

Adult Correctional Institutions

1.0 Summary

The purpose of a correctional system is to protect the public from crime, but also to provide the supports that will enable an individual who enters the system to gain the skills and knowledge to reintegrate into the community and not reoffend.

Our audit examined whether the Ministry of the Solicitor General (Ministry) is managing the 25 adult correctional institutions, led by superintendents, to provide the supports necessary for inmates to reintegrate into society and reduce reoffending. We noted that over the past five years many reviews have been done with the objective of improving the correctional system, but while problems have been extensively studied they have not been solved.

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

In 2018/19, almost 51,000 individuals were admitted in two main streams:

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

result in placement in either federal or provincial custody.

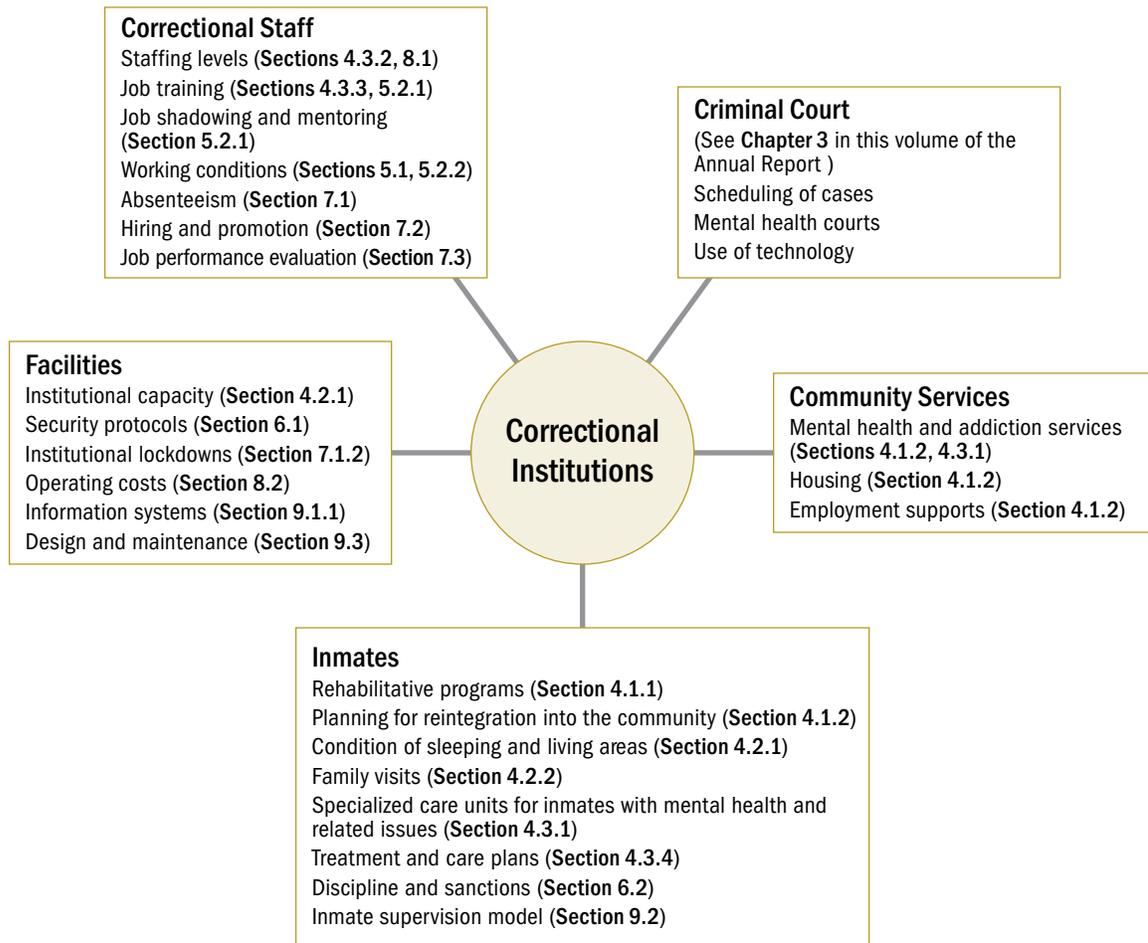
On average, remanded inmates, who comprise 71% of the daily inmate population, were in custody for 43 days, while sentenced inmates were in custody for 59 days. Although the number of individuals admitted into correctional institutions has generally decreased in the last 15 years, the proportion of remanded inmates has increased. In 2018/19, 56% of the institutions in Ontario were still operating beyond the Ministry's optimal rate of 85% occupancy.

Over the last 10 years, the recidivism rate in Ontario decreased from 45% in 2007/08 to 37% in 2017/18. The definition of recidivism varies across Canadian jurisdictions. In Ontario, recidivism is defined as the percentage of inmates who are reconvicted within two years of serving a sentence of six months or more. This definition does not capture the rate of reoffence for remanded inmates. On average, three-quarters of remanded inmates admitted into custody in 2018/19 had 13 previous charges and half had six previous convictions.

A correctional system focused on reducing recidivism and reoffending must integrate many facets (see **Figure 1**), balanced against available funding. These include working conditions and training for staff, appropriate detection and treatment of inmates' behavioural and mental health issues, educational and self-improvement programming for inmates, and living conditions for inmates.

Figure 1: Facets that Impact the Operation of Provincial Correctional Institutions

Prepared by the Office of the Auditor General of Ontario



In regard to working conditions for staff, we found that superintendents did not regularly assess the risk of violence to their front-line staff or analyze the root cause of incidents to reduce recurrence. We also found that correctional officers require more training to be provided so that they can handle inmates with mental health and behavioural issues more effectively and manage work-related stress. Amenities such as break rooms and a cafeteria are not always available to staff. Insufficient training and amenities for staff who are working in stressful conditions affects morale. The low morale is demonstrated in high absenteeism, averaging 31 sick days in 2018, and turnover rates of up to 7% in the eight institutions we visited excluding retirements.

Our audit noted that a growing proportion of inmates have possible mental health issues. Without sufficient staff training and appropriate units to place inmates in, these inmates are often sent to segregation as a result of their behaviour. We found that segregation, which keeps inmates isolated as much as 24 hours a day, was being used to confine inmates with mental health issues due to a lack of specialized care beds.

We also found that little emphasis is placed on delivering programming to remanded inmates, who comprise the majority of the inmate population. Program staff left it up to the inmates to choose which programs to attend, and made little effort to reach out to and encourage inmates to attend programs. This has contributed to low attendance

in programs targeted toward remanded inmates intended to provide information about factors that contribute to criminal behaviour. Our analysis of attendance information found that, for example, only 7% of inmates at Toronto South Detention Centre with history of substance abuse attended the session about Substance Use in 2018/19. Although about 40% of remanded inmates are in custody for only a week, many of them actually have multiple opportunities to participate in programming because they end up in custody multiple times. Effectively targeting and delivering programs for inmates held for different periods of time, whether they are in remand or sentenced and whether they are new to the correctional system or repeat offenders, is important toward reducing recidivism. We also found that staff in institutions that we visited did not have a strategy to help inmates contact agencies that would assist them to reintegrate into their communities.

The high percentage of remanded inmates can in large part be attributed to the criminal court system, which is discussed in **Chapter 3** in this volume. We had concerns about whether the scheduling process within the courts is effective in moving cases through from beginning to a decision in the most timely manner. Processing cases efficiently through the courts could significantly reduce the number of inmates in custody awaiting bail or trial. However, the Ontario Court did not permit our Office to have access to the court scheduling data and we were therefore unable to include it within that audit.

In our audit, we noted that overcrowding, mainly due to the higher population of remanded inmates within some institutions, has put pressures on the correctional system. During our fieldwork, we observed the negative impact overcrowding has had on the quality of inmates' living conditions such as when four inmates are placed in a cell designed for two. In addition, between February and August 2019, 144 inmates from 14 institutions were transferred to institutions outside their home communities. Removing an inmate from the

support of family and friends can have a negative effect on the goal of rehabilitation. Specifically, the United Nations *Standard Minimum Rules for the Treatment of Prisoners* (Rules) state that remanded inmates should be detained “close to their homes or their places of social rehabilitation.” The Rules, although not legally binding in Canada, set out generally accepted good practices in the management of correctional institutions.

To deal with occupancy pressures, we found that the Ministry has increased the capacity of 16 of the 25 institutions by an average of 81% more than the original capacity when they were built by adding beds in cells. For example, in 2018/19, Ottawa-Carleton Detention Centre had a 518-bed capacity—178% higher than its original 186-bed capacity. In 12 of the 16 institutions, the increased capacities were not due to expansion of the institutions but to placing more inmates in cells together. This is of concern generally, and particularly in the case of remanded inmates. As noted by the Rules, inmates who are presumed innocent should be placed in single cells in order to minimize the difference between life in custody and life at liberty when they have not been convicted of a crime.

Our audit specifically found the following:

- **Correctional institutions are not suited to provide appropriate care to the growing percentage of inmates who have possible mental health issues.** In 2018/19, 33% of all inmates admitted across the province had a mental health alert on their file—indicating possible mental health concerns—compared with 7% of inmates in 1998/99. We found that correctional institutions were not suited to manage inmates with such concerns because most of the institutions do not have the appropriate facilities to hold them. On average, each institution had 59 fewer specialized care beds than inmates with mental health alerts, and six institutions had no specialized care beds at all. In addition, more than half of the institutions did not have access to a psychologist. We also found that

front-line staff have not been provided with the necessary training and information about identifying triggers and techniques to de-escalate situations in order to manage these inmates effectively.

- **Although it is known that contraband enters correctional institutions, the Ministry has not analyzed the results of searches to understand points of entry.** In the last 10 years, the Ministry estimates that the number of times weapons were found increased by 414% (from 56 in 2008 to 288 in 2018), and the number of times drugs and alcohol were found in institutions increased by 136% (from 239 in 2008 to 564 in 2018). For all eight institutions we visited, staff do not analyze how much contraband is found during the searches and where it is found. In addition, the lack of security screening for staff increases the risk of contraband entering the institutions through compromised staff—those who have been persuaded or coerced by inmates to bring contraband into the institution.
- **Staffing levels at some correctional institutions are not proportionate to factors that drive the workload in those positions.** For example, Central East and Central North correctional centres, both of which use the indirect supervision model, held an average of 898 and 697 inmates per day in 2018/19, respectively. Central North's daily inmate population is 22% smaller than Central East's, but it requires 112, or one more correctional officer to be on duty during the day than Central East. Also, the Sudbury Jail held 124 inmates per day in 2018/19 and required 22 correctional officers to be on duty during the day. In comparison, the Kenora Jail, which uses the same indirect supervision model as Sudbury, held 168, or 35% more inmates per day in 2018/19, but required 21 officers, or one fewer, to be on duty during the day than Sudbury. According to the Ministry, the disproportionate staffing levels are due to differences in the physical layout, types of inmates held and the supervision model used in institutions. However, it could not provide us with any analysis to support its explanation for the difference.
- **The Ministry does not analyze reasons for variations in daily cost per inmate to determine where potential savings may be achieved.** In 2018/19, the daily operating cost per inmate in the province was \$302, compared with \$166 at the time of our last audit of adult institutional services in 2008. We found that the daily cost per inmate in 2018/19 varied widely across the province, from a high of \$589 at Fort Frances Jail to a low of \$186 at Kenora Jail. Daily cost per inmate in detention centres ranged from \$318 to \$210, and from \$464 to \$204 in correctional centres.
- **Absenteeism has resulted in high overtime costs.** The average number of sick days for permanent correctional officers in 2018 was 31 days—27% higher than in 2014. In three of the institutions we visited, the average cost of lost time due to sick days taken from 2015 to 2018 ranged from \$570,000 per year to \$5.1 million per year. In 2018/19, about \$42 million in overtime payments were paid to correctional officers across the province. This is a 280% increase in the overtime payments at the time of our last audit in 2008 of \$11 million, despite the number of correctional officers increasing by only 30% from 3,400 to 4,400. Overtime costs were paid when employees called in sick and their shifts had to be filled.
- **Most inmate information is recorded manually and retained on paper due to deficiencies in existing information systems.** Much of the manual recording related to the care and custody of inmates is done because the Offender Tracking Information System used in all the institutions does not have the functionality to maintain such information. Examples of the information kept manually include health-care notes,

social workers' notes, inmate complaints and requests, search records, and observation records of inmates on suicide watch and in segregation units. The information that is logged electronically is not regularly analyzed by Ministry or institutional management staff to better understand and make informed decisions about the operations of correctional institutions.

Overall Conclusion

Our audit concluded that the Ministry does not have fully effective systems and procedures in place to ensure that institutional programs and services are delivered economically, efficiently, and in accordance with legislative and policy requirements.

Specifically, we found that correctional institutions are not equipped to deal with challenges resulting from the greater proportion of remand population and inmates with possible mental health issues. This adversely affects the availability and content of programming and treatment that would otherwise help inmates reintegrate positively into the community and reduce recidivism.

We found that exposure to violence and threats of violence, insufficient available training, and the strained relationship between management and staff have not created positive working conditions.

Our audit also found that the Ministry has not established goals, targets or measures against which it can assess its delivery of institutional services. As a result, it cannot evaluate and publicly report on the effectiveness of Ontario's adult correctional system.

Appendix 1 summarizes the issues we discuss in this report. This report contains 26 recommendations, with 55 action items, to address our audit findings.

OVERALL MINISTRY RESPONSE

The Ministry appreciates the work of the Auditor General and welcomes the recommendations on how to improve Ontario's adult correctional

institutions. We agree with the recommendations and are committed to ensuring they are reflected in our actions by developing a sustainable system that empowers front-line staff.

The report recommendations confirm the importance of correctional reform initiatives, which are focused on protecting the safety and well-being of our staff and those within our custody and care, while ensuring a fiscally responsible and effective correctional system.

The Ministry, like other jurisdictions, is working to modernize its correctional system to meet contemporary global expectations, which reflect a shift in societal perspective regarding conditions of confinement (segregation), especially for vulnerable individuals including those with mental health issues. Additionally, this effort is being impacted by court decisions, changes in inmate characteristics, service and health care needs, and importantly the impact on the front-line employees.

In response, changes are being undertaken to modernize service delivery, enhance tools and supports for front-line staff and provide alternatives to custody including:

- building capacity for staff through employee wellness strategies that incorporates peer support, personal wellness and resiliency training, as well as redesigning staff training and development programs with a focus on corrections as a career;
- considering approaches to better identify and assign individual inmates to the appropriate security level;
- improving institutional health care services with a focus on mental health supports;
- exploring electronic data collection and information management;
- construction of new multipurpose correctional institutions; and
- evaluating use of new technologies such as GPS-enabled electronic monitoring.

The Ministry recognizes the importance of strengthening its accountability through

performance measurement to enable evidence-based assessment of its operations and change initiatives. The Ministry continues to invest resources to support a co-ordinated approach to the organization’s transformation.

2.0 Background

2.1 Overview of the Correctional System

In Canada, the federal and provincial governments share responsibility for administering correctional services as follows:

- The federal government, through Correctional Service of Canada, is responsible for the custody of convicted offenders serving sentences of two years or longer.
- Provincial governments are responsible for the custody and supervision of individuals accused of a crime who have been remanded into custody by the courts, and convicted offenders sentenced to less than two years.

In Ontario, the Ministry of the Solicitor General (Ministry) is responsible for delivering correctional services for adults 18 years or older. **Appendix 2** illustrates the general pathway of an accused person through Ontario’s correctional system from the time of arrest until sentencing or release.

2.1.1 Ontario’s Adult Correctional System

The Ministry operates 25 provincial correctional institutions that are classified into four types—correctional centres, detention centres, jails and treatment centres—based on whether the inmates are on remand, sentenced, or are exhibiting mental health and behavioural issues (see **Figure 2**). An individual’s place of residence may also determine the type of facility he or she is placed in. For example, remanded inmates may be placed in a correctional centre instead of a jail or detention centre if they reside closer to the correctional centre.

The institutions are also divided by whether they are medium or maximum security facilities. The security level defines the extent of restriction on inmates’ movements and how fixtures, such as beds, tables and chairs, are installed. Ontario does not have minimum security facilities. In Canada, Saskatchewan, Manitoba, Newfoundland and Labrador, Nova Scotia and the federal government have minimum security facilities.

Appendix 3 summarizes key information about each institution.

In 2018/19, almost 51,000 individuals were admitted into the 25 correctional institutions in Ontario. On any given day during that period, over 7,400 inmates were in custody across the province.

As shown in **Figure 3**, the number of adults admitted into Ontario institutions and the average daily number of adults in custody have generally decreased since 2004/05. This is consistent with the general trend in other jurisdictions in Canada. According to data from Statistics Canada, there were 65 adults in custody for every 100,000 adults in the

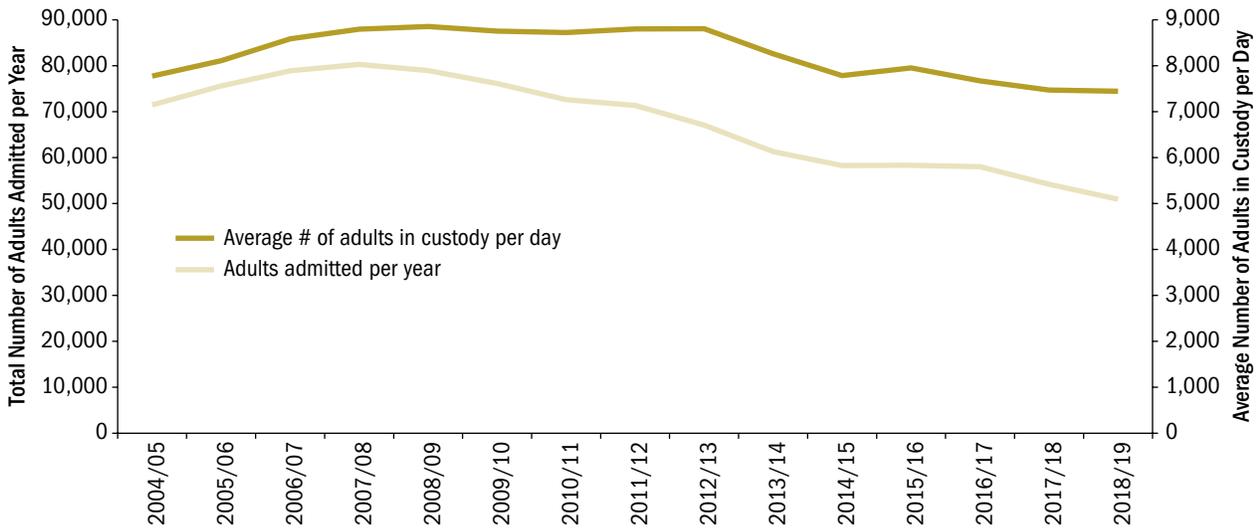
Figure 2: Types of Correctional Institutions in Ontario

Source of data: Ministry of the Solicitor General

	# of Institutions	Individuals Held in Custody	Security	Capacity
Correctional Centres	6	Sentenced offenders	Medium and maximum	124-1,088
Detention Centres	8	Accused persons on remand Offenders serving short sentences (for example, 60 days)	Maximum	226-1,244
Jails	8	Accused persons on remand	Maximum	22-169
Treatment Centres	3	Sentenced offenders with diagnosed mental illness or behavioural issues	Medium and maximum	100-176

Figure 3: Number of Adults Admitted into Custody in Ontario's Correctional Institutions, 2004/05–2018/19

Source of data: Ministry of the Solicitor General



population in Ontario in 2017/18 (the most recent year for which data is available for all Canadian jurisdictions). This incarceration rate is lower than the national rate of 83 adults in provincial custody per 100,000 adults in the population. Including youth and those in federal custody, the national incarceration rate is 108 individuals in custody per 100,000 individuals in the population.

See **Figure 4** for a profile of the 51,000 adults admitted into custody in 2018/19. About 80% of the approximately 51,000 individuals admitted into Ontario institutions in 2018/19 were accused persons on remand who were awaiting bail or trial. On a daily basis, remanded inmates comprise about 71% of the 7,400 inmates in custody. The proportion of remand population in institutions in Ontario has increased by 18% in the last 15 years, from 60% of the daily inmate population in 2004/05 to 71% in 2018/19. Data from Statistics Canada indicate that in 2017/18 (the most recent year for which data is available for all Canadian jurisdictions), Alberta, Ontario and Manitoba had the highest remand rates in Canada (see **Figure 5**).

The length of time each inmate spends in custody depends on the time it takes for courts to set bail or try the case (for remanded inmates) and the sentence imposed by the courts (for sentenced

inmates). As shown in **Figure 6**, remanded inmates who were released in 2018/19 were in custody for an average of 43 days, while sentenced inmates who were released during the same period were in custody for an average of 59 days.

2.1.2 International Correctional Systems

Incarceration rates around the world vary considerably. Canada's national incarceration rate of 108 individuals in custody per 100,000 individuals in the population is lower than many other developed countries such as the the United States (655), Russia (402), Australia (172), United Kingdom (140) and China (118). Countries with lower incarceration rates than Canada include France (100), Italy (98), Germany (75), Norway (63), the Netherlands (61), Sweden (59) and Japan (41).

The *Standard Minimum Rules for the Treatment of Prisoners* were adopted by the United Nations in December 2015. Although Canadian representatives were involved in developing the Rules, they are not legally binding in the federal and provincial correctional systems in Canada. Nonetheless, the Rules set out generally accepted good principles and practices in the treatment of inmates and management of correctional institutions (see **Appendix 4**).

Figure 4: Adult Admissions into Provincial Custody, 2018/19

Source of data: Ministry of the Solicitor General

Categories	%
Legal status	81 Remanded into custody
	15 Sentenced offenders
	4 Other ¹
Most serious offence	37 Violent offences ²
	26 Property damage or theft
	16 Failure to comply with a bail order or appear in court
	9 Drug-related offences
	12 Other ³
Gender	87 Male
	13 Female
Ethnicity	55 White
	13 Black
	12 Indigenous
	4 Asian
	10 Unknown
Age	6 Other
	38 25 to 34
	25 35 to 44
	18 18 to 24
	16 45 to 59
	3 60 or older

1. Includes those serving sentences intermittently (typically on weekends), awaiting transfer to federal institutions, and immigration detainees (individuals who are awaiting examination or deportation under the *Immigration and Refugee Protection Act*. The Ministry of the Solicitor General has an agreement with the Canada Border Services Agency, dating back to 1985, that allows the CBSA to transfer immigration detainees from holding centres to provincial correctional institutions. The Ministry charges the CBSA a per diem fee per individual. About 100 immigration detainees were in provincial correctional institutions at the time of our audit).
2. Includes homicide, assault, sexual assault and weapons offences.
3. Includes fraud, non-violent sexual acts, driving infractions, obstruction of justice, and other provincial and federal offences.

2.1.3 Independent Review of Ontario Corrections

In 2017, the Ministry appointed Howard Sapers as Independent Advisor on Corrections Reform to provide advice to the government on the use of segregation and ways to improve the province’s adult corrections system. Sapers was the former Correc-

tional Investigator of Canada and Ombudsman for offenders sentenced in federal institutions.

From January 2017 to December 2018, Sapers produced three reports that discussed the use of segregation, the impact of correctional practices on inmates’ rights, and violence at institutions. Sapers’ appointment as a special advisor was ended in December 2018.

2.2 Operations of Ontario’s Correctional Institutions

From 2014/15 to 2018/19, the Ministry spent, on average, \$726 million annually (\$817 million in 2018/19) to deliver adult institutional services. Operating expenses have increased by an average of 5% per year during this period.

2.2.1 Staffing

The Ministry currently employs almost 7,200 staff to deliver institutional services, about 7,100 of whom are in the 25 correctional institutions across the province. The rest are in the Ministry’s corporate and four regional offices (East, Central, West and North), which oversee the operations of the institutions (see **Figure 7**).

Superintendents—supported by one or more deputy superintendents—are responsible for the day-to-day operations of the institutions. Front-line staff—the correctional officers and the sergeants who oversee them—make up more than two-thirds of all correctional staff and are responsible for supervising inmates on a daily basis. Other staff provide health care, programming, administrative and other services.

2.2.2 Services and Programs for Inmates

The *Ministry of Correctional Services Act* (Act) governs the Ministry’s operation of correctional institutions and requires the Ministry to provide programs and facilities designed to assist in the rehabilitation of inmates.

Figure 5: Percentage of Inmate Population That Is in Remand in Canadian Jurisdictions, 2017/18

Source of data: Statistics Canada

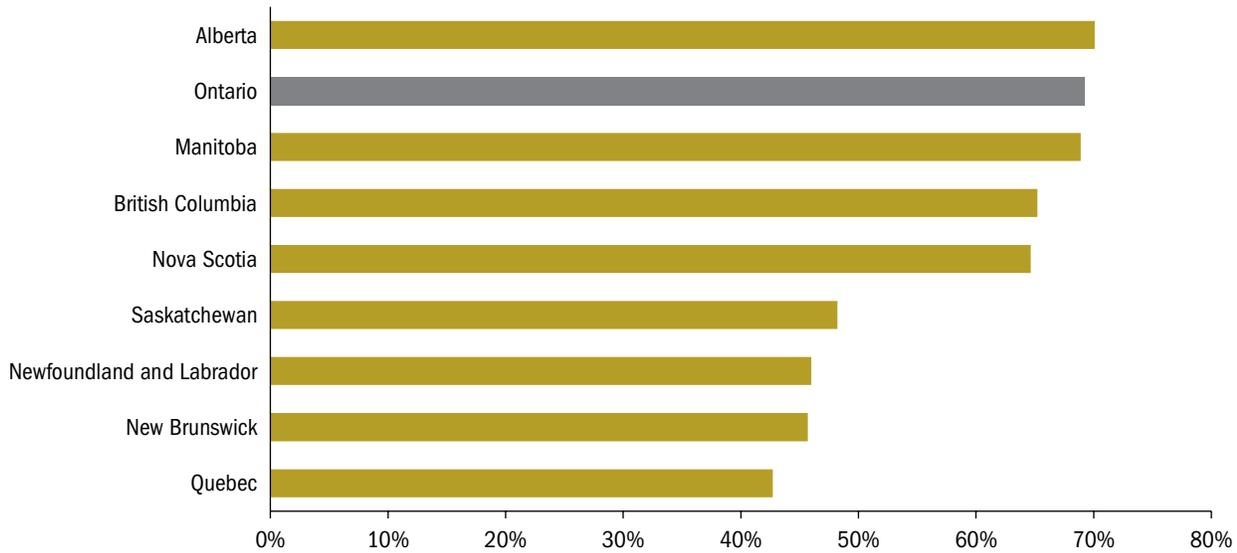


Figure 6: Length of Time in Custody, 2018/19

Source of data: Ministry of the Solicitor General

	Remanded		Sentenced		All Inmates	
	# of Inmates	% of Total	# of Inmates	% of Total	# of Inmates	% of Total
1-7 days	17,211	41	3,590	25	20,801	37
8-14 days	5,523	13	1,786	13	7,309	13
15-31 days	6,431	16	2,657	19	9,088	16
1-3 months	7,659	18	3,279	23	10,938	20
3-6 months	2,905	7	1,567	11	4,472	8
6-12 months	1,273	3	963	7	2,236	4
Over 1 year	638	2	286	2	924	2
Total # of inmates released	41,640	100	14,128	100	55,768	100
Average length of incarceration		43 days		59 days		
Median length of incarceration		12 days		23 days		

Appendix 5 illustrates the general path inmates take while in custody. In addition to the rights outlined in the Ontario Human Rights Code, the Act also establishes basic privileges afforded to inmates such as visits from family and friends, sending and receiving mail, and filing complaints about the services they receive in custody. Inmates may also participate in the following programs to help them adjust back into the community:

- **Educational programs** are delivered by teachers, literacy instructors and volunteer tutors who teach basic literacy skills and prepare inmates for the General Education Development or high school equivalency test. In some institutions, inmates may be able to participate in self-study programs to earn secondary or post-secondary school credits.
- **Rehabilitative programs** target factors that are likely to cause criminal behaviour, and

Figure 7: Organizational Chart for Operation of Provincial Correctional Institutions

Prepared by the Office of the Auditor General of Ontario



are related to anger management, substance abuse, domestic violence, criminal thinking and sexual offending (see **Appendix 6**). These programs are primarily targeted toward sentenced offenders.

- **Work programs** provide opportunities for sentenced and low-risk remanded inmates to serve as kitchen, housekeeping or maintenance assistants, or work at Trilcor—the Ministry program that uses inmate labour to, for example, manufacture licence plates. Inmates do not receive compensation for participating in work programs.
- **Other programs** include those that teach life skills, such as budgeting, job searching and parenting, recreational opportunities, such as physical, social and cultural activities, and programs designed for Indigenous offenders.

2.2.3 Control and Supervision of Inmates

Ontario correctional institutions operate under the following types of supervision models:

- **Indirect supervision:** Used by 17 of the 25 correctional institutions, correctional officers monitor inmates' activities from outside the inmates' living units (enclosed spaces that contain sleeping areas for 10 to 40 inmates and a day room where inmates spend their time out of their cells). Correctional officers only enter the units to conduct security patrols, provide meals, or if intervention is necessary; for example, to end a fight between inmates.
- **Formal direct supervision:** Used in Toronto South Detention Centre and South West Detention Centre, officers monitor inmates' activities from within the units and are expected to continuously interact with inmates. This type of direct supervision is based on the model developed and used in the United States, which is governed by the nine principles listed in **Appendix 7**.

- **Informal direct supervision:** Used in six of the 25 correctional institutions, officers monitor inmates' activities from within the units. However, this type of direct supervision is not based on the nine principles followed in the formal model.

Other mechanisms to monitor and manage inmates include routine and targeted searches of inmates, their sleeping areas, living units and other areas of the institutions, as well as a misconduct process intended to impose sanctions when inmates violate institution rules. These mechanisms are in place in all supervision models.

3.0 Audit Objective and Scope

Our audit objective was to assess whether the Ministry of the Solicitor General (Ministry) has effective procedures and systems in place to:

- ensure institutional programs and services are delivered in accordance with relevant legislation, regulations, agreements and policies, such that the training, treatment and services delivered enhance public safety, reduce the risk that convicted offenders will reoffend, and afford inmates opportunities for successful adjustment in the community;
- manage institutions' resources economically and efficiently; and
- measure and publicly report on the effectiveness of the key services and programs delivered.

In planning for our work, we identified the audit criteria (see **Appendix 8**) we would use to address our audit objective. These criteria were established based on a review of applicable legislation, policies and procedures, internal and external studies, and best practices. Senior management reviewed and agreed with the suitability of our objectives and associated criteria.

We conducted our audit from January to September 2019. We obtained written representation

from Ministry management that, effective November 8, 2019, they had provided us with all the information they were aware of that could significantly affect the findings or the conclusion of this report.

Our audit work was conducted initially at the Ministry's corporate office in Toronto, then primarily at eight of the 25 correctional institutions: two jails (Brockville and Thunder Bay); two detention centres (Toronto South and South West); three correctional centres (Central East, Thunder Bay, and Vanier Centre for Women); and one treatment centre (St. Lawrence Valley Correctional and Treatment Centre).

Collectively, the eight institutions we visited accounted for over \$311 million (or 38%) of total expenditures and 2,841 (or 38%) of all inmates in custody across the province in 2018/19. See **Appendix 9** for additional details of our audit work.

We also reviewed relevant audit reports by the Ontario Internal Audit Division from January 2014 to January 2019 and considered the findings in those reports in determining the scope of our work.

4.0 Detailed Audit Observations: Changes Needed to Increase Opportunities to Influence Changes in Inmate Attitude

The United Nations' *Standard Minimum Rules for the Treatment of Prisoners* state that the purposes of incarceration—to protect society against crime and reduce reoffending—can be achieved only if the period of incarceration is “used to ensure ... the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.” Consistent with this, the Ministry of the Solicitor General's (Ministry's) function according to the *Ministry of Correctional Services Act* (Act) is to create an environment for inmates in which they can achieve changes in attitude by pro-

viding training, treatment and services designed to afford them opportunities for successful adjustment in the community.

Every year, an average of 53,000 inmates are released from correctional institutions either because they served their sentence or they were released by the courts. We found that rehabilitative treatment and programming, discharge planning, and the living conditions in the institutions were not sufficient to increase inmates' chances of reintegrating positively into the community.

4.1 Limited Supports Available to Help Remanded Inmates Reintegrate into the Community

Our audit found that correctional institutions do not provide appropriate programming and discharge planning supports for remanded inmates, who comprise the majority (71%) of the inmate population. In six of the eight institutions we visited, there were more remanded than sentenced inmates, ranging from 63% to 84% of the inmate population.

4.1.1 Insufficient Efforts to Deliver Programming to Remanded Inmates

In the last five years, the Ministry spent an average of \$34 million per year, 5% of total annual operating expenditures, on treatment and rehabilitative programming. Half of this amount, or \$17 million, was spent in the three treatment centres (see **Appendix 10**) that provide intensive treatment and rehabilitative programs for sentenced inmates with mental illness, addiction and other behavioural issues. There are no similar treatment or rehabilitative supports available for remanded inmates.

According to Ministry staff, it is difficult to deliver rehabilitative programming to remanded inmates because they are often in custody only for a short time. Of the over 41,000 remanded inmates who were released in 2018/19, 70% (29,100) spent one month or less in custody and 41% (17,200) were in custody for only one week (see **Figure 6**).

During this time, inmates' time is also taken up by lawyer appointments and court appearances. At the time of our audit, remanded inmates who were in custody had had, on average, nine in-person court appearances and 10 video court appearances.

While it may be challenging to deliver intensive rehabilitation programs to remanded inmates, programming staff still have opportunities to provide valuable information to these inmates through the Ministry's Life Skills programming (see **Appendix 11**). The Life Skills sessions provide general information about various topics related to factors that contribute to criminal behaviour (for example, anger management, substance use and gambling) and improving lifestyles (for example, problem solving, managing stress and changing habits). Because the sessions are standalone and only one hour each to complete, inmates do not need a significant amount of time to participate.

In addition, our analysis of remanded inmates' previous incarceration history found that three-quarters of the remanded inmates admitted into custody in 2018/19 had an average of 13 (median of seven) previous charges. This means that, in many cases, programming staff have multiple opportunities to deliver programming to remanded inmates and obtain more information about the inmates in order to determine the programming that is appropriate for them.

Despite these opportunities, three of the seven institutions we visited that were not treatment centres (Brockville Jail, Central East Correctional and Thunder Bay Jail) did not offer Life Skills programs due to lack of space and trained staff to deliver the sessions.

Where Life Skills programming was delivered in South West Detention Centre, Thunder Bay Correctional Centre, Toronto South Detention Centre and Vanier Centre for Women, we found the following:

- program staff left it up to the inmates to choose which sessions, if any, to attend;
- the sessions were delivered only during the week, when court hearings are scheduled and therefore inmates could have fewer opportunities to attend;

- efforts to reach out to and educate inmates about available programs were limited to program staff showing up at their units and asking whether anyone wanted to attend the sessions; and
- staff did not use available information about the inmates (for example, reasons for current and previous incarcerations, alerts on their files) to identify those who may benefit from particular sessions.

Voluntary program participation, combined with insufficient outreach by program staff, has contributed to low attendance in Life Skills programs. Our analysis of attendance information in the four institutions found that, for example, only 7% of inmates at Toronto South with substance use alerts on their file (indicating prior or current substance abuse) attended the Substance Use session in 2018/19.

We also noted that Life Skills programming was not offered at all institutions despite the 22 institutions holding remanded inmates. For example, 15 institutions did not offer the Anger Management session for men, 15 also did not offer the Substance Use session.

RECOMMENDATION 1

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

- require programming staff to meet with inmates upon admission to inform them about appropriate programs based on available information about the inmate;
- review and implement measures that will give inmates incentive to participate in programming; and
- review and improve the method of delivering Life Skills programming, including identification of inmates who may benefit from particular sessions, increasing outreach efforts and offering sessions during weekends.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents agree with the intent of this recommendation, and in co-ordination with the Ministry, recognize the importance of outreach and creating awareness of Life Skills programming with remanded inmates in order to support rehabilitation and reintegration. Initiatives will include:

- improvement of processes to help better align remanded inmates with greater opportunities to participate in Life Skills programming, where feasible, with consideration to staffing resources and institutional physical layouts, including programming space.
- the assessment of the use of incentives to participate in Life Skills programming, where appropriate; and
- a review of the feasibility of conducting individual needs assessments for remanded inmates and providing Life Skills programming on weekends, with consideration for the current employment contract and collective agreement provisions and associated costs.

Superintendents will review and assess strategies and opportunities through quarterly local Program Coordination Committees.

4.1.2 Remanded Inmates Do Not Receive Information about Community Supports They Can Access upon Release from Custody

Ministry policies do not require institutional staff to prepare a discharge plan for remanded inmates. As a result, we found that discharge planning in the eight institutions we visited is primarily only focused on sentenced inmates. Discharge planning staff place little emphasis on helping remanded inmates plan for their release, again, due to the inmates' short time in custody and uncertainties regarding their release date. In 2018/19, 58% of those released from custody were released at court because, for example, the charge against them was

dropped or they were convicted but the decision did not include incarceration.

At the time of our audit, the seven institutions we visited that held remanded inmates employed from one to seven staff who were responsible for helping inmates plan for their release from custody. We found that staff in these institutions did not have consistent processes to identify, inform and reach out to remanded inmates who may need help.

Only admissions staff in Thunder Bay Jail and Thunder Bay Correctional Centre asked inmates upon admission whether they wanted help with discharge planning. Other than this, admissions staff did not collect information about inmates' housing, transportation, social assistance, employment and support systems in order to identify how much assistance they will need in order to prepare for their release. Staff collected this information only if an inmate requested their help. We reviewed a sample of inmate files in Central East Correctional Centre, Thunder Bay Correctional Centre and Toronto South Detention Centre for evidence of staff helping inmates prepare for their release but did not find it in three-quarters of the files.

Five of the institutions we visited had checklists that staff used as a guide when collecting information, but we noted that the type of information being collected varied across institutions. The checklists used in South West and Toronto South detention centres only asked for basic information about the inmate's transportation, housing, medical and social assistance needs. In comparison, the checklists used in Central East and Thunder Bay correctional centres and Vanier Centre for Women asked for additional information about the inmate's social support network, as well as their job search, cultural, spiritual and recreational needs.

As shown in **Appendix 11**, a number of the Life Skills sessions provide general information about how to look for work, keep a job, set up a budget and plan for release. However, less than 1% to 3% of all inmates who were in custody for over a month from 2014/15 to 2018/19 attended those sessions.

RECOMMENDATION 2

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

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

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation and recognize the value of establishing formal reintegration planning processes for remanded inmates to support a successful return to their home communities.

The Ministry, with the support of the Superintendents, will develop a new policy relating to community reintegration and discharge planning, and a Community Reintegration Plan Checklist, that establish guidelines and processes to assist inmates, including those on remand. Superintendents, with the support of the Ministry, will ensure that this new policy will be implemented in their respective institutions.

In addition, Superintendents, through local Program Coordination Committees, will review strategies, where appropriate, to maximize awareness of reintegration resources for remanded inmates and assess opportunities to focus on the existing Life Skills Session entitled "Planning for Discharge."

4.2 Correctional Institutions Face Occupancy Pressures with Overcrowding

Although the number of individuals admitted into correctional institutions has generally decreased in the last 10 years, 56% of the institutions across the province were still operating at over 85% occupancy during 2018/19 (see **Figure 8**).

According to Ministry staff, the optimal occupancy rate is 85% in order for institution staff to have the flexibility to adjust to sudden influxes of inmates, such as when police conduct raids in the community, and separate inmates who are not compatible for security reasons; for example, members of rival gangs and separating remanded from sentenced inmates. However, occupancy pressures arise from individuals repeatedly entering the correctional system.

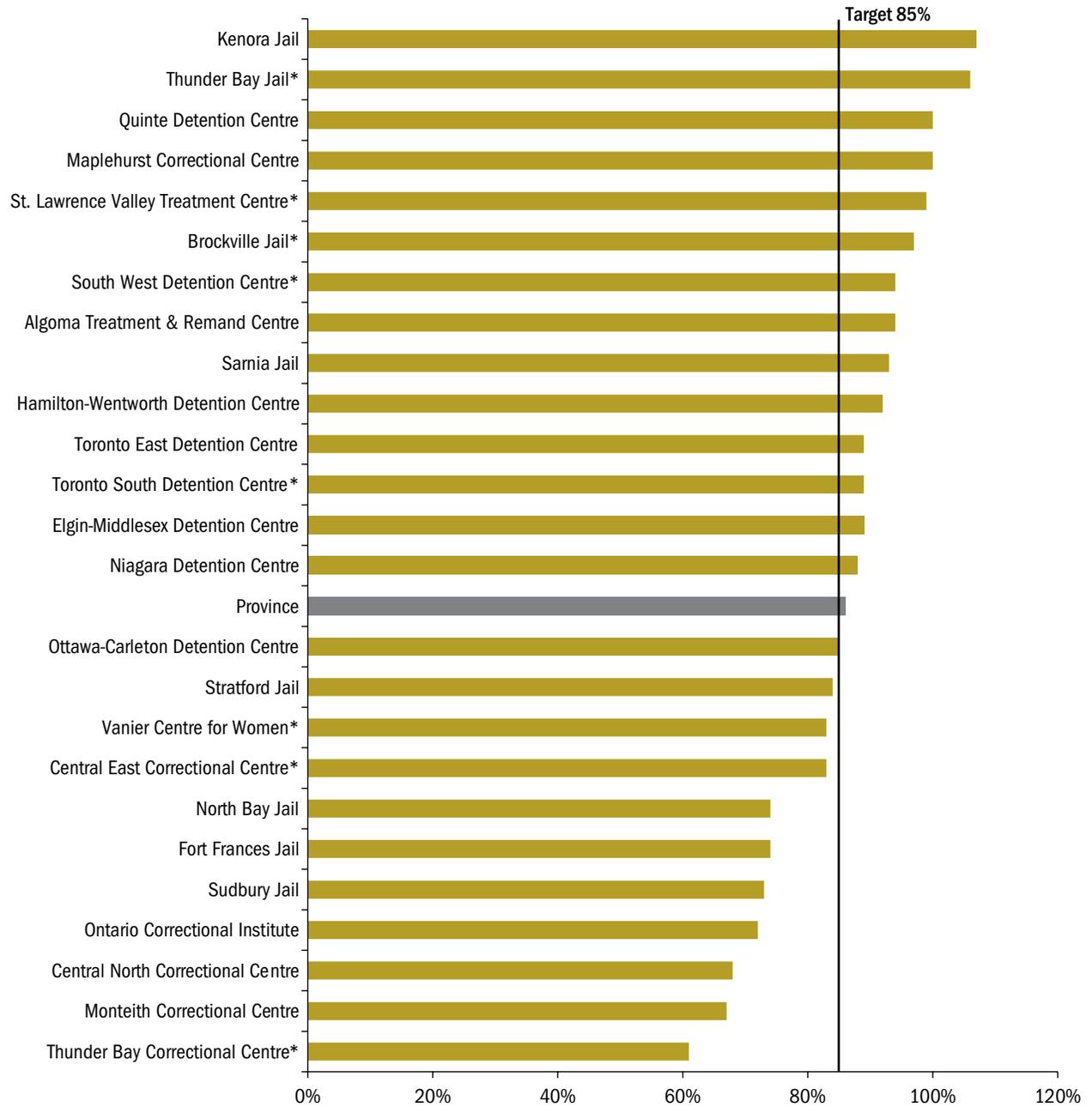
4.2.1 Living Conditions in Overcrowded Institutions Not Conducive to Inmate Rehabilitation

Overcrowding has a direct negative impact on inmates' living conditions, as we observed during our fieldwork. For example, in the Thunder Bay Jail, up to four inmates were held in a 40-square-foot cell designed for two. The third and fourth inmates slept on the floor, one underneath the bottom of the bunk bed. According to the jail's staff, the institution held up to 198 or (139% of its capacity) between April and June 2019. The *Standard Minimum Rules for the Treatment of Prisoners* state that each inmate "shall occupy by night a cell or room by himself or herself," and that "it is not desirable to have two prisoners in a cell or room." The Rules state that this right is especially important for remanded inmates, who comprise 84% of Thunder Bay Jail's inmate population.

With two-thirds of the institutions being more than 40 years old (see **Appendix 3**), we asked Ministry staff whether the current capacities are the same as the original capacities established when

Figure 8: Occupancy Rates of Ontario Correctional Institutions, 2018/19

Source of data: Ministry of the Solicitor General



* Institutions visited by the Office of the Auditor General of Ontario

the institutions were built. Because of the age of many of the institutions, the Ministry could only provide us with capacities dating back to 1979/80 for the older institutions (see **Figure 9**). We compared this information to current capacities and found that, on average, the current capacities for 16

of the 25 institutions are 81% higher than either the original or the oldest known capacity. In 12 of the 16 institutions, the increased capacities were not due to expansion of the institutions but from adding more beds in cells originally designed for one.

Figure 9: Comparison of 2018/19 Versus Original Capacities for Correctional Institutions in Ontario

Source of data: Ministry of the Solicitor General

	Original Capacity		2018/19 Capacity	Difference from Original		Occupancy Rate Based on Original Capacity ¹ (%)
	Year	#		#	%	
Ottawa-Carleton Detention Centre ²	1979/80	186	518	332	178	238
Maplehurst Correctional Centre ²	1979/80	400	911	511	128	228
Quinte Detention Centre ²	1979/80	102	228	126	124	224
Elgin-Middlesex Detention Centre ²	1979/80	172	448	276	160	221
Brockville Jail	1979/80	24	48	24	100	193
Hamilton-Wentworth Detention Centre	1979/80	260	510	250	96	182
Kenora Jail ²	1979/80	99	159	60	61	170
Thunder Bay Jail ²	1979/80	103	142	39	38	144
Niagara Detention Centre ²	1979/80	139	260	121	87	143
Stratford Jail ²	2003	30	53	23	77	140
Algoma Treatment and Remand Centre ²	1990	96	152	56	58	133
Sarnia Jail ²	1979/80	59	99	40	68	121
Sudbury Jail	1979/80	109	163	54	50	113
North Bay Jail ²	1979/80	73	110	37	51	101
St. Lawrence Valley Correctional and Treatment Centre	1979/80	100	100	–	–	99
Toronto East Detention Centre ²	1979/80	340	368	28	8	96
Vanier Centre for Women	2003	218	245	27	12	94
South West Detention Centre	2014	315	315	–	–	84
Fort Frances Jail	1979/80	22	22	–	–	74
Central East Correctional Centre	2003	1,245	1,245	–	–	72
Toronto South Detention Centre	2014	1,650	1,241	(409)	(25)	67
Ontario Correctional Institute	1979/80	198	175	(23)	(12)	64
Central North Correctional Centre	2001	1,245	1,197	(48)	(4)	56
Thunder Bay Correctional Centre	1979/80	140	124	(16)	(11)	54
Monteith Correctional Complex	1979/80	242	222	(20)	(8)	45

1. Occupancy rate is the average daily number of inmates in custody in 2018/19 divided by the original capacity.

2. Indicates correctional institutions that increased their capacity by adding more beds into existing units.

Using the original or oldest known capacity, 68% of the institutions were operating at over 85% capacity during 2018/19, with two or more inmates sharing cells originally built for one. Placing more inmates than what the cells were originally designed to hold results in living conditions that are not conducive to inmates' rehabilitation. The *Standard Minimum Rules for the Treatment of Prisoners* state

that inmate accommodations “shall meet all requirements of health, due regard being paid to ... minimum floor space, lighting, heating and ventilation.”

4.2.2 Inmates Are Transferred to Institutions Away from Their Communities Due to Lack of Space in Their Home Institutions

Overcrowding has also resulted in up to 144 inmates from 14 institutions being transferred to as many as eight different institutions between February and August 2019 because of lack of beds at their “home” institutions.

Detaining inmates in institutions far from their home communities makes it difficult for their families and lawyers, who must travel to the new institution to visit the inmates. According to the *Standard Minimum Rules for the Treatment of Prisoners*, inmates should be detained “close to their homes or their places of social rehabilitation.”

Transferring inmates to other institutions also presents challenges and additional costs to transport inmates for court appearances because inmates are typically assigned to the institution closest to the court where their case is being heard. Inmates must be brought back if they are required to appear in court in person. Every month in 2018/19, an average of 368 correctional staff were involved in transferring 1,326 inmates in 185 trips. The Ministry did not track the costs associated with the transfers, but fuel costs for 2018/19 totalled over \$300,000.

RECOMMENDATION 3

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation. In March 2019, the Ministry preliminarily began working with the Ministry of the Attorney General to develop and implement initiatives that will help reduce overcrowding in Ontario’s correctional institutions.

As part of this work, the Ministry will:

- assess strategies to reduce the remand population, divert lower-risk offenders away from custody and reduce recidivism, while supporting crime prevention and protecting public safety; and
- explore the use of technology, such as the potential use of GPS-enabled electronic monitoring in Ontario, to support alternatives to custody for lower-risk individuals.

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

Over 2,600 or 35% of all inmates in custody at the time of our audit had a mental health alert on their file. While the alert, which is placed on file by health-care staff, does not indicate a diagnosed mental illness, Ministry staff advised us that it is an indicator of mental health concerns. At the time of our audit, mental health clinicians had verified 87% of these alerts. Another 2,500 inmates had an alert on their file indicating they may require specialized supervision due to behavioural issues or violent tendencies.

4.3.1 Inmates with Mental Health and Related Issues Confined in Segregation Cells Due to Lack of Specialized Care Beds

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

Placing inmates with mental illness and those requiring specialized care due to behavioural issues in appropriate units is critical not only to ensure the safety and security of other inmates and staff

but also to ensure that inmates' mental health does not worsen while in custody. The *Standard Minimum Rules for the Treatment of Prisoners* state that solitary confinement (or segregation) should be prohibited for inmates with mental or physical disabilities when such confinement would exacerbate their conditions.

Data from the Ministry's information system indicate that the percentage of the inmate population with potential mental health issues has increased by an average of 6% per year since 1998/99, when only 7% of inmates admitted had a mental health alert. In June 2018, the Expert Advisory Committee on Health Care Transformation in Corrections—established by the ministers of Health and Corrections to provide advice on health-care services in correctional institutions—noted that Ontario's inmate population was two to three times more likely to have a mental illness compared with the general population.

The shortage of psychiatric beds in the community (discussed in our 2016 audit of Specialty Psychiatric Hospital Services), and the potential underutilization of mental health courts to divert inmates from correctional institutions (discussed in **Chapter 3** in this volume), may have contributed to the increase in inmates with potential mental illness.

Despite this, there are only three treatment centres across the province that are specifically designed and operated to house inmates with a diagnosed mental illness or who require specialized care or treatment. The treatment centres can house about 400 inmates, and on average, they have operated at 78% to 102% capacity in the last five years. Also, the treatment centres only house sentenced inmates and have specific admission requirements (see **Appendix 10**).

As shown in **Appendix 12**, our survey of the 17 institutions we did not visit found that only half of the institutions reported that inmates believed or known to have a mental illness are placed in a specialized care unit with increased access to clinicians. In addition, 94% reported that the same inmates were placed in general population units

where they could pose risks to other inmates and staff if their condition becomes unstable.

We compared the number of specialized care beds in the 22 remaining institutions to the number of inmates with a mental health alert on their file. On average, each institution had 59 fewer beds than inmates with alerts. Specifically, we noted the following:

- Sixteen institutions each have between two and 300 beds intended for inmates requiring specialized care. In 2018/19, 66 to 2,931 inmates with mental health alerts were admitted to these institutions.
- Six correctional institutions had no beds intended for inmates requiring specialized care. In 2018/19, 214 to 2,091 inmates with mental health alerts were admitted to these institutions.

The shortage of specialized care beds is particularly significant for women. Half of the 7,285 women admitted into custody in 2018/19 had a mental health alert on their file—an increase from 22% 15 years ago. In comparison, less than one-third of all men admitted into custody in 2018/19 had a mental health alert on file. Despite the higher proportion of women with mental health concerns, none of the three treatment centres has beds for women with mental illness. In the 15 institutions that house female inmates, nine did not have any beds intended for women requiring specialized care. In 2018/19, an average of 135 women with mental health alerts were admitted into the nine institutions. The other six institutions, to which an average of 379 women with mental health alerts were admitted in 2018/19, have a total of only 48 specialized care beds for women.

In April 2016, the Ministry announced plans to repurpose a former youth centre facility into a treatment centre for women by 2024. However, at the time of our audit, the Ministry indicated that the plan was on hold.

According to the Ministry, a mental health alert may not necessarily mean that an inmate will require placement in a specialized care bed.

However, our review of the occupancy rate for specialized care units in the 22 correctional institutions found that there was a shortage in specialized care beds in 2018/19. Specifically:

- six of the 13 institutions with specialized care beds for men were operating at at least 100% capacity for an average of 60 days, ranging from four days to five months; and
- all six institutions with specialized care beds for women were operating at at least 100% capacity for an average of 67 days, ranging from 11 days to six-and-a-half months.

RECOMMENDATION 4

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation, and to support its implementation, began developing a Mental Health and Addictions (MHA) Strategy in July 2019. The Strategy will include a focus on inter-ministerial collaboration and community partnerships to facilitate appropriate care pathways. The dedicated Mental Health and Addictions Unit within the Ministry will work with government and community partners to further develop and implement the MHA strategy.

RECOMMENDATION 5

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

- determine the actual proportion of inmate population in each institution who have mental illness or require specialized care; and
- review the living units in all institutions and create new or repurpose existing units to hold inmates requiring specialized care.

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation and will continue to review options to ensure appropriate care settings for individuals with mental illness. Specifically, the Ministry will:

- advance the Mental Health and Addictions (MHA) Strategy as referenced in **Recommendation 4** to ensure timely identification, assessment and services for those with mental health needs are appropriately addressed; and
- work with Infrastructure Ontario on the delivery of future infrastructure projects that address the needs of inmates that require specialized care.

With respect to the proposed treatment centre for women, the Ministry is awaiting further direction from the government before it can finalize its plan.

4.3.2 Correctional Institutions Have Insufficient Mental Health Staff to Effectively Manage Inmates with Specialized Needs

Medical staff in the institutions we visited told us that an insufficient number of mental health staff is one of the main challenges they faced in managing inmates with mental illness. Our analysis of information about mental health resources in correctional institutions across the province found the following:

- More than half of the institutions did not have access to a psychologist—a clinician who uses behavioural intervention to treat mental health disorders.
- All 25 institutions had at least one psychiatrist—a trained medical doctor who can prescribe medication to treat mental illness. However, we noted that all psychiatrists were contracted for a specified number of hours per week. Their availabilities ranged from 12 hours per week (where almost 300 inmates with mental health alerts were admitted in 2018/19) to 24 hours per week (where 1,900 inmates with mental health alerts were admitted in 2018/19).
- The ratio of inmates to mental health nurses ranged widely, from 45 inmates per nurse (two nurses where 90 inmates with mental health alerts were admitted in 2018/19) to 935 inmates per nurse (two nurses where 1,870 inmates with mental health alerts were admitted in 2018/19).

We reviewed the timeliness of mental health consultations in a sample of health records of inmates who had been in custody for at least two months in Central East and Thunder Bay correctional centres and Toronto South Detention Centre. We found that inmates were seen by a psychiatrist, on average, within 10 days of being referred. However, we found delays in the initial mental health screening that must first be completed to determine whether the inmate requires a referral to a psychiatrist. In almost one-third of the sample

of files we reviewed, the mental health screen was either not completed within four days of admission, as required by Ministry policies, or there was no evidence that it was completed.

RECOMMENDATION 6

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

- determine the mental health resources required to assess inmates' mental health status within the required time frame and provide appropriate care; and
- provide the above information to the task force established in **Recommendation 4**.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation and acknowledge the vulnerability of inmates with mental illness and the need for timely and appropriate care to support their well-being.

Superintendents, with the support of the Ministry, will continue to work with local and Corporate Health Care teams to characterize and secure appropriate treatment resources to provide care within the required time frames for those in custody. Superintendents will actively support the policy oversight and accountability framework established by the Ministry.

Superintendents acknowledge the need for information to be shared with those staff who are part of the circle of care to ensure supervisory and care services are provided in a timely manner. To support implementation of this recommendation, operational staff, such as correctional officers and sergeants, will be identified as members of the multidisciplinary team meetings.

4.3.3 Staff Not Adequately Trained to Manage Inmates with Mental Illness

During the eight-week initial training program, new correctional officers receive only three hours of mental health training. The training covers common mental health disorders, symptoms and appropriate responses. In comparison, Correctional Services of Canada provides 14 hours of initial mental health training to new staff.

While the initial training for Ontario correctional officers appears to provide basic knowledge about mental illnesses, correctional officers stated in an April 2019 Ministry consultation that the initial training needed to address the challenges posed by inmates with mental health and addiction issues.

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

The following highlights the importance of staff having the necessary training to effectively deal with inmates with mental illness:

- We reviewed internal investigations conducted by dedicated staff in Central East and Thunder Bay correctional centres and Toronto South Detention Centre in response to serious incidents. Our review found that in 57% of the incidents, at least one of the inmates involved had a mental health alert on file. The incidents involved inmates attempting to harm themselves, other inmates or staff.
- Our review of misconduct information in 2018 for all institutions found that 44% of inmates with three or more misconducts for which they were found guilty had mental health alerts on their file. The misconducts involved, for example, inmates threatening

and physically assaulting staff and other inmates, as well as refusing to follow staff instructions. Of those inmates, three-quarters were placed in segregation as a sanction for at least one of the misconducts.

The need for additional ongoing training was also highlighted in a 2016 survey by the Centre for Addiction and Mental Health (CAMH). CAMH staff surveyed correctional officers who were assigned to the mental health unit in Toronto South Detention Centre. About 80% of the officers indicated that they interacted at least 10 times per day with inmates who they thought exhibited behaviours that may be attributed to a mental health issue. About 60% of officers indicated that they had not received adequate mental health and addictions training. Respondents stated they wanted to learn more about schizophrenia, personality disorders, mood disorders, substance abuse, violence risk, suicide and interventions. In response to the survey results, CAMH staff provided one-time training to staff in October 2018.

4.3.4 Inmate Care Plans Not Done or Not Accessible to Front-Line Staff, Reducing Ability to Effectively Oversee Inmates

Ministry policies require that Inmate Care Plans be developed for inmates with mental illness and those in specialized care units. The purpose of the Care Plan is to document and recommend unit placement, strategies to manage behavioural issues—for example, to identify triggers and de-escalation techniques—interventions and therapeutic options, and other factors that impact an inmate's care while incarcerated.

In about 60% of the sample of files we reviewed in Central East and Thunder Bay correctional centres and Toronto South Detention Centre, institution staff did not develop Care Plans for inmates with mental illness or those in specialized care units. At the time of our audit, the inmates had been in custody for an average of almost 17 months.

Where a Care Plan was developed, we found that the quality varied across the institutions. Specifically, 90% of the Care Plans we reviewed at Toronto South did not contain additional information beyond stating that the inmate was diagnosed with a mental illness. In contrast, the Care Plans we reviewed at Central East and Thunder Bay correctional centres provided recommendations for managing the inmate’s behaviour or identified triggers or de-escalation techniques.

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

To achieve optimum outcomes, correctional officers require access to Care Plans to ensure their approach to managing inmates is consistent with and supports the plans. Without having access to the Care Plans, correctional officers may have to rely on other sources of information such as the mental health alerts to identify inmates who may require specialized care and supervision. However, we found that these alerts may not always be present. For example, half of the inmates whose files we reviewed who had documented mental health concerns, such as prescriptions for anti-depressant or anti-psychotic drugs and notations by a psychologist or psychiatrist, did not have mental health alerts in their files. In addition, these alerts do not provide direction or guidance to help the officers effectively manage inmates.

RECOMMENDATION 7

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

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation and is taking steps to empower front-line staff to better respond to the challenges of mental health and addictions through training. The Ministry will continue to update its initial and ongoing training for Correctional Officers, including a redesign of its mental health module, in consultation with mental health experts such as the Centre for Addiction and Mental Health. The module will reflect the knowledge and skills needed to better support inmates with mental health and addiction needs. The official launch is scheduled for 2020.

RECOMMENDATION 8

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

- deliver ongoing mental health training for all staff who interact with inmates on a daily basis; and
- provide correctional officers access to Inmate Care Plans.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry recognize the benefit of staff training, including the provision of mental health training to front-line staff.

As noted in the response to **Recommendation 7**, the Ministry began working with the Centre for Addiction and Mental Health in February 2019 to develop enhanced mental health and addictions training for staff, including de-escalation strategies. The enhanced training will be rolled out as part of ongoing training in 2020.

Additionally, Superintendents and the Ministry acknowledge the importance of meaningful communication and information sharing so that staff can effectively carry out their job functions. As reflected in the response to **Recommendation 6**, operational staff such as correctional officers and sergeants will now form part of the local multidisciplinary teams.

Superintendents, with the support of the Ministry, will utilize the local multidisciplinary teams to support front-line correctional staff working with inmates with mental illness by sharing information and aiding in knowledge/skills development.

5.0 Detailed Audit Observations: Working Conditions in Correctional Institutions Make Attracting, Retaining Staff Difficult

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

5.1.1 Exposure to Violence Leads to Physical Injuries and Mental Stress to Correctional Officers

From January 2014 to October 2018 (the most recent period for which data is available), institutional staff recorded about 21,000 incidents of violence or threatened violence in Ontario correctional institutions. The incidents included instances where inmates physically assaulted staff and where inmates threatened or attempted to injure staff without actual physical contact. They also included inmate-on-inmate incidents where staff were not directly involved.

Every staff member who is involved in or witnesses an incident must prepare a report describing it. Information in those reports provide insight into what type of violence it was and the extent of violence in each of the institutions. However, none of the staff at the institutions, regional offices or the Ministry's corporate office analyze reported incidents to determine their root cause, which could provide insight into prevention of future incidents. Five of the eight institutions we visited, and another five of the 17 institutions that we did not visit (see **Appendix 12**), do not measure and track assaults against staff.

We reviewed each reported incident from January 2014 to October 2018—the most recent period for which incident information is available—in the eight institutions we visited. In total, there were

Figure 10: Reported Incidents in Eight Institutions Visited, January 2014–October 2018

Source of data: Ministry of the Solicitor General

	Inmate-on-Staff Incidents						Inmate-on-Inmate Incidents		Total Reported Incidents	Average Daily # of Inmates
	Threats or Attempted Assaults		Staff Assaulted		Total		#	%		
	#	%	#	%	#	%				
Brockville Jail	53	28	13	7	66	35	121	65	187	46
Central East Correctional Centre	366	16	241	11	607	27	1,669	73	2,276	898
South West Detention Centre	136	18	93	12	229	30	547	70	776	264
St. Lawrence Valley Correctional and Treatment Centre	27	12	20	8	47	20	188	80	235	100
Thunder Bail Correctional Centre	18	11	11	7	29	18	128	82	157	75
Thunder Bail Jail	57	13	34	7	91	20	367	80	458	148
Toronto South Detention Centre	451	22	654	32	1,105	54	920	46	2,025	1,107
Vanier Centre for Women	50	14	71	20	121	34	229	66	350	204
Total	1,158	18	1,137	17	2,295	35	4,169	65	6,464	2,842

6,464 incidents reported in these eight institutions, comprising 31% of the approximately 21,000 reported incidents across the province, during the period we reviewed. See **Figure 10** for the results of our review. We found that:

- Sixty-five percent of the incidents in the institutions we visited were between inmates. The Ministry does not analyze those incidents, to determine, for example, how many were gang related, racially motivated or involve inmates with mental health alerts on their files.
- Where staff were assaulted, the incidents ranged from inmates threatening or attempting to threaten staff without actual physical contact (18%) to staff being assaulted (17%), for example, by throwing substances, spitting or punching.
- Of the 1,137 incidents where staff were assaulted, 226 (20%) resulted in staff requiring medical attention.

Exposure to violence has resulted in the following:

- From 2014 to 2018, over three-quarters (1,859) of the 2,347 Workplace Safety and Insurance Board (WSIB) claims filed by staff in the eight institutions we visited resulted in an average of 10,757 days lost per year and \$19 million in total compensation costs (see **Figure 11**). Under the *Workplace Safety and Insurance Act*, employees who are injured or become ill as a result of their work are entitled to benefits (for example, wage replacement, compensation for permanent injuries and health-care coverage) and services (for example, assistance with return to work). Over half of the claims were due to injuries inflicted by inmates, including through assaults (28%) and exposure to biological/chemical agents or psycho-social situations (26%). The other half were due to other workplace hazards such as slips, trips and falls.
- From 2014 to 2018, the Ministry's Critical Incident Stress Management teams provided

Figure 11: Workplace Safety and Insurance Board (WSIB) Claims in Eight Institutions Visited, 2014–2018

Source of data: Ministry of Government and Consumer Services

	2014	2015	2016	2017	2018	Total
# of claims filed	239	464	406	508	730	2,347
# of claims approved	179	358	332	411	579	1,859
# of days lost	4,429	11,089	15,989	13,498	8,784	53,789
Compensation (\$ million)	1,614	4,205	5,437	4,763	3,110	19,129

support to correctional staff 693 times. Correctional staff may request support from members of the stress management teams to help them deal with the aftermath of critical incidents—events that have sufficient impact to overcome the usual coping abilities of emergency personnel exposed to them.

5.1.2 Management Does Not Regularly Assess Risk of Violence in Correctional Institutions, Which Could Aid in Prevention

The *Occupational Health and Safety Act* (Act) requires employers to assess the risk of workplace violence that may arise from the nature of the workplace or the type of work, and then to reassess as often as necessary. However, management staff at six of the eight institutions we visited did not reassess the risk of workplace violence as required by the Act. As a result, management may not have an understanding of the nature and extent of violence in their institutions, the risk factors contributing to the violence and whether measures that are in place address such risks effectively.

We requested the most recently completed workplace violence risk assessments for the eight institutions we visited and found that Thunder Bay Jail has not completed one. For the seven who did complete the assessments:

- three were completed in 2010, one in 2012, one in 2014 and two in 2018;
- the assessments looked at the risk of violence in administration areas, but not in inmate living units, which pose the greatest threat of violence; and

- only two assessments involved staff in different areas of the institution.

Our survey of the other correctional institutions across the province found that five have not conducted a violence risk assessment as required by the Act and over one-third of those who had completed the assessments did so over two years ago.

The Ministry of Labour recommends that management reassess the risk of violence at least annually. In addition, the Ontario Public Service Workplace Violence Prevention Program requires that a reassessment be done when there is a change in the workplace that may introduce new risks. The three institutions had undergone significant changes in their operations since they last conducted violence risk assessments. For example:

- Central East Correctional Centre had begun using a supervision model in one unit similar to direct supervision where staff are in the unit with inmates since staff last conducted a violence risk assessment in 2010.
- Thunder Bay Correctional Centre had begun holding remanded males, who are deemed higher risk than sentenced offenders, since staff last conducted a violence risk assessment in 2014.
- Inmates from the former Don Jail, Mimico Correctional Centre, and Toronto West Detention Centre had been transferred to the Toronto South Detention Centre since staff last conducted a violence risk assessment in 2014.

RECOMMENDATION 9

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

- regularly analyze root causes of violent incidents reported by institutional staff;
- reassess the risk of workplace violence, as required by the *Occupational Health and Safety Act* and the Ontario Public Service Workplace Prevention Program;
- ensure that the assessment includes all areas of the institutions; and
- take action to minimize risks for both correctional staff and inmates.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation, and acknowledge the benefit of reviewing and analyzing violent incidents to identify trends and potential risks so that strategies and processes can be implemented to mitigate future occurrences, in addition to the benefit of conducting required workplace risk assessments to minimize risks for staff and inmates.

Superintendents commit to complying with the Workplace Violence Policy and *Occupational Health and Safety Act*. Superintendents will engage their local Joint Occupational Health and Safety Committees (JOHSC) to support required workplace risk assessments. In addition, as part of the annual review, Superintendents will identify potential hazards and risks and, in conjunction with the Ministry, develop strategies to address the concerns as required and share with their local JOHSC. In addition, the Ministry, in conjunction with Superintendents, will:

- analyze and explore approaches to violent incidents that can also be shared with local and provincial JOHSC; and

- analyze the costs and benefits of expanding the scope of workplace risk assessments to include inmate living areas.

5.2 Management and Staff Have Strained Relationship

5.2.1 Insufficient Training and Mentorship May Contribute to Rising Staff Turnover Rates

From 2014 to 2018, turnover rates for correctional officers in the eight institutions we visited ranged from 0% (St. Lawrence Valley) to 7% (Thunder Bay Jail and Toronto South Detention Centre). Toronto South had the largest increase in turnover rate, from 4% in 2014 to 10% in 2018. We found the following factors that have likely contributed to the turnover rates:

- Ineffective job shadowing and mentoring process for new staff: One-quarter of correctional officers across the province have less than two years of experience. About half of sergeants, who supervise correctional officers, have been in their current role for less than two years. Despite this, the job shadowing and mentorship process varied widely and was ineffective. Thunder Bay Correctional Centre did not have a mentorship program, while correctional officers at Thunder Bay Jail and Toronto South Detention Centre informed us that they often shadowed or were mentored by someone who only had a few weeks of experience. In comparison, the mentors at Central East Correctional Centre appeared to be more experienced.
- Insufficient ongoing training: Mandatory ongoing training for correctional officers includes five hours of fire response refresher every year, four hours of suicide awareness every two years, eight hours of first aid every three years, and up to three days of defensive tactics every two years. Our review of a sample of investigations conducted by institutional

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

- Inadequate amenities for staff: Through our interviews with staff and our own observations during our fieldwork, we noted that amenities for staff were insufficient. For example, local union representatives at Thunder Bay Correctional raised several issues with the cleanliness and functionality of the staff break room, which they stated was negatively impacting staff morale. None of the institutions we visited had on-site cafeterias for staff. In addition, correctional officers at Toronto South often had to leave their lunch bags on tables because there were not enough refrigerators. There were also not enough locker rooms for staff to secure their personal belongings.

The Rules state that prison administration “shall constantly seek to awaken and maintain in the minds of ... personnel the conviction that this work is a social service of great importance.” One way

to do so, in a work environment as challenging as correctional institutions, is by providing staff with the necessary training and amenities to effectively perform their duties.

RECOMMENDATION 10

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation, acknowledging the value of staff training. The Ministry will:

- review both its mandatory ongoing training and its optional professional development modules for correctional officers; and
- monitor delivery of training relating to report writing and defensive tactics for correctional officers.

RECOMMENDATION 11

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

- ensure that correctional staff receive the initial and ongoing training as required;
- improve the job shadowing and mentorship programs so that new staff receive the necessary supports; and
- work with local union representatives to take measures to provide proper amenities for staff in all institutions.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with the recommendation and the importance and value of staff training, job shadowing/mentorship and working with local union representatives to build and support staff capacity and professional development.

The Ministry will:

- continue to monitor, and require Superintendents to monitor, staff's progress toward completing mandatory ongoing training; and
- assess the mentorship programs, including their impact and associated costs.

Superintendents, in conjunction with the Ministry, will:

- continue to work with their Local Employee Relations Committees and local union representatives to discuss strategies and approaches to assist staff;
- work with the Ministry Employee Relations Committee, where both Superintendents and local union representatives bring issues of concern forward when there are provincial implications or when additional resources are required, to address needs at the local level; and

- evaluate the work being undertaken by the local Employee Wellness Committees and continue to review strategies and Resources required to ensure employee well-being.

5.2.2 Employees Express Their Concerns through Work Refusals and Lengthy Grievances

In the last five years, staff in the 25 institutions across the province filed an average of 1,550 grievances per year. The number of grievances filed has fluctuated each year, from a low of 1,260 in 2016/17 to a high of 1,914 in 2014/15.

We found that about 80% of the almost 4,200 grievances filed by staff in the last five years in the eight institutions we visited related to disciplinary actions, work arrangement policies, scheduling of work/overtime; and human rights issues such as harassment and discrimination. However, we noted bigger concerns in the length of time it took for management and staff to resolve the grievances (see **Figure 12**). Specifically:

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

Figure 12: Grievances Filed by Unionized Employees at Eight Institutions Visited, 2014/15–2018/19

Source of data: Ministry of Government and Consumer Services

	# of Grievances Filed	Average Grievance Rate per Unionized Employee	Closed		Open	
			% of Claims	Avg. # of Days to Close	% of Claims	Avg. # of Days Open
Brockville	40	0.22	58	335	42	1,400
Central East	1,937	1.77	42	281	58	838
South West	120	0.21	33	428	67	544
St. Lawrence Valley	24	0.24	58	487	42	1,181
Thunder Bay Correctional	88	0.34	41	318	59	717
Thunder Bay Jail	36	0.12	39	229	61	975
Toronto South	1,530	0.71	31	401	69	867
Vanier	419	0.68	41	319	59	661
Total	4,194					
Averages		0.54	43	350	57	898

- Grievances that had been closed took between 229 to 487 days to close. Between 33% and 93% of those cases reached the local mediation/arbitration stage before management and staff reached a settlement.

We also found that, from 2012 to 2016 (the most recent year for which information is available), staff at the 25 correctional institutions took 483 work refusal actions—when correctional officers arrive at the institution but refuse to report for their shift—citing dangerous working conditions. During work refusal actions, sergeants may be required to take over the duties of supervising inmates. When there is insufficient staff to safely supervise inmates, inmates are locked in their cells. Our analysis of work refusal information found that the concerns and refusals related to a range of health and safety areas such as the presence of contraband, equipment, staffing shortage and training.

According to the *Occupational Health and Safety Act*, management and staff should first try to resolve any concerns prior to resorting to taking work refusal action. Management and staff resolved the concern between themselves in only 22% of work refusals. The Ministry of Labour was contacted to intervene in 338 or about 70% of work refusals. In 265 instances, the Ministry of Labour determined that the circumstances that led to the work refusal were not likely to endanger anyone. In 30 instances, the Ministry of Labour issued orders to superintendents of institutions to remedy the identified safety concern.

RECOMMENDATION 12

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

MINISTRY RESPONSE

The Ministry acknowledges the benefit of a cohesive work force and agrees with the intent of this recommendation. The Ministry, in conjunction with the joint Ministry Employee Relations Committee and joint Provincial Joint Occupational Health and Safety Committee, will review strategies to enhance labour relations and address any causal underpinnings of grievances and work refusals.

6.0 Detailed Audit Observations: Better, Consistent Monitoring of Inmates Needed to Improve Safety and Security in Correctional Institutions

6.1 Growing Contraband Problem Not Fully Understood or Mitigated

From 2008 to 2018, the Ministry estimates that the number of times weapons were found increased by 414% (from 56 to 288), and the number of times drugs and alcohol were found in institutions increased by 136% (from 239 to 564).

According to staff in the institutions we visited, the presence of fentanyl—an opioid that is at least 100 times more potent than morphine—presents significant risks to the safety of inmates and staff. In fact, 18 of the 117 inmates who died in custody in the last five years died from fentanyl-related overdose, with six of the 18 overdose deaths occurring in 2018. Between July 2017 and August 2019—the only period for which the Ministry has information—there were 101 overdoses in the 25 correctional institutions.

Ministry policies require that inmate sleeping areas, living units and other areas within the institution be searched for contraband at least once a month. Our review of inmate misconduct information in 2018 found that 21% of all misconducts

were the result of inmates being found with contraband. We noted the following:

- Security staff in seven of the eight institutions we visited did not have a strategy to target searches toward higher-risk areas of the institution. In Toronto South Detention Centre, a dedicated team conducted targeted searches based on intelligence gathered through their review of inmate correspondence and inmate interviews. Our survey of the 17 institutions we did not visit found that newly admitted inmates and remanded inmates returning from their court appearance were the top two sources of contraband (see **Appendix 12**).
- Staff in the eight institutions we visited do not analyze how much contraband was found during the searches, the type of contraband found and where it was found. We therefore could not determine the extent of contraband present in the institutions. In our survey of the 17 institutions we did not visit, two-thirds reported that staff do not track the results of searches.
- None of the 25 institutions across Ontario inspect or screen staff for contraband when entering the secure part of the institutions. According to the Ministry, staff have already undergone security clearance and participated in security orientation, so they do not have to undergo additional security screening. From 2012 to 2016, the Ministry had conducted 16 investigations involving staff who were suspected of bringing in contraband. In 2018, six staff in Toronto South Detention Centre went on leave, resigned or were terminated after it was found that they were having inappropriate relationships with inmates and were bringing contraband, such as drugs and cell phones, into the institution. Across Canada, only correctional officers in federal institutions are screened when entering the institution.

RECOMMENDATION 13

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

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

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation. In July 2019, the Ministry began working on a strategy to address the issue of contraband in its institutions. This includes reviewing existing processes and developing new tactics with consultation from institutional staff to improve the detection of contraband and reduce its presence in institutions.

The Ministry, in conjunction with Superintendents, will review current resource allocations and, based on a needs assessment and with consideration of costs, develop strategies and priorities to improve the work that is being done to detect contraband and reduce its presence in institutions.

RECOMMENDATION 14

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

MINISTRY RESPONSE

The Ministry appreciates the importance of the issue identified by the Auditor General.

The Ministry's recruitment process includes a rigorous security clearance process for new hires. Additionally, new correctional services staff must sign and acknowledge the Correctional Services Code of Conduct and Professionalism Policy, which outlines appropriate on-duty and off-duty conduct. Staff who violate this policy, including bringing in contraband, are held accountable.

The existing regulation under the *Ministry of Community Safety and Correctional Services Act* does not give the Ministry authority to search staff unless they are suspected of bringing contraband into the institution. As such, the Ministry will assess the need to amend this regulation.

6.2 Inmate Misconducts Not Dealt with Consistently

We found that inmate misconducts were often not addressed consistently across institutions. A regulation under the *Ministry of Correctional Services Act* specifies what constitutes a misconduct—such as wilfully disobeying an order, threatening to or committing an assault against staff, damaging property and possessing contraband.

According to inmate misconduct data in the Ministry information system, 29% of inmates in custody in three of the institutions we visited had at least one (and up to 76) misconducts during their time in custody. We analyzed all of the over 21,000 misconducts entered into the system in 2018 and found the following:

- Twenty percent of the misconducts were not adjudicated because, for example, the 10-day period to adjudicate had lapsed or were withdrawn. In Central East Correctional Centre, half of the 1,776 misconducts were not adjudicated, compared with between 1%

and 30% in the other 24 institutions. The *Standard Minimum Rules for the Treatment of Prisoners* state that allegations of misconduct must be investigated promptly.

- In 89% of the misconducts that were adjudicated, the inmate was found guilty. However, we noted that the sanctions were not consistent across institutions. For example, the use of segregation as a sanction for inmates found guilty of threatening to or assaulting another inmate ranged from 7% at Central East Correctional Centre to 94% at South West Detention Centre.

We also reviewed the inmate records in Central East and Thunder Bay correctional centres and Toronto South Detention Centre for a sample of inmates with multiple misconducts during their incarceration to determine whether the misconduct was addressed appropriately. The inmates in our sample had an average of six misconducts per inmate, four of which they were found to be guilty of. We found the following:

- In three-quarters of the files we reviewed, the actual sanction imposed was not consistent with the ruling of the adjudicator. For example, an adjudicator found an inmate guilty of “gross insult to a correctional officer” and ruled that the inmate be placed in a segregation unit for three days. Instead, the inmate spent 12 days in a segregation unit. Staff did not document the reason for the inconsistency.
- In over half of the files we reviewed, the sanctions were inconsistent with the nature of the misconduct or not progressive. For example, an inmate was not sanctioned for being found with a blade because of his mental health issues, but was later sanctioned to two days in segregation for being found with matches.
- In half of the files we reviewed, the nature of the misconducts increased in severity. For example, one inmate's misconduct progressed from smoking cigarettes, to threatening to kill staff, to throwing feces out of his hatch, to finally assaulting another inmate unprovoked.

RECOMMENDATION 15

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation. In August 2019, the Ministry began undertaking work to develop a revised inmate discipline and misconduct process that provides clear direction for adjudicating a range of inmate misconducts, including progressive sanctions. Front-line staff have been directly engaged to provide input based on their firsthand experience of how the inmate discipline and misconduct process can be improved. The feedback received from staff will help inform the revised policy.

RECOMMENDATION 16

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

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation. As referenced in **Recommendation 15**, the Ministry will assess and update its current policy and processes for reviewing misconducts and misconduct adjudications. This will include assessing the feasibility of producing an electronic report

from the Offender Tracking Information System—the Ministry’s electronic system where misconducts are entered—by institution, region and province-wide. Through these reports, Superintendents will monitor the misconduct process by type, numbers and outcomes, as well as trends. In addition, other data automation work related to incident reporting, discussed in the response to **Recommendation 22**, will support the analysis of misconducts.

7.0 Detailed Audit Observations: Staff Effectiveness Hampered by High Absenteeism, Poor Promotion Practices

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

7.1.1 Number of Sick Days Rises for Correctional Officers in Last Decade

In 2018, the average number of sick days for permanent correctional officers was 31 days (see **Appendix 13**)—27% higher than in 2014.

In comparison, the average number of sick days in 2018 for correctional staff in other jurisdictions was only 14.6 days in British Columbia, 21.9 days in Alberta, 14 days in Saskatchewan and 15.5 days in federal correctional institutions.

In our 2008 audit, we found that sick days varied significantly between correctional institutions: from 8.7 days to 34.9 days. We found a similar variance in our current audit. As shown in **Appendix 13**, the average sick days taken by correctional officers ranged from 9.1 in one institution to 40.6 in another institution.

We reviewed information in the provincial Workforce Information Network (Network) for permanent staff in Central East and Thunder Bay

Figure 13: Absenteeism in Three Institutions Visited, 2018

Source of data: Ministry of the Solicitor General

	Central East Correctional Centre		Thunder Bay Correctional Centre		Toronto South Detention Centre	
# of Staff	455	235	100	46	750	411
Sick Days	All Permanent Staff %	Permanent Correctional Officers %	All Permanent Staff %	Permanent Correctional Officers %	All Permanent Staff %	Permanent Correctional Officers %
0	6	5	11	11	4	4
1-6	20	8	24	6	11	6
7-10	11	8	14	11	13	13
11-20	19	17	14	20	18	17
20-30	11	14	11	15	14	15
31-65	20	30	15	24	25	27
Over 65	13	18	11	13	15	18
Total	100	100	100	100	100	100

correctional centres and Toronto South Detention Centre and found that between 4% and 11% of all permanent staff did not take any sick days in 2018 (see **Figure 13**). However, we also noted that 26% to 40% of all permanent staff, and 37% to 48% of all permanent correctional officers, took more than 30 sick days in the same period. According to the Network data, the average annual cost of lost time due to sick days taken from 2015 to 2018 ranged from \$570,000 (Thunder Bay Correctional) to \$5.1 million (Toronto South).

As of January 2017, according to the Collective Bargaining Agreement between the Ministry and the Ontario Public Sector Employees Union (OPSEU), which governs sick-day policies for unionized correctional staff, unionized employees may take six paid sick days plus up to 124 additional sick days at 75% of their regular pay per year. This policy, combined with the opportunity to work paid overtime, may create an incentive for some staff to call in sick for their scheduled shifts in favour of working overtime to accumulate compensated time off or receive pay at a rate of one-and-a-half times their regular rate.

We reviewed attendance data from the Ministry information system over the six-month period preceding our fieldwork for a sample of permanent correctional officers in Central East, Thunder Bay

Correctional, and Toronto South to determine how the sick-day policy has impacted absenteeism.

Our review found that about half of the staff whose schedules we reviewed worked less than two-thirds of their scheduled shifts. They worked, on average, 44% of their scheduled shifts. In addition, over one-third of the staff took more than 10 sick days in the six-month period, while also working an average of 50 overtime shifts. We found, for example, that one employee worked only eight of their 88 scheduled shifts, calling in sick 74 times and being absent without leave three times. During this time, the employee worked 43 overtime shifts for which they were not originally scheduled; eight of those instances occurred on the day after the employee had taken a sick day. The employee earned \$19,000 in overtime pay in 2018/19, which is one-third of their regular salary.

Institutional staff are responsible for tracking sick days for contract employees, who comprise over one-third of all employees. We noted a concerning trend in the sick-leave information that was manually tracked by staff in Toronto South. As shown in **Figure 14**, more contract employees called in sick per day in 2018 during weekends, holidays and the summer months than the rest of the year. We could not perform a similar analysis for Central East and Thunder Bay Correctional because staff did not track sufficient information for an analysis.

Figure 14: Absenteeism of Contract Employees at Toronto South Detention Centre during Weekends, Summer and Holidays, 2018

Source of data: Ministry of the Solicitor General

	Average # of Employees Who Called in Sick per Day	Average # of Employees Who Called in Sick During Rest of the Year	Rate Above an Average Day
Saturdays and Sundays (weekends)	10.2	6.6	1.5 times
July and August (summer months)	12.5	6.7	1.9 times
November 23–25 (Black Friday weekend*)	24.0	7.6	3.2 times
December 10–31 (Christmas holidays)	20.9	7.6	2.8 times

* Black Friday is the first Friday following the US Thanksgiving.

7.1.2 Sick Days Cause at Least Half of Institutional Lockdowns

Too many staff calling in sick for a particular shift results in staffing shortages that have a direct impact on the security of the institution when there is insufficient personnel to safely supervise inmates. We found the following:

- In the last five years, 56% of the 1,828 instances of institutional lockdowns in Central East, and 71% of the 880 lockdowns in Toronto South were due to staffing shortages. Institutional lockdowns prevent inmates from being seen by health-care staff, attending court hearings and programming, and seeing visitors. In our survey of the 17 institutions we did not visit, respondents reported that absenteeism was the main reason for difficulties in scheduling staff for shifts (see **Appendix 12**).
- In 2018/19, over three-quarters of correctional staff received overtime payments totaling \$60 million. Overtime costs were paid when employees called in sick and their shifts had to be filled. On average, the overtime payments amounted to 16% of their regular salaries. About \$42 million (or 70%) of this amount was paid to correctional officers. This is a 280% increase in the overtime payments since our last audit in 2008 (of \$11 million), despite the number of correctional officers increasing by only 30% from 3,400 to 4,400.

RECOMMENDATION 17

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

- superintendents in all institutions regularly review absenteeism and overtime payments at their respective institutions and take action to reduce the occurrence of lockdowns and the need for overtime payments; and
- the Ministry of the Solicitor General consider redirecting savings realized from reductions in overtime payments to increased training for correctional staff.

SUPERINTENDENT AND MINISTRY RESPONSE

Superintendents and the Ministry agree with this recommendation and are working to address and mitigate the impacts of absenteeism in institutions. This includes:

- developing a province-wide rostering tool to improve scheduling processes across all institutions;
- developing an absenteeism strategy to be introduced in the 2020/21 fiscal year; and
- an analysis of cost savings and opportunities for potential reallocation of funds to support other ministry and Institutional Services priorities.

Superintendents will support the implementation of new strategies and processes developed.

7.2 Recruitment Files Do Not Always Support Promotions

We reviewed the recruitment files for all 16 sergeant and deputy superintendent competitions that were competed in 2018 for three of the institutions we visited to determine whether the selection process was fair and there was sufficient support for the decision. We found the following:

- The job selection criteria required knowledge of corrections but did not require previous experience as a correctional officer (for sergeant positions) or sergeant (for deputy superintendent positions). In one of the sergeant competitions, the applicant who received the highest score had no front-line experience, but still scored three out of three in “experience”—higher than another applicant who was an acting sergeant at the time. In another sergeant competition, two of the five individuals who were hired had no previous corrections experience.
- There was no evidence that the selection panel considered or requested past performance reviews of applicants in the selection process. Staff from the Ministry of Government and Consumer Services, who provide recruitment support to the Ministry of the Solicitor General, told us that the selection panels mainly rely on applicants’ references.
- In one-fifth of the recruitment files we reviewed in Central East, Toronto South and Thunder Bay Correctional, there was incomplete or no documentation of the initial screening to select applicants for interviews. Therefore, we could not determine whether the applicants selected for interview met the requirements.

We also had concerns about the fairness of the decisions in over one-third of the competitions we

reviewed. For example, in one of the deputy superintendent competitions, one applicant was selected for interview over nine other applicants who scored two to 20 points higher in the screening stage. In another three competitions, correctional officers with less than one year of experience were hired for a sergeant position.

RECOMMENDATION 18

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

- review and revise the recruitment process for management staff to include clear and appropriate requirements for qualifications and minimum scores to be selected for interview; and
- ensure that hiring panels document decisions made and the rationale for such decisions during the recruitment process.

MINISTRY RESPONSE

The Ministry recognizes the importance of fair and transparent recruitment practices and agrees with this recommendation. The Ministry is working closely with the Talent Acquisition Branch on all recruitment activity. In April 2019, the Talent Acquisition Branch created a unit to exclusively support hiring managers with managerial vacancies and develop new methodologies and strategies to modernize recruitment to support a fair and transparent hiring process that ensures the best-qualified candidate(s) are identified.

In October 2019, the Ministry made changes to simplify and enhance inclusive recruitment through:

- simplified recruitment approvals forms;

- asking hiring managers to use the OPS Recruitment Inclusion Lens and its associated Checklist for Managers;
- reminding managers of their obligation to comply with Conflict of Interest rules in recruitment; and
- completing attestations for both competitive and non-competitive recruitments.

The Ministry will analyze the new strategy to ensure goals around fairness, transparency and hiring/promoting the best-qualified candidates are achieved.

7.3 Evaluation of Staff Performance Not Consistently Done

Performance evaluations were not consistently done in the eight institutions we visited. In four institutions, evaluations were only conducted for managers such as sergeants, staff sergeants and deputy superintendents, but not for correctional officers, who comprise the majority of the staff. In the other four institutions, evaluations were also conducted for correctional officers.

Ongoing monitoring of staff's performance helps ensure that staff are meeting expectations and appropriate actions are taken to correct unsatisfactory performance. However, Ministry policies are silent regarding performance evaluations. According to the Ministry, "there is not a current expectation that all correctional officers participate in a performance review process." The Ministry's efforts to implement performance reviews for correctional officers from 2012 to 2014 were unsuccessful. Very few officers completed the reviews partly because the reviews were not tied to any financial compensation or ability to progress in their position.

Our review of the performance assessment forms in Central East and Thunder Bay correctional centres and Toronto South Detention Centre noted that in 43% of cases, the deputy either did not fully complete the assessment or the comments were generally vague. Similar to the deputy assess-

ments, the comments on the correctional officer assessments were also broad. For example, one assessment did not indicate whether the officer met the performance expectations, while another had incomplete feedback from the manager.

RECOMMENDATION 19

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

- require performance assessments of all staff to be completed at least annually;
- improve its performance evaluation framework to include measurable employee goals.

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation and acknowledges the importance of regular performance evaluation. The Ministry will begin working to attain compliance with the Ontario Public Sector framework on performance evaluations in a phased approach starting with front-line staff. In October 2019, the Ministry initiated a project requiring Performance Development and Learning Plans be developed for all fixed-term correctional officers across the province for the 2020/21 fiscal year. The Plans will include measurable employee goals. This initiative will be evaluated to determine how best to implement this for all correctional officers. Once the initiative is fully implemented for all correctional officers, Superintendents will ensure that performance assessments are completed for all staff at least annually.

8.0 Detailed Audit Observations: Better Monitoring of Spending Needed to Identify Opportunities for Cost Efficiencies

8.1 Staffing Levels at Institutions Not Always Proportionate to Workload

We noted that staffing levels in some institutions did not appear to be proportionate to the main factors that drive the workload in those positions. Because the staffing level varies throughout the day, we requested information about the number of staff required for certain shifts or periods during the day (for example, from 7 a.m. to 3 p.m., 3 p.m. to 11 p.m., and 11 p.m. to 7 a.m.). Our analysis found the following:

- The number of correctional officers was not proportionate to the number of inmates in custody. Central East and Central North correctional centres, both of which use the indirect supervision model, held an average of 898 and 697 inmates per day in 2018/19, respectively. Central North's daily inmate population is 22% smaller than Central East's, but it employs 112, or one more correctional officer than Central East during the day. Also, the Sudbury Jail held 124 inmates per day in 2018/19 and employed 22 correctional officers during the day. In comparison, the Kenora Jail, which uses the same indirect supervision model as Sudbury, held 168, or 35% more inmates per day in 2018/19, but employed 21, or one fewer officer than Sudbury.
- The number of health-care staff was not proportionate to the number of inmates in custody. Sarnia and North Bay jails, which held 72 and 74 inmates per day in 2018/19 respectively, both have lower inmate populations than the Thunder Bay Jail, which held 148 per day. However, Thunder Bay only had

one nurse on duty during the day, compared with Sarnia and North Bay jails, which both had two nurses on duty. In addition, Elgin-Middlesex Detention Centre held 379, or 14% fewer inmates per day in 2018/19 than Ottawa-Carleton Detention Centre, but Elgin-Middlesex had 13 nurses on duty during the day compared to eight at Ottawa-Carleton.

- The number of maintenance staff was not proportionate to the age, size of the institution and size of inmate population. Central East Correctional Centre is 100,000 square feet larger and holds 898, or 28%, more inmates than Central North Correctional Centre. The two institutions are also both 17 years old. Despite these factors, Central East has fewer maintenance staff on duty during the day: 12 compared with 19 at Central North. Maintenance staff at Central East advised us that they have been raising concerns to senior management about being short-staffed since 2017. Another example is that the inmate population at Monteith Correctional Centre was 110, or 34% of the inmate population at Toronto East Detention Centre. Monteith is also 29,000 square-feet smaller than Toronto East. Both institutions had six maintenance staff on duty during the day.

Ministry staff told us that various factors, such as the institution's physical layout, inmate population and the supervision model used, determine the number of staff required to run the institution. However, it could not provide us with analysis to show how these qualitative factors are quantified to arrive at actual staffing levels.

RECOMMENDATION 20

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

- improve its staff allocation process to consider factors that impact workload; and

- adjust the staffing levels in each institution to reflect the revised allocation.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and acknowledges the value of assessing and allocating staff resources based on needs of correctional institutions. In July 2018, the Ministry began conducting research around staffing needs at institutions and is developing a staffing tool to better inform staffing allocations. The Ministry will review staffing allocation resources, including conducting a costing analysis to inform staffing deployment strategies or securing of new resources in an evidence-based manner.

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

In 2018/19, the daily operating cost per inmate in the province was \$302 (see **Appendix 3**), compared with \$166 at the time of our last audit of adult institutional services in 2008. Taking inflation into account, the daily cost per inmate in 2018/19 was \$260 in 2008 dollars, which represents a 57% increase from 2008. Salaries and benefits for the 7,100 employees comprise 78% of the daily cost per inmate—the same proportion as in 2008.

We found that the daily cost per inmate varied widely across the province, from a high of \$589 at Fort Frances Jail to a low of \$186 at Kenora Jail. Detention centres ranged from \$318 to \$210, and correctional centres from \$464 to \$204. Among the three treatment centres, Ontario Correctional Institute and Algoma Treatment & Remand Centre were almost identical at \$379 and \$375 respectively. However, St. Lawrence Valley Correctional and Treatment Centre was significantly higher at \$545. The Ministry does not analyze the differences, which would assist in determining best practices and potential cost savings.

RECOMMENDATION 21

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

MINISTRY RESPONSE

The Ministry agrees with this recommendation.

The Ministry analyzes variances to budget for institutions as part of monthly forecasting and has implemented processes to have consistent reporting and analysis on these variances across all institutions. The Ministry has not historically focused on calculating variations between institutions, as these are impacted by numerous factors such as physical layout of institution, staffing model, physical location impacts and number and type of inmates, as well as capacity. The Ministry acknowledges that there are opportunities to leverage the cost comparators across like institutions and will commence this analysis as part of its regular reporting.

9.0 Detailed Audit Observations: Lack of Information Hampers Decision-Making

9.1 Management Lacks Information to Evaluate Effectiveness of Institutional Programs and Services

Our audit found that management staff in the institutions and the Ministry do not have the information necessary for them to have an understanding of institutions' operations and make evidence-based decisions. This is despite the fact that almost all

inmate and staff movements within the institutions are recorded on a regular basis—as frequently as every 10 minutes—often in multiple paper-based reports and by numerous individuals.

9.1.1 Most Information Recorded Manually, Retained on Paper Due to Deficiencies in Existing Information Systems

Much of the information related to the custody and supervision of inmates—for example, health-care and social workers’ notes, inmate complaints and requests, search records, and activity logs of inmates on suicide watch and in segregation units—is recorded on paper. This is because the Offender Tracking Information System (OTIS), the current information system used in all institutions, does not have the functionality to maintain the information.

First installed in 2001, OTIS contains only the following information about inmates:

- demographic information such as address, age, sex, race and religion;
- legal information such as previous and current offences and court dates; and
- basic incarceration data such as supervision alerts, unit placements, program attendance and misconducts.

Ministry staff informed us that health-care and social work information cannot be entered into OTIS because non-clinical staff (such as correctional officers) would then have access to the sensitive information. Nonetheless, there are no other information systems for health-care and social work staff to record such information electronically.

Manually recording information is not only onerous, but also presents a risk to the Ministry when such records are lost or transferred elsewhere for archiving. For example, in over one-third of the medical files we reviewed, there were gaps in health-care documentation of, for example, medical notes or diagnosis from consultations with external clinicians. The gaps in documentation ranged from three months to multiple years. As a result, we

could not determine—and institutional staff could not confirm—whether inmates received the necessary health care during those periods. Ministry staff highlighted the risk of paper-based files in a 2019 draft business case for electronic medical records citing delays in treatment, duplication of efforts, inability to locate information, and incomplete or inaccurate records for legal proceedings. At the time of our audit, the Ministry was developing a business case to implement such a system. Since January 2014, 15 Coroners’ inquests have recommended that the Ministry implement electronic medical records.

RECOMMENDATION 22

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

- assess whether its existing information technology systems meet the operational needs of correctional institutions; and
- analyze the costs and benefits of various options, and seek the necessary approvals, to address gaps identified in the above assessment.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and recognizes the need for digital, centrally accessible, analytics-capable platforms and systems. This is a key component of corrections reform and is being addressed through several initiatives, including the:

- continued implementation of the Data Collection, Analytics and Management Reform (DCAMR) system, which aggregates information in four key areas including: segregation, lockdowns, capacity and utilization, and human rights accommodations;
- future implementation of systems that will be used to manage information about movement of inmates and incidents in institutions; and

- acquisition of an Electronic Medical Records system that will digitize medical records. The Ministry will continue with these digitization efforts that will enable performance monitoring, analysis and reporting.

9.1.2 Ministry Does Not Analyze Relevant Information to Identify Systemic Issues

Management staff in the institutions and the Ministry do not analyze information about institutional programs and services to identify systemic issues and areas where improvements are needed. This is because when staff do log information electronically, the logs do not contain all relevant information for meaningful analysis. For example, security staff in two of the institutions we visited recorded instances when any part of the institution was locked down and made a brief notation of the reason. However, there was no information about the duration of the lockdowns or the programs and services that were affected by such lockdowns.

As shown in **Appendix 14**, many of the issues we discuss in this audit were also raised by various internal and external review bodies between 2013 and 2018. In addition, at least half a dozen units across the Ministry log or manage much of the information that institutional staff collect through the various reports. Examples include the Statistical Analysis Unit, whose staff have the ability to produce various types of reports from OTIS, and the Information Management Unit, whose staff manage all information related to incidents, such as inmate-on-inmate and inmate-on-staff assaults.

These branches, and the results of internal and external reviews, can provide summary and detailed information that Ministry and institutional staff can review and analyze to ascertain trends and obtain a better understanding of institutions' operations. However, neither Ministry nor institutional management staff regularly request information from these branches to monitor institutions' operations and identify emerging trends and risks.

9.1.3 Ministry Has Not Established Goals for Its Operation of Correctional Institutions

Other than its target to reduce the reoffence rate for sentenced offenders, the Ministry has not established any other goals, targets or measures against which it can assess the operations of correctional institutions.

Every year, the Ministry tracks the recidivism rate, calculated as the percentage of inmates who are re-convicted within two years of serving a sentence of six months or more. The recidivism rate was 37% for both men and women who were released in 2015/16 (the most recent year for which recidivism is calculated). The rate has declined from 56% for men and 50% for women who were released in 2001/02. However, the recidivism rate only tracks outcomes for sentenced inmates, and only those who served sentences of six months or longer.

Our review of information we received from other jurisdictions found that most jurisdictions also only report demographic statistics that do not necessarily provide information about performance. Exceptions to this include British Columbia, which measures the recidivism rate for those who participated in programming (to assess the effectiveness of programming) and the number of positive body scan results versus the number of contraband found in institutions (to assess the effectiveness of the body scans in detecting contraband). In addition, the federal Correctional Service of Canada measures and publicly reports on 28 performance indicators including incident rates, misconduct rates, programming participation and completion rates, median days in segregation and percentage of inmates who receive follow-up checks on their mental health assessments. The Correctional Service of Canada has established targets for each indicator against which annual performance is measured.

RECOMMENDATION 23

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

- establish goals for its operation of correctional institutions;
- develop measurable indicators both at the institutional and provincial levels, against which it can assess performance against such goals;
- regularly measure and publicly report on its performance against the indicators, targets and goals; and
- take action to improve performance when targets are not met.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and concurs that increased use of available (and future) reports at both the Ministry and institutional level is essential for improving operations. The Ministry will:

- continue its efforts to digitizing information as discussed in **Recommendation 22**;
- establish goals and key performance indicators for the 2020/21 Multi-Year Planning cycle;
- track progress against these goals and indicators at the institutional and provincial levels, and take appropriate action when necessary; and
- publicly report on its performance against these indicators.

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

Both opened in 2014, the Ministry's two newest institutions—the Toronto South and South West detention centres—use the direct supervision model to supervise inmates. The Ministry intends to use this model in the new institution it plans to build by 2023 to replace the two Thunder Bay institutions. However, the Ministry has not evaluated the implementation of the model to determine whether it is achieving benefits such as less violence, and to identify areas where improvements are needed.

Our review of security footage in Toronto South and South West detention centres found that the direct supervision model has been implemented differently in the two institutions. We viewed one hour of security footage for each of the 30 direct supervision units in Toronto South and South West to determine whether unit rules were being enforced. We selected various days, including weekdays, weekends and holidays, and times in the morning, afternoon and evenings when inmates would be out of their cells and free to move around the units. We found the following:

- In three-quarters of the footage we reviewed at Toronto South, inmates were not following more than one unit rule. For example, in one unit, we observed seven rules being broken, including multiple inmates entering a cell not belonging to them, inmates covering the glass windows of the cells and inmates wearing head wraps. We did not see evidence of the officers enforcing such rules. As shown in **Appendix 7**, effective control and effective supervision are based on inmates complying with rules and officers managing inmate behaviour. These infractions are also of concern because they have direct impacts on officer and inmate safety. For example, an inmate

in Toronto South was seriously assaulted by another inmate who entered his cell. In comparison, we did not find any instances where multiple unit rules were not being followed at South West.

- According to policies at both institutions, officers must conduct security patrols of the units at least twice per hour and no longer than 30 minutes apart. In 40% of the sample of footage we reviewed at Toronto South, the officers conducted security patrols of the unit either only once (30%) or not at all (10%) in the one-hour period we reviewed. In cases where officers patrolled the unit, they conducted only quick visual inspection of cells from outside the cell. The patrols, on average, lasted about two minutes. In comparison, officers conducted security patrols in accordance with policies in all the footage we reviewed at South West.

We also noted that, contrary to one of the primary principles of direct supervision, officers did not move around the living unit to interact with the inmates in two-thirds of the sample of footage we reviewed in both institutions.

According to the US National Institute of Corrections, effective supervision relies on extensive personal interaction between staff and inmates. In recognition of this, policies specific to the direct-supervision units at both facilities require that officers continuously move around the unit while interacting with inmates. We found, instead, that the officers primarily stayed at the officers' station and interacted with each other. In those cases, all interactions were initiated by inmates when they approached the officers' station.

RECOMMENDATION 24

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

- review the implementation of the direct supervision model in Toronto South Detention Centre and South West Detention Centre to identify areas where improvements are needed to align with the principles of the model;
- incorporate lessons learned from this review in future implementations;
- develop measurable indicators (for example, decrease in violent incidents) and targets against which it can assess the effectiveness of the direct supervision model; and
- regularly assess its performance against the above targets, and take action to improve performance when targets are not met.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and the value of reviewing the direct supervision model at South West and Toronto South detention centres so that strategies can be considered for current facilities and future site implementations.

The Ministry will analyze the direct supervision model at South West and Toronto South detention centres to identify any gaps and develop an approach to optimize the model at current and future sites.

The Ministry will explore options for developing evidence-based measurable indicators for the direct supervision model, and track progress against such indicators.

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

The Toronto South and South West detention centres were designed, built and are maintained under an Alternative Financing Procurement (AFP) arrangement. Under this arrangement, the Ministry

contracted with a group of private-sector companies to design, build, finance and maintain the facilities. The Ministry plans to use the same AFP arrangement for the new institution that will replace the two Thunder Bay facilities, as well as the replacement for the Ottawa-Carleton Detention Centre. The following sections highlight the issues we noted with the AFP arrangement at Toronto South.

9.3.1 Design Flaws May Have Contributed to \$11 Million in Variations

The Ministry has paid a total of \$25 million for over 200 projects outside the scope of the AFP design/build contract since the design was finalized in February 2011. We identified a number of these projects, costing approximately \$11 million (or 44% of the total payments), which could reasonably be attributed to design flaws. That is, the changes could have reasonably been expected to be incorporated in the initial design. For example, the Ministry paid for the following:

- \$7.9 million to install barriers in the upper level of each direct-supervision unit to prevent falls; and
- \$3.1 million to apply security glazing to the glass windows in the inmate living units. According to Toronto South staff, this was done in order to prevent inmates in opposite units from communicating with each other.

We noted that upon substantial completion of the facility, a third-party firm confirmed that the facility was constructed in compliance with the design specifications. Therefore, the above changes were not the result of construction defects.

RECOMMENDATION 25

To avoid additional costs from design changes to correctional institutions constructed using the Alternative Financing Procurement method, we recommend that the Ministry of the Solicitor General work with Infrastructure Ontario to ensure that relevant staff from all aspects of the

correctional institution's operations and their local union representatives be consulted during the design and construction phase to identify and correct design flaws earlier in the process.

MINISTRY RESPONSE

The Ministry agrees with the intent of this recommendation and will work with Infrastructure Ontario to engage relevant staff during the design and construction phase to identify and correct any design flaws earlier in the process. The Ministry has conducted several lessons-learned sessions by engaging these groups to understand and learn from their experiences.

9.3.2 Maintenance Provider's Performance Not Monitored

According to the AFP agreement, Infrastructure Ontario (the agency responsible for overseeing AFP arrangements across the government), the Ministry's corporate office and Toronto South Detention Centre management are all involved in overseeing maintenance work. We found, however, that oversight by Ministry and Toronto South staff of the maintenance activities has been inadequate to ensure that routine maintenance work is carried out and that the private contractor responds to service requests in a timely manner.

The Ministry pays the private contractor an average of \$31.7 million in annual service payments to cover costs related to the principal repayment, interest, capital rehabilitation, facility maintenance and management fees to Infrastructure Ontario.

The maintenance contract lists 78 indicators against which the private contractor's performance is to be measured. The contract also stipulates that deductions may be made from the monthly payments based on these performance indicators. The Ontario Internal Audit Division (Audit Division) noted in its 2019 review of the Toronto South maintenance contract that "many of the indicators are not actual performance measures but rather

Figure 15: Select Performance Indicators in Toronto South Detention Centre Maintenance Agreement

Source of data: Ministry of the Solicitor General

Periodic Reporting

Every six months, the private-sector partner will provide the Ministry of the Solicitor General Representative or designate with a report detailing where non-adherence has been identified.

The private-sector partner shall prepare a Performance Monitoring Report and deliver it to the Ministry of the Solicitor General within five business days after the end of each month.

The private-sector partner shall provide the Five Year Maintenance Plan and detailed Scheduled Maintenance Plan as required.

Provision of Maintenance Services

A minimum of 85% of Scheduled Maintenance is completed within the planned month and any deferred Scheduled Maintenance is completed within the following month and associated records are provided to the Ministry of the Solicitor General.

All urgent requests for corrective maintenance are responded to within 15 minutes and rectified within two hours.

All critical requests for corrective maintenance are responded to within 30 minutes and rectified within four hours.

All routine requests for corrective maintenance are responded to within two hours and rectified within 24 hours to four days.

The private-sector partner shall provide life-cycle replacement services for all types of applicable equipment in accordance with the Lifecycle Replacement Plan.

generalized requirements.” As a result, assessing the private contractor’s performance against many of the indicators may be challenging or not possible.

We asked Infrastructure Ontario staff whether the private contractor was meeting a sample of the measurable performance indicators (see **Figure 15**). The staff could not provide us with the information, so it is unclear to us whether Infrastructure Ontario or Ministry staff are monitoring the private contractor’s performance against these indicators.

9.3.3 Little Incentive for Maintenance Provider to Meet Service Obligations

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

- The agreement allows the maintenance provider additional time “equivalent to the original response or rectification time” to respond and/or rectify the issue in cases of temporary repair requests. There are no deductions to the monthly payments if the maintenance provider remedies the failure before the extension expired.
- The deduction amounts were minimal considering that delays in completing repairs have significant impacts on security and operations of the institution. For example, it took the maintenance provider 15 days to repair the glass window in one cell. All inmates in the unit were locked down the entire time, which means they had limited access to programs and services. Another example occurred on two separate occasions in June 2018 when the on-site service provider took four days each to repair the security cameras. Total deductions for both service failures amounted to about \$6,000 (or less than 1% of the monthly service payment of \$2 million).
- The total deductions that can be made from the monthly service payments due to minor and medium service failures are limited to

0.5% of the monthly service payments, or about \$10,000 per month.

- The private contractor's failure to monitor or accurately report a service failure is considered a minor failure with only a \$10 deduction per failure.

RECOMMENDATION 26

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

- include clear and measurable performance indicators in the maintenance agreement;
- regularly monitor the private contractor's performance against such indicators; and
- include clear and progressive penalties and deductions if the private contractor partner continually fails to meet service requirements.

MINISTRY RESPONSE

The Ministry agrees with this recommendation and will work with Infrastructure Ontario to establish clear performance measures and indicators, structure regular monitoring of the contractor's performance and review the penalty schedule for service failures.

Appendix 1: Significant Issues in the Eight Institutions Visited

Prepared by the Office of the Auditor General of Ontario

Issue	Brockville Jail ¹	Central East Correctional Centre ²	South West Detention Centre ¹	St. Lawrence Valley Treatment Centre ¹	Thunder Bay Correctional Centre ²	Thunder Bay Jail ¹	Toronto South Detention Centre ²	Vanier Centre for Women ¹
Absenteeism has resulted in high overtime costs		✓	✓				✓	✓
Evaluation of staff performance not completed		✓	✓				✓	✓
Frontline staff do not have necessary training and information to effectively manage inmates with specialized needs	✓	✓	✓	n/a ⁴	✓	✓	✓	✓
Inmate misconducts not dealt with consistently ³		✓			✓		✓	
Inmates on remand do not always receive necessary information about community supports	✓	✓	✓	n/a ⁴	✓	✓	✓	✓
Inmates with mental health and related issues may be placed in segregation units	✓	✓	✓			✓	✓	✓
Insufficient efforts to deliver programming to remanded inmates	✓	✓	✓	n/a ⁴	✓	✓	✓	✓
Lack of security screening for staff and their properties	✓	✓	✓	✓	✓	✓	✓	✓
Management does not regularly assess risk of violence	✓	✓	✓	✓	✓	✓	✓	✓
More inmates with possible mental health issues are incarcerated than in 2000	✓	✓	✓	n/a ⁴	✓	✓	✓	✓

Issue	Brockville Jail ¹	Central East Correctional Centre ²	South West Detention Centre ¹	St. Lawrence Valley Treatment Centre ¹	Thunder Bay Correctional Centre ²	Thunder Bay Jail ¹	Toronto South Detention Centre ²	Vanier Centre for Women ¹
More remanded than sentenced inmates in custody	✓	✓	✓	n/a ⁴		✓	✓	✓
Most information is recorded manually and retained on paper	✓	✓	✓	✓	✓	✓	✓	✓
Limited information on sources and extent of contraband	✓	✓	✓	✓	✓	✓	✓	✓
Overcrowded correctional institutions, operating at over 85% occupancy rate	✓		✓	✓		✓	✓	
Recruitment files do not always support promotions ³		✓			✓		✓	
Staff do not analyze relevant information to identify systemic issues	✓	✓	✓	✓	✓	✓	✓	✓
Staff do not receive appropriate training and mentorship	✓	✓	✓	✓	✓	✓	✓	
Staffing levels at institutions not always proportionate to factors that drive workload	✓	✓	✓	✓	✓	✓	✓	✓
Violent incidents have increased since 2014	✓	✓	✓	✓	✓	✓	✓	✓

1. Audit work in these institutions included tours of the facilities, interviews with staff in various areas of operations, interviews with inmates, and analysis of available financial, staffing, incident and other operational information.

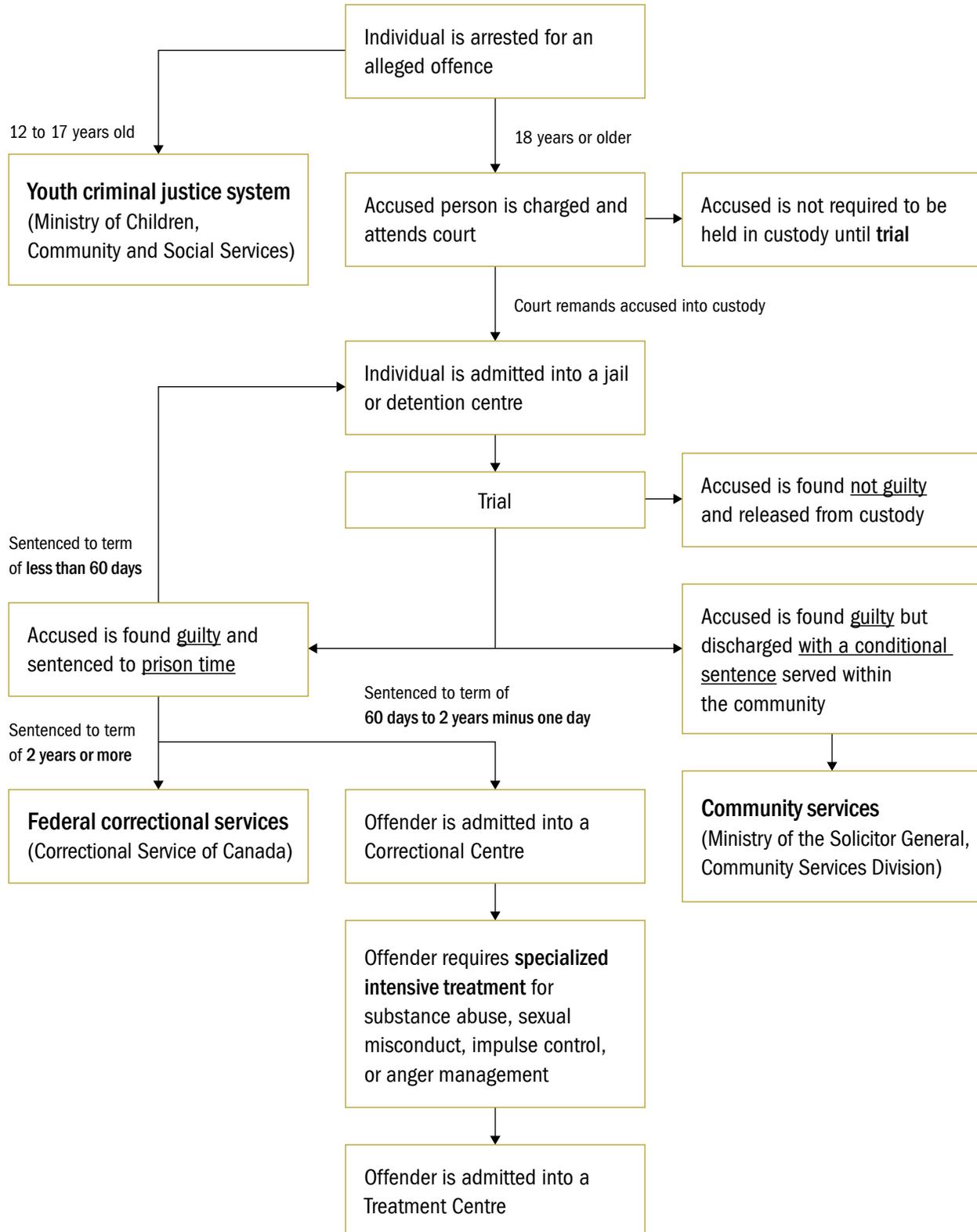
2. Audit work in these institutions included reviews of a sample of inmate files and health records, employee files (including those related to recruitment, accommodation arrangements, and disciplinary actions) and incident investigations in addition to work done in footnote 1.

3. These issues are based on a detailed review of a sample of the files described in footnote 2.

4. These issues are not applicable to St. Lawrence Valley Correctional and Treatment Centre, because only sentenced inmates with major mental illnesses are admitted to it and its front-line staff are nurses instead of correctional officers.

Appendix 2: General Pathway of an Accused Person through the Correctional System

Prepared by the Office of the Auditor General of Ontario



Appendix 3: Key Information about Correctional Institutions in Ontario

Source of data: Ministry of the Solicitor General

	Male/ Female/ Both	Age of Facility ¹	Average Daily # of Open Beds ^{2,3}	Average Daily # of Inmates in Custody ^{2,4}	Average Daily Occupancy Rate ^{2,5} (%)	Correctional Officers ¹	# of Correctional Officers ¹	Daily Cost per Inmate ² (\$)
Jails (8)								
Fort Frances	Both	110	22	16	74	16	16	589
Brockville	Male	176	48	46	97	54	54	548
North Bay	Both	89	100	74	74	57	57	318
Sudbury	Both	90	169	124	73	90	90	315
Sarnia	Both	57	77	72	93	54	54	308
Stratford	Male	117	50	42	84	30	30	264
Thunder Bay	Male	90	140	148	106	60	60	220
Kenora	Both	89	157	168	107	60	60	186
Detention Centres (8)								
South West	Both	5	282	264	94	208	208	318
Elgin-Middlesex	Both	41	426	379	89	270	270	287
Toronto East	Male	41	369	327	89	206	206	281
Toronto South	Male	6	1,244	1,107	89	817	817	277
Ottawa-Carleton	Both	46	519	443	85	281	281	267
Niagara	Male	45	226	198	88	117	117	253
Quinte	Both	48	229	228	100	131	131	230
Hamilton-Wentworth	Both	40	511	473	92	235	235	210
Correctional Centres (6)								
Thunder Bay ⁶	Both	53	124	75	61	72	72	464
Vanier Centre for Women ⁷	Female	17	246	204	83	217	217	424
Monteith ⁸	Both	58	164	110	67	80	80	397
Central North ⁸	Both	17	1,020	697	68	319	319	226
Maplehurst ⁷	Male	42	914	913	100	440	440	213
Central East ⁸	Both	17	1,088	898	83	378	378	204

Treatment Centres (3)										
	Male/ Female/ Both	Age of Facility ¹	Average Daily # of Open Beds ^{2,3}	Average Daily # of Inmates in Custody ^{2,4}	Average Daily Occupancy Rate ^{2,5} (%)	# of Correctional Officers ¹	Daily Cost per Inmate ² (\$)			
St. Lawrence Valley Treatment Centre ⁸	Male	15	100	99	99	31	545			
Ontario Correctional Institute ⁶	Male	45	176	126	72	101	379			
Algoma Treatment & Remand Centre ⁷	Both	28	135	128	94	104	375			
Province			8,705⁹	7,445⁹	86	4,428	302			

1. Figures are as of May 31, 2019.

2. Figures are for the 2018/19 fiscal year.

3. Calculated as the sum of open beds per day throughout the year divided by 365.

4. Calculated as the sum of days stayed for all inmates throughout the year divided by 365.

5. Calculated as the number in note 4 divided by the number in note 3.

6. Medium security facilities.

7. Combination of medium and maximum security facilities.

8. Maximum security facilities.

9. Includes those serving sentences intermittently (typically on weekends).

Appendix 4: Select Rules from the *United Nations Standard Minimum Rules for the Treatment of Inmates (the Nelson Mandela Rules)*, December 2015

Source of data: *United Nations Standard Minimum Rules for the Treatment of Inmates*

There are 122 rules, which are based on international standards pertaining to the treatment of inmates developed since 1955. The rules set out what is generally accepted as being good principles and practices in the treatment of inmates and prison management. Based on basic principles of human rights, they differentiate the rights of remanded inmates, sentenced inmates and inmates with mental illness.

Rules That Apply to All Categories of Inmates

Basic Principles

- The safety and security of inmates, staff, service providers and visitors shall be ensured at all times.
- No inmate shall be subjected to torture and other cruel, inhumane or degrading treatment or punishments.
- Prison administrators shall take into account the individual needs of inmates, in particular the most vulnerable categories. Measures to protect and promote the rights of inmates with special needs are required.
- The purposes of imprisonment are primarily to protect society against crime and to reduce recidivism, which can be achieved only if the period of imprisonment is used to ensure the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life. To this end, education, vocational training and work, as well as other forms of assistance that are appropriate and available, should be offered.

File Management

- There shall be a standardized inmate file management system to maintain information related to, for example, reasons for incarceration, court hearings, family members and emergency contacts, requests, complaints, behaviour and disciplinary sanctions for each inmate.
- Information in the file management system shall be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making.

Separation of Categories

- The different categories of inmates shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, legal reason for their detention and treatment needs.

Accommodation

- Where sleeping accommodation is in individual cells or rooms, each inmate shall occupy a cell or room by himself or herself. It is not desirable to have two inmates in a cell or room.
- Where dormitories are used, they shall be occupied by inmates carefully selected as being suitable to associate with each other in those conditions.
- Sleeping areas shall meet all requirements of health, due regard being paid to climatic conditions, minimum floor space, lighting, heating and ventilation.
- In all places where inmates are required to live or work, the windows shall be large enough to enable the inmates to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation.
- All parts of a prison regularly used by inmates shall be properly maintained and kept scrupulously clean at all times.

Exercise and Sport

- Inmates who are not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

Health-Care Services

- Inmates should enjoy the same standards of health care that are available in the community.
- Every prison shall have in place an interdisciplinary health-care team tasked with evaluating, promoting and improving the physical and mental health of inmates, paying particular attention to inmates with special health-care needs or with health issues that hamper their rehabilitation. The team shall have sufficient expertise in psychology and psychiatry.
- The health-care team shall prepare and maintain accurate, up-to-date and confidential individual medical files on all inmates.
- A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every inmate as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to identifying health-care needs and treatment, and signs of psychological or other stress including risk of suicide or withdrawal symptoms from drug or alcohol use.
- The physician or public health body shall regularly inspect and advise the prison director on the quantity and quality of food services, cleanliness of the institution and inmates, and the sanitation, temperature, lighting and ventilation of the prison.

Restrictions, Discipline and Sanctions

- Prison administrators are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or resolve conflicts.
- For inmates who are, or have been, separated, prison administrators shall take the necessary measures to alleviate the potential detrimental effects of their confinement on them and on their community following their release from prison.
- Prison administrators shall ensure proportionality between a disciplinary sanction and the offence for which it is established.
- Before imposing disciplinary sanctions, prison administrators shall consider whether and how an inmate's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act underlying the disciplinary charge. Prison administrators shall not sanction any conduct of an inmate that is considered to be the direct result of his or her mental illness or intellectual disability.
- General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all inmates without exception.
- In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhumane or degrading treatment and punishment. Indefinite or prolonged solitary confinement shall be prohibited.
- Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible. The imposition of solitary confinement should be prohibited in the case of inmates with mental or physical disabilities when their conditions would be exacerbated by such measures.

Searches of Inmates and Cells

- Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.
- For the purpose of accountability, prison administrators shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results for the searches.

Information to and Complaints by Inmates

- Upon admission, every inmate shall be promptly provided with information about applicable prison rules and his or her rights and obligations.
- Every inmate shall have the opportunity to make requests or complaints to prison staff, the prison director, or the central prison administrator. Safeguards shall be in place to ensure that inmates can make requests or complaints safely and in a confidential manner.
- Every request shall be promptly dealt with and replied to without delay.

Contact with the Outside World

- Inmates shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals through written correspondence and visits.
- Inmates shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.

Institutional Personnel

- Prison administrators shall provide for the careful selection of every grade of the personnel. Personnel shall be appointed on a full-time basis. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.
- All prison staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner.
- Before entering on duty, all prison staff shall be provided with training tailored to their general and specific duties. Prison administrators shall ensure the continuous provision of training courses. Training shall include, at a minimum, those related to:
 - relevant legislation and policies;
 - rights and duties of prison staff;
 - security and safety, including the use of force and restraints, and management of violent offenders, with due consideration of preventive and defusing techniques; and
 - first aid and the psychosocial needs of inmates, including early detection of mental health issues.
- Prison staff who are in charge of working with certain categories of inmates, or who are assigned other specialized functions, shall receive training that has a corresponding focus.
- Prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors, whose services are secured on a permanent basis.
- The prison director should be adequately qualified for his or her task by character, administrative ability, suitable training and experience.
- Prison staff shall not use force except in self-defence or in cases of attempted escape, or active or passive resistance to an order based on law or regulations.
- Prison staff shall be given special physical training to enable them to restrain aggressive inmates.

Internal and External Inspections

- Inspections shall be conducted by the central prison administrator and independent bodies with the objective of ensuring that prisons are managed in accordance with existing laws, regulations, policies and procedures.
- Every inspection shall be followed by a written report. Prison administrators shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the inspection.

Rules Applicable to Special Categories of Inmates

Sentenced Inmates

- It is desirable that the number of inmates in closed prisons should not be so large that the individualization of treatment is hindered. On the other hand, it is undesirable to maintain prisons that are so small that proper facilities cannot be provided.

Inmates with Mental Disabilities and/or Health Conditions

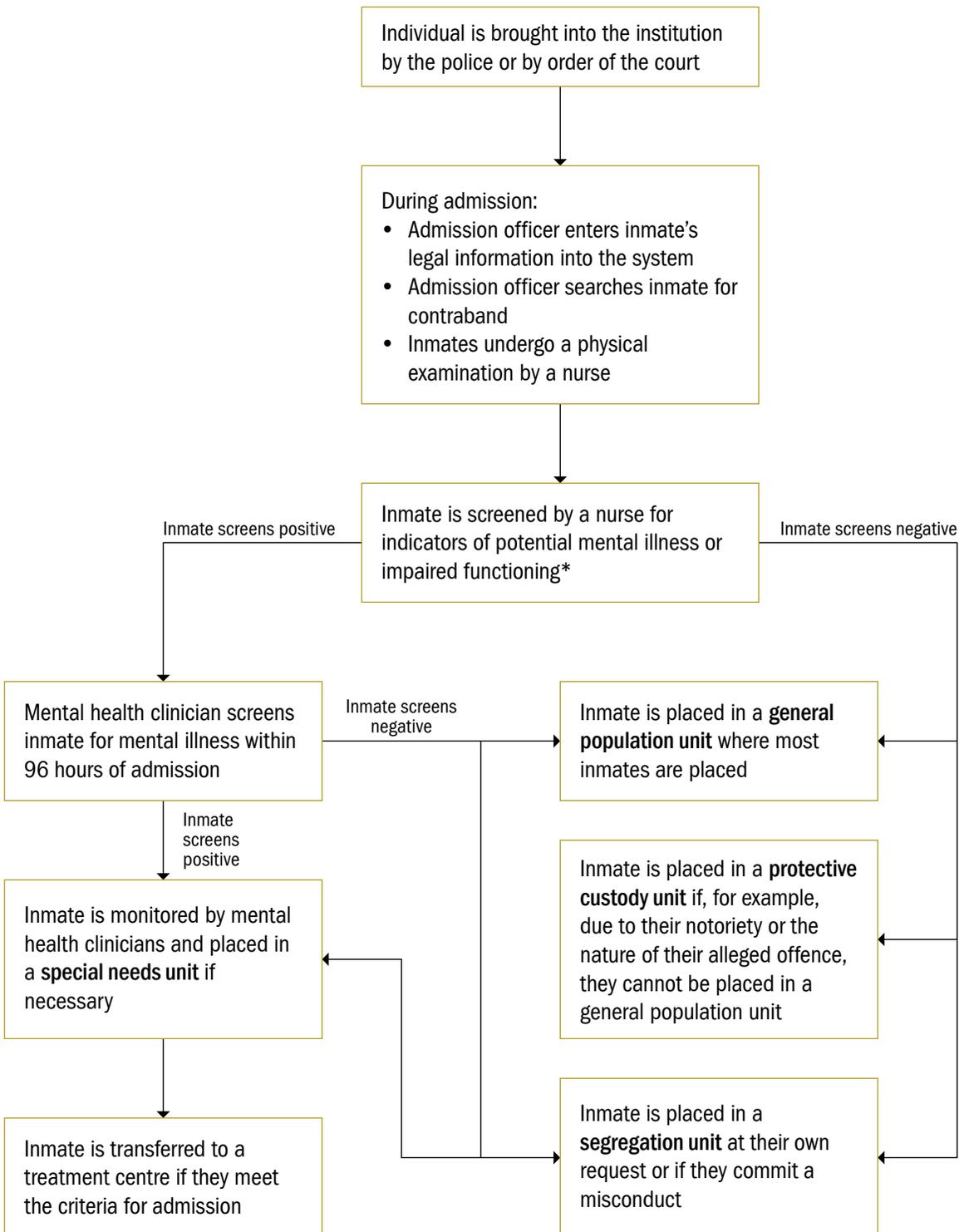
- Persons who are diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as soon as possible.
- If necessary, other inmates with mental disabilities and/or health conditions can be observed and treated in specialized facilities under the supervision of qualified health-care professionals.

Inmates under Arrest or Awaiting Trial (Remanded Inmates)

- Remanded inmates are presumed to be innocent and shall be treated as such.
- Remanded inmates shall be kept separate from convicted inmates and shall sleep singly in separate rooms
- Remanded inmates shall always be offered the opportunity to work, but shall not be required to work. If he or she chooses to work, he or she shall be paid for it.

Appendix 5: General Pathway for Inmates While in Custody

Prepared by the Office of the Auditor General of Ontario



* Impaired functioning includes, for example, confused speech, unusual and bizarre behaviour, confusion regarding person, place or time and inability to relate emotionally during screening.

Appendix 6: Rehabilitative Programs That Target Factors Likely to Contribute to Criminal Behaviour

Source of data: Ministry of the Solicitor General

	Introductory ¹	Intensive ²	Treatment ³
Anger Management	<ul style="list-style-type: none"> Length of program: Five 1.5-hour sessions Content: While exploring the cycle of anger and the impact on others, inmates are taught communication skills, how to cope with anger, and the role of substance use in expression of anger, and to develop problem-solving and assertiveness skills with a focus on relapse prevention. 	<ul style="list-style-type: none"> Length of program: 20 to 40 1.5-hour sessions Target inmates: In an open and supportive group, inmates discuss their anger as they explore problem solving, substance abuse, and negative relationships and thinking as they complete a personal relapse prevention plan. 	Available at the Algoma Treatment & Remand Centre and St. Lawrence Valley Correctional and Treatment Centre
Anti-Criminal Thinking	<ul style="list-style-type: none"> Length of program: Five 1.5-hour sessions Content: Examines the offence cycle to better understand behaviour. With a focus on goal-setting and problem-solving skills, inmates learn the role of perception in creating thoughts and effective coping skills. 	Not available	Available at Ontario Correctional Institute and St. Lawrence Valley Correctional and Treatment Centre
Domestic Violence	<ul style="list-style-type: none"> Length of program: Six 1.5-hour sessions Content: Inmates are taught tools to learn alternatives to abusive behaviour, focusing on healthy and unhealthy relationships. Effective coping strategies are discussed as well as identification of risk factors, the role of anger and substance use. 	<ul style="list-style-type: none"> Length of program: 2- to 2.5-hour sessions bi-weekly or monthly Content: Builds on the gains made in the introductory program and other domestic violence programming. 	Available at the Algoma Treatment & Remand Centre and St. Lawrence Valley Correctional and Treatment Centre
Sexual Offending	<ul style="list-style-type: none"> Length of program: 10 to 20 sessions of 1 to 1.5 hours each Content: Provides an understanding of the sexual offending process using a case study and videos to explore how a sexual offence occurs, alternative behaviours and effective coping strategies. 	<ul style="list-style-type: none"> Length of program: 8 to 16 sessions of 2 to 2.5 hours each Content: Building on the introductory program, inmates discuss healthy lifestyle choices, self-management and effective coping as they personalize the offence cycle. 	Available at the Ontario Correctional Institute and St. Lawrence Valley Correctional and Treatment Centre
Substance Abuse	<ul style="list-style-type: none"> Length of program: Five 1.5-hour sessions Content: Explores substance use patterns and triggers as well as the thinking that supports substance use. Problem-solving skills, coping strategies and assertiveness skills are taught as inmates develop personal relapse prevention plans. 	<ul style="list-style-type: none"> Length of program: 20 to 40 sessions of 2 hours each Content: In an open and supportive group, inmates examine their substance use to develop a relapse prevention plan. Discussions explore other areas including problem solving, anger management and negative relationships. 	Available at the Algoma Treatment and Remand Centre, Ontario Correctional Institute and St. Lawrence Valley Correctional and Treatment Centre

1. Introductory-level programming is designed to educate and motivate. May be delivered in jails, detention centres and correctional centres.

2. Intensive-level programming provides more self-reflection. May be delivered in jails, detention centres and correctional centres.

3. Treatment-level programs are those offered only at one or more of the three treatment centres: Algoma Treatment & Remand Centre, Ontario Correctional Institute and St. Lawrence Valley Correctional and Treatment Centre.

Appendix 7: Nine Principles of the Direct Supervision Model

Source of data: Ministry of the Solicitor General

1. Effective Control

- The unit officer firmly establishes their authority over the inmate units.
- Inmates who do not comply will be placed in segregation or indirect units.
- The inmate population is divided into manageable groups.
- Inmates are treated as individuals and with respect, and are expected to act accordingly.
- The facility remains rated maximum security with a secure perimeter.

2. Effective Supervision

- The unit officer manages inmate behaviour based on generally accepted behaviour management techniques.
- The unit officer maintains a leadership role with sufficient authority commensurate with their responsibilities.

3. Competent Staff

- Recruit competent staff who are able to relate effectively to people, can learn the required skills and have leadership potential.
- Each officer requires training in the history, philosophy and principles of direct supervision as well as effective supervision, leadership and interpersonal communications.
- Management must also demonstrate effective leadership.

4. Safety of Staff and Inmates

- Direct supervision facilities have less inmate-on-inmate violence, fewer assaults on staff, fires and disturbances than non-direct institutions.

5. Manageable and Cost-Effective Operations

- Less vandalism and graffiti result in lower maintenance costs.
- The reduction in vandal-proof furnishings and fixtures is a major contributor to lower construction costs.

6. Effective Communication

- Communication between staff and inmates should occur frequently.
- Communication among staff members is also necessary, and all staff should be thoroughly trained in interpersonal communication skills.

7. Classification and Orientation

- Inmates are informed on admission of what is expected of them.
- An objective classification system on admission is imperative to place the inmate on the correct unit as direct supervision may not be appropriate for all inmates.

8. Justice and Fairness

- Management and staff actions must not only be fair, firm and consistent, but they must also be perceived by inmates as being just and fair.

9. Ownership of Operations

- Support from senior management and front-line supervisors must be committed to the concept and demonstrate this.
- Staff involvement in planning the direct supervision process, supported by orientation and training, will contribute to the success of the direct supervision facility.

Appendix 8: Audit Criteria

Prepared by the Office of the Auditor General of Ontario

1. Services and relevant programs are delivered consistently across similar facilities, in line with legislative requirements and best practices such that inmates receive appropriate services and programs in accordance with their needs and to assist them in successful adjustment in the community.
2. The Ministry of the Solicitor General (Ministry) collects timely, accurate and complete information about inmates, staff and institutional programs and services to appropriately inform the design and delivery of programs and services. Management information systems are effective in maintaining this information for decision-making.
3. There are sufficient institution staff with appropriate training and resources to safely and effectively supervise the detention and release of inmates.
4. Processes are in place to ensure that facilities and resources, including financial and human, are acquired and managed economically and efficiently to meet the Ministry's mandate.
5. Effective oversight processes are in place to ensure that institutional services are delivered in compliance with legislative and policy requirements, to identify systemic issues and facilitate corrective action.
6. Meaningful performance measures and targets are established, monitored and compared against actual results and publicly reported on, and corrective actions are taken on a timely basis when issues are identified, to ensure that intended outcomes are achieved.

Appendix 9: Additional Work Done to Perform the Audit

Prepared by the Office of the Auditor General of Ontario

During our audit, in addition to activities described in **Section 3.0**, we did the following:

- Performed detailed work in three institutions (Toronto South Detention Centre, Central East Correctional Centre and Thunder Bay Correctional Centre), including:
 - tour of the facilities;
 - interviews with staff and inmates;
 - analysis of financial, staffing, incident and other operational information; and
 - reviews of a sample of inmate files and health records, employee files (including those related to recruitment, accommodation arrangements, and disciplinary actions) and incident investigations.
- Visited five other institutions (Brockville Jail, South West Detention Centre, St. Lawrence Valley Treatment and Correctional Centre, Thunder Bay District Jail and Vanier Centre for Women), where we toured the facilities, interviewed frontline staff in various areas of operations, interviewed inmates, and analyzed financial, staffing, incident and other operational information.
- Surveyed the 17 correctional institutions we did not visit and received responses from all of them about various aspects of their operations (see **Appendix 12** for results).
- Met with and/or obtained information from staff in the corporate and regional offices to obtain an understanding of their roles and responsibilities.
- Visited the Corrections Services Recruitment and Training Centre in Hamilton to observe the administration of behavioural, cognitive and personality tests for correctional officer applicants as well as the delivery of initial training.
- Reviewed relevant reports from external parties, such as the Ombudsman of Ontario, Human Rights Tribunal of Ontario and Office of the Chief Coroner of Ontario.
- Analyzed information from other ministries, such as the Ministry of Government and Consumer Services, and Infrastructure Ontario.
- Obtained information from ministries in other jurisdictions in Canada.
- Interviewed external stakeholders such as the Canadian Association of Elizabeth Fry Societies, John Howard Society, the Centre for Addiction and Mental Health, and the Royal Ottawa Health Group.
- Reviewed the *Standard Minimum Rules for the Treatment of Prisoners*, also known as the Nelson Mandela Rules, for best practices in managing correctional institutions.

Appendix 10: Description of Admission Requirements and Treatment Programs at the Three Treatment Centres in Ontario

Source of data: Ministry of the Solicitor General

	Types of Inmates	Admission Requirements	Treatment Programs
Algoma Treatment & Remand Centre	Sentenced male and female inmates	<ul style="list-style-type: none"> • Minimum sentence of nine months for men and five months for women • Current and/or violent offences • Evidence of spousal abuse • Evidence of substance abuse problems • Be assessed as high risk for recidivism • Be classified as medium security risk • Consent to postpone any attempts at parole until treatment is completed 	<p>Domestic Violence Program (20-week group program for men)</p> <p>Life without Violence (20-week group program for men)</p> <p>New Directions (Continuous group program for women)</p>
Ontario Correctional Institute	Sentenced male inmates	<ul style="list-style-type: none"> • Sexual offenders • Be assessed as at least medium risk for recidivism for non-sex offenders • At least nine months remaining in current sentence • No appeal of current conviction(s) at time of application • No serious misconduct at the time of application • Significantly impaired intellectual functioning • Specialized treatment needed to stabilize acute mental illness or other conditions. If have severe psychiatric/mental health issues, must be stabilized at time of application • Not currently on suicide watch • Willing to participate in “group treatment” programming 	<p>Core Programs – 12 sessions (intervention program)</p> <p>Pro-Social Thinking – 12 sessions (history of repeated criminal offending)</p> <p>Emotion Regulation – 12 sessions (unhealthy coping strategies)</p> <p>Freedom from Substance Abuse – 12 sessions</p> <p>Individual Therapy and Consultations</p> <p>Sexual Offender Relapse Prevention – 10 sessions</p> <p>Stop Offending Sexually (number of sessions unknown)</p> <p>Trauma and Substance Abuse – 12 sessions</p>
St. Lawrence Valley Correctional and Treatment Centre	Sentenced male inmates	<ul style="list-style-type: none"> • Suspected of having a major mental illness, and require assessment and treatment • History of psychiatric issues, and suicide ideation/attempts • Meet criteria for diagnosis under Diagnostic and Statistical Manual of Mental Disorders and require assessment and treatment • Current or past offences are sexual in nature where there is a co-existing major mental illness diagnosed or suspected 	<p>Controlling Anger and Learning to Manage It (CALM) – 24 sessions</p> <p>Dialectical Behaviour Therapy for Post-Traumatic Stress Disorder – 26 sessions</p> <p>Reasoning and Rehabilitation – 14 sessions</p> <p>Self-Regulation for Sexual Offending – up to 32 sessions</p> <p>Substance Abuse Program: A Stages of Change Therapy Manual – 24 sessions</p> <p>The Stop Domestic Violence Program (STOP) – 7-8 sessions</p>

Appendix 11: Life Skills Programs Targeted toward Remanded Inmates

Source of data: Ministry of the Solicitor General

Session	Target Group	Description
Anger Management	Men and Women	What is anger, how someone becomes angry and what someone can do to better manage anger.
Being an Effective Father	Men	Qualities of an effective parent and the factors affecting effectiveness of parenting.
Changing Habits	Men and Women	How to identify habits and determine if they are helpful or harmful, plus how to make changes.
Coping with the Impact of Trauma	Women	Provide an understanding of the impact of trauma and gain some self-management skills in order to increase their sense of control.
Effective Communication	Women	Helps women pay attention to how they communicate so they can get their needs met, improve their relationships and get the most out of their lives.
Goal Setting	Men and Women	Focus is on how to set realistic, attainable goals.
Healthy Body Image	Women	Importance of having a healthy body image.
Human Trafficking	Women	Raise consciousness, provide information and point participants in the direction of help and assistance from community partners and agencies.
It's a Gamble	Men and Women	Issues related to gambling, including "luck" and intervention options.
Leaving the Sex Trade	Women	Raise consciousness, provide information and point participants in the direction of help and assistance from community partners and agencies.
Looking for Work	Men and Women	Job search components including application fact sheet, cover letters, résumés and what employers expect.
Maintaining Employment	Men and Women	Skills and issues required to maintain employment.
Managing Stress	Men	Effects of stress and tools to manage stress more effectively.
Parenting	Women	Provides effective parenting techniques.
Planning for Discharge	Men and Women	What constitutes a good discharge plan.
Problem Solving	Men and Women	Provides participants with skills in how to approach a problem effectively to ensure that they are able to objectively evaluate all options, identify related feelings and thinking errors to arrive at the most pro-social solution.
Recognizing Abusive and Healthy Relationships	Men and Women	What constitutes abuse in a relationship, different types of abuse, the impact of abuse on partners and children, healthy versus unhealthy relationships.
Self-Care	Women	Explores the difference between taking care of someone and self-care, why self-care is important and some self-care skills.
Setting Up a Budget	Men and Women	Components of an effective budget and tips on how to manage finances.
Substance Use	Men and Women	Differences between use and abuse and how to assess if someone has a problem.
Supportive Relationships	Men and Women	Benefits of supportive relationships (family, friends, professional relationships). Differentiation is made between those relationships that while they meet needs are not always healthy, and those relationships that are truly supportive.
Thoughts to Action	Men and Women	Impact of the thinking process on how people make choices.
Understanding Feelings	Men and Women	What feelings are, how people can affect feelings by their thoughts and beliefs, and the importance of identifying and managing feelings.
Understanding Self-Harm	Women	Awareness of triggers that provoke a self-harm situation, the four stages of self-harm, forms of intervention that correspond with each stage and coping strategies.
Use of Leisure Time	Men	Productive use of leisure or recreational time.

Appendix 12: Survey Results from 17 Correctional Institutions Not Visited

Prepared by the Office of the Auditor General of Ontario

To identify best practices, we surveyed the 17 correctional institutions in Ontario we did not visit and received responses from all of them. The survey included questions about care of inmates, inmate programming, workplace safety, training, staffing, security, and general questions to management. Below is a summary of the survey results.

Care of Inmates

Inmates for whom institutional staff develop an Inmate Care Plan	(%)
All inmates with diagnosed mental health concerns	29
All inmates who spend over a certain amount of time in conditions of confinement that constitute segregation	24
All inmates with identified mental health concerns who spend over a certain amount of time in conditions of confinement that constitute segregation	29
Other: unstable inmates or inmates in a crisis situation	24
Other: inmates with complex needs	18

Staff who have access to Inmate Care Plans	(%)
Health-care team	100
Social workers	100
Correctional staff (managers and above only)	71
Correctional staff (all)	88
Other: Chaplain	12

Type(s) of units where inmates who are believed or known to have a mental illness are placed	(%)
General population unit	94
Protective custody	94
Single-celled specialized care unit with a dayroom	76
Single-celled specialized care unit without a dayroom	76
Medical unit with increased access to clinicians	53
Other: Integrated dorm setting	12

Type(s) of units where inmates who need to be separated from the general population or kept in protective custody based on serious behavioural concerns (for example, aggression, violence, highly disruptive, intimidation, etc.) are placed	(%)
General population unit	24
Protective custody	24
Single-celled specialized care unit with a dayroom	59
Single-celled specialized care unit without a dayroom	82
Medical unit with increased access to clinicians	29
Other: Behavioural care unit	18

Challenges in delivering health-care services in the institution**Rank**

Difficulty filling positions with staff	1
Insufficient number of positions of staff	2
Insufficient space to perform medical examinations and/or procedures	3
Lack of access to inmates due to operational issues	4
Lack of electronic medical records	5
Difficulty managing employee sick days	6
Difficult patient population	7
Lack of external resources for inmates with mental illness	8
Lack of/outdated medical equipment	9

Workplace Safety

	Yes (%)	No (%)	Did Not Answer (%)
Do institutional staff measure and track assaults against staff?	71	29	0
Do institutional staff conduct any analysis following a serious assault against staff (e.g., where an assault happened, conditions that led to the assault, etc.)?	76	18	6
Are there units in the institution that have higher instances of assaults (inmate-on-inmate or inmate-on-staff) or incidents involving staff using force on inmates?	65	35	0
Have institutional staff conducted a Workplace Violence Risk Assessment as described in the <i>Occupational Health and Safety Act</i> ?	71	29	0
Has a Workplace Violence Risk Assessment been completed since 2018?	24	76	0

Challenges in scheduling staff for shifts**Rank**

Staff shortages due to long-term injury or other absences	1
It is difficult to find staff to fill absences	2
Employee accommodations	3
The institution is understaffed (not at complement)	4
The IT system HPRO does not meet our requirements or is too difficult to use	5

Security

	Yes (%)	No (%)	Did Not Answer (%)
Are the results of searches tracked electronically, including details about contraband found, location, inmate involved, etc.?	29	65	6

Type of contraband found most frequently in searches**Rank**

Cannabis	1
Narcotics	2
Weapons	3
Opioids	4
Other	5

Top sources of contraband	Rank
Newly admitted inmates	1
Remanded inmates returning from court	2
Intermittent sentenced inmates	3
Inmate visitors	4
Inmate mail	5

Security measures, in addition to those required by policies, that would be helpful in reducing contraband	Yes (%)	No (%)
Increased staff training for security equipment	71	29
Increased use of a canine unit	88	12
Increased use of video court	82	18
Increased searches of inmates	82	18
Increased searches of visitors and/or volunteers	76	24
Increased screening of staff	82	18

Other

	Yes (%)	No (%)
Does management (that is, superintendent and deputies) request information or reports from the Ministry (either corporate or regional office) in order to assist it with its operations?	41	59
Are the current information systems (e.g., OTIS, HPRO, etc.) in place sufficient to run your institution?	41	59

Challenges in implementing new policies	Rank
Facility restrictions such as space or capacity	1
Lack of clarity in the new policy	2
Lack of direction from the Ministry/Region	3
Staff co-operation	4
Other: lack of staffing resources to implement changes	5

Top challenges faced by correctional institutions	Rank
Staffing shortages and staff sick leave	1
Aging infrastructure or infrastructure upgrade requirements	2
Lack of program space	3
New Ministry policy changes	4
Staff accommodations	5
Segregation requirements	6
Ability to provide or complete mandatory training for staff	7

Appendix 13: Sick Days of Permanent Correctional Officers and Staff in Correctional Institutions by Number of Days, 2014–2018

Source of data: Ministry of the Solicitor General

	2014	2015	2016	2017	2018	Average Annual % Change
Correctional Officers						
Minimum	11.9	9.7	9.3	16.0	9.1	2
Maximum	30.2	38.5	37.0	34.9	40.6	9
Median	23.0	25.9	25.6	26.2	25.9	3
Overall	24.4	28.0	27.0	28.3	31.0	6
All Staff*						
Minimum	8.7	5.8	8.0	13.8	9.6	12
Maximum	26.6	33.9	29.7	29.9	34.6	8
Median	20.0	22.2	21.6	20.7	22.8	4
Overall	21.3	24.2	22.9	23.5	25.8	5

* All staff include management, staff sergeants, sergeants, correctional officers, health-care staff, programming staff, administrative staff and service staff.

Appendix 14: Summary of Issues Identified by Select Internal and External Review Bodies, 2013–2018

Prepared by the Office of the Auditor General of Ontario based on data from various sources

	Community Advisory Boards ¹	Chief Coroner of Ontario ²	Human Rights Tribunal of Ontario ³	Independent Review of Ontario Corrections ⁴	Ministry-Employee Relations Committee ⁵	Ontario Ombudsman ⁶	Ontario Internal Audit Division ⁷
General Inmate Care							
Overcrowding in correctional institutions ⁸	2014			2017	2013	2013	
Inadequate inmate programming, lack of programs available, lack of targeting programming ⁸	2014			2017			2016
Inadequate discharge planning				2017			
Care of Inmates with Mental Health Issues							
Inmates with mental health issues are not identified or cared for adequately ⁸	2014	2016	2013	2017		2016	2017
Inmates with mental health issues are being housed in segregation ⁸	2014	2018	2013	2017		2013	2017
Lack of mental health training for staff	2014	2015	2013	2017	2016	2013	
Inmate Care Plans are not available or adequate				2017		2017	2017
Inadequate health-care tools, such as lack of e-record	2016	2014	2013	2017			2014
Workplace Safety and Human Resources							
Institutions are understaffed both in correctional officers and health-care staff ⁸	2014	2016		2018	2013	2013	2017
Increase in violence against staff ⁸				2018	2013		
Strained relationship between management and staff including backlog of grievances ⁸	2015			2018		2013	2017
Backlog of local investigations of incidents				2018		2013	2015
Misconducts not dealt with properly—either not adjudicated or not adjudicated fairly		2018		2018		2013	2015
High amount of contraband and no tracking of searches and contraband	2014	2018		2018			2017
Staff absenteeism causing operational difficulties; for example, higher costs and more lockdowns ⁸	2014			2018			2017

	Community Advisory Boards ¹	Chief Coroner of Ontario ²	Human Rights Tribunal of Ontario ³	Independent Review of Ontario Corrections ⁴	Ministry- Employee Relations Committee ⁵	Ontario Ombudsman ⁶	Ontario Internal Audit Division ⁷
Staff do not regularly undergo performance reviews	2014			2018			2017
Oversight							
Need to collect more electronic data and analyze data for decision-making ⁸	2015		2013	2017	2017	2013	2014
Lack of oversight from staff in regional and corporate offices to ensure compliance with policies and procedures	2015	2016		2017		2013	2015

1. Under the *Ministry of Community Safety and Correctional Services Act*, the Minister may establish a board and appoint members to it to monitor a correctional institution. There are currently 10 Community Advisory Boards, which are made up of independent local volunteers who have access to correctional institutions, meet monthly with superintendents and publicly publish annual reports that include recommendations to address issues identified.

2. The Chief Coroner of Ontario investigates all deaths in correctional facilities and holds inquests when deaths are due to anything other than natural causes.

3. The Human Rights Tribunal of Ontario hears applications from individuals who have experienced discrimination or harassment.

4. The Independent Review of Ontario Corrections was completed by Howard Sapers, who produced three reports on the use of segregation, and ways to improve the province's adult corrections system and violence in the workplace (see [Section 2.1.3](#)).

5. The Ministry-Employee Relations Committee is a quarterly forum where union and Ministry representatives meet to discuss and identify ways to resolve workplace issues.

6. The Ontario Ombudsman is an independent officer of the legislature who investigates complaints from the public about Ontario public-sector bodies.

7. The Ontario Internal Audit Division is a division within the Ontario Public Service that provides independent operational audits, risk assessments and compliance reviews of government bodies.

8. These issues were also identified in our Office's 2008 audit of Adult Institutional Services (see our *2008 Annual Report*).