

The Code – Ombudsman's remarks
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Today, as I release this report, I feel I should start with one of those warnings to the audience that what they are about to see and hear may be disturbing and graphic.

This report is not pretty. It reveals some shocking stories, not just of violence inside the province's correctional institutions, but of ugly conspiracies to cover up that violence. It exposes a malignancy within the correctional system that has long been lamented but never eradicated: The code of silence.

It can be tempting to think that, because they are in jail, inmates who are victims of excessive force probably deserved it somehow. This is the attitude that the enforcers of "the code" count on. The correctional culture is by definition a tightly closed one. And the aberrant criminal behaviour of a rogue minority, who bully their own colleagues as well as inmates, thrives on this, making life on the inside more dangerous for all concerned.

I want to make three things clear about this investigation:

First, there are plenty of correctional officers who work hard in tough, challenging conditions every day, and who obey the rules governing the use of force. Life behind bars can be violent, which is why reasonable force is permitted, and why proper training is so important for everyone's safety. In our investigation, we heard from many correctional officers about the pressures they face, including overcrowding, understaffing, lack of equipment, violent inmates, gang activity and labour issues. Some of them put their own welfare at risk to break the code of silence. They deserve to hold their heads high and do their jobs without fear – and not be tarred by the egregious acts of some colleagues.

Second, regardless of why they are incarcerated, inmates are human beings, and they deserve respect, dignity and humane treatment. Thousands of inmates in provincial institutions have special needs, mental health issues and addictions – issues similar to those that have been highlighted in the Ashley Smith case in the federal system. They are often vulnerable people, and the state has a responsibility to protect them while they are in its custody.

And third, the "code of silence" is not something my Office dreamed up as a title for our report. It has been recognized in court and grievance board decisions going back nearly a decade. The code is widespread, intractable and insidious. The Ministry knows it well, and it agrees with me that the time is long overdue to address it head-on and from the top down.

I also want to say I'm encouraged by how far the Ministry has come on this issue. As many of you know, my Office receives thousands of complaints from inmates every year. In fact, when I was appointed in 2005, I was concerned about the sheer volume of complaints from correctional institutions. We addressed this by triaging complaints and referring the more mundane issues like gripes about the food or missing property back to the institutions, allowing us to prioritize cases involving serious matters of health and safety.

This approach allowed us to flag a very disturbing trend in 2010, of allegations of excessive force against inmates that were not being adequately investigated and even covered up. When we first brought these concerns to the Ministry's attention, it dismissed them. It was only after repeated attempts by my Office to bring forward this matter that Ministry officials started reopening cases and taking the problem seriously. Once we launched our formal investigation, they finally began revising policies and procedures, making steady improvements as our investigation progressed.

More rigorous investigations, better recruiting, improved training and new surveillance equipment, all of which I have recommended, will help – but the Ministry must also plainly declare that adherence to the code of silence is grounds for discipline and dismissal. I will monitor its progress closely as it implements these recommendations.

As difficult as this report may be for some to confront, I am hopeful that it will finally break the silence and the code, and that the improvements implemented by the Ministry will benefit the welfare and security of everyone within the walls of our correctional facilities, inmates and staff alike.