

Adult Institutional Services

Follow-up on VFM Section 3.02, *2008 Annual Report*

Background

The Adult Institutional Services (AIS) division of the Ministry of Community Safety and Correctional Services (Ministry) operates 31 correctional institutions for incarcerated adults in Ontario, including convicted offenders serving sentences of less than two years and accused persons remanded in custody awaiting bail or trial. (Convicted offenders serving sentences of longer than two years are incarcerated in federal institutions.) In the 2009/10 fiscal year, AIS incurred \$612 million in operating expenditures (\$575 million in 2007/08), primarily for the cost of almost 5,600 staff (5,500 in 2007/08), to incarcerate about 8,800 inmates (8,800 in 2007/08).

At the time of our 2008 audit, we noted that over the previous decade AIS had needed to respond to an 11% increase in the total number of inmates. Perhaps more significantly, the number of inmates remanded in custody and requiring maximum security had doubled, and now represented almost 70% of all inmates. This is one reason that, although AIS had invested more than \$400 million in capital infrastructure renewal over the previous decade, it had been unable to meet its commitment to significantly reduce the average cost of incarcerating inmates.

Some of our more significant observations from our *2008 Annual Report* included the following:

- The Ministry had set a target to have one of the lowest operating costs for correctional institutions in Canada, but Ontario still ranked highest when compared to the other five largest provinces.
- The Ministry's transformation strategy, launched in 2004/05 with plans to eliminate 2,000 beds by 2007/08 and save \$60 million annually, had not produced the anticipated results. AIS had almost 1,000 more inmates than when the strategy was introduced, and Ontario's correctional institutions were operating at 100% capacity. They were overcrowded and at increased risk for inmate disturbances, labour-relations issues, and health-and-safety problems for staff and inmates. The Ministry predicted at that time that it might be short 2,000 beds by 2010/11.
- The Ministry's intent since 2003 had been for up to 1,300 offenders to serve their sentences in the community using electronic devices to monitor their whereabouts. However, fewer than one-third that number actually served their sentences in this way.
- The Ministry had made progress in establishing programs to divert people with mental disorders from the criminal justice system and

correctional facilities. However, it did not have sufficient information on inmates' mental-health status and did not know whether it was providing adequate and appropriate treatment and care for inmates with mental illness and special needs.

- AIS had neither adequate information nor rigorous detection practices, such as random drug testing, to determine the extent and impact of the use of alcohol and illicit drugs in its facilities.
- AIS continued to have a serious problem with absenteeism among correctional officers, including the abuse of sick leave and overtime provisions. Based on an eight-hour day, correctional officers took an average of 32.5 sick days per year, which cost AIS about \$20 million annually in replacement and overtime costs. With overtime, some correctional officers made over \$140,000 a year—more than double their annual base salary.

The Ministry was taking a lead role in an interprovincial and territorial task force to study the changing characteristics of the adult inmate population and to identify opportunities to improve co-operation in the delivery of correctional services in Canada. We believed this was a good initiative that could help to address some of the above issues.

We made a number of recommendations for improvement and received commitments from the Ministry that it would take action to address our concerns. In addition, the Standing Committee on Public Accounts held a hearing on this audit in March 2009.

Status of Recommendations

Although the Ministry had taken some action on all of the recommendations we made in 2008, many recommendations—such as those addressing institutional operating costs, participation in

community-based programs, correctional officer absenteeism, and performance monitoring and measurement—may take several more years to fully address. The status of actions taken on each of our recommendations is as follows.

CHANGES IN INMATE POPULATION

Recommendation 1

In light of the changes that have occurred over the last decade in the type and number of offenders incarcerated in Ontario correctional institutions, the Ministry of Community Safety and Correctional Services should review the impact these changes have had on the traditional delivery of correctional programs, and review its mandate and existing operations to determine whether changes are needed in correctional program delivery and in the roles and responsibilities of the provincial and federal governments. Ontario's involvement in a national study on the changing characteristics of the adult corrections population is a good first step in this regard.

Status

The Ministry informed us that the analysis of the national study by the federal/provincial/territorial ministers responsible for Justice on the changing characteristics of corrections was still ongoing at the time of our follow-up. This study was expected to provide recommendations on how best to align the structures of both prisons and community corrections to optimize inter-jurisdictional infrastructure planning, program efficiency, cost efficiency, and public safety, and how to address the issue of growth in the remand population in the provincial/territorial systems.

We were informed that the Ministry's Offender Programs Unit had completed a comprehensive review to identify programming needs specifically for remanded offenders and evaluate the effectiveness of existing programs in meeting those needs, and had subsequently developed strategies to address additional needs identified.

MANAGEMENT OF INSTITUTIONS

Operating Costs and the Former Adult Infrastructure Renewal Project

Recommendation 2

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

- *research correctional services in other provinces and identify economical and efficient practices, such as less costly staffing models;*
- *conduct a study of operating costs in Ontario correctional facilities to identify opportunities for reducing costs, including where intended savings from recent infrastructure investments were not achieved; and*
- *use this information to set realistic operating-cost targets for each institution and the correctional system as a whole, with a goal of achieving overall costs that compare more favourably to those of other provinces.*

Status

In our 2008 audit, we noted that for the 2005/06 fiscal year (the latest period for which comparison costs were then available), Ontario's operating costs ranked highest when compared to costs in five other large provinces—even when we compared other provinces' costs to Ontario's operating costs for only the 13 institutions that had been recently built or retrofitted (which were originally expected to operate more cost-effectively than older institutions).

The Ministry indicated that it had conducted an informal survey of jurisdictions across Canada in 2009 to identify recent cost-saving initiatives. The Ministry noted that other jurisdictions are facing similar cost pressures, particularly with regard to staffing, and we were informed that no best practices for responding to these pressures in Ontario had been identified from the information obtained.

According to information received from the Ministry, the average per diem operating cost in

Ontario for the 2009/10 fiscal year was \$163 per inmate—an 8% increase from the average of \$151 per inmate for the 2005/06 fiscal year that we reported in our 2008 audit. Operating costs for Ontario's eight recently built or retrofitted institutions also rose 10% over the same period.

The Ministry informed us that cost-saving initiatives had been collected from each institution, and were being reviewed to determine the feasibility of their implementation in other institutions. At the time of our follow-up, the Ministry had yet to decide which cost-saving initiatives were feasible and when they could be implemented. Additionally, in April 2009 AIS started preparing a monthly report on the actual number of staff at each institution and support offices and comparing these numbers with approved staff levels. We were advised that this information is used to identify potential staff overages, along with the security needs of each institution. We noted from these reports that as of June 30, 2010, AIS reported an overage of 225 staff, which we estimate would cost AIS over \$15 million annually.

Institutional Capacity

Recommendation 3

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

- *establish plans for forecasting short- and long-term demands for correctional institutions, with appropriate involvement from justice-sector stakeholders; and*
- *develop and implement effective strategies to meet expected demand both by freeing up bed capacity through alternative diversion measures—such as appropriate programs for the mentally ill, and community supervision and work programs—and, where necessary, by providing sufficient beds, including seeking*

appropriate approvals for a capital construction program to address expected shortfalls.

Status

To help address lack of capacity in the short term, the Ministry informed us that it saw an increase of 203 beds in March 2009, when the Ministry of Children and Youth Services returned dedicated beds within adult institutions. In addition, the Ministry was in the process of constructing two new detention centres, to be completed in 2012. These facilities will replace two existing facilities: the Toronto and Windsor jails. We were informed that the new facilities will provide approximately 2,000 new beds, replacing 675 old beds at the existing jails for a net increase of 1,325 beds.

In the 2009/10 fiscal year, the Ministry began planning for a new 600-bed female remand facility to address female-offender capacity pressures throughout the province. At the time of our follow-up, no completion date had been set for this project.

For the longer term, the Ministry undertook an internal study to determine current bed utilization and future adult correctional capacity needs up to 2022. The scope of this study included the development of an adult institution count projection model; a preliminary assessment of the Ministry's current infrastructure; an examination of the Ministry's decommissioned infrastructure for future suitability; a costing analysis for both operating and capital expenditures; and an analysis of how future legislation will affect adult incarcerations. The study resulted in 35 recommendations for implementation over the next 15 years to address capacity needs. We were informed that the Ministry had prioritized the issues identified in the study to determine future capital construction projects, including capital work that needs to be done to extend the life of facilities nearing the end of their expected life cycle.

The Ministry informed us of federal legislative changes that are expected to have an impact on capacity in correctional institutions. Bill C-25, the *Truth in Sentencing Act*, which was proclaimed in

February 2010, amended the *Criminal Code* to limit the extent to which a court may take into account time served in custody by remanded inmates before sentencing. The Ministry stated that the full impact of this new legislation will not be known until all remand warrants that were issued prior to proclamation have been dealt with.

Community Programs

Recommendation 4

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

Status

In our 2008 audit, we reported that the number of temporary absences granted to inmates had decreased by more than 90% over the previous 10 years, and that targets set in 2003 for the Ministry's Electronic Supervision Program (ESP)—which includes participants in the Temporary Absence Program (TAP) and the Intermittent Community Work Program (ICWP), along with those authorized by the Ontario Parole Board—of having 1,000 to 1,300 offenders at any time serving their sentences in the community while being electronically monitored had not been achieved.

Subsequent to our 2008 audit, the Ministry conducted a comprehensive review of the ESP. The program delivery model was redesigned, with greater emphasis on monitoring the performance of contracted service providers against such key performance indicators as more effective monitoring of all offenders on ESP and ensuring immediate notifications to the Ministry of all curfew violations. An ESP Governance Committee was also established to provide oversight and direction for the effective management of the ESP. In addition, the Ministry

informed us that it has been able to reduce expenditures for the ESP by \$1.2 million annually.

We were also advised that for the TAP, the Ministry had worked in collaboration with the Ontario Parole Board to expand the program's availability to more inmates, and that by the end of 2010 the Ministry expected that the ICWP would be available in 15 out of the 25 institutions that hold offenders serving intermittent sentences, an increase of five over the last two years.

However, these initiatives have not yet had a substantial impact. For instance, our 2008 audit reported that as of August 2008 only 327 offenders were participating in the ESP, and for the 2009/10 fiscal year the program averaged only 337 participants.

Institutional Security

Recommendation 5

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

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

Status

The Ministry informed us that it has not modified its information systems to specifically track inmate-on-inmate assaults. However, we were advised that inmate-on-inmate assaults are recorded in occurrence reports; offender incident reports; and accident, injury, and death reports; and statistics on inmate-on-inmate assaults are now included in a weekly report to the deputy minister that has been in place since April 2009. For the 2009 calendar year, the Ministry reported 2,510 inmate-on-inmate assaults (the annual number of such assaults was unknown at the time of our 2008 audit).

The Ministry also informed us that it was in the process of completing a comprehensive review to standardize the process of identifying trends and best practices across the province regarding inmate-on-inmate assaults. The review was expected to be completed in September 2010. The Ministry had identified three institutions with reduced numbers of inmate-on-inmate assaults and had summarized potential best practices at these institutions.

The Ministry advised us that the annual peer review of each institution's compliance with security policies and procedures had been completed for all 31 correctional facilities in 2009. The Ministry's internal auditors were involved to provide an overview of the results and identify systemic issues during the current and previous years' reviews. In their February 2010 report, the internal auditors noted that more work was required to improve on the results from the prior year's review and that most of the issues had been ongoing for several years. In order for compliance to be achieved, the internal auditors indicated that further scrutiny, monitoring, and comparison of action plans from year to year needed to be completed by the regions. The Ministry informed us that organization-wide assessments of the annual security policies and procedures compliance review had since also been initiated.

The Ministry completed a literature review of the direct-supervision model in June 2009, including comparisons to other correctional models (such as linear and podular supervision). The

Ministry informed us that the financial savings and other benefits of each alternative are being taken into consideration to determine the appropriate supervision model to be used in new institutions in Ontario, and that a decision will be made one year before the 2012 openings of the two newly constructed detention centres.

Meals

Recommendation 6

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

- *perform a cost-benefit analysis of the current outsourcing of its “cook-chill” food-preparation facility and ensure that appropriate competitive tendering procedures are taken when the current contract expires in March 2009; and*
- *investigate why an excessive number of meals are being served at certain institutions and take corrective action.*

Status

We were informed that the Ministry had engaged an external consultant to conduct an operational and financial review of the cook-chill program, which subsequently found that the program was viable and identified cost/benefit strategies in such areas as menu design, production efficiencies, and program expansion.

In August 2009, a public request for proposals was issued for an operator of the cook-chill food production centre. The Ministry engaged the same external consultant to provide oversight on the procurement process. The Ministry informed us that the current service provider was the only vendor to submit a proposal by the October 2009 deadline. In January 2010, the Ministry awarded a new contract to the vendor for a seven-year period with two additional one-year options. The new contract includes changes to the previous arrangements to improve working relationships with the service provider and to achieve specific goals and priorities for the program.

The Ministry formed a Provincial Food Services Committee (PFSC) in June 2009 to review and investigate the issue of excessive numbers of meals being served at institutions and to identify cost-saving measures for food service overall. The PFSC issued a report in October 2009 that confirmed our 2008 observation that excessive meals were being served at certain institutions and made 10 recommendations for corrective action, including identifying institutions that report a large variance between numbers of meals and inmates and the need to track and pre-approve “duty meals” for staff who are entitled to them. The Ministry has directed the various regions to implement these corrective actions for the 2010/11 fiscal year, with a goal of reducing the variance to an acceptable rate for each institution.

MANAGEMENT OF INMATES

Correctional Programming

Recommendation 7

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

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

Status

As noted in an earlier section, we were informed that the Ministry’s Offender Programs Unit conducted a review of the rehabilitation programs currently being offered to inmates and subsequently

developed a strategic plan for 2009–2013 to ensure that programming is appropriate to meet the needs of both sentenced and remanded inmates. The strategic plan also included a detailed gap analysis of the relevant issues that continue to affect the implementation of core programming at institutions. A menu of rehabilitative programs was developed that includes more options for remanded inmates, such as providing education and life skills, and programs for anger management and substance abuse. A template was developed to assist each institution in strategically planning what programming it will offer based on the demographics of its inmate population.

Although an Offender Program Tracking Module—an enhancement that enables the recording and tracking of program offerings and inmates' participation in programs—was added to the Ministry's Offender Tracking Information System at the time of our 2008 audit, the Ministry informed us that many institutions had not yet used the module. Consequently, at the time of our follow-up, there was still incomplete information on program availability and utilization rates. The Ministry made improvements to the module in January 2010 and its use has been made mandatory to allow effective tracking of programs. The Ministry initiated quarterly reports on the quantity and type of programming available in 2010. However, the information was still not complete, because some institutions were still not reporting. The Ministry also informed us that its internal accreditation process and policy would be revised in 2010 and 2011 to reflect the change in focus to remanded offenders, providing life skills and orientation-level programs rather than the intensive programs for which the accreditation process was originally designed.

The Ministry expected a full program inventory to be completed in the fall of 2010, with information on program availability, participation rates, and program coverage. It planned to use the program inventory data, program evaluation results, and recidivism data to assess the quality of

the programs and their level of success in achieving intended outcomes.

The Ministry conducted a jurisdictional scan of the programming provided to both remanded and sentenced inmates across all Canadian jurisdictions and found that Ontario's current approach to programming is consistent with that in other jurisdictions.

Inmates with Mental Illness and Special Needs

Recommendation 8

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

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

Status

We were informed that the Ministry's admission procedures were reviewed and updated in October 2009 to help better identify inmates with mental-health issues and special needs on admission to correctional facilities. The Ministry has on-site clinics for conducting court-ordered mental-health assessments at six institutions. The Ministry also received funding for a pilot project in April 2010 for the use of video technology at five correctional facilities to improve the quality and timeliness of assessments

for accused persons with possible mental-health issues. This technology reduces delays and cuts costs (because clinicians and inmates do not need to travel for assessments). The Ministry informed us that it was also in the process of reviewing the available screening tools for mental illness, with a view to better assisting institutions in identifying inmates who are experiencing symptoms associated with mental illness, and then referring them for a full assessment. The Ministry expected that a tool would be selected and developed for implementation in the 2010/11 fiscal year.

We were informed that a multidisciplinary review had begun to identify methods that could help define special needs more clearly. By differentiating inmates with mental-health issues from the general special-needs population, the Ministry hopes to gather statistics to support the creation of new treatment units. We were told that as part of the review, the Ministry had developed a cross-jurisdictional survey for distribution in late 2010 to review practices in working with inmates with special needs, particularly with regard to screening, accommodation, required staff resources, and training.

To meet the programming needs of inmates with mental illness, we were informed that the Ministry's Offender Programs Unit was in the process of developing a new life skills program that is short enough to fit well within the average length of stay for both remanded and sentenced inmates. The Ministry anticipated that this program would be ready for piloting in 2010/11.

The Ministry informed us that it was continuing to work co-operatively with other ministries to co-ordinate services and to plan more effectively for people who are in conflict with the law. For example, the Ministry said that it is working with the Ministry of Health and Long-Term Care to address the shortage of mental-health case workers at correctional facilities. More broadly, the Ministry has been involved in a cross-jurisdictional working group to act as an advisory body to corrections heads across Canada in developing and

implementing a national corrections mental-health strategy.

In September 2009, four corrections staff attended a mental-health train-the-trainer program provided by Correctional Services Canada. We were informed that material from this course will be incorporated into basic training for correctional officers and will be further developed into a training program for existing staff.

Earned Remission

Recommendation 9

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

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

Status

The Ministry informed us that it had undertaken measures to clarify its position on earned remission. Although no changes were made to the Ministry's practices, the Ministry obtained legal opinions and has revised its website to reflect its actual practice of inmates earning remission by default if they abide by institutional rules and by the conditions governing any temporary absences. In addition, the reference to the anticipated earned remission mandate was removed in 2009 from the Ontario Parole and Earned Release Board's legislated responsibilities under the *Ministry of Correctional Services Act*, because the regulations under which the Board would have been required to implement this responsibility had never been established. The

Board's name was also changed to the Ontario Parole Board.

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

Recommendation 10

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

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

Status

The Ministry informed us that changes were implemented to the Offender Tracking Information System in April 2010 to allow institutional staff to collect better data on offender drug and alcohol incidents within the system. As a result of these improvements, the Ministry can now review the number of incidents relating to specific contraband items (such as drugs or alcohol) over a specific time frame. The Ministry has directed staff to ensure that this type of data is being entered consistently, with specific detailed information in each incident report. In addition, the weekly report to the Deputy Minister that has been in place since April 2009 includes information and statistics on a variety of incidents and issues, including those involving contraband drugs.

In May 2009, the Ministry conducted a jurisdictional scan of other provinces regarding their correctional institutions' practices for drug and alcohol detection, testing, and contraband prevention. Although it noted that some jurisdictions require

random alcohol and drug testing of inmates, the Ministry told us that it believes that the health, safety, and security issues related to alcohol and illicit drugs are best managed proactively through the prevention and detection of contraband. As a result, the Ministry was not prepared at this time to request regulations to authorize random testing in Ontario. The Ministry does use all the other detection methods noted by its research, including periodic searches by drug-detecting dogs, video surveillance, and searching of inmates.

The Ministry reports that it has increased the use of its alcohol and illicit drug detection techniques since our audit, and has upgraded its closed-circuit cameras and changed procedures regarding inmate exercise-yard security and inmate clothing exchanges. An x-ray machine has been installed at one institution to scan incoming personal clothing, and an ion scanner pilot program is to be implemented in one jail in the near future. The Ministry has established a security committee and has appointed a co-ordinator to review and oversee the implementation of recommendations to improve security, including periodic unannounced searches of staff personal belongings and lockers.

In addition, in April 2010 the Ministry directed senior institutional management to ensure that every institution is searched using drug-detecting dogs at least once a month.

MANAGEMENT OF STAFF

Correctional Officer Absenteeism and Overtime Payments

Recommendation 11

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

- *re-evaluate its Attendance Support Program to ensure that it can properly identify and deal with employees who abuse sick leave benefits;*

- investigate the reasons for large overtime payments program-wide and to individual employees and implement corrective measures to reduce overtime costs;
- investigate the reasons other jurisdictions have lower absenteeism, including the possible effect of 12-hour shifts; and
- set targets for reducing absenteeism to acceptable levels and implement effective measures for achieving these targets.

Status

In our *2008 Annual Report*, we noted that AIS continued to have a serious problem with the absenteeism of correctional officers, including the abuse of sick leave and overtime provisions. For the 2007 calendar year, correctional officers (most of whom work 12-hour shifts) took on average the equivalent of 32.5 sick days based on an eight-hour day. High absenteeism resulted in AIS incurring about \$20 million in additional costs for replacement workers and overtime payments during the 2007/08 fiscal year. Subsequent to our audit, according to the Ministry's records, average sick days (based on the same eight-hour day) increased slightly to 33.2 days for the 2008 calendar year.

The Ministry informed us that on March 13, 2009, the Ontario government ratified the 2009–2012 collective agreement with the Correctional Bargaining Unit. To address staff absenteeism, several changes arising from this collective agreement, along with other initiatives, have since been implemented:

- Effective August 2009, a new Attendance Support and Management Pilot Project was implemented to replace the former Attendance Support Program. Under the new program, managing attendance is more accelerated, with the threshold for being placed in the program lowered from 11.5 days absent to seven days in a 12-month period.
- Reduced absenteeism targets were introduced for correctional officers, who can earn incentive pay by meeting the targets as a group.

If classified correctional officers as a group achieve average sick times that are less than or equal to the target hours set each year, they are all entitled to receive a lump sum bonus payment ranging from 2% to 5% of straight-time earnings for the period, depending on the targets achieved. The target sick-time hours decrease each year until the collective agreement expires in 2012.

- Employees are no longer allowed to bank overtime hours in lieu of overtime payment.
- Changes were implemented to help address absenteeism patterns related to statutory holidays.
- New overtime provisions restrict the ability of correctional officers to work overtime for premium pay. An employee who is sick during a four-week period will not receive overtime premium pay until his or her extra hours of work exceed the number of sick-time hours taken in that period.

The Ministry informed us that the average number of sick days for the nine-month period ended December 31, 2009 (following the ratification of the collective agreement), had decreased to 25.4 days on an annualized pro-rated basis based on an eight-hour shift. As a result of the decrease and the correctional officers meeting the absenteeism target for the first nine months of the collective agreement, the Ministry paid a 2% lump sum bonus to each classified correctional officer (totalling \$2.2 million). The Ministry noted that the decreased absenteeism had saved \$3.6 million in costs (for replacement workers and overtime payments), for a net saving of \$1.4 million over the nine-month period. For 2010, correctional officers must reduce absenteeism to no more than 22 days per year to receive an incentive bonus.

While progress is clearly being made, absenteeism at many of the 31 institutions remains high, and about one-third of correctional officers average over 25 sick days per year. The Ministry has continued to incur significant staff shortages resulting in restricted inmate movement and the cancellation

of work and rehabilitation programs owing to safety concerns. We were advised that in the 2009 calendar year, staff shortages resulted in 258 lockdowns at institutions for either partial or full days (235 in 2007), and in program-only cancellations on a further 84 days (62 days in 2007).

In 2008, the Ministry also contacted several Canadian jurisdictions in relation to correctional officer absenteeism and shift schedules. Responses were received from four provinces and one territory, but the Ministry indicated that they contained no best practices that could be implemented in Ontario.

Correctional Officer Training

Recommendation 12

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

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

Status

In December 2008, the Ministry directed its institutional staff to begin using the learning management system that had been in place at the Ontario Correctional Services College, in order to maintain accurate information on the status of each correctional officer's training (that is, requirements met, requirements outstanding, and reasons for non-completion). However, a subsequent Ministry review found that only two facilities had 100% of their correctional officers entered on the system, and although many of the institutions were approaching full compliance, some had less than 50% of their correctional officers registered. A follow-up memorandum was issued in March 2010 directing institutions to complete the training records for all correctional officers.

We were informed that the Ministry collected and analyzed information from institutional staff such as percentage of training completed and reasons for missed training. The initial analysis in May 2010 indicated that the reasons for missed training include staff and instructor reassignments; illness; emergencies; budget constraints; and the large mandatory training curriculum. The Ministry intended to develop strategies for addressing these causes of missed training by spring 2011.

Performance Monitoring and Measurement

Recommendation 13

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

Status

We were informed that the Ministry had made changes in January 2010 to its Offender Program Tracking Module, which records availability and participation for both institutional and community-based correctional programs and services. Recording of programs and participation was made mandatory, with the intention of allowing for performance-measure analyses and reporting. The Ministry also advised us that it is revising its tracking process to allow more reporting and analysis of offender recidivism that accounts for differences in time spent by offenders in remand, and in sentences to incarceration and community supervision. The Ministry's gathering of information on recidivism among offenders who have participated in institutional or community programs will need time for data to populate the Offender Program Tracking Module, so the Ministry does not expect to have sufficient data to begin reporting on recidivism rates for the 2008/09 fiscal year until at least the 2011/12 fiscal year. The Ministry is also planning to ensure its definition and strategy to track recidivism is in line with those of other Canadian jurisdictions.