

## Chapter 13

# Justice and Attorney General and Corrections, Policing and Public Safety—Implementing Strategies to Reduce Short-term Remand

### 1.0 MAIN POINTS

Individuals held on short-term remand is the primary reason for continuous increases of adults in provincial correctional centres, making up about 55% of those admitted into custody.<sup>1</sup> Short-term remand refers to accused individuals awaiting trial held in correctional centres for 31 days or less.

By January 2023, the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety improved their processes to implement strategies to reduce short-term remand in Saskatoon and surrounding area. Of the six recommendations we made in 2021, the Ministries implemented two recommendations and made progress on the other four recommendations.

Since our initial performance audit in 2021, the Ministries shifted strategic focus from reducing short-term remand to reducing returns to custody. Reducing returns to custody means developing strategies to improve community reintegration efforts after a person leaves a correctional centre, with the objective of reducing the likelihood of returning to custody. As of January 2023, 94% of individuals on remand have previous court orders, which include previous criminal convictions or pending charges.

Internally, the Ministries established a Pathways Committee in April 2022 to oversee strategies for reducing returns to custody. We found the Ministries provided the Pathways Committee with reasonable information to support the committee in carrying out its roles and responsibilities.

In October 2022, the Ministries partnered with Saskatoon Tribal Council to deliver a program focused on reintegrating female offenders back into the community. The Ministries developed a performance measurement framework with targets that measure reductions in returns to custody as a result of the program. However, the Ministries have not yet collected and analyzed any data related to the program's key measures because the program is in its early stages of operation.

The Ministries continue to operate the Early Case Resolution and Rapid Remand Response strategies as well to reduce the amount of time individuals spend on remand. The Ministries' evaluations of strategy effectiveness are not yet complete.

Periodic evaluations and data analysis will help the Ministries determine whether its strategies contribute to desired outcomes and, if not, where adjustments to its strategies are needed.

<sup>1</sup> [www150.statcan.gc.ca/n1/pub/71-607-x/71-607-x2019018-eng.htm](http://www150.statcan.gc.ca/n1/pub/71-607-x/71-607-x2019018-eng.htm) (8 March 2023).



## 2.0 INTRODUCTION

### 2.1 Background

The Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety have legislative responsibilities to remand people appropriately. While the Ministries have a duty to ensure appropriate use of remand, the choices of the accused (e.g., significance of their actions that bring them before the courts) also affect remand decisions.

- The Minister of Justice and Attorney General is responsible for administration of public affairs in accordance with the law and providing superintendence of all administration of justice matters in Saskatchewan.<sup>2</sup> This includes treating people on remand in accordance with *The Canadian Charter of Rights and Freedoms* and *The Criminal Code*.
- The Minister of Corrections, Policing and Public Safety is responsible for providing assistance to the courts in pre-trial or pre-sentence decision making and providing correctional services and programs (including assessing, supervising, control and custody of offenders).<sup>3</sup>

Taking effective measures to reduce the number of people on short-term remand is complex. It involves the long-term commitment, coordination and engagement of policing and justice services. It requires balancing the competing principles of respecting the liberty rights of the accused while ensuring public safety. Furthermore, it requires operating within public-sector financial constraints; recognizing societal and government views on law and order issues, and tolerance for risk; as well as the links between the criminal justice system and other social issues, such as poverty and substance abuse.<sup>4</sup>

### 2.2 Focus of Follow-Up Audit

This chapter describes our first follow-up audit of management's actions on the recommendations we made in 2021.

Our *2021 Report – Volume 1*, Chapter 8, concluded, for the 12-month period ended September 30, 2020, the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety had effective processes to implement their strategies for reducing short-term remand in Saskatoon and surrounding area, except for the areas reflected in our six recommendations.<sup>5</sup>

To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministries' progress toward meeting our recommendations, we used the relevant criteria from the original audit. The Ministries' management agreed with the criteria.

<sup>2</sup> *The Justice and Attorney General Act*, section 9(1).

<sup>3</sup> *The Correctional Services Act*, section 4(1).

<sup>4</sup> Adapted from Office of the Auditor General – Manitoba (2014). *Annual Report to the Legislature, Chapter 6: Managing the Province's Adult Offenders*, Winnipeg: Author.

<sup>5</sup> *2021 Report – Volume 1, Chapter 8*, pp. 91–109.

For this follow-up audit, we interviewed staff responsible for strategies to reduce short-term remand and examined relevant documentation (e.g., manuals, agreements, committee minutes). We assessed the Ministries' program development manual and reviewed program evaluations.

## 3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at January 31, 2023, and the Ministries' actions up to that date.

### 3.1 Strategic Focus on Reducing Returns to Custody

Since our initial performance audit in 2021, the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety shifted strategic focus from reducing short-term remand to reducing returns to custody.

Short-term remand refers to accused individuals awaiting trial held in correctional centres for 31 days or less. Reducing returns to custody means developing strategies to improve community reintegration efforts after an individual exits the criminal justice system (e.g., released from serving a sentence), with the objective of reducing the likelihood of returning to custody. As of January 2023, 94% of individuals on remand have previous court orders, which include previous criminal convictions or pending charges.<sup>6</sup>

The Ministries' 2022–23 Business Plan includes the following strategies: partner with community and Indigenous organizations to provide pathways out of the criminal justice system, and support reintegration through tailored programming for safe transitions.<sup>7</sup>

In October 2022, the Ministries partnered with Saskatoon Tribal Council (service provider) to deliver a program focused on reintegrating female offenders back into the community. The program, called *īkwēskīcik iskwēwak* (pronounced “ah-gwee-ski-chick isk-way-wuk”), is Cree for “women turning their lives around”. The program provides up to 18 months of support, such as mental health and addictions support, transitional housing, and training and education to females with multiple custody admissions. Depending on the service level needed, the program will have capacity for 30–60 women at any given time.

The Ministries also continue to operate the Early Case Resolution and the Rapid Remand Response strategies.<sup>8</sup> The Early Case Resolution strategy involves a prosecutor and Legal Aid duty counsel meeting on Sundays to review weekend arrest files to identify and prepare cases that could be concluded or advanced on Mondays.<sup>9</sup> The Rapid Remand Response strategy consists of a dedicated prosecutor who identifies new arrest cases daily for possible rapid resolution.

<sup>6</sup> Adapted from information provided by the Ministry of Justice and Attorney General and Ministry of Corrections, Policing and Public Safety.

<sup>7</sup> Ministry of Corrections, Policing and Public Safety, Ministry of Justice and Attorney General, and Firearms Secretariat, *Business Plan 2022–23*, pp. 6–7.

<sup>8</sup> As per our original audit, the Ministries discontinued the Community Alternatives program effective March 31, 2021.

<sup>9</sup> Duty counsel refers to a lawyer, paid by a provincial legal aid agency, who provides representation to an accused, remanded individual at their first court appearance. Adapted from: [www.legalaid.sk.ca/about/legal\\_services.php](http://www.legalaid.sk.ca/about/legal_services.php) and [www.legalaid.sk.ca/legal-help/criminal-matters/](http://www.legalaid.sk.ca/legal-help/criminal-matters/) (7 February 2023).



Focusing on reducing returns to custody will also impact reducing short-term remand if programs help offenders successfully reintegrate into their communities (e.g., not commit future crimes). Therefore, we consider the Ministries' development of strategies to reduce returns to custody as relevant in addressing our audit recommendations about reducing short-term remand.

## 3.2 Evaluations of Strategies Incomplete

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***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety focus on collecting data for key measures, and establishing associated data definitions, for evaluating the strategies to reduce short-term remand.*** (2021 Report – Volume 1, p. 100, Recommendation 1; Public Accounts Committee agreement March 2, 2022)

**Status**—Partially Implemented

***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety include context, data limitations, and key assumptions relevant to making informed decisions within evaluations of the strategies to reduce short-term remand.*** (2021 Report – Volume 1, p. 105, Recommendation 4; Public Accounts Committee agreement March 2, 2022)

**Status**—Partially Implemented

The Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety's evaluations of strategies to reduce short-term remand are not yet complete. As a result, we are unable to assess whether the evaluations include key measures and related data definitions, context, data limitations, and key assumptions.

In February 2022, the Ministries developed a manual setting out the required steps for short-term remand program design and monitoring, as well as for data collection and reporting. When developing a new short-term remand program or strategy, Ministries' staff must:

- Set and prioritize short, medium, and long-term outcomes that provide the basis for evaluation (establish key measures)
- Establish data related to key measures by setting program indicators from the outcomes
- Set out data collection methods
- Establish data definitions/key terms for a shared, recorded understanding of what these terms mean, and a clear understanding for collecting, using, and interpreting data

The manual further outlines that Ministries' staff document context (e.g., time constraints, extent of analysis), data limitations (e.g., data excluded from analysis) and key assumptions used when conducting evaluations.

The Ministries contracted a third party to conduct a process and outcomes evaluation for the Early Case Resolution and Rapid Remand Response strategies. The third party completed the process evaluation in October 2021, but did not yet complete the outcomes evaluation at January 2023. The Ministries expect to receive the completed evaluation in March 2023.

We found the process evaluation for the two strategies appropriately included context, data limitations, and key assumptions relevant to understand the results. The evaluation made recommendations for process improvements such as developing a program manual, assigning dedicated staff (prosecutor and duty counsel), and expanding the program to other communities with sufficient arrest volumes.

Having robust and clear documentation of data limitations (e.g., data availability) and context in program evaluations allows key decision makers to make informed decisions. As data collection takes time and effort, focusing on collecting data for key measures increases the effective use of resources.

### 3.3 Reasonable Targets Established

***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety establish target(s) conducive to measuring whether they are reducing short-term remand.***

*(2021 Report – Volume 1, p. 101, Recommendation 2; Public Accounts Committee agreement March 2, 2022)*

**Status**—Implemented

The Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety established targets conducive to measuring reductions in returns to custody.

The Ministries' manual for program design and monitoring outlines that new programs set targets to help determine the program's success, including how quickly, and to what extent, the program will reach each target.

In November 2022, the Ministries, in collaboration with the University of Saskatchewan and the service provider (i.e., Saskatoon Tribal Council), developed a performance measurement framework for the *īkwēskīcik iskwēwak* program.

The framework includes measures and targets conducive to measuring reductions in returns to custody such as:

- Stable housing (clients in permanent housing by 18 months)
- Family reunification (clients reunited with their children within five years)
- Improved financial situation (clients achieve some income stability by 18 months)



We found the performance measurement framework aligned with the priority areas identified by the Government of Canada's Framework to reduce recidivism.<sup>10</sup>

The Ministries have not set specific targets for the Early Case Resolution and Rapid Remand Response strategies. However, as noted in **Section 3.2**, the Ministries anticipate receiving an outcomes evaluation for these strategies in March 2023.

Having targets that provide insight into measuring outcomes will help the Ministries to know whether the strategy for reducing returns to custody makes sufficient progress and whether any adjustments are needed.

### 3.4 Routine Data Analysis of Strategies Needed

***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety collect and analyze key information from external partners when evaluating strategies to reduce short-term remand.*** (2021 Report – Volume 1, p. 102, Recommendation 3; Public Accounts Committee agreement March 2, 2022)

**Status**—Partially Implemented

***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety routinely analyze data for key measures associated with the strategies to reduce short-term remand.*** (2021 Report – Volume 1, p. 105, Recommendation 5; Public Accounts Committee agreement March 2, 2022)

**Status**—Partially Implemented

The Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety have not yet collected and analyzed data related to key measures associated with strategies for reducing returns to custody.

As discussed in **Section 3.3**, the Ministries developed a performance measurement framework in November 2022 for the *īkwēskīcik iskwēwak* program that includes measures and targets helpful in evaluating reductions in returns to custody. The Ministries contracted with an independent third party to periodically assess progress.<sup>11</sup>

The Ministries and the service provider agreed the service provider (i.e., Saskatoon Tribal Council) will share data on key program measures monthly. As well, the agreement notes regular evaluation of the program to provide opportunities for improvement and ensure program objectives are met.

The Ministries expect the third party to complete an evaluation based on the data from the service provider approximately every six months and provide the evaluation to its Pathways Committee.

<sup>10</sup> [www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2022-fdrl-fmwrk-rdc-rcdvsm/index-en.aspx](http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2022-fdrl-fmwrk-rdc-rcdvsm/index-en.aspx) (25 January 2023).

<sup>11</sup> The Ministries contracted with the third party (five-year agreement starting in 2020) to perform research and analysis (e.g., data analytics, evaluations) on requested areas, including remand and returns to custody.

Given the program is in the early stages of operations, the Ministries have not yet collected data on the key measures, and not yet obtained an evaluation on the program.

The Ministries are also using a strategic dashboard to analyze trends in the criminal justice system, such as changes in custody populations (e.g., admissions and discharges to/from correctional centres, number of persons on remand/sentenced, readmission rates). We found the Ministries share information in the dashboard with senior management weekly. Senior management use the dashboard to run ad hoc analysis on areas of strategic focus as well.

Routine evaluation and analysis of whether strategies operate as intended can assist the Ministries in assessing whether any changes are needed.

### 3.5 Information Provided Supports Committee Objectives

***We recommended the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety determine the information needs of the remand committees used to support the remand initiative.*** (2021 Report – Volume 1, p. 108, Recommendation 6; Public Accounts Committee agreement March 2, 2022)

**Status**—Implemented

The Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety provided the Pathways Committee with reasonable information to support it in carrying out its roles and responsibilities.

As discussed in **Section 3.1**, the Ministries shifted focus from reducing remand to reducing returns to custody. The Ministries established the Pathways Committee in April 2022 to oversee strategies for reducing returns to custody.<sup>12</sup> The Ministries set out the objectives of the Committee, as well as members' roles and responsibilities (see **Figure 1**).

We found the information provided at quarterly Committee meetings supported the Committee's objectives and aligned with Committee member responsibilities (e.g., program updates, status of evaluations, future program development).

**Figure 1—Pathways Committee**

| Pathways Committee |  |
|--------------------|--|
| <b>Purpose</b>     | Provide high-level strategy and oversight, and make recommendations for reducing returns to custody. This includes using data to develop strategic approaches to break the cycle of reoffending, evaluating effectiveness of programs; using performance metrics and evaluations to continue or amend programs and to develop new programs; and working to elevate community and Indigenous partnerships to create better outcomes through successful reintegration. |

<sup>12</sup> In late 2021, the Ministries wound up the two committees overseeing the remand initiative – the Custody Population Consultation Committee and the Remand Initiative Committee.



| Pathways Committee |   |
|--------------------|---|
| <b>Membership</b>  | <b>Executive Sponsor:</b> <ul style="list-style-type: none"><li>• Deputy Minister, Ministry of Corrections, Policing and Public Safety</li></ul> <b>Ministry Members:</b> <ul style="list-style-type: none"><li>• Community Engagement</li><li>• Custody, Supervision, and Reintegration Services</li><li>• Policing and Community Safety Services</li><li>• Public Prosecutions</li><li>• Research and Implementation Branch</li><li>• Strategic Policy, Planning, and Reporting</li></ul> |

Source: Adapted from information provided by the Ministry of Justice and Attorney General and the Ministry of Corrections, Policing and Public Safety.

As discussed in **Section 3.4**, we found the Ministries use a strategic dashboard to monitor trends in the criminal justice system, such as changes in custody populations, as well as length of stay on remand. The Ministries use this information to assess trends and inform Committee decisions on programs to reduce remand and returns to custody.

Providing Committee members with key information about how well the reducing returns to custody and remand strategies are progressing helps keep them sufficiently informed to make decisions.