

Follow-Up Response
The Standing Senate Committee on Human Rights (RIDR)
Regarding Human Rights of Federally-Sentenced Persons in the Correctional System
February 27, 2019 Appearance

As part of its study on the human rights of federally-sentenced persons, the Senate Committee on Human Rights has requested information on the experiences of deaf prisoners. In particular, the committee would like to receive from Correctional Service of Canada and the Parole Board of Canada any policies relating to the provision of services for prisoners who are deaf as well as any statistics about this group of prisoners.

Response:

The Correctional Service Canada (CSC) is legally mandated as per the *Corrections and Conditional Release Act* (CCRA) subsection 4(g) to ensure that programming is responsive to the special needs of offenders. This includes hearing impairments.

Per attached memo signed by CSC's Assistant Commissioner, Correctional Programs and Operations, and distributed to CSC's Regional Deputy Commissioners in February 2017, the duty to accommodate deaf offenders includes, in appropriate cases, the duty to accommodate by way of obtaining American Sign Language interpretation. This requirement is expressly set out in section 27(4) of the CCRA and requires that offenders who do not have an adequate understanding of one of Canada's official languages have the assistance of an interpreter for any hearings, and for the purposes of understanding materials provided to the offender under Part 1 of the CCRA.

In general, where American Sign Language interpretation is required, case management staff are responsible for promptly advising the institutional Chief of Administrative Services, through whom American Sign Language interpretation requests may be coordinated. In the event that alternate procedures have been established at the institutional, community or regional levels, then those procedures should be followed.

CSC has developed policies, guidelines, training, resources, and programs to ensure that correctional and educational programs are responsive to the special needs of offenders.

Statistics

As of March 25, 2019, there were 12 individuals who are categorized as deaf.

Policies and Guidelines:

Commissioner's Directive 700 - *Correctional Interventions* requires that:

4. The Institutional Head/District Director will:
 - c) ensure correctional policies, assessments, programs and practices respect and are responsive to:
 - iii. offenders requiring mental health care and those with physical disabilities
 - d) ensure offenders with disabilities are treated equitably, in accordance with equality rights guaranteed under the *Canadian Charter of Rights and Freedoms*.

Guidelines 726-2 - *National Correctional Program Referral* specifies that:

7. Correctional planning requires that referrals to correctional programs:

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h) consider the offender's specific mental health care needs and/or physical disabilities.

20. Offenders with specific mental health care needs and/or physical disabilities may be referred to national correctional programs if it is determined by the Correctional Intervention Board that they are likely to be able to meaningfully participate in the program. In such instances, Correctional Program Officers/Aboriginal Correctional Program Officers are expected to use existing tools at their disposition to ensure that they accommodate the unique responsivity needs of these offenders.

21. Offenders with mental health care needs or physical disabilities who are unable to meaningfully participate in national correctional programs may be referred to adapted programs designed to meet their needs and/or therapeutic interventions as per their treatment plan.

Commissioner's Directive 720 - *Education Programs and Services to Inmates* requires that:

5. The Regional Administrator, Assessment and Interventions, will:

h) ensure the approaches used in education programs include Aboriginal, ethnocultural and gender considerations (e.g., methods and styles of learning) and are responsive to the various needs of those identified as having learning difficulties, low cognitive functioning, physical disabilities, and/or requiring mental health care.

6. The Institutional Head will:

d) ensure that education staff identify inmates who are at risk of a learning difficulty.

7. The Chair of the Correctional Intervention Board and/or the Manager, Programs, in collaboration with the Chief of Education, where this position exists, or education delegate, will:

d) ensure inmates who are at risk of learning difficulties are provided with reasonable accommodations.

15. An Individual Education Plan will be initiated at intake for inmates with unique learning requirements. It will take into consideration the results of all education assessments, including identification of potential learning difficulties and challenges, as well as the inmate's sentence length.

Guidelines 720-1 - *Education Programs* outlines that:

49. The Adult Basic Education – Adapted Programs, which correspond to each of the four Adult Basic Education levels, are education programs that have been adapted for inmates with specific education needs that cannot be accommodated in the traditional Adult Basic Education curriculum.

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Through the implementation of these policies and guidelines, CSC is able to ensure barrier-free and accessible education and correctional programs to all offenders, including those with hearing impairments.

Training, Evaluation and Certification:

In order to ensure effective correctional program delivery, Correctional Program Officers (CPOs) undergo a comprehensive and ongoing process of training, quality review, and certification. Their performance is assessed on a number of competencies, including the ability to individualize their approach in order to work with the different needs of program participants which may affect their ability to participate in and benefit from programs. These are collectively called responsivity factors, and include hearing impairments. The initial training of CPOs includes general strategies on how to deal with responsivity factors. The quality review process specifically evaluates the ability of CPOs to work effectively with the participants in their group(s) who manifest different responsivity factors.

Responsivity Resources Kits:

In addition to the above, CSC has made available *Responsivity Resource Kits* in order to help staff members who work with offenders, in particular CPOs and teachers, address the specific needs of offenders in the course of correctional and educational programs. These kits provide both theoretical and detailed practical information on how to work with offenders with special needs or who require special consideration in the program context. The *Special Needs Resource Kit* on physical disabilities includes information on hearing impairments, such as what they are, how to identify them, challenges to program delivery, successful accommodation strategies, as well as links to resources, such as the Canadian Hard of Hearing Association (CHHA).

Adapted Programs:

Offenders whose specific needs cannot be accommodated in the traditional Adult Basic Education program and/or national correctional programs can be referred to Adapted Adult Basic Education Programs and/or adapted correctional programs. These programs cover the same concepts as national programs, but at a slower pace with more time given to the consolidation of knowledge and skills and more opportunity to individualize the program content to specific needs.

Facilities and Infrastructure:

CSC has recently issued two relevant directives, both of which are attached to this response, regarding the duty to accommodate offenders, and more specifically, the facility implications of the duty to accommodate. The latter provided direction to ensure that facilities were appropriately equipped with visual/strobe light alarms, as recommended in the Canadian Human Rights Complaint #T2039/4014. In addition to the recommended single regional segregation cell, institutions housing deaf offenders must have at least one cell bedroom at each security level, a single Private Family Visit unit, and at least one cell in the segregation unit provided with a visual/strobe light alarm.

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The Technical Services and Facilities (TSF) division has been proactive in the use of strobe lights as part of all new fire alarm projects. As of the 2015 edition of CSC's Technical Criteria Document, strobe lights are required on all ranges for any new construction¹. All new units are being designed with strobe signals and a number of fire alarm-specific projects are currently underway – each including visual strobe signals as part of the design.

Additionally, CSC adheres to the Treasury Board Secretariat (TBS) Accessibility Standard for Real Property, the *National Building Code*, and the Canadian Standards Association (CSA) CAN/CSA-B651-12 Accessibility Design for the Built Environment in order to address the basic needs of employees and the public using or receiving services on real property by ensuring accessibility of federal real property by persons with disabilities.

Health Services:

CSC's Health Services Sector is accredited by Accreditation Canada and provides health care following professionally accepted standards by registered health professionals including physicians, nurses, and a variety of other allied health professionals. As specified by the CCRA, the mandate of Health Services in CSC is to provide every inmate with essential health care and reasonable access to non-essential mental health care that will contribute to the inmate's rehabilitation and successful reintegration into the community. Health care services must respect gender, cultural, religious and linguistic differences, and be responsive to the special needs of women, Indigenous peoples, persons requiring mental health care and other groups.

Although Health Services does not have specific policies pertaining to deaf individuals, health care services to those who are deaf are individualized. Services offered include American Sign Language interpreters, and communication in writing.

¹ Technical Criteria Document, Section M-7, Sentence 5.5.4.