

# Adult Custody & Community Corrections

Independent Auditor's Report



December 2022

OFFICE OF THE AUDITOR GENERAL  
NEWFOUNDLAND AND LABRADOR



## Objectives

To determine whether the Department of Justice and Public Safety was:

- providing and adequately managing appropriate rehabilitation programming intended to meet the needs of adult offenders in custody and assist them with their successful reintegration into the community; and,
- whether the department had adequate processes to manage adult offenders in the community, while also supporting public safety and offenders' successful community reintegration.



**Audit Period:** January 2017 through December 2019.



## Why this Audit is Important

The appropriate rehabilitation and supervision of offenders in custody, and those serving sentences in the community, is a crucial part of protecting the public. Adult custody and community corrections programs play a significant role in this effort. Gaps in legislation, policy, and procedures may create situations where offenders receive inappropriate rehabilitation, which may result in an increased risk to reoffend. Similarly, offenders serving community sentences without adequate supervision are at risk of not complying with their court ordered conditions and possibly repeating criminal behaviours.



## Conclusions

The Department of Justice and Public Safety was inadequate in its efforts to appropriately and consistently manage adult offenders in custody and in community arrangements. The department did not provide adequate rehabilitation programming, with outdated adult custody policies and incomplete risk assessments. Probation officers did not always supervise offenders in accordance with established supervision standards, nor did they always monitor offenders' compliance with the conditions outlined in their court orders. Probation officers also did not always properly enforce compliance with probation and conditional sentence order conditions when breaches occurred. These deficiencies may have increased the risk to public safety and diminished offenders' probability of successful community reintegration.



## Summary of Recommendations for the Department of Justice and Public Safety

The department should:

- complete the work necessary for the government to enact the 2011 Correctional Services Act;
- ensure that all adult custody and community corrections policies are complete, current, reflect best practice, communicated, and monitored regarding the rehabilitation and management of offenders;
- ensure classification and probation officers have current, adequate training in all aspects of managing adult offenders, including the establishment of formal information transfer processes to improve correctional services;
- ensure that rehabilitation programming is available and accessible to all offenders;
- ensure that release planning is available and accessible to all offenders in custody, and
- ensure that probation officers are supervising offenders in the community in accordance with established standards and are monitoring and enforcing compliance with court ordered conditions.



## What We Found

### Policy

Although modernized legislation was assented in 2011, the department has not ensured that timely passing of the Act and its regulations; as a result, the department continues to operate under outdated legislation from the 1970's. We found that Adult Custody polices on rehabilitation programming and reintegration were incomplete, inadequate, and outdated, and for the majority of the criteria we assessed, no policies existed to guide adult custody at all. There were also significant gaps in Community Correction's policies for managing adult offenders in the community, and some policies lacked critical elements found in other Canadian jurisdictions.

### Case Management

Case management processes were not always adhered to for both offenders in custody or those serving community sentences. For example, offender risk assessments often did not exist, and when they did, were often incomplete, inaccurate, or untimely. When offender risk assessments did not exist, the proper development of meaningful case management plans became impossible. When the assessments were completed, only 18 per cent of our adult custody sample, 23 per cent of our probation sample, and 25 per cent of our conditional sentence sample had relevant rehabilitation programming recommended for them.

### Rehabilitation Programming

Classification officers did not follow department directives regarding how often they should have been meeting with offenders to monitor their rehabilitation progress. Furthermore, both classification and probation officers did not consistently document monitoring information and had minimal training in case management processes. We found that comprehensive quality assurance processes for risk assessments and case management plans - or overall policy compliance - was lacking.

The department did not have a formalized process to ensure that it had the appropriate types and availability of rehabilitation programming to meet the needs of current and future offenders. They also had no formalized process that ensured offenders in custody, and those serving sentences in the community, had access to relevant programming. The department did not monitor, evaluate, or report on their overall effectiveness for managing rehabilitation programming and had no established process that would enable them to do so. As a result, they had no way of knowing if they were rehabilitating and/or adequately managing offenders in the community.

### Release Planning & Court Conditions Monitoring

The department had no formalized release planning processes for offenders in custody. They did not always discuss release planning with offenders and had no formalized process for when an offender would transition from custody to probation. We also found that probation officers did not always supervise offenders in accordance with established standards. Probation officers also did not consistently monitor compliance with offenders' court ordered conditions, or properly enforce compliance when breaches occurred.



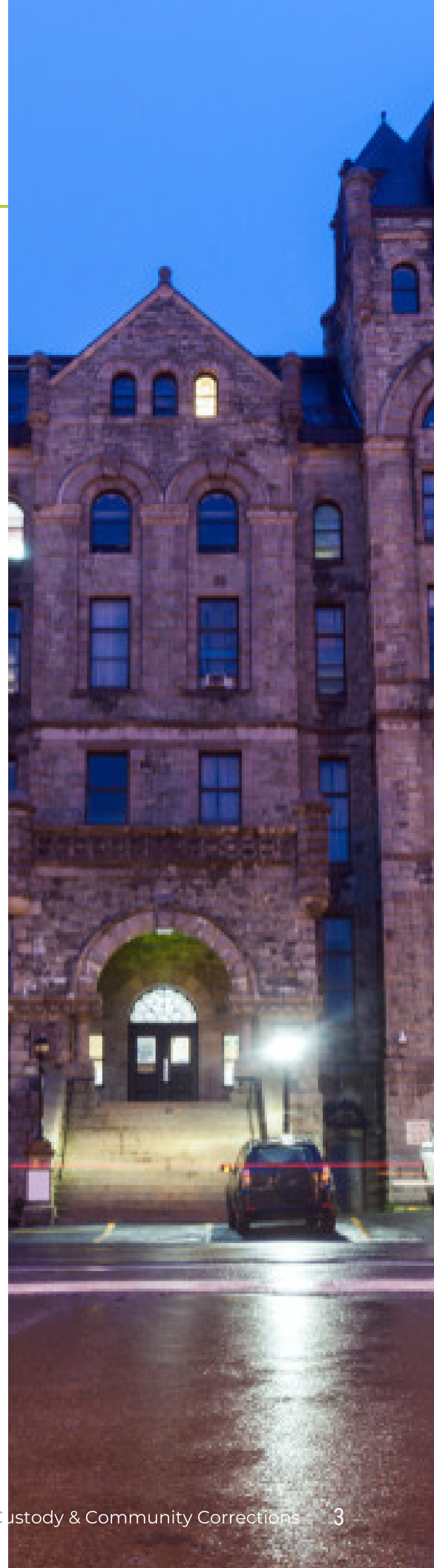
After reading this report, you may want to ask the following questions of government:

1. Why is it taking government so long to enact modernized legislation?
2. What specific actions will government take to improve case management processes, rehabilitation programming, and release planning in the adult custody program?
3. How will the findings of this audit impact the delivery of community corrections?

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# Background

The Department of Justice and Public Safety (the department) is responsible for the protection and safety of Newfoundlanders and Labradorians. The department's Corrections and Community Services Division is responsible for administering the safe and secure custody of youth and adult offenders; providing adult community corrections through probation services; and providing services to crime victims. While the division is made up of four sections, Adult Custody and Community Corrections (Probation) are the focus of this audit.

Our audit period covered January 2017 to December 2019 and had two objectives and fourteen criteria (Appendix A provides details). Due to the interconnected nature of the audit criteria, our report is organized into five major topics: policy, case management, rehabilitation programming, release planning and court conditions monitoring. We utilized a subject matter expert with expertise in adult corrections rehabilitation processes to assist us in understanding department operations and to perform certain audit procedures in response to assessed risks related to our objectives and criteria.

The Adult Corrections Act and the Prisons Act, which have been in force since the 1970's, are the legislation that govern adult corrections. The Correctional Services Act was assented May 31, 2011 as a replacement for these acts.

Adult Custody is responsible for managing offenders and providing rehabilitation programming to assist them after their release from custody. Classification officers are the primary contact for offenders in custody and their responsibilities include completing assessments, developing case management plans, and counselling offenders. They facilitate rehabilitation programming in areas such as addictions, anger management, and domestic violence. Classification officers function under the legislative authority of the Prisons Act and the Adult Corrections Act. During our audit period, 1,103 offenders with provincial terms (two years less a day) were admitted into custody.

Community Corrections is responsible for providing pre-sentencing assistance to the courts and administering community-based sentencing assistance, such as court-imposed probation supervision. Probation supervision includes providing offenders with services in the community per specific and enforceable court-imposed conditions. Probation officers work under the legislative authority of the Criminal Code of Canada and the provincial Adult Corrections Act to manage adult offenders, who are sentenced to community supervision in the form of either a probation order or a conditional sentence order. During our audit period, there were 6,079 probation admissions, with 4,351 under probation orders and 1,728 under conditional sentence orders.

## **Case Management**

Case management is used to describe a systematic effort to provide a coordinated plan of offender supervision, programs, treatment, and management that is linked to an offender's assessed risks and needs. The department uses case management processes, such as gathering offender information and completing risk assessments, to manage adult offenders in custody and in the community.

## **Rehabilitation Programming**

Rehabilitation programming helps offenders change by addressing the factors that contributed to their criminal behaviour and they should be regularly encouraged to take part. The department uses the risk, need and responsivity model in rehabilitating offenders. The premise of this model is to identify offenders' risks and needs and then target those risks and needs in treatment. Rehabilitation programming linked to assessed risks and needs is critical to offender rehabilitation. While participating in rehabilitation programming during custody is voluntary, it can be mandatory while on probation through a court-ordered condition.

# Background

## **Release Planning**

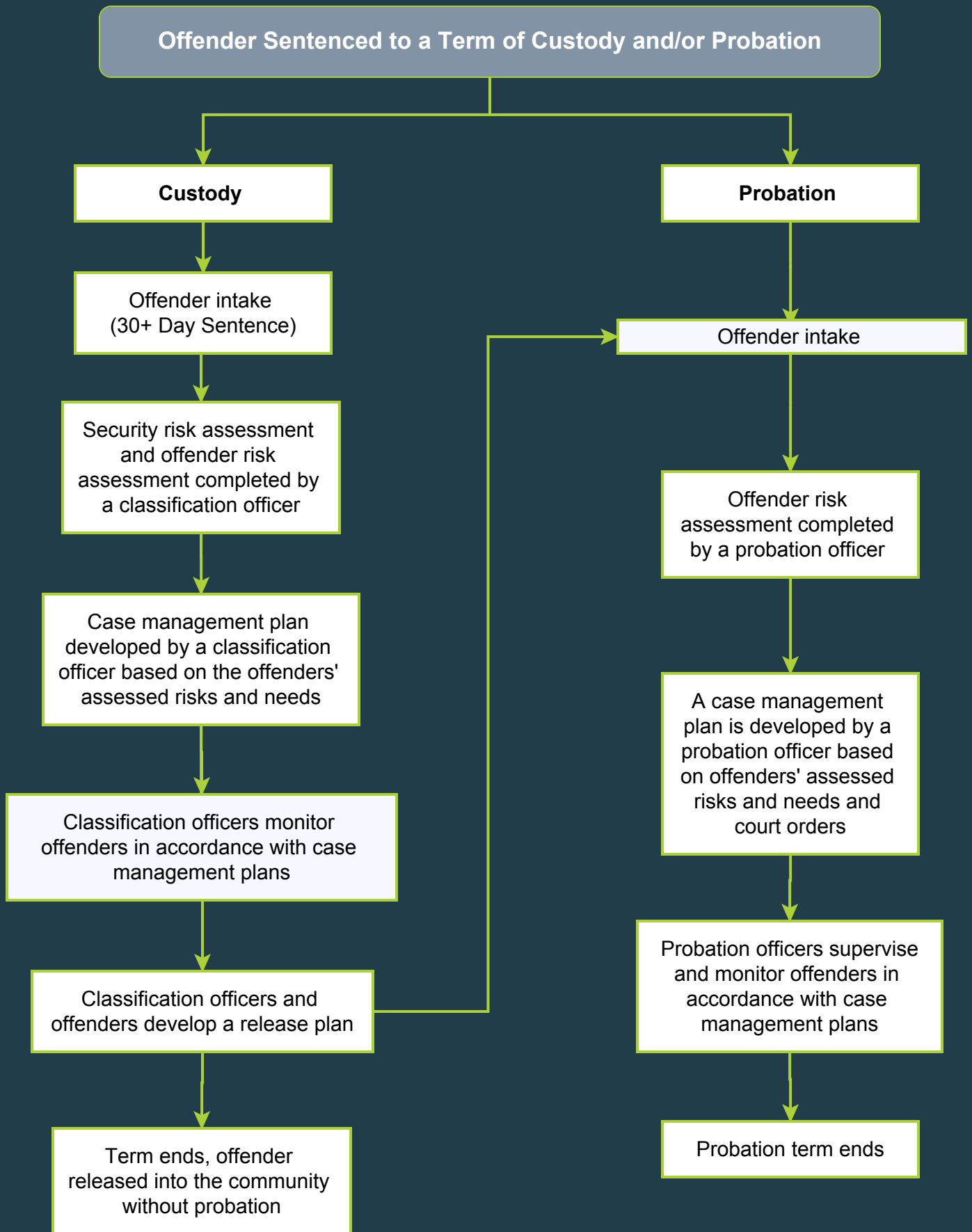
The transition from custody into the community can be challenging, and some offenders may return to previous criminal behaviour during what can be a stressful time. To ease this transition, release plans are intended to help offenders adjust to life back in the community. Release planning sets the foundation for offenders' successful reintegration into the community.

## **Court Conditions Monitoring**

One of the main duties of a probation officer is to monitor and enforce compliance with the conditions outlined in an offender's court order. Conditions of probation orders and conditional sentence orders may be compulsory or optional; examples include: to keep the peace and be of good behaviour, or to appear before court when required.

Offenders who fail to comply with the conditions of a probation order may be charged, resulting in a more serious punishment such as a two-year prison term. Offenders who breach the conditions of their conditional sentence orders will be arrested and may be required to serve the remainder of their sentence in prison.





# Summary of Key Findings

## Policy

- The legislation that governs adult corrections is out of date and the department did not advocate for the enactment of the updated Correctional Services Act.
- Adult custody rehabilitation programming and reintegration policies were incomplete, inadequate, and outdated; and for five criteria, no policies existed at all.
- There was a lack of guidance regarding the procedures for documenting offender information, this procedural gap led to inconsistencies in how information was recorded, in turn making it difficult to audit given that the information could not be identified, retrieved, or reviewed easily.
- In community corrections, while policies had strengths, they were missing crucial components that would help ensure compliance, transparency, and consistency.

## Case Management

### Adult Custody

- Offender risk assessments were not always conducted.
- Offender risk assessments that were conducted were not always accurate or complete.
- Quality assurance processes were non-existent for offender risk assessments and case management plans.
- Classification officers did not meet with offenders on a monthly basis.
- Classification officers did not document monitoring information consistently.
- Classification officers had minimal training in case management.

### Community Corrections

- Offender risk assessments were not always conducted.
- Offender risk assessments that were conducted were not always accurate or complete.
- Case management plans were not always completed.
- There was no established process for the transition of offenders from custody to community terms.
- Monitoring information was not documented consistently by probation officers.
- Probation officers had minimal training in case management.

## Rehabilitation Programming

- No formalized process was provided to offenders to ensure that the appropriate types and availability of rehabilitative programming was available.
- The department did not monitor, evaluate, or report on the overall effectiveness of processes for managing rehabilitation programming, and had no established process that would enable them to do so.

### Adult Custody

- Offender risk assessments and security risk assessments were not conducted in a timely manner.
- Relevant rehabilitation programming was not recommended in response to offenders' needs.
- The department had no formalized process that ensured offenders in custody throughout the province had access to relevant rehabilitation programming .

### Community Corrections

- The department had no process to ensure that offenders serving sentences in the community had access to needed rehabilitation programs.
- Offender risk assessments were not always conducted within expected timeframes.
- The department did not consistently identify relevant rehabilitation programming in response to offender risk assessments.



# Summary of Key Findings

## Release Planning

- The department had no formalized release planning processes for offenders in custody.
- Classification officers did not always discuss release planning, including key topics such as connecting with community groups, counselling referrals, and temporary absence conditions.

## Court Conditions Monitoring

- Probation officers did not always supervise offenders in accordance with established supervision standards.
- Probation officers did not always monitor offenders' compliance with the conditions outlined in their court orders.
- Probation officers did not always properly enforce compliance with probation and conditional sentence order conditions when breaches occurred.
- Probation officers could not enforce the condition "submit to drug/alcohol testing," creating a conflict with respect to their responsibilities for monitoring conditions.



# Findings - Policy

## Adult Custody

- Criteria 1 The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
- Criteria 2 The department has adequate processes for assessing offender risk and developing case management plans for offenders in custody.
- Criteria 3 The department provides offenders with relevant rehabilitation programming in a timely manner.
- Criteria 4 The department monitors individual progress towards the established objectives of case management plans.
- Criteria 5 The department has adequate processes to support custody release planning and the discharge of offenders into the community, including the transfer of offenders to Community Corrections.
- Criteria 6 The department has trained and qualified staff to support the development and monitoring of case management.
- Criteria 7 The department monitors, evaluates and reports on the overall effectiveness of processes for managing rehabilitation programming.

## Community Corrections

- Criteria 8 The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
- Criteria 9 The department has adequate processes for assessing offender risk and developing case management plans for offenders serving community sentences, including those who have community terms following a period of custody.
- Criteria 10 The department provides offenders with relevant rehabilitation programming in a timely manner.
- Criteria 11 The department monitors individual progress towards the established objectives of case management plans.
- Criteria 12 The department has adequate processes to monitor and enforce compliance with court conditions.
- Criteria 13 The department has trained and qualified staff to support the development and monitoring of case management.
- Criteria 14 The department monitors, evaluates and reports on the overall effectiveness of processes for managing adult offenders in the community.



## What We Expected

We expected the department would have robust, clear and current policies for all aspects of adult custody pertaining to rehabilitation programming and reintegration, as well as for community corrections pertaining to offender management and their successful reintegration back into the community. We expected policies to be complementary and comprehensive; for example, once risks were identified, needs were assessed and a case management plan developed accordingly to outline treatment. We expected policies and systems to facilitate internal processes, with a reliable information management system, appropriate procedures, and quality management practices. We expected policies to be consistently applied, aligned with industry best practice, and regularly reviewed for efficiency and effectiveness. We also expected that the department would have ensured the enactment of the modernized legislation.



## What We Learned

We found that **the legislation that governs adult corrections is out of date and the department did not advocate for the enactment of the updated Correctional Services Act.** The Correctional Services Act was assented to on May 31, 2011. Department officials informed us that a full review of the assented legislation was deemed necessary in 2016, in keeping with best practices and recent reviews of the correctional system given that five years had elapsed. In 2019, the Minister of Justice and Public Safety indicated that the department was finalizing the regulations and adjudication process prior to proclaiming the Act. To date, the 2011 legislation has not been proclaimed and the 1970s' Acts remain in use. We could not determine any reason for these delays.

### Adult Custody

We found that **adult custody rehabilitation programming and reintegration policies were incomplete, inadequate, and outdated; and for five criteria, no policies existed at all.**

Audit Criteria	Policy Assessment
Identifying and establishing rehabilitation programming	Inadequate
Assessing offender risk and developing a case management plan	Inadequate
Relevant and timely rehabilitation programming	No Policy
Monitoring of offenders	No Policy
Offender release planning, including transition to probation	No Policy
Training in case management	No Policy
Monitoring, evaluating and reporting on effectiveness	No Policy

Source: Prepared by the Office of the Auditor General.

We were particularly concerned with the lack of strong policies regarding identifying and establishing rehabilitation programming, assessing offender risks, and developing appropriate case management plans, since these policies would be the most critical areas that support the objective of rehabilitation.

We identified conflicting information regarding the timeframes to complete offender risk assessments, which identify risks and needs as well as the likelihood of re-offending. For example, some classification officers indicated that an assessment should be completed for offenders with a sentence of 30 days or more within 60 days of sentencing. Others indicated that an assessment should be completed within 30 days of sentencing. We also found that 22 per cent of offenders in our sample (ten of 46) did not have an offender risk assessment completed and were in custody for more than 30 days but less than 60 days.

We found that the directives for monitoring offenders were vague. In the absence of a specific policy, department officials indicated that there is a directive to meet with offenders every 30 days to monitor their rehabilitation progress. However, during the audit, we were informed that 30 days is 'an interpretation' of approximately once every calendar month; for example, a meeting on June 1 and another on July 28 would be considered monthly. This could have resulted in significant timeframe variations between when classification officers have monitoring meetings with offenders.

**There was also a lack of guidance regarding the procedures for documenting offender information.** The majority of case management information is recorded in the contact notes section of the offender management system. Contact notes are a running record of any contact between offenders and department officials but are not searchable and are a text-based field. There is no formal guidance on documentation requirements, such as what information to include, how it should be structured, or how it should be entered so it is easily retrievable. **This procedural gap led to inconsistencies in how information was recorded, in turn making it difficult to audit given that the information could not be identified, retrieved, or reviewed easily.** Furthermore, we found that the contact notes for our offender sample lacked detail.



## Community Corrections

We found that **while there were current policies, significant gaps existed. While the policies had strengths, they were missing crucial components that would help ensure compliance, transparency, and consistency. Further, other Canadian jurisdictions did have these components in their policies.** For example, policies did not clearly identify the connection between an offender's assessed needs and the corresponding programs to address those needs. Department policies did not include a process for prioritizing and selecting program assignments nor did they fully define the procurement process and expectations for external service providers. Policies also did not have a defined monitoring framework to ensure compliance with supervision standards and court orders.

We found that there was no policy to dictate how probation officers documented when offenders were not in compliance with court orders. This gap led to inconsistent documentation within the offender management system. In particular, we found examples of probation officers indicating that an offender was compliant with court orders, when the contact notes had evidence of non-compliance. Although not noted in policy, it is practice to only indicate "no" to questions regarding compliance when breach charges were laid.

Offender risk assessments were at times completed for pre-sentence reports before probation or conditional sentence orders started. There was an unwritten understanding within the division that these assessments could be used as the initial risk assessment for supervision purposes. This understanding assumed no significant changes occurred in the offenders circumstances and a significant period of time had not passed. As a result, if new or different risks and needs occurred, this increased the risk that an inappropriate rehabilitation response could happen.

We found that offenders assessed as 'low risk' were not referred to rehabilitation programming. While not noted in policy, it was an acceptable practice as established by offender risk assessment guidance. There was no policy to evaluate risks and needs for the general probation population for the purposes of procuring rehabilitation programming and there was no policy for the evaluation of these programs.

The quality assurance policy did not address follow-up related to deficiencies noted during the file audit process where a probation officer's work did not meet expectations. In addition, the file audit form, which was used to document the results of probation officers file audits, did not include a section for managers to document that identified deficiencies had been corrected. We found that the file audit form had dates listed to complete specific tasks related to identified deficiencies. We examined 59 file audits and found that 48 (81 per cent) did not have any documented follow-up to indicate whether the specific tasks had been completed by the dates listed.



### Why It Matters

By not enacting the modernized legislation, the department is attempting to manage adult offenders based on outdated concepts that are not in line with industry best practices. Without up to date and complete policies, it is difficult to manage rehabilitation programming for adult offenders, support public safety, or support offenders' successful reintegration into the community. Gaps in policies may lead to inappropriate rehabilitation responses, with rehabilitation programming provided that could increase offenders' risk to reoffend, inappropriate supervision, impaired service delivery, reduced accountability, and documentation inconsistencies. Strong policies contribute to better outcomes, improve transparency, and help build staff knowledge and accountability.

# Findings - Case Management

## Adult Custody

- Criteria 2 The department has adequate processes for assessing offender risk and developing case management plans for offenders in custody.
- Criteria 4 The department monitors individual progress towards the established objectives of case management plans.
- Criteria 6 The department has trained and qualified staff to support the development and monitoring of case management.

## Community Corrections

- Criteria 9 The department has adequate processes for assessing offender risk and developing case management plans for offenders serving community sentences, including those who have community terms following a period of custody.
- Criteria 11 The department monitors individual progress towards the established objectives of case management plans.
- Criteria 13 The department has trained and qualified staff to support the development and monitoring of case management.



### What We Expected

We expected that the department would complete risk assessments for offenders when they entered custody and/or probation. We expected that these assessments would be complete and accurately reflect the details of offenders' circumstances. We expected that case management plans would be developed in response to offender risk assessments, be fully documented and easily accessible. We expected there would be an established process for transitioning offenders from custody to community terms. At a minimum, we expected a person-to-person exchange of information between classification and probation officers, particularly with regards to any rehabilitation programming offenders may have been provided while in custody. We also expected a formalized quality control process would exist to ensure that case management processes were completed in accordance with department policies and expectations.

We expected that classification and probation officers would monitor an offender's progress against the objectives identified in the case management plan and document contact and rehabilitation activities and interventions.

We also expected classification and probation officers would be adequately trained in case management processes.



## What We Learned

### Adult Custody

We found that security risk assessments, which were used to determine the threat an offender poses to themselves or others, were completed for offenders in custody for 100 per cent of our sample of 46 offenders. However, we found that **offender risks assessments were not always conducted**. Offender risk assessments identify offenders' risks and needs and are used to develop appropriate rehabilitation responses. For our sample, we found that 57 per cent (26 of 46) did not have an offender risk assessment completed. The 26 offenders that did not have offender risk assessments completed had been in custody for an average of 91 days, with one offender in custody for 243 days without any assessment. As well, these 26 offenders could not have meaningful case management plans identified because their risks and needs had not been identified.

We found **offender risk assessments that were conducted were not always accurate or complete**. We identified inconsistencies and/or contradictory information in more than half of the 20 samples with completed assessments. For example, there were nine instances where details were missing, such as substance abuse history and the types of problematic substances, potentially resulting in improper assessment. We found that over half of our sample of assessments had entire sections that were incomplete, such as prison experience (including past and current incarcerations) and barriers to release.

The offender management system used by the department for managing offender information has a dedicated area for recording case management plans. Classification officers use the risks identified through offender risk assessments to determine rehabilitation needs and to develop a case management plan in response. However, we found classification officers were instructed to create and document plans in the contact notes section. As previously stated, the contact notes section, which is a running record of any contact between offenders and department officials, is a text field and is not easily searchable. For the 20 offenders that had offender risk assessments completed, the department was unable to provide the case management plans for 19 because that information was documented in the contact notes. We asked officials to extract the details of case management plans but they indicated that this was a very difficult and complicated task which they could not complete. Only one offender (two per cent of the sample of 46) had a case management plan that we were able to review because it was documented in the appropriate section of the offender management system.

For the one sample where we could review with a case management plan, we noted deficiencies. For example, the offender's needs were not fully identified; while the offender had a high score on the risk related to education and employment, there were no corresponding needs identified. Also, plan timelines were not reasonable, goals were vague, and there were no specific details on how to accomplish objectives.

We found **quality assurance processes were non-existent for offender risk assessments and case management plans**. However, we learned that an approval process existed for security risk assessments whereby a supervisor's signature was required to show that sections were complete, accurate, and approved - however, this process was not used during the audit period. We also found that there was a function within the offender management system that indicated when offender risk assessments, including case management plans, were past due; however, this system function was not being used.

In the absence of policy, the department's practice was to meet with offenders on a monthly basis to monitor their progress on the objectives of their case management plan. We found that **classification officers did not meet with offenders on a monthly basis** for 26 per cent of our sample (12 of 46) and in one instance, an offender did not meet with an officer for over three months.

We also found that **classification officers did not document monitoring information consistently**. For eight offenders in our sample that had appropriate rehabilitation programming identified, we found that:

- two did not have evidence of program referrals being made to offenders;
- three did not have evidence of participation discussions with offenders;
- six did not have evidence of contact with external program facilitators to confirm participation in programming; and
- five did not have evidence of program completion.

Furthermore, while the offender management system had a designated section to document monitoring, it was not used. Instead, department practice was to record monitoring information in the contact notes section of the system.

We found that **classification officers had minimal training in case management**. Specifically, we found that the department did not have a formalized training program for case management processes. We found that the only formal training classification officers received was a multi-day course on completing offender risk assessments. Staff indicated that this training focused on completing offender risk assessments, but did not include training on developing case management plans, monitoring offenders' progress and/or completing release planning. Officials indicated that the majority of case management training occurred informally through job shadowing.

We also found that the department did not keep a record of which classification officers completed the offender risk assessment training. Seven of the eight classification officers in our sample indicated they had completed the training. However, four of the seven completed the training more than ten years prior and had not completed refresher training.

## Community Corrections

We found that **offender risk assessments, which identify risks and needs, as well as the likelihood of re-offending, were not always completed for offenders subject to probation or community sentence orders**. We found that offender risk assessments were not completed for 12 offenders (31 per cent) from our sample of 39 with probation orders and two offenders (ten per cent) from our sample of 20 with conditional sentence orders.

We also found that **offender risk assessments were not always complete and accurate, possibly impeding proper assessment**. For the 27 probation and 18 conditional sentence order offenders that had offender risk assessments, the majority were incomplete. For example, program placements for community offenders were left blank; the circumstances of the current offence was incomplete or lacked key details; the summary of findings was blank; and the number of adult/youth convictions was not specified.

We also identified inconsistencies in the assessment information for 13 of the 27 (48 per cent) probation, and seven of the 18 (39 per cent) conditional sentence order offenders that had offender risk assessments completed. For example, one probation order offender's risk assessment had documented 'no' to physical assault, but the offender's record indicated a history of domestic violence. In another assessment, there was no indication of previous criminal convictions for an offender with a conditional sentence order, but the offender's file contained records of three previous convictions.

We found that **case management plans were not always completed for offenders subject to probation and conditional sentence orders**. As noted previously, there were no offender risk assessments completed for 12 of 39 probation and two of 20 conditional sentence order offenders. As a result, it was impossible to develop meaningful case management plans for these individuals because their risks and needs were not identified. For the remaining offenders (27 of 39 probation and 18 of 20 conditional sentence order offenders) with risk assessments completed, eight probation and three conditional sentence order offenders had no case management plans completed. Three of these offenders had been assessed as high risk to reoffend.



We found issues with the quality of case management plans for our sample of both probation and conditional sentence order offenders. In particular:

- For 15 probation and eight conditional sentence order offenders, needs were missing from the case management plans;
- For nine probation and three conditional sentence order offenders, established goals were either difficult to measure, not reasonable, lacked detail, or were not identified at all; and
- For 11 probation and 11 conditional sentence order offenders, timelines to achieve goals were not reasonable.

We found that **there were no established process for the transition of offenders from custody to community terms**. When offenders transition from custody, probation officers are responsible for scheduling a meeting between themselves and the offender to take place within two working days of an offender's release. While it was not specified in policy, management indicated that probation officers were expected to review offender files, inclusive of any prior contact notes from previous community and/or institutional terms. However, we found that there was no requirement for classification and probation officers to formally exchange offender information. The new Correctional Services Act states that "the director shall coordinate and encourage wherever possible the interrelated activities of correctional facilities and community correctional programs that are concerned with offenders at all stages of their sentences." It, therefore, appears that the modernized legislation would address this issue if it were enacted.

The department did have a quality assurance policy in place to monitor the performance of probation officers in managing adult offenders in the community. However, we also found that **the department was not in compliance with the policy during the scope period of our audit**. The policy stated that file audits were an annual process to be completed by the employee's respective regional manager. We found that:

- 29 of the 88 (33 per cent) file audits required during our scope period were not completed and therefore could not be examined. We found that there were no file audits completed in the St. John's office during 2017 and there was a delay in completing file audits in the St. John's office during 2018. As a result, some 2018 audits were not completed until 2019.
- Of the 59 file audits examined, there were 26 file audits not in compliance with policy regarding the composition of files for audit. Issues with file composition included an inappropriate number of files with male and female offenders, conditional sentence files, administratively inactive files, high and medium/low risk files, and sexual offender files.
- Of the 59 file audits examined, there were three file audits where the appropriate number of files were not reviewed according to the department's defined policy requirements.

We found that **monitoring information was not documented consistently by probation officers** for the nine probation and five conditional sentence order offenders in our sample that had relevant rehabilitation programming recommended. For example:

- three probation and three conditional sentence order offenders did not have evidence to support the offender's progress against the objectives of the rehabilitation plan;
- three probation and three conditional sentence order offenders did not have evidence of program referrals; and
- one probation and two conditional sentence order offenders did not have evidence of discussions regarding their program participation.

We also found that probation officers were not documenting monitoring in the designated area of the offender management system. Department officials indicated that the monitoring function could not be operationalized due to technical limitations in the offender management system. As a result, probation officers were documenting monitoring information in the contact notes section of the offender management system.

We found that **there was minimal training provided to probation officers in case management processes**. We found that the only formal training that probation officers received was a multi-day training course on completing offender risk assessments in the case management process. Specifically, we found that probation officers had not received formalized training in supervising offenders in the community, monitoring court ordered conditions, or determining appropriate rehabilitation programs.

We found that the department could not demonstrate that newly hired probation officers had received orientation in case management processes. For the 17 new probation officers hired during our audit period, ten (59 per cent) of the orientation checklists were not provided and seven (41 per cent) were. For the seven orientation checklists the department was able to provide, five had incomplete areas in the case management orientation section.



## Why It Matters

Incomplete and inaccurate risk assessments may result in inadequate identification of offender risks, resulting in inappropriate rehabilitation responses that do not meet offenders' needs. Without quality, fully documented case management plans, the department runs the risk of attempting rehabilitation in a way that is not responsive to an offenders' assessed risks and needs. This may result in little or inappropriate rehabilitation, and may even place the offender at an increased risk than prior to any rehabilitation efforts. Regarding community corrections, poor case management practices may compromise public safety.

A lack of established processes to transition offenders from custody to probation creates the potential for offenders' needs to go unaddressed, which could impact case management plans and resulting rehabilitation programming, creating lost opportunities and inefficiencies. Exchanging offender information during the transition from custody to probation could result in a more thorough rehabilitation strategy given that classification officers have knowledge of offenders that may not be communicated to probation officers by the offenders themselves. Further, a transfer of information may result in efficiencies between the two branches when implementing case management plans.

Without quality control processes, there is no mechanism to ensure that assessments and case management plans are accurate, timely, or completed. When quality assurance policies are not followed, the department is potentially missing opportunities to monitor the quality of officers' work, which can increase the risk of policy non-compliance going undetected. Furthermore, if officers do not monitor and document an offender's rehabilitation progress against the objectives identified in their case management plans, gaps in monitoring can happen. Officers have no fast or efficient way of knowing what progress is being made and opportunities to improve and refine an offender's rehabilitation may be missed. Overall, this may contribute to little or no rehabilitation occurring.

Given the subjective nature of work regarding offender rehabilitation and monitoring and enforcing court conditions, it is critical that the department has adequate officer training in place. If officers are not adequately trained, improper case management may occur and opportunities to identify areas of improvement may be missed. In addition, offenders in the community may not receive proper supervision with respect to their court conditions; ultimately resulting in negative implications for offender rehabilitation and reintegration, as well as for public safety.

# Findings - Rehabilitation Programming

## Adult Custody

- Criteria 1** The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
- Criteria 3** The department provides offenders with relevant rehabilitation programming in a timely manner.
- Criteria 7** The department monitors, evaluates and reports on the overall effectiveness of processes for managing rehabilitation programming.

## Community Corrections

- Criteria 8** The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
- Criteria 10** The department provides offenders with relevant rehabilitation programming in a timely manner.
- Criteria 14** The department monitors, evaluates and reports on the overall effectiveness of processes for managing adult offenders in the community.



### What We Expected

We expected that the department would have an established process for ensuring the appropriate type and availability of rehabilitation programs to meet current and future offenders' needs. We would expect that this process would include collecting statistical information on the offender population to identify the types of rehabilitation programming, the number of offerings required immediately and in the future, and the geographic distribution of programs. This type of information would also enable the department to identify gaps in available rehabilitation programming. Regarding Community Corrections, we also expected that the department would have ensured rehabilitation programming was accessible to offenders serving community sentences.

We expected that both offender risk assessments and security risk assessments would be completed within expected timeframes. We expected that the department would identify relevant rehabilitation programming in response to offender risk assessments. With regards to Adult Custody, we expected there would be a formalized and coordinated province-wide process to ensure that offenders have access to those programs while in custody.

We expected that the department would monitor, evaluate, and report on the overall effectiveness of processes for managing rehabilitation programming and adult offenders in the community.



## What We Learned

### Adult Custody

We found that **the department did not have a formalized process to ensure that it had the appropriate types and availability of rehabilitative programming to meet the current and future needs of offenders.** Information was not collected that would enable the department to evaluate rehabilitative requirements, nor did they forecast for future offender needs. Further, the department did not maintain a complete list of available rehabilitation programming and therefore had no way to identify gaps in comparison to what programming was needed and where. Staff indicated there were occasionally gaps in rehabilitation programming and times when programs were not available at all.

We found that **offender risk assessments and security risk assessments were not conducted in a timely manner.** The practice within the department was to complete offender risk assessments within 30 days of sentencing for individuals sentenced to 30 days or more, and to complete security risk assessments within two days of an individual entering custody. Of the 20 offenders in our sample that had completed offender risk assessments, we found that:

- Nine had their assessments completed more than 31 days after sentencing, with the longest period being 186 days after sentencing.
- The remaining 11 assessments had been completed within the required timeframe.

We found that 48 per cent (22 of 46) of offenders had not had a security risk assessment within 2 days of incarceration. Of those 22 offenders, the timeframe for their security risk assessment was on average 27 days, one offender was assessed 27 weeks after admission.

For the majority of our sample, **relevant rehabilitation programming was not recommended in response to offenders' needs.** For 26 offenders, there was no offender risk assessment, and as a result, there were no risks and needs documented to assess whether identified rehabilitation programming was appropriate. Of the remaining 20 offenders in our sample that had a completed offender risk assessment, 12 did not have relevant rehabilitation programming recommended.

We found that **the department had no formalized process that ensured offenders had access to relevant rehabilitation programming.** Offenders were housed in facilities throughout the province and programming availability depended largely on the location of service providers. While there was a large concentration of rehabilitation programming available in the St. John's metro area, the same was not the case for other areas of the province.

We found that **the department did not monitor, evaluate or report on the overall effectiveness of processes for managing rehabilitation programming and had no established process that would enable them to do so.** For example, they did not have any specific goals or objectives established to manage rehabilitation programming. They also did not have established key performance indicators, including recidivism which is a measure of reoffending, or tracked relevant information that would help them determine the effectiveness of the process for managing rehabilitation programming.

A semi-annual reporting policy did exist which required the completion of a report that summarized inmate programming information. The required details concerned the number of participants and the number of successful completions. We found the department did not complete any of the six reports required during our audit period.

## Community Corrections

We found that **the department did not have a formalized process to ensure they have the appropriate type and availability of rehabilitation programming to meet the needs of current and future offenders.** The department did not summarize or compile any information from the offender management system to assist in identifying offender population risk and need trends in order to identify and establish rehabilitation programming; nor did they have a process to forecast the future needs of the offender population. They also did not maintain a list of available rehabilitation programming for probation officers to use in developing case management plans.

We also found that **the department had no process to ensure that offenders serving sentences in the community had access to needed rehabilitation programs.** The majority of rehabilitation programming available was provided through a contracted service provider, however, these programs were only offered in three locations, thereby limiting access depending on an offender's location.

We found that **offender risk assessments were not always conducted within expected timeframes.** Policy dictated that probation/conditional sentence orders must be assigned to a probation officer immediately upon receipt from the court, and the probation officer must then complete the entire intake process within 20 working days from when the file was assigned to them. Offender risk assessments must be completed by probation officers when performing intake.



From our sample of 39 probation and 20 conditional sentence order offenders, 12 probation and two conditional sentence order offenders did not have an offender risk assessment completed. Of the remaining 27 probation and 18 conditional sentence order offenders that had risk assessments completed, we found that 12 probation (44 per cent) and four conditional sentence order (22 per cent) offender risk assessments were not completed within the expected timeframe. In particular, we found:

- Three probation and three conditional sentence order offenders had their offender risk assessments completed for a pre-sentence report in advance of the community terms starting. The number of days the assessments were completed prior to the start of the community term ranged from 62 to 190 days, thereby increasing the chance of the offender having new or different offender risks and needs which could result in the development of an inappropriate rehabilitation response.
- Nine probation and one conditional sentence order offender had their offender risk assessments completed more than 20 days after intake with timeframes for completion ranging from 35 to 299 days.
- The remaining 15 probation and 14 conditional sentence order offenders had their offender risk assessments completed within the required timeframe.

Once an offender risk assessment is completed, probation officers must develop a case management plan that sets out the level and type of rehabilitation programming considered most effective in addressing the offender's risks and needs. We found that **the department did not consistently identify relevant rehabilitation programming in response to offender risk assessments**. For the 12 probation and two conditional sentence order offenders with no offender risk assessments completed, there were no risks and needs documented to assess whether identified rehabilitation programming was appropriate. Of the remaining 27 probation and 18 conditional sentence order offenders that had completed offender risk assessments, 18 probation and 13 conditional sentence order offenders did not have appropriate rehabilitation programming identified, and only nine probation and five conditional sentence order offenders had appropriate programming referred to them by the probation officer.

We found that **the department did not monitor, evaluate, or report on the overall effectiveness of its processes for managing adult offenders in the community and had no established process that would enable them to do so**. For example, they did not have any specific goals or objectives established for managing adult offenders in the community. They also did not establish key performance indicators, including recidivism, or track relevant information that would assist in determining the effectiveness of the processes for managing adult offenders in the community.



### Why It Matters

Without an established process for determining the appropriate type of rehabilitation programming needed, availability of rehabilitation programming, and province-wide accessibility, it is difficult for the department to ensure the most appropriate rehabilitation programming is being offered to meet the current/future risks/needs of offenders and support their successful reintegration into the community.

It is vital that both offender risk assessments and security risk assessments are completed quickly so that relevant rehabilitation programming is identified in response to risk and needs in a timeframe that maximizes the opportunity for rehabilitation. If relevant rehabilitation programming is not identified, then little or no rehabilitation may occur, which could increase the likelihood of offenders committing further offences. Without a formalized process to ensure access to relevant rehabilitation programs, it is difficult for the department to facilitate offender rehabilitation.

Without an established process to monitor and evaluate its effectiveness in managing rehabilitation programming and adult offenders in the community, the department has no way of knowing if they are contributing to offenders' rehabilitation in custody or achieving its purpose of supporting public safety and an offender's successful community reintegration. By not reporting on the results of monitoring and evaluating, the department has no accountability to demonstrate they are achieving desired outcomes.

# Findings - Release Planning

## Adult Custody

**Criteria 5** The department had adequate processes to support custody release planning and the discharge of offenders into the community, including the transfer of offenders to Community Corrections.



### What We Expected

We expected that the department would have established release planning processes to support an offender's successful reintegration back into the community. We expected that the transition to Community Corrections would be managed through a formalized process that covered all aspects of that transition, with an aim to provide the best possible supports to the offender.

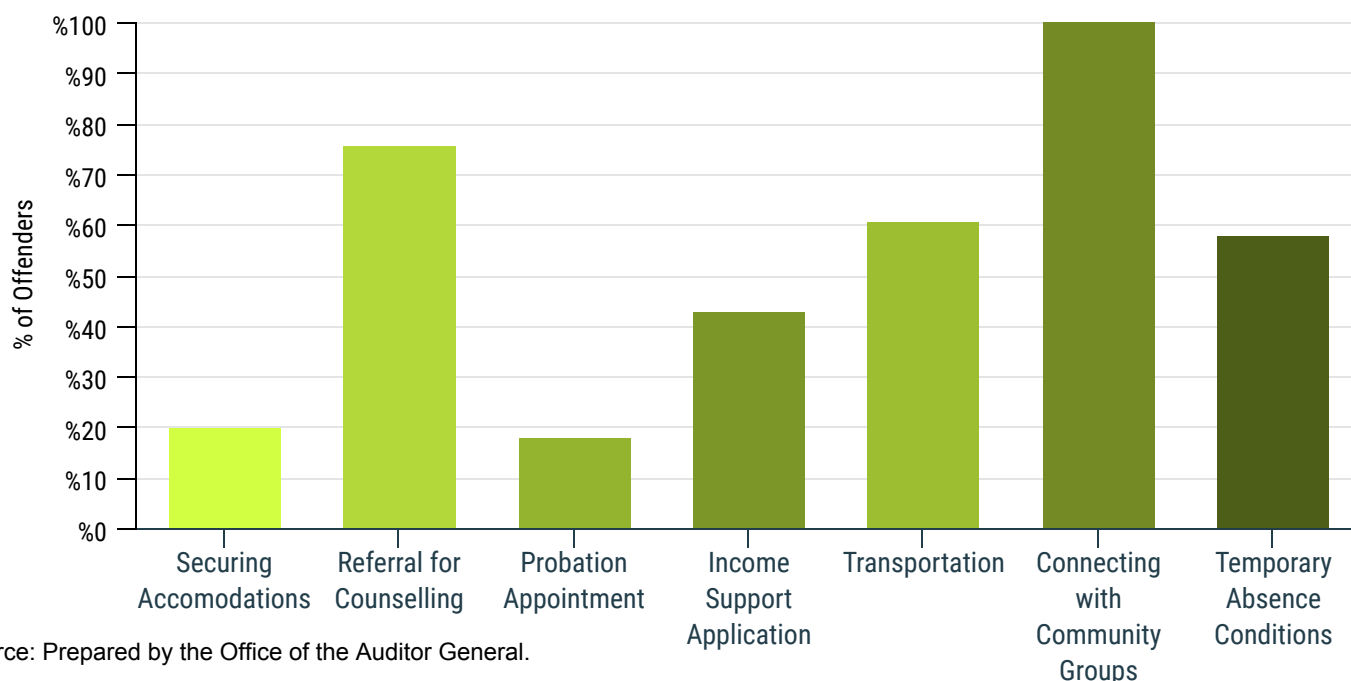


### What We Learned

We found **the department had no formalized release planning processes for offenders in custody.** Classification officers indicated that the department's practice was to discuss various topics with offenders in preparation for release, including securing accommodations, referring to counselling, communicating probation appointments, establishing sources of income, securing transportation, making connections with community-based groups, and discussing temporary absence conditions (if applicable).

For our sample of offenders, we found that **classification officers did not always discuss release planning**, as indicated in the following table.

**Table 1 - Release Planning Topics Not Discussed**



Source: Prepared by the Office of the Auditor General.

As noted in the case management section, we found that there was no formalized process for when offenders transitioned from custody to probation; and there was no requirement for classification officers to meet with or exchange information with probation officers about an offender's time in custody. While it was not specified in policy, probation officers were expected to review offender file information, including any prior contact notes from previous community and/or institutional terms. The modernized legislation, should it be enacted, appears to address the transition of offenders from custody to probation.



### Why It Matters

Clear legislative and regulatory guidance, as well as comprehensive processes regarding release planning, impacts the success of offender reintegration into the community. A goal of release planning is to reduce the public safety risk by providing services that support offender reintegration. If release planning is incomplete or insufficient, the chances of an offender's successful community reintegration following custody is diminished. If there is no exchange of offender information during the transition from custody to probation, the department may miss the opportunity to gather important information that could affect future rehabilitation plans, while also missing the chance to gain efficiencies in implementing case management plans.





# Findings - Court Conditions Monitoring

## Community Corrections

**Criteria 12** The department has adequate processes to monitor and enforce compliance with court conditions.



### What We Expected

We expected that probation officers would understand their monitoring and compliance responsibilities, with offenders supervised appropriately in accordance with established policies. We also expected that probation officers monitored and enforced compliance with the conditions outlined in offenders' court orders, without encountering conflicting enforcement issues. We expected all court orders were fully monitored, corrective action taken, and documentation maintained in the offender management system.



### What We Learned

We found that **probation officers did not always supervise offenders in accordance with established supervision standards**. As previously stated, 12 probation and two conditional sentence order offenders did not have an offender risk assessment completed, as a result, we could not determine the appropriate supervision level required. For the remaining 27 probation and 18 conditional sentence order offenders that had an offender risk assessment completed, we found that:

- Probation officers had not scheduled meetings appropriately to meet minimum supervision standards for direct and/or alternate reporting for 18 probation (67 per cent) and 14 conditional sentence order (78 per cent) offenders. Furthermore, 15 probation and eight conditional sentence order offenders were assessed as high risk. Specifically, for 11 of the 14 conditional sentence order offenders, probation officers did not conduct home visits appropriately; five did not have any home visits, and six did not have the required number of monthly home visits. Seven of these offenders were assessed as high-risk and should have had one home visit per month.
- For 23 probation order offenders (85 per cent), probation officers did not contact them within two working days when the offender failed to report as required. Further, an appointment was not rescheduled to take place within two weeks of the missed phone and office reports - 21 of these offenders were assessed as high risk.
- For 12 offenders with conditional sentence orders (67 per cent), probation officers did not conduct appropriate curfew checks (intended to meet minimum supervision standards), seven did not have any curfew checks, and five did not have the required number of monthly curfew checks. Six of these offenders were assessed as high-risk and should have had four curfew checks per month.

We found that **probation officers did not always monitor offenders' compliance with the conditions outlined in their court orders**. For 12 probation and 2 conditional sentence order offender samples, we were unable to determine if probation officers monitored compliance with court ordered conditions because offender risk assessments were not completed. For the remaining 27 probation and 18 conditional sentence order offenders with an offender risk assessment completed, we found that:

- Ten probation (37 per cent) and four conditional sentence order (22 per cent) offenders were not referred to any programming by their probation officers during the term as per their court order. Six probation and two conditional sentence order offenders were assessed as high risk.
- Probation officers were late scheduling five probation order offenders (19 per cent) for their first report and as a result they did not meet the timeframe requirement of their court order. Two of these offenders were assessed as high-risk.
- Five probation (19 per cent) and nine conditional sentence order (50 per cent) offenders had limited or no evidence in the contact notes to indicate whether specific conditions, such as avoiding contact with certain people or abstaining from drugs, were monitored. Four probation and two conditional sentence order offenders were assessed as high risk.

Further, we found that compulsory conditions from court orders were missing from the offender management system, thereby potentially making it difficult to ensure that all court ordered conditions were monitored and enforced by probation officers. Specifically, we found that 23 probation and 15 conditional sentence order offenders had some or all compulsory conditions in their court orders missing from the offender management system - 18 probation and seven conditional sentence order offenders were assessed as high risk.

We found that **probation officers did not always properly enforce compliance with probation and conditional sentence order conditions when breaches occurred**, such as not abstaining from possession or consumption of drugs, or remaining within their residence. For 12 probation and 2 conditional sentence order offenders without a completed offender risk assessment, we could not determine compliance. Of the remaining 27 probation and 18 conditional sentence order offenders with a completed offender risk assessment, we found that ten probation (37 per cent) and five conditional sentence order (28 per cent) offenders were not in compliance with a condition of their court order and there was no evidence to indicate enforcement had occurred. Furthermore, all ten probation and two conditional sentence order offenders were assessed as high risk to reoffend.

We found that **probation officers could not enforce the condition “submit to drug/alcohol testing,” creating a conflict with respect to their responsibilities for monitoring conditions**. The court had the authority to require offenders provide a bodily substance for testing. However, probation officers did not impose bodily substance testing to ensure offenders were complying with the condition, because they did not have a program in place that allowed for the collection or analysis of samples.



## Why It Matters

The purpose of monitoring compliance is to ensure public safety and to minimize risk. If offenders are not properly supervised, the likelihood of their repeating behaviours that lead to their criminal activity may increase, along with the risk to the general public. Probation officers are responsible for monitoring and enforcing court ordered conditions, with the public assuming that is occurring consistently and reliably. If probation officers do not perform this function, offenders may continue to engage in criminal behaviour. A lack of monitoring could also give offenders the impression that community sentences are lenient, taking away their sense of accountability to their court ordered conditions. Public trust that court orders are monitored and enforced is undermined when inconsistencies occur.

# Subsequent Events

Findings have been discussed with the department numerous times since the end of the audit scope period in December 2019.

The department advised that as of January of 2020, electronic monitoring was implemented as a pilot program in St. John's and Labrador.

In 2020, the audit process was changed so that file audits are now completed by one employee.

In 2022, all probation officers received refresher training in completing offender risk assessments.



# Conclusions

Our two lines of inquiry demonstrated that the department was not doing enough to rehabilitate and manage adult offenders. This may have increased the risk to the public and diminished an offender's chances of successful reintegration into the community.

While modernized legislation was assented in 2011, the department has not ensured that the Act and its regulations have been enacted in a timely manner. As a result, the department continues to operate under Acts from the 1970's. Adult custody policies related to rehabilitation programming and reintegration were incomplete, inadequate, and outdated. For the majority of the seven criteria we assessed, no policies guiding adult custody existed at all. There were gaps in community correction's policies related to managing adult offenders in the community, and some policies were missing critical elements that were found in other Canadian jurisdictions.

Case management processes were not always followed for offenders in custody or for those serving sentences in the community. For example, offender risk assessments often did not exist, and when they did, were not always complete, accurate or timely. When offender risk assessments did not exist, it was impossible to develop meaningful case management plans, given that the risks and needs of the offender were not identified. When the assessments were completed, we found that only 18 per cent of our adult custody sample, 23 per cent of our probation sample, and 25 per cent of our conditional sentence sample had relevant rehabilitation programming recommended.

Furthermore, classification officers were not following department directives with regards to the frequency in which they should be meeting with offenders to monitor their rehabilitation progress. Both classification and probation officers did not document monitoring information consistently and had minimal training in carrying out case management processes. The lack of comprehensive quality assurance processes for offender risk assessments and case management plans, or the lack of compliance to policy, was evident in our findings.

The department did not have a formalized process to ensure that it had the appropriate types and availability of rehabilitation programming to meet the needs of current and future offenders. They also had no formalized process that ensured offenders in custody, and those serving sentences in the community, had access to relevant rehabilitation programming. The department did not monitor, evaluate, or report on their overall effectiveness for managing rehabilitation programming, and had no process established that would enable them to do so. As a result, they had no way of knowing if they were rehabilitating and/or adequately managing offenders in the community.

The department had no formalized release planning processes for offenders in custody. They did not always discuss release planning information with offenders and had no formalized process for when offenders transition from custody to probation. We also found that probation officers did not always supervise offenders in accordance with established standards. Probation officers did not consistently monitor compliance with offenders' court ordered conditions or properly enforce compliance when breaches occurred.

# Recommendations

## Recommendation

The department should complete the work necessary for the government to enact the 2011 Correctional Services Act.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following action: Draft regulations being finalized.

## Recommendation

The department should ensure that all adult custody and community corrections policies are complete, current, reflect best practice, communicated, and monitored regarding the rehabilitation and management of offenders.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following actions:

- Develop/amend the case management policies for both custody and community.
- Communicate policy through annual in-services and regional/provincial meetings.
- Improve/develop quality assurance processes. Monitoring policy compliance can be achieved through an enhanced file audit process.
- Develop a monitoring framework.

## Recommendation

The department should ensure classification and probation officers have current, adequate training in all aspects of managing adult offenders, including the establishment of formal information transfer processes to improve correctional services.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following actions:

- Develop and implement a formalized training program for both classification and probation.
- Maintain training records utilizing Centre for Learning and Development (CLD) resources.

## Recommendation

The department should ensure that rehabilitation programming is available and accessible to all offenders.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following actions:

- Establish key performance indicators and goals for programming.
- Establish formalized processes to ensure appropriate type and availability of programming.
- Provide listing for provincial programs in the shared drive.
- Explore options for internal service provision and/or contracted service provision throughout the province.
- Reinstate semi-annual report.

# Recommendations

## Recommendation

The department should ensure that release planning is available and accessible to all offenders in custody.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following actions:

- Establish formalized release planning for all offenders.
- Develop a joint protocol between classification and probation for the transfer of offenders from custody to the community.

## Recommendation

The department should ensure that probation officers are supervising offenders in the community in accordance with established standards and are monitoring and enforcing compliance with court ordered conditions.

### Entity Response:

The Department of Justice and Public Safety agrees with the recommendation and plans to take the following actions:

- As noted in an earlier recommendation; monitor policy compliance through an enhanced file audit process.
- Explore options for bodily substance testing.

# Appendix - About this Audit

## Why this Audit is Important

The Department of Justice and Public Safety is responsible for the protection and safety of Newfoundlanders and Labradorians. We audited the adult custody and community corrections programs because they play a vital role in protecting the public through the rehabilitation and supervision of offenders in custody, and those serving sentences in the community. The five topic areas audited are critical to the Department of Justice and Public Safety's successful management of adult correctional services.

Gaps in legislation, policies and procedures may lead to inappropriate rehabilitation responses, which could potentially increase an offender's likelihood to reoffend. Effective monitoring provides clarity about rehabilitation progress and successful community reintegration. There should be established processes to determine whether rehabilitation and supervision efforts support public safety. Offenders serving sentences in the community require proper supervision to ensure that they are complying with their court conditions and to minimize their likelihood of repeating behaviours that led to their criminal activity.

## Objectives

The objectives of our audit of the Department of Justice and Public Safety were to determine whether:

1. The department provides and adequately manages appropriate rehabilitation programming to meet the needs of adult offenders in custody and assists them with successful reintegration into the community.
2. The department has adequate processes to manage adult offenders in the community to support public safety and an offender's successful reintegration into the community.

## Criteria

The Office of the Auditor General developed criteria based on pertinent legislation, departmental policies and procedures, literature reviews, as well as consultations with department management. We also engaged a subject matter expert in adult corrections and rehabilitation processes. The Office of the Auditor General defined 14 criteria regarding two objectives. The senior management of the Department of Justice and Public Safety accepted the criteria as suitable.

The Office of the Auditor General assessed whether the department was providing and adequately managing appropriate rehabilitation programming to meet the needs of adult offenders in custody and assisting them with successful reintegration into the community against the following criteria:

1. The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
2. The department has adequate processes for assessing offender risk and developing case management plans for offenders in custody.
3. The department provides offenders with relevant rehabilitation programming in a timely manner.
4. The department monitors individual progress towards the established objectives of case management plans.
5. The department has adequate processes to support custody release planning and the discharge of offenders into the community, including the transfer of offenders to community corrections.
6. The department has trained and qualified staff to support the development and monitoring of case management.
7. The department monitors, evaluates and reports on the overall effectiveness of processes for managing rehabilitation programming.

# Appendix - About this Audit

The Office of the Auditor General assessed whether the department had adequate processes to manage adult offenders in the community to support public safety and an offender’s successful reintegration into the community against the following criteria:

8. The department has processes for identifying and establishing rehabilitation programs relevant to the needs of the offender population.
9. The department has adequate processes for assessing offender risk and developing case management plans for offenders serving community sentences, including those who have community terms following a period of custody.
10. The department provides offenders with relevant rehabilitation programming in a timely manner.
11. The department monitors individual progress towards the established objectives of the case management plans.
12. The department has adequate processes to monitor and enforce compliance with court conditions.
13. The department has trained and qualified staff to support the development and monitoring of case management.
14. The department monitors, evaluates and reports on the overall effectiveness of processes for managing adult offenders in the community.

Section	Objective	Criteria
Policy	Adult Custody 1 Community Corrections 2	Adult Custody 1-7 Community Corrections 8-14
Case Management	Adult Custody 1 Community Corrections 2	Adult Custody 2, 4, 6 Community Corrections 9,11,13
Rehabilitation Programming	Adult Custody 1 Community Corrections 2	Adult Custody 1,3,7 Community Corrections 8, 10, 14
Release Planning	Adult Custody 1	Adult Custody 5
Court Conditions Monitoring	Community Corrections 2	Community Corrections 12

## Scope and Approach

Our audit planning began in September 2019; the audit plan was finalized in September 2020. The audit period covered from January 1, 2017 to December 31, 2019. We conducted our audit using a risk-based approach based on our understanding of the entity.

Audit procedures included informal interviews and discussions with select department officials and an examination of information and data. Our procedures also included an examination of policies and procedures, contracts, meeting minutes, reports, inmate files, training documents and correspondence. We performed sampling procedures related to both audit objectives. Sampling selections were non-statistical and selected judgmentally.

All regions of the province were included in the scope of this audit. There are five adult custody facilities located throughout the province – His Majesty’s Penitentiary in St. John’s, West Coast Correctional Institution in Stephenville, Newfoundland and Labrador Correctional Centre for Women in Clarenville, Bishop’s Falls Correctional Centre and Labrador Correctional Centre in Happy Valley-Goose Bay. There are 13 probation offices located throughout the province – ten in Newfoundland and three in Labrador. Our audit did not consider offenders serving federal sentences, those remanded into custody or any indirectly related topics, such as building and food policies. Our audit did not include any processes related to particular types of offenders or those with specific health issues.



# Appendix - About this Audit

## Audit Standards

This independent assurance report was prepared by the Office of the Auditor General of Newfoundland and Labrador on the provision and management of rehabilitation programming for adult offenders in custody and the processes for managing adult offenders in the community. Our responsibility was to independently audit these areas to provide objective information and recommendations. The senior management of the Department of Justice and Public Safety acknowledged their responsibility for the audit subject matter and the terms of the audit, including audit objective, scope, and approach.

This audit was performed to a reasonable level of assurance in accordance with the Canadian Standard on Assurance Engagements 3001 – Direct Engagements set out by the Chartered Professional Accountants of Canada and under the authority of the Auditor General Act, 2021.

The Office applies Canadian Standard on Quality Control 1 and, accordingly, maintains a comprehensive system of quality control, including documented policies and procedures regarding ethical requirements, professional standards, and applicable legal and regulatory requirements.

In conducting the audit work, we have complied with the independence and other ethical requirements of the Rules of Professional Conduct of the Association of Chartered Professional Accountants of Newfoundland and Labrador.

## Management Representation

The Deputy Minister of the Department of Justice and Public Safety confirmed that senior management had provided the Office of the Auditor General with all the information they were aware of that had been requested or that could significantly affect the findings or conclusions of the audit report.

## Use of Expert

During this audit, the Office of the Auditor General used the services of a consultant with expertise in adult corrections and rehabilitation processes. Specifically, this subject matter expert was engaged to provide guidance on the development of the audit criteria and to perform certain audit procedures in response to assessed risks on various aspects of this engagement.

## Date Conclusion Reached

We obtained sufficient and appropriate audit evidence on which to base our conclusions on December 2, 2022, in St. John's, Newfoundland and Labrador.



DENISE HANRAHAN, CPA, CMA, MBA, ICD.D  
**Auditor General**

# About Us

## Vision

Promoting positive change and accountability in the public sector through impactful audits.

## Mission

To promote accountability in government's management and use of public resources and encourage positive change in its delivery of programs and services.

## Values

Above all else, the Office of the Auditor General must have independence, credibility and integrity. These are essential to everything we do; critical to our success. The Office of the Auditor General complies with professional and office standards to produce relevant and reliable audit reports. The Office of the Auditor General's independence of government, in fact and in appearance, provides objective conclusions, opinions and recommendations on the operations of government and crown agencies. Our staff work in a professional and ethical manner, ensuring respect, objectivity, trust, honesty and fairness.

## Audit Team

The Auditor General wishes to thank the diligent audit team who performed their work with independence, credibility and integrity:

Sandra Russell, CPA, CA – Deputy Auditor General  
Lindy Stanley, CPA, CA – Assistant Auditor General  
Trena Keats, CPA, CA – Assistant Auditor General  
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