



# **17<sup>th</sup> Legislative Assembly of the Northwest Territories**

## **Standing Committee on Government Operations**

Report on the Review of the  
2015 Report of the Auditor General  
of Canada on Corrections  
in the Northwest Territories

Chair: Mr. Daryl Dolynny

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## **STANDING COMMITTEE ON GOVERNMENT OPERATIONS**

### **REPORT ON THE REVIEW OF THE 2015 REPORT OF THE AUDITOR GENERAL OF CANADA ON CORRECTIONS IN THE NORTHWEST TERRITORIES**

#### **INTRODUCTION**

The Standing Committee on Government Operations (“the Standing Committee”) is pleased to report on its review of the *2015 Report of the Auditor General of Canada on Corrections in the Northwest Territories*.

#### **BACKGROUND**

The *2015 Report of the Auditor General of Canada on Corrections in the Northwest Territories* was tabled in the Legislative Assembly on March 3, 2015. The Standing Committee on Government Operations held its public review of this performance audit report on May 20-21, 2014.

Members thank Auditor General Mr. Michael Ferguson, Assistant Auditor General Mr. Jerome Berthelette, Principal Mr. Glenn Wheeler, and Lead Auditor Ms. Erin Jellinek for preparing the report and assisting the Committee during the public review. The Committee also thanks the Deputy Minister of Justice, Ms. Sylvia Haener, Assistant Deputy Minister-Solicitor General, Ms. Shirley Kemeys Jones, and Director of Corrections, Mr. Monty Bourke, for appearing as witnesses at the review.

#### **ROLE OF THE AUDITOR GENERAL OF CANADA IN THE NORTHWEST TERRITORIES**

The Office of the Auditor General of Canada (OAG) conducts financial and performance audits in all three northern territories. Financial audits tell the Legislative Assembly and the public whether the government is keeping proper records and presenting its financial information fairly. Performance audits consider whether programs are being run according to the Department’s own legislation, regulations, directives and policies, and with due regard for economy, efficiency, effectiveness, and environmental impacts. Since 2006, the Auditor General has completed nine performance audits in the Northwest Territories and issued one status report evaluating progress on the recommendations of previous audits.

The Legislative Assembly's Standing Committee on Government Operations is mandated to review the reports of the Auditor General and make recommendations to the Government of the Northwest Territories. Members look for efficiencies, best practices, and gaps, with the intent of improving services to residents. The Auditor General's reports play a crucial role in Members' scrutiny of government spending and performance.

## **ROLE OF THE DEPARTMENT OF JUSTICE IN THE DELIVERY OF THE CORRECTIONS SERVICE**

Under the Minister, the Department of Justice is responsible for corrections services in the Northwest Territories, as outlined in the *Corrections Act* and the *Corrections Service Regulations*. Within the Department, the Corrections Service is responsible for probation, parole, aftercare, and adult institutional services. It is also responsible for the custodial detention of youth, as well as their supervision in the community under the federal *Youth Criminal Justice Act* and the territorial *Youth Justice Act*. The mission of the Corrections Service is to manage offenders in the least restrictive manner possible, and to provide opportunities for their rehabilitation and reintegration through holistic and culturally relevant approaches for the common good of society.

The Director of Corrections is obligated under the *Act* to administer the affairs of the corrections service and develop and supervise correctional programs. The managers of correctional facilities are responsible for assisting the Director in fulfilling these obligations. The department is responsible for the administration of correctional facilities in accordance with the *Corrections Act*, regulations and directives, including their safe, secure and efficient operation.

There are four adult facilities and one youth facility in the Northwest Territories: the North Slave Correctional Centre, the South Mackenzie Correctional Centre, the Fort Smith Correctional Complex (Male and Female Units) and the North Slave Young Offender Facility.

These units house inmates on remand, who have been ordered by a court to be detained in custody while awaiting trial, and those who have been sentenced to terms of incarceration shorter than two years. These facilities also house some federal offenders with terms of incarceration longer than two years and some offenders from Nunavut, due to overcrowded facilities there.

The Department is responsible for ensuring that mental health services are provided to inmates, just as they are to residents of the Northwest Territories, under the territorial *Mental Health Act*.

## **OPERATING ENVIRONMENT AND CURRENT CHALLENGES**

Corrections is a significant issue in the NWT. The NWT's crime rate was the highest in the country in 2013, according to Statistics Canada. The NWT's violent crime rate is also among the highest in the country. A variety of demographic and social realities in the Northwest Territories contribute to a higher crime rate. These include an inmate population that is disproportionately Aboriginal, and a relatively young population with low educational attainment. Also noted is the widespread misuse of drugs and alcohol, often related to the traumatic impact of residential schools. In this context, the Department of Justice faces several challenges, including managing facilities in which the majority of admissions are for violent offences and substance abuse, anger management, and mental health issues are significant concerns. In addition, according to the Department, many inmates are affected by fetal alcohol spectrum disorder, although few are medically diagnosed.

Data from the Department of Justice shows that there were 692 adult male admissions to correctional facilities in the 2013-14 fiscal year, including 653 at the North Slave Correctional Centre and 14 at the Fort Smith Correctional Complex (Male Unit). The figures include both remanded and sentenced offenders admitted directly to facilities, but do not include those transferred between facilities.

In 2013-14, approximately \$38 million was allocated to the Corrections Service. This represents about 32 percent of the Department's operations and expenditures budget and includes almost \$29 million for adult and youth facilities. During this same time period, the Department spent about \$14 million to operate the North Slave Correctional Centre and \$6 million to operate the Fort Smith Correctional Complex (male and female units). There are 267 funded positions in the Corrections Service, with about 100 at the North Slave Facility and 21 at the Fort Smith male facility.

Across the NWT, particularly outside of Yellowknife, there are significant gaps in programs and services in communities, including for offenders. For this reason, it is especially important that inmates receive access to rehabilitation programs and services while in custody, to support their reintegration back into the community and help to reduce the likelihood of reoffending. However, some inmates spend only a few months in custody, which poses challenges for the Department, with respect to adapting the type and frequency of programs and service to meet inmates' needs.

## ABOUT THE AUDIT

The Auditor General's performance audit covered the period between April 1, 2012 and September 1, 2014. The audit focused on two key aspects of Correctional Services: the management of selected facilities and the management of inmates within these facilities.

The audit examined whether the Department of Justice was meeting its key responsibilities for inmates and whether the Department adequately managed inmates in compliance with key rehabilitation and reintegration requirements. The audit also looked at whether the department adequately planned for and operated facilities to house inmates.

The audit included the analysis of documentation provided by the Department and facilities and interviews with senior officials, managers, and correctional staff from the Department, and with key stakeholders in the area of corrections. The auditors met with wardens, deputy wardens, managers, correctional officers, and other correctional staff at the North Slave Correctional Centre and the Fort Smith Correctional Complex (Male Unit).

To assess whether the Department had adequately managed inmates in compliance with the *Corrections Act*, regulations, directives and policies, the auditors selected and tested a random sample of 48 male inmates serving sentences at the North Slave Correctional Centre and the Fort Smith Correctional Complex (Male Unit). The North Slave Correctional Centre was chosen because it is the largest facility in the NWT and houses the most inmates. The Fort Smith (Male Unit) facility was chosen because of its mandate to provide services to higher-needs inmates.

To assess whether the Department of Justice adequately plans for and operates its facilities, the audit looked at the Department's planning for all of its facilities, including male, female and youth facilities.

The audit did **not** examine the following: Court services; sentencing decisions; community corrections; community justice programs; or inmate case management for youths or women in custody.

The OAG used the following criteria to determine if the Department of Justice has met key responsibilities for inmates in the correctional system. These criteria were based on requirements under the *Corrections Act*, regulations and directives, and for the purposes of facility planning, on the *GNWT's Capital Planning Process* and the Project Management Institute's 2008 *Project Management Body of Knowledge*.

The Department of Justice:

- Develops plans to identify and address current and future facility needs;
- Monitors whether key requirements are met for the security of inmates and staff in its facilities;
- Ensures it has staff to fill key responsibilities within facilities;
- Monitors and manages overtime use;
- Ensures staff get key training;
- Ensures fire and health inspections are done by authorities, recommendations for improvement are addressed, and fire/evacuation drills are conducted as required;
- Manages inmates consistent with policies and procedures by identifying their needs and risks and providing them with access to programs and services to address their needs and risks.

## AUDIT CONCLUSION

### ***Conclusion of the Auditor General:***

**The Department of Justice has not met its key responsibilities for inmates within the correctional system. The Department of Justice adequately planned for its facilities. However, the department did not adequately operate facilities to house inmates in compliance with key rehabilitation and reintegration requirements.**

In its report, the OAG makes six recommendations related to inmate case management and eight recommendations related to facility management. The Standing Committee endorses all of these recommendations and recommends that the Department ensure that they are implemented in a timely manner. This is particularly the case where the OAG recommends remedial measures to address deficiencies at the Fort Smith Correctional Complex (Female Unit) in advance of construction of a new facility.

### **Recommendation 1**

**The Standing Committee on Government Operations endorses the 14 recommendations made by the Office of the Auditor General in its report. The Standing Committee recommends that the Department of Justice take the steps necessary to ensure that all recommendations are implemented in a timely manner.**

## **Standing Committee's Overall Observations and Recommendations**

The Standing Committee is troubled by the Auditor General's findings and deeply concerned by the length of time that some of the deficiencies identified by the OAG have persisted.

Although it is not customary for the Minister to be present at the Standing Committee's public hearing, the Standing Committee did note its dissatisfaction with the Minister's observation when the report was tabled, that if the "audit were completed today, the results would have been different." [Hansard, March 10, Return to Oral Question 742-17(5)]. This assertion was repeated at the public hearing by the Deputy Minister, prompting the Standing Committee to question the truth of this statement, hearing it as a hollow response to some very serious findings by the Auditor General.

The Deputy Minister, Ms. Sylvia Haener, replied that "substantial progress" has been made in implementing the recommendations of the Auditor General, while maintaining core services. Ms. Haener noted that they are building a fence at the North Slave Correctional Facility and that the RCMP drug dog is being used on a random basis to sweep facilities and that both of these efforts will aid in contraband interdiction. It was also noted that the necessary health and safety inspections have been completed at all facilities and that the Department is assessing the need for cameras and additional security monitoring in facility blind spots. Finally, while admitting that the Department's process for monitoring "hasn't been up to snuff," Ms. Haener noted that recent Department audits of sentenced adult case files show 93% overall compliance.

While this may be the case, the Committee noted that this does not account for the more than 50% of case files, for inmates with sentences less than 120 days, for which the Auditor General found that no monitoring of inmate progress had been done (Exhibit 2, p. 7). The Standing Committee also observed that there are still some very worrisome deficiencies—such as the lack of space for medical screening at the Fort Smith women's facility—where there do not appear to be any plans for remediation or where the plans require study and analysis before actions are to be taken. In fact, the Committee feels the Department's response begs the question, "If things were so easily fixed, why did it take a report of the Auditor General to bring these problems to light?"

The Standing Committee supports the Department's efforts to improve the corrections system, but wishes to underscore the very serious deficiencies revealed by the audit and to emphasize its concern that some of these problems have persisted for a very long time. These problems will require innovation and dedication by the Department if they are to be overcome.

## **DEPARTMENT OF JUSTICE RESPONSE AND ACTION PLAN**

The Department of Justice worked closely with the Office of the Auditor General throughout the audit process. Management in the Department of Justice reviewed and accepted the suitability of the criteria used in the audit and were given the opportunity to confirm that the findings reported by the Auditor General are based in fact.

The Department's responses to the OAG's findings are contained in the report. The Department accepted all the recommendations made by the OAG and, in its response, indicated how it intends to implement the OAG's recommendations.

This commitment was followed-up by the delivery of the Department of Justice's *Corrections Action Plan*, dated April 2015, and received by the Standing Committee on May 14, 2015.

The Department's *Action Plan* groups the recommendations of the OAG into four themes: offender reintegration and rehabilitation; operations management; performance assurance and accountability; and staff training and development. Under these four themes, the Department identifies priority actions and progress being made or anticipated completion dates for those actions.

### **Standing Committee's Overall Observations and Recommendations**

While the Standing Committee had very little time to review the Department's *Action Plan* before the start of the public hearing, an effort was made by Members to familiarize themselves with the priority actions identified in the plan.

Generally, the Standing Committee was concerned with the number of actions identified for completion by November 2015. The Standing Committee recognizes that there is a significant amount of work associated with reviewing the recommendations of the OAG and developing and implementing the necessary plans to put those recommendations into action. The Standing Committee additionally recognizes that this work will take place alongside day-to-day operations of the Department.

The Action Plan identifies 105 actions to be completed in response to the OAG's report. Of these, only six actions are scheduled to be completed after 2015. The Standing Committee cautions the Department to be realistic about how much remedial action can be taken in the course of one fiscal year.

The Standing Committee is also concerned that the Department is not being as strategic as it might be in its choice of actions to implement. In discussing the audit findings with the Auditor General, the Standing Committee heard that the

Department, for the most part, had the appropriate directives and rules in place to allow for sufficient facility and case management, but that the Department was failing to adequately implement those rules.

With this in mind, the Standing Committee is concerned about the number of items identified in the Action Plan that require the review and revision of existing directives or research into best corrections practices in other jurisdictions. While some directives have been singled out as being inadequate and needing improvement (eg. the lack of direction on dynamic supervision and the directives ensuring that case managers have sufficient guidance for inmate release planning), the OAG seemed largely satisfied with the directives, standing orders and other policies that the Department has in place.

### **Recommendation 2**

**The Standing Committee on Government Operations recommends that the Department of Justice adjust the Action Plan to focus on procedural changes that will enable more effective implementation of existing directives, standing orders and policies, rather than the review and revision of these rules, which may take place over the longer-term.**

The Standing Committee found that the data presented in the Auditor General's report painted a compelling picture to substantiate the report's findings and recommendations and provides an excellent baseline against which to measure future progress. This includes the data on facility occupancy and capacity presented in Exhibit 1 of the OAG's report (p. 6), the data on case management presented in Exhibit 2 (p. 7), the data presented on segregation requirements in Exhibit 7 (p. 25), and the data on safety requirements in Exhibit 8 (p. 29).

The Standing Committee recommends that the department continue to track this data and that the revised data be used in future reports on the Department's progress in implementing the recommendations of the Auditor General. The Standing Committee also recommends that this data be used by the Department as performance measures in future business plans, starting with the 2016-17 Business Plan.

### **Recommendation 3**

**The Standing Committee on Government Operations recommends that the Department of Justice include the performance measures from the Auditor General's Report in future reports on the Department's progress in implementing the Auditor General's recommendations and in future departmental Business Plans.**

The Standing Committee on Government Operations looks forward to receiving periodic updates from the Department of Justice as it works to implement the recommendations contained in the OAG's report.

**Recommendation 4**

**The Standing Committee recommends that the Department of Justice provide a status report to the Committee at least once before the end of the 17<sup>th</sup> Assembly, and then annually during the 18<sup>th</sup> Assembly, outlining actions taken in response to the Auditor General's report.**

## **INMATE CASE MANAGEMENT**

### **Key Findings of the Auditor General**

The Auditor General's key findings can be summarized as follows:

**Overall Finding:**

**Serious case management deficiencies limit Justice's efforts to rehabilitate inmates.**

**Key case management requirements are not being met and there are serious deficiencies in case management for inmates at the North Slave and Fort Smith (Male Unit) correctional facilities. These limit the department's efforts to rehabilitate inmates and prepare them for release back to the community.**

**Case management assessments are not being done for inmates with sentences of less than 120 days.**

**Inmates with shorter sentences make up half the inmate population. Justice has not assessed reasons for their criminal behavior, literacy levels, or intellectual functioning. Without this information, the department cannot assess whether the programs it offers are meeting inmate's needs or assisting in their rehabilitation.**

**For those with longer sentences, Justice identified rehabilitation programs to address their criminal behavior, but did not adequately deliver these programs (Examples: inmates needing long-term, individual support to cope with drug or alcohol dependency received only weekly group AA meetings; inmates received no programming because it was not offered during their incarceration).**

**Inmates at the North Slave and Fort Smith (Male Unit) facilities had limited access to mental health services. Screening tools were limited to identifying suicide risk or urgent mental health concerns only. Because people with mental health concerns are overrepresented in the correctional system, these deficiencies are significant and can negatively impact rehabilitation.**

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## Key Recommendations of the Auditor General

With respect to inmate case management, the Auditor General made the following recommendations (note that the numbers in brackets signify the paragraph number of the recommendation in the OAG's Report):

1. (Paragraph 31) The Department of Justice should ensure that case plans to guide inmate rehabilitation are developed for inmates, as required by the Corrections Services directives and supporting guidance. The Department should ensure that each plan includes key information and recommendations to address an inmate's needs and includes a release plan to help prepare an inmate for return to the community. Progress against the plans should be monitored and documented, and adjustments should be made as necessary.
2. (Paragraph 42) The Department of Justice should identify the needs and risks of its inmate population and assess its rehabilitation programs. It should also ensure that inmates have access to rehabilitation programs that reflect their needs and risks.
3. (Paragraph 48) The Department of Justice should review and, where required, increase its capacity to identify inmates' mental health concerns and ensure that inmates requiring mental health services are provided with access to sufficient counselling and psychological support.
4. (Paragraph 52) The Department of Justice should examine the Corrections Service directives to ensure that case managers are provided with sufficient guidance for inmate release planning and to ensure that it is providing inmates with the support they need to help them reintegrate into the community.
5. (Paragraph 54) The Department of Justice should ensure that it continues to develop and implement a performance assurance framework focused on improving compliance with case management requirements and improving inmates' access to rehabilitation programs.

## Standing Committee's Observations and Recommendations

With respect to the OAG's findings and recommendations on inmate case management, the Standing Committee focused on four areas. These are: 100% case management assessments for inmates; access to programs; mental health first aid; and, reintegration coordination.

## **100% Case Management Assessments for Inmates**

The OAG's findings suggest that the Department of Justice has made a policy decision not to conduct case management assessments for inmates with sentences of less than 120 days.

As observed by the Auditor General, this has left over half the inmate population without case management assessments, a situation exacerbated by the fact that inmates can spend months and, in some cases, more than a year in a facility on remand before being sentenced and, therefore, assessed. Without case management assessments, it is impossible for corrections officials to understand an inmate's reasons for criminal behaviour or to properly plan for their rehabilitation.

The Standing Committee finds this policy unacceptable and calls for the Department to take immediate steps to ensure that all inmates are properly assessed upon their entry to a correctional facility.

The Standing Committee heard from the Deputy Minister that part of the rationale for the decision not to assess inmates with shorter sentences is because the Level of Service/Case Management Inventory (LS/CMI) assessment tool involves a lengthy process which is not conducive to assessing inmates with shorter sentences. The Standing Committee is not persuaded by this rationale and encourages the Department to adapt the tool or look to other jurisdictions (ie. Nunavut) to see how they are working with assessment tools.

### **Recommendation 5**

**The Standing Committee on Government Operations recommends that the Department of Justice take immediate steps to ensure that all inmates undergo case management assessments regardless of the length of their sentences.**

### **Access to Programs**

One of the most troubling aspects of the OAG's report were the findings related to inmate access to rehabilitation programs. The Auditor General found that for inmates with sentences less than 120 days, only 36% had access to general rehabilitation programs and none had access to offence-specific programs. For inmates with sentences longer than 120 days, 87% had access to general rehabilitation programs, but only 63% had access to offence-specific programs.

For a Department charged with the responsibility for rehabilitating offenders, these are very poor results. As the Auditor General observed:

*“These deficiencies limit the Department’s efforts to rehabilitate inmates and prepare them for release back to the community. For those inmates with shorter sentences—who make up about half of the inmate population—the Department had not assessed the reasons for their criminal behaviour, nor had it assessed their literacy levels or intellectual functioning to develop plans for their rehabilitation. Without this information, the Department cannot assess whether the programs it offers meet the needs of inmates...For the half of the inmate population with longer sentences, while the Department identified rehabilitation programs to help address their criminal behaviour, it did not adequately deliver these programs.” (para. 12, p. 4)*

During the public hearing, the Standing Committee heard from the Director of Corrections about the number and variety of programs offered not only at the North Slave Correctional Centre and the Fort Smith Correctional Complex, which were the subject of the audit, but at other facilities across the Northwest Territories. While the Standing Committee was impressed with the array of programs offered, it wishes to stress to the Department that these offerings, no matter how impressive, will not assist inmates with their rehabilitation if the inmates cannot access them or if their participation is not being tracked to ensure that the inmate is getting the right programs to meet his or her rehabilitation needs.

#### **Recommendation 6**

**The Standing Committee on Government Operations recommends that the Department of Justice find innovative ways to increase inmate access to rehabilitation programs and to ensure that all inmates have access to the programs they most need to meet their rehabilitation goals.**

#### **Mental Health First Aid**

The Standing Committee is very concerned about the impacts that inmate mental health problems pose with respect to the safety and well-being of both staff and inmates in correctional facilities. If inmates are not adequately assessed in a timely manner by qualified staff, they may be at risk to harm themselves and others. Mental health problems, left untreated, may also negatively impact an inmate’s chances for successful rehabilitation.

The Standing Committee questioned the Deputy Minister about the challenges posed by dealing with inmates’ mental health issues. The Deputy Minister pointed out that, ideally, an inmate’s mental health problems should be addressed by the health and social services system and that appropriate referrals depend on being able to assess an inmate’s mental health. For this reason, the Department’s action plan focuses on providing mental health first aid training to corrections staff. In addition to mental health first aid training, the

majority of the actions planned by the Department involve establishing a Mental Health Services Working Group tasked with conducting a review of the Department's capacity to assess the mental health needs of inmates.

Given the number of inmates with potential mental health issues, and the relative scarcity of trained psychologists and mental health practitioners, the Standing Committee is concerned that the Department may be relying too heavily on mental health first aid as the primary means for assessing an inmate's need for mental health services. There are obvious risks associated with relying on laypersons to conduct mental health first aid assessments, which include the risk that inmates who are in urgent need of care may be overlooked or under-evaluated.

The Department does not anticipate completing an assessment of its needs for additional psychologists and other trained practitioners until fall 2015. The Standing Committee encourages the Department to fast-track its assessment and seek additional resources from the Legislative Assembly if they are required.

### **Reintegration Coordination**

The Standing Committee is concerned by how little the Department is doing to prepare inmates for their release and transition back into the communities. As the OAG's report reveals, the gaps in this area are significant, with some inmates receiving only appropriate clothing and transportation back to their place of residence or conviction.

The Standing Committee acknowledges the extra care taken by some case managers to provide additional assistance to help inmates with their release, but agrees with the Auditor General's observation that, in the absence of sufficient guidance to support release planning for inmates, the extent of release planning depends on the individual case manager.

In addition to the actions identified in the Department's *Action Plan* regarding inmate release planning, the Standing Committee encourages the Department to consider establishing a position within the Corrections Service tasked specifically with coordinating inmate releases. This would help to ensure that inmates are given the greatest possible assistance in successfully returning to their communities.

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**Recommendation 7**

**The Standing Committee on Government Operations recommends that the Department of Justice develop better plans for inmate release and reintegration, including examining the merits of having a dedicated reintegration coordinator.**

## **FACILITY MANAGEMENT**

### ***Key Findings of the Auditor General***

The Auditor General's key findings can be summarized as follows:

**Overall Finding:**

**The Department of Justice has not adequately met key requirements for its management of correctional facilities.**

Although the department has developed plans to meet current and future needs in facilities, which include replacing the Fort Smith Correctional Complex (Female Unit) in 2017-18, it does not have sufficient plans in place to mitigate some significant safety and security concerns at this facility, where female inmates will continue to be housed in the meantime.

Concerns include lack of space for medical clearance of inmates and the housing of inmates in a facility with doors that do not lock.

The department did not adequately monitor whether management at the North Slave and Fort Smith (Male Unit) facilities were complying with selected safety and security requirements in areas such as managing inmates in segregation, controlling contraband, and conducting fire and health inspections to ensure that facilities are safe.

In many cases, management did not follow requirements in these areas, which are intended to ensure that inmates are housed in a safe and secure environment. (eg. Some inmates were held in segregation without the required approvals by wardens).

Required daily and weekly reviews to determine whether it is appropriate for inmates to remain in segregation were not always done.

## Key Recommendations of the Auditor General

With respect to facility management, the Auditor General made the following recommendations (note that the numbers in brackets signify the paragraph number of the recommendation in the OAG's Report):

1. (Paragraph 78) The Department of Justice should:
  - a. Undertake an assessment of actions to mitigate risks resulting from each of the critical deficiencies in the current Fort Smith Correctional Complex (Female Unit), to ensure all safety risks are sufficiently mitigated; and
  - b. Establish a regular monitoring regime and report on safety risks and efforts undertaken by facility management to mitigate these risks, to ensure the safety and security of inmates and staff until the new facility becomes operational.
2. (Paragraph 88) The Department of Justice should:
  - a. Develop guidance on dynamic supervision for all correctional staff; and
  - b. Actively and systematically monitor risks associated with housing inmates of varying security levels together, including remanded and sentenced inmates, to assess whether it is ensuring inmates' safety and security under the *Corrections Act*.
3. (Paragraph 99) The Department of Justice should analyze trends related to contraband, including types of contraband and how it enters the facilities.
4. (Paragraph 100) The Department of Justice should exercise oversight of facility management to ensure compliance with its policies, directives and operating procedures for inmate surveillance and segregation, searches of inmates and visitors, and searches of cells and common areas.
5. (Paragraph 110) The Department of Justice should ensure that fire inspections are conducted annually and that emergency evacuation drills are conducted quarterly, as required. It should document these drills and take any corrective actions necessary.
6. (Paragraph 121) The Department of Justice should evaluate its current staffing approach for correctional facilities to ensure it has the number and types of staff needed to meet its core obligations under the *Corrections Act*.
7. (Paragraph 129) The Department of Justice should determine an acceptable level of overtime for its facilities, and establish a mechanism to

regularly monitor overtime usage in correctional facilities. It should also use the information it gathers to better manage overtime to help achieve acceptable overtime levels.

8. (Paragraph 132) The Department of Justice should develop and use an effective tracking system to ensure that all correctional staff members receive the required training.

### **Standing Committee's Observations and Recommendations**

With respect to facility management, the Standing Committee acknowledges the Auditor General's finding that the Department has assessed current and future needs and developed plans to meet them. The Standing Committee recognizes this achievement as a bright spot in an otherwise damning report and recognizes the Department's achievement in this regard.

The Standing Committee focused on five areas related to facility management: dynamic supervision; contraband; overtime; segregation and overall facility management.

#### **Dynamic Supervision**

The Department advised the OAG that the practice of mixing inmates of varying security levels together, as well as the practice of mixing sentenced and remanded inmates was intentional, and integral to its approach to inmate management. The Standing Committee is very concerned by this.

The Standing Committee recognizes that space constraints limit the degree to which inmates of differing security levels can be separated, however, the Committee is not persuaded that the principle of dynamic supervision mitigates the risks of combining these inmates. Although paragraph 120 in the Auditor General's report is specific to concerns regarding the inadequacy of staffing, it describes a situation in which dynamic supervision was not able to prevent inmates from becoming violent with one another.

Dynamic supervision calls for regular interaction between inmates and correctional officers in order to monitor inmate behaviour and ensure their safety. The OAG found that correctional officers lacked formal guidance on the requirements of dynamic supervision and that, because training had not been adequately tracked, the department lacked assurance that all staff received adequate training.

The Standing Committee is not concerned with the principle of dynamic supervision, per se. However, the Standing Committee objects to the department's characterization of this principle as a deliberate defence of the decision to mix inmates of varying sentences and security levels. Dynamic

supervision does not require the mixing of inmates of varying sentences and security levels, nor does it adequately mitigate against the risks of doing so.

### **Contraband**

As the OAG's report indicates, contraband is an ongoing challenge at all correctional facilities. The OAG's found that searches of the cells and common areas were not being done at the required daily frequency at either the North Slave or Fort Smith (Male Unit) facilities. This is a cause for concern.

In discussing the challenges around contraband, the Deputy Minister indicated that approximately 85% of contraband consists of unauthorized items such as food, pillows and magazines. She suggested that the Department needs to do a better job of distinguishing true contraband (ie. intoxicants, weapons – items that pose a risk) from other unauthorized items. The Standing Committee was reminded by the Auditor General's staff that even less-risky contraband items can be used as "currency" to trade for true contraband.

The Standing Committee supports the OAG's recommendations with respect to tracking and analyzing contraband, and encourages the Department to take the necessary steps to ensure that all searches for contraband are conducted with the required frequency.

### **Overtime**

The OAG's report indicated that overtime costs at the North Slave facility increased by 59% from 2012-13 to 2013-14, from \$950,000 to \$1.5 million. This took place despite the fact that, in 2010, the Department requested and received \$1.2 million to fund 12 correctional officer positions to reduce overtime at the facility. The report also revealed that, in 2013-14, approximately one-third of staff at this facility worked more than 200 overtime hours (an average of 7.7 hours or one full working day per pay period).

As the OAG's report suggests, overtime affects sick leave, absenteeism, staff fatigue, productivity and morale. As well, the costs associated with overtime may result in decreased availability of resources in other areas.

The Standing Committee supports the recommendations of the OAG with respect to overtime and encourages the Department to determine an acceptable level of overtime in a correctional context and to monitor and manage overtime use in all of its correctional facilities.

### **Segregation**

The Standing Committee is particularly concerned with the OAG's findings on the use of administrative segregation. Disciplinary segregation is used when an

offender is found guilty of violating the offender code of conduct. In such instances, segregation only takes place when it is ordered by a disciplinary board, once an offender's case has been examined. In administrative segregation, no such examination or review takes place and the manager of a facility alone may make the decision to place an offender in segregation.

The Standing Committee observed that administrative segregation increases the risk that an inmate's human rights might be violated. For this reason, it is especially concerning that the OAG found the North Slave Correctional Centre was not keeping adequate records of inmates in segregation.

The Standing Committee encourages the Department to ensure that all correctional facilities in the Northwest Territories keep adequate records of inmates in segregation.

### **Overall Facility Management**

The Standing Committee noted a common theme in the OAG's findings with respect to almost all of the issues raised regarding facility management: problems arise or are made worse by of a lack of management oversight of staff. Failure to monitor employees to ensure that they understand the rules and are acting accordingly is a factor that has contributed to problems with dynamic supervision, contraband, overtime and segregation.

#### **Recommendation 8**

**The Standing Committee on Government Operations recommends that the Department of Justice develop the processes and safeguards necessary to ensure that staff are knowledgeable about the rules they are required to enforce and that they have the training necessary to do their jobs effectively.**

### **CONCLUSION**

According to the Auditor General, the Department of Justice has not met its key responsibilities for inmates in the correctional system as required under the *Corrections Act*. The Department adequately planned for its facilities, but did not adequately operate facilities to house inmates and did not manage inmates in compliance with key rehabilitation and reintegration requirements.

The Committee is encouraged that the Minister accepted the Auditor General's recommendations and has developed an Action Plan to implement them. At the

same time, Members are concerned with the apparent efforts of the Minister and Department to minimize the significance of the Auditor General's findings.

The Standing Committee strongly encourages the Department to reassess its action plan with a view to implementing effective procedural changes now that will address some of the key deficiencies identified in the report of the OAG.

The Standing Committee will be monitoring the Department's progress and looks forward to receiving substantive progress reports.

**Recommendation 9**

**The Standing Committee on Government Operations recommends that the Government provide a response to this report within 120 days.**