Standing Committee on Oversight of Government Operations and Public Accounts Review of the 2015 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut – Corrections in Nunavut Iqaluit, Nunavut May 5, 2015

Members Present:

Tony Akoak
Pat Angnakak
Joe Enook
George Hickes, Chair
David Joanasie
Pauloosie Keeyootak
Steve Mapsalak
Simeon Mikkungwak
Allan Rumbolt
Joe Savikataaq
Isaac Shooyook
Alexander Sammurtok

Staff Members:

Karen Aglukark Nancy Tupik

Interpreters:

Andrew Dialla Blandina Tulugarjuk Susan Tulugarjuk Mary Nashook

Witnesses:

Michael Ferguson, Auditor General
John Affleck, Principal
Jerome Berthelette, Assistant Auditor
General
Maria Pooley, Senior Auditor
Jo Ann Schwartz, Director
Chris Stewart, Manager, Capital and
Special Projects
J.P. Deroy, Director of Corrections
Elizabeth Sanderson, Deputy Minister of

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Justice
Barbara Tierney, Acting Director for
Policy and Planning

>>Committee commenced at 13:31

Chairman (Mr. Hickes): Good afternoon, everyone. I would like to welcome everyone to the Standing Committee on Oversight of Government Operations and Public Accounts. To get it started this afternoon, I would like to ask Mr. Enook to lead us in prayer.

>>Prayer

Chairman: Thanks again. Everyone has a copy of the agenda in front of them. Are there any questions or concerns?

I would like to start off with my opening comments.

Again, like I said, I would like to welcome everyone to this meeting of the Legislative Assembly's Standing Committee on Oversight of Government Operations and Public Accounts.

We have convened today to begin the Standing Committee's hearings on the Auditor General's 2015 *Report on Corrections in Nunavut*. This report was tabled in the Legislative Assembly of Nunavut on March 10, 2015.

I would like to begin by introducing my Committee colleagues:

Alexander Sammurtok, Committee Co-Chair and Member for Rankin Inlet South;

Tony Akoak, Member for Gjoa Haven; Pat Angnakak, Member for Iqaluit-Niaqunnguu;

Joe Enook, Member for Tununig;

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David Joanasie, Member for South Baffin:

Pauloosie Keeyootak, Member for Uqqummiut

Welcome to Iqaluit. I'm glad you made your flight, Pauloosie. I understand the weather was a little questionable today.

As my colleagues will recall, we last met with the Office of the Auditor General...

Sorry. I'm missing some names here. My apologies. I thought that was a pretty short list.

We also have with us:

Steve Mapsalak, Member for Aivilik; Simeon Mikkungwak, Member for Baker Lake;

Allan Rumbolt, Member for Hudson Bay;

Thank you for the reminder, Allan.

Joe Savikataaq, Member for Arviat South; and last but certainly not least, Isaac Shooyook, Member for Quttiktuq.

I am delighted to welcome Michael Ferguson, Auditor General of Canada, back to Iqaluit. I am also happy to welcome Mr. Ferguson's staff, including Jerome Berthelette, Assistant Auditor General of Canada, who is making his first public appearance before this Committee. Welcome, Jerome.

As my colleagues will recall, we last met with the Office of the Auditor General in September of 2014 to review his fall 2014 Follow-up Report on Child and Family Services in Nunavut.

Today's hearing will focus on Nunavut's corrections system and the government's

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In 2013, the federal Office of the Correctional Investigator published a report on the *Baffin Correctional Centre* and the Legal and Policy Framework of Nunavut Corrections. This report highlighted a number of concerns related to Nunavut's corrections system.

As Members will recall, the Legislative Assembly passed Bill 11, An Act to Amend the Corrections Act, during its recent winter sitting. During the Committee of the Whole's consideration of Bill 11, the Minister of Justice stated that the department is, and I quote, "currently completing a more comprehensive review of the Act with the intent of overhauling it over a long term." Members look forward to ongoing updates on this review.

In his report to the Legislative Assembly, the Auditor General raises a number of concerns related to staffing and overtime usage at Nunavut's correctional facilities. I would like to note that last Friday, on May 1, 2015, the Department of Justice issued a request for proposals for a Staffing, Overtime and Organizational Review of the Nunavut Corrections Division.

The purpose of this review is to assess the division's current staffing models, the current demand and need for services, and analyze the division's usage of overtime. Members note that this request for proposals described a number of challenges facing the division, including "high rates of employee turnover and truancy." Members look forward to

receiving ongoing updates on this review.

Under Nunavut's *Corrections Act*, the government is responsible for safely and securely housing inmates at Nunavut's correctional facilities and for providing rehabilitation and reintegration services to inmates to allow them to return to their homes as healthy contributors to their communities.

In recent years, a number of Members of this Legislative Assembly have asked detailed, written questions to the Government of Nunavut in relation to the corrections system. The government's responses have revealed that the corrections division is facing a number of challenges related to tracking and assessing its rehabilitation services.

We will commence our consideration of the Auditor General's 2015 Report on Corrections in Nunavut today. This will provide ample opportunity for the government to publicly account for what specific actions have been taken to address the issues and concerns raised in the Auditor General's report. I am confident that these hearings will be very productive and informative.

I further anticipate that the Standing Committee's own report on these hearings will be presented to the House after it reconvenes for its spring sitting later this month. As my colleagues are aware, Rule 91(5) of the *Rules of the Legislative Assembly of Nunavut* requires that the government produce a formal response to a report of a Standing Committee within 120 days of its presentation.

I will now briefly cover some logistical and housekeeping matters. These

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hearings are being televised live across Nunavut on community cable stations and the direct-to-home satellite services of both the Bell and Shaw networks. Transcripts of the hearings will be produced and posted on the Legislative Assembly's website at a later date.

In order to assist our interpreters and technical staff, I would ask that Members and witnesses go through the Chair before speaking. I would also ask all Members, witnesses, and visitors in the Gallery to ensure that their cellphones, BlackBerrys, and other electronic devices do not disrupt these proceedings.

Before we begin, I would like to take this opportunity to thank Mr. Ferguson and his office for their continued work in Canada's North. On March 23 of this year, Mr. Ferguson presented his 2014 *Report on Nutrition North Canada* to the House of Commons Standing Committee on Public Accounts. I have been reading that report with great interest, Mr. Ferguson. This report identified a number of serious issues related to the accessibility and affordability of healthy foods in northern communities.

The Standing Committee recognizes the importance of such reports and looks forward to any future projects that the Auditor General may undertake in Canada's North.

I would now like to invite Mr. Ferguson to deliver his opening statement. Thank you.

Mr. Ferguson: Thank you. Good afternoon, everyone. Thank you, Mr. Chairman, for this opportunity to discuss our report on corrections in Nunavut. Joining me at the table are Jerome

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Berthelette, Assistant Auditor General, John Affleck, Principal, Jo Ann Schwartz, Director, and Maria Pooley, Senior Auditor, who were responsible for this audit.

The Department of Justice is responsible for corrections services in Nunavut, including ensuring the safe and secure operation of correctional facilities. This also includes ensuring that inmates are appropriately placed within facilities and supervised in support of their rehabilitation and reintegration into the community.

As part of the audit, we looked at whether the Department of Justice has met key responsibilities for inmates within the corrections system. We looked at both the management of facilities and the management of inmates. We focused primarily on the Baffin Correctional Centre and the Rankin Inlet Healing Facility.

I would like to provide you with a brief overview of the report findings.

Overall, we found that the Department of Justice has not adequately met its key responsibilities for the management of correctional facilities in Nunavut. As a result, the safety and security of staff and inmates at the Baffin Correctional Centre and the Rankin Inlet Healing Facility are at risk.

For almost two decades, the department has known there was a need to address the poor conditions and overcrowding at the Baffin Correctional Centre. It has also known about the need for appropriate space in Nunavut to house maximum-security inmates. These inmates are currently housed at the Baffin

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Correctional Centre despite the fact that it is a minimum-security facility.

We found that actions taken by the department did not address these needs. The department spent roughly \$53 million to construct the Rankin Inlet Healing Facility and Makigiarvik. However, even with these new facilities, the department will need roughly 70 additional correctional facility beds to have the 268 that it predicted it will need by 2026.

Furthermore, neither of the new facilities provides space to appropriately house maximum-security inmates. The department is still trying to determine how to address problems with the physical condition of the Baffin Correctional Centre.

We also found that evacuation drills were not being conducted as required at either facility. In light of the risks posed by not conducting these evacuation drills, we sent a letter to the Acting Deputy Minister of the Department of Justice during the audit to advise her of this shortcoming. We did this so that the Acting Deputy Minister could take appropriate action without delay.

In the area of case management, we examined the files of 39 inmates housed at the Baffin Correctional Centre, the Rankin Inlet Healing Facility, and the Utaqqivik Community Residential Centre. We found that the Utaqqivik Community Residential Centre provided an example of good inmate case management.

In contrast, we found that serious case management deficiencies at the Baffin Correctional Centre and the Rankin Inlet ۵۵^۰۵۳٬۵۵۲٬

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Healing Facility limit the department's efforts to rehabilitate inmates and prepare them for release back into the community. For example, none of the inmates sampled had a completed case plan to guide their rehabilitation. In addition, access to rehabilitative programs and mental health services was inadequate, and limited planning was done to help prepare inmates for release.

Overall, our audit concluded that the Department of Justice has not met its key responsibilities for inmates within the correctional system. Our report includes several recommendations to the department for improvements it can make to address the problems identified.

The department has agreed with all of our recommendations and has made several commitments in its responses. Mr. Chairman, your Committee may wish to seek details from officials about some of these actions. In particular, your Committee may wish to ask how the department intends to address the shortage of space to appropriately house medium- and maximum-security inmates and the safety of staff and inmates in its two largest facilities. Mr. Chairman, we recognize that appropriately housing medium- and maximum-security inmates will require significant financial resources.

Mr. Chairman, this concludes my opening remarks. My colleagues and I would be pleased to answer any questions Committee Members may have. Thank you.

Chairman: Thank you, Mr. Ferguson. Ms. Sanderson, I would like to invite you to make your opening comments.

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I would like to take this opportunity as well to thank you and your staff who provided a tour fairly recently to most of the Committee Members here in and around the different correction facilities that are located here in Iqaluit. I just want to thank you again. It was very educational.

Please proceed.

Ms. Sanderson: Unnusakkut, Mr. Chairman and Members of the Standing Committee. I am pleased to have this opportunity to meet with the Standing Committee and representatives of the Office of the Auditor General to discuss the 2015 Report of the Auditor General of Canada to the Legislative Assembly of Nunavut on Corrections in Nunavut. Joining me today are J.P. Deroy, Director of Corrections, and Chris Stewart, Manager of Capital and Special Projects for the Department of Justice.

Mr. Chairman, the Department of Justice has worked closely with the Office of the Auditor General over the past two years and appreciates the work of the Office of the Auditor General, takes the report seriously, and is committed to improving services for all Nunavummiut. The Department of Justice agrees with all of the Office of the Auditor General's recommendations and realizes that we still have a lot of work to do. The recommendations have allowed us to focus on key areas that need improvement.

The Corrections Division is making progress in addressing each recommendation and will continue to work towards meeting them. Some of the many initiatives that we are currently working on include:

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- Rewriting corrections legislation (the Nunavut Corrections Act and Regulations) in order to modernize it and reflect Inuit societal values;
- Reviewing the current policies, directives, and operating procedures within corrections;
- Continuing to work with the Department of Community and Government Services to adhere to regular inspection and maintenance plans;
- Ensuring that fire and evacuation drills at all of our facilities are occurring and will continue on a quarterly basis;
- Conducting Case Management
 Committee meetings to enhance and
 further develop a case management
 process consistent in all facilities to
 guide community release;
- Working with mental health services to explore integrated levels of service provided to those who will require assistance upon release; and
- Working on a comprehensive business case, including an updated needs assessment, to be able to better plan and propose infrastructure projects that will meet the long-term needs of Nunavut.

One of the Office of the Auditor General's recommendations was for the Department of Justice to ensure that there is a documented vision for the operations of the Rankin Inlet Healing Facility and that this guides the operation of the facility. Although each correctional

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facility is different, they all share the same mission and vision.

Recently, corrections officials came together to articulate the mission and vision of the Corrections Division. The mission of corrections in Nunavut is to "actively promote safe and healthy communities through fostering responsibility and self-reliance of Nunavummiut in conflict with the law by managing risk in the least restrictive manner." This is reflected not only in practice, but also in our constitutional and legal requirements.

Mr. Chairman, you and all Members are aware that during the winter sitting of the Legislative Assembly, amendments were made to the *Corrections Act* to bring our Act in line with constitutional requirements. These amendments were a step in the right direction. However, we recognize that our *Corrections Act* needs more work in order to reflect the rights and needs of the people we serve in Nunavut. This work is being done; however, it will take time. We want a *Corrections Act* that reflects the culture and needs of our inmates while meeting our constitutional requirements.

The Corrections Act reflects the purpose of the corrections services, which is correction and treatment of inmates and the protection of communities. The Corrections Division deals with some of the most traumatized members of our communities. Our Corrections Division here in Nunavut is working every day to ensure that we provide these individuals with the help and guidance that they need for successful reintegration into their community. This is where our vision comes in.

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The vision of corrections is a dedicated and respectful workforce, representative of the people of Nunavut supporting public safety, and offering innovative, culturally relevant programming for the guidance and supervision of Nunavummiut in conflict with the law.

The mission and vision of corrections are illustrated not only in the various programs and services that our facilities offer, but in the way in which our employees deliver these programs and services. At the same time, the Corrections Division faces many challenges, including a lack of capacity and limited resources. These challenges require our Corrections Division to be creative, to balance short-term and long-term needs, and to plan for these needs.

We are aware that inmates coming into corrections are the ultimate result of a continuum of events in their lives. Because of this, we have moved towards a healing approach. The Rankin Inlet Healing Facility and the new Makigiarvik facility are examples of our emphasis on healing.

Although the Rankin Inlet Healing Facility and the new Makigiarvik facility are not maximum-security facilities, they do assist in addressing some of the severe overcrowding needs of corrections in Nunavut. They also provide much needed space for the programming and services required for our inmates to heal and one day successfully reintegrate back into our communities. Still, we must continue to work on enhancing our capacity to appropriately house inmates and provide targeted programming.

In this regard, one of the Office of the Auditor General's recommendations was

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C°RO CALA°G°LOS, AC°US NNSSAUSC C'L°BYLYBYBNBUS ADCYGHCANHU ACNA°US LCUCNHUS NCNA°US LCUCNHUS for the Department of Justice to acquire sufficient maximum-security beds and also ensure that medium-security inmates and those on remand are properly housed either by contracting with other jurisdictions or constructing in Nunavut. The Corrections Division recognizes the need for maximum-security beds and that currently, the territory's maximum-security needs are not being met. In conjunction with other government departments, we are exploring further funding options to address our capacity needs.

In addition, Makigiarvik has been utilized ahead of schedule to provide additional space for low-risk incarcerated people while the Baffin Correctional Centre is undergoing mould remediation. Higherrisk inmates have been transferred out of the territory under memorandums of understanding to provide separation and space capacities. The early opening of Makigiarvik is an initial step and has allowed us to increase correctional space, house incarcerated Nunavummiut more appropriately, and has enabled the department to address critical deficiencies at the Baffin Correctional Centre.

Mr. Chairman, as you and all of the Members are aware, we have limited resources and competing demands throughout our communities. We recognize the need for a made-for-Nunavut solution, but we cannot do it alone. We need help; your help and the support of all Nunavummiut. There are still many improvements that need to be made to correctional services in Nunavut. The many social and economic challenges that Nunavummiut face increase the complexity of providing correctional services in Nunavut. Because

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of this, we must work together to address the challenges that Nunavummiut face.

One day, we hope to bring our inmates home. In order for these individuals to heal and get the treatment and reintegration they need, they should be at home in Nunavut.

The Department of Justice is committed to improving the safety and security of inmates, staff, and the general public. We take these recommendations seriously and will work to ensure that Nunavummiut are provided the correctional services they require and deserve.

Mr. Chairman, to reiterate, we are working to ensure that we provide our inmates with the programs and services they need to successfully reintegrate into our communities.

I have only been in Nunavut for a short time, approximately eight months, and during this time, I have been especially struck by the dedication and commitment of our Department of Justice staff. Mr. Chairman, it is through this dedication and commitment that we will work to address the recommendations of the Office of the Auditor General.

This concludes my opening remarks. My colleagues and I would be very happy to answer any questions Committee Members may have. *Qujannamiik*, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Just to get some of the processes out of the way before we go to questions and comments from Committee Members, I'm going give blocks of paragraphs from the report and we'll try and keep our

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focus to those paragraphs until such time as we move to the next grouping.

I would like to welcome any questions starting with the introduction pages 1 through 11 in the English version of the report and pages 36-37 about the audit. Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman, and welcome to the House. I guess my first question will be for the Auditor General's Office.

You recently completed audits in the other two sister territories; the Yukon and NWT. What factors contributed to your identifying corrections across the territories as a focus of your audit? Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Angnakak. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman and I'll also ask perhaps, Mr. Affleck to make some comments. Fundamentally, as the Member stated, we did similar audits in all three territories at the same time. In fact the reason that we decided to do that on this particular audit was it seemed to be a topic that was relevant in all three jurisdictions and often when we are presenting an audit in the north we get that type of a question.

So it's not something we can do every time but in this particular instance it seemed like the opportunity was there to do an audit on each of three territories at the same time. Certainly I think in terms of facilities, as you go from west to east, it was very evident that things got worse moving west to east.

I think probably as a general comment,

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that would be what you would observe in terms of those reports but I will ask Mr. Affleck to perhaps provide some more detail on that.

Chairman: Thank you, Mr. Ferguson. Mr. Affleck.

Mr. Affleck: Thank you, Mr. Chairman. In our office we have an internal process called a strategic audit planning process and through that planning process, corrections was identified as an issue in all three territories. As the Auditor General said, that doesn't happen every time, but it turned out in each of these strategic plans and that's what we identified.

In that process, we look at both inherent risks and residual risks. Obviously, with an issue like corrections, there's an inherent risk just to working with inmates in making sure that their sentences are carried out and that they receive the required programming that they deserve. On that basis, there's a lot of inherent risk. The planning process also identified some residual risks and that was identified in each of the territories and that related to both the infrastructure and the programming aspects.

As the Auditor General has pointed out, all three territories faced challenges with respect to inmate management. In Nunavut and the Northwest Territories, we only looked at programming within the facilities, but in the Yukon, there was a difference because we actually looked within the facility, but also went outside the facility and looked at community supervision.

In terms of facility management, including the safety and security

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concerns, we did not look at the safety and security within the Yukon and we noted that only the Nunavut facility had issues related to overcrowding. This was not an issue in the Northwest Territories. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Affleck. Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. To the Auditor General again, you made reference that it got worse as you went from west to east. What do you feel was the main reason why Nunavut got into this situation that we're in now? Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Angnakak. Mr. Ferguson.

Mr. Ferguson: Thank you. I think, in general terms, when I look at the issue and when I look at the audit, so when I read the report just before coming up here again, it really did strike me as a compelling analysis of a longstanding problem, to a problem that has been around for a long time.

I want to echo, I think, perhaps, also something that the Deputy Minister said, which was that we spent a long time doing this audit and I think that we were equally struck by the dedication and the commitment of the staff working within the facilities and managing these facilities.

Fundamentally, I think, from the point of view of the actual, physical infrastructure that they were dealing with, it has been a longstanding issue and that issue, I think, I would have characterized it as it has essentially overwhelmed the department's ability to cope with that

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infrastructure. I think the recent additions to the infrastructure are helping, but again, when you look at the projection of the number of inmates into the future, you look at the types of issues that were raised and you look at things like needing medium- and maximum-security beds.

I think that what has happened is that the investment over the last couple of years has slowed the rate of growth of the problem. The problem was growing at a certain rate. By making that investment, the rate of growth of the problem has changed, but the problem is still growing. There still are not all of the maximumand medium-security beds that are needed. There's going to be the problem of the offender population growing and that sort of thing.

My view of it is that it has just been a problem that has been around for a long time. There have been many studies about it. There have been other reports that have brought the issue forward. There have been some steps taken, but those steps, like I say, I think all they have done is manage to slow the rate of growth of the problem. They haven't been able to reverse that so that the problem isn't growing any more.

Fundamentally, I think, on that side of things in terms of the facilities, like I say, I think it has essentially overwhelmed the department's ability to cope. I think, in terms of some of the administrative things we found in the audit, it's certainly possible for the department to deal with many of those, but the facility issue is a much harder one for them to cope with.

Chairman: Thank you, Mr. Ferguson. Ms. Angnakak.

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Ms. Angnakak: Thank you, Mr. Chairman. Again for the Auditor General, what do you think is different now that you have brought this audit to the forefront and we all know about it? How has that changed the situation within our correctional system? Why wasn't it changed before when we were having all of those other reports come forward? Why now? What do you think has made a change at the departmental level in your mind? Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Angnakak. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. When we do an audit, and it takes us 12 to 18 months to do an audit, during that time, our auditors work very closely with departmental staff. I think that one thing our audits do sometimes is help to analyze problems that departments know that they have and issues they have to deal with, but they are so busy dealing with the day-to-day issues that they don't always have time to sort of stand back, look at the overall situation, and say, "What things do we need to fix and how should we go about doing that?" I think that's one thing that an audit does.

When you get good cooperation with the department, I think the department understands that when an auditor comes in, they shouldn't see that as a threat; they should see that as essentially a resource that can help them see the forest instead of the trees because they're spending all of their days in the trees and we can come in and stand back and look at the forest, and give them that overall picture.

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Every time we do an audit, whether it's in the north or at the federal level, and I know the same thing is true for audits done by Auditors General in the provinces, as you're doing the audit and you're starting to identify issues and some of those issues get crystallized for the departments, they understand right away, "Yes, okay, this is an issue," and they start working on fixing it before we even start putting pen to paper. That's a good thing because it starts all that activity and puts it in motion.

I certainly hope that the fact that we have issued this report, we have made this public, and I think another thing maybe that has been advantageous is, again, the idea that we were able to look at all three of the northern territories at the same time. Now there has been discussion of the same issue in all three of the territories, so I think that probably has helped as well.

Just the fact that we get the opportunity to do this report, we get the opportunity to present the report to you, to this Committee. The Committee will have ample time now to discuss it, to understand all of the issues. I'm very impressed to hear in the Chair's opening comments that Members have had an opportunity to do a tour of the facilities around here because I think that helps to sort of crystallize the situation that they're dealing with.

Overall, it's a normal part of the audit process, that it helps departments really zero in on the types of problems they need to deal with, it gives them sort of a priority list of problems, and it forces them to think. We give them recommendations, so they have the list of the problems, they have a list of

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recommendations, and then they can take that and move it to an action plan. That helps them move farther down the road to actually starting to deal with the problems.

Chairman: Thank you, Mr. Ferguson. Just for the sake of the IT people switching the microphones, if you would just like to close off in an appropriate manner. Thank you. Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. This is a follow-up to your last comments. Your audit made recommendations as to how the Department of Justice can improve the correctional system in Nunavut. Will you be coming back at some time to find out what kind of progress has been made? Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Angnakak. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. We do a number of audits and our goal is to present one performance audit a year in the territory. We do a performance audit every year to present to the Legislative Assembly, to this Committee. A normal part of our business is to do follow-up audits. We obviously can't follow up on every audit. We have to pick and choose. We haven't chosen exactly which audits we will do a follow-up on.

All I can say is that I think the issues that were identified here were significant. As I said, when I went through the report again just before coming up here, I thought it really was a compelling analysis of the problem. You go through the report and you see a number of issues, either some administrative things

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that the department can deal with within their own ability to deal with or some other issues that they have.

I would say that it's a very high candidate on our list to do a follow-up on this audit. I can't actually say for sure yet because we haven't gone through all of that planning, but when you look at the number of issues, the depth of the issues, and the number of recommendations we have made, I think there's a very compelling case for this to be high on our list as a candidate for a follow-up audit. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Ferguson. Ms. Angnakak.

Ms. Angnakak: Thank you, Mr. Chairman. My next question will be for the department. In light of the recommendations made, as a department, what will you do to ensure that you go forward and that the recommendations are carried out? Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. We come at this from a variety of perspectives. First and foremost, I'm a fairly new Deputy Minister. The area of corrections is a key part of the Department of Justice. For me, wearing my two hats, both as the Deputy Minister to the Chief Law Officer of the government, which is the Minister of Justice, and wearing the hat that is responsible for this administration, I personally take this audit very seriously.

I think it is my priority number one; priority number one for a variety of reasons, but priority number one $\Delta \subset ^{\circ} \Gamma^{\circ} \subset \Delta L \subset ^{\circ} U^{\perp} \Gamma^{\perp} L C$.

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principally because we are responsible for a group of inmates that are a part of the territory. They are in our custody and that's a very high responsibility. Personally, it will remain number one in my priority.

Secondly, wearing the legal hat, I am very mindful of our constitutional obligations around taking people into custody. The Canadian Charter of Rights and Freedoms, as you have heard me say before, places a very high standard on government officials. I am very mindful of that as well.

As well, in this territory, Inuit social values that are built into how government is required to operate speak directly to how we deal with these individuals who happen to be in our custody. It's not just the individuals who are in our custody, but also the staff that work with the individuals. We have to ensure that we are respecting the inmates, the staff, and the public. We have to ensure that we are fostering good spirit, being open, and welcoming. I could go on, but Inuit social values are very much a guiding part of why I came here to Nunavut and how we will carry out that responsibility.

Under my leadership, responding to these recommendations, which we're very grateful for, will be a priority for me. From there, I can require that from my officials, either formally through performance management, but I have worked with them enough to know that I don't have to require anything from them formally; they are totally dedicated to addressing these issues.

Moving forward, it's not just the Department of Justice alone. Some of these issues require your help, as I said in $bL^2L^2UCC \cap J^2DL^4C^b \Delta \Delta^2L^2 \Delta C^2D^2C^b \Delta C^b \Delta$

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the opening comments. That requires as well help from other governments departments, especially the Department of Finance, the Department of Community and Government Services, the cabinet, and ultimately the Legislative Assembly. So there is a complete set of players that have to come into the picture so that we properly address all of that. I think we are at the forefront of helping us move forward together.

Chairman: Thank you, Ms. Sanderson. As well, when you close off, just give our IT people notice to change microphones. Mr. Enook.

Mr. Enook (interpretation): Thank you, Mr. Chairman. Mr. Ferguson, please feel welcome along with your employees. Welcome to Nunavut.

Mr. Chairman, if I can go back to Mr. Ferguson's opening statement, I want to understand better what it really means where he states on page 1, number 5, and I will read in Inuktitut.

Perhaps in these opening statements, it is better explained, but I did not find it, so I want to ask under number 5. It reads like this in Inuktitut, "Overall, we found that the Department of Justice has not adequately met its key responsibilities..." I want to understand the wording better of the usage of term, "has not adequately met its key responsibilities. I would like the Office of the Auditor General explain what they mean. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Enook. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. The way that I will answer

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If you go to the last paragraph in the report, paragraph 145, that's where we have the conclusion saying that "the Department of Justice did not adequately plan for and operate facilities to house inmates, and did not adequately manage inmates in compliance with key rehabilitation and reintegration requirements."

In a general sense, we were starting with those two high-level concepts about whether they were adequately planning and operating the facilities and whether they were adequately managing inmates in compliance with key rehabilitation and reintegration requirements. We found in both cases that they were not meeting those requirements and so all of the details of that come out through the report. I won't try and go through all of that right now, but that's how we got to that conclusion.

We started out by saying we wanted to look at the those two general overall responsibilities of the department to see whether those were being adequately executed, and then as we moved through the audit, we were looking at what types of things would we consider that they should be doing in terms of facilities, and that is the first part of the report, and then what of types of things should they be doing in terms of the rehabilitation and

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the reintegration, which is the second part of the report.

Coming to the final conclusion in paragraph 145, we said that based on all of the evidence and activities that we saw, we felt that in neither case had they adequately fulfilled those responsibilities.

Chairman: Thank you, Mr. Ferguson. Mr. Enook.

Mr. Enook (interpretation): Thank you, Mr. Chairman. I would like to thank the Auditor General for his response.

Mr. Chairman, before we go ahead with our general questions, I would like to take this opportunity to make reference to the opening comments of the Department of Justice. On page 2 in the English, it reads, and I will just reference it for clarity, that the corrections legislation and regulations are going to be modernized and will also reflect Inuit societal values. I believe that is what it is called in Inuktitut.

What are we talking about here? What does it mean when you say "to modernize it and reflect Inuit societal values?" What does your department mean when you say that there is going to be a reflection of the Inuit societal values? What is it going to encompass? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Enook. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. The *Corrections Act* that we have currently was originally written in 1988. I believe we adopted the Northwest Territories legislation. We brought forth some amendments just recently for some

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of the most troubling aspects of the legislation. It hasn't been properly reviewed since that time. It wasn't originally written for Nunavut. It was written for a much different, broader territory.

Our intention is to both modernize it and do a made-for-Nunavut solution for the legislation. In terms of the modernization, we can look at other jurisdictions in Canada, the other provinces, the federal legislation, and the other two territories. As well, we will look at other comparable countries to see where their corrections legislation is at today. The made-in-Nunavut piece, the Inuit social values, we can understand it generally, but we will need help with that from elders. We are intending to bring together a group of elders. I've had discussions with my Minister about bringing together a group of elders to guide us on what a made-in-Nunavut corrections legislation and regulations would look like when we properly reflect Inuit social values.

We can do outside research to other jurisdictions, but for the Inuit social values and a made-in-Nunavut approach, we will be seeking the input of the communities, especially the elders, and we will have a guiding group of elders to help us with that. That is our intention. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Enook.

Mr. Enook (interpretation): Thank you, Mr. Chairman. If I misunderstood, I do apologize and I'm sure that you will make a supplementary comment. I will rephrase my question.

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Regarding the corrections legislation, you stated that you will modernize it and make it Nunavut-made because we grandfathered it from another jurisdiction.

My question is on the reflection of Inuit societal values. Maybe what I can say is that Inuit societal values today are not written nor implemented in the government system. So my question is, "Do you have the Inuit societal values implemented in your department?" Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Enook. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. If you're talking about how we operate our correctional services now, our ongoing and daily intention is that we reflect Inuit social values in how we deal with our inmates and how the staff interfaces with the inmates. We do this through a variety of ways.

I think that the most important way is with the elders who come into our facilities on a regular basis to work with the inmates, particularly for guiding their healing and programming.

We also have some land programs in which we take the appropriate inmates to land programs, where the community will not be put in danger. We try and combine the safety and security of the inmates and the staff with the goal of respecting the culture from which these inmates come. There are a variety of ways.

At another level, at a much broader level, when I look at Inuit social values that are reflected in the documentation that is given to me, many of these values are

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universal in nature; respecting others, relationships, and caring for people. That's very much ,as well, a part of our vision.

Perhaps my colleagues would have additional comments about specific programming that we do with respect to Inuit social values. Mr. Deroy?

Chairman: Thank you, Ms. Sanderson. Mr. Deroy.

Mr. Deroy: Thank you, Mr. Chairman. To get back to our land program, we do a lot of Inuit culturally relevant activities in all of our centres.

We do have an ISCP, which is our Inuit Skills Cultural Program. Those are Inuit, in a sense I'll call them our elders because they have been with us for over 20 to 25 years, many of them have, and they take a lot of our offenders on the land to teach them survival skills and Inuit counselling.

The same theme will be able to actually prepare people before they go to outpost camps to show them some of the skills they will require to survive, simple things such as ice-fishing and bringing ice back to the camp to be able to have drinking water.

In the same theme, again, and it is getting more and more emphasized that they actually go into most of our facilities to incorporate a lot of their values with the inmates and our staff. They will go into the facilities and teach our inmates and staff a lot of the cultural values that are relevant in Nunavut. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Deroy. Mr.

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Enook.

Mr. Enook (interpretation): Thank you, Mr. Chairman. Just for further clarity, again to the Department of Justice, on page 5 in the English copy in paragraph no. 3, it states in English that one day we hope to bring our inmates home.

We hope that they all should be at home in Nunavut because, of course, your department made plans for such projects like this. When you say, "one day", what do you mean by one day you hope to bring our inmates home? When is "one day"? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Enook. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. All of the inmates that are Nunavummiut should be at home in Nunavut. That is what we would like to achieve. Right now, unfortunately, as the Baffin correctional facility is going through the mould remediation, a large number of those inmates have been required to be taken to jurisdictions outside of Nunavut. We have that going on right now.

On an ongoing basis, even when we're not dealing with mould remediation, we have to have some of our inmates taken out of Nunavut to other facilities because our facilities are not either big enough or given the numbers, we aren't able to accommodate them here so they have to go to other jurisdictions to be housed.

In addition, we have the reality in Canada that some individuals are sentenced to two years plus a day and, if they have been sentenced to two years plus a day, they go to federal facilities where they

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are housed.

Now, one day, it would be wonderful if all of our individuals who are from Nunavut who have faced the court system and are serving a sentence outside of Nunavut could come back here including federal inmates in federal government facilities.

In large measure, until we get to a place where our facilities can house all of these individuals, we can't do it. One day, I can't put a finger on it, and it will require all of our help and resources to ensure that one day we can get to that point. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Enook.

Mr. Enook (interpretation): Thank you, Mr. Chairman. (interpretation ends) I don't necessarily want to get into a debate. I just need a little bit of clarification as to what "one day" means. I also do appreciate that there are outside factors that can hinder your best plans.

Are there plans in place already that, in a perfect world, this will be the one day where all inmates come home? Are there plans of such that, in a perfect world, this year will be the one day, or is that just completely and absolutely impossible to do? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Enook. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. The sort of day that you and I are both looking towards, I cannot identify today because a lot of the decision-making is outside of my control

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We are starting the work with other government departments, Community and Government Services and Finance in particular, to develop planning for creating the capacity and the facilities to house appropriately all our maximum-security and minimum-security inmates. We are responding to one of the recommendations made the Auditor General.

Vis-à-vis federal inmates from Nunavut that are housed in federal facilities, it is a discussion that has to take place and be agreed to by federal officials and the federal government. As I say, that's not a decision that I can determine.

Chairman: Thank you, Ms. Sanderson. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. I just want clarification. It's also about maximum security and medium security. Can you explain to the Members because I'm not aware of what the difference is in terms of security for someone who is housed in maximum security and medium security in Nunavut? Thank you.

Chairman: Thank you, Mr. Savikataaq. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. Generally speaking, maximum, medium, and minimum security refers to the level of protection that the inmate and the staff dealing with the inmate must be placed so that nobody gets hurt.

General speaking, a maximum-security inmate often highly traumatized with

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mental health issues at play has to be placed in an environment where their trauma and issues such as anger management and those sorts of things can be dealt with. Low risk is an individual who does not pose a risk to the staff or to themselves generally, so there can be a freer flow in their movement in the facilities. Those are the two extremes, and then the middle is the inmates in between.

When an inmate is taken into our facility either on remand, waiting for court, or once they have been sentenced, they go through an assessment by our experts, who are able to go through a checklist of requirements as to the risks they pose for themselves, staff, or the public. Then they are able to be placed appropriately.

When we talk about maximum, medium, and minimum security, that's what we're referring to. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Would it be fair to say that someone in maximum security would then be housed in more segregation, like more time spent alone in a cell by themselves? Thank you.

Chairman: Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. Segregation, administratively, or for other reasons, is the least desirable way to deal with a high-risk offender.

What we're talking about with a maximum-security inmate is ongoing behavioural issues that we must address either in the way they're housed on a

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daily basis or, in extreme behavioural situations where they must be placed in segregation until they calm down or until they are able to be placed back in the broader maximum-security population.

The bottom line in all of these situations is the safety and security of the inmates. They are in our custody and we're responsible for them. Also, we have to be concerned about the well-being of our staff. As I say, segregation is an extreme end of a range of methods we can use to address inmate behaviour or high-risk behaviour. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Earlier, you stated that when someone is sentensed, if it's two years plus a day, they go to federal penitentiary. If an inmate is so violent that they require maximum security, would that inmate actually be sentensed to less than two years plus a day? Are there violent criminals that are sentensed to less than two years plus a day who would have to be housed in Nunavut? Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. The sentencing of an individual by a court is something that is out of our hands. It is done by the Nunavut Court of Justice and they can be sentenced to two years less a day or two years. Two years, they're in the federal system and it's out of our hands. Two years less a day, they are in our system. Once they have been sentensed, upon intake into our facility, we have to go through an assessment as to whether they

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are high risk, medium risk, or low risk. That is separate from the nature of the sentence.

Somebody can commit a horrendous crime, but it was totally out of character, so they could be a low-risk offender but with a high sentence of many years, in which case they would go down to the federal system into a federal penitentiary. Equally, somebody could be sentensed or on remand that is a highly challenged and traumatized individual acting out in behaviour that is causing risk to other inmates, himself, or the staff, but they could be charged with a simple assault and that's why they're in our system.

We have to separate the notion of sentencing from the classification of risk associated with the individual. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Thank you for the explanation because it makes it much more clear now that there could be no correlation between the sentencing and the individual, but the Auditor General's report did say that you are required to have maximum-security facilities and he has a recommendation for that. Are there any plans to get maximum-security facilities within Nunavut, either a new facility or within the existing structures? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Savikataaq. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. At a general level, we recognize that we must move forward to address the ongoing concern about

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I'm going to turn to Mr. Stewart, who is our Manager for Capital Projects, who has been most directly involved in the preplanning and planning phases for several of our facilities. He is the person who has the most detailed knowledge, so I'll turn it to Mr. Stewart. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Stewart.

Mr. Stewart: Thank you, Mr. Chairman. As Deputy Sanderson made reference to, these issues have been well known for some time.

In 2013-14, we did receive approval to enter a preplanning stage to redo our needs assessments and really see where our problem was and where to properly put or ask for the money to be put. In 2014-15, the fiscal year we just finished, we did complete an exhaustive preplanning exercise in which did reevaluate where all of our needs were. This resulted in a comprehensive business case. We are putting the final touches on it right now. This will be something that will be submitted through the proper channels to eventually and hopefully get to the Legislative Assembly in November 2015.

Our plans are nearly complete and will be put forward shortly through the necessary chains. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Stewart. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr.

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Chairman. In the Auditor General's report on page 2, it indicates that the Baffin Correctional Centre is designed to hold minimum-security inmates. I don't know if you would have this information with you right now, but can you tell us how many minimum, medium, and maximum-security inmates are currently in BCC? Thank you.

Chairman: Thank you, Mr. Savikataaq. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. These numbers that we have in our facilities change on a daily basis, but I'm going to turn to my colleague to answer what the numbers are. I hate to use the word "maximum," but it is top numbers. I'll turn to the Director of Corrections, Mr. Deroy. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Deroy, the peak numbers.

Mr. Deroy: Thank you, Mr. Chairman. As the Deputy Minister states, it changes on a regular basis. Today particularly, it's hard to figure this out because we have a lot of our inmates outside the territory and in Makigiarvik because of the mould remediation currently going on.

Currently at BCC, we only have 25 and there are various different security ratings, but mostly minimum to medium. Most of our high-risk offenders currently, let's say, are outside the territory for that period. Once we finish the remediation, we will be able to bring some back and then we will have a mix of inmates.

In general, if we try to figure out how many maximum-security beds we would need and we're not talking about

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Chairman: Thank you very much. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. That's all I had on that matter. In the department's opening comments, I just have a question. It's on page 3 and it's the third paragraph. It reads, "The Corrections Division deals with some of the most traumatized members of our communities." I just wanted clarification as to whether this is talking about the offenders or the victims. I believe the victims are traumatized too, so I just want to know if that is relating to the victims or the offenders. Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. I really appreciate your question because the Department of Justice actually deals with a range of individuals who come into dealings with the administration of justice.

On the one hand, we have dealings with the victims in the ordinary sense of the word, the person who is being hit, the person who has been hurt where it is necessary to receive medical help and that sort of thing. Often it's in spousal abuse. Those are victims as we generally think about it. The experience that we have in corrections, we have a victim support program and that's why I'm quite aware of some of those programs that we have to deal with victims in the

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traditional sense.

The inmates we have in our facilities often come with life challenges. Some of them have been the victim of FASD or Fetal Alcohol Syndrome that they did not choose to have as a human being, or the lack of or poor parenting, and perhaps the lack of appropriate formal education. There may be circumstances that are beyond their control that cause them to act out in inappropriate ways that causes them to have run-ins or dealings with the police that bring them into the court system. Then we are the end-run of all of those challenges.

When I use the word "traumatized," I appreciate the notion of true victims, but I also mean that many of the individuals in our custody, in our care and control, are dealing with life challenges that was not of their choosing and it in that sense, I am using the word "traumatized." Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Savikataaq.

Mr. Savikataaq: Thank you, Mr. Chairman. Thank you for the explanation there. That was my last question, so thank you for the explanation. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Savikataaq. Mr. Shooyook.

Mr. Shooyook (interpretation): Thank you, Mr. Chairman. While we are dealing with corrections, I want to make a minor comment as well.

This fall, our Committee was taken to the Baffin Correctional Centre to tour the facility. I was amazed they even deliver ΔΔϽΔ°αρ°Γ-LC ΔΔΟΔ°αρθσήν-L-LC.

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CAL PP4¹, bNL254NJ° CA4°16NCPCP67LU°C Ab46CP8°J°. C4°J CA64 AJ46°DCL° programs there. The place is definitely not adequate. They are in dire straights. Do I understand now that BCC is under construction and is it empty or how is it set up? That is my first question. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Shooyook. Ms Sanderson.

Ms Sanderson: Thank you, Mr. Chairman. I greatly appreciate the question and the concern reflected in the question.

Right now, I'll turn to my colleagues for specifics, but we are able to house some of the inmates, especially those ones who are on remand, that is, they have to go back to court fairly repeatedly, but only by moving them from one part of BCC to another part of BCC once that part of the facility has been sufficiently cleaned up so it is safe for them to be there. There are some inmates and I will turn to my colleagues to give the exact number. Thank you, Mr. Chairman. Mr. Stewart.

Chairman: Thank you, Ms. Sanderson. Mr. Stewart

Mr. Stewart: Thank you, Mr. Chairman. Currently today, there are 38 inmates residing at the Baffin Correctional Centre. This number is a little higher than we had the last month during the mould remediation. Deputy Sanderson is right that the ability to move the inmates into other parts of the facility and particularly utilizing the new Makigiarvik facility has allowed the department to really get at these deficiencies noted, such as the mould. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Stewart. Mr. Shooyook.

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Mr. Shooyook (interpretation): Thank you, Mr. Chairman. Thank you for the response. Well, this is a serious concern. I understood that this mould is dangerous for staff to be working under. Is it because there is lack of an alternate space of a facility that the BCC is occupied even though it is a dangerous atmosphere? I stress to ask this. To be in that exposure, would any of its occupants not be endangered with their life and possibly their health due to the danger for these 38 inmates that live there? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Shooyook. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. The inmates that are at BCC only remain there in areas that completely safe for them to be housed there now. We work hand in glove very closely with our colleagues at Community and Government Services, who take measurements on an ongoing basis or measurements in the air so that we are assured that nobody's health is being put at risk by continuing to house them.

At the same time, we have these ongoing requirements for making sure individuals that have court appearances that they are required to attend before court, and we have to meet those requirements. Some of those requirements can be done by video link to the facilities. I know there are several in British Columbia. Some of those can be carried out that way, but some are in trials and they have to be here. We are caught in this situation.

I can assure the Members that we would not allow any inmate or staff to be

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working in any part of BCC that wasn't measured on a regular basis and we are assured that their health is not in danger. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Shooyook.

Mr. Shooyook (interpretation): Thank you, Mr. Chairman. Thank you for helping me understand what I really wanted to understand. I have another question and I'll keep it short.

In Inuit traditional knowledge, there are some actual things that elders hold. The inmates are there because of a trauma that happened to them in the past. They would not be there if they had not experienced trauma at some point and that is how sometimes Inuit act out after traumas. While they are in correctional centres. they don't get any healing or any counselling, and that is no good. As Inuit, we should be more aware that when we are victimized, not just in correctional centres, and when one is scared, one gets affected in the mind. Therefore, the treatment of the inmate should be not as harsh. It should involve more elders and counselling.

I know that the lack of money is always a blocking point and if there is no funding available, then there are Inuit who can help. Can't you look for more funding that can be used for healing programs in correctional centres? We know that it is needed, but I'm sure it will be impossible because of the lack of finances. I would really like to understand that. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Shooyook. Ms. Sanderson.

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Ms. Sanderson: Thank you very much, Mr. Chairman. Firstly, I absolutely agree with the concern and sentiment reflected in the Member's comments.

We are very supportive of elders counselling and ensuring that our inmates who have gone through a trauma, and where it's reflected in the behaviour that has brought them to the facility in the first place, we absolutely agree that elder counselling is very important.

Despite the nature of some of our facilities, BCC in particular, one-on-one elder counselling is available to all inmates, especially at BCC, at the request of the inmate. It's available and the elders use the guiding principles of Inuit social values and their own knowledge in their counselling, but that is between the inmate and the elder. It is available at the request of the inmate. Thank you very much, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Shooyook.

Mr. Shooyook (interpretation): I asked about the finances. Will it be possible or if there is a lack of funds to do the elder healing programs, can you request for more funding for that? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Shooyook. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. My apologies; I didn't address the financial issue.

From my understanding, the cost of the financial issue is not a concern. I think a much bigger concern is the nature of BCC as a facility to carry out proper

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We cannot, though, impose it on an inmate but if an inmate requests that sort of counselling, it's a priority for us and funding would not get in the way. If it did, I would make sure that we would redirect funding because it is so important. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Shooyook.

Mr. Shooyook (interpretation): Thank you, Mr. Chairman. This is my last question. The Baffin Correctional Centre is very small and we understood that and that we really need a facility that can house much more than we have now. Those people who have to live there are really pitiful and you wish that all inmates can serve their sentences in Nunavut.

At some point, we need to have a bigger facility as soon as possible, like in Iqaluit, because it's the biggest community in Nunavut. It's got good land and I'm sure it can get approvals a lot faster than other communities. Can you foresee something like a federal correctional facility being built at some point in Iqaluit? This is my last question. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Shooyook. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. I want to thank the Member for that question. It is an excellent question. If it was up to me

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alone, it would happen like that because it is so important that the people of this territory come home to this territory. Those Inuit are housed in facilities that, in many ways, are alien to their culture and well-being.

The problem, though, for me, is that it is not a matter for me as the Deputy Minister of Justice or for the Department of Justice to do on our own. When I said that we need to do this together and we need the help of all of Nunavut, it is because there are decisions that are out of my hands.

Building a big facility requires a major investment of funds and that requires a pre-planning phase, as we discussed. It requires us to make requests to Cabinet and to the Legislative Assembly and that requires a communal decision, if you will, that ultimately comes to this Assembly. Ideally, we would be able to see something like that, but it is a decision that's out of my hands. Thank you very much, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Shooyook, (interpretation) are you done? Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. First of all, welcome to Mr. Ferguson and the staff. The first question that I have here is on your openers.

The first question is: when you look at paragraph 7 of your document, there's a financial figure in there which is \$53 million, which was used to construct the Rankin Inlet Healing Facility and Makigiarvik. Is that financial figure a combination of the two facilities or is it referencing one particular facility? Thank you, Mr. Chairman.

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Chairman: Thank you, Mr. Mikkungwak. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. That is in reference to the two facilities. In fact, we identify in paragraph 25 of the full report that the cost of building the Rankin Inlet Healing Facility was approximately \$37 million and the difference being Obviously, for the other one, it is \$16 million, for the total of the \$53 million.

Chairman: Thank you, Mr. Ferguson. Mr. Mikkungwak.

Mr. Mikkungwak (interpretation): Thank you very much, Mr. Chairman. Again, on page 2 of the report, I have a question which my colleague had brought up earlier, but I have a question that I will ask in a different way. I would like more information on the security level.

You reviewed the facilities and locations and you indicated that they have security levels of minimum, medium, and maximum, which are not specified. In regard to the security level, you also have the capacity and the training level of the staff. Were they included in part of your study? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Mikkungwak. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. Certainly, on page 2, we have Exhibit 1, which provides a number of details about the various facilities. I think, at the bottom of that exhibit, in the footnote No. 1, we identified that a correctional facility is intended to accommodate inmates with a particular security level or levels and this affects the

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design of the facility's infrastructure. It also determines the extent of control of inmates in the facility.

Again, it is identifying sort of the most senior level, I suppose, of security of inmates that is available in those facilities and when you have inmates that require that higher level of security, it requires differences in terms of both, again, the design of the infrastructure but also the extent of controls that are placed on the inmates. The different facilities all have different security level ratings. Thank you, Mr. Chairman.

Chairman: Mr. Ferguson. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. Again on the security level, currently, the infrastructures that the Department of Justice oversees within Nunavut regarding correctional facilities are either identified as minimum or medium.

When you have the security classification of either minimum or medium and you want to change it to the next level, would that be dependent on the building code, the capacity of the infrastructure, and the level of training of staff that the staff obtained to provide the security level adequately? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Mikkungwak. Is that directed to Mr. Ferguson?

Mr. Mikkungwak: Yes.

Chairman: Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. Certainly, I think that the

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department can probably provide much more detail on that than I can.

Obviously, going to that maximum level of security would mean many things in terms of the facility, in terms of how the offenders are secured, how the offenders are moved around within the facility, the training needed of the staff, the amount of supervision that's applied to the offenders, and the way they are controlled, like I say, whether in activities or moving around the facility. The requirements and restrictions on the way inmates are handled are significant when you're into a maximum security type of facility.

In terms of all of the specifics about how much change there is going from medium to maximum, I'm sure the department would be able to give you more specifics on that than I can. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Ferguson. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. Again, a question to the Office of the Auditor General; on your paragraph 13 I would like clarification. Maybe he can answer or maybe they cannot. I'm not sure but in paragraph 13 your last sentence indicates or it states "Mr. Chairman, we recognize that appropriately housing medium and maximum security inmates will require significant financial resources." Does the Office of the Auditor General have a financial figure in making this statement? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Mikkungwak. I doubt that type of an analysis would have been done from the ᡏ᠈ᢣᡥ᠋ᡥᡎᡳ᠑ᡏᢃᡱᡫᢗ᠂ᢐ᠌ᠤᡣᡅ ᡤᡈᡏ ᡆ᠌᠌ᠣᡣᡥᢞᢎᢗᠪᢣᡕᡆᡃᢐᡃ᠋ᡫ᠅ᡎ᠙᠐᠘᠘ᠸ᠊ᡫᢆᢞ, ᠣᡆᡥᡕ ᠘ᠸᡰᠧᡊ᠈ᡟᡆ᠂᠕ᠸᡳᢞ᠍᠍ᡭᡥᡥᠦ ᠈ᠪᠣᡃᢐᠪ᠘ᠬᢣᠪᠺᠬᡆᡟᢐᠲᡒᡱᡆᡥ᠑ᠺ᠙ᢡᠦᠪᡰᠦ. ᠮᡏᢞᡆᡤᡟ,᠘ᡟ᠙ᠪᢗᡥ.

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Auditor General's standpoint but if he has any comments to make on that question I will allow it. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. No, we didn't do an analysis on how much that would cost. Again, that would have to start with the determination of what the exact needs are. Maybe the comment that I will make about this is as an auditor it's always very easy at the end of an audit to say that the department or the government or whatever should put more money into this problem to resolve this problem.

It's something we consider very carefully when we are going through our audit process because we don't want to take the easy way out. We spent a lot of time in the course of this audit trying to figure out what we felt the department could do within the resources that were available to them. It just came down at the end that we couldn't ignore the fact that, as I think I said earlier on in the afternoon, that in terms of the facility challenges those facilities challenges are just overwhelming the department.

So again, we don't like to make a recommendation that says the government should be putting more money into something but in this case they have to find a way of dealing with those facility challenges, and we recognize that there is no other way to do that or no way to do that is not going to require there being significant infusion of financial resources. So we didn't do that estimate, we don't make those types of comments lightly. We only make those types of recommendations after we have considered what the opportunities are for working within the means that have already been provided. In this case we

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just felt that the challenge facing the department in terms of the facilities is beyond their ability to cope with the resources they have available right now. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Ferguson. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. The other question that I have here is: having reviewed and read your report, and taking into consideration the recommendations, are all the recommendations that have been written, do they vary with the security level of each infrastructural audit that was completed or is there a variance as to the recommendations by security level? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Mikkungwak. There are over 100 recommendations. Are you alluding to specific ones or just the security level ones?

Mr. Mikkungwak: Security level ones.

Chairman: Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. Actually, the number of recommendations is significantly less than 100. The numbering is referring to the paragraph numbers. Having said that, there are quite a few recommendations and more recommendations than we often make. Again, that is, because of the nature of the problems that we saw here, we felt that it required recommendations in a number of different areas and specific recommendations. The recommendations are all dealing with different types of issues that we saw.

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Some of them are relating to the actual facilities themselves. The recommendation in paragraph 59, "The Department of Justice should analyze trends related to contraband, including the types of contraband and how it enters the facility," so that recommendation is simply looking at the current infrastructure. The infrastructure as it exists right now, contraband is getting inside those facilities and we feel that the department should be taking the information about those incidents and using it to understand the type and the way that that contraband is getting into the facility.

That is something that the department can do regardless of whether they are operating within the existing facilities or there are new facilities. It is not something that they have to wait for additional facilities. It is just a matter of what is happening right now, how the contraband does enter into the system, and do a more detailed analysis of that.

I could go through all of the recommendations. With some of the recommendations, certainly the department would have to take into consideration whether they are looking at a future with maximum-security facilities available to them and that could have an impact on how they implement those recommendations.

For the most part, I think the recommendations are speaking to very specific situations and the department would be able to determine in which case they have to build in the possibility of a future that would include maximum-security beds. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Ferguson.

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Mr. Mikkungwak.

Mr. Mikkungwak (interpretation): Thank you very much, Mr. Chairman. I would like to direct my question to the Department of Justice. In the opening comments on page 5, the fourth paragraph, with these recommendations, how long will you be working on the recommendations? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Mikkungwak. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. As I tried to indicate in my opening comments, we have been working with the Office of the Auditor General for 18 months to two years, something like that, and we haven't waited until their ultimate report came out to address some of the areas that they put our attention on, such as the fire drill. We were able to address those issues as soon as our attention was focused on that matter.

Similarly, with the mould remediation, the planning and implementation of a mould remediation plan did not wait until the Auditor General's report came out, but we have been working on improving our programming, our services, and improving the facilities to the extent we can given the various challenges we face. We are working on the various features now as we speak. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Mikkungwak.

Mr. Mikkungwak: Thank you, Mr. Chairman. Again, another question to the department, on your openers. On page 4,

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second paragraph, when I look at that paragraph and seeing that we are a territory in Nunavut and as my colleague had asked, Inuit societal values are also in the picture, which is unique in Nunavut, my question to the department here is: with that paragraph, are you making that statement to reflect Inuit societal values or was it because of one of the or any recommendations that came from the Office of the Auditor General? Thank you, Mr. Chairman.

Chairman: Thank you. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. Inuit social values are something that is part of the way the Government of Nunavut has been set up since 1999. It is something that we are required and we want to support and enhance in our operations in the Department of Justice and more broadly in the Government of Nunavut.

While we greatly appreciate the support, work, and recommendations of the Office of the Auditor General, I don't think we can say that they are the ones that are pushing us in that direction. We, indeed, believe that Inuit social values are very important and we keep working within that framework as part of our way of dealing with corrections in Nunavut. Thank you very much, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. In the Auditor General's opening comments on page 2, bullet number 9, it talks about that they "found that evacuation drills were not being conducted as required at either facility. In light of the risks posed by not conducting

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My question to the department is: what actions did the Department of Justice take after receiving the letter from the Auditor General's office? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Rumbolt. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. Our response to the problematic fire drill situation in the facilities is really, in many ways, an example of us being proactive about areas of concern that the Auditor General's work brought to our attention.

In terms of the specifics, that happened in the early period of my tenure in this role. Rather than guessing at it, it would be much more appropriate for me to turn it to one of my colleagues to address the specific details of what we did to put in place appropriate fire drills. Mr. Deroy, the Director, will answer. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Deroy.

Mr. Deroy: Thank you, Mr. Chairman. Although our fire evacuation and fire drills were not perfect at the time, there were still some going on. BCC at the time was problematic because of the nature of the building having, at times, up to 110 inmates with different types of behavioural issues. It becomes difficult to

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do a full evacuation of the centre in risking some major incidents just by creating some exercise in a sense.

With that in mind, when we received the letter from our ADM, we reviewed all of our policies, we met with all of our managers, and we actually put certain things in place to ensure these things were taking place on a regular basis, including a memo that we sent in December of 2014 to all of our facilities to ensure that they actually abide by the policies in each facility.

Since then, we have done regular evacuation and fire drills and we record everything at headquarters now. We also have an electronic tracking system to keep track of all these evacuations and drills and to make sure that they are done in a timely manner. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Deroy. One of our legislative staff here would appreciate your waivable technique. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. My next question will be for the Auditor General's office. In listening to the response from the Department of Justice, do you feel that their response to your letter was adequate or what you were hoping they would do? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Rumbolt. Mr. Ferguson.

Mr. Ferguson: Thank you, Mr. Chairman. I think I'll start with, certainly, we understand the complexity of trying to do an evacuation drill in an institution where you are trying not to

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have people evacuate on a regular basis. We understand the complexity of that.

I can't say specifically whether we are satisfied with what the department has indicated that they have done because, in order for us to make comment, we gather audit level of assurance, audit-level evidence, and we haven't got that. All we've got is sort of what the department has said, but we haven't gone back to actually sort of test it and look at those exercises.

Certainly, again, I think the department has agreed and they have said that they have taken action. I think that they recognize the importance of this issue. You don't want the time that you actually have to evacuate to be the situation where it is necessary because there is an incident, a fire or whatever, without having done adequate testing of how you would manage that, especially if you're dealing with 100 or more offenders in the institution in an overcrowded situation. If there was a serious safety incident, how would it be handled?

I think it's a very critical area for the department to be fully aware of, for some reason, if they had to evacuate everybody out of that facility at one time, how would they do that and how do they go about making sure that that would be successful. I can't say specifically whether what they have done is satisfactory or not because we haven't gone back and audited it. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Ferguson. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. One final question to the

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department in light of what Mr. Ferguson said about if there was a full-scale evacuation and what you would do. My question is: what would the department do? How would you accommodate all the inmates from any particular facility if it was required to evacuate the facility totally? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Rumbolt. Ms. Sanderson.

Ms. Sanderson: Thank you, Mr. Chairman. Interestingly, in preparing for our appearance before this Assembly, I asked that very question of my colleagues. I'll turn to Mr. Deroy in a second, but the answer they gave me was, "It very much depends on the nature of the facility and the nature of the inmates with whom they are dealing."

BCC presents some significant challenges that another facility with low-risk offenders does not present in the same way, but in each case, they have taken appropriate measures, it seems to me.

I'm going to turn to my colleague, Mr. Deroy, who will describe, perhaps, what you described to me vis-à-vis the Baffin Correctional Centre.

Chairman: Thank you, Ms. Sanderson. Mr. Deroy.

Mr. Deroy: Thank you, Mr. Chairman. Each centre has contingency planning. We have contingencies for just about everything. We have contingencies written in our control and practised and revised at least twice a year. We have contingencies for fire evacuation, riots, or bomb threats. Any contingencies that you can think of that could happen in the

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ἡ°Ͻϧ° (ϽϦϒΛͿϤ): ʹͼͿϧ·αͺϳ·ϧ, ΔͼͰϭϷͺϹʹͼ. ϽϦΡΓαʹͼʹϧσ, <ʹͼαΔΛʹ·϶ϹͺʹϧͰʹͼϼϤʹϭϭʹͼϭ·ϼϲ, ϤΛΛϲϷʹΓͿͼʹϷϲ ϹʹͼͿϤ Δʹͼ·ϸαΔϧʹϐΛͼ ϷʹͿͰϷϲϷʹͼ·Ͻʹͼ, ʹʹϹ ΛΡϤͿϤ ΡϷϧϷϭϤʹͼ·Ͻʹͼ ϷʹͿͰϷϲϷʹͼ·ϧʹͿ·ͼ, ʹʹϷαͺ ϹϲͼͰͰͰʹͼ, ϷͰʹϝ ϥʹͼϧϷͱͰϲϭϧϧʹϲϲ ΛͿϧϷʹͼϧͰʹ϶ͺʹϧϼΔϤʹϽʹͼͺͰͼͺϳϹ."

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Ϥϼ·ϲϧϟϗϧͺ ϤϽϭͺ ͼͺϷ·ΠϷͰΠ 'δϼΔϲϳϧ·ϲϧ·ϲ ͼͺϷ·ΠϷͰͿϭϧͺ <ʹͼͺϷͺϹʹϧϽ·ϧ· ͼͺϷ·ΠϷͰΠϧϥΠϷϭϤͼϧϽͼϧͺ ϽϤϗͺͼͺͼϧϽ;ϧͼϧϹϧͺ «ʹͼͺϷͺϹϧϲͺ ʹϧϼϪϲϧϲͺ Ͱʹ϶Ϥͼϧ ΛϲͱͺͰϧͺ;ϧϲϲͼϧϲ Ϳͺϲϧϲϧϲϧϲϲ ϷͼͺϹͼϧϽϥ϶ϲͼϧϲͺͺͺϧϧͼϧͺ ΛϧϷͿϧ;Ͱͺͼϳϲ facility, we actually have it written, reviewed, and revised.

For BCC, as far as evacuation, we do have contingencies. We have alternate sites that we can use. We have MOUs with certain places in town. We work with the RCMP, the fire department, we practise these with them and we communicate regularly. As far as where these sites are, we have to be very careful because I can't really divulge that, but we do have these contingencies. Thank you, Mr. Chairman.

Chairman: Thank you very much for that response. Mr. Akoak.

Mr. Akoak: Thank you, Mr. Chairman. My question is to the department. In the Auditor's report on page 2, Exhibit 1, the Kugluktuk facility has the capacity to hold 15 persons and the occupancy average in 2013-14 was eight. Is that the case today? Is that the same average? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Akoak. Ms. Sanderson.

Ms. Sanderson: Thank very much, Mr. Chairman. The numbers in each facility vary on a daily basis, so the averages can vary from year to year. Right now, the figure that my colleague has given me for Kugluktuk, sentensed individuals is nine. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Akoak.

Mr. Akoak: Thank you, Mr. Chairman. With the same page, in BCC, you have a capacity of 68 and the average was 82 that year. Did you send people to Kugluktuk from here? The average was

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▷ኦትሶ፣bናርጐቦ·Lር ፈናሩህፐና ፈናሩህJና ▷ሷናጐቦና.

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4'd4' (ጋኒትበJ'): 'dታ°ሲቮ', Δካፖ《ኦርጐ. Lካለሀቮ C 《 ማካኒ Δ°ሲ", 'የዖጐር ጋ ች Δ ይተጐር ኦል ች ር 68σካ Δ σ 'b ን ° ሲ 'c 82- σካ Δ ° Δ ካር ኦ / L ° σ ፣ ሲ σ በ ሀታ ኦ ነካ ታ ነካ ር ካ ታ ነካ ነገ ና ፈ ኦ ነገር ነካ በር ኦ ° ማ ና ላር ት ቦና 8 - ነህ ር ኦ ነ ር ነ eight in 2013-14. Is that being used? Thank you very much, Mr. Chairman.

Chairman: Thank you, Mr. Akoak. Ms. Sanderson.

Ms. Sanderson: Thank you very much, Mr. Chairman. Generally, to the extent that the individual inmate has the right security level, risk classification, we can divert them to other facilities, but they have to be appropriate to the facility.

In terms of the specific question, I'm going to my colleague. Obviously I don't have that level of detail in my mind. I will turn to Mr. Deroy. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Sanderson. Mr. Deroy.

Mr. Deroy: Thank you, Mr. Chairman. Again it is an average. There may be days where they do have 15 on one day and there may be other days where they have five or six. With Kugluktuk and the halfway house in Iqaluit, they are minimum-security release planning halfway houses. It's really at the end of somebody's sentence and it's also depending on their behaviour. It's an open house in a sense; it's like a house. Depending on the inmate's classification, if they are medium or maximum, they're not suitable for these facilities.

The managers of these facilities canvass all the other facilities on a regular basis, including the people that are housed in Yellowknife or Rankin Inlet or BCC, and they look at their classification, whether or not they are ready to be taken into these facilities for release planning. As soon as they find somebody suitable, they do an assessment on him and they bring

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Depending on the dynamic of our inmates, sometimes they will look throughout all the facilities and everybody is either medium or maximum, so in those cases, they cannot take these inmates. It depends on the classification. Thank you, Mr. Chairman.

Chairman: Thank you very much for that explanation, Mr. Deroy. At this time, I don't have any other names on my list, so I would like to recognize the clock. We will adjourn until tomorrow morning at 9:00 a.m.

We will continue with our paragraph-byparagraph consideration of the report of Auditor General on corrections in Nunavut. Tomorrow, we will continue with this category. I still have a few questions under this one. We will stand adjourned until tomorrow at 9:00 a.m.

I would like to remind Members that we have a Full Caucus meeting at 4:00 p.m. Thank you.

>>Committee adjourned at 15:35

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¹δν⁶ς⁶ ¹J⁶ς⁶ 9-1α⁶ς⁶ ν⁶C⁶ ΛΓα¹C.

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