

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Public Accounts

Chairperson
Mr. Matt Wiebe
Constituency of Concordia

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MANITOBA LEGISLATIVE ASSEMBLY
Forty-First Legislature

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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PUBLIC ACCOUNTS**

Monday, October 31, 2016

TIME – 9 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Matt Wiebe (Concordia)

**VICE-CHAIRPERSON – Mr. Reg Helwer
(Brandon West)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Messrs. Bindle, Helwer, Johnston, Ms. Klassen,
Messrs. Maloway, Marcelino, Mrs. Mayer,
Mr. Michaleski, Ms. Morley-Lecomte,
Messrs. Wiebe, Yakimoski*

Substitutions:

Mr. Johnson for Mr. Johnston at 9:22 a.m.

APPEARING:

*Mr. Andrew Swan, MLA for Minto
Hon. Jon Gerrard, MLA for River Heights
Mr. Tyson Shtykalo, Deputy Auditor General*

WITNESSES:

*Hon. Heather Stefanson, Minister of Justice and
Attorney General
Ms. Julie Frederickson, Deputy Minister of
Justice and Deputy Attorney General
Mr. Greg Graceffo, Associate Deputy Minister
of Justice (by leave)*

MATTERS UNDER CONSIDERATION:

*Auditor General's Report–Annual Report to the
Legislature, dated March 2014*

*Chapter 6–Managing the Province's Adult
Offenders*

*Auditor General's Report–Follow-Up of
Recommendations, dated May 2016*

Managing the Province's Adult Offenders

* * *

Mr. Chairperson: Good morning. Will the Standing Committee on Public Accounts please come to order.

This meeting has been called to consider the following reports: Auditor General's Report–

Annual Report to the Legislature, dated March 2014, chapter 6–Managing the province's adult offenders; and the Auditor General's Report–Follow-up of Recommendations, dated May 2016–Managing of the province's adult offenders.

Before we get started, are there any suggestions from the committee as to how long we should sit this morning?

Mr. Andrew Swan (Minto): I would recommend we sit until 11 o'clock and then we revisit at that time.

Mr. Chairperson: Okay, is 11 o'clock agreed by the committee? I see—I hear a no—okay. Sorry, it is agreed by the committee. *[Agreed]*

Are there any suggestions as to the order in which we should consider the reports?

Mr. Swan: I would suggest we just consider the reports before us globally today.

Mr. Chairperson: In a global fashion, is that agreed by the committee? *[Agreed]*

At this time now, I'd like to invite the deputy minister and the minister to join us here at the table.

Good morning. And if you'd like to introduce your staff and any others that are at the table?

Ms. Julie Frederickson (Deputy Minister of Justice and Deputy Attorney General): Good morning. With me in the room today is Greg Graceffo, associate deputy minister of the Community Safety Division, as well, Maria Campos, the financial comptroller for the Community Safety Division, and Vuk Mitrovic, a senior adviser in my office.

Mr. Chairperson: Thank you, Ms. Frederickson.

Does the—oh, sorry, let's skip that—I'd now at this time like to invite the deputy minister to make an opening statement if you'd wish.

Ms. Frederickson: Thank you for the opportunity to address your committee this morning.

When the Auditor General's report on managing the province's adult offenders was first considered by this committee in August of 2014, my predecessor,

Donna Miller, indicated that at that time the Community Safety Division was newly established. This division, the largest within our department, merges Corrections, both within facilities and in the community, and policing functions, so as to allow the department to proceed in a more integrated manner with respect to responding to issues identified in the Auditor General's report.

The creation of the Community Safety Division, combined with other structural changes and work that the department as a whole has been actively engaged in through the delivery process, has enabled Manitoba Justice to break down some of the silos that can build up between divisions and between departments. The work that we collectively have been doing to create a criminal justice system that is timelier and more effective is at a point now where we are creating a culture shift to ensure that our response across the system as a whole is proportionate, timely and effective.

By way of opening, I would also like to say that we as a department welcome the recommendations from the Auditor General and believe that they have and will continue to help strengthen our ability to improve outcomes for individuals in the correctional system.

As noted in the Auditor General's report issued in May of this year, the status of recommendations was reported on as of June 30th, 2015. As of that date, a total of 10 recommendations were identified as complete, progress on the outstanding 19 recommendations continues and the majority of the recommendations have or will be implemented through training, policy enhancements and process improvements.

In fact, the Auditor General's May 2016 report indicates that as of June 30th, 2015, significant progress has been made on eight of the 19 outstanding recommendations.

The department has provided a more recent update to the office of the Auditor General as at September 30th, 2016, which outlines additional progress made on the outstanding recommendations. We anticipate, once the Auditor General has had an opportunity to review our most recent update, that responses to a significant additional number of recommendations will be noted as complete.

As I indicated earlier in my remarks, Manitoba Justice is continuing to take steps to find efficiencies, change practices and adopt new policies to improve

the criminal justice system, with the ultimate goals of reducing the remand population, determining appropriate responses of the criminal justice system and ensuring that the most serious offenders are dealt with as expeditiously as possible, with the result being to either transfer those offenders from the provincial correctional system to the federal correctional system, or to ensure access to targeted and appropriate provincial programming while in the provincial system.

In addition, rehabilitating and reintegrating individuals back into the community after incarceration or while under probation supervision, with the goal of keeping them out of future contact with the criminal justice system, is also a key indicator of effective criminal justice system.

Initiatives to achieve these goals are ongoing. As part of this, Manitoba Justice is working to establish evidence-based, concrete work plans focusing on proportionate responses, including diversion and restorative justice, building relationships with indigenous peoples and differentiation of cases that will help us achieve our previously identified aspirations to improve the justice system.

The department continues to manage high population levels in its adult correctional system. In 2015-16, the average adult custody count was 2,424 offenders, which is an increase of 2.3 per cent since the last Standing Committee on Public Accounts was held to discuss the office of the Auditor General's report. Additionally, the average length of stay for an adult sentenced offender was 57 days in custody, a decrease of five days since our last report, which is a challenging time frame for rehabilitation. I'll pause here to note for the committee a couple of points.

The first is we are responsible for all adult offenders detained in custody while awaiting a court disposition. This group is our remand population. We are also constitutionally responsible for all adult offenders who are sentenced to prison for up to two years less a day. However, as court sentencing takes into account the pretrial time spent in custody, that means that a portion of our sentenced population ultimately stays in our provincial correctional system even though their sentence might call for federal time.

The second point I'd like to make for the committee is that rehabilitation programs are available for our sentenced offenders but not generally for our remanded offenders. The

overarching reason for this is, although in remand custody, the individual has not been found guilty of the charges laid against him. Rehabilitative programming may assume or suggest an element of guilt or culpability on behalf of the offender. As a result, some offenders will not take advantage of the programming. Another reason is the unpredictability of the length of stay. While in remand custody, individuals may qualify for bail, moving them out of the correctional system and unable to participate in the programming.

With respect to programming for offenders and in response to a recommendation from the Auditor General's report, cognitive behavioural therapy workbooks that help offenders work through the risk factors that contribute to their criminal behaviour have been completed and are in use across the correction system.

In addition, a culturally appropriate program, or C.A.P., as we refer to it, has been developed and is used by both Custody Corrections and Community Corrections. Based on the feedback received to date, C.A.P. is a welcome resource.

Turning to our Community Corrections side of the house, in 2015-16, the average adult community caseload count was 7,202 offenders. This is inclusive of conditional sentences, a decrease of 7.7 per cent since our last report. Approximately one half of these individuals are living outside of the city of Winnipeg. The recommendations related to Community Corrections will be just primarily through a strengthened quality assurance framework that will be guided by the work of a newly formed quality assurance unit. This unit commenced its work earlier this year.

* (09:10)

Probation staff perform a critical function and help keep our communities safe by ensuring those who are at highest risk to reoffend receive the most services. We're working to provide more opportunities to rehabilitate offenders and help them from becoming re-involved in the criminal justice system.

Probation workloads are regularly reviewed to ensure that resources are aligned in the most effective and efficient manner. This analysis continues to be reviewed on an ongoing basis. The Community Safety Division continues to work in collaboration with a number of agencies and other government departments to ensure that the delivery

of programming to offenders is done in an effective and collaborative approach. For example, we work with Addictions Foundation of Manitoba, provincial special needs, joint sharing protocols with Child and Family Services and education, joint planning protocols with employment insurance.

As we continue on our improvements to the criminal justice system, Manitoba Justice intends on maximizing the resources and collaborative relationships that have developed with respect to programming to enhance our capacity in diversion, restorative justice and a proportional resolution of matters.

Thank you for your—the opportunity to provide you with these opening comments this morning.

Mr. Chairperson: Thank you, Ms. Frederickson.

Before we proceed further, I'd like to inform those who are new to this committee of the process that is undertaken with regards to outstanding questions. At the end of every meeting, the research officer reviews Hansard for any outstanding questions that the witness commits to provide an answer to and will draft a questions-pending-response document to send to the deputy minister. Upon receipt of the answers to these questions, the research officer then forwards the responses to every PAC member and to every member recorded as attending that meeting.

Therefore, I am pleased to table the responses, provided by the associate deputy minister of Education, to all the questions pending responses from the August 17th, 2016 afternoon meeting.

These responses were previously—*[interjection]* Oh, okay. *[interjection]* Oh, I—okay. I am also pleased to table the responses provided by the deputy minister of Infrastructure to all the questions pending responses from the September 15th, 2016 meeting. Perfect.

These responses were previously forwarded to all members of this committee by the research officer. Before we get into questions, I'd like to remind members that questions of an administrative nature are placed to the deputy minister and that policy questions will not be entertained and are better left for another forum. However, if there is a question that borders on policy and the minister would like to answer that question or the deputy wants to defer to the minister to answer, that is something that we would consider.

The floor is now open for questions.

Mr. Swan: I think it is useful and timely that this committee be meeting. Of course, the confidence that Manitobans have in our corrections system is very, very important, and right now, I think it has been shaken given a number of deaths that have happened in custody.

The hope today is that we can talk about where things were as of June 30th, 2015. I am happy to hear that the department has given an update to the Auditor General's office as of September 30, 2016. I think it'd be very helpful, even if the Auditor General's office hasn't commented on it, to go through the progress the deputy minister can talk about in some detail.

So I would like to start with that. As of June 30th, 2015, there were 10 recommendations that had been implemented in the view of the Auditor General's office. There were a further eight on which significant progress had been made. I'd like to start by just asking the representative of the Auditor General's office to comment on the recommendations that as of June 30th, 2015, had not had significant progress.

Mr. Tyson Shtykalo (Deputy Auditor General): So, in our follow-up report in—under the work-in-progress section, we go through all the recommendations that are still work in progress. For the ones where we've noted that there has been significant progress made, we've—we make a comment. For the other ones, we have noted that they are still working on them, but we don't provide any further status beyond that. So as far as ranking them as to which are—there's been less significant progress, that's not part of our reporting process.

Mr. Swan: I thank the representative for that information. So I'll work, then, with the deputy minister. We know that one of the items the department said it would not be implementing was recommendations 28(a) and (d), and for the report on June 30, 2015, the department said it did not plan to change the way that it was calculating recidivism statistics and doesn't believe that the additional information and extra work would be of any added benefit to the department. Can the deputy minister just confirm that there is no change in the position of the department and that recidivism statistics will remain as they have been for the last few years?

Ms. Frederickson: Yes, I could confirm that there is no change to the department's position on that item.

Mr. Swan: I thank the deputy minister for that.

In the status of recommendations as of June 30, 2015, one of the comments made with respect to item 2, which is about system-wide clearly defined accommodation standards for all correctional centres, the Auditor General's office commented the province is moving forward on the replacement of the Dauphin Correctional Centre. There was discussion of the work that was done to do the planning study. And many of the other things the department were working on included using what would be learned from the planning of the Dauphin Correctional Centre as the new standard for other correctional centres. Can the deputy minister please tell us the status of the planning and preparation for a new correctional centre in the city of Dauphin?

Ms. Frederickson: Mr. Chairman, the status of those matters is not something that rests with the administration at this point.

Mr. Swan: Well, in the report done by the Auditor General in June 30, 2015, the Auditor General's office said the Province is moving forward on the replacement of the Dauphin Correctional Centre. Questions in Estimates, questions in this House, have suggested something very different. And I think it is within the ability of the deputy minister with respect to the important issues raised in the Auditor General's report to let us know if the Dauphin Correctional Centre is still going ahead as planned because if not, that's actually a step backwards on some of the items contained in the Auditor General's report. So I'd ask the deputy minister again to be able to put some information on the record about where the Dauphin Correctional Centre stands.

Hon. Heather Stefanson (Minister of Justice and Attorney General): I want to thank the member for the question. And, certainly, you know, this is a project that has been progressing through the design phase. But we—as has been mentioned many times that since we took over office that we are currently conducting a review of all capital projects right now. There were many, many projects across the board, not just in Justice, that were promised by the previous administration and that we are currently reviewing. So many of these promises were made just prior to the election. We are reviewing all of those capital projects. And that's where it stands right now.

Mr. Swan: Well, that is a concern because, again, the Auditor General's conclusion as at June 30, 2015, was that the Province is moving forward on the

replacement of the Dauphin Correctional Centre. I would then ask the deputy Auditor General if, indeed, as we're hearing today, the Province is not moving forward on the replacement of the Dauphin Correctional Centre, does that change the view of the Auditor General with respect to progress being made on the recommendations contained in the report?

Mrs. Stefanson: Just for clarification, that is not correct that we are not moving forward with respect to this. I said that it's under review. So to say that it's not moving forward would be—would prejudice a decision that's made by the capital project review.

* (09:20)

Mr. Swan: Well, with respect, either the project is moving forward or it's not, and what the minister is saying is that it's under review, which means it is not moving forward, the recommendations and the work done by the Auditor General's office were based on the province moving ahead with—to replace the Dauphin Correctional Centre, which the deputy minister and the minister knows is a 100-year-old facility where an inmate death occurred over the summer.

If the minister's answer is we're moving ahead but we're not moving ahead, I guess we'll have to leave it at that. But it is a concern because this is a very, very important part of managing the province's adult defenders. We hear that from correctional officers, we've heard that from representatives of the MGU, we've heard that from the John Howard Society.

I'm going to ask the deputy minister once again. Are we still moving ahead or is this simply on hold for an indefinite amount of time?

Mrs. Stefanson: Just to answer that, again, we're under review and I wouldn't want to prejudice that review process by saying one way or the other right now. It could very well be that once that review is considered that we're moving forward, and I think that that's where we stand right now.

Mr. Swan: All right. I'd like to move on to some of the other areas where there was work in progress just to follow up some of the work done by the department.

With respect to recommendation No. 10, it dealt with a workload analysis, the Auditor General's office commented that there was work being done to try to resolve offender risk assessments not being done within the hoped time and making sure that

staff were clearly documenting information. One of the steps being taken by the department was additional staff support for probation officers.

Could the deputy minister just tell us then what additional staff support has been added since the report first came out back in—a couple of years ago, and how many additional positions were added to try and assist our probation officers?

Ms. Frederickson: If I could just have a moment, Mr. Chair.

Committee Substitution

Mr. Chairperson: While we're waiting I'd just like to inform the committee that we do have a substitution. Under rule 104(2) the following membership substitution has been made for this committee effective immediately, Mr. Johnston, Interlake for Mr. Johnston, St. James. Thank you. *[interjection]* Okay Johnson, my apologies, Mr. Johnson for Mr. Johnston. Got it, and I'm sure Hansard has that as well. Thank you very much.

* * *

Ms. Frederickson: In terms of the additional resources for the Community Corrections area, the focus has been on creating a quality assurance unit which has been established. The staffing for that unit of four FTEs has been fully staffed and implemented, and the quality assurance team has completed two full reviews to date and is—it has been reviewing workloads to ensure that workloads are balanced and are continually monitoring this to ensure that there is an even distribution of cases.

Mr. Swan: I thank the deputy minister for that answer.

Also contained in the Auditor General's comments on recommendation No. 10 was that there would be a central internal review unit that would be created. Is that the unit that the deputy minister is talking about, or is there a separate quality assurance unit?

Ms. Frederickson: That is the review unit that we are speaking of, the quality assurance unit.

Mr. Swan: I thank the deputy minister for that answer.

And is there now a—is there a performance measure in place with respect to how quickly the initial offender risk assessments should be completed?

Ms. Frederickson: There are standards in place to ensure that work is done within a certain period of time. For example, risk assessments are to be completed with an eight-week time frame. And the work of the quality assurance unit is to go in and monitor and ensure that these standards are being met.

Mr. Swan: And were these four positions—were these new positions that were added within the department or were there other EFTs that were transferred into this new quality assurance unit?

Ms. Frederickson: The positions were reallocated from other positions within the department.

Mr. Swan: So did these positions come out of the allotment of probation officers, or did they come from some other division, and if so, which one?

Ms. Frederickson: These positions were identified as a result of a staffing analysis that determined that these positions were surplus to other areas of the Community Safety Division.

Mr. Swan: And I believe we covered this ground in Estimates, but can the deputy minister just confirm there were no new positions added to Community Corrections in this year's budget?

Ms. Frederickson: Yes. That's correct.

Mr. Kelly Bindle (Thompson): Looking at the Auditor General's report, it states that the department was struggling to deal with growing offender populations, and the overall occupancy rate in correctional centres on May 15th, 2013, was 126 per cent and that even though the department had increased capacity by 52 per cent since 2008, measures to accommodate overcrowding such as double bunking, triple bunking and adding dorm-style bunk beds in space previously used for recreation and treatment programs had severe negative impacts such as restricting offenders' access to rehabilitation activities and increasing security risks.

And in January 2013, the Province announced plans to build a new correctional centre of a not-yet-determined size in Dauphin on land donated for this purpose by the City of Dauphin and the Rural Municipality of Dauphin. The announcements noted that the audit corrections capacity review committee, previously tasked with providing advice and guidance to government on correctional centre expansions, had reported that the Dauphin Correctional Centre was beyond its structural

usefulness and recommended replacing it. But the committee did not specifically recommend, and it would not necessarily follow, that the replacement be located in Dauphin. For example, after the Province decided to replace the Women's Correctional Centre in Portage la Prairie, it built a new Women's Correctional Centre in Headingley to be closer to the courts, legal counsel and most offenders' families and other supports needed.

The Province did not issue a public call for all interested parties to come forward with proposed geographical locations and specific sites within these locations. Had it done so, it could have evaluated all submitted proposals using selection criteria developed for this purpose during the community consultations held by the auditor corrections capacity review committee. Community representatives from both Dauphin and Thompson submitted proposals to the department lobbying for new centres in their respective communities. The department had no supporting documentation showing how the Province selected the Dauphin location as the best site of choice.

I have three questions. One is, what criteria did you use to choose Dauphin, and can you confirm what progress was made in the construction in the last three years after that announcement in January 2013, and is the adult capacity correctional—is the Adult Corrections Capacity Review Committee going to be looking at other locations?

* (09:30)

Ms. Frederickson: In terms—in answer to the first question in—with respect to what criteria was used to select Dauphin as the site for the proposed new correctional centre, based on the recommendations of the Auditor General's report that there be a replacement of the 'dauphinal' correction centre, the existing 'dauphinal' correctional centre, the determination was that that recommendation meant a replacement of that centre in Dauphin, and that's how the department read that recommendation.

With respect to the second question asking what progress has been made on construction of a new Dauphin Correctional Centre in the time frame since the recommendation of the Auditor General, I can advise that there has been some design work done to determine the design of the new facility; however, no construction has been commenced to date.

And the third question, asking about the mandate of the adult capacity review committee and if their

work is ongoing, once they—once that committee issued its final report, its mandate was complete, and so there is no further work of that committee.

Mr. Bindle: With reference to recommendation 9 in the Auditor General's report—we recommend the department publicly call for proposals and develop selection criteria to evaluate and select all future adult correctional site centres. Can you please comment on the progress of recommendation No. 9?

Ms. Frederickson: That recommendation is complete.

Mr. Swan: Just moving on to the comments that the Auditor General's office had made with respect to recommendation 11, and that was to make sure—to ensure that probation officers schedule first in-person contacts with offenders within the one-month time frame specified in department policy. At the time, as of June 30th, 2015, the department said that there was going to be a realignment of workloads; there'd be added resource support together with the establishment of the central internal review unit to assist in the full implementation. Can the deputy minister just take us forward now on what has happened with respect to this recommendation, and is the performance measure that there will be a first in-person contact with each offender within one month?

Ms. Frederickson: This is an item that we have reported on to the Auditor General in our September 30th, 2016, update; however, in fairness to the Auditor General, they haven't yet had an opportunity to respond to it. But I can advise the committee that in the opinion of the department, this recommendation is complete, that Community Corrections has developed a regular review of policy, and compliance with the policy has been completed. Compliance with this item forms part of the overall file review and departmental review, ensuring meeting those standards will occur within the quality assurance unit.

Mr. Swan: If I can just ask, though, there's been a realignment of workloads. Can the deputy minister just tell us how has that process occurred, and is it the deputy minister's position that was all completed as of June 30, 2015, or has there been a further realignment of workloads since that time to September when a further update was given to the Auditor General's office?

Ms. Frederickson: With respect to a realignment and balancing of workloads, that is always

something that is a work in progress. We have been continuously reviewing and redistributing work and resources within our Community Corrections officers, our probation officers, to achieve a balanced workload. We'd also note that caseloads, workloads are going down over time, which is helping with that balancing of workloads. But as noted, this is something that is always a work in progress. So, from June of 2015, that work was in progress. And, as at today's date, it is still a work in progress. We feel we've achieved a balance, but it's not something that we're going to stop monitoring.

Mr. Swan: I thank the deputy minister for that.

And I presume that part of the reporting that was given to the Auditor General on September 30 of this year was a progress report on caseloads. Can the deputy minister confirm that? And if that is the case, can she share the information on caseloads or undertake to provide that to this committee?

Ms. Frederickson: The department will undertake to provide that information.

Mr. Swan: I thank the deputy minister for that.

Recommendation 6 in the original report by the Auditor General included a recommendation that the department prepare a range of adult custody population forecasts using best-case, worst-case and most-likely-case scenarios.

I know that this is work that has been ongoing and every so often the department goes and tries to adjust based on past performance. I thought it was helpful. The deputy minister commented on the need to continue working on alternative measures and restorative justice.

Has the department prepared a new projection of the adult custody population forecast using the best-case, worst-case and most-likely-case scenarios? Can the deputy minister share that today? Or can the deputy minister undertake to provide that to the committee in due course?

Ms. Frederickson: I can advise the committee that the department has not undertaken a new projection of adult correctional populations. That projection was done by the Bureau of Statistics for the department on the recommendation of the Auditor General.

Mr. Swan: Does the department have any reason to believe that that information provided by the—by Manitoba Bureau of Statistics is out of date or needs to be revised in any way? Or is the department still

of the view that we are going to see the kind of increase in corrections' population that's predicted by that report?

Ms. Frederickson: Initially, the—our actual custody counts were lagging behind those projected by the Bureau of Statistics. But lately we have seen a trend upwards. Over the last number of months, in fact, we have been trending upwards. And I can advise the committee that, as of today, the count under roof is 2,555 offenders.

* (09:40)

Mr. Swan: That is a change, and I know there had been some—I think some hope for relief by both the management of corrections and also by MGEU and the workers it represents. That is a substantial upward trend in the last couple of months.

Could the deputy minister give us any reasons as to why we believe that that major increase has occurred?

Ms. Frederickson: As the member may know, the pressure is largely on the remand population side of the equation. Our sentenced population has remained relatively stable year over year. We are currently at approximately 70 per cent of our population is remand population, and the department doesn't have control over the number of people who enter our correctional system. They are brought to us by law enforcement and we—they enter our correctional system.

As well, there's limited control over the amount of time people stay in our correctional system while on remand basis because it is up to the courts and the judges and the prosecutors and defence counsel in terms of how quickly we can move this population out.

So those are some of the factors that impact on our counts.

Mr. Swan: This member is well aware of those factors and that was a large part of the work that I did in my five years as the minister.

The deputy minister quite correctly points out that corrections is the end—the end user, I suppose, of how the system works.

If there's been a sudden increase in the number of cases coming into the system, which I take it is the deputy minister's point, have there been any resources sought by the department to get more resources for the Crown prosecutor's office or for the

court system to try to take up any increases in the number of people coming into the system?

Ms. Frederickson: We're looking at a number of options to shift the balance and move matters through our criminal justice system more quickly. Those considerations that we're looking at do not necessarily involve additional resources for Crown attorneys or for courts. Rather, we're looking at a culture shift for the entire criminal justice system from end to end to ensure that matters that need to have the full weight of the criminal justice system brought upon them have that resource and those matters that might not otherwise attract the need for the full criminal justice system to be diverted out of the system at an earlier opportunity.

Mr. Swan: And I certainly support that work and we will have a lot of discussions, I think, over the next—the months and years to come about how we can improve and increase the use of restorative justice in Manitoba, how we can expand drug courts and mental health courts. Those are things that not only does my caucus believe are important, we know that just the other day the MGEU raised that as one way that we can try and get better outcomes in the system and relieve some of the pressure.

So I want the deputy minister to know that I am—I am certainly in support of that, but it is a concern if the number—if the numbers in custody have gone up by—by about 150 in the past six months, that does give cause for concern.

At the time that the Auditor General's report came out, there was a recommendation that there be a forecast for all significant adult offender sub-populations. In large part, that was dealing with the female population which, despite a levelling off in the adult male population, the adult female population seemed to continue to grow.

It was fair comment by the department that there was no jurisdiction in Canada that had really been able to get a handle on female offenders and the numbers, but can the deputy minister comment, first of all, on whether there has been continued growth in the female adult population and whether the department has done any work to try to determine where that population is going in the months and the years to come?

Ms. Frederickson: The issues with the female offender population are the same as the issues that we're seeing with the adult male population in that it's not the number of sentenced offenders that is

growing but it's the issue of the number of females who are on remand status within our correctional facilities that is growing. And the reasons for that are similar to those of the male population, and it's something that we are working towards in the same manner as I've previously outlined.

Ms. Janice Morley-Lecomte (Seine River): Can you tell me what initiatives have been put in place to assist with the increase in the population?

Ms. Frederickson: In terms of initiatives to deal with the increase in population, to deal with the populations, we staff appropriately, and as increased population occurs, the correctional system will staff up and ensure that there is an appropriate number of correctional officers on duty. That's to deal with the immediate situation. On a departmental basis, as I've previously outlined, we've done a significant amount of work over the past couple of years to identify how we can respond to the criminal justice system as a justice system as a whole as opposed to focusing solely on the correctional system.

Ms. Morley-Lecomte: Thank you. Any of the individuals that are in the population taking part in any current mental health or addiction programs to assist so that they're not in as long?

Ms. Frederickson: Thank you. Yes, our sentenced population is able to take advantage of programming that is available, although I will remind the member that the number of sentenced offenders is substantially less than the number of offenders on remand status. But those that are sentenced have access to a number of programs including the Winding River Therapeutic program at the Headingley Correctional Centre, the Assiniboine Treatment Centre and a variety of other programming.

However, that, combined with the average length of stay for the sentenced population, which is relatively short, makes meaningful outcomes from these services challenging at times. The most effective place, in our opinion, for programming to take effect is while people are in the community, whether on probation or out in the community itself. And this highlights, again, the need for a—not only a whole-system approach to the criminal justice system but a whole-of-government approach because as the member notes, many people come into the correctional systems with addictions or mental health issues that really the underlying cause of their behaviour is not criminogenic but is related to those

other challenges. But the criminal justice system is where they ultimately end up.

Ms. Judy Klassen (Kewatinook): I'm just wondering. You were talking about the balanced case load. What would a southern PO see as opposed to a northern PO in terms of case load?

Ms. Frederickson: We'll have to take that question under advisement and undertake to provide that number.

* (09:50)

Ms. Klassen: If you could also research, then, what kind of office spaces does a northern—if they even do have northern offices or places to see their clients, you know, there's an overrepresentation of indigenous people in the justice system, and I know on some First Nations that I've seen there's no spaces for them to work.

The other question, also support systems in the community: What does a northern PO have access to as opposed to a southern PO?

Ms. Frederickson: We certainly acknowledge that there are challenges with respect to the delivery of services in the North. There are challenges around staffing. We sometimes also see challenges around community infrastructure and available programming and concerns with respect to office space. So we are aware of these challenges and are working with our probation officers to address those concerns. But one other thing I would note for the committee is that particularly when we're on—in First Nation communities we certainly have to work with the chiefs and councils of those communities in order to provide some of these resources or ensure that the supports or community programming or infrastructure is in place.

Ms. Klassen: Thank you for those—I actually feel very strongly because I have brothers who work within the system, and they're struggling continuously and the stress they also face trying to get resources for their clients, you know. There's no mental health aspect up north, and so they struggle a lot with trying to not only help them but to be mentally able to face every new day because we see an unreal amount of criminal activity or, you know, just from lack of resources.

And so I would really appreciate those answers most expeditiously—I am not sure of the word—but I appreciate that there is help coming their way. Thank you.

Mr. Swan: I'd like to return to something the deputy minister said in response to a question by a government member.

I think we can all agree that one of the key parts of trying to manage the province's adult defenders is making sure that there's appropriate staffing. We've heard today and it has come as a surprise; it sounds like there's about a 100 more adults in Manitoba's jails since the Estimates process in June when the department was able to give updates. We know that there was—there were no additional staff positions for corrections in this year's budget. Given what appears to be a major increase over the past couple of months, could the deputy minister tell us: Have there been additional resources, additional correctional officers added in this year's budget to manage that increased population, and if not, what steps are being used by corrections to try and manage what we can acknowledge is a difficult population?

Ms. Frederickson: There are no additional FTEs allocated to correctional officers. However, we are continuing to recruit, as we have been in the past, in order to create a pool of part-time correctional officers that are used within the facilities to ensure that there area appropriate staffing levels.

Mr. Swan: We learned just last week that some training for new sheriff's officers, which is in the Courts Division, I acknowledge, had been put on hold for review.

Can the deputy minister confirm that, within corrections, Justice is still attempting to recruit officers as they have in the past and that is not something that has been put on hold?

Ms. Frederickson: Yes, I can confirm that.

Mr. Swan: I thank the deputy minister for that, and I appreciate that there's a goal that's been stated by the deputy minister to have a pool of part-time officers.

I'd just like the deputy minister to confirm, though, that there are no additional full-time officers working in the system, that there's been nothing added in the course of this year to attempt to manage this increase in the population.

Ms. Frederickson: There have been no additional FTEs added to the number of correctional officers within the system. We are continuing to manage that pool of employees through the existing full-time employees that we have, as well as our part-time pool.

Mr. Swan: Is the department currently also trying to recruit more full-time correctional officers?

Ms. Frederickson: The department does not recruit full-time correctional officers. The recruitment plan follows training, after which people are hired on a part-time basis and it's—as if and when required in the facilities.

Mr. Swan: I thank you, Deputy Minister, for that. And we know that within corrections, it's a very large proportion of employees within Justice overall. We know that some correctional officers find other opportunities, perhaps making more in the federal system, perhaps they pursue other careers, like law enforcement or other areas.

We also know that, unfortunately, this continues to be an area where there is a high number of employees who suffer injuries or who suffer at stress from the difficult job that they do and they are unable to work.

I did ask the question back in June, but I hope the deputy minister could undertake to provide an update of how many vacancies there are right now in the correctional system.

Ms. Frederickson: Yes. We will undertake to provide that information, however, I would like to note that where there are vacancies, it's not as though there isn't an individual performing those services. In a 24-hour environment, we may have a vacancy within an FTE, but we move part-time correctional officers into that position to fulfill those duties.

Mr. Bindle: In April 2012, towards the end of the reporting period for the Auditor General's report, the Auditor General's report states that the department authorized a workload caveat in the Thompson region. The caveat asked staff to reduce all offender supervision levels by one level, where possible, and to reduce monthly contacts with most offenders remaining as high and very high-risk from two in-person contacts to one in-person contact of five to 10 minutes, plus one telephone contact, and similar caveats were also developed for the Westman and Eastman regions during 2012.

These reduced supervision levels were still in effect in March 2013.

Has the department resolved the workload problems preventing probation officers from scheduling meetings with offenders as often as department policy requires for the offenders' risk profile as stated in recommendation 12 in the report

of March 2014, or is this workload caveat in reduction of contact requirements for most offenders remaining as high and very high risk still currently in effect in Thompson?

* (10:00)

Ms. Frederickson: I can advise the committee that the caveats noted by the member have been removed and the recommendation, as read, is deemed to be complete. That being said, we are continuously—as I noted previously—monitoring our workloads and ensuring that there is a balanced workload.

Mr. Reg Helwer (Brandon West): Interesting, in the deputy's opening statement, you had a couple things there that I—well, many things that were very interesting. But you mentioned the reduction of five days' stay in correctional institutions.

Can you tell me what some of the trends might be, why that is occurring?

Ms. Frederickson: The primary reason for that is because the length of time offenders stay in remand custody is increasing. That amount of time is taken into account when there is a sentence and, as well, that remand time, that pre-trial custody is generally given credit of 1.5 for each day. And so that impacts into the length of the sentence that is ultimately given by the court system.

Mr. Helwer: So then, following up on the remand side, you mentioned that services aren't accessed by the individuals that are on remand, partly because they see that that's an admission of guilt—or, perhaps an admission of guilt.

Is there—obviously, access to service is something that we can use to reduce 'recidivism'. And is there something that you can see down that road to make it more acceptable to access services?

Ms. Frederickson: There is educational and informational resources that are available that offenders may take advantage of prior to being sentenced and—so that is available. As well, some of remanded offenders will take a programming, or seek to access programming to use it as a way of demonstrating remorse in sentencing, or to mitigate their ultimate sentence.

As part of the larger departmental review of the issue, we are looking at ways to ensure that we do have a more robust ability to refer offenders for programming pre-sentencing so as to divert them out of the criminal—the correctional component of the justice system, if at all possible, to lessen that

burden for some of those offenders. So, in terms of ensuring—working with restorative justice and getting a better handle on the number of different programs that are available and out there is something that the department is working on.

Mr. Swan: One of the concerns that's been raised for our correctional system is the use of fentanyl and other opioids, both in terms of the number of people coming into the system, but also some of the—or, some of the actual medical needs that those individuals have.

Can the deputy minister comment, is this something that Manitoba corrections has picked up, that there is increased activity and increased use of our correctional system because of opioids? And, if so, what measures can corrections put in place to try to deal with those particular needs?

Ms. Frederickson: People enter the correctional system with a wide variety of potential challenges. Certainly, fentanyl is a newer phenomenon, but we certainly see many individuals who are struggling with alcohol or other intoxicants, other drugs. In the past, the—some of the concerns—and continuing on with respect to cocaine, crystal meth, any number—crack—any number of opioids, drugs or other addictions. And so we treat—we take all of the offenders in, and we have a range of measures that we take relative to our overall security to ensure that we're limiting any potential contraband that's coming into the system. With respect to fentanyl specifically, we haven't noticed it in disproportion to any of the other challenges that I've previously noted in my response.

I would also note that the department is actively engaged in the Fentanyl Task Force and is—particularly with respect to ensuring the publicity campaign around Know Your Source so that people are aware of the dangers of fentanyl use and ensuring that they're using as safely as possible.

Mr. Swan: I thank the deputy minister for that, and, certainly, I think everybody is hopeful that the dangers of opioids, especially fentanyl and related drugs, will be something that Manitobans take to heart so we can reduce the use of those drugs. And I do believe Justice has an important place at the table in trying to come up with measures.

Rather than just be the voice of doom today, I would like to give the deputy minister a chance to talk a little bit about the Winding River Therapeutic centre, which is referenced in the Auditor General's

report. Can the minister give us an update on the continuation of that program at Headingley Correctional Centre as well as a report on the successes that that program has had to date?

Ms. Frederickson: Mr. Chair, I would ask leave of the committee to let Mr. Graceffo answer this question, as he's probably best placed to do so.

Mr. Chairperson: Is there leave to allow the assistant—*[interjection]*—associate deputy minister to answer the question? *[Agreed]*

Mr. Greg Graceffo (Associate Deputy Minister of Justice): So the therapeutic community at Winding River continues to operate. It is a facility that is intended to address substance abuse issues that many of our offenders are dealing with. It is a program that embraces both sentenced and remanded offenders, so we're not excluding people based on their sentence status. It continues to operate very much as it was originally conceived. Offenders who enter the program work their way through a series of levels, and they, in fact, run sort of the internal dynamics of their own community with the guidance of staff.

The program itself consists of significant work being done to address substance abuse issues and to help people come to terms with what those issues mean and how it causes them to behave when they're in the community. It also still comprises a significant portion of giving back. As part of the program, we built a bicycle shop. We reclaim bikes from the Winnipeg city dump, and offenders go to work in the bike shop learning basic work skills and refurbishing those bikes, which are returned to the community for youth who are in need.

We are continuing to measure results. There are some elements to this that, frankly speaking, are still relatively new to us. The level of—when the deputy was speaking earlier about a whole-of-government approach, Winding River is a microcosm of us coming to a new approach around doing that kind of work. So we've engaged a wide range of partners, including the alcohol foundation. We have significant connections into other areas of government where our offenders are likely to go when they get released to access service. We're continuing to measure the results, but it's premature, I think, to sort of put a number on the table and say this is what it looks like. What we are is very optimistic that we are making a difference with the work that's being done there.

* (10:10)

Mr. Swan: I thank Mr. Graceffo for that answer, and I think we're all optimistic that helping inmates with their addictions issues makes it far more likely that when they return to the community that they'll be less likely to offend; if they do offend, it'll be at a later time and perhaps in a more minor way.

There was—Mr. Graceffo commented that although it is still early, the department is kind—trying to measure those results. Can either the deputy minister or Mr. Graceffo comment on how that measurement is currently taking place to provide any details they can to this committee of those results, which may well lead them to my next question?

Mr. Graceffo: We're doing some internal evaluation work, but the primary way it's going to be evaluated is through the 'recidisin' data that we're already tracking. So what we're really looking at is somebody who's from that program, if they're returned to custody and are convicted within a two-year window, we'll be able to pick that up in our data.

Mr. Swan: I thank Mr. Graceffo for that, and, of course, a couple of years ago, we started posting that recidivism data online every three months—and I know that has continued—rather than play Battleship every time we come to Estimates once a year. Will the department undertake, when that is available, to make that recidivism data for the Winding River Therapeutic centre publicly available, or will I have to ask the question next April when we come to Estimates?

Mr. Graceffo: I would think you're going to have to ask for it specifically.

Mr. Swan: I will make a note of that, and I'll be sure to ask the minister that next year.

Is the department now of the view, though, that the work being done at the Winding River Therapeutic centre at the Headingley Correctional Centre is a best practice, and is there enough evidence now to roll it out into other jails in Manitoba?

Mr. Graceffo: I—to be frank about it, Winding River is a really interesting opportunity to test what I do think is a developing best practice, which has more to do with a whole-of-government approach to managing intervention with offenders.

The interesting thing is when we start to talk about offenders, we always want to focus on

addictions as an issue or education as an issue or employment as an issue, and we tend to treat them in these conversations as discrete things. In fact, for most of our—in fact, from everybody, these issues are all intertwined, and addressing one in isolation from the others will help improve outcomes, but it's not, in and of itself, the complete solution.

So from my perspective what Winding River represents is the beginning of an opportunity to work on a whole-of-government basis to address not just the substance abuse issues that are baseline to criminal conduct but all of the other pieces that flow from that in terms of your ability to hold a job, your ability to go to school, your ability to read, your ability to relate positively in a community, your ability to use your social time in an appropriate way. These are all, you know, significant parts of how you have to begin to address offender conduct.

So—and in terms of getting folks back to the community to live a whole life, if we stop to think about it, that's how most of us live. For our offenders, when we start to sort of parse out and say, well, we're just dealing with the addictions issue here, we miss all of those other things that are contributing variables. So the promise of Winding River is not just in what we're doing in terms of the treatment of addictions, but with the bringing together of all of those other resources to address from a whole of an individual's perspective, those things which bring people into conflict with the law.

There is lots of evidence as you look around the country that cumulative approaches to managing risk are far and away the most effective over the long term in terms of driving our numbers where they should more appropriately be, so—

Mr. Chairperson: Mr. Swan.

Mr. Swan: I thank Mr. Graceffo for that answer, and I do wish the department great success in getting better outcomes.

Again, on the positive side, the report of the Auditor General referred to the need to manage people through our court system more effectively to minimize transfers, to minimizing on time that inmates have to be taken from their correctional centre to a court for what may only be a short appearance.

We know the Thompson video court began operating several years ago. And I know, still when I was minister, we were able to determine successes in terms of fewer transfers, fewer times that inmates

had to be transported halfway across the province for a court appearance.

Could the deputy minister talk about other efforts within the system to expand the use of video courts, video bail, to try to move people through the system more effectively?

Ms. Frederickson: I can advise the committee that we certainly have expanded our efforts in this regard and have enhanced video court facilities in most of our correctional systems and courthouses across the province. And we certainly see this as a resource that we want to continue to expand and make better use of because, as the member notes, in being able to use the video court system to avoid having to transfer prisoners from a correctional institution where they might be held, to their court appearance, which could be in another community, as well, to expand the use of lawyer video-interviewing facilities, so that counsel could be in Winnipeg and yet have the ability to video—by video interview their clients in Thompson or in other remote communities, as well. So those are areas where the department is in—is focusing its efforts.

That being said, we do know that with technology sometimes comes challenges. And I understand we are facing some technical difficulties with implementing, with respect to physical construction of the assets in The Pas in particular.

Mr. Swan: I thank the deputy minister for that. And, of course, Thompson was the first court centre chosen because of the difficulty in transporting people.

First of all, could the member—the deputy minister please elaborate on the technical difficulties at The Pas. And, as well, comment: Are there any correctional centres where the video system is not currently operating?

Ms. Frederickson: With respect to the challenges that we're having in The Pas, as I understand it, those challenges are around construction, to be able to create a more permanent place to house these video facilities. The department is continuing to work with the Department of Finance through their Accommodation Services division to address these challenges so that we can better effect video service in The Pas.

With respect to the second question, my understanding is the only facility in the province that does not currently have the video conferencing ability is in Dauphin.

Mr. Swan: Just to follow up on those two points, first of all, are video appearances still happening from The Pas Correctional Centre, or is that currently on hold? And, secondly, is there any plan to add video capability to the Dauphin Correctional Centre or are we going to have to wait for a new correctional centre, which we know is on hold?

*(10:20)

Ms. Frederickson: I will undertake to find out whether video conferencing is currently occurring in The Pas. I don't have that information available with me here today. And, with respect to Dauphin, once a determination is made with respect to Dauphin, then the department will be in a position to determine placement of video conferencing facilities.

Mr. Swan: I thank the deputy minister for that.

I want to return to a couple of other items which were considered works in progress. Number-item No. 17 in the Auditor General's report deals with a better way to develop and document case plans for people involved with the system and progress in the plans. At the time, as of June 30th, 2015, the departments and the training has rolled out and full implementation is planned for the fall of 2015.

Could the deputy minister simply confirm that that training did in fact—was in fact pushed out to all areas of the system, and can we say that this new format and methodology is now fully implemented across the system?

Ms. Frederickson: Again, this is one of the recommendations where the department has reported to the Office of the Auditor General as of September 30th, 2016, and that office has not yet had an opportunity to review and respond to our response. But from the perspective of the department, this recommendation is complete. Case-plan interventions have been developed as a dynamic 'messod'—method of case planning, and progress on the case planning is shown each time there is an interaction with the offender or the young person, so it's no longer a static case plan. And, with the advent of our quality assurance unit, they—this is one of the matters where the quality assurance unit will be monitoring and going in to ensure that those 'measurables' are being met.

Mr. Swan: I thank the deputy minister for that, and we look forward to the update from the Auditor General's office in due course.

Item No. 24, in the Auditor General's report, was dealing with better aligning programming with offenders' needs, and a big piece of that was trying to find more effective ways to work with indigenous inmates, who, unfortunately, we know are a large amount of the people in our correctional system. There was a comment the department had created a new Centralized First Nations Unit intended to provide a more focused and culturally responsive approach.

Could the deputy minister tell us about that new Centralized First Nations Unit? How many positions does that include? Are those positions fully staffed? And tell us about the work that it's now doing.

Ms. Frederickson: I can confirm for the committee that the Centralized First Nations Unit has been created. I will, however, have to undertake to provide the specific information in terms of how many positions are in that unit and whether they are fully staffed.

Mr. Swan: I thank the deputy minister for that.

And just following up on that recommendation, there was a comment by the Auditor General's office as of June 30, 2015, that a new Culturally Appropriate Program that was developed, and the comment was that probation and custody staff would be delivering the program in 2016.

Can the deputy minister speak a little bit about the facets of that Culturally Appropriate Program, and can the deputy minister advise whether that program is indeed now being delivered throughout the correctional system in Manitoba?

Ms. Frederickson: As I indicated in my opening remarks, I am pleased to advise that the Culturally Appropriate Program is, in fact, in place and being used. C.A.P., as we refer to it, C-A-P, is a program that promotes awareness, personal development and healing for Aboriginal people. Participants learn the culture, history and impacts of colonization on Aboriginal societies during the pre-contact, contact and current periods.

Cultural teachings are used to assist First Nation people to internalize and take responsibility for their actions. The program structure is based on the medicine wheel and is widely applicable. Participants develop their own culturally appropriate case plans. C.A.P. emphasizes how additional intervention programs are also part of the healing journey. The program targets include cultural and motivation, moderate intensity, male and female

adults and youth offenders. It may include mixed groups and it's appropriate for all tier levels—and tier is a risk level.

The program duration is four days and consists of twelve sessions. And C.A.P. is delivered in a group format. And I can confirm that it is being delivered through our—all of our correctional facilities? *[interjection]* In correctional facilities and in the community.

Mr. Bindle: With reference to reporting in section 4.1.1 of the March '14 report, the department publicly reported a limited number of performance measures related to managing adult offenders in its annual report.

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

The department's annual report also disclosed other public safety measures, the number of police per capita and the number of operations in problem properties closed by the Public Safety Investigations Unit. The department did not disclose Manitoba crime rate statistics in its annual report, or on its website, but this information was publicly available on Stats Canada website.

The stated vision of the corrections division also included having the lowest recidivism rate in Canada. The department posted recidivism rates on its website, but did not disclose them in its annual report.

The department periodically released information to the public on the level of overcrowding in adult correctional centres, but did not regularly publish this information on its annual report or on its website.

Some jurisdictions publicly reported much more information than Manitoba. This included greater disclosure about overcrowding, levels of 'recidivism', security incidents in correctional centres, rehabilitation programs and quality assurance activities. Recommendation 29 in the report states that: We recommend that the Department expand its public performance reporting

to include information on overcrowding levels and impacts, and rehabilitation programs offered and their outcomes.

Now, the response by your department to recommendation 29 was that: The department will consider this recommendation as it moves to provide the public with as complete a view of the correctional system as possible.

My question is that—is: Since this Auditor General's report, can you please tell us what types of additional information or statistics, if any, has your department began disclosing publicly on its annual report, or on its website, that you previously had not disclosed?

Ms. Frederickson: I can advise that this is part of a broader approach, generally, that the department is taking in terms of the nature and type of information that we're providing publicly.

With respect specifically to recommendation 29 in the Auditor General's report, we still consider this recommendation a work in progress. We have completed a justice business intelligence model for the purpose of providing a structure for gathering and reporting business intelligence, for consolidating data and to provide an integrated justice view of clients, resources and outcomes. So this is something that we are continuing to work on in terms of our public facing strategic plan that'll include a high-level strategy with action plans and performance measures corporately.

*(10:30)

Mrs. Colleen Mayer (St. Vital): I have a question for the department in regards to—do you have any—or have you acquired since the June 2015—since the recommendations came out, any feedback from staff on how the changes in their workload, how some of these practices and these recommendations, I guess the 10 that you had implemented, what that change has meant for them and what their workload and caseload has been like?

Ms. Frederickson: In terms of the workload adjustments for the probation officers, that work was done in concert and in discussions with MGEU. As well, the division, through Mr. Graceffo, meets regularly with the MGEU to discuss ongoing issues. As with any change, some people embraced it; others were perhaps less so, but at the end of the day, there hasn't been any significant reaction to those changes, and the work continues to get done.

Mrs. Mayer: When you say there hasn't—sorry, your last statement was there hasn't been any.

Ms. Frederickson: That there wasn't any significant reaction or pushback to the changes.

Mrs. Mayer: Well, that's good because the—this is to make things better, and I believe that anything that we can do to make staff better prepared to do their duties is good for all involved. So, in regards to the overall justice system as this applies in—are you—do you have any data about the effectiveness and the efficiency of how things are running from all of the recommendations that you implemented, the 10?

Ms. Frederickson: With respect to data on the specific recommendations, we view it as a bit of a broader issue in terms of looking at all the work that's being done across the systems as a whole. So we're not parsing out the results of the specific recommendations, because we are viewing it through the lens of the delivery process that we've been engaged in over the past two years in terms of looking at the system as a whole and how it impacts the overall efficiency and effectiveness of the criminal justice system, including looking at differentiation of cases, diversion through restorative justice, improved relations with indigenous peoples and becoming more efficient within the criminal justice system.

Mrs. Mayer: In regards to under the section in the report, staff training, security checks and supervision and workload, the report had said that—it talked in regards to the training for probation officers that—can you talk a little bit about—at the time, I guess, as of June 2015, how things have improved with regards to the courses that—the 14 core courses and the five case management? How has that—because I noticed no one was centrally monitoring whether probation officers completed all the required courses. So can you say—can you tell me if that's been corrected and how that's been corrected?

Ms. Frederickson: Sorry. Can I get clarification on the recommendation that the member's referring to?

Mrs. Mayer: Oh, sorry. The recommendation is recommendation 19: We recommend the department regularly monitor whether the training and security check requirements for probation officers are met and properly documented and remedy any gaps.

So I guess when you say remedy any gaps, what have you done—what has the department done to remedy those outlined in the report?

Ms. Frederickson: With respect to this recommendation, again, this is one of the recommendations where we have reported to the Auditor General on—as of September 30th, 2016, and they have not yet had an opportunity to review our response, but I can advise that from the department's perspective we consider this recommendation complete.

Probation officer core training programs are established and regular offerings of the courses are provided. Staff completion of courses is maintained in a central database, and the division works with the Civil Service Commission, human resources, to ensure that security check requirements are completed prior to employment.

Mrs. Mayer: And I just have one further question. It's for the Office of the Auditor General.

Being a new member to this Legislature and also to PAC, can you tell me how, in the time from when—March 2014 to June '15, 10 recommendations were considered implemented or complete? Do you feel that that is sufficient in that time span? Is that an average normal process of being completed?

Mr. Shtykalo: So our follow-up process is to—just to recap the process, we have—after we issue a report, we follow up for three years after that, and the reason why we follow up for three years is because we acknowledge that a lot of the recommendations do take significant time to consider and implement and so on and so forth.

So this is the first of the three years that is under review today. It all depends on the recommendations and the level of recommendations, so it's hard to say whether, you know, it's average or it's above average or on schedule or not, because it really, from report to report, it depends largely on the, you know, the number and the type of recommendations that we make.

Mrs. Mayer: Would you say you're satisfied with what you see as of the June—June 15th?

Mr. Shtykalo: We're satisfied that progress is being made on the recommendations.

Mr. Swan: I'd like to return to something the deputy minister spoke about in her opening comments which, of course, accords with what the Auditor General's report said about the need to find more ways to divert people coming into the system.

I think we can all agree that finding better ways to deal with people and not having them on remand

in one of our correctional centres is better for—as long as it's done properly—is better for everybody.

One of those examples, as set out in recommendation 4, is mental health courts. We know that a mental health court has now been operating in Winnipeg for the last several years now. We know that it's been successful in diverting people. There's been a number of successful graduates that have been able to walk out of that court without a criminal record, without having taken up space in our correctional system, and, most importantly, less likely to reoffend in future.

Can the deputy minister tell us, is the department actively planning to either make mental health courts broader or deeper, meaning to serve more people in Winnipeg, but also the potential of having mental health courts operating elsewhere in the province?

*(10:40)

Ms. Frederickson: With respect to the overall issue of diversion and how to treat cases proportionally and how to try and address some of the underlying behaviors that bring people in contact with the criminal justice system, this is something that we are looking at on a system-wide basis. Mental health courts and drug courts are certainly part of that strategy but are just—are components of it. At this stage, I can advise that the department is looking at a number of potential initiatives and diversions and programs, and so not specifically looking at the expansion or enhancement of mental health or drug courts but rather looking at a variety of options as a whole.

Mr. Swan: I thank the deputy minister for that, and I hope she will consider both of these, both mental health courts and drug courts, as a way to divert people who have been involved in criminal activity because of their mental health issues or because of their addictions issues as a way that has so many benefits.

I also want to touch on bail supervision. Of course, Manitoba Justice does have an arrangement with both the John Howard Society and the Elizabeth Fry Society to support bail supervision programs here in Winnipeg. We do know that there was an additional amount added in the budget this year for the John Howard Society to ensure their program continues.

Because of the successes of these programs, again, is the department considering any expansion of bail supervision, either in terms of the number of

people who can take advantage of bail supervision in Winnipeg, or to expand it across the province, perhaps to the North or to Westman, to allow more Manitobans, in appropriate cases, to be able to be supervised in an appropriate place, try and work on their issues with the hope of avoiding time in our correctional centres?

Ms. Frederickson: We are not specifically looking at expansion of bail supervision programs at this time. We are looking on a system-wide basis in terms of creating efficiencies within the criminal justice system.

With respect to bail supervision specifically, before we consider whether to move forward with that or expand that we are looking at the—currently—the efficiency of the systems that we do have in place.

Mr. Swan: I thank the deputy minister for that.

One of the other areas that the deputy minister touched on, in her opening statement, which also matches the Auditor General's recommendations, is to expand the use of restorative justice. We've heard some general comments; I think the department continues to be in support of expanding restorative justice.

Can the deputy minister tell us what work is now being undertaken by her department to try to find more ways to divert cases in appropriate situations into some kind of community resolution that, again, would prevent people from having to go into a correctional centre?

Ms. Frederickson: The work of restorative justice within the department has been consolidated into a restorative justice and innovation branch. Those changes were implemented just this past year.

One of the first challenges has been trying to get a sense of the number of restorative justice programs that we are currently involved in funding, determining what their target audience is and doing work around evaluation of those programs to ensure that they are delivering the services that provide the results that we are looking for.

Once that inventory is complete, it'll allow us to move onto the next stage to determine whether we continue with those particular programs, whether we're seeing gaps in the types of services offered and make decisions for our go-forward basis.

Mr. Swan: I thank the deputy minister for that. It is very important work.

I can probably help with some of the organizations being funded. We know that there is money under an arrangement with the federal government and the provincial government to have restorative justice taking place in a number of First Nations communities. That would be a good place to start, and I'm hoping the department has already reached out to those communities and has offered up some ways to expand restorative justice in First Nations communities, because it fits so well with indigenous traditions as well as, I believe, the desire of those communities to find better ways to do things.

Can the deputy minister give us any timeline on when she expects this inventory to be done and we can hear more about the government's plans? Restorative Justice Week is coming up in the next few weeks. That would be a nice time but if not that time, when does the deputy minister think we'll get there?

Ms. Frederickson: We anticipate the inventory being completed within the next short while, and we'll be in a position to better align some of our resources as part of the upcoming Estimates process for fiscal year 2017-18.

Mr. Swan: I thank the deputy minister for that. I think all members of the committee will look forward to that work, and I hope we would all be champions of restorative justice in our own communities and do what we can.

One of the first recommendations made by the Auditor General was to, in light of the difficulties within corrections, to be doing a better job of tracking, double-bunking, the use of temporary facilities. And one of the responses was that the department would make the required changes to Corrections Offender Management System, which I know is a large and complex task.

Can the deputy minister—or, if the committee agrees, Mr. Graceffo—can there be an update on whether all the required changes have now been made to the Corrections Offender Management System and whether this information is now readily available to—and—within corrections?

Ms. Frederickson: If I may have leave of the committee, again, I would ask that Associate Deputy Minister Graceffo answer.

Mr. Chairperson: Okay, I understand that the committee has already given leave to allow

Mr. Graceffo to answer, so I'll recognize him now. Mr. Graceffo.

Mr. Graceffo: Thank you. The division has reviewed the capacity—the capability of its COMS system to assess the database, if the database could be utilized to track overcrowding trends. Although the capability may exist in COMS, due to the amount of offender movement that occurs daily within a facility and between facilities, the division has determined that utilising the COMS system for this purpose would prove to be cumbersome.

Additionally, with the amount of entries that would need to occur on a daily basis, the risk of error is actually amplified, and believe me, I—we get asked an awful lot of questions where, if we're out by one or two, where people are saying: Well, you were inaccurate. So we want to do this correctly.

In terms of where we're going, the division is planning to create an internal database that will be updated on a weekly basis via established conference calls with all the facilities that are already occurring across the province. The database will track overcrowding within each facility, quarterly reports will be produced for the division senior management group and will help to inform current and future operational decisions.

The database is expected to be in operation in December of 2016.

Mr. Swan: I thank Mr. Graceffo for that response.

So, if I can just summarize: the department has determined that everything called for by the Auditor General in recommendation No. 1 would not—it would not be practical to do so within COMS, so corrections is going to go a different way and will be generating internal reports that will effectively match what the Auditor General has requested. *[interjection]*

Mr. Chairperson: Mr. Graceffo.

Mr. Graceffo: Sorry. Sorry. The intent is—or what we are going to be doing is responding to the recommendations with a different process from the one that was initially identified.

Mr. Swan: I thank Mr. Graceffo for that.

And will that be contained in the status update that the department has provided to the Auditor General's office as of September 30, 2016? *[interjection]*

Mr. Chairperson: Mr. Graceffo.

Mr. Graceffo: Sorry. That information is part of what will be available to the OAG.

Hon. Jon Gerrard (River Heights): As—one of my visits to the Nisichawayasihk Cree Nation in Nelson House, they had a demonstration of a traditional justice approach. And I just wondered, in terms of the department of Justice, what's your view of extending this opportunity?

Their view was that this would be a potential way to deal with certain crimes right in the community very quickly, so they wouldn't be the delays—and using traditional justice methods.

Ms. Frederickson: One of the key aspects of the delivery work that the department has been working on is improving our relations with indigenous people. As well, we recognize the Truth and Reconciliation Commission's calls to action around the proportion of indigenous people within our correctional facilities.

* (10:50)

So, as part of that work, we are open to working with First Nation communities in terms of how we might better make the criminal justice system more efficient, including looking at the use of restorative justice or other diversions, or looking at what probation or other services are available to effect a more timely resolution of a matter.

Mr. Swan: One of the solutions that Justice is moving ahead takes into account not just a view within Justice but also across other systems. And that was highlighted in Winnipeg with the Block by Block initiative, now known as Thunderwing. That approach appears to have been taken up by the new government in terms of a bill to better share information, especially as it relates to youth.

Could the deputy minister comment on the successes and the progress of the Thunderwing initiative, in Winnipeg, and whether this is a model that Manitoba Justice is looking at expanding to try to get better results, including fewer arrests and fewer people coming in to correctional facilities?

Mr. Graceffo: With respect to Block by Block, I think what we have seen is some really interesting work. It is, in fact, another attempt at getting at a whole-of-government approach in terms of dealing with issues that sometimes precede people getting into conflict with the law. And sometimes they're heavily involved with the law and other systems at the same time. I—what we've been able to see with

Block by Block is that those families that have been able to successfully engage in it have been doing so in a way that's been very beneficial for them.

I would also point out that, you know, Block by Block, as it is in Winnipeg—you have similar kinds of programs operating in Selkirk with START; in Dauphin with DART; and, you know, Brandon has its own approach that it's using as well. So there is interest in the community around getting more engaged in the idea that what we have to be able to do is mobilize whole-of-government resources and whole—not just government—community and NGO resources to really get engaged with the root causes that result in people falling into any number of service streams that.

Mr. Swan: Okay, well, thank you, and I do wish the department success in finding more ways to expand that approach. I do have many more questions, but as time is growing short, I will cede the floor to the member for Kewatinook (Ms. Klassen). I—just in—if I can comment, it is clear the department has a lot of good ideas. The department is certainly engaged in finding better ways to train staff, to come up with better ways to deal with things, to try and find ways for alternative measures. I hope that with the update that the Auditor General's office will be providing and with choices that the new government will make, that we will see continued progress to try to manage difficult populations in difficult circumstances. But I do thank the deputy minister and Mr. Graceffo for the answers today.

Ms. Klassen: I was wondering about the centralized First Nations—the unit and if you could provide its results today.

Ms. Frederickson: We had previously undertaken to provide some information around the Centralized First Nations Unit to this committee, but, for clarity, what sort of results is the member looking for?

Ms. Klassen: Perhaps if you could elaborate on how the program for oversight works. And then, in respect of that, how many results have you had to date?

Ms. Frederickson: For further clarity, is the member asking about performance management and the role of the quality-assurance unit in overseeing the Centralized First Nations Unit?

Ms. Klassen: As I am new to this, it says, how—what—how does the Centralized First Nations Unit operate? I have no understanding of what that is, and so, if it's helpful, I would like to know.

Ms. Frederickson: We will—along with the previous undertaking to provide further information, we will undertake to provide this additional over—information for the member at that time—or, the committee.

Thank you.

Mr. Chairperson: Seeing no further questions, I will put the question to the committee.

Does the committee agree that we have completed consideration of chapter 6, Managing the province's adult offenders, of the Auditor General's Report—Annual Report to the Legislature, dated March 2014?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

Does the committee agree that we have completed consideration of the item on managing the

province's adult offenders, included in the Auditor General's Report—Follow-up of Recommendations, dated May 2016?

An Honourable Member: No.

Mr. Chairperson: I hear a no.

The hour being 10:58, what is the will of the committee?

Some Honourable Members: Rise.

Mr. Chairperson: Committee rise.

Before we rise, it would be appreciated if members would leave behind any unused copies of reports so they may be collected and reused at the next meeting.

Committee rise.

COMMITTEE ROSE AT: 10:58 a.m.

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