



OFFICE OF THE
AUDITOR GENERAL
MANITOBA

Department of Justice

Web version

Managing the Province's Adult Offenders



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Main points

What we found

The Department of Justice manages approximately 10,000 adult offenders. About 24% are in provincial correctional centres; the other 76% are supervised in the community. We examined how adequately the Department managed adult correctional centre capacity, adult offenders in the community, adult rehabilitation programs, and related public performance reporting.

We found that the Department's management of its adult correctional centre capacity was inadequate for its long-term needs. Although it had increased capacity by 52% since 2008, overcrowding in centres was on-going; offender population forecasts were not always reliable; there was no comprehensive long-term capital plan to address either the forecast bed shortfall or the deterioration in aging correctional centre infrastructure; and initiatives to help reduce bed demand required greater attention.

There were also problems in managing adult offenders in the community. While the Department had a number of policies in this area, we found that offenders were not always adequately supervised; their rehabilitation plans needed improvement; supervisors were not regularly reviewing staff's work to ensure it complied with standards; and management had reduced offender supervision standards in 3 regions to resolve workload issues.

In addition, there were gaps in planning and monitoring adult rehabilitation programs, and limited public information provided on how well the Department was managing its adult offenders.

Taken together, these issues affected the Department's contribution to public safety and reduced the likelihood of successful offender rehabilitation.

A more detailed listing of findings in each area follows:

Adult correctional centre capacity

The Department was struggling to deal with a growing offender population. The overall occupancy rate in correctional centres on May 15, 2013 was 126% (and ranged from 110% to 145% in different centres) — even though the Department had increased capacity by 52% since 2008, adding 651 beds at a cost of \$182 million. Measures to accommodate overcrowding (such as double-bunking, triple-bunking, and adding dorm-style bunk beds in space previously used for recreation and treatment programs) had several negative impacts, such as restricting offenders' access to rehabilitation activities and increasing security risks.

The Department's system of ad hoc capital planning was inadequate for its needs. It had no system-wide, clearly defined accommodation standards and the rated capacity of centres was determined subjectively. Offender population forecasts were not always reliable or sufficiently detailed for management purposes. There was no comprehensive long-term capital plan to address the shortage of 2,744 beds anticipated by 2019/20, the deterioration in aging correctional centre infrastructure, or the likely significant costs. And the Department did not use a rigorous or transparent process in the recent selection of a new correctional centre site.

The Department also needed to give greater attention to initiatives with the potential to reduce bed demand, such as those reducing the average time to trial and case disposition, diverting offenders with drug and mental health problems to treatment programs, and supporting lower risk offenders in meeting bail requirements.

Adult offenders in the community

The Department had a number of policies in place for managing offenders in the community, but they were not always embedded in operational practice. There was a lack of effective and consistent supervision of offenders, affecting the Department's contribution to public safety. And deficiencies in case management decreased the potential effectiveness of offenders' rehabilitation plans.

While risk assessments were prepared for all offenders in the files examined, 34% of those completed in the community were late, causing some offenders to initially receive less supervision than they otherwise would have. In several cases, probation officers were not scheduling on-going meetings with offenders as frequently as required by Department policy for offenders' risk profiles. They were also sometimes inconsistent in monitoring offenders' conditions (such as attendance at programs), verifying offenders' self-reports about compliance, and responding to offender non-compliance. Case management plans were present in only 63% of the files examined; were not always done within required timeframes; and often lacked meaningful or measurable goals, specific planned interventions, or timeframes for achieving these. And supervisors were not regularly reviewing staff's work to ensure it complied with standards.

In 2012, citing unmanageable workloads, the Department reduced offender supervision standards in 3 regions, allowing staff to meet less frequently with offenders and for shorter periods of time than would otherwise be required. Tracking additional data related to caseloads and the use of probation officers' time would improve the Department's ability to assess workload reasonableness.

Adult rehabilitation programs

The Department offered various adult rehabilitation programs through its correctional centres and community supervision offices, but gaps in the planning and monitoring framework for these programs hindered their potential effectiveness. The Department had started to provide more consistency and central direction, but more work was needed to identify offender needs and then align rehabilitation programs accordingly. The Department also needed to work with Aboriginal stakeholders to ensure that rehabilitation materials were culturally appropriate and met the unique needs of Aboriginal offenders, who accounted for about 60% of the adult offender population. And inter-agency coordination needed strengthening, particularly for shared, very high-risk clients.

In general, the Department had no means of determining if rehabilitation programs were achieving positive outcomes for offenders. Tracking of program offerings, enrolments, completions, and outcomes was limited and, in some cases, non-existent. And a broader range of recidivism measures about the level of re-offending was needed for management purposes, including tracking results over longer times, for specific programs, and by offender risk categories.

Public performance reporting

The Department provided little public information on its management of adult offenders. This limited the ability of legislators and citizens to assess the results being achieved. Some jurisdictions reported much more information, particularly on overcrowding levels and impacts, and rehabilitation programs and outcomes.

Why it matters

Managing adult offenders is complex. It requires the Department to balance the sometimes competing goals of ensuring public safety and reintegrating offenders into the community. And it is affected by financial constraints within the public sector; societal and government views on law and order issues and tolerance for risk; and the links between the criminal justice system and other social issues, such as poverty and substance abuse.

The Department is dealing with a growing number of adult offenders. Between 2004/05 and 2012/13, the number of adult offenders in provincial correctional centres increased 111% and the number supervised in the community increased 16%. Salaries and operating costs to manage these offenders grew by 129%, totaling \$173 million in 2012/13.

Background

Adult offender mandate

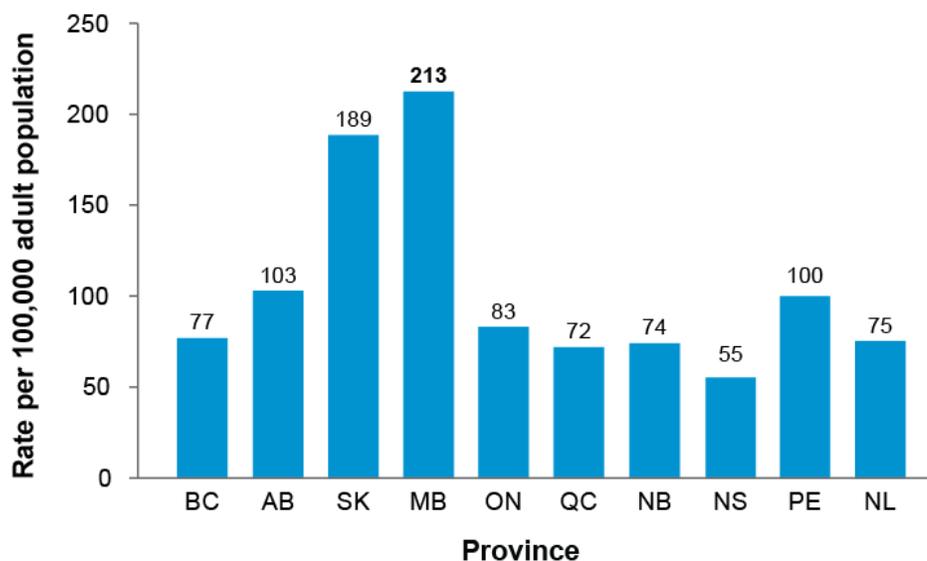
The Corrections Division of the Department of Justice (the Department) manages approximately 10,000 adult offenders. About 24% are in provincial correctional centres; the other 76% are supervised in the community. Offenders in correctional centres have either been remanded to custody while waiting for trial or sentenced to less than 2 years of custody. Offenders in the community are serving probation or conditional sentences, or being supervised under court-ordered peace bonds. Any offenders sentenced to 2 or more years in custody or released on parole are the federal government's responsibility.

The Department's mandate for its adult offender program is "to contribute to public safety by managing offenders with the appropriate degree of control, supervision and support and by providing programs, services and encouragement to help offenders with those issues that bring them into conflict with the law".

Adult offenders in correctional centres

As **Figure 1** shows, in 2010/11 there were (on average) 213 adults incarcerated in the Province's correctional centres for every 100,000 adults in the general population—in other words, 1 in every 470 adults. This was the highest incarceration rate among the provinces and more than twice the provincial/territorial average of 90.

Figure 1: Manitoba had the highest provincial adult incarceration rate in 2010/11

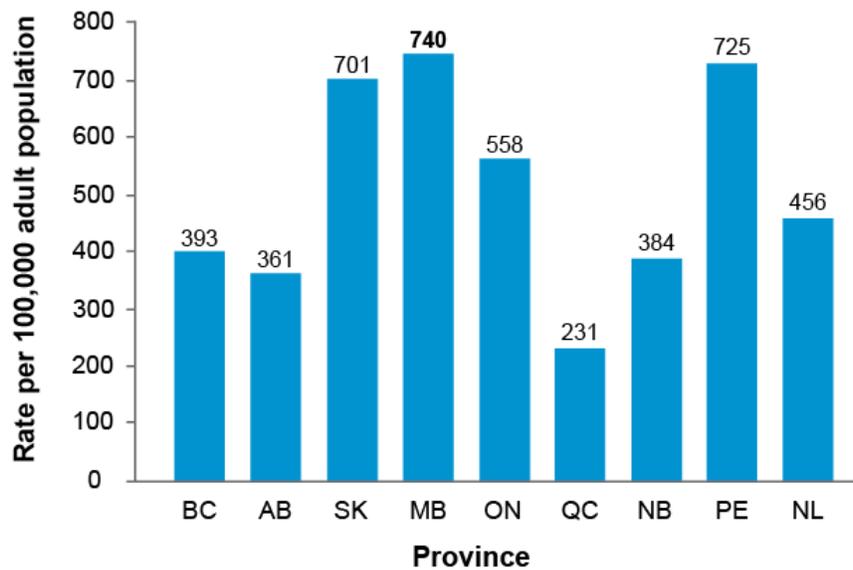


Source: Statistics Canada

Adult offenders in the community

As **Figure 2** shows, in 2010/11 the Department was (on average) supervising 740 adult offenders in the community for every 100,000 adults in the general population—in other words, 1 in every 135 adults. This was the highest community supervision rate among the provinces and 66% more than the provincial/territorial average of 446.

Figure 2: Manitoba had the highest provincial adult community supervision rate in 2010/11



Source: Statistics Canada (Nova Scotia not available for the period)

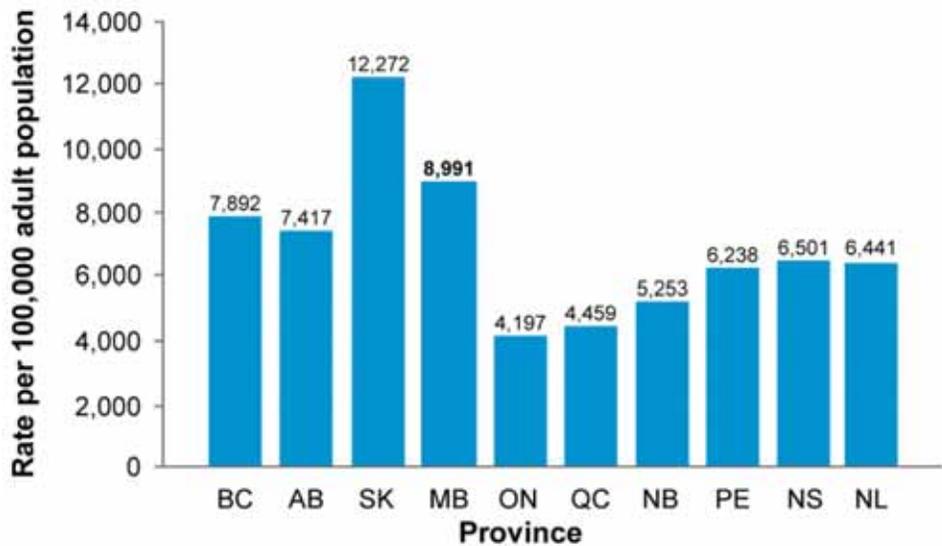
Related factors

Various social, economic, and political factors contribute to Manitoba's high incarceration and community supervision rates, with many not directly controlled by the Department. Department documents listed the following primary drivers:

- crime rates.
- arrest rates.
- decisions made by the police and courts as to whether or not those arrested should be incarcerated.
- increased lengths of stay for those being held in remand custody while waiting for trial.
- a “tough on crime” legislative and policy environment, including strict early release policies.

As **Figure 3** shows, Manitoba's overall crime rate was the second highest (after Saskatchewan) among the provinces in 2011.

Figure 3: Manitoba had the second highest provincial crime rate in 2011



Source: Statistics Canada

Web version

In 2011, there were 8,991 crimes (2,100 or 23% violent) per 100,000 population in Manitoba, versus an average provincial and territorial crime rate of 5,756 (1,231 or 21% violent) per 100,000. Manitoba also had the highest provincial violent crime severity index in 2011—167.1 compared to a provincial/territorial average of 85.3. The index measures the change in the level of severity of violent crime over time, with 2006 equal to 100.

Department documents noted a variety of underlying societal factors, including poverty, child welfare issues, unemployment, drug and alcohol use, and mental health issues.

Offender population characteristics

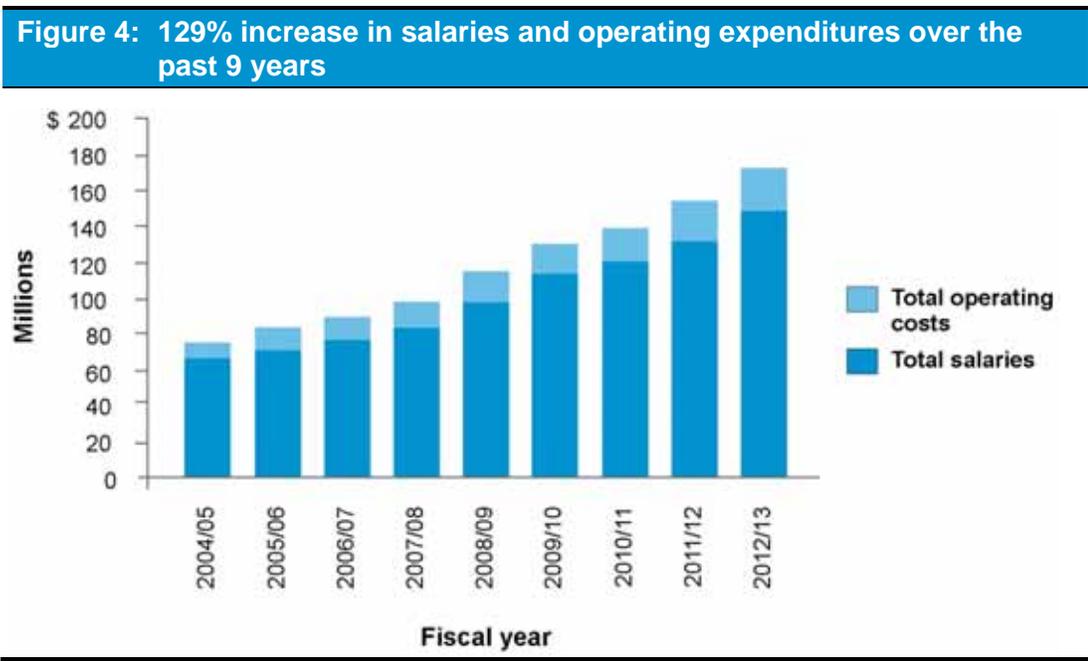
About 90% of adults in custody and 78% of adults supervised in the community are male; however, the female custody count has increased rapidly over the last several years. Department records showed that the average number of adult custody females grew from 78 in 2003 to 199 in 2011, and then to 260 in 2012. This reflected 233% growth over this time period, and a 31% increase in the most recent year.

Manitoba's adult offenders are generally young. The median age range of offenders either in custody or under community supervision is 28 to 30.

At the time of our audit, Aboriginals were about 15% of Manitoba's total population. But they accounted for about 70% of the Province's incarcerated adult offenders and about 56% of adults being supervised in the community. This over-representation has been increasing—Aboriginals accounted for only 46% of Manitoba's incarcerated adult offenders in 1990/91.

Financial and staff resources

As **Figure 4** shows, the Department's salaries and other operating expenditures for Adult Corrections totaled \$173 million in 2012/13. This was \$97.5 million (129%) more than the \$75.5 million spent in 2004/05. During the same time, the number of full-time equivalent staff positions grew by 57%, from 984 in 2004/05 to 1,548 in 2012/13. These increases were to help manage the risks associated with the growth in the number of offenders, particularly those held in custody in correctional centres, as described further in **section 1.1.1**.



Source: Department of Justice

Audit approach

We examined the adequacy of the Department's systems and practices for:

- managing adult correctional centre capacity.
- managing adult offenders in the community.
- planning and monitoring adult rehabilitation programs.
- publicly reporting on the management of adult offenders.

We conducted most of the audit between April 2012 and January 2013. It primarily examined processes in place between January 1, 2010 and June 30, 2012. Our audit was performed in accordance with the value-for-money auditing standards recommended by the Canadian Institute of Chartered Accountants and, accordingly, included such tests and other procedures as we considered necessary in the circumstances.

The audit included review and analysis of legislation, policies and practices, information systems, files, records, reports, correspondence, and other program documentation. We also interviewed staff from Justice and other government departments, various stakeholders, and subject matter experts. And we visited a number of correctional centres and community supervision offices.

Findings and recommendations

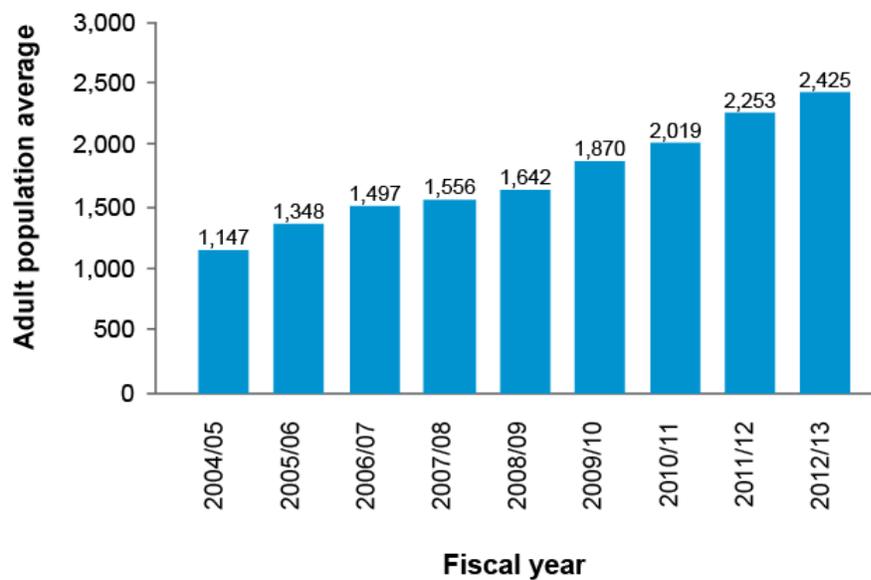
1. Management of adult custody capacity inadequate for long-term needs

1.1 Managing overcrowding in adult correctional centres

1.1.1 Significant recent growth in the number of adult offenders in custody

Between 1990/91 and 2004/05, the Province's average adult custody population grew from 989 to 1,147 offenders, an increase of 158, reflecting modest growth of 16% over these 15 years. But, as **Figure 5** shows, in the 8 years from 2004/05 to 2012/13, it grew from 1,147 to 2,425 offenders—an increase of 1,278, reflecting growth of 111%.

Figure 5: Number of adult offenders in custody grew 111% from 2004/05 to 2012/13



Source: Department of Justice

1.1.2 Overcrowding ongoing, despite \$182 M spent to increase capacity 52%

Prison overcrowding is an issue across Canada and is not unique to Manitoba. The Department considers a centre overcrowded when the number of offenders housed in the centre exceeds its rated capacity. Overcrowding in the Province's adult correctional centres first began with the rapid growth in the offender population in 2004/05. Before that, the centres operated close to their rated capacity, but rarely exceeded it.

While the total adult custody population varies day to day, at times during 2012 it surpassed 2,500 offenders. As **Figure 6** shows, the Department spent \$182 million adding 651 beds to its adult correctional centres between May 2008 and May 2013. This increased the total rated

capacity of centres by 52% (from 1,242 to 1,893 beds), and helped to reduce the level of overcrowding, but did not completely eliminate it. The total adult custody population was 147% of rated capacity on May 15, 2012, but this was reduced to 126% by May 15, 2013. Costs per bed varied, depending on factors such as whether the beds were in dorms or cells, and whether they involved major new construction or modest modifications to existing space.

Figure 6: 651 beds added since 2008 at a cost of \$182 million

Additions to total rated capacity May 2008 – May 2013		
Correctional centre	Beds	Cost (millions)
Brandon	88	\$ 5
Headingley	64	2
Milner Ridge	326	89 ¹
The Pas	40	4
Women's (Headingley)	133 ²	82 ³
Total	651	\$ 182

1. Included supporting infrastructure such as sewer, water, food services, and some medical and program space.
2. The number of beds shown is the net increase after opening the new centre in Headingley and closing the older centre in Portage la Prairie, which had a rated capacity of 35 beds.
3. The cost includes 25 beds for federal offenders located in a separate part of the centre. The federal government is contributing to the centre's operating costs in lieu of a capital contribution.

Source: Departments of Justice and Infrastructure and Transportation

All correctional centres were over-crowded, but the extent differed. For example, on May 15, 2013, the adult custody population as a percent of rated capacity in individual correctional centres ranged from 110% at Milner Ridge to 145% at Headingley, as **Figure 7** shows.

Figure 7: 126% overcrowding at May 15, 2013, but it varied between centres

Correctional centre	Offender count	Rated capacity	Offender count as % of rated capacity
Brandon	318	252	126%
Dauphin	83	61	136%
Headingley	796	549	145%
Milner Ridge	507	460	110%
The Pas	140	114	123%
Winnipeg Remand	334	289	116%
Women's (Headingley)	212	168	126%
Total	2,390	1,893	126%

Source: Department of Justice

1.1.3 Many negative impacts to overcrowding, but not all measured

As overcrowding has persisted despite increasing bed capacity by 52% since 2008, in order to house offenders the Department has:

- double-bunked offenders in what were previously single-occupancy cells.
- quadruple-bunked offenders in what were previously double-bunked cells.
- added dorm-style bunk beds to recreational and program space (gym space and space used for training and treatment programs).
- placed offenders in temporary holding cells, originally intended only for reception because of their smaller size.
- triple-bunked offenders (when necessary) by putting floor mattresses on top of plastic platforms in cells already equipped with bunk beds.

The Department could not tell us the percentage of its current rated capacity presently allocated to single occupancy, double occupancy, quadruple occupancy, and dormitory-style accommodation. Nor could it tell us the extent of double-bunking in formerly single cells, quadruple bunking in formerly double-bunked cells, dorm-style beds in recreational and program space, or triple-bunking. While staff in individual correctional centres worked with this information daily, it was not being centrally tracked or summarized to assist management in longer-term capacity planning.

Overcrowding can result in many negative impacts. These include:

- reduced rehabilitative, training, educational, and recreational programming for offenders.
- less space and time for visitors, including family and lawyers.
- greater challenges in keeping the large and growing number of different gangs apart, as per Department practice.
- more frequent transfers of offenders between correctional centres to relieve overcrowding pressures, leading to higher costs for transporting offenders.

- greater mixing of remand (charged, but not yet convicted or sentenced) and sentenced offenders.
- offenders spend more time in their cells for safety and security reasons.
- less offender privacy.
- increased tension, leading to greater risk of security incidents.
- more labour issues related to the more stressful work environment.
- more overtime.
- senior management time and attention is overly focused on finding places for offenders.
- greater risk of disease.

Department data showed the number of “serious incidence” security events in 2012 totaled 2,552—43% higher than the 1,783 security events reported for 2009. While overcrowding would not be the only reason for the increase, it would be a key factor. In public announcements, union representatives have described the overcrowding as a crisis causing an unsafe work environment.

Department data also showed significant overtime costs in adult correctional centres. For the year ending March 31, 2012, the average overtime paid was \$6,034 per adult custody FTE (full-time equivalent) employee, ranging from \$2,575 per FTE at the Milner Ridge Correctional Centre to \$10,794 at the Winnipeg Remand Centre.

The Department did not specifically track other key items, such as the reduction in rehabilitative, educational, and recreational programming or the increased time offenders spent confined to their cells. It was aware of these impacts, but did not measure them.

In May 2011, the Supreme Court of the United States ruled that California prisons had to reduce their numbers to less than 137.5% of capacity to avoid violating protections against cruel and unusual punishment. However, Department officials noted that differences in state and provincial prison systems made it unlikely that a similar situation could occur in Canada based on offenders' rights under Canada's *Charter of Rights and Freedoms*.

Recommendation 1: We recommend that the Department track and monitor key overcrowding trends and impacts in adult correctional centres, including the average number of offenders double-bunked in formerly single cells, triple-bunked, in dorm style accommodation in gym space, and in other types of less-preferred arrangements.

1.1.4 No clearly defined accommodation standards

The Department complied with building codes and specified the cell sizes, ancillary services, security needs, and program and recreational space it felt were appropriate when building new centres or undertaking significant expansions. And, since 1996, it had built all new double-bunked cells for male offenders using a blueprint of 79 square feet, about 39.5 square feet per offender. A typical double-bunked cell at the new Women's Correctional Centre was larger (93 square feet, about 46.5 square feet per offender). Department officials explained that female offenders were provided with larger cells because many of these offenders had themselves been

victims of crime, carried the burden of multiple traumas, and had unique medical and socialization needs.

Older cells varied from the post-1996 standards. For example, a typical double-bunked older cell at the Brandon correctional centre was 72 square feet, about 36 square feet per offender. And some older Brandon cells were 90 square feet for 4 offenders, about 22.5 square feet per offender. The square feet per offender in both older and newer dorms also varied, depending on the dorm's location.

The Department had not developed any official system-wide minimum standards for all correctional centres to consistently meet the Province's Correctional Services Act requirement for "the safe, secure, and humane accommodation of persons who are in lawful custody".

There were no guidelines stating whether, ideally, cells should be single or double occupancy, or specifying the ideal number of square feet per cell or dormitory occupant. There were also no minimum standards for recreational, spiritual, medical, programming, admitting and discharging, kitchen, laundry, or shower space. And there were no minimum standards for cell temperature, air quality, or light. Some older cells at the Headingley Correctional Centre were very dim and reached uncomfortably hot temperatures during summer months.

The Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations call for single cells. Also, although the Department had no formal standards, the planning principles it set out in a Long Range Accommodation Plan prepared in 1994 stated "For reasons of internal security, offender management, and privacy for the individual, secure custody facilities should provide offenders with individual rooms/cells". But the federal government and many Canadian provinces (including those with single-occupancy cell standards), have used double bunking to cope with growing numbers of offenders in custody.

At the time of our audit, publicly available Canadian federal government accommodation standards called for single occupancy cells of at least 75 square feet whenever possible, although single occupancy cells in many older institutions were 53 square feet and double-bunking of up to 20% of a region's rated capacity was allowed in the larger cells. But the 2011/12 Annual Report of the Office of the (federal) Correctional Investigator noted that 1-in-4 inmates in the Prairie Region were double-bunked as at March 31, 2012, and that the Prairie region was exceeding the 20% limit. Department officials told us that, in their view, it would be inappropriate to use the accommodation standards for longer-term federal stays for the Province's shorter-stay and largely remand offenders.

Recommendation 2: We recommend that the Department set system-wide, clearly defined accommodation standards for all adult correctional centres.

1.1.5 Rated capacity of correctional centres partly subjective

If a centre increased its number of beds, the Department increased that centre's official rated capacity only if it considered the change permanent. For example, the conversion of a former trades (wood-working) building at Headingley Correctional Centre to a 64-bed dormitory in 2012 increased that centre's rated capacity by 64 beds because the Department considered the

change permanent. But the on-going use of gym space for dormitories since 2008 at both the Winnipeg Remand Centre and the Brandon Correctional Centre hasn't increased the rated capacity of either centre because the Department hopes to someday convert the space back to gym use.

Deciding whether a change is permanent is partly subjective. The Department hasn't increased the official rated capacity of the Winnipeg Remand Centre for the double-bunking of 92 originally single cells, although it has been on-going since the summer of 2007 and internal Department correspondence referred to "the installation of the 92 permanent bunks that increased rated capacity from 289 to 381 beds". Department officials told us they excluded these beds from the centre's rated capacity because its ancillary services (such as kitchen and laundry) were not originally designed to accommodate the extra beds. If the 116% occupancy rate at the Remand Centre on May 15, 2013 (see **Figure 7**, and **section 1.1.2**) was adjusted to reflect these 92 additional beds, it would drop to 88%, altering the overcrowding picture.

Without careful definition and clear accommodation standards, both rated capacity and overcrowding can be ambiguous concepts. Rated or planned capacity is essentially elastic in nature. Conditions once seen as unacceptably crowded are now increasingly seen as acceptable. What is crowded to some people may be reasonably comfortable to others. And overcrowding is more complex than counting the number of people sharing a cell and the number of square feet of cell space allocated to each offender. Even with enough bed space, correctional centres may be seen as crowded because of limited recreational, kitchen, laundry, or program space.

The Department needs to develop a reasonable timeframe for determining when centre alterations should be considered permanent; otherwise, the official rated capacity of a centre will not reflect what has become acceptable in practice.

Recommendation 3: We recommend that the Department develop clear guidelines and a reasonable timeframe for deciding when temporary alterations to accommodate more beds are permanent enough to increase a centre's rated capacity.

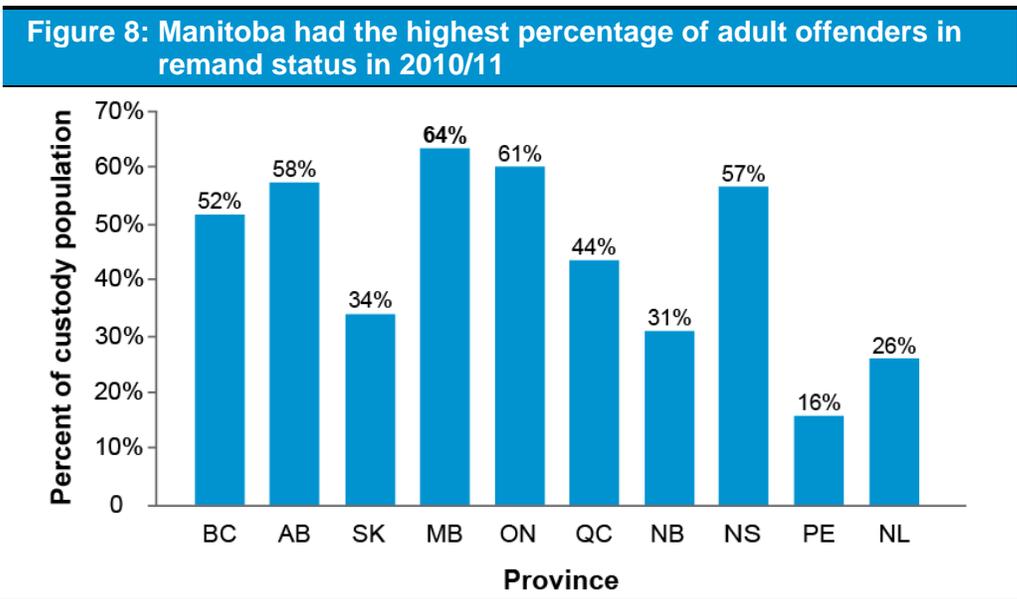
1.1.6 Initiatives with the potential to reduce bed demand need more attention

Some jurisdictions, including Manitoba, have recognized that while they have no direct control over the growing number of offenders, they can undertake various initiatives that may help to reduce bed demand. These initiatives have costs, but they may be less than the operating and capital costs of incarceration. Examples of initiatives in various jurisdictions included:

- programs to help individuals remaining in remand custody only because they lack the financial resources, fixed addresses, or social ties to meet bail conditions.
- bail supervision programs with support services to help offenders successfully complete their bail period (these ranged from calling or texting offenders to remind them of court dates to providing counselling, accommodation and treatment services).
- projects to reduce the time to trial and case disposition and therefore the average length of a remand stay (adding prosecutors, judges, and courtrooms; scheduling courtroom time more efficiently; and using electronic court filings and video-conferencing).

- electronic monitoring as an alternative to incarcerating offenders.
- special drug and mental health courts to divert offenders to treatment programs, as an alternative to incarceration.
- incentives, as well as sanctions, to reduce the number of offenders incarcerated for what are sometimes called “technical” violations of their community sentences, such as failures to report as directed to probation officers or treatment programs.

Manitoba has a significant remand population, so programs to help more people meet bail conditions without endangering public safety would help reduce incarceration levels. As **Figure 8** shows, adults in remand custody (those charged, but not yet tried or convicted) accounted for 64% of the province’s total adult custody population in 2010/11. Other provinces also had a high remand population (over 50% in British Columbia, Alberta, Ontario, and Nova Scotia), but Manitoba reported the highest percentage.



Source: Statistics Canada

Department data showed the growth in Manitoba’s remand population over time: 26% of the total custody population in 1993; 35% in 1997; 50% in 2001; and 59% in 2003.

Adult bail programs run directly by the Department ensured offenders reported as directed by the courts, but provided no other supervision or support to help them successfully complete their bail period. The largest adult bail program was in Winnipeg. On February 8, 2013, its adult bail supervision caseload was 779 offenders. Of these, 300 (39%) had failed to report as required, resulting in a warrant for their arrest.

The Department paid \$179,400 annually to an external agency to both supervise and support up to 20 women released on bail at a time, and \$506,200 to another external agency to supervise and support up to 75 men released on bail at a time (including up to 20 in a residential program). These were more robust programs than those the Department ran directly as they provided support, as well as supervision. However, the Department reported low uptake for these

programs, which it attributed to risk aversion concerns that made it difficult to find offenders with suitable profiles.

The Department was working on making greater use of technology, but had not yet maximized its potential. At the time of our audit, it had only recently amended *The Provincial Court Act* to allow electronic court filings and it was trying to increase court use of video-conferencing. It was using electronic monitoring to supervise a small number of offenders serving community sentences, but did not view it as an alternative to remand custody.

On a pilot basis, the Department set up special drug and mental health courts in Winnipeg to divert offenders to treatment programs, as an alternative to incarceration. The drug court supervised 40 people in the year ended December 31, 2012. The mental health court, established in May of 2012, supervised 19 people to the end of December 2012.

The Department did not track the number of offenders incarcerated only for technical violations of their community sentences.

Recommendation 4: We recommend that the Department formally assess the likely costs, risks, and benefits—particularly the potential reduction in bed demand and related capital and operating cost savings—of expanding and improving the following: bail support programs, drug and mental health courts and related treatment programs, electronic monitoring, and initiatives to reduce the time to trial and case disposition.

1.2 Adult offender population forecasting

1.2.1 Problems with forecasting accuracy

Long-term forecasting of the adult offender custody population is critical because new centres can take 5 to 7 years or more to plan and build. For example, the new Women's Correctional Centre took 10 years from the initial planning stage to completion.

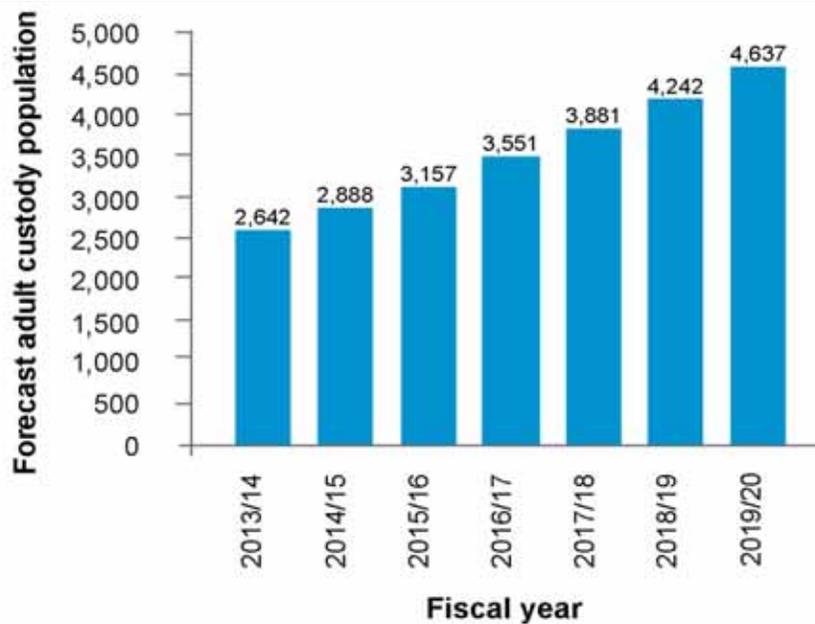
The Department periodically prepared forecasts, but not always for a set time. In 2008 it produced a 3-year forecast; in June 2010 it prepared a 10-year forecast to 2019/20. Forecasts were typically prepared by considering recent trends and extrapolating recent experience (the past 3 to 5 years), tempered by judgement about how noted trends might continue in the future. The forecasts were not updated on a regular annual basis. Amendments typically occurred when results started to differ significantly from predictions.

Results started differing from the Department's June 2010 forecast almost immediately. The forecast predicted an average offender population of 2,110 for 2011/12, but it was actually 2,253—6.8% more than forecast. And the offender population averaged 2,365 during the last quarter of that year—12.1% more than the forecast annual average.

Forecasting accuracy is important because relatively small percentage population differences can be significant. While forecasting within 5% of actual may seem relatively accurate, at the time of our audit a 5% difference equated to roughly 120 beds—which was the total rated capacity of The Pas Correctional Centre and more than a third of the Winnipeg Remand Centre's rated capacity.

The Department revised its June 2010 forecast in September 2012. The 2010 forecast had assumed annual population growth of about 5%; the 2012 forecast assumed annual population growth of about 9%, based on the average annual increase over the past 5 years. This resulted in a 41% increase in the long-term population forecast. In 2010 the Department had forecast that the population would grow to 3,292 offenders by 2019/20; in September of 2012 it revised this to 4,637 offenders, as **Figure 9** shows.

Figure 9: In 2012, the adult custody population was forecast to grow to 4,637 by 2019/20



Source: Department of Justice

In August of 2013, Department officials told us that they planned to revise the September 2012 forecast in the near future to reflect the recent stability in the offender population (at about 2,400 offenders since September 2012) and their plans to increase the Department's focus on initiatives to reduce bed demand.

The Department has not typically obtained any statistical expertise or considered more sophisticated modeling to improve the reliability of its forecasts. Other jurisdictions, including those with more sophisticated forecasting models, also struggled with forecast accuracy.

Recommendation 5: We recommend that the Department work with the Manitoba Bureau of Statistics to see if cost-effective improvements can be made to the methodology and assumptions used to forecast offender populations, and update its forecasts for any significant changes.

1.2.2 More sensitivity analysis and forecasting of sub-populations needed

The Department's forecasting process did not typically include any sensitivity analysis, such as preparing best-case, worst-case, and most-likely-case forecasts. A range of forecasts, using both more- and less-conservative growth rates, would better inform decision-makers, as would forecasts of both "expected average populations" and "expected high populations".

Recognizing the recent and rapid growth in the female adult custody population and the overcrowding at the new Women's Correctional Centre opened in 2012, the Department prepared a separate female adult population forecast for the first time in February 2013. It used projected annual growth rates of 3%, 6% and 15.2% to prepare potential growth scenarios over the next 10 years, but it was unclear which scenario it considered most likely.

Better custody planning information would be available if the Department were to also forecast other adult custody sub-populations. For example, it could estimate:

- the percentage of the population likely to be in remand status (those in remand custody are more likely to need to be close to courts and less likely to participate in rehabilitation programs).
- the percentage of the population likely to need separated accommodation for security reasons (such as rival gangs or sex offenders).
- the percentage of the population likely to require specialized accommodation (for addictions or mental health issues).
- the percentage of the population likely to have a risk profile suitable for dorm-style as opposed to cell-style accommodation (as related capital costs for any needed additional capacity may vary significantly).

Recommendation 6: We recommend that the Department:

- a. prepare a range of adult custody population forecasts using best-case, worst-case, and most-likely-case scenarios.
- b. forecast separately all significant adult offender sub-populations with differing accommodation needs.

1.3 Capital planning

1.3.1 No long-term capital plan for growing population or aging infrastructure

In 2004, a consultant's report noted the immediate and urgent need to remedy the forecast shortfall of beds, and to identify and begin needed improvements to aging correctional centres. It recommended that the Department and Manitoba Infrastructure and Transportation (the owner of the Province's correctional centres) work together to develop a long-term facility plan within a year. It further noted that this would be much more effective than making individual facility proposals one at a time, without any comprehensive, long-term plan. But the recommendation was not implemented.

The Department's June 2010 population forecast noted that, based on the rated capacity at the time, there would be a shortfall of 1,475 beds by 2019/20. Shortly after, the Department requested Treasury Board authorization to begin planning a new 750-bed facility to help close the gap—but this was not approved. In November of 2010, Treasury Board approved establishing a dedicated staff resource within the Department “to conduct a review (in consultation with the Department of Infrastructure and Transportation) of existing facilities both from a capacity and aging infrastructure perspective and return with alternatives for addressing these issues”.

In June 2011, the Province announced the appointment of an independent 3-person Adult Corrections Capacity Review Committee “to provide advice and guidance on correctional facility expansions, programming, and services”.

In the fall of 2011, the Department hired a Manager of Strategic Planning and Infrastructure. The Manager was responsible for “the development of a long-term capital plan for both adult and youth corrections in order to address the issues surrounding critical space requirements and aging infrastructure” and “the development of future cost projections in relation to recommendations put forward to senior management”. In practice, the person seconded to this position assisted the Committee with its work.

The Committee's report was submitted to the Minister of Justice in May 2012. In summary, it recommended:

- replacing the Dauphin correctional centre due to its age and addressing the situation of those awaiting trial in the North (noting that the limited facilities in Thompson for holding persons prior to trial were a matter of great urgency).
- reducing the use of remand custody and staying any expansion of remand capacity until other alternatives were explored (referring to the use of alternatives such as the initiatives designed to reduce bed demand discussed in **section 1.1.6**).
- re-examining recommendations (not implemented) from the past Aboriginal Justice Inquiry to see what might be done to reduce the number of Aboriginal offenders, as well as adopting a broader approach to solving the problem of increased female offenders.
- more crime prevention measures focusing on community development, education, and job training to deal with gangs.
- developing an integrated multi-department approach to mentally ill offenders, in conjunction with community agencies.

Department officials told us that the Province accepted all the Committee's recommendations and considered the report a blueprint for the future. The recommendations were publicly released, but not the Committee's entire report. The report had implications for long-term capital planning, but was not a comprehensive, long-term capital plan.

As **section 1.2.1** notes, the most recent adult offender forecast available at the time of our audit was completed in September 2012. Based on the rated capacity of 1,893 beds existing in May of 2013, the September 2012 forecast of 4,637 offenders by 2019/20 would create a shortfall of 2,744 beds. But the Department did not prepare either an accompanying plan to accommodate

this growth or a plan for reducing the use of remand custody, as recommended by the Committee.

Given the potential volatility of offender populations, it is reasonable to be wary of over-building and cautious in committing to expensive expansions because population increases may be temporary. As **section 1.2.1** explains, offender population forecasting is an inexact science. But there are also risks in delaying the construction of new correctional centres as this may ultimately increase the cost.

As urgently as the Department needs to plan for additional capacity, it also needs to deal with its aging infrastructure. As **Figure 10** shows, the ages of Manitoba's adult correctional centres vary, but some centres (such as Dauphin and Headingley) are quite old.

Figure 10: Original construction of some centres is quite old

Correctional centre	Year of original construction	Age of original construction (in 2013)
Brandon	1979	34
Dauphin	1917	96
Headingley	1930	83
Milner Ridge	1952	61
The Pas	1982	31
Winnipeg Remand	1992	21
Women's (Headingley)	2012	1

Source: Department of Justice

The original sections of older centres do not meet current building code standards or current correctional centre needs. Some older infrastructure might need to be replaced, not just renovated. Replacement of the Dauphin Correctional Centre is discussed further in **section 1.3.2**. As well, Department documents indicated that Headingley Correctional Centre had “critical requirements for lifecycle renewal in order to meet current correctional standards”. A recent consultant facility assessment showed it would be possible to retrofit the original main building, but this may require temporarily moving some offenders to alternate accommodation—clearly problematic given the overcrowding. Finally, even correctional centres built in the past 30 years may have significant maintenance needs because of premature wear and tear from overcrowding.

Future costs to accommodate population growth and repair or replace aging infrastructure will be substantial, although actual costs may vary significantly, depending on the style of accommodation—it could range from dormitory-style bunk beds to double-bunking in single cells to individual cells.

Considering the recent costs of expanded capacity, Department staff told us an estimated capital cost of up to \$220,000/bed would not be unrealistic. Therefore, eliminating the 2,744-bed

shortfall forecast to occur by 2019/20 (according to the Department's September 2012 forecast, which was its most recent forecast at the time of our audit) could cost over \$600 million.

Additional beds will cause additional operating costs. Considering the additional resources requested for past capital projects, Department staff told us an estimated incremental annual staff and operating cost of \$60,000 per bed would not be unrealistic. Thus, another 2,744 beds could require about \$160 million more in annual operating costs, in addition to the potential \$600 million capital investment.

At the time of our audit, reviews of aging infrastructure were underway for both Headingley Correctional Centre and Milner Ridge Correctional Centre. Although preliminary, they indicated that more than \$30 million might be required to upgrade and maintain existing infrastructure at these 2 centres over the next 20 years.

As the landlord of the Province's correctional centres, the Department of Infrastructure and Transportation manages all construction and maintenance projects. It is also responsible for inspecting buildings, assessing their condition, and calculating the likely cost of any required repairs or recommending replacement as a more cost-effective alternative. As the tenant, the Department of Justice determines bed and program space requirements and accommodation standards for offenders. It is also responsible for ensuring that its critical infrastructure needs are being met. The 2 departments coordinated specific initiatives to build, repair, and expand centres, as well as to review the condition of centres. But they had not worked together to produce a comprehensive, long-term capital plan for adult correctional centres that addressed both the additional capacity needed and the remediation of aging infrastructure.

Recommendation 7: We recommend that the Province have the Department work with Manitoba Infrastructure and Transportation to prepare a comprehensive, long-term capital plan that:

- a. responds to any bed shortfall identified by updated adult custody population forecasts, as well as the Department's plans to reduce bed demand.
- b. identifies and responds to the significant repairs, maintenance, and replacement work required to properly upgrade and maintain aging adult correctional centre infrastructure.
- c. includes future capital and operating cost estimates, as well as an estimated cost of deferred maintenance.

Recommendation 8: We recommend that the Province publicly release the full report prepared by the Adult Corrections Capacity Review Committee to allow legislators and the public to better understand the recommendations and monitor their implementation.

1.3.2 Selection of new correctional centre site lacked rigour and transparency

In January 2013, the Province announced plans to build a new correctional centre of a not-yet-determined size in Dauphin, on land donated for this purpose by the City of Dauphin and the Rural Municipality of Dauphin. The announcement noted that the Adult Corrections Capacity Review Committee, previously tasked with providing advice and guidance to government on correctional centre expansions, had reported that the Dauphin Correctional Centre was “beyond its structural usefulness” and recommended replacing it. But the Committee did not specifically recommend—and it would not necessarily follow—that the replacement be located in Dauphin. For example, after the Province decided to replace the women’s correctional centre in Portage la Prairie, it built the new Women’s Correctional Centre in Headingley, “to be closer to the courts, legal counsel, most offenders’ families and other supports needed”.

The Province did not issue a public call for all interested parties to come forward with proposed geographic locations and specific sites within those locations. Had it done so, it could have then evaluated all submitted proposals using selection criteria developed for this purpose. During the community consultations held by the Adult Corrections Capacity Review Committee, community representatives from both Dauphin and Thompson submitted proposals to the Department lobbying for new centres in their respective communities. The Department had no supporting documentation showing how the Province selected the Dauphin location and site as the best choice.

Selection criteria to evaluate proposals could vary, but might include:

- proximity to courts, legal advisors, and offenders’ families.
- availability of community programming resources.
- ability to attract the needed staff resources.
- the degree of local community support or opposition.
- site size.
- current use of the site.
- need for any re-zoning.
- availability of sewer and water systems.
- road access.
- environmental matters.

Recommendation 9: We recommend that the Department publicly call for proposals and develop selection criteria to evaluate and select all future adult correctional centre sites.

2. Problems in managing adult offenders in the community

The adult community supervision caseload has increased over time, although not as significantly as the adult custody caseload. Between 2004/05 and 2012/13, the average number of adults supervised in the community increased from 6,551 to 7,606, or 16%. About 50% of these

offenders are in Winnipeg, 11% in the Thompson region, 9% in the Westman region, 7% in each of the Eastman and Central regions, 6% in each of the Interlake and Norman regions, and 4% in the Parkland region.

We selected a sample of 60 community supervision files in performing our audit work in this area: 40 from Winnipeg and 10 each from the Thompson and Westman regions. We focused on medium, high, and very-high-risk male offender files.

2.1 Assessing offender risk

2.1.1 Risk assessments completed for almost all offenders

Risk assessment tools assess the likelihood that an offender will re-offend. They also identify factors (such as substance abuse and lack of engagement in pro-social leisure activities) shown by research to be associated with criminal behavior. These factors are often referred to as criminogenic needs.

Probation officers used risk assessment scores to determine supervision levels for offenders serving community sentences. And both probation officers and correctional centre case workers used identified criminogenic needs to develop plans for rehabilitating offenders.

In a sample of 60 offender files, 59 (98%) had the completed risk assessments needed to determine the level of community supervision and begin developing case management plans.

2.1.2 Several risk assessments late; not properly updated

Department policy required initial risk assessments to be completed no later than 8 weeks after the start of the community sentence. Risk assessments were sometimes done as part of a pre-sentencing report or while offenders were incarcerated, but they were usually done while offenders were being supervised in the community. In a sample of 60 offender files, 44 required risk assessments to be completed within the 8-week timeframe. Of these, 29 (66%) were completed on time and 15 (34%) were late.

Department policy required probation officers to treat not-yet-assessed offenders as medium risk until assessments were done, unless the offenders' histories indicated they should be immediately treated as high risk. Among the 15 files (12 in the Winnipeg region; 2 in the Thompson region; 1 in the Westman region) with late risk assessments, 3 were immediately treated as high risk. The remaining 12 were initially treated as medium risk, but 8 (67%) of these were found to be high or very high risk once the risk assessments were completed. This meant they initially received less supervision than they should have for an extended period of time—7 months in 2 cases (one each in the Winnipeg and Westman regions).

Department policy also required risk assessments to be updated at least annually. Re-assessments are important as they may identify needed changes to supervision levels and case management plans. In a sample of 41 offender files where annual risk assessment updates should have been done, only 13 or 32% were completed (43% of the Thompson files; 30% of the Winnipeg files; 29% of the Westman files).

About 65% of the risk assessments in each region examined had notes indicating they were completed using “offender information, review of records, and collateral information”. But there

was seldom any indication in the files as to precisely which of 43 different information points had been verified, or the specifics of any verification work performed. Few files had notes documenting discussions with anyone other than the offender to complete risk scoring, although Department policy stated that offenders were to be advised that collaterals (people other than the offenders) would be contacted to confirm offender self-reported information. Department officials noted that a high risk score based on offender self-reported information may not require collateral verification.

Recommendation 10: We recommend that the Department:

- a. investigate why a significant number of offender risk assessments are late and not properly updated, develop a plan for improvement, and regularly monitor progress.
- b. ensure that all staff clearly document the specific risk-assessment information verified and the details of the verification work performed, including the names and dates of any collateral contacts.

2.1.3 51% of all offenders classified as high or very high risk

In May 2010, the Department began using a new risk-assessment tool. The tool was based on internationally recognized research and was widely used in the corrections industry. Risk scoring with the new tool considered offender information in 8 areas:

- criminal history.
- achievement in education/employment.
- family/marital issues.
- engagement in pro-social leisure/recreation activities.
- association with criminal companions.
- abuse of alcohol/drugs.
- pro-criminal attitude/orientation.
- anti-social behaviour and personality patterns.

The Department used the risk scores to classify offenders into the following risk categories: very low, low, medium, high, and very high. As **Figure 11** shows, this resulted in 51% of all offenders being classified as either high or very high risk. Prior to the introduction of this new tool, only 30% of offenders were classified as high or very high risk. The increase to 51% contributed to workload issues described further in **sections 2.2.2 and 2.4.4**. At the time of our audit, the Department was gathering more information to help it either validate or modify the risk score points it was assigning to the different risk levels.

Figure 11: New risk scoring process identified 51% of offenders as high or very high risk

Risk level	Percentage of Manitoba community offenders (as at October 1, 2012)
Very low or low	18%
Medium	31%
High	31%
Very high	20%

Source: Department of Justice

2.2 Monitoring and enforcing compliance with court conditions

One of the main duties of probation officers was to monitor and enforce court-ordered conditions attached to offenders' community sentences. For example, a standard condition for all offenders was to report as directed by their probation officers. Other conditions varied between offenders, but in the sample of 60 files reviewed, common conditions included requiring offenders to:

- reside at a specific address.
- abstain from drugs and alcohol.
- attend specific programming or counseling (such as a drug program or family counseling).
- avoid contact or association with specific persons.
- adhere to established curfews.
- actively seek employment.
- not possess or own weapons.
- perform community service work.

Without effective monitoring of offenders' conditions, non-compliance may occur without probation officers' knowledge, and some offenders may repeat behaviour that contributed to their original arrests and sentences.

2.2.1 First phone and in-person contacts not always timely

Offenders released to the community had a court-ordered timeframe (varying from 2 to 10 days) to make initial contact with probation services, which they usually did by phone. In a sample of 60 files, 78% of the offenders made this initial contact on time, but 22% did not. Probation officers did not initiate any action in response to this offender non-compliance because Department policy in effect at the time allowed 2 consecutive reporting violations before taking action. As of December 2011, amended policy allows zero tolerance in this situation and probation officers are required to lay charges against the offenders.

Department policy required probation officers to have their first in-person contact with offenders within one month of the offender's release. This occurred in 42 of 60 (70%) of all the files examined (80% of the Westman files; 70% of the Winnipeg files; 60% of the Thompson files).

In 13 of 18 (72%) of the files where it did not occur, probation officers had not scheduled the meetings appropriately to meet this timeframe. In the other cases, meetings were scheduled, but offenders missed them. Probation officers' responses to offender non-compliance with reporting requirements are discussed further in **section 2.2.4**.

Recommendation 11: We recommend that the Department take steps to ensure that probation officers schedule first in-person contacts with offenders within the one-month timeframe specified in Department policy.

2.2.2 Meeting frequency less than required for offender risk profiles

Department policy set the minimum frequency of meetings with offenders. Meetings required for most offenders under the Department's TIER (Targeted Interventions based on Evaluated Risk) approach were as follows:

- very low risk offenders required no personal contact.
- low risk offenders required one in-person contact every 3 months.
- medium risk offenders required one in-person contact a month.
- high risk offenders required 2 in-person contacts a month.
- very high risk offenders required 2 in-person contacts a month, plus one additional contact, which could be an additional meeting with the probation officer or others directly involved in the offender's rehabilitation plan.

In a sample of 60 offender files, 20% had the required number of monthly meetings. The number of missed meetings ranged from 1 to 19; the average was 4. Compliance with the TIER approach was highest in the Winnipeg region; lower in the rural and northern regions. For about half the missed meetings, there was no evidence that the probation officers had scheduled the correct number of monthly meetings. It was also common for offenders to miss scheduled meetings, and probation officers were then often unable to reschedule in time to meet the monthly requirements. Probation officers sometimes replaced scheduled in-person meetings with scheduled phone meetings, but not routinely. Probation officer responses to offender non-compliance with reporting requirements are discussed further in **section 2.2.4**.

Department officials noted there were workload issues and travel requirements in rural and northern regions that made it difficult to always comply with the TIER approach. In April 2012, toward the end of the period covered by our file review, the Department authorized a "workload caveat" in the Thompson region. The caveat asked staff to reduce all offender supervision levels by one level where possible (based on their professional judgment) and to reduce monthly contacts with most offenders remaining as high and very high risks from two in-person contacts to one in-person contact of 5-10 minutes (to be focused on offenders' conditions and criminogenic needs, per Department officials), plus one telephone contact. Similar caveats were also developed for the Westman and Eastman regions during 2012. These reduced supervision levels were still in effect in March 2013. Workload management is discussed further in **section 2.4.4**.

Meetings typically occurred in probation offices. There was no requirement for probation officers to visit offenders' homes or workplaces, although community case-workers with smaller caseloads in a specialized Winnipeg unit sometimes did so. Department staff told us that they typically didn't have the time for home visits and would need to first resolve safety concerns.

Recommendation 12: We recommend that the Department resolve the workload problems preventing probation officers from scheduling meetings with offenders as often as Department policy requires for the offenders' risk profiles.

2.2.3 Gaps and inconsistencies in monitoring activities and documentation

Probation officers used their professional judgment to determine the level of monitoring required to ensure offenders' compliance with court-ordered conditions. They often monitored compliance through discussions with offenders in scheduled meetings. In addition, they sometimes monitored compliance by verifying that desired activities took place. In other cases, monitoring mostly consisted of reacting to any cases of non-compliance brought to their attention.

Offender files frequently noted "discussed with the offender his compliance with conditions", without indicating which conditions were discussed, or any probing or verification of offenders' assertions of compliance. Although required by Department policy, only 40% of all the files reviewed (45% of the Winnipeg files; 30% of the Thompson and Westman files) had documentation showing some contact with family and community contacts (collaterals) to verify offender self-reported information about compliance. Department officials said probation officers might not document all collateral contacts because of privacy concerns. Probation officers were also inconsistent in verifying offender reports of employment and in obtaining pay stubs.

We expected probation officers to monitor attendance and progress at court-ordered programming by obtaining reports, calling or emailing collateral contacts delivering the programming, or verifying that the programming was delivered to the offender while in custody. But this was not done consistently. Gaps in the monitoring of court-ordered programming existed in most of the 60 files we reviewed.

Probation officers did not administer any drug tests to ensure court-ordered abstinence from drugs and alcohol because a 2006 Supreme Court of Canada decision held that courts lacked the authority to require offenders to provide bodily samples for drug testing in these circumstances. But probation officers did monitor offender behaviour during interviews for signs of non-compliance. And part of the federal government's Bill C-30 (passed in late 2012, but not yet proclaimed at the time of our audit) restored the ability of both police and probation officers to collect these samples from offenders under court orders. Therefore, the Department had investigated various drug testing options that it intended to consider more fully once the Bill was proclaimed and any related regulations were developed. It conducted very limited drug testing before the 2006 Supreme Court decision—Department officials told us it averaged about 5 offenders per month.

Curfew compliance was more actively monitored. Outside Winnipeg, it was monitored through ad hoc phone calls by Department staff. For a very small number of high risk Winnipeg

offenders who were assigned to specialized units with smaller caseloads, it was monitored through a combination of at least weekly home visits and telephone calls by staff. And for an even smaller number of high risk offenders, it was monitored through twice weekly visits from the Winnipeg Police Service. But for most Winnipeg offenders, curfew compliance was monitored through an automated telephone system that randomly asked at least 5 of 10 pre-set questions. The frequency of the automated telephone calls depended on the offender's risk level:

- very low and low risk offenders received at least one call per week.
- medium risk offenders received 2 calls per week.
- high and very high risk offenders received 4 calls per week.

In the 60 offender files reviewed, 9 had curfew restrictions. Most were monitored in accordance with the Department policies described above. But because Winnipeg probation officers took an average of 44 days to request the automated telephone monitoring service in the 3 cases where this service was used (75 days in one case), an average of 56 days elapsed from the start of the offender's community sentence before it was activated.

The Winnipeg-based automated telephone system required a landline, but the Department could not compel an offender to install one unless this requirement was specifically listed as a court condition. For some high risk offenders, particularly sex offenders, the Department might arrange police curfew checks to address this problem. In other cases, the Department might apply to the court to vary the condition so that the requirement for a land line was specified. In some cases, the lack of a landline might result in no active curfew monitoring. Although cell phones are rapidly replacing landline phones, the Department had not yet developed any alternative plans for monitoring curfews.

Recommendation 13: We recommend that the Department develop risk-based guidelines to help probation officers decide when court-ordered conditions require active monitoring, when self-reported compliance requires collateral or other verification, and the level of file documentation required for monitoring activities.

Recommendation 14: We recommend that the Department:

- a. ensure probation officers arrange automated curfew monitoring promptly.
- b. develop curfew-monitoring alternatives to deal with the increased use of cell phones and gradual elimination of landline phones.

2.2.4 Some responses to offender non-compliance inconsistent with policy

Department policy set out how probation officers were to respond to offenders' non-compliance with different types of conditions. Responses could vary, from issuing verbal or written warnings to laying new charges. The latter could be done by requesting a summons for the offender to appear in court on a specific date, or a warrant to arrest the offender if there was an immediate danger to the public.

In some situations, the policy set out the number of violations that could be tolerated before a charge was laid and a summons or warrant requested. In other cases, probation officers were to use their professional discretion, after considering factors such as:

- the nature of the violation (the type of condition breached).
- any immediate risk to a victim.
- public safety concerns.
- the offender's criminal history (particularly when it included violence), sentence type, current risk assessment rating (with less tolerance for higher risk offenders), and history of compliance with conditions, together with prior Department responses to non-compliance.

The Department's policy before December 2011 allowed greater discretion than the later policy did. The older policy included the following statement: "breach allegation charges should be initiated only as a last resort when other measures have proven to be insufficient in obtaining the offender's compliance unless the protection of the public is of concern", and had more restrictive criteria only for violent offenders with conditional sentences. The new policy was more prescriptive, with zero tolerance in more situations.

Department staff told us that offenders initially supervised under the old policy were to continue to be supervised under that policy until advised of the new policy. Almost all offenders in our sample of 60 files were initially supervised under the old policy and 3 were advised of the new policy when it came into effect.

Using the professional discretion allowed, probation officers did not always lay charges in situations where the old policy required them to at least consider charges. In 20 such cases where offenders missed at least 2 consecutive meetings, only 7 charges were laid. Similarly, in 18 cases where offenders failed to attend programming and policy required consideration of charges, only 4 charges were laid. In the cases where charges were not laid, probation officers often chose to instead issue verbal or written warnings. But this was not done consistently—and seldom done with a documented rationale supporting the decision not to lay charges. Probation officers in the specialized units that provide more intensive supervision to a limited number of high risk offenders generally charged their offenders more frequently than officers in other units.

To assess staff compliance with the new policy, we selected another sample of 12 files where the offenders were subject to the new rules. In 3 cases, offenders who were not yet risk-assessed missed appointments. This should have resulted in breach allegation charges being laid after the first missed appointment. This did not occur, but charges were eventually laid for 2 of the 3 offenders: in one case, after the offender missed 2 appointments; in the other case, after the offender missed 3 appointments. While this did not strictly follow the new policy, it did show less tolerance for missed appointments. And Department officials felt that the number of breach allegation charges being laid had increased as a result of the new policy.

There were 23 formal breach allegations in the 60 files examined, most commonly for missed meetings with probation officers and failure to attend programming. Detailed and complete information was gathered as evidence of the breach to establish "willful non-compliance" in almost all cases.

Recommendation 15: We recommend that the Department:

- a. ensure staff properly apply its policy on offender non-compliance.
- b. improve the quality of documentation supporting decisions not to charge offenders who breach their conditions.

2.3 Offender case management

2.3.1 Many custody release plans lacked meaningful detail

The template for the Department's custody release plans required information (where applicable) under the following headings:

- address/living with.
- Employment and Income Assistance (EIA) appointment date.
- employment plans/employer name.
- school plans/school name.
- transportation.
- clothing.
- identification (birth certificate, social insurance number, etc.).
- other urgent concerns.
- sources of support and phone numbers.
- steps to help you stay out of custody.

Seventy-eight percent of the files requiring a custody release plan had one. But they often lacked meaningful detail. Department officials told us that it was difficult to prepare meaningful plans because so many offenders were in remand status and their release dates were unknown. Offenders might go to court, be sentenced to time served, and be released without time to make any plans, or more detailed plans. Examples of typical plan details included:

- the release address was "hoping to go to Gillam".
- the transportation plan was "someone will pick him up".
- steps listed to help the offender stay out of custody were "keep the peace and be of good behaviour".

The Department's case management policy required correctional centre and community case managers to regularly discuss offenders' custody release plans. About 50% of the files with custody release plans showed such discussion. Department officials felt communication occurred more frequently, but was not always documented.

Recommendation 16: We recommend that the Department make its custody release planning more meaningful and helpful for offenders transitioning to community living.

2.3.2 Case management plans sometimes missing, not timely, lacking quality

There were case management plans in 38/60 (63%) of the files examined. Case plans were more frequently in place in Winnipeg than in the other regions (Thompson and Westman) and most frequently in place for offenders assigned to a specialized Winnipeg unit with smaller caseloads. Of the 22 offenders without case management plans, 11 were medium risk, 10 were high risk, and one was very high risk.

Department policy required case management plans to be prepared within 6 weeks of completing the offender's risk assessment. Of 38 files with case management plans, 87% had sufficient documentation for us to assess if this timeline was met; the rest had either missing or unclear documentation. In files with adequate documentation, 60% of the case management plans were completed within the required time.

Where the 6-week timeframe was not met, case management plans took from 9 to 57 weeks after the risk assessment to be completed. The mean time to complete the late plans was 25 weeks; the median time was 19 weeks. Since the average probation sentence is about 60 weeks, these delays were significant as they reduced the time left for implementing plans.

Much of the information required for case management planning was supposed to be gathered through the offender's risk assessment. But the risk assessment data required for case planning was fully gathered in only 76% of the risk assessments examined. The other risk assessments had the risk-scoring sections completed, but were missing information in sections designed to identify responsivity considerations (such as motivation for change) and other client issues (such as financial issues, parenting concerns, accommodation problems, and mental health problems). Without this information, case management is less likely to be effective.

The quality of case management plans needed improvement. Most plans examined did not:

- set meaningful or measurable goals, or specify timeframes to achieve them.
- consider the offender's state of readiness for change, potential strengths, or other responsivity factors.
- consider any programming offenders participated in while incarcerated.
- identify relevant programs for offenders' highest criminogenic needs, except where they involved substance abuse.

Examples of planned interventions with insufficient detail included: "motivational interviewing (MI)", "accountability", "goal-setting", "keep yourself busy", "create ambivalence", "counseling as directed", "try to change subjects thinking", "encourage pro-social activities", "stay out of custody", "client to disassociate with any negative peers", "monitor his own behaviours", and "chart a path through these troubled waters to move the offender from pre-cognitive".

Examples of planned interventions with better details included: "refer to Opportunities for Employment program", "give job leads and job bank information", "use motivational interviewing to explore areas of interest and connect to pro-social activities", "parenting class to meet other positive peers", "complete a work booklet on dealing with substance/abuse issues", and "identify the consequences of associating with negative peers".

Planned interventions were frequently things the probation officer wanted the offender to do (such as abstain from alcohol or spend more time with pro-social peers), as opposed to things the probation officer was planning to do to help accomplish these things (such as help the offender complete one of the Department's workbooks, or refer the offender to an external program to address an identified criminogenic need).

Recommendation 17: We recommend that the Department prioritize the development of case management plans by offenders' risk levels, regularly monitor the timeliness and quality of the plans, and develop strategies to improve them.

2.3.3 Case management progress often poorly documented

In a sample of 60 offender files, notes often showed that offenders told probation officers about their day-to-day living issues (for example, accommodation and family issues) and general situation. But notes less frequently showed probation officers' delivery of planned interventions or the progress made in addressing offenders' criminogenic needs. Most files had little documentation indicating that probation officers were creating expectations, teaching new information or skills, reinforcing or encouraging small steps of progress, or otherwise helping offenders to change. In some files, probation officers referred offenders to external agencies without documenting any further follow-up with the offender or the agency.

About 35% of the files routinely provided the assessment, supervision, and intervention information required by the Department's policy on progress notes. The policy required notes to be:

- "complete – who, when, where, how, what, why, the action or intervention was taken, and future planning".
- "correct – what the probation officer observes, hears, says and does, and indicate where an opinion is given".
- "concise – as brief as possible while ensuring that an outside reader can understand case progress and compliance with court-mandated conditions".

As outside readers, we were often unclear about progress on planned interventions and sometimes unclear on how compliance with some court-mandated conditions was being monitored. However, examples of better documentation included:

- notes summarizing offenders' completion of workbooks, or copies of completed workbooks.
- progress reports from agencies or people delivering programming.
- notes summarizing rehearsal with the offender of potential responses to anti-social influences.

Department officials said they were in the process of modifying the Department's offender management system so that probation officers would find it easier to consistently and completely document case management progress.

Recommendation 18: We recommend that the Department review the quality of case management progress notes after implementing its planned system changes and correct any remaining deficiencies.

2.4 Staff training, security checks, independence, supervision and workloads

2.4.1 Incomplete staff training and security-check records

Probation officers must have post-secondary education in social sciences with related experience, or an equivalent combination of education, training and experience. In a sample of 15 probation officers, almost all met this requirement.

Probation officers also had to take 14 core Department courses, including 5 in case management. But a review of the central training records for 15 probation officers showed that none had taken all 14 courses. Only the course on the new risk tool adopted in 2010 had been completed by all probation officers, and the number of missing courses per probation officer ranged from 2-11, with an average of 6 missing. Department officials advised that the central training records may have been incomplete, particularly for training delivered locally. Area directors were responsible for staff training, but no one centrally monitored whether all probation officers completed all required courses.

At the time of our audit, the Department required all new corrections staff working with offenders, including probation officers, to successfully complete a criminal record check, a child abuse registry check, and (starting in 2009) an internal security screening check by the Department's security and intelligence branch. In a sample of 8 probation officers hired after January 2009, only 5 had documentation in their human resource files showing the required criminal record and child abuse registry checks were done. None had the required internal security check because implementation was phased in gradually, beginning with staff working in correctional centres. In another selection of 5 probation officers hired after 2010, only 3 had documents in their human resource files showing that internal security checks were done.

Department officials said that letters of offer were not sent until all required security checks were completed and that human resources file documentation was likely incomplete. They also said that the Department began adding adult abuse registry checks to its security requirements in 2013.

Recommendation 19: We recommend that the Department regularly monitor whether the training and security-check requirements for probation officers are being met and properly documented, and remedy any gaps.

2.4.2 Challenges in managing staff conflicts of interest

The Province's conflict-of-interest policy requires all employees to declare in writing any actual or potential conflicts of interest. It also requires Department management to ensure all conflicts affecting independence are identified and resolved.

Typically, employees completed conflict-of-interest forms when hired and promoted, although conflicts could arise any time after the forms were signed if probation officers became responsible for supervising family, friends, relatives, or neighbours—particularly in smaller regional offices. Department officials told us that probation officers had to declare these later conflicts to their area directors, who would reassign the files or, if this was not possible, provide more supervisory review to mitigate the risk. But the Department had no documentation on any conflicts that were disclosed and resolved after forms were signed.

Recommendation 20: We recommend that the Department remind staff of their responsibilities for declaring and managing actual and potential conflicts of interest as files are being assigned, and require all declared conflicts and their resolution to be documented.

2.4.3 Quality assurance processes need further development

Department policy stated that supervisors/managers/directors and coach/trainers were jointly responsible for quality assurance over offender case management. Coach/trainers were probation officers and correctional centre officers who had completed extra case management training. In January 2013, the Department had 47 coach/trainers: 24 in adult correctional centres and 23 in probation offices supervising adults. These people were initially assigned smaller caseloads to accommodate their part-time coach/trainer duties, but this was discontinued after 2010. They were expected to assist area directors by reviewing documents (such as risk assessments, case plans, and progress reports), providing constructive feedback, and helping to develop plans for improvement. However, Department policy stated “the day to day supervision of case management activities rests with area directors in probation offices”.

In February 2011, the Department issued a plan for a formal case management quality assurance program. Before this, any quality assurance work done by coach/trainers and area directors was ad hoc and not documented.

In Phase 1 of the program, supervisors and area directors had to review at least one case file for each staff person with case management duties, using a template developed for this purpose. Staff could select the files they wanted to have reviewed. Developmental discussions were to take place, but there was no formal reporting of results in this initial phase as it was intended to “help the division acclimatize to quality assurance processes”. Department officials said Phase 1 was completed in all correctional centres and area offices.

In Phase 2, supervisors and area directors were to again review one case file for each staff person, but they were to randomly select the file themselves and record the results for division-wide summary and analysis. In May 2013, Department officials said this task had been completed in all correctional centres and area offices and that they were analyzing results.

The Department's quality assurance template covered most key areas related to supervising offenders and providing them with rehabilitation services, but there were some gaps. It didn't require reviewers to ensure that the sections of the risk assessment related to offender responsibility and other issues (such as financial or mental health problems) were properly

completed. Nor did the template require reviewers to check that case management plans were completed according to the timelines set out in policy. And all questions on the template required “yes”, “no” or “not applicable” responses. The Department may eventually want to establish a rating scale for template questions concerning the quality of documents—such as “are the case management goals, interventions and timelines reasonable and measurable?”

Recommendation 21: We recommend that the Department:

- a. clarify the quality assurance roles of coach trainers and area directors.
- b. ensure that quality assurance activities are conducted on an on-going basis throughout the year, results reviewed, plans for improvement developed, and progress against plans regularly monitored.
- c. ensure that templates used for quality assurance processes cover all key standards.

2.4.4 More data needed to assess workload reasonableness

Probation officer caseloads varied considerably, depending on circumstances. They were often expected to either manage mostly low and medium risk offenders, or mostly high risk offenders. But in some locations, they had mixed caseloads. Those supervising mostly low and medium risk offenders were expected to manage larger caseloads than those supervising mostly high risk offenders.

On October 1, 2012, probation officer caseloads for adult offenders varied from a low of 9 (in a specialized intensive supervision unit) to a high of 208 (for a caseload of low and medium risk offenders). Overall, the average probation officer caseload was 53 offenders. In the 3 regions from which we drew our sample of 60 offender files, average caseloads were as follows:

- 55 in Winnipeg (excluding units designed to provide intensive supervision to a small number of high risk offenders).
- 67 in the Thompson region.
- 59 in the Westman region.

In rural and northern locations where probation officers managed mixed caseloads, these statistics included some youth offenders, as well as adult offenders.

The Department had not set an ideal caseload for low/medium, high risk, or mixed risk caseloads, although it set smaller caseload limits of 10 to 25 for its intensive supervision units, which handled about 2% of all adult offenders in the community. Area directors assigned files to probation officers primarily by considering the total number of files assigned to the area office and individual probation officer caseloads. All directors had access to reports listing each probation officer's total caseload, as well as the percentage of the officer's caseload assigned to each risk category. But not all directors used these reports. Some kept their own manual records or electronic spreadsheets to calculate office-wide caseload statistics.

Caseload statistics and comparisons can be misleading for various reasons. For example:

- 2 probation officers may both have caseloads of 150 low/medium risk offenders, but individual workloads will vary with the proportion of low risk offenders.
- files may be assigned to probation officers—and included on their caseloads—several months before an offender is released from custody (for example, when an offender receives a custody sentence, followed by a community sentence).
- files remain assigned to probation officers even when offenders are held in custody on new charges.
- a file may not be closed promptly when a community sentence ends.
- caseload statistics don't reflect the time probation officers spend preparing pre-sentence reports, delivering group programming, or traveling to sub-offices.
- probation officers may refer offenders to programs offered by external agencies, but they may choose or need to deliver programming one-to-one with offenders (depending on the offender's needs and the availability of external programming), varying the time spent with the offender.

Department officials noted there were 1,794 pre-sentence reports prepared in 2012, a 25% increase over the previous year, and that some probation officers in rural and northern regions spent significant time traveling. Despite the importance of the following factors, the Department did not track:

- the time probation officers spent traveling, preparing pre-sentence reports, and delivering group programming.
- case complexity.
- active versus non-active files.

To help manage workloads, some organizations assign a workload index to each individual case. An index might reflect the risk level, the complexity/time requirements of planned interventions, and the travel time required for each case.

Workload capacity can sometimes be increased by delegating tasks to assistants, even though they need to be trained and supervised to do the work assigned. While a limited number of probation officers working in intensive supervision units and with First Nation community participation agreements had access to assistants, most did not. At the time of our audit, the Department had not formally explored more wide-spread use of assistants.

Recommendation 22: We recommend that the Department better assess the reasonableness of probation caseloads by:

- a. developing active and non-active file flags.
- b. examining the feasibility of assigning workload indexes to offender files.
- c. tracking the time each probation officer spends monthly preparing pre-sentence reports, travelling, and delivering group programming.

Recommendation 23: We recommend that the Department investigate the costs and benefits of using more probation officer assistants.

3. Gaps in planning and monitoring adult rehabilitation programs

Rehabilitation programming is intended to reduce the likelihood that offenders will re-offend. It is designed to help offenders reduce their criminogenic needs and remove barriers to their reintegration into society. They may need help with many things: addictions and substance abuse, family/marital problems, poor literacy and numeracy skills, low educational levels, finding or maintaining jobs, finding housing, problems in disassociating themselves from pro-criminal companions, and mental health issues.

3.1 Planning adult rehabilitation programming

3.1.1 Work required to better identify offender needs and align programming

At the time of our audit, a large part of the Department's rehabilitation programming was offence-related. It had well-established and specific programming for sex offenders, the PAST (Partner Abuse, Short Term) program for domestic violence offenders, and the End to Aggression anger-management program for random assault offenders.

After introducing the new tool for risk assessment and case management in 2010, the Department began identifying and recording offenders' most urgent criminogenic needs in the following 7 categories: education/employment, family/marital issues, companions, leisure and recreation activities, substance abuse, pro-criminal attitude/orientation, and anti-social behavior and personality patterns. Using this information, it then began developing a series of workbooks, one for each of the 7 risk areas. These were to complement (not replace) the Department's offense-specific programming. All workbooks were to be based on cognitive behavioural therapy principles and designed for one-on-one or group sessions with offenders. At the time of our audit, the Department had developed 2 workbooks: one on alcohol and drug abuse and one on criminal companions.

The Department also offered educational programming (for example, instruction to help offenders complete high school courses) and various work and trades programs in most correctional centres. And it offered addictions programming in some correctional centres, plus referrals to external agency addictions programs for community offenders.

While this programming was generally linked to offenders' needs, the Department lacked statistical information about the specific level of need in different areas. For example, it did not know the average educational level of its offenders. Nor did it know the percentage of offenders employed, lacking adequate housing, suffering from a mental disorder, or reporting substance abuse or mental health problems. Some of this information was recorded in its computerized Corrections Offender Management System (COMS), but it wasn't being summarized to assist in program planning and development. And the Department had not yet analyzed its growing database of offenders' criminogenic needs.

The Department tracked the number and percentage of Aboriginal offenders, and was aware of the need to develop culturally appropriate programming. With First Nations staff in The Pas, it had recently developed Culturally Appropriate Program (CAP), described as a “decolonizing program that promotes awareness, personal development and holistic healing for Aboriginal offenders, using the Medicine Wheel as the framework”. At the time of our audit, CAP had only been offered to a group of Aboriginal staff and to offenders in The Pas, although the Department had plans to expand this. The Department had not developed any culturally appropriate modifications to its existing offence-related programming and had no immediate plans to develop culturally appropriate modifications to the workbooks designed to reduce criminogenic needs.

Recommendation 24: We recommend that the Department better align programming and offenders’ needs by:

- a. completing the series of workbooks addressing criminogenic needs.
- b. regularly extracting and analyzing relevant data from its databases to more fully identify and understand offenders’ profiles and needs.
- c. working with Aboriginal stakeholders to ensure that all programs and materials are culturally appropriate and recognize the unique needs of Aboriginal offenders.

3.1.2 Gaps in program consistency and central direction

The rehabilitation programming offered to adult offenders in correctional centres and community supervision offices was inconsistent. Programming differences existed at all levels—between correctional centres, between community offices, and between centres and offices.

The Department provided more direct programming to offenders in correctional centres than those in community offices. In the community, offenders were more typically referred to general community programs for all Manitobans, such as those offered by the Addictions Foundation of Manitoba (AFM) and Employment and Income Assistance (EIA). At the time of our audit, community programming delivered directly by Department staff was mostly for domestic violence and sex offenders, and for aggression (anger management).

The trades (uncertified)/work programming offered in correctional centres included carpentry; furniture upholstery; computer refurbishing; food handling; tailoring; bicycle repair; graphics/printing; and “trustee” jobs in the kitchen, laundry, janitorial, and grounds-keeping departments of the centres. But not all were equally available at the different centres. Offenders with community sentences had to pay to gain access to similar training programs available in the community, although they might qualify for financial assistance through EIA or other government programs.

Education programming of some type was offered in all centres. There was no similar programming offered to offenders in the community, but they had access to no-fee adult learning centres. In contrast, offenders in correctional centres wanting to pursue high school level studies sometimes had to pay course fees of up to \$150 per course, which was a barrier to enrolment for some people.

Addictions programming was available only in 4 correctional centres: Dauphin, Brandon, Milner Ridge, and Headingley. Offenders in the community with addictions issues were typically referred to external community agencies, such as AFM.

The Department offered thinking awareness and anger management programs in most correctional centres, but not in the Remand Centre and seldom in community offices. And The Pas did not offer the anger management program. This was problematic because the workbooks being developed to address criminogenic needs were designed to follow a basic thinking awareness course. And it left several offenders who would likely benefit from an anger management program with no easy access to one. Some probation officers referred offenders to anger management courses offered by external agencies or delivered one-to-one anger management or thinking awareness sessions to offenders themselves—but only infrequently in the 60 offender files examined.

Few core programs were designed to be offered in all correctional centres and community offices—only PAST, thinking awareness, and anger management courses, plus the workbooks being developed to address offenders' criminogenic needs. Offenders could not begin a program in one centre, continue it at another centre, and then complete it during a probationary period in the community. This would have been helpful because many offenders were transferred between centres (to handle overcrowding, court appearances, and gang concerns), and many also served both custody and community sentences. A new addictions program at Headingley was trying to provide more integration, as it had a maintenance component for graduates that could be delivered in the community.

The Department lacked central direction for its various rehabilitation programming activities. A 2004 internal report recommended greater integration of rehabilitation activities and more centralized coordination, but limited progress has occurred. The report also noted a lack of funding for community programming.

A Provincial Programs Leadership Committee was formed in March 2009. It periodically brought together representatives from various other Department committees: the Domestic Violence Advisory Committee, the Sex Offender Advisory Committee, the Provincial Committee for General Assaultive Offenders, the Female Offender Advisory Committee, and the Cognitive Behaviour Workbook Committee. Members also included the Executive Directors plus staff representatives from Adult Probation, Adult Custody, and Community and Youth Corrections, plus the Corrections Psychologist.

The Leadership Committee's terms of reference include providing leadership and strategic direction. Committee minutes showed that it primarily served as a forum for information-sharing, but it had recently begun putting together a Manitoba Corrections Program Compendium (of all offender programming the Department offered) and approving any new programming for offenders.

Most community offices we visited lacked a centralized and complete list of the external agency programming available in the local community for offenders. The exception was the domestic violence office in Winnipeg, which had created a resource library. This meant that, in most cases, probation officers had to do their own research on community resources. It also made it difficult to centrally identify programming gaps.

Department staff felt that central resources for rehabilitation programming were insufficient, particularly for community programming. They also noted the challenges of correctional centre programming: the average stay in custody is only about 52 days for an offender in remand and 62 days for a sentenced offender, compared to an average probation sentence of about 60 weeks for offenders in the community. And offenders in remand status may feel that taking programming would prejudice the outcome of their cases.

Recommendation 25: We recommend that the Department:

- a. centrally direct its rehabilitation programming.
- b. determine the core programming to be consistently offered in all correctional centres, all community supervision offices, and all centres and offices.
- c. ensure that all community supervision offices have up-to-date directories of the external agency programming available in the local community for offenders.
- d. compare the programming available internally and externally to offenders' needs to identify programming gaps and develop plans for improvement.

3.1.3 Better inter-agency coordination needed

Offenders in the community were regularly referred to AFM, EIA, and Regional Health Authority (RHA) community mental health services, but inter-agency case management activities were not always adequately coordinated.

In 2008, EIA and Correction officials signed a Memorandum of Understanding (MOU) that noted both parties served mutual clients and therefore needed to “work together toward joint program goals, which (might) include assisting clients to secure suitable housing, attend treatment programs, access medical care, and participate in education, employment training, and job search programs”. The MOU provided for information sharing and integrated case management. After signing the MOU, the Department issued a Joint Planning Process (JPP) policy and set up a JPP Committee to train Winnipeg-based EIA case coordinators and adult probation officers. The Department had no similar MOUs with other departments or agencies.

The intent of the MOU was never fully realized as few joint plans were ever developed. Documented communication between probation officers and EIA staff primarily revolved around setting up EIA intake appointments, and did not typically extend to joint or integrated planning. Some probation officers tried to integrate their case planning with what other government or government-funded entities were doing. But this was not common and more likely in the specialized units providing more intensive supervision to smaller high-risk caseloads.

Offenders were referred to AFM or other addictions organizations in about half the files reviewed. Often this was because the offenders' community sentences required them to attend addictions assessment and/or programming. As well, the offenders' risk assessments typically also indicated substance abuse issues. However, a number of referred offenders were assessed by AFM as not needing treatment, indicating a need for better coordination to ensure offenders' needs are being met.

AFM is the largest service provider of addictions services in Manitoba. It did not offer any programming specifically for offenders, although AFM staff said that 48% of their adult clients had links to the criminal justice system. However, the Department worked with AFM in developing its alcohol and drug abuse workbook and the addictions programming offered at the Headingley Correctional Centre.

Integrated case management is complex and time-consuming. It may not be needed or possible for all offenders who receive services from multiple government agencies. But, as a start, greater coordination should be attempted for all very-high-risk offenders.

Recommendation 26: We recommend that the Department improve coordination of inter-agency case management activities by working with:

- a. the Addictions Foundation of Manitoba and other addictions organizations to ensure offenders' needs are being met.
- b. the Addictions Foundation of Manitoba, Employment and Income Assistance, and Regional Health Authority staff to develop more integrated case management planning for very-high-risk offenders and information-sharing protocols for common clients.

3.2 Monitoring and evaluating adult rehabilitation programs

3.2.1 Limited tracking of program offerings, enrolment, completions, and outcomes

We expected the Department to track and monitor the number of times each rehabilitation program was offered in different locations, the number of offenders enrolled, program completion rates, and participant outcomes. But the Department's tracking systems were inadequate; therefore, officials in the 7 correctional centres and 13 community corrections area offices could give us only partial information. All correctional centres and community offices had information gaps, although the centres generally tracked more information than the offices, and larger centres generally tracked more information than smaller ones.

There was inconsistent tracking—in some cases, no tracking—of the group programs offered to offenders in the correctional centres and community offices. There was information on participant starts or completions for some programs, but rarely on both starts and completions. Centres and community offices also did not typically track the number of:

- offenders wanting to participate in programs that were full or not offered at their location.
- offenders using self-study workbooks or workbooks designed for use in one-to-one sessions with Department staff.
- offender referrals to different types of community programming (for example, referrals to AFM).

More importantly, the Department did not regularly track participant outcomes (such as self-reported changes in offender attitudes or behaviours, re-offending rates, or subsequent

employment or high school graduation rates) that would allow it to assess the effectiveness of programs. Department officials noted that correctional centres had dedicated program staff, while the community offices did not.

The Department did periodically arrange for certain specific programs to be evaluated. In 2002, it had researchers evaluate its PAST (Partner Abuse, Short Term) program. But, as of March 2013, it had not yet acted on some recommendations (such as setting up an Aboriginal PAST program) and others (such as refreshing PAST materials) remained in progress. In 2011, a researcher examined Manitoba's COHROU (Criminal Organization High Risk Offender Unit) program, which provides intensive community supervision to a small group of high risk offenders. The research showed that offenders participating in COHROU had higher-than-average recidivism rates. But the researcher concluded that COHROU was suppressing violent activity because re-offenses were often lower on a violence severity scale than original offenses. Department officials said they also planned to have their Gang Response and Suppression Plan (GRASP) program evaluated soon. Like COHROU, GRASP provides intensive supervision to only a small number of high risk offenders.

Recommendation 27: We recommend that the Department:

- a. track and monitor the number of times each program is offered, the number of offenders waiting for programs to be offered, enrolments, completions, and participant outcomes.
- b. track and monitor use of Department workbooks and agency referrals.
- c. ensure that program evaluation recommendations are dealt with promptly.

3.2.2 Broader range of recidivism measures needed

Recidivism rates measure the level of re-offending occurring in a jurisdiction. They are not controlled exclusively by one program area or one government department, and may be influenced by societal and individual factors beyond government's control. Nonetheless, many jurisdictions use recidivism rates to assess progress in reintegrating offenders into the community and ensuring public safety.

There is no generally accepted or standardized way to calculate recidivism rates. Different jurisdictions use different start and end points, and different definitions of reoffending. For example, they may start tracking re-offences at the beginning or the end of an offender's community sentence; track for 2, 3, 4 or more years from the starting point; and define re-offending as "charged with a new offence" or "reconvicted". This makes it difficult to understand recidivism rates and to make comparisons between jurisdictions.

In Manitoba, at the time of our audit, the Department's recidivism rates tracked "new convictions" for 2 years after offenders were released from correctional centres or community supervision. Before 2012, they tracked "new criminal charges" for the 2 years following release. Using December 2011 data, **Figure 12** shows how the different measurement methods yield very different results. The Department calculates recidivism rates for offenders released from custody, probation, and conditional community sentences (the latter are typically more restrictive than probation sentences).

But it does not calculate a combined recidivism rate for all community offenders, or an overall rate for all offenders.

Figure 12: Different methods of measuring recidivism yield significantly different results

Offender type	Recidivism rate (December 2011)	
	Current method	Previous method
Released from custody sentences	27%	72%
Released from probation sentences	14%	35%
Released from conditional community sentences	11%	30%

Source: Department of Justice

The Department restated all prior year recidivism rates using the new calculation method so it could assess trends over time. As **Figure 13** shows, recidivism rates for offenders released from custody and probation sentences increased over the past 6 years (between March 2007 and March 2013), while the rate for those released from conditional sentences decreased.

Figure 13: Recidivism has increased for offenders released from custody and probation

Offender type	Offender type as a % of total offenders	Recidivism rate	
		March 2007	March 2013
Released from custody sentences	24%	22%	31%
Released from probation sentences	69%	13%	14%
Released from conditional community sentences	7%	13%	10%

Source: Department of Justice

Some jurisdictions (Canada and some U.S. states) tracked and reported more detailed data to better understand and manage recidivism. Examples included tracking:

- separate recidivism rates for charges or convictions related to “technical violations” as opposed to “other new crimes” (Technical violations are sometimes called “offences against the administration of justice” and viewed as less serious. Examples include charges or convictions for failing to comply with a curfew or to attend scheduled meetings with probation officers).
- recidivism rates over both shorter and longer periods of time (for example, over both 2 years and 5 years).
- separate recidivism rates for low, medium, and high risk offenders.
- recidivism rates for offenders participating in any or specific correctional programs.

Although the Department did not routinely calculate separate recidivism rates for low, medium, and high risk offenders, it was working with a consultant to do so at the time of our audit. This was to validate the risk score cut-off levels being used to classify offenders in these categories.

Calculating both short and long-term recidivism rates has obvious advantages. A shorter time window provides more immediate feedback; a longer one may be more accurate. A 2-year window may not capture most reconstructions if there are significant court backlogs and the average time to dispose of cases is lengthy. In Manitoba, Department data showed that the average time to disposition during 2010/11 was 6.2 months (187 days)—25% of the 2-year window used to calculate recidivism rates and 50% of the 1-year window the Department planned to use to validate its risk score cut-off levels.

Recommendation 28: We recommend that the Department measure:

- a. longer-term (3 to 5 year) recidivism rates and compare them to 2-year rates to see if they are significantly different.
- b. separate recidivism rates for low, medium, high, and very high risk offenders to assess the on-going validity of its risk scoring process.
- c. recidivism rates for offenders completing significant rehabilitation programs.
- d. an overall provincial recidivism rate.

4. Limited public performance reporting

4.1 Public performance information on managing adult offenders

4.1.1 Room for improvement in public performance information

The Department publicly reported a limited number of performance measures related to managing adult offenders in its annual report.

The annual report showed that Manitoba's adult incarceration rate was the highest in Canada, and also provided comparative information on other provincial incarceration rates. The rate was shown as a measure of "offender accountability and safer communities", and having the highest rate was presented as a positive result. In contrast, part of the stated vision of the Corrections Division was to have the lowest incarceration rate in Canada, although this was not publicly communicated.

The Department's annual report also disclosed other public safety measures: the number of police per capita and the number of operations in problem properties (such as drug, sniff and prostitution houses) closed by the Public Safety Investigations Unit. The Department did not disclose Manitoba crime rate statistics in its annual report or on its website, but this information was publicly available on the Statistics Canada website.

The stated vision of the Corrections Division also included having the lowest recidivism rate in Canada. The Department posted recidivism rates on its website, but did not disclose them in its annual report. It did not provide comparative information on other province's recidivism rates.

Few provinces publicly disclosed this information and comparisons could be misleading because of differences in calculation methods.

The Department's annual report also disclosed the average number of adult offenders supervised in the community and the average adult custody population, including the percentage in remand status. The Department periodically released information to the public on the level of overcrowding in adult correctional centres, but did not regularly publish this information in its annual report or on its website.

Some jurisdictions (such as Canada, British Columbia, and some U.S. states) publicly reported much more information than Manitoba. This included greater disclosure about overcrowding levels, recidivism, security incidents in correctional centres, rehabilitation programs, and quality assurance activities. As an example, the variety of performance measures related to rehabilitation programs included:

- numbers and percentages enrolled in and successfully completing programs (sometimes by individual program).
- numbers and percentages working in correctional facility industries offering goods or services to the public, or in correctional facility operations (kitchen, laundry, etc.).
- numbers waiting to participate in programs.
- numbers and percentages successfully completing interventions identified in case plans.
- changes in risk assessment scores after planned interventions were provided.
- numbers achieving high school equivalency or trade certification.
- number of hours of annual programming (sometimes by individual program).
- numbers and percentages starting and ending periods of incarceration and community supervision with various self-reported conditions: stable housing, employment, mental health, and substance abuse problems.

Recommendation 29: We recommend that the Department expand its public performance reporting to include information on overcrowding levels and impacts, and rehabilitation programs offered and their outcomes.

Summary of recommendations and response of officials

General comments from the Department

While the management of the Province's adult offenders is the subject of this review, it is important to recognize that the corrections system is part of a much broader context. Too often, corrections becomes the last point of intervention for those who have not succeeded in changing behaviours that bring them into conflict with the law. We acknowledge that the recommendations in this report are generally helpful and can strengthen our ability to provide more meaningful interventions and improve outcomes for individuals in the corrections system; however, we believe that shifting the emphasis away from incarceration-based approaches to solutions that prevent crime before it occurs will provide a much greater impact on the well-being and safety of our communities.

Issues of crime and safety are top of mind for Manitobans and are therefore a priority for government. Faced with limited resources, we need to be strategic and make choices in the context of the whole of government responsibilities. The Healthy Child Committee of Cabinet and Manitoba Children & Youth Opportunities provide the necessary foundation to move forward in a collaborative, cross-departmental manner. We need to provide services, and support people to work towards a safer community. The recently announced Block by Block initiative is an evidence-based cooperative project that can effectively reduce crime and keep people from entering the criminal justice system by providing support and enabling communities to assist those individuals most in need and most at-risk of committing offences that will result in incarceration. This is but one example of a Manitoba initiative and targeted investment aimed at changing the lives of Manitoba's children and families.

At the same time that we focus our efforts on preventing crime before it happens and reducing the number of people from becoming involved in the criminal justice system, we are continuing our work with justice system stakeholders to achieve long-term, systemic reforms that improve the administration of justice in Manitoba. The Department's Justice Innovation Branch is fundamentally tasked with challenging the status quo and developing innovative approaches to improve the efficiency of the criminal justice system. Combined with fewer matters coming in to the system, increasing the speed at which criminal matters are dealt with can improve our ability to effect positive change in the lives of individuals in the corrections system and, most importantly, help build the confidence of the public in our criminal justice system.

Response to recommendations

Adult correctional centre capacity

1. We recommend that the Department track and monitor key overcrowding trends and impacts in adult correctional centres, including the average number of offenders double-bunked in formerly single cells, triple-bunked, in dorm style accommodation in gym space, and in other types of less-preferred arrangements.

Response: The Department will make the required changes to the Corrections Offender Management System (COMS).

2. We recommend that the Department set system-wide, clearly defined accommodation standards for all adult correctional centres.

Response: The Department will declare the practical standard that has been in place since 1996 as the minimum standard going forward with new construction. The Department will also re-evaluate this standard as correctional best practices evolve.

3. We recommend that the Department develop clear guidelines and a reasonable timeframe for deciding when temporary alterations to accommodate more beds are permanent enough to increase a centre's rated capacity.

Response: The Department's approach to managing overcrowded conditions requires flexibility with respect to accommodation and how it is counted. However, in light of this recommendation, the Department will consult with other jurisdictions on their approaches, and develop a policy that clarifies the categorization of temporary beds.

4. We recommend that the Department formally assess the likely costs, risks, and benefits—particularly the potential reduction in bed demand and related capital and operating cost savings—of expanding and improving the following: bail support programs, drug and mental health courts and related treatment programs, electronic monitoring, and initiatives to reduce the time to trial and case disposition.

Response: The Department agrees that many of the solutions to increased counts are actually found outside of the Corrections Division. The Department's Justice Innovation Branch has focused its efforts on improving the efficiency and effectiveness of the justice system. With the cooperation and assistance of justice stakeholders, these efforts can result in long-term, systemic reforms. Some examples of success include bail supervision programs, funded by government, operated by the Elizabeth Fry Society and the John Howard Society, as well as the introduction of both drug treatment and mental health courts. Justice Innovation has a Thompson video project underway which has reduced the number of prisoner transfers, reduced the cost of court, and increased case velocity.

5. We recommend that the Department work with the Manitoba Bureau of Statistics to see if cost-effective improvements can be made to the methodology and assumptions used to forecast offender populations, and update its forecasts for any significant changes.

Response: The Department has completed projections in the past, and is currently working on a new projection. As the report indicates, the Department's current projection is accurate to within 5%, and the Department is open to any suggestions from the Manitoba Bureau of Statistics to improve that level of accuracy.

6. We recommend that the Department:
- prepare a range of adult custody population forecasts using best-case, worst-case, and most-likely-case scenarios.
 - forecast separately all significant adult offender sub-populations with differing accommodation needs.

Response: The Department accepts part A of this recommendation. The Department does do a separate projection for female offenders, but, as the report notes, there is no jurisdiction in Canada that has successfully completed the more complex projection contemplated in part B of this recommendation.

7. We recommend that the Province have the Department work with Manitoba Infrastructure and Transportation to prepare a comprehensive, long-term capital plan that:
- responds to any bed shortfall identified by updated adult custody population forecasts, as well as the Department's plans to reduce bed demand.
 - identifies and responds to the significant repairs, maintenance, and replacement work required to properly upgrade and maintain aging adult correctional centre infrastructure.
 - includes future capital and operating cost estimates, as well as an estimated cost of deferred maintenance.

Response: The Department understands the need to have an improved assessment of Corrections' long term capital requirements and will work in partnership with MIT to determine the best approach to complete this task.

That said, the Department will also continue to work with other stakeholders to find new and innovative approaches to mitigate future demand for bed space. Any long term plan that is developed will have to take into account the work being done by Justice Innovation and its impact on the administration of the justice system, and other projects such as the Block by Block initiative.

8. We recommend that the Province publicly release the full report prepared by the Adult Corrections Capacity Review Committee to allow legislators and the public to better understand the recommendations and monitor their implementation.

Response: The Province released the recommendations of the Adult Corrections Capacity Review Report, and subsequently released a redacted version of the report following an Ombudsman review under *The Freedom of Information and Protection of Privacy Act*.

9. We recommend that the Department publicly call for proposals and develop selection criteria to evaluate and select all future adult correctional centre sites.

Response: The Department will consider this recommendation as part of the work being undertaken in response to Recommendation 7.

Adult offenders in the community

10. We recommend that the Department:
- a. investigate why a significant number of offender risk assessments are late and not properly updated, develop a plan for improvement, and regularly monitor progress.
 - b. ensure that all staff clearly document the specific risk-assessment information verified and the details of the verification work performed, including the names and dates of any collateral contacts.

Response: The Department will investigate as recommended, and will improve its quality assurance process by strengthening its quality management framework.

The Department will address part B of this recommendation through training and clarification of requirements associated with documentation.

11. We recommend that the Department take steps to ensure that probation officers schedule first in-person contacts with offenders within the one-month timeframe specified in Department policy.

Response: The Department will assess the best approach to ensure compliance, while taking into account regional complexities.

12. We recommend that the Department resolve the workload problems preventing probation officers from scheduling meetings with offenders as often as Department policy requires for the offenders' risk profiles.

Response: The Department will continue to assess staff capacity and caseload size with a view to adjusting workload and redirecting savings where such opportunities exist.

13. We recommend that the Department develop risk-based guidelines to help probation officers decide when court-ordered conditions require active monitoring, when self-reported compliance requires collateral or other verification, and the level of file documentation required for monitoring activities.

Response: The Department does use a Targeted Intervention based on Evaluated Risk (TIER) approach as contemplated by this recommendation. The TIER approach provides risk based guidelines and is linked to the compliance management policy. The Department will refine existing policy and provide further training on the level of file documentation required for monitoring activities.

14. We recommend that the Department:
- a. ensure probation officers arrange automated curfew monitoring promptly.
 - b. develop curfew-monitoring alternatives to deal with the increased use of cell phones and gradual elimination of landline phones.

Response: The Department will investigate alternative technologies to support curfew monitoring.

15. We recommend that the Department:

- a. ensure staff properly apply its policy on offender non-compliance.
- b. improve the quality of documentation supporting decisions not to charge offenders who breach their conditions.

Response: The Department will enhance training, clarify requirements for documentation, and strengthen quality assurance processes.

16. We recommend that the Department make its custody release planning more meaningful and helpful for offenders transitioning to community living.

Response: The Department notes custody release planning is complicated by matters such as the relatively short average length of stay for sentenced offenders (currently 62 days), exacerbated by offenders convicted and sentenced to a time in custody disposition. The Department will work with other stakeholders to address the challenges that come with short notice releases, as well as to improve overall release planning. To this end, the Department's enhanced release planning pilot project will commence early in the new year involving the Winding River Therapeutic Community at Headingley Correctional Centre, to facilitate a maintenance group for released offenders and to improve early access to Employment and Income Assistance and a range of other services.

Finally, steps will be taken to improve quality assurance in the development of custody release plans.

17. We recommend that the Department prioritize the development of case management plans by offenders' risk levels, regularly monitor the timeliness and quality of the plans, and develop strategies to improve them.

Response: The Department will enhance training, clarify requirements for documentation, and strengthen quality assurance processes.

18. We recommend that the Department review the quality of case management progress notes after implementing its planned system changes and correct any remaining deficiencies.

Response: The Department, as part of its ongoing commitment, will address this recommendation as part of a strengthened quality assurance framework.

19. We recommend that the Department regularly monitor whether the training and security-check requirements for probation officers are being met and properly documented, and remedy any gaps.

Response: The Department will work with the Civil Service Commission to ensure that security check requirements are being met. The Department will monitor training requirements for probation officers as part of a strengthened quality assurance framework.

20. We recommend that the Department remind staff of their responsibilities for declaring and managing actual and potential conflicts of interest as files are being assigned, and require all declared conflicts and their resolution to be documented.

Response: As a condition of employment, civil servants are required to declare any conflict of interest prior to commencement of employment. The Department will collaborate with the Civil Service Commission to ensure that annual reminders are sent to staff to prompt staff to declare any conflicts of interest.

21. We recommend that the Department:
- a. clarify the quality assurance roles of coach trainers and area directors.
 - b. ensure that quality assurance activities are conducted on an on-going basis throughout the year, results reviewed, plans for improvement developed, and progress against plans regularly monitored.
 - c. ensure that templates used for quality assurance processes cover all key standards.

Response: The Department will review this process, and the role of Coach/Trainers as part of the review to strengthen existing quality assurance processes.

22. We recommend that the Department better assess the reasonableness of probation caseloads by:
- a. developing active and non-active file flags.
 - b. examining the feasibility of assigning workload indexes to offender files.
 - c. tracking the time each probation officer spends monthly preparing pre-sentence reports, travelling, and delivering group programming.

Response: The Department will continue to assess staff capacity and caseload size with a view to adjusting workload and redirecting savings where such opportunities exist.

23. We recommend that the Department investigate the costs and benefits of using more probation officer assistants.

Response: The Department will undertake this review in conjunction with the work being done on recommendation 22.

Adult rehabilitation programs

24. We recommend that the Department better align programming and offenders' needs by:
- a. completing the series of workbooks addressing criminogenic needs.
 - b. regularly extracting and analyzing relevant data from its databases to more fully identify and understand offenders' profiles and needs.
 - c. working with Aboriginal stakeholders to ensure that all programs and materials are culturally appropriate and recognize the unique needs of Aboriginal offenders.

Response: Four of the seven CBT workbooks will be completed and in use by January 1, 2014. The remaining three workbooks are in progress and expected to be completed by March 31, 2014.

The Department will assess its need to extract additional information from COMS as part of the process for strengthening its quality assurance framework.

The Department works with an internal committee of First Nations staff members known as Pitama. This committee has taken a lead role in developing Culturally Appropriate Programming (CAP). CAP is currently being piloted within the Corrections Division, and is being considered for rollout throughout the Division as a core program.

25. We recommend that the Department:

- a. centrally direct its rehabilitation programming.
- b. determine the core programming to be consistently offered in all correctional centres, all community supervision offices, and all centres and offices.
- c. ensure that all community supervision offices have up-to-date directories of the external agency programming available in the local community for offenders.
- d. compare the programming available internally and externally to offenders' needs to identify programming gaps and develop plans for improvement.

Response: The Department will consider the recommendation to centralize rehabilitation programming as it reviews its quality assurance framework.

The Department will work to more clearly define core programming, but in conjunction with locally developed programs that take advantage of community based expertise and knowledge.

The Department will take the necessary steps to upgrade the directories of locally available services.

The Department will consider Part D as it reviews and strengthens its quality assurance framework.

26. We recommend that the Department improve coordination of inter-agency case management activities by working with:

- a. the Addictions Foundation of Manitoba and other addictions organizations to ensure offenders' needs are being met.
- b. the Addictions Foundation of Manitoba, Employment and Income Assistance, and Regional Health Authority staff to develop more integrated case management planning for very-high-risk offenders and information-sharing protocols for common clients.

Response: The Department notes that the development and implementation of the Winding River Therapeutic Community was done in collaboration with the Addictions Foundation of Manitoba (AFM). An AFM staff member has also been seconded to Winding River. The Department's enhanced release planning pilot project will commence early in the new year involving the Winding River Therapeutic Community, to facilitate a maintenance group for released offenders and to improve early access to Employment and Income Assistance and a range of other services.

The Department also notes that recently announced initiatives such as the Block by Block initiative are intended to integrate service delivery to high risk/need individuals and families.

27. We recommend that the Department:

- a. track and monitor the number of times each program is offered, the number of offenders waiting for programs to be offered, enrolments, completions, and participant outcomes.
- b. track and monitor use of Department workbooks and agency referrals.
- c. ensure that program evaluation recommendations are dealt with promptly.

Response: The Department will consider this recommendation in conjunction with its review to improve its quality assurance framework.

28. We recommend that the Department measure:

- a. longer-term (3 to 5 year) recidivism rates and compare them to 2-year rates to see if they are significantly different.
- b. separate recidivism rates for low, medium, high, and very high risk offenders to assess the on-going validity of its risk scoring process.
- c. recidivism rates for offenders completing significant rehabilitation programs.
- d. an overall provincial recidivism rate.

Response: There is no consistent measurement of recidivism in Canadian jurisdictions. The Department defines recidivism as occurring when a person is convicted of a new offence and is returned to provincial custody within two years of release from jail or other correctional supervision. The Department will consider this recommendation in light of its current approach and capacity.

With respect to recommendation B, Multi Health Systems recently completed the suggested analysis and concluded that the risk scoring is valid.

Public performance reporting

29. We recommend that the Department expand its public performance reporting to include information on overcrowding levels and impacts, and rehabilitation programs offered and their outcomes.

Response: The Department will consider this recommendation as it moves to provide the public with as complete a view of the corrections system as possible.