

## Chapter 3

### Section 3.01

Ministries of Community Safety and Correctional Services,  
and the Attorney General

# Adult Community Corrections and Ontario Parole Board

## Background

Under the *Ministry of Correctional Services Act*, the Adult Community Corrections Division (Division) of the Ministry of Community Safety and Correctional Services (Ministry) supervises and provides rehabilitative programming and treatment to adult offenders serving sentences in the community, with an overall goal of helping offenders to not reoffend and reducing risk to the public.

During the fiscal year ended March 31, 2014, there were 37,490 newly sentenced offenders serving community-based sentences, such as probation, conditional sentences, parole and temporary absences. (See descriptions in **Figure 1**.) The average sentence length was 16 months for probation, eight months for conditional sentences, seven months for parole, and 35 days for temporary absences granted by the Ontario Parole Board. On an average day, the Ministry supervised more than 51,200 offenders, including 47,800 (93%) who were under probation orders; 3,200 (6%) under conditional sentences; and 200 (1%) released under parole or temporary absence permits of more than 72 hours.

Operating expenditures for the Division totalled \$114 million for the fiscal year ending March 31, 2014, including \$95 million (83%) for salaries

and benefits. The Ministry paid about \$5 million (4%) to community-based service providers for rehabilitation programs and services, such as anger management programs, substance abuse treatment, psychological therapy, and individual and group counselling. As of March 31, 2014, the Division had almost 1,200 staff, including 800 probation and parole officers in more than 100 probation and parole offices across Ontario, as well as about 50 officers stationed in courts and correctional institutions. (See **Figure 2**.)

The Ontario Parole Board (Board) is a quasi-judicial independent administrative tribunal that derives its authority from the federal *Corrections and Conditional Release Act* and the provincial *Ministry of Correctional Services Act*. Ontario and Quebec are the only provinces with their own parole boards; other provinces have made arrangements with the Parole Board of Canada. In the 2013/14 fiscal year, the Board held parole hearings for more than 1,000 eligible inmates, in which 35% of parole requests were granted, and hearings on almost 150 temporary absence requests, of which 55% were granted.

As of April 1, 2013, the Board along with four other Ontario adjudicative tribunals from the Ministry of Community Safety and Correctional Services and the Ministry of Government Services became part of a new organizational cluster called

**Figure 1: Types and Number of Community-based Sentences for Newly Sentenced Adult Offenders, for the year ended March 31, 2014**

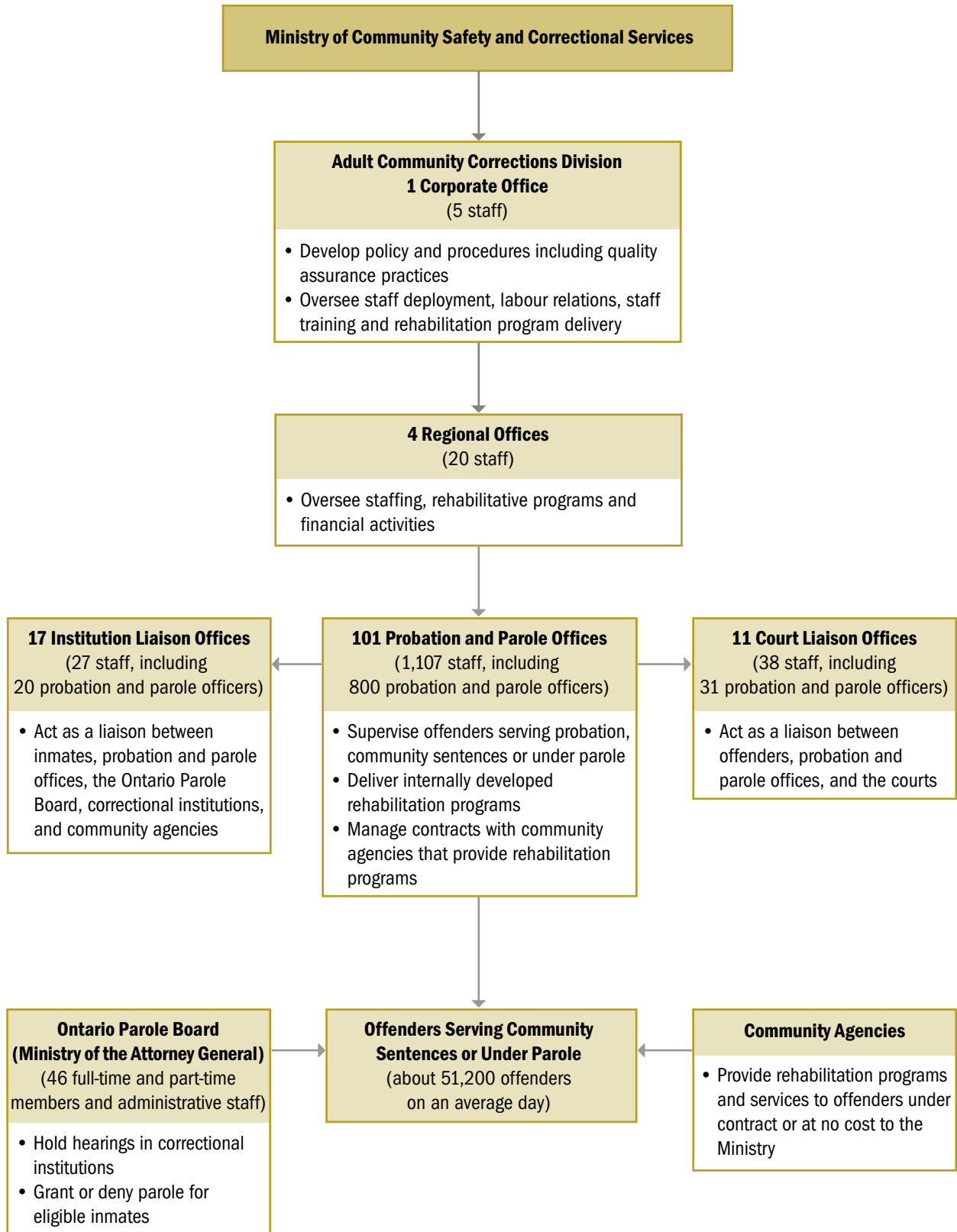
Source of data: Ministry of Community Safety and Correctional Services and the Ontario Parole Board

Type of Community-based Sentence	Description	# of Offenders	% of Offenders
Probation Order	Under the federal <i>Criminal Code</i> , an offender who gets a conditional discharge or a suspended sentence from a court typically receives a probation order authorizing the offender to remain at large in the community subject to conditions and under supervision. Maximum length of a probation order is three years. Probation orders include mandatory conditions, such as that the offender keep the peace and be of good behaviour, and possibly optional conditions, including that the offender report to a probation and parole officer, be prohibited from using drugs, alcohol, or weapons, perform community service, stay away from certain people or go for counselling or rehabilitation.	32,720	87
Conditional Sentencing	Under the <i>Criminal Code</i> , a conditional sentence is a jail sentence, except that the offender serves it outside of jail, under strict, jail-like conditions. A conviction is registered against the offender. A judge can only impose a conditional sentence under certain conditions, including if the sentence is for less than two years in jail, if the offender has not been convicted of a serious crime, and if the judge is satisfied that the offender's release would not threaten the safety of the community. Conditional sentences have mandatory conditions, and they usually also have strict restrictions, such as house arrest except to allow the offender to attend work, school or religious worship, or for medical reasons. Other conditions may be similar to those of a probation order. Every conditional sentence requires the offender to report to a probation and parole officer.	4,340	12
Provincial Parole	Under the federal <i>Corrections and Conditional Release Act</i> , parole is an opportunity for inmates in correctional institutions to serve the remainder of their sentences in the community with conditions and under supervision after serving at least one-third of their sentences. Parole from a provincial correctional institution can only be granted by the Ontario Parole Board, which will decide on the request from an inmate after assessing factors including the original crime committed, behaviour while incarcerated, and the offender's release plan for a safe and successful return to the community, particularly in relation to community support, rehabilitation programs and counselling. Inmates serving jail sentences of 180 days or more are automatically scheduled to be considered for parole by the Board, unless the inmate waives, in writing, the right to a hearing. Inmates who do not apply or who are refused parole are normally released without conditions after serving two-thirds of their sentences.	350	<1
Temporary Absence	Under the <i>Corrections and Conditional Release Act</i> , inmates in provincial correctional institutions can request temporary absence permits during their term of imprisonment. The Ontario Parole Board can grant unescorted absences from 72 hours up to 60 days, which may be renewed. In addition, a superintendent of a correctional institution can grant inmates escorted and unescorted absences less than 72 hours. Offenders may be granted temporary absences to participate in drug/alcohol treatment or other programs, upgrade education, attend work, or for medical or humanitarian reasons. Each temporary absence is regulated by a set of conditions with which the offender must comply. All temporary absences are monitored by the correctional institution.	80*	<1
<b>Total</b>		<b>37,490</b>	<b>100</b>

\* The figure represents the number of temporary absences granted by the Ontario Parole Board only.

**Figure 2: Key Players Involved in Community-based Sentences and Parole, 2014**

Source of data: Ministry of Community Safety and Correctional Services and the Ontario Parole Board



the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO) under the Ministry of the Attorney General. The Board's operating expenditures as part of SLASTO for the year ended March 31, 2014, totalled approximately \$2.4 million, with four full-time members and 27 part-time members.

## Audit Objective and Scope

Our audit objective was to assess whether the Adult Community Corrections Division of the Ministry of Community Safety and Correctional Services (Ministry) and/or the Ontario Parole Board (Board) had effective procedures and systems in place to ensure:

- the risk of offenders serving their sentences in the community is mitigated by effective supervision;
- offenders receive appropriate rehabilitative support in accordance with their needs; and
- resources are efficiently used and program effectiveness is measured and reported on for public safety and offender rehabilitation.

Senior management at the Ministry and the Board agreed to our audit objective and criteria.

At the Ministry's corporate office, one regional office and five probation and parole offices in all regions, we interviewed senior managers and probation and parole officers, and reviewed systems, procedures, offender case files and contracts with community service agencies. We visited the Board's head office and two of its three regional offices, examined parole and temporary absences cases and interviewed board members and community corrections and correctional institution staff. We also observed hearings for parole and temporary absence requests at correctional institutions and we met with senior management of the Safety, Licensing Appeals and Standards Tribunals Ontario. Our review primarily covered case files from the last two fiscal years. We also considered the status and relevance of the recommendations we made in

2002, when we last audited the then Community Services Program and the then Ontario Parole and Earned Release Board, both of the then Ministry of Public Safety and Security. In addition, we focused on the status of certain issues we identified in 2008 for the Ministry's Adult Institutional Services, including its electronic supervision program, rehabilitation programs and inmates with mental illness in correctional institutions.

As part of our planning for this audit, we reviewed a number of the Ministry's internal audit reports on the Adult Community Corrections Division and the Board, and considered them in scoping our audit.

We interviewed representatives from key agencies that received provincial funding to obtain their perspectives on the rehabilitation of offenders in the community. We conducted research on community corrections and parole programs in other provinces and at the federal level and met with their representatives. We also engaged an independent expert on community corrections program delivery and contacted representatives from Statistics Canada.

Our audit did not cover temporary absences for inmates of less than 72 hours. Under the *Ministry of Correctional Services Act's* regulations, this is a responsibility of correctional institutions; the Board approves temporary absences of 72 hours or longer.

## Summary

There continues to be substantial room for improvement in the Ministry's supervision of and rehabilitative programming activities for offenders serving their sentences in the community that could reduce the risk to the public and lower the reoffend rate. We noted the Ministry has been implementing a number of quality assurance initiatives over the last three years, but as these measures are at varying stages of implementation, their impact is not fully realized.

Although the Ministry's programs' aim is to reduce the reoffend rate among adults serving their sentences in the community, the overall average reoffend rate for community-supervised offenders—those serving conditional sentences or on probation—increased slightly, from 21.2% in 2001/02 to 23.6% in 2010/11. As well, the rate of reoffending is much higher than the overall average of 23.6% for high- and very-high-risk offenders, at 42.7% and 60.3%, respectively, and the rate for medium-risk offenders is the same as the average. In total, very-high-risk, high-risk and medium-risk offenders represent the majority of newly sentenced offenders under supervision during 2013/14, and the Ministry noted that these new cases have increasingly complex needs. This represents more than 21,000 newly sentenced offenders, or 57%, including 2,400 very-high-risk offenders.

Furthermore, we noted that the Ministry defines “reoffending” in a somewhat narrow way that understates the rate at which those who have served community sentences reoffend. Ontario considers a person to have reoffended if he or she has been returned to provincial community supervision or incarceration on new convictions within two years of the end of their community sentences. (Thus, the reoffend rate of 23.6% for 2010/11 given above includes those who have reoffended under this definition as of 2012/13.) This definition does not include anyone who has only been charged with an offence or who is awaiting trial since completing their sentence. The two-year time limit excludes from the rate people convicted of crimes beyond the two years after their community supervision ended, even if they were charged during the two-year period. As well, the Ministry does not track offences committed outside Ontario. The Ministry does, however, have consistent recidivism data for a decade that is based on its provincial definition of reoffending.

While it would be useful to compare reoffend rates across Canada to assess the Ministry's performance, it is not possible because there is no commonly accepted definition across provinces.

Comparing performance would be useful for determining whether Ontario's average daily spending on supervising and rehabilitating an offender, which, at \$5.81, is the second-lowest among the eight provinces that had the highest number of offenders under community supervision, is cost-effective or whether spending so little puts the public at undue risk that offenders will reoffend.

To reduce public risk and lower its reoffend rate, the Ministry needs to better monitor the work of its probation and parole officers to ensure policies and procedures are followed, and to focus its available supervisory resources, rehabilitation programs and services on higher-risk offenders. This includes expediting its current efforts with respect to contract rationalization, policy revision and mandatory staff training. In addition, it needs to ensure its rehabilitation programs can be demonstrated to successfully help offenders to not reoffend. Details of our key observations were as follows:

- Processes were not sufficient to ensure that probation and parole officers completed risk assessments for offenders within the required six weeks of the offenders' initial intake appointment with a probation and parole officer. The timely completion of a comprehensive risk assessment is critical to establishing an effective offender management plan, which details supervision requirements and rehabilitation needs during the community sentence period. The Ministry also lacked appropriate information on why offender risk assessments were not completed on time and not kept up to date. While the Ministry had improved since our 2002 audit, we still noted that about 10% of offenders over roughly the last five years had not had risk assessments completed and 18% did not have offender management plans. We found that at the five offices we visited, risk assessments for sex and domestic violence offenders had often not been prepared within the required six weeks from the date of the initial intake appointment, including for 80% of sex offender cases we sampled

at one office. As well, we found offender management plans had been prepared in some cases where risk assessments were not completed first.

- We noted that the average reoffend rate was as low as 20.3% in one region and as high as 29.7% in another. Regional information would help the Ministry target attention to regions with higher reoffend rates, and information in other categories would help target appropriate programs and services to specific higher-risk groups of offenders.
- The Ministry did not have reliable and timely information on offenders who breached conditions of their release, or information about the monitoring action taken by probation and parole officers to address these violations, unless an offender's actions resulted in a serious incident. Having this information would enable the Ministry to track what percentage of offenders successfully complete their community sentences as well as identify conditions that are commonly violated in order to assess its procedures for overseeing offenders with these conditions. As well, probation and parole officers did not use effective measures to ensure that more stringent conditions imposed on offenders, such as curfews and house arrest, were enforced.
- The Ministry's quality assurance initiatives have been ongoing over the last three years, but more work is required to bring case-management practices into alignment with policies and procedures. Reviews of probation and parole officers' handling of offender case management files, done by us and by local area managers, identified many deficiencies in adhering to supervision requirements. Lower-risk offenders were often over-supervised and higher-risk offenders under-supervised. We noted some cases in which reoffenders under supervision were charged with crimes that were more serious than their original offences. Many probation and parole officers

were still not sufficiently trained to effectively oversee higher-risk offenders or those with mental health issues.

- The Ministry estimated that the number of offenders with mental health issues has grown 90% over the last 10 years to 10,000 offenders, representing about 20% of the number of offenders supervised each day. This number is likely underestimated, since the Ministry has not provided probation and parole officers with a validated tool to properly assess offenders for mental health issues. Although a probation and parole officer may refer an offender to an individual or group counselling session with a psychiatrist or to a program that focuses on their mental health issues, the Ministry lacks a provincial strategy to address offender mental health and related issues.
- The Ministry does not regularly track the availability of, and wait times for, rehabilitation programs and services at each of its probation and parole offices, and did not have in place a plan to ensure programs and services were available consistently across the province for either internally delivered Ministry-developed core programs or for the community delivered programs it pays for or makes referrals to. About 40 of 100 offices did not have available core programs, such as for anger management and substance abuse, to offer to their offenders, and the most that any one office offered was five of the 14 core programs available. The Ministry did not know if externally delivered programs were making up the shortfall of needed core programs at probation and parole offices. In addition, only two of the Ministry's core programs have received accreditation from its internal program research unit for their effectiveness in reducing offend rates.
- About 74% of offenders were scheduled to attend one or more programs or services during the 2012/13 fiscal year; however, the Ministry's Offender Tracking Information

System (OTIS) did not capture information on offenders' attendance at and completion of all programs and services, particularly for externally delivered programs, to which probation and parole officers referred them. The lack of information made monitoring of offenders' completion of rehabilitation activities and the effectiveness of those activities, at either internal core programs or those provided externally by service providers, more difficult. The Ministry does, however, have a mechanism in place outside of its electronic Offender Tracking Information System for the manual tracking of referrals to external programs.

- Contracts with the community service providers for rehabilitative programming were not adequately managed to ensure that the Ministry did not pay for more than the number of offenders who actually attended programs and services. The cost of programs, such as for anger management, sex offender treatment and substance abuse, varied significantly across the province, with costs incurred more than four to 12 times higher in some geographic areas than in other areas.
- The Ministry had been aware for more than 10 years of a number of significant security issues with OTIS with regard to user passwords, data encryption and monitoring users' activities and changes to the system; however, these issues had still not been resolved at the time of our audit. This puts offenders' and victims' information at risk, such that the information is vulnerable to unauthorized change or disclosure. We also noted that required security clearances were not obtained for persons who had access to offender information systems, including those with the ability to make changes to the records and systems.
- There was no system in place to ensure all information technology projects were delivered in accordance with pre-established timelines and budgets, as mandated by provincial government policy. Oversight of two IT

projects—with a combined cost of over \$4 million—that pertained to offender information systems, was weak, such that expenditures on the project were not being monitored and the completion of both projects was well overdue.

- We found low parole participation rates by inmates, with only half of the number of inmates applying to the Ontario Parole Board for a parole hearing in 2013/14 that had applied in 2000/01, when we last audited the Board. For low-risk qualifying inmates, granting parole could help in their rehabilitation, as well as help the Ministry lower inmate incarceration costs and reduce overcrowding in correctional institutions. Low parole participation rates can be attributed to several factors: the lengthy and onerous process in place for inmates to apply for a parole hearing, which makes it not worthwhile for most inmates because they receive short sentences; limited staff at correctional institutions to help inmates successfully manage the parole application process; and inmates being discouraged from applying for parole due to the Board approving on average over the last five years only 32% of inmates who had hearings, as well as the stringent conditions that would be imposed upon their release.

## OVERALL MINISTRY RESPONSE

The Ministry thanks the Auditor General for her report and thoughtful recommendations. We are committed to addressing each of these recommendations as part of our ongoing work to ensure quality programs and services and to improve outcomes for offenders under community correctional supervision.

Community Services has identified opportunities for improvement across several critical areas. Quality assurance initiatives introduced since 2011 are now at various stages of implementation, and are identified and further reinforced by these recommendations.

The Auditor General's report confirms that more needs to be done. We will work closely with our partners in the justice sector, including Justice Technology Services, the Ministry of the Attorney General, the Ontario Parole Board and other jurisdictions to meet the needs and reduce risks of offenders, and better serve the people of Ontario.

## Detailed Audit Observations

### Adult Community Corrections

#### Minimal Progress in Lowering Reoffend Rate; Rate for High-risk Offenders is High

The Ministry's programs focus on reintegrating offenders into the community and reducing the rate at which they reoffend. The reoffend rate is commonly used to measure the performance of justice ministries' programs, including community corrections.

The Ministry defines Ontario's reoffend rate for offenders who have served community sentences as the percentage who return to provincial correctional supervision or incarceration on new convictions within the first two years after their community sentences ended. This definition is quite narrow and could result in the Ministry understating the rate at which those who have served community sentences reoffend. Ontario's definition includes only people who are convicted and subsequently sentenced to either incarceration or placed under community supervision. It does not include anyone who has only been charged or who is awaiting trial since completing their sentence. The two-year time limit in the Ministry's definition means that anyone convicted of a crime beyond two years after their community supervision is also excluded. Offences committed outside of Ontario are also not tracked in the Ministry's system.

The Ministry tracks the reoffend rate by two measures: whether the offender was on probation or conditional sentence; and the level of risk of reoffending that the Ministry assigned to the offender. However, the Ministry has not set any specific targets for the overall reoffend rate in order to measure its performance.

The Ministry started tracking its annual reoffend rate in 2001/02. The overall average reoffend rate for community-supervised offenders increased slightly by 2.4 percentage points, from 21.2% in 2001/02 to 23.6% in 2010/11. (The latter rate includes those who reoffended as of 2012/13, the two-year period after completing their community sentences.) The average reoffend rate for offenders who had received probation increased from 21.2% to 23.5% for the same period, and the rate for offenders who had had conditional sentences increased from 21.6% to 24.6%.

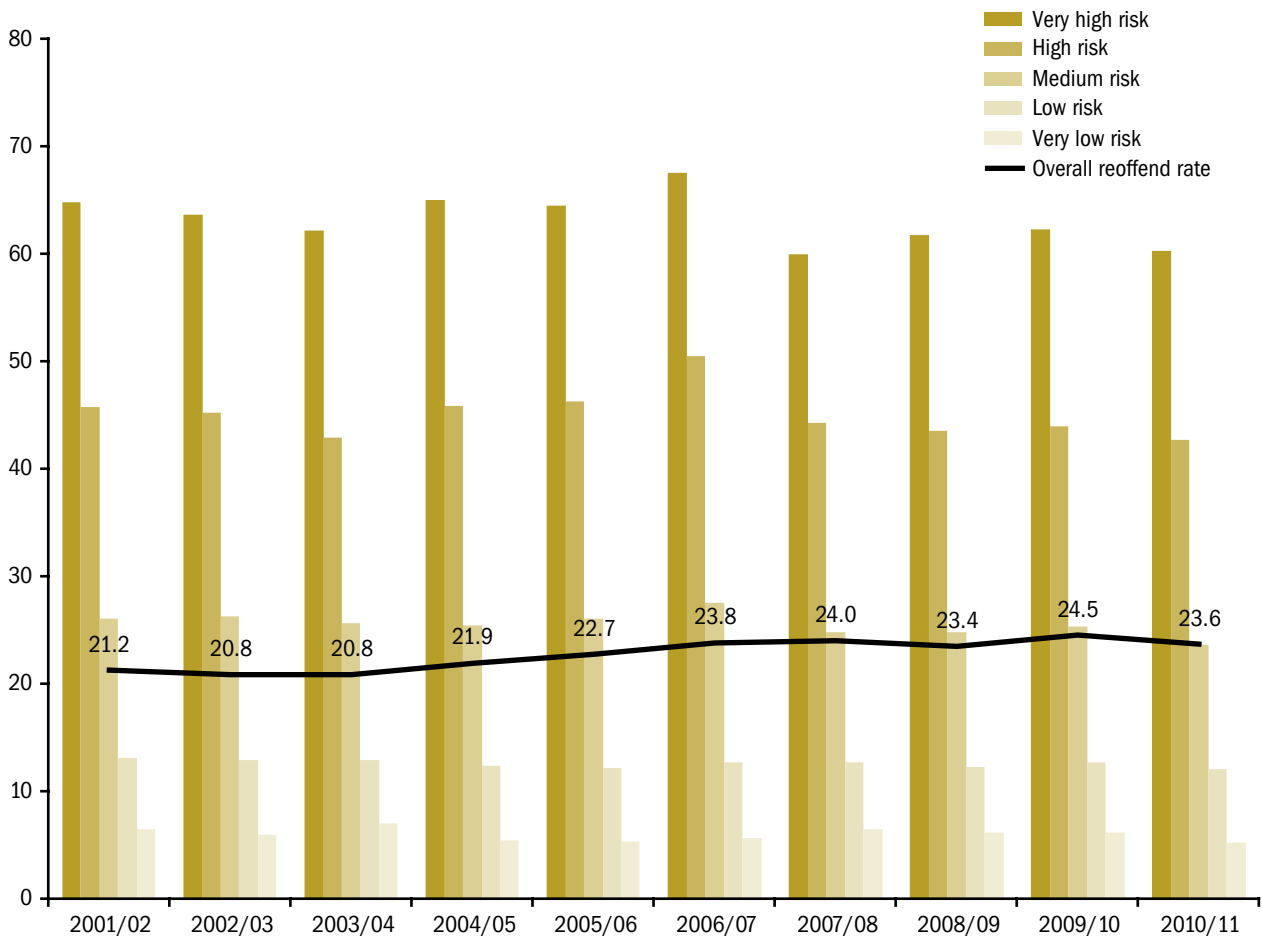
The overall average reoffend rate rose between 2002 and 2011 primarily because the number of medium- to very-high-risk offenders under community supervision increased from 43% in 2002 to 56% in 2011. As **Figure 3** shows, although there was a small improvement in the reoffend rate in each risk level over the period, the rates for reoffending remain significant for medium-, high- and very-high-risk offenders at 23.6%, 42.7% and 60.3% respectively. These three categories represent the majority of newly sentenced offenders under supervision, comprising 57%, or more than 21,000 newly sentenced offenders during 2013/14, including 2,400 very-high-risk offenders. These minimal improvements indicate that the Ministry's rehabilitation programs and its approach to changing offenders' behaviour after supervision need to be more effective.

The Ministry has neither tracked nor analyzed reoffend rates by criteria other than type of community sentence and risk level, despite the fact that information on rates by region, age, gender and mental health issues is available through the Ministry's Offender Tracking Information System (OTIS). We noted that the reoffend rate was as



**Figure 3: Overall Reoffend Rate of Offenders under Supervision by Ministry-assessed Risk Level, for the years ending March 31, 2002–2011**

Source of data: Ministry of Community Safety and Correctional Services



low as 20.3% in one region and as high as 29.7% in another. Regional information would help the Ministry target resources to regions with higher reoffend rates, and information in other categories would help target appropriate programs and services to specific groups of offenders.

**No Way to Compare Programs Across Canada**

We estimated that in the eight provinces that had the highest number of offenders under community supervision, the average daily cost per offender ranged from \$4.54 in New Brunswick to \$12.94 in Quebec. Ontario had the second lowest rate at \$5.81. The Ministry lacks data for comparing its performance to other provinces, such as

the reoffend rate and successful completion of community-based sentences; as a result, it is not able to assess whether Ontario’s lower operating cost points to the fact that its programs are in fact cost-effective, or whether it means that Ontario is not allocating enough resources for effective community supervision and rehabilitation programs.

There is no common, generally accepted definition in Canada for measuring the reoffend rate of offenders under community supervision, and some provinces do not track it at all. Some provinces include the time during which offenders are still under supervision and others, like Ontario, only track new offences that occur after the supervision period and only for a limited time period.

British Columbia Community Corrections defines, measures and reports its reoffend rate as a new conviction within two years of the start of active community supervision. It publicly reported that its reoffend rate decreased slightly from 23.8% in 2011/12 to 23.2% in 2012/13, and that it has set a target to reduce the rate to 23% for 2013/14, 22.5% in 2014/15, and 22% in 2015/16. In Ontario, the Ministry publicly reported its reoffend rate only in 2008, for the 2004/05 year, because it was included in its strategic plan for 2008/13. It has not reported it since then. In addition, the Ministry has not established any targets for reducing the reoffend rate.

In the 2012/13 fiscal year, Manitoba's community corrections program reported a reoffend rate lower than Ontario's for both offenders on probation and those with conditional sentences, at 14% and 11% respectively. However, Manitoba calculates its reoffend rate somewhat differently than Ontario; Manitoba's rate accounts for only those people who reoffend and are sentenced to incarceration in the two years that follow their community supervision sentence, but not those who are sentenced to probation or conditional sentences.

In June 2011, Statistics Canada began a project to develop a common, national definition of what "recontact" with the criminal justice system entails, in order to help policy- and decision-makers. Statistics Canada defines a contact with the justice system as an official intervention by police (such as a charge), courts (such as a completed case) or corrections (such as resulting from a subsequent offence). Recontact is defined as subsequent contact with police, courts or corrections within a four-year period after the initial contact. Statistics Canada was in the process of collecting data from a number of jurisdictions, including Ontario, and expects to begin comparing data in March 2015.

The Ministry does not track and report on the number of offenders who complete their probation and conditional sentences without incurring further charges or breaching their conditions. In contrast, the Ontario Parole Board monitors the number of

parolees who do not violate conditions and who successfully complete their parole. We noted that Correctional Service Canada measures and reports on the successful completion rate of offenders during community supervision. In 2012/13, it reported that 53% of offenders successfully completed their community supervision sentences.

## RECOMMENDATION 1

In order for the Ministry of Community Safety and Correctional Services to enhance community safety through effective supervision and by reducing reoffend rates of offenders serving their sentences in the community, it should:

- strategically target its resources, programs and services to higher-risk offenders, with a long-term goal of reducing their high reoffend rates;
- compare and analyze Ontario's expenditures and program outcomes for supervising and rehabilitating offenders with other jurisdictions to assess whether the programs are delivering services cost-effectively; and
- work with other provincial and federal community correctional counterparts to develop common measures to use to publicly report on its program results and set targets for improvements, particularly for its reoffend rate.

## MINISTRY RESPONSE

Through its Probation and Parole Service Delivery Framework (PPSDF) established in 2000, the Ministry works to apply the highest level of resources to offenders who are assessed as having the highest risk to reoffend. The PPSDF uses an evidence-based approach to address known risk factors in reoffending through targeted interviewing and intervention techniques, including programming in the areas of anti-criminal thinking, substance abuse, and anger management, and with a particular focus on domestic violence and sexual offending.

Offenders under community supervision have shown increasingly higher risk levels and more complex needs. The Ministry has undertaken reviews of policies involving supervision of higher-risk cases, such as domestic violence and sex offenders. Policy revisions are based on reviews of current best practices in managing complex cases. The Ministry introduced a new Domestic Violence Policy in 2012, and an enhanced Sex Offender Policy in March 2014, both of which require the completion of additional assessment tools and mandatory staff training.

By focusing on the core themes of our mandate, and through better streaming and risk assessments of clients, we are seeing quantifiable and qualitative results. While the overall reoffend rate has increased slightly due to an increase in the proportion of higher-risk offenders to lower-risk offenders, reductions in reoffending rates have been realized in each of the risk categories, including offenders in the high- and very-high-risk category.

We are continuing the joint initiatives underway with police and Crown Attorneys on our highest-risk cases to keep victims and communities safe. In addition, we introduced a new low-risk initiative to ensure the appropriate level of supervision for low-risk offenders.

The Ministry will continue working with jurisdictional partners to develop a standard operational definition of the measurement of recidivism and to identify and share programs that have been shown to be successful in reducing reoffending. Recognizing the many challenges associated with varying client population types and levels of technological and research supports across the country, we will open a dialogue with jurisdictional partners to review overall costs in program delivery.

The Ministry will report publicly on its reoffending rates for Community Services in 2015.

## Offender Risk Assessments and Management Plans Are Not Completed Consistently

Ministry policy requires a probation and parole officer to complete a risk and needs assessment within six weeks of a new offender's initial intake appointment using a Level of Service Inventory—Ontario Revision (LSI-OR) tool. Offenders are interviewed and case files are reviewed to assign scores on eight factors: criminal history, employment/education, family/marital status, leisure/recreational interests, companions, criminal attitude/orientation, substance abuse habits and antisocial patterns. The aggregate score is used to categorize an offender's risk of reoffending into one of five levels that range from very low to very high. The LSI-OR risk assessment becomes the basis for the probation and parole officer to prepare an offender management plan that outlines supervision requirements and rehabilitation programming and services the offender requires during the sentence. The Ministry's policy requires the LSI-OR to be updated annually or when changes in the offender's circumstances occur that could change the level of risk posed by the offender.

At the time of our audit, we found that about 15,000, or 10%, of 157,000 offenders admitted from April 1, 2009, to January 31, 2014, to community supervision for more than 90 days had not had LSI-OR assessments completed at all by March 31, 2014. About 2,380 of these 15,000 offenders were admitted during the first 10 months of 2013/14 and they had not had assessments completed as of March 31, 2014. Following our audit field work, the Ministry reported that as of June 30, 2014, about 1,980, or 4%, of LSI-ORs for more than 47,300 offenders under supervision at the time were still overdue, and about 21% of LSI-ORs that required annual updates were overdue.

The Ministry told us there could have been legitimate reasons for the lack of LSI-ORs, such as that an offender may have had a deportation order, outstanding warrant, was detained, or was

hospitalized. However, the Ministry could not identify these exceptions without reviewing individual offender case files.

We visited five offices and reviewed a sample of cases the Ministry had already identified as overdue for completion of an LSI-OR assessment. We found that the number of cases in which no valid reason was documented ranged from 8% at one office to a high of 60% at another. In cases we sampled that had since completed the LSI-OR, it had taken the probation and parole officers from nine to 35 weeks, instead of the mandated six weeks, to complete the assessment, and the case files contained no explanations for the delay.

Similarly, we also found that from April 1, 2009, to January 31, 2014, about 29,000, or 18%, of the 157,000 offenders admitted for community sentences of more than 90 days had not had offender management plans prepared. The Ministry had no regular reporting mechanism to ensure that offender management plans were completed on a timely basis. LSI-ORs should be in place before probation and parole officers complete offender management plans. We reviewed a sample of cases where the Ministry had identified that LSI-ORs had not been done and we were surprised to find offender management plans had been completed in some of those cases. Although we questioned their completeness and usefulness because no risk assessment had been done, we were advised by the Ministry that some probation and parole officers may begin completing the offender management plan earlier by entering the court-ordered supervision conditions and then adding the rehabilitation needs later, after the risk assessment is complete.

The Ministry's internal policies for domestic violence offenders and sex offenders, which were updated in October 2012 and March 2014, respectively, require or encourage probation and parole officers to prepare specialized risk assessments in addition to the LSI-ORs prior to developing offender management plans; however, the Ministry's monthly management reporting did not include monitoring for their completion. Our

testing found that probation and parole officers were not complying with this requirement for these offenders. For instance, at the five offices we visited, we found that the percentage of domestic violence offender cases we sampled with a specialized risk assessment completed ranged from only 17% to 60%. As well, the percentage that had not had LSI-ORs completed within six weeks of intake ranged from 33% to 67%. It took between nine and 18 weeks to complete these LSI-ORs. With respect to sex offenders, completion of specialized risk assessments ranged from none completed at two offices to 100% at another. As well, the percentage of LSI-ORs for sex offenders that were not completed within six weeks ranged from 14% to 80%, and some took from 12 to 30 weeks to complete.

## RECOMMENDATION 2

In order to ensure timely assessment of risks to the public of offenders supervised in the community and to establish the appropriate level of supervision and rehabilitation programming and services needed, the Ministry of Community Safety and Correctional Services should strengthen its systems and procedures to allow management to routinely make sure that probation and parole officers have completed and updated all required risk and needs assessments and offender management plans, particularly for higher-risk offenders.

## MINISTRY RESPONSE

Improving case supervision is a top priority in the quality assurance initiatives that are underway. A revised Case Management Review (CMR) Policy and scoring guide were implemented in December 2013, to improve consistency across the province as well as to support timely feedback to officers on offender case management. The Ministry will continue its efforts to monitor the timeliness and quality of risk assessments, and will work toward enhanced oversight through the CMR process

as well as changes to monthly statistical reports, to improve the currency of LSI-OR assessments and offender management plans, particularly for higher-risk offenders.

To appropriately stream cases for supervision, the Ministry uses the Level of Service Inventory—Ontario Revision (LSI-OR), which is a validated risk assessment tool that is proven to be an accurate predictor of risk for future reoffending. A new LSI-OR application that will enable probation and parole officers to identify which clients are in need of an initial assessment or reassessment is being rolled out across Community Services, and will be fully implemented by December 2014. It will also provide the option for local managers to approve assessments prior to finalization, where appropriate. As the report noted, more recently the Ministry has substantially improved in ensuring that offender risk assessments are completed.

### Weak Monitoring of Whether Offenders Comply with Conditions

The work of probation and parole officers is typically done in the office, during regular business hours (9 a.m. to 5 p.m., Monday to Friday). The principal duties of probation and parole officers regarding offender supervision involve meeting with offenders, most often face-to-face within an office setting, and speaking with administrative, professional and personal/family contacts who can validate the information provided by the offender and add to it.

When an offender has violated a condition of community supervision, a probation and parole officer could decide that action is not necessary, or he or she could do one of the following, depending on the severity of the violation: issue a verbal or written caution; increase the intensity of supervision; apply to the court or the Ontario Parole Board to vary the conditions of the community supervision; or lay a charge. In some cases when

an offender cannot be located, a warrant for the offender's arrest is initiated.

The Ministry does not have reliable and timely information on offenders who breach conditions and the action taken by probation and parole officers. Having this information would enable the Ministry to track what percentage of offenders successfully complete their community sentences—that is, complete them without breaching any conditions—as well as identify conditions that are commonly violated in order to assess its procedures for overseeing offenders with these conditions. OTIS does not provide statistics on the number and the types of conditions that were completed successfully or that were violated. The Ministry was only able to estimate that there were about 3,370 charges laid with respect to the enforcement of 46,600 probation orders, and there were about 350 allegations of breaches of the 3,340 conditional sentences in 2012. However, the Ministry informed us that both figures were not used for management decisions because they were not reliable given that they were extracted from OTIS, which is not used consistently by officers to track enforcement.

We sampled a number of domestic violence and sex offence cases and found that, in general, the offenders were reporting as required to their probation and parole officers. However, we noted two exceptions where the ministry policy requiring sex offenders to report twice per month was not met. At one office we visited, we found two cases where the offenders had reported in only once during October 2013. There was no documentation in these files to explain the deviation from policy or to indicate there had been enforcement action taken.

In conditional sentencing, curfews and house arrest are the most common conditions imposed by the courts. However, for the cases we sampled, probation and parole officers did not adequately ensure that the offenders had adhered to these conditions.

Greater use of the Ministry's Electronic Supervision Program (ESP), in which an offender wears a tamper-resistant ankle-bracelet transmitter, could help officers monitor compliance with curfew

and house arrest conditions. However, the use of ESP can only be imposed by a court, and its use is very limited. For instance, in 2012/13, approximately 95% of the 4,650 offenders serving conditional sentences in the community had curfews and/or house arrest imposed by a court as a condition; however, only about 320, or 7%, of these offenders were required to be monitored using the ESP.

The Ontario Parole Board imposed the ESP more frequently: in 2012/13, 85% of offenders granted parole with either curfew or house arrest as a condition also had ESP imposed as a condition.

Without the use of ESP, probation and parole officers are expected to monitor house arrest or curfew cases by calling offenders or visiting them at home, typically after hours. We found that, generally, probation and parole officers do not use this approach, and instead rely on local police to identify when offenders violate house arrest or curfew.

The Ministry's probation and parole manual recognizes community visits as a valuable method for probation and parole officers to check an offender's information and enhance offender assessment and supervision. We noted the Ministry does not formally track whether probation and parole officers perform community visits. None of the five probation and parole offices we visited could provide data with respect to community visits, although four could provide the number of home visits (one type of community visit) conducted over the last three years. For the four offices, we were able to determine that home visits occurred only seven times per month on average for their 3,800 offenders supervised.

Federal probation officers, as well as those in Nova Scotia, use urine testing to ensure offenders are complying with drug and alcohol sentencing conditions. Ontario does not impose such testing even though the *Ministry of Correctional Services Act* provides the Ministry with the authority to do so. However, regulations under the Act have not yet been established.

### Case Management Reviews Uncovering Many Lapses in Offender Supervision

The Ministry's annual and periodic case management reviews noted many occasions when probation and parole officers had not complied with policies, and in some of these cases, offenders committed serious crimes. Deficiencies that were noted included poor supervision of sex offenders; over-supervision of low-risk offenders; under-supervision of higher-risk offenders; allowing offenders to report less frequently than called for by the risk assessments; not scheduling counselling services suitable for the offender promptly or at all; failing to act within five days to deal with offenders who had failed to report as required; and not updating the offender management plan when required. In our view, these weaknesses are not identified sooner and are not addressed due to the lack of ongoing reporting of probation and parole officer activities that would allow area managers to know when supervision requirements are not being conducted as required by probation and parole officers.

The Ministry's area managers, each of whom oversees on average 19 probation and parole officers, annually select from each officer's caseload at least five representative offender files, to assess whether the officers are meeting ministry policies and standards for case management and reporting. We reviewed four medium to large offices in each of the four regions and found only one office where the five-case-per-officer minimum was met for all officers for their 2012/13 case files. In the other offices we reviewed, the percentage of officers who had at least five case files reviewed by their area managers ranged from 31% to 62%.

As part of this case management review process, the managers may also look at case files when serious incident reports are prepared by probation and parole officers in instances when offenders are charged with new offences while under supervision. In total, area managers reviewed about 3,600 case files for the 2012/13 fiscal year, about 50% of which were due to serious incident reports. As part of the Division's quality assurance

initiatives, the Ministry informed us after we completed our fieldwork that almost 5,300 case-management reviews were completed in 2013/14, a 46% increase from 2012/13.

The results of the area managers' reviews are summarized annually for senior management, with the latest summaries done in August 2013. In cases where significant deficiencies were noted, the officers were instructed to address the concerns, or were disciplined. In addition, area managers identified the need for more officer training and for review of some policies.

For serious incident reports, it was noted that in most cases we sampled, the probation and parole officers did not adhere to policies and/or best practices—including not acting quickly enough when an offender breached a condition—and management oversight of these officers was weak. We noted several examples from 2011 to 2013 where offenders were alleged to have committed crimes more serious than their original offences, during the time when they were not being properly supervised. The new offences included murder, assaults and armed robbery.

We believe that the case management review process could benefit from periodic independent assessments, a common quality assurance practice. With area managers reviewing their own staffs, there is risk of inherent bias and of managers wanting to present only positive results. For instance, periodic independent case management reviews could be done by area managers from other offices.

### **Probation and Parole Officers Supervising Higher-risk Cases Before They Are Fully Trained**

Training of probation and parole officers is crucial to maintaining quality in risk assessment, offender management and rehabilitation plans and supervision. If quality is maintained in these areas, it decreases the risk to the public of having offenders in the community.

The Ministry requires that probation and parole officer candidates have at least a bachelor's

degree from a recognized university. Candidates are also evaluated on criteria such as ability to conduct an assessment and counsel clients; ability to write and communicate orally; ability to work independently and make enforcement decisions; and ability to interpret and apply legislation. In November 2013, the Ministry revised the job description for probation and parole officers by adding requirements such as degree-level studies in social work, sociology, psychology and criminology, or more than five years' experience in social service or correctional organizations.

Seventy-seven probation and parole officers have been hired since January 1, 2012. New probation and parole officers must attend a total of five weeks of basic training at the Ontario Correctional Services College in Hamilton. Typically, they complete the training at their own pace and can take one to two years to do so. They maintain caseloads during this period, and are mentored by more experienced officers. The Ministry told us that officers are assigned cases before the five weeks of training has been completed so they will get practical experience. A number of officers hired over the last several years told us that they began supervising offenders without having received any formal training; a few were meeting offenders during their first day on the job.

We noted that in British Columbia, prospective probation officers are required to complete a seven-hour training course, at their own cost, before they can even apply for a position. Successful candidates are reimbursed for their tuition fees after their six-month probation period. Further training that takes six months to a year to complete starts immediately after they are hired.

The Ministry has reviewed and enhanced some policies for high-risk offenders, including those convicted of domestic violence and sexual offences requiring intensive supervision, and has made specialized training mandatory. Probation and parole officers were expected to complete the required training, ongoing during our fieldwork, within 18 months. Despite the recent improvements

in training, we found that half of the offenders sampled who had been categorized as at a very high risk to reoffend were being supervised by probation and parole officers who had not received the required specialized training. Officers told us that their heavy caseloads and the fact that training locations were not convenient for them meant they had been unable to attend the training.

The Ministry also requires an officer who is supervising an offender with a specific profile for which they have not received the proper training to consult with an officer who has the training, and to note such consultation in the Ministry's Offender Tracking Information System (OTIS). However, in only 4% of such cases we sampled was there an indication that such a consultation had occurred.

### High Officer Workload and Weak Management Oversight

We assessed whether high workloads at certain probation and parole offices were the reason that probation and parole officers did not always follow required supervision policies and procedures, and found that this was possibly the case in some offices, but not all. Clearly, the primary reason was that there was not adequate and timely oversight by management and reporting on activities to ensure that officers were meeting key offender supervision requirements.

The Ministry uses a scoring system to evaluate probation and parole officers' workloads; a higher score indicates a higher workload. For December 2013, the Ministry found significant variances in average workload scores, ranging from a high of 150 points in one office to a low of 42 in another, with an average of 85 points. These variances between offices were noted even after the Ministry had moved 18 positions, beginning in fall 2012, from offices with lower workloads to those with workload pressures, and after it adjusted boundaries between offices to equalize workload. The Ministry advised us that it intended to continue

with efforts to help equalize workload, and that it has moved 10 more positions since December 2013.

We concluded that, for some offices, weak management oversight was the primary reason that LSI-ORs were not completed on time, as opposed to high workloads, which area managers and officers during our field visits gave as the reason. For instance, we compared and analyzed the LSI-OR completion rate by their due dates as of June 2014, along with the workload scores reported for each probation and parole office. Our analysis found that there was no correlation between the LSI-OR completion rate and the workload levels at most offices. For example, the office with about 15% of its LSI-ORs overdue—11 percentage points higher than the provincial average—had a workload score of about 80 points—five points below the provincial average. At an office that had no overdue LSI-ORs, the workload score was 122—37 points above the provincial average.

### RECOMMENDATION 3

In order to ensure that offenders serving sentences in the community are properly supervised and that conditions of their release are adequately monitored and enforced, the Ministry of Community Safety and Correctional Services should:

- conduct an assessment of the conditions imposed on offenders and whether probation and parole officers have the necessary information and monitoring tools to assure compliance;
- effectively oversee probation and parole officers' activities, including more frequent and timely reviews of officers' handling of cases, improvements to ongoing management reporting of case activities, and periodic independent reviews of cases by someone other than the responsible area manager;
- ensure that its probation and parole officers have the required knowledge and skill beforehand to supervise higher-risk offenders; and



- identify ways to better distribute the workload among probation and parole offices, and adjust staffing levels as soon as possible.

## MINISTRY RESPONSE

The Ministry will conduct an analysis of the most common conditions on supervision documents to ensure probation and parole officers have the appropriate systems and monitoring tools in place to effectively supervise compliance. In addition, the Ministry will continue to conduct biannual enforcement audits on a sample of higher-risk cases.

Ministry staff will continue to develop and maintain collaborative relationships with justice partners at the local level to effectively monitor high-risk offenders in their communities. These joint efforts will include expanding formal protocols with police related to surveillance of high-risk offenders and house checks to ensure adherence to house arrest/curfew terms. The Ministry also expanded its training of staff in working with domestic violence and sex offenders.

As mentioned earlier, the revised Case Management Review (CMR) policy and scoring guide was implemented to improve consistency across the province. Managers will continue to complete CMRs on each officer throughout the year as a part of the annual review requirements and in response to reports of serious new charges. In 2013/14, 5,258 CMRs were completed, which represented a 46% increase in the number of CMRs completed from the previous year. The Ministry will assess capacity requirements for reviews to be completed by someone other than the responsible area manager.

Newly hired probation and parole officers begin within two months of commencing employment an extensive training program, including five weeks of in-person training at the Ontario Correctional Services College (OCSC) and 11 days within their respective region with

additional training led and delivered by OCSC. This is completed typically within one year. The training includes a combination of scheduled periods of field work with orientation, regional training, e-learning and self-directed learning modules. Further, through joint Union-Management discussions, the Ministry recently implemented a comprehensive onboarding checklist and developed a Peer Mentoring Program to support new staff.

The Ministry is expanding the “Strategic Training Initiative in Community Supervision” pilot in partnership with Public Safety Canada. This evidence-based model provides enhanced skills training for officers when working with medium-to-high-risk offenders, and has shown positive results in reducing the risk of reoffending. Also in response to the Ministry’s concerns regarding its capacity to deliver programs, Community Services is adding 14 new probation and parole officers dedicated to providing responsive programming; these resources are anticipated to be in place by the end of this year.

The need to ensure equitable workloads within offices is a long-standing priority. The Ministry developed a workload analysis tool (WAT) in partnership with the bargaining agent, which takes into account the full range of probation and parole officers’ duties along with other related activities, such as training. The WAT was fully implemented in September 2012, and has assisted management and frontline staff participating in Workload Committees to balance workloads. The Ministry’s WAT has been recognized as an innovative tool by jurisdictional partners across Canada. As noted in the report, between 2012 and 2014, the Ministry took further steps to help equalize workloads by reallocating 28 positions from offices with lower workload ratings to those with workload pressures.

## Officers Lack Training and Tools to Assess and Support Offenders with Mental Health Issues

Ministry records indicate that offenders with mental health issues had an average reoffend rate of 34.7% for 2009/10 (latest year available), significantly higher than the average 22.9% reoffend rate for all other offenders. However, the Ministry lacks a provincial strategy to address mental health and related issues for offenders under community supervision and does not know whether its programs and services in this area are effective. By the Ministry's own estimates, the number of offenders with mental health issues has grown by almost 90% since 2003/04 to about 10,000, or 20% of offenders as of 2012/13. This growth is trending in the opposite direction to the 5% decrease in the number of offenders newly sentenced to community supervision during the same period.

Despite this increase, the Ministry has no validated tool for probation and parole officers to use to assess offenders for mental health issues, which means the Ministry probably has not identified all of these offenders.

Because there is no provincial strategy for services specific to offenders with mental health issues, probation and parole officers have minimal direction and limited resources on how to deal with such offenders, beyond being able to refer them to individual or group psychiatric counselling or other programs. The Ministry provides officers with some information about mental illness as part of their initial basic training, but there is no regular or refresher training available after that. A number of officers expressed concerns about the challenges of working with these offenders and the need for regular training.

From 2010 to 2013, the Ontario Correctional Services College run by the Ministry provided a one-day voluntary course entitled "Understanding Offenders with Mental Disorders" for both correctional institution and community corrections staff. Since 2013, however, the course has been offered

only to correctional institution staff so it was no longer available to community corrections staff at the time of our audit. The College's records shows that only 76, or 9%, of the 850 probation and parole officers had completed this course.

In 2008, senior managers in corrections from each province and Correctional Service Canada created the Federal-Provincial-Territorial Working Group on Mental Health. In 2009, the working group published "The Mental Health Strategy for Corrections in Canada," which reflects efforts to enhance the continuum of care for individuals with mental health problems and/or illnesses who are involved in the correctional system. The strategy outlines guiding principles, expected outcomes and strategic priorities. However, no formal plans have been established to implement the strategy in Ontario.

In 2010, MPPs on the Legislature's Select Committee on Mental Health and Addictions recommended specific improvements to mental health services in Ontario and, with respect to corrections, that "the core basket of mental health and addictions services should be available to the incarcerated population, and discharge plans for individuals with a mental illness or addiction should be expanded to include the services of a system navigator (a liaison or coordinator) and appropriate community services." During our fieldwork, the Ministry had not yet addressed this recommendation. However, on August 25, 2014, the Ministry recruited a person to develop a strategy to address mental health issues in both institutional and community corrections settings.

At the federal level, Correctional Service Canada has since 2005 implemented a comprehensive federal Mental Health Strategy that outlines a process beginning with an offender's intake and continues throughout their sentence or community supervision, ending with a referral to appropriate community health services after their sentence or supervision period ends. The premise behind this process is that early identification of mental health concerns facilitates timely access to mental health services and assists in the development of

an intervention strategy for an offender throughout their sentence. Mental health screening occurs within three to 14 days of the offender's admission to an institution. In addition, two days of mental health awareness training is provided to staff, and new staff positions have been established for clinical social workers and nurses who work directly with offenders with mental health disorders at select parole sites. These specialists also provide training to frontline staff and develop partnerships with local agencies.

In British Columbia, the Corrections Branch of the Ministry of Justice has been working with the province's Ministry of Health and the Provincial Health authorities, including the Forensic Psychiatric Services Commission, since 2011 to establish the Partners in Change Initiative. Recognizing that 56% of offenders admitted into the British Columbia corrections system are diagnosed with mental health disorders, the initiative is creating a coordinated response between the health-care and corrections system to better attend to the needs of these offenders and is aimed at improving the continuity of care for adult correction clients with mental health and/or substance abuse issues.

#### RECOMMENDATION 4

In order to effectively address the risks and needs of offenders with mental health issues, the Ministry of Community Safety and Correctional Services should establish a Ministry-wide strategy that includes training for probation and parole officers to recognize, supervise and assist these offenders, and that provides the resources and tools to support the officers and offenders. Once the strategy is implemented, the Ministry should track and measure the effectiveness of its programs and services specifically provided to offenders with mental health issues.

#### MINISTRY RESPONSE

In the summer 2014, the Ministry established a lead position in developing a strategy for

managing offenders with mental health issues to better support the needs of this specialized population. The Ministry will also continue to identify local training opportunities on mental health issues and expand the rollout of its "Understanding Offenders with Mental Disorders" training initiative in 2015.

The Ministry enhanced its educational requirements for new probation and parole officers which will support more effective identification and supervision of offenders with mental health disorders. Policies will be reviewed to ensure that in those cases where a mental health disorder is related to offending behaviour, a plan to address both the mental health disorder and identified criminogenic needs is in place. We will also review the viability of developing and implementing a mental health screening tool.

The new LSI-OR application currently being rolled out includes additional mental health related items that are not criminogenic and not necessarily risk factors, but will require special consideration and enhanced case management planning and intervention for mental health offenders.

As new initiatives are developed to support our offender population, the Ministry's Program Effectiveness, Statistics and Applied Research (PESAR) unit will be engaged to develop and implement an evaluation strategy.

### Rehabilitation Programs Need to Be More Effective and Consistently Available Across the Province

#### Programs Not Available Consistently Across the Province

Rehabilitation programs and services are intended to reduce the risk of offenders reoffending and include programs such as anger management and substance abuse treatment, counselling, and referrals to local social services, such as shelters. However, the Ministry does not have a

province-wide, consolidated list of rehabilitation programs and services at each probation and parole office, and their wait times, that would allow senior management to identify areas in the province that are lacking programming.

A court can require an offender to attend rehabilitation programming during their community supervision term. As well, during the risk assessment process, a probation and parole officer can determine an offender's eligibility and needs and can then recommend specific programs. Programs may be delivered by the Ministry itself, by service providers contracted by the Ministry or by other community organizations not typically funded by the Ministry.

During the 2012/13 fiscal year, about 39,000 offenders, or 74% of those under community

supervision, were scheduled for rehabilitation programs. Of those, about 20% attended the Ministry's Core Rehabilitative Programs (known as the core programs) delivered by probation and parole officers trained to instruct specific programs; 17% attended agency programs delivered by service providers contracted by the Ministry; and 63% were referred by a probation and parole officer to programs in the community that have been well established. (See **Figure 4.**)

In December 2012, the Ministry encouraged and provided training to area managers to conduct an analysis to determine whether rehabilitation programming was lacking in their areas, based on what rehabilitation needs were not being met. As of our current audit, only 35 of more than 100 offices had indicated they completed full analyses on program

**Figure 4: Types of Rehabilitation Programs Delivered to Offenders under Community Supervision, for the year ended March 31, 2013**

Source of data: Ministry of Community Safety and Correctional Services

Types of Rehabilitation Programs	Description	Programs/Services Available	Est. # of Offenders in Attendance	Est. % of Offenders in Attendance
Core rehabilitation programs	Developed by the Ministry and delivered by probation and parole officers who are trained to instruct specific programs. Ministry pays all costs.	14 programs in the areas such as: anti-criminal thinking; substance use; anger management; domestic violence; Aboriginal specific; and sexual offence relapse	7,800	20
Agency programs	Developed and delivered by service providers under 85 contracts with the Ministry. Ministry pays all costs.	Programs in areas such as anger management and substance abuse, or programs specific to groups, such as sex offenders. Individual and group counselling may be provided by either a psychiatrist, psychologist, or social worker. Some programs are specific to the Aboriginal community.	6,600	17
Community programs	Developed and delivered by community not-for-profit agencies, with the offender attending by referral from the probation and parole officer. Ministry typically does not pay the costs, which may be covered by the agency or by the offender.	Programs or services are similar to above but differ depending on availability in communities. Referrals may be made also to shelters, mental health programs and social services.	24,600	63
<b>Total</b>			<b>39,000</b>	<b>100</b>

availability. In the four regions, these analyses were completed by all offices in the Eastern region, fewer than half the offices in the Western region and no offices in the Central region. The Northern region completed program availability analysis only for domestic violence and sex offender programming in all their offices. We noted that 24 of the 35 offices indicated a lack of programming, including sex offender treatments, anti-criminal thinking, anger management, and Aboriginal-specific programming. We found that some action had been taken to address the lack of programming that had already been identified by some area offices; however, the Ministry has not done a comprehensive program availability analysis on a regular basis to ensure all gaps were addressed.

We also found analyses prepared by area managers were not completed in a consistent manner and differed in quality. Some area managers listed actions or plans to address some, but not all, gaps that were identified. For example, in one office, the limited availability of mental health services was identified because there was a long wait list for local services. However, the office did not indicate a plan to address these long wait times other than to state that more funding was required. Furthermore, the lack of program availability was not regularly captured between recommended rehabilitation programs and services, as determined by the probation and parole officers' risk assessments and offender management plans, and those scheduled with locally available programs and services, because the Ministry's OTIS case management system did not support recording both recommended and scheduled offender needs. The analyses also did not require area managers to identify whether programs were delivered using core programs or by using external service providers, and no quantitative information, such as the number of referrals and completions of each program, was used for the analyses.

In response to a recommendation we made in our *2002 Annual Report*, the then-Ministry of Public Safety and Security said a concerted effort

was underway to expand the availability of core programs to all probation and parole offices. However, during our current audit, we again found that the percentage of probation and parole offices that deliver one or more core programs ranged from 36% in one region to 93% in another. We also reviewed the availability of core programs during a 15-month period (from October 2012 to December 2013), which is about the average length of a probation term, and found that about 40 of 100 offices offered no core programs to offenders, and the most that any one office offered was five of the 14 core programs.

All of the five offices we visited indicated that several popular programs, particularly those delivered by external service providers, had long wait times, up to several months, but they did not formally monitor these wait times.

### Ministry Needs More Information on Participation in and Success of Rehabilitation Programs and Services

The Ministry has an internal accreditation process to help ensure its core rehabilitation programs satisfy standards that make them effective in reducing the reoffend rate. The Ministry estimated it spent \$479,000 in 2012/13 to deliver these targeted programs, which are delivered by specially trained probation and parole officers.

The Ministry now offers 14 core programs, compared to only three as noted in our 2002 audit. However, as of April 2014, the Ministry indicated that only two of its 14 core programs—anti-criminal thinking and substance abuse for men—had achieved accreditation, based on evaluations of their outcomes in reducing the reoffend rate. Seven other programs—anger management (for men and women); anti-criminal thinking (for women); intensive anger management; substance abuse (for women); intensive substance abuse; and one Aboriginal-specific program—had achieved conditional accreditation, pending the evaluation of outcomes. The Ministry indicated the remaining

five—domestic violence (for men and women); sexual offences; and two other Aboriginal-specific programs—required revisions.

We also noted that OTIS tracked the number of offenders who attended its core programs, but not the number that completed them. As a result, to evaluate the success of its core programs, the Ministry has to manually keep track of each offender's progress.

In 2012/13, the Ministry also spent about \$5 million under 85 contracts with about 80 service providers, typically not-for-profit organizations, for rehabilitation programs in areas such as anger management, substance abuse and domestic violence. The majority of referrals made by probation and parole officers were to community programs at typically no charge to the Ministry. About 80% of offenders who participated in rehabilitation programs attended external programs. (See **Figure 4.**)

However, even though an offender has been scheduled to attend one or more of these agency or community programs, the Ministry's OTIS does not have the capability to have probation and parole officers track the offender's participation or successful completion. As well, the Ministry does not evaluate the quality of these external programs to determine whether they are effective in contributing to the offender's successful reintegration into society or whether the programs are helping to reduce the reoffend rate. However, in 2012/13, the Ministry started to collect basic information by requiring that each parole and probation office manually track the number of offenders referred to externally run programs and the number who completed these programs.

We noted that none of the five offices we visited had adequate records or statistics on programs delivered by contracted service providers or community organizations, nor did they have information about offenders' participation in these programs. We were also told that the totals given for referrals and completions were likely inaccurate because of inconsistencies in the way the data was collected from the external parties. As well,

since manually tracking this skeletal information does not evaluate or measure the impact that a program has on an offender who completes a program successfully, no offices were able to provide information on how effective these programs were in reducing reoffend rates. Based on the trends shown earlier in **Figure 3**, there is a need to ensure rehabilitation programs are more effective in reducing reoffend rates.

We met with two large service providers to gain their perspective on program delivery and the relationship they have with the Ministry. Overall, the relationship between service providers and probation and parole officers was described as positive and cooperative. Service providers keep their own program statistics, such as number of referrals and program completions per fiscal year, and provide this data to the Ministry. However, the data is not provided on an individual offender basis. Furthermore, because service providers do not have access to reoffend data from the Ministry, they themselves cannot conduct studies to determine whether their programs are effective in reducing reoffend rates.

### Monitoring of Service Providers' Contract Terms and Costs

In June 2013, the Ministry implemented community contract review instruments to help area managers assess the performance of agency service contracts and monitor the use of rehabilitation programs. During our review of a sample of contracts with service providers for 2013/14, we found the Ministry was still not adequately monitoring these contracts. For instance, 35% of service providers did not provide programming to the minimum number of offenders stated in the contract. We also found little or no correlation between service-level targets and the amount of annual funding the Ministry approved. Of the contracts that did not meet deliverables, all of them were renewed for the following year (2014/15) at the same dollar value. For example, one service provider agreed to accept

into a substance abuse program a minimum of 100 and a maximum of 400 clients per month (1,200 to 4,800 for the year) for a contract value of almost \$246,000. The number of clients actually served during the year was 1,068, or 132 clients fewer than the minimum. However, the Ministry renewed the contract for the following year for the same dollar value and number of spaces without investigating why the spaces were not filled. This contrasts with the long wait time noted for several external programs offered in some other areas.

We also noted a lack of comparisons of contract costs and deliverables when funding decisions were made, such that contracts with different service providers that had similar service-level targets for similar services were funded much differently. For example, the Ministry approved a contract of approximately \$37,400 for one service provider and \$84,400 for another to each provide substance abuse programming for 30 to 50 clients. In another example, the Ministry approved a contract of \$64,400 for one service provider and a contract of close to \$197,300 for another to each provide substance abuse programming for a maximum of 400 clients. As a result, we found significant variations in actual program costs per offender, as shown in **Figure 5**.

**Figure 5: Actual Cost per Offender for Certain Community-based Programs and Services Provided by Funded Community Agencies, for the year ended March 31, 2014 (\$)**

Source of data: Ministry of Community Safety and Correctional Services

Program	Lowest	Highest	Average
Anger management	257	1,222	639
Sex offender treatment	569	2,496	1,555
Substance abuse	142	1,759	406

## RECOMMENDATION 5

To ensure equitable access to effective rehabilitative programs for offenders, the Ministry of Community Safety and Correctional Services should:

- regularly track the availability of and wait times for rehabilitative programs and services for offenders under its supervision across the province, identify areas where assessed offenders' rehabilitation needs are not being met, and address the lack of program availability in these areas; and
- ensure it has sufficient and timely information for evaluating its core rehabilitative programs and that it implements changes to help improve their effectiveness in reducing reoffend rates.

## MINISTRY RESPONSE

The Ministry concurs with the audit recommendation and will investigate technology solutions to track wait times for programs through its Offender Tracking Information System (OTIS) Program Tracking module. Staff will be required to track all internally provided core programs using this module so that data on referrals, attendance and completion is accessible for outcome evaluation.

The Ministry will develop a revised gap analysis template to consistently document program needs, gaps and action plans regarding program availability in each office location. In addition, program delivery will be streamlined in the community to deliver programs for medium- to very-high-risk offenders that focus on the five key criminogenic areas. With additional probation and parole program officer positions (14) and evaluation staff, the Ministry will be better positioned to improve on program delivery rates and consistency of tracking, as well as evaluating and accrediting its menu of rehabilitative programs.

## RECOMMENDATION 6

To help ensure that programs delivered by external service providers are effective in reducing the reoffend rate and that their funding is commensurate with the value of service provided, the Ministry of Community Safety and Correctional Services should:

- more formally track the number of offenders who attend and complete externally sourced programs, and assess the effectiveness of these programs; and
- ensure that approved funding to agencies is comparable to that of programs of a similar nature and size across the province, and is based on the actual usage by offenders.

## MINISTRY RESPONSE

The Ministry will continue to manually track program data, including the number of client referrals to a service as well as program completion, for contracted and community programs that address core criminogenic needs. We commit to improving program tracking functionality for all core programs, whether provided in-house or through contracted services.

The Ministry will continue to evaluate contracted service providers to ensure their program services are in alignment with evidence-based practices. Our research unit has developed the Community Contract Review Instruments (CCRI) to undertake such evaluations. In addition, a phased approach to the scheduling of outcome studies will be developed.

Evaluation guidelines will be developed for managers to use in assessing the quality of community-based services, and will address program outputs, outcomes and participant and referring agent satisfaction. Furthermore, the Ministry will focus on cost-per-client rates for contracts and ensure program descriptions and deliverables are clearly articulated. Ministry managers will be required to monitor and adjust funding levels commensurate with program usage rates.

## Security and Project Management Weak for Offender Information Systems

### System Security Weaknesses and Lack of Employee Security Clearances

Although the Ministry had been aware for more than 10 years of a number of significant issues with the security of the information contained in the Offender Tracking Information System (OTIS), these issues had still not been resolved at the time of our audit.

OTIS, introduced in 2001, is used to track and manage all adult and young offenders' case records and activities during their time served in custody and/or in the community. The system is maintained by the Justice Technology Services Division (JTSD). OTIS is linked to a number of other applications, including the Victim's Notification System, the LSI-OR, the Sex Offender Registry, Immigration Canada and the Canadian Police Information Centre.

In March 2013, the external consultant engaged by the Ministry's internal auditor to review OTIS to assess the security of the system, among other things, reported six recommendations. As of August 2014, the Ministry had not acted on four of these recommendations: to implement new password settings to align them with the government-wide standard; end access for users who are no longer authorized; encrypt all sensitive data in storage; and log and monitor the users of the system to ensure their use was appropriate for business reasons and in compliance with legislation. We identified that these security deficiencies were already known to the Ministry before the review. Specifically, the security deficiencies were first identified during an internal threat risk assessment in 2001, and the same concerns were highlighted in a similar risk assessment in 2006. We were informed that the delay in addressing the recommendations was because changes were not made a priority and, in some cases, because new security controls could only be implemented and tested after an upgrade of OTIS, completion of which has been delayed.



Our current audit found the following additional security issues:

- Overall, JTSD could not demonstrate that it had valid background checks for 40% of its more than 300 information technology employees, as required by government policy. This included 20, or 26%, of the 76 employees within JTSD who had access and provided support to the Ministry's information system applications, including OTIS and LSI-OR. Of these 20 employees, eight had the ability to make changes to offenders' records in OTIS and/or LSI-OR.
- The Ministry could not ensure that information on the more than 300 offenders annually who are monitored under the Electronic Supervision Program (ESP) is secure. In September 2012, the Ministry entered into a three-year contract with a private company for services to support the operation of the ESP, including delivering electronic monitoring equipment, technology, monitoring software and technical services. This company has subcontracted hosting services to a third party, including network infrastructure and data backups, but, based on discussions with Ministry staff, we concluded there has been insufficient effort to ensure the company is compliant with the terms of the contract, or ensure the company is enforcing those terms with the subcontractor. The company was fulfilling the requirement that it provide operational reports to the Ministry monthly, but the Ministry was not exercising its power to check that those reports were accurate. In addition, the Ministry did not know if criminal records checks had been done for all company and subcontractor employees as required by the contract; whether the network security was adequate and effective; and whether offender data was securely managed.

### Weak Oversight and Management of IT Projects

The projects managed by the Justice Technology Services Division (JTSD) do not adhere to the Ontario Public Service Integrated Project Management Framework and Methodology. Specifically, JTSD did not have a system in place to ensure all information technology projects were delivered in accordance with pre-established timelines and budgets, or that changes to the initial deliverables were properly controlled. For example, in June 2010, the JTSD started a project to upgrade OTIS with new functionalities to better record and track information on trust accounts, youth gangs and visits by members of the public to offenders in a new detention centre. Cost of the project was initially estimated at \$3.36 million and it was to be completed by June 29, 2013. However, as of July 31, 2014, the project had not been completed and the JTSD could not provide us with key information, such as the cost incurred to date, additional forecast cost, and revised completion date, nor with a justification for the delay.

A project to upgrade the 13-year-old LSI-OR system—needed because the technology that supported the system was outdated—was started in July 2009, with an estimated cost of \$1.35 million and expected completion date of June 30, 2011. However, this project had not been fully implemented at the time of our audit, and, again, information on the actual and forecast cost and the revised completion date were not readily available.

## RECOMMENDATION 7

To better secure and protect offenders' and victims' information, the Ministry of Community Safety and Correctional Services should:

- address the long-standing security issues regarding its Offender Tracking Information System (OTIS);
- ensure that it has reliable assurances that offender information shared with private service providers is adequately protected; and

- ensure that proper levels of security clearance are in place for all government and contract employees before they receive access to OTIS and other offender and victim information systems.

## MINISTRY RESPONSE

Security issues related to password expiry are being addressed in the current version of OTIS with further upgrades identified for rollout with the implementation of OTIS Elite over the next year. The Ministry will work with its HR advisers to integrate the security clearance life-cycle with the OTIS user access management process to ensure all active users have a minimum security clearance at all times.

User access requests are reviewed to ensure levels of access are appropriate to perform the functions of the role. A process is also in place to ensure information shared with private service providers is reviewed and approved by a manager and that accounts are reviewed biannually and terminated as required.

## RECOMMENDATION 8

To ensure that information system projects adhere to Ontario Public Service project management standards, are delivered on time and within budget, and meet user expectations, the Ministry of Community Safety and Correctional Services should coordinate with the Justice Technology Services Division to establish project baselines for scope, budget and schedule; monitor progress and costs regularly against project milestones and budgets; and document and justify any significant changes against the initial deliverables.

## MINISTRY RESPONSE

The Justice Technology Services Division has streamlined financial processes and produces monthly project dashboards as well as a governance document for senior management.

Dashboards include reporting on project status, finance, scope and milestones, with linkages to project expenditures to date. A new Enterprise Portfolio Project Management (EPPM) tool will be implemented across the Justice cluster for all project reporting.

## Ontario Parole Board

### Parole and Temporary Absence Programs Have Low Participation Rates

The federal *Corrections and Conditional Release Act* permits parole boards to authorize the early release of inmates to “facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens,” with the stipulation that protection of society is the paramount consideration. The other benefits of releasing low-risk inmates from correctional institutions before their sentences are complete include lower costs to the public and relieving overcrowding at provincial correctional institutions.

The Ministry recently calculated that the average daily cost per offender under community supervision was less than \$6, whereas the average daily cost for an inmate incarcerated at a correctional institution was \$184. Ministry data indicates 13 of the province’s 30 correctional institutions were operating over capacity in either their male sections or female sections or both. Of the remaining 17, 12 were operating at 80% to 100% capacity in one or both sections.

We noted in our *2002 Annual Report* that the reintegration of offenders into the community was impacted by a significant reduction in the number of eligible inmates being considered for parole. The situation has worsened, and for 2013/14 only 1,025 inmates had a parole hearing, half as many as in 2000/01. In addition, the number of inmates who applied for temporary absences and were granted a hearing has declined 36% from 243 in 2008/09 to 156 in 2013/14.

The low participation and release rate may have several causes, but the main causes are noted in the following subsections.

### Process for Applying for Parole and Temporary Absences Is Lengthy and Onerous

Seventy-two per cent of inmates in provincial correctional institutions receive sentences of less than 90 days. Meanwhile, the process for applying for early release generally takes about 60 days, and if parole was granted, the offender would then be subject to strict parole conditions for the remainder of the full sentence. In the face of this process, many offenders serving short sentences, who would be released after serving two-thirds of their sentence (up to 60 days) anyway, would opt to avoid the parole application process.

The process to prepare and apply for parole is lengthy and onerous because federal legislation requires that boards consider extensive information in order to reduce risk to the public. The Board requires that inmates applying for early release prepare a structured parole plan to submit with their application for a hearing. A probation and parole officer then investigates the plan, and other police, correctional institution, and court documents are made available to the Board before the parole hearing. At the hearings, inmates are required to represent themselves without lawyers, and their families and victims may also participate.

In addition, there is a high rate of inmates waiving their right to a parole hearing. The Board must automatically consider inmates serving sentences of six months or more for parole unless the inmate waives this hearing. In Ontario, about 3,300, or 14% of new inmates, were serving such sentences in 2012/13. During 2012/13, about 2,250 inmates, or 68%, waived their right to a parole hearing. The Quebec Parole Board had a 50% waiver rate for the same year.

The Board has not formally analyzed the reasons for the high waiver rate. When an inmate signs a form to waive the right to a parole hearing, the

inmate also can note a reason for their decision. Board staff at the three regional offices enter the information into OTIS; however, only two offices also entered the reason for the waiver, if the inmate provided one.

Based on our own analysis of the available reasons for inmates waiving their parole hearing that were entered into OTIS, we noted that for 2012/13, 26% indicated they were applying for or had been accepted into a treatment or other work program at the correctional institution; 40% said they simply did not want parole or they preferred serving their time and being released at two-thirds of their sentence without the conditions that would be imposed with parole; 14% indicated they did not have a parole plan or could not find a place to live; 10% said they had too long a criminal record or knew their chance of being granted parole was reduced; 5% said they had an appeal or outstanding charges pending; and the remaining 5% listed other reasons.

For unescorted temporary absences from 72 hours to 60 days, inmates must specify the purpose of the temporary absence and meet the pre-established eligibility criteria before the Board considers the application. The process for applying is similarly lengthy and onerous to that of parole.

We also noted that there may be insufficient efforts to inform inmates about the parole and temporary absence programs. For instance, one of the Board's regional offices conducted a project in February 2014 during which the vice chair of the office interviewed 19 inmates who had previously signed a waiver to parole hearing to understand why they had waived their right and explain the other options to them. As a result of the interviews, the vice chair found that all 19 inmates claimed they knew nothing about the temporary absence process; five inmates wanted to consider applying for temporary absence; another five inmates rescinded their waivers, two of whom eventually had their parole granted; and the remainder of the inmates in the pilot took no further action.

When we discussed the results of the pilot project with the program manager at the particular correctional institution, he acknowledged the result and agreed that staff do not seek to promote temporary absence, since the current ministry policy requires an inmate, not the institution staff, to submit an application.

### Variable Resources for Helping Inmates Apply for Early Release

Both the Ministry and the Board have established that it is the Ministry's responsibility to ensure inmates are informed of their rights regarding parole consideration. In general, inmates attend an orientation when they are admitted to a provincial correctional institution, at which time the parole and temporary absence application process should be introduced. The process is also discussed at one-on-one meetings between institution staff members and individual inmates.

Depending on the length of sentence and the inmate's interest in parole and/or the temporary absence program, the Ministry has different processes to assist with the application and hearing process. For instance, inmates with sentences of six months or longer will usually be seen by Institution Liaison Officers before their parole eligibility date, which is at one-third of their sentence period. Institution Liaison Officers, who are stationed at correctional institutions, are probation and parole officers who report to area managers in the Adult Community Corrections Division. Inmates with sentences of less than six months will only be seen on their request.

Staff resources at correctional institutions vary greatly. For example, we found the number of inmates per Institution Liaison Officer at larger correctional institutions ranged from 66 to 370 during 2013/14. We noted the institutions with proportionately fewer Institution Liaison Officers had fewer inmates applying for parole.

Based on our sample of parole cases, Institution Liaison Officers initiated pre-parole investigations

by a probation and parole officer from a few days to about six months after inmates were admitted to a correctional institution. As a result, in some cases the time that inmates had to wait for a parole hearing after his or her parole eligibility date varied from one week to more than three months.

Inmates considering a request for a temporary absence meet with the correctional institution's temporary absence coordinator (or sometimes a social worker), who reports to the Superintendent of the institution. We noted instances where there was more than one staff member assisting an inmate on an application for parole and temporary absence, duplicating the work. As well, some inmates waited for several months past their eligibility before they submitted their applications for temporary absence. Temporary absence coordinators sometimes took more than the required 30 days to complete their investigation, but it was unclear why this was the case.

An internal report by the Board and the Ministry in May 2013 identified ways to improve parole and temporary release processes. Recommendations included informing inmates about temporary absence and parole options early in their sentences; reviewing the roles of Institution Liaison Officers; transferring the responsibility for supervising offenders on Board-approved temporary absences from temporary absence coordinators to probation and parole officers; providing integrated training to Institution Liaison Officers and temporary absence coordinators; and streamlining the temporary absence application and approval process.

At the end of our audit, we were informed that a committee had begun gathering information to review the roles of Institution Liaison Officers at each correctional institution. The committee is to then review the workloads and job descriptions of Institution Liaison Officers. No other significant action had been taken to implement the recommendations.

### Low Rate of Parole Approval

Over the last five years, the Board has granted parole for, on average, 32% of those inmates who had hearings. Quebec's comparable parole grant rate was 44% in 2012/13, and the Parole Board of Canada granted full parole for 29% of provincial inmates who applied in the eight provinces that do not have their own parole boards.

The Board has not tracked or analyzed the reasons that 68% of applications for parole are denied, or consolidated the reasons for denial and shared the result with the Ministry. For instance, the reasons for denials range from there being a problem with the inmate's parole plan to the inmate being too great a risk to public safety. If the rationale behind parole denials was shared by the Board, the Institutional Liaison Officers could better prepare inmates regarding the Board's expectations for granting parole. As it stands, the high rate of denial contributes to the low participation rate; inmates may think they do not have a good chance of being granted parole, so they do not apply.

We reviewed cases in which parole was denied and found that the reasons included parole plans that lacked a confirmed counselling component or other treatment specific to the inmate, or lacked confirmed employment, suitable housing or sponsors; parole plans that lacked programming specifically addressing the offence; the inmate minimizing the crime he or she had committed; and recurring criminal behaviour during interim release. Parole was also denied due to the nature and gravity of the original offence committed.

In some cases, parole has been denied because the offender's release plan lacked suitable housing. Ontario discontinued the use of community-based residential facilities (also called half-way houses) in the mid-1990s. Half-way housing provided a bridge between the institution and the community through gradual, supervised release. These housing facilities usually offered programming in the areas of life skills, substance abuse, employment and/or crisis counselling. Based on our sample of selected contract agreements between the Ministry and

community agencies, half-way housing could cost approximately \$92 per day, or about half the cost of incarceration for low-risk inmates.

Based on our discussion with the Board, the use of half-way housing could increase the number of inmates granted parole, especially inmates who are denied parole because they have no confirmed residence plan and/or programming available in the community. Correctional Service Canada contracts with approximately 200 non-governmental organizations to provide special accommodations for, and counselling and supervision of, offenders who are usually on day parole (where conditions usually require offenders to return nightly to an institution or a half-way house). The number of offenders released to the community by the Parole Board of Canada with a condition requiring that they reside in a half-way house or in a community correctional centre has risen over the past several years, with an average during 2012/13 of about 2,200 offenders residing in these facilities, an increase of 13% from 2011/12. Quebec's Ministry of Public Safety also has funded partnerships to provide half-way houses for offenders in the community.

### RECOMMENDATION 9

In order to help more inmates reintegrate into society while protecting public safety and reducing incarceration costs and overcrowding in correctional facilities, the Ontario Parole Board should work collaboratively with the Ministry of Community Safety and Correctional Services to:

- provide sufficient support at each correctional institution to assist inmates who want to apply for parole or temporary absence;
- track and assess the delays in completing the parole and temporary absence program applications and the reasons for the high denial rates for parole, using this information to streamline the processes and improve the quality of applications from inmates; and

- consider the cost-effectiveness of reintroducing half-way housing for parolees.

### JOINT RESPONSE BY THE MINISTRY AND THE SAFETY, LICENSING APPEALS AND STANDARDS TRIBUNALS ONTARIO

The Ministry will review support at and to correctional institutions to assist inmates with applications and adjust procedures where necessary.

The Ministry will review and track the process to complete temporary absence and parole applications to identify efficiencies that might streamline the processes and better understand the reasons for denials. The Ontario Parole Board and the Ministry will work collaboratively on this review by providing feedback on the level of support provided to inmates.

The Ministry will continue to develop and expand processes and supports for staff engaged in community reintegration planning.

The Ministry will review community-based alternatives to incarceration and transitional housing for parolees and other offender populations.

### Review Needed of Ontario Parole Board's Transfer to Ministry of the Attorney General

On April 1, 2013, the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO) was created under the Ministry of the Attorney General as an adjudicative tribunal cluster under the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*. The Act was established to have tribunals administered under a common organization, or cluster, to allow them to operate more efficiently and effectively, rather than individually on their own. The Ontario Parole Board was one of five tribunals transferred to SLASTO, along with the Animal Care Review Board, the Fire Safety Commission, the Licence Appeal Tribunal and the Ontario Civilian Police Commission. As a

result, the Board no longer reports to the Minister of Community Safety and Correctional Services.

As of July 31, 2014, SLASTO was still in the process of reorganizing the administrative operations of the five tribunals, and the Board had not yet achieved greater operational efficiency and effectiveness. The reorganization of SLASTO is scheduled to be completed by March 31, 2015.

The Board has strongly protested being included in the cluster and reporting to a different ministry, and is calling for a review of this decision. The Board has identified that it does not have similar administrative and training needs to the other tribunals in the cluster. For instance:

- The training its members have received since the transfer to SLASTO has been less specific to the needs of its community corrections clients.
- The Board primarily conducts its hearings at correctional institutions, so there are no savings to be gained by sharing hearing rooms with the other tribunals.
- The former board chair, now an associate chair in the cluster, reports to an executive chair, adding a new level of management to the Board.
- Because the Board makes decisions on whether releasing inmates would compromise community safety, it has traditionally hired members with a social work background in the area of community corrections. SLASTO intends to train members of all five tribunals—with an emphasis on training in legal matters and process—to adjudicate any type of hearing, including parole hearings.
- The Board believes that a close relationship with corrections fosters an improved working relationship for its clients; senior management at SLASTO indicated that the change in reporting relationship to the Ministry of the Attorney General enhances the public's perception of fairness and independence of the Board.

## RECOMMENDATION 10

In view of the Ontario Parole Board's concerns with the recent decision to change its reporting and accountability relationship from the Ministry of Community Safety and Correctional Services to the new Safety, Licensing Appeals and Standards Tribunals Ontario cluster of the Ministry of the Attorney General, the Board and the two ministries should collaborate to conduct a review of the cost-effectiveness, benefits and any new barriers that have been or are expected to be created by this decision, and whether this change will improve the operations of the Board.

### SAFETY, LICENSING APPEALS AND STANDARDS TRIBUNALS ONTARIO RESPONSE

The Ministry of the Attorney General (Ministry) is aware of the concerns expressed by some members of the Board about its inclusion in the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO) and will give them full and careful consideration. Subsection 21(1) of *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* requires that an adjudicative tribunal's responsible minister shall direct a review at least once every six years. These prescribed reviews must assess a variety of areas, including a review of the tribunal's governance structure and management systems, and whether they continue to be appropriate to its mandate and functions. The Ministry will begin a review within 12 months of the receipt of the Auditor General's report

that will include consideration of the concerns detailed in your report relating to the Ontario Parole Board.

The Ministry believes that the Board, like any other Ministry of the Attorney General tribunal, can benefit from certain shared administrative functions. For example, the financial services unit of the Board has been consolidated within the broader SLASTO cluster and a consolidated legal services unit is planned. A detailed analysis of existing workflow processes across the tribunals and the Executive Office has been completed, and the potential for consolidated processes across the tribunals, including a supporting organizational structure, is currently being assessed. As noted in your report, this work is intended to be completed in 2015.

SLASTO is very much aware of the unique skill sets required of Board members. A blend of skills—including legal skills—can help improve Board member decision-making. We are working to ensure that the Board and other tribunals have the appropriate level of specialization amongst adjudicators.

### MINISTRY RESPONSE

The Ministry of the Attorney General, the Ontario Parole Board and the Ministry of Community Safety and Correctional Services have consulted on this recommendation, and the Ministry will support the review process identified by the Ontario Parole Board and the Ministry of the Attorney General.