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REPORT OF PROCEEDINGS  
(HANSARD)

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SELECT STANDING COMMITTEE ON

**PUBLIC ACCOUNTS**

**Victoria**

**Tuesday, April 24, 2012**

**Issue No. 21**

BRUCE RALSTON, MLA, CHAIR

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SELECT STANDING COMMITTEE ON  
PUBLIC ACCOUNTS

Victoria  
Tuesday, April 24, 2012

- Chair:* \* Bruce Ralston (Surrey-Whalley NDP)
- Deputy Chair:* \* Douglas Horne (Coquitlam-Burke Mountain BC Liberal)
- Members:*
- \* Spencer Chandra Herbert (Vancouver-West End NDP)
  - \* Kathy Corrigan (Burnaby-Deer Lake NDP)
  - \* Eric Foster (Vernon-Monashee BC Liberal)
  - \* Guy Gentner (Delta North NDP)
  - \* Randy Hawes (Abbotsford-Mission BC Liberal)
  - \* Kash Heed (Vancouver-Fraserview BC Liberal)
  - \* Vicki Huntington (Delta South Ind.)
  - \* John Les (Chilliwack BC Liberal)
  - \* Joan McIntyre (West Vancouver-Sea to Sky BC Liberal)
  - \* Lana Popham (Saanich South NDP)
  - \* John Rustad (Nechako Lakes BC Liberal)
  - \* Shane Simpson (Vancouver-Hastings NDP)
  - \* Ralph Sultan (West Vancouver-Capilano BC Liberal)

*\* denotes member present*

*Clerks:* Kate Ryan-Lloyd  
Susan Sourial

*Committee Staff:* Josie Schofield (Manager, Committee Research Services)

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*Witnesses:* Elenore Clark (Deputy Provincial Director, Ministry of Justice)  
John Doyle (Auditor General)  
Malcolm Gaston (Office of the Auditor General)  
Dr. Carmen Gress (Ministry of Justice)  
Michael Macdonell (Office of the Auditor General)  
Brent Merchant (Ministry of Justice)  
Gary Mitchell (Chair, Public Documents Committee; Provincial Archivist)  
Stuart Newton (Comptroller General)



**CONTENTS**

Select Standing Committee on Public Accounts

Tuesday, April 24, 2012

	<b>Page</b>
Auditor General Report: <i>Effectiveness of B.C. Community Corrections</i> .....	561
J. Doyle	
M. Gaston	
B. Merchant	
C. Gress	
E. Clark	
K. Heed	
Records Retention and Disposal.....	575
Auditor General Follow-up Reports .....	575
J. Doyle	
M. Macdonell	
Other Business.....	578
J. Doyle	



MINUTES

# SELECT STANDING COMMITTEE ON PUBLIC ACCOUNTS



Tuesday, April 24, 2012  
8 a.m.

Douglas Fir Committee Room  
Parliament Buildings, Victoria, B.C.

**Present:** Bruce Ralston, MLA (Chair); Douglas Horne, MLA (Deputy Chair); Spencer Chandra Herbert, MLA; Kathy Corrigan, MLA; Eric Foster, MLA; Guy Gentner, MLA; Randy Hawes, MLA; Kash Heed, MLA; Vicki Huntington, MLA; John Les, MLA; Joan McIntyre, MLA; Lana Popham, MLA; John Rustad, MLA; Shane Simpson, MLA; Ralph Sultan, MLA

**Others Present:** John Doyle, Auditor General; Stuart Newton, Comptroller-General

1. The Chair called the Committee to order at 8:04 a.m.
2. The following witnesses appeared before the Committee and answered questions relating to the Auditor General's Report: *Effectiveness of BC Community Corrections* (December 2011)

**Witnesses:**

Office of the Auditor General:

- John Doyle, Auditor General
- Malcolm Gaston, Assistant Auditor General

Government:

- Brent Merchant, Assistant Deputy Minister, Corrections Branch, Ministry of Justice
- Elenore Clark, Deputy Provincial Director, Ministry of Justice
- Dr. Carmen Gress, Director, Research Planning and Offender Programming

3. The Committee reviewed the Public Documents Committee's *Retention and Disposal Applications*.

**Witness:**

- Gary Mitchell, Chair, Public Documents Committee, and Provincial Archivist

4. **Resolved**, that the six resolutions for records retention and disposal authorities, tabled on April 24, 2012 and recommended by the Public Documents Committee, be approved as presented. (Douglas Horne, MLA).

5. The following witnesses appeared before the Committee and answered questions relating to the Auditor General's Reports:

*Follow-up Report: Updates on the implementation of recommendation from recent reports* (October 2011) and;

*Follow-up Report: Updates on the implementation of recommendations from recent reports* (March 2012)

**Witnesses:**

- Mike Macdonell, Assistant Auditor General
- Stuart Newton, Comptroller General

6. The Committee adjourned to the call of the Chair at 10:00 a.m.

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Bruce Ralston, MLA  
Chair

Kate Ryan-Lloyd  
Deputy Clerk and  
Clerk of Committees



TUESDAY, APRIL 24, 2012

The committee met at 8:04 a.m.

[B. Ralston in the chair.]

**B. Ralston (Chair):** Good morning, Members. Before we begin, I want to welcome new members to the committee, Kash Heed and Eric Foster, and thank John van Dongen and John Yap for their service to the committee.

We have an agenda before us. I expect to rise at ten o'clock, given that the House will start then.

[0805]

I'm going to begin with the first item on the agenda. The Office of the Auditor General will present its report *Effectiveness of B.C. Community Corrections*. We have, representing and responding on behalf of the government, Brent Merchant, who is the assistant deputy minister, corrections branch, Ministry of Justice. Elenore Clark is the deputy provincial director, Ministry of Justice, and Dr. Carmen Gress is director, research planning and offender management.

I'll turn it over to the Auditor General and Mr. Gaston to begin.

**Auditor General Report:  
*Effectiveness of  
B.C. Community Corrections***

**J. Doyle:** In 2010-11 close to 24,000 adult offenders and adults on bail, who are approximately 90 percent of B.C.'s correctional population, were supervised within the community as opposed to being in jail. The community corrections and corporate programs — or CCCP, a division of the Ministry of Justice — is responsible for supervising community sentences.

We were not able to determine if the CCCP's work is reducing reoffending because of the dynamic nature of how the rate is measured, coupled with the fact that only four years of data is available. Additionally, we found that while the CCCP had a sound model in place to manage offenders, it needs to be more fully implemented to evaluate its approach.

I recognize the complexities around trying to change an offender's behaviour. There are multiple stakeholders involved and many external factors that impact criminal behaviour and subsequent reoffending.

However, the CCCP is often the last point of possible intervention, and currently only 35 percent of such interventions that are designed to reduce reoffending are ever completed. Being at the end of the process is perhaps an unfortunate position to be if you're trying to change quite complex behaviours.

This means potential increased risks to public safety and costs to taxpayers and victims. Most importantly, by not completing their rehabilitation program, offenders

are not provided with the opportunity to change.

With me today is the engagement leader of this project, Assistant Auditor General Malcolm Gaston. I'll now turn over to Malcolm to do a brief presentation.

**M. Gaston:** The community corrections and corporate programs division of the Ministry of Justice supervises all adult offenders on a court order. The division's purpose is to contribute to safer communities by assessing and managing offenders' risks and needs. This is achieved, in part, through its goal of reducing rates of reoffending by offenders under its supervision.

Supervising offenders and trying to change their behaviour is a complex responsibility. To achieve its goal of reducing reoffending, the division has implemented a case management model based on good practice in the field. This model involves a risk-needs assessment, case planning and implementation and case review.

Successfully supervising offenders so that they do not reoffend can increase public safety, reduce economic and social costs and help offenders become contributing members of society. Community supervision also costs much less than jail.

Our audit examined whether the division is achieving its goal of reducing reoffending and identified specific areas that may be affecting the division's effectiveness. Specifically, we looked at whether the division is reducing rates of reoffending for community corrections; monitoring, evaluating and continuously improving its activities to ensure that they are effective in reducing rates of reoffending; maintaining its human resources effectively to ensure the program's success and sustainability; and implementing the case management model effectively.

We were unable to conclude whether the division has achieved its goal of reducing reoffending rates. This is because of the dynamic nature of the measure and the limited trend data available at the time. I'll explain this further with the next slide. Although we could not conclude, we did identify areas that may be negatively impacting the division's effectiveness, and I will address each of these in the presentation.

The rate of reoffending is based on the number of offenders who are found guilty of another offence committed within a two-year period. However, this rate is a dynamic measure. Data is only available once the offender is sentenced.

[0810]

At the time of our audit in B.C. 22 percent of active criminal cases took between one and two years to process, and some took even longer. So the rate of reoffending for the most recent year can exclude an important portion of offenders who have reoffended if they have not yet been sentenced.

Rates can therefore increase in subsequent years as cases are completed. As a result, we needed a longer trend in order to conclude whether the goal of reducing rates

of reoffending has been met.

The division did not see the overall rate of reoffending as a key performance measure because the rate is influenced by a number of factors outside of its control. While the division is not solely accountable for rates of reoffending, they influence it through the case management model. More importantly, it is the division's goal to reduce rates of reoffending. Therefore, it is our view that they should be monitoring and using this information.

We also found that the division did not fully understand its impact on reoffending rates. While the division offers a wide range of programs and services to help offenders change and evaluates many of its core programs and pilot partnerships, it is not evaluating contracts and community programs and services for their impact on reoffending. The overall result is that the division lacks a complete picture of its effectiveness.

Recently the division reported being under-resourced, limiting its effectiveness. We found that their resource assessment was based primarily on a high-level comparison of caseloads across the country. This is insufficient analysis to evaluate the significance of the risk or to address the long-term impacts of understaffing on sustainability and effectiveness.

Furthermore, the provincial comparison of average caseloads was too general to be the primary basis for analyzing resource capacity. Due to current and projected caseload increases, the division needs a comprehensive assessment of any gaps between the capacity and caseload, both current and going forward.

Quality supervision is enhanced through a number of practices, including training and quality assurance. With respect to training, the division only requires training for supervising sex offenders and domestic violence offenders. However, the division expects that probation officers will complete training in most other areas prior to working with offenders. As you can see here, probation officers do not always complete the required or expected training. This table is from page 21 of our report.

With respect to quality assurance, the division implemented a quality assurance model in 2008. Among other things, the model assesses probation officers' compliance with case management policies. Local managers were expected to review four case files per year per probation officer. However, only two reviews, on average, were completed each year, and follow-up occurred on only 25 percent of files identified as needing improvement. This limits the division's ability to work with staff who may need assistance or additional training to ensure that standards are met.

The division's case management model reflects good practice in community corrections. Offenders begin their community supervision with an assessment of their reoffending risk and needs that are contributing. We found that for the majority of offenders, probation officers had correctly identified their overall risks and needs. After

being assessed, the case plan is created to address those risks and needs.

Policy requires that every need have a corresponding intervention and that offenders receive a certain number of interventions to address their risk level. Our audit of case plans showed that just over half these contained interventions to address offenders' needs and risks. We also found that only 35 percent of the assigned interventions in our sample were ever completed.

While an offender's willingness to participate is a factor, our audit found that the majority of incomplete interventions were the result of probation officer actions. As well, the case management model used in B.C. relies heavily on the individual discretion and professional judgment of probation officers. This makes thorough documentation an absolute necessity.

[0815]

However, we found notable gaps in this area. For example, 90 percent of the files we sampled did not contain a rationale reporting or enforcing breaches.

These recommendations are meant to mitigate the risks we identified and to give the division more information and insight to know whether it has achieved its intended outcomes or what it may need to change to achieve those outcomes.

We will follow up on the implementation of these recommendations in our April 2013 follow-up report. We have also issued a management letter to the ministry with more detailed findings and will also follow up on these.

**B. Ralston (Chair):** Thanks very much. I think we'll move on to Mr. Merchant or whoever is presenting.

**B. Merchant:** Good morning. With me is Elenore Clark. She is the deputy provincial director of the community corrections and corporate programs, and Carmen Gress is our director of research and planning.

I'd just like to take this opportunity to thank the Auditor General, Malcolm and his team for the report currently under review.

Prior to addressing the eight recommendations in this report, I want to provide you with a short overview of the corrections branch. The branch is composed of two large divisions: the adult custody division, which on any given day holds approximately 2,600 individuals in the nine correctional centres across the province, and the community corrections and corporate programs division, which is 55 community offices and on any given day provides community supervision to over 23,000 clients. In total, the corrections branch has a workforce of over 2,100 staff and a yearly budget of approximately \$200 million.

Across Canada, B.C. Corrections, both custody and community, are considered to be the front-runners in correctional practice. This audit is focused on the com-

munity corrections and corporate programs division. That division has commenced the development of a comprehensive work plan to address all of the recommendations provided in the public report for you.

Recommendation No. 1 focuses on the rate of re-offending. Reoffending is also referred to as recidivism in correctional jurisdictions across Canada, so those terms are interchangeable.

To address this recommendation, the branch rate of non-reoffending has been defined as a performance measure and is now included in our ministry service plan and expressed at three levels: the adult custody division level, the community corrections and corporate programs division level and at the branch level.

We will continue to use this performance measure to analyze the role the division plays in decreasing recidivism and will continue to collaborate with our justice and social service partners to develop a more complete understanding of the many variables that contribute to offending behaviour.

Recommendation No. 2 seeks to have our evaluation framework include contracts and community programs. The Auditor General confirmed that robust evaluations of all our core programs and integration initiatives have been undertaken. The branch has or is in the process of evaluating the contracts and programs under our direct control.

Those community programs that probation officers make referrals to create unique challenges for evaluation, given that there is no contractual relationship with them. For example, probation officers assess a client's needs and may then refer them to Narcotics Anonymous, Alcoholics Anonymous and/or mental health or addictions residential treatment programs.

The branch is not in a position to evaluate these government or community programs. They are accessed by other government organizations or private enterprise and individuals in the community. We do work closely with them, and we do look at the manner in which they operate, but it's very difficult and almost impossible to do a formal evaluation of their programs.

[0820]

The division is participating in a ministrywide review of its standardized contract evaluation templates, and we will ensure inclusion of contract effectiveness indicators within these templates. I think this will help address this particular recommendation.

Recommendation 3 addresses staff assessments. The division agrees it's important to ensure that it has a human resource model responsive to its shorter- and longer-term needs and, ultimately, to assure program sustainability. As a first step, the division has begun a review of other models within B.C. and across Canada for assessing capacity to determine their usefulness and applicability. Once this information is gathered, it will inform how we will proceed in developing an effective model.

Recommendation 4 addresses appropriate training for client supervision. As stated in the first bullet of this slide, the division has begun a thorough review of its training, which will confirm the courses required to supervise each type of offender. Then the division will update its policies to ensure probation officers complete the appropriate training before supervising the various types of offenders referred to us from the court. The division concurs with the need to link offender supervision responsibility with the training needed to complete this work.

Recommendation 5 seeks to strengthen the quality assurance model currently in place. The division's quality assurance model was implemented in 2009, and consistent with this recommendation, the division is undertaking steps to strengthen the model.

Last week Bill Small, the provincial director responsible for the community corrections and corporate programs division, attended a federal-provincial-territorial corrections meeting in Edmonton, where he detailed B.C.'s quality assurance model.

The members of this national committee stated that they did not have any type of quality assurance model in place in their jurisdiction and will be looking at B.C.'s model for integration with their probation system. In a few weeks Alberta will be coming out to review it, and they're taking that back to start implementation in Alberta.

The division will ensure that the continued development of its quality assurance practices includes focus on consistency between offender supervision, practices and policy.

Recommendation 6 addresses the need for improved documentation. The Auditor General confirmed that probation officers are appropriately identifying offender risks and needs, but the method in which this is documented is lacking.

To address this recommendation, the division is currently focusing on two major areas. One is the redesign of our case management model, and the second is reviewing and reinforcing with probation officers the need to document their actions with the clients they supervise. These areas will be incorporated within the quality assurance model discussed in recommendation 5.

We agree with the Auditor General that we need to ensure that we consistently document the good decision-making that the Auditor General has confirmed is already taking place.

Recommendation 7 addresses the issue of clients completing the recommended intervention. The Auditor General acknowledged that offenders present a complex set of needs that contribute to offending or criminogenic behaviour and that probation officers are appropriately identifying those risks and needs for each offender. I think that's important for you to know — that the probation officers are identifying those risks and the needs.

An offender's willingness to comply with supervision,

the length of court orders and the demand for specific types of intervention can impede an offender's ability to receive and complete the intervention or interventions and are factors primarily outside the influence or control of the probation officer. Numerous offenders present a wide range of needs that require extensive interventions, where one intervention must be addressed before additional interventions are initiated.

Some offenders are not motivated to comply with their case management plans. Probation officers can accurately identify an offender's needs, but if there is no condition on the court order to take or complete the recommended treatment modality, the probation officer cannot legally compel the offender to participate. If it is a condition of the court order, then a breach of probation can be pursued.

[0825]

Recommendation 8 addresses a documentation of breaches. Breaches of court orders are initiated by both probation officers and police officers. The Auditor General's audit did not review or contemplate police-initiated breaches. Probation officers are encouraged to exercise professional judgment surrounding enforcement action, consistent with policy. The division will continue to reinforce documentation by way of training and within the quality assurance model discussed in recommendation No. 5.

With the commissioner of the Correctional Service of Canada, Don Head, and myself, we chair the Federal-Provincial-Territorial Heads of Corrections Committee. That committee is composed of all of the assistant deputy ministers of corrections across Canada and the territories, along with Correctional Service of Canada. The members of that committee view our community corrections and corporate programs division as being on the leading edge of correctional practice across Canada. I'm proud of this division and the personnel who work in this complex and challenging environment.

The recommendations made by the Auditor General will help the division become that much stronger and effective in monitoring, supervising and addressing the criminogenic behaviour of the clients we supervise.

**B. Ralston (Chair):** Thanks very much. I've begun to compile a list. Anyone else? No one down this side? No designated hitter? Okay.

**K. Corrigan:** I have three questions. Maybe I'll just ask all three of them and then can get a response, if that's okay.

My first question is.... I just wanted some clarification about the recidivism rate. The Auditor General, at several points during the report, talks about the dynamic nature of how the rate is measured, making it difficult to confirm a trend.

My understanding from this presentation and also

from reading the full report is that essentially what is being said is that because the recidivism rate is measured two years after the completion of the sentence that it does not capture further offences that might happen in year 3 or 4. I'm implying that from the document. Maybe I could get confirmation of what those comments mean from whoever can answer.

My second question is.... On page 19, recommendation No. 3 talks about how community corrections and corporate programs should complete "a comprehensive impact assessment to determine if there are...gaps between its staff capacity and caseload level currently and in the future." Then on page 15 it says that "the average cost of supervising an offender in the community is \$7 a day, compared with supervising an offender in jail at \$194 a day."

My question is actually a little forward-looking. Since the Auditor General has recommended an impact assessment, has this impact assessment...? If it is happening now, does it include an evaluation of what the impact of changes is going to be on community corrections as a result of the provisions of Bill C-10, the omnibus crime bill? And if so, what are those impacts? I'm assuming that caseloads may go down as a result of C-10, but I'd be interested in a response on that.

My third question is with regard to recommendation No. 2 on page 18, which suggests that the Auditor General recommends that the division extend "its evaluation framework to understand the effectiveness of contracted service providers and community programs in reducing reoffending." I'm just wondering if the Auditor General has any response or comment on the comments that were made today about the difficulty of fulfilling that recommendation. I'd be interested in that.

Then overall, I would like to thank the Auditor General for this very comprehensive and very helpful report on a subject that matters immensely to British Columbians, because it deals with, essentially, the health and safety of citizens in our province and how to effectively ensure that we are doing the best that we can.

**B. Ralston (Chair):** Mr. Merchant, do you want to go first?

**B. Merchant:** Yes, please. We'll have, actually, two people answer the questions, and I'll start.

[0830]

The first question regarding the recidivism rate. I just wanted to make some mention about our programs. It probably gives me an opportunity to say that. A number of our programs are very successful.

Our relationship violence prevention program — that's to do with spousal assaulters. Our programs reduce the likelihood of reoffending by up to 60 percent. Other provinces are now starting to use that program. Both the Yukon and Nova Scotia have taken that on because of the

success we've had with it.

We have rolled out what's called the strategic training initiative in community supervision. That reduces recidivism by up to 46 percent.

Our integrated offender management program reduces the likelihood of reoffending by up to 48 percent, and our violence prevention program reduces reoffending by up to 35 percent.

I know there's a degree of criticism of the branch in this, but we do have some remarkable successes in the work that we do with offenders, some very remarkable successes.

You'd asked: why the two-year floating window? Carmen is best able to answer that question.

**C. Gress:** Good morning. I'll just provide a little bit of information with regards to our recidivism rates, and then please let me know if it answers your question.

For the branch and the two divisional rates, we do use a two-year follow-up period, so approximately a 730-day window. If a person is reconvicted and returns to B.C. Corrections for sentence supervision and their offence date is within that 730 days, they are considered a recidivist.

Our recidivism rates for the past four years have been determined by offence date. What that means is that it allows a reconviction and a sentencing date to occur anytime in the future, either within the two-year window or five years down the road. As long as the offence date is within the 730 days, our rate refreshes and updates. So our rate is based on factual reconvictions.

The additional piece that I wanted to add is that we recently just changed this rate. Why we only have four years of information is that it is now based on offence rate. It used to be based on sentencing date, which is much more common across Canada and the States, because it's harder to input offence date accurately.

We have approximately 15 or 20 years' worth of recidivism information based on sentencing date, but we switched four years ago to offence date to allow a more accurate picture of recidivism.

Does that answer your question?

**B. Ralston (Chair):** Do you capture people who re-offend in other provinces?

**C. Gress:** If they return to B.C. Corrections for supervision, yes.

**B. Ralston (Chair):** But otherwise, no.

**C. Gress:** Otherwise, no.

**K. Corrigan:** It's good information, but I'm still not sure why the Auditor General says: "The dynamic nature of how the rate is measured makes it difficult to confirm

a trend." Is it because we only have the four years, or is it something else about the measurement? It's not really clear to me.

**C. Gress:** Fair enough. It might be partly a little bit about the four years. It's hard to build trend data on just four years. The other aspect is that the rate is dynamic. For an individual who goes through the system, if they have a sentencing date two, five, ten years, this rate will update.

We have made moves within our analysis to adjust for that. That was one of the things that has come out of the recommendations for us.

**K. Corrigan:** I understand. Thank you.

**B. Ralston (Chair):** Continue on.

**B. Merchant:** On your second question on the staff planning. When Malcolm and his team.... When we were discussing this — and I'm sure he'll correct me if I'm wrong, if I'm portraying this in the wrong way — they were talking, on staff impact, about kind of like a staff-planning technique. If you have this many offenders, how many probation officers do you need?

B.C. Corrections used to have a staff-planning technique, and we'd divided the work by hours. So if you had to do a pre-sentence report for the court, it was eight hours. If you had a more complex case, it could be up to a week. Then those hours were converted into: how many staff did you need to do all the work that you were doing?  
[0835]

Over the last 15 years we have changed from an organization that does that to more of a.... It's an evidence-based organization that, at its core, looks at risks and needs. When you look at risks and needs, it's different than looking at a particular case and saying that it requires this amount of work. It's much more dynamic in that sense. So we moved away from the staff-planning technique, which I think has hurt us when it comes to asking for additional resources and things like that.

That's why we're now moving towards surveying other jurisdictions and trying to come up with a model that meets what the Auditor General was referring to but also takes into consideration our risks-and-needs environment.

I think we'll come up with something that not only satisfies the Auditor, but it'll be another first in Canada for how we develop the staffing impact analysis.

You also asked about the impact of C-10. C-10 is such a difficult process to evaluate. It's not a simple thing of saying: "This bill will result in this impact on the division." Charges are for mandatory minimum sentences for pot plants. But when we admit people, historically, we may have them in for growing marijuana, but we don't know how many plants they have, so we can't project what that

will look like. We don't know if it was under ten or it was 200. So we don't know how that's going to impact us.

We don't know how Crown counsel is going to proceed with the charges. We don't know how the judiciary will react to these new bills. All of this makes it an extremely difficult situation to evaluate and give you a really firm answer. I apologize for that. If I could, I would.

We do know what our workload right now is. We're planning for the future. Right now we've seen a reduction, both on the custody side and in the community side. The conviction rate seems to be going down. I'm hoping we don't have more in there, obviously, but we have to plan for the future.

We do that with workload reduction strategies with our probation officers. We're rolling out what's called STICS — strategic training in community supervision. That's a three-year process. We've added resources to the division. Those resources are not just adding more probation officers. The idea is to reduce the number of people that we end up supervising, to reduce the chances, the likelihood, of those offenders coming back before the courts.

The other comment was the rates. Supervising an offender in a community is, on average, about \$7 per day, per offender. It goes down as low as around \$2 to \$3 and, with higher risks, up to \$11. Our more revised number for the custody side is about \$188 a day.

So not only as a government employee but as a taxpayer, it doesn't take much to figure out where we want things to move towards — to address the people in custody so that if we're going to supervise them, it's in the community in a safe and effective manner. It's a more efficient model, and I think you have better results in the community than you do, necessarily, in the custody side.

Did I just get long-winded there?

**K. Corrigan:** No, it was good.

**B. Ralston (Chair):** Vicki Huntington was next.

**B. Merchant:** I think there was still a third question, but I don't think that was for me.

**B. Ralston (Chair):** Pardon me. Perhaps just finish that, and then we'll go to Vicki. Sorry, I jumped the gun there.

**J. Doyle:** The question was really about contracted service providers. We make reference to that in our report on page 18.

There are two types of service providers. One is those that are actually contracted by the agency. What we found in a sample of 15 was that there was no evaluation. What I heard was that that was going to change, and there would be evaluations going forward. It could be that we just picked the wrong sample, and there are other evaluations that did take place. That's always a pos-

sibility. Statistics are not a perfect science.

I'm quite happy and would like to follow up on that particular one in April next year, just to see exactly what's progressed.

[0840]

The other comment that was made referred to service providers that weren't actually on a contractual basis. These were community-based organizations that could assist offenders. My only comment and observation would be that to send them there, there must be a reason, and that reason must be based on some kind of evaluation or assessment. It's not just on reputation, I hope. And I don't think it is. I think it's on a genuine sense that these agencies actually provide value to those people that get referred to them.

We couldn't see any documentation from that, despite it being self-evident. I think that that kind of evaluation is quite useful. I'm aware of other jurisdictions where that kind of arrangement was considered a given, and yet when they actually conducted some modest evaluations, some of them were a lot better than was anticipated and some of them were not so.

To me, if the branch is going to refer anyone on, then there needs to be some certainty that there's a value proposition involved in that and that in fact it's in the best interests of the individual.

**V. Huntington:** I just wanted to start by quoting a couple of sentences in the report that I found very interesting. Given the findings of the report and the agreement that Corrections would be moving toward addressing some of the gaps, I found it interesting to read in your response to the Auditor General's report statements like: "The Auditor General's affirmation that community corrections staff appropriately assess offenders' risk is welcomed and validates the division's case management approach."

Now, I have to say that I didn't necessarily find that that was the case, in reading the body of the report. It meant to me that I had to start looking for more of a defence mechanism in trying to deal with some of the recommendations. I just wanted to assure you that I and, I suspect, every member of this committee really feel that this report is simply an opportunity to identify gaps.

There is no major, glaring inappropriate activity, which is very good to see. It is an opportunity to address, I think, some real inefficiencies that are occurring and perhaps just some efforts that have fallen into routine that could be reviewed and dealt with quite carefully.

One of the questions I had.... In looking at both the courses that the offenders are asked to take and the courses that the probation officers are taking and not completing, to a large extent, for the ones for the offenders, the core programs, only one has a 50 percent or more success rate. I found that I was questioning what cost-benefit analyses you are using for these particular types of pro-

grams when you have 20, 30 percent success rates in making these programs work for offenders.

Are you doing an analysis of those programs? Are they cost-effective? What is the full cost of providing them? Are they really meeting the risks and needs of these offenders? Ought we be looking at a more cost-effective or different type of programming that either does the same thing or cuts right back? At what level is it a success, if only 20 percent of the offenders taking the program don't fall back and reoffend?

[0845]

I mean, just to me, a lot of that didn't seem like cost-effective programming. Yes, you're fixing a couple of people here and a couple of people there. Now, it could be hundreds, but the bulk of them are not being assisted at all. What is the benefit analysis of the expenditure here?

**B. Merchant:** We're all jumping up here.

**C. Gress:** For our core programs, all individuals in the community who are sentenced — so under a probation order, a conditional sentence order or even a recognizance peace order — may be referred to our core programs. Once those individuals are assessed for their risk and needs, if they are a medium- or a high-risk, they may be referred to the program, if appropriate.

The recidivism rate, on average, for medium- and high-risk clients is anywhere from about 40 or 45 percent to 75 percent if you don't provide any type of programming. What we are finding with our programming is that we're able to reduce that anywhere from 20 to 50 percent — their odds of recidivating.

So we're taking individuals who are a high risk to reoffend, who, without any programming, could have been at a 70 percent or 75 percent risk to reoffend. For some of our programs, we're cutting that in half. We're actually very happy with what the core programs appear to be doing.

As Mr. Merchant has mentioned, we are considered leaders across the province for these. We keep a very close eye on the research with regards to the appropriate interventions for our clients. We always have room for improvement, but we think we're doing a rather good job.

With regards to cost-benefit analysis, that's a bit of a tougher question. It is something we're starting to tackle to make sure that we are doing good work here and that we are doing appropriate work for the taxpayers.

A recent study at the University of Washington demonstrates that psychoeducational programs that are significantly reducing recidivism are a benefit to society and are much less expensive than the individuals coming back through the system, when you take into account police, prosecution, courts and correction costs.

**V. Huntington:** Could you see the benefit, then, of insisting that there be two steps to the program? If the

Washington method turns out to be a stronger one, they would go through yours and be insisted to go through the second one so that you're doubling the statistics. And maybe knock off some of the less effective programs, because a 20 percent rate may not really mean that the program is working at all, from a benefit analysis point of view. That would be my comment.

Similarly with the training that the probation officers themselves are maintaining. They are not here on these charts. They are not proceeding through the training, effectively.

I'd like to know who is devising the programs. I know the division is, but what is the academic medical expertise that is devising the programs?

I notice that the report suggests that the probation officers are facilitating them. What level of facilitation training are they getting? Are they psychiatrically trained? If they haven't completed programming, are they still facilitating?

The facilitation and the quality of the course will be absolutely critical to the outcome, I would think, in this area. I'd like to know what your exact requirements and specifications are in that regard.

**B. Merchant:** I'll speak to part of that, and then Elenore will get into the specifics of what you've talked about.

Before we hire a probation officer — this is different in different parts of Canada — their base requirement is a university degree. So that's where all of our probations start off. They have a degree.

**V. Huntington:** Could I ask what kind of a degree?

**B. Merchant:** It's usually a social or educational BA. It could be in criminology, psychology, sociology. It could be a host. I'm sure we've probably hired a bachelor of science, but I'm not sure. Typically, it's in the social sciences.

Then it's somewhat of a journey with probation officers, because over time they receive ongoing training. They receive additional training, and there's basic training.

[0850]

So it's not like we hire people, expect them to take a few courses, and then just say: "Go out and do good work." It's a long-term, ongoing journey, because we want people to stay fresh. We want them to take in changes in research, how we evaluate programs and things like that.

In terms of the specifics, if you want to address some of the training that we do with our probation officers, that would be great, Elenore.

**E. Clark:** With our probation officer training, as Brent mentioned, we do hire probation officers with a degree in a related area. It could be social sciences, criminology, psychology. It could be education. Then they begin quite a comprehensive training plan that has the probation officer do both on-line and in-person training that

includes a practical component to the training. So not only do they learn the theoretical training, but they also apply that training in practice.

When they're going through their training, they're mentored and have oversight from both a senior probation officer, whose function in the office is to provide clinical support and supervision, and also the local manager, who provides an additional level of supervision and oversight.

The probation officer will learn a technique and then will apply it, specifically with the core programs. They are psychoeducational programs that we apply, so, similar to the Washington State study that Carmen mentioned. The training for those is approximately a week long — full days, so 35 hours of training to be able to become familiar with the material and to understand the material.

In addition to that, the probation officers also take what's called facilitation skills to ensure that they're able to facilitate the group process. Once they've completed that training, then they co-facilitate with another probation officer who has been facilitating for some time. So there are a number of supports in place to ensure that they are quite comfortable with the material and able to present the material as it is intended.

Another piece with that, of course.... You mentioned ensuring the integrity of the programs. We do, on a regular basis, review and evaluate the programs to ensure that they are not only reducing recidivism but also being delivered in the manner in which they are intended, to ensure the integrity of the program.

**V. Huntington:** The lack of completion of training — how do you explain that?

**E. Clark:** The lack of completion of training is something that we are investigating thoroughly to understand each and every one of the situations where a probation officer was delivering service not trained. We do have some understanding of that already.

I mentioned that probation officers, as they go through their training, need to have a practical application of that training, and we believe that that may contribute to some of that percentage.

For instance, a probation officer will receive training in completing risk-and-needs assessments. In order to become proficient in that training, they will need to actually complete risk assessments, with oversight from either the local manager or the senior probation officer. They'll need to actually complete a risk assessment with an offender, and in order to do that, the file is assigned to the individual for the purposes of completing that training.

That is not necessarily the only reason. We are fully investigating all of the reasons why, but that's one example as to why that may be.

**V. Huntington:** Could I just follow up with a couple...?

**B. Ralston (Chair):** Well, you've had three or four questions, so perhaps one last one. There are five other people on the speakers list, so you could pose one more question quickly, then.

[0855]

**V. Huntington:** I'll just get quickly to another one. The comment was made that most provinces are using actuarial assessment tools versus professional judgment, which B.C. tends to make. Can you describe, or perhaps the Auditor General's office could describe, what the difference is in those two different approaches and whether an amalgamated approach would be good or if one is found better than the other? You did say the actuarial-tool approach did not leave room for very much professional judgment, so I wondered whether you felt there was a way in which they could be aligned appropriately, or if one was better than the other.

**J. Doyle:** It's my experience that you need a mix of both in order to provide a good service. I think I'm more in line with a principle-based approach, which is the case management approach that's being used at the moment, rather than a rule-based approach, which sort of has its parallels in accounting. I know every conversation gets back to accounting eventually, but....

**B. Ralston (Chair):** In your world, yes.

**J. Doyle:** The approach used, I think, is the right approach for this province, but it relies on the training, as has just been explained, and the judgment of the individual probation officers to deploy all the tools at their disposal to do their work properly.

I'm not sure I can answer your question, other than to say that it isn't my role to judge which is the better of the two. I could just say that the outcomes and the consequences of this approach seem to work and are considered by the probation officer community as being the best practice. I think the ministry could probably give you chapter and verse as to why it's a better way than a more prescriptive approach.

**V. Huntington:** Thank you very much. I might come back.

**S. Chandra Herbert:** The question I had got answered.

**B. Ralston (Chair):** Really? You don't see that too often.

**R. Hawes:** I'm curious to know, to start with, within the.... I think you said 24,000. Within that group, would you have any estimate of what percentage would have drug and alcohol addiction as the root of their criminality?

**B. Merchant:** Within that, it's just a little over 23,000. And when I say 23,000, just for clarification, probably around 7,500 of those are on what's called bail supervision. They haven't been found guilty or innocent. They've been released by the court on bail with certain conditions.

Others have gone in front of the court, they've been found guilty, and they've been given a conditional sentence order, which is: "You're serving your sentence in the community. You've been found guilty, and you're serving your sentence in the community." On any given day there are around 2,400 or somewhere in there.

The remainder are on probation, so they've gone to court, they've been found guilty, and either they have gone into custody and come out on probation or else they've just gone straight to probation and reporting to the probation officers.

**R. Hawes:** In that number, what would be the percentage of those clients, if you will, who have drug and alcohol addiction at the root of their criminality?

**B. Merchant:** We found that there's a combination of mental health issues and alcohol and drug issues. If you looked at all of our clients, both in custody and in the community, approximately 56 percent of them would have either a mental health or an addiction issue or a combination. You could break it down further, and it would be, you know, 26 to 27 percent who would probably be alcohol and drug. And that's both in custody and in the community.

[0900]

**R. Hawes:** I'm interested in the treatment modality that you would employ for addictions. Is it residential? Is it community-based drug and alcohol counselling? I mean, the success rate in a lot of drug and alcohol programs isn't all that great, and if you've got a lot of people that are addicted, I can understand why the recidivism rates would be pretty high, because treatment is pretty difficult. What do you use? How are you treating these people?

**E. Clark:** In terms of responding to addictions needs, it's as with any offender. We start by looking at the individual risks and needs of that person and then develop a case plan based on those individual risks and needs. Generally, we would start with providing the substance abuse management program, which is a psychoeducational core program — one of the core programs that we deliver, that probation officers deliver. That is a treatment-readiness program.

We also employ motivational interviewing and work with that individual to get them ready for treatment, to try and increase their responsiveness to treatment. Then, depending on the needs of the individual, we'll refer them

to addiction services. Generally, we start with mental health and addiction programs through the Ministry of Health, through the health authorities. We rely on the treatment providers to assess the individual needs as to whether residential treatment is appropriate or a day program is appropriate. Then they are directed accordingly.

**R. Hawes:** Just one last question, if I might, Chair.

I know that in the addictions world there are many families who try to get a family member into treatment and have some difficulty. Do you experience that difficulty, or do your clients, in essence, go to the head of the line? Do you get to jump the queue to get into treatment quickly?

**B. Merchant:** No, we're part of the queue. We don't get at the front. We just are part of the process.

**R. Hawes:** If you have an addicted client that's gone through your readiness program.... Most addicts, when they're ready for treatment — if they don't get it quickly, then they're back on the street, using again. Are you losing people that way a lot?

**B. Merchant:** I don't think we're losing a lot. We partner with other agencies in a drug treatment court in Vancouver, and we work specifically with those people who have addiction problems. That has shown to be very successful. Just two weeks ago it won a Premier's Award — it was cross-jurisdiction work — for what they've done there. It's been in operation for ten years, and we've done a number of evaluations through Simon Fraser University showing its effectiveness. That's kind of on the community side.

On the custody side. I know I'm probably reaching out over this report. At Nanaimo Correctional Centre.... Maybe I'm on the Premier's Award part here, because the Nanaimo centre just won the Premier's Award for innovation. That was for what's called the therapeutic community. It's the first of its kind in Canada.

They take the people who have longer sentences and are high-risk to reoffend. They have a special program on site at Nanaimo Correctional Centre. They complete that thing, then they're tied into the community, and many of those people go to a residential housing area through the John Howard Society — and in other places in British Columbia.

To complete that, I think what you were getting at was that transition back into the community and to have a supportive environment that helps. In all addictions.... I mean, you can go to a residential program. Most of them are 30 days. Well, 30 days.... I used to smoke, and 30 days wasn't enough for me, I'll tell you. It took a year. You need those kinds of supports in your life.

Do offenders get special treatment in that regard? No. We'll prioritize them based on our risk assessment. We'll

have them get in our queue. But once we're into the public.... They're British Columbians, and they're treated the same.

**B. Ralston (Chair):** Thanks.

I wanted to ask a question about the bail supervision of those accused of domestic violence. I'm assuming that they're assessed as being relatively high risk. In the material in the slide it says that only 65 percent of the officers completed training before supervising cases.

[0905]

There have been.... I'm not going to name any specific cases, specifically high-profile cases where people who were on bail supervision for domestic violence have committed further offences, up to and including murder.

What internal mechanism for reviewing the preparedness, the training of the bail supervisor responsible for those files, has there been, and what have been the results of those studies?

**E. Clark:** Prior to the Auditor General commencing their audit, the division did commence a thorough review of its overall training for probation officers. We are currently working towards completing that review and looking at all of the courses necessary for probation officers to supervise all clients, including domestic violence.

With respect to bail supervision, individuals who are on bail are not convicted so, therefore, not found guilty or innocent. The risk assessment process that we employ is directed to those individuals who have been found guilty and who we are then able to work with in terms of being sentenced. It's once an individual is sentenced that the person will go through the risk assessment process.

Specifically with the bail, we are also reviewing all of the courses necessary for domestic violence to ensure that probation officers have the necessary training. We're also ensuring that we apply quality assurance to make sure that probation officers are not supervising inappropriately.

**B. Ralston (Chair):** Let me get this straight, then. I want to make sure that I understand you correctly. You're saying that there is no risk assessment of people who are released on bail. I mean, I understand the theoretical notion of presumption of innocence, but as a practical matter, there's usually fairly strong evidence that domestic violence has taken place. Otherwise, the charge wouldn't have been approved. It meets the charge approval standard.

Given the I think rather notorious likelihood of re-offending in some of those high-risk domestic violence situations, I'm surprised to hear you say that there's no risk assessment taken of those people under bail supervision. It would seem to me to be important for public safety that that be done. Given the relatively low cost of releasing someone on bail supervision as opposed to de-

taining them, in some cases intensive bail supervision would be a reasonable measure.

Can you explain to me...? I want to make sure that I've understood this. I want to make sure I understood your response, and I want to be fair to you, but it does strike me as rather surprising — your response.

**E. Clark:** It is indeed the case that individuals who are released on bail do not undergo the risk assessment process. That is the case. The reason behind it.... Perhaps maybe I could offer a little more explanation there. There is that need to allow the individual to go before the court to determine whether they are indeed guilty of the offence before we can explore the issues that led them to that offending behaviour.

The risk assessment process requires that the probation officer discuss the circumstances of the offence. When an individual is before the courts and has not been found guilty, that individual is not required to confess to an offence that they've not been found guilty of. The risk assessment process requires a thorough investigation of that offence to understand what led to that offending behaviour.

Additionally, there is also a concern that if an individual does speak about their offence to the probation officer, the probation officer is an officer of the court and could be compelled to attend court and provide evidence.

[0910]

Also, there's the reverse issue of.... There is a question of if an individual undergoes or commences undergoing some of those processes, what their motivation is in terms of accepting treatment or beginning that risk assessment process. Are they simply working with the probation officer in order to get a lighter sentence, which may not result in a community disposition, which may not result in a counselling condition and which may not get them the help that they need?

It's because of those types of issues that the probation officers focus their risk assessment and interventions with sentenced offenders only.

**B. Ralston (Chair):** Just maybe a last response, then. I understand all of that, and I understand the role of a probation officer being in a position where they take a statement from an offender.

Nonetheless, if there are — as there often are in domestic violence cases — offenders who are back before the courts for similar offences, you have access, in at least a summary form, to a report to Crown counsel. Is there no effort to assess the risk to the complainant and provide, through perhaps more intensive bail supervision or request back to the court for further conditions, some attempt to monitor the behaviour of that person — given that I would say that in domestic violence cases, particularly in the initial stages, there's a really high risk of reoffending and causing serious injury or death to the

complainant?

**E. Clark:** Certainly when an individual is on bail supervision, they will be released with conditions that can require them to report, can require them to not have contact with an individual and that sort of thing. Probation officers do monitor those conditions and do enforce very proactively those conditions to ensure the safety of victims and to ensure that offenders do not re-offend.

I should just clarify. Where you asked about an individual who's been before the courts previously and been convicted previously, if an individual is on probation and also on bail.... That can happen because we do have offenders who reoffend. Those individuals on probation at the same time as on bail would be assessed and interventions would be applied.

**B. Ralston (Chair):** I have further questions, but we'll move on.

**L. Popham:** I'm wondering if the provincial restorative justice programs fall under this reporting.

**J. Doyle:** There are a number. There are about 200 or so restorative justice individuals who are part of this total figure, but it was too small a group to look at in any detail, so we didn't do any work on it.

**R. Sultan:** I wanted to ask a couple of questions about case volume and caseloads. I'm looking at exhibit 2 of the Auditor General's report, which shows the number of offenders rising from about 18,000 in 2005-06 up to 24,000 in 2010-11, which is a one-third increase in five years. A one-third increase in five years.

This seems to be a pretty high rate of growth to my mind. If we have another one-third increase in volume in the next five years, I guess we're not quite in the low criminality society that we'd like to believe. In fact, it seems inconsistent with the statements that the crime rate is going down and the number of cases before the courts are going down. Help me understand this conundrum.

**B. Merchant:** Of the increasing number? Is that what you mean?

**R. Sultan:** Well, we hear from some sources that the number is actually going down, and yet I look at this chart and they're going up very fast.

**B. Merchant:** Over the time period over the last seven years on the probation side we saw about a 34 percent increase — your math is correct — in the number of offenders that we supervise. At the same time, what we're seeing now is that those numbers are starting to come down.

[0915]

But it's too early to say there's a trend. We did see it go up, and right now we see it plateau. It looks like it's going down, but it's much too early. You need a number of years before I can say that there's a trend of it going down. That's both on the community side and the custody side. It's similar in that regard.

**R. Sultan:** I don't want to get into a statistical argument with you, but I can certainly see a five-year trend there staring me in the face, and it's going up pretty fast.

But that leads into the next question. Turning to exhibit 4, we see that our caseloads in British Columbia per officer are 63.7 — only exceeded by Ontario, at 66.5, and at considerable contrast to Manitoba, where the caseload is 27.6.

We have a very high caseload compared to many provinces in Canada, although one would wonder: is there something special about Ontario, British Columbia and Alberta? Maybe our officers are smarter or more productive or get to work on time. What's going on here?

**B. Merchant:** We have seen the increasing count. The division has taken a number of steps to mitigate those increasing numbers. What we do is, as we have said in our presentation to the Auditor General.... We're an evidence-based organization that deals with risks and needs. We used validated tools to make those assessments.

Some of those people that we assess come out as low-risk, some come out as medium-risk, and some come out as high-risk. All of the research internationally says that you should do very little with low-risk individuals because you have the risk of having them recidivate. You should focus your work on medium- and high-risk offenders because if you do, you will have a better outcome with your programs. That's how we operate.

We have put in place a number of workload strategies as we saw this count go up. We have kind of paraprofessionals. We have what's called a PO14, or a probation interviewer. They have higher caseloads with lower-risk people. With lower-risk bail people, CSO orders — they'll supervise them. For the medium- to high-risk people, we focus our work with the probation officers on that.

We've engaged in a number of mitigating strategies, both from the line level and from our headquarters, to try to work with that. Recently we have just unveiled what's called strategic training in community supervision. That's to help the probation officers and their interactions with the offenders, and 37 probation officers were added to the system.

The part about our caseload numbers. Personally, I actually and honestly believe.... I'm biased because I run the organization, but I truly believe this, because I get to see what happens in other provinces. Our probation officers are the best in Canada — period. I have absolutely no doubt about the programs that we operate. They're

better than anywhere else in Canada. But we're still faced with a growing population, and that creates problems in our organization. My responsibility is to argue for those resources.

**R. Sultan:** I was hoping that was the answer you would get, and that's a very encouraging answer. Thank you.

One other question. You've got 24,000 people out there. You've got all these different programs. Some of them don't seem to work. You discontinue them. As you say, measuring trends over a long period of time is subject to all sorts of changes in definitions and changes in this....

It's a very dynamic world. It sounds to me like a world, though, that would be uniquely receptive, in fact, to very detailed databases, sophisticated IT and lots of number-crunching, which may not be the approach you're employing, as I understand it.

What is the state of your information technology? Having read too many cop novels, I have a vision of a kind of beat-up linoleum probation office sitting there with a couple of rusty filing cabinets and lots of bits and pieces of paper. Tell me that's not true.

**B. Merchant:** Simply put, we're the envy of North America. We are. We're probably in the top three with our offender management electronic systems.

[0920]

There's nobody in Canada that is anywhere close to what we have. We have over 30 years of data in our database, and we're able to extract that with business intelligence. We're leading the country in how we're moving forward with e-disclosure, being able to have access to various materials.

On any given day, I can punch a button on my desktop and know what the count is in every jail as of midnight last night, and I know what the community caseload is as of yesterday. No other jurisdiction in Canada can do that or come close to it.

**R. Sultan:** I congratulate you for that. Thank you.

**B. Ralston (Chair):** I was fearing there'd be one more question, to be the best in the world. It's gone from Canada to North America to the world, but anyway....

Interjection.

**B. Ralston (Chair):** Or the universe.

**K. Heed:** I apologize for being a bit late. Mr. Chair, you asked a question with respect to domestic violence. I just want everyone to go away with a clear picture.

Police that have domestic violence units, that have specially trained individuals actually do a risk assessment at the time they're doing their investigation and charges, especially with a high-risk offender.

Although it's not formally done, it's my understanding, Ms. Clark, from corrections, that in fact there are some people involved in the high-risk offender units for domestic violence. So I just want people to realize that this is an ongoing risk assessment, especially with the repeat and high-risk offenders in domestic violence.

I don't know if you want to clarify that further.

**E. Clark:** Yes, thank you. I appreciate that clarification. We do work very closely with the police and with Crown counsel to ensure that the police recommend charges appropriately and recommend conditions that will assist in the supervision of individuals on bail. We work closely both with police and with Crown to ensure that individuals on bail are supervised appropriately.

Where there are conditions that we feel may assist in the supervision of bail, we certainly exercise our ability to bring those to the attention of the courts and recommend additional conditions where appropriate.

**B. Ralston (Chair):** I'm going to try and finish this section by about 9:30. We have a couple more people on the list, all second time around.

**K. Corrigan:** I wanted to go back to the discussions about the relationship violence prevention program and combine a couple of facts in the report and ask a question.

The Auditor General points out that only 35 percent of interventions that are designed to reduce reoffending are ever completed. Then, this statistic — surprising, to me — that about 4,400 offenders under community supervision have been convicted of a domestic violence offence, and 1,300 have been convicted of a sex offence. Almost a fifth — domestic violence. And a very significant number of sex offences. Then, there were discussions on page 18 about the success of the various programs.

My question is.... I have two questions. First, when there is discussion about only 35 percent completion, does that refer to these types of programs as well? If not, what is the completion rate of the relationship violence prevention program and the violence prevention program? There are so many people that are under supervision that are in that category of domestic violence.

Then, by comparison as well, I note in a different type of program that the substance abuse management core program was found to have had little or no demonstrated effect on reducing rates of reoffending. Is it a problem — your assessment — with the program, or is it just simply that it is very difficult to break the cycle on substance abuse?

Those are my two questions.

**C. Gress:** Thank you for the opportunity to clarify.

[0925]

The 35 percent speaks to the number of needs that were listed within the documents and the number of

interventions that were completed that addressed each need. I think it was approximately half of the needs that were listed had an intervention, with only 35 percent of those interventions being met for each need — so not necessarily each person or each program but each need that was listed for the individual.

There are any number of reasons for that, including poor documentation, unfortunately, from the front-line staff, who have a significant number of individuals to work with. Sometimes writing down the switch in an intervention is not something they have an opportunity to do.

With regards to the relationship violence prevention program completion rate, for those individuals who are assessed as having relationship violence issues and are assessed as a medium- or high-risk to reoffend, they would be referred to what we have as Respectful Relationships. Then we do have that second program that kicks in as well that's more treatment-based, which is our relationship violence prevention program.

Both of those have demonstrated to statistically significantly reduce recidivism. I believe the completion rate, although I would have to check, is over 60 percent for both of those, for individuals who are referred.

With regards to the substance abuse management program, you are quite correct. Our last evaluation, which I believe was in 2005-2006 — I'd have to double-check the date on that — did demonstrate that the program was not reducing recidivism. So we went through a significant shift and redesign of the program to ensure that our information is up to date with the best literature that we have.

We have gone through training updates with each individual that facilitates the programs, both in our custody and community divisions, and we have significant supports in place to ensure that program is delivered as intended. Then, it is on the deck to receive an evaluation once we've had enough individuals go through the program and allow a certain amount — preferably two years — of follow-up time to then revisit the idea of re-evaluating the offending rate.

Where we have been able to make inroads, as Mr. Merchant mentioned earlier, is our therapeutic program in Nanaimo Correctional Centre — it addresses substance abuse — and the drug treatment court program in Vancouver.

**K. Corrigan:** I'm sorry. Just a quick follow-up. I'm not clear, then. If you could define a little bit more what you mean by interventions. It's not programs. Is it needs? Could you give me an example, or how would that work?

**C. Gress:** Certainly. Sorry about that. When our probation officers conduct a risk assessment on our individuals who are sentenced, they go through a list. It's actually a combined approach of actuarial instructor

professional judgment that assesses individuals on their needs. It could be that they have....

All needs are related to reoffending behaviours, so we are looking for behaviours that lead to coming back into our system. That's what we're assessing for. So that may be substance abuse. That may be pro-criminal attitudes, pro-criminal friends, a history of offending, etc.

So we go through that process and assess what needs are evident for each individual. If there is a need with regards to substance abuse — every time they put back a six-pack of beer, that's when they head out and go do something — then that is a need we would look to address and refer them to the right program. We will start with our psychoeducational and then continue that through referrals.

So when we speak of interventions, we may look at anything from motivational interviewing to our core programs to the drug court treatment.

**K. Corrigan:** Okay. Thank you.

**E. Clark:** If I may add, when probation officers assess the needs, individuals present with quite complex and many needs. So the probation officer prioritizes those needs to determine which of those needs require intervention first and which of those needs will have the greatest impact on reducing future offending. I just wanted to clarify that piece.

Additionally, I also just wanted to add that where individuals do not complete programs, such as the relationship violence treatment program or the Respectful Relationships, probation officers do follow-up with a report to Crown counsel so that a breach of probation can be pursued through the courts.

[0930]

**B. Ralston (Chair):** I had a further question.

In some communities, such as mine in Surrey, there is a problem with what are self-described recovery houses, which are basically commercial operations that really provide no therapy. In the past, sometimes as a condition of probation, the courts have ordered residential conditions to reside at one of these places.

What effort is there to provide to Crown counsel and to the courts a list of residential recovery houses that meet minimum standards and actually do offer therapeutic programs?

**E. Clark:** On an annual basis the division as a whole undertakes a process of turning to the Ministry of Health to determine which residential treatment homes are approved by the Ministry of Health to avoid exactly what you're suggesting there. We do work closely with the courts and with Crown to provide information, where an individual is in a place that may not be appropriate or even be safe for that individual.

**B. Ralston (Chair):** Vicki and then Lana, and then we'll wrap up this section.

**V. Huntington:** I'm curious why you have felt unable — as you mentioned, "We'll begin to the extent we are able" — to evaluate your contract service providers. I would have thought that would have been one of the first places you would look to ensure quality and success.

Could you explain that reticence and whether, again, you've done any level of cost-benefit evaluations on the success or otherwise? It would appear from this that you haven't because of the lack of evaluation.

Could you describe that and what you intend to do as a result of the discussion in the report?

**E. Clark:** We are currently participating in a ministry review of our contract templates, to ensure that evaluation criteria are included in those. We have done some evaluation of some of our contracted services. We are currently undergoing the process of completing evaluations for others. It is an area that we recognize the need, as the Auditor has pointed out, to do more. So we are undertaking efforts to ensure that we evaluate all of our contracts.

We do have difficulty, however, in evaluating services to which probation officers may refer which are outside of our control or with whom we do not contract. For instance, Brent had mentioned things such as residential treatment centres with which we do not contract, or even AA or NA — that sort of thing.

**V. Huntington:** Could I just give, then, a personal opinion? I don't think you should be using contract service providers where you have no control of the outcome and of the process in which your offenders are being placed. A lot of those programs — say in aboriginal justice services, counselling — tend to be warm and fuzzy programs and the outcomes are not necessarily judged in the way that you, as probation officers, might want to see them.

I think that if you want to see a success rate that is admirable, you cannot leave these service providers out there, doing their own thing, without a very firm control from your end. You should have, if you don't... I'm assuming you must to some degree have terms of reference and requirements that you expect them to achieve.

[0935]

**B. Merchant:** That's a very difficult one to address in the manner in which you have framed it. We will refer an offender who has a substance abuse problem to a residential treatment centre. Typically, the treatment centre is through some form or funded through health authorities and other organizations. For us to basically contract or open up treatment facilities like that is beyond our scope. It's beyond our scope because....

Offenders that come to us — their needs are enormously complex. For us to have contracts, just for us, for all those kinds of complex needs is just not sustainable, and it's not something that... We have to rely on our integration with other community and government organizations for the best value for our dollar.

**V. Huntington:** Could I just...? I couldn't agree more, but....

**B. Ralston (Chair):** We're running out of time. I've been very generous, so if you could just have a last comment, then, please.

**V. Huntington:** I couldn't agree more, but I would expect that as you refer somebody to a contract service provider, you know precisely what that provider's outcomes and evaluations of their programs are so that you're confident that that service provider is giving you the outcome that you know your risk assessment requires for that offender.

Otherwise, if you haven't got that level of evaluation, I wonder whether the program would be effective at all. But assuming that you're moving in that direction, thank you very much.

**B. Ralston (Chair):** Last question, Lana.

**L. Popham:** My question pertains to the restorative justice model. Although this report doesn't deal specifically with that model or those programs across B.C., I do note that the title of youth probation officer coordinates with that program. I'm wondering if the consistency or inconsistency of training would apply in regards to youth probation officers. And how many youth probation officers are trained specifically for that job?

**E. Clark:** Youth probation officers are not part of community corrections and corporate programs. They fall under the Ministry of Children and Family Development and in the youth justice area, so I can't comment on how many youth probation officers there are and what type of training they receive.

**B. Ralston (Chair):** Okay. Thanks very much. We're going to have to conclude this section.

I want to thank the Auditor General and our invited guests for their comments.

I'm going to suggest that we amend the agenda and bring Mr. Mitchell forward. What I'm expecting is that he's made the documents available at the Clerk's office. No one has expressed any concern about them, so I'm expecting that if we bring him forward, we can deal with his proposed resolutions fairly expeditiously and then move to item 2 on the agenda, rather than have Mr. Mitchell come back again.

So if he could come forward, assuming I won't see any objection to that change in the agenda. I don't see any.

### Records Retention and Disposal

**B. Ralston (Chair):** Mr. Mitchell, if you could just come forward. We have a written report before us. I don't think you need to explain it. I think it's fairly straightforward.

Are there any questions of Mr. Mitchell on his report? I don't see any. Is there a motion, then?

**D. Horne (Deputy Chair):** Yeah, I have a motion. I move that these six resolutions for records retention and disposal authorities, tabled on April 24, 2012, and recommended by the Public Documents Committee, be approved as presented.

**B. Ralston (Chair):** Any discussion? Seeing none.

Motion approved.

**B. Ralston (Chair):** Thanks very much, Mr. Mitchell.

**G. Mitchell:** Thank you, sir.

**B. Ralston (Chair):** Now move to the next report, the Office of the Auditor General follow-up report. We're going to deal first with the follow-up report of October 2011.

I'm going to ask, perhaps, the Auditor General just for a very brief summary that may apply to both, in the sense of the mandate of the office to prepare follow-up reports, their importance in the audit process. Then we'll entertain questions on, first, the October 2011 report and then the March 2012 report.

[0940]

**J. Doyle:** We've actually put the two reports together, but we can deal with them separately if questions come that way.

**B. Ralston (Chair):** I'm happy to deal with them together.

### Auditor General Follow-up Reports

**J. Doyle:** Okay. As you know, my office follows up on our reports roughly every six months to one year after publication. This process helps to ensure that the recommendations that have been accepted are addressed and that British Columbians receive the full value from my office's work. These follow-ups can take a number of different forms, and the two reports we're discussing today comprise mainly agency self-assessments. This is the agencies' words about how well they've progressed against the recommendations.

Overall, I'm pleased that agencies are reporting progress and implementing recommendations placed before them. There are instances where little or no action has been taken. Sometimes there is a good reason and sometimes not so good, but I will continue, as always, to follow up, although you'll notice on the last page of the reports some of these particular recommendations have been followed up on numerous occasions.

The high implementation rate reinforces the relevancy of this office's work in promoting effective, efficient and economical management in government. I thank the project team for their hard work. It's basically the communications group within the office.

I'll now turn over to Mike Macdonell, the assistant Auditor General responsible for overseeing this process, for a brief presentation.

**M. Macdonell:** Thank you, John. Good morning, everyone.

Our office published its last two biannual follow-up reports in October 2011 and March of this year.

As discussed with the committee before, there is a view shared by legislators and our office that it's not enough for the Auditor General to simply issue recommendations and hope that they will be acted upon. Following up is critical to ensuring that our work is having the influence intended and that British Columbians receive full value from our services. So twice a year we follow up with organizations we have audited and ask them to provide an update on their progress.

Currently we have four forms of follow-up. This framework has been presented to the committee before, so I'll only run through it very briefly as a reminder.

The first form of follow-up is action plans. Agencies are asked to provide an action plan describing how they'll implement our recommendations and by when. The action plan — if it's not available at the time we publish our report initially, as part of the agency's formal response, we'll post it on our website alongside our report.

The second is a self-assessment. Within six months to a year after one of our reports has been issued, we ask the audited agency to provide a self-assessment of their progress in implementing our recommendations as well as their plans for going forward. We publish these submissions unedited and in their entirety so that readers can assess for themselves whether or not progress has been satisfactory.

To be clear, these are management's representations. While we read each update, and in some cases discuss them with an individual entity, they are not audited in any way, and we offer no assurance concerning their fairness, completeness or accuracy.

We expect that most of our recommendations will be cleared during this initial follow-up. Subsequent follow-ups, however, may be required on outstanding recommendations of certain key recommendations that have

not been satisfactorily addressed.

A third form of follow-up is the progress assessment. This involves assessing some or all of an organization's representations to confirm the reliability. The results of a progress assessment are published in the next available follow-up report.

The fourth form of follow-up is the progress audit. This involves auditing the self-assessment of certain recommendations. We have yet to select any submissions for this level of examination, given the extensive resources required to complete the work. Now, the results of progress audits would also be published in the next available follow-up report.

The October 2011 follow-up report contains self-assessed updates on 11 reports with a total of 62 recommendations. Audited organizations reported action on 84 percent of our recommendations, and 23 percent were fully or substantially implemented, or the organization chose alternate action to address the recommendation, and 61 percent have been partially implemented. No action had been taken on ten recommendations, which the Auditor General addresses in his comments in the report on pages 1 through 3.

[0945]

Six months later, in our March 2012 report, we published self-assessed updates on 11 pieces of work representing 55 recommendations. Audited organizations reported that they took action on 91 percent of the recommendations, 38 percent were fully or substantially implemented, and 53 percent had been partially implemented. No action was taken on five recommendations. Again, the Auditor General addressed this in his comments in the first two pages.

Our follow-up reports contain a three-year rolling cumulative assessment. In October last year these cumulative results showed that 202 of the 273 recommendations, or 74 percent of the total, were self-assessed as fully or substantially implemented, or alternative action had been taken; 22 percent of our recommendations had been partially implemented; and no substantial action was taken on ten recommendations, 4 percent of the total.

By March 2012, 204 of the 284 recommendations, or 72 percent, had been self-assessed as fully or substantially implemented, or alternate action was taken; 23 percent had been partially implemented. No substantial action had been taken on 14 of the 284 recommendations issued. This includes nine of the ten that were outstanding in October plus an additional five that were followed up for the first time.

These outstanding recommendations are from the following reports: *B.C. Hydro: The Effects of Rate-Regulated Accounting*, issued in October 2011, with one recommendation outstanding; *Audit of the Agricultural Land Commission*, issued in September 2010, with five outstanding recommendations; school district 35, Langley, the summary report issued in December 2010 — there

were three outstanding recommendations; *Wireless Networking Security in Government: Phase 3*, issued in December 2011, with four outstanding recommendations; and *Upkeep of the Provincial Roads Network by the Ministry of Transportation and Infrastructure*, issued November 2010, with one outstanding recommendation.

We'll continue to follow up on recommendations that are only partially implemented or where no substantial action has been taken.

As part of our no-surprises approach, we currently list our plans for future follow-ups on the last page of each report. For a list of reports currently in the follow-up stage, please see appendix A of our last report on page 46.

These plans are flexible and may change in light of new developments or circumstances. For example, because of changes in funding and legislation related to the Agricultural Land Commission Act, the office postponed its planned follow-up until the fall this year to give the commission time to adjust to these developments. As you'll see from the schedule, we continue to plan for a robust follow-up process.

**B. Ralston (Chair):** I had a question just on *B.C. Hydro: The Effects of Rate-Regulated Accounting*. That's page 14 of the report of March 2012. One recommendation is partially implemented, and one, no action taken. Can the Auditor General explain the difference of opinion or the reason why that is so?

**J. Doyle:** This particular recommendation has been overtaken by events. When this report was written, it was assumed that the extension of the PSAB, the accounting standards, which had taken place the year before, for one year, for rate-regulated accounting... That was not in place yet. We've now heard that in fact that recommendation to extend it another year has actually been put into place. As a result, deferred accounting, as it's called — rate-regulated accounting — is permitted under PSAB for another year for B.C. Hydro.

The response here talks about pending and ongoing review of rate regulation in IFRS. That hasn't happened yet, and it's not likely to happen in the near future. But what has happened is that there has been an extension to the capacity of the province to actually use rate-regulated accounting for another year. That is this year, and it finishes on the 31st of March next year. I'm not sure what will happen after that in regard to the GAAP framework.

[0950]

If the GAAP framework is not adjusted or extended again, then this regulation will be in place, and this regulation permits the use of an American standard to continue to defer regulated assets into the future.

The report referred to the quantum of those assets being in the order of \$5 billion. That's partially my assessment but also is the figure that was put into the internal report done on B.C. Hydro some time ago. My question

has always been: what's going to happen to those regulated assets and how are they going to be recovered? At the moment, the only mechanism I can see for them to be recovered is through tariffs. So my concerns still stand, but the situation has changed because of the change by PSAB.

**L. Popham:** My question is around the report on the Agricultural Land Commission.

Some of the comments that came out in the original report mentioned that the funding for the commission was deterring the commission from fulfilling its mandate, one of them being protecting farmland. Is that something that would be commented on in the next follow-up report, given the funding that was established over the last 12 months?

Also, around recommendation 4, the idea of the delegation agreements that are in question around the Fraser-Fort George regional district. I think the question here is whether delegation agreements actually fulfil the mandate as well — of protecting farmland. Delegation agreements have never been audited themselves. So I'm curious about recommendation 4 only because if we're funding a way to oversee a delegation agreement when, in fact, they may be working against the mandate, it's a concern.

**J. Doyle:** The delay in the Agricultural Land Commission was partly the referral of the report by the new chair of the Agricultural Land Commission to the minister and the minister reviewing that report and determining what was required. That took a bit longer than everyone guessed.

I'm not quite sure that my report actually said that they need more money. What I said was that they couldn't operate, if that means the same thing. I'm not sure that it does. It was just explaining the situation. There are many ways of dealing with that situation.

The request was for more money by the chair, and I think some more money has been afforded to them. I'd look with interest to see how many of these recommendations can be dealt with when we follow up in April next year more formally.

When it came to the delegation, I think, from memory, there were three delegations that existed. One was to the Oil and Gas Commission, and then there were two to local government or local authorities.

I think that there is a genuine concern that needs to be addressed by the Agricultural Land Commission as to how those delegations actually operate and work, because there do seem to be some differences between the Agricultural Land Commission approach to releasing agricultural land and what is actually occurring within those delegations.

When we conducted the audit, we were given assurances that they are monitored to ensure that they are within the spirit as well as the letter of the agreement.

But you are correct. We did not do any detailed work in regard to those agreements. When I consider progress next April, I might very well consider whether or not we need to do any additional work.

As always, it's a useful time for me to suggest that if there is any area that any members would like me to look at and to conduct additional work in regard to any recommendations, I'm more than happy to take those suggestions and see what can be done for a future publication.

**L. Popham:** I just have one follow-up.

Is the Auditor able to tell us who commented that the delegation agreements are being overseen and monitored?

**J. Doyle:** Sorry?

**L. Popham:** Who said that the delegation agreements were being monitored?

[0955]

**J. Doyle:** Okay. I don't think it's a detailed analysis. It certainly doesn't happen with the Oil and Gas Commission. I think just what happens there is recorded.

When it comes to the other two, there's an overview, but it's not a detailed audit of process or anything else like that. It's just a check to ensure that what is actually occurring is properly recorded in the ALC record and also seems to be within the spirit of the delegation.

I don't think there's a formal assessment process, although that may well have changed since the conduct of the audit.

**B. Ralston (Chair):** Thank you.

I don't see any further questions.

**K. Corrigan:** Do you want me to do it now or later? Come back?

**B. Ralston (Chair):** We have five minutes, and we still have any other business. I'm not sure if there'll be anything there, but go ahead.

**K. Corrigan:** Okay, I will. Thank you, Chair.

I wanted to follow up with the self-assessment done with regard to planning for school seismic safety, and I have a few questions on it.

My first question is.... I'm wondering if the Auditor General knows — it's on page 31 of the report — when this self-assessment was done. I assume it was done slightly before the third follow-up, which was October of 2011. I'm just trying to get, first of all, a timeline for when this self-assessment was done by the Ministry of Education.

**J. Doyle:** The request for self-assessment usually goes out a couple of months before publication. Then there's a process whereby we send out a template and everything, and they return their assessments. We quickly review them, and then we arrange for publication on line. So usually it's not that much out of date — maybe a month.

**K. Corrigan:** I did have a number of questions about this and some of the other reports, so I hope there'll be an opportunity in the future to ask further questions. I guess I'd boil it down to.... There is a lot of partial implementation with regard to seismic safety, and it's been going on for a long time. So I'm wondering if the Auditor General is considering, for example, doing a progress audit with regard to this particular file.

**J. Doyle:** There are two aspects to self-assessments that perhaps we should explore. We've actually seen this occur, and that is that sometimes ministries, with a good deal of caution, tend to grade themselves as partly assessed when in fact they've done a lot of work. Partly completed means that they may have only just started but they're doing something or that they're nearly finished and they've done something.

In fact, we had a couple of agencies that actually, from one year to the next, changed it from substantially complete to partly because they'd reassessed what in fact they had done and whether or not they'd completed the audit.

So it is probably fair to say that a lot of work was required following those recommendations on seismic

safety. There were a lot of issues in there, and some of them could not be dealt with very, very quickly. So it's probably worth going back to have a look. If that's one of the suggestions that comes up, I'd certainly countenance that.

**B. Ralston (Chair):** We have less than 30 seconds, so perhaps the vice-Chair and I can discuss whether we'll continue this with further questions or whether we can reduce those questions to writing. There's one last item: any other business. Is there any other business?

#### Other Business

**G. Gentner:** Before the bells ring, to the Auditor General: perhaps we can, by next meeting, receive a report on your investigation relative to the Basi-Virk B.C. Rail trial settlement agreement. I know you've been investigating that. I think you were supposed to receive some information by the end of last year. I'm interested to know how you're making out with that, and I duly ask that you could report back to the Public Accounts.

**J. Doyle:** Chair, as you know, I don't comment on reports that are in progress at any time. That's always been my practice and what have you. But as soon as I'm ready to report, I will.

**B. Ralston (Chair):** Thank you very much. We're going to adjourn.

The committee adjourned at 10 a.m.

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