

SYSTEMIC INVESTIGATION UPDATE

# UNDER INSPECTION:

The Hiatus in BC Correctional  
Centre Inspections



**OMBUDSPERSON**  
BRITISH COLUMBIA

Special Report No. 57  
July 2024

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**Our office is located on the traditional lands of the Lək'wəŋən (Lekwungen) People and ancestors and our work extends across the homelands of the First Nations Peoples within what we now call British Columbia. We honour the many territorial keepers of the lands and waters where we work.**





**OMBUDSPERSON**  
BRITISH COLUMBIA

July 2024

The Honourable Raj Chouhan  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my honour to present the Ombudsperson's Special Report No. 57, *Systemic Investigation Update, Under Inspection: The Hiatus in BC Correctional Centre Inspections*.

The report is presented pursuant to section 31(3) of the *Ombudsperson Act*.

Yours sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia

# INTRODUCTION

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One of the ways the Office of the Ombudsperson can effect change in the fair administration of government programs is by making recommendations when we find unfairness. In other words, when our investigation highlights a problem in fair administration, our recommendations aim to fix that problem, and may involve individual remedies or systemic change. Often, we include timelines for an authority to implement changes as a way to hold them to account.

We monitor whether authorities are implementing the recommendations made in our public reports by issuing periodic updates. We begin monitoring the implementation of recommendations once a report is released publicly through the collection of information from the authority about the steps taken to implement each recommendation made. We expect the authority to provide us with specific, relevant, and verifiable information – a general commitment to act is not sufficient. We then assess this information to determine whether, in our view, the recommendation is fully implemented.



# UNDER INSPECTION REPORT AND RECOMMENDATIONS

We released *Under Inspection: The Hiatus in BC Correctional Centre Inspections* in June 2016. This report was the result of an investigation into whether the Corrections Branch was inspecting correctional centres in a way that complied with its obligations under the *Correction Act*<sup>1</sup> and consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules in honour of the former South African President, Nelson Mandela.

BC Corrections' Adult Custody Division operates ten correctional centres throughout the province. These centres house individuals who are on remand awaiting trial or serving a custodial sentence of less than two years. Two centres operate as "right living communities," where individuals live communally rather than in separate living units. One of these centres also operates a self-contained therapeutic community for individuals with substance use issues.

There is broad societal interest in ensuring that the conditions of imprisonment protect the human rights, health and safety of people being held in correctional centres. Staff working in corrections also have a clear interest in a workplace that protects their safety. Regular, independent inspections are critical to ensuring that custody centres

are held accountable for their operations and the public can be assured that they are operating properly.

In *Under Inspection*, we found that the responsible provincial government ministries had not complied with the *Correction Act* when they did not conduct regular periodic inspections of BC's correctional centres between 2001 and 2012. In addition, we found that when the Corrections Branch reinstated inspections in 2012, the inspection framework did not comply with the international standards contained in the Mandela Rules. We found that there was insufficient training and guidance for inspectors, that the inspection checklists did not adequately prioritize the health, safety and human rights of people in correctional centres. We also found that the inspection teams were insufficiently independent from the correctional centres they were inspecting.

Based on these findings we made seven recommendations, which government accepted and committed to implement. Six recommendations were aimed at improving the inspections of correctional centres, and one was aimed at ensuring statutory



<sup>1</sup> *Correction Act*, S.B.C. 2004, c. 46, s. 27(1)

obligations are met when responsibility for those obligations is transferred within a ministry or from one ministry to another.

We published an initial update on the implementation of our recommendations in September 2018. At that time, we assessed six of the seven recommendations as fully implemented. This report assesses progress to date on implementing the final, seventh recommendation (Recommendation 7). This recommendation requires the province to revise the inspection framework to bring it into full compliance with Rules 83-85 of the Mandela Rules.

We made this recommendation because inspections are essential to the effective oversight of correctional centres and the Mandela Rules reflect internationally accepted best practices in the conduct of inspections. Rules 83-85 provide clear guidance on the need for regular external inspections conducted by a body independent of the correctional system. As an advanced democracy with the capacity and reputation for respect and upholding human rights, it is reasonable to expect that BC will implement what is internationally considered to be the minimum standard for the effective oversight of correctional centres.

The province initially committed to implement **Recommendation 7** by March 2018, but was unable to meet this timeline. As of the date of this report, the province has still not completed all the work required to fully implement this recommendation. Although both BC Corrections' Adult Custody Division (ACD), and the Investigation and Standards Office (ISO) have taken significant steps to develop an inspection model that complies with the Mandela Rules, the external inspection process led by the ISO is still in a development stage. There is some value in having ISO coordinate and lead the external inspection process. However, we continue to have questions about whether the ISO is adequately resourced and sufficiently independent to carry out a sustainable and effective program of external inspections that complies with the Mandela Rules.

This report summarises the steps government has taken to implement this recommendation and highlights the important work that remains.

# MANDELA RULES

## Rules 83-85 outline the rules for internal and external inspections.<sup>2</sup>

### Rule 83

1. There shall be a twofold system for regular inspections of prisons and penal services:
  - a. Internal or administrative inspections conducted by the central prison administration;
  - b. External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.
2. In both cases, the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.

### Rule 84

1. Inspectors shall have the authority:
  - a. To access all information on the numbers of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;
  - b. To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;

- c. To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;
  - d. To make recommendations to the prison administration and other competent authorities.
2. External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass healthcare professionals. Due regard shall be given to balanced gender representation.

### Rule 85

1. Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data on prisoners unless they have given their explicit consent.
2. The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the external inspection.

<sup>2</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 83-85, available at [Mandela Rules](#).

# IMPLEMENTATION OF MANDELA RULES REGARDING INSPECTIONS

In response to Recommendation 7, government undertook two separate streams of implementation work, both of which we examined. This is consistent with Rule 83, which requires a twofold system of regular inspections, including an internal and external component.

**Internal inspections:** the Adult Custody Division of BC Corrections revised its two-part quality management framework with the aim of addressing the Mandela Rules through the internal inspection process.

**External inspections:** the Investigation and Standards Office (ISO) within the Ministry of Attorney General, which has a mandate to conduct inspections of correctional centres in the province has developed an external inspections model.

## Recommendation 7

The Ministry of Public Safety and Solicitor General, by March 31, 2018, revise the inspection framework to bring it into full compliance with Rules 83–85 of the Nelson Mandela Rules.

In the following sections we describe each of these components in detail as well as our assessment of whether they are consistent with the standards set out in the Mandela Rules.

## Internal inspections

BC Corrections Adult Custody Division (ACD) is part of the Ministry of Public Safety and Solicitor General. The ACD's internal inspections process includes two components that aim to address the Mandela Rules: one, primary quality assurance at the correctional centre level and two, secondary quality control at the provincial level.

### 1. Primary Quality Assurance (PQA)

The first part of the quality management framework is centre-based inspections and policy reviews conducted every two months under the direction of the warden at each correctional centre. These reviews are intended to cover all aspects of policy and procedure, divided into 11 inspection subject areas.<sup>3</sup> The PQA reviews prepare facilities for secondary and external inspections. The wardens do not interview individuals in custody during this inspection process. If the primary quality assurance process identifies a systemic issue, the warden notifies the provincial director.

<sup>3</sup> The 11 inspection subject areas are: operations/use of force; human resources; programs; admission and discharge; business and finance; segregation, separate confinement, complex needs units, and supported integration placement; classification, case management, alternative living units (e.g., right living communities and no-violence units); scheduling and training; mandatory inspection items (e.g., WorkSafeBC requirements); emergency response team; and internal centre-based intelligence.



The ACD began piloting the PQA process at correctional centres in March 2020.

## 2. Secondary Quality Control (SQC)

Under the secondary quality control process, an independent quality control inspection team, based out of the ACD Headquarters, reviews the 11 inspection subject areas at each correctional centre on a three-year cycle. The inspections emphasize on the subject areas that provide direct service to individuals in custody as opposed to other subject areas such as business and finance.

The SQC inspection process takes place in cycles. Every time an inspection team visits a custody centre, they inspect two to three of the subject areas. Once all 11 subject areas are complete, an SQC inspection cycle is complete.

### **Composition of inspection team**

SQC inspectors belong to a work unit reporting to the ACD Headquarters. The inspection team is independent of the correctional centre under review and may include members from the ISO. The inspection team is comprised of three to four members with expertise relevant to the subject areas covered in each inspection.

### **Content of SQC inspections**

The inspection framework directs inspectors to ask questions focused on the health, safety and human rights of people in correctional centres. For example:

- whether the mental health needs of people in correctional centres have been properly assessed
- whether people in correctional centres have access to supplies to meet their personal hygiene needs

- how the correctional centre responds to critical incidents and reports on actions taken by emergency response team
- how the correctional centre reports on the use of force
- whether there is adequate health care space, equipment and medical supplies, and whether people in correctional centres are appropriately moved to mental health facilities
- visiting facilities
- wellness programs
- food safety and security
- issues related to separate confinement and segregation, such as conducting visual checks and recording incidents

### **SQC process**

BC Corrections informed us that before each visit to a custody centre, the inspection team decides which subject areas to include in the inspection, reviews relevant background information and develops their inspection plan. The SQC inspection team has access to the relevant PQA reports. The team spends a week at each centre reviewing the relevant policies, procedures and documents, and interviewing the staff and individuals in custody. The SQC inspection process for each of the 11 modules is divided into three parts, A, B and C:

- **Part A:** The first and primary inspection. Once the inspection is complete, a report containing all the findings and recommendations is provided to the warden of the correctional centre and the provincial director of adult custody, along with a work plan asking the correctional centre to describe how it will implement the recommendations. The correctional centre is expected to provide an implementation plan within two weeks. If the recommendation(s) require a policy

change or contain a practice change that should be implemented by all custody centres, the inspection team forwards the recommendations to the relevant committees of the ACD and attends the committees' meetings with the wardens to facilitate next steps.

- **Part B:** When the inspection team returns to the centre to inspect the next subject areas, they will also review and assess the implementation of recommendations made in Part A.
- **Part C:** If, during the Part B review, the inspection team finds that a correctional centre has not adequately implemented the recommendations made in Part A, the team will initiate a Part C process in which the provincial director directs the warden, in writing, to ensure all findings and recommendations are implemented in a timely and effective manner. Generally, the warden is provided with two months to notify the provincial director how the recommendations have been addressed. In addition, centre wardens are responsible for performing their own quality assurance review of the issues identified in the recommendations, for three months, and reporting to the provincial director that the measures in place are functioning as intended.

The ACD began piloting the secondary quality control at the provincial level in January 2020, with full implementation planned for the end of fiscal year 2020/21. The ACD told us that in the first cycle of inspections, inspectors completed all 11 modules in each of the correctional centres, resulting in 1,086 recommendations, of which 89 percent were implemented.

We reviewed the guidelines given to members of the SQC inspection teams, a sample of findings and recommendations made to a correctional centre as part of the Part A and Part B process, and a sample work plan for implementing recommendations. The materials provide a clear picture of the SQC process and how it has been implemented.

In the course of monitoring, we heard about challenges identified in the first cycle of inspections. We heard that centre wardens and staff were not familiar with the inspection process and were unsure of how they were expected to participate in the inspection and assist the inspection teams. To address this, inspectors now give a short presentation to centre staff with the objective of raising awareness of the process. We also heard that in some cases, changes recommended by inspectors have been implemented slowly.

### **Analysis: Internal inspection process and the Mandela Rules**

BC Corrections did not meet the timeline for implementation set out in our recommendation. However, taken as a whole, we are satisfied that the two-stage internal inspection process meets the requirements set out in the Mandela Rules. The inspection framework is consistent with the objectives set out in Rule 83(2). In our September 2018 update report, we noted that in relation to Recommendation 3 that the inspections checklists then in place included questions about separate confinement, use of force and staffing. We conclude that the current internal inspections framework further establishes a process for inspecting matters related to human rights, health and safety of people in correctional centres.

In the SQC process, inspectors determine which centres to visit and when, have access to information relevant to the inspection process, can speak with staff and people in custody, and make recommendations to the warden of the correctional centre, as required by Rule 84. In addition, wardens are required to develop an action plan for implementing any recommendations and the inspection team is responsible for following up on their implementation. Finally, we note that in the second cycle, which is currently underway, the ACD has included a health care professional as part of its inspection team. Even though Rule 84(2) only applies to external inspections, we are pleased to see the ACD is including a health professional in the inspection process, as it further emphasizes the importance of focusing inspections on matters of health, safety and human rights.

The ACD does not release its inspection reports publicly; however, the Mandela Rules do not require or suggest that reports of internal inspections be made public.

## External inspections

External inspections are a critical part of the province's implementation of Recommendation 7.

The Investigation and Standards Office (ISO) has developed an external inspection process. The ISO is established under the *Correction Act*<sup>4</sup> and is part of the Ministry of Attorney General.

To support its work on inspections, the ISO has developed a Systemic Quality Review Framework and accompanying Systemic Quality Review Standards. The ISO stated that its inspections framework is based on Mandela Rules as a guiding principle, and

the *Correction Act* as its legislative authority. ISO began conducting on-site inspections in September 2023 and has since inspected five correctional centres.

Our assessment of the ISO's inspection process considers whether it meets the key components of the inspection framework as set out in the Mandela Rules:

- External inspections are conducted by a body independent of the correctional centre administration, and the objective of the inspection is to ensure that correctional centres are managed in accordance with existing laws, regulations and policies, and that the rights of people in correctional centres are upheld (Rule 83).
- Inspectors have the authority to:
  - access all relevant information, to freely choose which centres to visit and which people in custody to interview (Rule 84)
  - conduct private and confidential interviews with people in custody and staff of correctional centres (Rule 84)
  - make recommendations to the correctional centre and other relevant authorities (Rule 84)
- External inspection teams are composed of qualified and experienced inspectors, have balanced gender representation as necessary, and include a health care professional (Rule 84).
- Inspections are followed by a written report given to a competent authority which is required to indicate within a reasonable time whether they will implement any recommendations. Due consideration is given to making those reports publicly available, excluding any personal information about prisoners (Rule 85).

<sup>4</sup> *Correction Act*, S.B.C. 2004, c. 46, s. 28

## **Systemic Quality Review (SQR) standards**

The ISO told us that Systemic Quality Reviews are based on standards that describe the ways a correctional centre is expected to ensure safety and human rights in the treatment of people in custody.

There are 90 specific standards that apply to all correctional centres, and 6 additional standards that apply specifically to correctional centres housing women. These standards relate to key operational areas including: arrival in custody, classification, health care, programming and purposeful activity, community contacts and connections, case management and release planning, correctional centre culture, accommodations and living conditions, safety and security.

The ISO told us that the standards reference the Mandela Rules and assess the treatment of specific groups and individuals in custody with identities protected under the *Human Rights Code* – notably individuals in custody who are Indigenous, women, transgender, and who have a mental or physical disability.

The ISO informed us that the standards are intended to reflect and recognize the needs of Indigenous individuals in custody and how correctional systems and practices impact Indigenous Peoples. The ISO said that it relied on the expertise of Indigenous partners in drafting the standards. The standards reference the *United Nations Declaration on the Rights of Indigenous Peoples* and the Truth and Reconciliation Commission of Canada (TRC) Calls to Action. For example, the standards discuss the right of Indigenous people in custody to access rehabilitation and reintegration

programs based on and informed by Indigenous culture, practices, values and teachings.

ISO further stated that it plans to engage with Indigenous Peoples on an ongoing basis to ensure the SQR standards recognize the needs of Indigenous individuals in custody.

### ***Composition of the inspection team***

The ISO inspection team consists of an ISO Deputy Director and two to three ISO inspectors. To date, the inspection teams have not included representatives from external organizations. ISO notified us that it intends to include representatives from external organizations in all inspections beginning in September 2024.

As they plan for the future involvement of representatives from external organizations, ISO said that they intend to include representatives from Indigenous communities, individuals with lived experience or their representatives, legal or human rights advocates, health care providers, academics, representatives from other justice-related organizations, government service providers, community partners, non-profits, or non-governmental organizations.

### ***Systemic Quality Review process***

The ISO expects that scheduled inspections will take place at each centre once every two years, with five centres reviewed per year. It may also conduct unscheduled or thematic inspections if necessary. The ISO told us that the decision to conduct a thematic inspection will be based on a ‘dynamic risk assessment’ that includes consideration of previous inspections, complaints from people in custody, or serious incidents.

Each inspection will consist of three phases:

1. Preparatory work for an on-site inspection
2. On-site inspection at the correctional centre and inspection report containing recommendations
3. Post-inspection follow-up

### ***Phase 1: Preparatory work***

The ISO told us that upon initiating a review, they send a letter to the centre warden describing the inspection process and including information to be shared with centre staff. The warden is asked to appoint a correctional centre liaison who will be responsible for providing any requested documentation to ISO and on-site support for the review team.

In advance of the inspection, the ISO meets with the centre warden to explain the inspection process and discuss any relevant issues. Additionally, the ISO delivers a presentation to centre leadership and staff about what to expect, how to assist with the review, and provide the opportunity for staff to ask questions about the process. To ensure a comprehensive understanding of centre operations, the inspection team interviews centre managers responsible for specific program areas (e.g., disciplinary hearings).

Before the on-site inspection, the ISO reviews its internal case data and conducts a systematic file review of individuals in custody, along with a general review of related internal centre documents. Issues and concerns identified through this preliminary review are assessed against the SQR Standards to develop an action plan for the on-site inspection and identify the areas that require greater focus.

### ***Phases 2 and 3: On-site inspection and report***

The ISO explained that each on-site inspection occurs over a one-week period. The review team gathers information through interviews with individuals in custody, staff, and relevant third parties and inspects all areas of the centre to assess conditions and observe centre operations. In addition, the review team distributes a voluntary survey to individuals in the centre. The ISO told us that when they conduct the inspection, the review team will, as necessary, provide a brief overview of the purpose and process of the investigation to staff or people in custody it is interviewing.

The ISO told us that issues requiring immediate action are identified and discussed with the warden while the review team is on-site for the inspection. Following each inspection, ISO produces a report that summarizes the review process and findings and includes specific recommendations for the correctional centre and/or systemic recommendations for BC Corrections. The report is submitted to the centre, BC Corrections leadership, and the deputy ministers responsible for oversight of BC Corrections and the ISO.

In addition, the ISO also produces a one-page summary of the review process and key findings for individuals in custody and correctional centre staff. This summary is sent to the centre warden with a request that it be posted on units and wherever documents are typically posted for review by staff.

The ISO committed that it intends to report publicly on the inspection process and findings at the end of its first inspection cycle in June 2025.



#### **Phase 4: Post-inspection follow-up**

Following the on-site inspection, the correctional centres and BC Corrections leadership are responsible for producing an action plan in response to SQR recommendations within one month of receiving the report. These action plans are expected to set out whether the correctional centre and BC Corrections agree, partly agree, or reject each recommendation, and any actions taken or planned, with a timeline for completion as appropriate.

As part of its follow-up process, ISO reviews the content of the initial action plan and monitors its implementation by tracking completion of action items. One year after their SQR report was submitted, the ISO will request a formal update from the correctional centre or BC Corrections leadership on the status of actions taken to address each recommendation. ISO told us that they will continue to monitor implementation of their recommendations until they are satisfied that the issue has been sufficiently addressed.

#### **Analysis: External inspections process and the Mandela Rules**

When we issued *Under Inspection* in 2016, the Minister of Public Safety and Solicitor General was responsible for establishing the program of inspections required by the *Correction Act*. For this reason, Recommendation 7 was directed to that ministry. However, current responsibility for the inspections lies with the Ministry of Attorney General and, as we have described above, the work to implement this part of the recommendation has been led by the ISO.

ISO completed a pilot inspection in April 2023 and began its first inspection cycle in September 2023. Since then, ISO has completed inspections of five correctional centres. It intends to inspect the five remaining correctional centres between September 2024 and June 2025.

The ISO describes the SQR standards as “centred on the treatment and experience of individuals in custody” and “responsive primarily to” the Mandela Rules. We are pleased to see that the standards themselves are focused on ensuring correctional centres are meeting the objectives as set out in Rule 83(2). Given the overrepresentation of Indigenous people in custody, we appreciate that the standards have a particular focus on the conditions experienced by Indigenous people in correctional centres. We hope that robust implementation of the ISO’s inspection process will identify meaningful ways in which the correctional centres can change policies and practices to better serve Indigenous people in custody.

However, based on our review of the external inspections process we are concerned that it does not yet meet the standards set out in the Mandela Rules. Our concerns are outlined below.

#### **Independence and partner organizations**

Rule 83(1)(b) requires external inspections to be conducted “by a body independent of the prison administration.”

The Ministry of Public Safety and Solicitor General told us that it considers the ISO to be sufficiently independent for the purpose of conducting external inspections, consistent with the Mandela Rules. We accept that it is

appropriate for the ISO to take a lead role in the inspections process because it falls within the ministerial responsibility of the Attorney General. In this way it is distinct and separate from BC Corrections which is part of the Ministry of Public Safety and Solicitor General. However, given ISO's close relationship with BC Corrections and the fact it is part of a government ministry, we believe it is critically important to include representatives from external organizations. The inclusion of representatives of external organizations will help strengthen the independence of the inspection process.

To date, the inspection teams have not included representatives from external organizations. ISO told us that it intends to include representatives from external organizations in all inspections beginning in September 2024.

In preparation for including external organization in the inspection process, the ISO has initiated discussion with BC Corrections about security screening requirements and has reached out to external organizations to gauge interest and availability. It does not appear that ISO has yet developed a detailed plan for how external organizations will be included in the inspection process – for example it does not appear to have developed compensation guidelines or training materials.

Given the time that has passed since government agreed to our external inspection model, the slow progress in advancing the involvement of external organizations is disappointing. That being said, we are encouraged by the ISO's recent commitment to include representatives

from external organizations beginning in September 2024. We expect that the ISO will develop a framework that clearly establishes the role of the external organizations in the inspection process including defined roles, information sharing, and consistent and equal involvement from the representatives of external organizations.

### **Authority of inspectors**

An inspector's ability to enter the custody centre and examine relevant records is provided for in the *Correction Act*.<sup>5</sup> We consider that this meets most of the requirements in the Mandela Rules 84(1)(a)-(c) regarding the authority of inspectors to obtain the information necessary for the inspection.

We understand that the ISO's process allows for it to choose which centres to visit and further provides for unannounced visits where necessary. In addition, ISO has a process for conducting surveys of people in custody during on-site inspections. It is our expectation that correctional centres will fully accommodate both these surveys and interviews with staff and people in custody during the on-site inspection.

### **ISO recommendations to BC Corrections**

Rule 84(1)(d) sets out the expectation that inspectors will make recommendations to a correctional centre's administration and Rule 85(2) sets out the expectation that the correctional centres will indicate within a reasonable time whether they will implement those recommendations.

Following each inspection, ISO produces a report that summarizes the review process and findings and includes specific

<sup>5</sup> *Correction Act*, S.B.C. 2004, c. 46, s. 27(1)

recommendations for the correctional centre and/or systemic recommendations for BC Corrections.

The ISO told us that in the event a correctional centre or BC Corrections reject a recommendation, they are expected to provide a detailed rationale for doing so. If the ISO determines that the reasons are inconsistent with the SQR standards, then it intends to work with the correctional centre or BC Corrections leadership to resolve the issue or if necessary, escalate the matter up the ministry leadership chain of command.

### ***Inclusion of health care professionals***

Rule 84(2) requires that the external inspection team “shall encompass health-care professionals.”

Health care services in correctional centres are delivered by the Provincial Health Services Authority. The SQR process provides that health care services are out of scope of the inspections process. However, the standards do include an examination of the correctional centres’ health care related responsibilities from an operational perspective, including questions of access to health care services and collaboration between health care services and correctional centre staff.

We also note that there is a wide range of health care professionals and thus many ways their expertise may be valuable. For example, a dietician may provide valuable perspective for inspections related to food service and canteen, an occupational therapist may contribute to inspections related to living conditions and accessible facilities.

The ISO’s inspection model does not include a health care professional on each inspection team. Instead, the SQR provides that the inspection team will have one member from a partner organization. This may, or may not, include a health care professional, although ISO has acknowledged the value in having health professionals involved in the inspections process and has told us that it is committed to ensuring meaningful health care representation and participation in future inspections.

We are encouraged by the ISO’s broad commitment to including health care professionals in the inspection process but we note that the Mandela Rules include a very specific direction that a health care professional be included in every inspection.

At present, there is no guarantee that all external inspections will include a health care professional. As such, we are unable to conclude that the SQR process meets Rule 84(2).

### ***Publishing inspection reports***

Rule 85(1) states that “due consideration shall be given to making the reports of external inspections publicly available.”

The ISO told us that it is committed to reporting publicly on its inspection outcomes. It intends to publish its first report at the end of the first cycle of inspections, in June 2025. In the meantime it intends to develop policy to guide the reporting process.

Publishing an inspection report is one of the major ways in which the ISO can demonstrate its independence and

accountability for the implementation of this new inspection regime. We are encouraged by the ISO's commitment to report publicly on its inspections and we expect that policy guidance will include consideration of whether and how reports will be redacted or summarized for publication.

### ***ISO individual inspection capacity and resources***

We acknowledge the significant work carried out by ISO staff to develop the SQR standards and process. However, it is disappointing that 8 years after *Under Inspection*, government has still not fully implemented the external inspections process.

Meaningful implementation of the Mandela Rules requires the ISO to be adequately resourced to carry out the robust and ambitious program of inspections it has developed. The time it has taken the ISO to develop the inspection process raises significant questions about whether it has the resources and capacity to ensure the success of external inspections. The Ministry of Attorney General has a responsibility to ensure that the ISO has sufficient resources to implement an inspection process that is consistent with the Mandela Rules.

# CONCLUSION: PARTIAL IMPLEMENTATION

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Implementing a regular program of inspections is not just a legal requirement, it is an essential tool for providing oversight of the correctional system and ensuring public confidence in its operations. The Mandela Rules provide a set of best practices that should be upheld and supported through the inspection process.

While the Ministry of Public Safety and Solicitor General and the Ministry of Attorney General have made significant progress in developing an inspections regime that has internal and external inspections components, our report highlights that there is still work to be done. In particular, the

ISO needs to be adequately resourced to carry out meaningful external inspections, and it needs to address key questions in relation to its process. As a result, I assess Recommendation 7 as partially implemented.

I want to acknowledge the ongoing work by public servants in the ministries of Attorney General and Public Safety and Solicitor General who, over the period of monitoring by our office, have provided information and engaged in discussions with our office about implementation. The important work of upholding the Mandela Rules cannot occur without the effort of dedicated public servants.



# APPENDIX





# SUMMARY OF COMPLIANCE WITH THE MANDELA RULES REGARDING INSPECTIONS

Mandela Rule	Internal inspections process <i>Led by the BC Corrections, Adult Custody Division</i>	External inspections process <i>Led by the Inspection and Standards Office</i>
<b>Rule 83: Creation of an Inspection System</b>		
Establish a system of internal or administrative inspections conducted by central prison administration. (83(1)(a))	☑	N/A
External inspections that are conducted by a body independent of the prison administration, which may include competent international or regional bodies. (83(1)(b))	N/A	To meet this rule, ISO must include independent members, such as those from 'partner organizations' in the inspection team and clearly define their roles
For both internal and external inspections, the objective shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected. (83(2))	☑	☑
<b>Rule 84: Authority of Inspectors and Composition of Inspection Teams</b>		
To access all information on the numbers of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention. (84(1)(a))	☑	☑
To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview. (84(1)(b))	☑	☑

Mandela Rule	Internal inspections process <i>Led by the BC Corrections, Adult Custody Division</i>	External inspections process <i>Led by the Inspection and Standards Office</i>
To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits. (84(1)(c))	✓	✓
To make recommendations to the prison administration and other competent authorities. (84(1)(d))	✓	✓
External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass health-care professionals. Due regard shall be given to balanced gender representation. (84(2))	N/A	To meet this rule, the ISO process should mandate the inclusion of a health care professional on inspection teams
<b>Rule 85: Inspection Reports and Recommendations</b>		
Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data on prisoners unless they have given their explicit consent. (85(1))	✓	To meet this rule, the ISO should develop policy on considering reports for publication and apply that policy to Cycle 1 inspections
The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the external inspection. (85(2))	N/A	✓









# **OMBUDSPERSON**

## BRITISH COLUMBIA