

Chapter 1

Section 1.14

Ministry of the Solicitor General

Adult Correctional Institutions

Follow-Up on VFM Volume 3,
Chapter 1, 2019 Annual Report

RECOMMENDATION STATUS OVERVIEW

| | # of Actions Recommended | Status of Actions Recommended | | | | |
|-------------------|--------------------------|-------------------------------|-------------------------------------|-----------------------|-------------------------|----------------------|
| | | Fully Implemented | In the Process of Being Implemented | Little or No Progress | Will Not Be Implemented | No Longer Applicable |
| Recommendation 1 | 3 | 1 | 1 | 1 | | |
| Recommendation 2 | 2 | | 2 | | | |
| Recommendation 3 | 1 | | 1 | | | |
| Recommendation 4 | 1 | | 1 | | | |
| Recommendation 5 | 3 | 1 | 1 | | 1 | |
| Recommendation 6 | 2 | 1 | 1 | | | |
| Recommendation 7 | 2 | 2 | | | | |
| Recommendation 8 | 2 | 2 | | | | |
| Recommendation 9 | 4 | 2 | 2 | | | |
| Recommendation 10 | 1 | | 1 | | | |
| Recommendation 11 | 3 | | 2 | 1 | | |
| Recommendation 12 | 1 | | | 1 | | |
| Recommendation 13 | 3 | | 3 | | | |
| Recommendation 14 | 1 | | 1 | | | |
| Recommendation 15 | 1 | | 1 | | | |
| Recommendation 16 | 1 | | | 1 | | |
| Recommendation 17 | 2 | | 2 | | | |
| Recommendation 18 | 2 | 2 | | | | |
| Recommendation 19 | 3 | | 2 | 1 | | |
| Recommendation 20 | 2 | | | 2 | | |
| Recommendation 21 | 1 | 1 | | | | |
| Recommendation 22 | 2 | | 1 | 1 | | |
| Recommendation 23 | 4 | | 2 | 2 | | |
| Recommendation 24 | 4 | 0.5 | | 3.5 | | |
| Recommendation 25 | 1 | 1 | | | | |
| Recommendation 26 | 3 | 3 | | | | |
| Total | 55 | 16.5 | 24 | 13.5 | 1 | 0 |
| % | 100 | 30 | 44 | 24 | 2 | 0 |

Overall Conclusion

The Ministry of the Solicitor General (Ministry), as of October 29, 2021, had fully implemented 30% of the actions we recommended in our *2019 Annual Report*. The Ministry had made progress in implementing an additional 44% of the recommendations.

The Ministry has fully implemented recommendations such as implementing measures to give inmates incentive to participate in life skills programming, reviewing and updating its initial training on mental health, and developing and providing ongoing training so that front-line staff in correctional institutions are better equipped to effectively supervise inmates with mental health and addiction issues.

The Ministry is also in the process of implementing actions including developing new policies to establish guidelines and processes to help identify and assist inmates in planning for their release, and implementing measures to ease the overcrowding in correctional institutions. As well, the Ministry is working toward finalizing its plans for a treatment centre for women.

However, the Ministry has made little progress on 24% of the recommendations. For example, the Ministry collected documentation that provides information on both work refusals and grievances between the months of September 2020 and February 2021. In March 2021, the local Ministry Employee Relations Committee and Provincial Joint Occupational Health and Safety Committee met and committed to determine strategies to enhance labour relations by exploring how to reduce work refusals and grievances. The parties met again in May 2021; however, no further progress had been made at the time of our follow-up.

As well, little progress has been made on undertaking initiatives to assist remanded inmates reintegrating into the community. This is raised in our 2021 value-for-money audit on Services and Supports to Prevent and Reduce Homelessness. Last, the Ministry indicated that it will not implement our recommendation to review the living units in

all institutions and create new or repurpose existing units to hold inmates requiring specialized care. The Office continues to support the implementation of this recommendation.

The status of actions taken on each of our recommendations is described in this report.

Background

The purpose of a correctional system is, first, to protect the public from crime, and second, to provide the necessary supports and programming to individuals who continually reoffend so that they can successfully reintegrate into the community and reduce future incarceration and cost to taxpayers.

Our 2019 audit examined whether the Ministry of the Solicitor General (Ministry) was managing the 25 adult correctional institutions to provide the supports for inmates to reintegrate into society and reduce reoffending.

On average during 2020/21, 6,407 adults 18 years and older were in custody every day in the province's adult correctional institutions (lower than the over 7,400 in 2018/19). In 2020/21, the Ministry spent \$928 million to run the institutions (\$817 million in 2018/19). In this report, we use the term "correctional institutions" to encompass jails, detention centres, correctional centres and treatment centres.

In 2020/21, 39,454 individuals (almost 51,000 in 2018/19) were admitted in two main streams:

- sentenced to serve less than two years in a provincial correctional institution; and
- accused of a crime but not yet sentenced or convicted. These individuals, who are remanded inmates, are awaiting bail or trial on charges that, if found guilty of, could result in placement in either federal or provincial custody.

On average, remanded inmates, who comprised 77% of the daily inmate population in 2020/21 (71% in 2018/19), were in custody for 67 days (43 in 2018/19), while sentenced inmates were in custody for 73 days (59 days in 2018/19). Although the number of individuals admitted into correctional

institutions has generally decreased in the last 15 years, the proportion of remanded inmates has increased. The high percentage of remanded inmates can in large part be attributed to delays in the criminal court system (discussed in our *2019 Annual Report Volume 3, Chapter 3: Criminal Court System*).

Our 2019 Adult Correctional Institutions audit also noted that a growing proportion of inmates have had possible mental health issues. Without sufficient staff training and appropriate units to place inmates in, these inmates were often sent to segregation as a result of their behaviour.

Our major observations included the following:

- In 2018/19, 33% of all inmates admitted across the province had a mental health alert on their file—indicating possible mental health concerns—compared with 7% of inmates in 1998/99. We found that most correctional institutions do not have the appropriate facilities to manage these inmates. We also found that front-line staff have not been provided with the necessary training and information about identifying triggers and techniques to de-escalate situations in order to manage these inmates effectively.
- Historically, to deal with overcrowding—largely caused by delays in the criminal court system—the Ministry had increased the capacity of 16 institutions by an average of 81% more than their original capacity when they were built. In most cases, the Ministry did so by adding beds in cells designed to have only one.
- Although it is known that contraband enters correctional institutions, the Ministry had not analyzed the results of contraband searches to understand points of entry. The Ministry estimated that the number of times weapons were found in the 10 years prior to our audit increased by 414% and the number of times drugs and alcohol were found in institutions increased by 136%. Between July 2017 and August 2019, there were 101 overdoses in the 25 correctional institutions. The lack of security screening for staff increases the risk of contraband entering the

institutions through compromised staff—those who have been persuaded or coerced by inmates to bring contraband into the institution.

- The Ministry did not analyze the root causes of violent incidents in correctional institutions to prevent future recurrence. From January 2014 to October 2018, there were about 21,000 recorded incidents across the province, including altercations between inmates and inmates threatening or directly assaulting staff.
- Most inmate information was recorded manually and retained on paper due to deficiencies in information systems. Examples of the information kept manually included healthcare notes, social workers' notes, inmate complaints and requests, search records, and observation records of inmates on suicide watch and in segregation units. The information that was logged electronically was not regularly analyzed by Ministry or institutional management staff to better understand and make informed decisions about the operations of correctional institutions.

We made 26 recommendations, consisting of 55 action items, to address our audit findings. We received commitment from the Ministry that it would take action to address our recommendations.

Status of Actions Taken on Recommendations

We conducted assurance work between May 2021 and August 2021. We obtained written representation from the Ministry of the Solicitor General that effective November 25, 2021, it has provided us with a complete update of the status of the recommendations we made in the original audit two years ago.

Limited Supports Available to Help Remanded Inmates Reintegrate into the Community

Recommendation 1

For remanded inmates to have more opportunities to participate in Life Skills programming, we recommend that superintendents in all institutions:

- *require programming staff to meet with inmates upon admission to inform them about appropriate programs based on available information about the inmate;*

Status: Little or no progress.

Details

In our 2019 audit, we noted that the Ministry's Life Skills programming offered sessions that provided general information about topics related to factors that contribute to criminal behaviour such as anger management, substance abuse and gambling. Life Skills programs also included sessions focused on improving lifestyles such as problem solving, managing stress and changing habits. However, we found that program staff did not use available information about the inmates (for example, reasons for current and previous incarcerations and alerts on their files) to identify those who might benefit from particular sessions.

In our follow-up, we found that in January 2021, the Ministry instructed all institutions to document in a plan how they intended to deliver Life Skills sessions to remanded inmates. At the time of our follow-up, 22 of the 25 institutions had submitted action plans. The three institutions that did not submit action plans were the treatment centres that house sentenced inmates only. According to the Ministry, the public health restrictions imposed as a result of the COVID-19 pandemic—for example, limitations on inmate movement within the facility and no group gatherings—prevented institution staff from implementing the plans. The Ministry indicated it would revisit implementing the plans when pandemic-related restrictions are relaxed and

the risk of transmission is low enough to allow for group gatherings.

- *review and implement measures that will give inmates incentive to participate in programming;*

Status: Fully implemented.

Details

In our 2019 audit, we noted that program staff left it up to the inmates to choose which sessions, if any, to attend. The voluntary program participation contributed to low attendance in Life Skills programs.

In our follow-up, we found that in September 2020, the Ministry completed a review of incentives that other Canadian provinces and territories have implemented to encourage inmates to participate in programming. Based on the results of the jurisdictional survey, on May 20, 2021, the Ministry began providing inmates with certificates for attending or completing each session. The certificate includes details about time spent in the program, details of the session, and whether the inmate attended or completed. All 25 institutions agreed that providing a certificate was an incentive. Enrollment was approximately 4,000 men and women in 2020 and additional courses were added due to high demand.

- *review and improve the method of delivering Life Skills programming, including identification of inmates who may benefit from particular sessions, increasing outreach efforts and offering sessions during weekends.*

Status: In the process of being implemented by March 2022.

Details

In our 2019 audit, we noted that efforts to reach out to and educate inmates about available programs were limited to program staff showing up at their units and asking whether anyone wanted to attend the sessions. We also noted that sessions were delivered only during the week, when court hearings were scheduled, and therefore inmates had fewer opportunities to attend.

In our follow-up, we found that 10 of the 22 institutions (not including three treatment centres) had begun offering programming on weekends. The other 12 institutions were still considering adding evening and weekend programming. The Ministry estimates that the remaining 12 institutions will begin offering programming on evenings and weekends by March 2022. The Ministry is also in the process of determining whether conducting individual needs assessments for remanded inmates is feasible. This action was delayed due to staffing shortages during the pandemic.

Recommendation 2

For remanded inmates to have increased chances for a positive return to their communities, we recommend that superintendents in all institutions require discharge planning staff to:

- *collect information about inmates' housing, transportation, employment and other needs in order to identify and actively assist inmates who need help planning for their release; and*
- *proactively initiate discharge planning for remanded inmates.*

Status: In the process of being implemented by March 2022.

Details

We found in our 2019 audit that admissions staff in six of the seven institutions we visited that held remanded inmates did not collect information about inmates' housing, transportation, social assistance, employment and support systems in order to identify how much assistance they would need in order to prepare for their release. Staff collected this information only if an inmate requested their help.

In our follow-up, we found that the Ministry was developing new policies, including a Community Reintegration Plan Checklist to establish guidelines and processes to help identify and assist inmates in planning for their release. In March 2021, Ministry staff sought approval from senior management to delay the rollout of the checklist to coincide with

completing the new policies. Outstanding work includes engagements with front-line staff to identify gaps and best practices within current discharge planning processes. These engagements had been put on hold due to the COVID-19 pandemic. The Ministry expects to finalize its new discharge planning policies and checklist by March 2022.

Correctional Institutions Face Occupancy Pressures with Overcrowding

Recommendation 3

For inmates to be better equipped to make a successful adjustment in the community upon their release, we recommend that the Ministry of the Solicitor General work with the Ministry of the Attorney General to implement measures to look to ease the overcrowding in correctional institutions.

Status: In the process of being implemented by March 2023.

Details

We found in our 2019 audit that, although the number of individuals admitted into correctional institutions had generally decreased in the previous 10 years, during 2018/19, 56% of the institutions across the province were still operating at over the optimal occupancy rate of 85%.

In our follow-up, we found that in December 2019, the Ministry amended Regulation 778 under the *Ministry of Correctional Services Act* to allow corrections staff to issue temporary absences beyond the current 72-hour maximum. This meant that those serving intermittent sentences who have been granted a temporary absence would not have to report to a correctional facility every weekend.

In addition, the Joint Justice Table—comprising management and staff members from the Ministry of the Solicitor General and the Ministry of the Attorney General—met four times throughout 2020 to discuss strategies to reduce overcrowding in correctional institutions. In 2020/21, the ministries of the Attorney General and the Solicitor General received

approval to begin implementing bail and remand initiatives such as:

- Expanding the “bail vettor initiative” to three new sites including Windsor, Brantford and Thunder Bay (which had demonstrated success in reducing case processing times). A bail vettor is an experienced Crown attorney who helps in bail court to reach bail decisions more quickly in appropriate cases. At the time of our follow-up, the bail vettor initiative was in place for 10 high-volume court systems in which 13 more judges were appointed to the Ontario Court of Justice, and 32 assistant Crown attorneys and 16 duty counsel were added.
- Use of Global Positioning System devices and monitoring as an additional tool for the courts to support bail releases. At the time of our follow-up, 130 accused were on GPS monitoring.
- Implementing a pre-charge consultation pilot project, which involves police consultation with the Crown prior to laying criminal charges. At the time of our follow-up, the pilot project was launched in London, Brantford, Peterborough, Kitchener, Ottawa, Brockville and Sudbury.
- Having a dedicated in-custody case management team at locations with high remand populations and longer in-custody case processing times to expedite disclosure, reduce overall case processing times in immediate high needs areas in Kenora, Thunder Bay, Sarnia, Hamilton and Sault Ste. Marie.
- Depending on the results the Ministry expects the bail vettor initiative and the pilot project on the pre-charge consultation to be fully rolled out by March 2023.

Correctional Institutions Unsited to Manage Inmates with Mental Health and Related Issues

Recommendation 4

To help ensure the best possible outcomes for individuals with mental health and addiction issues who come into conflict with the law, and to help those who come into contact with them, we recommend that the Ministry of the Solicitor General establish a task force with representation from the Ministry of the Attorney General, the Ministry of Health, the Ontario Public Sector Employees Union, and other stakeholders such as non-profit organizations in the areas of mental health and addiction to review and address the impact that individuals with mental health and addiction issues have on the correctional, criminal court and health-care systems.

Status: In the process of being implemented by December 2021.

Details

We found in 2019 that over 2,600 or 35% of all inmates in custody at the time of our audit had a mental health alert on their file, which is an indicator of mental health concerns. Another 2,500 inmates had an alert on their file indicating they may require specialized supervision due to behavioural issues or violent tendencies. Despite this, there were only three treatment centres in the province that were specifically designed and operated to house inmates with a diagnosed mental illness or who require specialized care or treatment. On average, the 22 remaining institutions had 59 fewer specialized care beds than inmates with alerts.

In our follow-up, we found that the Ministry has established and is engaged in several committees and working groups that address the impact and outcomes that individuals with mental health and addiction issues have on the correctional, criminal court and health-care systems. In 2019, the Ministry developed the Mental Health and Addictions Unit, which comprises staff from the ministries of the Attorney General and the Solicitor General, unions and related professionals. The Unit is responsible for implementing the Corrections Mental Health and

Addictions Strategy, including expanding partnerships with community partners. The strategy aims to:

- improve access to care that is trauma informed, gender safe and culturally safe;
- establish mental health and addictions care pathways;
- establish mental health and addictions inter-professional teams;
- improve mental health and addictions data utilization; and
- improve communication to help provide high-quality mental health and addictions services.

In 2020/21, the Ministry implemented the following priority initiatives:

- increasing the number of dedicated acute care stabilization beds at forensic mental health hospitals (four additional beds for men at St. Joseph's Healthcare Hamilton were implemented in September 2020, and five beds for women were implemented at Ontario Shores in March 2021);
- increasing the number of specialty mental health staff within institutions (mental health nurses and addictions counsellors). As noted in the details in **Recommendation 6**, the Ministry initiated recruitment in November 2020 and expects to complete its final phase of recruitment by December 2021;
- expanding culturally safe mental health and addictions supports in Northern Ontario in partnership with the Kenora Chiefs Advisory for 13 First Nation communities; and
- establishing partnerships with local agencies and Indigenous organizations to provide peer-based mental health and addiction interventions for Community Services.

Recommendation 5

So that inmates with mental illness and those who require specialized care are placed in living units appropriate to their needs, we recommend that the Ministry of the Solicitor General:

- *determine the actual proportion of inmate population in each institution who have mental illness or require specialized care;*

Status: Fully implemented.

Details

We found in our 2019 audit that inmates with mental illness and those requiring specialized care were often placed in segregation, where they were confined in their cells for 22 to 24 hours a day. For example, from April 2018 to April 2019, almost two-thirds of the 664 inmates across the province who were in segregation for over 60 days had a mental health alert on their file. These inmates were segregated for an average of 146 aggregate days during that period.

In our follow-up, we found that the Ministry had implemented an enhanced tracking of verified mental health alerts at all institutions by September 1, 2021 in accordance with a November 2018 Ministry policy. The tracking generates a report that indicates the number of inmates with mental health illness or who require specialized care in each institution at a given point in time. The Ministry has also developed the Placement of Special Management Inmates policy (refer to the second action item of **Recommendation 5** for more details).

- *review the living units in all institutions and create new or repurpose existing units to hold inmates requiring specialized care.*

Status: Will not be implemented. The Office of the Auditor General continues to support the implementation of this recommendation.

Details

We found in our 2019 audit that the shortage of psychiatric beds in the community, and the potential underutilization of mental health courts to divert inmates from correctional institutions, may have

contributed to the increase in inmates with potential mental illness. Despite this, there are only three treatment centres across the province that are specifically designed and operated to house inmates with a diagnosed mental illness or who require specialized care or treatment.

In our follow-up, we found that the Ministry has implemented the Placement of Special Management Inmates policy across all 25 institutions. The policy establishes guidelines for placing special management inmates, defines segregation and defines the provision of Specialized Care Placements for inmates identified as requiring specialized care. Although many institutions have designated areas for specialized care, the Ministry indicated to us that it does not attribute an inmate's placement to a particular living unit as determining the specialized care they will receive. The Ministry indicated that specialized care needs of an individual in custody are very fluid and can change daily; designating a Specialized Care Unit with a set number of beds does not reflect the fluid and changing needs of the individual in custody. The Ministry noted that not having distinct specialized care units also prevents having to transfer an inmate from one unit to another.

The Ministry also noted that the recommendation to conduct time-specific assessments of institutional living units and determine how many of these units provide specialized care will not provide an accurate reflection of the individual specialized care needs due to the fluid nature of specialized care. The Ministry noted that the implementation of the Placement of Special Management Inmates policy has created a responsive and individual approach to inmate care.

We also recommend that the Ministry of the Solicitor General finalize its plans for the proposed treatment centre for women.

Status: In the process of being implemented by 2022.

Details

We found in our 2019 audit that the shortage of specialized care beds is particularly significant for women. Despite the higher proportion of women with

mental health concerns, none of the three treatment centres has beds for women with mental illness. In the 15 institutions that house female inmates, nine did not have any beds intended for women requiring specialized care. In 2018/19, an average of 135 women with mental health alerts were admitted into the nine institutions. The other six institutions, to which an average of 379 women with mental health alerts were admitted in 2018/19, have a total of only 48 specialized care beds for women.

In our follow-up, we found that the Ministry has partnered with Ontario Shores Centre in December 2019 to create the province's first dedicated unit to help female inmates at Vanier Centre for Women with acute mental health needs.

The Ministry also has initiated the planning phase with Infrastructure Ontario to expand the St. Lawrence Valley Correctional Treatment Centre by 25 beds to improve mental health services for women who are incarcerated. The project was announced in August 2020. The Ministry expects to issue the request for qualifications to short-listed potential vendors in 2022 and issue the request for proposals in 2023. The estimated timelines have construction beginning in winter 2024.

Recommendation 6

So that inmates with mental illness and those who require specialized care are identified and receive appropriate care in a timely manner, we recommend that superintendents in all institutions:

- *determine the mental health resources required to assess inmates' mental health status within the required time frame and provide appropriate care;*
- Status:** In the process of being implemented by December 2021.

Details

We found in our 2019 audit that more than half of the institutions did not have access to a psychologist—a clinician who uses behavioural intervention to treat mental health disorders. All 25 institutions had at least one psychiatrist. However, we noted that all psychiatrists were contracted for a specified number

of hours per week. Their availabilities ranged from 12 hours per week to 24 hours per week.

In our follow-up, we found that the Ministry had conducted an assessment in June 2020 of the positions required in corrections; specifically, correctional officers, health-care workers and staff for programming and program support. Based on the assessment, the Ministry has determined that 75 nurse practitioners and 53 mental-health workers are required to assess inmates' mental health status and provide appropriate care. The Ministry initiated recruitment in November 2020 and expects to complete its final phase of recruitment by December 2021.

- *provide the above information to the task force established in **Recommendation 4**.*

Status: Fully Implemented.

Details

The Ministry has informed the committees and working groups (noted in **Recommendation 4**) of the above information. As well, it has informed them of the Placement of Special Management Inmates policy.

Recommendation 7

So that front-line staff in correctional institutions are better equipped to effectively supervise inmates with mental health and addiction issues, we recommend that the Ministry of the Solicitor General:

- *review and update its initial training on mental health; and*
- *develop ongoing mental health training, including training that could be delivered by, for example, the Centre for Addiction and Mental Health.*

Status: Fully implemented.

Details

We found in our 2019 audit that during the eight-week initial training program, new correctional officers receive only three hours of mental health training. The training covers common mental health disorders, symptoms and appropriate responses. In comparison, Correctional Services of Canada provides

14 hours of initial mental health training to new staff. We also found that of the seven institutions we visited that were not treatment centres, none provided additional ongoing mental health training to correctional officers who are primarily responsible for the day-to-day supervision of inmates. The results of our survey of the 17 institutions we did not visit were also consistent with this finding, with 12 of them reporting that they did not provide additional mental health training to front-line staff.

In our follow-up, we found that the Ministry conducted a review of existing training materials and revised the participant workbook in consultation with the Centre for Addiction and Mental Health (CAMH). The curriculum was also adjusted through facilitator and participant feedback. In March 2019, the Ministry entered into an agreement with CAMH to deliver ongoing training. Fifty-one sessions were delivered from October 26, 2020 to January 29, 2021.

Recommendation 8

So that front-line correctional staff have the necessary training and information to effectively supervise inmates with mental illness and those who require specialized care, we recommend that superintendents in all institutions:

- *deliver ongoing mental health training for all staff who interact with inmates on a daily basis;*

Status: Fully implemented.

Details

We found in our 2019 audit that the need for additional ongoing training was highlighted in a survey by the Centre for Addiction and Mental Health. The survey found about 60% of the correctional officers who were assigned to the mental health unit in Toronto South Detention Centre indicated that they had not received adequate mental health and addictions training. Respondents stated they wanted to learn more about schizophrenia, personality disorders, mood disorders, substance abuse, violence risk, suicide and interventions.

As noted in **Recommendation 7**, new mental health training for correctional officers was created

and designed with significant input from CAMH. As of March 2021, approximately 1,400 correctional officers had completed a full-day course in mental health training. This training will be ongoing.

- *provide correctional officers access to Inmate Care Plans.*

Status: Fully implemented.

Details

In our 2019 audit we found inconsistencies in who had access to the Inmate Care Plans. In Central East Correctional Centre, Thunder Bay Jail and Vanier Centre for Women, correctional officers—who supervise inmates on a daily basis—had access to the Care Plans. In contrast, correctional officers in the other four institutions we visited either did not have access to the Care Plans (South West and Toronto South detention centres) or could only access them through their sergeants (Brockville Jail and Thunder Bay Correctional Centre). This is inconsistent with the intended purpose of the Care Plans, which, according to Ministry policies, is to “guide a consistent approach for inter-professional team members on how to support inmates’ needs.”

In our follow-up, we found that the Ministry has developed the Placement of Special Management Inmates policy, which outlines placing and managing inmates based on their personalized needs such as mental health illnesses. The policy identifies that interprofessional members, such as caregivers, psychologists, medical doctors and correctional officers, have access to Care Plans. The policy has been approved and was released September 1, 2021 in a memo to all institutions.

Ministry Does Not Analyze Root Cause of Violent Incidents, Which Could Help in Preventing Future Incidents

Recommendation 9

To better address the risks and root causes of violence in correctional institutions, we recommend that superintendents in all institutions:

- *regularly analyze root causes of violent incidents reported by institutional staff;*

Status: In the process of being implemented by March 2022.

Details

We found in our 2019 audit that every staff member who is involved in or witnesses an incident must prepare a report describing it. Information in those reports provides insight into what type of violence it was and the extent of violence in each of the institutions. However, none of the staff at the institutions, regional offices or the Ministry’s corporate office analyze reported incidents to determine their root cause, which could provide insight into preventing future incidents.

In our follow-up, we found that in June 2020 institutions were introduced to the Ministry’s Workplace Violence Assessment Strategy. The strategy requires all institutions to complete their workplace violence risk assessments in March every year. These assess the risk of workplace violence that may arise from the nature of workplaces and types or conditions of work to determine the need to implement or enhance reasonable control measures to protect workers from workplace violence. All 25 institutions completed the 2020 assessments on March 31, 2021 and submitted them to the Executive Director’s Office, Institutional Services and Human Resources, where they were analyzed for provincial trends and ways for local improvement in April 2021. The 2021 assessments are due March 31, 2022.

- *reassess the risk of workplace violence, as required by the Occupational Health and Safety Act and the Ontario Public Service Workplace Prevention Program;*

Status: Fully implemented.

Details

We found in our 2019 audit that management staff at six of the eight institutions we visited did not reassess the risk of workplace violence as required by the Occupational Health and Safety Act (Act). The Act requires employers to assess the risk of workplace

violence that may arise from the nature of the workplace or the type of work, and then to reassess as often as necessary.

In our follow-up, we found that in June 2020 the Ministry established the Workplace Violence Assessment Strategy, as discussed in **Recommendation 9, Action 1**, in which the Executive Director's Office, Institutional Services and Human Resources reviews and analyzes workplace violence risk assessments. The Executive Director's Office reviewed the 2020 assessments in April 2021 and is scheduled to continue reviewing the assessments annually.

- *ensure that the assessment includes all areas of the institutions;*

Status: Fully implemented.

Details

We found in our 2019 audit that the workplace violence risk assessments looked at the risk of violence in administration areas, but not in inmate living units, which pose the greatest threat of violence; and two assessments involved staff in different areas of the institution.

Our follow-up found that the oversight system established by the Executive Director's Office (see **Recommendation 9, Action 1**) for reviewing and analyzing the risk of workplace violence will include all areas of the institutions, including inmate living areas.

- *take action to minimize risks for both correctional staff and inmates.*

Status: In the process of being implemented by March 31, 2024.

The Ministry told us it will analyze approaches to violent incidents and share that analysis with local and provincial joint occupational health and safety committees. The Ministry indicated that the workplace violence risk assessments do evaluate inmates' security risks; however, they do not assess inmate risks to staff. The assessments from March 31, 2021, will be used by the Ministry to understand the scope of what actions are required. As well, the Ministry

is developing a technology tool known as Security Assessment for Evaluating Risk (SAFER). SAFER is an automated, predictive tool for evaluating an inmate's security risk that will help staff be better prepared to anticipate and mitigate misconducts and violence. Implementation of SAFER commenced in 2021 and according to the Ministry will be available in all institutions by March 31, 2024.

Management and Staff Have Strained Relationship

Recommendation 10

So that correctional staff are better equipped to perform their responsibilities, we recommend that the Ministry of the Solicitor General update the initial and ongoing training to include, for example, training on the use of force and instruments of restraint, managing violent offenders using preventive and defusing techniques, as well as early detection of mental health issues as recommended in the Standard Minimum Rules for the Treatment of Prisoners.

Status: In the process of being implemented by December 2021.

Details

We found in our 2019 audit, that although ongoing training in defensive tactics deals with inmate restraint and conflict de-escalation, the findings from the incident investigations indicate the need to assess the effectiveness of this training. Also, ongoing training for skills such as report writing and dealing with inmates with mental illness was not offered. According to the *Standard Minimum Rules for the Treatment of Prisoners* (Rules), at minimum, staff should receive training on relevant policies, their rights and duties in exercising their functions, first aid, the use of force and instruments of restraint, managing violent offenders using preventive and defusing techniques, as well as early detection of mental health issues. In addition, the Rules also state the staff who work with certain categories of inmates should receive corresponding training.

In our follow-up, we found that in September 2019 the Ministry reviewed both its mandatory ongoing training and its optional professional development modules for correctional officers. The Ministry also monitored the delivery of training related to report writing and defensive tactics for correctional officers. This resulted in the redesign of Defensive Tactics training, which includes the Crisis Resolution Model that increases focus on de-escalation, communication, self-awareness and bias awareness.

The new model was presented to Operational Support Division Assistant Deputy Ministers in February 2021 and Institutional Services divisions Directors in March 2021. The redesign introduces newly created de-escalation, situational and self-awareness, and health and wellness training. Plans for this rollout are under consideration and awaiting executive approval. The full redesigned training is expected to be offered beginning in December 2021, including the redesigned model with re-certifications currently scheduled on a two-year rotation.

Recommendation 11

To help improve working conditions for correctional staff, we recommend that superintendents in all institutions:

- *ensure that correctional staff receive the initial and ongoing training as required;*

Status: In the process of being implemented by December 2021.

Details

We found in our 2019 audit that, from 2014 to 2018, turnover rates for correctional officers in the eight institutions we visited ranged from 0% (St. Lawrence Valley) to 7% (Thunder Bay Jail and Toronto South Detention Centre). We found the following factors that have likely contributed to the turnover rates: ineffective job shadowing and mentoring process for new staff, and inadequate amenities for staff.

In our follow-up, we found that a recommendation report on onboarding was released in December 2020 that included six recommendations. The recommendations included developing a standardized

onboarding and peer mentorship model that will include training modules for institutional training managers and instructors. Also, an assessment tool will be developed to evaluate the training delivery and program effectiveness. The proposed model was presented and approved by senior management in February 2021. The outstanding work includes preparing training packages, an assessment tool for new hires, developing an onboarding schedule, piloting the program and setting a quality improvement process to identify best practices and performance metrics. The Ministry noted that the Phase 1 rollout to pilot institutions has been delayed to December 2021 due to the impact of the COVID-19 pandemic.

- *improve the job shadowing and mentorship programs so that new staff receive the necessary supports;*

Status: In the process of being implemented by spring 2022.

In our 2019 audit, we found that one-quarter of correctional officers across the province have less than two years of experience. About half of sergeants, who supervise correctional officers, have been in their current role for less than two years. Despite this, the job shadowing and mentorship process varied widely and was ineffective.

In our follow-up, we found that a recommendations report was completed in September 2021 and made 10 recommendations to improve the mentorship program. The peer mentorship model was presented and approved in February 2021 by senior management. The work outstanding includes developing an assessment tool for mentors, a working group to guide the design process and an oversight committee to ensure a strong performance model is in place. Work is in progress with implementation scheduled for spring 2022.

- *work with local union representatives to take measures to provide proper amenities for staff in all institutions.*

Status: Little or no progress.

In our 2019 audit, we found through our interviews with staff and our own observations during our fieldwork that amenities for staff were insufficient. None of the institutions we visited had on-site cafeterias for staff. In addition, correctional officers at Toronto South often had to leave their lunch bags on tables because there were not enough refrigerators. There were also not enough locker rooms for staff to secure their personal belongings.

In our follow-up, we found that, in November 2019, the Ministry proposed obligations and benefits of the wellness program if supported by an Employee Wellness Unit. An Employee Wellness Unit was established on September 30, 2020. In February 2021, it was announced that the Unit will oversee and support the wellness program and wellness committees, which will work to provide amenities such as wellness rooms, monthly visits from a massage therapist, walking clubs, lunch rooms and lockers for staff at all institutions. All institutions have been given the task by the Employee Wellness Unit of looking at ways to maximize adequate space for both lunch rooms and lockers for staff use. However, the Ministry indicated that considering the stringent requirements around safe distancing during the COVID-19 pandemic and increased virtual courts, these initiatives will be delayed until post pandemic.

Recommendation 12

So that management and staff have an improved relationship, we recommend that the Ministry of the Solicitor General work with the local and province-wide union representatives to address the root cause of the grievances and work refusals.

Status: Little or no progress.

Details

We found in our 2019 audit that about 80% of the almost 4,200 grievances filed by staff in the previous five years in the eight institutions we visited related to disciplinary actions, work arrangement policies, scheduling of work/overtime, and human rights issues such as harassment and discrimination. However, we noted bigger concerns in the

length of time it took for management and staff to resolve the grievances. Specifically, between 42% and 69% of grievances were still open at the time of our audit, most of which had progressed to the start of the formal grievance process because management and staff could not resolve the matter internally.

In our follow-up, we found that the Ministry collected documentation that provides information on both work refusals and grievances between the months of September 2020 and February 2021. In March 2021, the local Ministry Employee Relations Committee and Provincial Joint Occupational Health and Safety Committee met and committed to determine strategies to enhance labour relations by exploring how to reduce work refusals and grievances. The parties met again in May 2021; however, no further progress had been made at the time of our follow-up.

Growing Contraband Problem Not Fully Understood or Mitigated

Recommendation 13

To better understand the sources and extent, and reduce the presence, of contraband in correctional institutions, we recommend that superintendents in all institutions:

- *electronically track and analyze the results of their searches;*

Status: In the process of being implemented by March 2022.

Details

We found in our 2019 audit that staff in the eight institutions we visited do not analyze how much contraband was found during the searches, the type of contraband found and where it was found. We therefore could not determine the extent of contraband present in the institutions. In our survey of the 17 institutions we did not visit, two-thirds reported that staff do not track the results of searches.

In our follow-up, we found that the Ministry conducted a review in July 2019 of the options for

addressing contraband at Ontario's institutions. The Ministry is in the process of developing a new centralized, digital reporting system to track inmate and offender incidents occurring in institutions and expects to finalize the necessary approvals by March 2022.

- *revise their search procedures so that searches are targeted toward higher-risk areas of the institution; and*
- *improve security protocols to mitigate the risk of contraband based on the analysis of the search results.*

Status: In the process of being implemented by March 2023.

Details

We found in our 2019 audit that security staff in seven of the eight institutions we visited did not have a strategy to target searches toward higher-risk areas of the institution. In addition, our survey of the 17 institutions we did not visit found that the two top sources of contraband were newly admitted inmates and remanded inmates returning from their court appearances.

In our follow-up, we noted that the Ministry developed the Contraband Strategy and Action Plan, which will implement a centralized strategic plan and oversight model to establish standard processes, equipment and resources to mitigate the risk of each contraband entry pathway. The Contraband Strategy is expected to develop accountability and oversight structures for senior management that would improve contraband mitigation strategies, resources and initiatives. To accomplish this, an Incident Report Management System is expected to be launched by February 2022.

The Ministry has also proposed changes under the *Ministry of Correctional Services Act* to enhance screening and searches of everyone entering secure areas of institutions. The regulatory posting went up on September 20, 2021 and closed on November 4, 2021. If the changes to the Act are approved, the Ministry

expects to fully implement this recommendation by March 2023.

Recommendation 14

In order to protect correctional staff from being coerced by inmates into bringing contraband into correctional institutions, we recommend that, similar to the practice at federal institutions, the Ministry of the Solicitor General work with the Ontario Public Sector Employees Union to implement measures to screen staff when entering the institution.

Status: In the process of being implemented by March 2023.

Details

We found in our 2019 audit that none of the 25 institutions across Ontario inspect or screen staff for contraband when entering the secure part of the institutions. We were told that staff have already undergone security clearance and participated in security orientation so they do not have to undergo additional security screening. In 2018, six staff in Toronto South Detention Centre went on leave, resigned or were terminated after it was found that they were having inappropriate relationships with inmates and were bringing contraband, such as drugs and cell phones.

In our follow-up, we noted that the existing regulation under the *Ministry of Correctional Services Act* does not give the Ministry authority to search staff unless they are suspected of bringing contraband into the institution. As noted above, the Ministry is exploring regulatory changes related to the screening and/or searching of anyone entering secure areas of institutions, including staff. If the regulatory changes are approved, the Ministry expects to fully implement this recommendation by March 2023.

Inmate Misconducts Not Dealt with Consistently

Recommendation 15

So that sanctions imposed for inmate misconducts are fair, consistent and appropriate for the misconduct committed, we recommend that the Ministry of the Solicitor General develop, and communicate to staff in all institutions, clear policies for dealing with inmate misconducts, which include progressive sanctions when inmates continuously misbehave.

Status: In the process of being implemented by April 2022.

Details

In our 2019 audit, we found that in half of the files we reviewed at three institutions, the nature of the misconducts increased in severity. For example, one inmate's misconduct progressed from smoking cigarettes, to threatening to kill staff, to throwing feces out of his hatch, to finally assaulting another inmate unprovoked.

In our follow-up, we noted that the Ministry established a working group on discipline and misconducts in March 2021 that began working toward a revised inmate discipline and misconduct strategy. The strategy provides direction for adjudicating a range of inmate misconducts including a range of progressive sanctions. Pending regulatory changes are required before developing policies and implementing the strategy by April 2022.

Recommendation 16

So that sanctions imposed for inmate misconducts are fair, consistent and appropriate for the misconduct committed, we recommend that superintendents in all institutions regularly review misconduct adjudications to ensure they are consistent with the above policy requirements.

Status: Little or no progress.

Details

In our 2019 audit, we found that inmate misconducts were often not addressed consistently across institutions. According to inmate misconduct data

in the Ministry information system, 29% of inmates in custody in three of the eight institutions we visited had at least one (and up to 76) misconducts during their time in custody. In 89% of the misconducts that were adjudicated, the inmate was found guilty. However, we noted that the sanctions were not consistent across institutions. For example, the use of segregation as a sanction for inmates found guilty of threatening to assault or assaulting another inmate ranged from 7% at Central East Correctional Centre to 94% at South West Detention Centre.

In our follow-up, we noted the Ministry established a working group in February 2020 to modernize the discipline and misconduct model. The Discipline and Misconduct Modernization project was presented to senior management in April 2020. This framework is designed to establish an effective, consistent and accountable discipline and misconduct process that improves working conditions for front-line staff, ensures procedural fairness for inmates, and preserves the safety and security of the institution. The Ministry is continuing to assess the framework and explore the enabling regulatory framework required to support implementing it.

Rise in Sick Days Has Led to Lockdowns and Increase in Overtime Costs

Recommendation 17

To manage and mitigate the impacts of absenteeism, we recommend that:

- *superintendents in all institutions regularly review absenteeism and overtime payments at their respective institutions and take action to reduce the occurrence of lockdowns and the need for overtime payments;*

Status: In the process of being implemented by February 2023.

Details

We found in our 2019 audit that the average number of sick days taken by permanent correctional staff in 2018 was 31 days, 27% higher than in 2014. The

average number of sick days taken varied significantly by institution, ranging from 9.1 days to 40.6 days. We noticed a correlation between the sick days taken and the lockdowns that occur at institutions as staffing shortages had a direct impact on the security of the institution. In the previous five years, 56% of the 1,828 instances of institutional lockdowns in Central East, and 71% of the 880 lockdowns in Toronto South were due to staffing shortages

In our follow-up, we noted that on April 1, 2020 the Ministry established a Corrections Attendance Support and Management Office (CASMO). CASMO is expected to provide dedicated attendance management support to managers in correctional workplaces with a focus on reducing absenteeism. All positions for CASMO were filled by April 2021. An IT application has been developed and was implemented at sites in March 2021. This will allow CASMO to regularly review absenteeism and overtime payments. CASMO has also developed key performance indicators to track, monitor and determine the progress of attendance management supports. The Ministry fully expects to implement this recommendation by February 2023.

- *the Ministry of the Solicitor General consider redirecting savings realized from reductions in overtime payments to increased training for correctional staff.*

Status: In the process of being implemented by March 2023.

Details

We found in our 2019 audit that, in 2018/19, over three-quarters of correctional staff received overtime payments totalling \$60 million. Overtime costs were paid when employees called in sick and their shifts had to be filled. On average, the overtime payments amounted to 16% of their regular salaries. About \$42 million (or 70%) of this amount was paid to correctional officers. This is a 280% increase in the overtime payments since our last audit in 2008 (of \$11 million), despite the number of correctional officers increasing by only 30% from 3,400 to 4,400.

In our follow-up, we noted the Ministry has completed an analysis of cost savings and opportunities

for potential reallocation of funds to support other ministry and institution service priorities. This includes implementing a time and attendance system across all institutions that it projects will generate annual savings of \$9 million across all institutions by March 2023. Treasury Board/Management Board of Cabinet approved this strategy through a 2019/20 planning process.

Recruitment Files Do Not Always Support Promotions

Recommendation 18

So that the recruitment and promotion process for management staff is fair and transparent and the best-qualified individuals are hired or promoted, we recommend that the Ministry of the Solicitor General work with the Talent Acquisition Branch within the Ministry of Government and Consumer Services to:

- *review and revise the recruitment process for management staff to include clear and appropriate requirements for qualifications and minimum scores to be selected for interview;*

Status: Fully implemented.

Details

We found in our 2019 audit that the job selection process was not fair and lacked basic criteria that would support promotions. For example, senior positions like sergeants did not require prior experience as a correctional officer, and more senior positions like a deputy superintendent did not require prior experience as a sergeant. In one particular competition that we reviewed, we noticed that one applicant was selected for an interview for a deputy superintendent position over nine other applicants who scored two to 20 points higher in the screening stage.

In our follow-up, we noted that in an effort to address concerns regarding transparency, fairness and inclusion in relation to staffing decisions across the Ontario Public Sector (OPS), the Ministry of Government and Consumer Services completed a review regarding fair hiring practices, including at

the Ministry of the Solicitor General in June 2020. In addition, we also noted that the Ministry has put in place a number of practices to conduct barrier-free recruitment including the following:

- the Ministry's Leadership Talent Office (LTO) holds detailed discussions with clients prior to interviews on various topics including diversity, inclusion, bias-free/barrier-free hiring practices and interview scoring;
 - the LTO recommends barrier-free leadership/competency-focused assessment methods, aligned to the qualifications and key requirements for the position; and
 - all job requirements and qualifications for management positions are outlined in the job ad and form the basis for screening and assessing candidates.
- *ensure that hiring panels document decisions made and the rationale for such decisions during the recruitment process.*
Status: Fully implemented.

Details

We found in our 2019 audit that in some competition files, there was no evidence that the selection panel considered or requested past performance reviews of applicants in the selection process. In one-fifth of the recruitment files we reviewed in Central East, Toronto South and Thunder Bay Correctional, there was incomplete or no documentation of the initial screening to select applicants for interviews.

In our follow-up, we found that in February 2021 a Deputy Regional Director (DRD) Oversight Model was implemented as a strategy to support the goal of enhanced fairness, transparency and recruitment. Hiring managers remain ultimately accountable for recruitment, but the Ministry indicated that this additional level of oversight acts as a tool for managers to verify that they have applied the appropriate lens to decisions. In this model, a DRD will review both competitive and non-competitive hiring decisions via a Hiring Review Form, which was also introduced in February 2021.

Evaluation of Staff Performance Not Consistently Done

Recommendation 19

So that all employees' job performances are regularly evaluated, we recommend that the Ministry of the Solicitor General:

- *require performance assessments of all staff to be completed at least annually;*

Status: In the process of being implemented by April 2023.

Details

We found in our 2019 audit that performance evaluations were not consistently done in the eight institutions we visited. In four institutions, evaluations were only conducted for managers such as sergeants, staff sergeants and deputy superintendents, but not for correctional officers, who comprise the majority of the staff. In the other four institutions, evaluations were conducted for correctional officers.

In our follow-up, we noted that in October 2019, the Ministry initiated a project that required Performance Development and Learning Plans to be developed for all fixed-term correctional officers across the province for the 2020/21 fiscal year. A pilot project across all institutions in Ontario was launched in 2019 to ensure all fixed-term correctional officers received performance evaluations by March 31, 2020. Due to COVID-19, the Ministry provided an extension to June 30, 2020. It also provided an extension from March 31, 2021 to June 30, 2021. We found that compliance increased from 72% in 2020 to 84% in 2021. The Ministry expects to be close to being fully compliant by April 2023.

- *improve its performance evaluation framework to include measurable employee goals.*

Status: Little or no progress.

Details

We found in our 2019 audit that staff performance policies did not contain mandatory performance

measurements nor did they have goals to provide incentive for good performance. We were told by the Ministry that there was no expectation for all correctional officers to participate in a performance review process.

In our follow-up, we noted that a working group had been established to address this recommendation, including alignment with the Treasury Board Secretariat that is expanding its talent management tool. This is expected to begin to be rolled out to all corrections employees late in 2021; however, because this is impacting more than 5,000 employees, the Ministry indicated it will not be completed until 2023.

We recommend that superintendents in all institutions ensure that performance assessments are completed for all staff at least annually.

Status: In the process of being implemented by April 2022.

Details

We found in our 2019 audit that performance evaluations were not consistently done in the eight institutions we visited. In four institutions, evaluations were only conducted for managers such as sergeants, staff sergeants and deputy superintendents, but not for correctional officers, who comprise the majority of the staff. In the other four institutions, evaluations were conducted for correctional officers.

In our follow-up, we noted that performance assessments are scheduled to be fully rolled out to all institutions by April 2022. The assessment program contains mandatory annual review requirements where every employee must develop an annual performance plan in consultation with their manager. These performance plans are to be developed at the beginning of the probationary period, the annual performance cycle and for each new assignment.

Staffing Levels at Institutions Not Always Proportionate to Workload

Recommendation 20

To better allocate staffing resources based on the needs of each correctional institution, we recommend that the Ministry of the Solicitor General:

- *improve its staff allocation process to consider factors that impact workload; and*
- *adjust the staffing levels in each institution to reflect the revised allocation.*

Status: Little or no progress.

Details

We found in our 2019 audit that the number of correctional officers was not always proportionate to the number of inmates in custody. For example, Central East and Central North correctional centres, both of which use the indirect supervision model, held an average of 898 and 697 inmates per day in 2018/19. Central North's daily inmate population was 22% smaller than Central East's, but it employed 112 more correctional officers than Central East during the day. According to the Ministry, the disproportionate staffing levels were due to differences in the physical layout, types of inmates held and the supervision model used in institutions. However, it could not provide us with any analysis to support its explanation for the difference. In our follow-up, we noted that the Ministry conducted research in July 2018 but was unable to develop a tool for all correctional institutions to assess staffing levels. The Ministry indicated to us that it plans to review staffing resources but did not provide a timeline.

Variations in Daily Cost per Inmate Not Analyzed, Potential Savings Unknown

Recommendation 21

To effectively manage operating costs, we recommend that the Ministry of the Solicitor General regularly analyze the reasons for the variations in daily cost per inmate and take the necessary corrective action where cost inefficiencies are identified.

Status: Fully implemented.

Details

We found in our 2019 audit that the daily operating cost per inmate was 57% higher, accounting for inflation, than our last audit of adult institutional services in 2008. We also noted that the daily cost per inmate varied across the province from a high of \$589 at Fort Frances Jail to a low of \$186 at Kenora Jail.

In our follow-up, we found that in September 2020 the Ministry started including analysis of the various components of the daily inmate costs as part of the monthly financial reporting to senior management. The cost analysis is part of a monthly presentation on financial forecasting and risks and the Ministry committed to take necessary corrective action if inefficiencies are found.

Management Lacks Information to Evaluate Effectiveness of Institutional Programs and Services

Recommendation 22

So that relevant information is collected and recorded electronically, we recommend that the Ministry of the Solicitor General:

- *assess whether its existing information technology systems meet the operational needs of correctional institutions;*

Status: In the process of being implemented by March 2023.

Details

We found in our 2019 audit that most of the inmate information was recorded manually at the institutions and retained on paper due to deficiencies in the existing information system in place at the institutions. The Offender Tracking Information System did not have the functionality to maintain key information such as health-care notes, social workers' notes, inmate complaints and requests, search records, and observation records of inmates on suicide watch and in segregation units.

In our follow-up, we noted that the Ministry's initiatives include data collection analytics and management reform that will combine information in three key areas: segregation, capacity utilization, and human rights accommodation. The technology systems supporting these initiatives include:

- Mobile Inmate Tracking and Incident Report Management, which uses ankle bracelets to digitally track and record movements in the community of low-risk offenders on bail. The Ministry implemented it in February 2021; and
 - a single centralized electronic medical record system that will digitalize the current paper-based medical system by March 2023.
- *analyze the costs and benefits of various options, and seek the necessary approvals, to address gaps identified in the above assessment.*

Status: Little or no progress.

Details

We found in our 2019 audit that, in over one-third of the medical files we reviewed, there were gaps in health-care documentation such as medical notes or diagnosis from consultations with external clinicians. The gaps in documentation ranged from three months to multiple years. This resulted in neither us nor staff being able to confirm whether inmates received the necessary health care during those periods.

In our follow-up, we noted that in February 2021, the Ministry received the necessary approvals for Mobile Inmate Tracking and Incident Report

Management. However, the Ministry has yet to address the gaps.

Recommendation 23

So that superintendents in all institutions and the Ministry of the Solicitor General (Ministry) have the necessary information to evaluate the effectiveness of institutional programs and services, we recommend that the Ministry:

- *establish goals for its operation of correctional institutions;*

Status: Little or no progress.

Details

We found in our 2019 audit that management staff in the institutions and the Ministry do not analyze information about institutional programs and services to identify systemic issues and areas where improvements are needed. For example, security staff in two of the institutions we visited recorded instances when any part of the institution was locked down and made a brief notation of the reason. However, there was no information about the duration of the lockdowns or the programs and services that were affected by such lockdowns.

In our follow-up, we noted that in March 2021 the Ministry established institutional goals in the following priority areas: health, safety and security, placement options, staffing, budgeting and finance and programming and discharge. However, we noted that many of the goals established were in fact only priorities as they did not have specific targets for the Ministry to meet. For example, in the area of health, the Ministry's priority was to enhance treatment for inmates who are at risk of suicide and/or substance use, decreasing the number of deaths from overdoses and suicide attempts in institutions. However, the Ministry did not have a specific target related to the reduction in the number of deaths. In another example, in the area of safety and security, the Ministry's priority was to reduce incidents of violence in institutions. However, it did not establish a target for the reduction of the incidents of violence.

- *develop measurable indicators both at the institutional and provincial levels, against which it can assess performance against such goals;*
- *regularly measure and publicly report on its performance against the indicators, targets and goals;*

Status: In the process of being implemented by March 2022.

Details

In our follow-up, we noted that through the 2020/21 multi-year planning process, the Ministry established targets, goals, and indicators at the institutional and provincial level to track performance of the operation of correctional institutions and publicly report on that progress. The goals and indicators were completed by March 2021. The targets for these goals and publicly reporting on performance were committed to be implemented by March 2022.

- *take action to improve performance when targets are not met.*

Status: Little or no progress.

Details

This third action item is dependent on the implementation of the second action item as discussed above.

Ministry Plans to Use Direct Supervision Model in New Institutions without Evaluating if Model Is Effective in Controlling Inmate Behaviour

Recommendation 24

So that the current and future implementations of the direct supervision model achieve the intended benefits of the model, we recommend that the Ministry of the Solicitor General:

- *review the implementation of the direct supervision model in Toronto South Detention Centre and South West Detention Centre to identify areas*

where improvements are needed to align with the principles of the model;

Status: Fully implemented for South West Detention Centre.

Little or no progress for Toronto South Detention Centre.

Details

We found in our 2019 audit that the Ministry had not evaluated the direct supervision model it plans to implement in its two new institutions, planned to be completed in 2023, to determine whether it is achieving benefits such as less violence, and to identify areas where improvements are needed. We also noted that the direct supervision model was implemented differently at Toronto South and South West detention centres. In our review of security footage, we found inconsistencies in whether unit rules were being enforced. For example, at Toronto South we observed seven rules being broken, including multiple inmates entering a cell not belonging to them. We also found that contrary to one of the primary principles of direct supervision, officers did not move around the living unit to interact with the inmates in two-thirds of the sample of footage we reviewed in both institutions.

In our follow-up, we found that in October 2019, the Ministry completed an implementation audit of the direct supervision model at the South West Detention Centre. It was determined that six of the eight direct supervision principles (75%) were considered met.

However, the Ministry considered a direct supervision implementation audit at the Toronto South Detention Centre to be premature. Senior administration identified ongoing issues—such as practices that limit the ability to deter inmate misconduct, no meaningful consequences for inmates, limited alternative housing options, and a lack of support from management at Toronto South—to be, at least in part, the reasons why effective direct supervision operations have not been established at the institution. Instead, the Ministry developed the Tiered DS Model Proposal, which adheres closely to direct supervision principles.

Implementation of the Tiered DS Model at Toronto South began in 2020.

- *incorporate lessons learned from this review in future implementations;*

Status: Little or no progress.

As a result of the review of the implementation of direct supervision models at Toronto South and South West detention centres, the Ministry is establishing a working group to periodically assess direct supervision implementation and identify areas where improvements are needed to align with the principles of the model. An approach is being developed to optimize the model at current and future sites by utilizing the Ministry Employee Relations Committee DS Subcommittee in order to review the analysis and determine strategies that can be considered for current facilities and future site implementations.

- *develop measurable indicators (for example, decrease in violent incidents) and targets against which it can assess the effectiveness of the direct supervision model;*

Status: Little or no progress.

Details

As noted in **Recommendation 23**, in March 2021 the Ministry established priorities for the effective operation of institutions, but these priorities did not contain measurable indicators and targets to enable the assessment of whether the priorities are met.

- *regularly assess its performance against the above targets, and take action to improve performance when targets are not met.*

Status: Little or no progress.

Details

The Ministry noted that outstanding work includes incorporating lessons learned and the schedule for regularly assessing its performance against targets and act to improve performance when targets are not met. The Ministry has yet to determine when it will track progress against indicators.

Design and Maintenance of Institutions under Alternative Financing Procurement Arrangements Not Sufficiently Monitored

Recommendation 25

To avoid additional costs from design changes to correctional institutions constructed using the Alternative Financing Procurement method, we recommend that the Ministry of the Solicitor General work with Infrastructure Ontario to ensure that relevant staff from all aspects of the correctional institution's operations and their local union representatives be consulted during the design and construction phase to identify and correct design flaws earlier in the process.

Status: Fully implemented.

Details

We found in our 2019 audit that the Ministry had paid a total of \$25 million for over 200 projects outside the scope of the Alternative Financing Procurement design/ build contract at Toronto South Detention Centre since the design was finalized in February 2011. We identified a number of these projects, costing approximately \$11 million (or 44% of the total payments), which could reasonably be attributed to design flaws.

In our follow-up, we found that in January 2021 the Infrastructure Ontario Major Capital Projects Unit established Institutional Services Engagement Teams at every local project location. The teams act as a conduit to share information with all institutional staff on a greater detailed basis. They include bargaining unit members and the institution's superintendent and local union president.

Recommendation 26

To ensure that correctional institutions constructed using the Alternative Financing Procurement method are maintained, where applicable, in accordance with the maintenance agreement, we recommend that the Ministry of the Solicitor General work with Infrastructure Ontario to:

- *include clear and measurable performance indicators in the maintenance agreement;*
Status: Fully implemented.

Details

We found in our 2019 audit that oversight by Ministry and Toronto South staff of the maintenance activities at the detention centre had been inadequate to ensure that routine maintenance work was carried out and that the private contractor responded to service requests in a timely manner. The Ministry pays the private contractor on average \$31.7 million in annual service payments to cover costs related to the principal repayment, interest, capital rehabilitation, facility maintenance and management fees to Infrastructure Ontario. The Ontario Internal Audit division noted in its 2019 review of Toronto South maintenance that the indicators in the contract with the contractor were generalized requirements, not performance measures.

In our follow-up, we found that in November 2019 a management tool was drafted collaboratively by Infrastructure Ontario and the Ministry to track performance measures and indicators in maintenance agreements. Examples of performance measures tracked include:

A minimum of 85% of scheduled maintenance is completed within the planned month and any deferred scheduled maintenance is completed within the following month and associated records are provided to the Ministry.

No later than three months prior to substantial completion, the project company and the Ministry shall develop, maintain and implement a system for recording and acting on customer feedback and satisfaction with respect to the environmental and sustainability services in response to the customer satisfaction survey.

The project company will have contingency failure plans in response to any and all utility and equipment failures.

- *regularly monitor the private contractor's performance against such indicators;*
Status: Fully implemented.

Details

In our 2019 audit, we asked Infrastructure Ontario staff whether the private contractor was meeting a sample of the 78 measurable performance indicators in its maintenance agreement. The staff could not provide us with the information, so it was unclear to us whether Infrastructure Ontario or Ministry staff were monitoring the private contractor's performance against these indicators.

In our follow-up, we found that in November 2019 the Ministry started monitoring the private contractor's performance indicators on a monthly basis. This includes source data such as work orders, repair logs, variations and help desk calls. These documents summarize all the monthly maintenance that was required, and the rate of completion.

- *include clear and progressive penalties and deductions if the private contractor partner continually fails to meet service requirements.*

Status: Fully implemented.

Details

We found in our 2019 audit that there was little incentive for the onsite maintenance provider to adhere to the service requirements in the AFP contract. In 2018, monthly reports submitted by the private contractor stated that there was a total of 57 service failures (that is, the time it took the private contractor to respond to and rectify service requests exceeded the required time frame) throughout the year. These service failures resulted in deductions of only \$16,500, or less than 1% of the \$24 million annual service fees.

In our follow-up, we found that Infrastructure Ontario created a progressive penalty system that uses failure points that accumulate over monthly payment periods resulting in monthly deductions. If failure points accumulate over three months, the project company receives a warning notice and may subsequently move to sustained monitoring.

Also, if Infrastructure Ontario does not approve the performance monitoring report due to a disagreement on deductions, Infrastructure Ontario works

with the project company to come to an agreement on the deductions and will submit a revised performance monitoring report. Should they not reach an agreement, the matter goes to dispute resolution process.

In April 2020, Infrastructure Ontario also created a payment integrity and performance reporting system with Ernst & Young that tracks all the deductions and performance indicators in a format that will help correctly identify any breaches of the contract. This system tracks the monthly performance reports issued by the private contractor, which are reviewed and approved by Infrastructure Ontario and the Ministry of the Solicitor General. The Ministry indicated that Infrastructure Ontario is now tracking monthly payments, deductions and performance indicators in a format that is easily accessible and trackable.