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Solicitor General  
Canada

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Canada

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# SENTENCE MANAGEMENT REVIEW

Final Report

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MINISTRY OF THE SOLICITOR GENERAL OF CANADA

Sentence Management Review Steering Committee.

SENTENCE MANAGEMENT REVIEW

FINAL REPORT

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Sentence Management Review  
Final Report

January 15, 1988

PART I. INTRODUCTION

In July, 1987, the Solicitor General of Canada issued the Report of the Task Force to Study the Recommendations of the Inquest into the Death of Celia Ruygrok. Arising out of the tragic murder of a worker at a private halfway house in Ottawa, this Task Force tackled the issues raised by this incident and by the investigation into it by the Coroner's jury in the case.

The July 1987 Report, all of whose recommendations were accepted by the Solicitor General, outlined various initiatives which were considered necessary in the immediate and short term in order to address the weaknesses in the system which were revealed by this incident and the inquiries into it. However, it was acknowledged that other aspects of the jury recommendations required more in-depth consideration and follow-up over the medium- to long-term future. It is those longer-term issues which are the subject of this Report to the Solicitor General of Canada.

The terms of reference of the Sentence Management Review Work Group were as follows:

Under the general direction of a Steering Committee composed of the Deputy Solicitor General, the Commissioner of the Correctional Service of Canada (CSC), and the Chairman of the National Parole Board (NPB), to:

Investigate and make recommendations concerning the means by which improvements could be made to the system and processes by which decisions are made and carried out in the reception, classification and assessment, inmate program planning and involvement, release and post-release supervision and assistance of offenders (inmates and parolees). More particularly, to make recommendations concerning:

- improvements in the accuracy, completeness and timeliness of information about the offender from all relevant sources and at all critical stages;
- refinements to existing processes and aids for assessing an offender's initial and ongoing risk and needs;
- improvements to offender case planning, with particular reference to ensuring continuity in the fulfillment of identified offender needs throughout the course of the sentence;
- enhancements in existing programs to meet the offender's needs and decrease or manage his risk to society, both in the institution and in the community;
- the need for new or expanded programs to meet the offender's needs and decrease or manage his risk to society, both in the institution and in the community;
- development for guidelines for release decision-making, including initial release and suspension/revocation of release;
- a process by which to involve NPB in release planning, clear communication of reasons for decision and special conditions, and for ongoing consultation;
- ensuring clarity and timeliness in communication within and among agencies, both governmental and non-governmental, involved in a case, and in particular ensuring that all relevant information about an offender is shared with concerned agencies, within the limits established in the Privacy and Access to Information legislation, and that decisions, roles and expectations are fully understood by all.

Regional committees of the CSC and NPB met during the course of the Review in order to discuss the questions and issues raised by the terms of reference. Many of the ideas which came out of these meetings have been incorporated into this report.

Because of the limited time available to conduct this Review, the Work Group was not able to conduct a full-scale consultation with interested groups and individuals. A preliminary consultation was held with representatives from the Canadian Criminal Justice Association and the John Howard Society.

For this reason, it is recommended that consultation with provincial, private sector, and other groups and individuals be undertaken in order to assess the degree of support for the directions taken in this report, and, where appropriate, the support of these groups be sought for implementation of selected aspects of it.

This report is now presented to the Solicitor General by the Sentence Management Review Steering Committee.

Definitions. Throughout this report, the words "sentence management" will refer to all those processes and decisions during an offender's sentence which directly affect the way in which the sentence is served: under what conditions and for what length of time in penitentiary and in the community. Thus, this term would include the processes of reception, classification, transfer, program participation, release planning, release decision-making, supervision in the community (if applicable), suspension and revocation. The term "case management" has a narrower meaning, and is used here to refer to CSC's process for analysis of offenders' cases and implementation/coordination of case plans for them, but does not refer to the decision-making role of the NPB.

## **PART II. THEMES**

Throughout this Report, certain themes or general directions appear which are central to making improvements in sentence management in the federal correctional system, including release. These themes are important enough to bear discussion in themselves.

### **Developing Information-Sharing Partnerships**

Perhaps the most critical aspect revealed by the Ruygrok tragedy is the need for the various partners in the criminal justice system to cooperate fully, especially in the sharing of information which is critical to making sound decisions about offenders.

Correctional systems rely heavily not just on information which they themselves generate about the offender, but also on information which is obtained by police, Crown prosecutors, courts and private sector workers. If there are serious flaws in our structures for sharing information among the various components of the criminal justice system, or if those structures break down in individual cases, tragedies can occur. It is therefore critical to continue to develop and hone these processes, both within federal corrections and between federal correctional agencies and their criminal justice partners.

### **Distinguishing between Violent and Non-violent Offenders**

Public attitude surveys consistently show that Canadians' concern about crime is primarily a concern about violence. Furthermore, the public is receptive to a certain degree of flexibility in sentence management for non-violent offenders. Correctional systems must therefore continue the effort to distinguish more accurately between violent and non-violent offenders, and must gear correctional programs and decisions to this distinction.

### **Building the Professionalism of Staff**

It seems axiomatic to say that the most important thing in corrections is people. However, the importance of qualified and motivated staff in corrections (and parole) cannot be over-stated.

It is essential to decide now the kind of human skills which we need for the delivery of effective correctional programs, release decisions and release programs in order to meet the challenges of sentence management in the coming years; and to ensure that our staffing standards and processes give us the types of workers with the types of skills we need. These processes include such things as selection standards for staff, training which emphasizes sentence management and program delivery skills as well as security, and reward systems which recognize and reinforce good casework.

### Continuity in Case Planning and Implementation

There needs to be better integration of the various processes which make up "case management" - including initial assessment and classification, the identification of security and program needs, the delivery of needed services and programs - and the "release" processes: the preparation of a plan for release, the making of release decisions, and the follow-through in the community of a pre-established plan of supervision and assistance.

### Increasing the Quality of Decisions

Tied to each of the above themes is the need for quality decision-making. Good decisions depend on accurate and complete information, on good case planning and management, and on sound policies interpreted by qualified and motivated people. With all these elements working together, we can achieve greater gains in the assessment and handling of different types of offenders. Various proposals are contained in this Report which are aimed at bringing these elements together.

To some extent, these themes reflect the concerns raised in the Ruygrok inquest and addressed by the Report of the Task Force. In the following section, we will review the progress which has been made since the release of that Report with respect to the various recommendations made by the Task Force to the Solicitor General. Then in the last section, an action plan is proposed which is aimed at further medium-term and long-term improvements, beyond the scope of the Ruygrok recommendations.



### PART III. IMPLEMENTING THE RECOMMENDATIONS OF THE RUYGROK INQUEST AND TASK FORCE

The Ruygrok Inquest jury made 29 recommendations for improvements, and the internal Ruygrok Task Force of the Ministry added some of its own, besides recommending the acceptance of most of the jury's recommendations.

No attempt will be made here to review every detail of the implementation of each of the recommendations which were accepted. Rather, the following update provides a summary of the operational initiatives which have been taken in each of the six general areas of concern into which the individual recommendations fall. Considerable progress has been made in responding to the areas of weakness identified by the Ruygrok jury.

#### Criminal Justice System

A number of recommendations called for better cooperation and coordination between the Solicitor General of Canada and the agencies under his authority on the one hand, and various components of the criminal justice system that fall under the authority of other jurisdictions on the other.

The July 1987 Report indicated that progress had already been made in a number of these critical areas requiring increased inter-jurisdictional cooperation. Among the activities reported were that the federal and provincial Ministers of Justice had agreed on the need for legislation authorizing the use of victim impact statements in the courts; that the question of requiring judges to give written summaries of cases they have heard would be considered as part of the follow-up to the report of the Canadian Sentencing Commission; that regional correctional officials would encourage the creation of police liaison officers; and that a review of the goals of the criminal justice system would be part of the activities of the Correctional Law Review and Sentencing Commission follow-up processes.

In addition, the Task Force recommended that the Solicitor General consult with his provincial colleagues to discuss means for improving information links with them, and that other fora be pursued to the same end, such as police and judicial associations.

Since that time, there has been further progress in these areas. The federal government has tabled legislation (Bill C-89) which includes an enabling provision concerning the use of victim impact statements in courtrooms; where such statements are available, they can form part of the record which is transmitted to corrections officials, and will assist correctional decision-makers to have a more comprehensive picture of the offender's crime, its impact, and the circumstances surrounding it.

The Solicitor General of Canada has written to each of his provincial colleagues to seek their full cooperation with respect to information-sharing, and provincial responses have been very positive. These written communications have been followed up by meetings between the Solicitor General and eight of his provincial colleagues. In addition, the federal-provincial Ministers and Deputy Ministers Responsible for Criminal Justice discussed the issue at meetings during 1987, and a further meeting of Ministers will review the matter in March, 1988. All concerned have expressed their agreement that increased cooperation in the information area is desirable, and in several jurisdictions explicit instructions have been given to Crown Attorneys and courts to cooperate fully in the sharing of information.

In addition to these discussions at the Ministerial and Deputy Ministerial level, officials of the Solicitor General have pursued similar initiatives at the regional and local levels. They have met with the National Joint Committee of Chiefs of Police and Federal Correctional Services, the national executive of the CSC Citizens' Advisory Committees, members of the private sector, the Canadian Association of Paroling Authorities, and the federal-provincial Heads of Corrections and Heads of Probation to discuss the information needs brought out by the Ruygrok investigations. The resulting discussions have been encouraging.

Regional officials of the Ministry have undertaken a series of discussions with police, Crown and judicial representatives in regular regional workshops as well as on a bilateral basis in local areas. These discussions are expected to yield more formal processes for information exchange in some instances, and improved or expanded access to information in other instances.

Each of these new or more formalized processes will be sensitive to local and regional norms and existing structures. For example, in British Columbia, there has for years been an arrangement whereby CSC staff have unrestricted access to Crown and police records, and are free to enter those departments and photocopy whatever documentation they require. In Ontario, all Crown Attorneys have been directed, in all cases of murder or

other serious offences and especially where the defendant has shown a tendency to repeat the crime, to forward to Millhaven all relevant information in their possession concerning the offence, its impact on the victim, significant information regarding any psychological or psychiatric assessments which may have been made, the Crown recommendations as to sentence, the judge's reasons for sentence as well as any other comments made by the judge, and any presentence report which has been completed in the case. This is a welcome development.

It is important to continue these liaison efforts at national, regional and local levels. This will be a priority for Ministry officials and the Minister for the future. Where necessary, the existing regional mechanisms for discussing these issues, in particular the National Joint Committee of Chiefs of Police and Federal Correctional Services, will be revitalized and refocused, and efforts will be made to draw a wider circle of Crown and judicial representatives into the analysis.

#### Information Collection and Communication

The second, and arguably most critical, of the general areas of concern addressed by the inquest was that of gaps in information about offenders, caused by difficulties in having information provided by other components of the system, and weaknesses in the aggressive seeking out of missing pieces of information. Corrections is dependent on other criminal justice system components for much of the information it needs about an offender's crime and background. Without the cooperation of these other agencies, it is inevitable that information gaps will arise which can lead to wrong decisions and missed opportunities.

Since the release of the Task Force Report, 105 Information Coordinators have been appointed throughout the regional and local offices of the National Parole Board and the Correctional Service of Canada. Equipped with a checklist of documents which are essential to sound decision-making, these Information Coordinators are charged with ensuring that all checklist information is obtained on every offender who is newly admitted to penitentiary, that missing pieces are persistently sought out, that liaison channels for obtaining information from external sources are established or maintained, and that decision-makers have all relevant information available to them on the case file which serves as the basis for a decision.

To assist in maintaining liaison between police and correctional staff, regional handbooks are being prepared to inform police about the parole process, and to give police the names, addresses and telephone numbers of all the Information Coordinators in their region.

In addition, Information Coordinators have been directed to review all files, old and new, of cases involving death or serious sexual assault, to ensure that complete information is available on these individuals, and to order a psychiatric or psychological assessment, where this has not already been done, on all such cases. This review is complete in some regions and will shortly be completed in the others; some 5000 files have already been reviewed.

Although the work of the Information Coordinators has shown that the essential reports are available on file in most cases, some weaknesses have been identified and are being addressed. For example, it is very difficult to obtain police and Crown reports on cases which were admitted to penitentiary a considerable time ago. This points out the necessity of obtaining this information as soon as possible following sentencing. Also, in some areas, psychological and psychiatric assessments will not be released to the National Parole Board without the offender's consent. In other areas, there has been some difficulty in obtaining police information, in part because of police concerns about preserving the confidentiality of some of the information. Improvements in this last area have been seen in the interim, however. Finally, interpretations of new provincial legislation on privacy and access to information have led to difficulties in obtaining information in some areas.

Working on each of these areas for improvement will also be a priority for Ministry officials and the Minister over the next year.

In view of the importance of the Information Coordinator role, it has also been decided to hold a series of regional meetings with all Information Coordinators in order to discuss common problems, objectives for the future, and necessary training for the medium term.

#### Case Planning and Treatment

The Inquest report called for more effective case planning to accurately assess offender needs, develop a program plan and form a basis for evaluating how well identified needs have been

addressed. In particular, the jury emphasized the importance of psychological and psychiatric assessments.

Since the release of the July 1987 Report of the Task Force, progress has been made in a number of areas. CSC's new standards for case planning, known as Case Management Strategies (CMS), are becoming operational in all regions. The Standards and Guidelines for Case Management Strategies will shortly be issued to all field staff to guide them in implementing this new system for case assessment, planning and treatment of the offender.

CMS includes a number of features which will address the jury's concerns in the Ruygrok case. For example, a comprehensive profile of the offence will now be assembled from all available sources as soon as possible following admission to penitentiary, rather than at a later stage associated with a decision point, such as at the time of first eligibility for release. This will decrease the chances that a vital line of inquiry about the offender will be missed, and will increase the chances that all important information about the offender will be available at the time of each critical decision.

CMS provides case management staff with various tools to aid them in assessing a case, analysing the different factors in it, and arriving at a general strategy or approach for dealing with various types of offenders. These include a scripted interview schedule which details a comprehensive set of information which should be sought from the offender; a means for identifying and working on the potential forces for positive and negative change in the offender; and a typology of offenders which suggests the strategies which could work best with each type.

Case Management Standards also include a requirement of regular case conferences between the institutional case management officer and his or her supervisor on the progress made in achieving the objectives established for each offender. In addition, there shall be documentation of achievement of these shorter-term objectives or of any change in the plan for the offender. It is expected that these processes will decrease the number of cases in which case plans are established but not fully carried out, or where case plans are not specific enough to guide casework or to provide a basis for assessing whether goals have been achieved.

Over the next three years, a comprehensive evaluation will be undertaken in order to determine the extent to which CMS has been implemented as intended, how well it achieves its intended goals, and how well the tools which it provides to staff work. This

evaluation, which will provide ongoing feedback in at least three stages, will permit refinement of the processes and tools which make up the CMS approach.

### **NPB Decision-Making**

The jury recommended that the National Parole Board's decision-making be strengthened in two principal ways. First, NPB should receive the best quality information possible, and in a timely fashion. Second, NPB's decisions should be clearly communicated to all parties who need to know them, along with any instructions, concerns and conditions which the Board members may have expressed.

The Report of the Task Force noted three initiatives in this area. First, there was to be an NPB pilot project to introduce structured decision-making process documents to ensure consistent and comprehensive reviews that make visible the factors taken into consideration in the decision. This was to improve the organization and presentation of information as well as the clarity and usefulness of the reasons and comments written by Board members on each decision. Second, NPB has established decision-making policies for individual cases. Third, NPB has set up a pilot project in one region to involve staff in assisting Board members at hearings so that the quality of the reasons for and comments on decisions is improved.

The staff assistants initiative has been judged a success in the regional pilot project, and it will be implemented across all regions.

The structured decision-making policies and procedures are currently being finalized for implementation in all regions of the NPB. Draft Decision-Making Policies were sent for comment to a wide spectrum of governmental and non-governmental groups across the country during the summer and fall of 1987, and refinements were made to the Policies on the basis of comments received. The Policies require a structured review and analysis of the information presented for decision-making, and this will form part of their implementation beginning in February of this year. During the first year of implementation, CSC and NPB will work closely together to interpret the Policies and assess their impact. More will be said about this process in the next section.

The Policies allow the offender and the correctional officials who deal with his case to know, on the basis of the offence of which he was convicted, which of three sets of NPB decision rules will apply in his or her case. The Policies indicate a number of

criteria which must be met in each type of case. These criteria, generally speaking, relate to the assessed level of the offender's risk, the requirement for psychological or psychiatric assessments in certain types of cases, and the requirement that the offender have participated in and benefitted from programs which are likely to enhance his reintegration.

The implications of Policies for correctional programs and other aspects of the system will be discussed in Part IV of this report, as will questions related to conveying NPB concerns, conditions and comments to all parties who need this information.

### Release Planning and Supervision

The jury expressed concerns about release planning and the supervision and administration of the community portion of the sentence.

The July 1987 Report of the Task Force indicated that a comprehensive consultation process involving the provinces and the private sector has been undertaken to establish new standards governing community supervision of federal offenders. Since that time, a public Discussion Paper has been issued, and regional workshops involving federal, provincial and private sector staff begin in February, 1988. This project will yield new standards which reflect what is considered essential to community casework.

The new Case Management Strategies and police-corrections liaison mechanisms, discussed earlier in this report, also relate to this area.

### CRC Operations

The Ruygrok jury expressed various concerns about the way CRCs (privately run community residential centres or halfway houses) operate and the way CSC interacts with and influences their operations.

The CRC Standards, which have been the subject of an extensive consultation, have now been finalized, and they will be incorporated into CSC contracts for halfway house services as of April 1, 1988. Through a new funding model (block funding) which permits analysis of the component costs of halfway houses, CSC

expects that CRC operators will be compensated for any additional costs imposed on them by these new standards. Not all CRCs use the block funding approach, and efforts must continue to reach greater consensus on a means to assess fairly and reasonably the resource requirements imposed on these operators.

### Conclusion

Considerable progress has been made since the July 1987 report on the investigations into the Ruygrok tragedy. However, there are further steps, detailed in the following section, which are required in order to achieve greater integration and to better meet offender needs.



PART IV. ACTION PLAN FOR THE FUTURE

The recommendations in this report are divided into three categories:

- information;
- case planning and release decision-making; and
- programs.

A. INFORMATION

Receiving Information from Outside the Ministry

1. Systemic gaps in information collection are being identified through the Information Coordinators' work. Once a satisfactory arrangement has been reached with those provinces and agencies where there have been deficiencies, written agreements with these provinces and agencies will be struck.

The Work Group has reviewed the reports from the Information Coordinators and attended three out of five of the Regional Interlinkages meetings on the Sentence Management Review and Ruygrok initiatives. We are persuaded that some significant progress has been made in the effort to improve the flow of information to the federal correctional agencies from bodies outside the Ministry. In particular, Ontario's commitment to have court, Crown and presentence information and comment forwarded to CSC in serious cases is very encouraging.

We are optimistic that greater cooperation from police and Crown Attorneys can be obtained by continuing the efforts at Ministerial levels and at the officials level on a national, regional and local basis, both through bilateral/operational discussions with police and Crown Attorneys, and at regular multilateral meetings such as the National Association of Chiefs of Police and Federal Correctional Services.

Progress has been encouraging, but there are still gaps to be addressed. Federal corrections is not obtaining presentence reports on a routine basis from all provincial systems. Generally speaking, lines of communications between CSC/NPB and the police/courts work well in some communities, but in others, communication appears more difficult, perhaps because of the complexity of some police departments and Crown Attorneys' offices. As noted earlier, there are difficulties in getting psychological and psychiatric assessments in the hands of all who need to have them. Some concerns have been expressed about the interpretation of new privacy and information access legislation at the provincial level.

2. The Ruygrok Task Force report anticipated the designation of police liaison officers. This has already been done in many if not most locations where it is appropriate to the local structure, but some cities and districts still remain where there is a need to establish police-corrections liaison/information officers, at various levels, within police departments. Every effort will be made to encourage police to designate such persons in cities or regions where it is appropriate.

The most important source of routine information about offences and offenders (especially offenders who are already released into the community) is the police. Continuing emphasis must be placed on this source.

As part of their ongoing responsibilities, the Information Coordinators and all parole officers have to liaise with police in order to obtain information and to share CSC and NPB information and opinion with police. But in those areas where difficulties have been experienced, liaison officers will be established at these levels, the line level, the senior management level for policy discussions, and the middle management level for coordination.

3. CSC will routinely seek presentence reports from provincial authorities in all regions and in all cases where they have been prepared.

Presentence reports are a vital source of information. PSRs are not of course prepared by provincial probation departments in every case, but it is the cases in which they are that most concern us.

Communicating Information within the Ministry

4. The regional Administrative Agreements will be renegotiated to further reflect the information items which are required for decision-making and the standards for information quality which should apply. Interlinkages Committees of the NPB and CSC, both regional and national, will be used to resolve any differing views on this subject.

The "Administrative Agreements" between CSC and NPB are the national and regional expressions of agreement about the activities which each agency will conduct in support of the mandate of the other. They require more precise standards about the types and quality of information to be shared between the agencies. This work of renegotiating this aspect of the Administrative Agreements has already begun in some regions.

There is need for CSC and NPB staff to come to a more precise understanding concerning the types and quality of information which NPB will receive from CSC, and about the means through which CSC can generate certain types of information (e.g., psychological and psychiatric assessments) within the timeframes established by law and policy.

Such renegotiations have become more important in the light of a number of recent events. One is the Ruygrok tragedy itself, which has brought home the need for vigilance in the information area. Another is the work of the Information Coordinators, which has led to a recognition of the need to be precise about not just the presence of certain reports on the file, but about the items of information which ought to make up the totality of the case file.

5. The CMS assessment process and the NPB Decision-Making Procedures will be integrated and, to the greatest extent possible, will use the same language and have the same format in case documents which are shared between the two agencies.

The NPB Decision-Making Policies, which have recently been finalized, carry certain implications for the presentation of information to Board members. At the same time, the CSC's new Case Management Strategies have also changed, to some extent, the focus and format of some of the reports generated by CSC. Differences in these two processes should be minimized for two reasons: first, differences in language can materially affect the outcome of a decision affecting an individual's security or liberty; and second, the case planning and release decision-making processes must mesh fully to prevent confusion, wrong decisions, and unnecessary delays.

6. Expectations will be established respecting report content for internal CSC and NPB reports, and reports purchased directly by CSC and NPB. For reports prepared by or for other agencies outside this Ministry, the types of information required by federal corrections will be communicated to these agencies.

Another requirement which has been brought into sharper focus by the work of the Information Coordinators is the need to specify the content of necessary reports: to establish guidelines for report-writers like psychologists as to the dimensions, facts, and concerns which reports must cover.

7. An implementation plan for the provision of these reports will be prepared. CSC and NPB will also agree on a standard for the timing and "shelf life" of such reports.

The NPB Decision-Making Policies create the requirement for "psychological or psychiatric assessment" in certain cases, and make such assessments optional in other cases. Sufficient available psychiatrists and psychologists to carry out these assessments are difficult to find in many areas, and expensive to provide, so it is essential to be clear about setting priorities and deadlines for such reports.



8. Where an assessment is required by policy, the professional CSC case management staff will determine whether to request a psychological or a psychiatric assessment. In cases where the Policies make such assessments optional, case managers will make an initial decision about whether any assessment is required. In cases where CSC staff are in doubt about the type of assessment required or the necessity of any assessment, CSC will refer the case to an NPB staff member who will indicate his or her opinion after consultation, if necessary, with a Board member. This will not preclude the NPB decision-maker from later requesting an assessment, in cases where the assessment is optional, or additional assessments in cases where one is required.

As noted above, there will be cases where the requirement for a "psychological or psychiatric assessment" is open to interpretation. If it only becomes clear at the offender's release hearing that Board members want a psychological or psychiatric assessment of the case, the inevitable result will be a delay in the decision, which is to the detriment of all parties, not the least being the offender.

CSC and NPB Sharing of Information with Outside Agencies

9. Private sector supervisors will be given a copy of all relevant reports on an offender it is supervising - normally, this will reflect the scope of the information prepared by CSC for NPB's use, plus the parole certificate and the NPB's comments on the case.

The Ruygrok jury found that private sector supervisors sometimes receive only the gist of certain information about an offender. This has caused difficulties of various kinds.

In May, 1987, CSC and NPB released a guide for their staff concerning the types of information which can be shared with offenders, with third parties including other criminal justice and private sector agencies, with the public, and with the victim. This document is a useful and practical guide to information sharing. Additional sections will be added reflecting the above-noted principle before wide distribution of this document outside the Ministry.

10. Regional and local correctional officials will continue to impress upon police and other criminal justice components the importance of full information-sharing with the private sector.

One of the reasons that full sharing of reports with private sector supervisors has not always been the practice in some areas is that concerns have been expressed by certain external sources of offender information, such as police and psychiatrists, about information obtained from them being shared with private sector agents. This concern appears to reflect an excess of caution.

11. Efforts will continue at various levels to finalize agreements pursuant to s. 19 of the Privacy Act with those provinces where an agreement is required.

The provinces provide a great deal of information about offenders to the federal correctional agencies. Most often this is police information, or information collected while the offender was in provincial custody. Section 19 of the Privacy Act entitles the provinces to claim confidentiality over any information which they provide to the federal government. Shortly after proclamation of the Act, seven provinces claimed "blanket confidentiality" for all such information.

However, a subsequent court decision made it clear that offenders must be advised of the information being used in decisions about their liberty. Consequently, a model agreement has been drafted which sets out the situations where provincially generated information will normally be shared with third parties, and situations where it will be protected. (The agreement also pertains to federal information supplied to the provinces.) The agreement applies an "injury test", i.e., it must be shown that disclosure would cause harm, such as a threat to individual safety or the security of a penal institution.

The Ministry has reached written agreements with five provinces and territories concerning the sharing of information between federal correctional agencies and provincial or territorial governments. In addition, Quebec has indicated that no written agreement is needed because the practice is established.

12. CSC will expand its efforts to invite police to act on review committees for private sector programs and services for federal offenders.

Bringing police and private sector staff closer together can often result in greater understanding of the need for information-sharing. CSC has already successfully persuaded police to act on a number of such committees, and the benefits have included a greater appreciation of one another's roles.

B. CASE PLANNING AND RELEASE DECISION-MAKING

As noted in Part II of this report, a major theme in sentence management is the need for better integration of the various processes of case management and release decision-making.

The CMS and the NPB Decision-Making policies provide an excellent beginning for a concerted effort to achieve this necessary integration. The Policies provide, for the first time, a more specific set of guidelines for parole decision-making than the criteria contained in the Parole Act. The CMS provide a framework for needs assessment and program planning which is entirely compatible with the Policies.

Risk- and Needs-Assessment Processes and Tools

13. Through a Ministry research project on parole decision-making, the available prediction tool will be validated and refined against more recent case file data. The new scoring system should be available for NPB use within months. For the initial period, NPB staff members in the regions will calculate an offender's statistical probability of recidivating - committing a new offence within a certain time period. Eventually, however, this operation will logically devolve to CSC case management staff, and finally to the automated Offender Management System.

In the meantime, the Ministry will continue its efforts to create and refine its tools for predicting recidivism. An annual revalidation of the existing tools will be done once OMS is fully operational and able to incorporate follow-up information about each offender's performance in the community.

As we have already noted, it is expected that CMS will provide a better framework for CSC's case planning and casework. While it is still too soon to assess the impact and validity of the CMS mechanisms for the offender's needs assessment and strategies for program planning, the evaluation recently begun of CMS will provide that information, together with a wide range of other information on CMS practices.

NPB has recently decided to consider, in every case, statistical information about the offender's probability of reoffending. The use of statistical aids provides a useful base for detailed consideration of all factors in the offender's case which bear on the question of risk, and can also be useful for various case management processes.

14. There will be a Ministry study designed to identify and develop new approaches and instruments for coming to grips with psychopathy and behavioural disorders, and for managing affected offenders.

Of particular interest are the mentally disordered offenders within the penitentiary population, and the necessity of maintaining a focus on the assessment of their risk and the intervention strategies which could affect it.



Increasing CSC-NPB Continuity

15. CSC staff will be given training in the new NPB Decision-Making Policies, and NPB members and staff will be given training on CMS, before either is implemented.

We already have seen that there is a need for CSC and NPB to agree more precisely in Administrative Agreements on what information they need to share in the interests of sound CSC case management and NPB decision-making.

In addition, however, there is a need for CSC and NPB to have a stronger mutual understanding of each other's approach to case planning and release, and a mechanism for resolving uncertainties about individual cases before too long in the sentence.

Essential to this understanding is staff training which is already under way on essential new features of each others' processes.

16. Further refinement and interpretation of the NPB Decision-Making Policies will be achieved through various means, such as training and workshops. In addition, as the Policies are applied over the years, a body of "case law" will be developed and promulgated around conditional release decisions, providing greater precision and understanding in these areas of discretion.

The Decision-Making Policies should provide assistance in making release decisions clearer and more consistent. They have been developed through a process of internal and external consultation which has confirmed the need for greater specificity in parole policy.

The next phase in the development of the Policies will be a one-year process leading eventually to the promulgation of the Policies in Regulation. During this year, the Policies will be in use by Board members. They will be subject to systematic joint testing and assessment. Over that same period, integration of the CMS and the Policies will be achieved. In addition, efforts will be made to provide more specificity in Board policy in order to guide Board members, especially in the early stages of implementation of the Policies.

17. In order to ensure that reasons for decisions do not become formulistic and uninformative, the reasons for decisions and comments given by Board members will refer to the applicable Policy in the case, cite the criterion or criteria which formed the basis for the grant or denial, and the factual basis for applying each criterion which pertained in the case. In addition, Board members will continue to record any particular concerns about the case.

Proper communication of the basis for decisions is essential to mutual understanding and coordination of operations in a complex working environment like corrections.

18. Since both CSC and NPB should be guided by ongoing feedback about actual practice against the Policies, there will be a commitment to refining the information base on which release decisions are made and monitored. There will be a permanent system for providing CSC and NPB managers and line workers with reports of the numbers and types of offenders granted and denied release, under each Policy. Eventually this system will, together with the "case law", become a systematic tool for refinement and interpretation of the Policies against their stated objectives.

As noted above, over the coming year, there will be an evaluation of the impact of the Policies in achieving their stated objectives of increasing the transparency, consistency and accountability of release decision-making. This must be supplemented by a management information system which, on a regular, ongoing basis, will provide reports about actual practice under the Policies, in sufficient detail to assess and refine the practice.

NPB can and will do more in the meantime to interpret the Policies in individual cases for the benefit of CSC staff. NPB is already committed to notifying the offender of the Policies which will apply to the reviews of his case and to providing information about the interpretation of the Policies.

19. For all offenders who are assessed through CMS, the CMS documents which are relevant to the release decision will be sent to NPB for comment as soon as the CMS initial analysis is complete. NPB will indicate to CSC how the Policies apply in the case, what further information NPB would require at the time of the review, and whether any apparent gaps are present in the case plan, in the light of the Policies.

Although this process will not bind NPB, to follow any particular course of action in the case, or prevent the Board from requesting further information later, it will increase CSC and NPB's mutual understanding of the "meaning" of the Policies, and will reduce the number of unnecessary "surprises" which may occur at the time of release reviews, thereby causing delays in the making of decisions. Further implementation details will be worked out.

In some cases where inmates are serving short sentences, these initial CMS documents would not be available much sooner than the usual time frames required for the submission of case documentation for day parole. In those cases, there would of course be no requirement to submit documentation twice to NPB.

20. The draft suspension and revocation Policies which NPB is currently circulating in the regions for comment provide a sound overall framework, but must also be supplemented by more specific guidelines for parole staff. Over the next year, based on consultations with field staff and empirical research, a set of more precise guidelines will be developed.

The Ruygrok tragedy underlined the need for clear policies concerning when an offender should be removed from the community through suspension or revocation. CSC's parole staff have themselves expressed the wish to have more clarity in this area.

21. There will be opportunities for exchanges of CSC and NPB staff. Exchanges of case preparation and supervision staff will be continued and increased.

Coordination and understanding can be enhanced by having staff from each agency view the process from the other agency's perspective.

Distinguishing between Violent/Serious Cases and Others

22. The CSC and NPB will add the use of a statistical device for distinguishing violent from non-violent offenders to the risk prediction tools which will be made available to NPB. Such a device will, more than anything, identify groups of offenders who have a low risk of recidivating violently, thus assisting in appropriate case planning and release decision-making for those offenders.

It is important to distinguish, as accurately as possible, between cases that present a risk of serious or violent recidivism from those that do not, for it is violence which most concerns everyone.

Predicting violence is not easy to do reliably. Since violence is relatively rare compared with the number of offenders released, it is, for complex reasons which do not bear elaboration here, difficult to pinpoint violence without erroneously identifying as "violent" many offenders who will not recidivate violently. Despite this, we must continue to try to do better with our decision tools and expertise, since these tools can help identify offenders who are very unlikely to commit violence.



23. A joint CSC-NPB study of the waiver situation will shed some light on why offenders waive being considered for release through the collection of file information and through contemporaneous interviews with both inmates and case managers. CSC and NPB have agreed to try to ensure that not more than 10 per cent of offenders waive their right to a review, and that this will be monitored through the Interlinkages Committee. Several regions have procedures in place which will allow them to reach the target quickly.

In new legislation passed in 1986, the federal government gave the National Parole Board the power to detain until warrant expiry offenders whom it considers a serious threat, where previously they would have by law been released as a result of remission. These legislative provisions will be subject to an internal joint CSC-NPB evaluation in 1988/89 and to a Parliamentary review in the summer of 1989.

The same legislation contained a balancing feature which requires NPB to review for possible conditional release the case of every inmate with a sentence of two years or more, on or before his day parole eligibility date, unless the offender waives his or her right to be considered for release. It would appear however that a considerable number of offenders are waiving their right to be considered for release at first eligibility, although the precise dimensions of the waiver situation are not known. Since the passage of Bill C-67, many waivers at day parole eligibility date have likely been caused by the workload pressures created by the "bulge" of offenders who needed to be considered under the new provisions of the amendments.

24. A release plan will be prepared for all offenders at the time of day parole eligibility - a plan which will indicate the strategies which should be prerequisite to release and the conditions under which release could be granted, and when. This plan will be prepared whether or not offenders indicate that they wish to waive.

It is a key function of case management to assist offenders in preparing themselves for release as soon as possible after admission, with actual release occurring when it is considered reasonably safe. This is not to say that all offenders will be paroled (in fact, about two-thirds of federal offenders are not), but virtually all offenders will leave penitentiary eventually. Bill C-67 recognized that it is important for both CSC and NPB to consider, at an early point in the sentence, whether an offender will make a suitable candidate for release, and if so, under which strategies, programs and conditions. Even for those who will not be conditionally released at an early point, early identification of case needs and the development of a case plan is critical to the activities which have to take place in order to minimize the risk inherent in the offender's eventual release.

25. NPB will extend to all cases (not just those serving three years or less) the practice of considering full parole at the time of day parole eligibility, and where appropriate, will affirm the full parole decision (if any) through a paper review, with no necessity of a hearing unless certain information suggests otherwise, the anticipated decision is a negative one, or an undue period of time has elapsed since the last hearing.

In addition, CSC will continue and increase its efforts to classify offenders directly into minimum security after admission, where such a decision is suitable in view of the case characteristics.

As part of the 1986 legislative changes referred to above, the NPB is required, at the review before day parole eligibility date, to consider all offenders serving sentences of three years or less for a full parole release. When the Board has granted a full parole release at the day parole eligibility review, the Board must review the case again before full parole eligibility date, and may decide to cancel the full parole on the basis of new facts or information that was not available when full parole was granted. This practice used to be in effect for all cases when day parole was first introduced.

C. PROGRAMS

26. During the first year of experience with the Decision-Making Policies, the following information will be collected about each case considered by NPB:

- Board members' concurrence with identified offender needs;
- Board members' perceptions, if any, of additional needs not assessed by CMS;
- the extent of the offender's participation in programs;
- the perceived effectiveness of the programs (as perceived by case management and NPB officials);
- the assessments of CSC case managers as to the interpretation of the criteria;
- information about the programs in question;
- their availability at this or other locations;
- the presence of waiting lists for these programs.

All necessary information will be collected to permit a joint CSC-NPB analysis of the case needs and application of the criterion regarding participation in programs. This will yield information from which a needs analysis and an assessment of the program shortfall, if any, can be developed.

Out of this analysis, CSC and NPB will jointly agree, to the extent possible, where the key gaps, if any, are to be found in offender programs.

It was part of the SMR terms of reference to address the question of new or expanded programs. Accordingly, consideration was given to the appropriate process by which a needs analysis could be done over the coming year which would lead to conclusions about programming.

Of course, CMS provides a systematic framework for needs analysis and follow-up. The automated Offender Management System will provide, in the future, the capability for aggregating and analysing large amounts of information about offender needs.

In addition, the existence of the NPB Policies makes a needs analysis necessary in any event. The policies require most offenders to have "participated in and benefitted from programs likely to enhance their reintegration." Because the impact of this criterion is not known, but could potentially be enormous, NPB has agreed that for the first year during which the Policies are in place, they may not be fully implemented in respect of that criterion. Instead, Board members will be asked to indicate those cases in which they felt it necessary to deviate from the policies, and why.

27. A study will be undertaken, as part of the Supervision Standards Project, of the resources available to conduct the various functions of community supervision, including the services, such as psychological services, which are available for purchase in the community.

Community integration will remain a resourcing priority of CSC, within the context of government restraint.

This community resourcing study will provide a basis for addressing whether there is a need for further resources in community corrections, for such things as community development or more funding for individual parole district offices for the purchase of services in the community for meeting the needs of offenders.

28. In conjunction with the Supervision Standards Project, pilot Projects will be undertaken dealing with specialized caseloads, team supervision, and intensive supervision of higher-risk offenders.

There is a need to experiment more with flexibility in parole caseload models and supervision models.

Building the Professionalism of Staff

29. CSC will continue to develop better tools for assessing the skills of candidates for institutional case management and parole supervision positions, better measures of the achievement of these skills during training, and methods for recognizing and rewarding casework achievement.

Corrections is a difficult endeavour, and it requires qualified and motivated staff to make it work. It follows that staff should be chosen, trained, motivated and rewarded in ways which enhance the ability to be effective.

Both CSC and NPB have recently done more to define their personnel needs for key positions. Within NPB, Board Member Profiles have been developed, and job descriptions are currently being drafted for hearing assistants, case review officers and others. CSC, has completed a Competency Profile for case managers.

30. Every region will in future have a training module for all staff responsible for case management. This training will cover the principles and techniques of casework (not just of CMS). Board member training and NPB staff training will be enhanced.

Refresher courses and seminars in casework will be created over the next two years to enhance the professional development of the institutional case management and parole service.

There will be increased emphasis on bursary/educational leave programs, and the number of employees who receive leave for advanced education and training, in exchange for a commitment of some years to the Ministry, will be increased.

Training of Board members and staff and of CSC staff is an ongoing need which has perhaps been made more acute by recent developments in case management and parole decision-making.



