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Sent via email.

February 21<sup>st</sup>, 2025

**CAEFS' January 2025 Advocacy Letter**

Dear Angela,

We want to thank the institutional management team (“IMT”) at GVI for taking the time to meet with our advocacy team on February 5<sup>th</sup>, 2025, via Teams.

This letter summarizes reports we received and conditions we observed during our visit to the Grand Valley Institution from January 28<sup>th</sup> to 30<sup>th</sup> as well as summaries of the discussion between the Canadian Association of Elizabeth Fry Societies (CAEFS) and members of the institutional management team following the visit, the relevant laws and policies, and CAEFS' recommendations.

We look forward to your response.

Respectfully,

Jacqueline Omstead  
Senior Advocate

## Institutional Handbook

**Description:** CAEFS has received reports that the most current handbook available to the general population at GVI is from 2022. Other people have shared that they were provided with handbooks upwards of 10 years old upon admission. The variety of different handbooks in circulation has caused confusion and adverse outcomes. For example, CAEFS was told that some individuals were given institutional charges as a result in discrepancy in movement times listed in the handbook available to staff and the handbook available to the general population.

**Discussion:** The IMT shared that they are completing a full revision of the handbook and anticipate that it will be available to the general population soon. They also offered to follow up with the appropriate department to ensure that the 2022 handbook is available to new admissions. The Assistant Warden of Interventions shared that she was aware of an incident related to the movement times and the Warden offered to flag this to the Correctional Manager for disciplinary court.

### **Law & Policy:**

CCRA, s.4(b): the Service enhances its effectiveness and openness through the timely exchange of relevant information with victims, [incarcerated people] and other components of the criminal justice system and through communication about its correctional policies and programs to victims, [incarcerated people] and the public

CCRA, s. 4(f): correctional decisions are made in a forthright and fair manner, with access by the [incarcerated person] to an effective grievance procedure

CD 705-4, s. 1: The Institutional Head/District Director will (a) establish an orientation process to share with [incarcerated people] the necessary information to assist them in making the most productive use of their time while in a Correctional Service of Canada (CSC) facility; (b) ensure that the local orientation process is completed within two weeks of a [person's] arrival; (c) ensure that upon placement or transfer, the [incarcerated person] is provided with information regarding rules and regulations specific to the facility.

**CAEFS' Recommendation:** Providing incarcerated individuals with up-to-date institutional handbooks is essential for ensuring transparency, accountability, and adherence to legal standards within federal penitentiaries. Handbooks serve as a critical resource, helping to inform individuals of their rights, institutional rules, and available services. Outdated and inaccurate information - including multiple versions of the handbook in circulation – contributes to confusion, procedural inconsistencies, and has an adverse impact on the penitentiary environment.

### Committees

**Description:** CAEFS received reports that all the constitutions for the peer-led committees are with GVI's Program Manager for review. Committees shared that they would like the opportunity to review their constitutions themselves and then submit to staff for feedback and review. Committees also reported to CAEFS that they have experienced challenges connecting with Social Programming Officers (SPOs) and report that it is not always clear who their assigned SPO is. As a result, many committees are continuing to wait on responses to proposals submitted months ago and are unsure who to go to follow up on these proposals.

The Inmate Committee representative in the maximum-security unit reports not being invited to the last meeting with management.

### **Discussion:**

The IMT shared that the following steps have taken place:

- A consultation was done with committees last year.



- The constitutions were set to be reviewed by the Warden.
- This was paused and not completed because GVI is currently undergoing an organizational / structural review.
- There is current engagement between the IMT Black Women of Diversity group regarding their constitution.

The IMT also shared that at GVI, they currently do not have the staff to facilitate all the initiatives that they and the population would like, and that nationally, the demands on social program departments being beyond their capacities, and there are challenges in staffing related to Social Programs Officers.

#### Law & Policy:

CCRA, s. 74: The Service shall provide [incarcerated people] with the opportunity to contribute to decisions of the Service affecting the [incarcerated] population as a whole, or affecting a group within the [incarcerated] population, except decisions relating to security matters.

CD 760, s. 7: The Social Program Officer will (4) act as a liaison between [incarcerated] groups and/or committees and institutional management, pursuant to CD 083 – Inmate Committee

CD 083, s. 4: The Inmate Committee Liaison Officer will (c) review the proposals submitted by the Inmate Committee and provide recommendations to the Institutional Head for their approval

**CAEFS' Recommendations:** Peer led committees are an essential element of the Creating Choices model of incarceration and are legislated by the CCRA. Functional committees provide individuals with the opportunity to build community, positively contribute to the penitentiary environment, and to develop transferable vocational skills that will aid in community re-entry. Committees promote a culture of democracy and shared responsibility as well as empowerment. Ensuring consistent staff support to committees contributes to their ability them in effectively represent the needs of the group they represent and is an upstream way of working towards a positive penitentiary environment.

#### “Positions of Trust”

**Description:** An updated memo setting the criteria for applying for a position of trust was shared with CAEFS during our last visit. People expressed still feeling that the criteria was vague and were uncertain if they would be supported for a position, if they applied. CAEFS raised the possible impact of the memo on peer allegations, specifically that knowing what might prohibit someone from holding a position of trust could enable allegations that would prevent someone from obtaining that position.

**Discussion:** CAEFS and the IMT discussed the memo. The IMT shared that decisions about positions of trust continue to be made on a case-by-case basis and what amounts to an “incident” or “involvement” may depend on the person and security information. The IMT shared that allegation alone will not preclude someone from being assessed.

#### Law & Policy:

*Creating Choices*, Statement of Purpose: Correctional Service of Canada with the support of communities has the responsibility to create an environment that empowers federally sentenced women [and gender-diverse people] to make meaningful and responsible choices in order that they may live with dignity and respect”.

CCRA s. 3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by (b) assisting the rehabilitation of [incarcerated people] and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

CCRA s. 4 (f) correctional decisions are made in a forthright and fair manner, with access by the [incarcerated person] to an effective grievance procedure



CCRA s. 4 (c): the Service uses the least restrictive measures consistent with the protection of society, staff members and [incarcerated people].

**CAEFS' Recommendations:** CAEFS appreciates GVI's work to review the criteria associated with positions of trust; however, ultimately recommends that the term "position of trust" no longer be used to describe specific employment positions. Instead, CAEFS recommends that GVI create criteria for each employment position that are specific to the job duties, and that are aligned with the principles of least restrictive measures and the overall purpose of CSC. These criteria should then be made available to all incarcerated people and staff. When someone is not supported for a position, the reasoning should be provided in writing.

### Redress Process

**Description:** An incarcerated person submitted a grievance alleging that they were discriminated against by a GVI staff member. The person received a written response from the grievance coordinator that what was described in the grievance does not amount to discrimination and encouraged the person to resubmit the grievance at the lowest level, without the allegations of discrimination. The response quoted the guideline that requires that a written rationale as to why their grievance did not meet the criteria for discrimination be provided, but did not provide the rationale.

**Discussion:** The IMT shared that the Warden assesses and provides the written rationale to the person who submitted the grievance, and that the response from the grievance coordinator is in addition to that. The IMT shared that there are times when it is clear that discrimination has occurred, but most often the complaint is actually related to staff performance. CAEFS offered to develop a resource that supports people in understanding the difference between discrimination based on a protected ground and other kinds of legal rights violations, and how to effectively and appropriately utilize the redress process accordingly. CAEFS will follow up with the individual who submitted the grievance to ensure that they received and understand the rationale provided by the Warden.

### **Law & Policy:**

CCRA, s. 91: Every [federally sentenced person] shall have complete access to the [internal] grievance procedure without negative consequences.

GL 081-1, s. 28: Where the decision maker determines that the alleged conduct does not meet the definition of harassment, sexual harassment, or discrimination, they must provide the [federally sentenced person] with a written rationale as to why the allegation(s) does (do) not meet the applicable definition.

s. 29: The [federally sentenced person] may grieve to the next level the decision not to consider the grievance as harassment, sexual harassment, or discrimination.

s. 30: The [federally sentenced person] must be informed that the substantive issue that they raised (e.g., an isolated incident related to staff performance or another decision) can be addressed at the lowest possible level.

**CAEFS' Recommendations:** The grievance system is the legislated tool through which individuals can resolve the issues they face. When incarcerated people utilize the complaint and grievance process, they are resolving conflict in ways that align with law, policy, and the principles of Creating Choices. CAEFS is committed to fostering a climate of legal literacy within penitentiaries and hope that GVI will actively work alongside us to ensure that access to the system is supported, accessible, and free from barriers.

### Conditional Release

**Description:** CAEFS received numerous reports regarding barriers to accessing parole, escorted temporary absences, and work releases during our most recent visit, particularly from people incarcerated in the minimum-security unit (MSU). These reports came from people with a variety of sentence-lengths and include:



- Parole officers are advising that individuals cannot apply for parole until they have completed the programming in their correctional plans.
- People were instructed by their parole officers to waive their full parole but were not informed of the implications of doing so or alternatives.
- People in the MSU are often unable to access their parole officers, despite numerous written requests.
- People have been discouraged from applying for various forms of conditional release because of allegations.
- A parole officer shared sensitive information in front of other incarcerated people.
- People have had to mail their parole applications to the board directly because their parole officers would not submit them to the Parole Board on their behalf.

People reported to CAEFS that they felt confused, frustrated, and unsupported in their efforts to work towards conditional release. Consent forms were provided to facilitate discussion of several individual examples.

**Discussion:** CAEFS and the IMT discussed the above reports, the role of institutional parole officers, and the role of the security intelligence officer. The IMT shared that Managers of Assessment and Interventions (MAI) reviewed instances where people had waived their parole, and that the concern was often a lack of structured release options. The IMT shared that the MAI's have not indicated that there is gap in access to parole officers in the MSU, but there have been some changes that may make people feel that they have less access. The IMT offered to follow up on the report that a parole officer shared sensitive information in front of other incarcerated people.

#### Law & Policy:

CCRA, s. 3: The purpose of the correctional system is to contribute to a just, peaceful, and safe society by carrying out sentences imposed by courts through the safe and human custody and supervision of incarcerated people and by assisting the rehabilitation of incarcerated people and their reintegration into community as law-abiding citizens.

CCRA, s. 15(2): The [correctional] plan is to be maintained in consultation with the [incarcerated person] in order to ensure that they receive the most effective programs at the appropriate time in their sentence to rehabilitate them and prepare them for reintegration into the community, on release, as a law-abiding citizen.

CD 712-3 4(a): The Parole officer will ensure the incarcerated person is made aware of and understands their right to PBC review and the consequences of waving that right (CCRA subsection 123(2)).

CD 700 s.10(5): The Parole Officer will facilitate the [incarcerated person's] reintegration into the community at the earliest possible time while ensuring public and staff safety in all case management decisions

**CAEFS' Recommendations:** Conditional release provides individuals with the strongest opportunities to be successful in their reintegration. According to the Parole Board of Canada, the gradual release of individuals from incarceration, also known as the continuum of release, is the best way to reintegrate people who are incarcerated into community. Ensuring that people are being properly informed of their rights and empowered to make choices, that assessments and programming are completed in a timely manner, and that individuals can reliably connect with the parole officer assigned to their case, supports timely conditional release and is aligned with the purpose of the Correctional Service of Canada and the principles of *Creating Choices*.

CAEFS' work with incarcerated people is relational and collaborative, as such it is possible that information is being shared with CAEFS that incarcerated people have not felt comfortable or felt able to share with staff or members of the management team.



## **Water in the Maximum-Security Unit**

**Description:** CAEFS received reports that the water coming out of the taps in the maximum-security unit is brown and that, while maintenance has been to the unit, the problem persists. It was also reported to CAEFS that no bottled water has been provided. CAEFS also received reports that the showers in the maximum-security unit do not have temperature controls and are a push button.

**Discussion:** The IMT shared that a shut off valve was replaced, causing the water to run brown. Since then, they shared that have not had any complaints, have checked on multiple occasions to ensure it was running clear, and are testing on regular basis. The Assistant Warden of Institutional Services will follow up again. The IMT shared that there are no temperature controls on the showers in the maximum-security unit because they are suspension points.

### **Law & Policy:**

*CCRA s.70:* The Service shall take all reasonable steps ensure that penitentiaries, the penitentiary environment, the living and working conditions of [incarcerated people] and the working conditions of staff members are safe, healthful and free of practices that undermine a person's sense of personal dignity

*CCRR s.83 (1):* The Service shall, to ensure a safe and healthful penitentiary environment, ensure that all applicable federal health, safety, sanitation and fire laws are complied with in each penitentiary and that every penitentiary is inspected regularly by the persons responsible for enforcing those laws

**CAEFS' Recommendations:** CAEFS encourages CSC to broaden its application of Creating Choices philosophies of empowerment, support, and person-centered care in its administration of the material conditions of incarceration. Rather than eliminating all possible suspension points as a means of preventing people from engaging in self-harm, CAEFS' recommends that CSC works towards more holistic and humane ways of preserving life and dignity. A meaningful application of Creating Choices necessitates the closure of the maximum-security unit, as the structure and conditions of these units work against the Creating Choices philosophy. While maximum-security units continue to exist, CAEFS encourages GVI to avoid using them in all possible instances.

### **Health Care**

**Description:** CAEFS received numerous reports related to health care during our most recent visit. These reports included:

- The clinician who was supporting gender-diverse people is no longer at GVI, and there has been limited support for gender-diverse people since her departure. CAEFS raised two specific cases, one where an individual has been seeking support from a speech pathologist for voice feminization and another who is looking for support with a proper bra fitting.
- An individual who had previously been approved for contact lenses is being asked to re-apply.
- The cost for a cleaning with the dental hygienist has recently doubled, making it inaccessible to many incarcerated people.
- An individual waited over 3 months for an initial meeting for a psychological risk assessment and the report is still pending with the contractor now, 8 months after the referral was made. This has had impacts on her access to conditional release.

**Discussion:** Healthcare and CAEFS discussed the above reports, including what is deemed to be essential and non-essential health care. The following services were deemed to be non-essential:

- Voice feminization for trans women. It was noted that this is considered a "quality of life improvement"
- Dental hygienist services

- Contact lenses, except for specific diagnoses

Healthcare shared that GVI is moving toward a 24-hour holistic model where nurses will be able to provide care in all domains. Healthcare shared that they are working to increase the number of psychological risk assessments that are available through their contractor and exploring how to meet some of the need for these assessments through CSC staff. Healthcare noted a significant increase in the number of people who have been given sentences that require this kind of assessment.

#### Law & Policy:

*CCRA* s. 86 (1): The Service shall provide every [incarcerated person] with (a) essential health care; and (b) reasonable access to non-essential health care.

*CCRA* s.4(g): correctional policies, programs and practices respect gender, ethnic, cultural, religious and linguistic differences, sexual orientation and gender identity and expression, and are responsive to the special needs of women, Indigenous persons, visible minorities, persons requiring mental health care and other groups.

*CCRA* s. 3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by (b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

**CAEFS Recommendations:** Considering CSC's unique responsibility to provide safe and humane custody to people in federal penitentiaries, and where those same people are reliant on penitentiary staff and contractors to provide health services, referrals, emergency care, timeframes etc., it is incumbent on CSC to center the dignity and care of these individuals. CAEFS encourages GVI to prioritize clear communications to incarcerated people regarding decisions about their health care, including staffing changes and waitlists for health services and assessments. CAEFS also encourages CSC to consider its overall purpose of rehabilitation and reintegration when determining essential vs. non-essential health care.

