



**Government of the Northwest Territories Response to
Committee Report 34-18(3): Report on the Review of Bill 45: Corrections Act**

The Standing Committee on Social Development tabled their Committee Report 34-18(3): Report on the Review of Bill 45: Corrections Act, in the Legislative Assembly on August 20, 2019. The report includes five recommendations.

The following is the Government of the Northwest Territories response to the recommendations contained in the Committee Report 34-18(3).

Recommendation One

The Standing Committee on Social Development recommends that the Department of Justice explore the possibility of allowing for private interviews between an inmate and a facility's Indigenous elder or spiritual advisor, subject to reasonable restrictions.

GNWT Response

The GNWT is committed to providing opportunities for inmates in NWT correctional facilities to participate in traditional cultural activities and teachings to support their healing, rehabilitation and eventual reintegration back into their respective communities.

To this end, the GNWT Department of Justice employs traditional counsellors and liaison officers and engages with community Elders to provide traditional activities and services to inmates. All GNWT correctional facilities also have designated healing and spiritual areas for the delivery of these traditional activities.

Given the setting in corrections, traditional areas and interviews between Elders or spiritual advisors and inmates are subject to monitoring to protect the safety of all involved. Interviews may be subject to video surveillance depending on where they are held in the facility. The Department will continue to consider ways to balance the needs related to security with the concern raised by committee to address the potential for spiritual and traditional guidance to be offered with greater confidentiality.

Recommendation Two

The Standing Committee on Social Development recommends that the Department of Justice conduct needs-based assessments for all inmates, that the assessments be conducted in a manner that is timely relative to an inmate's release eligibility, that the assessments take into account Gladue and other factors such as an inmate's disabilities, and that the Department explore additional measures to encourage all inmates to participate in suitable programming, including offering new incentives.

GNWT Response

The GNWT Department of Justice conducts risk and needs-based assessments for all sentenced offenders. Several assessment tools are used to help identify the criminogenic needs and suitable interventions for sentenced offenders to support their healing, rehabilitation and reintegration back into their communities. The assessments also consider other factors such as whether the sentenced offender exhibits cognitive impairments or other complex needs, and whether they have been impacted by the legacy of residential schooling (including if a biological or other family member in the home they were raised in attended residential school). Together the assessments support the development of a case plan to guide a sentenced offender's rehabilitation process.

Given the presumption of innocence, GNWT correctional staff cannot compel remanded inmates to participate in an assessment process to identify rehabilitative programming, or to attend criminogenic programming. However remanded inmates can access on a voluntary basis, assessment processes, as well as correctional services and programs that are offered to sentenced offenders.

The Department will continue to consider and research the potential for additional incentives to be provided in order to encourage greater participation in programs from remanded inmates.

Recommendation Three

The Standing Committee on Social Development recommends that the Department of Justice prioritize work programs that are responsive to community needs, subject to necessary safety and security restrictions.

GNWT Response

External work programs and internal work assignments in GNWT corrections provide an important mechanism to develop inmate accountability and the establishment of daily routines which are useful for reintegration into the wider society.

Given the average time an NWT sentenced offender serves in custody, however, which is approximately 90 days, participation in rehabilitative programming must be given priority over participation in work programs. Rehabilitative programs are designed to address an offender's specific criminogenic needs and to lower their risk of reoffending. Offenders who have completed rehabilitative programs based on their identified needs may be eligible, subject to community and other security restrictions, to participate in work programs from correctional facilities and may apply for temporary absences to engage in further employment opportunities.

Recommendation Four

The Standing Committee on Social Development recommends that the security assessment tools used by the Correctional Service be objective, structured and empirically defensible, and that a risk assessment tool that considers the unique realities of Indigenous inmates be developed and used.

GNWT Response

The GNWT Department of Justice uses a Security Risk Assessment tool that was developed and is being used by Manitoba Corrections, in conjunction with classification and guiding criteria detailed in the Corrections Service Directive policy to assign an inmate's security classification and placement within a facility.

The initial assessment of inmates to establish immediate security issues and screening for any potential urgent concerns is critical to the admissions process. This information assists in the security classification, placement and overall supervision of an inmate, along with the application of timely interventions and applicable follow up. The security classification of an inmate is reviewed at specific milestones and may change throughout a person's incarceration.

While the Inmate Security Assessment is a tool which is used, it is not the only source of information that informs the security risk classification of an inmate. Other information that is considered includes; reviewing details such as marital status, number of dependents, spiritual needs, language, race, and Indigenous ancestry/heritage, which may also assist with the provision of culturally sensitive services.

Due to the evolving nature of the Corrections environment, NWT Corrections is always looking to improve its security assessment procedures. Structured risk assessment tools are an important component of Corrections. It is important for NWT Corrections to be aware of the latest research when it comes to acquiring risk assessment tools to ensure that these tools adequately and fairly consider the unique realities and circumstances of Indigenous inmates.

Recommendation Five

The Standing Committee on Social Development recommends that the Department of Justice invest adequate resources into Victim Services to ensure public awareness of these programs and that Victim Services staff are in a position to inform victims of details pertinent to their well-being and safety, including cases where a person remanded in custody is released by the courts.

GNWT Response

The Department of Justice provides information pertaining to the Victim Notification Program on behalf of the GNWT; however, this program is administered by the Corrections Service, post-conviction.

Victim Services is administered by the Community Justice Division, along with other agencies. Information available to the public includes a summary of the program and information that may be provided to a victim, along with links to victims' services, RCMP and information pertaining to protection orders, the *Canadian Victims Bill of Rights* and the completion of Victim Impact Statements.

Prior to conviction, much of the information available to victims is handled through the judicial process by Public Prosecution Service of Canada, RCMP and Victims Services agencies and applicable community resources.

The Department of Justice currently provides workshops and training to Victim Service providers throughout the NWT each year specifically on the Victims Bill of Rights. This training includes a victim's right to information upon request concerning the status and outcome of the investigation into an offence, the location of proceedings in relation to the offence, when they will take place and their progress and outcome and reviews relating to conditional release, including the timing and conditions of release.