



HOUSE OF ASSEMBLY
PROVINCE OF NEWFOUNDLAND AND LABRADOR
OFFICE OF THE CITIZENS' REPRESENTATIVE

A REPORT ON FACILITIES AND SUPPORTS
FOR FEMALE OFFENDERS FROM LABRADOR

ISSUED IN ACCORDANCE WITH THE CITIZENS' REPRESENTATIVE ACT



ALONE AMONG THE FEW

JUNE 2007



HOUSE OF ASSEMBLY
PROVINCE OF NEWFOUNDLAND AND LABRADOR
OFFICE OF THE CITIZENS' REPRESENTATIVE

“ALONE AMONG THE FEW”
A REPORT ON FACILITIES AND SUPPORTS
FOR FEMALE OFFENDERS FROM LABRADOR

June 2007

The Honourable Harvey Hodder
Speaker
House of Assembly
P.O. Box 8700
St. John's, NL
A1B 4J6

Dear Mr. Speaker:

Please find enclosed a copy of my report on facilities and related supports for female inmates in Labrador for distribution to Members of the House of Assembly.

This report is based on an investigation conducted by this Office in the wake of public concerns regarding this issue, and is issued in accordance with Sections 15 and 44 of the *Citizens' Representative Act*.

Barry Fleming, Q.C.
Citizens' Representative

Executive Summary

The Office of the Citizens' Representative ("OCR") became interested in the facilities and supports available for female offenders in Labrador as a direct consequence of a story reported by the media early in January of 2007. Reports indicated that in February of 2006 a young lady from Labrador was detained by RCMP in Goose Bay, and as a consequence of declaring her intention to harm herself, her clothes were taken and she was kept naked in a holding cell with no mattress. Reports in the media stated she was provided with a blanket after some 16 hours in detention. The reason provided for her relatively long time in a holding cell while allegedly displaying suicidal tendencies was that the only "secure room" at the Labrador Health Centre in Happy Valley-Goose Bay was in use and unavailable.

The RCMP investigated its handling of the matter and has since apologized to the woman. For me, the case begged a larger systemic question, one not limited to the fact situation in the news: what facilities or supports are actually available for female offenders in Labrador?

I felt it necessary to conduct a special investigation of the issue under Section 15 of the *Citizens' Representative Act* and my conclusion is that, through no fault of its highly dedicated employees, our Province is failing the female offenders from Labrador and desperately needs to address both correctional infrastructure and mental health resource deficiencies in Labrador.

Extensive journal and text-based correctional research was undertaken as part of our review. In accordance with accepted ombudsman investigative protocols, the investigation was conducted across the Department of Justice, the Department of Health and Community Services, the Labrador Grenfell Health Authority and the Eastern Health Authority. It involved site visits to Clarenville, Bonavista and Happy Valley-Goose Bay, and qualitative research in St. John's, Clarenville, Happy Valley - Goose Bay, and Sheshatshiu. We met with and/or received submissions from current and former sentenced offenders and remands from Labrador. We met with or conversed with public officials with the Adult Corrections Division, the Provincial Court of Newfoundland, the Department of Human Resources Labour and Employment, the Legal Aid Commission, the Government of Nunatisiavut, the Provincial Advisory Council on the Status of Women, several community groups who offer services to women and inmates, and other private citizens of interest to the investigation. We collected documentary and photographic evidence on two separate trips to Labrador.

This report outlines the facilities and supports available to female prisoners in Labrador and provides recommendations designed to improve upon them. Government has taken a significant step in addressing many critical areas in Labrador through its recent Northern Strategic Plan. What I am asking the Province to consider is relatively insignificant in monetary cost yet astronomically important to an often quiet and seldom acknowledged population - women from Labrador in our justice and correctional systems.

Our recommendations are as follows:

1. **The Province of Newfoundland and Labrador should make an immediate commitment to provide for a secure adult female custodial building that can accept up to five lower risk offenders in Happy Valley - Goose Bay. This should not be considered a proposal to build a prison.** The ability to house up to five low risk offenders is based upon the current Labradorian population at the Newfoundland and Labrador Correctional Centre for Women ("NLCCW"), with some allowance for offenders who are flight risks. This would be a secure place that low-risk women are remanded or sentenced to reside where they are close to courts, to their communities, their families, their religious leaders and elders, to people who are sensitive to and aware of their culture, who speak their language and where they can access programs that are specific to them.
 2. **The Province of Newfoundland and Labrador should take immediate steps to improve the Labrador Health Centre's capacity to handle citizens with complex mental health needs in a secure environment.** One secure hospital room in a community of nearly 9,000 people that serves a region of up to 40,000 is unacceptable. If the room is in use and the police do not have adequate resources to guard a second room that
- can be secured to their satisfaction that person, whether it is a female or a minor, has no other option than to be detained in a police holding cell.
 3. **Prior to any construction or retrofit in Happy Valley - Goose Bay of the facility recommended in #1 above, the Province of Newfoundland and Labrador should undertake immediate and adequate measures to increase NLCCW offender appearances before the courts through the use of videoconferencing. This will decrease the costly and disruptive requirement for escorts while providing a continuous period of time for the offender to avail of programming.**
 4. **NLCCW should increase the availability of the current bi-weekly counseling session to a part-time position in a pilot project of fixed duration, that will both make counseling more accessible and instill confidence in offenders and allow for the establishment of rapport with treating professionals.**
 5. **NLCCW should provide offenders, regardless of where they are from, with a printed and regularly updated list of available community supports prior to release.**

“First and foremost, these women had pressing issues and there was no ombudsman to whom to voice their concerns. I believe I was seen as an outlet, someone who would listen to the problems they felt they experienced.”

Memorial University of Newfoundland Graduate Student
Miranda Monster at page 74 of her Master's Thesis, written
one year prior to the passage of the Citizen's Representative Act.

Table of Contents

| | |
|--|----|
| Acknowledgments | 1 |
| Introduction | 2 |
| The Investigation | 5 |
| Who are they? | 7 |
| Facilities | 9 |
| • Newfoundland and Labrador Correctional Centre for Women | 9 |
| • Labrador Health Centre | 10 |
| • Holding cells | 11 |
| • Transportation between facilities | 12 |
| • Videoconferencing | 12 |
| Supports | 14 |
| • Interpretation / Translation | |
| Conclusion | 17 |
| Recommendations | 19 |

Acknowledgements

The staff of the Office of the Citizens' Representative did a commendable job in undertaking this team investigation, the first of its kind since the Office's inception. All employees played a role in this investigation. The work was undertaken while staff remained responsible for accepting, investigating and closing their regular case complement.

We received remarkable cooperation from individuals within the respondent authorities, including the Director of Adult Corrections, Superintendent of Prisons, staff of NLCCW (most notably) the Classification Officer, the CEO and VP of Community, Children's Services and Aboriginal Affairs of the Labrador Grenfell Health Authority, the CEO and staff of the Eastern Health Authority and Sgt. Paul MacDougall of the RCMP in Happy Valley-Goose Bay.

We extend thanks to the many public officials and community leaders in Labrador who took time to meet with our Investigators, as well as Mr. Greg Pone who acted as our translator while Investigators were visiting the community of Sheshatshiu.

I also wish to acknowledge the dedicated and inspired work on this project by my Senior Investigator, Mr. Bradley Moss.

Introduction



Oversight in corrections is an accepted and promoted norm in most advanced democracies and correctional investigations have traditionally formed a noteworthy part of an Ombudsman's work, especially in the North American context. Many federal penal systems have their own officials for correctional investigations, such as the (Canadian) Office of the Correctional Investigator and the Prison Ombudsman for Scotland. With respect to provincial corrections in Canada, Ombudsmen are responsible for administrative oversight of those systems.

Since its inception in 2002 the Office of the Citizens' Representative has received and investigated complaints originating in the provincial system of adult corrections. In fact, complaints from offenders are provided for explicitly in the *Citizens' Representative Act*. Section 23 of the Act protects the confidentiality of inmate complaints to the

Citizens' Representative. Each offender in the provincial system can write to the Citizens' Representative in confidence that his or her mail will arrive unopened for internal analysis and possible intervention or investigation at no cost. Through the Forum of Canadian Ombudsman, and through our pan-Canadian counterparts, staff within this Office have been trained in the conduct of prudent and thorough correctional investigations and have a vast network of fellow correctional investigators on their contact lists.

It follows that Ombudsmen and their staff are offered a fascinating and, at times, an unenviable glimpse at the innermost facets of prison life based on the complaints we receive and the files we review. The vast majority of these complaints are mediated to satisfactory conclusions, bearing in mind the balance that has to be struck between an offender's human, legal, and constitutional rights, the limited privileges afforded to offenders, and the overriding security culture of correctional facilities which places a heavy onus on the Province to keep those in its custody safe from harm.

Members of the public often don't think about the work conducted by the public servants who run our correctional facilities, yet they are tasked 24 hours a day with a multi-faceted and complex concern. There are simultaneous and ever-present issues of security, human resources, transportation, discipline, labour and intergovernmental relations as well as the normal occupational health and budgetary concerns experienced by public bodies.

Those who live and raise children in this province experience some of the lowest violent crime rates in

the country. As citizens, it is important to remember however that we still have a tremendous vested interest in our system of adult corrections because our communities are changing from the safe havens they once were. Our review contacted end-users, practitioners and observers in corrections and health who are in perfect touch with the needs and challenges within those systems. They are the people who can provide pragmatic and poignant insight into the operations of the correctional and health systems and our investigation benefited from their commentary.

The Department of Justice, the Department of Health and Community Services and our Regional Health Authorities are the primary provincial government contacts an offender has while in custody. In Newfoundland and Labrador, the Adult Corrections Division is the subordinate arm of the Department of Justice that is charged with handling provincial remand and sentenced offender populations involving those who have received sentences of two years less a day. Since Confederation with Canada in 1949, the Province has had an ongoing relationship with the Correctional Service of Canada as well as the federal Department of Public Safety and Emergency Preparedness whereby it detains certain classifications of federal offenders and is paid on a per diem basis for this service. This is a significant revenue source for the Province¹.

On top of physically housing offenders in provincial correctional facilities, health care for offenders is a major consideration in the 21st century. It is

now mandatory, and modern correctional facilities now provide ambulatory care as well as certain programming designed to increase health awareness among offenders for reasons of curbing communicable disease and drug use. The challenges posed in providing health care within offender populations compose a significant sub-literature of wider correctional studies. Offenders with complex medical histories are forced upon our correctional and health authority officials. Offenders in Newfoundland and Labrador consume primary and some secondary health care within correctional facilities, as well as tertiary care in our regional hospitals.

According to the Canadian Journal of Public Health there are unique challenges to providing health care in prisons²:

- The need for greater control of medications: potential for abuse, suicide risk, etc.;
- the use of community health services requires escort staff;
- there are differing goals between health and operational staff (i.e., delivery of health care vs. security);
- some offenders may attempt to manipulate health service staff for personal gain; and,
- some offenders will use health services as a social outlet from the prison environment.

¹ This Office has stated in the past that a new correctional facility is overdue and notes that the Report of the Newfoundland Corrections Study Committee dated April 1973 stated in its recommendations "there is an urgent need to replace Her Majesty's Penitentiary." While some renovation was performed on HMP in 1981 and 1994, thirty four years later the statement of the Corrections Study Committee holds true. The structure begs to be retired.

²"A Health Care Needs Assessment of Federal Inmates in Canada." Canadian Journal of Public Health. Volume 95 Supplement 1, March/April 2004. p. S12

Indeed, one of the main complaints Ombudsmen offices hear from offenders revolves around access to medical care or the decisions taken by prison administrators with respect to medical issues. While Ombudsmen do not venture into the realm of clinical diagnosis and treatment methodologies, timely access to medical services is sometimes contained in the allegations we receive, and is often worthy of further investigation.

Our Office has never received a complaint from a female offender from Labrador. Our pre-investigation analysis revealed that this is the result of an unwillingness by female (always aboriginal)

offenders to express a problem or seek redress. The experience of female offenders from Labrador vary between where the arrest takes place, what services are available at the time of arrest, the mechanics of detention and transport to the NLCCW at Clarenville, and the length of their sentence. We wanted to hear their stories and speak with the people who deal with the mothers and daughters of Labrador that are arrested, imprisoned, and eventually released back to our communities. Nobody speaks for them and they rarely, if ever, speak for themselves. We as a Province need to do more to address their growing needs.

“I’m treated like a person here, never mistreated.”

NLCCW resident “Sarah”

(to protect the identity of offenders, all names have been changed)

The Investigation



A detailed investigative plan was developed during the first week of 2007. The plan set out the goals and parameters of the investigation, identified persons and respondents of interest and outlined not only the direction the investigation would take, but the resources needed and the potential sources of information available in this unique area of study. Logically, because of the time at which it was drafted, the investigative plan could not take into account every contingency of the investigation, however it did serve as a starting point and a joint research and investigative guide as the investigation proceeded.

Having commissioned the investigation, our first step was to notify the respondents of OCR's intent to investigate as specified in Section 26 of the Citizens' Representative Act. Notice of intent was provided to the respondents on or about 5 January 2007.

Since then, personnel including three staff Investigators and the Senior Investigator in the Office have contacted and/or interviewed over 40 individuals and officials familiar with the topic,

including females incarcerated at NLCCW and one former offender residing in Labrador.

Over 1100 pages of documentation, reports and submissions were analyzed.

The initial respondents were identified as:

- The Department of Justice (Adult Corrections)
- The Department of Health and Community Services
- The Labrador Grenfell Regional Health Authority

The investigation expanded to include input from:

- The Eastern Regional Integrated Health Authority; and,
- The Legal Aid Commission

Submissions were received from, or meetings held with,

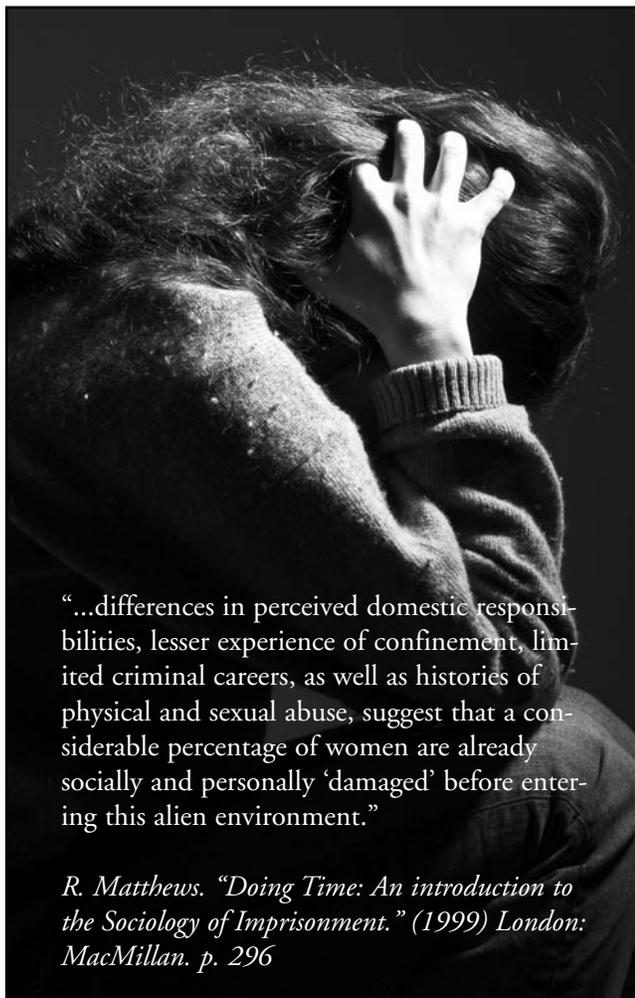
- Six current offenders (four of them from Labrador) and one ex-offender from Labrador;
- The Government of Nunatsiavut;
- The provincial Status of Women Council;
- The Labrador West Status of Women Council;
- The Mokami Status of Women Council;
- The Canadian Mental Health Association;

- Turnings;
- Stella Burry Community Services;
- Correctional Service of Canada;
- Labrador Legal Services;
- Sheshatshiu Treatment and Community Support Services; and,
- Labradorians for Peaceful Communities.

We also considered the Annual Report of the Provincial Court 2005-2006, the Bi-Annual Reports of the Division of Corrections and Community Services dating back to 1998, the United Nations *Standard Minimum Rules for the Treatment of Prisoners*, the Province's recent Northern Strategic Plan for Labrador, and various correctional materials and training effects already in the possession of this Office. We reviewed and analyzed statistics summarizing NLCCW admissions from 1 January 2004 to 5 March 2007.



Who Are They?



“...differences in perceived domestic responsibilities, lesser experience of confinement, limited criminal careers, as well as histories of physical and sexual abuse, suggest that a considerable percentage of women are already socially and personally ‘damaged’ before entering this alien environment.”

R. Matthews. “Doing Time: An introduction to the Sociology of Imprisonment.” (1999) London: MacMillan. p. 296

According to the Canadian Elizabeth Fry Society, aboriginal women represent 2% of the Canadian population but in 2003 they formed 29% of federally sentenced inmates. This over-representation is higher than that of aboriginal males, who themselves are over-represented. In this province, from January 1, 2004 to March 2007, **aboriginal Labradorian women composed 100% of Labradorian admissions to NLCCW.** They stay remanded in prison longer, their typical aggregate sentence length is much longer, their minimum sentence length is much longer and the typical time served is longer.

Since January 1, 2004, 10 remanded and 15 sentenced women from Labrador were placed in Provincial custody. At the time of writing, 5 of the 11 offenders at NLCCW were from Labrador, which may be an all-time high for that institution.

These women are few in number, but they are from places like Nain and Hopedale and other coastal communities in Labrador, some with no police presence. They were reported, arrested and taken to a police station. If held, they were transported to and from court for first appearance, pleas, trials and/or sentencing. Along the way they encountered police, lawyers, judges, warders, matrons, medical and support staff and a host of other remanded or sentenced offenders; all the while separated from community supports and subject to the other common stressors of incarceration. These include but are not limited to: risk of violence, change in routine, withdrawal from substance abuse and separation from children or other family. With few exceptions this is the same justice system we impose on the most hardened male criminals in society.

Female offenders differ from male offenders in that they most often bring histories of cyclical violence, victimization and struggles to care for children. In many instances, and more than their male counterparts, they suffer from depression or other forms of mental illness characterized by abnormal thoughts, emotions or behaviours. According to the *Canadian Journal of Public Health* inmate populations have higher levels of mental disorders and are at a greater risk of suicide than the general public and this risk is fed by hopelessness, and inability to solve personal problems. Needless to say prison life is not conducive to easing pre-existing mental illness: the coercive and control-related environment can in fact be a serious detriment.

On the other side of the issue, from an operational perspective, there are many concerns to be taken into account when a person arrives at a correctional facility: What is their criminal and medical history? Are they presenting with minor illnesses, chronic or contagious medical conditions or psychiatric / personality disorders? What risk do they pose to themselves, other offenders or staff? Indeed, the classification of inmates in any facility is a challenging exercise where vigilance must remain the watchword. Offender culture is also clearly changing as correctional facilities see the importation of divergent lifestyles and the effects of harder street and prescription drug use.

The people we interviewed included women like Kay, a mother of five children, all of whom have been in the continuous care of Child Protective Services. Kay has been incarcerated on five separate occasions. She feels alcohol and drugs are contributing factors to the crimes she has committed. Her home life in Labrador is volatile and she states that she rarely gets the support she needs to break the cycle of violence and substance abuse. She does not have a residential phone and can only access services if she walks to a government office to make

a call. She has no direct access to the services she requires in her community. Kay realizes she will probably be back in custody soon enough and feels hopeless to do anything about it. Correctional officials advised us that residents at NLCCW, especially offenders like Kay from Labrador, rarely if ever receive visits.

So why should we care about Kay...just one of many offenders in Provincial custody who are largely out of sight and out of mind? It's because Kay represents the most vulnerable segment of our prison population and she is not optimally served by our current way of doing things. Kay is different from our male offenders in that she is more likely to be estranged from her family, separated from her children, vilified by her community, and less likely to have access to appropriate supports and medical treatment upon her release to the community. Her situation represents an opportunity to provide some measure of rehabilitation which can assist her and her children in the future. Intervention may not assist all of the Kay's in our system, but if the recommendations we propose can assist a few then there are significant social and economic advantages to be realized.

“My family don’t know I’m here, and I don’t want them to know”

NLCCW resident “Julie”

Facilities



“I think often...this is a safe haven”

NLCCW resident “Annie”

Writing in 1988, Ekstedt and Griffiths³ noted that while the majority of females in Canada are in provincial custody,

...the provinces are confronted by many of the problems facing the federal program. The provinces have generally been able to exercise greater flexibility in providing a range of security options for the less serious offender, but where there is a need to house female offenders in secure settings, the flexibility of the provinces is limited. The limitation is largely due to the small numbers of female inmates and to the fact that centralized institutions tend to emerge to produce an environment similar to the Federal Prison for Women. Canada is a very large country and the provinces within it are also large. Therefore, many women tend to be dislocated from family and community even when sentenced to a secure institution within a province. The costs associated with developing alternative security settings for women within the provinces have been prohibitive. Accordingly, the co-correctional option has been considered by the provinces as one possibility for resolving problems attendant upon the female offender.

In my opinion, and that of others interviewed during this investigation, the co-educational option is not a feasible alternative in Labrador. Ostensibly, one could propose that women be housed in a separate or new wing of the Labrador Correctional Centre (the men's correctional facility, or "LCC" located on the outskirts of Happy Valley - Goose Bay). This is not a tenable solution for a number of reasons, the simplest and most compelling of which is the fact that some female offenders from Labrador are victims of the men incarcerated at LCC.

1. Newfoundland and Labrador Correctional Centre for Women.

Located 190 kilometres outside St. John's in Clarenville, the building known as the NLCCW was opened as a minimum security men's institution in 1982 and was converted to a women's penitentiary in 1996⁴. It is the only facility for female prisoners in the province. Regardless of their community of origin, all provincially sentenced females, remands, federal inmates who do not pose a security risk and federal inmates awaiting transfer to the Nova Institution in Truro, Nova Scotia are admitted to the NLCCW.

NLCCW has a maximum capacity of 22 and averages around 10 offenders at any given time. Space has never been a real issue at NLCCW...the problem for many has always been about its location. While Clarenville has most modern amenities, it does not have an airport and the area surrounding Clarenville (thankfully for the residents) is not a hotbed of criminal activity. The vast majority of

³ John W. Ekstedt and Curt T. Griffiths. *Corrections in Canada: Policy and Practice* (2nd Ed.) Toronto and Vancouver: Butterworths. pp.342-343

⁴ For a fascinating account of the development of Newfoundland Corrections from Quarter Deck justice and the Whipping Act forward, see Terry Carlson's "Dealing with Offenders: An Historical Perspective on Corrections in Newfoundland" in Burford, G. *Ties That Bind*. (1997) St. John's: Jespersen Press.

women doing time in Clarenville are from the Northeast Avalon, and those who are from Labrador are, as stated in the previous section of this report, 100% aboriginal since January 1, 2004.

Reviews of the physical treatment of offenders, including past investigations by this Office have been predominately, if not exclusively favourable. Correctional Officers in that institution have a unique role to play in the correctional system. Due to the relatively small size of the offender population, what one would call a "humanitarian but firm" approach to corrections has been applied. It is still a correctional institution and tolerances for disturbances and injurious behaviour are low because they have to be.

Currently, offenders are served by a general medical practitioner once a week, a visiting psychiatrist from St. John's once a month and a bi-weekly counseling session (with a mental health nurse, addictions counselor and social worker) available on request. According to Eastern Health a counseling team has not entered the institution since October of 2006 because of a lack of requests from offenders. The evidence suggests a lack of certainty about the availability of the service and a reluctance by offenders to engage strangers on such delicate matters.

One constant complaint we heard from current and ex-offenders was that there was little in the way of written material provided on community contacts and supports available to offenders from Labrador. As per recommendation #5, this can be rectified quickly with the provision of a detailed list currently in the possession of this Office.

This review finds that NLCCW is striving to meet its offenders needs but with slightly increased funding and a slight change in its release procedure, it could do more to improve on the rehabilitative aspect of the service it provides to our communities.

2. Labrador Health Centre ("LHC")

"I went to the hospital but the hospital couldn't keep me, so I went back to the lockup"

NLCCW resident "Rita"

According to the Labrador Grenfell Health Authority, the LHC opened in September 2000 and is a fully-accredited health care facility located in Happy Valley - Goose Bay. The hospital has 26 beds, a 24-hour Emergency Department and Outpatient Clinics staffed by Family Physicians. An education agreement with Memorial University of Newfoundland trains Family Practice Residents with faculty members on site. Each Family Physician is also responsible for the medical care of a coastal community. Specialists include a General Surgeon, an Anesthetist and an Obstetrician/Gynecologist. The hospital is currently trying to recruit a Psychiatrist but has not been served on a consistent basis by this specialty.

Of particular interest to this investigation was the "secure room" of the LHC referenced in media reports. Investigators viewed and photographed this room, the only truly secure room for providing protective care in the facility with appropriate windows, washroom hardware and doors.

Investigators concluded that from a current operational perspective, an offender who attends LHC with a mental illness will be seen by a general medical practitioner. They are the professionals required to provide service to mentally ill patients at LHC. Further, a person who contacts the RCMP while having an episodic mental illness, or is at risk to harm herself or others, face the following options at LHC: if the secure room is in use and a second room is available and can be stripped and secured to a condition approved by police, and if the police (subject to staffing conditions) elect to pay the overtime required to have a police guard posted, then accommodations can be made. Otherwise they are returned to the cells and the police will take the necessary measures to protect them and others from harm. Therefore, the normal situation is that there is one room available in a health centre with no psychiatrist that serves a regional population of approximately 40,000 other people. Frankly, this is unacceptable. It leads to the unnecessary incarceration of women. It also means that minors who need mental health care in Labrador can spend time in a jail cell.

3. Holding cells

**“I spent a week in the Goose Bay
Lock-up”**

NLCCW resident “Kelly”

There are 10 RCMP Detachments in Labrador. If a woman's arrest takes place somewhere other than

where there is a police detachment, her journey through our system of justice is prolonged. In adverse weather a woman arrested in Postville (where there is no Detachment) may have to be taken to Makkovik prior to being transported to Happy Valley-Goose Bay for a court appearance. Many traveling from St. John's to Clarenville, having been flown to the island from Labrador, can spend up to two days in the detachment at Holyrood awaiting transfer.

While the RCMP is outside the statutory purview of this investigation, its role in delivering law enforcement services to our rural areas is well known and appreciated in our communities. It is a significant operational challenge to maintain peace and order and protect life and property in areas where there is not a physical police presence. Labrador has dedicated RCMP officers who have served with distinction across various cultures.

Our investigation found that due to a lack of suitable alternative offered by the Province, the RCMP is forced to keep women in its lockup awaiting first appearances, on temporary remands where no release to the community is authorized by the court, or to serve weekends as part of a sentence.

The holding cells at Happy Valley - Goose Bay were toured by myself and two Investigators on separate trips to Labrador. They are adequate for the purposes for which they were designed. They are, however, clearly not designed for the type of prolonged incarceration that can currently occur there.

Transportation Between Facilities

“I felt shameful, lost, and uncomfortable”

NLCCW resident “Sarah”

Unlike most male offenders from Labrador who have access to a correctional facility, female offenders must travel to the island. This often results in costly, disruptive and epic journeys. An offender may travel from Nain to Happy Valley - Goose Bay to St. John's (possibly over-nighting at the St. John's lockup or at the RCMP in Holyrood) then to Clarenville, being escorted through at least two airports in shackles, spending up to five hours on aircraft and two hours on the Trans Canada Highway to NLCCW. Commercial aircraft are employed at times and the entire cost of airfare and human resources in terms of backfilling for overtime are all billed to the Province under contract with the RCMP. Costs mount when compounded with those associated with getting women back to Goose Bay for trial, to appear as witnesses in other court matters, to attend funerals on short notice or for release back to their community.

There is a better, more efficient way to do things that was acknowledged by all of the current and former offenders and the vast majority of frontline public officials that we have spoken with: the women of Labrador need a secure facility, one which on a long term basis will operate at a cost less than the system we have now, but more importantly this facility will better serve the needs of a vulnerable offender population.

Videoconferencing

This province is making noteworthy strides with respect to videoconferencing. The Provincial Court of Newfoundland and Labrador as well as the Supreme Court of Newfoundland and Labrador have this technology, as does the RCMP, and its use is increasing as a method to cut down on the logistics and expense created by flying people in and out of Happy Valley - Goose Bay.

The Provincial Court reported in 2005-2006 that it was responding to the increased demand for videoconferencing. It was educating Judges and counsel on the practicality of the technology in cases where it is deemed appropriate. Videoconferencing is now located in St. John's (Provincial and Supreme Courts), Grand Bank (Provincial and Supreme Courts), Clarenville (Supreme Court circuit and some use by Provincial Court), Corner Brook (Provincial and Supreme Court) and Happy Valley - Goose Bay (Provincial Court, coming soon to Supreme Court). The Provincial Court indicated in its 2005-2006 report that as part of a management and organizational review it would "assess the feasibility of the use of technology such as videoconferencing, in the operation of the Court, particularly in remote locations...⁵"

With these facilities having established videoconferencing technology, the challenge now becomes the establishment of videoconferencing equipment in the remote locations up and down the coast of Labrador and re-entry into Labrador West. I am pleased to learn from sources that the RCMP is taking a lead role in this initiative and I encourage the Province to continue to assist in this process in any way it can.

In the interim, there is no reason why the Adult Corrections Division cannot better utilize the videoconferencing technology at the Clarenville court house to substitute, where applicable and deemed acceptable by judges and counsel, personal appearances in routine matters by videoconference. This methodology is in wide use in both Canada

and the United States. I am therefore calling on the Province to investigate these possible cost savings, which will also cut down on the amount of costly escort charges.



Supports



Supports, including quality programming, serve a number of purposes including, but not limited to, occupying the idle time spent in custody and rehabilitating the offender in the interest of returning the offender to society better adjusted and less likely to re-offend. This is the "correction" in "corrections."

Offender populations have complex needs and have a "poorer profile of health determinants and health outcomes than the Canadian population."⁶ On top of this, they require supports during and following their incarceration. Community integration at release is a fundamental goal of current Canadian correctional philosophy. Therefore, in the 21st century there has to be a continuity of service in order for an individual to have a fighting chance against recidivism.

In Newfoundland and Labrador, public officials work hard to ensure that female offenders leaving the system have the necessary supports in place at

release. But what sorts of service do offenders require? Our sources tell us female offenders need services around:

- (1) Housing
- (2) Medical care
- (3) Literacy
- (4) Employment Skills
- (5) Parenting skills

Our Investigators were told the women at NLCCW need help with self-esteem issues, addictions counseling, anger management, employment skills and literacy.

In 2000, (then) Memorial University of Newfoundland Masters candidate Miranda Monster wrote on conditions and programming at NLCCW⁷. In her study, a total of 27 respondents, including inmates, correctional officers, treatment providers, and administrators were interviewed. Monster identified gaps between inmates' treatment needs and the degree to which programs and services were being delivered at the time. Using the 1998 Bi-annual Report of the Division of Corrections and Community Services, she identified seven different areas of programming offered at NLCCW: Upgrading/literacy, anger management, substance abuse, life skills, volunteer work release, spiritual development and physical fitness.

The 2003-2005 Bi-Annual Report of the Division sets out six areas of offender programming: Adult Basic Education, anger management, substance abuse, spiritual development, physical fitness and the "7th Step Society." Volunteer work release had been apparently dropped.

⁶ "A Health Care Needs Assessment of Federal Inmates in Canada." Canadian Journal of Public Health. Volume 95 Supplement 1, March/April 2004. p. S50
⁷ Miranda Monster. "There's nothing offered here": The rhetoric and reality of a rehabilitative approach at the Newfoundland and Labrador Correctional Centre for Women. September 2000. Memorial University Department of Sociology. School of Graduate Studies. SEE ALSO Monster and Micucci "Meeting Rehabilitative Needs at a Canadian Women's Correctional Centre." The Prison Journal. Vol. 85, No. 2. pp 168-185 (2005).

Today, there are a number of programs and services available to offenders at NLCCW. These include the Women Offender Substance Abuse Program, the Home with a Heart program offered by the Salvation Army⁸, Adult Basic Education is provided in English under private contract, a bi-weekly addictions clinic is offered, and weekly crafts are offered by a volunteer. NLCCW intermittently runs programs dealing with sexual and physical abuse geared toward survivors when numbers warrant. NLCCW would like to offer Alcoholics Anonymous and Family Reunification Projects but these are not currently offered due to funding issues or lack of volunteers. The institution has never offered Narcotics Anonymous, or programming surrounding gambling addictions.

There are no specific programs for aboriginals and while weekly non-secular religious services are offered on Sunday, there is no Moravian Ministry in the Clarenville area.

NLCCW's problem with respect to programming is paradoxically both simple and complex: on the one hand it is always dealing with a small group of people yet continuity in programming is exceedingly difficult due to the revolving cast of offenders who are remanded there for short or intermittent periods. It defies reason to provide a six-week program that will have people coming into and out of it during that term of offering. We found that staff at NLCCW are available for assistance with help finding suitable housing, applying for Income Support benefits, locating employment counseling and furthering educational pursuits in coordination with the ABE instructor but only upon the request of an offender.

While the Province is fundamentally meeting the five core needs identified earlier in this section, it is falling behind in its ability to render appropriate mental health and addictions services. Currently, if an offender needs counseling of this sort she must notify the Classification Officer at NLCCW who notifies Eastern Health who in turn schedules an appointment for the upcoming bi-weekly session. The Province needs to do more to ensure that someone is available to discuss mental health and addictions issues on a more timely basis. Women are more likely to avail of the service if it is routinely offered, and less likely to engage this system as it currently stands. Possibilities for improvement include a pilot project of part-time counseling utilizing a qualified professional who could devote more time to these women's needs, and establish the rapport and trust that is a necessary condition for success in any counseling environment.

We note that the proliferation of videoconferencing to ameliorate the need for escort travel would greatly enhance the opportunity for effective programming. Uninterrupted stays at NLCCW would permit the offenders an opportunity to avail of continuous uninterrupted programming.

Supports in Labrador, in terms of awareness programs and corollary legal supports, are numerous and include the coastal clinics run by the Government of Nunatsiavut, through groups like the Status of Women Council, Sheshatshiu Treatment and Community Support Services, the Women's Centre (Labrador West), local ad hoc volunteer Women's Groups and notably, Labrador Legal Services (LLS) which runs a very beneficial Native Court Worker Program that focuses mainly

⁸This program is offered by a volunteer and has cooking, homemaking, hobbies, parental skills, and job search components.

on Criminal Code matters. This program allows aboriginals to access a worker who will assist in the Legal Aid process as well as provide an overview of the Canadian criminal justice system for those who require explanations of charges, procedures and sentences. LLS' main office is located in Happy Valley - Goose Bay with community offices in Hopedale, Nain, Makkovik, Postville, Rigolet, Natuashish and Sheshatshiu. Another program offered through LLS is an Anti-Violence program funded by the Aboriginal Healing Foundation which offers support and programs to incarcerated males and youth. It holds an Open Support Group every week at LCC that allows offenders to talk about pressing issues. It also offers Cultural Awareness, Anger Management, Family Violence Awareness, Mental Health Awareness and Anti-Bullying programs to interested persons.

All of this is most useful for male offenders from Labrador who are or will be residents of LCC. Upon being escorted out of Labrador, women are cut off from these programs until they return. It is not clear that female offenders returning to Labrador are well aware of this range of services.

“There is not a resource here in Labrador that can adequately deal with clients who have a mental health issue”

Submission received from community based group

Interpretation / Translation

Currently, a translator is generally available to the NLCCW by telephone but there was no one identified in the Clarenville area (other than possibly another offender) who could speak to an offender in Innu-Aimun or Inuktitut in person. This was one of the shortfalls we quickly identified in our study - that of interpretation services in the justice system - but this appears to be receiving partial attention by the Northern Strategic Plan for Labrador. The Province has committed to "improve access to interpretation services in the justice system through the establishment of an Aboriginal Interpretation Project including the creation of a Justice Liaison position."⁹ Little is more harrowing than sitting in a court room as an accused and not understanding what is being said. It is akin to being tried in a foreign country for citizens of our province who do not have English as their mother tongue. For example, there are no words in the Inuktitut language for "indictable," "summary," or "recognizance." I would hope that part of this Interpretation Project would take the needs of residents of NLCCW into account, and this Office will monitor the issue further.

“I have pictures of my kids under my pillow but I don't take them out, they make me cry”

NLCCW resident “Annie

Conclusion



My review of facilities and supports for female prisoners from Labrador leads to a number of options for the Province to consider. While citizens agree that the Province needs to keep an effective handle on crime in our communities, Canadians seem to be split on community corrections and rehabilitation versus the American trend of building more prisons and locking people away for longer durations. Those questions will find their political answers. Likewise, my Office recognizes society's legitimate concerns with punishing those who breach its norms. We are not unapologetic advocates for offenders. It is however an Ombudsman's task to overlook the reasons why citizens are in custody and ensure that they are granted administrative fairness, and that their legal and procedural rights in accordance with the *Charter of Rights and Freedoms*, U.N. Standards, the provincial *Prisons Act and Regulations*, and operational manuals used by the Adult Custody Division are respected. In this case however, the cyclical nature of incarceral terms by females from Labrador, together with their offender profile, begged for a higher level of scrutiny. While there is room for limited improvement

with respect to programming and supports, I believe the Adult Custody Division is doing its level best to offer quality programming in light of the limited number of citizens who are sometimes serving abbreviated or intermittent terms.

My review concludes that female offenders from Labrador are most underserved with respect to facilities. They are subject to prolonged periods in jail cells. While there were no identified cultural sensitivity issues reported against staff, most respondents agreed the women from Labrador are more apt to experience heightened homesickness and are less equipped to have contact with their loved ones and community supports while at NLCCW.

The Bi-Annual Report of the Division of Corrections and Community Services for 2003-2005 indicates at page 16 that:

Even though less than 14% of inmate admissions are aboriginal, it is important to realize that aboriginal status increases the risk of incarceration significantly when computed on the basis of ethnic proportionality. Aboriginal offenders also tend to serve longer incarceral terms and are less likely to be granted conditional release.

Happy Valley - Goose Bay has the second highest number of correctional admissions by Court location (15.3%)¹⁰ behind the Avalon Peninsula region. The Provincial Court in Happy Valley - Goose Bay had the third highest case load statistic (2470) behind St. John's and Corner Brook¹¹ and the third highest number of total courtroom appearances by adults (7463) behind St. John's and Corner Brook¹² in 2005-2006.

¹⁰Bi-Annual Report (2003-2005). Division of Corrections and Community Services - Department of Justice. P. 19

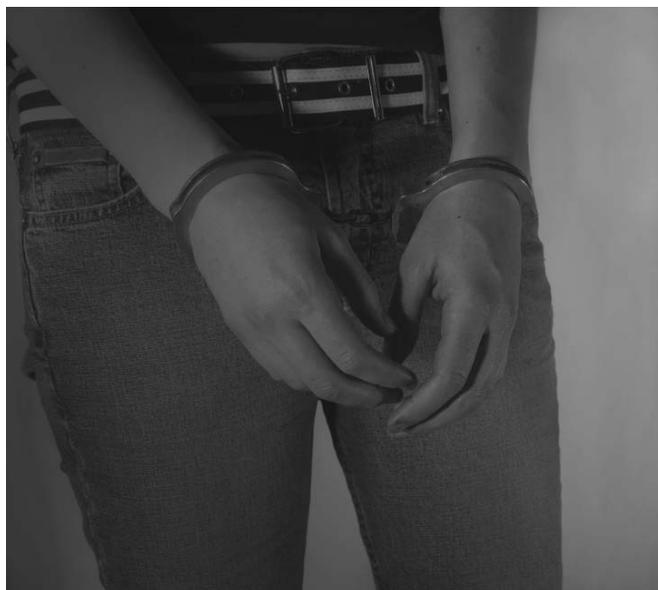
¹¹2005-2006 Annual Report of the Provincial Court of Newfoundland P. 7

¹²Ibid. p. 18

Since 1984 the men of Labrador have had a correctional facility specifically tailored to the cultural needs of their inmate profile. The Labrador Correctional Centre at Happy Valley - Goose Bay is in my opinion the jewel of the Newfoundland and Labrador Correctional system. It houses a workshop and has in the past supported small boat building, soapstone carving, bicycle repair programs to benefit kids in the community, a separate computer-equipped school building and a capacity for traditional cultural ceremonies to take place. There are interpreters available in the community, who can enter the institution to provide services in aboriginal languages in person. On the doorstep is the Town of Happy Valley - Goose Bay and the services it provides as the hub of Labrador; male offenders have more access to relatives and children, and upon release or family emergency are only facing a two hour + flight anywhere in Labrador.

Why would we as a Province deny the women of Labrador similar treatment to their male counterparts at what is likely a reduced cost over the long term? Why do we continue to subject the women of Labrador to this expensive, disjointed approach to incarceration? This investigation concludes that a female facility is needed in Labrador.

In the interim, the Adult Corrections Division should maximize its opportunities to utilize video-conferencing facilities located at the Supreme Court building at Clarenville, establish a pilot project to put a meaningful counseling opportunity in the NLCCW, and provide women with a printed compilation of community support information in advance of their discharge from NLCCW to be used for future reference. In the case of services in Labrador, this information is in the possession of the Office of the Citizens' Representative and can be supplied forthwith.



Recommendations



“There’s too much traveling, I’m sick of traveling and I’m scared to fly. Labrador would be much better, I wouldn’t have to travel, I’d be closer to my family and my culture”

NLCCW resident “Kay”

What I am asking the Province to consider is relatively insignificant in monetary cost yet astronomically important to a seldom acknowledged population that grows in number every year - women from Labrador in our justice and correctional system. The recently released and much heralded Northern Strategic Plan can be augmented by implementing the following recommendations.

1. **The province of Newfoundland and Labrador should make an immediate commitment to provide for a secure adult female custodial building that can accept up to five lower risk offenders in Happy Valley - Goose Bay. This should not be considered a proposal to build a prison.** The ability to house up to five low risk

offenders is based upon the current Labradorian population at NLCCW, with some allowance for offenders who are flight risks. This would be a secure place that low-risk women are remanded or sentenced to reside where they are close to courts, to their communities, their families, their religious leaders and elders, to people who are sensitive to and aware of their culture, who speak their language and where they can access programs that are specific to them.

Both the provincial and federal crowns have real property assets in Happy Valley - Goose Bay. A suitable building may be in existence and may only need to be retrofitted. Should the government wish to partner with the federal Department of Justice, or the Department of Indian and Northern Development, or even the Department of Defence for a surplus military building, there are options abound in the area. Even a suitable duplex would not only provide secure custody, but could possibly even offer transitional or halfway services for federal offenders from Labrador.

2. **The province of Newfoundland and Labrador should take immediate steps to improve the Labrador Health Centre's capacity to handle citizens with complex needs in a secure environment.** One secure hospital room in a community of nearly 9,000 people that serves a region of up to 40,000 is unacceptable. If the room is in use and the police do not have adequate resources to guard a second room that can be secured to their satisfaction that person, whether it is a female or a minor, has no other option than to be held in a holding cell.

3. **Prior to any construction or retrofit in Happy Valley - Goose Bay of the facility recommended in #1 above, the Province of Newfoundland and Labrador should undertake immediate and adequate measures to increase NLCCW offender appearances before the courts, through the use of videoconferencing. This will decrease the costly and disruptive requirement for escorts while providing a continuous period of time for the offender to avail of programming.**
4. **NLCCW should increase the availability of the current bi-weekly counseling session to a part-time position in a pilot project of fixed duration that will both make counseling more accessible and instill confidence in offenders to allow for the establishment of rapport with treating professionals.**
5. **NLCCW should provide offenders, regardless of where they are from, with a printed and regularly updated list of available community supports prior to release. The creation of linkages between NLCCW and the community receiving an offender, most often located in Nunatsiavut, would ensure a continuity of service if carceral programming is interrupted. Labradorians for Peaceful Communities, as part of the provincial Violence Prevention Initiative, has an exhaustive list for Labrador which it has agreed to make available for this purpose.**

My Office will monitor the response of the various government agencies to these recommendations and I undertake to advise of the status of those responses in my next Annual Report.

Barry Fleming, Q.C.
Citizens' Representative

