



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Safety and National Security

EVIDENCE

NUMBER 084

Wednesday, November 22, 2023

Chair: Mr. Heath MacDonald



Standing Committee on Public Safety and National Security

Wednesday, November 22, 2023

• (1630)

[English]

The Chair (Mr. Heath MacDonald (Malpeque, Lib.)): I'd like to call this meeting to order.

Welcome to meeting number 84 of the House of Commons Standing Committee on Public Safety and National Security.

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I would like to make a few comments for the benefit of witnesses and members.

Please wait until I recognize you by name before speaking.

Feedback events can occur. These can be extremely harmful to interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone. We therefore ask all participants to exercise a high degree of caution when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on.

I will remind you that all comments should be addressed through the chair.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 23, 2023, the committee is commencing its study of the rights of victims and the reclassification and transfer of federal offenders.

I would now like to welcome our witnesses today. We have, from the Union of Canadian Correctional Officers, Jeff Wilkins, national president; and from the Union of Safety and Justice Employees, Patrick Ménard, regional vice-president, Québec, and Jeff Sandelli, regional vice-president, CSC Community, PBC West. All are appearing by video conference.

Welcome to all of you.

Up to five minutes will be given for opening remarks, after which we will proceed with rounds of questions.

I now invite Mr. Wilkins to make an opening statement.

Mr. Jeff Wilkins (National President, Union of Canadian Correctional Officers): Thank you, Mr. Chair.

Good afternoon, members of the committee, colleagues and witnesses here today.

My name is Jeff Wilkins. I am the national president of the Union of Canadian Correctional Officers. I appreciate the invitation to speak with you today and, hopefully, help answer some very important questions you may have regarding the rights of victims of crime, security reclassification, and the transfer of offenders under the mandate of Correctional Service Canada.

I am going to keep my introductory statements as brief as I can, because time is probably better served for questions. That being said, there are a few things I'd like to say, which may perhaps frame any questions you may have.

When reviewing the motion that was made to task this committee to investigate the rights of victims, security reclassifications and the transfer of inmates, it was very clear that this committee had been struck in relation to the highly publicized transfer of Paul Bernardo. I should therefore advise you in this introductory statement that I may not be able to answer all of your questions surrounding this particular transfer. Though correctional officers perform a very important role in documenting the daily routines and behaviours of inmates, we are, unfortunately, a very small part of an inmate's case management team. Quite often, decisions made by CSC are made without any knowledge from our members, which was most certainly the case for this particular transfer.

The role of a correctional officer, as part of the case management team, would be to report on things like institutional behaviour, attendance in either programming or school, participation in institutional visits, or handling general requests for private family visits. These reports, which are often compiled in the casework records by a CX-2, are then used by parole officers and other members of the inmate's case management team to have a more direct understanding of the inmate's behaviour against the correctional plan.

It is certainly our hope that these reports also make it to the parole officer when analyzing things like security classification reviews or other assessments for a decision. However, we sometimes question why we're not more involved in the assessments for decisions, as our members are with the inmates 24-7 and have a better understanding of their particular caseload of inmates than most members of the case management team.

As I am sure all here understand, CSC uses what's called a custody rating scale to determine penitentiary placements, as well as transfers to lower levels of security. The scale looks at three main elements: the level of institutional adjustment, the inmate's risk to the public and the risk of escape. Ultimately, the scale is used to determine the inmate's security classification as either maximum, medium or minimum.

Whether this scale needs to be amended is certainly up for debate, and I am not a statistical professional who is going to weigh in on the validity of the scale. However, as it stands now, the union certainly has issues when the scale is overridden, as was the case with this particular inmate.

According to the report released by Correctional Service Canada, his custody rating scale was overridden to maintain a maximum security status since 1999. The issue we have, which I believe is more detrimental to the safety of our communities, is when a custody rating scale is overridden to place an inmate in a lower level of security than the scale determines. This is where our members, correctional officers, lose faith in the scale itself.

There have been situations in which inmates have been overridden to minimum security when the custody rating scale determined that they were medium. In one particular instance, this ultimately led to an escape and the murder of a member of the public. This is a dangerous practice. Though I don't have the latest current statistics for all inmates in minimum security, there are many inmates who are incarcerated in a minimum facility who do not meet the criteria for minimum under the custody rating scale.

As for any discussion around the rights of victims, you're going to hear from the Union of Canadian Correctional Officers only that more should be done to promote victims' rights. We have a duty in our service mandate to protect the public, and victims, as members of the public, should be of paramount consideration.

It is encouraging that CSC has accepted the recommendation, which originated from the latest review, that it will form a multidisciplinary working group to look at enhancing the policies and practices around victim notification and engagement. We welcome the opportunity to put forward some ideas in that working group. However, to date we have not yet received an invitation as a union.

With that, I am going to end my introductory comments and welcome any questions you may have.

Thank you, Mr. Chair.

• (1635)

The Chair: Thank you, Mr. Wilkins.

I now invite Mr. Ménard and Mr. Sandelli to make an opening statement, and I understand you will share your time.

[*Translation*]

Mr. Patrick Ménard (Regional Vice-President, Québec, Correctional Service of Canada, Union of Safety and Justice Employees): Thank you, Mr. Chair. I'll start us off.

First, I want to say hello to the members of the committee and to thank them for this invitation to speak on behalf of the Union of Safety and Justice Employees. USJE has approximately

18,000 members, a large percentage of whom work for the Correctional Service of Canada.

I am the regional vice-president for Québec, and I represent members who work at federal penitentiaries. Before being elected to USJE, I was employed as a parole officer in penitentiaries for 22 years, working at a multi-level security psychiatric institution and in the intake assessment unit of a medium-security institution.

I also had an opportunity to be a local trainer for new employees and an internship supervisor for future parole officers, and I represented the Correctional Service of Canada in training sessions offered to other organizations, such as the Canada Border Services Agency and Québec's Commission d'examen des troubles mentaux.

Our membership includes many employees who perform a first responder role. Our members work in the correctional sector and have peace officer status. They work with offenders on a daily basis and provide services to victims and the public.

Our members are professionals who intervene at many levels. For example, they provide skills and employability training to inmates and help with risk reduction by offering programs and performing various interventions. They also determine the causes of offenders' criminality and intervene with, follow up and assess those individuals. In addition, our members make recommendations to decision-makers, particularly regarding transfers, absences and releases. They also provide victim services and ensure that any harm done is taken into consideration when decisions are made. Lastly, in performing their work, our members rely on police reports, court decisions, victim concerns and medical and other professional reports, as well as progress that offenders have made.

USJE members thus help to ensure respect for victims' rights and to reduce the risk of recidivism in the community.

Thank you. I will now turn the floor over to Jeff Sandelli.

• (1640)

[*English*]

Mr. Jeff Sandelli (Regional Vice-President, CSC Community—PBC (West), Union of Safety and Justice Employees): Good afternoon. My name is Jeff Sandelli, and I began my career with the Correctional Service of Canada in 2008 as an institutional parole officer at the Stony Mountain medium-security institution, which is located north of Winnipeg.

I spent two years gathering critical experience to garner an understanding of the mechanisms related to an offender's entry into and journey through the federal sentence. In a nutshell, this entry commences with intake assessments of offenders who have been federally sentenced, continues with opportunities for federal offenders to engage in various interventions to address their needs and capacity for rehabilitation, and is then followed by an assessment of the offender's rehabilitation efforts and planning for potential community reintegration.

I subsequently transferred to the Winnipeg parole office in 2010, where I assumed the role of community parole officer. In this capacity, I continued to assist federal offenders on release in the community with their reintegration, connecting them with interventions and medical professionals, and bridging relationships with community partners to support their basic needs, housing and employment. At the same time, we were actively balancing the need to ensure public safety through ongoing engagement with their professional and personal supports, utilizing supervision tools to confirm compliance with conditions imposed and victim considerations, including consultation through the CSC victim services unit.

Sometimes this ongoing assessment resulted in federal offenders on parole returning to prison because their risk was too high to remain in the community. In other cases, federal offenders were able to establish sufficient supports to begin a more productive life, avoid recidivism and reach the expiry of their sentence under supervision.

I remained in the role of community parole officer until 2021, when I was elected as a regional vice-president for the Union of Safety and Justice Employees. As a regional vice-president, I represent hundreds of federal public safety personnel from northwestern Ontario to British Columbia and the north, in both urban and rural locations, working for the Correctional Service of Canada and the Parole Board of Canada.

As a national union representing over 18,000 federal public service employees across 18 departments and agencies, we are immensely proud of the work that Canada's federal public safety personnel undertake day and night, 365 days a year, to keep Canadians safe in every province and territory.

Within federal corrections specifically, USJE represents thousands of employees who serve in federal parole programs and support offenders with education, employment, indigenous-specific interventions and food services, as well as undertaking maintenance and administrative work.

Overwhelmingly, USJE's members are highly dedicated public safety personnel who largely work behind the scenes, often without recognition, to keep Canadians safe day in and day out, sometimes sacrificing their own mental health in the process.

Thank you.

The Chair: Thank you so much.

We're going to get right into questions. The first round will be for six minutes each.

We'll start off with Mr. Shipley, please.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): Thank you, Mr. Chair, and thank you to the witnesses for being here today.

My first question will be for Mr. Wilkins.

Mr. Wilkins, when the shocking Bernardo transfer was finally made public, representatives of your Ontario and Quebec locals stated that they were "baffled" by the decision to transfer Bernardo from a maximum- to a medium-security prison.

Mike Bolduc, the Quebec regional president, said they didn't even know, and that it was "like it was hidden". He said, "We had no idea. Neither the regional president of Ontario...or me knew this guy was getting transferred."

I have been informed that only three officers at Millhaven Institution were told of Bernardo's transfer the night before it happened, and they were instructed to keep the transfer a secret. No one else knew. Why do you feel this transfer was hidden from your members and the public?

Mr. Jeff Wilkins: The statements that were made are absolutely correct. As I highlighted in my opening comments, correctional officers are often not engaged in the case management team in making these decisions.

As is a normal practice when you're transferring a high-profile inmate, there is a level of keeping your mouth shut that needs to happen. Those three officers who were informed the night before were the escorting officers for the next day. As far as I'm aware, they're the only correctional officers who knew about the transfer. Once again, I verified it with the local president. He wasn't informed until morning, when he showed up for work.

The question is, why? That's a very good question. I think that when it comes to the case management of that offender, there would have been a CX-2 assigned to his file who should have been in the know as to what was happening to their inmate, but as far as I'm aware, they weren't even aware.

• (1645)

Mr. Doug Shipley: Have you seen this in the past, where someone was not aware of a transfer of this magnitude?

Mr. Jeff Wilkins: I have seen this in the past, actually. We have several high-profile inmates who sometimes are moved not just with our members but with members of our institutional emergency response team through the middle of the night. Things are kept quiet, and nobody seems to know.

What has been told to me is that this secrecy is for the inmate's safety and for public safety, because if these types of things were to get out into the media there could be risks involved, and there very well could be.

Mr. Doug Shipley: Thank you. I'd like to move on. You briefly mentioned a case. I'm going to get into it in a bit more detail.

In 2019, two inmates who had been convicted of violent crimes escaped from the William Head minimum-security prison in B.C. and murdered a local man in his home. After the incident, we learned that corrections officials had overruled their security assessment, which stated that they should not be in a minimum-security prison, and placed them in a cozy minimum-security facility anyway, which is sometimes referred to as “Club Fed” because of its relaxed conditions.

Do you consider this case emblematic of the wider systemic issues you've described surrounding the reclassification and transfer of federal offenders in Canada?

Mr. Jeff Wilkins: Absolutely, I do. This is one of the biggest problems we face when it comes to the custody rating scale, as I mentioned in my opening statement. When the decision is made to ignore the empirical data—and I say “empirical” with quotation marks—in using that custody rating scale, and to override inmates who would normally be in a maximum- or a medium-security institution to go to a lower level of security, that overriding could have potential consequences for the public, just as it did in this case.

I know that in the case of Mr. Bernardo he was overridden, but overridden to stay in a maximum-security institution. You typically don't have a whole lot of problems when they're keeping somebody at a higher level, but when the transfer is being made to a lower level, this is where we have problems. If you ask the right questions, you'll see that there are many inmates across the country who are in a lower level than what they are classified as in the custody rating scale.

Mr. Doug Shipley: Thank you. That's a nice lead-in to my next question, because we learned recently that this year there are a total of 736 dangerous offenders in federal custody, with 99 of those in maximum security, 580 in medium security and 57 in minimum-security prisons. Have members of your union raised concerns about their personal safety regarding the number of dangerous offenders currently in medium- and minimum-security prisons across Canada?

Mr. Jeff Wilkins: The quick answer is yes, absolutely. We hear that. Typically we are dealing with those types of things at the labour management tables, at the local level, the regional level or the national level. Mostly these types of moves are discussed at the regional level. We've asked for a review, in some cases, of the transfer, because our members have come forward with genuine security concerns.

Mr. Doug Shipley: I have only a few seconds left, but maybe we can get this in.

You mentioned that an offender's custody rating scale is determined by an actuarial score that is often overridden by corrections—we're learning a lot about that today—to give offenders a security downgrade. You are saying that you feel this practice is dangerous for your members and the Canadian public.

Mr. Jeff Wilkins: Yes, it absolutely is. In some cases, there are reasons and rationale that's put behind that, but when we have inmates who are assaulting staff in a medium-security institution one week and then a few weeks later are being transferred to minimum, we have questions.

The Chair: Thank you, Mr. Wilkins. Thank you, Mr. Shipley.

Now we'll go to Mr. Schiefke.

Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.): Thank you, Mr. Chair.

I want to thank our witnesses for being here today and allowing us the opportunity to clarify a few things and get some transparency on behalf of Canadians who are looking for answers to some questions with regard to how the process works.

I want to begin my line of questioning with Mr. Wilkins.

Following up on the line of questioning that Mr. Shipley put forward, can you explain and tell us a little more about how the custody rating scale and the security reclassification scale work? Who makes those decisions exactly?

Mr. Jeff Wilkins: Judging by the credentials of my colleagues on the witness panel, they might have a better understanding of the custody rating scale, as parole officers or former parole officers.

It's my understanding that the custody rating scale is done by the parole officer. The parole officer weighs several different factors. There are many factors. They are each given a point value, whether it's institutional charges or that they have community contacts, or their crime to begin with and the brutality of their crime. All of these things weigh into a score, and that score is going to determine whether you are classified as a minimum, medium or maximum-security offender.

• (1650)

Mr. Peter Schiefke: Thank you, Mr. Wilkins.

I'll pass it along to Mr. Ménard and Mr. Sandelli.

Can you expand on that and perhaps provide your feedback as well?

[Translation]

Mr. Patrick Ménard: Recently sentenced offenders are transferred from court to a Correctional Service of Canada assessment unit, where they undergo the intake assessment process. At that stage, CSC officers gather all available information on the offender and use the tool you just referred to, the custody rating scale. As Mr. Wilkins said, that tool involves many factors, including the type of offence for which the offender is being incarcerated and the offender's inmate history, that is, his previous incarcerations. The inmate's incarceration history, at both the federal and provincial levels, is thus taken into consideration in the assessment using this tool, which is then used to suggest a security level.

We have to use the tool together with all available documents, such as police and court reports, and take into consideration victim concerns and harm done to victims, among other factors.

Security levels are reviewed during an offender's incarceration. These reviews are conducted using another tool, the security reclassification scale, which is completely different from the first tool used at intake when the offender's sentence begins.

The three main criteria used to assess an offender's security level are the risk within the walls, or level of institutional adjustment, the risk to the public and the risk of escape.

Mr. Peter Schiefke: Thank you, Mr. Ménard.

[*English*]

I'll turn it over to you, Mr. Sandelli.

What role, if any, do parole officers play in working with the CSC to help determine the security classifications of an offender?

The Chair: Mr. Sandelli, can you hear us?

Mr. Peter Schiefke: Perhaps, Mr. Chair, it's a question I can pose to Mr. Ménard.

[*Translation*]

Mr. Ménard, can you answer that question?

Mr. Patrick Ménard: Would you please repeat the question? I honestly thought you had put it to Mr. Sandelli, so I may have missed a few details.

[*English*]

Mr. Peter Schiefke: What role, if any, do parole officers play in working with the CSC to help determine the security classifications of an offender?

[*Translation*]

Mr. Patrick Ménard: At the start of the sentence, it's actually the parole officer's role to gather the relevant information, use the information at his disposal, ensure that the file is complete, use the custody rating scale and make a final recommendation to institution management regarding the inmate's security level. The security classification and penitentiary placement are determined at that stage.

Mr. Peter Schiefke: Thank you, Mr. Ménard.

What are the usual reasons for a transfer?

• (1655)

Mr. Patrick Ménard: There are two types of transfers for inmates during their sentence. Actually, there are three. First of all, there's the voluntary transfer. That's the one that's granted in response to an inmate's request. There's also the involuntary transfer, which is made at the request of the Correctional Service of Canada's case management team against the inmate's will. Lastly, there's the emergency transfer, which can be conducted for many reasons, but you should understand that it's almost always involuntary.

Why would an inmate want to be transferred, or why would the Correctional Service of Canada want to transfer that inmate, as—

[*English*]

The Chair: Mr. Ménard, thank you. We've gone over our time by almost 30 seconds, so I'll move on.

I do want to check with Mr. Sandelli, though.

Can you hear us, Mr. Sandelli? Can you give us a thumbs-up if you can hear us?

Mr. Jeff Sandelli: Yes, I can hear you. I'm sorry. There was some overlap in the translation, and it wasn't clear to me where the question was going. I'm sorry about that.

The Chair: Okay, thank you. That's fine.

We'll go now to Ms. Michaud.

[*Translation*]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

What Mr. Ménard was saying was very interesting. I'm going to go back to that, but I want to raise three points just before I do.

First, Mr. Chair, congratulations on your election as committee chair. I wasn't here when it happened, but I understand that everything was properly done. So I congratulate you on your new position.

Second, I would like to give notice of a motion. I am going to read the motion, just to give notice so that we can debate it at another time. The motion reads as follows:

That, pursuant to Standing Order 108(2), the committee undertake a study of the security issues arising from the activities of organized criminal groups from Mexico and Central and South America who are engaging in clandestine and illegal activities in Canada, particularly in Quebec and on the border, using false passports and false identities, and who are trafficking migrants, weapons and stolen valuables from the United States;

That the committee direct this study toward developing effective, practical solutions to put an end to this situation that threatens the lives, integrity, safety and security of vulnerable people and poses public safety issues for Quebec and Canada;

That the committee spend a minimum of three meetings on this study;

That the committee invite to appear, for at least one hour per witness, the Minister of Immigration and Citizenship, Marc Miller; the Minister of Public Safety, Dominic LeBlanc; Canada Border Services Agency officials; RCMP officials; and any other witnesses that the committee deems appropriate; and

That the committee report its observations and recommendations to the House.

So notice of motion is given. I imagine we'll be able to debate it at another time.

Lastly, I wanted to extend my sincerest sympathies to the friends and families of the victims. I know we're undertaking a study that may be very difficult for certain individuals and may bring back painful memories. I want to assure them that the Bloc Québécois will proceed in as appropriate a manner as possible, by which I mean that the manner in which the questions are asked will be as nonpartisan as possible. I think this file and this subject call for all the compassion we have to offer. Partisanship will have no place here. I just wanted to send that message to the people who may be watching us as we begin this study.

I will now ask my questions.

First, I would like to thank the witnesses for being with us. I believe your opinion is very important. I don't know to what extent you can give us your opinion, or if you can only give us factual information to explain how things work. Whatever the case may be, it would be good to understand these aspects so we can forge ahead with this study.

Mr. Ménard, what you were saying was very interesting. I'm going to allow you the time to go back over the three types of transfers that you discussed, particularly the second type, which is requested by the case management team.

I don't know whether we're aware of the details of that type of transfer in the case before us.

If not, I'll let you continue what you are saying and explain to us what may lead to one type of transfer or another.

Mr. Patrick Ménard: Here we're talking about a standard voluntary transfer, which requires a recommendation from the case management team.

In one of the most common situations, an inmate may wish to have access to services in the language of his choice. For example, an anglophone may want to leave Quebec because there aren't enough English-language services, or vice versa for a francophone. That's a situation that may arise.

In the most common situation, inmates want access to programs corresponding to what's prescribed in their correctional plan. They want access to programs related to their risk factors. In this case, offenders might request a voluntary transfer to a particular institution that offers those programs. Preparing the request is one thing, but they also have to ensure that the security classification of the institution corresponds to the offender's security level.

We therefore have to ensure that the program is offered, that it's given in the right language and that it relates to the inmate's dynamic and criminogenic factors. If that's the case, the case management team must review the inmate's request in order to determine, first, whether the security reclassification scale proposes a corresponding security level. We may have an individual who is in a maximum-security institution and wants to take a program offered at a medium-security institution. We have to verify whether the application of the security reclassification scale supports a transfer to a medium-security institution. We also have to assess the three factors that must be considered in order to allow a downward reclassification of the security level, which are the level of institutional adjustment, the risk to the public and the risk of escape. For each of those three factors, we have to determine whether the risk is low, moderate or high. Obviously, if we determine that the risk is high for at least one of those three factors, the individual will remain at a maximum-security institution.

• (1700)

Ms. Kristina Michaud: I believe my time is up.

Thank you.

[*English*]

The Chair: Thank you, Ms. Michaud.

We are going to Mr. Julian, please.

Mr. Peter Julian (New Westminster—Burnaby, NDP): Thank you very much, Mr. Chair, and thank you to our witnesses for being here today.

On behalf of the NDP, I want to express my condolences to the victims of Mr. Bernardo and their families. We seek to get an understanding of what transpired last spring, and I think all members of the committee are united in trying to get answers.

I want to start with you, Mr. Wilkins.

Mr. Shipley quoted the news article citing Mike Bolduc's comments about the fact that the transfer, according to Mr. Bolduc, "was hidden". He had no idea and didn't know why Mr. Bernardo was transferred. Mr. Bernardo had two parole hearings, in 2018 and 2021, and was denied parole both times.

Mr. Wilkins, in your experience, is that something that plays a determining role in transfers, or is that not considered?

Mr. Jeff Wilkins: I wouldn't say it's not considered, but I don't think it plays a leading role in the transfer of an inmate. Again, it is the custody rating scale that determines the assessment for a decision to transfer to a lower-security institution.

With regard to the comment that the union didn't know, as the national president of the organization, I didn't know either, until it hit the media.

Mr. Peter Julian: Thank you for your answer.

You referenced the custody rating scale, but you also said in your introductory remarks that many inmates do not meet the custody rating scale for minimum security.

Did I understand that correctly? Were you saying that there has been an overriding of the scale, and in Mr. Bernardo's case it was overridden to maintain him in maximum security, but in many other cases it's overridden to bring the inmate to a level of security that is lower than their custody rating scale would actually justify?

Am I correct in that? Could you estimate how many inmates would be impacted by that?

• (1705)

Mr. Jeff Wilkins: I think it would be a little premature to give an estimate, but at a minimum-security institution, for example, there would be five to a dozen inmates who might be overridden from medium security. Likewise, from maximum into medium, we have inmates who are placed in our medium-security facilities who, according to the custody rating scale, would come out as a maximum-security offender.

The decisions for this, the words that have always been spoken to me, are that they're a "manageable risk"—the risk is manageable. We've argued on many occasions with the Correctional Service that we don't see in policy anywhere that there's another level of risk under the custody rating scale about being "manageable". This is where we have issues.

As for the exact number, I certainly could not tell you the exact number.

Mr. Peter Julian: You are suggesting five to a dozen in each facility. We know how many facilities there are, so we can estimate, with the number of facilities across the country, a rough number of where this has happened,

Could you tell us how that overriding process takes place? How is it overridden when there is a custody rating scale in place?

Mr. Jeff Wilkins: Once again, my colleagues might be in a better position to answer that question.

It's my understanding that there are different authorities when it comes to different kinds of transfers. If it's a transfer within a region from a medium-security institution to a minimum-security institution, for example, it's the warden's delegated authority to make the decision on that. If they're going outside of the region, it's a different delegated authority. If it's somebody who has a dangerous offender label, it would be a different authority, then, as well.

What we've seen is that after the case management team, which would include the parole officer, comes up with the decision to transfer to a lower security, even though that might not fall within the custody rating scale, it would be the warden's authority to do so. They do that.

As I said, the words that are floated around are “manageable risk”.

[Translation]

Mr. Peter Julian: Thank you very much.

Mr. Ménard, do you agree with what Mr. Wilkins just said about the number of offenders at an institution with a security level lower than that prescribed by the security reclassification scale in their case?

Mr. Patrick Ménard: I quite honestly don't have that information. All I can give you are the observations I've been able to make during my career.

Parole officers handle a certain number of cases. In my career, that has varied between 25 and 30 files. A deviation from what's prescribed by the custody rating scale may occur in two or three cases. So you could say that it happens in roughly 10% of cases. However, that's an estimate based strictly on my personal experience.

I'll stop there and give the floor back to—

[English]

The Chair: Thank you, Mr. Ménard.

Mr. Julian will have another chance for additional questions.

We're going to move to the second round, which will be a five-minute round. We'll have Mr. Lloyd first, please.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Thank you, Mr. Chair.

My question is for Mr. Wilkins. Correctional statistics before the implementation of Bill C-83 showed that the number of inmates in a maximum-security facility dropped by as low as eight or as high as 89 on an annual basis.

In 2021, the first full year after Bill C-83 was implemented, that number almost doubled, to 158. I've received an ATIP response that states that 505 inmates were transferred out of maximum security to medium security last year alone, ending March 2023. There are anywhere from 1,500 to 2,000 inmates in maximum security in Canada. In your experience, are 505 transfers out of maximum security a high number in any given year?

Mr. Jeff Wilkins: It seems like a very high number. Now, I'm not exactly sure if this would have been relevant during COVID, because we didn't have a lot of transfers happening, if you recall, during the pandemic. I assume that this is after the pandemic.

• (1710)

Mr. Dane Lloyd: This is the 2022-2023 fiscal year. There were 505 prisoners moved out of maximum security into medium security. Now, prior to Bill C-83's coming into effect in June 2019, would you consider this a high number compared to the numbers in previous years?

Mr. Jeff Wilkins: I would.

Mr. Dane Lloyd: In your experience, has the number of prisoner transfers, COVID notwithstanding, from maximum to medium security increased since Bill C-83 was brought into effect in June 2019?

Mr. Jeff Wilkins: Of course, with the elimination of segregation units, which we would have had in our medium-security facilities across the country, and with the SIU model that has been put in place, most of the SIUs are in maximum-security institutions. That is going to increase the number of transfers between medium and maximum, ultimately just because you're moving from a medium-security to a maximum-security because of the SIU placement, and then potentially back again from the SIU placement. Absolutely, the introduction of the SIU model has increased the amount of movement between institutions across the country. There's no doubt about that.

Mr. Dane Lloyd: Do you also attribute the addition under C-83 of the so-called “least restrictive principle” as partially responsible for this trend?

Mr. Jeff Wilkins: Yes, I think that's exactly right. Inmates have the ability to file what's called a habeas corpus suit, saying that they're not being housed in the appropriate level according to their custody rating scale, for example. Of course, the least restrictive is something that Correctional Services is always trying to strive towards, so that might mean movement between institutions.

Mr. Dane Lloyd: Do you believe that this least restrictive principle, as enshrined in C-83, contributed to the reclassification and transfer of Paul Bernardo from a maximum- to a medium-security facility?

Mr. Jeff Wilkins: I'm quite certain that before Bill C-83, there was something in the CCRA that talked about least restrictive. I remember making the argument many times, even as a local president, that inmates who would normally be placed in segregation at the time, before Bill C-83, were being placed in different ranges, with different population management strategies occurring for those offenders. My example at the time was that there's general population and then there's segregation. There is no other population. If they can't be managed in general population, then they have to be in segregation. I was always quoted—

Mr. Dane Lloyd: I was reading your 2018 submission on Bill C-83, and your recommendation was that the current language was “the most appropriate restrictions”, not “the least restrictive”, so it was not the least restrictive; it was the most appropriate restrictions.

With the introduction of “least restrictive”, we've certainly seen, through the review that was conducted after this transfer, that it had an impact.

Paul Bernardo was denied reclassification in June 2022, but then, according to the review report, they changed their decision in July 2022, just a month later. Is this a normal practice, for them to change a decision in just one month?

Mr. Jeff Wilkins: I can't really speak to the decision that was made, particularly for the case management team at the time. To be quite honest, as the national president of the union I'm not involved that heavily in the case management of every individual offender across the country.

I wouldn't say it's abnormal for that type of thing to happen, but I wouldn't say it was normal, that it's an everyday occurrence, either.

The Chair: We'll move on to Ms. O'Connell.

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Thank you, Chair.

Mr. Wilkins, you were correct when you said that there was, previous to Bill C-83, language that would have allowed for reclassification. It was actually in the 1990s, under Brian Mulroney, that the term “least restrictive” was first used. This issue has actually been going on for successive governments in terms of language, and it wasn't actually Bill C-83, so your memory served you correctly with respect to the fact that there has been back-and-forth.

“Least restrictive”, again, was actually introduced by Brian Mulroney, and the same language actually existed under the previous Conservative government of Stephen Harper, so this suggestion that it was somehow a change that Bill C-83 brought forward, which created new language, is simply false. That needs to be put on the record.

In addition to that, Mr. Chair, there are sometimes misperceptions about what maximum, medium and minimum security classifications mean. It's not a condition of punishment or a situation based on an outcome of the court case of whatever the offender has committed and been found guilty of, but about public safety at large and the risk of escape.

Mr. Shipley brought up escapes, but he conveniently left out some data, so I wanted to put that on the record. In 2006-2007, there were 37 federal prison escapees in Canada. In 2007-2008,

there were 33. In 2008-2009, there were 24. In 2009-2010, there were 31. In 2010-2011, there were 17. The list goes on. The next year, 16, 24, 13, 15, 18. In 2016, it went down to 9; then in 2017-2018 it was 18; then 2018-2019 it went to 13 escapees. It has consistently gone down. In 2019-2020 there were 12. In 2020-2021 there were 11.

The suggestion that Bill C-83 has opened up this new least restrictive measure is, frankly, false. That was introduced by Brian Mulroney's Progressive Conservative government. Regarding the suggestion that reclassifications have led to prisoner escapees, actually there have been fluctuations, but the highest number was in 2006-2007, with 37 escapees. I want to put those facts on the record, because that really matters if we're going to talk about reclassification and security levels.

Mr. Wilkins, you spoke about corrections officers and their role. You said you have suggestions on how your union members' voices can be part of that ongoing consultation, and I think there are improvements that need to be made here. I would be happy to receive them as a committee for any recommendations on that.

I'd also like to ask a question. The Conservatives have proposed a system through a private member's bill that would actually see the entirety of an inmate's classification.... If it starts at maximum, it stays that way. There would be no opportunity for good behaviour, for rehabilitation mechanisms.

Do your members have concerns for their own safety if there are no interventions for rehabilitation and for measures to be put in place for good behaviour and promoting that sort of program in facilities? Would there not be a larger risk to your members if there was no opportunity for rehabilitation and programming?

● (1715)

Mr. Jeff Wilkins: What I could say is that when it comes to rehabilitative programming, it's much easier to conduct it inside a medium-security institution or a minimum-security institution. There is a strict level of control when it comes to inmate movement inside a maximum-security facility, and having that ability is certainly a bit easier for a medium-security institution.

I do believe that without.... You're never going to hear from the Union of Canadian Correctional Officers that programming is a bad thing. Idle hands are the devil's playground inside an institution, and we want to make sure the inmates are busy, day in and day out, whether it's through school, programs or some sort of work.

The Chair: Thank you.

We'll move on to Ms. Michaud.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I'd like to go back over the security level assessment process.

From what I understand of what's been said so far, it's not necessarily the members of your two unions who conduct this type of assessment. I nevertheless want to relate that to the assessment done by parole officers.

It's no secret that people in the system are overworked. A survey conducted of the Union of Safety and Justice Employees in 2019 shows that those people were clearly being overworked, a fact that was reported by several print media outlets. I'm going to read an excerpt from one of those articles because I think we can draw a parallel, or make a connection, with the people responsible for assessments within the system. Here's an article from a May 2019 issue of *La Presse*, but, based on discussions I've had with the union in recent months, this is still a problem.

The article reads as follows:

Canadian parole officers say an “insurmountable” workload has brought the country's correctional system to a critical juncture, a situation that they say presents a public safety risk.

A survey of parole officers conducted by the Union of Safety and Justice Employees, the USJE, reveals that more than two thirds of officers are afraid they can't properly protect the public because they don't have the time to assess, supervise and prepare for inmate releases.

The union, which represents the officers, says this means that many offenders are slipping through the cracks—people who, in some cases, may offend again and harm others or themselves.

David Neufeld, the union's national vice-president, contends that the problems are the result of budget cuts under the former Conservative government, which have resulted in staff reductions and increased workloads.

Since then, says Mr. Neufeld, measures taken by the Trudeau government to provide more programs for Indigenous offenders and the mentally ill have required more work.

The union is calling for more staff and resources within the correctional system so that inmates can be properly assessed to determine the risk they present on parole.

I realize these are two separate points, but I'd like to hear your opinion, Mr. Ménard.

Is this still a problem for parole officers? Can we make this connection with officers or individuals who conduct security level assessments on inmates? As far as you know, are officers labouring under excessive workloads that could undermine public safety?

• (1720)

[English]

The Chair: You've gone past your time.

I'm sorry, Mr. Ménard, but perhaps someone else will lead into a similar question.

Mr. Julian is next, please.

Mr. Peter Julian: I will, Mr. Chair, because I think it's fair to say that our parole officers and our classification officers, the members of both the unions that are represented today, do an incredible job under very difficult circumstances.

They have had to deal with workplace issues and mental health concerns that are raised every day. It's a workplace environment that is very difficult. That's why I tabled, on September 20, Bill C-357, an act to amend the Government Employees Compensation Act, which would allow for presumptive injury classification for federal correctional workers—workers of the Union of Safety and

Justice Employees and also the Union of Canadian Correctional Officers—so that they're covered by this.

I wanted to ask both our witnesses to what extent the federal government should be providing additional resources—adopting bills like the one I've tabled on behalf of the Union of Safety and Justice Employees—so that your members, who do such valuable work, can work in a workplace that is safe and allows them to continue to make their contributions to Canadians.

Mr. Jeff Sandelli: I think I can speak to that. Thanks very much for the question as well as for Bill C-357 and that reference.

I think it's exceedingly important that as we do this work that's critical to protecting Canadians' safety, which is what our members do behind the scenes—not many folks understand the work that's being done—the resourcing certainly is a huge issue. When there's a lack of resources, it adds extensive pressure to our members who are in these institutions, in the community parole offices and in the community correctional centres, undertaking this work. It's front-line work and support-level work. Everybody is impacted by this work. It's stressful work to begin with. Certainly the potential for operational stress injuries is high to begin with in corrections. We know this. However, without proper resourcing, it's even more so. It's compounding. In order to have proper assessment and proper outcomes, I think we know we're going to need to have healthy public safety personnel.

We've been calling on all parties to support the contents of Bill C-357 as it relates to the modifications of GECA, the Government Employees Compensation Act, so that all federal public safety employees are treated equally across our country. Currently, it's at the discretion of provinces. GECA hands down that assessment to individual provinces. As a result, our members aren't treated equally. They aren't presumed to get coverage in all provinces the same way. That means a member in one province might be getting presumptive coverage for their injury, whereas in another province they may not. It's not fair. It doesn't leave us in a good position as we continue to see more of our USJE members going off on stress injury.

• (1725)

The Chair: Thank you, Mr. Julian.

We'll move on to Ms. Thomas for five minutes.

Mrs. Rachael Thomas (Lethbridge, CPC): Thank you very much. I will direct my first questions to Mr. Wilkins.

We know that Paul Bernardo was a serial rapist and murderer. We know that he did things that were absolutely vile and disgusting. He was described as a “sexually sadistic psychopath”. Then we know that during his time in maximum-security prison, he was assessed every two years, for a total of 14 times, the last one being in June 2022. Only one month later, of course, the decision was overturned. He was moved to a lower-security prison.

However, up until that point, 14 times it had been determined by the parole board that he was not fit to be moved. The reason was that, according to the parole board's decision and in their report, they said that Mr. Bernardo demonstrated “no remorse, empathy or insight into his crimes”. Further to that, he was found with contraband in his cell three times. He was found with a razor and he was found with a weapon. Further to that, he attacked a guard and of course caused harm in that matter as well. This is an individual in a maximum-security prison. He also, of course, was designated a dangerous offender.

My question for you is very simple: Does this sound like someone who should be moved from a maximum-security prison to a medium-security prison?

Mr. Jeff Wilkins: When it comes to the level of violence from Mr. Paul Bernardo, I will reiterate your comments that they are unspeakable. The damage he's done to Canadian society is unspeakable. As to whether he belongs in a medium-security institution, I think we need to characterize that question a little more broadly. We have many, many offenders in our prison system, in medium-security institutions across the country, who have committed unspeakable crimes that are similar types of crimes, sexually related crimes. There are designated dangerous offenders in our medium-security institutions and some in our minimum-security institutions.

All these processes are weighed on an individual basis when making decisions—

Mrs. Rachael Thomas: I'm sorry. I'm going to interrupt you. I understand that every case is weighed individually. I'm asking specifically about Mr. Bernardo. In your estimation, is he someone who should have been moved to a medium-security prison based on the facts I just listed?

Mr. Jeff Wilkins: I'm not going to be able to comment on the question, to be honest. I was not part of his case management team and I never have been. I don't know the entire case.

I think the crux of the question is this: Does he sound like somebody who belongs in a medium-security institution? I don't believe so, but then we have to look at many across the country who are inside our medium-security institutions.

Mrs. Rachael Thomas: Mr. Wilkins, here is what we know. We know that in a medium-security prison, more of the officers are women. In fact, up to 90% more of the officers are women in a medium-security facility versus a maximum-security facility. We know that his hours of being unsupervised have increased, or will increase, and his opportunity for escape has also increased.

You're someone who advocates on behalf of those who are maintaining the safety and security of these institutions and, therefore, looking out for the best interests of the public.

Do you believe this individual should be in a medium-security prison? Do you want him around your correctional officers?

• (1730)

Mr. Jeff Wilkins: Again, our correctional officers, our members, are dealing with these types of inmates across the country 24-7 every single day of the year. I know that we want to sensationalize this particular inmate, but this is the reality inside our medium-security institutions. We have many offenders who are just like that.

Just to back up on the statistic about the difference between females and males, and the ratio in maximum-security and medium-security facilities, I don't believe that one is true. We're very close in our maximum-security institutions and our medium-security institutions for employment equity based on gender profile.

Mrs. Rachael Thomas: My understanding is that program officers are 90% women. Are you saying that's not true?

Mr. Jeff Wilkins: Are you asking about program officers or correctional officers?

Mrs. Rachael Thomas: I'm saying program officers right now.

Mr. Jeff Wilkins: I wouldn't be able to speak about program officers. I just speak about my membership.

When it comes to correctional officers, the profile between maximum-security and medium-security.... When it comes to that employment equity profile, it is very close in most of our institutions across the country.

The Chair: Thank you, Mr. Wilkins and Mrs. Thomas.

We're going to move on to—

Mrs. Rachael Thomas: Mr. Chair, I was timing that, and I have 55 seconds left. I pressed it right when I started asking my questions.

The Chair: Well, you were 16 seconds over when I stopped you. I let everybody go a little over.

Mrs. Rachael Thomas: Okay.

The Chair: We'll move on now to Mr. Gaheer, please.

Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.): Thank you, Chair, and thank you to the witnesses for appearing before the committee.

I took some notes from the Auditor General's report on systemic racism within Correctional Service Canada. We know that for every offender who's admitted into custody, corrections staff are to use the custody rating scale to determine the offender's security level. We found that corrections staff had actually overridden the results recommended by the custody rating scale in 30% of all the security assessments, with half of them being for a higher level of security and half of them being for a lower level of security.

First of all, the allegation that there's a soft on crime approach is a bit ridiculous. However, my question is this: What would lead corrections staff to override the security rating scale?

Anyone can take this.

Mr. Jeff Sandelli: I don't mind adding a bit, but I'll certainly allow Patrick to have more time, as he has much more institutional experience.

It must be said that in any assessment that's taking place, it's a global assessment. It's not reliant on just one aspect of the case. It isn't just focused on a historical or individual crime. They look at a number of topics. Whether you're doing a security classification, making a recommendation to a decision-maker, or making recommendations to the Parole Board of Canada, you're collecting information from a number of sources, whether they are historical documents or progressive documents. That's what is leading to the assessment.

I'll pass it to Patrick, though, for more.

[*Translation*]

Mr. Patrick Ménard: Yes, we have to look at the case as a whole. We have tools that can be used to get results, whether it be the custody rating scale, which is used at the start of an inmate's sentence or when the inmate returns to an institution following a failure in the community, or the security reclassification scale, which is used at least every two years, when the case is reviewed as a whole. The results obtained by using these tools are compared with all the other information gathered to determine three factors that must be considered: the level of institutional adjustment, the risk to the public and the risk of escape.

The major aspect or characteristic of inmates at a medium-security institution, compared to those that a maximum-security institution, is the level of risk within the walls. That's the factor that will be decisive in virtually all cases. The level of institutional adjustment will almost always determine whether an inmate winds up in a medium-security rather than maximum-security institution, regardless of the result obtained using the scale. That's actually considered to be the result, because it's important, but it isn't everything.

Take the very simple example of a good, quiet inmate who's at a medium-security institution, doing what he needs to do and following his programs but gets caught in possession of 100 pounds of cocaine or firearms. I guarantee you he'll be assigned a maximum-security level, even if the scale-based assessment says he corresponds to a medium-security level.

As you can understand, the tool can't calculate everything because there are too many data points to consider. However, there

are exceptions. That's the reason why it's ultimately humans—our members in this case, the parole officers—who make recommendations. If we relied solely on a tool, there would be no professionals to consider the case as a whole. The tools take into account a specific dataset, data that we're told have been established by science, and that are accurate to the present date. The Correctional Service of Canada claims that, but we work with the tools we're given.

That's my remark.

● (1735)

[*English*]

Mr. Iqwinder Gaheer: That's great. Thank you for your thorough answer.

I'll ask another question. Maybe it can be answered at a later point if I run out of time.

From the AG's report, we know there are disparities within the system from the moment offenders enter federal institutions. When we look at the results, a disproportionately high number of indigenous and Black offenders are being placed in maximum-security institutions. The majority of offenders will eventually receive parole before the end of their sentence, but we see that indigenous and Black offenders remain in custody longer and at higher levels of security before they're released.

I think my question is going to be this: How do we make this process more fair? I have hesitations over this process.

Thank you.

The Chair: Mr. Gaheer, your time is up. I'm sorry. Can you hold that question for a little later on?

We're going to move on to Mr. Baldinelli. We're going into the third round.

Mr. Baldinelli, go ahead for five minutes.

Mr. Tony Baldinelli (Niagara Falls, CPC): Thank you, Chair.

I'd like to thank our witnesses for being here this afternoon.

These hearings are important as we try to make sense of a horrible decision that I think we can all agree should not have been taken. This committee can come forward with recommendations to see that this type of decision never happens again.

The name "Paul Bernardo" is synonymous with evil in our community, and this decision has had the effect of revictimizing the families, as they've had to relive this horrific memory because of, I would suggest, the uncompassionate and short-sighted process from the Correctional Services of Canada with regard to the transferring of inmates.

The impacts of this decision and these horrific crimes were felt most in our community, and in that of my colleague as well, here in Niagara, and it led to friends of Kristen French contacting my office to see if ways could be found to ensure that this type of decision be reversed and never happen again.

That led to my establishment and creation of a private member's bill, Bill C-342, which would require that all court-ordered dangerous offenders and mass murderers be permanently assigned a maximum-security classification. It would also repeal the Liberals' "least restrictive environment" standard for assigning inmates to prisons and restore the language of "necessary restrictions" that the previous Conservative government put in place.

My Conservative colleague, MP Généreux, also has a private member's bill that is coming forward to be debated quite soon. It's Bill C-351. That will amend the Corrections and Conditional Release Act to require that inmates who have been found to be dangerous offenders or convicted of more than one first-degree murder be assigned a security classification of "maximum" and confined in a maximum-security penitentiary or area in a penitentiary.

Those are actions that we can take. I hope, with the support of all colleagues in the House, that those types of legislation can come forward and be implemented.

First I'd like to go to Mr. Wilkins, if I could.

Correctional Service of Canada's report on the transfer of Paul Bernardo from maximum security to medium security revealed that he had integrated for just four months before his transfer was approved, after refusing to integrate with the general population for almost 30 years. He was denied a transfer earlier in the year, and one of the explicit reasons for that denial was that he was not fully integrated. In fact, the review committee's main concern about the transfer was that there was no detailed rationale for how the period of four months was sufficient to begin to reassess institutional adjustment.

Mr. Wilkins, in your experience, have you seen this type of transfer occur before, with such a short period of integration of only four months?

• (1740)

Mr. Jeff Wilkins: Well, I would like to say that I think the case of Mr. Bernardo is unique when it comes to his sentence overall. It's not very often that you see a case like his. Whether the integration of four months was an appropriate measure or it wasn't.... I think that judging by the amount of time that somebody would be integrating would be a bit more beneficial in the argument. Four months was certainly not enough.

My question—the one that I still don't really have a complete answer to—is on what input my membership as correctional officers witnessing him on the floor had. What reports were submitted and what reports were taken into consideration? Of course, these are the things that we're looking at on our side because, as you know, it's our members who are monitoring those daily movements. It's our members of the case management team. It's our members who are monitoring that integration, and I have questions around that.

Mr. Tony Baldinelli: Mr. Wilkins, those reports that your members do.... Are they then used in part of the determination of the custody rating scale? Are they in fact used?

Mr. Jeff Wilkins: It is our hope that they are. This is again where we run into some problems when it comes to decisions to move into a lower classification. I'll be receiving feedback from our members, who say, "Listen, I wrote two reports on that inmate"—whatever the inmate's name might be—"and last week he assaulted another inmate. They moved him today, and I don't understand."

These are the types of things that we hear quite often when it comes to the custody rating scale. Whether they're taken into account.... It is our hope that they are. Whether they are or they aren't, like I said, we're not significant members in the case management team in that decision-making process.

Mr. Tony Baldinelli: Would you suggest, perhaps, in some of the recommendations we make, that your comments there—with regard to having the comments and input of staff—be considered as part of that custody rating scale?

Mr. Jeff Wilkins: Absolutely. It's not only when it comes to the custody rating scale but also when it comes to population management. Conversations that happen locally, regionally and nationally—

The Chair: Thank you, Mr. Wilkins and Mr. Baldinelli. I appreciate it.

Now we're moving back to the Liberals and Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): Thank you so much, Mr. Chair.

I will ask my first question of the Union of Safety and Justice Employees.

I was wondering whether you could comment on the importance of independence in the system—these decisions being made by corrections professionals, not politicians.

[Translation]

Mr. Patrick Ménard: I can answer first, if no one has any objection.

The professionals we represent obviously want maximum independence and autonomy when developing their recommendations. That's what we want.

I would say that public safety is a sensitive topic. The people at the bottom resent changes of government. Policies don't change, laws don't change, and the commissioner's directives are reviewed from time to time; it's all done quietly. However, changes of government bring changes of vision, and that reaches down to the bottom and can have an influence on the professionals who work on the ground. Whatever the case may be, that has to have as little impact on our members as possible. If laws and directives don't change, they have to be able to continue doing their work independently.

I don't know if my colleague wants to add anything.

[English]

Mr. Chris Bittle: Thank you so much.

I will direct my next question to Mr. Wilkins.

I'm new to the committee and a little ignorant about the differences between maximum and medium security. I was wondering whether you could explain to the committee the main differences between a maximum-security institution and a medium-security institution.

Mr. Jeff Wilkins: Sure. I'll try to be quick, because I know we're probably running out of time.

A maximum-security institution, of course, is either a walled or a fenced institution that has an armed perimeter patrol, but there are also weapons on the inside. There are gallery officers who are providing the utmost coverage for any area of the institution, whether it's the programs area, the school area or the recreation area.

There are no weapons inside a medium-security institution. There is still a secure perimeter, but we rely a whole lot more on dynamic security, as opposed to static security, inside medium-security....

There's no fence, typically, around any minimum-security institution. Inmates have the ability to walk away, if they so choose. They typically don't. It's more suited for inmates who are nearing the end of their sentence, or inmates who are serving short sentences for non-violent crimes.

• (1745)

Mr. Chris Bittle: In terms of public safety and the perimeter, I wonder whether you could elaborate on the difference between those two classifications—maximum security and medium security.

Mr. Jeff Wilkins: On the perimeter security...?

Mr. Chris Bittle: Yes.

Mr. Jeff Wilkins: Each is controlled by a mobile patrol truck that is armed. In most maximum-security institutions, there are also tower officers—those positioned in towers. We would not have those in a medium-security institution. They are very similar in terms of perimeter security.

It's the internal security that is different between the two.

Mr. Chris Bittle: I think I have only about 30 seconds left, so I don't know that I'll get into another question.

I appreciate everyone for being here, and I want to echo my colleagues on the importance of discussing this issue.

Thank you very much, Mr. Chair.

The Chair: Thank you.

We're going to move to Ms. Michaud for two and a half minutes.

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I want to give Mr. Ménard an opportunity to answer my long question from earlier on overworked officers.

I don't know if you need me to go back over what I said or if you can start answering directly.

Mr. Patrick Ménard: Excessive workloads are still an ongoing problem. They were already an issue when I started my career in 1999.

The workload of parole officers at the institutions is calculated based on numbers of offenders per officer, and that number has constantly risen over the years. When ratios are established, they very often aren't complied with.

Officers outside the community, however, have to prepare various reports and have a minimum number of contacts with offenders. The workload in the community is measured using a tool that, in a way, times the work that parole officers do.

So, yes, this is an extremely important issue for us. Not only are the number of cases and frequency of contacts increasing, but the cases are also increasingly serious. In addition, the employer, the Correctional Service of Canada, asks us to consider increasing numbers of factors specific to each case, such as mental health or ethnicity, for example. So there are a lot of variables that have to be taken into consideration and that encumber reports, interactions and interventions.

Ms. Kristina Michaud: You talked about parole officers assessing inmate files with a view to parole, but could you imagine the same thing happening to officers conducting an assessment in order to transfer an inmate? Are those completely separate teams? Could those people also be overworked such that the decisions that are made would have a direct or indirect impact on public safety?

Mr. Patrick Ménard: The same parole officer will make a recommendation to transfer an inmate, a recommendation for a temporary absence and, later on, a recommendation for release. In each of those cases, the officer has to make his or her recommendation taking into account all the important factors in the file.

Ms. Kristina Michaud: I'll stop there.

Thank you.

[English]

The Chair: Thank you, Ms. Michaud, and thank you, Mr. Ménard.

We'll move to Mr. Julian, please.

• (1750)

Mr. Peter Julian: Thank you very much, Mr. Chair.

I wanted to come back to you, Mr. Wilkins. I think we would all agree that prison escapes pose a threat to public safety. No one would disagree with that. I would like you to react to what the factors are that increased the number of prison escapes we had in the past, and to what you attribute the lower level of prison escapes we're seeing currently.

Is it a factor of resources? If a government cuts back on services, does that make a difference? What are the factors we need to be considering?

Mr. Jeff Wilkins: I certainly wish I had the answer to your question on how to prevent escapes. These are each individual choices that are made by inmates.

I don't know how we assess fluctuations from year to year based on different variables that are associated with institutions, to be quite frank. I don't have the answer to that question.

Mr. Peter Julian: Thank you very much.

I note—and I think this is important for the public record—that the five worst years for prison escapes were all under the former Harper Conservative government. I think that's something we need to reflect on in terms of public safety and the record of the government.

[Translation]

Now I'll go to you, Mr. Ménard.

Earlier I asked some questions about the fact that sometimes an assessment of an inmate's security level made using a rating scale is disregarded. From what we've heard, that assessment may be disregarded by people at the Correctional Service of Canada, or even by people managing a prison, in approximately 10% of cases.

Is that a frequent occurrence in your experience?

Mr. Patrick Ménard: No, it doesn't happen often. It's quite rare.

Generally speaking, the files reveal trends. Consequently, parole officers are able to work with the offenders and try to anticipate what will happen for them based on emerging trends. Is the inmate racking up offence reports and institutional incidents? Is she following his programs? Does he have an everyday job? By answering yes or no to these questions, officers can approximately anticipate what the inmate's next security level will be.

[English]

The Chair: Thank you, Mr. Ménard. Thank you, Mr. Julian.

We're going to move to Mr. Lloyd now, for five minutes.

Mr. Dane Lloyd: Thank you, Mr. Chair.

Mr. Wilkins, I have a copy of your organization's submission to this committee back in 2018, when we were first reviewing Bill

C-83. I note that your third request was: "The reversion of language that now recommends response options be 'least restrictive' to what was previously 'most appropriate'."

The fact is that prior to Bill C-83 the term "least restrictive" was not in the CCRA. It was actually changed in 2012 under our Conservative government, under the Safe Streets and Communities Act, where we removed the term "least restrictive" and replaced it with the "most appropriate or the necessary restrictions".

I find the report, the review report, that CSC released over the summer in response to the Bernardo transfer very interesting. It's very interesting to me because it says Millhaven Institution developed "a plan for institutional integration. These efforts were part of an institutional management strategy to establish cohorts...with the underlying goal of alleviating subpopulation pressures, and to provide a less restrictive environment for offenders."

Previous to Bill C-83, was there a requirement for federal penitentiaries to have strategies to create a less restrictive environment for offenders?

Mr. Jeff Wilkins: In fact, there was. I know I myself was actually involved in a refusal to work situation before Bill C-83, because there were subpopulations being created with, as I iterated earlier, what would normally have been classified as segregated inmates, mostly inmates who would have been segregated for protective custody reasons.

There were areas of the institution, specific ranges, that were associated with different movement routines, so they couldn't associate with the general population.

The CSC was, in fact, then housing inmates in the least restrictive manner.

• (1755)

Mr. Dane Lloyd: I find it interesting, because it seems to be as a direct result of this review that Millhaven Institution implemented this strategy to achieve a less restrictive environment for offenders that led to the reversal of the decision back in June 2022, which had previously said that Mr. Bernardo had not integrated and that there was a risk to him in the prison. However, because of this strategy to achieve a less restrictive environment—and those are their exact words, "less restrictive environment"—he was then able to integrate and thus was able to be reclassified under a medium-security classification.

I also find it interesting that during that time there was a meeting with the Office of the Correctional Investigator, and the Office of the Correctional Investigator seemed to have some sort of intervention between July 2022 and November 2022, when the actual decision on the reclassification was made. It seems that the Office of the Correctional Investigator was working to try to speed up the process to achieve this reclassification.

Is that something you think happened that you have noticed happening often in our institutions?

Mr. Jeff Wilkins: No. I have not.

Mr. Dane Lloyd: Is it somewhat unprecedented that the Office of the Correctional Investigator would intervene to try to speed up a reclassification process?

Mr. Jeff Wilkins: It's strange to me. I can't say I have heard that in my 21-year career as a correctional officer.

I understand that the correctional investigator might be a witness on this panel. I think it would be a good question suited for that gentleman, but no.

Mr. Dane Lloyd: Do you think it's somewhat unprecedented that the Correctional Service of Canada, after making a decision in June 2022, would so rapidly change its decision just four months later, in November? Is that something you think is precedented?

Mr. Jeff Wilkins: I wouldn't say it's precedented. As I mentioned before, I think this particular inmate is a bit unprecedented in the way that he has been handled throughout the system and throughout his incarceration, to be honest. We don't have many inmates who mirror that exactly, so it's hard to—

Mr. Dane Lloyd: He is certainly a specific inmate, and I find it absolutely stunning that the Correctional Service of Canada would change its decision so rapidly for this particular inmate. I think it is quite unprecedented for this to happen for an inmate of his notoriety, and it's something that I'm very curious about. I hope this committee can delve deeper into that and the reasons that happened.

Thank you. I think that's my time.

The Chair: Thank you, Mr. Lloyd.

Now we'll move to Ms. O'Connell, please, for five minutes.

Ms. Jennifer O'Connell: Thank you, Chair.

Let me correct the record once again. I am going to quote to deal with the misinformation Mr. Lloyd just put on the record. A Globe and Mail article stated:

However, a spokesperson for Public Safety Canada says Bernardo's transfer would have happened under the previous wording of the law, which was brought in by the former Conservative government of Stephen Harper.

That version of the law stipulated that prisoners should be kept in prisons with the "necessary" restrictions. When the law was originally created by former Progressive Conservative prime minister Brian Mulroney in the early 1990s, it used the term "least restrictive".

"The result of this transfer was not affected by the passage of Bill C-83. A transfer would have also occurred under the previous language of 'necessary' restrictions," said Public Safety spokesperson....

Mr. Chair, while the members opposite giggled and talked through that, I see why, because they want to act tough on crime but actually don't have the facts to back it up. It was actually two Conservative governments that had the language "least restrictive"

and "necessary", which would still have allowed for this particular transfer.

If we're going to talk about how to make changes to create safer public safety conditions in corrections, then we should at least be dealing with facts, not the fiction created by the Conservatives. Let them giggle, because they haven't had a great outing here today.

My last question I want to actually put forward to Mr. Sandelli.

In your opening remarks you spoke about programming and some of the programming work your members do. Thank you for that, because I'm sure it is incredibly difficult and a weight that is felt by you and your members. This study is looking at all prisoner classification and transfers, not just one individual. In lots of those instances, there may come a day when even dangerous offenders have served their time, based on a court decision, and have to then be released into the public.

How would you feel, from a public safety perspective, if an offender who had served their time went from maximum security, with no programming and no rehabilitation, directly into the community? Do you think that would make our communities safer?

• (1800)

Mr. Jeff Sandelli: With reference to my introduction as well, I think our members work exceedingly hard at the interventions, and we work within a system that's been designed and is predicated on a scenario whereby, when an offender enters into the system, they're going to be offered opportunities to rehabilitate or learn different ways of being and thinking, in order that they might make that transition.

In an ideal circumstance, whether they started in a medium institution or in a maximum, it is hoped that they can transition down and cascade through medium and into minimum, while having these interventions and making changes all along the way, and being assessed by a parole officer in a global manner. They're taking into consideration the program reports that are being written by the program officers, anything that might come out of the psychological department and out of the educational department, in addition to the empirical measures that are put in place. If they are successful in moving through that into the community, we have seen that they generally are more successful, because they are preparing to re-enter society after being institutionalized.

It's a real thing, and it takes time to work through. We know that their foray into the community during the first 30 days is extremely stressful. We see the best results for those who achieve a day parole, typically through cascading through the system.

Based on the way our system is designed, that's the manner in which our members work through the policies and the commissioner's directives that are in place. If there are any changes to those or how those work, however those changes come, it is our hope that the resources follow so that we can appropriately intervene and provide the guidance and support they need to continue working through that model.

Ms. Jennifer O'Connell: You mentioned day parole. Let's say an individual is not meeting those conditions. That can then actually put them back into the system and keep Canadians safe, by not having them released without any sort of assessment.

Mr. Jeff Sandelli: Again, the purpose is this: There are going to be ongoing assessments and recommendations to decision-makers. If that is not supported, the parole officer can recommend whether or not they are granted. It's up to a decision-maker to then do that with conditions, or, as it works through the institutional security levels—

The Chair: Mr. Sandelli, thank you for your answer.

Thank you, Ms. O'Connell.

We're moving into the fourth round. I was obviously being a little generous in the first three. In the next round, I'm going to give you a hard stop on your time. That's just to give you a forewarning.

Mr. Shipley, you're up for five minutes.

Mr. Doug Shipley: Thank you, Mr. Chair.

I'd like to lead off by talking about this: There's been a lot of talk around here about trying to make this a non-partisan issue. I haven't heard once, from this side of the table, the word "Liberal" get put out. I haven't heard the words "Prime Minister Justin Trudeau" get put out. I haven't heard a lot of talk like that. However, from the other side of the table, I'm hearing about prime ministers from around 20, 30 or 40 years ago. We're talking about partisanship. I think what I'm hearing here today is absolutely disgusting. We're here to solve problems that are going on today. We're not here to talk.... I hear, "Hm, mm," on the other side. It's glibness.

You know, I brought up a concrete example of a horrific crime that happened when two people escaped from a minimum-security institution, only to hear someone on the other side—the Liberal side; I'll say it, because we've been called "Conservatives" all day—talk about how they're doing such a great job with fewer escapes. How about phoning the family and telling them how great a job you're doing with fewer escapes, since they lost a loved one?

I don't think you're listening too much, right now, Ms. O'Connell, but I'm still talking.

The Chair: Please speak through the chair.

Mr. Doug Shipley: I'm a little disgusted with this. We're here today to talk about victims' rights and carry on—

Ms. Jennifer O'Connell: On a point of order, Mr. Chair, if Mr. Shipley wants to take personal shots at me while I'm coordinating who is speaking next, that's his prerogative. If he has a real question for the witnesses who are here, I suggest he ask it. Otherwise, it seems he has nothing to say, other than making attacks, because all their facts are incorrect.

• (1805)

Mrs. Rachael Thomas: I have a point of order. I'm sorry, but Ms. O'Connell is out of line.

Mr. Chair, I would ask that you bring that in line, please, out of respect for this entire committee.

The Chair: Thank you.

Can we get back to Mr. Shipley and his question to the witnesses?

Mr. Doug Shipley: Yes, my question is coming through here, loud and clear. I just have a few more things left to say. We've sat here and taken a lot of partisan shots coming from that way. It's interesting that we're now getting points of order when one is going back their way. It's been an hour and a half of hearing nothing but partisanship coming this way. Enough is enough.

As I said, if escapes are going down, and that one is not important.... I think it is. I think our whole topic here today is the rights of victims of crime. I don't think we've talked enough about that.

What I would like to know, too.... There's been alluding, on the other side, to inmates getting cascaded down through the system. I really hope there are no thoughts about Bernardo cascading through and being let go. If that's what you're alluding to, that's horrific. I hope he never sees the light of day.

I'd like to ask our witnesses.... At the very beginning of this, I talked about the secrecy of this event and how no one knew about it. There were only three people at Millhaven who knew about his transfer.

How could your staff possibly get prepared for the intake of a horrific criminal like that, if no one at the receiving end of it knew he was coming, Mr. Wilkins?

Mr. Jeff Wilkins: I think you can understand that the media sensation that went along with this decision, and, of course, nobody being prepared for it, made it extremely difficult not only to receive the inmate but also.... Again, it left our members with questions, I am certain, in the sending institution as to why some reports weren't taken into consideration when making these decisions, and why staff weren't.... His CX-2, for example, who would be in charge of his case at a ground-floor level.... Whether they were informed....

I think it makes it very difficult for everybody, because you're juggling not only the intake of an offender but also the media that comes along with it.

Mr. Doug Shipley: Thank you for that, Mr. Wilkins.

What we are trying to say here today, and what we're here to try to resolve, is this: There were issues with this transfer. There are issues. There is, and was, public outrage. You agree there were issues around it. We may not solve them all here today, but at least that's our job—to try to resolve them.

Thank you for being here today.

I believe that's it for me, for time.

Thank you.

The Chair: Thank you.

Next, we have Mr. Gaheer.

Mr. Iqwinder Gaheer: Thank you, Mr. Chair.

I'll ask again my question that I rushed to ask last time.

From looking at the Auditor General's report on systemic racism within Correctional Service Canada, we know that there are disparities present from the moment the offenders enter federal institutions. We know that the process for assigning security classifications, including the use of the custody rating scale—which we've talked about at this committee—and the frequent overrides of the scale by corrections staff, results in a disproportionately high number of Black and indigenous offenders being placed in maximum-security institutions. We know that, while the majority of offenders will receive parole before the ends of their sentences, the data shows that indigenous and Black offenders remain in custody for a longer period of time and at higher levels of security.

I just want to ask the witness panel what their thoughts are on this data, what their thoughts are on a fairer process, and how we can achieve that fairer process.

[*Translation*]

Mr. Patrick Ménard: I can answer that question.

Our members, particularly correctional program officers and parole officers, receive training based on ethnic issues. That training is given to them regularly, every year or two years. The statistics are known in the system and our members are informed on these issues. The purpose of that training is to make them more sensitive in this area because they have to consider specific ethnic characteristics, the differences that may exist among various ethnic groups, and weigh those variables when developing their recommendations for decision-makers.

The goal of all that is obviously to try to eliminate every form of discrimination that might be unconscious and to educate our members to ensure they maintain the same level of professionalism.

It's not true that our members work in order to establish statistics. The organization may possibly aim to achieve certain statistics, but our members are trained to be more sensitive to these issues so they are as fair as possible when making recommendations.

• (1810)

[*English*]

Mr. Iqwinder Gaheer: Thank you for your answer.

I have a different line of questioning.

With respect to transfers, what happens when there are inter-regional transfers? Does the offender receive a new parole officer, or does the offender keep the existing one? Is some of the institutional knowledge transferred from region to region? What happens in that kind of case?

[*Translation*]

Mr. Patrick Ménard: When an inmate is transferred from one institution to another, whether in the same or another region, there's a complete change of team. The inmate winds up with a new parole officer, a new CX-2 and many other new people who will be working with that inmate.

Inmates thus do not have the same officer or the same staff members around them after a transfer.

[*English*]

Mr. Iqwinder Gaheer: Okay.

What's the responsibility, when a transfer occurs, of a parole officer in terms of the introduction of that new person to the population of another prison?

[*Translation*]

Mr. Patrick Ménard: If my understanding is correct, you want to know what responsibility the former parole officer has toward the new parole officer when a transfer occurs. Is that correct?

[*English*]

Mr. Iqwinder Gaheer: Yes.

[*Translation*]

Mr. Patrick Ménard: The best practice is to communicate between the two teams. The files and important information are transferred. That's also the practice that's followed between institutions and the community upon release.

So that's a best practice for transfers, and it's also an excellent practice for releases. It's something that's done every day. Our members do it.

[*English*]

Mr. Iqwinder Gaheer: That's great. Thank you.

The Chair: Thank you, Mr. Gaheer, and thank you, Mr. Ménard.

We'll now move on to Ms. Michaud, please, for two and a half minutes.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

I have a question concerning privacy as opposed to victim rights in the wake of the transfer of inmate Bernardo. Since my question is for both Mr. Wilkins and Mr. Ménard, I'd like both of them to feel comfortable answering it.

In that specific case, the previous Minister of Public Safety, Mr. Mendicino, said that Canadians had a right to know why the Correctional Service of Canada had proceeded with Mr. Bernardo's transfer. The Correctional Service said it had a duty to protect the inmate's privacy. According to a CBC/Radio-Canada article, a CSC spokesperson said that, under the Privacy Act, the independent agency could not disclose the personal information of an inmate without his consent, "except in specific circumstances".

Would you please tell us in what specific circumstances certain information or notifications could be given to the families of victims, for example? How does that process work in general?

[English]

Mr. Jeff Wilkins: Perhaps I could make a comment, to start.

When it comes down to the privacy concerns, I can honestly say that this is the first time in my 21 years I've ever publicly spoken an inmate's name. It's something we're taught when we join the service: The privacy concerns of the inmate are paramount. We are not supposed to tell our friends and family. In fact, even in my labour management committee meetings, we don't typically speak the names of individual inmates.

The privacy concerns are generally for a wide variety of reasons. In this case, I think you're asking what the balance is there. Of course, the victims, for certain, need to know exactly what's going on with that inmate. Because this inmate is so widely known across Canada, I think considerations do need to be taken. I think liberties were taken, to be honest, that I had never seen before in my career in terms of informing the general public about this transfer.

• (1815)

The Chair: Thank you, Mr. Wilkins and Ms. Michaud.

We'll move now to Mr. Julian, please.

Mr. Peter Julian: Thank you.

Mr. Wilkins, Mr. Ménard and Mr. Sandelli, thank you very much for your testimony today. What other recommendations can you give us in terms of building a system in which the public has confidence in the transfer of inmates, in inmates being classified at the right level without it being overridden, and in victims' families being informed?

In order to build a system that Canadians can have utter confidence in, what recommendations can all three of you offer as part of the committee report that we'll be producing through the course of the next few weeks?

Mr. Jeff Wilkins: To reiterate my opening comment, I think correctional officers need to be a bit more involved when it comes to the reports and the reports being taken into consideration through any parole hearings or assessments for decisions. Also, population management is something that the union or correctional officers in general aren't really involved in. These are meetings that happen at

the local levels, regional levels and national levels. We need to be involved in that.

I will be honest with you. I was a parole officer for four months of my 21-year career, and an inmate inside an institution acts completely differently toward a parole officer from how they act toward a correctional officer and with their fellow inmates. When they're meeting with their parole officer, they're not exactly themselves. It is the correctional officers who know exactly the behaviours and the mentality of the inmates they're working very closely with 24-7, so yes, I would like to see some changes there.

[Translation]

Mr. Peter Julian: I'd like to know Mr. Ménard's opinion.

Mr. Patrick Ménard: What I would really recommend is that the Correctional Service open its doors to the public more. People would then be able to observe what happens within the system and to see the work that's done on a day-to-day basis. For example, they'd be able to understand how a day goes and how staff approach inmates, in addition to discovering the school and training offered to our members.

[English]

The Chair: That is the time. Thank you so much.

Now we're moving to Mr. Lloyd for five minutes, please.

Mr. Dane Lloyd: Thank you, Mr. Chair.

Further in the review report that was issued over the summer in response to the Bernardo transfer, it noted that the SRS override—he had received a security designation of medium, but this is for the 13 times it was overridden—was primarily done because of “measures that were required to manage the [inmate's] safety, rather than behavioural concerns.”

I find it interesting that it was more about the safety of the offender. It didn't seem like there was too much concern about the behaviours exhibited by the offender, which the parole board has stated were manipulative, grandiose, glib and showed lack of remorse for his actions. It goes on and on. This is a psychopath we're dealing with, and the parole board has reiterated that multiple times.

I also find it interesting that the definitions of security classifications that were provided by the library describe the environment of medium-security institutions as one that “allows interaction among inmates and prepares them for a minimum security institution.” I note that CSC noted that it doesn't necessarily mean they will go to a minimum-security facility or that they'll be released into the public, but it's very concerning to me and I would like to be able to reassure Canadians and the families of the victims that this is not part of an effort to cascade Mr. Bernardo from maximum security to medium security, which, by definition, is to prepare him for a potential transfer to a minimum-security prison.

Can Mr. Wilkins or any of the other witnesses provide assurances to Canadians and this committee that Mr. Bernardo will not be cascaded down to a minimum-security prison?

• (1820)

Mr. Jeff Wilkins: I would like to provide assurances. Unfortunately, my membership and I are not the decision-makers when it comes to whether that inmate will be moved to a lower security level.

I could suggest that it probably will not happen, given the sensationalism that surrounds this particular inmate, but I can't be the one who makes those assurances.

Mr. Dane Lloyd: I understand that. Thank you for that, Mr. Wilkins.

I think, prior to his transfer from a maximum-security facility to a medium-security facility, it would have been incomprehensible—in fact, the previous minister said it was “shocking and incomprehensible”—that this decision would be made in the first place. I am seriously worried that in this country we are being led down this path of more and more shocking and incomprehensible decisions, to the point that we're getting numb to them.

It was so incomprehensible that he would be moved out of maximum, and I would not be surprised if, in the next number of years.... It wouldn't shock me if he was moved to minimum, because the decision that was made was so shocking and incomprehensible. I don't think we can assure Canadians that he won't be moved to minimum unless we have some sort of legislative changes, as your union recommended, to ensure—not specifically for this particular offender, but as a broad-based requirement—that the worst of the worst offenders do not get cascaded out of our system into minimum security.

Do you have any recommendations, Mr. Wilkins, or any of our witnesses who have parole board experience, for what we can do to reassure Canadians that this will not happen?

[*Translation*]

Mr. Patrick Ménard: I am a parole officer by training. All officers who work in penitentiaries will tell you, as I do, that the criteria for going from a maximum-security to a medium-security institution are easier to meet than those for going from a medium-security to a minimum-security institution. It's much more difficult in the latter case because the tools are more specific, more demanding, and there are more criteria that have to be met. That's what I would say.

So you mustn't think that, because you've gone from a maximum-security to medium-security institution, you'll necessarily be going from a medium-security to a minimum-security institution in a short period of time.

[*English*]

Mr. Dane Lloyd: Just quickly, does CSC work with prisoners to assist them with their transfer from a maximum to a medium or from a medium to a minimum? Are there programs to support prisoners like Paul Bernardo to lower their classification so they can achieve that?

The Chair: We'll have a quick yes or no, please, if that's possible.

[*Translation*]

Mr. Patrick Ménard: I honestly didn't hear the question. I'm sorry.

[*English*]

The Chair: I'm sorry. The time is up.

We're going to move to our final questions, with Ms. O'Connell, please.

Ms. Jennifer O'Connell: Thank you, Chair, and thank you to all of the witnesses for the work you and your members do and for representing them here today.

Mr. Ménard, thank you for your last answer, because I think it would be very dangerous if anyone would try to suggest that this committee, to the victims of Paul Bernardo, their families and friends.... For anyone to suggest without any basis in fact that somehow this individual is going to be in the community is simply reckless.

I really appreciate your clear explanation of how this process works and of precisely why politicians don't make prison transfer classification decisions, because it's experts—all three of you, with your membership—that actually build the work to make these decisions. Thank you for putting that on the record and reassuring Canadians of the actual process, for not allowing some sort of fear-mongering and political games for the sake of, I don't know.... To use such heinous crimes for a political win, I think, is really upsetting.

Mr. Wilkins, you talked about having your officers' opinions and observations be more a part of this process. You spoke about how parole officers...or how inmates may act very differently around parole officers, and I can completely see that. Perhaps I will leave it out to the parole officers.

How do you manage? Is there a mechanism that enables you to seek input from corrections officers to start building into a larger profile of the individual? I can see Mr. Wilkins's point being very valid, about an inmate's day-to-day behaviour being different from what they're demonstrating to, let's say, a parole officer. Do you have any comments on how that interaction could work better?

• (1825)

[*Translation*]

Mr. Patrick Ménard: We're talking here about a case management team, which mainly consists of three types of employees: a parole officer, the parole officer's supervisor and a correctional officer. Sometimes, depending on the cases, psychologists, psychoeducators, specialized educators or even teachers may be added to the team.

The correctional officer must obviously record what he or she observes in various documents, such as casework records, observation reports and incident reports. I guarantee you that what's written is necessarily taken into consideration. When parole officers switch on their computers, they can see on the screen if any incidents have occurred because the computer tracks them. The information is there; it's visible. They can read what's happening and what has happened. They can consult the offence reports and see what happened. An enormous amount of information comes from correctional officers, staff on the floor, teachers, program officers, social program officers, Indigenous liaison officers and so on. The parole officer is ultimately the person who takes all of that information into consideration.

All the information is stored in computer and paper files. That explains why the task is so burdensome: an enormous amount of information has to be taken into account.

In addition, there's obviously nothing preventing people from speaking amongst themselves. These are good practices that should be encouraged.

[*English*]

Ms. Jennifer O'Connell: I don't know if you would like to jump in there—with 50 seconds, I'm being told.

Mr. Jeff Sandelli: I would just add, much as Patrick has been saying, that there are a number of people. We're speaking more specifically to the institution and the community at this point, but within the institution there's opportunity for everybody who works within those facilities to provide insights on what might be happening.

Even those who might be working with the offender in a kitchen and providing them with supervision and training fill out reports, and they can also fill out security reports if they observe or overhear things that need to be reported. This would go if they were working with maintenance workers, or electricians or the librarian. This information can flow from anywhere.

As well, the CX-2s enter information into the computer system, into the OMS. It can be gathered there by the parole officers when they're doing reviews. As well, as Patrick said, you will happen upon these individuals, your colleagues in the institution, and often in a conversation will talk about this.

The Chair: Thank you, Mr. Sandelli. That brings our questions to a close.

Mr. Ménard, Mr. Sandelli, Mr. Wilkins, thank you so much for your professionalism on this very important matter, obviously.

With that, you are free to depart.

Committee, I have a couple of things that the clerk wants me to address. I will, because he's my boss.

Next Monday, we're going to meet again on the same study. The following witnesses have confirmed their participation: Mr. Shawn Tupper, deputy minister of Public Safety Canada; and Ms. Anne Kelly, commissioner of Correctional Service Canada.

We have one issue. The correctional investigator of Canada, Dr. Ivan Zinger, was not available today. He requested to appear after December 7, as he is out of the country.

I would like to submit that request to the committee. I guess we don't have much of a choice, do we?

Quickly, the travel budget for the Port of Montreal was rejected today by the subcommittee on committee budgets of the Liaison Committee.

An hon. member: We can go together.

The Chair: A possible option, if members agree, is that the clerk can prepare a new travel budget for the committee in order to present a new request for the travelling period April to June.

Some hon. members: Agreed.

The Chair: It's the will of the committee, so I'll put it out there.

Mr. Julian.

• (1830)

[*Translation*]

Mr. Peter Julian: Mr. Chair, I'd like to note that we members can use our travel points. In this case, if I'm not mistaken, the budget is really for employees, analysts, the clerk and interpreters.

If we submitted a second budget request solely covering employees' expenses and excluding those for members, since we have our own travel system, would that be one way to solve the problem?

[*English*]

The Chair: Thank you, Mr. Julian. That's a good comment.

The clerk will certainly take a look at that to see what we can do and what he can put forth.

With that, we're ready to adjourn.

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