

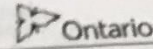
Section:  
Inmate Management  
Sub Section:  
General Inmate Management

## Conditions of Confinement

Inmate Management - General Inmate Management - Discipline and Misconduct (Instituti... Page 1 of 19

Ministry of  
Community Safety  
and Correctional Services

Institutional Services  
Policy and Procedures Manual



Release Date:  
July 6, 2018

Section:  
Inmate Management

Sub Section:  
General Inmate Management

## Discipline and Misconduct

### 1.0 Purpose

Define for the fair and consistent application of inmate discipline and defines Segregation in

Sep. 10. 2017 3:32PM

No. 10 P. 2/3

### Inmate Incident Report

Inmate(s) Involved

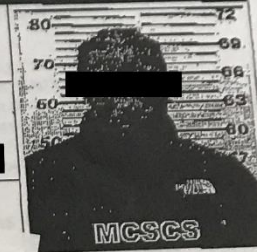
Participant

NAME, First Middle)

OTIS #

Admission Date  
(Mmm-dd-yyyy)

Next Court Date  
(Mmm-dd-yyyy)



Ministry of Community  
Safety and Correctional  
Services

## INMATE INCIDENT REPORT

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# Institutional Violence in Ontario

## Final Report

## Case Study: Toronto South Detention Centre

Independent Review of Ontario Corrections

December 2018



# **Institutional Violence in Ontario**

## **Final Report**

### **Case Study: Toronto South Detention Centre**

Independent Review of Ontario Corrections  
December 2018

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## PREFACE

Public safety work can be stressful. Being in conflict with the law can be stressful. Ignoring these obvious realities when we hire, train, and manage corrections staff – and build and operate our prisons and jails – bring serious consequences including violence.

There is growing recognition of the dimensions of workplace occupational stress injuries, including post-traumatic stress disorder, amongst correctional workers, police officers, firefighters, paramedics, and others who are on the front lines of public safety. There is also renewed focus on understanding how trauma may contribute to crime cycles, victimization, and conflict with the law. Unfortunately, correctional services have been slow to incorporate trauma-informed practices to support both staff and clients. We know that negative experiences of staff have a direct impact on how those imprisoned will experience their custody and that, in turn, unfair or abusive treatment can contribute to assaultive and violent inmate behaviour.

The Canadian Institute for Public Safety Research and Treatment (CIPSRT) was launched earlier this year. Housed at the University of Regina, CIPSRT is a “Canadian hub for strategic public safety wellness research and analysis, knowledge translation and mobilization, working with public safety leaders and academics from across Canada to develop and deploy solutions that meet the current and future needs of Canadian Public Safety Personnel”.<sup>1</sup> According to a CIPSRT research summary, people in public safety jobs may be more likely to develop mental health concerns because of how often they may experience extreme stressors such as exposure to death, massive injuries, and the suffering of others.<sup>2</sup>

CIPSRT research helps us better understand the impact of public safety work on individuals and better respond to their needs. CIPSRT also hosts online tools, such as the Anonymous Self-Assessment Mental Health Screening Tool<sup>3</sup> that can provide early warning to staff about anxiety, depression, disrupted social functioning, risky alcohol use, and an array of other mental health concerns. Both the research findings and impact that knowledge will have on supporting

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<sup>1</sup> CIPSRT. *Canadian Institute for Public Safety Research and Treatment: Mandate*, Online: [www.cipsrt-icrtsp.ca/en/about/mission-vision-mandate-objectives/#mandate](http://www.cipsrt-icrtsp.ca/en/about/mission-vision-mandate-objectives/#mandate), (Accessed 9 Nov. 2018).

<sup>2</sup> Carleton et al., “Mental Disorder Symptoms Among Public Safety Personnel in Canada.” *The Canadian Journal of Psychiatry* 63, no. 1 (2017): 54-64 (hereafter, Carleton et al., *Mental Disorder Symptoms among Public Safety Personnel in Canada*).

<sup>3</sup> Available online at the CIPSRT website: <https://ax1.cipsrt-icrtsp.ca/>.

the life time health of staff will also directly affect the wellbeing of men and women held in custody.

There are other supports and practices either emerging or already in place that could apply to corrections or provide a model for intervention. The Mental Health Commission of Canada provides Mental Health First Aid (MHFA) training:

MHFA is like regular first aid but rather than treating a physical injury, you treat a person who may be experiencing a mental health problem or in a mental health crisis. When you can recognize the signs of mental problems or mental crisis, you can administer mental health first aid until appropriate professional help is received or until the crisis is resolved.<sup>4</sup>

In Ottawa, a new research-driven mental health clinic for first responders was announced in November 2018.<sup>5</sup> The clinic is a pilot project federally funded through the Canadian Safety and Security Program. While the pilot is not designed to support correctional officers, findings may provide guidance to correctional services as new clinical resources are developed.

Identifying and fixing unhealthy and unsafe work practices and environments is an Employer obligation. Meeting this obligation in corrections also contributes to the dual aims of any modern correctional service: safe and lawful custody and timely and appropriate return to the community. Ignoring this obligation not only undermines both, but adds significant risks and costs. The best chances of successful rehabilitation and reintegration flow from ensuring that correctional staff are well prepared to do their jobs in appropriate workplaces and men and women in custody are legally and fairly treated as they access necessary health services and correctional programs. I believe the recommendations made in this report based upon research into evidence-based practices, staff feedback, and a deep dive into the operations of the Toronto South Detention Centre will assist Ontario in operating safer institutions that will provide better correctional outcomes.

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<sup>4</sup> Available online at the MHFA website: <https://www.mhfa.ca/en/form/looking-mental-health-first-aid-training>.

<sup>5</sup> Joanne Laucius, "Ottawa First Responders to get Canada's First Research-Based Mental Health Clinic," *Ottawa Citizen*, November 1, 2018. Online: <https://ottawacitizen.com/news/local-news/ottawa-first-responders-to-get-canadas-first-research-based-mental-health-clinic>.

## EXECUTIVE SUMMARY

In August 2018, the Independent Review of Ontario Corrections (IROC) submitted its *Institutional Violence in Ontario: Interim Report* to the Minister of Community Safety and Correctional Services. The *Interim Report* presented a number of findings following a 90-day investigation of reported incidents of inmate-on-staff violence in Ontario's provincial correctional facilities. The current report builds upon many of those findings and presents the *Case Study: Toronto South Detention Centre (TSDC)*, an in-depth analysis of the institution that reported the highest number and greatest rate of increase in reported incidents of inmate-on-staff violence in 2017. The Independent Review Team undertook further engagement with correctional employees, via the IROC Institutional Violence Survey, to directly inform the *Institutional Violence in Ontario: Final Report*. While some of the findings and recommendations are specific to TSDC, others apply more broadly across Ontario's provincial institutions. The *Final Report* presents key findings and offers 42 recommendations under the following themes:

- Data collection and information sharing;
- Institutional culture and staffing; and,
- Operational practices.

### Data Collection and Information Sharing

There is a clear need to improve the Ministry of Community Safety and Correctional Services' (MCSCS) data collection and sharing practices. The Independent Review Team found that the ministry's current province-wide tally of reported incidents of inmate-on-staff violence is ineffective at identifying the unique issue(s) experienced by each correctional institution. To gain a thorough understanding of institutional violence and, subsequently, develop an individualized operational response, local analyses at each of Ontario's provincial facilities must be conducted to account for variation in, for instance, staff complement, inmate demographics, and institutional culture.

Correctional employees report incidents of violence (i.e., threats, attempted assaults, assaults) using an MCSCS-specific process. The TSDC *Case Study* revealed that there was inconsistency with respect to when incidents were reported, beyond the local level, to the MCSCS Information Management Unit (IMU), and how much detail was reported on Inmate Incident Reports (IIRs). While the incident reporting process is inevitably subjective, the ministry could modify policies to limit the amount of discretion applied by reporting sergeants, for example, clearly outline when to report incidents on IIRs, or establish mandatory elements for reporting,

such as which employees are involved in incidents. This would assist in the identification of trends, increase transparency and accountability, and inform the development of an appropriate operational response. Further, data relevant to institutional violence ought to be monitored at the corporate, regional, and institutional levels within the ministry and communicated expediently among these levels to allow for appropriate policy and operational responses.

To ensure compliance with law and ministry policy and to avoid unnecessary staff misconduct reviews, it would be advisable to conduct routine audits of reported incidents and corresponding paperwork. More broadly, institutional violence should be monitored in regular time intervals and as close to real-time as possible on a number of variables including time, location, staff, and inmate(s) involved in an incident. The ministry may wish to consider how these responsibilities could be allocated to the office of the Inspector General of Correctional Services, an oversight body created in the *Correctional Services and Reintegration Act, 2018*.

### Institutional Culture and Staffing

The Independent Review Team relied upon correctional employees' experience to gain a greater understanding of the work culture within Ontario's provincial facilities. Several themes emerged from this engagement including employee concerns with the safety of the work environment, strained staff-management relationships, and attitudes regarding correctional work, training, mentorship, and job shadowing opportunities.

Just over half of correctional officers who responded to the IROC Institutional Violence Survey reported that they *did not* feel safe working at their institution while two-thirds of respondents in all other positions (i.e., excluding those who identified as correctional officers) reported that they *did* feel safe at their facility. Furthermore, 66% of frontline officers indicated that they worried about being assaulted by an inmate at least once a week compared to only 27% of respondents in all other employment positions, and nearly half (44%) of this latter group advised that they never worried about being assaulted. This variation in responses among those working inside Ontario's provincial facilities is of particular interest considering that many of the employees who are not correctional officers (e.g., sergeants, programs and health care staff) also have frequent direct contact with inmates.

The IROC Institutional Violence Survey also revealed a strained relationship between frontline officers and various levels of management. For example, 38% of correctional officer respondents did not feel supported by sergeants at their institution, and over two-thirds did not feel supported by senior administrators. In their written feedback, many correctional

officers referred to a disconnection between management and those working on the frontlines. While most officers (58%) felt that communication was good among colleagues, only 13% believed that there was good communication between staff and management at their institution. Any ministry efforts to mitigate institutional violence must consider how the frontline staff-management relationship functions and the channels of communication must be strengthened in order to establish clear directives, expectations, opportunities for feedback, and accountability.

A general punitive and discipline-oriented philosophy, particularly among correctional officers, emerged from responses to the IROC Institutional Violence Survey. While over half of respondents who identified as correctional officers and sergeants (including staff sergeants) reported that they had a good relationship with inmates, and 40% felt that friendly relationships with inmates at their institution did not undermine staff authority, the large majority (74%) of respondents supported the notion that inmates should be under strict discipline. Punitive views were further apparent in the written feedback of many survey respondents as well as from the measures – e.g., mandatory minimum sentences, more restrictive confinement – they believed would increase staff safety.

Over one-quarter (26%) of survey respondents advised that staff use of force was a key mechanism that contributed to safety at their institution. Despite claims that correctional officers were reluctant to use force, ministry data revealed that reported use of force incidents have actually increased from 1,249 incidents in 2013 to 2,490 in 2017. The TSDC *Case Study* supported this finding, as reported use of force incidents increased at that institution between 2014 and 2017. Interestingly, the *Case Study* further revealed that staff use of force preceded the reported inmate-on-staff violence in approximately 11% of all incidents. Given the ministry's emphasis on using force as a last resort, this finding highlights the need for greater emphasis on verbal de-escalation and defusion skills in staff training.

After a four-year moratorium on all correctional officer recruitment, in 2016 the ministry committed to hiring 2,000 officers over the following three years. The sudden commitment to hire so many new correctional officers resulted in efforts being focused on hiring instead of a much needed redevelopment of the Correctional Officer Training and Assessment (COTA) curriculum. Although the ministry has acknowledged that the COTA program is outdated and in need of revision, no changes have been implemented. At present, de-escalation and communication skills are sorely lacking in the COTA curriculum. In reforming the course curriculum, the ministry must ensure that COTA graduates receive sufficient training in human rights, correctional law, and self-care and resiliency for dealing with workplace stress. Training

must be applicable to the day-to-day situations that correctional officers face in their work environments when dealing with inmates.

The importance of experienced staff and training was reflected in the responses to the IROC Institutional Violence Survey, yet, over half (52%) of correctional officer respondents reported that they did not feel prepared to start working immediately after being hired, and just under half (48%) indicated that they did not feel prepared to start working after graduating from the Ontario Correctional Services College. Moreover, most correctional officer respondents (55%) were not satisfied with the local training provided at their institution and 58% advised that they were unsatisfied with the localized mentorship or job shadowing opportunities.

The TSDC *Case Study* offered further insight into correctional employees' concerns regarding the lack of localized training, mentorship, and job shadowing opportunities. Although some local initiatives existed, they were largely volunteer-based and dependent on the availability and willingness of experienced staff to mentor incoming recruits. The introduction of a correctional officer position to provide a senior or supervisory role could offer skilled and motivated staff with developmental incentives and meet the need for peer mentorship. In addition, this would have the added benefit of enhancing Ontario Corrections' response to meeting the rehabilitative and specialized care needs of inmates requiring the most support. It would be important, however, that progression between correctional officer classifications be based on demonstrated skill, merit, and training certification rather than seniority alone.

### Operational Practices

Operating policies, practices, and procedures must consider the factors that are unique to an institution, such as its size and purpose (e.g., remand, sentenced, treatment), inmate population, and workplace culture. More importantly, however, correctional operations must be firmly grounded in evidence-based practices to maximize institutional security and the safety of employees, inmates, and, ultimately, the public. The Independent Review Team received a number of suggestions from correctional staff regarding operational practices that might help curb institutional violence. Issues raised included disciplinary segregation policy, the use of conducted energy weapons (CEWs), proper inmate classification, and correctional programming. With respect to segregation, ministry data have demonstrated that, although frontline correctional employees claim that it has been "taken away", segregation continues to be routinely used as a disciplinary tool. The TSDC *Case Study* confirmed that segregation is used and, in fact, was the sanction imposed in most formal misconducts stemming from reported inmate-on-staff incidents.

In Canadian jurisdictions where CEWs were piloted or implemented, they are rarely used or have been discontinued due to a lack of evidence suggesting that they lessened the risk of institutional violence. Moreover, the existing research has demonstrated that importing these weapons into the correctional setting carries a number of risks and has been associated with several negative consequences, including serious injury, death, and costly civil lawsuits. In spite of this, some correctional employees have continued to request that the ministry add CEWs as a use of force option, and remain convinced that Ontario's experience will be different than that of other jurisdictions.

Some correctional employees have identified incidents of violence that occur through cell door meal hatches as a pressing safety concern. At TSDC, 43% of reported inmate-on-staff assault and attempted assault incidents in 2017 occurred through the cell door meal hatch. Most occurred on segregation units and large proportions of the remaining incidents took place on the Special Handling Unit and the Mental Health Assessment Unit, suggesting that hatch-related incidents may be restricted to a subgroup of the inmate population. There is scant research examining the use of cell door meal hatches with a 'sally port' function and their utility in reducing institutional violence has not been established. Therefore, widespread implementation of modified meal hatches would be ill-advised, although the ministry may wish to consider, on a trial basis, retrofitting a very limited number of cell door meal hatches in some institutions. The institutions selected for the pilot should be those with the highest number, or overrepresentation, of reported inmate-on-staff incidents that occurred through the cell door meal hatch. It would be important to implement these modified hatches only for appropriately classified inmates housed on specific units, in conjunction with other measures (e.g., inmate programming, additional staff training), and after the ministry established policies governing the proper use of these hatches. Furthermore, rigorous data collection – on the use of specialty hatches, additional simultaneous interventions, reported hatch-related incidents, and inmate outcomes – is essential to conduct an evaluation of the trial.

The importance of appropriately assessing and classifying inmates has been established in the empirical literature and was echoed by correctional employees in their responses to the IROC Institutional Violence Survey. Unfortunately, the ministry does not conduct regular security risk or classification assessments, but relies on alerts in the Offender Tracking Information System (OTIS) that are subject to correctional employee discretion and are not verified by clinicians. While the ministry has acknowledged the need to implement an evidence-based security screening tool and has created an Advisory Group to aid in its development, to date, no ministry-wide tool has been created, which has led to localized solutions at some of Ontario's institutions. For instance, TSDC developed and currently uses the Internal Placement Report (IPR) to classify inmates based on housing needs.



Once classified, it is imperative that inmates can be appropriately housed based on their identified security risk and programming needs. The IROC Institutional Violence Survey found that some correctional employees recognized the importance of the availability and proper use of alternative housing. In the TSDC *Case Study*, though it was not possible to obtain an average inmate count at TSDC by unit type, based on a one day snapshot, approximately 43% of the TSDC inmate population was found to be housed on a general population direct supervision unit while only about 10% of all reported inmate-on-staff incidents (26 of 252) in 2017 occurred on these units. This suggests that, although the IPR is not evidence-based and has not been evaluated, appropriate classification and housing can directly impact staff safety. In contrast, while roughly 3% of the inmate population was housed on a segregation unit, they accounted for 28% of all reported inmate-on-staff incidents at TSDC in 2017. Similarly, about 11% of the inmate population was housed in a Special Handling Unit or Behavioural Management Unit, however, around 18% of all reported inmate-on-staff incidents occurred on these units at TSDC in that same year. This highlights the importance of proper classification and housing of inmates, and the need for an evidence-based ministry-wide security risk assessment tool to be implemented expeditiously.

The empirical literature has recognized providing and ensuring access to appropriate inmate programming as a crucial component of evidence-based correctional practice and has noted its potential benefits with respect to rehabilitation and reintegration and mitigating institutional violence. Feedback from correctional employees revealed that many recognized the importance and potential benefits of inmate programming, although a number expressed concerns regarding the availability of such programming at their institution.

The TSDC *Case Study* offered considerable insight into many issues related to programming that may apply to other institutions. For instance, the Independent Review Team discovered that most of the programs offered at TSDC are not focused on rehabilitation or treatment and that their delivery is dependent on non-contracted community organizations or volunteers which, consequently, makes them vulnerable to cancelations due to staff shortages, lockdowns, and competing operational demands. At present, only two ministry-developed and facilitated programs are offered at TSDC; both use a motivational approach and are informational sessions that were not created with the intention of rehabilitating or providing treatment to inmates. The TSDC *Case Study* also revealed that inmates being housed on more restrictive units are less likely to be able to access institutional programming. Lack of access to programming at TSDC can be the result of a host of operational factors. It is imperative that the ministry allocate appropriate resources and supports to ensure that evidence-based rehabilitative programs are routinely scheduled and consistently available in each institution based on individualized risk/needs assessments.

Successful correctional systems depend on staff and inmates feeling safe. Diligent data collection and monitoring are crucial to ensure that incidents of violence are adequately analyzed and understood. Many factors that compromise staff and inmate safety are not unique to Ontario; evidence-based practices and lessons from other jurisdictions provide valuable insight to transformation efforts underway within MCSCS. The evidence and experience of other jurisdictions has continued to show that, contrary to the expressed beliefs of some correctional employees, increasing security-driven measures alone will not address underlying issues of institutional violence. Staff-management relationships, recruitment and training, proper assessment and housing, and delivery of inmate programming are some areas that need to be prioritized to address institutional violence and increase safety across Ontario's correctional facilities. Moreover, efforts to modernize corrections in Ontario need to include a focus on a strong care-based, ethical, and empathetic decision-making framework.

Evidence-based practices must be at the core of correctional operations. Notwithstanding, the voices of those working and living inside provincial facilities must not be dismissed – their experience is an invaluable source of evidence and their concerns are valid and deserve the ministry's attention. Corporate personnel must meaningfully engage frontline correctional employees in the development of ministry reform initiatives. Frontline staff require ongoing support to implement corporate policy at the local level, providing important feedback along the way.

It is important for the ministry to make a concerted effort to assist and support institutional employees as they cope with occupational stress and injuries. Frontline staff have expressed that the current supports available to them to manage occupational stress post-incident (e.g., Critical Incident Stress Management program; Employee and Family Assistance Program) are insufficient. Given the impact that working in a correctional facility can have on an individual's mental health, developing a comprehensive strategy that provides self-assessment, self-care, and external supports must be a ministry priority.

Implementing the recommendations in the present report could dramatically improve the safety for staff and inmates. MCSCS and the Government of Ontario must seek to maintain the momentum of recent modernization efforts to protect the safety, dignity, and human rights of those who live and work in the province's correctional institutions.

## I. MANDATE AND METHODOLOGY

I commenced my appointment as Ontario's Independent Advisor on Corrections Reform on January 1, 2017. My review activities are independent of the government and my mandate, outlined in my public Terms of Reference,<sup>6</sup> is threefold:

- To provide a report with advice and recommendations on immediate steps that can be taken with respect to the use of segregation;
- To provide a second report on further segregation reform as well as the reform of Ontario adult corrections more broadly; and,
- To work with the ministry on developing a phased implementation plan.

As per my mandate, I produced two reports in 2017. The first report, *Segregation in Ontario*, was publicly released in May and it addressed many issues surrounding segregation policy and practice and provided the Ministry of Community Safety and Correctional Services (MCSCS) with recommendations on ways to create and implement change. When the Government of Ontario responded to my 63 segregation-focused recommendations, it committed to, among other things, new Correctional Services legislation. In late spring 2017, I provided a detailed legislative outline and background document to help inform the drafting process.

In September 2017, I released my second report, *Corrections in Ontario: Directions for Reform*. This report was based on a targeted examination of select correctional practices in Ontario that reflected on provincial law, policies, and practices in light of the evidence of 'what works' in corrections and the underlying values of dignity, respect, and legality. The report contained 62 recommendations made under the following themes:

- Human rights and correctional operations;
- Corrections and the presumption of innocence;
- Evidence-based correctional practice;
- Indigenous peoples and Ontario corrections; and,
- Health care service and governance in corrections.

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<sup>6</sup> MCSCS, "Terms of Reference: Independent Advisor on Corrections Reform," *Independent Review of Ontario Corrections* (Government of Ontario, May 3, 2017). Online: <https://www.mcscs.jus.gov.on.ca/english/Corrections/IndependentReviewOntarioCorrections/TermsReferenceIndependentAdvisorCorrectionsReform.html>.

In May 2018, the *Correctional Services and Reintegration Act, 2018* received Royal Assent. This new legislation incorporated many of the recommendations contained in my previous two reports. The *Act* sends a clear signal that the Government of Ontario has accepted the challenge to reform the province's correctional system. During the Third Reading, the former Minister of Community Safety and Correctional Services, Marie-France Lalonde, expressed concern about violence within Ontario's correctional institutions and noted that the assault statistics emerging from these facilities suggested a "deeply disturbing trend."<sup>7</sup> In response to this concern, the former Minister publicly requested that I conduct an independent review of violence in Ontario's correctional facilities and that I deliver an initial report within 90 days. The Independent Review of Ontario Corrections (IROC) began this critically important work in May 2018 in consultation and collaboration with frontline staff and their elected representatives.

*"[...] I have been made aware of several very serious assaults on inmates, and on frontline staff. There is significant concern arising from the statistics coming out of our institutions, and the numbers I have seen suggest a deeply disturbing trend."*

Marie-France Lalonde,  
Former Minister of Community  
Safety and Correctional Services  
May 3, 2018

My third report, *Institutional Violence in Ontario: Interim Report*, was submitted to the Minister of Community Safety and Correctional Services on August 13, 2018 and was publicly released the following month. The *Interim Report* focused specifically on reported incidents of inmate-on-staff violence and it presented findings under the following themes:

- Understanding Ontario institutional violence in context;
- Data management, statistical trends, and reporting practices; and,
- Exploration of evidence-based responses to mitigate institutional violence.

The *Interim Report* identified a number of areas that required further analyses, some of which are explored in the present report, *Institutional Violence in Ontario: Final Report*. This report and my recommendations are informed by informal discussions with correctional employees, institutional tours, the practices of other jurisdictions, and a thorough review and analysis of various other sources, including ministry data, reports, studies, budgets, surveys, policy and

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<sup>7</sup> Remarks by The Honourable Marie-France Lalonde, Minister of Community Safety and Correctional Services, in the Ontario Legislature for the Third Reading of the *Correctional Services Transformation Act, 2018*, Thursday, May 3, 2018 (hereafter Lalonde, Third Reading). Online: <https://www.ola.org/en/legislative-business/house-documents/parliament-41/session-3/2018-05-03/hansard>.

procedure handbooks, news articles, legislation, case law, and relevant empirical research and evidence-based literature. Furthermore, the Independent Review Team continued to engage with institutional employees throughout the province and solicited their feedback by administering an online survey. The IROC Institutional Violence Survey consisted of closed- and open-ended questions that centered around four broad themes:

- Safety and institutional violence;
- Inmate supervision models;
- Employee training and mentorship; and,
- Institutional culture.

Responses were received from all 25 of Ontario’s correctional institutions, although the number of respondents from each facility varied considerably. The majority of responses came from the Toronto South Detention Centre, followed by Central North Correctional Centre, and Maplehurst Correctional Complex (Table 1).

The majority of respondents (884; 66%) indicated that they were currently employed as correctional officers. In addition, responses were received from social workers, chaplains, records clerks, bailiffs, rehabilitation and recreation officers, health care and programs staff, senior administrators, sergeants, and staff from administrative, housekeeping, support services, kitchen, mailroom, maintenance, and payroll departments. Engagement with those who work in Ontario’s institutions is crucial to the transformation of corrections; their knowledge and experience contribute to valuable insight into the problems that arise in their workplace.

The Independent Review Team also sought to better understand institutional violence by undertaking an in-depth analysis of reported inmate-on-staff incidents at Toronto South Detention Centre (TSDC) in 2017 (see *Appendix A. Case Study: Toronto South Detention Centre*). The decision to look closely at TSDC was made after the *Interim Report* revealed that TSDC experienced the most substantial number and rate of increase in reported inmate-on-staff incidents in 2017. Given the extensive variation in site-specific cultures, inmate and staff composition, local policies and practices, as well as forms of

*“As staff and managers working directly in Ontario’s corrections facilities, your knowledge and insights are essential sources of information. We are striving for [survey] participation from everyone currently working in a correctional facility (officers, managers, senior administrators, departmental and support staff).”*

Howard Sapers, Independent Advisor  
Memorandum to all institutional staff and managers, August 28, 2018

violence (e.g., inmate-on-inmate, inmate-on-staff, staff-on-staff, staff-on-inmate), a complete understanding of institutional violence would require individual examination of each of Ontario’s provincial facilities. Time and resource constraints did not allow for this. However, elements that may have contributed to reported inmate-on-staff incidents at TSDC are likely common to other provincial institutions. These findings can inform ministry efforts to mitigate institutional violence, and the *Case Study* provides the framework for future site-specific analysis to be undertaken.

*Table 1. Number of IROC Institutional Violence Survey Respondents by Institution*

<u>Institution</u>	<u>Number of Respondents</u>
Toronto South Detention Centre	319
Central North Correctional Centre	126
Maplehurst Correctional Complex	97
Hamilton-Wentworth Detention Centre	78
South West Detention Centre	72
Quinte Detention Centre	63
Ottawa-Carleton Detention Centre	57
Central East Correctional Centre	51
Algoma Treatment and Remand Centre	50
Sudbury Jail	50
Ontario Correctional Institute	46
Elgin-Middlesex Detention Centre	43
Vanier Centre for Women	35
Niagara Detention Centre	34
North Bay Jail	32
Monteith Correctional Complex	31
Kenora Jail	30
Thunder Bay Correctional Centre	26
Sarnia Jail	19
Thunder Bay Jail	19
Toronto East Detention Centre	19
Brockville Jail	14
Fort Frances Jail	14
St. Lawrence Valley Correctional and Treatment Centre	6
Stratford Jail	3
<b>TOTAL</b>	<b>1,334</b>

In its review of reported incidents of inmate-on-staff violence, the Independent Review Team adopted the definition of workplace violence outlined in the Ontario Occupational Health and Safety Act (OHSA), following amendments (Bill 168) in 2009:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or,
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.<sup>8</sup>

Before turning to a brief overview of the findings presented in the *Interim Report*, I would like to extend my thanks to the criminal justice professionals and members of the academic community who generously gave their time and shared information that assisted in the writing of this report. I also thank members of the management teams and local union executives at Toronto South Detention Centre and Ontario Correctional Institute for their efforts to increase staff engagement on the IROC Institutional Violence Survey as well as union representatives of the Ministry Employee Relations Committee and the Provincial Joint Occupational Health and Safety Committee for their continued feedback. Finally, given the important role that all individuals working in a correctional institution play in identifying and implementing solutions required to bring about meaningful change in Ontario Corrections, I thank the 1,334 individuals who responded to the IROC Institutional Violence Survey.

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<sup>8</sup> MCSCS, *Workplace Violence Prevention Program: Correctional Services Division* (Government of Ontario, November 2012) at 4 (hereafter, MCSCS: Workplace Violence Prevention Program).

## II. CONTEXT AND BACKGROUND

Safety, human rights, and dignity. These are cornerstones of the ministry’s framework for modernization. All working people in Ontario have a right to a safe and secure working environment that respects their human rights and dignity; frontline correctional staff and managers are no exception. Individuals on remand, immigration detention hold, and those serving sentences also have a right to a safe and secure space where their human rights are upheld, and where they are treated with dignity while in the care and custody of the province. Violence is an obvious threat to the security of a correctional facility as well as both the physical and mental well-being of those working or living within the institution.

Institutional violence does not just happen. It is the product of complex, multiple, and intersecting variables – inmate crowding and corresponding staff levels, recruitment and hiring, staff-management relationships, institutional security, inmate risk and classification processes, criminal gang activity, mental health and addiction issues, poor infrastructure design and/or

*“Nobody, not the men and women who are sent by the courts, not the men and women who work in the institutions, nobody goes to a jail to endure violence.”*

Howard Sapers, Independent Advisor  
CBC Radio,  
May 2018

construction, lack of official and independent oversight, operational policy gaps, and systemic failures. The Independent Review of Ontario Corrections’ *Institutional Violence in Ontario: Interim Report* attempted to unpack some of these variables, however, given the 90-day

timeframe allotted for the initial review, the scope of that report was limited to presenting *findings* on available data and reporting on employee feedback. The *Institutional Violence in Ontario: Final Report* used those findings as the foundation for the in-depth investigation and included additional feedback from institutional employees in order to present recommendations to the Ministry of Community Safety and Correctional Services.



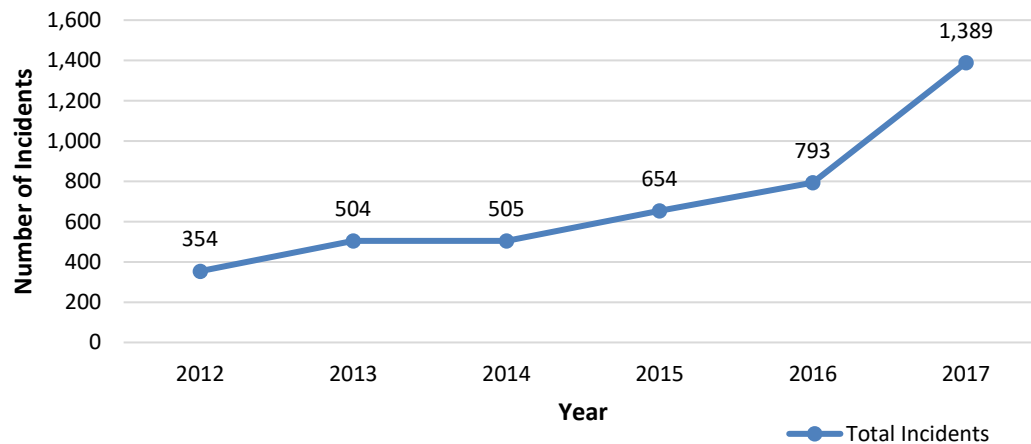
## Findings from the *Interim Report*

The summarized key findings from the *Interim Report* are listed below, under the three main themes highlighted in that report. The *Final Report* is meant to be read in conjunction with the publicly available *Interim Report*,<sup>9</sup> given that it builds on many of the findings and themes presented therein.

### Data Collection and Information Reporting

- The total number of reported inmate-on-staff incidents of violence have increased in recent years, with substantial increases observed between 2016 (793 incidents) and 2017 (1,389 incidents) (Figure 1). The largest proportion of reported violent incidents was threats. Based on details available in Inmate Incident Reports, it is possible that some incident types (e.g., threats, spitting-related incidents) are now more frequently reported than in prior years. However, the observed growth in reported physical assaults suggests that increased or better reporting practices do not wholly explain the spike in reported inmate-on-staff violence in recent years.

Figure 1. Reported Inmate-on-Staff Incidents of Violence, 2012-2017



Note: These numbers are incidents of inmate-on-staff violence reported by staff in Ontario institutions. There are concerns with subjectivity and consistency of reporting, and data collection and analysis practices at the ministry. These numbers are one indication of the number of inmate-on-staff violent incidents but should not be used as a final tally.

<sup>9</sup> Independent Review of Ontario Corrections, *Institutional Violence in Ontario: Interim Report* (Ottawa: Independent Review of Ontario Corrections, Government of Ontario, August 2018) (hereafter, IROC, Interim Report). Online: [https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/2018\\_09\\_10\\_Interim%20Violence%20Report\\_PDF%20ISBN\\_Tagged\\_FINAL.pdf](https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/2018_09_10_Interim%20Violence%20Report_PDF%20ISBN_Tagged_FINAL.pdf).

- Comparing institutions of similar size, there are notable variations in reported inmate-on-staff violence both by total number of incidents and by rate of increase over time. In particular, the Toronto South Detention Centre experienced a surge in reported incidents of inmate-on-staff violence between 2016 and 2017.
- There are limitations on the conclusions that can be drawn solely from Inmate Incident Reports and the ministry's current collection and analysis methods are insufficient for meaningful monitoring of inmate-on-staff violence. Other pertinent information about an incident, such as factors that relate to specific inmate populations, staff members, institutions, or regions of the province, are not in formats that lend themselves readily to analysis. These variables are of interest to explain the nature of institutional violence.

### Institutional Culture and Staffing

- Staff reported that they are currently hesitant to use force, and that inmates are aware of this and are empowered to challenge institutional rules. However, in spite of a declining inmate population, staff reports of use of force incidents have nearly doubled since 2013 (from 1,249 reported incidents to 2,490 in 2017). It is possible that this was due to improved reporting.
- The proportion of use of force training provided to correctional staff that is formally dedicated to verbal defusion of hostility techniques is inconsistent with the ministry's emphasis on resolving incidents with verbal intervention and de-escalation. The ministry has stated that the correctional officer training curriculum will be restructured, but it is unclear what changes will be implemented or when.
- Correctional employees have continued to advocate for mandatory minimum sentences as a response to institutional violence, despite numerous studies that have consistently suggested that they are not effective at deterring crime or violent acts. The *Criminal Code* does not authorize judges to impose mandatory minimum sentences for the following offences: uttering threats, assault, assault with a weapon or causing bodily harm, aggravated assault, intimidation of a justice system participant, assaulting a peace officer, assaulting a peace officer with a weapon or causing bodily harm, or aggravated assault of a peace officer. Imposing mandatory minimum sentences for the majority of violent incidents that occur within correctional institutions would be contrary to sentencing principles such as proportionality and the need to tailor sanctions to the unique circumstances of the offence and the offender.

- The number and proportion of misconduct dispositions that were unclear due to missing information increased between 2010 (717, or 6%) and 2017 (1,791, or 10%). If this was indicative of misconducts that could have, but did not, result in guilty findings and sanctions due to incomplete reporting or paperwork, it may have been a factor contributing to the frustrations of staff who perceived there to be a lack of disciplinary consequences for disruptive inmates.
- Many correctional employees expressed concern about the recent influx of new employees and felt that recruits lacked adequate training. In 2016 and 2017, there were substantially heightened numbers of new hires in Ontario institutions. However, the link between institutional violence and new correctional officers was unclear due to data limitations such as the inability to identify which employees were involved in reported inmate-on-staff incidents.
- Many staff indicated that they felt as though management failed to support them in daily operations and undermined the legitimacy of frontline staff's authority. Correctional officers also reported a lack of recognition by management. In a recent study,<sup>10</sup> staff reported low morale and a general discontent with upper management.

### Operational Practices

- Evidence-based research<sup>11</sup> has consistently found that early interventions, classification, appropriate housing placements, and entry into treatment or programming can reduce institutional violence. Unfortunately, the ministry does not regularly conduct evidence-based classification or risk analyses to determine institutional security risk or placement needs.

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<sup>10</sup> Rachele Larocque, "Penal Practices, Values and Habits: Humanitarian and/or Punitive? A Case Study of Five Ontario Prisons," (PhD Diss., University of Cambridge, 2014) (hereafter, Larocque, Penal Practices).

<sup>11</sup> Sheila A. French and Paul Gendreau, "Reducing Prison Misconducts: What works!" *Criminal Justice and Behavior* 33, no. 2 (2006) (hereafter, French and Gendreau, Reducing Misconducts); Mary Ann Campbell, Sheila French, and Paul Gendreau, "The Prediction of Violence in Adult Offenders: A Meta-Analytic Comparison of Instruments and Methods of Assessment," *Criminal Justice and Behavior* 36, no. 6 (2009): 567-590 (hereafter, Campbell et al., Prediction of Violence); Richard C. McCorkle et al., "The Roots of Prison Violence: A Test of the Deprivation, Management, and "Not-so-Total" Institution Models," *Crime & Delinquency* 41, no. 3 (1995) (hereafter, McCorkle et al., Roots of Prison Violence); Beth M. Huebner, "Administrative Determinants of Inmate Violence: A Multilevel Analysis," *Journal of Criminal Justice* 31, no. 2 (2003) (hereafter, Huebner, Inmate Violence).

- Some correctional staff suggested that changes in the inmate population and, more specifically, a rise in the number of those who committed violent offences, may have impacted levels of institutional violence. Based on ministry snapshot data, the number of inmates in custody for a violent charge as their most serious offence was relatively stable between 2010 and 2017, but due to the declining overall inmate population, the proportion of those in custody for a violent charge increased slightly.
- Several staff expressed concern that cell door meal hatches provide an opportunity for inmates to assault staff when they are left open, particularly by means of throwing objects, liquids, or bodily substances. Modifications to the current hatches were proposed by institutional employees but there is scant evidence on the effectiveness of cell door meal hatches with a ‘sally port’ function in curbing institutional violence. In fact, research<sup>12</sup> suggests that increasing correctional ‘hardware’, in the absence of other measures (e.g., multi-security level units, evidence-based security classification tools, inmate programming, and additional staff training), is ill-advised and, potentially, counter-productive.
- Some frontline staff and the Ontario Public Service Employees Union (OPSEU) members of the Provincial Joint Occupational Health and Safety Committee (PJOHSC) have proposed conducted energy weapons (CEWs) as an option to respond to institutional violence. Research conducted by the Independent Review Team revealed that CEWs were rarely used or were discontinued in Canadian jurisdictions where they had been implemented, due to a lack of evidence suggesting that they lessened the risk of institutional violence.
- Feedback from correctional staff indicated that lack of inmate programming may be a possible explanation for institutional violence. Academic literature<sup>13</sup> suggests that treatment and programs for inmates can be an effective management tool and can lead to decreased institutional violence and misconducts.

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<sup>12</sup> Anthony E. Bottoms, “Interpersonal Violence and Social Order in Prisons,” *Crime and Justice* 26, (1999); Richard McCleery, “Authoritarianism and the Belief System of Incurables,” in Sharon Shalev, *Supermax: Controlling Risk Through Isolation* (Portland, OR: Willan Publishing, 2009); Marie Garcia et al., “Restrictive Housing in the US: Issues, Challenges, and Future Directions,” (National Institute of Justice, Washington, DC, 2016).

<sup>13</sup> French and Gendreau, *Reducing Misconducts*, *supra* note 11.

- The Ontario Correctional Institute, Ontario's only medium-security treatment centre for sentenced individuals, consistently reported very few (or no) incidents of inmate-on-staff violence between 2012 and 2017. There are several features of this facility that require investigation, such as dorm-style accommodations, a pre-screening before admission, assessment during orientation, and a different cultural dynamic between inmates and staff.

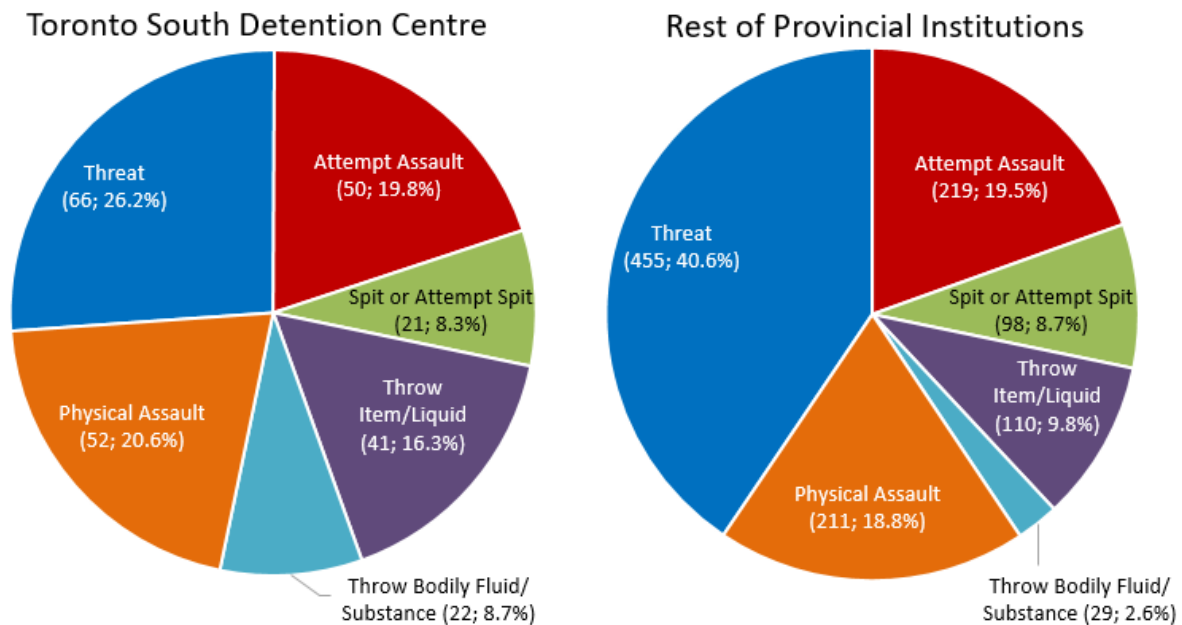
### III. KEY FINDINGS AND RECOMMENDATIONS

#### 1. Data Collection and Information Reporting

##### *Reported Incidents*

The Independent Review Team analyzed ministry data and found that the largest number of reported inmate-on-staff incidents across all provincial institutions in 2017 was attributable to threats, followed by attempted assaults and physical assaults.<sup>14</sup> The *Case Study: Toronto South Detention Centre* allowed for the distribution of incidents at Toronto South Detention Centre (TSDC) to be compared against the rest of the province. It was evident that TSDC reported a smaller proportion of threats compared to the rest of the province, but a larger proportion of throwing-related incidents (i.e., throwing items, liquid, or bodily substances) (Figure 2).

*Figure 2. Reported Inmate-on-Staff Incidents by Type, 2017 at TSDC and Rest of Provincial Institutions*



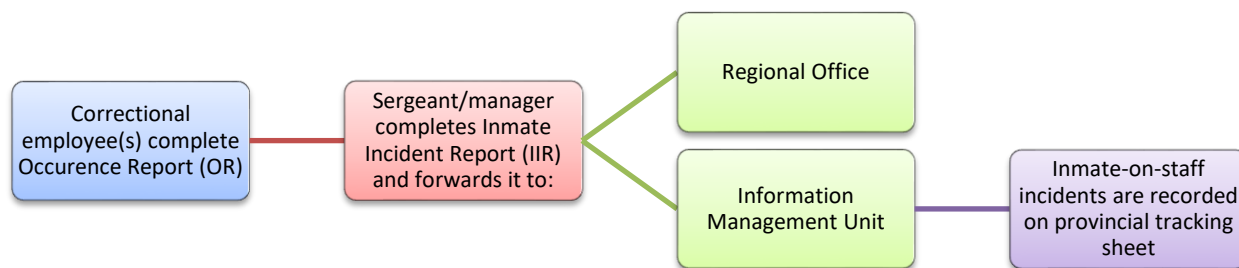
It is clear that a province-wide analysis of incidents of inmate-on-staff violence is ineffective at identifying the specific issue(s) experienced by a particular institution. Local analyses are necessary to understand the type, frequency, and severity of incidents that occur at specific institutions in order to tailor a localized operational response that mitigates the risk of future incidents.

<sup>14</sup> IROC, Interim Report, *supra* note 9.

### Reporting Process

The Ministry of Community Safety and Correctional Services' (MCSCS) current policy mandates that incidents of workplace violence must be reported by the employee to a manager or supervisor either verbally or in writing.<sup>15</sup> Correctional employees report incidents of threats and assaults (including attempted assaults) that occur in institutions using a ministry-specific process (Figure 3). Any involved correctional employee(s) will complete an Occurrence Report (OR), which is reviewed by the direct manager of the employee, but is kept locally at the institution. It is the Inmate Incident Report (IIR) – which contains a consolidated explanation and is completed by the sergeant or manager involved in, or who attends, an incident – that is forwarded to the respective regional office and the Information Management Unit (IMU) where it is eventually used for ministry tracking.<sup>16</sup>

Figure 3. MCSCS Incident Reporting Paperwork Process



The Independent Review Team previously reported that the IMU database that records inmate-on-staff incidents is outdated and that this precluded efforts to conduct any high-level analyses.<sup>17</sup> Ministry data collection practices as they relate to incident tracking and, more broadly, institutional violence must be restructured to assist with policy developments and revisions. The *Institutional Violence in Ontario: Interim Report* highlighted the MCSCS Modernization Division's ongoing efforts to streamline data collection through digitizing IIRs. At the time of writing the present report, the digital reporting platform was undergoing select user testing that will include seven facilities as well as all four regional offices and the IMU. Testing of a first iteration of the platform is planned for four institutions in late-January 2019.

<sup>15</sup> Following the report of workplace violence, a written review is then conducted by the manager/supervisor including recommendations for steps to take to prevent future workplace violence.

<sup>16</sup> At times the IIR may be completed by a staff sergeant if the sergeant/manager is otherwise occupied and unable to complete the IIR.

<sup>17</sup> IROC, Interim Report, *supra* note 9 at 16.

Implementation of a more robust, efficient, and digital infrastructure for data relating to institutional violence is essential to identify any patterns that can inform quality decision-making and policy changes that impact institutional operations and standing orders. In addition, the TSDC *Case Study* identified many instances of locally tracked inmate-on-staff occurrences that were not reported to the IMU by sergeants on IIRs, and thus were never considered for inclusion in the ministry's list of inmate-on-staff incidents. It is unknown whether this issue is unique to TSDC or if similar patterns would emerge at other provincial institutions. It is necessary to ensure that sergeants and other managers are adequately trained in completing the IIRs in this new digital platform. Furthermore, it is essential that the ministry standardize the process for selecting when ORs can simply be filed for local records retention purposes, and when, and how, ORs become IIRs that are forwarded to the regional offices and IMU.

The TSDC *Case Study* also revealed that there is no consistency in terms of how correctional employees involved in incidents are identified on IIRs. Current, there is no ministry policy that identifies a requirement for involved correctional staff beyond direct victims of reported assaults to be named on IIRs;<sup>18</sup> ORs will capture this information as each involved correctional employee is required to complete and sign an OR. However, as IIRs are utilized as the main incident-related document for ministry tracking, it would be advisable that information pertaining to all involved staff is provided on the IIR. At present, the method to identify how frequently correctional employees are involved in incidents is paper-based and cumbersome. Once the Modernization Division's digital platform is fully functional, it should be possible to conduct analysis on a variety of data variables, such as whether/when certain staff members are repeatedly involved in inmate-on-staff incidents at institutions. This is desirable and would result in greater transparency and accountability and could also be informative for management at the institution. For example, if a certain correctional employee is frequently involved in inmate-on-staff incidents, that may be indicative of improper behaviour that is escalating a situation with an inmate (with implications for more training, or temporary changes to work posts), or that a particular employee is more often exposed to volatile inmates or units that have a higher risk for inmate-on-staff violence. In such cases this may help identify correctional employees that would benefit from additional work or psychological supports to cope with the heightened exposure to violence.

In addition to IIRs, the Independent Review Team identified data entry errors and/or inconsistencies regarding misconduct dispositions in the *Interim Report* and further investigated

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<sup>18</sup> There is a Procedural Checklist of information to include when completing an IIR. This checklist acts as guidance material for sergeants/managers completing the IIR, and when elements are missing, staff at the IMU will attempt to follow-up with regional offices or institutions to obtain the missing information.



these concerns.<sup>19</sup> Though misconducts increased over time in the province's institutions, so did the number of misconducts for which no disposition information was available in the Offender Tracking Information System (OTIS). The TSDC *Case Study* allowed for an in-depth review of the 89 violent misconducts that occurred at the institution in 2017 and for which there was missing disposition information. The search revealed that, in the majority of cases, paperwork related to the misconduct either could not be located or, when located, forms were incomplete and missing disposition information. This could signal poor filing and record-keeping practices at TSDC, a miscommunication between the correctional employee proceeding formally with a misconduct and the correctional employee entering information into OTIS, or both. Any database system in place for record-keeping must be reliably operated by correctional employees to be useful in trend analysis, investigations of staff concerns, and operational management.

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<sup>19</sup> IROC, Interim Report, *supra* note 9.

### **Textbox 1. Example of Reported Inmate-on-Staff Incident, 2017**

A brief analysis of a reported incident at the Toronto South Detention Centre (TSDC) in 2017 reveals many opportunities in the current incident reporting process where information pertaining to a reported inmate-on-staff assault could be misconstrued and/or miscategorized. In addition, this particular reported incident showcases why the circumstances of the event must be critically analyzed and acted upon to prevent future similar occurrences.

In this incident, the reporting sergeant selected the Inmate Incident Report (IIR) type to be an inmate-on-inmate assault, a partial lockdown, and a use of force incident. The details provided on the IIR were that a code blue occurred, the inmate was observed to be handcuffed, a correctional officer sustained facial/neck injuries and received medical treatment, another officer advised he was spat on, and that chemical munitions were used on the inmate, who also sustained various injuries.

#### *Excerpt from Inmate Incident Report – All event details provided by reporting sergeant:*

██████████ 2017 about 1058 hours (hrs) at Toronto South Detention Centre (TSDC) B4D (General Population - Direct Supervision unit) a "CODE BLUE" was initiated. Upon arriving the offenders were banging on the dayroom tables, walls and cell doors. Offender ██████████ was seen handcuffed to the rear in prone position, and Correctional Officer ██████████ did sustain injuries to the upper body (facial/neck) area. Officer ██████████ was escorted off the unit by Correctional Officers and provided first aid by institutional healthcare staff and subsequently transported to the hospital via institutional staff. Pictures of the officer's injuries were taken and approved by officer. It was learned that chemical munitions (MK3 FOAM) was deployed. Offender ██████████ was escorted to healthcare and assessed Accident and Injury report noted by RN that some minor bruising occurred (left side of neck). Inmate ██████████ was decontaminated and was then escorted to segregation with sergeant and correctional staff. Unit locked down and visits cancelled due to inmate behaviour (inciting the incident). About 1108hrs the code blue was cleared. Updates to follow as they become available. Correctional Officer ██████████ departed the institution to visit a doctor as a result of getting "spit" in his eyes. Officer ██████████ departed the institution as a result of the incident. WSIB package completed and given to the officer for follow up with doctor. EAP offered and declined at this time.

Given the limited information contained in the submitted IIR, the Independent Review Team requested copies of all original documents at TSDC pertaining to this incident, including the injured officer's Use of Force Occurrence Report, a Misconduct Report, and other witnessing/involved officers' reports. The assaulted officer's description of the incident is provided below.

#### *Excerpt from correctional officer's Use of Force Occurrence Report:*

Approximately 0820 hours, I was serving breakfast meals when inmate ██████████ became upset. He yelled gross insults at me and refused a direct order to return to his cell. My intention was to give him a unit sanction of a one day lockdown for his behaviour toward me during meal service. Since he was already unlocked with all of the other inmates, I did not believe it was an optimal time to again order him to his cell or to escort him to his cell, as it could have resulted in a use of force. My intention was to lock him down for the rest of the day as a unit sanction during the 1300-1400 routine lock-up time. ██████████

**(Textbox 1 continued)**

Officer [REDACTED] and I began cell inspections at approximately 1005 hours, after the T10 (1000-2200 hours) officer arrived on the unit. We had intentionally waited until 1000 hours to commence cell inspections as a safety measure. When we approached inmate [REDACTED]'s cell for cell inspections on the upper tier, I noticed that he was reading inside his cell. I asked him to step outside of his cell before the inspection of his cell commenced. Inmate [REDACTED] followed the order and stepped outside of his cell. While Officer [REDACTED] was completing the cell inspection and I stood outside of the cell, I thought it would be an ideal time to notify inmate [REDACTED] of the one day lockdown as a unit sanction for his earlier behaviour during meal service. Inmate [REDACTED] was arguing the lockdown and attempted to explain his behaviour and he stated that he did not disobey the direct order. Inmate [REDACTED] became increasingly angry. When the cell inspection was completed, he began to enter his cell and he yelled "fucking goof" at me. Inmate [REDACTED] then threw something at the door. I did not see what was thrown at the door, but I heard it hit the cell door. At this time, I was in the process of closing the cell door, but the cell door was not closed yet. I then fully opened the cell door again, as I had wanted to speak with inmate [REDACTED] regarding this behaviour. Inmate [REDACTED] instigated by coming at me in an aggressive manner and it appeared that he was going to hit me. I then attempted to physically control his right arm with both my right and left hands by grasping his forearm. I ordered inmate [REDACTED] to get down but he refused the direct order. Inmate [REDACTED] immediately began punching me in the head with his left arm. I fell to the ground and inmate [REDACTED] was on top of me. Inmate [REDACTED] continued to punch me in the head and face while I was lying on the ground. I do not remember if either my open or closed hands came into contact with inmate [REDACTED] or any other use of force attempt by me after I fell to the ground. I thought inmate [REDACTED] was spitting on me, so I attempted to cover my face. What I thought was spit was actually the cross contamination from the OC (oleoresin capsicum) canister that was deployed by Officer [REDACTED] during the assault by inmate [REDACTED]. I do not know if inmate [REDACTED] spat at me while the OC was deployed. I did not see or remember any injuries present on inmate [REDACTED]. I did not observe any weapons used by inmate [REDACTED].

This case raises some concerns. First, the IIR does not indicate nor provide details that a serious assault on a correctional officer occurred – the IIR erroneously indicated the incident type as an inmate-on-inmate rather than an inmate-on-staff assault. Second, this incident would be categorized as one where the use of force occurred after the initial inmate-on-staff violent act (i.e., after the officer interpreted the inmate approaching him as “aggressive” and therefore reported the behaviour as an attempted assault). However, a close review of the sequence of events suggests that there was an opportunity for the officer to disengage with the visibly upset inmate. Although angry and behaving inappropriately, the inmate had complied with the officer’s direction for a unit sanction and had returned to his cell; the cell door was almost closed but the officer chose to reopen the door and re-engage the inmate.

The review of the sequence of events leading up to, and including, this particular incident, and the incident reporting process, reveals opportunities for lessons to be learned. This single reported incident demonstrates the need for increased training in report writing for the sergeant who completed the IIR, for de-escalation training for the assaulted officer, and for better oversight of local incidents reported at the institution. In this case, the incident in question was reviewed by the TSDC Risk Management Team but the review was limited to identifying whether or not the use of force (i.e., the deployment of chemical munitions) was appropriate. The initial sequence of events and the initial use of force that triggered the deployment of chemical munitions did not appear to be a focus of the TSDC local investigation.

### *Information Sharing*

The *Interim Report* underscored the current lack of communication between the ministry's corporate offices and institutions due to the aforementioned absence of trend analyses regarding reported incidents of violence at corporate and institutional levels.<sup>20</sup> Despite the notable effort of IMU staff to generate provincial tracking reports for corporate offices in MCSCS, it was unclear what, if any, analysis was being conducted of the data beyond a simple review of the numbers. Further, reporting and sharing of information to management or local union representatives at institutions appeared discretionary and inconsistent. This contributes to a disconnection with institutional frontline staff and fuels animosity toward management and corporate leadership.

Presently, OTIS is available as a ministry-wide database holding pertinent information regarding any individual who has ever been supervised by MCSCS in the community or in one of Ontario's provincial institutions. As previously noted, OTIS can only be an effective tool for information sharing if the information entered is reliable. Incomplete and/or unverified information (e.g., missing disposition information; active alerts<sup>21</sup> that are subjectively applied by correctional employees) compromise the information sharing function of this tool within MCSCS.

The digital inmate incident reporting platform under development by the Modernization Division should allow for data to be extracted and analyzed on a number of variables, including allowing for institution-specific analysis. This would be a useful tool for institutions and would foster better understanding of incident-related trends at local sites, at comparable institutions (e.g., similar size or inmate demographics), and across the province.

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<sup>20</sup> *Ibid.*

<sup>21</sup> Alerts refer to notifications that can be recorded in OTIS by correctional employees. These alerts can include categorization by substance abuse, mental health, management risk, suicide risk, and security threat group.

## Data Collection and Information Reporting Recommendations:

- 1.1.** I recommend that the ministry's data collection practices as they relate to institutional violence be restructured to facilitate the creation of targeted and timely policy responses.

Consultation with the Information Management Unit, institutional staff, and data analysts must occur to ensure that any new platform created captures necessary information for present and future analysis of institutional violence. At a minimum, the new platform must capture multiple variables including, but not limited to, specific inmate populations, correctional employees, time and location of incidents, and institutions or regions of the province in order to identify patterns relating to institutional violence that may emerge.

- 1.2.** I recommend that the ministry conduct a detailed analysis of violence in each of Ontario's correctional institutions. The methodology used in the *Case Study: Toronto South Detention Centre* should serve as a template for a preliminary localized analysis at each correctional site.

This will ensure that variation between institutions due to inmate demographics, staff complement, and supervision culture and practices, among other factors, are given appropriate consideration. Methodology will need to be expanded to include other aspects of institutional violence, including inmate-on-inmate, staff-on-inmate, and staff-on-staff violence.

- 1.3.** I recommend that the monitoring of reported incidents of institutional violence be in regular time intervals, and as close to real-time as possible, to allow trend analysis that quickly recognizes developments or anomalies.

The *Correctional Services and Reintegration Act, 2018* creates an Inspector General role for continuous oversight of Ontario's correctional institutions; monitoring institutional violence must be a key responsibility allocated to this office.

- 1.4.** I recommend that correctional managers and senior administrators conduct routine audits of reported incidents of institutional violence and their corresponding paperwork to ensure compliance with ministry policy and law. Timely completion of these audits should become a performance consideration.

- 1.5. I recommend that the ministry create a new policy standardizing when and how to initiate an Inmate Incident Report following the completion of an Occurrence Report by a correctional employee.
- 1.6. I recommend that sergeants and managers are trained on the utilization of the Modernization Division's new digital platform for incident reporting, including the policy direction following the implementation of recommendation 1.5. from the Independent Review of Ontario Corrections' *Institutional Violence in Ontario: Final Report*. This training must be completed prior to the rollout of the new platform.
- 1.7. I recommend that data from the Offender Tracking Information System and the Modernization Division's new digital Inmate Incident Report platform be integrated to allow for multi-variable analysis relevant to institutional violence.
- 1.8. I recommend that data and trends pertaining to reported incidents of violence are regularly monitored at the institutional, regional, and corporate levels within the ministry.

Until the Inspector General of Correctional Services is established, trends must be analyzed within MCSCS as close to real-time as possible and communicated between corporate, regional, and institutional levels promptly to inform the development of appropriate operational responses.

## 2. Institutional Culture and Staffing

### *Correctional Work Environment*

Characteristics of modern correctional practice include comprehensive correctional care interventions, validated security classification, and evidence-based risk management. Within this environment, correctional officers find themselves working at the intersection of care and custody, negotiating the tensions between rehabilitation and security as well as assuming the role of ‘peacekeeper’<sup>22</sup> during everyday interactions between inmates, colleagues, and management. Jails and prisons can be volatile environments with a potential for violence. This contributes to an atmosphere of vigilance, diminished trust, anxiety, and stress. These pressures are felt by both the keepers and the kept and these realities make correctional work unique. Studies consistently confirm the importance of staff quality of life in the work environment and the prison quality of life as experienced by inmates.<sup>23</sup> This research indicates that when the staff

*“We need to understand and recognize what didn't work and what is not working today in order to move forward. Not only do staff need to be safe, they need to work smart and sometimes common-sense goes a long way. We need leaders who are experienced and know the business. If not they will not be respected by the Inmates or the front line staff. I will reiterate not only do the staff need to feel safe the inmates need to feel safe as well. You can't make positive change when inmates are in fear of the predatory element among its population.”*

Senior Administrator  
Eastern Region

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<sup>22</sup> Hans Toch, *Peacekeeping: Police, Prisons, and Violence* (Lexington, MA: Lexington Books, 1976); See also, Alison Liebling and Deborah Kent, “Two Cultures: Correctional Officers and Key Differences in Institutional Climate” in John Woolredge and Paula Smith (eds.), *The Oxford Handbook of Prisons and Imprisonment* (Oxford UP, 2018), 208-234 (hereafter, Liebling and Kent, Two Cultures).

<sup>23</sup> Alison Liebling, Susie Hulley and Ben Crewe, “Conceptualising and Measuring the Quality of Prison Life,” *The Sage Handbook of Criminological Research Methods* (2011); Ben Crewe, Alison Liebling and Susie Hulley, “Staff Culture, Use of Authority and Prisoner Quality of Life in Public and Private Sector Prisons,” *Australian & New Zealand Journal of Criminology* 44, no. 1 (2011) (hereafter, Crewe et al., Staff Culture); Alison Liebling, “Moral Performance, Inhuman and Degrading Treatment and Prison Pain,” *Punishment & Society* 13, no. 5 (2011) (hereafter Liebling, Moral Performance); Alison Liebling, “Why Prison Staff Culture Matters,” in James Byrne, Faye Taxman, and Donald Hummer (eds.), *The Culture of Prison Violence* (Boston, MA: Allyn and Bacon, 2008), 105-122; Alison Liebling, “Distinctions and Distinctiveness in the Work

quality of life is positive, correctional officers exhibit working attitudes that emphasize a rehabilitative vision of corrections – rather than punitive or discipline-oriented ones – a contributing factor to successful reintegration.<sup>24</sup> In other words, efforts to reform correctional work environments should begin by emphasising the cascading effect of improving staff quality of life and the proven impact it can have on inmate rehabilitation and, ultimately, public safety.<sup>25</sup>

While it is the case that some inmates can be violent – and should be classified and housed as such – it is ultimately difficult to perfectly predict instances of violence in correctional settings. Research on strategies for reducing institutional violence refute claims that it is dependent on the degree of dangerousness of inmate populations, rather, it is a “direct product of prison

*“We are dealing with people and should not be warehousing them. [...] Many individuals should not even be incarcerated. There should be more assisted living/social intervention prior to even coming into custody.”*

Sergeant  
South West Detention Centre

conditions and how [government authorities] operate [their] prisons.”<sup>26</sup> The conditions of confinement directly impact correctional operations and work environments<sup>27</sup> including: staff morale,<sup>28</sup> institutional security,<sup>29</sup> recidivism,<sup>30</sup> and community

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of Prison Officers: Legitimacy and Authority Revisited,” *European Journal of Criminology* 8, no. 6 (2011) (hereafter, Liebling, Distinctions).

<sup>24</sup> Jill A. Gordon and Amy J. Stichman, “The Influence of Rehabilitative and Punishment Ideology on Correctional Officers’ Perceptions of Informal Bases of Power,” *International Journal of Offender Therapy and Comparative Criminology* 60, no. 4 (2016); See also, Liebling, Moral Performance, *supra* note 23.

<sup>25</sup> Crewe et al., Staff Culture, *supra* note 23.

<sup>26</sup> Donald Specter, “Making Prisons Safe: Strategies for Reducing Violence,” *Washington University Journal of Law & Policy* 22, no. 1 (2006): 125.

<sup>27</sup> Liebling, Moral Performance, *supra* note 23.

<sup>28</sup> Liebling, Distinctions, *supra* note 23.

<sup>29</sup> Crewe et al., Staff Culture, *supra* note 23.

<sup>30</sup> For research examining the impact of the principle of restraint and least restrictive measures (conditions of confinement) and recidivism, see: James Bonta and Paul Gendreau, “Reexamining the Cruel and Unusual Punishment of Prison Life,” *Law and Human Behavior* 14, no. 4 (1990) (hereafter, Bonta and Gendreau, Cruel and Unusual); Paul Gendreau and Claire Goggin, “The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences,” *Public Safety Canada* (Government of Canada, 2002); Francis T. Cullen, Cheryl Lero Jonson and Daniel S. Nagin, “Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science,” *The Prison Journal* 91, no. 3 (2011) (hereafter, Cullen et al.,



safety.<sup>31</sup> Empirical literature continuously demonstrates that humane conditions of confinement ease both inmate and staff experiences of correctional environments and institutional misconducts including violence.<sup>32</sup> Moreover, much of the “institutional climate” that influences conditions of confinement in correctional facilities is shaped by the philosophies, behaviours, and practices of correctional employees.<sup>33</sup> This point is significant as it is a theme that emerged in the Independent Review of Ontario Corrections’ previous three reports as well as in contemporary research on best practices in corrections: conditions of confinement directly impact institutional and community safety.

The Independent Review Team’s findings on institutional violence flow directly from engagement with frontline staff, managers, and senior administrators, who provided a candid glimpse into correctional work culture. Much of the feedback from correctional employees revealed deeply held concerns by frontline staff regarding their working environments, relationships with management, training, professional development, and mentorship opportunities for new staff. Feedback provided to the Independent Review Team identified occupational stress associated with employee safety concerns as well as the lack of recognition by management as having a negative impact on correctional officers’ perception of their jobs and further widening discontent with upper management.

*“Working with managers who are incompetent and make poor decisions with disregard for staff safety makes for a stressful work environment.”*

Correctional Officer  
Maplehurst Correctional Complex

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Prisons); William D. Bales and Alex R. Piquero, “Assessing the Impact of Imprisonment on Recidivism,” *Journal of Experimental Criminology* 71, no. 8 (2012).

<sup>31</sup> *Ibid.*

<sup>32</sup> French and Gendreau, Reducing Misconducts, *supra* note 11; Campbell et al., Prediction of Violence, *supra* note 11.

<sup>33</sup> Liebling and Kent, Two Cultures, *supra* note 22 at 225.

## Textbox 2. Gendered Experiences of Correctional Work

In Ontario, women have had a relatively short history<sup>34</sup> as recognized correctional officers.<sup>35</sup> Since the late 1990s, women have accounted for approximately a quarter (24-25%<sup>36</sup>) of all correctional officers employed within the ministry.

Correctional work is structured by adherence to formal and informal hierarchies that emerge in closed communities. As noted in the *Interim Report*, navigating the boundaries between these hierarchies can lead to difficulties in responding to challenges which may result in an increased risk of violence. These challenges are often compounded for women as they experience a heightened level of disadvantage, discrimination, and oppression in the workforce especially within traditionally male-dominated occupations like frontline correctional work.<sup>37</sup>

The experiences of women correctional officers provide valuable insight into the impact of gender on power relations and perceptions of safety. For example, one staff member wrote in the IROC Institutional Violence Survey, “as a female professional within corrections my experience is I have no voice and am absolutely not heard, which is too bad as I have much to offer.” On average, women correctional personnel report greater perceived fear of victimization, and insecurity, as well as indicating that they feel less safe and less supported by their peers and managers.<sup>38</sup> Another female officer stated, “your survey asked about inmate on staff assaults. What about staff on staff assaults or threats? Happens regularly and the Admin does not act on the situation (violence in the workplace) or address the individual with discipline.”

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<sup>34</sup> Prior to the 1970s, women in corrections were hired as matrons (working as correctional officers within correctional institutions for women), clerks, and administrative support workers.

<sup>35</sup> Maeve McMahon, *Women on Guard: Discrimination and Harassment in Corrections* (University of Toronto Press, 1999) in Freda Burdett, Lynne Gouliquer, and Carmen Poulin, “Culture of Corrections: The Experiences of Women Correctional Officers,” *Feminist Criminology* 13, no. 3 (2018): 329-349 (hereafter, Burdett et al., Culture of Corrections).

<sup>36</sup> MCSCS data; Burdett et al., Culture of Corrections, *ibid* at 332.

<sup>37</sup> Jill A. Gordon, Blythe Proulx, and Patricia H. Grant, “Trepidation Among the “Keepers”: Gendered Perceptions of Fear and Risk of Victimization Among Corrections Officers,” *American Journal of Criminal Justice* 38, no. 2 (2013): 245-265.

<sup>38</sup> Jill A. Gordon and Thomas Baker, “Examining Correctional Officers’ Fear of Victimization by Inmates: The Influence of Fear Facilitators and Fear Inhibitors,” *Criminal Justice Policy Review* 28, no. 5 (2017): at 463 (hereafter, Gordon and Baker, Officers’ Fear); See also, Burdett et al., Culture of Corrections, *supra* note 35.

Daily worries about job safety, dangerousness, and fear has been shown to contribute to an increase in occupational stress and “negative job satisfaction” for correctional officers.<sup>39</sup> Research has demonstrated that working on the frontline of corrections requires both an elevated physical stamina as well as an increased mental alertness to respond to inconsistent demands of managing and caring for inmates who may be unpredictably disruptive, resistant to orders, and, occasionally violent.<sup>40</sup> The evidence on occupational stress and the prevalence of mental health disorders among correctional officers suggests that they are at a heightened risk of stress-related burnout and other symptoms associated with post-traumatic stress disorder (PTSD).<sup>41</sup> As indicated in the *Interim Report*, the Independent Review Team received numerous written statements from correctional officers across the province expressing concerns with occupational safety and mental health. This concern with safety was reiterated in the IROC Institutional Violence Survey. As one sergeant stated:

I am happy that I am coming to an end of my career with 20 shifts left to work before retirement. I will miss my life long [sic] career but will be pleased to be free of the day-to-day stress that it brings [...] My suggestion to you going into the future is help with the day to day stress. [...] just responding [to a code] is a "stressor" for many staff.

Concerns regarding safety varied considerably by position. Of correctional officer respondents, 53%<sup>42</sup> expressed that they *did not* feel safe working in their institution. In contrast, 66%<sup>43</sup> of

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<sup>39</sup> Gordon and Baker, *Officers' Fear*, *ibid*.

<sup>40</sup> Gaylene S. Armstrong and Marie L. Griffin, “Does the Job Matter? Comparing Correlates of Stress Among Treatment and Correctional Staff in Prisons,” *Journal of Criminal Justice* 32, no. 6 (2004). See also, IROC, *Interim Report*, *supra* note 9; Rose Ricciardelli, Nicole Power and Daniella Simas Medeiros, “Correctional Officers in Canada: Interpreting Workplace Violence,” *Criminal Justice Review* (2018) (hereafter, Ricciardelli et al., *Correctional Officers in Canada*).

<sup>41</sup> Abdel Halim Boudoukha et al., “Inmates-to-Staff Assaults, PTSD and Burnout: Profiles of Risk and Vulnerability,” *Journal of Interpersonal Violence* 28, no. 11 (2013); See also, R. Nicholas Carleton et al., *Mental Disorder Symptoms among Public Safety Personnel in Canada*, *supra* note 2 (this study has shown that alongside police officers and paramedics, correctional officers are most likely to experience mental disorder from work-related stress, including symptoms associated with PTSD).

<sup>42</sup> Based on 412 (of 781) correctional officer respondents who either disagreed or strongly disagreed with the statement “I feel safe working at my current institution”.

<sup>43</sup> Based on 255 (of 388) respondents who did not indicate that they were correctional officers and either agreed or strongly agreed with the statement “I feel safe working at my current institution”.

respondents in all other positions (i.e., excluding those who identified as correctional officers) reported that they *did* feel safe working in their current institution.

Respondents were also asked if and how often they worried about being assaulted by an inmate (see Appendix B, Tables B-2 and B-3). Of correctional officers, 44% reported that they worried about being assaulted once a day and an additional 22% worried at least once a week.

*“Crisis in Corrections is an orchestrated tempest in a teapot. Hopefully this fools no one.”*

Sergeant  
Northern Region

Only 13% of correctional officer respondents indicated that they never worried about being assaulted by an inmate. In contrast, only 27% of respondents in all other employment positions indicated that they worried about being assaulted by an inmate at least once a week, and nearly half (44%) of those respondents indicated that they

never worried about being assaulted. This variation in responses among different positions is of particular interest considering that many of the employees who are not correctional officers, such as sergeants and programs and health care staff, also have frequent direct contact with inmates.

### **Textbox 3. Contraband in Ontario's Correctional Institutions**

The introduction of contraband into correctional facilities threatens the safety and security of employees and inmates, as exemplified by reported incidents of injuries from weapons smuggled into Ontario's institutions and a number of suspected drug overdoses.<sup>44</sup> In the IROC Institutional Violence Survey, some respondents voiced concerns regarding contraband, with one frontline officer noting, “inmates [...] have nothing but time to scheme and plot future crimes, assaults on staff, new places to hide contraband, [and] new ways to bring in contraband.” To detect and prevent contraband from entering Ontario's correctional institutions, the ministry has implemented full-body x-ray scanning units at all but one of the province's adult correctional facilities.<sup>45</sup>

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<sup>44</sup> Christina Howorun, “Inmates, Staff in Ontario Jails Still Getting Hurt with Contraband Weapons,” *CityNews*, December 1, 2017. Online: <https://toronto.citynews.ca/2017/12/01/contraband-weapons-ontario-jails/>; CBC News, “7 Inmates at London, Ont. Jail Overdose Within Minutes of Each Other, Police Say,” *CBC News London*, August 9, 2018. Online: <https://www.cbc.ca/news/canada/london/london-ontario-emdc-inmates-overdose-1.4779802>.

<sup>45</sup> As of November, 2018, Fort Frances Jail does not have an operational body scanner.

**(Textbox 3 continued)**

This measure was referred to by correctional staff as “long overdue”, and a “very valuable piece of equipment” that is “virtually foolproof” and would “definitely help to enhance the safety of [correctional] workers”.<sup>46</sup>

Despite the introduction of body scanners for inmates, contraband continues to be smuggled into institutions. Province-wide reports in 2017-2018 indicated the discovery of cellular phones, ceramic blades, and drugs; these items fuel the prison underground economy and subculture which can result in violent confrontations. Unfortunately, there are many ways in which contraband can be smuggled into a correctional institution and even body scanner technology is not flawless.<sup>47</sup> Additionally, not all people who enter secure areas of an institution are subject to security screening. It is important to address all possible avenues through which contraband may enter the correctional environment. Given that the technology is available and the relative ease with which it may be used, it would be advisable for the ministry to require all individuals entering secure areas of Ontario’s institutions to undergo security screening. This would enhance institutional safety and security, and would reinforce public confidence in Ontario Corrections, which is undermined when any contraband is introduced into correctional settings.<sup>48</sup>

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<sup>46</sup> Ian Burns, “Body Scanners to be Installed at CNCC in Penetanguishene,” *Simcoe News*, May 4, 2016. Online: <https://www.simcoe.com/news-story/6528105-body-scanners-to-be-installed-at-cncc-in-penetanguishene/>.

<sup>47</sup> For instance, those monitoring the scans may have difficulty distinguishing foreign objects from human anatomy if not adequately trained in interpreting the digital scanner images.

<sup>48</sup> Christina Howorun, “How Toronto South Detention Centre Became Ontario’s Most Violent Jail”, *Toronto Star*, November 21, 2018. Online: <https://toronto.citynews.ca/2018/11/21/how-toronto-south-detention-centre-became-ontarios-most-violent-jail/>.

### *Relationships with Managers*

Research on correctional staff culture in Canadian jurisdictions has documented a significant concern with staff-management relationships,<sup>49</sup> and this theme emerged in the IROC Institutional Violence Survey. Of correctional officer respondents, 38% indicated that they did not feel supported by frontline sergeants in their institution, and 41% did not feel supported by their direct manager (see Appendix B, Table B-1). Notably, 67% disclosed that they did not feel supported by senior administrators.

*“I have only been employed a little over 2 years. I already have a strong distrust of management. I felt this distrust when I had one year in. I feel management doesn't work with frontline staff, with hold [sic] information, and try and get new staff to do things they shouldn't but they don't know any better.”*

Correctional Officer  
Maplehurst Correctional Complex

In written responses, many correctional officers directly or indirectly referred to a disconnection between management and frontline staff. For instance, one correctional officer commented, “staff morale is at an all-time low [...] We need upper management that cares about the staff, actually takes the time to talk to the staff, even introducing themselves!!” One sergeant echoed this sentiment, “due to the lack of support from senior management as well as the lack of transparency, equality, and fairness the staff moral [sic] is low. In this institution[,] opportunities are given to people who are in cliques and not because they know the job or are familiar with the area.”

Any ministry efforts to mitigate institutional violence must consider how the frontline staff-management relationship functions in correctional facilities in Ontario. As noted in the *Interim Report*, the lines of communication – whether formally through the chain of command or informally between staff – must be strengthened in order to establish clear directives, expectations, and accountability. In the IROC Institutional Violence Survey, though 58% of correctional officer respondents felt that there was good communication among colleagues, only 13% felt that there was good communication between staff and management at their institution (see Appendix B, Table B-1). Strong standards of communication signal a commitment to transparency in decision making, policy changes, and implementation efforts. Further, moral competency has been shown to be a key requirement of senior administrators and management in organizations that emphasize “strong moral identity” in employee

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<sup>49</sup> Ricciardelli et al., *Correctional Officers in Canada*, *supra* note 40; For Ontario see: Larocque, *Penal Practices*, *supra* note 10; Burdett et al., *Culture of Corrections*, *supra* note 35; IROC, *Interim Report*, *supra* note 9.

directives and policies.<sup>50</sup> Again, the ministry must consider the way in which organizational accountability and moral competency cascades through operational policy, standing orders, and the working relationship among frontline staff, managers, and senior administrators, and how overall correctional officer wellness influences daily interactions with inmates.<sup>51</sup>

### *Perspectives and Attitudes Toward Correctional Work*

A common theme that emerged from correctional officers' responses to the IROC Institutional Violence Survey was a general punitive and discipline-oriented philosophy. Written responses

*“Our ability to physically discipline inmates has been taken away [...] Murderers, Rapists, Pedophiles, Child Pornographers, ISIS Terrorists, Blood and Crip Gang Bangers [don't] deserve more human rights than the general public and the Correctional staff that watch over them.”*

Correctional Officer  
Ottawa-Carleton Detention Centre

to the survey often highlighted ongoing grievances about violent inmates in correctional institutions across Ontario and depicted them as unpredictable, insubordinate, and dangerous. Correctional officers identified recent ministry efforts to reform segregation and use of force policies and increasingly violent inmate populations as contributing to the rise of reported incidents of violence. To gain a sense of correctional officers' perspectives and attitudes towards their role and correctional work broadly, the IROC

Institutional Violence Survey prompted respondents with questions examining their interactions with inmates, the purpose of corrections, and perspectives on power (Table 2).

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<sup>50</sup> Katherine A. DeCelles, D. Scott DeRue, Joshua D. Margolis and Tara L. Ceranic, “Does Power Corrupt or Enable? When and Why Power Facilitates Self-Interested Behaviour,” *Journal of Applied Psychology* 97, no. 3 (2012).

<sup>51</sup> Scott J. Reynolds, Keith Leavitt and Katherine A. DeCelles, “Automatic Ethics: The Effects of Implicit Assumptions and Contextual Cues on Moral Behavior,” *Journal of Applied Psychology* 95, no. 4 (2010); Frank V. Ferdik and Hayden P. Smith, “Correctional Officer Safety and Wellness Literature Synthesis,” (National Institute of Justice, Washington, DC, 2017).

*Table 2. IROC Institutional Violence Survey – Responses from Correctional Officers and Sergeants (including Staff Sergeants)*

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Question
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No Answer	Not Applicable	
I have a good relationship with individuals in custody in my current institution.	499 (54.96%)	294 (32.38%)	94 (10.35%)	12 (1.32%)	9 (0.99%)	908
The purpose of incarceration is rehabilitation and eventual reintegration.	496 (54.63%)	189 (20.81%)	205 (22.58%)	16 (1.76%)	2 (0.22%)	908
Friendly relationships with individuals in custody undermine staff authority.	248 (27.34%)	287 (31.64%)	362 (39.91%)	8 (0.88%)	2 (0.22%)	907
Individuals in custody should be under strict discipline.	670 (73.87%)	155 (17.09%)	80 (8.82%)	2 (0.22%)	0 (0.00%)	907
I try to build trust with individuals in custody.	689 (76.22%)	151 (16.70%)	51 (5.64%)	9 (1.00%)	4 (0.44%)	904
Individuals in custody take advantage of you if you are lenient.	730 (80.57%)	120 (13.25%)	52 (5.74%)	4 (0.44%)	0 (0.00%)	906
Individuals in custody have too much power in my current institution.	773 (85.32%)	76 (8.39%)	54 (5.96%)	3 (0.33%)	0 (0.00%)	906
Staff have too much power in my current institution.	23 (2.54%)	58 (6.40%)	816 (90.07%)	7 (0.77%)	2 (0.22%)	906
I believe that most individuals in custody in my current institution should be in custody.	644 (70.93%)	201 (22.14%)	28 (3.08%)	29 (3.19%)	6 (0.66%)	908
It is important to take an interest in individuals in custody and their problems.	415 (45.76%)	302 (33.30%)	178 (19.63%)	11 (1.21%)	1 (0.11%)	907

Written feedback provided further evidence of strong ‘Us vs. Them’ attitudes. For example, one correctional officer noted:

Our "clients" don't seem to mind jail. As a new [correctional officer], I see inmates don't mind spending time here with all of the benefits of jail, better meals than I eat, television, healthcare, yard, supplies, and assaulting a peace officer resulting in no additional jail time - why do they eat delicious meals when the person they killed is dead.



As noted, relationships between correctional staff and inmates can be positively influenced by individualized correctional work environments. Of correctional officers and sergeants (including staff sergeants) surveyed across the ministry, over half (55%) indicated that they had a good relationship with individuals in custody. Moreover, 76% reported that they tried to build trust with individuals in custody throughout their work.

The largest proportion of correctional officer and sergeant (including staff sergeant) respondents (40%) felt that friendly relationships with inmates did not undermine staff authority, though the majority supported the notion that inmates should be under strict discipline (74%) and that inmates “would take advantage of you if you are lenient” (81%). These responses further suggest that while correctional officers and sergeants might perceive that relations can be friendly, friendly relationships are considered as only possible under compliance and discipline regimes.

*“I was seconded [... to a] maximum security environment [where] I applied the interaction techniques I used at OCI. I also [wore] a name-tag. I found that the offenders responded very well to my positive and respectful attitude and were significantly more open once they saw my name-tag... The Officers I was working with thought I was hilariously kind to offenders... Direct supervision works. But you can't get jail guards to buy into it.”*

Overall, punitive views prevailed across institutional employees in regard to correctional work. With respect to discipline, 67%<sup>52</sup> of respondents felt that inmates should be under strict discipline, and when controlled for correctional officer respondents, this number increased to 76%.<sup>53</sup> Favourable views regarding the use and conditions of restrictive confinement emerged in feedback from several correctional employees, including one officer who suggested, “placing an inmate in segregation with all of their belongings hardly seems like a punishment.” Another frontline officer indicated:

Correctional Officer  
Ontario Correctional Institute

The inmates know that they can assault staff, threaten staff, intimidate staff with no punishment and it is getting worse by the day. The elimination of segregation punitive reasons has been the worst decision made. If your child spit on you would you not take away there [sic] privileges and put them in time out, if they hit another family member would the same thing not happen.

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<sup>52</sup> Based on 813 (of 1,214) respondents who strongly agreed or agreed with the statement “Individuals in custody should be under strict discipline.”

<sup>53</sup> Based on 614 (of 806) correctional officer respondents who strongly agreed or agreed with the statement “Individuals in custody should be under strict discipline.”

Similar sentiments were previously expressed by staff in the *Interim Report*, reflective of the lack of coherent and coordinated ministry direction to operationalize the MCSCS 2016 directive on segregation reform.<sup>54</sup> The elimination of “loss of all privileges” (LOAP) in close confinement was misinterpreted by some staff to mean that inmates in disciplinary segregation must have access to all privileges, and neglected the intention of the initiative to withhold privileges on an individualized, case-by-case basis.

The punitive views and disciplinary philosophy were also reflected in the responses that correctional employees – and in particular, correctional officers – provided to the IROC Institutional Violence Survey regarding which measures would most increase staff safety at their institution (Appendix B, Table B-5). For instance, the most commonly selected measures from a list of options were: mandatory minimum sentences for assaults on staff (72%<sup>55</sup>); more disciplinary sanctions (53%<sup>56</sup>); higher staff to inmate ratio (43%<sup>57</sup>); more experienced staff (35%<sup>58</sup>); and additional staff training (35%<sup>59</sup>). When controlled for correctional officers, mandatory minimum sentences were selected by 81%<sup>60</sup> of respondents, and the remaining top choices shifted towards more punitive measures: disciplinary sanctions (59%<sup>61</sup>); higher staff to

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<sup>54</sup> IROC, *Interim Report*, *supra* note 9 at 26.

<sup>55</sup> Based on 819 (of 1,130) respondents who selected “mandatory minimum sentences for assaults on staff” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>56</sup> Based on 602 (of 1,130) respondents who selected “more disciplinary sanctions” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>57</sup> Based on 491 (of 1,130) respondents who selected “higher staff to inmate ratio” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>58</sup> Based on 398 (of 1,130) respondents who selected “more experienced staff” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>59</sup> Based on 391 (of 1,130) respondents who selected “additional staff training” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>60</sup> Based on 612 (of 758) correctional officer respondents who selected “mandatory minimum sentences for assaults on staff” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>61</sup> Based on 447 (of 758) correctional officer respondents who selected “more disciplinary sanctions” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

inmate ratio (48%<sup>62</sup>); more restrictive confinement (40%<sup>63</sup>); and tasers (31%<sup>64</sup>). The overwhelming support by respondents for mandatory minimum sentences is concerning, given that empirical evidence<sup>65</sup> consistently undermines their effectiveness and utility to deter crime and violence.

Similarly, a number of correctional staff voiced frustration with the apparent lack of criminal repercussions for inmate-on-staff incidents. For example, one officer noted, “MANY times [incidents] are dealt with in house and the police are not contacted and charges not laid. When they are the charges are thrown out or the sentence is served concurrently so there is zero repercussions [*sic*] for assaulting a staff member.” Similarly, a sergeant expressed discontent, noting that:

penalties and sanctions are way to [*sic*] lenient. If an individual walked up to a police officer, or for that matter [any] member of the general public and assaulted them that person would receive serious charges. Why when it happens behind facility walls does it feel like it is more accepted? Police, Crown attorneys and the judiciary seem to feel like it’s part of our job.

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<sup>62</sup> Based on 365 (of 758) correctional officer respondents who selected “higher staff to inmate ratio” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>63</sup> Based on 302 (of 758) correctional officer respondents who selected “more restrictive confinement” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>64</sup> Based on 237 (of 758) correctional officer respondents who selected “tasers” as one of their top five choices of additional measures that would most increase staff safety (Appendix B, Table B-5).

<sup>65</sup> Anthony N. Doob, *A Values and Evidence Approach to Sentencing Purposes and Principles* (Research and Statistics Division, Department of Justice, Ottawa, 2016); Anthony N. Doob and Cheryl M. Webster, “Sentence Severity and Crime: Accepting the Null Hypothesis,” *Crime and Justice* 30 (2003); Anthony N. Doob, Cheryl M. Webster and Rosemary Gartner, “Issues Related to Harsh Sentences and Mandatory Minimums: General Deterrence and Incapacitation” *Research Summaries Compiled from Criminological Highlights* (Centre for Criminology & Sociolegal Studies, University of Toronto, Toronto, 2014); Raymond Paternoster, “How Much Do We Really Know About Criminal Deterrence?” *The Journal of Criminal Law and Criminology* 100, no. 3 (2010): 765-824.

Discussions with police services revealed that corrections and police procedures are, at times, in conflict. For example, police indicated that:

when correctional staff respond quickly to a disruptive inmate, they may clear the scene without preserving the integrity of evidence, which hinders police investigations. Consequently, the evidentiary requirements necessary to pursue a criminal charge may not be satisfied. This may contribute to correctional staff's dissatisfaction with the police response and criminal sanctions following an inmate-on-staff incident.<sup>66</sup>

In consultation with the Independent Advisor, some police expressed favourable attitudes towards implementing dedicated police units responsible for investigating incidents at correctional facilities. These specialized officers would become familiar with correctional settings and develop working relationships with correctional staff. Similarly, correctional employees would have an identified police resource to enhance their understanding of criminal procedure and evidentiary requirements.

A strong belief in discipline was explicitly evident in responses to the IROC Institutional Violence Survey pertaining to use of force. Numerous correctional officers expressed a reliance on use of force as a disciplinary measure. Over one-quarter (26%<sup>67</sup>) of survey respondents advised that staff use of force was one key mechanism that contributed most to safety at the institution, although only 17%<sup>68</sup> selected that more use of force was a main element that would enhance safety (see Appendix B, Tables B-4 and B-5). One way in which correctional officers indicated that use of force contributed to safety was by enabling staff to “protect themselves” and others. For instance, a new recruit with less than a year of experience asserted:

as for USE OF FORCES , it is a jail. USE OF FORCES occur for a reason whether it is to stop individuals from causing excessive harm to another or defending an employee from assault. There should not be a 'bad look' towards use of forces as they are what keep our institutions in order when it is needed.

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<sup>66</sup> IROC, Interim Report, *supra* note 9 at 71.

<sup>67</sup> Based on 290 (of 1,130) respondents who selected “use of force” as one of their top five choices of measures that contribute most to staff safety at their institution (Appendix B, Table B-4).

<sup>68</sup> Based on 188 (of 1,130) respondents who selected “more use of force” as one of their top five choices of additional measures that would most increase staff safety at their current institution (Appendix B, Table B-5).

The revised *Standard Minimum Rules for the Treatment of Prisoners* – the *Mandela Rules* – adopted by the United Nations General Assembly in 2015, restricts use of force on inmates to cases of self-defence, attempted escape, and active or passive resistance, though force must be “no more than is strictly necessary”.<sup>69</sup> One example of alignment with the *Mandela Rules* is seen in the mandate and expectations by Her Majesty’s Inspectorate of Prisons for England and Wales: “Force is only used against prisoners as a last resort and never as a punishment.”<sup>70</sup>

MCSCS policy also prohibits use of force as punishment, stating that “Force is not intended to be, and must never be used as a means of punishment”<sup>71</sup>, though it also allows for use of force when “required in order to enforce discipline and maintain order within the institution.”<sup>72</sup> The distinction between ‘discipline’ and ‘punishment’ is unclear, and the lack of additional guidance and definitions in ministry policy risks conflating the two terms, which could result in staff misinterpreting when use of force is appropriate. Ambiguity in ministry policy is problematic as it could lead to an interpretation that is inconsistent with international minimum standards of inmate treatment, and potentially positions use of force as a punitive measure to manage inmate behaviour. For example, one officer stated:

Many inmates understand only one thing - force. Unfortunate as it is - it is a fact. Placating inmates with food and other items for simple things such as leaving a cell, only empowers them to continue the behaviour. It is a simple fact that sometimes minor force must be used. Making staff write reports and forbidding them to handle a misbehaving inmate only makes the staff and the whole system impotent. If the inmates see that there are consequences to misbehaviour then MAYBE they will learn and not have to come back. But then that is why they are there in the first place.

Some of the responses that the Independent Review Team received from frontline staff expressed concern with the ministry’s investigation and review processes following use of force

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<sup>69</sup> United Nations, *The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, resolution adopted by the General Assembly on 17 December, 2015, Seventieth Session, Agenda item 106, UN General Assembly (2015).

<sup>70</sup> HM Inspectorate of Prisons, *Our Expectations: Managing Behaviour*, United Kingdom: Crown Copyright (05 July 2017). Online: <https://www.justiceinspectores.gov.uk/hmiprisons/our-expectations/prison-expectations/safety/managing-behaviour/>.

<sup>71</sup> MCSCS, *Institutional Services Policy and Procedures Manual: Security and Controls: Use of Force* (Government of Ontario, December 2013): at 3.1.7.

<sup>72</sup> *Ibid*, at 3.1.4.

incidents. For instance, one officer asserted, “[w]e have good officers wanting to give up, not showing up for work, because Ontario corrections have people undermining them... or judging a [person’s] use of force incident without ever being in a use of force” while another affirmed, “officers are now to the point where they hesitate to use force on [an] inmate when it is justified because they fear suspension”. Despite claims that correctional officers were reluctant to use force, and in spite of a declining provincial inmate population, the Independent Review Team found that reported use of force incidents actually increased from 1,249 incidents in 2013 to 2,490 in 2017.<sup>73</sup>

The TSDC *Case Study* supported these findings as reported use of force incidents at the institution increased between 2014 and 2017.<sup>74</sup> Interestingly, the TSDC *Case Study* revealed that 27 incidents (approximately 11% of all reported incidents) involved a use of force by a correctional employee before the reported inmate-on-staff violence occurred. In these instances it is worth considering that the physical interaction initiated by the correctional officer actually may have escalated the situation to a point of violence, which arguably therefore could have been avoided by employing verbal de-escalation or defusion skills.

The Independent Review Team further found that there is a lack of research evaluating the effectiveness of use of force models in correctional settings within Ontario and in other provinces and countries. Both the effectiveness of the use of force training and the current MCSCS Correctional Services’ Use of Force Model in Ontario must be reviewed against evidence-based best correctional practices. The Correctional Service of Canada (CSC) has recently adopted an Engagement and Intervention model to replace their previous use of force model. Though the effectiveness of this new model has not been evaluated, the Office of the Correctional Investigator recognized it as “an important change in officer conduct and, just as importantly, a major shift in culture within CSC”.<sup>75</sup>

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<sup>73</sup> IROC, Interim Report, *supra* note 9 at 33.

<sup>74</sup> There are other considerations that may contribute to increased reported use of force incidents provincially and at specific institutions, including better reporting practices and an influx of new staff or inmates.

<sup>75</sup> Office of the Correctional Investigator, *Annual Report for 2017-2018* (Ottawa, ON: Government of Canada, 2018) at 36.

### *Training and Hiring Correctional Staff*

The ministry acknowledged that the current Correctional Officer Training and Assessment (COTA) program was outdated and in need of revision,<sup>76</sup> however, the prioritization of new correctional officer recruitment resulted in efforts being focused on hiring instead of the necessary curriculum redevelopment.

During preparation of the *Interim Report*, the Independent Review Team consulted with the Ontario Correctional Services College (OCSC) regarding the current curriculum taught to new recruits in an effort to understand where effort is being concentrated in regard to training and shaping new cohorts of correctional officers. The Independent Review Team was provided with course outlines and student manuals and

found that, of the 12 hours dedicated to defensive tactic training, only 90 minutes are dedicated to defusion of hostility whereas 4.5 hours are dedicated to the use of restraints, aerosol weapons, and expandable batons.<sup>77</sup> The Independent Review Team requested further information from the ministry on current or future initiatives on defensive tactic training

*“If staff could be trained in communication skills more. Staff get 40 hours of use of force training every two years but no communication skills training. Most situations can be diffused [sic] by communication but no training in that field.”*

Senior Administrator  
Northern Region

*“I feel it would be very useful to frontline staff to receive (any) training on de-escalation techniques. I don’t believe humans are born with the skill level required to defuse the high tension levels that we reach in the jail setting. By the time the crisis negotiator (the only one with any training in this) arrives the situation has already gotten out of hand. Telling us to “use your de-escalation techniques” is not training.”*

Correctional Officer  
Central North Correctional Centre

(including details on defusion of hostility techniques, de-escalation, and communication). The ministry indicated that efforts are underway for a broad curriculum redesign, however, no specifics were provided.

In response to requests from the Independent Review Team, the ministry’s Modernization Division advised that developments are underway to design a “work integrated learning” model that combines theoretical learning with on-the-job learning

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<sup>76</sup> The ministry procured a third party to review the COTA program and materials in May 2017.

<sup>77</sup> As noted in the *Interim Report*, the Independent Review Team was advised that a theme of de-escalation is embedded in other training modules in the curriculum. However, these informal means are dependent on the instructor facilitating the training, and it is not possible

components to meet the current needs of correctional officers. The COTA redesign is also to include a mental health component, but little information is available on whether this would include a very necessary component on self-care. At the time of this report, no changes to the COTA curriculum have been implemented. Appropriate communications training, both formally through COTA and informally through local mentorship and job shadowing, has direct implications on operational outcomes including interactions with inmates. The ability to defuse a situation before using physical force is crucial to mitigating institutional violence. In updating the course curriculum, it is crucial to ensure that COTA graduates receive sufficient training in human rights, correctional law, and self-care and resiliency for dealing with workplace stress. Training must be applicable to the day-to-day situations that correctional officers face in their work environments when dealing with inmates.

*“I feel that the correctional officer training curriculum needs an overhaul to change the way that officers view and treat inmates, particularly those with mental illnesses, which makes up the vast majority of our inmate population.”*

Senior Administrator  
Northern Region

Overwhelmingly, senior administrators told the IROC Institutional Violence Survey that correctional officers lack sufficient training in the areas of conflict de-escalation and communication. One senior administrator from Central Region noted, “[w]e need to hire staff that have the capacity and demonstrated ability to be effective communicators and are [able] to deal and work with conflict.” Another senior administrator offered:

The lack of experience for the new staff being hired and the sheer numbers of new staff leaving gaps in experienced officers working with inmates, and the inability for the Ministry to recruit and retain skilled competent managers has lead [sic] to a crisis in succession planning. Ontario has fallen behind in the compensation area and the disparity in the pay scale has driven skilled competent officers away from promotion when they can make more money in their current roles. Their [sic] is a crisis in retaining managers in the workplace creating gaps in supervision and management of officer performance and mentorship.

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to measure the degree to, or consistency with, which this de-escalation is promoted across COTA cohorts. See: IROC, Interim Report, *supra* note 9.



Between 2009 and 2013, there was a moratorium on all correctional officer recruitment. This impacted operations in all of Ontario’s correctional facilities, resulting in staff shortages and

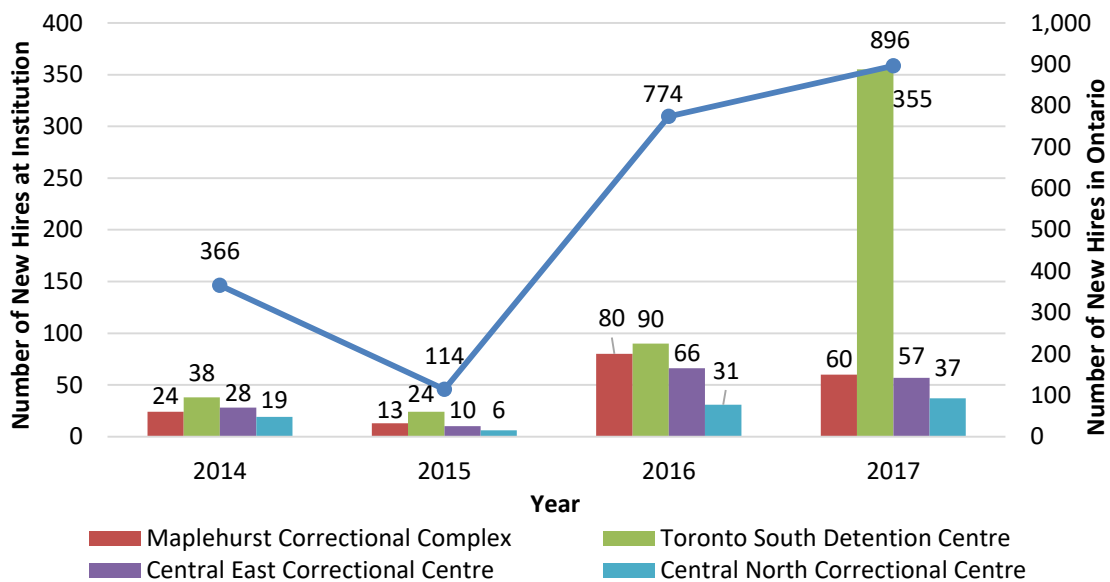
*“All the new hires in such a short span of time makes for an extremely dangerous workplace due to all the inexperience[d officers] working units with dangerous offenders.”*

deterioration in the conditions of confinement including more time restricted to cell, reduced programming and recreation and an increased number of institutional lockdowns. Once the moratorium was lifted, in 2016, the ministry announced a commitment to hire 2,000

Correctional Officer  
Maplehurst Correctional Complex

correctional officers over the next three years.<sup>78</sup> Figure 4 displays the recent influx in new hires in Ontario’s correctional institutions; notably, nearly 40% of all new hires in 2017 were assigned to TSDC.

Figure 4. MCSCS New Hires in Select Ontario Correctional Facilities, 2014-2017



Note: New hires includes correctional officers recently graduated from the Correctional Officer Training and Assessment (COTA) program, re-hires (former officers who left their positions), and those who transferred from youth corrections following 'conversion training'.

<sup>78</sup> MCSCS, “Ontario to Hire 2000 New Correctional Officers: Hires Will Support Transformation, Help Ensure Staff and Inmate Safety,” *Newsroom* (Government of Ontario, March 21, 2016). Online: <https://news.ontario.ca/mcscs/en/2016/3/ontario-to-hire-2000-new-correctional-officers.html>.

#### **Textbox 4. Correctional Officer Skills Requirements**

MCSCS provides a 32 yes/no question self-assessment, posted on its website, for individuals considering a career as a correctional officer. The goal of this assessment is to give potential recruits a sense of the “role, requirements, skills, physical demands, and expectations” of correctional officers.<sup>79</sup> Many of the questions are trivial, overly broad, and vague. Moreover, some of the questions require respondents to predict their ability to perform various duties without having undergone relevant training or, potentially, having had any experience working with inmate populations. If respondents answer “yes” to all or most of the questions, they are encouraged to apply for correctional officer positions, although the completed questionnaire is never submitted with their application.

The MCSCS Correctional Officer 1 job advertisement indicates a minimum requirement of Grade 12 education (or equivalent), and that candidates possess:

- Communication (Oral and Written) skills;
- Observation, Analytical, and Problem Solving skills;
- Crisis Intervention and Conflict Resolution skills; and,
- General Knowledge and Computer skills.

The ministry’s current job advertisements do not identify a list of core competencies for correctional officer positions relating to evidence-based correctional practices, law, or basic principles of penology and/or criminology. In their response to the IROC Institutional Violence Survey, some respondents indicated that “corrections should be a serious career which attracts top shelf staff,” and that “corrections should stand alone as it’s [*sic*] own prestige class” rather than “as a stepping stone into policing careers”. However, it was also noted that “the ministry did mass hiring; they picked bottom of the dumpster. I’ve only come across a few good, hardworking [correctional officers] since being at TSDC.”

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<sup>79</sup> MCSCS, “Correctional Officer Self-Assessment Questionnaire,” Government of Ontario, (February 2016). Online: [https://www.mcscs.ius.gov.on.ca/english/corr\\_serv/careers\\_in\\_corr/become\\_corr\\_off/Self-assessment/cs\\_coself\\_assess.html](https://www.mcscs.ius.gov.on.ca/english/corr_serv/careers_in_corr/become_corr_off/Self-assessment/cs_coself_assess.html).

Over two-thirds (70%) of all correctional employees who responded to the IROC Institutional Violence Survey selected “experienced staff”, and 43% selected “staff training”, as key elements that contribute to staff safety in their institution.<sup>80</sup> However, nearly half (48%) of correctional officer respondents indicated that they did not feel prepared to start working following graduation from the OCSC. Similarly, most correctional officer respondents did not feel prepared to start working immediately after being hired (52%), and were not satisfied with the local training provided at their institution (55%) (see Appendix B, Table B-6). In addition, over half (58%) of correctional officers were not satisfied with the mentorship or job shadowing opportunities at their institution, and 61% were not satisfied with local professional development opportunities. The TSDC *Case Study* provided further insight into correctional employees’ concerns regarding the lack of localized training, mentorship, and job shadowing opportunities. Although some local initiatives exist, they appear to be largely volunteer-based and dependent on the availability and willingness of experienced staff to mentor incoming recruits. Moreover, a veteran sergeant expressed:

*“I am disappointed with the way I was hired and trained. I started when Direct Supervision was a year old and had a slide show and small section of my training binder. I did not see the inside of South West Detention Centre until I arrived on unit for my 2 x 60 hour work weeks of training and my 4 hour orientation my first day. My training binder is still not complete and [it has] been 3 years.”*

Correctional Officer  
South West Detention Centre

These days staff are being hired by the dozens, unfortunately are not getting the one-on-one assistance from the more experienced staff. Therefore, the new staff are training the newer staff, so much is lost in why we do things a certain way. New staff are fearful because they haven’t learned how to build a respectful relationship with clients. Mentorship is important, and communication is essential.

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<sup>80</sup> Based on 788 (of 1,130) and 484 (of 1,130) respondents, respectively.

To provide support to both institutional managers and frontline officers, the introduction of a correctional officer position in a senior or supervisory role could offer skilled and motivated staff with developmental incentives and meet the current need for peer mentorship. At present, the ministry utilizes two correctional officer classifications: Correctional Officer 1 and Correctional Officer 2. All new correctional officer hires begin their employment with the ministry as Correctional Officer 1 and “based on accumulated hours and satisfactory job performance they can eventually progress to Correctional Officer 2 classification.”<sup>81</sup> Progression between the correctional officer classifications is currently seniority-based, and not on demonstrated skills, merit, and training certification. The creation of a supervisory correctional officer position could provide a new opportunity for experienced staff members with relevant education and skills to pass along their knowledge, model desired behavior and participate in meaningful personal and professional development. This initiative could also contribute to enhancing Ontario Corrections’ response to meeting the rehabilitative needs and specialized care of the most challenging inmates.

*“Staff are not trained appropriately or supported to deal with mental health inmates. There should be special hand-selected/hired staff to handle mental health inmates as they do not fit the role of traditional Correctional Officer and did not necessarily sign up for that role or understand how to deal with it. There also needs to be a way to effectively weed out correctional officers that are problematic working with inmates.”*

Sergeant  
South West Detention Centre

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<sup>81</sup> MCSCS, “Becoming a Correctional Services Officer,” Government of Ontario, (January 2017). Online: [https://www.mcscs.jus.gov.on.ca/english/corr\\_serv/careers\\_in\\_corr/become\\_corr\\_off/COWages/cs\\_cowages.html](https://www.mcscs.jus.gov.on.ca/english/corr_serv/careers_in_corr/become_corr_off/COWages/cs_cowages.html); OPSEU, “Collective Agreement between The Crown in Right of Ontario and Ontario Public Service Union made on the 18<sup>th</sup> day of November 2016,” OPSEU, Correctional Division, (2016). Online: [https://opseu.org/sites/default/files/final\\_draft\\_2015-2017\\_opseu\\_cor\\_collective\\_agreement\\_-\\_november\\_18\\_2016\\_1.pdf](https://opseu.org/sites/default/files/final_draft_2015-2017_opseu_cor_collective_agreement_-_november_18_2016_1.pdf).

## **Institutional Culture and Staffing Recommendations:**

- 2.1.** I recommend that the ministry develop a comprehensive staff mental health strategy to provide self-assessment, self-care, and external support for correctional employees to assist in coping with occupational stress and injuries.
- 2.2.** I recommend that the ministry develop a management model with a care-based, ethical, and empathetic decision-making framework for daily interactions with frontline staff that will positively impact staff-inmate interactions, improve officer wellness, as well as enhance institutional safety and security.
- 2.3.** I recommend that the ministry conduct annual “quality of environment” or “moral performance” audits of all correctional institutions benchmarked against international and evidence-based best practices.
- 2.4.** I recommend that the ministry undertake a review of the current MCSCS Correctional Services’ Use of Force Model and the effectiveness of the use of force training against evidence-based best correctional practices. This review must take into consideration the daily perception of risk and danger that correctional employees face, rather than the periodic occupational stressors that are experienced by police officers.

The ministry may wish to consider the new Engagement and Intervention Model utilized by the Correctional Service of Canada and best practices used to manage violence in other confined settings, such as forensic mental health or dementia units of long-term care facilities.

- 2.5.** I recommend that the ministry revise the language of the current Use of Force policy to align with international standards of inmate treatment that allow for use of force only in accordance with safety and security objectives. I further recommend inclusion of a definition for the term ‘discipline’ to prevent ambiguity and conflation with the term ‘punishment’ in the MCSCS Use of Force policy.
- 2.6.** I recommend that the ministry accelerate its stated plans to review and update the existing Correctional Officer Training and Assessment (COTA) program curriculum. In revising the curriculum, the ministry must incorporate core competencies, and emphasize the importance of fostering an institutional culture characterized by legality, dignity, and respect. Training must always address the dual nature of correctional work which encompasses both security and care.

- 2.7.** I recommend that COTA redevelopment emphasize verbal and other de-escalation training including specific situational guidance for managing vulnerable or high-needs inmates.
- 2.8.** I recommend that the ministry work with justice partners and stakeholders to develop training for correctional employees on correctional and human rights law as well as criminal procedure. The newly developed training must be incorporated into the COTA curriculum.
- 2.9.** I recommend that the ministry establish policy for localized mentorship programs that can be operationalized at each correctional facility. These programs must outline minimum requirements for mentors and be available to all correctional staff and managers.
- 2.10.** I recommend that the ministry work with policing partners to develop joint policy and provide joint education sessions to correctional employees with the aim of fostering a better understanding of the police role in correctional matters and the legal requirements for criminal proceedings as they relate to pursuing charges when inmates engage in criminal conduct.
- 2.11.** I recommend that the ministry further collaborate with both provincial and local police services to develop dedicated police units that specialize in the investigation of incidents that occur within Ontario's correctional institutions.
- 2.12.** I recommend that best practices for report writing be immediately developed and incorporated into COTA and ongoing staff training, with an emphasis on procedural fairness and minimum evidentiary standards for external legal proceedings.
- 2.13.** I recommend that the Personal Alarm Location system be implemented at the Toronto South Detention Centre following the completion of the Electronic Security System upgrade in 2019. An evaluation, including a cost-benefit analysis, must be undertaken within one year of the implementation of the Personal Alarm Location system.

- 2.14.** I recommend that any person entering the secure portion of a correctional facility undergo screening (i.e., handheld/walk-through metal detectors and parcel x-ray machines) in those institutions with the requisite space and technologies.

Screening of all persons entering secure areas of Ontario's correctional institutions is necessary to enhance the personal safety of staff and inmates, as well as maintaining public confidence by detecting and intercepting contraband.

- 2.15.** I recommend that the ministry engage with the Ministry of the Attorney General to establish guidelines supporting the need for swift and certain sentencing for inmates who are found guilty of a serious assault against correctional staff.

- 2.16.** I recommend that the ministry explore the introduction of a supervisory correctional officer position (i.e., Correctional Officer 3 [CO3]) to facilitate staff mentorship and assist with compliance and preventative security. Introduction of a supervisory correctional officer position is dependent on the review and potential reclassification of all correctional officer positions by post requirements.

- 2.17.** I recommend that appropriate role competencies be created for each of the correctional officer classifications (Correctional Officer 1 [CO1] through Correctional Officer 3 [CO3]) and that positions be filled based on a candidate's ability to meet these competencies.

### 3. Operational Practices

For the majority of men and women in custody in Ontario’s correctional institutions, an act of violence is not listed as their most serious offence (MSO) in the Offender Tracking Information System (OTIS).<sup>82</sup> Between 2010 and 2017, the *number* of individuals in custody for violent offences in Ontario’s correctional facilities has remained stable, yet, due to the overall declining inmate population, the *proportion* of inmates in custody for violent offences increased slightly (39% in 2010 to 42% in 2017).<sup>83</sup> Moreover, while violent misconducts increased during 2010 – 2017, there was no relationship found between being in custody for a violent charge and actual involvement in violent misconduct.<sup>84</sup>

In the Toronto South Detention Centre (TSDC) *Case Study*, it was found that the inmate population during 2017 was mostly young (40% under age 30 and 71% under age 40), held on remand (83%), and half were in custody for a violent charge as their MSO.<sup>85</sup> Similarly, the 145 individual inmates involved in reported inmate-on-staff incidents at TSDC in 2017 were mostly on remand (85%), but a larger proportion was young (nearly 60% under age 30 and 83% under age 40) and 62% were in custody for a violent charge as their MSO (Figure 5).<sup>86</sup> The TSDC *Case Study* further explains the limitations on forming conclusions based solely on MSO data, due to the lack of comparable information pertaining to the inmate population not involved in reported inmate-on-staff incidents, that charges alone do not equate to convictions, and the violent/non-violent categorization is incompatible with the current OTIS ranking system of charge types (see Section A-II. Inmate-on-Staff Incidents, 2017 In-Depth Analysis, Inmates Involved in Incidents).

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<sup>82</sup> IROC, Interim Report, *supra* note 9 at 35. MSO categorization included “homicide and related”, “serious violent”, “violent sexual”, and “assault and related” offences.

<sup>83</sup> *Ibid.*

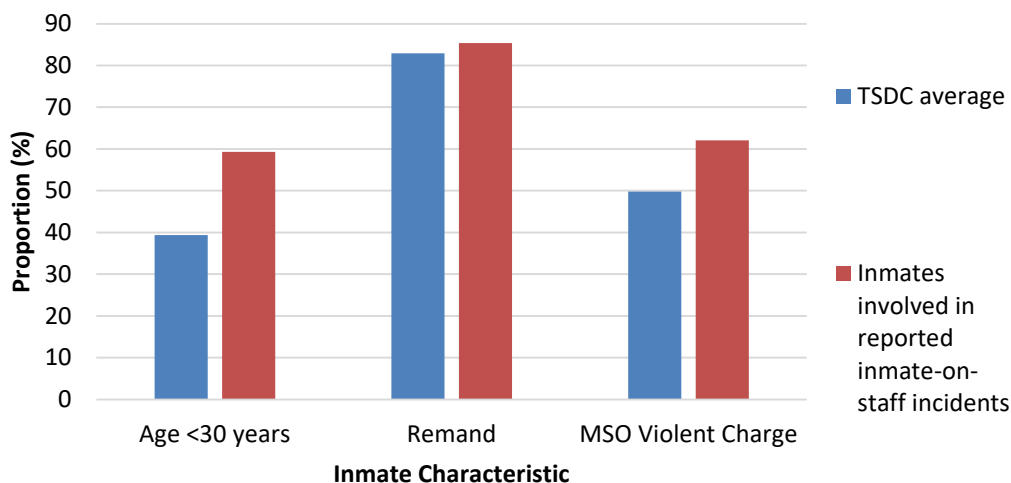
<sup>84</sup> *Ibid.*

<sup>85</sup> The TSDC inmate population is a representation based on averages that were calculated using monthly snapshot data of the TSDC inmate population – not including inmates housed in the Toronto Intermittent Centre – during 2017.

<sup>86</sup> The MSO for each inmate on the date of the inmate-on-staff incident was verified in OTIS. For the majority of inmates involved in multiple incidents, the MSO for which they were in custody on the date of the incident was violent for all incidents, or non-violent for all incidents. There were seven inmates involved in multiple incidents during multiple periods in custody where the MSO for each custody term was at times for a violent offence and at other times a non-violent offence. These inmates were included in the “MSO-violent” category to identify a presence of a violent charge at any point in 2017.



Figure 5. Age, Holding Type, and Most Serious Offence for Inmates at TSDC in 2017



In the *Interim Report*, the Independent Review Team examined the control mechanisms that are currently available to correctional employees, as well as tools not currently available but that have been proposed by frontline staff. Control mechanisms reviewed in the *Interim Report* included disciplinary segregation, conducted energy weapons (CEWs), and cell door meal hatches with a ‘sally port’ function. Additionally, operational practices including security classification, inmate housing, and programming were examined.

### Control Mechanisms

The *Interim Report* found that the number of misconducts issued in provincial institutions increased between 2010 and 2017. Further, with respect to disciplinary segregation imposed following a misconduct, the Independent Review Team discovered that, while Ontario correctional institutions experienced a decrease in disciplinary segregation placements following the release of a ministry directive in October 2016, segregation continued to be frequently used as a disciplinary tool. The TSDC *Case Study* provided additional evidence that disciplinary segregation was not only utilized, but was actually employed in the large majority of formal misconducts against staff with guilty findings in 2017. At TSDC, of 102 misconducts with findings of guilt linked to reported inmate-on-staff incidents of violence in 2017, 75 (74%) resulted in a close confinement (i.e., disciplinary segregation) sanction.

Some frontline correctional staff and the Ontario Public Service Employees Union (OPSEU) members of the Provincial Joint Occupational Health and Safety Committee (PJOHSC) have proposed CEWs as an option to respond to institutional violence. The Independent Review Team conducted a jurisdictional scan to examine the use of CEWs in correctional facilities across Canada and discovered that, in each jurisdiction where the use of CEWs were piloted or

implemented, they are either rarely used or use has been discontinued entirely due to a lack of evidence linking their use to a reduction in institutional violence.<sup>87</sup> Moreover, some research indicates that individuals experiencing behavioural and health disorders (such as mental health and substance use disorders) are more likely to have their behaviour perceived as resistance by those armed with CEWs, and, as a consequence, disproportionately have CEWs used against them.<sup>88</sup> In spite of this evidence, as well as research showing that there is a high potential for abuse when CEWs are implemented in correctional settings – which has resulted in numerous inmate fatalities and wrongful death lawsuits<sup>89</sup> – OPSEU members of the PJOHSC remain convinced that Ontario’s experience would be different and advocate for the implementation of these weapons in provincial institutions.

Correctional officers have also suggested implementation of specialty cell door meal hatches to prevent violent incidents that occur through open hatches. While 19%<sup>90</sup> of respondents across Ontario’s institutions expressed this view, it was especially common at TSDC, where 42%<sup>91</sup> of respondents indicated that implementing this measure would most increase staff safety. The Independent Review Team canvassed the jurisdictional and academic literature to identify best practices and assess the viability of adopting this strategy in Ontario’s provincial institutions. The Independent Review Team was unable to identify any research examining the use of cell door meal hatches with a ‘sally port’ function and their utility as a means of reducing institutional violence has not been established.<sup>92</sup>

Currently, the ministry does not collect data pertaining to whether or not reported inmate-on-staff incidents occurred through the cell door meal hatch. The Independent Review Team was able to conduct this specific analysis on reported incidents at TSDC in its in-depth *Case Study*, and found that not including threats, 80 reported inmate-on-staff incidents (43%) in 2017

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<sup>87</sup> IROC, Interim Report, *supra* note 9 at 67-68.

<sup>88</sup> Melissa S. Morabito et al., “The Nature and Extent of Police Use of Force in Encounters with People with Behavioral Health Disorders,” *International Journal of Law and Psychiatry* 50, (2017): 31-37.

<sup>89</sup> Peter Eliser, Jason Szep and Charles Levinson, “Inmate Deaths Reveal “Torturous” Use of Taser” *Reuters* (December 6, 2017). Online: [www.reuters.com/investigates/special-report/usa-taser-jails](http://www.reuters.com/investigates/special-report/usa-taser-jails).

<sup>90</sup> Based on 211 (of 1,130) respondents who selected “cell hatches with sally port function” as one of their top five choices of measures that would most increase staff safety at their current institution (Appendix B, Table B-5).

<sup>91</sup> Based on 110 (of 262) TSDC respondents who selected “cell hatches with sally port function” as one of their five potential choices of measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

<sup>92</sup> IROC, Interim Report, *supra* note 9.

occurred through the cell door meal hatch. As expected, the large majority (79%) of all throwing-related incidents (i.e., of items, liquids, or bodily fluids/substances) occurred through the cell door meal hatch. The majority of incidents that occurred through these hatches occurred in a Segregation Unit, and large proportions of the remaining incidents occurred in a Special Handling Unit or Mental Health Assessment Unit. The TSDC *Case Study* data suggests that cell door meal hatch-related incidents may be restricted to a subgroup of the inmate population that could be appropriately identified, allowing for precautionary measures to be adopted to avoid such incidents.

While the widespread implementation of cell door meal hatches with a ‘sally port’ function would be ill-advised given the lack of evidence supporting their effectiveness, it may be advisable to consider retrofitting a very limited number of cell door meal hatches in some of Ontario’s institutions for appropriately classified inmates housed on specific units (e.g., Behavioural Care Units). It would be important to ensure that this strategy be implemented alongside other measures (e.g., multi-security units, evidence-based security classification tools, inmate programming, and additional staff training) and implemented after the development of ministry policy governing the proper use of these hatches. Furthermore, rigorous data collection during this pilot study is essential to allow for the assessment of this strategy and its potential benefits and shortcomings. Evaluation of the pilot study must consider demographic information pertaining to the inmates whose cell door(s) is equipped with these specialty meal hatches, other interventions initiated (i.e., programs, additional clinical supports), and outcomes while the specialty hatch is and is not in use (including reported inmate-on-staff violence and inmate-related outcomes such as self-harm or distress).

### *Inmate Intake Assessment and Classification*

The inmate population varies substantially across institutions, based on many factors including geographic location (e.g., urban centres or rural areas) and purpose of the facility (e.g., sentenced or remand centre). As a result, the services required for each institution’s inmate population will vary as well. It is essential that classification, housing and programming needs be tailored to the risk and needs of the inmate population and that consideration be given to overrepresented and vulnerable populations.<sup>93</sup>

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<sup>93</sup> Independent Review of Ontario Corrections, *Corrections in Ontario: Directions for Reform* (Ottawa: Independent Review of Ontario Corrections, Government of Ontario, September 2017). Online: <https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/Corrections%20in%20Ontario%2C%20Directions%20for%20Reform.pdf>.

Presently, one indicator of behavioural risk is the presence of an active alert(s) in the Offender Tracking Information System (OTIS). Alerts can be added to an inmate's information in OTIS by most frontline correctional employees. Some alerts have automatic expiry dates following release from custody (e.g., suicide risk alert), but other alerts do not (e.g., gang affiliation). For alerts that do not automatically expire, the onus is on correctional employees to access OTIS and remove an active alert that is no longer relevant. Thus, it is possible that some alerts unnecessarily remain active. This can be particularly problematic, as the current practice for determining custody rating, housing assignment, program access, institutional work assignment, and other elements of sentence management is largely based upon notes in OTIS.<sup>94</sup>

It is essential that OTIS alerts be structured around an evidence-based tool of risk classification; at present, however, it appears that inmates may be assigned a particular OTIS risk alert based solely on the discretion of correctional employees. For OTIS alerts to be effective, they must be accurate and verified; for example, an inmate assigned a Mental Health alert should have this status confirmed by a clinician and not just be dependent on the observation of any correctional employee who may lack clinical training. OTIS is a database accessible across institutions and can play an important role in relevant information sharing in real-time, particularly as individuals may be transferred from one facility to another or be released and supervised in the community. However, lacking verification, the standardization of alerts, and quality control to ensure that only the most relevant alerts remain active in OTIS, the system will continue to lack the reliability necessary for it to be utilized as a classification and management tool.

The *Interim Report* emphasized the importance of effective risk management through evidence-based classification and risk analyses to determine institutional security and inmate housing needs. The Independent Review Team found that the Ministry of Community Safety and Correctional Services (MCSCS) does not conduct regular security risk or classification assessments despite evidence-based research and policies across Canada and much of the

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<sup>94</sup> The ministry conducts a Level of Service Inventory – Ontario Revision (LSI-OR) assessment for inmates provincially sentenced for 30 days or longer, and an Adult Institution Initial Assessment and Placement Report (AIIAPR) for inmates sentenced to less than 30 days. The LSI-OR informs the Program Plan for inmates serving sentences of more than six months, though the Independent Review Team reported in the *Corrections in Ontario: Directions for Reform* report that most institutions are not using Program Plans and staff members, when interviewed, were generally unaware of the obligation to do so.

world suggesting that regular assessment and proper classification of inmates can reduce institutional violence.<sup>95</sup>

**Textbox 5. Example of Offender Tracking Information System Alerts**

<b>Type</b>	<b>Example</b>
<b>Substance Abuse</b>	Known substance abuse history/treatment
<b>Dangerous Offender</b>	Dangerous offender; long term offender
<b>Physical Health</b>	Communicable disease; physical disability/impairment
<b>Mental Health</b>	Bizarre/abnormal behaviour; psychiatric treatment; developmental delay
<b>Intensive Supervision</b>	Pose significant imminent threat to life or of serious bodily harm to specific victim(s), target group(s), or general public while in the community
<b>Management Risk</b>	Disruptive/combatant during admission; violent offence – current/previous
<b>Protective Custody</b>	Needs to be separated and protected from general inmate population
<b>Special Security</b>	Known to be assaultive to staff; known to carry weapon
<b>Suicide Risk</b>	Previous suicide attempt; on suicide watch
<b>Member Security Threat Group</b>	Gang or organized crime affiliation; radical or terrorist group connection
<b>Trans Person</b>	Self-identifies as gender non-conforming, may require specialized search protocol

<sup>95</sup> Ryan M. Lebreque and Paula Smith, “Reducing Institutional Disorder: Using the Inmate Risk assessment for Segregation Placement to Triage Treatment Services at the Front End of Prison Sentences,” *Crime & Delinquency* (2017) (hereafter, Lebreque and Smith, Reducing Institutional Disorder); IROC, Interim Report, *supra* note 9; Paul Gendreau and David Keyes, “Making Prisons Safer and More Humane Environments,” *Canadian Journal of Criminology* 43, no. 1 (2001).

In response to the IROC Institutional Violence Survey, 25%<sup>96</sup> of respondents selected “internal inmate classification” as one of their top five elements that would enhance staff safety at their current institution. The benefits of appropriately screening and classifying inmates were reflected in the sentiments expressed by frontline staff, including one officer who stated:

I truly believe that if we can properly implement and appropriately classify the inmates in our care to the best of our abilities institutional violence can be mitigated. It is understandable that in our line of work an individual may become angry, agitated, or have a crisis. These individuals may have violent and unpredictable outbursts [...] If we can identify those inmates who are more prone to have violent outbursts then we can classify them appropriately and provide proper alternative housing and specialized clinical and correctional teams to better implement functional programming to these individuals.

The ministry has acknowledged the need to implement an evidence-based security screening tool and has created an Advisory Group to develop a risk-based security classification instrument to “sort inmates into security levels based on their likelihood of institutional violence, frequent misconduct, and/or escape”.<sup>97</sup> The ministry has procured the services of an academic advisor to support the development of a security classification process and tool, however, to date, no such instrument has been implemented. This lack of a province-wide solution has resulted in localized efforts being developed and applied at various institutions.

For example, as the first direct supervision facility in Ontario, it was imperative that TSDC develop an internal classification system and it is one of the few provincial institutions that actively uses an internal screening tool to classify inmates based on housing needs.<sup>98</sup> Currently, TSDC relies upon the Internal Placement Report (IPR) to classify inmates and to determine their institutional placement (e.g., direct supervision vs. indirect supervision).<sup>99</sup> The TSDC IPR is

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<sup>96</sup> Based on 277 (of 1,130) respondents who answered the question (Appendix B, Table B-5).

<sup>97</sup> June 5, 2018 Inmate Risk Assessment Slide Presentation for the Risk Based Screener for Classification: Advisory Group.

<sup>98</sup> The Toronto South Detention Centre, South West Detention Centre, and Vanier Centre for Women are the only provincial correctional facilities in Ontario to use internal classification tools.

<sup>99</sup> Direct Supervision (“DS”) refers to a supervision model where correctional officers are stationed inside inmate living units in order to promote direct, continuous interaction with inmates. Through these interactions, correctional staff takes charge of the unit and are able to actively manage behaviour and address minor issues before they become more significant problems. The model is also predicated on physical plant requirements to reduce problematic behaviour by housing inmates in more normalized units with access to programs and activities

divided into eight sections and scores inmates on a number of behavioural measures (e.g., whether the inmate follows direction, is cooperative, has positive interactions with authority and other inmates), past and current violent offences, previous dispositions, behaviour management concerns (e.g., previous institutional misconducts, assaults on staff/police or inmates), and considers any accommodation issues and programming needs. The current IPR in use at TSDC is not evidence-based and has not been evaluated nor validated.<sup>100</sup>

Ideally, inmates at TSDC are classified within days of arriving at the facility, although the institution advised the Independent Review Team that “there is not a set timeframe” and the classification process can be lengthy and may be influenced by lockdowns, institutional staffing, safety concerns, inmate court dates, and other relevant classification factors such as gang

*“I honestly believe that the Direct Supervision [DS] model is the way to go however there has to be [...] proper internal and external classification of all inmates on an ongoing basis - there also has to be conditions set where an inmate can be deemed ‘Not DS suitable’ and alternatively housed in a non-DS facility as we all know not every inmate is suitable for DS...”*

Correctional Officer  
South West Detention Centre

affiliations, non-associations, and ‘keep separates’.<sup>101</sup>

Following the completion of the IPR assessment, inmates are housed on one of TSDC’s direct or indirect supervision units.

While some staff expressed concern with the current IPR classification tool and the operational processes being

implemented to assess and classify inmates at TSDC, it is worth noting that the Independent Review Team found that fewer incidents of reported inmate-on-staff violence occurred on direct supervision units.<sup>102</sup> The TSDC *Case Study* revealed that, although about 43% of a

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designed to keep inmates meaningfully engaged throughout the day. The majority (32) of inmate living units at TSDC are designed to support the direct supervision inmate management model while the remaining units (11) operate using the indirect (remote) supervision model.

<sup>100</sup> For further description of the development of the IPR, see Appendix A. Case Study: Toronto South Detention Centre.

<sup>101</sup> According to the ministry’s *Offender Non-Association* policy, non-association between two offenders is “only recorded in OTIS if it is court ordered and/or a decision is made by senior management for administrative reasons”. In circumstances where local managers determine that two inmates need to be kept apart from one another, the institution will identify these inmates as ‘keep separates’ and put a non-association alert into OTIS. The term ‘keep separates’ does not appear in the Institutional Services Policy and Procedures Manual.

<sup>102</sup> Ministry data suggests that inmate-on-inmate violence may be less prevalent in direct supervision facilities as well. In 2017, there were 269 reported inmate-on-inmate assaults at

snapshot of the inmate population from 2017 was housed on a general population<sup>103</sup> direct supervision unit, only about 10% of all reported inmate-on-staff incidents (26 of 252) in that year occurred on such units. Other unit types (e.g., Segregation, Special Handling Unit [SHU], Behavioural Management Unit [BMU]) were overrepresented in reported incidents, given the proportion of the inmate population that is housed in them. While not conclusive, these findings support the belief that a subgroup of the inmate population may be more likely to engage in institutional violence, which, in turn, point to the benefits of appropriate classification and housing of inmates.

### *Multi-level Housing Units*

Once classified, it is imperative that inmates are appropriately housed based on their identified security risk and programming or treatment needs. A number of correctional employees indicated that the availability and proper use of alternative housing was integral to the success of institutional operations. For instance, 14%<sup>104</sup> of respondents to the IROC Institutional Violence Survey believed that alternative housing contributed to staff safety at their current institution while 18%<sup>105</sup> felt that safety could be enhanced by more alternative housing. Correctional officers, sergeants, and senior administrators from various correctional facilities across Ontario reported that inadequate “housing alternatives” or “lack of options to house problematic inmates” hindered the success of the supervision model at their institution.

The ministry has recently made efforts to standardize institutional housing units throughout the province. For instance, the *Correctional Services and Reintegration Act, 2018*, which received Royal Assent in May 2018, distinguishes between general population housing (“housing for

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TSDC, while other institutions with comparable or smaller inmate populations but operating under indirect supervision models reported more inmate-on-inmate assaults (e.g., 423 at Central East Correctional Centre, 368 at Hamilton-Wentworth Detention Centre, 316 at Elgin-Middlesex Detention Centre).

<sup>103</sup> It was not possible to obtain an average inmate count by unit for TSDC in 2017, therefore a breakdown of inmates by unit type was based on a randomly chosen daily count from TSDC on October 30, 2017. It was necessary to exclude inmates housed in protective custody on direct supervision units due to the inconsistency in number of hours of unlock that these inmates received during 2017. For a more detailed explanation of TSDC hours of unlock by unit, please refer to Appendix A. *TSDC Case Study*.

<sup>104</sup> Based on 156 (of 1,130) respondents who selected “alternative housing” as one of their top five choices of measures that contribute most to staff safety and their institution (Appendix B, Table B-4).

<sup>105</sup> Based on 206 (of 1,130) respondents who selected “more alternative housing” as one of their top five choices of additional measures that would most increase staff safety at their current institution (Appendix B, Table B-5).



inmates within a correctional institution, other than alternative housing”) and alternative housing (“housing for inmates who require accommodation or services that cannot be provided within the general inmate population, and includes prescribed types of housing”).<sup>106</sup> The new legislation further defines segregation<sup>107</sup> as a condition of confinement, rather than a housing unit.

Changes to ministry policy governing the placement of special management inmates<sup>108</sup> have also been implemented. In January 2018, the Human Rights Tribunal of Ontario issued a Consent Order that stemmed from an earlier agreement to implement public interest remedies in settlement of a complaint brought by Christina Jahn.<sup>109</sup> The Consent Order required that the province define and set out in policy a definition of segregation by June 29, 2018.<sup>110</sup> The Order further mandated that Ontario “identify and categorize all housing placements other than general population (“alternative housing”) based on the conditions of confinement therein” and stipulated that definitions of alternative housing be included in relevant policy by June 29, 2018, and applied across the provincial correctional system by December 31, 2018.<sup>111</sup> In complying with the Order, the ministry released its revised policy regarding the placement of special management inmates in July 2018. The policy outlines two distinct categories of housing options, each of which is further divided into a number of sub-categories (Textbox 6).<sup>112</sup>

Unfortunately, there has been a lack of guidance on how to operationalize these units, and, despite the recent policy revision, Ontario’s provincial facilities continue to operate an array of

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<sup>106</sup> *Correctional Services and Reintegration Act, 2018*, Part V (received Royal Assent May 2018).

<sup>107</sup> Segregation refers to “any type of custody where an inmate is highly restricted in movement and association with others for 22 hours or more a day”.

<sup>108</sup> “Special management inmate” is defined in ministry policy as “an inmate who requires special care services, including physical, mental, and behavioural (i.e., those whose behaviour or potential behaviour could be harmful to the inmate or others which may require minimal contact with other inmates)”. See MCSCS, *Institutional Services Policy and Procedures Manual: Inmate Management: General Inmate Management: Placement of Special Management Inmates* (Government of Ontario, July 2018) at s. 4.16 (hereafter, MCSCS: Placement of Special Management Inmates).

<sup>109</sup> In October 2012, Christina Jahn filed a human rights complaint regarding her detention in segregation and receiving inadequate mental health care. In September 2013, the Government of Ontario agreed to settle Jahn’s claim, including ten public interest remedies. Between 2014 and 2016, MCSCS completed a range of reports and policy changes to fulfill the public interest remedies.

<sup>110</sup> *Ontario Commission of Human Rights v. Ontario (Community Safety and Correctional Services)*, 2018 HRTO 60 (hereafter, OCHR v. Ontario).

<sup>111</sup> *Ibid.*

<sup>112</sup> MCSCS: Placement of Special Management Inmates, *supra* note 108.

housing units with different names and various operational procedures. The TSDC *Case Study* (Appendix A) revealed that the institution has a number of specialty units including intake, segregation, special handling, behavioural management, mental health assessment, special needs, medical, and infirmary. The names and current operating procedures of these units are not yet consistent with the July 2018 ministry policy revisions.

Correctional officers at TSDC indicated in the IROC Institutional Violence Survey that “step-down units” and the use of segregation and other restrictive units were positive means to manage “inmates that are not suitable” for direct supervision, thereby contributing to the success of the inmate supervision model. However, as noted earlier, although this may contribute to fewer reported inmate-on-staff incidents on direct supervision units, reported inmate-on-staff incidents in fact increased on these specialized units at TSDC in 2017. This underscores the need for additional resources and supports, and highlights that restrictive or alternative housing alone will not prevent institutional violence.

#### **Textbox 6. MCSCS Housing Options**

1. General Purpose (Operational)
  - i. General Population: refers to the group of inmates that do not require specific placement or special housing location.
  - ii. Protective Custody (which is a sub-set of General Population): The separation of an inmate from the general population where the inmate requires protection from other inmates due to their vulnerability or nature of their offence. These inmates are housed together in a separate unit from those inmates housed in general population. Inmates will be provided the same out of cell time as general population during day time hours (hours of unlock are determined by each institution) and can associate with other inmates in their units or other protective custody inmates on a regular basis.

**(Textbox 6 continued)**

2. Special Purpose

- i. **Medical Placement:** The isolation of an inmate for health care purposes as recommended by clinical staff (e.g., to prevent the spread of infection, temporary medical observation or treatment). Inmates will be provided the same out of cell time as general population on a case by case basis (when operationally feasible and medically cleared). However, if unable to allow all inmates out of cell at the same time, rotational unlock time of three hours minimum may be required and association with others will be approved and cleared by clinical staff.
- ii. **Specialized Care (alternative housing),** which can be defined into four types of housing units:
  - **Stabilization Unit:** This unit is used as a short term stay for inmates that present with acute mental health symptoms that require immediate mental health assessment and/or stabilization. These inmates require intensive mental health services including those who exhibit self harming behaviours, considered a risk to themselves or others, including suicide watch. Inmates are highly restricted in movement and association with others while on this unit. Inmates' out of cell time will be rotational unlock of three hours minimum (if approved by mental health provider) and association with others will be approved and cleared by clinical staff. The goal is to stabilize and reintegrate these inmates into a general purpose or other specialized care unit.
  - **Behavioural Care Unit (formerly behavioural management unit, step-down):** This unit is used for inmates who need to be separated from the general population or protective custody based on serious behavioural concerns (i.e., aggression, violence, intimidation, etc.) for safety and well being of the inmate, other inmates and staff but still not isolated from other compatible inmates and social interaction. Inmates will be provided the same out of cell time as general population (when operationally feasible) during day time hours (hours of unlock are determined by each institution). However; due to behavioural concerns, rotational unlock of at least three hours a day may be required and association with other inmates may be more restrictive. Programs, services and fresh air period may be tailored to smaller groups or

**(Textbox 6 continued)**

on an individual basis due to safety and security concerns. Inmates in these units may not necessarily have a mental health diagnosis but safety is a primary concern.

- **Special Needs Unit:** Is a longer term housing placement designed primarily for Code related and unique circumstances that require special service provisions or programming. Inmates will be provided the same out of cell time as general population (when operationally feasible) during day time hours (hours of unlock are determined by each institution). However; due to compatibility, possible rotational unlock of at least three hours a day may be required and association with other inmates may be more restrictive. An inmate with a special need meets one or more of the following criteria:
  - A developmental or cognitive disability;
  - A physical disability (e.g., restricted mobility, deaf, blind, etc.) that cannot be accommodated in general population or protective custody; and/or,
  - Other identified Code related needs or unique circumstances identified by the Inter-professional Team.
  
- **Supportive Care Units:** Is for vulnerable inmates who need to be separated from the general population or protective custody based on mental health concerns for safety and wellbeing but not isolated from other compatible inmates and social interaction. Inmates will be provided the same out of cell time as general population (when operationally feasible) during day time hours (hours of unlock are determined by each institution). However; due to compatibility, rotational unlock of at least three hours a day may be required and association with other inmates may be more restrictive. Inmates who present with acute, serious or chronic mental illness/disorder, addiction or concurrent disorder, dual diagnosis or development disability (i.e., developmental or cognitive disability), autism spectrum disorder, fetal alcohol spectrum disorder, brain injury or symptoms (diagnosed or undiagnosed) who require interim intensive support and services due to condition are placed in this unit. Inmates will have association with others that will include clinical and mental health providers.<sup>113</sup>

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<sup>113</sup> *Ibid.*

## *Programming*

Identifying appropriate institutional placement based on security risk classification and inmate need is the first step in smoother institutional operations. Aligning individual treatment and programming needs to correspond with institutional housing placements is the next logical step in fostering rehabilitation and reintegration efforts. Providing and ensuring access to appropriate programming for inmates has been recognized in the empirical literature as a crucial component of evidence-based correctional practice, and has been linked with benefits such as reducing the potential for institutional misconducts and violence among inmates.<sup>114</sup>

The *Interim Report* further examined incidents of reported inmate-on-staff violence at Ontario's three correctional treatment facilities and highlighted the Ontario Correctional Institute (OCI) as having the lowest reported incidents of inmate-on-staff violence between 2012 and 2017 (total of six reported incidents).<sup>115</sup> OCI is a 186-bed facility that houses provincially-sentenced male inmates who have been deemed to be compatible with the medium-security environment and treatment programs offered at the institution. Typically, inmates must have a sentence of six months or more in order to be admitted to OCI.

OCI is commonly viewed as a unique correctional environment by virtue of its more available clinical resources, engaged correctional staff, emphasis on inmate programming, a pre-screening process prior to admission, assessment during orientation that includes determination of individualized programming needs, employee and inmate relationship, and working environment. In the IROC Institutional Violence Survey correctional employees at OCI acknowledged these features and also offered "extra freedoms", "good food", "ample recreation time", "open setting/no cells/no bars" and "case management" as aspects that facilitate the success of the institution's inmate supervision model. These are all elements of evidence-based correctional practices,<sup>116</sup> many of which can be – and are currently being – replicated in other provincial institutions.

*"OCI is a unique facility that is supported by its physical design, relationship custody, programming, clinical resources and engaged Correctional Staff. When there is a deficit in any of these areas the OCI model suffers."*

Senior Administrator  
Ontario Correctional Institute

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<sup>114</sup> French and Gendreau, Reducing Misconducts, *supra* note 11; Huebner, Inmate Violence, *supra* note 11.

<sup>115</sup> IROC, Interim Report, *supra* note 9.

<sup>116</sup> Bonta and Gendreau, Cruel and Unusual, *supra* note 30; Cullen et al., Prisons, *supra* note 30; French and Gendreau, Reducing Misconducts, *supra* note 11.

Perhaps unsurprisingly, in response to the IROC Institutional Violence Survey, 93%<sup>117</sup> of correctional employees from the OCI reported that they felt safe working at that institution while over half (63%<sup>118</sup>) advised that they never worried about being assaulted by an inmate. In addition, a number of respondents from other provincial correctional facilities listed OCI as an institution they would like to work at, and would feel safer working in compared to their current institution.<sup>119</sup>

*Figure 6. Inmate Recreation Areas, OCI*



- ❖ From left to right: recreation area with two billiard tables available for inmate use; section of gymnasium with stationary exercise bicycles and table tennis equipment.

*Figure 7. Communal Living and Dining Areas, OCI*



- ❖ From left to right: single-bed dorm with individual desks and lockers; communal dining room with numerous moveable metal tables and chairs.

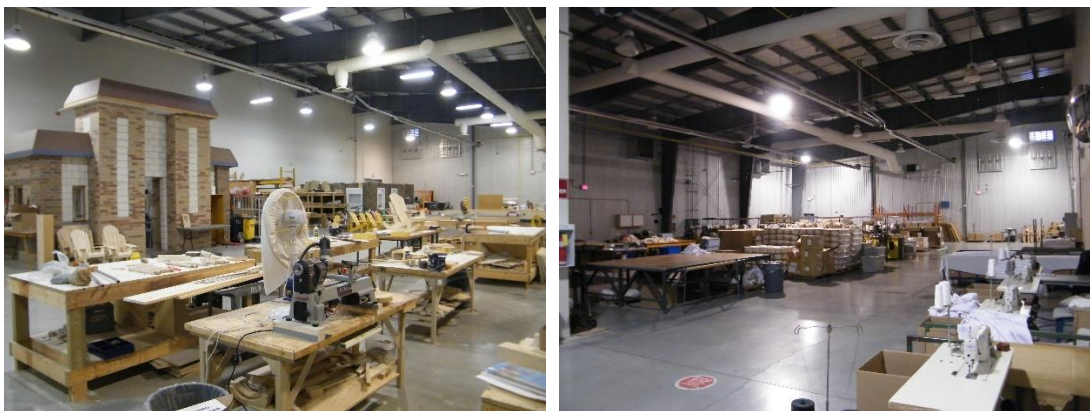
<sup>117</sup> Based on 39 (of 42) respondents from OCI who either agreed or strongly agreed with the statement “I feel safe working at my current institution”.

<sup>118</sup> Based on 25 (of 40) respondents from OCI who indicated that they “never” worried about being assaulted by an inmate.

<sup>119</sup> IROC Institutional Violence Survey respondents were asked, “If you would want to work at another institution, please indicate which institution(s)” and “If you would feel safer working at a different institution, please indicate which institution(s)”.

Other institutions that have established inmate programs include Central North Correctional Centre (CNCC), which employs eight teachers from Simcoe County District School Board who facilitated the continuing education program offered at the facility. The institution reported that it is the largest adult learning centre in Simcoe County and an audit of the most recent school year, which ran from September 2017 to August 2018, revealed that 90 inmates graduated and that a total of 2,149 credits were earned. Moreover, CNCC employs a dedicated skills and trade manager, a program manager for vocations and industries, and two trade instructors who provide vocational learning and skills supervision. All of these positions facilitate programming designed to enhance employability following release from custody and enable inmates to develop vocational skills while under the ministry's care. Some of the courses offered at CNCC between September 2017 and August 2018 included "Intro to Business Computers",<sup>120</sup> "Communications Technology",<sup>121</sup> and a carpentry program. The institution reported that 51, 37, and 25 inmates, respectively, were enrolled in these courses between September 2017 and August 2018.

*Figure 8. Inmate Program Areas, CNCC*



- ❖ From left to right: inmate carpentry workshop for skills and trades training at CNCC with access to power tools; Trilcor Industries'<sup>122</sup> knitting and weaving workshop for inmate vocational training related to fabrics and textiles, with access to sewing machines and large tables.

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<sup>120</sup> CNCC advised that the course introduces students to Microsoft Office, including Excel, and offers instructions on résumé writing and drafting business correspondence.

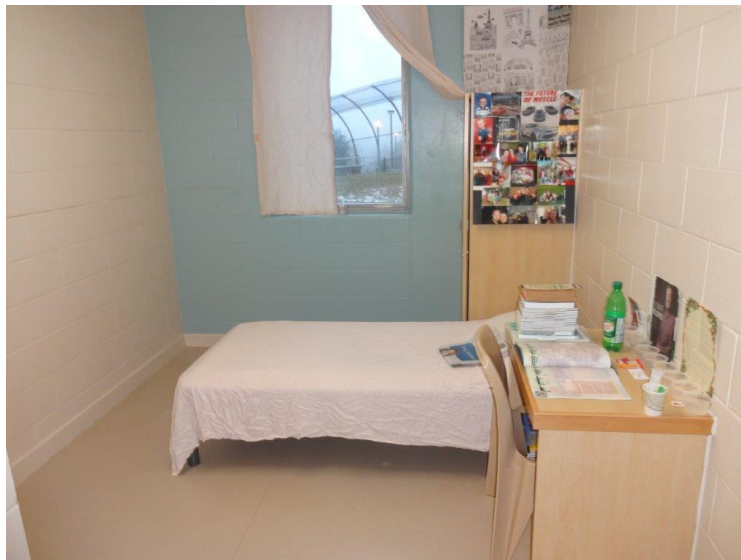
<sup>121</sup> CNCC advised that the course provides instruction on digital imagery and web design.

<sup>122</sup> Trilcor Industries provides work experience for sentenced inmates at four provincial institutions, Central East Correctional Centre, CNCC, Maplehurst Correctional Complex, and Monteith Correctional Complex.



Similarly, the St. Lawrence Valley Correctional and Treatment Centre (SLVCTC) has adopted several evidence-based correctional practices. SLVCTC is designated as a Schedule 1 hospital and, in essence, functions as a hospital within a correctional facility for provincially-sentenced males with major mental illness.<sup>123</sup> SLVCTC has 100 beds<sup>124</sup> and residents are housed in single occupancy rooms on one of the institution's four self-contained living units after undergoing security classification. SLVCTC enables inmates to "access needed psychiatric treatment in a safe and secure environment while providing needed correctional intervention aimed [at reducing] future involvement with the criminal justice system". The institution offers a number of programs and treatment options (including psychological and pharmacological) and has the capacity to provide non-consensual treatment to residents.

*Figure 9. Resident Room, SLVCTC*



- ❖ This image is of a standard single occupancy room at St. Lawrence Valley Correctional and Treatment Centre. It has an unobstructed window with curtains, a desk with moveable chair, and a personal wardrobe.

Unlike OCI, CNCC, and SLVCTC, the Kenora Jail houses both sentenced and remand inmates. The district jail offers an impressive selection of programs, many of which are founded on partnerships with the community. Furthermore, social workers at Kenora Jail frequently attend programming with female inmates in the community. It is common for escorted temporary absences to be granted to the female population in Kenora to enable women housed at the institution to access programs that are only offered in the community.

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<sup>123</sup> Major mental illness refers to a "primary diagnosis of psychotic disorder, major mood disorder, or major anxiety disorder".

<sup>124</sup> The institution advised that there are an additional eight special purpose beds.



The importance of inmate programming was reflected in the views expressed by several correctional employees. For instance, one correctional officer stated, “until we maintain discipline and order with better programs that give individuals the ability to succeed in society corrections today is a fail”. Similarly, a sergeant with over 15 years of experience working for the ministry reported:

over my years working with both male/female young offenders, and adult male offenders, they thrive on keeping busy, rules, regulations and consistency. They like to know what their day looks like, they enjoy routine, even if it’s just staff enforcing the same rules day in and day out. Programming needs to happen, outside time needs to happen, telephone calls, showers need to happen.

More broadly, the Independent Review Team found that the majority of correctional employees (58%<sup>125</sup>) believed that the purpose of incarceration was rehabilitation and eventual

*“Programs are essential and should be mandatory. If programs do not happen there should be reports as to why and efforts to ensure the issues are addressed.”*

Social Worker  
Central Region

reintegration. Interestingly, while empirical evidence suggests that programming is key to rehabilitation and can mitigate institutional violence,<sup>126</sup> only 14%<sup>127</sup> of respondents prioritized programming as a key aspect that contributed most to staff safety at their institution and only 16%<sup>128</sup> felt that additional programming would most increase staff safety.

Some frontline staff expressed concern regarding the programming currently available to inmates at their institution. One seasoned officer wrote, “it seems to me that the successful model for female inmates was abolished when the original Vanier in Brampton closed. There were work programs available to provide the women with skills and keep them productive. Additionally the women had liberal access to educational programs and liberal access to fresh

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<sup>125</sup> Based on 703 (of 1,215) respondents who agreed or strongly agreed with the statement “the purpose of incarceration is rehabilitation and eventual reintegration”.

<sup>126</sup> French and Gendreau, Reducing Misconducts, *supra* note 11; Huebner, Inmate Violence, *supra* note 11.

<sup>127</sup> Based on 159 (of 1,130) respondents who selected “programming” as one of their top five choices of measures that contribute most to staff safety at their institution (Appendix B, Table B-4).

<sup>128</sup> Based on 186 (of 1,130) respondents who selected “additional programming” as one of their top five choices of additional measures that would most increase staff safety at their current institution (Appendix B, Table B-5).

air". The officer further advised that, "at [my] current location [inmates] have limited access to these. Due to the crisis in staffing over the past years inmates are subjected to extended lockdowns and have limited access to what few available programs we have. More life skill programming would be an asset". Similarly, another respondent reported that, "we current[ly] allow inmates out of their cells for 6 hr per day [...] What kind of treatment is this? [...] I would like to see the changes to the amount of time inmates are allowed out of their cells. This allows for the initiation of more programs geared toward rehabilitation (school, trade). Zero rehabilitation happens at this jail". Lastly, a veteran officer submitted, "we lack any sort of meaningful programming. Addiction is a huge problem that we are ignoring", while a recreational officer advised, "that recreation can have positive impacts of reintegration... [but there were] huge limitations given our available space and condition of the jail" and that "programming is inconsistent, irregular and not available enough to make a difference".

*"[...] institutions require more resources and physical space to carry out the appropriate programming to assist with inmate rehabilitation – the union needs to get onboard with rehabilitation."*

Sergeant  
Northern Region

In addition to limitations on the availability and delivery of inmate programming due to space, financial resources, and staff shortages, which may result in lockdowns that hinder consistency, some correctional employees advised that staff attitudes may adversely impact operations. For example, one respondent emphasized the value of inmate programming and suggested that "perhaps include this [information] in basic [correctional officer] training as they seem to think that programming is just 'arts and crafts' and not important". Similarly, one social worker wrote, "more often than not guards have a power trip over controlling access program staff have with inmates, limiting our ability to perform our jobs and provide essential rehabilitative supports to inmates".

The negative attitudes that undermine successful inmate programming were apparent in some of the feedback received from frontline correctional staff. One seasoned correctional officer asserted that "the only special programs should be those that deal with mental health issue...all others are a waste of time and focus". Another officer stated, "the government forgets (or just doesn't care) that inmates aren't housed in jails because they are good people. The powers that be are so focused on programming and inmate rights that they have forgotten about their front line correctional officers".

The Independent Review Team’s in-depth investigation of TSDC provided considerable insight into many issues related to inmate programming at that institution and that may exist at others as well, though further study is warranted. The programming offered at TSDC generally falls into four categories: institutional work, educational, spiritual, and general interest.<sup>129</sup> Given that the institution primarily houses individuals on remand, the catalogue of activities and

*“I am shocked at the lack of respect [correctional officers] have for program staff and the role they have. [Correctional officers] often have no idea what our job entails and have no motivation to support us in completing our jobs. Access to inmates is controlled by [correctional officers] and they take advantage of that and deny access for program staff they do not like.”*

Social Worker  
Eastern Region

programs, including many supported by volunteers, appears impressive.<sup>130</sup> Nonetheless, most of the programs do not focus on rehabilitation or treatment, and their delivery is dependent on non-contracted community organizations or volunteers, which, consequently, make them vulnerable to cancellations due to staff shortages, lockdowns, and competing operational demands.

The Independent Review Team was advised that TSDC offers a single institutional work program with a maximum capacity of 40 inmates at any given time and, while the facility does not track the total number of annual participants, staff

estimated that 180 inmates participated in 2017.<sup>131</sup> Currently, TSDC only has one fee-for-services contract with the Toronto District School Board to deliver a credit-based educational program for inmates and the institution advised that, in 2017, only 73<sup>132</sup> inmates participated in the program. TSDC had an average inmate population of 873 in 2017 and saw 7,012 admissions to custody<sup>133</sup> during that same year. Granted, many of these admissions may be for a short duration and include individuals who enter into custody multiple times; nevertheless, they equate to a large number of opportunities for entry into treatment or programs both within the institution and the community.

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<sup>129</sup> TSDC advised that it offered: one work program, three educational programs, 16 spiritual programs, and 24 general interest volunteer programs.

<sup>130</sup> Some of the volunteer programs currently being offered include: Alcoholics Anonymous, Cocaine Anonymous, Storybook Parents, Amadeusz, Literal Change, and Forgiveness Project.

<sup>131</sup> Note that this figure does not include inmates who were re-admitted over the course of the year.

<sup>132</sup> Note that there were “some additional clients doing college and university level work” but they were excluded from this tally “based on the assumption that credit based implied high school credits”.

<sup>133</sup> Figures exclude intermittent inmates typically housed in the Toronto Intermittent Centre.

Presently, TSDC offers only two<sup>134</sup> ministry-developed and ministry-facilitated programs, one of which was not delivered during the 2017 *Case Study* review period, and the other was not developed with the intention of rehabilitating or providing treatment to inmates. TSDC reported that both volunteer- and ministry-run programs are evaluated, however the measures were ambiguous, such as to “only look at client interest and attendance”, whether “program delivery is done professionally”, and whether “the volunteer is comfortable in [the institutional] environment”.

TSDC initially advised the Independent Review Team that *all* inmates had access to the programs offered at the facility. However, upon further investigation, it became apparent that inmate access to programming can be restricted by a number of operational factors, including staff shortages, lockdowns, and the unit on which an inmate is housed. For example, TSDC reported that, in 2017, *all* of the facility’s course offerings were on direct supervision units; in other words, inmates being housed on more restrictive units were less likely to be able to access institutional programming.

This finding is not unique to TSDC. In fact, other institutions further restrict inmates from participating in specialized programs based on their custodial status. For instance, the admission requirements for the inmate work program at Maplehurst Correctional Complex preclude inmates on remand and those being held pursuant to an immigration deportation order from participating. These operational practices do not align with well-recognized programming principles, including that individuals with the highest risk should be provided with more frequent and intensive programming based on their individual need(s), and that programming can also be successful when accessed in the community.<sup>135</sup>

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<sup>134</sup> Currently, Life Skills and Change is a Choice are offered to inmates by TSDC. Life Skills educational sessions are used to provide inmates “with relevant information about criminogenic targets and behaviour”. There are 17 one-hour sessions covering topics such as substance use, anger management, goal setting, problem solving, use of leisure time, finding and maintaining employment, and budgeting. Each session “provides an overview of the topic including a general concept of the problem, its relationship to criminal behaviour, and options to address the problem”. The Change is a Choice series are “five 1.5 hour sessions offered to [inmates] that offer a more intensive overview of some of the Life Skills sessions.” Topics covered in this series include anger management, substance use, connections (cognitive behavioural therapy), and healthy relationships. Change is a Choice was not offered at TSDC in 2017.

<sup>135</sup> For example, see: James Bonta and D. A. Andrews, “Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation,” *Public Safety Canada* (Ottawa, ON: 2007) (hereafter, Bonta and Andrews, RNR model); James Bonta et al., “The Strategic Training Initiative in Community Supervisions: Risk-Need-Responsivity in the Real World 2010-01,” (Public Safety

TSDC also advised that some programs are impacted by the institutional staffing complement. Some are delivered by program officers, that is, correctional officers who have expressed an interest in program delivery and have been temporarily assigned these positions within the institution. While it is commendable that dedicated positions have been allocated for the purpose of delivering programs to inmates, assigning this duty to correctional officers is associated with certain challenges. For instance, these officers are not clinicians and they have not been specially trained in the Risk-Needs-Responsivity model.<sup>136</sup> Moreover, programs are vulnerable to cancellations due to staff shortages, given that program officers are reassigned to fill in for absent correctional officers when the facility is short-staffed.

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Canada, Government of Canada, December 2015); Ministry of Justice, British Columbia Corrections Branch, “Strategic Training Initiative in Community Supervision” (Government of British Columbia). Online: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/corrections/reducing-reoffending/strategic-training-initiative>.

<sup>136</sup> The Risk-Need-Responsivity (RNR) model is used by correctional authorities to help develop recommendations for how inmates should be assessed in order to receive treatment to target and reduce risks of reoffending. It is based on three principles: (1) the Risk principle: that criminal behaviour can be reliably predicted and therefore treatment should target high risk inmates – treatment should be matched to the risk the individual poses; (2) the Need principle: which focuses on the importance of assessing criminogenic needs and targeting them in treatment; and (3) the Responsivity principle: which describes how treatment should be provided in order to maximize the intervention – tailoring to the learning style, motivation, abilities, and strengths of the individual. For more information see: Bonta and Andrews, RNR model, *supra* note 135.

## Operational Practices Recommendations:

- 3.1.** I recommend that the ministry implement an evidence-based institutional security risk assessment tool that is validated for gender identity, ethnic populations, and Indigenous persons. This tool should be administered to all new admissions upon intake to identify individuals with a propensity for engaging in institutional violence so that staff and managers can be equipped with targeted preventive measures.
- 3.2.** I recommend that policy and operational practices align with the principle of least restrictive measures by ensuring that all inmates are held in minimum security settings unless the security risk assessment tool confirms additional security measures are required.
- 3.3.** I recommend that inmates be given written notice and explanation for their initial security risk classification and that reclassification occur at least once every 30 days.
- 3.4.** I recommend that the ministry establish standardized and validated measures to identify characteristics of inmates that warrant alerts to be entered into the Offender Tracking Information System. Alerts related to an inmate's behaviour that may be indicative of physical or mental health symptoms must be verified by clinicians.
- 3.5.** I recommend that the ministry establish dedicated minimum, medium, and maximum security housing areas within each of Ontario's correctional facilities and provide definitions of the conditions of confinement and operational procedures in these types of custody.
- 3.6.** I recommend that institutions that do not have the capacity to create separate units create an 'alternate housing area' that allows for individualized arrangements in line with the exhaustive list of alternate housing unit types outlined in the ministry's Placement of Special Management Inmates policy, most recently revised in July 2018.
- 3.7.** I recommend that the ministry provide standards for the minimum conditions of confinement and an operational routine for each alternate housing unit within six months. These standards must align with the principle of least restrictive measures and be developed with input from the correctional bargaining unit.

- 3.8.** I recommend that oversight measures be put in place to ensure that updated alternate housing policies, which identify standardized definitions for alternate units, are being implemented appropriately and that this area of correctional practice be a focus of the Inspector General of Correctional Services created in the *Correctional Services and Reintegration Act, 2018*.
- 3.9.** I recommend that procedural safeguards and oversight mechanisms be applied to all alternate housing units that restrict out-of-cell time to less than that of the general population.
- 3.10.** I recommend that the ministry ensure that correctional staff and managers assigned to work in alternate units are carefully recruited, suitably selected, properly trained, and fully competent to carry out their duties in these specialized environments. These posts should be filled first via an expression of interest and not based on seniority alone.
- 3.11.** I recommend that the ministry establish or contract programs, program delivery, and meaningful activities in which all individuals held in custody may work, study, or participate and that rehabilitative programs comply with the needs identified in individual assessments.
- 3.12.** I recommend that the ministry collaborate with community partners and stakeholders to identify how existing community-based services and programs could be leveraged to promote an individual's safe, gradual release from custody.
- 3.13.** I recommend that the ministry allocate appropriate resources and supports to ensure that evidence-based rehabilitative programs are routinely scheduled and consistently available in each institution based on individualized risk/needs assessments.
- 3.14.** I recommend that all individuals in custody classified to an alternate housing unit/area be assigned a dedicated case manager and be provided with an individualized care plan, and/or treatment plan, that includes rehabilitative programming where appropriate.

**3.15.** I recommend that the Toronto South Detention Centre initiate a one-year pilot study to operationalize a Behavioural Care Unit, as outlined in the ministry's July 2018 Placement of Special Management Inmates policy, using the following criteria:

- Enhanced complement of staff to facilitate out-of-cell time and permit for dedicated case managers to ensure that each inmate classified to the unit has an inmate care plan developed, and that the care plan is appropriately followed.
- Correctional officers to fulfill the role of case managers within the unit and the unit social worker to provide clinical support as needed.
- Permanent rosters of correctional staff selected first through expressions of interest.
- Correctional officers to be provided the opportunity to work eight-hour shifts if they are assigned to the Behavioural Care Unit for the duration of the pilot.
- Dedicated mental health staff (registered nurse, social worker and psychologist) assigned to deliver treatment and programming to inmates classified to the Behavioural Care Unit.
- Piloting the utilization of the Correctional Officer 3 (CO3) position that is filled via an expression of interest based on competencies required for the position. The CO3 position must be carefully recruited, suitably selected, properly trained and an adequately experienced officer to assist with compliance, preventative security, and increased demands working in this high-stress unit.

**3.16.** I recommend that the ministry pilot the use of a cell door meal hatch with a 'sally port' function for a six-month duration in the three institutions with the highest incidents of hatch-related assaults. These specialty hatches must be limited in number and only be used in Behavioural Care Units following the implementation of clear operational procedures and the development of clear oversight mechanisms.

Further analysis will be required by the ministry to determine the appropriate sites. Additionally, an evaluation of each pilot site must be completed within three months of the conclusion of the six-month pilot study, and must consider demographic information pertaining to the inmates whose cell door(s) is equipped with these specialty meal hatches, other interventions initiated in conjunction with the use of the specialty hatches, and outcomes while the specialty hatch is and is not in use.



**3.17.** I recommend that the Toronto South Detention Centre be one of the pilot sites as per recommendation 3.16.

43% of the reported inmate-on-staff incidents (not including threats) that occurred at TSDC in 2017 occurred through the cell door meal hatch. Given that the majority of these incidents occurred in a Segregation Unit, Special Handling Unit or Mental Health Assessment Unit, it is recommended that TSDC pilot the use of these specialty hatches in their Behavioural Care Unit. This pilot should be six-months in duration with an evaluative review taking place immediately following the pilot, as per recommendation 3.16.

## IV. CONSOLIDATED RECOMMENDATIONS

### Data Collection and Information Reporting Recommendations:

- 1.1.** I recommend that the ministry's data collection practices as they relate to institutional violence be restructured to facilitate the creation of targeted and timely policy responses.

Consultation with the Information Management Unit, institutional staff, and data analysts must occur to ensure that any new platform created captures necessary information for present and future analysis of institutional violence. At a minimum, the new platform must capture multiple variables including, but not limited to, specific inmate populations, correctional employees, time and location of incidents, and institutions or regions of the province in order to identify patterns relating to institutional violence that may emerge.

- 1.2.** I recommend that the ministry conduct a detailed analysis of violence in each of Ontario's correctional institutions. The methodology used in the *Case Study: Toronto South Detention Centre* should serve as a template for a preliminary localized analysis at each correctional site.

This will ensure that variation between institutions due to inmate demographics, staff complement, and supervision culture and practices, among other factors, are given appropriate consideration. Methodology will need to be expanded to include other aspects of institutional violence, including inmate-on-inmate, staff-on-inmate, and staff-on-staff violence.

- 1.3.** I recommend that the monitoring of reported incidents of institutional violence be in regular time intervals, and as close to real-time as possible, to allow trend analysis that quickly recognizes developments or anomalies.

The *Correctional Services and Reintegration Act, 2018* creates an Inspector General role for continuous oversight of Ontario's correctional institutions; monitoring institutional violence must be a key responsibility allocated to this office.

- 1.4. I recommend that correctional managers and senior administrators conduct routine audits of reported incidents of institutional violence and their corresponding paperwork to ensure compliance with ministry policy and law. Timely completion of these audits should become a performance consideration.
- 1.5. I recommend that the ministry create a new policy standardizing when and how to initiate an Inmate Incident Report following the completion of an Occurrence Report by a correctional employee.
- 1.6. I recommend that sergeants and managers are trained on the utilization of the Modernization Division's new digital platform for incident reporting, including the policy direction following the implementation of recommendation 1.5. from the Independent Review of Ontario Corrections' *Institutional Violence in Ontario: Final Report*. This training must be completed prior to the rollout of the new platform.
- 1.7. I recommend that data from the Offender Tracking Information System and the Modernization Division's new digital Inmate Incident Report platform be integrated to allow for multi-variable analysis relevant to institutional violence.
- 1.8. I recommend that data and trends pertaining to reported incidents of violence are regularly monitored at the institutional, regional, and corporate levels within the ministry.

Until the Inspector General of Correctional Services is established, trends must be analyzed within MCSCS as close to real-time as possible and communicated between corporate, regional, and institutional levels promptly to inform the development of appropriate operational responses.

### **Institutional Culture and Staffing Recommendations:**

- 2.1. I recommend that the ministry develop a comprehensive staff mental health strategy to provide self-assessment, self-care, and external support for correctional employees to assist in coping with occupational stress and injuries.
- 2.2. I recommend that the ministry develop a management model with a care-based, ethical, and empathetic decision-making framework for daily interactions with frontline staff that will positively impact staff-inmate interactions, improve officer wellness, as well as enhance institutional safety and security.

**2.3.** I recommend that the ministry conduct annual “quality of environment” or “moral performance” audits of all correctional institutions benchmarked against international and evidence-based best practices.

**2.4.** I recommend that the ministry undertake a review of the current MCSCS Correctional Services’ Use of Force Model and the effectiveness of the use of force training against evidence-based best correctional practices. This review must take into consideration the daily perception of risk and danger that correctional employees face, rather than the periodic occupational stressors that are experienced by police officers.

The ministry may wish to consider the new Engagement and Intervention Model utilized by the Correctional Service of Canada and best practices used to manage violence in other confined settings, such as forensic mental health or dementia units of long-term care facilities.

**2.5.** I recommend that the ministry revise the language of the current Use of Force policy to align with international standards of inmate treatment that allow for use of force only in accordance with safety and security objectives. I further recommend inclusion of a definition for the term ‘discipline’ to prevent ambiguity and conflation with the term ‘punishment’ in the MCSCS Use of Force policy.

**2.6.** I recommend that the ministry accelerate its stated plans to review and update the existing Correctional Officer Training and Assessment (COTA) program curriculum. In revising the curriculum, the ministry must incorporate core competencies, and emphasize the importance of fostering an institutional culture characterized by legality, dignity, and respect. Training must always address the dual nature of correctional work which encompasses both security and care.

**2.7.** I recommend that COTA redevelopment emphasize verbal and other de-escalation training including specific situational guidance for managing vulnerable or high-needs inmates.

**2.8.** I recommend that the ministry work with justice partners and stakeholders to develop training for correctional employees on correctional and human rights law as well as criminal procedure. The newly developed training must be incorporated into the COTA curriculum.

- 2.9.** I recommend that the ministry establish policy for localized mentorship programs that can be operationalized at each correctional facility. These programs must outline minimum requirements for mentors and be available to all correctional staff and managers.
- 2.10.** I recommend that the ministry work with policing partners to develop joint policy and provide joint education sessions to correctional employees with the aim of fostering a better understanding of the police role in correctional matters and the legal requirements for criminal proceedings as they relate to pursuing charges when inmates engage in criminal conduct.
- 2.11.** I recommend that the ministry further collaborate with both provincial and local police services to develop dedicated police units that specialize in the investigation of incidents that occur within Ontario's correctional institutions.
- 2.12.** I recommend that best practices for report writing be immediately developed and incorporated into COTA and ongoing staff training, with an emphasis on procedural fairness and minimum evidentiary standards for external legal proceedings.
- 2.13.** I recommend that the Personal Alarm Location system be implemented at the Toronto South Detention Centre following the completion of the Electronic Security System upgrade in 2019. An evaluation, including a cost-benefit analysis, must be undertaken within one year of the implementation of the Personal Alarm Location system.
- 2.14.** I recommend that any person entering the secure portion of a correctional facility undergo screening (i.e., handheld/walk-through metal detectors and parcel x-ray machines) in those institutions with the requisite space and technologies.

Screening of all persons entering secure areas of Ontario's correctional institutions is necessary to enhance the personal safety of staff and inmates, as well as maintaining public confidence by detecting and intercepting contraband.

- 2.15.** I recommend that the ministry engage with the Ministry of the Attorney General to establish guidelines supporting the need for swift and certain sentencing for inmates who are found guilty of a serious assault against correctional staff.

- 2.16.** I recommend that the ministry explore the introduction of a supervisory correctional officer position (i.e., Correctional Officer 3 [CO3]) to facilitate staff mentorship and assist with compliance and preventative security. Introduction of a supervisory correctional officer position is dependent on the review and potential reclassification of all correctional officer positions by post requirements.
- 2.17.** I recommend that appropriate role competencies be created for each of the correctional officer classifications (Correctional Officer 1 [CO1] through Correctional Officer 3 [CO3]) and that positions be filled based on a candidate's ability to meet these competencies.

### **Operational Practices Recommendations:**

- 3.1.** I recommend that the ministry implement an evidence-based institutional security risk assessment tool that is validated for gender identity, ethnic populations, and Indigenous persons. This tool should be administered to all new admissions upon intake to identify individuals with a propensity for engaging in institutional violence so that staff and managers can be equipped with targeted preventive measures.
- 3.2.** I recommend that policy and operational practices align with the principle of least restrictive measures by ensuring that all inmates are held in minimum security settings unless the security risk assessment tool confirms additional security measures are required.
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- 3.4.** I recommend that the ministry establish standardized and validated measures to identify characteristics of inmates that warrant alerts to be entered into the Offender Tracking Information System. Alerts related to an inmate's behaviour that may be indicative of physical or mental health symptoms must be verified by clinicians.
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- 3.6.** I recommend that institutions that do not have the capacity to create separate units create an ‘alternate housing area’ that allows for individualized arrangements in line with the exhaustive list of alternate housing unit types outlined in the ministry’s Placement of Special Management Inmates policy, most recently revised in July 2018.
- 3.7.** I recommend that the ministry provide standards for the minimum conditions of confinement and an operational routine for each alternate housing unit within six months. These standards must align with the principle of least restrictive measures and be developed with input from the correctional bargaining unit.
- 3.8.** I recommend that oversight measures be put in place to ensure that updated alternate housing policies, which identify standardized definitions for alternate units, are being implemented appropriately and that this area of correctional practice be a focus of the Inspector General of Correctional Services created in the *Correctional Services and Reintegration Act, 2018*.
- 3.9.** I recommend that procedural safeguards and oversight mechanisms be applied to all alternate housing units that restrict out-of-cell time to less than that of the general population.
- 3.10.** I recommend that the ministry ensure that correctional staff and managers assigned to work in alternate units are carefully recruited, suitably selected, properly trained, and fully competent to carry out their duties in these specialized environments. These posts should be filled first via an expression of interest and not based on seniority alone.
- 3.11.** I recommend that the ministry establish or contract programs, program delivery, and meaningful activities in which all individuals held in custody may work, study, or participate and that rehabilitative programs comply with the needs identified in individual assessments.
- 3.12.** I recommend that the ministry collaborate with community partners and stakeholders to identify how existing community-based services and programs could be leveraged to promote an individual’s safe, gradual release from custody.
- 3.13.** I recommend that the ministry allocate appropriate resources and supports to ensure that evidence-based rehabilitative programs are routinely scheduled and consistently available in each institution based on individualized risk/needs assessments.

**3.14.** I recommend that all individuals in custody classified to an alternate housing unit/area be assigned a dedicated case manager and be provided with an individualized care plan, and/or treatment plan, that includes rehabilitative programming where appropriate.

**3.15.** I recommend that the Toronto South Detention Centre initiate a one-year pilot study to operationalize a Behavioural Care Unit, as outlined in the ministry's July 2018 Placement of Special Management Inmates policy, using the following criteria:

- Enhanced complement of staff to facilitate out-of-cell time and permit for dedicated case managers to ensure that each inmate classified to the unit has an inmate care plan developed, and that the care plan is appropriately followed.
- Correctional officers to fulfill the role of case managers within the unit and the unit social worker to provide clinical support as needed.
- Permanent rosters of correctional staff selected first through expressions of interest.
- Correctional officers to be provided the opportunity to work eight-hour shifts if they are assigned to the Behavioural Care Unit for the duration of the pilot.
- Dedicated mental health staff (registered nurse, social worker and psychologist) assigned to deliver treatment and programming to inmates classified to the Behavioural Care Unit.
- Piloting the utilization of the Correctional Officer 3 (CO3) position that is filled via an expression of interest based on competencies required for the position. The CO3 position must be carefully recruited, suitably selected, properly trained and an adequately experienced officer to assist with compliance, preventative security, and increased demands working in this high-stress unit.



- 3.16.** I recommend that the ministry pilot the use of a cell door meal hatch with a ‘sally port’ function for a six-month duration in the three institutions with the highest incidents of hatch-related assaults. These specialty hatches must be limited in number and only be used in Behavioural Care Units following the implementation of clear operational procedures and the development of clear oversight mechanisms.

Further analysis will be required by the ministry to determine the appropriate sites. Additionally, an evaluation of each pilot site must be completed within three months of the conclusion of the six-month pilot study, and must consider demographic information pertaining to the inmates whose cell door(s) is equipped with these specialty meal hatches, other interventions initiated in conjunction with the use of the specialty hatches, and outcomes while the specialty hatch is and is not in use.

- 3.17.** I recommend that the Toronto South Detention Centre be one of the pilot sites as per recommendation 3.16.

43% of the reported inmate-on-staff incidents (not including threats) that occurred at TSDC in 2017 occurred through the cell door meal hatch. Given that the majority of these incidents occurred in a Segregation Unit, Special Handling Unit or Mental Health Assessment Unit, it is recommended that TSDC pilot the use of these specialty hatches in their Behavioural Care Unit. This pilot should be six-months in duration with an evaluative review taking place immediately following the pilot, as per recommendation 3.16.

## V. IMPLEMENTING CHANGE

Reforming Ontario Corrections is a lengthy process dependent on the cooperation of staff in corporate offices of the Ministry of Community Safety and Correctional Services (MCSCS), in institutions, and in the community. The Government of Ontario has accepted the challenge of an ambitious reform agenda. A commitment to human rights while pursuing transformation of this magnitude requires commitment at every level, every day.

While some obvious problems exist that require immediate attention, there is room for optimism. The limited number of reported incidents of inmate-on-staff violence at the Ontario Correctional Institute suggests that institutional violence can be impacted by implementing evidence-based best practices. The Toronto South Detention Centre (TSDC) *Case Study* revealed that a number of empirical tools could be utilized to mitigate violence experienced at the institution. As there are substantial differences between institutions, site-specific reviews are required; the methodology used in the TSDC *Case Study* could be applied to conduct analyses at other provincial facilities. Importantly, to truly address institutional violence in Ontario, it is necessary for corrections to work with justice and other partners to ensure that custody in a correctional facility is used, as the law requires, only as a last resort in the absence of suitable alternatives.

It is recommended that a detailed analysis of institutional violence in each specific facility be undertaken to identify localized solutions to enhance safety. The study must also examine reported inmate-on-inmate incidents of violence. For example, TSDC reported 269 incidents of inmate-on-inmate assaults in 2017, while other institutions with smaller inmate populations reported a higher number of incidents (e.g., 316 at Elgin-Middlesex Detention Centre, 368 at Hamilton-Wentworth Detention Centre). These variations in institutional violence across facilities warrant further exploration via site-specific analyses, and though it was not possible to do so in the present report, future analyses should be conducted on all types of institutional violence (i.e., inmate-on-inmate, inmate-on-staff, staff-on-inmate, and staff-on-staff).

There are a number of encouraging developments that promise a dedication to increased oversight, transparency, and the cornerstones of safety, human rights, and dignity. The *Correctional Services and Reintegration Act, 2018* – once it is proclaimed – will advance a number of initiatives that are key to reforming Ontario Corrections. Appropriate limits on the use of disciplinary segregation along with necessary and safe alternatives will aid in the pursuit of humane (and legal) corrections.

The importance and utility of external oversight and cooperation has also been recognized. The Inspector General of Correctional Services role created in the *Act* will improve transparency and accountability in provincial corrections. Horizontal initiatives, such as collaboration with the Ministry of Health and Long-Term Care, recognized that certain correctional needs (such as healthcare services for inmates) are best handled by the experts in ministries outside of MCSCS. Internally, the ministry's creation of a new Modernization Division is now fully operational. Efforts to update technological systems and improve data reporting and collection have been initiated.

The recommendations made by the Independent Review of Ontario Corrections highlight a number of mechanisms that could dramatically improve the conditions of confinement in Ontario. There is a window of opportunity to turn our aspirations of a fairer, more proportionate, safer, and more effective justice system into a reality. Achieving this goal is an essential component of a healthy and safe Ontario. I encourage the Ministry of Community Safety and Correctional Services and the Government of Ontario to maintain the momentum of recent reform efforts as a sense of urgency has been linked to successful change initiatives.

**APPENDIX A. CASE STUDY: TORONTO SOUTH DETENTION CENTRE**

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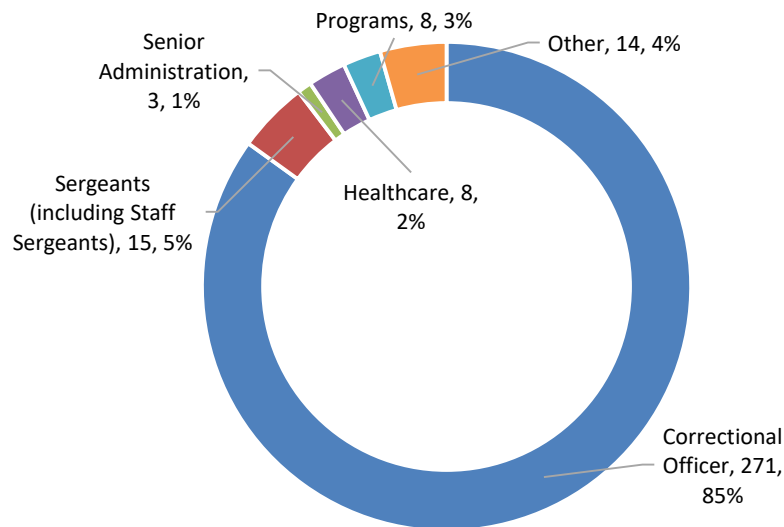
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## A-I. Context and Background

In May 2018, the former Minister of Community Safety and Correctional Services (MCSCS), Marie-France Lalonde, announced that she had requested Ontario’s Independent Advisor on Corrections Reform to investigate and provide advice on institutional violence. This request came after the former Minister observed a “deeply disturbing trend” emerging from reported statistics on violence in Ontario’s provincial correctional facilities.<sup>137</sup> The Independent Review of Ontario Corrections undertook this critically important work and delivered, *Institutional Violence in Ontario: Interim Report* in August 2018. The *Interim Report* presented a number of findings on several areas that required further investigation before recommendations could be made to the ministry. To expand upon some of these findings and gain a more thorough understanding of institutional violence, the Independent Review Team undertook primary research, in the form of a case study, at the Toronto South Detention Centre (TSDC). Part of this research included the IROC Institutional Violence Survey that was distributed to all Institutional Services correctional employees in the ministry. The Independent Review Team was able to isolate the survey responses (319) received from employees at TSDC for further analysis. Figure A-1 shows the breakdown of respondents by job position.

Figure A-1. TSDC Respondents to IROC Institutional Violence Survey by Job Position



TSDC was selected because the *Interim Report* identified it as an outlier among the rest of Ontario’s provincial correctional facilities; that is, in 2017, TSDC had the highest number of, and

<sup>137</sup> Lalonde, Third Reading, *supra* note 7.

greatest rate of increase in, reported incidents of inmate-on-staff violence. The *Case Study* explores and evaluates local data as well as policies, practices, and procedures that are believed to impact inmate-on-staff violence at TSDC and informs the Independent Review of Ontario Corrections' fourth report, *Institutional Violence in Ontario: Final Report*.

*Figure A-2. Exterior TSDC (excluding Toronto Intermittent Centre)*



- ❖ TSDC is a three-towered seven-story building. From the road, there are no visible fences and the front entranceway has a modern glass façade.

## **Institutional History**

In May 2008, MCSCS announced its plan to construct the Toronto South Detention Centre (TSDC) on the site of the former Mimico Correctional Centre.<sup>138</sup> Construction of TSDC, which ultimately replaced Toronto West Detention Centre, Toronto Jail, and Mimico Correctional Centre, was completed in two phases and it is now the largest provincial institution in Ontario.<sup>139</sup> Phase 1, the Toronto Intermittent Centre, a 320-bed facility housing male inmates serving intermittent sentences on weekends, began accepting inmates in December 2011.<sup>140</sup> Phase 2 involved the construction of a 1,650-bed facility for remanded and sentenced male

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<sup>138</sup> MCSCS, "Site of New Detention Centre Announced," *Newsroom* (Government of Ontario, May 9, 2008). Online: <https://news.ontario.ca/mcscs/en/2008/05/site-of-new-detention-centre-announced.html>.

<sup>139</sup> MCSCS, "Toronto South Detention Centre Opens its Doors," *Newsroom* (Government of Ontario, January 29, 2014) (hereafter, MCSCS, TSDC Open). Online: <https://news.ontario.ca/mcscs/en/2014/01/toronto-south-detention-centre-opens-its-doors.html>.

<sup>140</sup> MCSCS, "Toronto South Detention Centre," *Newsroom* (Government of Ontario, January 29, 2014) (hereafter, MCSCS, TSDC). Online: <https://news.ontario.ca/mcscs/en/2014/01/toronto-south-detention-centre.html>.



inmates and was completed in 2012, although the institution did not begin accepting inmates until January 2014.<sup>141</sup> TSDC is composed of 43 inmate living units divided between three towers. Of these units, 32 are designed to accommodate a direct supervision model<sup>142</sup> of inmate supervision and the remaining 11 operate utilizing an indirect supervision model.<sup>143</sup> The living units are further divided into a number of specialty units, including intake, segregation, special handling, behavioural management, mental health assessment, special needs, medical, and infirmary (see Operational Practices: Multi-level Housing Units, below).

Since opening in January 2014, TSDC has faced a number of challenges, including considerable negative attention in the media exposing a number of reported incidents of inmate-on-inmate – as well as inmate-on-staff – violence.<sup>144</sup> Other issues were noted in a 2017 magazine article that referred to TSDC as the city’s “\$1-Billion Hellhole” and reported that lockdowns were commonplace and were at least partly attributable to “rampant absenteeism” and inadequate staffing which, in turn, had its origins in a ministry moratorium on all correctional officer recruitment between

*“Nothing can fix this jail except for shutting it down, transferring inmates out and starting over [...] you can also thank the ombudsman for slandering the corrections profession in their many one sided reports #inmatelovers TSDC is a lost cause and too broken, unfortunately no IROC will fix it, thanks for the effort though.”*

Correctional Officer  
Toronto South Detention Centre

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<sup>141</sup> MCSCS, TSDC Open, *supra* note 139.

<sup>142</sup> Direct supervision refers to a model where correctional officers are stationed inside inmate living units in order to promote direct, continuous interaction with inmates. Through these interactions, correctional staff take charge of the unit and are able to actively manage behaviour and address minor issues before they become more significant problems. The model is also predicated on physical plant requirements to reduce problematic behaviour by housing inmates in more normalized units with access to programs and activities designed to keep inmates meaningfully engaged throughout the day.

<sup>143</sup> Indirect supervision refers to a model where inmates are confined to “units”, “ranges”, or “pods” of cells and are monitored by correctional officers remotely from an enclosed area that is physically separated from inmate living areas. In some facilities, correctional staff may only enter the units and/or interact with inmates if required (e.g., to deliver meals, to transport inmates, or conduct required rounds).

<sup>144</sup> Joe Warmington, “Jail Guards Hurt in Savage Attack,” *Toronto Sun*, December 5, 2016. Online: <https://torontosun.com/2016/12/05/jail-guards-hurt-in-savage-attack/wcm/a570071f-3d43-4b0b-891a-ca1dc20f7f7d>; Nick Westoll, “Police Investigating After Inmate Killed in Fight at Toronto South Detention Centre,” *Global News Durham*, January 27, 2017. Online: <https://globalnews.ca/news/3210301/police-investigating-after-inmate-killed-in-fight-at->

2009 and 2013.<sup>145</sup> The article was also skeptical of the direct supervision model. This negative media attention has had significant implications on the perceptions of those employed at TSDC and has, at times, overshadowed the hard work and contributions of correctional staff and managers.

Feedback received from institutional employees suggests that TSDC may still be experiencing problems with lockdowns, with one respondent advising the Independent Review Team that, “there are way too many lockdowns. Too many unnecessary imprisonments”. Ministry data reveal that there were 157 partial and 47 full lockdowns at TSDC in 2017 and that around 60%<sup>146</sup> of all lockdowns were due to staff shortages. In some instances, judges have acknowledged the harsh conditions that inmates endure during lockdowns and have taken this into consideration when crafting sentences.<sup>147</sup>

More recently, TSDC has been subject to criticism after a Nunavut inmate alleged that he had been in segregation for over 21 days and that it was “affecting [his] mental health so bad that [he] couldn’t concentrate anymore”.<sup>148</sup> The judiciary has also been critical of TSDC’s use of segregation and, in particular, its reviews of segregation placements. In a recent case, the Ontario Superior Court of Justice found that a “large number of [segregation] review forms completed by staff at the TSDC...all appear[ed] to be cut and paste jobs with no meaningful content”, further noting that the forms had “the same exact answer to [one] question, with the same poor grammar, the same typographical errors, the same spacing of dashes between the words” and, as such, it was “obvious that the forms [did] not reflect the conducting of any real

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[toronto-south-detention-centre/](https://toronto.citynews.ca/2017/06/29/3-inmates-toronto-south-detention-centre-charged-attempted-murder-attack/); City News, “3 Inmates at Toronto South Detention Centre Charged with Attempted Murder After Attack,” *CityNews Toronto*, June 29, 2017. Online: <https://toronto.citynews.ca/2017/06/29/3-inmates-toronto-south-detention-centre-charged-attempted-murder-attack/>; Amanda Pfeffer, “Police Charge Two Inmates Following Alleged Attack on Correctional Officers at Toronto Jail,” *CBC News*, April 30 2018. Online: <https://www.cbc.ca/news/canada/toronto/toronto-south-detention-centre-assault-probe-1.4638817>.

<sup>145</sup> Raizel Robin, “Inside Toronto South Detention Centre, Toronto’s \$1-Billion Hellhole,” *Toronto Life Magazine*, February 15, 2017. Online: <https://torontolife.com/city/inside-toronto-south-detention-centre-torontos-1-billion-hellhole/>.

<sup>146</sup> Ministry data indicate that 122 of 204 lockdowns were due to staff shortages.

<sup>147</sup> R. v. Duncan, [2018] O.J. No. 3221 (C.J.); Stephen Davis, “Convicted Drug Dealer Faced ‘Oppressive’ Conditions Inside Toronto Jail, Judge Rules,” *CBC News Toronto*, August 23, 2018. Online: <https://www.cbc.ca/news/canada/toronto/toronto-south-detention-centre-1.4795277>.

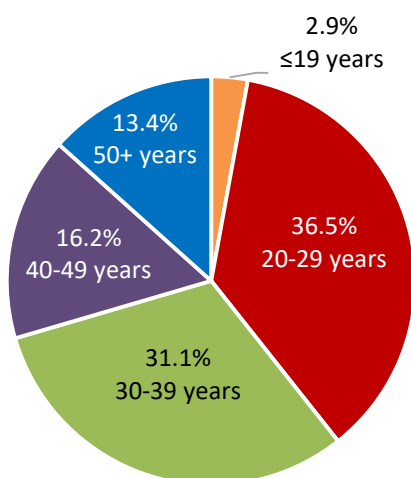
<sup>148</sup> Beth Brown, “Nunavut Inmates Complain About Ontario Jail Conditions,” *Nunatsiaq News*, July 23, 2018. Online: [http://nunatsiaq.com/stories/article/65674nunavut\\_inmates\\_complain\\_about\\_ontario\\_jail\\_conditions/](http://nunatsiaq.com/stories/article/65674nunavut_inmates_complain_about_ontario_jail_conditions/).

reviews”.<sup>149</sup> The Ontario Superior Court found that the accused spent 426 days in segregation while housed at TSDC, and the sentencing judge ultimately reduced the individual’s sentence by 14 months to reflect “his lengthy and harsh experience of segregation at TSDC”.<sup>150</sup>

### Inmate Demographics

Ministry data report the average inmate population count of TSDC in 2017 as 873 (excluding Toronto Intermittent Centre). The Independent Review Team used monthly snapshot data from TSDC in 2017 to examine demographic characteristics of the inmate population. Approximately 40% of inmates were under the age of 30 years (Figure A-3).

Figure A-3. TSDC Average Inmates by Age, 2017



Note: Age breakdown created by averaging number of inmates per age group from monthly snapshots in 2017.

Feedback received from frontline staff revealed that some correctional officers feel that “there is a highly significant amount of the inmate population that are very violent, dangerous, aggressive, and defiant”. Of the average inmate population at TSDC in 2017, approximately half were in custody for a violent offence as their most serious offence (MSO) (Figure A-4), and the vast majority of individuals who were incarcerated at TSDC in 2017 were on remand and, therefore, legally innocent (Figure A-5).<sup>151</sup>

*“TSDC is not a rehab facility; we are a remand, which means we are the intake to the Federal Prison system. We house the most violent and amoral offenders on that journey – the ones the Judge won’t grant bail.”*

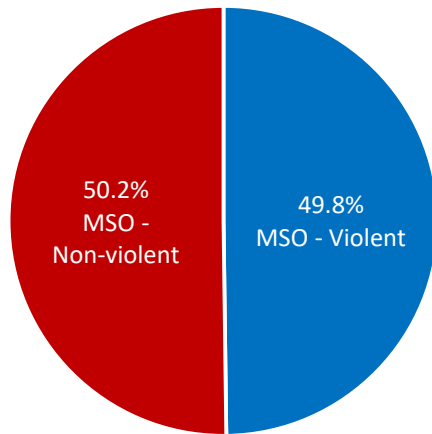
Correctional Officer  
Toronto South Detention Centre

<sup>149</sup> R. v. Roberts, [2018] O.J. No. 4005 (S.C.J.) at paras. 36-37.

<sup>150</sup> *Ibid.* at para. 47.

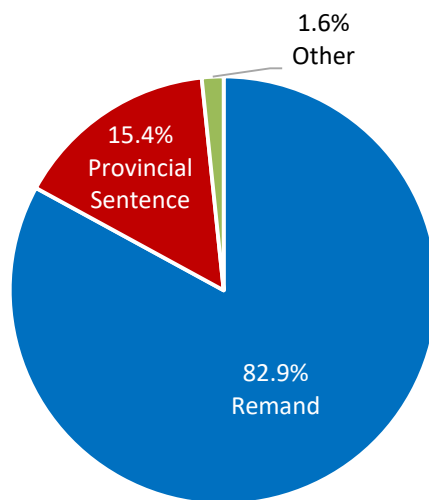
<sup>151</sup> Jamil Malakieh, “Adult and Youth Correctional Statistics in Canada, 2016/2017,” *Juristat* (Statistics Canada, June 19, 2018). Online: <https://www150.statcan.gc.ca/n1/pub/85-002->

Figure A-4. TSDC Average Inmates by Violent Charge for Current Custody, 2017



Note: Violent Offence includes: homicide and related; serious violent; violent sexual; and assault and related offence categories as utilized by the Offender Tracking Information System. Non-violent offences are all other offences. Data taken from monthly snapshots of TSDC inmate population in 2017.

Figure A-5. TSDC Average Inmates by Hold Status, 2017



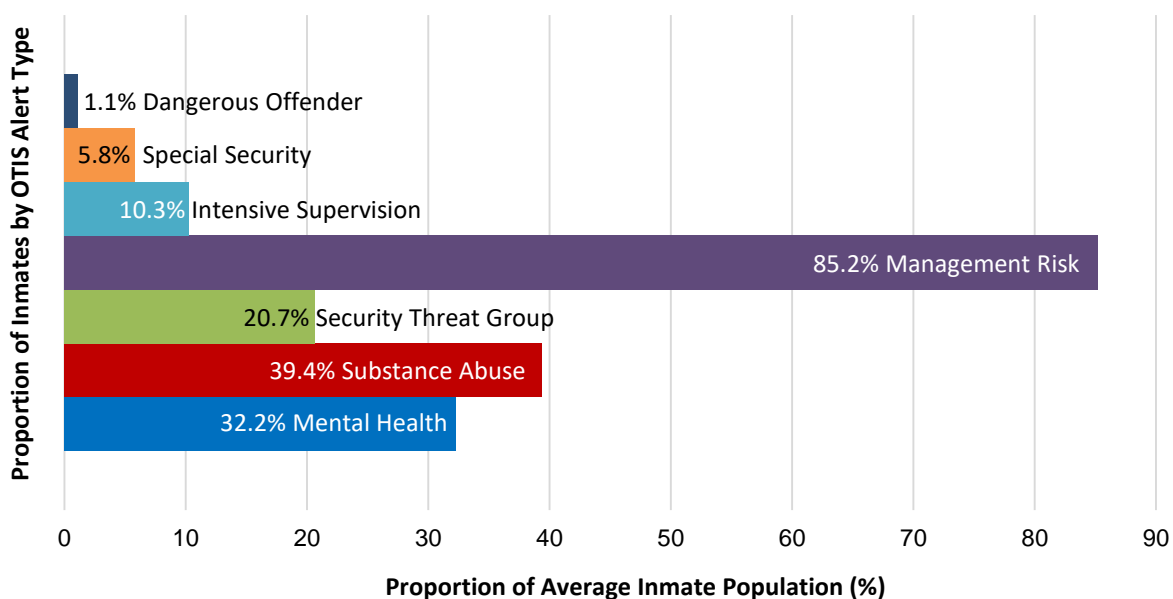
Note: Data taken from averages of monthly snapshot data in 2017. 'Other' holding type includes immigration holds, extradition orders, national parole violation, etc.

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[x/2018001/article/54972-eng.htm](https://www.ontario.ca/news/2018001/article/54972-eng.htm). There were 251,986 total admissions to provincial/territorial custody in Canada in 2016/17 (sentenced, remand, or other temporary detention type), 74,664 of which were to Ontario provincial institutions. There were only 7,270 total admissions to federal custody (including warrant of committal and revocations of conditional release) in all of Canada. Although it is not possible to identify how many of the 7,270 inmates eventually sentenced to incarceration in federal institutions were first held on remand in Ontario provincial facilities, it is evident that the overwhelming majority of inmates remanded into Ontario provincial custody were not sentenced to federal custody.

In their feedback, some correctional employees voiced concern regarding the profile of the inmate population and, in particular, many emphasized that there was a “gang problem that is visible” in TSDC. As one senior correctional officer noted, “a portion of the inmate population struggles with drug addiction and mental health but in the TSDC we are overrun with law breaking gang members with zero respect for authority”. Ministry snapshot data show that, in 2017, approximately one-third of the average inmate population had Offender Tracking Information System (OTIS) alerts related to mental health and substance abuse while only 21% had security threat group<sup>152</sup> alerts entered into the system (Figure A-6).

Figure A-6. TSDC Average Inmates by Alert Type, 2017



Note: Inmates may have more than one simultaneous alert entered into OTIS.

### Inmate Supervision Model

The living units at TSDC were designed and intended to enhance the safety and security of both staff and inmates.<sup>153</sup> Some features of select inmate living units at the institution include direct access to a fresh air yard, a television and seating area, phones for collect calls, and shower areas outside of cells.<sup>154</sup> In addition, the living units are furnished with booths equipped with

<sup>152</sup> Security threat group alerts include, for example, gang, organized crime, and radical/terrorist group affiliation.

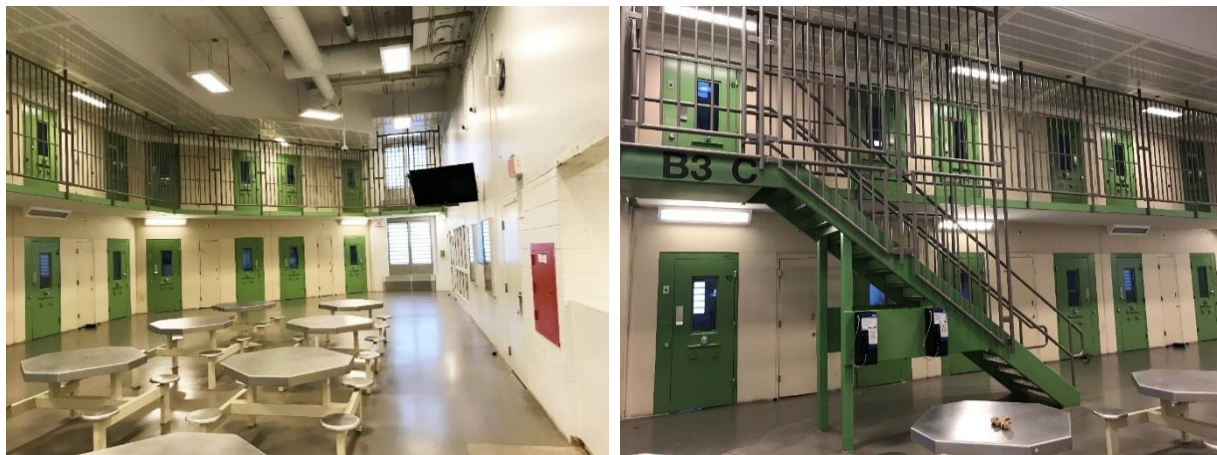
<sup>153</sup> MCSCS, TSDC, *supra* note 140.

<sup>154</sup> *Ibid.*

video technology to enable inmates to have personal and professional visits without having to leave the unit, although some critics have suggested that eliminating the “human contact” of more traditional visitation methods (i.e., face-to-face visits) is inherently dehumanizing and may have adverse effects on inmates.<sup>155</sup>

Most units at TSDC are set up to run as direct supervision units (Figure A-7). When the Independent Review Team toured the facility, its members observed that the physical design of the institution was, for the most part, conducive to the direct supervision model.

*Figure A-7. Direct Supervision Unit, TSDC*



- ❖ From left to right: interior of direct supervision unit at TSDC, with two tiers of cells and metal communal tables with chairs bolted to the floor in the dayroom with a television; telephones accessible to inmates to make collect calls are mounted below the unit staircase leading to the second tier of cells.

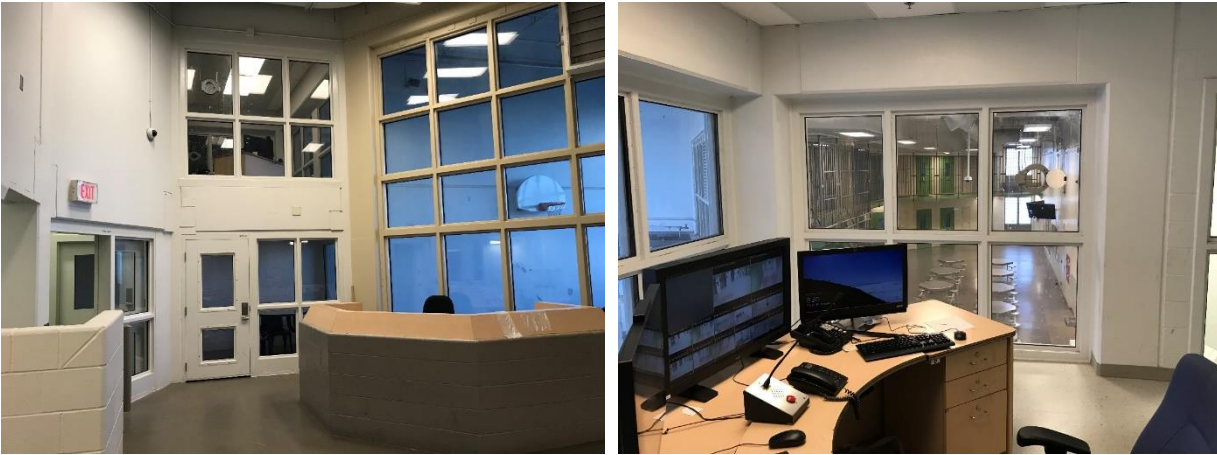
For instance, direct supervision units are open and have a correctional officer desk within the unit, which is monitored by an officer in a subcontrol module who does not have any direct contact with the inmates but can control the unit’s doors, televisions, phones, and water flow remotely (Figure A-8). In direct supervision units, the conditions of confinement are, to a certain extent, normalized by providing soft seating areas to watch television, and permitting inmates to eat meals in the day room with access to hot water for coffee, tea, and dehydrated noodles.

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<sup>155</sup> Carolyn McKay, *The Pixelated Prisoner: Prison Video Links, Court ‘Appearance’ and the Justice Matrix*, (Abingdon, UK: Routledge, 2018); IROC, Interim Report, *supra* note 9.



Figure A-8. Subcontrol Module, TSDC



- ❖ From left to right: view of the elevated subcontrol module above officer's work station in a direct supervision unit; interior view of the subcontrol officer's work station overlooking the dayroom of a direct supervision unit below.

The direct supervision model is premised on the notion that the safety and security of inmates and correctional staff is enhanced when officers are stationed within normalized inmate housing units and establish control and manage inmate behaviour through continuous, personal interaction. TSDC advised that staff interactions with inmates on direct supervision units may be simple verbal communications but could also include facilitating programs or participating in activities, such as card games. Notwithstanding, much of the observed interaction by the Independent Review Team was perfunctory at best.

*"I feel that building rapport with the inmate population, addressing their needs and normalizing their environment is important."*

Senior Administrator  
Toronto South Detention Centre

TSDC further reported that several of the institution's operational procedures conform to the principles of direct supervision. For example, the Independent Review Team was advised that unit officers are "seen as the employee in charge of the unit" and have the authority to directly address inmate infractions on direct

supervision units through the use of unit sanctions. TSDC indicated that these disciplinary measures are intended to be progressive, tailored to the particular infraction at hand, and may range in severity, such as the assignment of extra cleaning duties, loss of incentives (e.g., recreation), or a cell lockdown. The institution also reported that direct supervision units offer a number of incentives that are used to ensure appropriate inmate behaviour. For example, these units are typically larger, are unlocked between 0800 hours and 2145 hours, and inmates are able to freely access their cells throughout the day. Inmates housed on direct supervision

units receive, as an incentive, recreation at least once a week in a large gymnasium off of the unit (Figure A-9) and can participate in various activities on the unit, such as board games, cards, and dominoes. In addition, each direct supervision unit has two televisions with cable packages and a 'yard', open during unlock hours, where inmates are able to play basketball and soccer (Figure A-10). Finally, TSDC advised that inmates subject to direct supervision are entitled to four visits per week, one of which can be a face-to-face visit while the other three are via video terminal (Figure A-11).

*Figure A-9. Inmate Gymnasium, TSDC*



- ❖ This image is of the inmate gymnasium at TSDC. It has hardwood flooring and is used for off-unit group recreational activities.

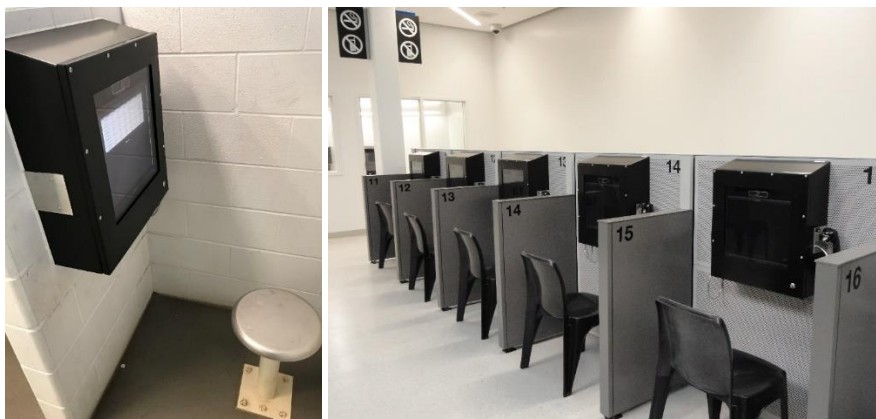
*Figure A-10. On-Unit Inmate Yard, TSDC*



- ❖ From left to right: view of an on-unit inmate yard from inside the dayroom of a direct supervision unit; interior view of an on-unit inmate yard with a basketball net.



Figure A-11. Video Visitation Terminals, TSDC



- ❖ From left to right: an on-unit video visitation terminal utilized by inmates; video visitation booths for members of the public located in the lobby of TSDC.

Most respondents indicated in the IROC Institutional Violence Survey that direct supervision was the dominant model at TSDC, although employees varied in the extent to which they felt that it was a meaningful model. Several employees qualified their responses that direct supervision was meaningful with such caveats as “only for a small percentage of the inmate population” or “if used properly [...] But not every inmate is [direct supervision] suitable”. One correctional officer indicated that direct supervision “could be meaningful in the right scenario”, while another felt that the meaningfulness of the model was “highly reliant on effective implementation”, and yet another respondent advised that he “believe[s] it will work but [this] requires support from all parties”.

Other respondents were less supportive of direct supervision and did not believe that it was a meaningful model. For instance, one correctional officer with over 20 years of experience working with MCSCS referred to the inmate supervision model at TSDC as “coddling brats”, and that “the model is failed” and is a “useless piece of crap”. Other respondents felt that the direct supervision at TSDC was “garbage”, gave “inmates more opportunity to take advantage of the system”, and was “stressfull [*sic*] for officers... [and led to] burnout occur[ring] quickly”. Another officer asserted that the direct supervision model “leaves officers to [*sic*] open to attack” and that “officers have no privacy and no place to privately discipline inmates or even just get info [...] A stupid US imported model”.

Respondents’ views also varied considerably on the aspects of the institution that helped the success of the direct supervision model. Although there were some respondents who simply maintained that “nothing” helped and that there was no “success in [direct supervision]... [i]t’s a flawed model that entitles inmates”, the responses provided by other institutional employees

were more supportive. For instance, correctional officers advised that “staff supervision, effective communication and monitoring”, along with “building rapport with inmates” “adequate staffing”, “highly trained staff[,] strong staff presence[,] consistency of daily schedule[,] sergeants that allow officers to do the job”, and “dedicated staff” “who buy into the [direct supervision] model” all contribute to the success of the direct supervision model at TSDC. Other respondents highlighted the importance of “step-down units”, “physical structure... and layout of units”, and “access to a variety of programming and activities that are not available in indirect units”.

Frontline employees were equally vocal in their opinions on the aspects of TSDC that hindered the success of the direct supervision model. For instance, correctional officers offered that, “inadequate” or “improper classification of inmates and failure to hold inmates accountable for their actions”, “lack of bed space, lack of management support, officers being blamed for inmate behaviour”, and “not enough programs for the inmates” adversely affect the success of direct supervision at TSDC. In addition, respondents identified the detrimental effect that “lack of cooperation [and] training”, “incompetent Correctional Officers and Management”, “sergeants undermining staff decisions such as sanctions or misconducts”, and “having to [sic] many senior administrators, each with their own views on how things should work, seemingly at odds with each others [sic] vision[,] lack of strong leadership at the top” had on the inmate supervision model.

Employees occupying various other roles at TSDC, including sergeants, programs and health care staff, and senior administrators also provided feedback regarding hindrances to the success of the direct supervision model. Elements included “too many lockdowns”, “lack of communication, lack of follow-up”, “old ways of thinking”, and “administrators who constantly change the expectations of the model”. In addition, “inexperienced staff”, “sergeants that have no authority over inmates... [and] correctional officers that are scared of inmates and bend rules for them”, and “lack of direct supervision training, poor support and supervision from middle management and a lack of buy in from front-line officers” were all advanced as factors that negatively impacted the success of the direct supervision model at TSDC.

*“Some staff are totally opposed to this model and work against it.”*

Sergeant  
Toronto South Detention Centre

It is telling that only 19%<sup>156</sup> of respondents from TSDC felt as though the inmate supervision model was a key factor that contributed to staff safety while 50%<sup>157</sup> indicated that a different inmate supervision model would increase staff safety at the institution.

### Staffing Numbers

Ministry data revealed that, as of July 31, 2018, TSDC employed a total of 1,197 employees, including 16 senior administrators.<sup>158</sup> It is worth noting that nine of these senior administrators had been employed in their current position for less than one year, although the data provided to the Independent Review Team did not indicate whether or not, or for how long, an individual had previously held a senior administrator position. Table A-1 shows the breakdown of staff years of service by select employment positions at TSDC as of July 31, 2018. The data revealed that over half (436 of 836 respondents; 52%) of those employed as correctional officers had less than two years of service, and lend support to the repeated concern that “TSDC has been flooded with new staff”.

*Table A-1. Number of TSDC Staff by Years of Service as of July 31, 2018*

<u>Job Code Description</u>	<u>Years of Service</u>										Total
	< 1 year	1 year to <2 years	2-5 years	6-10 years	11-15 years	16-20 years	21-25 years	26-30 years	31-35 years	36 or more years	
<b>Correctional Officer 1</b>	231	11	2	1							245
<b>Correctional Officer 2</b>	4	190	158	85	56	47	17	23	10	1	591
<b>Psychologist 1</b>					1	1					2
<b>Rehab Officer 2</b>		1	1	1	2		1			2	8
<b>Recreational Officer 2</b>				1				1			2
<b>Social Worker 2</b>	2	2	2	1				1			8

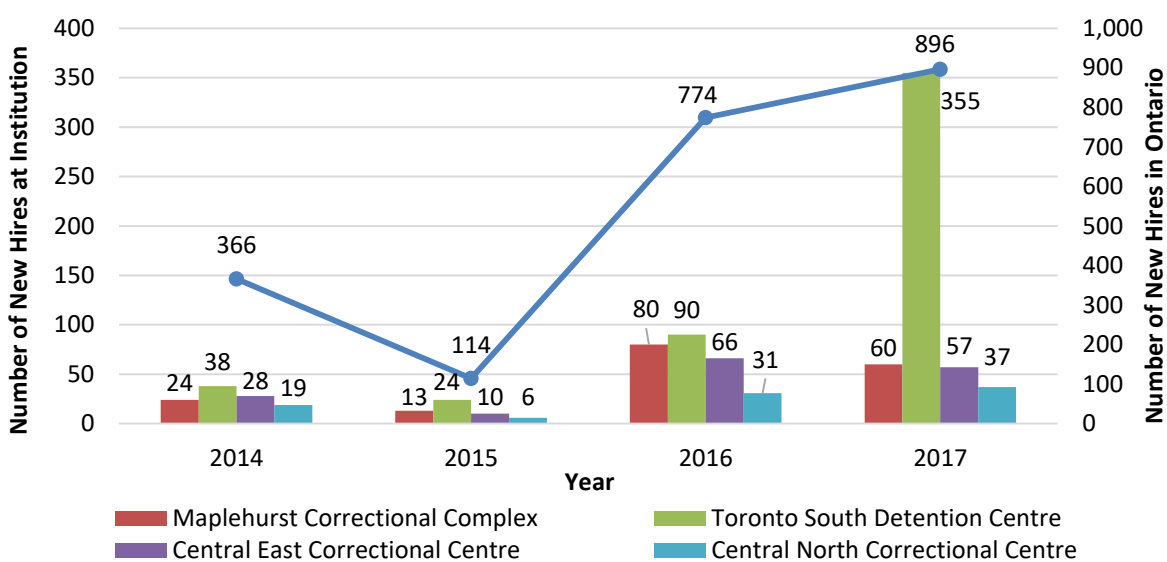
<sup>156</sup> Based on 51 (of 262) respondents who selected “inmate supervision model” as one of their five potential choices of measures that contribute most to staff safety at TSDC (Appendix B, Table B-4).

<sup>157</sup> Based on 131 (of 262) respondents who selected “a different inmate supervision model” as one of their five potential choices of measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

<sup>158</sup> Senior administrators included the position of superintendent along with deputy superintendents of administration, finance and performance management, security and compliance, operations, services, staff services, and treatment/programs.

The number of new staff members is a result of the ministry’s commitment, in 2016, to hire 2,000 correctional officers over the following three years after a four-year moratorium on all correctional officer recruitment.<sup>159</sup> Figure A-12 displays the recent influx in new hires in Ontario’s correctional institutions; notably, nearly 40% of all new hires in 2017 were assigned to TSDC. In addition, a number of experienced correctional officers in the three institutions that were to be amalgamated opted to transfer to other provincial facilities (e.g., Toronto East Detention Centre).<sup>160</sup> As a result, these lateral transfers resulted in vacancies at TSDC that contributed to the influx of new staff.

Figure A-12. MCSCS New Hires in Select Ontario Correctional Facilities, 2014-2017



Note: New hires includes correctional officers recently graduated from the Correctional Officer Training and Assessment (COTA) program, re-hires (former officers who left their positions), and those who transferred from youth corrections following 'conversion training'.

The high proportion of relatively new frontline staff may be a contributing factor to the current issues at TSDC which may adversely impact those who live and work within it. As one officer

<sup>159</sup> MCSCS, “Ontario to Hire 2000 New Correctional Officers,” *Newsroom* (Government of Ontario, March 21, 2016). Online: <https://news.ontario.ca/mcscs/en/2016/3/ontario-to-hire-2000-new-correctional-officers.html>.

<sup>160</sup> Ministry data indicates that when Mimico Correctional Centre closed in 2011, 30 correctional officers opted for transfers to institutions other than the newly opening Toronto Intermittent Centre (including 12 staff who transferred to Toronto Jail). Six correctional officers from Toronto Jail and 35 from Toronto West Detention Centre transferred to institutions other than TSDC when their respective facilities closed in 2014.

indicated, “I do not feel safe working in direct or indirect units. There are hundreds of new officers who are very young with no experience or proper training”. Another correctional officer, with over a decade of experience working for the ministry, cautioned that “if new staff continue to come, the violence won’t stop. Veteran officers like myself will continue to leave and the institution will be dealing with bigger problems”.

### Population Ratios

Ministry data<sup>161</sup> provided the Independent Review Team with a glimpse into the ratio of clinical staff<sup>162</sup> and correctional officers to inmates at TSDC in the 2017 calendar year. Using yearly inmate population counts and average yearly employee counts,<sup>163</sup> this data revealed that the ratio of social workers/social work managers to inmates at TSDC was one full time equivalent employee (regular and fixed-term employees) per 116 inmates. For psychologists/chief psychologists, the ratio was one per 291 inmates.

These figures stand in stark contrast to the ratios at Ontario Correctional Institute (OCI), the province’s only medium security treatment centre, which had the lowest number of reported inmate-on-staff incidents among Ontario’s correctional institutions between 2012 and 2017. For social workers/social work managers, the ratio at OCI was one employee per 22 inmates while there was one psychologist/chief psychologist per 34 inmates (Table A-2). Moreover, unlike TSDC, which did not staff the position, there was one psychometrist<sup>164</sup> per 109 inmates at OCI in 2017.

While it is necessary for the staffing complement of these two institutions to differ as one is a large remand facility and the other is a smaller correctional treatment centre, it is important to note that research has found that more clinical supports and programming are associated with lower institutional violence.<sup>165</sup> Meanwhile, increasing security and correctional officer complement alone does not necessarily result in greater institutional safety.

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<sup>161</sup> The ministry advised that the ratios were calculated using average annual inmate counts and averages of monthly staff headcounts for both regular and fixed-term employees.

<sup>162</sup> Clinical staff included social workers, social work managers, psychologists, chief psychologists, and psychometrists.

<sup>163</sup> The data included both regular and fixed-term employees and total clinical staff at the institution (i.e., not staff ‘on duty’).

<sup>164</sup> A psychometrist is an individual with specialized training in the administration and scoring of psychological tests and instruments.

<sup>165</sup> McCorkle et al., *Roots of Prison Violence*, *supra* note 11; Chantal Di Placido et al., “Treatment of Gang Members Can Reduce Recidivism and Institutional Misconduct,” *Law and Human Behavior* 30, no. 1 (2006).

Table A-2. Ratio of Full Time Equivalent Employee to Inmate(s), 2017

<u>Position</u>	<u>Toronto South Detention Centre</u>	<u>Ontario Correctional Institute</u>
Correctional Officer	1 : 1	1 : 2
Social Worker/Social Work Manager	1: 116	1: 22
Psychologist/Chief Psychologist	1: 291	1: 34
Psychometrist	N/A	1 : 109

### Institutional Budget

The total institutional budget for TSDC<sup>166</sup> for the 2016/17 fiscal year was \$101,998,127, the majority of which was allocated to salaries and wages. Table A-3 provides a breakdown of TSDC employee salaries and wages by department.

Table A-3. TSDC Salaries and Wages by Department, 2016/17

<u>Department</u>	<u>Total</u>
<b>Administration</b>	\$5,005,887
<b>Correctional</b>	\$59,340,097
<b>Food</b>	\$1,019,065
<b>Health</b>	\$9,888,254
<b>Treatment</b>	\$2,044,914
<b>Housekeeping</b>	\$2,261,412
<b>Maintenance</b>	\$833,986
<b>Academic</b>	\$0
<b>Recreation</b>	\$539,873
<b>Total</b>	<b>\$80,933,488</b>

Table A-4 provides a summary of the same figures reported in the 2017/18 fiscal year. Again, salaries and wages accounted for the majority of the total institutional budget, which increased to \$108,740,306.

<sup>166</sup> The institutional budget includes the 320-bed Toronto Intermittent Centre which is co-located within TSDC and utilizes the same operational staff.

*Table A-4. TSDC Salaries and Wages by Department, 2017/18*

<u>Department</u>	<u>Total</u>
<b>Administration</b>	\$5,318,637
<b>Correctional</b>	\$63,213,709
<b>Food</b>	\$1,063,576
<b>Health</b>	\$10,263,756
<b>Treatment</b>	\$2,290,245
<b>Housekeeping</b>	\$2,284,178
<b>Maintenance</b>	\$840,418
<b>Academic</b>	\$0
<b>Recreation</b>	\$571,826
<b>Total</b>	<b>\$85,846,345</b>

As these figures demonstrate, correctional staff accounted for approximately 73% of the salaries and wages paid in these two fiscal years while those employed in the treatment and recreation departments accounted, collectively, for under 4%. Furthermore, it is worth noting that TSDC did not staff an academic department in either year.

In the 2016/17 fiscal year, TSDC's Other Direct Operating Expenditures (ODOE)<sup>167</sup> budget, excluding yearly transfer payments,<sup>168</sup> was \$8,895,439<sup>169</sup> and almost one-third (32%) of this cost was devoted to services, which is broken down and outlined below in Table A-5. The lack of spending on additional training is important given the training concerns raised by staff.

*Table A-5. TSDC Spending on Services, 2016/17*

<u>Services</u>	<u>Total</u>
<b>Professional Services Contracts</b>	\$780,000
<b>Repairs &amp; Maintenance Contracts and Services</b>	\$137,559
<b>Rental &amp; Other Services</b>	\$1,967,928
<b>Additional Funds for Training</b>	\$0
<b>Total</b>	<b>\$2,885,487</b>

<sup>167</sup> ODOE categories include Transportation and Communications, Services, and Supplies and Equipment. ODOE budget categories are based on a five-year average of expenditures.

<sup>168</sup> Transfer payments are for external inmate rehabilitation contracts and payment in lieu of municipal taxes.

<sup>169</sup> Note, when transfer payments are included, this figure increases to \$9,045,739.

In the 2017/18 fiscal year, the institution’s ODOE budget, again excluding yearly transfer payments, increased to \$9,913,189<sup>170</sup> and over one-third (35%) was spent on services (Table A-6).

*Table A-6. TSDC Spending on Services, 2017/18*

<u>Services</u>	<u>Total</u>
<b>Professional Services Contracts</b>	\$854,563
<b>Repairs &amp; Maintenance Contracts and Services</b>	\$222,661
<b>Rental &amp; Other Services</b>	\$2,433,444
<b>Additional Funds for Training</b>	\$0
<b>Total</b>	<b>\$3,510,667</b>

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<sup>170</sup> Note, when transfer payments are included, this figure increases to \$10,063,489.



## A-II. Inmate-on-Staff Incidents: 2017 In-Depth Analysis

The Independent Review Team obtained copies of the original paper-based Inmate Incident Report (IIR) from the Ministry of Community Safety and Correctional Services' (MCSCS) Information Management Unit (IMU) pertaining to the 270 reported inmate-on-staff incidents in 2017 that were identified to have occurred at Toronto South Detention Centre (TSDC).<sup>171</sup> These 270 IIRs were read, reviewed, and categorized into the following 17 incident types:

- Threat
- Throw small item
- Throw bodily fluid/substance
- Assault – push
- Assault – kick
- Assault – headbutt
- Attempt physical assault
- Throw large item
- Assault – scratch
- Assault – slap/punch
- Assault – miscellaneous item<sup>172</sup>
- Spit or Attempt Spit
- Attempt throw
- Throw liquid
- Assault – grab
- Assault – bite
- Assault – weapon

When necessary, additional documents were also requested and reviewed (e.g., Occurrence Reports, Use of Force Occurrence Reports, Misconduct Reports). Following review of the 270 IIRs, a total of 15 incidents were excluded from analysis after the Independent Review Team confirmed that they either occurred elsewhere (e.g., Toronto East Detention Centre, Toronto Intermittent Centre) or were duplicate entries of a single incident. There were 21 inmate-on-staff IIRs that did not clearly satisfy the Workplace Violence Prevention Program (WVPP) definition of violence,<sup>173</sup> for which additional documents were requested from TSDC for further analysis. Copies of documents were located and provided for 16 of these incidents, of which five were determined not to satisfy the WVPP definition of violence<sup>174</sup> and were excluded from

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<sup>171</sup> The *Interim Report* identified 267 incidents that occurred at TSDC in 2017 due to three incidents that were excluded from analysis when verified by the IMU to be duplicated incidents.

<sup>172</sup> 'Miscellaneous item' included bed sheets or clothing that were not likely to cause serious physical injury. These were distinct from fashioned or obtained weapons such as sharp pieces of plastic or metal, which would be included in the categorization of 'weapon'.

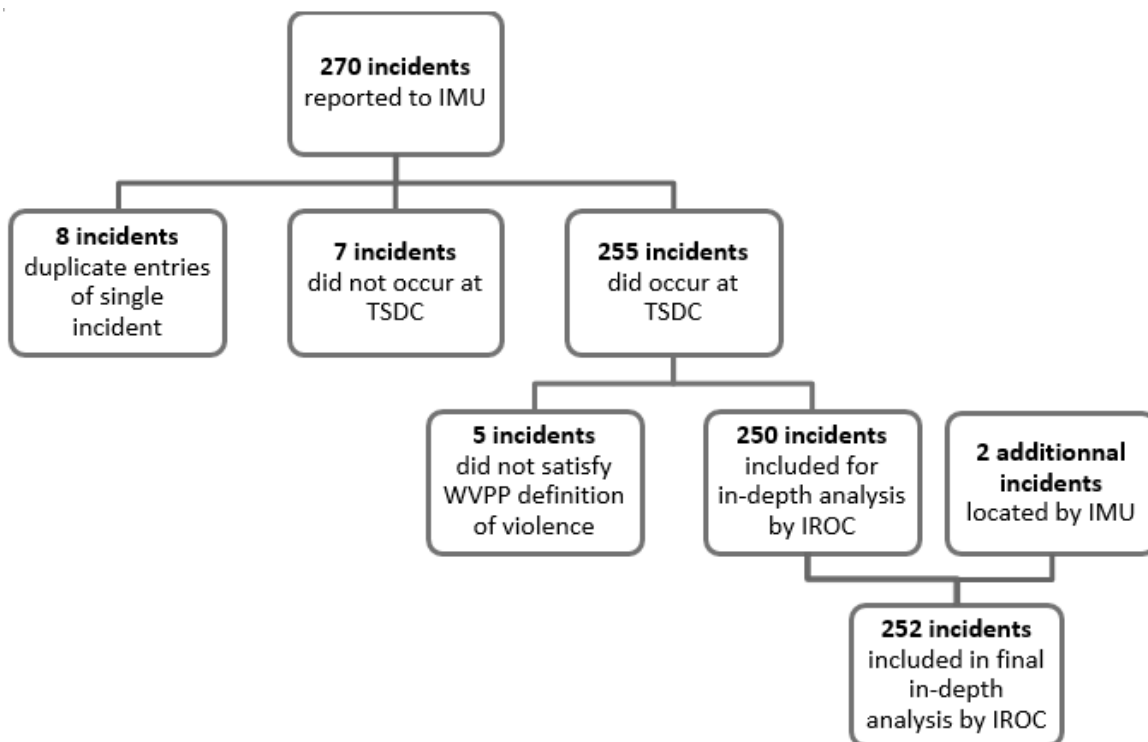
<sup>173</sup> The Workplace Violence Prevention Program defines violence as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or,
- A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

<sup>174</sup> For example, in one incident an inmate was verbally abusive/insulting but did not actually threaten correctional employees. In another incident, an inmate was reported to have

analysis. TSDC could not locate or provide documents for the remaining five incidents. The Independent Review Team erred on the side of caution and included these incidents for analysis utilizing the original IMU categorization of the incident.<sup>175</sup> An additional two incidents were included for analysis when documentation was located at the IMU that was previously missed during the process of compiling the provincial inmate-on-staff violence tracking report for the ministry. As a result, a total of 252 incidents were included in the Independent Review Team’s in-depth analysis of reported inmate-on-staff incidents of violence that occurred at TSDC in 2017 (Figure A-13).

*Figure A-13. Flow Chart of Reported Inmate-on-Staff Incidents included for In-Depth Analysis*



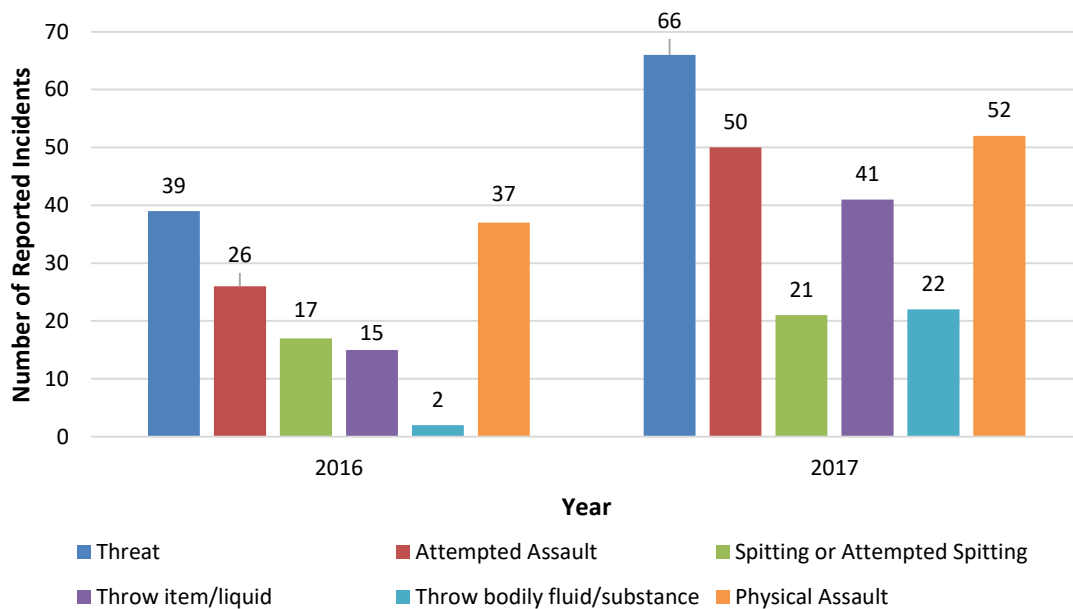
committed an assault on staff but upon local investigation, including review of video footage, it was determined that the inmate did not commit an assault. The incident remained marked as an assault on the IMU’s list of reported inmate-on-staff violence but was excluded from this case study.

<sup>175</sup> For example, in one incident an inmate “took a step towards the unit correctional officer”, resulting in a use of force reported on the IIR. The IMU interpreted this event as a threat, and, likewise, the Independent Review Team included this incident for analysis as a threat.

## Reported Incidents of Inmate-on-Staff Violence

The 252 reported inmate-on-staff incidents of violence included for analysis represent an increase of 85% from the 136 reported inmate-on-staff incidents at TSDC in 2016.<sup>176</sup> In May 2018, the Office of the former Minister of Community Safety and Correctional Services suggested that this surge in reported incidents was due to increased and/or better reporting. While better compliance with reporting procedures may have contributed to some of the increase in overall reported incidents across the province and specifically at TSDC, it would be inappropriate to imply that the increase was solely due to previously unreported or underreported 'less serious' incidents (e.g., threats not deemed credible by correctional employees). At TSDC, between 2016 and 2017, an increase in reported incidents across all incident types<sup>177</sup> was observed (Figure A-14). Though threats remained the largest category of 2017 reported incidents, there were also substantial increases in reported attempted assaults, throwing-related incidents, and physical assaults.

Figure A-14. Reported Inmate-on-Staff Incidents at TSDC, 2016 and 2017 by Incident Type

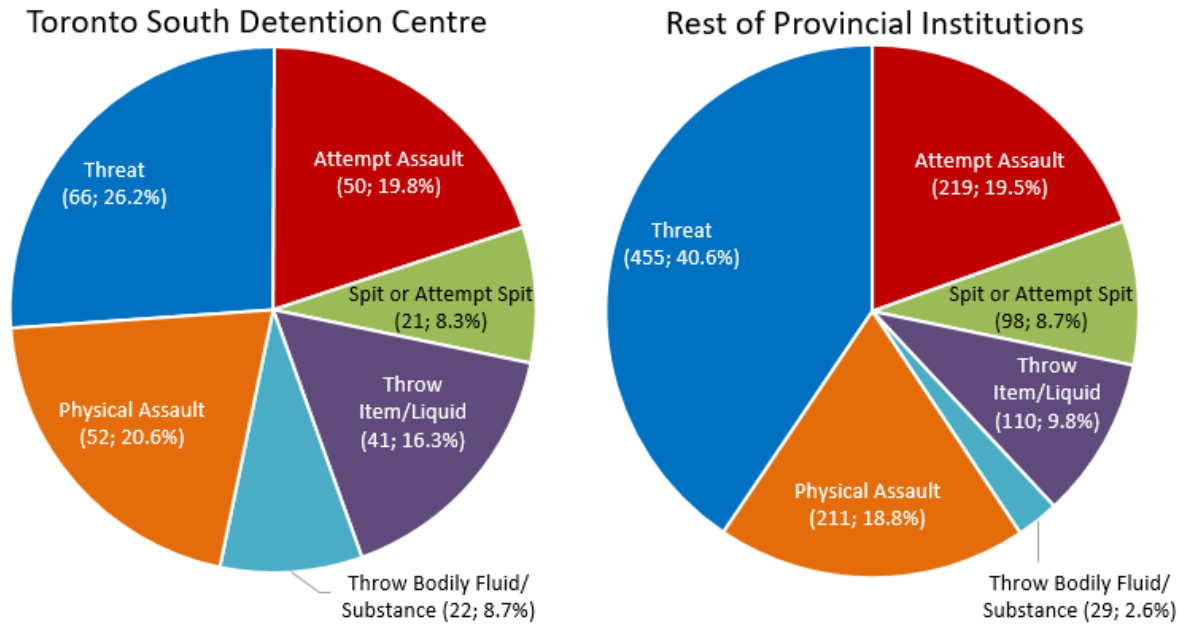


<sup>176</sup> IROC, Interim Report, *supra* note 9.

<sup>177</sup> Identified by most serious incident type present in each incident. Methodology of categorization of the six incident category types utilized was consistent with that which was developed and explained in the *Interim Report*.

The Independent Review Team compared the incident types at TSDC to the rest of the province as a whole (Figure A-15).

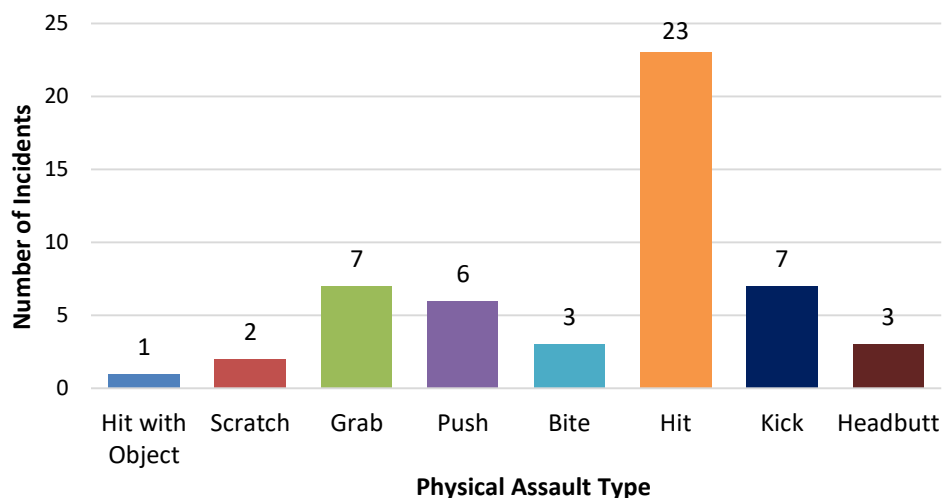
*Figure A-15. Reported Inmate-on-Staff Incidents by Type, 2017 at TSDC and Rest of Provincial Institutions*



Of reported incidents in 2017 in the other 24 provincial institutions, approximately 41% were threats, 20% were attempted assaults, 19% were for physical contact assault, 10% were throwing of items, 9% were spitting-related, and 3% were throwing bodily fluids/substances. TSDC reported a similar proportion of attempted assaults, spitting-related incidents, and physical assaults in 2017 compared to the rest of the province’s correctional institutions. However, a smaller proportion of reported incidents at TSDC were threats (26%), and larger proportions were throwing of items/liquids (16%) and throwing of bodily fluids/substances (9%).

A further breakdown of the reported inmate-on-staff physical assault incidents is displayed in Figure A-16.<sup>178</sup> The largest proportion of physical assaults was hitting incidents<sup>179</sup> (including elbowing, punching, and striking).

*Figure A-16. Breakdown of Reported Inmate-on-Staff Physical Assaults at TSDC, 2017*



Note: IROC categorization included "assault with a weapon" as a physical assault incident subtype, but there were no incidents of this nature in the 252 reviewed incidents reported at TSDC in 2017. The "hit with object" incident pertains to an inmate who hit a correctional employee with a phone receiver through the cell door meal hatch in a Segregation Unit cell.

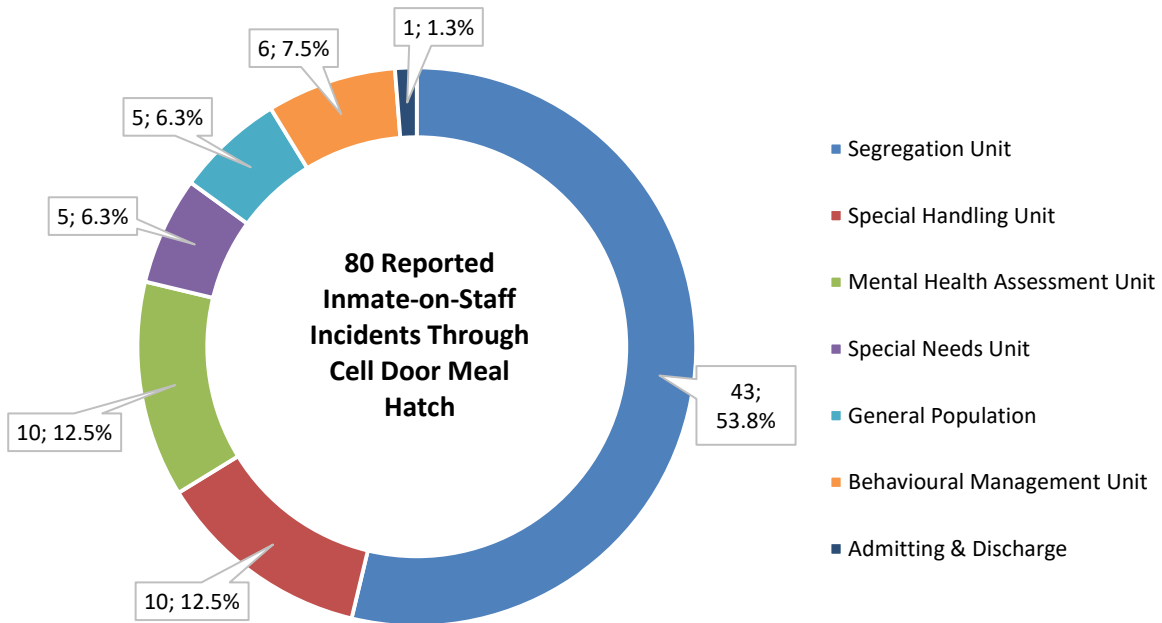
Details in the IIRs indicated that nearly half of the inmate-on-staff attempted or completed assaults (i.e., all categories excluding threats) occurred through the cell door meal hatch (80 of 186 incidents; 43%) while the inmate was confined in a cell (Figure A-17). As expected, the large majority (79%) of all throwing-related incidents (i.e., of items, liquid, or bodily fluids/substances) occurred through the cell door meal hatch. In addition, 14 (28%) of 50 attempted assaults and 10 (19%) of 52 physical assaults occurred through the cell door meal hatch, possibly indicative that the risk of prolonged assault and/or potential severity of injury in these instances was low. The majority of incidents that occurred through the cell door meal hatch also occurred in a Segregation Unit (43 incidents; 54%), with an additional quarter (25%) of incidents having occurred in a Special Handling Unit (10 incidents) or Mental Health

<sup>178</sup> The IIR details were reviewed to categorize the incident type in these physical assault categories.

<sup>179</sup> Two incidents were counted as 'hitting' incidents where the IIR details were not clear to indicate if/what type of physical assault took place (e.g., inmate was "physically aggressive") and additional documentation could not be obtained from TSDC to confirm the incident type.

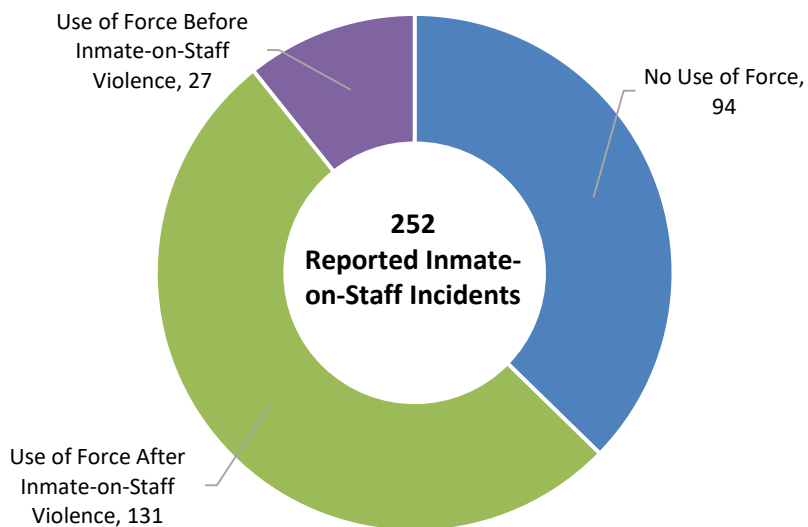
Assessment Unit (10 incidents). This data suggests that the cell door meal hatch-related incidents may be restricted to a subgroup of the inmate population that could be appropriately identified and classified so that individualized precautionary measures could be implemented to prevent such incidents from occurring.

*Figure A-17. Reported Inmate-on-Staff Incidents Through the Cell Door Meal Hatch at TSDC in 2017*



The Independent Review Team was also able, by reading the details of the IIRs, to identify which reported incidents involved correctional employee use of force. The IIRs indicated that force was used in 158 (63%) of the 252 reported inmate-on-staff incidents in 2017 at TSDC. The IIRs and Use of Force Report packages were reviewed to determine the sequence of events involving the use of force; force was used after the inmate-on-staff violence in 131 of the incidents and before the inmate-on-staff violence in 27 instances (Figure A-18).

Figure A-18. Use of Force in Reported Inmate-on-Staff Incidents at TSDC, 2017



Further analysis of these figures raises questions regarding whether the use of force was avoidable in many of the 158 events. For example, 34 (26%) of the 131 incidents where force was used after the reported inmate-on-staff violent act were in response to a threat. Further, the 27 events where use of force occurred *before* the reported inmate-on-staff violence may be indicative that correctional employees escalated an interaction with an inmate to the point of violence (see, for example: Textbox 1). This represents around 11% of all reported inmate-on-staff incidents, which may have been avoided with the use of verbal tactics or other de-escalation methods.

### Inmates Involved in Incidents

The Independent Review Team was able to extract inmate information reported on IIRs that is not presently utilized for analysis by the ministry. Each IIR includes the Offender Tracking Information System (OTIS) unique identifying number of the inmate(s) involved in an incident. In the 252 total reported inmate-on-staff incidents in 2017 at TSDC, there were 145 unique individuals implicated, which means that some individuals were involved in multiple incidents (e.g., one inmate was involved in 11 reported incidents while in custody at TSDC in 2017). Table A-7 displays the breakdown of the inmate population involved in reported inmate-on-staff incidents of violence at TSDC in 2017.<sup>180</sup> The overwhelming majority of inmates were in custody at TSDC on remand (122; 85%). This is comparable to the average inmate population (see Figure A-6) of TSDC (83%). However, a larger majority of inmates involved in these incidents were

<sup>180</sup> The hold status for each inmate on the date of the inmate-on-staff incident was verified in OTIS.

aged 29 or younger at the end of 2017 (86; 59%) compared to the TSDC average inmate population (39%).

*Table A-7. Inmates Involved in Incidents at TSDC in 2017 by Age and Holding Type*

		Number	Percent	Cumulative Percent
<b>Age Group</b>	<20 years	5	3.4%	3.4%
	20-29 years	81	55.9%	59.3%
	30-39 years	34	23.4%	82.8%
	40-49 years	19	13.2%	95.9%
	50+ years	6	4.1%	100.0%
	Total	145	100.0%	
<b>Holding Type</b>	Provincially Sentenced	20	13.9%	13.9%
	Remand	123	85.4%	99.3%
	Other	1	0.7%	100.0%
	Total	144*	100.0%	

Note: Age Group based on age on Dec 31, 2017. Remand holding type includes federally sentenced inmates in TSDC for remand purposes.

\*One inmate who changed holding status (between remand and provincially sentenced) during his time in custody at TSDC was excluded from analysis. All other inmates only had one holding status even over multiple inmate-on-staff incidents.

Some correctional employees suggested that individuals entering Ontario’s correctional facilities are increasingly more violent, and this trend explains the rise in reported inmate-on-staff assaults. The *Interim Report* highlighted that the majority of inmates in Ontario’s provincial correctional facilities were not in custody for a violent charge as their most serious offence (MSO). In TSDC in 2017, however, those in custody for a violent charge as their MSO made up a greater proportion of the average inmate population (approximately 50%) and of those inmates involved in reported inmate-on-staff incidents of violence (62%; Table A-8).

This data must be interpreted with caution. First, it is expected that at least over 400 inmates on a given day in TSDC<sup>181</sup> were in custody for a violent charge as their MSO, yet only 90 individuals with a violent MSO engaged in reported inmate-on-staff violence in 2017. In this *Case Study*, paper-based IIRs were reviewed to extract inmate identifying information and retrieve corresponding OTIS data. Data was not available on inmates in custody who were not involved in reported inmate-on-staff violence, and thus comparisons and statistical analysis

<sup>181</sup> Based on 50% of the ministry’s 2017 average count of 873 inmates at TSDC.



could not be conducted on the difference between these two groups (i.e., whether a presence of a violent charge was a predictor for engaging in reported inmate-on-staff violence). Second, it is important to remember that a charge is not proof of guilt. An inmate may have a violent charge on record, but that does not mean that they actually committed the act.

OTIS ranks “homicide and related”, “serious violent”, and “violent sexual” offences as the top three MSO categories. However, “assault and related” offences are ranked lower in MSO severity than other types of non-violent offences, such as importing drugs or fraud-related offences. As a result, an inmate in custody for a serious fraud charge and a minor assault charge would be counted in the non-violent MSO group, even with the presence of a violent charge for the current custody term.<sup>182</sup> For these reasons it is problematic to attempt to explain inmate behaviour or predict involvement in institutional violence based on the presence of a violent charge as the MSO.

*Table A-8. Inmates Involved in Incidents at TSDC in 2017 by Most Serious Offence and OTIS Alert*

		Number	Percent
<b>Most Serious Offence (MSO) Type for Custody in 2017</b>	Non-violent	55	37.9%
	Violent	90	62.1%
	Total	145	100.0%
<b>Any Active OTIS Alert* in 2017</b>	No	2	1.4%
	Yes	143	98.6%
	Total	145	100.0%

Note: MSO type is for any custody term at TSDC during 2017.

\*Active OTIS Alerts included alerts in any of the following seven selected categories: Mental Health; Substance Abuse; Security Threat Group; Management Risk; Intensive Supervision; Special Security; Dangerous Offender. Inmates could have more than one active OTIS alert at one time.

Table A-9 shows some categories of active alerts in OTIS associated with inmates involved in reported inmate-on-staff incidents at TSDC in 2017. Inmates could have more than one active alert at any given time (e.g., Mental Health alert and Management Risk alert active

<sup>182</sup> It is possible to view all inmates’ charges in OTIS, however, inmates may be charged with multiple offences related to a single occurrence and have other pending charges related to different occurrences active in OTIS at one time. It is not feasible nor realistic for correctional employees to access and review all charge information associated with an inmate. Further, as previously noted, charges do not equate to convictions and the relevance of reviewing all present charges is questionable.

simultaneously). The Independent Review Team reviewed the OTIS alerts and identified and included for analysis the following alert types as indicative of a possible risk for violent behaviour while in an institution: mental health (e.g., bizarre/abnormal behaviour); substance abuse (e.g., known substance abuse history); member of a security threat group (e.g., gang affiliation); management risk (e.g., disruptive/combative during admission, current or previous violent offence); intensive supervision (e.g., require more than usual community supervision by staff); special security (e.g., known to carry weapon, known to be assaultive to staff); and dangerous offender (e.g., long-term offender).<sup>183</sup> All but two of the inmates involved in inmate-on-staff incidents of violence had an active alert in one of the seven alert types at some point in 2017. In comparison to the average TSDC inmate population,<sup>184</sup> the sample of inmates involved in inmate-on-staff incidents had larger proportions with active OTIS alerts pertaining to mental health, security threat group, management risk, intensive supervision, and special security (see Figure A-6).

*Table A-9. OTIS Alert Types for TSDC Inmates Involved in Incidents*

	Mental Health	Substance Abuse	Security Threat Group	Management Risk	Intensive Supervision	Special Security	Dangerous Offender
Active Alert	80 (55.2%)	55 (37.9%)	36 (24.8%)	139 (95.9%)	25 (17.2%)	22 (15.2%)	0 (0%)
No Alert	65 (44.8%)	90 (62.1%)	109 (75.2%)	6 (4.1%)	120 (82.8%)	123 (84.8%)	145 (100%)

Alerts can be added to an inmate’s information in OTIS by most frontline correctional employees. Some alerts have automatic expiry dates following release from custody (e.g., suicide risk alert), but other alerts do not (e.g., gang affiliation). It is possible that some alerts remain active if a correctional employee does not remove an alert that is no longer relevant. The efficacy of these alerts is questionable when 85% of the average TSDC population had an active Management Risk alert in OTIS in 2017.<sup>185</sup>

<sup>183</sup> Other alerts in OTIS include matters such as Citizenship and Immigration Canada offender of interest, physical health disabilities or histories, diet or allergy restrictions and needs, religious needs, suicide risk, etc., that were reviewed but not deemed relevant by the Independent Review Team as an alert that may be indicative of a risk of violence to staff while the inmate is in an institution.

<sup>184</sup> Based on averages calculated by using data gathered from monthly snapshot dates in 2017.

<sup>185</sup> Management Risk categorization could be based on a number of characterizations, including disruptive/combative behaviour during admission, information from police or other jurisdictions, current or previous violent offences, and/or being a high risk offender or hostile offender.

### **Textbox A-1. Verification of Medical Histories of Inmates**

The Independent Review Team requested verification from healthcare personnel at Toronto South Detention Centre for information pertaining to substance abuse history, cognitive or physiological disorder, and/or mental health issues for the 145 unique inmates involved in the reported inmate-on-staff incidents in 2017. For inmates who had since been transferred to other institutions, those institutions' health care teams were contacted to verify the relevant information.

Medical files could not be located for 17 (12%) of the 145 inmates. Some of these files were for inmates who were still in custody at TSDC at the time of the Independent Review Team's request, but many were for inmates who had left TSDC, either through release or transfer to another institution. As there is no electronic filing system for inmate medical records, TSDC relies on paper-based hardcopy files that should be held in the health care unit and/or mental health nurses station both while an inmate is in custody and following release. When an inmate is transferred to another institution, the medical file should also be transferred to the receiving institution by a bailiff. TSDC health care personnel were not able to provide a definitive explanation as to why 17 medical files could not be located on site nor at other institutions where the inmate may have been transferred. Aside from the ethical and privacy concerns surrounding medical information that has been misplaced, effective treatment is dependent on a continuity of care that is disrupted when pertinent medical records cannot be reliably located and accessed.

Of the remaining 128 inmates whose files could be located, just over half (66; 52%) had a history of substance abuse, two-thirds (84; 66%) had a cognitive or physiological disorder, and two-thirds (85; 66%) had received mental health-related attention from health care staff. These proportions are greater than the active OTIS alerts identified in this inmate sample. It is possible that irrelevant alerts pertaining to past substance abuse history have been removed from OTIS; however, it is essential that the attribution and removal of health-related alerts be managed and verified by clinicians to ensure that relevant medical information is appropriately conveyed to correctional employees who interact with the inmate.

## Correctional Employees Involved in Incidents

To ensure transparency and accountability in daily operations, correctional officers are expected to carefully and thoroughly document events in a number of reports. Occurrence Reports, Use of Force Occurrence Reports, and Misconduct Reports require that the correctional employee involved in the incident (i.e., the person completing the report) be identified. The IIR requires identification of the person completing the report (i.e., the sergeant/manager), but does not explicitly require information pertaining to the correctional employee(s) involved in the incident beyond direct victims of reported assaults to be reported on the IIR. As a result, though inmate information can be manually extracted from IIRS and cross-referenced with OTIS for analysis of patterns of involvement, extracting reliable correctional employee information is currently impractical, tedious, and burdensome.

First, IIRs do not necessarily contain identifying information of the correctional employee(s) involved in a reported incident. For example, this information was not provided on IIRs for 112 (44%) of the 252 reported inmate-on-staff incidents at TSDC in 2017. As a result, the Occurrence Report (OR) must be located and reviewed to determine which correctional employee(s) was involved or present during the incident. Even in doing so, there is presently no method by which frequency of employee involvement is tracked for trend analysis. Which staff are involved, in what types of incidents, involving which inmates, and how frequently are all important considerations for an incident of violence. If certain correctional employees are repeatedly involved in inmate-on-staff incidents, this could be a concern for management. A particular employee may be disproportionately exposed to situations of violence due to the assigned post, at heightened risk of post-traumatic stress disorder (PTSD), and require additional workplace and/or mental health supports and enhanced services through the Critical Incident Stress Management (CISM) Program.<sup>186</sup> Alternatively, an employee may be inappropriately escalating situations to the point of violence, indicative of a need for additional or re-training on de-escalation techniques.

The Independent Review Team was able to assess Workplace Safety and Insurance Board (WSIB) claims<sup>187</sup> by correctional employees at TSDC for “assault or violent acts” in 2017. Of the

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<sup>186</sup> CISM provides proactive education and reactive intervention services to Correctional Services staff, and are available to all superintendents and area managers for use following a crisis and certain emergency situations to assist correctional staff in coping with the stress caused by such incidents. Critical incidents include involvement in violence and receipt of a threat of violence to correctional staff or their families.

<sup>187</sup> WSIB claims are only initiated after an employee seeks outside medical treatment. Correctional employees who received medical treatment in an institution by local health care

252 reported inmate-on-staff incidents, 42 (17%) were matched to WSIB claims;<sup>188</sup> half (21; 50%) of these were also use of force incidents. There were an additional 29 WSIB claims relating to “assault or violent acts” that could not be matched with reported inmate-on-staff incidents. This may be indicative that the claim related to non-inmate violence experienced at the workplace, but more likely is pertaining to psychological treatment required that could not be matched with the date of a reported inmate-on-staff incident, as the treatment needs may not have been immediate. These claims are an indication of the psychological stress that correctional employees manage at their place of work.

As reported in the *Interim Report*, the Modernization Division of MCSCS is in the process of developing a digital system of reporting incidents. This system is currently undergoing user testing, with plans for a first iteration of the digital platform to be tested in four institutions in late-January 2019. Part of this new reporting platform will include a field for sergeants/managers completing the IIR to indicate the number of staff involved in an incident, and will prompt entry of the involved correctional employee(s) information by linkage to an active directory to avoid text field data entry errors. This new reporting process should allow for future analysis to be efficiently conducted utilizing correctional employee information.

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staff but did not receive outside medical treatment would not be eligible for a WSIB claim for any workplace-related injury or illness.

<sup>188</sup> The largest proportion of incidents linked to WSIB claims were physical assaults (18, 43%), but a large number were attributable to throwing items, liquid, or bodily matter (17, 41%).

## A-III. Incident Reporting Practices

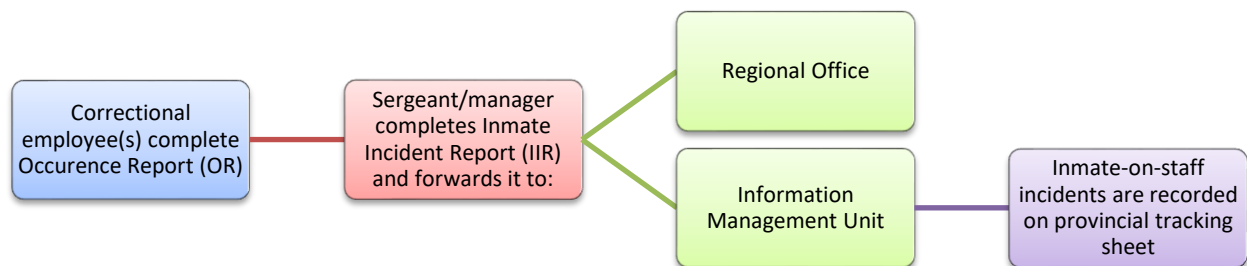
### Inmate-on-Staff Incidents

The *Interim Report* identified the basic reporting procedures following an incident involving an inmate in an Ontario provincial correctional institution. The Independent Review Team confirmed the following incident reporting procedures at TSDC. First, any involved correctional employee(s) will complete an Occurrence Report (OR). The OR is reviewed by the direct manager of the correctional employee submitting the OR. The Inmate Incident Report (IIR), containing a consolidated explanation of the incident, is completed by the sergeant or manager involved in an incident or a sergeant/manager who attends an incident, and is forwarded to the respective regional office and the Ministry of Community Safety and Correctional Services' (MCSCS) Information Management Unit (IMU).<sup>189</sup> The IIR is reviewed by the staff sergeant on duty, then forwarded to the deputy superintendent on call, who would brief the respective regional office regarding the incident. The sergeant or staff sergeant who receives updated information to the incident would update the IIR (this may be the same person who completed the original IIR or another manager) (Figure A-19).

*“Paperwork is extremely inefficient and growing more inefficient. Everything should be digitized and on OTIS, or a shared drive, including logbooks. [...] It’s also hugely wasteful of officer time and taxpayer money [...] From my perspective the Sgts are often hindered by excessively burdensome paperwork.”*

Correctional Officer  
Toronto South Detention Centre

Figure A-19. MCSCS Incident Reporting Paperwork Process



<sup>189</sup> At times the IIR may be completed by a staff sergeant if the sergeant/manager is otherwise occupied and unable to complete the IIR.

The Independent Review Team randomly selected<sup>190</sup> 24 reported inmate-on-staff incidents from 2017 at TSDC to review ORs and IIRs to confirm that the information reported by a manager on an IIR was reflective of what was initially reported by the involved correctional employees on ORs. Documents were received for 19 (79%) of the requested incidents. Following multiple requests, TSDC was unable to locate or provide documentation beyond IIRs pertaining to five (21%) of the 24 requested incidents. Missing paperwork compromises data verification for the purpose of this case study and also raises concerns of record keeping practices at TSDC. For the 19 incident files reviewed, the Independent Review Team did not have concerns regarding the integrity of the data reported by managers on IIRs in comparison to the details provided by involved correctional employees on ORs.<sup>191</sup>

The Superintendent's Office at TSDC has a local list of all IIRs, Employee/Other Incident Reports (EOIRs, used for non-inmate related events), and ORs. The Independent Review Team reviewed this list for 2017 incidents at TSDC and identified 167 incidents that appeared to be reported

*“Incompetent managers who are afraid of the inmates or too lazy to complete their paperwork makes staffs misconduct reports disappear and there is no consequence for the inmates misbehaviour which creates a vicious [sic] violence cycle of repeated threats, taunts, and physical assaults.”*

Correctional Officer  
Toronto South Detention Centre

inmate-on-staff violence but that could not be matched to the reported inmate-on-staff incidents recorded by the IMU and utilized by the ministry. The majority (139 of 167; 83%) of these incidents were identified on the TSDC local list as ORs, suggesting that they were never reported on IIRs by sergeants/managers. Again, the Independent Review Team randomly selected<sup>192</sup> 24 occurrences reported by correctional employees on ORs that were not associated with IIRs provided to the IMU. The Independent Review Team received copies of documentation from TSDC for 23 of these incidents.<sup>193</sup> Upon review of the documentation, 16 incidents were identified as inmate-on-staff verbal

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<sup>190</sup> Two reported inmate-on-staff incidents per month were randomly selected for review, for a total of 24 incidents.

<sup>191</sup> Of the files reviewed, the IIR completed by the sergeant/manager was reflective of what the correctional employee reported on the OR in all incidents except two, where information on an inmate-on-staff threat was reported in the OR but missing from the IIR. However, the 'more serious' incident type involved in the event (in one event, assault by grabbing an officer, in the other event, assault by throwing bodily fluids) was indicated on the IIR.

<sup>192</sup> Two Occurrence Reports per month were randomly selected from the local list of 2017 ORs, EOIRs, and IIRs for review of the documentation held at TSDC, for a total of 24 occurrences.

<sup>193</sup> TSDC was unable to locate or provide documentation for one of the 24 incidents.

threats, two were for throwing items or liquid, one was for throwing of bodily substances, and four lacked sufficient details to satisfy the WVPP definition of violence. In two occurrences, there was notation from the reviewing sergeant that was suggestive that the inmate's actions did not warrant further action, however for the majority of incidents it was not clear whether the sergeant would or would not complete an IIR to report the incident to the Regional Office and IMU.

The Independent Review Team also requested copies of documents pertaining to 12 randomly selected<sup>194</sup> incidents on the local list that were indicated to have been reported on IIRs, but were missing from the IMU's list of inmate-on-staff incidents in 2017. One incident was matched with an incident on the IMU list and was excluded from analysis. Nine of the remaining 11 IIRs had been completed with the selected "incident type" as "Use of Force" or "Other".<sup>195</sup> Multiple incident types can be selected on the IIR form, yet in only two instances the reporting sergeant selected an "incident type" as "assault" or "threat".<sup>196</sup>

The inmate-on-staff incident reporting process is prone to inconsistency stemming from the lack of a formal IIR reporting policy. The consequence of this policy gap is subjective reporting of events by the sergeant/manager. This subjectivity has broader implications for provincial analysis by the ministry, as data collected by the IMU is dependent on the submission of IIRs. If a sergeant/manager mistakenly or intentionally omits details from an IIR, or does not complete an IIR at all, the reliability of the ministry's provincial data is compromised.

## Misconducts

Any inmate who breaches a written rule governing their conduct during incarceration is subject to disciplinary measures under the MCSCS Discipline and Misconduct Policy.<sup>197</sup> If a misconduct cannot or will not be resolved informally, the most directly involved correctional employee will complete a Misconduct Report, which is reviewed for 'investigation' by the supervising sergeant (not directly involved in the incident where operationally feasible), then reviewed by another

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<sup>194</sup> One IIR per month was randomly selected for document review. In some instances there was only one IIR that was indicated in a given month on the TSDC local list.

<sup>195</sup> Though staff at the IMU review the incident details and can make modifications to the IIR incident type, this process is of course subject to human error, and it is possible that incidents not specifically marked as "assault/threat" would be missed from inclusion in the IMU's incident tracking list.

<sup>196</sup> In one of these occurrences, the incident details did not appear to satisfy the WVPP definition of violence – the inmate "attempted to break free" from the officer's hold – which could explain why it is missing from the IMU incident tracking list.

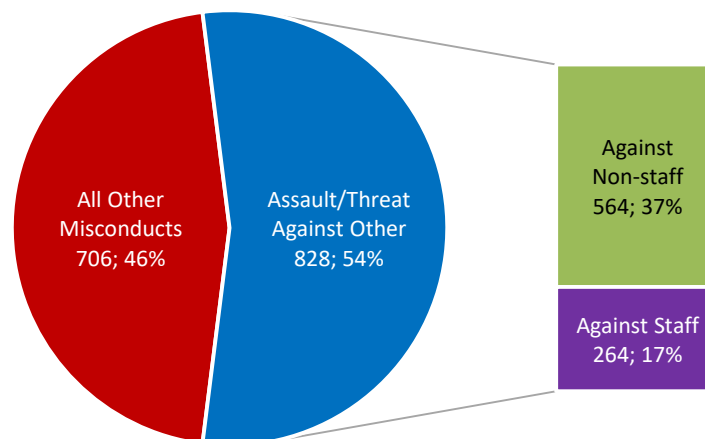
<sup>197</sup> MCSCS, *Institutional Services Policy and Procedures Manual: Inmate Management: General Inmate Management: Discipline and Misconduct* (Government of Ontario, July 2018).



manager (generally a sergeant) for ‘adjudication’ to determine guilt. MCSCS policy dictates that the superintendent or designate will assign employees to be responsible for entering misconduct information into OTIS; at TSDC, this is the duty of the adjudicating sergeant.<sup>198</sup>

According to OTIS data, there were 1,534 formal misconducts at TSDC in 2017. The majority of these (54%) were violent, i.e., for occurrences of “commits/threatens assault on other” including staff (Figure A-20). The proportion of misconducts that were indicated as “against staff” (17%) was substantially greater than reported across the province as a whole in the *Interim Report* (6%).<sup>199</sup>

Figure A-20. TSDC Misconducts Entered into OTIS, 2017

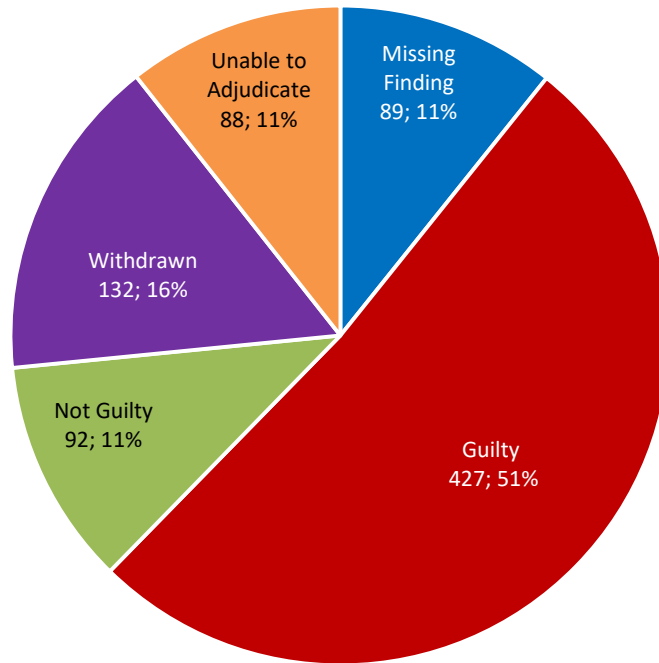


The *Interim Report* identified a large number of misconducts entered into OTIS that were missing information pertaining to the disposition of the misconduct. Similar to province-wide findings reported in the *Interim Report*, the majority of violent misconducts at TSDC in 2017 did result in findings of guilt, however, there were 89 misconducts at TSDC specifically for which no disposition information was available in OTIS (Figure A-21). Based only on OTIS information, it was unclear whether this was a data entry error at the OTIS-level, or whether there was no information available on paperwork held at the institution.

<sup>198</sup> TSDC is presently looking at piloting the use of administrative support clerks to perform this duty instead of adjudicating sergeants.

<sup>199</sup> IROC, *Interim Report*, *supra* note 9.

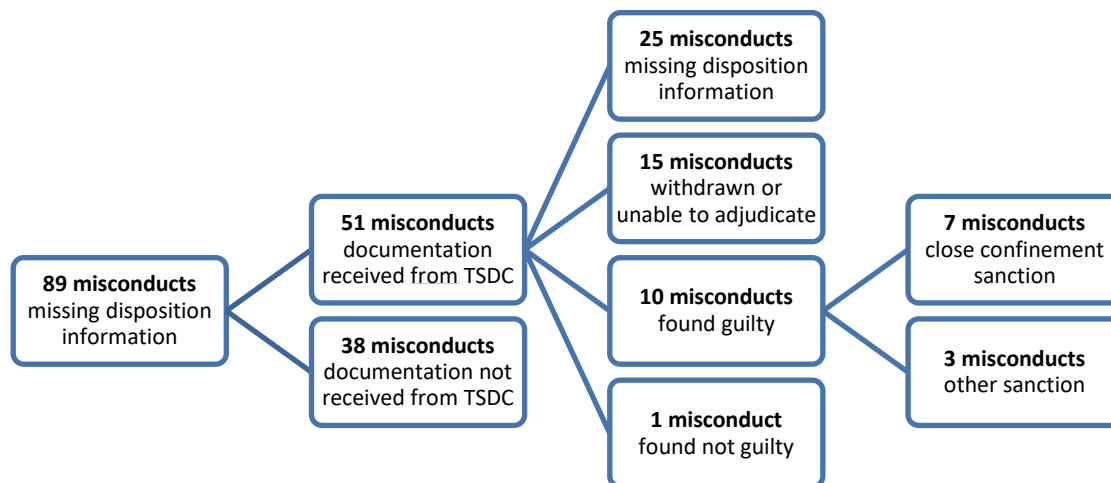
Figure A-21. TSDC Violent Misconducts by Finding, 2017



The Independent Review Team requested copies of documentation relating to the 89 violent misconducts (“commits/threatens assault on other”) at TSDC in 2017 that were missing information in OTIS pertaining to the disposition of the misconduct; documentation was located and provided by TSDC for 51 (57%) of the misconducts (Figure A-22).<sup>200</sup> Of these, nearly half (25; 49%) were incomplete and were still missing disposition information on the forms. This suggests that the misconduct process was started but not completed, and, similarly, information was entered into OTIS but not updated once the misconduct was resolved. It is unclear whether or not investigations took place in some/any of the events. Even if a misconduct is not being pursued to completion, e.g., because an inmate is no longer in an institution, MCSCS policy requires this outcome to be documented on the Misconduct Report.

<sup>200</sup> Following multiple requests, TSDC was unable to locate or provide Misconduct Report documentation pertaining to the remaining 46 misconducts for which disposition information was missing in OTIS.

Figure A-22. Flow Chart of TSDC Misconducts with Missing Dispositions, 2017



An additional 15 (29%) of these misconducts were confirmed by documentation to have been withdrawn or unable to adjudicate. Reasons noted on the paperwork included that the inmate was no longer in the facility and/or was released at court, but in many instances there was no reason provided. One misconduct resulted in a finding of not guilty following a review of video footage in the institution.<sup>201</sup> Lastly, 10 (20%) misconducts where disposition information was missing from OTIS were confirmed to have resulted in findings of guilt; all of these resulted in sanctions, seven of which resulted in close confinement (i.e., disciplinary segregation). In these 10 cases, the missing disposition information in OTIS is indicative that the adjudicating sergeant did not adequately enter the information into OTIS following resolution of the misconduct.

This incomplete paperwork related to violent misconducts, and unreliable entry of information into OTIS, may exacerbate correctional employee frustrations in the seeming lack of disciplinary measures for inmates following violent behaviour. Further, this might partially explain the feedback received from frontline staff in the IROC Institutional Violence Survey that identified management as disinterested in holding inmates accountable or completing appropriate paperwork. As one officer noted, “the [sergeants] are often hindered by excessively burdensome paperwork”, and another wrote, “incompetent managers who are afraid of the inmates or too lazy to complete their paperwork makes staffs [sic] misconduct reports disappear and there is no consequence for the inmates misbehaviour”.

<sup>201</sup> This is the same incident that was excluded from analysis of reported inmate-on-staff incidents by the Independent Review Team when the review of documentation confirmed that the incident did not occur as first reported by staff, though the IMU did not receive this update of the investigation and therefore still included the incident in its total tally for TSDC.

## A-IV. Institutional Culture

Institutional culture has the capacity to influence the daily operations of correctional work; it has been linked to conditions of confinement, institutional violence, and outcomes on release.<sup>202</sup> The Independent Review Team was able to gain a sense of TSDC’s culture through the results of the IROC Institutional Violence Survey, site visits, and informal discussions with frontline staff, union representatives, managers, and senior administrators. Although it would be inappropriate and reductive to infer that the responses obtained and views expressed were reflective of all those employed at TSDC, a number of themes emerged in the data examined.

### Employee Safety Concerns

In written responses to the Independent Review Team, some TSDC staff expressed concern regarding the safety of their working environment. This sentiment is captured in the feedback received from a correctional officer who wrote, “every day I come to work I have to wonder if me or my partner will end up as a 911 call”. Concern for safety was not unique to officers; for example, one staff member who was not a correctional officer remarked, “I worked for twenty two years at the Don Jail and never during that time did I feel my safety was jeopardized. Since starting at TSDC I have never felt secure. It’s a ticking time bomb”.

*“I can honestly say that I fear for my own safety, and the safety of others everyday [sic] I come into work. What kind of a career is that?”*

Correctional Officer  
Toronto South Detention Centre

Institutional employee safety concerns were also evident in the IROC Institutional Violence Survey. Just under three quarters (71%)<sup>203</sup> of respondents indicated that they did not feel safe working at TSDC, while over half (56%)<sup>204</sup> reported that they would feel safer working at a different correctional institution. Moreover, 58% of respondents disclosed that they worried about being assaulted by an inmate at least once a day, while 78% felt this way at least once a week (see Appendix B, Tables B-7 and B-8). These figures were even greater among frontline officers, with 63% and 86% reporting that they worried about being assaulted by an inmate at least once a day and at least once a week, respectively.

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<sup>202</sup> Liebling, Moral Performance, *supra* note 23; Crewe et al., Staff Culture, *supra* note 23; Liebling and Kent, Two Cultures, *supra* note 22.

<sup>203</sup> Based on 194 (of 272) TSDC respondents who either disagreed or strongly disagreed with the proposition “I feel safe working at my current institution”.

<sup>204</sup> Based on 152 (of 272) TSDC respondents who either agreed or strongly agreed with the proposition “I would feel safer working at a different institution”.

The concerns reported by the staff at TSDC reflect the incomplete operationalization of the building itself. TSDC is a technologically advanced facility with electronic security features incorporated into the building design, however, some of these tools for correctional employees, such as the Personal Alarm Location system (PAL),<sup>205</sup> have not yet been operationalized. Currently, TSDC's Electronic Security System is being upgrade and the institution anticipates that it will have the capacity to implement the PAL system in 2019.

Concerns with the safety of the correctional working environment may, for some individuals, translate into adverse effects on mental health and mental stress. As one correctional officer divulged, "for a long time I thought I was the only staff member who had anxiety and issues

*"There are definitely services offered to staff but who is proactively ensuring we are ok? For a lot of people they don't feel comfortable opening up and asking for help. Also, there is a stigma that speaking to mental health professionals hinders chances for promotions in the future."*

Correctional Officer  
Toronto South Detention Centre

with my job. I started opening up about it and I realized there is [sic] quite a few people with similar issues [...] Toronto South is a highly stressful work environment with several moving parts and it is easy to get lost in all of it". Unfortunately, many institutional employees expressed dissatisfaction with the resources available to assist in coping with the stresses and mental health issues that may result from working at TSDC. For

example, only 11% of respondents felt as though the services offered through the Critical Incident Stress Management (CISM) Program were effective in coping with stress after a critical incident (see Appendix B, Table B-9). Similarly, only 15% of institutional employees indicated that the services provided by the Employee and Family Assistance Program (EFAP)<sup>206</sup> were effective in coping with the stresses associated with working at TSDC. Furthermore, 60% of survey respondents conveyed that, in their view, the psychological support offered to Ontario Public Service employees was insufficient.

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<sup>205</sup> The Personal Alarm Location system is a small, portable device that can be worn by correctional employees and activated during an emergency situation to alert security staff to their location within the institution.

<sup>206</sup> The EFAP of the Ontario Public Service provides professional, confidential support services including counselling, programs for health with common life challenges, and resources to employees and their eligible dependents.

## Staff-Management Relationships

Another theme that emerged in the IROC Institutional Violence Survey, as well as in feedback the Independent Review Team received from correctional employees, was the strained relationship between frontline staff and management at TSDC. This sentiment was reflected in the response of a correctional officer who advised, “the relationship between management and staff is absolutely toxic and it poisons the work environment”. Some frontline staff reported that “management does not seem to care what so ever [*sic*] regarding staff safety” while others indicated that “there is no trust amongst management and correctional officers” and that “management can not [*sic*] be trusted due to corruption and incompetence”.

Other survey respondents expressed dissatisfaction with management at TSDC, noting “the leadership... or lack there of [*sic*] ...from the Chain of Command is pathetic”. This sentiment was echoed in the comments of another correctional officer with experience working at another institution who stated:

TSDC is a complete failure on all levels (upper management, middle management and staff)[.] Upper management does not have a clue or understanding what it is like to work the floors each and every single day... [and] is out of touch of whats [*sic*] going on, on the floors. Middle management (Sgts) are incompetent, not helpful at all and are in competition with each other. They throw staff ‘under the bus’ and are unsupportive. Most are inexperienced.

Several correctional officers indicated that there was “very little”, “no real”, or a total “lack of support” from various levels of management. Indeed, 60% of correctional officer respondents disclosed that they did not feel supported by frontline sergeants while 65% indicated that they did not feel supported in their work by their direct manager (see Appendix B, Table B-10). Most strikingly, 85% of correctional officer respondents felt unsupported in their work by TSDC’s senior administration.

Some frontline staff provided the Independent Review Team with further details regarding the ways in which they did not feel supported by management. One common complaint in this

*“There is such a divide between management and staff that neither side is working to restore relations, rather more head butting is occurring causing more issues. Problems are never resolved democratically. It feels as though management is fighting against staff, including refusing to use the body scanner for searches of known weapons. Management and staff should be working together to prevent staff assaults...”*

Correctional Officer  
Toronto South Detention Centre

regard was that “management will often side with inmate instead of sworn correctional officers and often it is the correctional officers who are seen as in the wrong”. This sentiment was echoed in the comments of one frontline officer who indicated that, “when an inmate makes a statement that is false the management takes their side and the first they do is suspend a [correctional officer]. They do everything in their power to please these individuals who have committed haines [sic] crimes against other individuals. When these individuals are not being ‘pleased’ [officers] get in trouble”.

One possible consequence of this lack of support, as well as the “toxic” relationship between frontline staff and management more generally, was articulated by a relatively new officer who stated that TSDC “has so much potential, but staff feel as if they can’t enforce anything without getting in trouble or penalized. This causes staff to hate coming to work. It’s making me hate coming to work”. Similarly, another respondent suggested that TSDC has “the highest staff turnover rate and sick calls because it is such a toxic place to work” and that “management needs to be more concerned with staff issues rather than trying to appease inmates”. While they do not provide an indication of the reason(s) for lost time, ministry data indicate that, in 2017, the total average time lost (credit days)<sup>207</sup> for correctional officers at TSDC was 34.1 days. It is worth noting that this was higher than the total TSDC institutional average (29.9 days) as well as the average reported by all of Central Region (26.2 days). WSIB claims for “assault and violent acts” at TSDC in 2017 corresponded to a total of 767.2 lost days, \$98,223.19 in compensation costs, \$70,827.35 in health care costs, and \$41,332.09 in advances.

Some correctional officers advised that, in part due to the lack of support from management, “morale [was] very low for staff within [the] institution” and another cautioned that “adjustments MUST be made or else it will lead to staff having severe burnout [...] [which, in

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<sup>207</sup> Each “credit day” is assumed to be 7.25 or 8 hours, depending on the job schedule of the employee.

*“Everyday [sic] I come to work with a high level of anxiety and am constantly looking for other employment where my skills and abilities are valued.”*

Correctional Officer  
Toronto South Detention Centre

turn] will lead to increased usage of sick time and turnover”. Although it does not conclusively establish low morale among institutional employees, it is telling that only slightly more than a third (35%<sup>208</sup>) of respondents from TSDC reported that they wanted to work at the institution, while over half (53%<sup>209</sup>) disclosed that they would want to work at another facility. The respondents who expressed a desire to work at another institution listed several options, including Ontario Correctional Institute and Maplehurst Correctional Complex, among others, and numerous respondents simply wrote “any other institution”, “anywhere else”, or expressed a similar sentiment.

Review of written responses to the IROC Institutional Violence Survey makes it apparent that the ‘Us vs. Them’ mentality held by some staff regarding management contributes to cynicism, including suspicion of, and hostility towards, “outsiders”. For instance, one senior officer asserted, “any person from Senior Manager/Bureaucrat to Ombudsman/Politician... who does not work on the front lines for any length of time should not be dictating how the job should be done”. The officer further maintained that:

*“I feel that this institution is so poorly managed by administration and inexperienced seargents [sic] that the senior officers we have are trying to leave.”*

Correctional Officer  
Toronto South Detention Centre

Politicians and Bureaucrats who told those who do not work in Corrections (Ombudsman-Handwringing do-gooders-Politicians or not...need to grow up. We do not need more ‘Youth Programs’ as most in this Jail CHOOSE to be criminals- they do not want to work for \$14.00/hr...they know the Politicians will ensure far from harsh punishments/no, or little, consequences for wrong doing...maybe the Ministry Bosses/Bean Counters could start defending their employees instead of firing/suspending staff who do not ‘kiss the behinds’ of the inmates...cowards.

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<sup>208</sup> Based on 96 (of 272) TSDC respondents who either agreed or strongly agreed with the proposition “I want to work at my current institution”.

<sup>209</sup> Based on 143 (of 272) TSDC respondents who either agreed or strongly agreed with the proposition “I want to work at another institution”.



## Punitive Views

Another theme that emerged in the data collected by the Independent Review Team was a preoccupation with discipline and an expressed preference for punitive responses. This sentiment is captured in the written submission of one correctional officer who asserted,

the punishment that these criminals get is a joke. They need to be punished harder [...] The way things are now they are playing in favour of the inmates and that is the reason why there are so many staff assaults, threats etc because of lack of punishment for their actions. These individuals need to be punished for their actions and harder penalties [...] The way corrections works now is a joke.

Similarly, another officer stressed that, “inmates should be punished for rude behaviour” while a recent hire submitted that “inmates have to [sic] much autonomy and freedom at the institutions [...] There is no reason that inmates should be out of cells from 8am to 945pm. That’s too long and reduces the punitive nature of incarceration”. Finally, another frontline officer indicated

*“I don’t approve of the Mandela Report which you have sanctioned and implemented.”*

Sergeant  
Toronto South Detention Centre

that “Ontario Corrections is losing [sic] its real purpose. The real picture is becoming close to a holiday resort, where inmates are ‘clients’ and officers are expected to behave like customer service! Inmates are given unnecessary luxuries like too many television channels (There is NO NEED for the Movie channel – they are NOT in jail to enjoy movies)”.

*“Bring back segregation. Jail should be a deterrent and this place is just a nice cushy hotel for very violent offenders who continue their criminal behavior behind these walls with little to no consequences.”*

Correctional Officer  
Toronto South Detention Centre

The punitive views of these institutional employees appear to be broadly embraced; indeed, 76% of respondents at TSDC felt that inmates should be under strict discipline (see Appendix B, Table B-11). The preoccupation with discipline and punishment was also apparent in the measures that

correctional employees felt would most increase staff safety at TSDC. For instance, a veteran correctional officer with over 20 years’ experience working for the ministry proposed “LETHAL FORCE OPTIONS GET RID OF EXCESSIVE OVERSIGHT MAKE SEG PUNITIVE” as measures to enhance institutional safety, while a number of other respondents advocated for the

reinstatement of “loss of all privileges” (LOAP).

In addition, despite considerable empirical evidence challenging the effectiveness and utility of mandatory minimum sentences,

82%<sup>210</sup> of respondents indicated that they

believed adopting this measure as a response

to assaults on correctional officers was a key

element that would increase staff safety. Other common measures selected in the IROC

Institutional Violence Survey by TSDC employees included more disciplinary sanctions (44%),

more restrictive confinement (33%), and use of conducted energy weapons, or ‘tasers’ (26%).<sup>211</sup>

*“Mandatory consecutive sentencing for threats and violence in institutions is an absolute necessity.”*

Correctional Officer  
Toronto South Detention Centre

### **Staff-Inmate Relationships**

The Independent Review Team was able to gain some preliminary insight into the way in which institutional employees perceived inmates and their relationships with these individuals. Over one-third (39%) of respondents reported that they had a good relationship with the individuals being housed at TSDC and 67% indicated that they made attempts to build trust with the inmate population (see Appendix B, Table B-11). Moreover, just under half (47%) of TSDC respondents felt that it was important to take an interest in those in custody and their problems. Around one-third (34%) of respondents felt that having a friendly relationship with inmates had the effect of undermining staff authority, and a considerable majority (80%) indicated that inmates take advantage of correctional staff if they are lenient.

A number of frontline staff expressed sentiments that revealed a more negative view regarding inmate care and their perceived role as correctional officers. For instance, a senior correctional officer wrote, “in your survey you mention my ‘relationship’ with inmates. I don’t have ‘relationships’ and I don’t like what that word implies. I am not here to make friends.” Another correctional officer, with over a decade of experience working for the ministry, asserted:

Its [*sic*] now a circus or [an] adult daycare centre. Who came up with the idea of calling an inmate a “CLIENT”? [...] I fully understand the concept of therapy, social work, mental health and trying to correct inmates to be better people when they get out...some can be helped, but a lot are born, grown and live a lifestyle that

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<sup>210</sup> Based on 216 (of 262) respondents who selected “mandatory minimum sentences for assaults on staff” as one of their top five choices of additional measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

<sup>211</sup> Of 262 respondents, 114 selected “more disciplinary sanctions”, 87 selected “more restrictive confinement”, and 69 selected “tasers” as one of their top five choices of additional measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

won't change. So at face value we need to try and help those who are in jail with programs and treatment but there comes a point where the powers to be need to realize that inmates are inmates, and forcing us to call them clients infuriates officers [...] Inmates can be well behaved inmates, but they are not clients.

A similar view was articulated by a relatively recent hire who, in expressing dissatisfaction with the inmate supervision model at TSDC, asserted, "Its [*sic*] ridiculous. We work with criminals and not with normal individuals". Another frontline officer with less than three years' experience stated, "inmates should have to deal with the repercussions of their own actions ie. overdosing by contraband, or getting hurt while doing something against the rules". This comment is particularly troubling given the officer's apparent lack of compassion and an insensitivity to complex issues, such as addiction, that may be affecting those under the ministry's care. Moreover, the sentiment is reminiscent of one recently expressed on social media by a correctional officer who wrote "who cares" in response to a news article reporting on the death of an inmate suspected to have overdosed.<sup>212</sup> While it is clear that the above comments cannot be seen as reflective of all correctional employees at TSDC, they do reflect poorly on the profession<sup>213</sup> and are at odds with a modern correctional system anchored in dignity and respect for human rights.

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<sup>212</sup> Dan Taekema, "'Who cares?' asks corrections worker after inmate dies inside Hamilton jail," *CBC News Hamilton*, September 14, 2018. Online: <https://www.cbc.ca/news/canada/hamilton/johnny-sharp-hamilton-jail-death-comments-1.4822501>. The article noted that the officer's social media profile listed him as an employee of MCSCS.

<sup>213</sup> The former Ontario Corrections Division Chair for OPSEU has stated that the union reminds its members to be mindful of their comments on social media, given that they are subject to ministry and public scrutiny. Following the insensitive comment "who cares", he remarked, "[i]f someone did make those comments on social media it reflects poorly on the profession and officers need to show compassion in those situations".

## A-V. Staff Training and Mentorship Opportunities

As noted earlier (Table A-1), ministry data revealed that over half of senior administrators at TSDC had been in their current position for less than one year as of July 31, 2018, and over half of those employed as correctional officers had under two years of service. As many TSDC staff are relatively limited in their experience working at the institution or in a correctional environment, this highlights the need for training and mentorship programs to ensure that adequate services are being provided.

Correctional officers deployed to TSDC following successful completion of the Correctional Officer Training and Assessment (COTA) program<sup>214</sup> receive basic orientation, comprehensive tours of the facility, as well as two weeks of classroom training, which includes role play<sup>215</sup> and group exercises,<sup>216</sup> that review a number of pertinent topics.

The Independent Review Team consulted with the institutional training department at TSDC in order to gain a thorough understanding of the breadth of on-site training and mentorship opportunities available to employees. While TSDC offers new employees some institution-specific training, there are significant gaps in what is provided. TSDC reported that the amount of time allocated to the topics covered varied (Table A-10).

With respect to inmate supervision, TSDC reported that training included an overview of the admission and classification process, the graduation of inmates through different levels of supervision, behaviour management tools, and the differences between direct and indirect supervision. At the end of each week, recruits take part in games that test their knowledge of TSDC's standing orders, although performance on these "tests" is not graded. In addition, all new recruits spend a total of 120 hours (80 hours at TSDC, 40 hours at Toronto Intermittent Centre) in different areas of the facility job shadowing. This serves to expose recruits to some of the typical responsibilities of a correctional officer such as inmate meal service, lock up, cell inspection, logbook entries, and inmate management. TSDC reported that "every officer that the recruit shadows has more experience than the recruit" although, based on staff feedback, it is possible that the individuals shadowed may still be relatively new employees themselves.

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<sup>214</sup> See: IROC, Interim Report, *supra* note 9 and Section 2 of this report, "Institutional Culture and Staffing" for the shortcomings of the current COTA curriculum.

<sup>215</sup> TSDC reported that role play scenarios include: inmates not following instructions, inmates blocking the cell door meal hatch, cell inspections, using unit sanctions, inmate manipulation, inmate passive resistance, and working with a partner.

<sup>216</sup> TSDC reported that some of the topics covered in group exercises include: working with a partner, ethical dilemmas, working safely, and making promises to inmates that cannot be kept.

Correctional officers who transfer to TSDC from another institution also spend a total of 120 hours job shadowing, although they receive less additional training than new recruits (e.g., two-day orientation, three days of training on direct supervision and SMCS, and an update on any additional training as required).

*Table A-10. TSDC Local Training Topics, Time Allocation, and Delivery Method*

<u>TSDC Local Training Topic</u>	<u>Time Allocation</u>	<u>Training Delivery Method</u>
<i>TSDC Standing Orders</i>	5 days	Self-directed; game
<i>Direct Supervision</i>	3 days	Lecture; role play; scenarios
<i>Security Monitoring &amp; Control System (SMCS)</i>	3 days	Practical training
<i>Defensive Tactics</i>	1 day	Lecture; scenario; videos
<i>Restraint Chair</i>	4 hours	Lecture; practical
<i>Radio/Fleet Net Radio</i>	4 hours	Lecture; practical
<i>Fire Safety</i>	3 hours	Lecture; scenario; evaluation
<i>Safe Smart</i> <sup>217</sup>	45 minutes	Class video
<i>Opioid</i>	35 minutes	Lecture

All new sergeants at TSDC receive 40 hours of in-class role-specific training that includes the following topics: admitting and discharging procedures, OTIS training, Workplace Discrimination and Harassment Prevention, Health and Safety supervisor responsibilities, fire safety policy, first aid, disability accommodation, water shut off procedures, and Safe Smart for managers. In-

*“The new staff are training each other.”*

Correctional Officer  
Toronto South Detention Centre

class training also includes one day of training on direct supervision for new sergeants, two to four hours (depending on class size) of in-class training on segregation reports and reviews, and two days of training on “Code Blue Packages”, which covers all types of Code Blue incidents, including use of force

report writing, as well as incident reports and misconduct packages. New sergeants will also receive 120 hours of job shadowing (80 at TSDC and 40 at Toronto Intermittent Centre).

<sup>217</sup> Safe Smart refers to training for employees on their rights as they relate to health and safety.

Sergeants who transfer to TSDC from another institution receive four days of direct supervision training, update any training where required, and similarly spend 120 hours job shadowing. TSDC indicated that sergeants are:

assigned to the areas they need to shadow... and report to the area and make their observations. A certain onus is on them to ask the questions after they [are] successfully selected. Some staff are willing to pass on information to others but not all. Every attempt is made to ensure that the person is paired up with a person who will assist in the training but not always a guarantee. One can't force someone to train on the job... In short it's a luck of the draw.

Despite the large number of senior administrators working at TSDC, they receive no formal local training. TSDC advised the Independent Review Team that, in one case, a recent informal effort for job shadowing was initiated.

Noticeably absent from the information on localized training curriculums received from TSDC is any reference to verbal de-escalation techniques, defusion of hostility, or negotiation and communication skills. The lack of training for correctional officers and sergeants is troubling, given the ministry's emphasis on resolving incidents with verbal intervention and de-escalation and has been recognized as a significant gap in training by some employees. For instance, one correctional officer asserted "negotiation skills and techniques should be taught along side [sic] use of force and re-certification should also be required" while another survey respondent emphasized that "having communication skills" contributes most to staff safety at TSDC and urged that "appropriate communication skills [be taught] to staff and inmates".

More broadly, the importance of positive inmate-staff interaction to the operational success of the institution was reflected in the IROC Institutional Violence Survey responses, with 25%<sup>218</sup> of respondents indicating that this was one factor that contributes most to staff safety at TSDC. While 47% of respondents believed that it was important to take an interest in inmates and their problems, and 67% reported that they tried to build trust with those incarcerated at TSDC, some institutional employees raised concerns with their ability to do so (see Appendix B, Table B-11). For instance, a relatively new correctional officer wrote, "I believe in communicating and building relationships with inmates, however, I do not feel supported by management in this institution when I need assistance". Similarly, a veteran sergeant advised that "the lack of senior officers (20 years) that can coach new officers on how to communicate with inmates"

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<sup>218</sup> Based on 65 (of 262) respondents who selected "relationships with inmates" as one of their top five choices of measures that contribute most to staff safety at TSDC (Appendix B, Table B-4).

was a substantial obstacle that hindered the success of the inmate supervision model at TSDC. The Independent Review Team’s investigation of the mentorship opportunities available at TSDC lend support to the perception that they are lacking.

Currently, TSDC offers a peer mentorship program and each new recruit is assigned a mentor. There are approximately 35 mentors who have undergone a one-day training session where they were “taught to teach, coach and listen to the assigned mentee” and who are each paired with three to four mentees. The institution further advised that mentor positions are volunteer in nature and that the frequency with which mentors and mentees meet is determined by the pair, who may decide to meet as often or as infrequently as desired. While local training and mentorship opportunities are available year-round, TSDC advised that they “are usually more available in the fall, winter and spring months, as vacation time and [operational] needs are at a peak during the summer months”.

Proper training of all institutional employees is critical for the security of the institution and the safety of inmates, employees, and the public. This is particularly true for those working on the frontline. This view is reflected in the responses from institutional employees to the IROC Institutional Violence Survey. Notably, 34% of TSDC respondents<sup>219</sup> selected “staff training” as one of the top five factors contributing to staff safety at the institution. Despite the perceived importance of staff training, most respondents (54%)<sup>220</sup> indicated that they did not feel prepared to begin working in their current capacity after being hired. Moreover, the majority (56%) of respondents<sup>221</sup> currently employed as correctional officers noted that they did not feel prepared to begin working in that capacity immediately after graduating from the Ontario Correctional Services College (OCSC). This sentiment is reflected in the feedback of a correctional officer, with over a decade of experience working for the ministry, who aired extreme dissatisfaction with the calibre of frontline staff, asserting:

Correctional Officers at TSDC are the most unprofessional, sleazy, incompetent people I have ever worked with. They have zero regard to safety, security and personal boundaries with inmates. The ministry did mass hiring; they picked

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<sup>219</sup> Based on 90 (of 262) TSDC respondents who selected “staff training” as one of their top five choices that most contribute to safety at TSDC (Appendix B, Table B-4).

<sup>220</sup> Based on 164 (of 306) TSDC respondents who disagreed or strongly disagreed with the statement “I felt prepared to start working in my current position immediately after being hired”.

<sup>221</sup> Based on 145 (of 260) TSDC correctional officer respondents who either disagreed or strongly disagreed with the statement “I felt prepared to start working as a correctional officer immediately after graduating from the Ontario Correctional Services College”.

bottom of the dumpster. I've only come across a few good, hardworking [correctional officers] since being at TSDC. The rest are garbage.

Some respondents offered suggestions geared towards improving the recruitment and training process. For instance, a correctional officer suggested that the:

recruiting process for Corrections should be changed and it be made harder to get hired, and easier to be removed from COTA if the training staff deems you unsuitable for the job. [Fixed-term] officers first year should be on probation and if the officer is deemed unsatisfactory, the contract is not renewed.

The officer also recommended that there “be a proper training program at OCSC for sergeant and staff sergeants that teaches them how to manage personnel, leadership skills, administrative (paperwork) skills, testing etc. If the Sgt or S/Sgt candidate is deem[ed] unsuitable, they should be removed from training and returned to their institution”.

Equally troubling was the general discontent among TSDC employees with the local training, mentorship programs, and opportunities for professional development provided at the institution. For instance, around 58% and 69% of TSDC respondents<sup>222</sup> indicated that they were dissatisfied with the institution-specific training and mentorship, respectively. Further, only around 13% of respondents<sup>223</sup> indicated that they were satisfied with professional development opportunities currently available to employees.

*“...most of all the newer recruits need proper mentors when starting their career.”*

Sergeant  
Toronto South Detention Centre

This dissatisfaction with local training and mentorship opportunities was glaringly apparent in the feedback the Independent Review Team received from correctional employees. As one correctional officer stated, “I think many Sgts know more inmate names than their staff. That should tell you everything you need to know about how much mentorship is going on”. Other employees echoed this sentiment, including a sergeant with over 20 years of

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<sup>222</sup> Based on 175 (of 303) TSDC respondents who disagreed or strongly disagreed with the statement “I am satisfied with the local training provided at my current institution” and 211 (of 305) who disagreed or strongly disagreed with the statement “I am satisfied with the mentorship programs or job shadowing opportunities provided at my current institution”.

<sup>223</sup> Based on 40 (of 306) TSDC respondents who agreed or strongly agreed with the statement “I am satisfied with the professional development opportunities provided at my current institution”.



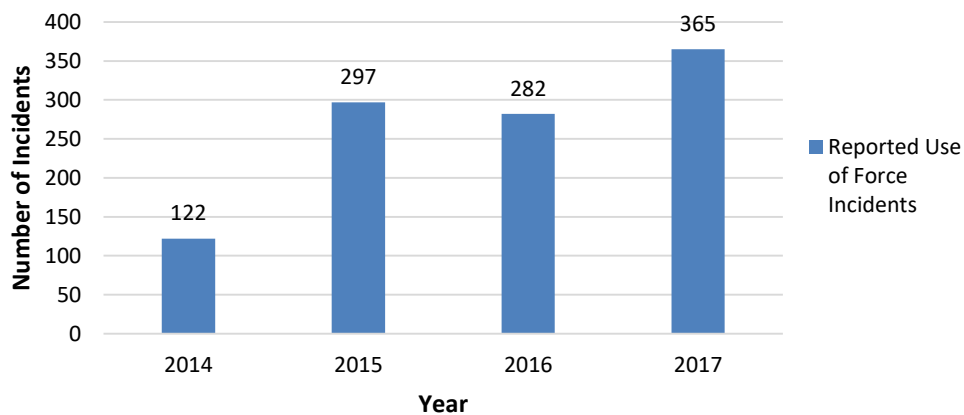
experience working for MCSCS who noted, “these days staff are being hired by the dozens, unfortunately are not getting the one on one assistance from the more experienced staff. Therefore the new staff are training the newer staff”. Similarly, one correctional officer voiced concern with the mentorship program at TSDC and advised that “many of the newer officers are job shadowing officers with a year or less in. The mentorship program needs to work more effectively”. The consequences of a lack of appropriate mentorship opportunities is illustrated in the sentiments of a correctional officer who, prior to being stationed at TSDC, had experience working at two other institutions and advised the Independent Review Team that “training is poor, support is minimal from management, upper management and many other lateral levels. There are many good officers and managers in the building, however, this is the exception. The ability to mentor newer, inexperienced officers is not available which leads to misinterpretation of the policies and best practices”. Similarly, an experienced sergeant advised that, due to a lack of mentorship, “much is lost in why we do things a certain way. New staff are fearful because they haven’t learned how to build a respectful relationship with the clients. Mentorship is important, and communication is essential”.

Appropriate communications training, both formally through COTA and informally through local mentorship and job shadowing, has direct implications on operational outcomes including interactions with inmates. The ability to defuse a situation before using physical force is crucial to mitigating institutional violence. When the Independent Review Team examined ministry data, it was found that use of force incidents were essentially a daily occurrence at TSDC in 2017 (Figure A-23), increased from previous years.

*“Staff are not trained enough on how to talk to inmates.”*

Correctional Officer  
Toronto South Detention Centre

Figure A-23. Reported Use of Force Incidents, TSDC



As noted earlier (see Figure A-18), 27 reported inmate-on-staff incidents at TSDC in 2017 involved use of force prior to the reported inmate-on-staff violence. In other words, the reported inmate-on-staff violence occurred *after* a correctional employee initiated a use of force, i.e., physical contact, on an inmate. In particular, this represents over one-tenth (11%) of all reported inmate-on-staff incidents at TSDC in 2017, and over one-fifth of reported physical assaults (11 of 52; 21%) at the institution. This signals an opportunity for better correctional employee training in de-escalation techniques to avoid such instances where staff actions may have escalated violent interaction with an inmate (see, for example: Textbox 1).

## A-VI. Operational Practices

### Inmate Classification

Proper risk screening and classification of inmates is essential to the security of correctional institutions and to the safety of those living and working within them.<sup>224</sup> The importance of classifying inmates was apparent in the feedback received from correctional employees on the IROC Institutional Violence Survey, with many indicating that “improper” or “poor” classification hindered the success of institutional operations at TSDC. Moreover, 31%<sup>225</sup> of respondents reported that internal inmate classification contributed most to staff safety at the institution while 38%<sup>226</sup> felt that improvements to the process would increase staff safety.

*“The direct supervision model does not work without proper classification of inmates...”*

Correctional Officer  
Toronto South Detention Centre

As the first direct supervision facility in Ontario, it was imperative that TSDC develop an internal classification system to determine appropriate housing unit placement (e.g., direct supervision vs. indirect supervision). Currently, TSDC relies upon the Internal Placement Report (IPR) to classify inmates and determine their institutional placement. The TSDC IPR is divided into eight sections that are completed by various institutional employees, including booking officers, health care staff, intake unit officers, and classification officers before the placement decision is ultimately authorized by an intake unit sergeant. The IPR scores inmates on a number of behavioural measures (e.g., whether the inmate follows direction, is cooperative, has positive interactions with authority and other inmates), past and current violent offences, previous dispositions, behaviour management concerns (e.g., previous institutional misconducts, assaults on staff, police, or inmates), and considers any accommodation issues and programming needs.

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<sup>224</sup> Lebecque and Smith, *Reducing Institutional Disorder*, *supra* note 95; See also: Ralph Serin, *Evidence-Based Practice: Principles for Enhancing Correctional Results in Prisons*, (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2005) (hereafter, Serin, *Evidence-Based Practice*).

<sup>225</sup> Based on 80 (of 262) respondents who selected “internal inmate classification” as one of their top five choices of measures that contribute most to staff safety at TSDC (Appendix B, Table B-4).

<sup>226</sup> Based on 99 (of 262) respondents who selected “better internal inmate classification” as one of their top five choices of additional measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

This tool was developed locally by the TSDC Classification Working Group<sup>227</sup> after reviewing various classification tools used at facilities across North America that had adopted a direct supervision model.<sup>228</sup> The current IPR in use at TSDC is not evidence-based and has not been evaluated.

Typically, inmates are classified within days of arriving at the facility, although the institution advised the Independent Review Team that “there is not a set timeframe” and the classification process can be lengthy and may be influenced by lockdowns, institutional staffing, safety concerns, as well as an inmate’s court date(s) and other relevant classification factors (such as gang affiliations, non-associations, and ‘keep separates’<sup>229</sup>). Following the completion of the IPR assessment, inmates are housed on one of TSDC’s direct or indirect supervision units.

Although some staff have expressed concern with the IPR and operational processes used to assess and classify inmates, the Independent Review Team found that fewer incidents of reported inmate-on-staff violence occurred on direct supervision units at TSDC. While about 43% of inmate snapshot of the TSDC 2017 inmate population was housed on a general population direct supervision unit,<sup>230</sup> only about 10% of all reported inmate-on-staff incidents (26/252) in 2017 occurred on these units. Other unit types (e.g., Segregation, Special Handling Unit) were overrepresented in reported incidents given the proportion of the inmate

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<sup>227</sup> The TSDC Classification Working Group was led by a member of the TSDC Commissioning Team and was comprised of five classification officers from the correctional institutions that would ultimately be amalgamated to form TSDC (Mimico Correctional Centre, Toronto Jail, and Toronto West Detention Centre).

<sup>228</sup> The Independent Review Team was advised that classification assessment forms and relevant research from Alberta, British Columbia, New Hampshire, New York, Texas, the American Correctional Association, the American Jail Association, and the National Institute of Corrections was collected and reviewed. Ultimately, the IPR was based on a classification tool from Alberta, with some scoring elements imported from the existing Level of Service Inventory - Ontario Revision (LSI-OR).

<sup>229</sup> According to the ministry’s *Offender Non-Association* policy, non-association between two offenders is “only recorded in OTIS if it is court ordered and/or a decision is made by senior management for administrative reasons”. In circumstances where local managers determine that two inmates need to be kept apart from one another, the institution will identify these inmates as ‘keep separates’ and put a non-association alert into OTIS. The term ‘keep separates’ does not appear in the Institutional Services Policy and Procedures Manual.

<sup>230</sup> It was not possible to obtain an average inmate count by unit for TSDC in 2017, therefore a breakdown of inmates by unit type was based on a randomly chosen daily count from TSDC on October 30, 2017. It was necessary to exclude inmates housed in protective custody on direct supervision units due to the inconsistency in numbers of hours of unlock that these inmates received during 2017.

population that was housed in them. These findings lend preliminary support to the notion that a subgroup of the inmate population are more likely to engage in institutional violence, reflecting the benefits of appropriate classification of inmates.

### **Multi-level Housing Units**

It is imperative that inmates be appropriately housed based on their security risk and programming or treatment needs identified as a result of individualized classification. Despite recent efforts by the ministry (see Section 3. Operational Practices and Textbox 6) to standardize various housing units throughout the province,<sup>231</sup> it appears that TSDC has not yet implemented and operationalized these standardized units. Indeed, lacking support from the ministry's corporate office for implementation – required by December 31, 2018 – TSDC continues to use old terminology for housing units and current operations are not in line with the ministry's new specialized care policy.

Several correctional employees indicated that the availability and proper use of alternative housing was integral to the success of institutional operations at TSDC. For example, 22%<sup>232</sup> of respondents selected from a list of options in the IROC Institutional Violence Survey that alternative housing contributed to staff safety at the correctional facility while 16%<sup>233</sup> felt that safety could be enhanced by more alternative housing. These views were also reflected in the written submissions of survey respondents. For instance, correctional officers listed “step-down units” and the use of segregation and other restrictive units were positive means to manage “inmates that are not suitable” for direct supervision thereby contributing to the success of the inmate supervision model. Likewise, another frontline officer wrote that “direct supervision only works if inmates have other housing options. Not all inmates are [direct supervision]. There is supposed to be indirect units for inmates that are not [direct supervision] material”.

The present examination of TSDC revealed that the majority (32) of the inmate living units at TSDC are designed to accommodate the direct supervision inmate management model while the remaining units (11) are indirect supervision units. The units are further divided into several specialty units including intake, segregation, special handling, behavioural management, mental health assessment, special needs, medical, and infirmary.

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<sup>231</sup> In July 2018, the ministry outlined two distinct categories of housing options (“general housing” and “alternative housing”), each with subcategorized housing units.

<sup>232</sup> Based on 57 (of 262) respondents who selected “alternative housing” as one of their top five choices of measures that contribute most to staff safety at TSDC (Appendix B, Table B-4).

<sup>233</sup> Based on 42 (of 262) respondents who selected “more alternative housing” as one of their top five choices of additional measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

### ***Special Needs Unit***

Inmates housed in a direct supervision Special Needs Unit (SNU) at TSDC have a history and/or confirmed diagnosis of a severe and/or persistent mental health illness or condition (e.g., schizophrenia, affective disorder, borderline personality disorder, dementia); a developmental disability; a significant physical disability (e.g., restricted mobility, deaf, blind, those requiring palliative care); and/or, Fetal Alcohol Syndrome or Fetal Alcohol Effects.

Admission to the SNU is based on clinical assessment and both of the following two criteria must be met in order for an inmate to be admitted into the SNU at TSDC:

1. There is a previous diagnosis of a mental health disorder and/or it is suspected (based on an inmate's current presentation) that they are currently experiencing:
  - Major mental disorder (e.g., schizophrenia, delusional disorder);
  - Anxiety or mood disorder;
  - Trauma related disorder (e.g., post-traumatic stress disorder);
  - Personality disorder;
  - Dual diagnosis;
  - Severe cognitive deficiencies; and/or,
  - Sensory impairment.
2. The inmate is currently not stable to be considered for a regular unit at TSDC and needs additional support to stabilize, or the inmate was previously on a regular unit where they were not able to function due to their condition.

### ***Mental Health Assessment Unit***

TSDC operates a direct supervision Mental Health Assessment Unit (MHAU) which houses inmates with identified acute mental health issues. Admission and discharge are completed by clinicians who must identify the following two criteria:

1. The inmate is experiencing acute symptoms of specific major mental disorders,<sup>234</sup> and,
2. The inmate is currently in crisis and is not stable to be considered for a regular unit or SNU at TSDC and needs additional support to stabilize, or the inmate was previously on a regular unit or SNU where they were not able to function due to their condition.

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<sup>234</sup> Schizophrenia; delusional disorder; schizophreniform disorder; schizoaffective disorder; brief psychotic disorder; substance-induced psychotic disorder (excludes inmates who are intoxicated and/or experiencing withdrawal); psychotic disorder due to a general medical condition; psychotic disorder not otherwise specified; major depressive disorders; and/or, bipolar disorders I and II.

TSDC indicated that an inmate's placement in either the SNU or MHAU are reviewed regularly at weekly case management meetings to discuss the inmate's progress and determine if the case management team believes that the individual can be moved to a regular unit. This weekly inter-disciplinary review and assessment is encouraging as it is a clear demonstration of how individualized case management can be operationalized and made available to both remand and sentenced individuals.

*Figure A-24. Mental Health Assessment Unit, TSDC*



- ❖ From left to right: interior view of a direct supervision Mental Health Assessment Unit at TSDC, with single-occupancy cells on the main floor, communal metal tables and chairs bolted to the floor, a soft seating area, and clinical offices located directly above the unit; a secured mental health nurses' work station located within the Mental Health Assessment Unit.

### ***Behavioural Management Unit and Special Handling Unit***

TSDC also operates Behavioural Management Units (BMUs) and Special Handling Units (SHUs) on indirect supervision units. Based on information provided to the Independent Review Team, admission to these specialty units is, to some extent, based on institutional behaviour. Inmates who score high on the IPR are classified to the BMU or SHU for a minimum of 15 days, which serves as an assessment period, and may then be reclassified based on behaviour during that time period. Inmates who disagree with their classification may submit a written inmate statement form noting any concerns and/or submit a request to speak with a classification officer or sergeant.

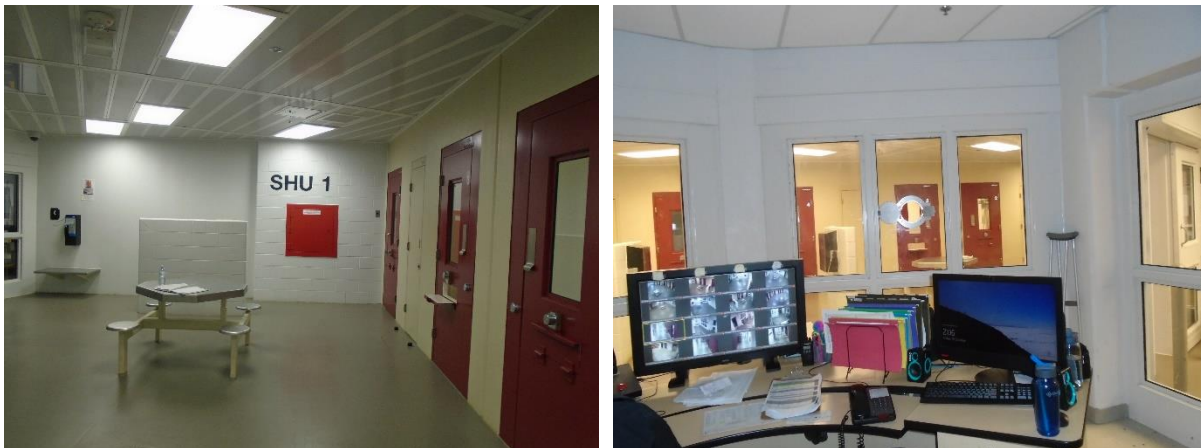


*Figure A-25. Behavioural Management Unit, TSDC*



- ❖ This image is the interior of a Behavioural Management Unit at TSDC. It has two tiers of inmate cells, communal metal tables and chairs bolted to the floor, and a television in the dayroom. The officer desk is inside a secured room at one end of the unit.

*Figure A-26. Special Handling Unit, TSDC*

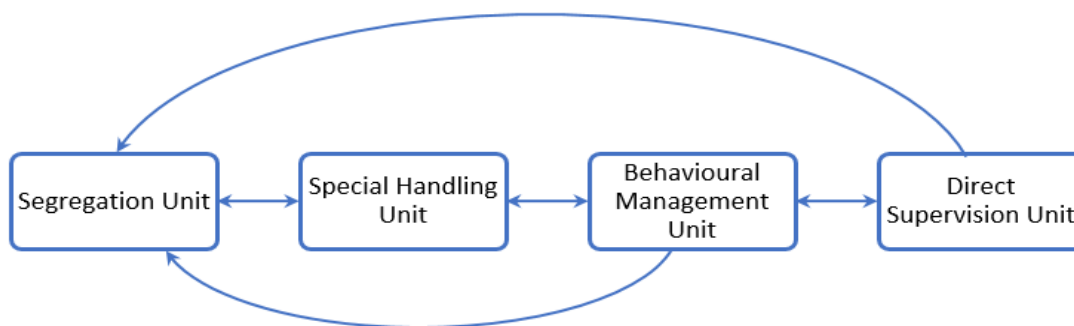


- ❖ From left to right: interior view of a Special Handling Unit at TSDC, with one metal table with chairs bolted to the floor and one telephone for inmates to make collect calls; interior view of the officer's work station which can oversee four separate Special Handling Units at one time.



In addition, following negative behaviour in the institution, inmates may be moved to the BMU or SHU even if not initially classified on the IPR to be housed on these units. Senior administrators at TSDC identify that the current ‘ideal’ model of movement between housing units is as outlined in Figure A-27.

Figure A-27. TSDC ‘Ideal’ Inmate Movement Between Select Housing Units



As is evident in the figure above, movement between units can flow both ways. This reflects recent changes in institutional operations in late spring 2018 following the re-opening of the facility’s two BMUs, intended to function as an intermediate layer between direct supervision units and SHUs. Again, the creation of these BMUs is not consistent with current ministry policy regarding the placement of special management inmates.<sup>235</sup>

Under this model, TSDC has indicated that the most problematic inmates and those who commit the most serious misconducts are housed in a Segregation Unit or SHU, while the BMU houses inmates who have committed minor misconducts or have received multiple sanctions on direct supervision units. TSDC reports that all<sup>236</sup> inmates who are transferred off of direct supervision units for behavioural reasons or who are placed in the SHU from intake will be housed on the BMU before being moved to direct supervision units. The rationale underlying this ‘step-down’/ ‘step-up’ function of BMUs is to ensure that inmates demonstrate proper behaviour “in an area with increased population,<sup>237</sup> increased incentives and increased dayroom time before being afforded the opportunity to reap the benefits of being housed on a [direct supervision] unit”.

<sup>235</sup> MCSCS: Placement of Special Management Inmates, *supra* note 108.

<sup>236</sup> Except with the approval of a classification authority in instances where there are ‘keep separates’ on both BMUs.

<sup>237</sup> When compared to that of the Segregation or Special Handling Units.

### *Operationalizing TSDC's Housing Units*

One major distinction between housing units at TSDC is the number of unlock hours inmates receive per day. Table A-11 outlines the daily hours of unlock in effect as of March 9, 2017, after a memorandum was issued to all staff following senior administrators at TSDC becoming aware of inconsistencies in unit unlock and lockup times.

*Table A-11. Daily Hours of Unlock by Unit Type, TSDC*

<u>Unit</u>	<u>Inmate Supervision Type</u>	<u>Hours of unlock per day</u>	<u>Scheduled unlock hours</u>
<b>Direct Supervision (e.g., general population, protective custody, special needs)</b>	Direct	13 hours	0800-1300, 1400-2200 hours
<b>Intake</b>	Direct or Indirect	7 hours	0900-1130, 1330-1600, 1700-1900 hours
<b>Mental Health Assessment (MHAU)</b>	Direct	Varies	Cell to cell unlock times vary throughout the day based on compatibility and behaviour
<b>Overflow</b>	Direct or Indirect	2 hours (minimum)	Cell to cell unlock times vary throughout the day due to a mixing of populations (48hr housing max)
<b>Behavioural Management (BMU)</b>	Indirect	4.5 hours (divided by three groups totaling 1.5 hours per inmate)	Rotating unlock times between 3 groups of inmates from 1000-1130, 1330-1500 and 1500-1630 hours
<b>Special Handling (SHU)</b>	Indirect	6.5 hours	1000-1200, 1330-1630, 1730-1900 hours
<b>Segregation</b>	Indirect	30 minutes (includes yard and shower programs)	Cell to cell unlock times vary throughout the day

TSDC further advised the Independent Review Team that, between March 2017 and June 2018, hours of unlock in BMUs and SHUs have changed (Table A-12).

*Table A-12. Updated Unlock Hours, BMU and SHU at TSDC*

<u>Unit</u>	<u>Hours of unlock per day (June 2017 – June 2018)</u>	<u>Hours of unlock per day (June 2018 - present)</u>
<b>Behavioural Management (BMU)</b>	2 hours (minimum)*	5 hours
<b>Special Handling (SHU)</b>	2 hours (minimum)	3 hours
*Note: TSDC reports that the BMU was closed for approximately 6-8 months due to construction and re-opened in late spring 2018.		

The Independent Review Team canvassed TSDC to determine, for some of the specialized care units, how the current hours of unlock were established and why they were altered from the original design intent. TSDC advised that the implementation of the BMU and the current changes to their operating procedures for the SHU were based on the operating model in place at the South West Detention Centre. While efforts were made to encourage progressive incentives for positive behaviour by altering unit unlock hours, little, if any, research was undertaken to support the operational policies for these specialized care units.

Evidence-based practices<sup>238</sup> continue to show that inmates with medium to high criminogenic needs (typically inmates housed within the BMU and SHU) and high risk of reoffending benefit the most from intensive rehabilitative programming.<sup>239</sup> Operationalizing specialized units without additional resources, including appropriately trained staff, while further restricting an individual’s liberty during incarceration does little to further treatment or rehabilitation for inmates who may need the most support. The Inmate Incident Reports (IIRs) reviewed in the *Case Study* provide information on where the incident took place (Table A-13); the Independent

<sup>238</sup> James Bonta, DA Andrews and Robert Hoge, “Classification for Effective Rehabilitation: Rediscovering Psychology,” *Criminal Justice and Behavior* 17, no. 1 (1990): 19-52; James Bonta, DA Andrews, *The Psychology of Criminal Conduct*, 3rd ed., (Cincinnati, OH: Anderson Publishing Co., 2003); Paula Smith and Paul Gendreau, “The Relationship Between Program Participation, Institutional Misconduct and Recidivism Among Federally Sentenced Adult Male Offenders,” *FORUM on Corrections Research* 19, no. 1 (2007): 6-10.

<sup>239</sup> Ontario bases its correctional programs on the Risk-Need-Responsivity (RNR) model. See: Bonta and Andrews, RNR model, *supra* note 135.

Review Team was about to conduct some preliminary analysis regarding classification housing placement and corresponding hours of unlock time for these units.

It is difficult to estimate an average count of inmates in TSDC by unit type, due to a number of factors, including closing of units due to construction, transfers of inmates, and frequent changes in use or type of unit during 2017. Although the IIR indicated in which unit the reported incident took place, it was not possible to determine the inmate count of the specified unit on the date of the reported incident. However, using an approximation<sup>240</sup> of the inmate population, the Independent Review Team was able to assess the proportionality of reported inmate-on-staff incidents by unit type.

*Table A-13. Reported Inmate-on-Staff Incidents at TSDC in 2017 for Select Units*

		<b>Number</b>	<b>Percent of All Reported Incidents</b>
<b>Unit Type</b>	Admitting and Discharge Area	34	13.5%
	Segregation Unit	71	28.2%
	Special Handling Unit	30	11.9%
	Behavioural Management Unit	14	5.6%
	Mental Health Assessment Unit	29	11.5%
	General Population Direct Supervision Unit	26	10.3%

Despite the low number of inmates housed in specialized units, disproportionately large numbers of reported inmate-on-staff incidents occurred in these units (e.g., Segregation Unit, SHU, BMU, MHAU). For example, roughly 3% of the inmate population at TSDC was housed in a Segregation Unit, where inmates received a maximum of 30 minutes of unlock per day. Yet, Segregation Units accounted for the largest number of reported inmate-on-staff incidents (71; 28%) in 2017 at TSDC.

<sup>240</sup> Based on a randomly chosen daily count from TSDC on October 30, 2017. Though this is the inmate count by unit on a snapshot date, with the exception of November and December months when the BMU was partially or fully closed for construction, the Independent Review Team was not offered any reason to expect that distribution of inmates by unit type on other dates at TSDC would be drastically different. This approximation allows for contextual analysis of reported inmate-on-staff incidents by unit type.

The second largest proportion of reported incidents took place in the Admitting and Discharge Area (34; 14%). As these incidents may involve inmates being admitted to TSDC for the first time or in transit to/from court or between institutions, it was not possible to assess the housing classifications assigned to these inmates.

Similarly, only about 11% of the TSDC inmate population was housed in the SHU or BMU, where they received a maximum of two hours<sup>241</sup> of unlock per day. However, 18% of reported inmate-on-staff incidents occurred in these units (30 incidents in SHUs and 14 in BMUs) in 2017.

Furthermore, about 3% of the population at TSDC was housed in the MHAU which is dedicated for individuals with acute mental disorders or symptoms that cannot be managed on a regular or special needs unit. Hours of unlock each day vary depending on the inmates, due to their individualized behavioural concerns. A large number of reported incidents took place in the MHAU (29; 12%).

Although about 43% of the inmate population at TSDC was housed in a direct supervision unit,<sup>242</sup> where inmates received 13 hours of unlock time per day, these units accounted for only 10% of reported incidents in 2017 (26; 10%).

Taking inmate population into account, the proportion of reported inmate-on-staff incidents at TSDC in 2017 appeared to increase as conditions of confinement became more restrictive. As previously noted, inmates in specialized units may exhibit the highest needs and therefore benefit the most from programming, treatment, and correctional rehabilitation interventions. Further analysis should be undertaken to understand the resources, programs, and meaningful activities offered to inmates by unit and their corresponding impact on institutional violence.

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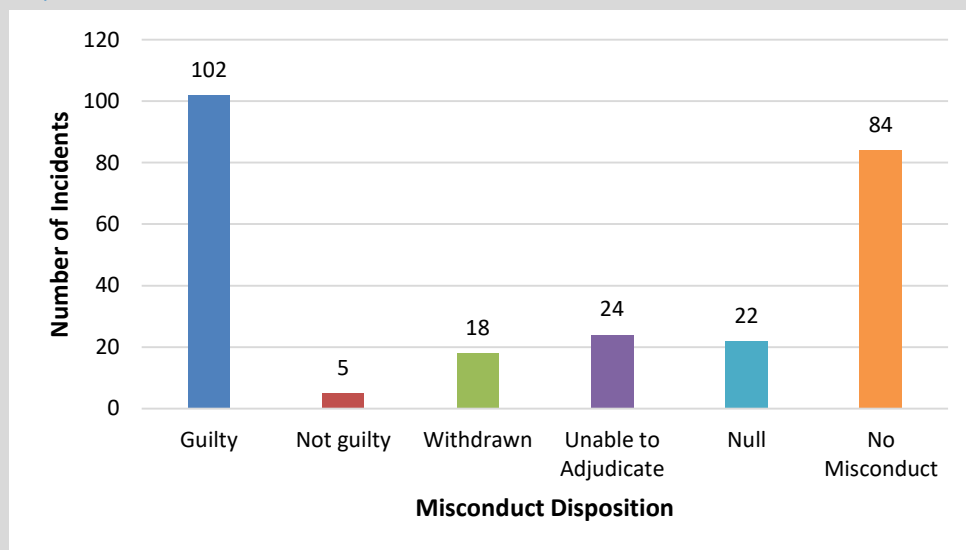
<sup>241</sup> For the majority of the year (March – December) in 2017, the BMU and SHU inmates received two hours of unlock per day. For January and February 2017, inmates in the BMU received a maximum of 1.5 hours, and inmates in the SHU received a maximum of 6.5 hours of unlock per day.

<sup>242</sup> It was not possible to include inmates in protective custody on direct supervision units in these figures for analysis due to the inconsistency in unlock hours per day that inmates in protective custody received during 2017.

## Textbox A-2. Use of Disciplinary Segregation

A theme that emerged from staff feedback provided to the Independent Review Team for the *Interim Report* was that correctional employees do not feel that there are meaningful consequences for inmates following inmate-on-staff violence. Figure A-28 shows the misconduct-related disposition (if applicable) relating to the reported inmate-on-staff incidents at TSDC in 2017.

*Figure A-28. Disposition of Misconducts Matched to TSDC Reported Inmate-on-Staff Incidents, 2017*



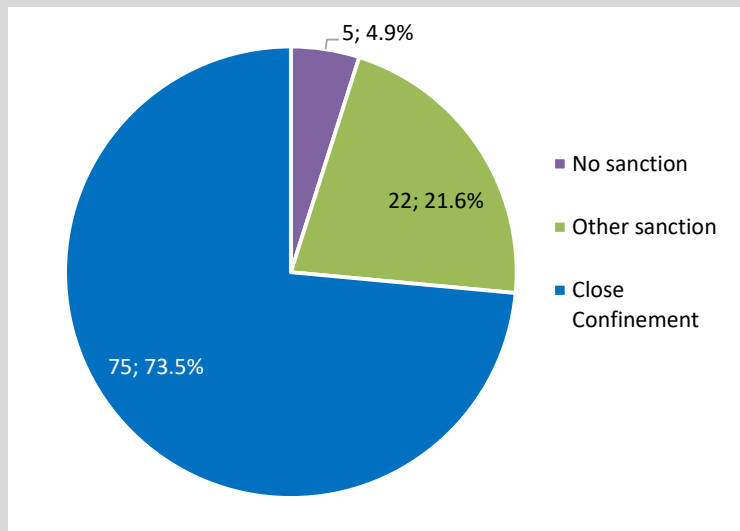
Out of the 252 reported inmate-on-staff incidents, there were 255 potential situations where a formal misconduct could have resulted; three incidents involved more than one inmate. Of these, 171 (67%) could be matched with a misconduct in OTIS, and 84 (33%) could not. Those that could not be matched may be a result of missing information (i.e., not properly entered into OTIS), a different date than the incident date being entered into OTIS, or that a correctional employee resolved the situation informally and decided not to pursue a formal misconduct.<sup>243</sup> In 102 (40%) of the possible misconduct situations, a formal misconduct was entered and resulted in a finding of guilt; only five (2%) resulted in a finding of not guilty.

<sup>243</sup> Misconducts that are not considered serious (e.g., minor or unintentional behaviour, the inmate has mitigated culpability due to a mental illness and/or other Human Rights Code-related need) can be resolved informally with verbal counselling by staff.

**(Textbox A-2 continued)**

Of the 102 misconducts that resulted in guilty findings, over 95% resulted in sanctions; almost three-quarters (75; 74%) resulted in the use of close confinement (i.e., disciplinary segregation), and a further 22 (22%) resulted in any other sanction (Figure A-29).<sup>244</sup> The *Interim Report* explored correctional employees' expressed concerns that disciplinary segregation was no longer available as a consequence for inmates following the ministry's initiatives on reforming the use of segregation in 2015 and 2016. Similar sentiments were expressed by TSDC respondents to the IROC Institutional Violence Survey, as one correctional officer noted, "segregation doesn't exist anymore and they want to assault staff and brag about it". Another officer noted, "as a result of taking away Segregation coupled with the excuse of suffering from Mental Health issues, we have created a world where the inmate does not have to take any accountability for the negative behaviours and choices they make". However, OTIS data allows us to confirm that in instances where inmates were found guilty of inmate-on-staff misconducts at TSDC in 2017, disciplinary segregation was used as a sanction in the large majority of instances. Correctional employees' concerns that segregation is no longer available to them as a disciplinary tool is not supported by this data.

*Figure A-29. Guilty Finding Sanctions for Misconducts for TSDC Reported Inmate-on-Staff Incidents, 2017*



<sup>244</sup> Other sanctions include: loss of privileges, change of program, change of classification, change of security, reprimand, revocation of temporary absence, forfeit of remission, and suspension of eligibility to earn remission.

**(Textbox A-2 continued)**

A quarter of all possible misconduct instances resulted in misconducts that were either withdrawn (18; 7%), unable to adjudicate (24; 9%), or 'null' (22; 9%). It is possible that in these instances correctional employees were seeking a sanction for a misconduct and were frustrated when one did not result. 'Null' misconducts were those that were entered into OTIS but no further information was available to indicate that the misconduct was pursued at TSDC; this is indicative of incomplete data entry into OTIS by correctional employees (see Appendix A: Incident Reporting Practices for additional detail). Misconducts that were withdrawn or unable to adjudicate could be due to various indicated reasons including that an inmate was transferred out of TSDC, released at court, the misconduct adjudication was not completed within the allowable timeframe following the incident, or the misconduct paperwork was incomplete. As a result, it is not clear if, under routine circumstances, the inmate would have likely been found guilty of the misconduct. This may explain some of the frustrations expressed by correctional employees that inmates have minimal consequences for disorderly behaviour.

### **Inmate Programming**

Empirical literature has identified the benefits of providing and ensuring inmate access to appropriate programs and identifies this as a critical component of evidence-based correctional practices.<sup>245</sup> The programming offered at TSDC generally falls into four categories: institutional work, educational, spiritual, and general interest.<sup>246</sup> Given that the facility primarily houses individuals on remand, the catalogue of activities and programs, including many supported by volunteers, appears impressive.<sup>247</sup> Nonetheless, most of the programs offered do not focus on

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<sup>245</sup> Bonta and Andrews, RNR model, *supra* note 135; Paul Gendreau, "Offender Rehabilitation: What We Know and What Needs To Be Done," *Criminal Justice and Behavior* 23, no. 1 (1996): 144-161; Faye Taxman and Michael S. Caudy, "Risk Tells Us Who, But Not What or How: Empirical Assessment of the Complexity of Criminogenic Needs to Inform Correctional Programming," *Criminology & Public Policy* 14, no. 1 (2015): 71-103; Ralph Serin, Renée Gobeil, and Denise L. Preston, "Evaluation of the Persistently Violent Offender Treatment Program," *International Journal of Offender Therapy and Comparative Criminology* 53, no. 1 (2009): 57-73; Serin, Evidence-Based Practice, *supra* note 224.

<sup>246</sup> TSDC advised that it offered: one work program, three educational programs, 16 spiritual programs, and 24 general interest volunteer programs.

<sup>247</sup> Some of the volunteer programs currently being offered include: Alcoholics Anonymous, Cocaine Anonymous, Storybook Parents, Amadeusz, Literal Change, and Forgiveness Project.



rehabilitation or treatment, and their delivery is dependent on non-contracted community organizations or volunteers which, consequently, makes them vulnerable to cancellations due to staff shortages, lockdowns, and competing operational demands.

TSDC initially advised the Independent Review Team that *all* inmates had access to the programs offered in the facility, however, upon further investigation it became apparent that access to programming can be restricted by a number of operational factors. Initially, it is restricted by inmate housing unit; TSDC reported that, in 2017, *all* of the facility's course offerings were on direct supervision units. In other words, inmates being housed on more restrictive units were less likely to be able to access institutional programming.

*Figure A-30. Inmate On-Unit Group Program Room, TSDC*



- ❖ This image is of an on-unit group program room on a direct supervision unit with a whiteboard and plastic stackable chairs for inmates.

TSDC offers a single institutional work program and most participants work in the kitchen, though some placements are also available in the laundry, stores, and cleaning departments. The institutional work program has a maximum capacity of 40 inmates at any given time and, while the facility does not track the total number of annual participants, staff estimated that 180 inmates participated in 2017.<sup>248</sup> Currently, TSDC has one fee-for-services contract with the Toronto District School Board to deliver a credit-based educational program for inmates and

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<sup>248</sup> Note that this figure does not include inmates who were re-admitted over the course of the year.

the institution advised that, in 2017, only 73 inmates participated in the program.<sup>249</sup> TSDC had an average inmate population of 873 in 2017 and saw 7,012 admissions to custody<sup>250</sup> during that year. While many of these admissions may have been for a short duration and include individuals who enter into custody at TSDC multiple times, these figures equate to opportunities for entry into treatment or programs both within the institution and within the community.

Presently, Life Skills<sup>251</sup> and Change is a Choice<sup>252</sup> are the only ministry-developed and ministry-facilitated programs being offered at TSDC. These programs use a motivational approach and are introductory, informational sessions that were not developed with the intention of rehabilitating or providing treatment to inmates. In addition, TSDC has indicated that the Life Skills and Change is a Choice programs are evidence-based, although no research or independent accreditation substantiating this claim was provided.

Furthermore, TSDC reported that the two programs are subject to in-house evaluations conducted by the social work manager at the institution. Unfortunately, since TSDC only began offering Change is a Choice programs in 2018, evaluation data could not be provided to the Independent Review Team for the relevant period under investigation in this case study. With respect to Life Skills programs, TSDC reported that in-house evaluations “only look at client interest and attendance” and the Independent Review Team was further advised that the institution is “not monitoring for quality as content is not supposed to vary... these are 1 hour sessions where sharing of personal experiences is not to take place... we teach... they listen”.

Similarly, TSDC indicated that the volunteer services coordinator(s) regularly monitors and evaluates volunteer and community agency programs. However, the measures that are

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<sup>249</sup> Note that there were “some additional clients doing college and university level work” but they were excluded from this tally “based on the assumption that credit based implied high school credits”.

<sup>250</sup> Figures exclude intermittent inmates typically housed in the Toronto Intermittent Centre.

<sup>251</sup> Life Skills educational sessions are used to provide inmates “with relevant information about criminogenic targets and behaviour”. There are 17 one-hour sessions covering topics such as substance use, anger management, goal setting, problem solving, use of leisure time, finding and maintaining employment, and budgeting. Each session “provides an overview of the topic including a general concept of the problem, its relationship to criminal behaviour, and options to address the problem”.

<sup>252</sup> “The Change is a Choice series are five 1.5 hour sessions offered to [inmates] that offer a more intensive overview of some of the Life Skills sessions.” Topics covered in this series include anger management, substance use, connections (cognitive behavioural therapy), and healthy relationships.

considered in this review are ambiguous, including “interest and client needs”, “individual volunteer and community agency performance in terms of attendance and compliance with [TSDC’s] Code of Conduct and Volunteer policies”, whether “program delivery is done professionally”, and whether “the volunteer is comfortable in [the institutional] environment”.

TSDC also advised that programs are impacted by institutional staffing complement. Some are delivered by program officers, that is, correctional officers who have expressed an interest in program delivery and have been temporarily assigned these positions within the institution. While it is commendable that dedicated positions have been allocated for the purpose of delivering programs to inmates, assigning this duty to correctional officers is associated with certain challenges. For instance, although program officers receive specialized training from the Ontario Correctional Services College in order to carry out their programming duties, these officers are not clinicians and do not receive specialized training on the Risk-Needs-Responsivity model. Like those delivered by non-contracted community organizations or volunteers, programs administered by program officers are vulnerable to cancellations due to staff shortages or other security driven operational concerns, including lockdowns.

The Independent Review Team found that the majority of TSDC correctional employees (52%) believed that the purpose of incarceration was rehabilitation and eventual reintegration into the community (see Appendix B, Table B-11). The benefits of inmate programs were endorsed by a correctional officer who advised the Independent Review Team that “the programs offered, when used, seem to have a positive impact on inmate behaviour”. Yet, only 5%<sup>253</sup> of respondents indicated that programming was an aspect that contributed most to staff safety at TSDC, while 11%<sup>254</sup> felt that additional programming would most increase staff safety.

Some frontline staff expressed concern regarding the programming currently available to inmates at TSDC, with one respondent noting, “inmates have nothing in the facility to stimulate their mind in a positive way, all most of them do is do drugs, hang out playing cards, dice games and scheme”. Similarly, another officer commented, “there are very few programs offered to inmates so that they can develop skills when they leave jail. All they do is mull around the range, laze around not developing themselves to be a better person. On multiple occasions inmates have referred to TSDC as a hangout place with their friends, because that’s what they are doing”.

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<sup>253</sup> Based on 12 (of 262) respondents who selected “programming” as one of their top five choices of measures that contribute most to staff safety at TSDC (Appendix B, Table B-4).

<sup>254</sup> Based on 28 (of 262) respondents who selected “additional programming” as one of their top five choices of additional measures that would most increase staff safety at TSDC (Appendix B, Table B-5).

Evidence-based best correctional practices<sup>255</sup> and frontline staff feedback on the IROC Institutional Violence Survey both confirm that validated programs for inmates can be beneficial for institutional safety and positive correctional outcomes. To be effective, programs must be regularly available and accessible to all inmates, evaluated against empirically validated measures, and delivered according to best correctional practices. For those individuals who do not require treatment or intensive programming, meaningful and engaging activities that support reintegration must be accessible. Though program delivery in a correctional institution will face challenges, strategies should be put in place to mitigate operational barriers to access – such as staff shortages and institutional lockdowns – on a priority basis.

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<sup>255</sup> See for example, Bonta and Andrews, RNR model, *supra* note 135. See also references listed at note 11.

## A-VII. Toronto South Detention Centre: Opportunities for Change

The purpose of the *Case Study: Toronto South Detention Centre* was to conduct an in-depth analysis on the factors identified in the *Institutional Violence in Ontario: Interim Report* that may contribute to institutional violence in Ontario's provincial correctional facilities. The elements explored in the *Case Study* included site-specific factors, such as the amalgamation of the Mimico Correctional Centre, Toronto Jail, and Toronto West Detention Centre, staff complement and corresponding years of experience, and inmate population demographics. The *Case Study* also identified improper or insufficient incident reporting practices, such as inconsistency in reporting and inadequate data collection systems utilized by the ministry. Further, operational practices, such as lack of an evidence-based security risk assessment tool, inmate program availability and space, clinical resources, and staff training, were highlighted in the *Case Study*. Inadequate direction from the ministry regarding transformation initiatives underway have necessitated the creation of localized procedures and operational policies that are not always in line with the spirit of broader correctional reform in Ontario. Finally, corrections workplace culture, including negative relationships between and among correctional employees at all levels – frontline officers, sergeants, and senior administrators – and between staff and inmates, prevent the fostering of positive work environments.

As one of Ontario's newest correctional facilities, the Toronto South Detention Centre (TSDC) was constructed with a vision of enhancing staff and inmate safety. The building itself is state-of-the-art, with advanced technologies including closed-circuit television, a Personal Alarm Location system for correctional employees, walk-through metal and parcel detection, full-body scanners, and video visitation capabilities for inmates. Fully operationalizing a new facility of this size brings about a breadth of challenges for Ontario's correctional system, but also new opportunities for change.

*“Opening the Toronto South Detention Centre is an important milestone in our ongoing modernization of the correctional system in Ontario. By increasing programming and mental health supports for inmates, and introducing a direct supervision model, we are making the system safer for correctional officers and inmates.”*

Madeleine Meilleur  
Former Minister of Community Safety and  
Correctional Services  
Ontario Newsroom Release, January 29, 2014

The evolution of TSDC is at a critical juncture; moving forward, it will be necessary to address the issues identified in this case study to minimize institutional violence and enhance staff safety. Given the size and number of units within TSDC, the facility is primed for the

implementation of specialized housing units in accordance with the ministry's recent policy revisions. Continuing with an evaluative framework, coupled with accountability and oversight, could help to realign TSDC – and the ministry more broadly – with national and international correctional standards focused on the humane treatment of inmates and the wellbeing of employees.. Improving conditions of confinement, by prioritizing safety, human rights, and dignity, and the principle of least restrictive measures, will result in a safer environment for all.

## APPENDIX B. IROC INSTITUTIONAL VIOLENCE SURVEY RESULTS

### Supplementary Tables – Final Report

Table B-1. Correctional Officer Responses to Statements About Correctional Staff Support

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Question
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No answer	Not applicable	
In my current institution, I feel supported in my work by my direct manager and can approach him/her when I need to discuss an issue.	325 (39.39%)	150 (18.18%)	343 (41.58%)	6 (0.73%)	1 (0.12%)	825
In my current institution, I feel that staff follow management direction.	402 (48.85%)	233 (28.31%)	176 (21.39%)	12 (1.46%)	0 (0.00%)	823
I feel supported in my work by senior administration in my current institution.	131 (16.01%)	132 (16.14%)	548 (66.99%)	5 (0.61%)	2 (0.24%)	818
I feel supported by frontline sergeants in my current institution.	327 (39.68%)	175 (21.24%)	315 (38.23%)	7 (0.85%)	0 (0.00%)	824
I feel supported in my work by my colleagues in my current institution.	630 (76.83%)	118 (14.39%)	70 (8.54%)	2 (0.24%)	0 (0.00%)	820
In my current institution, issues are dealt with proactively.	65 (7.90%)	103 (12.52%)	648 (78.74%)	5 (0.61%)	2 (0.24%)	823
There is good communication among staff and management at my current institution.	106 (12.85%)	128 (15.52%)	587 (71.15%)	3 (0.36%)	1 (0.12%)	825
There is good communication among my colleagues at my current institution.	477 (57.82%)	175 (21.21%)	169 (20.48%)	3 (0.36%)	1 (0.12%)	825
The views expressed by my local union representatives are reflective of my own.	320 (38.93%)	271 (32.97%)	198 (24.09%)	28 (3.41%)	5 (0.61%)	822

*Table B-2. Correctional Officer Responses to “I worry about being assaulted by an inmate...”*

<b>ANSWER CHOICES</b>	<b>RESPONSES (%)</b>
Never	96 (12.96%)
Once a year	54 (7.29%)
Once a month	101 (13.63%)
Once a week	87 (11.74%)
2-3 times a week	79 (10.66%)
Once a day	324 (43.72%)
<b>TOTAL</b>	<b>741</b>

*Table B-3. All Other Correctional Employee Responses to “I worry about being assaulted by an inmate...”*

<b>ANSWER CHOICES</b>	<b>RESPONSES (%)</b>
Never	154 (44.25%)
Once a year	46 (13.22%)
Once a month	53 (15.23%)
Once a week	32 (9.20%)
2-3 times a week	13 (3.74%)
Once a day	50 (14.37%)
<b>TOTAL</b>	<b>348</b>



*Table B-4. List of Options Provided in IROC Survey for Respondents to Select up to Five (5) that “contributes the most to staff safety at my institution”*

Inmate supervision model	Staff training	Alternative housing
Physical design of building	Experienced staff	Disciplinary sanctions
Internal inmate classification	Relationships with inmates	Use of force
Inmate autonomy	Staff to inmate ratio	Clinical staff to inmate ratio
Programming	Restrictive confinement	Personal protective equipment
Other (specify)		

*Table B-5. List of Options Provided in IROC Survey for Respondents to Select up to Five (5) that “would most increase staff safety at my institution”*

A different inmate supervision model	Higher staff to inmate ratio	Mandatory minimum sentences for assaults on staff
Better internal inmate classification	More use of force	More harm reduction options (e.g., needle exchange, safe sex kits)
Additional programming	More restrictive confinement	Tasers
Additional staff training	More use of body scanners	Cell hatches with sally port function
More experience staff members	More alternative housing	Higher clinical staff to inmate ratio
Better relationships with inmates	More disciplinary sanctions	Other (specify)

Table B-6. Correctional Officer Responses to Statements About Training and Development

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Questions
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No Answer	Not Applicable	
I felt prepared to start working in my current position immediately after being hired.	249 (29.36%)	143 (16.86%)	444 (52.36%)	3 (0.35%)	9 (1.06%)	848
I felt prepared to start working as a correctional officer immediately after graduating from the Ontario Correctional Services College.	250 (29.52%)	123 (14.52%)	410 (48.41%)	2 (0.24%)	62 (7.32%)	847
I am satisfied with the local training provided at my current institution.	222 (26.46%)	149 (17.76%)	460 (54.83%)	7 (0.83%)	1 (0.12%)	839
I am satisfied with the mentorship programs or job shadowing opportunities provided at my current institution.	182 (21.49%)	129 (15.23%)	492 (58.09%)	16 (1.89%)	28 (3.31%)	847
I am satisfied with the professional development opportunities provided at my current institution.	135 (15.92%)	175 (20.64%)	515 (60.73%)	18 (2.12%)	5 (0.59%)	848
It is important for correctional officers to wear uniforms while at work.	804 (95.04%)	26 (3.07%)	14 (1.65%)	0 (0.00%)	2 (0.24%)	846
It is important for senior administration to wear uniforms while at work.	747 (88.09%)	72 (8.49%)	21 (2.48%)	6 (0.71%)	2 (0.24%)	848

## Supplementary Tables – Appendix A. Case Study: Toronto South Detention Centre

Table B-7. TSDC Correctional Officer Responses to “I worry about being assaulted by an inmate...”

ANSWER CHOICES	RESPONSES (%)
Never	14 (6.48%)
Once a year	5 (2.31%)
Once a month	12 (5.56%)
Once a week	25 (11.57%)
2-3 times a week	23 (10.65%)
Once a day	137 (63.43%)
<b>TOTAL</b>	<b>216</b>

Table B-8. All Other TSDC Correctional Employee Responses to “I worry about being assaulted by an inmate...”

ANSWER CHOICES	RESPONSES (%)
Never	31 (12.16%)
Once a year	7 (2.75%)
Once a month	17 (6.67%)
Once a week	28 (10.98%)
2-3 times a week	24 (9.41%)
Once a day	148 (58.04%)
<b>TOTAL</b>	<b>255</b>

Table B-9. TSDC Employee Responses to Statements About Health and Safety

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Question
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No Answer	Not Applicable	
I feel supported by management when I initiate a health and safety concern.	13 (4.45%)	45 (15.41%)	204 (69.86%)	13 (4.45%)	17 (5.82%)	292
The services offered by the Critical Incident Stress Management (CISM) Program are effective in coping with stresses following a critical incident in my institution.	31 (10.65%)	62 (21.31%)	101 (34.71%)	70 (24.05%)	27 (9.28%)	291
The services offered by the Employee and Family Assistance Program (EFAP) are effective in coping with the stresses of working in my institution.	45 (15.41%)	75 (25.68%)	87 (29.79%)	61 (20.89%)	24 (8.22%)	292
I feel that the psychological support offered to OPS employees is sufficient.	21 (7.19%)	48 (16.44%)	174 (59.59%)	38 (13.01%)	11 (3.77%)	292

Table B-10. TSDC Correctional Officer Responses to Statements About Correctional Staff Support

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Question
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No Answer	Not Applicable	
In my current institution, I feel supported in my work by my direct manager and can approach him/her when I need to discuss an issue.	39 (15.60%)	46 (18.40%)	162 (64.80%)	3 (1.20%)	0 (0.00%)	250
In my current institution, I feel that staff follow management direction.	87 (34.94%)	83 (33.33%)	71 (28.51%)	8 (3.21%)	0 (0.00%)	249
I feel supported in my work by senior administration in my current institution.	10 (4.02%)	23 (9.24%)	211 (84.74%)	3 (1.20%)	2 (0.80%)	249
I feel supported by frontline sergeants in my current institution.	36 (14.40%)	57 (22.80%)	151 (60.40%)	6 (2.40%)	0 (0.00%)	250
I feel supported in my work by my colleagues in my current institution.	166 (66.40%)	48 (19.20%)	36 (14.40%)	0 (0.00%)	0 (0.00%)	250
In my current institution, issues are dealt with proactively.	4 (1.60%)	23 (9.20%)	221 (88.40%)	1 (0.40%)	1 (0.40%)	250
There is good communication among staff and management at my current institution.	10 (4.00%)	16 (6.40%)	223 (89.20%)	0 (0.00%)	1 (0.40%)	250
There is good communication among my colleagues at my current institution.	113 (45.20%)	64 (25.60%)	70 (28.00%)	2 (0.80%)	1 (0.40%)	250
The views expressed by my local union representatives are reflective of my own.	109 (43.78%)	81 (32.53%)	49 (19.68%)	9 (3.61%)	1 (0.40%)	249

*Table B-11. IROC Survey Correctional Environment Responses from TSDC Correctional Officers and Sergeants including Staff Sergeants*

STATEMENT	NUMBER OF RESPONDENTS (%)					Total Responses to Questions
	Agree or Strongly Agree	Neither Agree nor Disagree	Disagree or Strongly Disagree	No Answer	Not Applicable	
<b>I have a good relationship with individuals in custody in my current institution.</b>	112 (39.44%)	104 (36.62%)	51 (17.96%)	7 (2.46%)	10 (3.52%)	284
<b>The purpose of incarceration is rehabilitation and eventual reintegration.</b>	149 (52.46%)	58 (20.42%)	66 (23.24%)	9 (3.17%)	2 (0.70%)	284
<b>Friendly relationships with individuals in custody undermine staff authority.</b>	96 (33.92%)	83 (29.33%)	96 (33.92%)	4 (1.41%)	4 (1.41%)	283
<b>Individuals in custody should be under strict discipline.</b>	217 (76.41%)	44 (15.49%)	19 (6.69%)	1 (0.35%)	3 (1.06%)	284
<b>I try to build trust with individuals in custody.</b>	191 (67.49%)	49 (17.31%)	29 (10.25%)	6 (2.12%)	8 (2.83%)	283
<b>Individuals in custody take advantage of you if you are lenient.</b>	227 (79.93%)	36 (12.68%)	15 (5.28%)	3 (1.06%)	3 (1.06%)	284
<b>Individuals in custody have too much power in my current institution.</b>	250 (88.03%)	16 (5.63%)	13 (4.58%)	3 (1.06%)	2 (0.70%)	284
<b>Staff have too much power in my current institution.</b>	4 (1.41%)	19 (6.69%)	255 (89.79%)	4 (1.41%)	2 (0.70%)	284
<b>I believe that most individuals in custody in my current institution should be in custody.</b>	175 (61.62%)	79 (27.82%)	11 (3.87%)	15 (5.28%)	4 (1.41%)	284
<b>It is important to take an interest in individuals in custody and their problems.</b>	134 (47.35%)	84 (29.68%)	57 (20.14%)	6 (2.12%)	2 (0.71%)	283



