

Adult Institutional Services

Background

The Adult Institutional Services (AIS) division of the Ministry of Community Safety and Correctional Services (Ministry) operates correctional institutions for incarcerated adults in Ontario. The Ministry is authorized to incarcerate persons under the federal *Prisons and Reformatories Act* and the provincial *Ministry of Correctional Services Act*. Inmates include convicted offenders and accused persons. Convicted offenders are those sentenced to terms of up to two years less a day, or those awaiting transfer to a federal penitentiary, while accused persons are those awaiting bail, remanded in custody awaiting trial, or being held for reasons related to immigration. Offenders receiving sentences of two years or more are transferred to federal penitentiaries. AIS provides custody and supervision until the inmate is discharged by a court, is transferred to another jurisdiction, receives parole, or completes the term of imprisonment.

In the 2007/08 fiscal year, on any average day Ontario had about 8,800 inmates in its institutions—8,200 males and 600 females. This includes approximately 550 offenders who serve their sentence on an intermittent basis, typically on week-

ends. On average, over 70,000 adults are admitted each year into provincial jails, detention centres, and correctional centres.

AIS operates 31 correctional institutions across Ontario:

- 12 jails—typically older and smaller facilities that were originally established by counties or municipalities, and are used primarily for accused persons remanded in custody awaiting bail or trial;
- seven detention centres—large facilities that primarily hold accused persons remanded in custody and some convicted offenders;
- nine correctional centres—large facilities, including one female-only centre and two so-called “super jails,” that typically hold convicted offenders sentenced to more than 60 days and some accused persons remanded in custody; and
- three treatment centres—facilities that provide offenders with specialized and intensive treatment related to substance abuse, sexual misconduct, anger management, and severe mental illness.

AIS had operating expenditures of approximately \$575 million in 2007/08, of which about 78% was for the cost of some 5,500 staff.

Audit Objective and Scope

Our audit objective was to assess whether the Ministry had adequate procedures and systems in place to:

- ensure that institutional resources were managed with due regard for economy and efficiency;
- ensure that institutional services and programs were delivered in accordance with legislative and ministry requirements; and
- measure and report on the effectiveness of the key services and programs delivered for enhancing public safety, reducing recidivism, and contributing to the rehabilitation of offenders within society.

We conducted our audit work at the AIS head office in Toronto, its office in North Bay, and at seven correctional institutions. We interviewed ministry personnel, examined records and documents, observed and tested operations at several of the institutions we visited, and reviewed relevant studies, statistics, and major contracts. We also considered the recommendations we made in our report on our last audit of this program in 2000. Related recommendations made by the Standing Committee on Public Accounts to the Ministry in 2001 regarding their review of our 2000 report were considered as well.

We researched correctional services in other jurisdictions, including Alberta and British Columbia, where we toured correctional institutions and met with senior management who shared with us their perspectives on providing correctional services. The audit also benefited from our observations on court backlogs made in a concurrent audit we performed on the Ministry of the Attorney General's Court Services program.

While at institutions, we held discussions with staff of Trilcor Industries, which is a Ministry program that uses inmate labour to produce goods and services, such as Ontario licence plates, prison

clothing, and prison laundry and provides work- and industry-related training to these inmates. However, the scope of our work did not include an audit of Trilcor's operations.

Our audit followed the professional standards of the Canadian Institute of Chartered Accountants for assessing value for money and compliance. We set an objective for what we wanted to achieve in the audit and developed audit criteria that covered the key systems, policies, and procedures that should be in place and operating effectively. These criteria were discussed with and agreed to by senior management at the Ministry. We designed and conducted tests and procedures to address our audit objective and criteria.

Over the past several years, the Ministry's internal auditors have conducted a number of audits of individual correctional institutions; these audits have included tests and assessments of management's compliance with required policies and procedures, including institutional security requirements. These audits were helpful and of sufficient quality to allow us to reduce the extent of our work in certain areas.

Summary

Although the Ministry of Community Safety and Correctional Services (Ministry) has invested over \$400 million in infrastructure renewal over the past decade, it has been unable to meet its commitment to significantly reduce the average cost of incarcerating inmates as a result of this investment. During this period, it has had to respond to a significant change in the makeup of its inmate population. While the overall number of inmates has increased 11%, more importantly, the number of inmates remanded in custody awaiting their court appearances has doubled and now represents almost 70% of all inmates. Because many of these inmates have been charged with serious crimes, such as murder, drug trafficking, or possession of illegal weapons,

remanded inmates must generally be placed in maximum security. On the other hand, although the Ministry has not been successful in reducing costs, it has made good progress in reducing security incidents, including escapes, in recent years.

Some of our more significant observations include the following:

- Under its 10-year Adult Infrastructure Renewal Project (AIRP) that ended in 2005/06, the Ministry spent over \$400 million to modernize correctional institutions and increase efficiency. The Ministry expected its investment in AIRP to result in a significant reduction in overall operating costs, but that did not occur. Although the Ministry set a target to have one of the lowest operating costs for correctional institutions in Canada, Ontario still ranks the highest compared with five other large provinces. This is true even when the comparison is made only with the institutions modernized or built under AIRP, which account for over 60% of all provincial inmates. We noted that Ontario's two new super jails operate at costs comparable to those achieved in other provinces.
- In 2004/05, the Ministry launched a transformation strategy with plans to eliminate 2,000 beds by 2007/08 and save \$60 million annually. However, by 2007/08, it had achieved no substantial savings and AIS actually had almost 1,000 more inmates than when the strategy was introduced. Currently, Ontario's correctional institutions operate overall at 100% of inmate capacity, with 11 institutions operating at up to 135% of their capacity. Current facilities are overcrowded and at increased risk of inmate disturbances, labour-relations issues, and health and safety concerns for staff and inmates. The Ministry predicts that it may be short 2,000 beds by 2010/11.
- Use of and participation in community programs to reduce the number of offenders serving their sentences in institutions remain low. The Ministry's initiatives since 2003 to have up to 1,300 offenders serving their sentences in the community and to use electronic devices to monitor their whereabouts have resulted in less than one-third of this number participating. And although the Ministry's goal was for 800 low-risk offenders serving their sentences on weekends to do so in the community, only about 100 were doing so as of August 2008.
- Despite changes in the type of inmates and increases in the overall number, the Ministry has made substantial progress in reducing the number and severity of security incidents in its correctional institutions. However, it needed to capture information on inmate-on-inmate assaults to allow it to report better on and be more proactive in minimizing such occurrences. The Ministry had also not carried out adequate formal assessments of different inmate supervision models even though it was planning to change its model; that change may significantly affect its operating costs and the health and safety of its staff and inmates.
- Although the Ministry had implemented processes for improving rehabilitation programs for offenders, institutions were not properly tracking participation and completion rates. There was also a general lack of information on work-related, rehabilitation, and other programs offered at institutions, and on the effectiveness of these programs in achieving intended behavioural changes in inmates. A new information-and-tracking system put in place in March 2008 should help to address some of these concerns.
- The Ministry has made progress in establishing programs for diverting inmates with mental disorders from the criminal justice system and thus from its correctional facilities. However, it did not have sufficient information on inmates' mental-health status and did not know whether it was providing adequate and appropriate treatment and care for the

inmates with mental illness and special needs. Although AIS's records indicated that only a small number of inmates were on waiting lists for specialized treatment, other research indicated that there could be hundreds of inmates with mental illness who are not being held in appropriate facilities and are not receiving proper treatment to deal with their needs.

- Inmates generally received a one-third reduction in their sentences (earned remission) without first undergoing a formal assessment—required by legislation—of whether they had followed prison rules for good behaviour and actively participated in rehabilitation programs. The Ministry advised us that, instead, the only circumstance in which earned remission was not granted was when an inmate had seriously violated prison rules and that this practice of applying earned remission was consistent with that of other provinces.
- AIS had neither adequate information nor rigorous detection practices to determine the extent and impact of the use of alcohol and illicit drugs in its facilities. Despite commitments following our last audit in 2000 to introduce random drug testing of inmates as part of the process of determining their entitlement to early release, the Ministry did not do so. Alberta Correctional Services and the Correctional Service of Canada both conduct random drug testing of their inmates.
- We noted that AIS continues to have a serious problem with the absenteeism of correctional officers, including the abuse of sick leave and overtime provisions, and has been ineffective in dealing with this problem. As of the end of 2007, the average number of sick days per correctional officer, based on an eight-hour day, was 32.5 days per year. As a result, AIS incurs almost \$9 million in additional costs for replacement workers and a further \$11 million in overtime payments each year. For instance, the absenteeism issue has resulted

in some correctional officers making over \$140,000 a year owing to overtime worked, which is more than double their annual salary.

We understand that the Ministry took a lead role in the formation of an interprovincial and territorial task force to study the changing characteristics of the adult inmate population and to identify opportunities to improve co-operation in the delivery of correctional services in Canada. We believe this is a good initiative that could help to address a number of the above issues.

Detailed Audit Observations

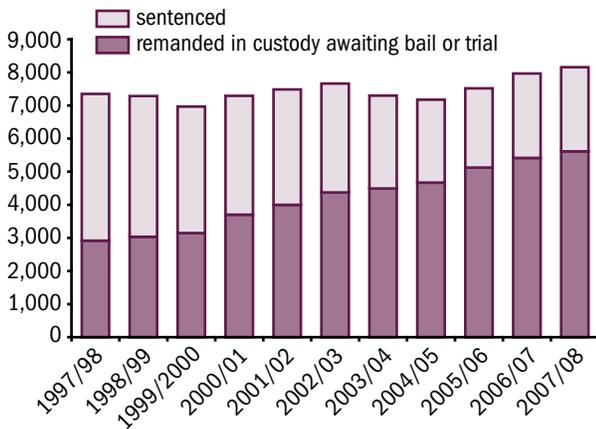
CHANGES IN INMATE POPULATION

In Canada, responsibility and costs for correctional services are divided between the federal and provincial or territorial governments. The federal Correctional Service of Canada (CSC) is responsible for offenders serving sentences of two years or longer. The provinces and territories are responsible for accused individuals remanded in custody—awaiting bail or trial—and offenders sentenced to terms of less than two years, including those serving their sentences in the community. The National Parole Board makes decisions regarding the conditional release of federal offenders and of provincial offenders in the provinces and territories that do not have their own parole boards. Ontario and Quebec have their own parole boards.

Like other provinces, Ontario has experienced significant change over the last decade in the number and type of offenders incarcerated. Incarceration levels in Ontario have increased 11% over this period, owing in part to an increase in policing and the laying of charges, and to changes in sentencing practices of the courts. During the same period, there has been a significant increase in the proportion of inmates who are remanded in custody versus those serving a sentence. Figure 1 shows that from 1997/98 to 2007/08, the proportion of all inmates

Figure 1: Change in Average Daily Adult Inmate Population in Ontario Provincial Correctional Institutions, 1997/98–2007/08

Source of data: Ministry of Community Safety and Correctional Services



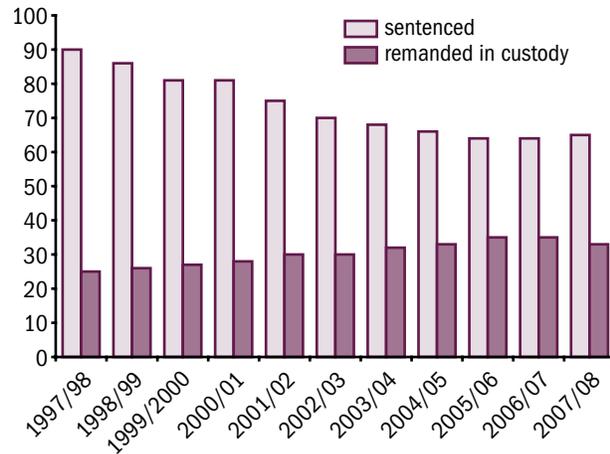
who are remanded in custody awaiting bail or trial has almost doubled—from 40% to almost 70%.

This proportional increase in inmates remanded in custody has occurred in large part because of the increased time it has taken for courts to dispose of criminal cases. For instance, it took 165 days on average for courts to dispose of a criminal case in 1997; it took 205 days, or 24% longer, in 2007. Over the last 10 years, inmates remanded in custody have spent on average 30% more days in incarceration, while the average stay for sentenced inmates decreased by 28% (Figure 2).

In recent years, almost 80% of inmates have received sentences of three months or less, and over 50% have received sentences of one month or less. As well, courts in Ontario and across Canada have been providing additional credit for time served while remanded in custody prior to sentencing, usually crediting two—or sometimes even three—days toward the total sentence for each day spent in pre-sentencing incarceration. For instance, taking into account earned remission—which gives an inmate a one-third reduction in his or her sentence—a person sentenced to a one-year prison term who had already spent four months incarcerated before being sentenced would likely be released upon sentencing on the basis of the time

Figure 2: Average Duration of Incarceration for Adult Inmates in Ontario Provincial Correctional Institutions, 1997/98–2007/08 (days)

Source of data: Ministry of Community Safety and Correctional Services



already served. From an inmate's perspective, if he or she is expecting a guilty verdict, it is in his or her interest to maximize the time spent in remand, thereby reducing the total incarceration time. This is likely contributing to the increase in the proportion of inmates remanded in custody and the decrease in those serving a sentence.

These changes in the ratio of inmates remanded in custody to sentenced inmates and in length of stay significantly affect AIS's delivery of correctional services in several ways:

- The workload in provincial correctional institutions has increased because of the greater number of daily admissions and discharges for inmates remanded in custody. Courts have further increased the number of intakes and discharges for these inmates because the number of court appearances it takes to dispose of a case increased 50%—to 9.2 appearances on average—from 1997 to 2007. As well, because inmates remanded in custody include those with the most serious charges, such as murder, drug trafficking, or possession of illegal weapons, maximum security is required for these inmates.
- Correctional rehabilitation programs have traditionally been designed for and provided

to sentenced inmates. Because increased time spent remanded in custody reduces time spent under sentence, less time is available for sentenced inmates to receive treatment and attend rehabilitation programs. This creates a greater need for co-ordination and continuation with community-based programs following an inmate's discharge.

- Ten years ago, AIS had been planning for a gradual decrease in the number of inmates. Instead, increases in the number of inmates remanded in custody have meant that, even though new institutions have been built, AIS has not been able to decommission older, inefficient facilities that are more costly to operate. This has resulted in an increased average inmate *per diem* cost, which was the opposite of what AIS expected given the recent significant investments in infrastructure.

AIS provides inmates with programs for education, counselling, mental health, rehabilitation, and work experience. During our discussions, correctional staff raised concerns about the impact of the changes in the inmate population on AIS's ability to deliver rehabilitation programs in the same manner as in the past. For instance, its ability to fulfill its mandate of effecting positive change in offenders' attitudes may be hindered by shorter sentences. For inmates remanded in custody, the Ministry's efforts were primarily focused on "warehousing" them with little or no programming made available.

In addition, information we received from the Ministry indicates that recent inmates are a higher risk for violence than those incarcerated 10 years earlier: in 1997/98, AIS rated 21% of new inmates as either "very low" or "low" risk and 40% as "high" or "very high" risk; in 2006/07, AIS rated new inmates as 7% and 69% respectively—a 75% increase in higher-risk inmates. As well, there is a greater risk today of communicable and infectious diseases among inmates.

Some staff also suggested that the roles of the federal and the provincial or territorial governments in correctional services may also be

outdated—particularly the division of responsibility based on whether a sentence is more or less than two years. This demarcation was particularly questioned in light of recent CSC reports that there is an increase in the proportion of shorter federal sentences. In 2006, more than 50% of new male offenders being admitted to federal penitentiaries were serving sentences of less than three years—a 62% increase from 1996/97.

At their November 2007 meeting, the federal, provincial, and territorial (FPT) ministers responsible for justice and public safety commissioned a study of the changing characteristics of the adult corrections population with the objectives of understanding the nature of these shifts and gaining insights into opportunities to jointly improve the effectiveness of the delivery of correctional services. However, the federal government decided not to participate in the study. The interprovincial task force established to conduct the study is mandated to make recommendations on how correctional services across Canada can be better aligned and delivered in order to optimize cross-jurisdictional infrastructure planning, program effectiveness, fiscal cost efficiencies, and community safety. The Ministry informed us that Ontario took a leading role in initiating this study and is providing ongoing resources to assist the task force. At the time of our audit, the task force was still at work; it expected to present an interim report to the FPT ministers of justice in September 2008.

RECOMMENDATION 1

In light of the changes that have occurred over the last decade in the type and number of offenders incarcerated in Ontario correctional institutions, the Ministry of Community Safety and Correctional Services should review the impact these changes have had on the traditional delivery of correctional programs, and review its mandate and existing operations to determine whether changes are needed in correctional program delivery and in the roles

and responsibilities of the provincial and federal governments. Ontario's involvement in a national study on the changing characteristics of the adult corrections population is a good first step in this regard.

MINISTRY RESPONSE

The Ministry is pleased to note the Auditor General recognizes the importance and magnitude of the changes that have had and continue to have a significant impact on Ontario's and other provinces' delivery of correctional services. These changes have presented significant challenges to the Ministry for some time, and have led to our providing the leadership and impetus for the federal, provincial, and territorial ministers' initiative known as the "Changing Face of Corrections." This initiative will thoroughly research and recommend changes that have the potential to significantly reform the management of correctional jurisdictions across the country in a way that has not been done since Confederation.

MANAGEMENT OF INSTITUTIONS

Operating Costs and the Former Adult Infrastructure Renewal Project

In our audit in 2000, we noted that the Ministry was implementing its Adult Infrastructure Renewal Project (AIRP) at that time. AIRP comprised capital projects to modernize adult correctional institutions, reduce their operating costs, and increase efficiency. It involved expanding and/or retrofitting existing institutions, building new correctional institutions, and decommissioning older, smaller, less efficient facilities. When AIRP was announced in 1996, the Ministry had 45 institutions in its correctional system. When AIRP was completed in 2006, over \$400 million had been spent; 31 adult facilities had been identified for decommission-

ing, of which 18 had been closed; two new super jails and one new treatment centre had been constructed; three facilities had undergone substantial expansion and renovation; and three facilities had received security retrofits.

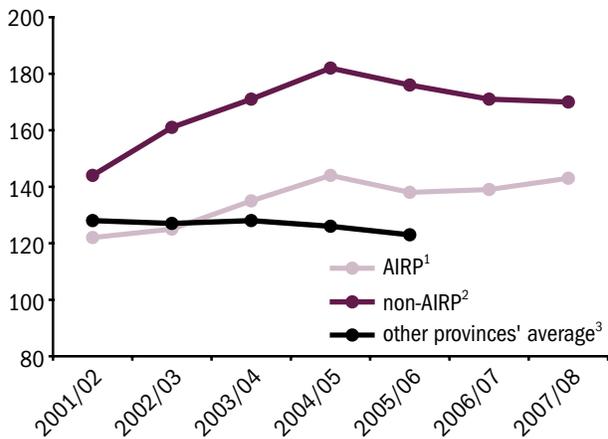
The Ministry's 1998/99 business plan noted that the province's adult incarceration cost was the highest of any province. It set a target to reverse this and achieve one of the lowest costs in Canada, with the plan to go from \$120 per inmate per day in 1996 to \$75 per inmate per day by 2003. Accordingly, over the past decade, AIS has focused on "no frills, strict and structured" discipline.

In our current audit, we assessed whether AIRP had achieved savings in operating costs and noted that the ambitious targets set in 1998/99 were not met. At the time of our audit, the Ministry advised us that it was unable to close the 13 remaining institutions that had been identified for decommissioning primarily because of unanticipated growth in the inmate population, especially those remanded in custody, as was shown in Figure 1. However, these 13 institutions account for only about 18% of all provincial inmates. When we considered only the institutions that had been built or retrofitted as part of AIRP, we found that the savings targeted by the Ministry did not come close to being achieved.

As part of our assessment, we compared operating costs in Ontario to those of five other provinces, each with more than 1,000 inmates: Alberta, British Columbia, Manitoba, Quebec, and Saskatchewan. We compared the average *per diem* operating cost per inmate for all of Ontario's correctional institutions with the average for the other five provinces. We also looked specifically at the average operating costs of eight institutions that had been newly constructed, expanded, and/or retrofitted under AIRP. These eight AIRP institutions account for over 60% of all provincial inmates. We did not include any of Ontario's three treatment facilities for inmates with mental disorders and special needs because the other provinces did not have such specialized facilities as part of their correctional programs. Figure 3 shows the *per diem* costs for AIRP institutions

Figure 3: Comparison of Trends in Average *Per Diem* Operating Costs per Inmate (\$)

Source of data: Statistics Canada and Ministry of Community Safety and Correctional Services



1. average operating costs of eight institutions that had been newly constructed, expanded, and/or retrofitted under the Adult Infrastructure Renewal Project
2. all other Ontario correctional institutions
3. other provinces: Alberta, British Columbia, Manitoba, Quebec, Saskatchewan (for which data not available after 2005/06)

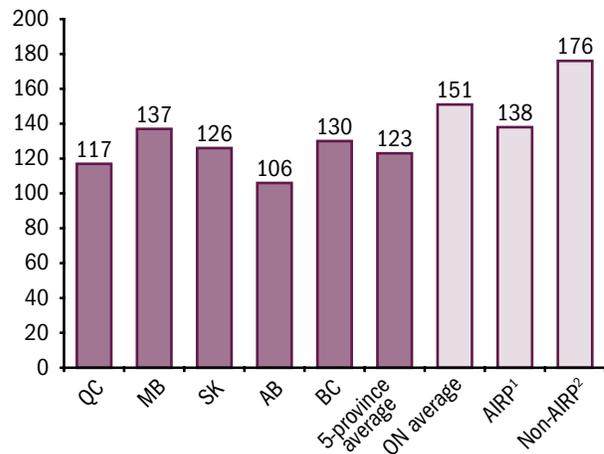
and all other correctional institutions in Ontario from 2001/02 to 2007/08, and the average of the five other provinces from 2001/02 to 2005/06, which was the last year for which information was available.

As Figure 3 illustrates, since 2004/05, the Ministry has had some success in curtailing its escalating operating costs. However, anticipated large reductions in overall operating costs as a result of the AIRP investments have not materialized. In comparison, during the four-year period ending 2005/06, other provinces on average have achieved small reductions in their operating costs.

Compared to other large provinces, Ontario still ranks highest in operating costs. As Figure 4 shows, this holds true even when we compare only AIRP institutions to other provinces. The Ministry's most economical facilities to operate are the two super jails built in 2001 and 2003. Inmate *per diem* operating costs at these institutions were \$110 and \$120 respectively in 2007/08, which was about 30% less than at the other AIRP institutions. These super jails operate at rates comparable to other provinces.

Figure 4: Inmate *Per Diem* Operating Costs in Six Provinces, 2005/06 (\$)

Source of data: Statistics Canada and Ministry of Community Safety and Correctional Services



1. AIRP: average operating costs of eight Ontario institutions that had been newly constructed, expanded, and/or retrofitted under the Adult Infrastructure Renewal Project
2. all other Ontario correctional institutions

Staffing costs accounted for 78% of institutional expenditures in 2007/08. Ontario's super jails operate with about one-third less staff per inmate than all the other institutions. However, the Ministry informed us that inmate-to-staff ratios cannot be applied consistently to all Ontario institutions. Each institution has different staffing requirements, and the key differences at each institution affect staffing needs. These differences include the degree of automation, physical layout, level of security, and whether the facility houses a large number of inmates remanded in custody.

RECOMMENDATION 2

In order to ensure that Ontario correctional institutions operate economically and efficiently, the Ministry of Community Safety and Correctional Services should:

- research correctional services in other provinces and identify economical and efficient practices, such as less costly staffing models;
- conduct a study of operating costs in Ontario correctional facilities to identify opportunities

for reducing costs, including where intended savings from recent infrastructure investments were not achieved; and

- use this information to set realistic operating-cost targets for each institution and the correctional system as a whole, with a goal of achieving overall costs that compare more favourably to those of other provinces.

MINISTRY RESPONSE

The Ministry recognizes that, while significant savings were achieved in the operation of many correctional facilities, the overall anticipated savings from the AIRP initiatives fell short of their projected outcomes. We also recognize that operating costs for each institution will vary significantly depending on its age, size, and design/construction. While institutional *per diems* are commonly used as an intra- and inter-jurisdictional and institutional comparative measure, these other factors need to be considered in making direct comparisons. As well, given the size, scope, and complexity of Ontario's correctional services, Ontario compares favourably with the Correctional Service of Canada, although there are differences in operation.

The Ministry maintains membership in Heads of Corrections and other federal, provincial, and territorial partnerships through which information on the business of corrections is exchanged, reviewed, and researched. The Ministry will continue to seek the experience of correctional colleagues in other jurisdictions regarding staffing models and other areas of correctional administration with a view to implementing changes that will reduce overall operating costs.

The Ministry has and continues to strive for meaningful ways to reduce overall operating costs. We agree to undertake a study of operating costs in correctional institutions and any

cost-saving practices in other correctional jurisdictions to identify any opportunities to further reduce costs.

The Ministry agrees on the need to set appropriate operating-cost targets for institutions and move toward a more favourable comparison to other jurisdictions.

Institutional Capacity

Under the *Ministry of Correctional Services Act*, the Ministry is required to provide for the custody of persons awaiting trial or convicted of offences. It does not have control over the number of accused persons remanded in custody or sentenced offenders it receives, and it has only nominal control over the length of time sentenced inmates remain in its institutions, such as by the right to grant early release for earned remission.

As previously mentioned, the Ministry did not foresee the dramatic changes that have occurred in the past decade that affect its institutional capacity. Given that the average inmate count decreased 6% from 1996/97 to 1999/2000, the Ministry anticipated savings from a continuing reduction in inmates. Instead, from 1997/98 to 2007/08, the overall number of inmates grew 11%. The percentage of inmates remanded in custody increased 93%, thus putting additional pressures on institutions because inmates remanded in custody are all jailed to a maximum-security standard and require more frequent intakes and discharges, such as for court appearances. New, expanded, and retrofitted facilities funded under AIRP were intended to replace smaller facilities and not to add new capacity. However, the Ministry could not both increase the number of inmates it holds and close institutions. As noted earlier, 13 facilities that had been scheduled for decommissioning remained open as of March 31, 2008.

In 2004/05, the Ministry embarked on a transformation strategy. Under the strategy, it planned

to eliminate 2,000 institutional beds by 2007/08, thereby saving more than \$60 million per year. The plan required the diversion of incarcerated offenders from correctional facilities to community supervision through pre-charge, post-charge, and post-sentence diversion programs. Among these programs were ones intended to:

- divert the mentally ill to appropriate facilities and programs operated by the Ministry of Health and Long-Term Care before they enter the criminal justice system;
- work with the Ministry of the Attorney General through its courts to reduce the growing population of inmates remanded in custody and the length of time they spend in custody;
- move offenders serving intermittent sentences at correctional facilities on weekends to community-work programs supervised by AIS and community partners; and
- redirect eligible offenders who are serving sentences less than 90 days or are in the last 30 days of their sentence to a new community-reintegration program that provides supervision, intervention, work, and rehabilitation programs.

The diversion of offenders from institutions to the community required investment in community infrastructure and the support of other justice and health-sector ministries and stakeholders. As discussed in sections that follow, the Ministry was unable to achieve any substantial savings from these initiatives, and did not eliminate institutional beds. From 2004/05 to 2007/08, instead of declining by 2,000 as planned for, the daily number of inmates grew by almost 1,000.

During our current audit, Ontario's adult institutions were operating at 100% of overall capacity. Six facilities were operating at 95% to 100% of capacity, and 11 facilities were operating at 101% to 135% of capacity. Most of these 17 facilities are in the Ottawa-to-Windsor corridor and account for 80% of all correctional beds in Ontario facilities.

Pressures on capacity present many challenges for the Ministry, including:

- inadequate numbers of segregation cells and overcrowding, which impede the flexibility to manage inmates properly during extenuating circumstances, such as when large numbers of police arrests occur or when institutional disturbances or riots occur;
- increased risk of inmate disturbances or riots because of overcrowding;
- increased labour-relations issues, and health and safety concerns for staff and inmates;
- triple and quadruple bunking in jail cells designed for one or two inmates; and
- increased offender transportation costs and correctional staffing needs, since many offenders are transferred out of their regions to institutions with available beds.

At the time of our audit, two new facilities were approved to replace outdated and overcrowded facilities for inmates remanded in custody and to increase capacity in the Toronto and Windsor areas. The Ministry was also preparing a capacity plan for the next five to 15 years, but the plan was not yet complete. The Ministry now estimates that AIS's operational bed capacity will be 9,040 beds by 2010/11 when the two new facilities are constructed. However, it also predicts that provincial demand will be in excess of 11,000 beds at that time if all current federal and provincial justice initiatives evolve fully, such as Guns and Gangs, provincial and federal hiring of up to 3,500 additional police officers, and changes to the federal *Criminal Code* regarding court sentencing practices.

RECOMMENDATION 3

In order to ensure that the Ministry of Community Safety and Correctional Services can meet its legislative requirements for cost-effectively and safely incarcerating the current and projected number of offenders, the Ministry should:

- establish plans for forecasting short- and long-term demands for correctional institutions, with appropriate involvement from justice-sector stakeholders; and

- develop and implement effective strategies to meet expected demand both by freeing up bed capacity through alternative diversion measures—such as appropriate programs for the mentally ill, and community supervision and work programs— and, where necessary, by providing sufficient beds, including seeking appropriate approvals for a capital construction program to address expected shortfalls.

MINISTRY RESPONSE

The Ministry has been dealing with the impact of changes in the inmate population on both current operations and projected capacity requirements. For example, two major projects involve the construction and net new addition of approximately 1,000 beds to the system. In addition, the Ministry has completed a capacity-requirements study for the next 15 years and is in the process of obtaining approvals.

The Ministry will continue to work with stakeholders and other partners to find new and innovative ways to mitigate capacity pressures involving the mentally ill, including the use of community alternatives, while maintaining the necessary requirements for community safety and security.

The Ministry of Health and Long-Term Care, in conjunction with the Ministry, initiated a pre- and post-incarceration diversion/care program targeting mentally ill offenders. While it is early in its development, both ministries are hopeful this multi-million dollar initiative will reduce the numbers of mentally ill in our institutions, and will provide better care and community linkages for mentally ill inmates upon their release, should they be incarcerated.

Community Programs

Under the *Ministry of Correctional Services Act*, an inmate may be granted a temporary absence to participate in a work or rehabilitation program, or for medical or humanitarian reasons. Superintendents—that is, the heads of the institutions—have the authority to grant absences of up to 72 hours, and the Ontario Parole and Early Release Board can do so for longer periods. Temporary absences are granted to inmates who committed less serious crimes and typically include strict conditions. Electronic devices are most often used to determine that inmates granted leave are in specific approved locations at specific times.

In our 2000 audit we noted that temporary absences had decreased from 25,000 in 1991/92 to 4,000 in 1998/99, with temporary absences for employment decreasing from 3,500 per year to about 300, and absences for academic study or vocational training decreasing from 360 to 13. Our examination at that time showed that, over eight years, the program's success rate had remained constant at 97%, with only minor violations, such as missing a curfew. Ministry staff reported no cases of offenders having committed a serious crime while on temporary absence. Accordingly, we recommended that the Ministry make more effective use of its Temporary Absence Program because it had the potential to provide operational savings of as much as \$50 million a year.

In our current audit, we noted that temporary absences for employment had decreased from 300 in 1998/99 to about 100 in 2007/08, and absences for academic study or vocational training continued to remain low as well. The Ministry indicated that, instead of promoting the Temporary Absence Program, it had introduced two community-based programs for reducing the number of inmates in its institutions: the Electronic Supervision Program and the Intermittent Community Work Program.

Electronic Supervision Program

Since 1996, the Ministry has operated an electronic monitoring program for inmates temporarily released from incarceration, with about 60 offenders on average participating in the program at any time. In 2003, the Ministry initiated the Electronic Supervision Program (ESP), with the goal of having 1,000 to 1,300 offenders at any one time serve their sentences in the community while being electronically monitored. The Ministry anticipated that electronic monitoring would permit the courts to grant more conditional sentences and the Ontario Parole and Early Release Board to parole more offenders. In addition, the ESP was to allow monitoring of temporary absences from correctional institutions and of inmates working in the Ministry's new Intermittent Community Work Program. In January 2003, the Ministry contracted a private-sector firm to provide electronic monitoring of a guaranteed minimum of 650 offenders for about \$1.4 million annually.

During our current audit, we were informed that use of the ESP has not achieved expected volumes. As Figure 5 indicates, as of August 2008, only 327 offenders were in the ESP.

The Ministry surveyed other Canadian provinces and found that low rates of electronic supervision also prevailed outside of Ontario. During our visits to Alberta and British Columbia, we noted that participation in these provinces involved only about 20 and 130 inmates respectively. Indeed, senior management in the two provinces we visited told us that electronic supervision was appropriate only in very strict and limited circumstances.

Figure 5: Offenders in the Electronic Supervision Program (ESP) as of August 22, 2008

Source of data: Ministry of Community Safety and Correctional Services

Source of Placement in ESP	# of Participants
court-ordered conditional sentences	215
Ontario parole	4
AIS temporary absences	4
AIS Intermittent Community Work Program	104
Total	327

Intermittent Community Work Program

Under the *Criminal Code* of Canada, a court may order that a sentence not exceeding 90 days be served intermittently. Offenders generally serve intermittent sentences on weekends, thereby being able to continue their employment. Intermittent sentences pose a significant challenge for AIS in running its institutions efficiently because it must make available about 550 beds on weekends, thus having about 6% of its beds mostly vacant on weekdays. In addition, AIS incurs significant costs for transporting many of these offenders to remote correctional institutions from central locations, and for paying correctional staff to handle the large numbers of admittances and discharges on weekends. At one institution we visited, 192 beds out of a total capacity of 1,130 were reserved for offenders serving intermittent sentences. To reduce the risk of contraband items entering the institution, AIS does not permit offenders serving intermittent sentences to interact with other inmates, a rule which further limits its options for accommodating them. AIS estimates that such offenders cost about \$16 million annually, not including the cost of maintaining underutilized facilities on weekdays. Senior management in Alberta also told us that its comparable program faces these kinds of complications.

In July 2005, the Ministry initiated the Intermittent Community Work Program (ICWP), which gives low-risk offenders the opportunity to serve most of their intermittent sentences in community-work programs and substance-abuse programs, and to be under house arrest at other times. Offenders are required to volunteer for the ICWP, follow strict conditions, and participate effectively in programs, and most are required to have their whereabouts monitored for compliance under the Electronic Supervision Program. The Ministry established agreements with two not-for-profit community groups to provide programs, including work projects with a focus on environmental clean-up, maintenance and repair of not-for-profit community facilities, and assistance for seniors and persons with disabilities, as well as a substance-abuse program.

The average *per diem* cost was estimated at \$27 to \$35, compared to about \$150 for incarceration in correctional institutions. The program was to be implemented in three phases, with a goal of 800 offenders participating weekly by the end of 2006.

In August 2008, we noted that only about 100 offenders were participating in the ICWP at that time. Correctional staff at several institutions we visited informed us that they believe offenders, having worked on weekdays, generally preferred to use the weekends to rest in correctional institutions rather than to volunteer for community-work programs. At the time of our audit, the Ministry had identified several incentives to encourage greater participation in the ICWP that it planned to introduce during fall 2008.

RECOMMENDATION 4

In order to achieve operational efficiencies and cost savings for managing its correctional institutions, the Ministry of Community Safety and Correctional Services should re-evaluate its community-based programs for their design and support by stakeholders to identify more effective means of achieving desired offender-participation rates.

MINISTRY RESPONSE

The Ministry has already taken steps regarding increased participation in the Intermittent Community Work Program (ICWP) and will continue to seek the support for and evaluate the design of community-based programs that meet the needs of our offenders, our operation, and justice-sector stakeholders, and the requirements for community safety and security.

The Ministry intends to research and, where applicable and appropriate, implement an expanded use of the Electronic Surveillance Program already utilized with the ICWP and other programs.

Institutional Security

To protect inmates, staff, and the public, the Ministry has extensive security policies and procedures in place to reduce escapes, suicides, and other critical incidents in its correctional institutions. In our audit in 2000, we noted that 30 escapes and nine suicides had occurred during the 1998/99 fiscal year—the most in the previous decade. In our current audit, we found that although there has been an increase in the daily average number of inmates, the Ministry has made substantial progress in reducing the number of security incidents (Figure 6).

Inmate-on-inmate Assaults

While AIS tracks the number of inmate-on-staff assaults, it does not require institutions to track the number of inmate-on-inmate assaults. Some institutions we visited did record some information related to inmate-on-inmate assaults, but the data was not assessed. They therefore could not determine whether additional interventions and management practices should be adopted.

Even when such information was recorded, the accuracy and completeness of the records are difficult to assess. For instance, the aggressor is not always known or reported, victims do not always report assaults, and reported injuries may be falsely attributed to other causes. Of 180 such incidents recorded at one institution in 2007, 119 were reported as “aggressor known,” 36 as “aggressor not known or reported,” and 25 as “the victim was taken to hospital.”

The monitoring and reporting of inmate-on-inmate assaults by all institutions would provide a further measure for assessing how well institutions are managing their inmate population and security. It would give institutions some insight, for example, as to whether efforts to match compatible inmates cohabiting in cell pods are effective, and whether anger-management programs are having an immediate and positive effect. Such reporting would also help identify best practices in inmate supervision

Figure 6: Security Incidents in Ontario Adult Correctional Institutions, 2001–2007

Source of data: Ministry of Community Safety and Correctional Services

Incident Type	2001	2002	2003	2004	2005	2006	2007
escapes while in custody	13	17	1	5	2	1	2
suicide	3	3	3	4	6	6	5
attempted suicide	86	75	79	66	45	66	50
improper release from custody	49	29	39	19	14	25	13
inmate assault on staff	n/a ¹	n/a ¹	157	159	135 ²	127 ²	107 ²
ICIT and CET activation days ³	n/a ¹	n/a ¹	n/a ¹	79	41	39	65

1. data not available from Ministry

2. In 2005, the Ministry began recording verbal abuse, threats, and attempts to injure. We have removed them to allow for comparison to prior years.

3. The Ministry tracks the number of serious disturbances caused by inmates that result in the deployment of the Institutional Crisis Intervention Teams (ICIT) or Cell Extraction Teams (CET), which comprise specially trained correctional officers at each institution.

to be shared among institutions. We noted that the Correctional Service of Canada, some US states, and New Zealand report publicly on inmate-on-inmate assaults.

Compliance with Security Requirements

As part of its efforts to improve security in its institutions, AIS conducts annual internal reviews of each institution's compliance with security policies and procedures, and summarizes the results for management purposes. The superintendent of each institution is responsible for implementing action plans resulting from these reviews. For reviews conducted in 2006/07, more than 50% of all institutions were found not compliant with several security policies and required procedures. The breaches included failure to maintain institutional logs and daily inspection reports, document the required periodic checks on suicidal inmates, meet search requirements of correctional vehicles, conduct minimum daily searches, and document daily tests of radio communications systems and emergency gates and doors. Although some of these breaches could be treated as minor deviations under the circumstances, the importance of abiding by security requirements is too often realized after a major incident occurs.

Four issues in the 2006/07 reviews warranted particular attention because they were repeat

violations from the three previous years. One of the more significant was that minimum daily search requirements were not being met for exercise yards and segregation areas. Although the 2007/08 review results had not been compiled at the time of our audit, we noted that several institutions we visited were still not compliant in the four areas.

Inmate Supervision Model

Over 60% of all inmates are now housed in modern facilities, including the super jails, that were newly built or retrofitted as part of the Adult Infrastructural Renewal Project. Certain design changes inherent in these newer institutions also contribute to improved security. These design changes include the placement of recreation areas within interior walls instead of within the exterior perimeter fences, more restricted inmate movement within facilities, better surveillance within institutions, automated locks, and improved security over intake and discharge areas—all of which help to limit opportunities for escape and improve supervision over inmates.

Ontario's new, expanded, or retrofitted correctional institutions use an indirect supervision model, meaning that correctional officers remain outside of cell units in centrally located observation posts. They communicate with inmates through physical barriers or by intercom, and monitor inmates'

behaviour through glass or by video surveillance. These highly automated facilities require at least one-third less correctional officers than Ontario's older, fewer efficiently designed institutions to achieve the desired levels of security.

Many other jurisdictions, including Alberta and British Columbia, use a direct-supervision model that requires correctional officers to be stationed inside cell areas, with no physical barriers between the correctional officer and inmates. Officers interact with and observe inmates throughout their work shift, a practice which helps not only to monitor inmates' behaviour but also to manage it. New facilities with low operating costs can also be designed to use this direct-supervision model. Alberta and British Columbia, for instance, have reported lower *per diem* operating costs than Ontario and a good record of security, although a more extensive analysis would be needed before a definitive comparison could be made with Ontario.

AIS senior management informed us that all new correctional facilities in Ontario will operate on the direct supervision model: at the time of our audit, two new large detention centres were planned to be completed within the next three years. In view of Ontario's recent success in reducing security incidents through the use of more modern facilities and the indirect method of supervision in super jails, we expected the Ministry to have conducted a formal study of the advantages and disadvantages of various supervision models before deciding to move to the direct-supervision model. These studies would need to include financial, operational, health and safety, security, and other considerations. For example, as mentioned earlier, given that recent inmates are assessed as being more violent and a higher risk of communicable and infectious diseases than 10 years ago, it may be more desirable to continue to limit the amount of interaction among staff and inmates from a health and safety perspective.

Nonetheless, the Ministry conducted no such formal studies to support this management decision or the reasons for it. Even though there may be solid

reasons for the change to the direct-supervision model, we believe that such a decision could significantly affect the Ministry both financially and operationally, and should therefore be supported by comprehensive cost-benefit analyses of the various options.

RECOMMENDATION 5

In order to ensure that Ontario's correctional facilities are managed safely and cost-effectively, the Ministry of Community Safety and Correctional Services should:

- track and report on incidents of inmate-on-inmate assaults and use this information to identify best practices at better-performing institutions that can be shared with other institutions;
- investigate the reasons for non-compliance with security policies and procedures in institutions and determine what further action is needed to address institutions that have recurring non-compliance issues; and
- conduct a formal analysis of the different inmate-supervision models with respect to financial, operational, health and safety, security, and other considerations, and use this information to support its decisions on the appropriate type or types of supervision models to be used in existing and any new institutions in Ontario.

MINISTRY RESPONSE

As the Auditor General notes, the Ministry's efforts to improve security and reduce the number of incidents in correctional institutions has achieved considerable success, and the Ministry welcomes suggestions for further improvements.

The Ministry agrees to develop and implement a better and more accurate system for the tracking of inmate-on-inmate assaults as a performance measure in order to develop and share best practices among institutions.

The Ministry regularly reviews all compliance audits and requires superintendents to develop action plans to remediate any shortfalls. The Ministry agrees to review those areas where recurring compliance issues exist.

The Ministry shares the Auditor General's concern that a shift in supervision models must be thoroughly researched and rationalized, and must account for financial, operational, health and safety, and security-related matters. Ontario has had some experience with the direct-supervision model over the last 35 years, and this model has shown many benefits over the existing "indirect"-supervision model currently utilized in most of our facilities. The two new-facility project teams have reviewed, evaluated, and researched the extensive body of literature available regarding the direct supervision model. A proposal for the use of direct supervision in these new facilities will be finalized shortly for review and approval by senior ministry officials. It is also worth noting that many jurisdictions in North America have moved to or are in the process of moving to this model of inmate supervision.

Meals

In our 2000 audit, we noted that the Ministry had not prepared a proper business case to assess needs and address risks and logistical requirements for a new food-processing facility it was developing that would prepare meals centrally for distribution to inmates at a number of institutions. The new facility uses a "cook-chill" food-processing system that prepares food to a "just done" state followed by rapid chilling. The meals are then transported to receiving institutions with specially installed kitchen equipment for reheating.

In January 2002, the Ministry entered into a public-private partnership agreement for the operation and maintenance of the cook-chill food produc-

tion centre, located at the Maplehurst Correctional Complex. A one-year extension to the five-year contract was exercised in 2007, and it is expected that the total contract value at expiry on March 31, 2009, will be \$54.8 million. Cook-chill production currently serves about 46% of all meals provided to inmates.

Although the Ministry has completed a quality-assurance review of the operations of the facility, at the time of our audit, it had not completed an assessment of whether the cost savings originally anticipated were achieved in food costs, staffing, and kitchen equipment. It informed us that a review was under way and that, on the basis of the results, it would develop a future strategy.

At five institutions we visited with a total of over 4,000 inmates, one prepared its meals locally while the other four ordered meals from the cook-chill facility. All five institutions maintained extra meals in storage in case of unexpected shortfalls, thus they could order or prepare only the number of meals required for their inmates on that day. We assessed the number of meals served for periods during our audit in relation to the number of inmates and found a significant number of excess meals that local management could not explain. While one institution was able to serve the same number of meals as the actual number of inmates, the other four institutions served between 4% and 11% more meals daily than needed. Excess meals that leave the kitchens are not recoverable for health and safety reasons. In 2007/08, AIS spent on average about \$11.60 per day to feed each inmate. We calculate that if these four institutions alone implemented better controls over the number of meals served, they would save over \$700,000 annually.

RECOMMENDATION 6

In order to achieve cost savings relating to inmate meal costs, the Ministry of Community Safety and Correction Services should:

- perform a cost-benefit analysis of the current outsourcing of its "cook-chill"

food-preparation facility and ensure that appropriate competitive tendering procedures are taken when the current contract expires in March 2009; and

- investigate why an excessive number of meals are being served at certain institutions and take corrective action.

MINISTRY RESPONSE

As noted by the Auditor General, the Ministry has already commissioned an intensive and thorough evaluation of the cook-chill method of inmate food preparation and distribution. The results are being reviewed by senior ministry staff. The Ministry will ensure that the vendor-selection process for any future cook-chill operations follows established competitive tendering requirements.

The Ministry recognizes that there will be a level of discrepancy between actual meals served and inmate counts on any given day. Inmate counts fluctuate throughout a given day and from one day to the next. Food ordering, particularly in cook-chill operations, must occur well in advance of the day the meal is to be served. The possibility of being short of food for a given meal has the potential of creating inmate unrest; as a result, food service staff may err on the high side of the number of meals they will need at any given time. Notwithstanding the above, the Ministry agrees to undertake a review and implement appropriate remediation where any discrepancies appear excessive.

Offender Tracking Information System

The Offender Tracking Information System (OTIS) records the status of offenders in the institutions from the time of admission to the time of release, and also those of offenders released on parole. OTIS also identifies inmates about to be released so that, where required, victims of the offender can be

notified of the impending release. We reviewed key aspects of OTIS, including business-continuity planning, disaster recovery, and access controls.

A province-wide failure of OTIS occurred during our audit; it lasted from February 14 to 17, 2008. Ministry staff declared the outage a “disaster” on February 15. During the outage, business-continuity plans permitted AIS to carry on at each institution its business of admissions, discharges, and co-ordination of inmates’ court appearances. We found no interruption of institutional activities on account of the outage.

We reviewed access permissions to OTIS and found them to be adequate to ensure that only current employees could access the system for uses appropriate to their business needs.

MANAGEMENT OF INMATES

Correctional Programming

The *Ministry of Correctional Services Act* mandates that the Ministry create programs for inmates designed to assist in their rehabilitation and to afford them opportunities for successful personal and social adjustment in the community and for the prevention of crime. A regulation to the Act requires every inmate to perform work in the institution and participate in any institutional program to which the inmate is assigned unless he or she is medically exempt from performing the work or participating in the program.

Programs offered by institutions focus on one or more of what are referred to as “criminogenic factors”—that is, the factors that produce or tend to produce crime or criminality. These factors include anger, sexual offending, partner abuse, and substance use. Programs include introductory orientation programs for sentenced and remanded inmates; intensive rehabilitation programs matched to the needs of higher-risk sentenced offenders; and specialized client-focused rehabilitative programs offered in selected institutions for sentenced offenders with special needs and/or serious mental

illness, or who have committed more serious offences. Other types of programming offered to inmates include those for recreation, spirituality, Aboriginal culture, formal education, and work or industrial training. In addition, there may be volunteer-delivered programming from community organizations.

In our 2000 audit, we recommended that the needs of offenders be properly assessed and addressed through the provision of appropriate programs, and that the effectiveness of correctional programs be evaluated in a timely manner. In our current audit, we found that the Ministry had initiated processes for improving its programming, such as introducing in 2002 an internal accreditation program for its core programs. However, programs were not offered consistently across Ontario's institutions and the accreditation program was not fully established. In addition, the Ministry was not properly tracking participation and completion rates. Overall, information was generally lacking on the work and programs offered at institutions, inmates' participation and completion rates, and the quality of these programs and the extent to which they achieved their intended outcomes.

Comparison of Programs between Institutions

We reviewed the programming available at five institutions that we visited and found that each of the institutions offered significantly different programs, with little documented rationale for the inconsistencies. All five offered various work-related and community-volunteer programs, and three offered industrial-training programs. One correctional centre did not offer any of the Ministry's core programs; instead, it had established its own programs. Three institutions offered some, but not all, core programs to both its sentenced inmates and inmates remanded in custody. A fifth institution, which held inmates remanded in custody, did not offer any core programs despite having staff trained to do so.

Inmate Participation In and Completion of Programs

At three institutions, we assessed whether inmates completed their programs. One institution was unable to provide us with this information: it indicated that compiling the information would be onerous and would require the reviewing of daily attendance records for each inmate and program. At another correctional centre, we looked at a sample of 10 inmates and found that they had made 26 requests to attend programs, started 15 programs, and completed 13. At the third correctional centre, because attendance records were not kept properly following the discharge of inmates, we sampled 10 inmates who were still at the institution. A committee had recommended that these 10 inmates take 33 programs. At the time of our audit, the inmates had completed 12 programs and five were still in progress.

We were informed that factors preventing inmates from attending or completing programs included shorter sentences and waiting lists for acceptance into programs. Average sentence lengths have decreased about 30% over the last 10 years, and, in recent years, almost 80% of inmates received sentences of three months or less, and over 50% received sentences of one month or less. However, many of the core multi-session programs offered by the Ministry required five to 20 weekly sessions to complete. Owing to shorter sentences, these programs would be unavailable to the majority of sentenced inmates—and would be even less applicable to the 70% of inmates who are remanded in custody.

Core Programs Accreditation

For institutions to obtain the Ministry's internal accreditation for a program, they must submit program details and training manuals to head office for technical evaluation. The Ministry's accreditation committee may then grant provisional approval to the program, after which it is subject to a two-year probationary period for data collection and evaluation of program effectiveness. The evaluation then

determines whether full accreditation is granted, the program requires revision, or no accreditation is granted.

The Ministry's intranet lists 37 core programs offered at its institutions. However, we found that none of the programs had been fully accredited; 27 had been submitted for review, of which 19 had received provisional accreditation. Most of the programs that had received provisional accreditation did so in 2003, yet there was no indication when these core programs would be assessed for full accreditation even though five years had passed.

We also noted that the Ministry and its institutions had made no significant efforts to collaborate on programs with other provinces or internationally. In our visits to Alberta and British Columbia, we noted that they had developed programs for their inmates. Ontario might benefit from sharing information with them, which would be a cost-effective means of improving Ontario's correctional programs.

Information on Programs

Of the five institutions we visited, most had inadequate records and statistics on their programs and participation in them, as well as on work-related and industrial-training programs. None was able to provide us with information on the effectiveness of its programs. Only one institution provided us with monthly summary reports that tracked inmate attendance, average inmate attendance by program type, and the number of inmates completing courses. The reasons for program cancellations, such as prison lockdowns, were also tracked. This institution also sets performance goals for its inmates, requiring them to participate in a minimum of 20 hours of programs per week.

The Ministry's head office also had little information on program availability and participation at its institutions. Its attempts to survey institutions in 2005 proved unsuccessful because of inadequate staff resources to complete the task and lack of participation by some institutions.

As of March 30, 2008, the Ministry implemented an enhancement to its Offender Tracking Information System (OTIS) to begin recording and tracking program offerings and inmate participation in programs. The information system was to include information on programs at each institution and available from probation and parole offices. Its implementation allows staff in institutions and parole officers to see what programs inmates have taken and what programs in the community are available, so that a discharged offender on probation may continue his or her programs after being released into the community.

RECOMMENDATION 7

In order to ensure that correctional rehabilitation programs are delivered consistently, of sufficient quality, and are effective, the Ministry of Community Safety and Correctional Services should:

- gather the necessary information on all its programs offered to inmates to allow for institutional and province-wide assessment of their availability, participation rates, quality, and level of success in achieving their intended outcomes; and
- research programs offered in other jurisdictions as a cost-effective means of identifying programming best practices given the trend to shorter sentences and the large proportion of the inmate population remanded in custody while awaiting bail or trial.

MINISTRY RESPONSE

In recent years the Ministry has adopted an evidence-based "core program" paradigm that targets and attempts to remediate specific criminogenic factors. The Ministry is in the process of developing and finalizing a program inventory and has already implemented a new module in OTIS, which will provide the data necessary to assess the elements noted in the recommendation. The Ministry will be reviewing its core-programs accreditation process and

institutions' use of core programs to ensure that rehabilitation and other programs in adult institutions are consistently offered, meet quality standards, and achieve intended outcomes.

The Ministry will continue to review, update, and revise its program-delivery systems through literature research and inter-jurisdictional review and make changes as appropriate that reflect best principles and practices.

Inmates with Mental Illness and Special Needs

In our audits of 1993 and 2000, we noted the Ministry reported that an estimated 15% to 20% of inmates require some form of clinical intervention for mental disorders, and that many inmates should be in specialized-care facilities rather than correctional institutions, which were not appropriately staffed to handle inmates with mental disorders. In 2000, we recommended the Ministry expedite its efforts to establish treatment facilities and diversion measures for these inmates.

In our current audit, we noted that the Ministry has made some progress in managing inmates with severe mental disorders. A new 100-bed secure treatment unit (STU) was completed in 2003 in eastern Ontario. The STU annually treats about 250 male offenders who have severe mental-health conditions, such as schizophrenia, bipolar disorder, dementia, and other serious personality disorders. All correctional institutions across Ontario refer sentenced offenders with acute mental-health problems to the STU.

The Ministry has also made progress in its efforts to divert inmates with mental illness. In 2005, the Ministry established an initiative to investigate means to divert mentally ill persons from entering the criminal justice system, and to address the needs of mentally ill persons discharged from correctional institutions. The Ministry has been working with the Ministry of Health and Long-Term

Care (MOHLTC) and other ministries on diversion and post-sentencing assistance, such as discharge planning for offenders with mental illness who have not committed serious crimes. From 2005 to 2007, the MOHLTC provided \$50 million to community groups and court support groups for outreach or intervention for persons with mental illness at risk of or having offended.

Notwithstanding the Ministry's progress, we still have concerns that many inmates with mental-health conditions are not getting appropriate treatment and the number of inmates needing care is significantly greater than AIS's existing capacity. The Ministry had little information on the number of inmates with mental illness and how it addresses their needs. The MOHLTC funded a study to determine the prevalence and nature of psychiatric-care needs of adult inmates in correctional institutions. The study examined OTIS inmate records and about 1,200 inmate on-site records, and interviewed over 500 inmates, nurses, and correctional staff between June 2005 and August 2007. The study resulted in several findings, including the following:

- Correctional files yielded very little information that could be used to determine inmates' mental-health status.
- Thirty-six percent of the inmates had a past or current psychiatric diagnosis.
- Thirty-two percent of inmates had a history of at least one psychiatric admission, including 14.5% with an admission within the last two years. For the latter group, almost 60% had had a psychiatric diagnosis for a serious mental illness.

The researchers estimated that of the 8,500 inmates at the time, between 485 and 1,250 possibly suffered from a serious mental illness.

We noted that there were only a limited number of specialized treatment beds available in the province to handle inmates with mental-health disorders, such as psychosis, anxiety disorders, depression, suicidal tendencies, and developmental challenges.

In 2005, the Ministry cancelled a 300-bed correctional treatment unit that was to be built at the STU site in eastern Ontario and another 50-bed treatment facility in northern Ontario. An existing 190-bed treatment centre located in the Greater Toronto Area that specializes in treating violent and sexual offenders was originally scheduled to close but will remain open. No changes were planned for an existing 56-bed facility in Northern Ontario that offered specialized treatment programs.

AIS does not separately track the number of inmates with mental illness, but instead records the number of inmates with special needs. Inmates with special needs could include those with mental illness as well as those with physical disabilities and medical illnesses.

Although AIS records indicate there were only 365 special needs inmates in all its correctional facilities, several institutions we visited had identified a need for a dedicated special-needs unit, but did not have one. These correctional institutions were not designed or appropriately staffed for large numbers of mentally ill inmates or inmates with special needs. For example, during our audit, management at one large institution we visited with about 1,100 inmates was requesting approval from head office to build a 190-bed special-needs unit at its facility. The institution noted that about 270 of its inmates were candidates for the proposed special-needs unit. Another large institution was forced to abandon its segregated special-needs unit because the space was needed to respond to overcrowding.

Special-needs units adopt more structured, client-focused treatment plans, programs, and therapy for offenders and are operated by specially trained correctional and professional staff. In these units, the progress of inmates with special needs is measured better and in treatment they are better able to cope with their correctional environment, less likely to exhibit disruptive behaviour, and less likely to jeopardize the safety and security of staff and other inmates. We were informed that although psychiatric care is available at almost all institutions, those without special-needs units gen-

erally provided a lower level of nursing, medical, and psychological care than would be available in a specialized unit. In these institutions, special-needs inmates who cannot be placed with the general population of inmates were typically placed in segregation units, which are generally intended to be used by inmates who need to be isolated from other inmates and staff for behavioural reasons, rather than because of special needs. Although the cells in the segregation units were supposed to hold one inmate each, in some cases, inmates were double-bunked in their cells because of overcrowding. AIS's records indicate that about 500 inmates were in segregation units; our observations during our visits and discussions with institutional staff suggest that many of these inmates were in these cells owing to their special needs.

We asked AIS for its waiting lists of inmates to be treated at the STU and its other two treatment centres. Because the estimates in the MOHLTC study of the number of inmates requiring treatment were significantly higher than the number of treatment beds available, we were surprised to be informed by AIS management that there was only a 20-person waiting list for the STU and no waiting lists for the other institutions. However, medical and correctional staff we spoke to during our visits noted that the STU was designated for very severe cases and had stringent admission requirements; that may help explain the AIS's reluctance to put more inmates on the STU waiting list.

RECOMMENDATION 8

In order to ensure that inmates with mental illness and/or special needs who are not being treated elsewhere are provided with the appropriate levels of support and treatment, the Ministry of Community Safety and Correctional Services should:

- identify the necessary processes and resources to allow for proper assessments and identification of inmates' mental-health status and special needs;

- identify the need for specialized treatment units in each institution and province-wide to accommodate the estimated number of inmates requiring such treatment, and determine the short- and long-term options for meeting these needs;
- monitor and report on the identified needs of inmates with mental illness and/or special needs and the extent that AIS's facilities and programs for this group meet their needs.

MINISTRY RESPONSE

The Ministry uses a standardized process of sentenced-inmate assessment. As well, on admission, each inmate (sentenced or remanded in custody) is seen by our health-care staff and admissions staff. Based on staff observations and any historical or other data available on the new admission, inmates who are or may be mentally ill, have potential mental health issues, or may be “special-needs” are quickly identified. Inmates have access to psychiatric intervention through our health-care departments in almost all facilities in the province. The Ministry notes that the level of care needed by inmates with mental-health issues or mental illness varies significantly, from those who only require regular medication to others requiring specialized clinical treatment care. The Ministry commissioned and is in the process of completing a research study led by a professor from Nipissing University that will assess and identify the extent of inmates with mental health issues or illness and provide the Ministry with a solid empirical foundation upon which to develop strategies and, if necessary, capacity to manage and effectively meet the needs of this group.

The Ministry recognizes the unique needs of special needs offenders and will continue to develop and implement strategies to effectively manage this segment of our population. We are developing and contemplating plans for additional units.

Earned Remission

The federal *Prisons and Reformatories Act* and the provincial *Ministry of Correctional Services Act* permit inmates to earn a half day of remission for each day served. For example, an inmate serving a 90-day sentence could be released after 60 days, having earned remission of fifteen days for each of the first two months served. The provincial Act stipulates that to earn remission, inmates must obey prison rules and conditions governing temporary absences, and must actively participate in programs designed to promote inmates' rehabilitation and reintegration. The Ministry's public website says that to earn the privilege of early release, inmates must actively participate in work, skills or trades training, education, community-service, rehabilitative, and treatment programs, and must abide by institutional rules and standards for positive behaviour, including zero tolerance for acts of violence. If they fail to do so, inmates will not earn remission and will lose remission already earned.

The website also states that each correctional institution will establish an Earned Remission Committee, which is responsible for reviewing, verifying, and signing off on remission earned by inmates. However, we were informed that only one institution had an Earned Remission Committee that had carried out its function. Management at one large institution we visited that did not have an Earned Remission Committee told us that all inmates receive earned remission by default—including the 24 inmates at the institution who refused to participate in any work or rehabilitation programs—and that earned remission would be decreased only if the inmate seriously violated prison rules. Both of the two provinces we visited permitted inmates to earn remission by default and, similarly to Ontario, reviewed and decreased earned remission for inmates solely on the basis of incidents of serious violation of prison rules. The Ministry's correctional senior management advised us that its current process of reviewing earned remission only for troublesome inmates was consistent with earned-remission practices in other jurisdictions.

RECOMMENDATION 9

To ensure that the Ministry of Community Safety and Correctional Services complies with legislated requirements for granting earned remission to inmates, it should either:

- establish processes at all institutions to assess inmates' conduct and participation in work and rehabilitation programs in order to determine whether inmates are entitled to reduced sentences; or
- request and obtain amendments to the *Ministry of Correctional Services Act* with respect to the requirements for earning remission and update the Ministry's website to reflect current practices.

MINISTRY RESPONSE

As the Auditor General notes, the Ministry utilizes a "default" model for managing earned remission. Inmates who abide by institutional rules and expectations, do not receive misconducts, participate as expected in maintenance of their environments, and contribute to the stability of the correctional environment, including work and program participation where available, earn remission and satisfy the intent of the provision in the Act. We continue to ensure that earned remission is revoked through the misconduct processes where required.

The Ministry is taking steps to make certain that our procedures ensure full compliance with our legislative requirements and introduce changes where incongruence may exist.

Detection of and Reporting on Alcohol and Illicit Drug Use in Correctional Facilities

Alcohol and illicit drug use and trafficking are major factors influencing the ability of correctional institutions' management to provide a safe environment for staff and offenders. Illicit drugs in institutions contribute to increased inmate violence, an

organized drug trade, and poor health, and they undermine programs for inmates' rehabilitation and reintegration into the community. Moreover, approximately 80% of offenders used alcohol or narcotics on the day they committed their offence, and although those offenders do not all have serious substance-abuse problems, the Ministry identifies substance use as a critical factor that contributes to many inmates re-offending. Although correctional staff try to detect and prevent illicit drugs from entering institutions, drug use in correctional facilities occurs.

Anecdotal remarks from correctional staff we spoke to generally suggested that they do not believe that illicit drugs pose a significant problem in their facilities. However, we could not conclude if this is accurate because the Ministry's information systems were inadequate to report on illicit drug use, and AIS does not routinely randomly test inmates for alcohol and illicit drug use, unlike some other jurisdictions.

OTIS could not provide adequate reporting on the detection of illicit drugs in institutions. For instance, the institutions we visited could not provide us with reports that summarize the number of illicit drug incidents resulting from their drug-detection efforts. This was because OTIS treated all detected contraband, regardless of its type, as an incident. AIS defines contraband as any unauthorized item that an inmate possesses. This broad definition of contraband could include such items as cigarettes, weapons, and mobile telephones, in addition to alcohol and illicit drugs.

The *Ministry of Correctional Services Act* permits testing for alcohol or other drugs when there are reasonable grounds to suspect use, as part of a random-selection substance-testing program, or as a requirement for participation in a program, such as a substance abuse program. However, we noted that AIS's efforts to detect illicit drugs did not include random drug testing of inmates. In 2001, the Ministry informed the Standing Committee on Public Accounts that it had plans to introduce random testing of inmates for drug and alcohol use.

The test results were to be used as part of its plans for introducing an Earned Remission Program, which would make inmates accountable by requiring them to earn their early release by actively participating in work and rehabilitation programs and complying with institutional rules. As previously noted, AIS has not established an effective earned remission program.

In addition, the Ministry indicated in its 2002 plans that a new performance reporting framework for its adult correctional institutions would include the incidence of positive random alcohol and drug tests as a key indicator of its performance. However, at the end of our current audit, the Ministry still had no plans to introduce such reporting.

We noted that Alberta Correctional Services and the Correctional Service of Canada (CSC) used random testing to detect the use of alcohol and illicit drugs. Alberta randomly tests about 2% of its inmates on a weekly basis and the CSC tests 5% monthly. The CSC has published several reports on the use of illicit drugs in its penitentiaries and the results of random drug testing of inmates. For instance:

- In 1993 when the CSC first introduced random tests, it found positive results in 30% of the inmates sampled. However, the rate of positive tests subsequently declined to about 12% or less in subsequent years.
- A survey of inmates in its Quebec facilities in 1995 found that 38% of respondents acknowledged that they had consumed narcotics in prison in the 30 days prior to the survey.
- The presence of opiates in samples from its maximum security institutions in Ontario increased to an average of 44% of all random tests in the 2002–04 period, up from 12% in the 1996–2001 period.

In addition, both Alberta Correctional Services and the CSC had drug-detecting dogs, which would allow for systematic surveillance and greater deterrence. In Ontario, AIS relies on the OPP for officers and dogs to conduct searches on an as-needed basis. However, we were advised that the

OPP would be contacted only in situations where correctional officers strongly suspected that drugs were present.

Ontario does not have studies like those of the CSC on the issue of illicit drug use in provincial correctional institutions. Therefore, at two institutions we visited, we reviewed approximately 2,200 incident reports from 2007 and found that correctional officers had identified only 56 incidents of alcohol and illicit drug use. Without clinical means of detecting alcohol and drug use by inmates, correctional staff could only identify times when they actually found illicit drugs on inmates, visitors, or in the facilities.

RECOMMENDATION 10

In order to detect and report more effectively on the use of alcohol and illicit drugs in Ontario's correctional institutions and reduce the detrimental impact it has on institutional safety, inmate health, and rehabilitation programs, the Ministry of Community Safety and Correctional Services should:

- improve its information systems to capture and report better on the details and trends of such incidents that are detected in its institutions; and
- implement more rigorous detection practices, such as random testing of inmates, as is done in certain other Canadian jurisdictions, to detect and deter alcohol and illicit drug use.

MINISTRY RESPONSE

The Ministry agrees to refine its information-reporting-and-capture systems to more accurately identify incidents of illicit substance use and detection and to use that information to help identify trends and establish best practices to better address the issue.

The Ministry recognizes the potential risk that illicit substance abuse in our facilities poses for the safety of staff and inmates, and to inmates' health and rehabilitation. The Ministry

already employs multiple measures to detect and prevent the introduction of such substances. For example, Ontario does not permit “open” or non-professional contact visits, which can be a significant point of entry for illicit substances and other contraband. However, by law, we are very restricted in the degree to which we can utilize invasive search techniques to detect, prevent, and remove illicit substances from our facilities. The Ministry will undertake a review and, where reasonable, legal, and practical, will implement more rigorous detection/prevention practices.

MANAGEMENT OF STAFF

Correctional Officer Absenteeism and Overtime Payments

In 1993 and 2000, we reported that the Ministry needed to strengthen its efforts to monitor sick leave by correctional officers and, where warranted, take appropriate corrective action. In our current audit, we noted that AIS has a serious problem with the absenteeism of correctional officers and has had little success in dealing with this problem. As a result, AIS incurs substantial costs for replacement workers and in overtime payments to correctional officers covering for absent officers. As well, when excessive absenteeism occurs, correctional institutions impose lockdowns to further restrict inmate movement, a practice which results in cancellations of health and rehabilitative programs for inmates.

AIS employs about 3,400 correctional officers to operate and secure its 31 correctional institutions on a 24-hour basis. For security reasons, correctional officers who are absent because of sickness or other reasons must be replaced immediately. In many cases, this requires paying substitute officers overtime at one-and-a-half times the hourly rate, in addition to paying the absent officers for the day of their sick leave. Moreover, more than 85% of correctional officers work 12-hour shifts instead of

eight-hour shifts, so each sick day recorded by the Ministry is the equivalent of one-and-a-half days for staff working an eight-hour shift.

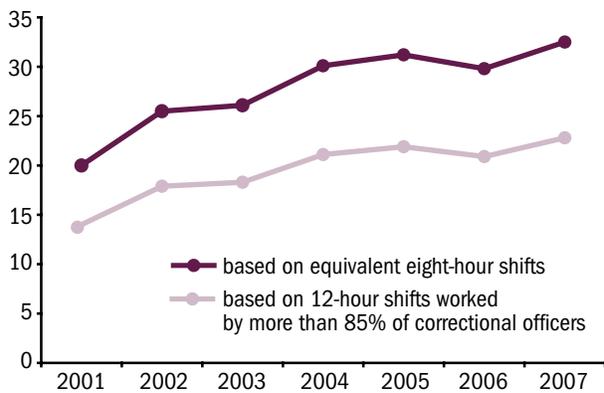
In 2000, we found that the average number of sick days for all institutions had increased 38%, from 11.7 days in 1995 to 16.1 days in 1998. At the time, superintendents told us that low staff morale contributed to poor attendance and that staff abused the system. The Ministry took several initiatives to curb absenteeism: individual attendance records were reviewed, a case management unit was established in each institution to oversee attendance, new tracking and reporting requirements were established for absenteeism, and the Ministry and the union representing correctional officers agreed to work together to address staff morale and attendance issues. In 1999, the Ministry introduced the Attendance Support Program, a government-wide requirement of the Management Board Secretariat for dealing with all employees with high absenteeism. The program, which lasts a minimum of 15 months, focuses on employment accommodation and assistance, and requires management to establish attendance goals and monitor attendance for staff who are absent 11.5 or more days per year. In our follow-up review in 2002, we noted that the Ministry had achieved a modest improvement in attendance: the average number of sick days per correctional officer had decreased to 14 days in 2001.

In our current audit, we found that absenteeism has worsened significantly among correctional officers since 2001. As Figure 7 shows, ministry records indicate that as of the end of 2007, taking into account the fact that more than 85% of correctional officers work 12-hour shifts, the average number of sick days per correctional officer was 22.8 per year based on a 12-hour day, or 32.5 days based on an equivalent eight-hour day. This is an increase of 63% since 2001.

The absenteeism rate varied significantly between correctional institutions, ranging from 8.7 days to 34.9 days based on a 12-hour shift. In the

Figure 7: Average Yearly Number of Sick Days for Correctional Officers, 2001–2007

Source of data: Ministry of Community Safety and Correctional Services



case of the institution with the highest absenteeism rate, in 2007 about 82% of its correctional officers exceeded 11.5 sick days.

According to the Attendance Support Program manual, the program is designed for “non-culpable absenteeism”—that is, sick days taken from work because of injury or illness. For “culpable absenteeism”—abuse of sick leave provisions involving deliberate misrepresentation or misuse of sick leave—disciplinary action is required. AIS staff at head office and in institutions told us there is chronic culpable absenteeism in their facilities and that existing programs were ineffective in dealing with it.

When institutions have insufficient staff present because of sick leaves, they cannot be operated normally owing to safety concerns. This results in lockdowns of all or part of the institution to restrict inmate movement and the cancellation of work and rehabilitation programs. During 2007, staff shortages resulted in 235 lockdowns at institutions for either partial or full days, and program-only cancellations on a further 62 days. Over 80% of these lockdowns occurred during either the weekends or the days before and after long weekends. The Ministry identified suspicious absences on the holiday weekend in October 2007. As Figure 8 indicates, at three institutions many staff called in sick on the Friday, Saturday, and Sunday; however,

absenteeism dropped dramatically on Thanksgiving Monday—a day for which officers would have been paid twice their hourly rate in accordance with to their collective agreement.

Ministry staff also informed us that culpable absenteeism was used by correctional officers to increase their opportunities to earn overtime pay. For instance, officers who call in sick or request a leave of absence for the day can make themselves available for overtime on their days off. When correctional officers call in sick or are scheduled to take time off, institutions call in unclassified officers at regular rates to fill these vacancies. When there are not enough unclassified staff to fill vacancies, classified staff are contacted for replacement at overtime rates, following a priority calling system agreed upon with the union. This provides the opportunity for an officer to call in sick and use that day as a day off, then work at overtime rates on what would have been his or her regularly scheduled day off. In addition to the almost \$9 million incurred for replacement workers, AIS incurred \$11 million in 2007/08 for overtime payments to correctional officers owing to sick leave. We noted that a correctional officer working regular hours earns up to \$60,000 per year. In 2007, more than 150 correctional officers, including 9% of all officers at one institution, earned more than \$100,000 with overtime. Several correctional officers made over \$140,000.

In the early 2000s, the Ministry constructed two nearly identical correctional facilities: one was operated under contract by a private company (the only one of its kind in Ontario) with newly hired staff; the other was publicly operated with correctional officers relocated from decommissioned facilities. At the end of the five-year contract with the private company, the Ministry decided to operate the facility publicly commencing November 2006. In the year following the transfer to public operation, the rate of absenteeism increased 55%. We were informed that the private operator allowed 10 sick days per year, after which an insurer would assess the employee for long-term

Figure 8: Absenteeism at Three Correctional Facilities during Thanksgiving Weekend, 2007

Source of data: Ministry of Community Safety and Correctional Services

Institution	# of Correctional Officers Who Called In Sick					
	Thurs. Oct. 4	Fri. Oct. 5	Sat. Oct 6	Sun. Oct. 7	Mon. Oct. 8*	Tues. Oct. 9
1	16	27	23	21	0	16
2	27	31	27	40	3	14
3	20	30	22	33	1	16

* Thanksgiving Day: a statutory holiday with double pay rate

disability. In 2007, 44% of this facility's employees had more than 11.5 sick days, which is the ministry threshold for placement in the Attendance Support Program. The other nearly identical facility that operated publicly since its inception had 61% of its employees in the Attendance Support Program.

We also received numerous complaints from attendance-management staff at correctional facilities, including their observations that:

- No one ever gets terminated for poor attendance.
- When letters go out to employees asking for a meeting regarding their poor attendance, the employees' sick time increases because they realize they will be placed in the Attendance Support Program anyway.
- A number of staff who call in sick frequently also work a lot of overtime.
- A number of staff call in requesting a leave of absence instead of calling in sick so they will not be placed in the Attendance Support Program and will still be eligible to work overtime.

We asked Alberta and British Columbia about their absenteeism rates for correctional staff and found that both had significantly lower absenteeism than Ontario: 11.3 and 17.1 sick days per year respectively. In these provinces, correctional officers did not work compressed work weeks and their shifts were typically less than eight hours. In Ontario, officers who take sick days are paid for their entire 12-hour shift and each shift counts as only one sick day for the Attendance Support Program.

During our audit, the AIS expressed concern about the high rate of absenteeism. In December 2007, the Assistant Deputy Minister sent a letter to all staff, which included the following:

I am writing to you today regarding a very serious issue in some of our facilities. We are all aware, staff absences can result in institutions being locked down and programming for inmates being either reduced or cancelled. This impacts negatively on the ministry, its staff, the public and the inmate population in a number of ways including: inability for Corrections to fulfill our legislative mandate; increased risk to our staff and the inmates in terms of their health and safety; our professionalism and reputation; and the tremendous financial impact which is borne by all taxpayers. These situations are unacceptable.

RECOMMENDATION 11

In order to ensure that correctional institutions are appropriately staffed and chronic or culpable absenteeism is properly dealt with, the Ministry of Community Safety and Correctional Services should:

- re-evaluate its Attendance Support Program to ensure that it can properly identify and deal with employees who abuse sick leave benefits;
- investigate the reasons for large overtime payments program-wide and to individual

employees and implement corrective measures to reduce overtime costs;

- investigate the reasons other jurisdictions have lower absenteeism, including the possible effect of 12-hour shifts; and
- set targets for reducing absenteeism to acceptable levels and implement effective measures for achieving these targets.

MINISTRY RESPONSE

The Attendance Support Program (ASP), adopted by the Ontario Public Service a number of years ago, is, by definition, a tool designed to assist both managers and staff with non-culpable absenteeism through accommodations and return-to-work processes. Within this framework, the ASP is a manageable and useful tool. The Ministry recognizes that this tool has been less than effective in reducing the high rates of absenteeism exhibited by some of our staff.

The Ministry has recently implemented a set of policies and procedures designed to identify and remediate patterns of culpable and otherwise chronic or repetitive absenteeism. While it is early in its implementation, we anticipate this initiative will reduce the high rates of absenteeism and, in doing so, go a long way in the reduction of overall overtime utilization.

Over the past 18 months, a computerized scheduling program has been implemented in most facilities. This system requires managers both to schedule unclassified correctional staff and to approve overtime for classified correctional officers according to specific rules as defined through a recently signed Provincial Overtime Protocol. This program has the capability to track reasons for overtime and unclassified usage, and ensure that overtime is “fairly and evenly” distributed in accordance with the provisions of the collective agreement.

The Ministry continues to work with its key stakeholders to develop permanent solutions

that will address structural deficiencies in the current Short Term Sickness program.

The Ministry agrees to consult with and review data from other jurisdictions to assess differences in rates of absenteeism. Absenteeism is noted as an issue in many other correctional jurisdictions.

Correctional Officer Training

Correctional officers take their initial training at their own expense before the Ministry hires them. Once hired, they follow a mandatory training cycle in order to maintain and update their knowledge and to promote ongoing effectiveness. Annual refresher courses for safety-related training on topics that include safety apparatus, defibrillators, and cardiopulmonary resuscitation. A suicide-awareness refresher course is required once every two years, and emergency first aid once every three years. Security-related training is required for correctional officers who belong to their institution’s Cell Extraction Team (CET) or Institutional Crisis Intervention Team (ICIT), which deal with incidents of serious threats to staff, inmates, or the institution as a whole.

In 2000, we reported that staff training records were not current and correctional officers were not receiving the training required to keep their skills up to date. Since that time, the Ministry has implemented a tracking system to record the status of training for each staff member, and reported to us that training information was updated weekly.

We reviewed whether mandatory training had taken place at four institutions and found varying levels of success. One institution was current in all its safety-related training for correctional officers. At the other three institutions, 63% of the correctional officers who should have attended scheduled safety-training courses had not done so. Forty percent of the officers we sampled at two of the institutions had not attended the biennial refresher

on suicide awareness and were overdue by two or more years. Two out of 57 officers at the four institutions had not completed the refresher course in emergency first aid. We found that training for officers in the CETs and ICITs was up to date at the institutions we visited.

Staff at the institutions we visited informed us of various reasons that mandatory training was not up to date:

- Some staff call in sick on scheduled training days.
- Correctional officers miss scheduled training when they have to replace other correctional officers calling in sick.
- Attendance at recently initiated mandatory training regarding anti-sexism and anti-racism did not leave sufficient time for other training.
- No one was qualified to conduct suicide-awareness training.

In addition, every five years correctional officers are required to take training for dealing with the mentally ill and in gang awareness, effective communications, and stress management. While we did not test this area, we noted both low attendance rates and/or inadequate record keeping by AIS for attendance at these courses.

RECOMMENDATION 12

In order to ensure that mandatory training for correctional officers is completed as required in all institutions, the Ministry of Community Safety and Correctional Services should:

- more proactively monitor the extent to which training requirements have not been met at its institutions;
- determine and address the primary causes of missed training.

MINISTRY RESPONSE

The Ministry recognizes the importance of a fully up-to-date trained workforce. We also recognize that we have not achieved that goal in all instances.

Over the past two years, the Ministry has developed, and recently has implemented, a new and comprehensive tracking system for all training in the Ministry. The Learning Management System replaces outdated local tracking systems and is designed to identify local and provincial training requirements, and to assist in enrolment and in a broader and more comprehensive oversight process.

Our training efforts have been hampered by high rates of absenteeism, which will also be rectified through initiatives identified in our response to Recommendation 11. Using information from the new system will allow the Ministry to determine and address the primary causes of missed training.

Performance Monitoring and Measurement

AIS has two primary functions: to incarcerate offenders and to rehabilitate them. It has established a number of internally and externally reported performance measures to monitor its activities and results pertaining to incarceration, but not pertaining to rehabilitation. Its performance measures related to incarceration include the average length of stay per inmate; number of escapes; program administration costs as a percentage of total costs; utilization of institutional capacity; costs for certain types of expenditures, such as for food and prescription drugs; and the frequency of certain types of safety-related incidents that occur in the institutions. These measures are useful for managing costs and day-to-day operations, and for reporting on the Ministry's mandate to incarcerate offenders. In future, the Ministry will be in a better position to report on its rehabilitation programs by using data from OTIS, which only began capturing this information in March 2008.

In our 2000 audit, we commented that without reliable data on inmates' rate of re-offending and other effectiveness measures, the Ministry was not

able to evaluate which programs or institutions were most effective in changing offenders' behaviour. The Ministry responded that it was committed to establishing outcome-based performance measures to assess the effectiveness of programming for all sentenced offenders. However, the Ministry still does not have outcome-focused measures to assess its success in influencing positive change in offenders.

Indeed, the Ministry advised us that it has decided not to set future targets for recidivism because the significant increase in the number of inmates remanded in custody has adversely affected its efforts to provide rehabilitation to inmates. Shorter sentences, time-served credits, and longer lapses between charges and convictions significantly reduce the number of offenders with sentences of six months or more whom the Ministry intended to track for recidivism. At the end of our audit fieldwork, the Ministry informed us that it was developing new methods of tracking re-offence rates, and was working with a Canadian inter-jurisdictional committee to develop a common definition of recidivism.

One province we visited measured and reported on recidivism, finding the measure useful for determining which of their rehabilitation and work-related programs were effective and which were not. We recognize that it may be difficult for the Ministry to have an impact on the rate of recidivism

given that sentenced inmates now receive shorter sentences, leaving less time for AIS to address their rehabilitation needs. Nevertheless, given that rehabilitating offenders is a key objective of the Ministry, assessing the effectiveness of its programs to reduce recidivism is important.

RECOMMENDATION 13

The Ministry of Community Safety and Correctional Services should develop and implement performance measures to assess the effectiveness of its rehabilitation efforts, such as recidivism rates.

MINISTRY RESPONSE

As already noted, the Ministry has recently implemented a new module in OTIS for tracking rehabilitation program availability and participation. This, along with the contemplated plan noted in our response to Recommendation 7, will provide the data necessary to help assess the outcomes and successes of our institutional programs. The Ministry is currently reviewing the methodology for determining recidivism to assess the impact of the remand population on the adult institution re-offending rate. In conjunction with other Canadian jurisdictions, the methodology is being revised in 2008/09 and a new baseline will be established in 2009/10.