those who place their own safety in jeopardy on a daily basis so that other British Columbians can live secure and untroubled lives. This review should not be taken, therefore, as a criticism of the Corrections Branch, but as a positive aid to assist in improving the safety of all.

The review is separated into three main parts. The first will affirm elements of our present system and provide the statistical context for recommendations that follow. The second will offer incremental safety recommendations that apply to the present system, and the third will address more transformational directions for the longer term.

1. Affirmations and context

a. Continuity with the past

How we deal with those who offend our laws reflects our most deeply-held beliefs about human nature, right and wrong, the rights of victims, and the purpose and limits of discipline. So how do we treat them? What is the framework we use?

Correctional discipline in Western culture is thousands of years old, forming the bedrock on which our prison foundations rest. For most of history when governmental institutions were weak, discipline flowed from the role of the parent; the idea that a child might waver from a good moral path, requiring a father's loving correction in order to get back on the straight way to heaven. Correction could be a simple verbal admonition, while 'sharp correction,' corporal discipline, was seen to be required to correct a more errant child - or a criminal in relatively modern times, where the state has taken a more prominent role. For example, the King's Book (1543) edited by Henry VIII himself, cast the state in a parental role in criminal cases.

As the machinery of government grew ever stronger, England's first Penitentiary Act in 1779 first attempted to generate remorse in serious offenders through hard labour, religious instruction, and long periods of time spent alone, contemplating their crimes. Our prison system still stands on the

average stay for a remanded prisoner is just s.13 days, some stay during long, complex trials. Willie Picton, for example, spent seven years in provincial remand.

While about s.13 of remanded prisoners will eventually be convicted, they are all innocent until proven guilty, which means that none can be required to work or attend group sessions.

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b. Who is safe, and who is under threat?

It is interesting to note those who are not under threat in our corrections system. Volunteers who work with offenders in and out of custody enjoy an excellent safety record. During one stakeholder meeting, one society with 500 volunteers told me of just one minor safety incident in the last 25 years. This kind of report was repeated over and over by a variety of volunteer groups at the stakeholder engagement meetings I held around the province, and they attributed their own safety to their position in the system. They are not enforcement-related. They perform a helping role, offering opportunities for learning, personal interaction, spiritual counsel and help in the community. Offenders understand that volunteers are on their side.

In like manner, I was surprised to find that many staff members within custodial institutions are in a similar position. Some interact constantly with high-risk inmates in complete safety, simply because they do not have an enforcement role. One officer who ran an industrial course told me that, in five years, no inmate had ever even sworn at her. School teachers, chaplains, kitchen staff, and librarians all said much the same thing.

Front-line staff tasked with enforcement are more at risk in the system. Even here, BC's method of 'direct supervision,' in which staff work constantly on the floor of prison units side by side with inmates, promotes respect, relationship, understanding, and order. I privately interviewed at least one front-line staff worker in each prison, and every one told me that they feel safe when they come to work in the morning. This does not mean that they are not under stress. As a chaplain put it, 'they must always keep one eye open.'

Those most at risk in the system are inmates themselves. A prison is a volatile mix of people with anger management problems, gangs asserting their dominance, quarrels brought in from the street, s.15
s.15 A fight can erupt over food, a debt, or an imagined slight, and if an inmate feels threatened, he will come to staff and ask to be put in protective custody. So many request this protection that in some institutions, more are in protective custody than in the general population, and this is in addition to sex offenders and others who are routinely targeted in prison. The inmate population is therefore in constant motion as staff shift people around the institution to prevent contact with those who might pose a threat to them.

c. The safety record – by the numbers

Information about public safety is well known and well covered by the media and academics. Less well-known are safety statistics involving the main actors within the correctional system; offenders and the staff who work directly with them. I asked for detailed information from a number of perspectives in this regard, in order to develop a comprehensive view. I have grouped the results naturally, into in-custody and in-community findings.

In-custody safety

Violence between inmates It is far more dangerous to be an inmate in an institution than to be a staff member. s.13

Violence between inmates varies by institution. s.13 Ford Mountain, s.13

s.13 North Fraser Pretrial s.13 In total, there were s.13 s.13

between inmates over s.13 and they s.13 s.13 Of the s.13 fights and assaults in the past s.13 only s.13 were threats that fell short of violence. This shows that inmates are much more serious about hurting each other than hurting staff.

Here are our nine institutions, s.13 s.13

- North Fraser Pretrial Centre
- Fraser Regional Correctional Centre
- Prince George Regional Correctional Centre
- Kamloops Regional Correctional Centre
- Surrey Pretrial Services Centre s.13
- Vancouver Island Regional Correctional Centre
- Nanaimo Correctional Centre
- Alouette Correctional Centre for Women
- Ford Mountain Correctional Centre

Moreover, the tale of injuries suffered by inmates is a sad one indeed. Although there were s.13 events involving assaults, there were s.13 injuries suffered, as more than one person was injured in some events. s.13 of the injuries were serious enough to require medical attention of some kind.

In-custody disciplinary hearings

A final measure of the state of our prisons can be given by disciplinary hearings. In the event of an incident which breaches the Correction Act Regulations, a hearing, which follows the principles of natural justice, is held by a neutral manager in the institution. This can result in a sentence to segregation, intermittent confinement to cell, or the loss of earned remission days. Over the last five years, 19,841 disciplinary hearings were held, for the following, most frequent, reasons:

- o Attempt to obtain, or possess contraband 3,669
- o Assault or threaten another person 3,017
- o Physically fighting with another person 2,855
- o Disobey a direction of a staff member 2,694
- o Enter another's cell or living unit without leave 1,999
- o Behave in an insulting or abusive manner 1,641

Most hearings dealt with breaches of prison rules while just a quarter of them pertained to actual safety violations. Still, it shows a high degree of antisocial and anti-establishment behaviour in our institutions.

In-community safety

The history of our Community Corrections Centres, which supervise some 22,000 offenders in 55 communities throughout the Province, is radically different, and it doesn't take long to relate. In the last

officers may be safer than some health care workers. The greatest contributing factor has to be the close proximity of those in custody versus those in community.

Given the safety risks in custody, is close confinement necessary to meet the educative goals of our correctional system? I would point out that prison is the endpoint along the continuum of captivity, but there are some now in prison who do not pose a safety threat to society. s.13

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As I visited each of our correctional institutions and met with front-line staff, they told me repeatedly in a spontaneous and unsolicited way, that violence has increased markedly over the last two to three years. The statistical record generally echoes this trend. Staff listed various reasons: the concentration of prison populations, gangs in prisons, and most of all the changing character of the typical 'new' offender. In the past there was an understanding among prisoners that older inmates should be given respect. This is now gone. The new, young inmate is purely self-interested without any loyalties, capable of engaging in acts of serious violence with little awareness or concern about the consequences of his actions.

Front-line staff as well as stakeholders involved with the health and welfare systems uniformly told me that violence is also closely related to mental health, most often caused or exacerbated by drug addiction. For example, when an addict resorts to the cheapest of intoxicants like hairspray and hand sanitizers, bizarre and unpredictable behaviour results.

Given the observed trends across our system, a serious safety incident could be on the horizon in custody. Where there is a concentration of increasingly remorseless inmates, steps can and should be taken to mitigate safety risks. I will therefore begin with in-custody recommendations. Happily, there is a comparatively low risk in community, though some incremental improvements can be made. I will also offer some recommendations in this regard.

3. In-custody recommendations

Enhancing prison safety

The Classification Officer in each institution fills a vital role. This person interviews every new inmate and decides, on the basis of this interaction as well as the inmate's detailed record in CORNET, whether that person should be placed in Maximum, Medium or Open Custody. A mistake made here could have serious safety consequences. Happily, officers are very accurate and mistakes are rarely made. However, it was suggested to me by an inmate that incompatible inmates are sometimes placed in cells together, such as a longer-term inmate with one suffering from withdrawal symptoms. This results in safety risks.

It is recommended that more attention be paid by Classification Officers to the compatibility of cellmates.

The BCGEU expressed concern to me about inmate to staff ratios, and this was echoed by the media. Union representatives said that ratios of inmate to staff were once set at 20:1, and are now more than

clearly warned incomers that violence will not be tolerated, as I have noted in provincial hospitals and other public institutions. Notices should be placed conspicuously, and supported by action.

It is recommended that signs be placed, and inmates be warned, that violence and the threat of violence will be prosecuted to the fullest extent of the law.

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I was told that a fight within prison used to be an affair of honour, but that is no longer the case. An enforcer within prison will now order several prisoners to assault another, although they have no personal disagreement with him. These cowardly acts may only take a few seconds but can result in serious injury, and make new enemies between people who were previously unknown to each other. This is a significant safety risk. I would point out that there is no 'third man rule' in the Correction Act Regulations as there is in hockey. If a second and subsequent attacker were to be identified and treated more severely according to the regulations, it might deter multiple aggressors.

It is recommended that a 'third man rule' be added to the Correction Act Regulations, treating a second and subsequent aggressor more severely than the first.

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Human society craves order. No one, including criminals, want a society where they can be assaulted at will. Our desire for collective security as expressed in the creation of police forces has provided remarkably good adherence to law and order. However, as the data shows, offenders too often find an environment where a prison unit is effectively ruled by a 'heavy' or 'alpha dog' inmate instead of Corrections officers. Such prison hierarchies are a safety risk, since a 'heavy' may require others to

Safety could be further enhanced if Corrections staff could draw anonymously on the prison population for information to prevent crime. Staff told me that they often receive hints from friendly prisoners about upcoming problems on the floor. Inmates will have a word with an official or slide a 'kite' - an anonymous note - under a door.

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There are 221 RCMP intelligence officers in BC.

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Work

For hundreds of years work in prison has been regarded as rehabilitative because it occupies time, engages the mind, develops habits of discipline, builds skills, and fulfils an inner desire to be productive. Indeed, Corrections BC makes work mandatory for all sentenced prisoners who are capable of it, and throughout all our institutions I found opportunities for work.

Not only do inmates clean institutions and do kitchen duty, there are large and well-equipped carpentry, metalworking, and tailoring shops (for example, all the red prison uniforms are made by inmates) and other work venues inside and outside. Inmates repair and build a variety of items for charity and sale, and even do work for other government ministries. Some of their work displays great skill, and some is really inspiring.

As I talked to staff who run shop programs dealing with sharp metal objects and dangerous machines, none felt that their safety was in jeopardy. Inmates are on their best behaviour while working. If more prisoners worked, and worked longer days, our institutions would be safer.

However, there are always long waiting lists for work programs, and the sentiment was universal; more work is needed. This is especially important as offenders transition back to open society. Without an occupation most will revert to what they know - making a living through crime. New skills offer an opportunity for a legitimate lifestyle.

At times Corrections staff are hard-pressed to find meaningful work for inmates to do. One institution with a metal working shop has taken on a private subcontract where steel fences are brought into the shop for repair by inmates. This is an excellent example of effective work. If a social enterprise corporation was begun by Corrections BC, similar subcontracts could be sought at commercial rates (to discourage unfair competition with the private sector) and workers could be paid something closer to a commercial wage. The contract would be self-sustaining.

It is recommended that BC Corrections establish a Social Enterprise Corporation to seek out and execute self-sustaining subcontracts at commercial rates to provide more work opportunities within prisons.

I found that many inmates leave prison with no money for food, shelter or other necessities. A recent province-wide protocol for the Ministry of Social Development and Social Innovation requires an SDSI official to attend each institution regularly to make sure that every inmate who requests one, has an open welfare file and a cheque in hand when they leave.

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Often people are discharged from prison with no identification other than a letter of discharge from Corrections BC.

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Many stakeholders expressed frustration that offenders with serious mental health issues are discharged without the proper prescription medications. When they go off their meds they become vulnerable to further criminal behaviour.

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At times inmates lack social supports in the community. Given that there is a wealth of voluntary agencies that provide services to inmates, more should be done to encourage connection with voluntary groups on the outside. This means inviting them on the inside to establish relationships. I think particularly of NOLA (No One Leaves Alone) by the stakeholder group M2W2, which told me that for the sex offenders who have participated in their NOLA program, none have experienced a relapse.

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The federal system of parole has been created because data has shown that staged release to society is effective. As the Parole Board of Canada Policy Manual states: 'Supervised release increases the offender's potential for successful reintegration and, thereby, contributes to the long-term protection of

When I asked a group whether they would like to have OC spray at their desks, one officer said that she would quit rather than work under such circumstances. At every turn they discouraged security arrangements that would place clients at arm's length, saying that such structures can actually provoke outbursts by giving officers a false sense of security, leading them to use provocative language. They universally attributed their safety to their verbal skills and the relationships they develop with their clients. I was impressed with their skill, courage and dedication.

Various safety precautions are routinely taken. Staff follow clients, not the other way around. Some require them to leave backpacks in the waiting room. Most don't leave heavy items on their desks or place family pictures on their walls. All officers have panic buttons at their desks connected to a central panel in the administration section; these have rarely been activated except by accident. If a client raises his voice in an office, other officers immediately congregate on the scene to help. Officers who teach courses in the evenings never do so alone. None said that they felt unsafe in their workplace, which is not to say that they had no concerns. Various minor security improvements were requested.

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Each office has a safety plan that is updated yearly. I reviewed several and found them to be adequate, but saw a crucial difference between in-custody staff and probation officers. Custodial staff in prisons are more prepared for violence because it is more routine, but because of the relative peace that reigns in Community Correction offices, probation officers are less prepared for a one-off act of more extreme violence. It is not the routine bad attitude that they need to prepare for, it is the very rare occasion of a serious violent threat.

It is recommended that each Community Corrections Office conduct one annual live 'serious incident' exercise involving all staff, using a scenario provided by head office and followed by a debriefing.

Officers conduct home visits that follow a protocol: they never go alone, they do not visit unannounced, they call the office before and after each visit. If necessary they bring a police officer along, but most do not visit if they feel they need an officer in attendance. Instead, they deal with more provocative subjects in the office. While none expressed safety concerns during the meetings, one officer told me privately that visits announced ahead of time are of little use, while those which are unannounced can be dangerous.

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Community coordination: There are huge community resources expended by many passionate and well-meaning volunteers and para-government organizations, but in some places there is little community coordination. More coordination would increase efficiency in dealing with a difficult marginal population, resulting in lower costs and effort.

What about the s.13 offenders who are serving their sentences in community? Although some have jobs, more work would help them, too.

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The published rates in the latest Service Plan of the Ministry of Justice say that 23% of offenders supervised in community reoffend within two years. In custody, where offences are more serious, the numbers are also worse: s.13 of offenders released from jail reoffend within two years.

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On my further request, BC Corrections took a snapshot of all 18,926 people sentenced in 2012, and looked at their involvement with the provincial justice system over the preceding decade. Here is what they found:

had received more than one sentence

had received more than five sentences

s.13 had received more than ten sentences

had received more than twenty sentences

2 people had received 64 and 65 sentences, respectively

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s.13 Bearing in mind that most offences constitute a violation of another's safety in some way, these figures are very troubling. s.13

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Criminal behaviour is not the fault of Corrections BC, but the system has a part to play. When people are allowed to be convicted s.13 something is wrong with the system; it is not motivating people to stop reoffending. Indeed, it appears to be quite the opposite s.13

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b. The reason for recidivism - addictions

Why are our institutions a revolving door? The answer is simple. Crime in BC is driven almost entirely by addiction to drugs and alcohol. I heard this, literally, from every Corrections official and stakeholder I met. As one put it, 'Drugs don't drive the system. They ARE the system.' Almost all property crimes are committed by those seeking funds to buy drugs or alcohol. Much spousal violence results from alcohol abuse. Gangs thrive on the drug trade, with all of their attendant violence. Prolific offenders are nearly always addicts, and they can commit dozens of crimes in a single day.

This is buttressed by the figures. In 2012 Statistics Canada reported that 92% of those admitted to correctional facilities in five provinces were addicted to drugs or alcohol.

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In this regard I wish to underscore the importance of abstinence-based treatment. Although much is made of the evidence-based nature of harm reduction, this takes a narrow view of the evidence, as does the evidence for the impact of individual programs on recidivism. The broad view that takes all evidence into account points clearly to the fact that it is best for human health not to be addicted to drugs or alcohol. Therefore, all public policy, including harm reduction, should be directed toward freedom from addiction to drugs and alcohol.

The proponents of harm reduction are well-intentioned and it is recognized that there are a small subset of addicts who have little hope of breaking free, but for the vast majority of addicts the harm reduction philosophy sets the bar too low by accepting levels of addiction, by winking at resultant criminal behaviour and the victimization that flows from it, by accepting sub-optimum health outcomes, by hampering progress toward a drug-free lifestyle, by enabling a drug-fueled culture, and by hindering the full development of human potential.

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Further, the spectrum of harm reduction programs are enormously costly, resulting in a crowding-out of funding for long-term treatment. For example, methadone maintenance programs alone service 13,984 patients in BC at a cost of \$57 million per year, according to a 2011/2012 report of the Office of the Provincial Health Officer. For the cost of this program alone, every one of the 21,000 provincial offenders addicted to drugs or alcohol could enjoy a one-year program of treatment within a decade. Put another way, since X people are sentenced each year, this level of funding would provide a year of addictions treatment to every provincial inmate newly sentenced in BC, on a permanent basis.

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arrest him the very same day. Locking up people for just a few days can actually destabilize an offender and raise the safety risk to society, because they can lose their housing in the short time they are in prison.

We must raise the cost of doing business for offenders, in part as a measure of fairness to them. One 46 year-old inmate told me that he has been in and out of prison 50 times since he was in high school, and I was told by stakeholders that many offenders do 'life on the instalment plan.' Surely the system is not serving society or this person well, if it allows him to return again and again for short stays without helping him to break free from his addiction.

The Drug Treatment Court keeps addicts out of the justice system by offering long-term treatment as a condition of bail, moving forward with charges only if the offender chooses them, or fails treatment.

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Volunteer resources

We have a wealth of volunteers, and we need to value them more and give them more responsibility, not leaving everything to high-priced professionals. NOLA - no one leaves alone, should be supported. Anger management counselling should be offered by volunteers in the community, and offenders should be required to attend.

Every community should have what Prince George has - a monthly meeting to talk about the people and services they provide, and provide a one-stop shop, patterned after Chilliwack Youth Committee's 'Every door the right door' structure.

While offenders deserve the full weight of the law, we need to treat them the way we would want to be treated, because they are all fellow British Columbians.

Conclusion

It was a tremendous privilege to travel throughout the Province of BC meeting hundreds of people who work with some of the most difficult populations in the country. I was deeply impressed with the quality of character of those engaged in this often-thankless enterprise. They do their work on a shoestring; eagerly, joyfully, and passionately. When I visited VISU, the Vancouver Intensive Supervision Unit, the young people who work there helping the most challenging offenders on the Downtown East Side told me how they loved their work. When I left, I asked what the vessel with the wand was near the door. 'We use it to disinfect the chairs after our clients visit,' they explained. They don't get paid extra for that. This report is in large part a tribute to these and so many others who give unstintingly day after day on a paid or voluntary basis, to help those who have wronged others.