

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

**The Honourable Justice /
L'honorable juge
G. Normand Glaude**

Commissaire

**VOLUME 24
2 of 2**

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Monday, May 01, 2006

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Lundi, le 1 mai 2006

Appearances/Comparutions

Mr. Pierre R. Dumais	Commission Counsel
Ms. Louise Mongeon	Registrar
Ms. Reena Lalji	Cornwall Police Service Board
Mr. Neil Kozloff Acting Supt. Colleen McQuade Ms. G. Saccoccio Brannan, Q.C.	Ontario Provincial Police
M ^e Claude Rouleau Mr. Mike Lawless Mr. Lorenzo D. Policelli	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Mr. Christopher Thompson	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Allan Manson	Citizens for Community Renewal
Mr. Dallas Lee Ms. Lauren Schellenberger	Victims Group
Mr. William Carroll	Ontario Provincial Police Association
Mr. Mike Lawless M ^e Claude Rouleau Mr. Lorenzo D. Policelli	Ms. Marg Hughes

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1 --- Upon resuming at 14:00 p.m./

2 L'audience est reprise à 14h00

3 **THE REGISTRAR:** This hearing of the Cornwall
4 Public Inquiry is now in session.

5 Please be seated. Veuillez vous asseoir.

6 **THE COMMISSIONER:** Good afternoon, sir.

7 **MR. THOMPSON:** Good afternoon, Mr.
8 Commissioner. I've been speaking with Commission counsel
9 who asked me to come up and introduce myself. My name is
10 Chris Thompson and I'm counsel for the Ministry of the
11 Attorney General. Thank you.

12 **THE COMMISSIONER:** Thank you. Good to meet
13 you.

14 **MR. DUMAIS:** Good afternoon, Commissioner.

15 **THE COMMISSIONER:** Good afternoon, sir.

16 **MR. DUMAIS:** I'd like to call the next
17 witness who is already seated, Ms. Marg Hughes.

18 **MS. MARG HUGHES, Sworn/Assermentée:**

19 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MR.
20 DUMAIS :

21 **MR. DUMAIS:** Good afternoon, Ms. Hughes.

22 You should have eight documents or eight
23 Book of Documents in front of you. I'd like you to have a
24 look at them and identify them if you can, starting with
25 the first volume which contains Tabs 1 through 10. You can

1 firstly turn to the index tab and simply confirm that this
2 index contains a listing of all of the documents that you
3 will be referring to and that the two other witnesses from
4 Correction will be referring to throughout the week. Is
5 that correct?

6 **MS. HUGHES:** That's correct.

7 **MR. DUMAIS:** All right.

8 **THE COMMISSIONER:** So you're claiming
9 responsibility for all these books.

10 **MS. HUGHES:** How many trees?

11 **MR. DUMAIS:** Now then, if you can just put
12 your attention to Tab 1 and that is the outline which you
13 have prepared together with your colleagues and you'll be
14 referring to this outline throughout your evidence.
15 Correct?

16 **MS. HUGHES:** Correct.

17 **MR. DUMAIS:** And your evidence at the second
18 and third page refers to -- or contains a table of contents
19 which sets out the subject matters that will be addressed
20 by all three witnesses.

21 **MS. HUGHES:** Correct.

22 **MR. DUMAIS:** Tabs 2, 3 and 4 refer through
23 to the three different bios of the three witnesses with
24 yours being at Tab 2. Correct?

25 **MS. HUGHES:** Correct.

1 **MR. DUMAIS:** The remainder of the tabs
2 contain the documents which are listed in your index and
3 they are contained throughout Volumes 1 through Volume 8.
4 Correct?

5 **MS. HUGHES:** Correct.

6 **MR. DUMAIS:** If we can then file the Book of
7 Documents for Corrections, Volume 1 through 8 as I believe
8 Exhibit 34.

9 **THE COMMISSIONER:** That's right.

10 Thank you. So noted.

11 **--- EXHIBIT NO./PIÈCE P-34:**

12 BOOK OF DOCUMENTS - CORRECTIONS

13 VOLUME 1 - 8

14 **MR. DUMAIS:** Now, Ms. Hughes, you should
15 have a coloured chart in front of you as well.

16 **THE COMMISSIONER:** One of the
17 prerequisites for being a clerk is an ability to handle
18 many documents.

19 **MR. DUMAIS:** Yes.

20 If you can just identify that chart for
21 us, Ms. Hughes.

22 **MS. HUGHES:** The chart is titled Ministry of
23 Correctional Services Timeline - ALL EVENTS. In
24 consultation with my colleagues who will also be presenting
25 at this hearing, we've gone through and certainly there on

1 the left side are the years, 1951 to 2006. We also have
2 the age of offenders, adults over 16, children under 16.
3 Those are the arrows going down the left-hand side.

4 My area is Adult Community Corrections and
5 those boxes are highlighted in yellow. Those are some of
6 the events that I would like to speak to and my other two
7 colleagues will be speaking to the other boxes. Youth
8 Services is in the purple and Training Issues is in the
9 blue.

10 **MR. DUMAIS:** Now, my understanding is, a
11 copy of that chart is contained on three 8 1/2 x 11 pages
12 which we will find at Tab 15 of your Book of Documents.

13 **MS. HUGHES:** That's correct.

14 **MR. DUMAIS:** All right. And my
15 understanding as well, is that throughout your presentation
16 you'll be making reference to this chart, indicating to us
17 the different or the noteworthy dates and the events that
18 occurred on that date.

19 **MS. HUGHES:** Correct.

20 **MR. DUMAIS:** Commissioner, if we can file
21 this coloured chart as Exhibit 35.

22 **THE COMMISSIONER:** Yes.

23 **---EXHIBIT NO./PIÈCE P-35:**

24 Ministry of Community Safety and
25 Correctional Services Timeline - ALL

1 EVENTS

2 MR. DUMAIS: Now, Ms. Hughes, before we
3 start with your presentation, my understanding is that
4 you've been with Corrections for approximately 22 years in
5 their employment. Perhaps you can start with the first
6 time you were hired by them, back in 1984 and just give us
7 an overview of what you were doing at that time and the
8 different jobs that you have held over the years with
9 finally the last one, that terminated in 2006.

10 MS. HUGHES: Thank you.

11 Excuse me, actually in 1984, I was working
12 with a transfer payment agency who was contracted by the
13 Ministry to provide community service order programs. It
14 was a volunteer program introduced. Then I joined the
15 Ministry as a probation officer in 1985, in North Bay and
16 eventually became the acting area manager in 1990.

17 From 1991 to '97, I worked as an analyst at
18 the satellite, basically, of the head office in North Bay,
19 developing policy and programs. That was for community
20 services and for residential services.

21 From 1997 to '99, I was an information
22 analyst in the Information Management unit and we were
23 expected to develop briefing notes and correspondence on
24 behalf of the Minister.

25 In 2000, I became the manager of

1 Correctional Policy Development. That was the unit that
2 responded to government requests for changes in policy. We
3 dealt with corporate offices, management for that kind of
4 thing.

5 Then from 2002 until April of 2006, I was
6 the manager of Adult Community Services. That's the unit
7 responsible for monitoring, developing, reviewing, revising
8 policies for -- and programs actually for offenders in the
9 community under probation, parole and conditional sentence.

10 **MR. DUMAIS:** And after this long and
11 illustrious career, I understand that you have now retired.
12 Is that correct?

13 **MS. HUGHES:** Two weeks ago.

14 **THE COMMISSIONER:** What a way to start a
15 retirement.

16 **MS. HUGHES:** I know. I said I'd do it.

17 **MR. DUMAIS:** Now, Ms. Hughes, if I can just
18 turn your attention to Tab 1 and the table of contents once
19 again, just so that -- for purposes of clarity, can you
20 identify the areas that you're going to be dealing with and
21 identify the areas that Mr. Glen Semple will be dealing
22 with and finally, which areas Mr. Jim Bunton will be
23 dealing with.

24 **MS. HUGHES:** Because my area -- excuse me --
25 is with Adult Community Corrections, I will be speaking to

1 Part 2; 2.1, Part 3; 3.1 and 3.3, Part 4; 4.1, Part 5; 5.1,
2 5.3, 5.5, 5.7, 5.9, all of Section 6 except 6.5, Section 7;
3 7.1, 7.3, 7.5, 7.7, Section 8; 8.1, Section 10; 10.1, 10.2,
4 10.3, 10.4, 10.5, 10.6, 10.7, Section 12; 12.1.

5 **MR. DUMAIS:** All right, then.

6 Just to start us off, perhaps you can turn
7 to page 3, which my understanding is that your forward in
8 the forward is a general introduction on essentially the
9 evidence of all three witnesses. But perhaps you can just
10 take us through and explain to us what you've done here in
11 preparing this document, and just a general overview.

12 **MS. HUGHES:** Well, in all of these documents
13 piled before us, is an overview, it's a corporate overview
14 of the development of the Ministry of Community Safety and
15 Correctional Services with particular emphasis on
16 correctional services over the past 50 years. And you will
17 see as we go through the documents that the services that
18 were provided in the community for children, youth and
19 adults and the amount of changes that have gone through
20 with the Ministry and changes in policy and philosophy.

21 Certainly, one of my colleagues, Mr. Semple
22 will speak to the youth issues, but you will see in the
23 documents of references to the Children's Aid Society and
24 the impact that juvenile courts and different pieces of
25 legislation had on community corrections and probation and

1 parole officers.

2 You'll also see a history where we've moved
3 from the Department of Reform Institutions which was
4 specifically for facilities and moving into community
5 corrections which shows the progress of releasing offenders
6 into the community under supervision.

7 You will also see, in the following
8 documents that the Ministry's response to change around
9 supervision of young offenders or youthful offenders, the
10 12 to 15 year olds who were with the Ministry of Community
11 and Safety -- or sorry, the Ministry of Community and
12 Social Services and then the phase to 16-17 year old who
13 are with Correctional Services and the adults.

14 The one thing that we want to particularly
15 do is distinguish between services for adults and youth
16 over these 50 years.

17 **MR. DUMAIS:** All right. I understand that a
18 number of different pieces of legislations affect your
19 Ministry and you've listed some of them and my
20 understanding is that some of them have been rescinded
21 although they did at one point in time, affect Ministry of
22 Corrections. If you can just take us through the relevant
23 pieces of legislation that we find at page 4 and just tell
24 us which are still in force and how they influence the
25 Ministry?

1 **MS. HUGHES:** This is just a listing of some
2 of the ones that impact or have impacted on Community
3 Corrections. The *Canadian Charter of Rights and Freedoms*;
4 I mean basic rights and freedoms given to offenders. It
5 applies regardless whether they're on probation or not.
6 *Criminal Code of Canada*; of course that's out of statutes
7 and the right legislation for the policies and procedures
8 to operate around. *The Ministry of Correctional Services*
9 *Act* provides the duties for probation and parole officers.
10 *The Young Offenders Act, Youth Criminal Justice, Juvenile*
11 *Delinquents Act*; certainly they've played a role in
12 correctional services and the changes in those pieces of
13 legislation, I believe Mr. Semple will speak to. *Child and*
14 *Family Services Act*; that gave direction to probation and
15 parole officers regarding reporting of any suspected abuse
16 of any children. The *Provincial Offences Act* is a piece of
17 legislation that does provide some context to probation and
18 parole officers around sentencing options as well as
19 charges. The *Probation Act* is an old piece of legislation
20 that I just put in there saying that I think it's 1946 or
21 '48 -- it's basically the first piece of legislation where
22 it specifically addresses probation services.

23 The next three pieces, the *Corrections and*
24 *Conditional Release Act, Prisons and Reformatories Act* and
25 *Parole Act*; they basically being, I guess, amalgamated in

1 some respect and speak to parole issues and incarceration
2 issues as well.

3 And the *French Language Services Act* ensures
4 the right to any clients of the Ministry to have their
5 services provided in the French language.

6 **MR. DUMAIS:** Now, my understanding is that
7 although correction services under the Ministry of
8 Community Safety and Correctional Services has now
9 essentially been transformed and deals principally with --
10 or solely with adults, but at one point in time they dealt
11 with young offenders as well. And I know that one of your
12 colleagues is dealing with that, but perhaps you can just
13 briefly explain to us the different -- or the three
14 different shifts that the Ministry has gone through over
15 the years.

16 **MS. HUGHES:** Certainly. The first shift was
17 the paternalistic approach to wayward youth, they called
18 them. They were not young offenders or youthful offenders.
19 The second one was in the mid-'80s and that was with the
20 introduction of the *Young Offenders Act* and that of course,
21 did impact on correctional services as the phase to 16-17
22 year old young offenders were under the supervision or
23 jurisdiction of Correctional Services. And the latest
24 shift was the introduction of the *Youth Criminal Justice*
25 *Act* and that's -- it approaches youthful offending on a

1 more holistic effect, basically.

2 **MR. DUMAIS:** Now, if you can then turn to
3 page 6 and I'm going to ask you to go through historical
4 evolution but perhaps before you do that, you can just give
5 us an oversight or an overview of where Correction Services
6 now stand.

7 **MS. HUGHES:** Okay. Well, currently the
8 Ministry or Correctional Services as part of the Ministry
9 of Community Safety and Correctional Services, and I think
10 it's important that we're all aware that it has
11 jurisdiction over adult offenders under parole, probation
12 and conditional sentences and that the total population
13 under the jurisdiction of the Ministry which comes out to,
14 I believe, 63,000 on any given day on average ---

15 **THE COMMISSIONER:** I'm sorry, say that
16 again.

17 **MS. HUGHES:** Sorry?

18 **THE COMMISSIONER:** That's 63,000 clients?

19 **MS. HUGHES:** On any day.

20 **THE COMMISSIONER:** And this is with the
21 Y.C.G.A?

22 **MS. HUGHES:** No, just adults.

23 **THE COMMISSIONER:** Just adults, okay.

24 **MS. HUGHES:** Just adults.

25 56,000 of them are under community

1 supervision and 7,000 of them approximately are
2 incarcerated whether remanded or under sentences under two
3 years.

4 The Ministry is responsible for operating 31
5 correctional facilities; that's jails, detention centers
6 and correctional centers. And we also have 119 probation
7 and parole offices, 42 of them are area offices.

8 **MR. DUMAIS:** And my understanding is that
9 you graph these numbers and they are shown in the offenders
10 statistics at the top of page 7; is that correct?

11 **MS. HUGHES:** Yes, that's correct. It shows
12 the breakdown, the number of offenders under probation
13 supervision at any time under the jurisdiction of the
14 Ministry. These are adult offenders.

15 **MR. DUMAIS:** All right.

16 Then, if you could next give us an evolution
17 of correctional probation services throughout Ontario and
18 how that has evolved over the decades, perhaps starting
19 with the first date that is there, the 1921?

20 **MS. HUGHES:** Okay. Just briefly, in 1921
21 the *Criminal Code* was amended to provide for supervision.
22 This is basically the first reference to a release of
23 offenders in the community under supervision.

24 And in 1922 the first Order in Council to
25 appoint a probation officer was given to a judge in

1 Toronto, which I think is interesting as well.

2 In 1929 the Ontario *Probation Act* is enacted
3 and that's really -- that's the Act that that was the
4 original piece of legislation directing probation. I
5 believe we've got that at Tab 8 if you want to take a look
6 at it.

7 In 1952 probation services were provided
8 under the Ministry of the Attorney General only in four
9 locations, and that was Toronto, Hamilton, Ottawa and
10 London. The two functions at that point were the
11 preparation of social inquiries, which we call the pre-
12 sentence report now, and supervision and counseling to
13 offenders or other persons as designated.

14 In 1946, as I mentioned earlier, the
15 Department of Reform Institutions was created and assumed
16 responsibility for administration of the *Training Schools*
17 *Act*. The *Training Schools* was to provide a program of
18 treatment and training for children who had become
19 delinquent. So these were youth under this ministry.

20 In 1968 the Department of Reform
21 Institutions was renamed to the Department of Correctional
22 Services and operated under the *Correctional Services Act*.

23 Between 1921 and '51 only 14 provincial
24 probation officers had been hired and in 1950 a probation
25 branch was established under the Department of the Attorney

1 General. At that time, probation officers were responsible
2 for juvenile and adult offenders.

3 **MR. DUMAIS:** And my understanding is that at
4 that time as well, a significant number of probation
5 officers were hired or is increased at that time.

6 **MS. HUGHES:** Very few. Very few. I mean,
7 we had 14 over a 30-year span. So very few.

8 **MR. DUMAIS:** So then in the fifties the
9 complement of probation officers was significantly
10 increased; is that correct?

11 **MS. HUGHES:** M'hm. In the four years
12 between '52 and '56 the officers, the number of officers
13 grew to 94 from 15. So that's a significant chunk over the
14 four years. And subsequently, 10 supervising officers were
15 hired in 1957. There was more of a decentralization at
16 that point. Rather than having Probation Services operate
17 only at the four locations they were starting to move out
18 into various parts of the province and this structure
19 stayed until 1962 when senior officers were introduced to
20 fundamentally act as assistant supervisors. So they had
21 some supervisory responsibilities to the probation
22 officers.

23 **MR. DUMAIS:** And these assistant supervisors
24 were located at each of the decentralized offices?

25 **MS. HUGHES:** They were starting to be moved

1 out into the province, yes.

2 **MR. DUMAIS:** Okay. What was the next
3 significant change in 1965?

4 **MS. HUGHES:** Well, you'll see that by 1965
5 the probation staff had increased to 192 employees, and
6 this included officers and supervisory staff and
7 administration staff. At that point, as well, to become a
8 probation and parole officer you had to have a minimum of a
9 Bachelor of Arts degree from a university. At that time as
10 well there was a set of promotional examinations followed
11 in with the training and to get to the next level in the
12 salary bridge you had to complete the promotional
13 examinations successfully and work successfully in the
14 field for two years.

15 **MR. DUMAIS:** All right.

16 So was 1965 the introduction of training for
17 probation officers? Is that where it pretty much started?

18 **MS. HUGHES:** I believe it was a little
19 earlier, but I will leave that to Mr. Bunton to explain.

20 **MR. DUMAIS:** All right.

21 Now, in 1972 Correctional Services assumed
22 responsibility for Probations Service from the Ministry of
23 the Attorney General, and that was a significant change; is
24 that correct?

25 **MS. HUGHES:** That was a significant change.

1 That's when Correctional Services assumed responsibility
2 for all community supervision. You can see on the chart
3 that's basically when the Correctional Services line
4 commences in 1972. Adults at that point were over the age
5 of 16 so the Ministry was responsible for offenders over
6 the age of 16.

7 **MR. DUMAIS:** And then the next
8 reorganization would have been in 1973 when they combined
9 the ministries and called it the "Justice Policy Field"; is
10 that correct?

11 **MS. HUGHES:** Yes. That's basically a
12 corporate function of policy development. So in
13 partnership with the Solicitor General, the Attorney
14 General and Consumer and Commercial Relations became the
15 Justice Policy Field.

16 **MR. DUMAIS:** All right.

17 And then in 1985 there was somewhat of an
18 overhaul of the correctional facilities?

19 **MS. HUGHES:** Yes. In 1995 the Adult
20 Infrastructure Renewal Project was reintroduced and this
21 was -- the Ministry reviewed and took a look, basically, at
22 the operations of our facilities, closing down some of the
23 older ones and building newer ones. It was to benefit cost
24 efficiencies and offenders and staff.

25 **MR. DUMAIS:** And it was during that same

1 period of time that the Probation and Parole Service
2 delivery model was introduced?

3 **MS. HUGHES:** It was introduced in 1999-2000.
4 I'll speak to that later, but it was a new way of dealing
5 with offenders in the community as far as supervision and
6 programming.

7 **MR. DUMAIS:** All right.

8 And I'm at the top of page 9, top of 3.1
9 "Changes in Adult Community and Corrections" and we're
10 going back to the year 1972 where there was a significant
11 change in the Ministry. My understanding is that you
12 essentially moved from an institutional-based correction
13 systems to a probationary system.

14 **MS. HUGHES:** Yes.

15 **MR. DUMAIS:** Or greater emphasis on
16 Probation Services.

17 **MS. HUGHES:** A greater emphasis on community
18 programming and community supervision. This is when some
19 of the newer programs were introduced like the CSO program.
20 And that was -- at the time it was an alternative to
21 incarceration for lesser offences and it required offenders
22 to perform volunteer work in the community. It is still
23 used as a condition of probation.

24 **MR. DUMAIS:** But back at that time, it is
25 different in the sense that it was not a condition part of

1 the probation order, but it was a separate regime?

2 **MS. HUGHES:** No, it was part of the
3 probation order and any of the agencies or probation or
4 parole officers could go out and develop placements
5 themselves but often the Ministry contracted with transfer
6 payment agencies to establish the program and to find
7 locations to monitor the offenders while they were out
8 doing their volunteer work.

9 **MR. DUMAIS:** All right.

10 And I understand that you've marked that off
11 on your chart as well?

12 **MS. HUGHES:** It is. I like to think that
13 it's the beginning in 1978 of sort of the development of
14 community programs, and that's why I have highlighted it on
15 the chart.

16 **MR. DUMAIS:** And your next entry, then or
17 the next significant year is in 1980. Is that when you
18 started contracting out?

19 **MS. HUGHES:** Yes. There were contracts with
20 non-profit agencies, in particular; the Salvation Army;
21 John Howard, Elizabeth Fry, to provide programs that
22 weren't being provided with in the office. So the Ministry
23 would establish a contract and offenders who were deemed to
24 require alternate programming would be referred to the
25 agencies.

1 **MR. DUMAIS:** Perhaps you can give us an idea
2 of the extent of those partnerships by giving us the
3 amounts that were involved and that are involved today?

4 **MS. HUGHES:** M'hm. Well, you'll see in 1980
5 the contract values for the Ministry were -- it was
6 approximately \$5 million and that covered for both adults
7 and youth. However, as of '05-'06 the contract values just
8 for adult offenders is approximately \$6 million.

9 **MR. DUMAIS:** Now, in 1987 and '88 the new
10 standards for case supervision and recording for probation
11 and parole officers were developed and implemented?

12 **MS. HUGHES:** Yes. If we can refer to Tab 23
13 I believe that that's the original set of standards. It's
14 actually dated 1989 because the standards were developed in
15 '87-'88. They took some working, some piloting. There
16 was, you know, some of the field were not happy with them
17 and so they were brought back in-house and revised and the
18 November 1989 ones are what are here on the screen.

19 **MR. DUMAIS:** All right.

20 And was this the first set of standards that
21 were ever adopted?

22 **MS. HUGHES:** Well, no, because some of the
23 historical documents that we have, they're very, very
24 loose. I mean, the way that probation officers received
25 information on how to do their jobs was not quite as

1 refined, I guess is what it was, even in 1989. So
2 certainly, in some of the historical documents that we've
3 provided there is some guidance but nothing quite as
4 prescriptive as what we're starting into in 1989.

5 **MR. DUMAIS:** All right.

6 And is it fair to say that these standards
7 were at that time being circulated through different
8 offices and you were trying to get all these different
9 offices doing the same thing or respecting the same
10 standards?

11 **MS. HUGHES:** Exactly.

12 **MR. DUMAIS:** Whereas prior to then, these
13 standards of the different offices were responding to were
14 more decentralized or everyone was doing their own thing;
15 is that fair?

16 **MS. HUGHES:** Exactly. That's fair. I mean,
17 they were looking for consistency and professionalism
18 developing these.

19 **MR. DUMAIS:** All right.

20 Now, in 1989 you refer to a mandate that is
21 disclosed in one of your annual reports. Is this the first
22 time that the mandate for the Ministry was set out?

23 **MS. HUGHES:** No, no. Mandates are --
24 certainly back to 1978 just felt that this expresses where
25 the Ministry wanted to go, where it was heading in using

1 the words "progressive and just humane correctional
2 services" and that was what the Ministry was looking to do.

3 **MR. DUMAIS:** All right.

4 And the mandate that you're referring to we
5 find at Tab 68 of your Book of Documents; is that correct?

6 **MS. HUGHES:** Tab 68, yes.

7 **MR. DUMAIS:** All right.

8 Now, the next event that impacted the
9 Ministry occurred in 1999 -- 1990, sorry -- and that's the
10 Askov decision?

11 **MS. HUGHES:** Yes.

12 **MR. DUMAIS:** How did that impact your
13 Ministry.

14 **MS. HUGHES:** Well, if you're familiar with
15 Askov there was a backlog in cases being processed and once
16 this decision came down from court that cases had to be
17 moved through in a timely manner, a number of cases whether
18 they had been backlogged or whether there had been some
19 agreement between crowns and defense attorneys, the number
20 in community supervision cases and PSR requirements rose
21 extremely dramatically as a result of Askov. In a lot of
22 ways we think that the numbers have never ever really come
23 down. But at that point in 1990 the case loads, the number
24 of PSR supervision requirements increased substantially.

25 **THE COMMISSIONER:** Well, I think, given the

1 fact that the judges -- the number of judges in the Ontario
2 court increased dramatically as a result of *Askov* as well.

3 **MS. HUGHES:** Yes.

4 **MR. DUMAIS:** So then the general belief that
5 because of *Askov* that there were a number of charges
6 withdrawn and perhaps that would have taken work away from
7 the Ministry is not true; correct?

8 **MS. HUGHES:** I agree. I don't particularly
9 believe that they were necessarily -- I don't really know
10 how many or whether they were actually withdrawn. I just
11 know from our statistics that this is what occurred in
12 community correction.

13 **MR. P. DUMAIS:** Now the next significant
14 change came about in 1996 when the conditional sentencing
15 was introduced as a possibility for sentencing offender.
16 Is that correct?

17 **MS. HUGHES:** Correct.

18 **MR. DUMAIS:** Right, and how did that impact
19 the Ministry?

20 **MS. HUGHES:** Well conditional sentences
21 introduced as an alternative to imprisonment, and a judge
22 now had an opportunity to sentence an offender to
23 conditional sentence where perhaps the person would have
24 been incarcerated. That meant that these offenders who
25 might have been incarcerated were now being supervised in

1 the community.

2 Conditional sentences certainly have tighter
3 requirements, there are more statutory requirements in it.
4 But a lot of the offenders, a number of offenders let's
5 say, who might have received a term of incarceration were
6 now placed under conditional sentences.

7 **MR. DUMAIS:** All right. And although the
8 people that supervise offenders on conditional sentences
9 are called "supervisors" they are, in fact, probation
10 officers. The same probation officers that deal with
11 people on probation.

12 **MS. HUGHES:** Yes.

13 **MR. DUMAIS:** The next topic that you will be
14 dealing with is found at page 12, item 3.3, Organizational
15 Structure.

16 What can you tell us about the changes to
17 the organizational structure of Correctional Services over
18 the years?

19 **MS. HUGHES:** The legislative mandate of
20 Correctional Services supervising at the detention and
21 release of inmates, parolees, probationers and young
22 persons and create a social environment, which they might
23 focus on achieving changes.

24 That has been a relatively consistent
25 mandate for the Ministry. However, with that in mind, over

1 the last 20 years Correctional Services has really gone
2 through a number of changes administratively. They've been
3 part of the Ministry of the Solicitor General, there have
4 been four regions and five regions and five District
5 Administrators and it's gone through a number of different
6 evolutions, I guess, of administration. Currently we are
7 back to actually eight Regional Directors for their four
8 regions. One for adult institutions, one for adult
9 community corrections and we are amalgamated with the
10 Ministry of the Solicitor General under the new title of
11 Community Safety and Correctional Services.

12 **MR. DUMAIS:** All right. Perhaps for us who
13 are not familiar with the Ministry you can go to Tab 16 and
14 just go through the changes over the years. My
15 understanding is that you have provided an org chart for
16 1968, for 1977, for 1988 and then the latest 2004 and 2005.
17 And do these org charts represent significant changes?

18 **MS. HUGHES:** I can certainly speak to some
19 of the changes that have impacted on Community Corrections.

20 On the first org chart dated 1968 we have to
21 remember that this was only for institutions. Community
22 supervision, corrections, probation services, was not part
23 of the Ontario Department of Correctional Services. And so
24 that org chart in 1968 is for the operation of the
25 Correctional Services institutions only.

1 If we turn to the chart on '77, you'll see
2 there that there is a Director of Adult Probation and
3 Parole and four regional administrators. And at that time,
4 in '77, adults were still considered 16, 17-year olds and
5 above. As well we had four regional directors for
6 institutions at that time and one Assistant Deputy Minister
7 responsible for all operations, which was a pretty big job
8 at the time.

9 The next chart 1988, you'll see that there
10 are five regional directors and those regional directors
11 were responsible for both adult institution and community
12 corrections operations in each of the five regions. Again,
13 there was still one Assistant Deputy Minister of
14 Operations, so that Assistant Deputy Minister of Operations
15 was responsible for all of the operations of institutions
16 and probation and parole offices in the province.

17 Then the org chart for '04, '05, you'll see
18 that now there are two Assistant Deputy Ministers. One is
19 responsible for adult community corrections and reporting
20 to him you have four regional directors only for adult
21 community corrections. The other side is the adult
22 institution side. As well, you'll see that the other side
23 of the Ministry, the policing services side, would be on
24 the left hand side of this org chart. So there is a
25 Minister responsible for policing services and correctional

1 services at this point in time.

2 MR. DUMAIS: I understand as well that you
3 provided us with org charts, and that's located at Tab 17
4 of your Book of Documents showing us how the probations
5 office here in Cornwall has evolved over the years.

6 MS. HUGHES: Yes, we were able to obtain
7 information regarding the structure of the Cornwall office.
8 And you'll see in '69 to '71 there was a supervising
9 probation officer as, basically, the chief administrator
10 for that office. And in the eastern region in '71 you'll
11 see that there was a probation administrator reporting to
12 the eastern regional director. And subsequently, Cornwall
13 was beneath that probation administrator.

14 MR. DUMAIS: Now, I just want to correct one
15 thing, simply a typo beside 1971. There's a question mark
16 there and that should be removed. Correct?

17 MS. HUGHES: Yes, it's a typographical
18 error.

19 MR. DUMAIS: Now, in 1974 the organization
20 of the office changed locally?

21 MS. HUGHES: Well at that point you'll see
22 that there was a supervising probation officer or an area
23 manager located in Kingston who was responsible for the
24 Cornwall office. Senior probation officer was located in
25 Kingston as well, but, again, the Cornwall office was

1 responsible to the administration through Kingston.

2 MR. DUMAIS: And then in 1977, was there any
3 significant change during that year?

4 MS. HUGHES: There is one less probation
5 officer, you'll see, and it's definitely an area manager
6 with administrative responsibilities out of Kingston.

7 MR. DUMAIS: And then in 1980, the
8 complement was returned to four probation officers?

9 MS. HUGHES: Yes. Still an area manager in
10 Kingston.

11 MR. DUMAIS: And during that time there's no
12 longer a supervising probation officer. Is that correct?

13 MS. HUGHES: That's right.

14 MR. DUMAIS: And then in 1982, an area
15 manager was transferred to Cornwall, or that position was
16 transferred to Cornwall?

17 MS. HUGHES: That's correct. It became an
18 area office. That means that it had its own administration
19 with its own area manager.

20 MR. DUMAIS: And then the only significant
21 change in 1984 was that one probation officer was added?

22 MS. HUGHES: Yes.

23 MR. DUMAIS: And what is the difference in
24 1988?

25 MS. HUGHES: You'll see that one of the

1 probation and parole officers was assigned under the *Young*
2 *Offenders Act*. So this officer was responsible for
3 supervising youthful offenders.

4 **MR. DUMAIS:** All right. So there's one
5 probation officer that's specifically designated for that?

6 **MS. HUGHES:** Yes.

7 **MR. DUMAIS:** And then in 1988?

8 **MS. HUGHES:** I believe there was an
9 additional probation officer added to the adult complement.

10 **MR. DUMAIS:** And then was there a change to
11 the division of the Eastern Region in 1988?

12 **MS. HUGHES:** Well you'll see in the org
13 chart of the Eastern Region for 1988 there was a regional
14 manager and a YO coordinator and another regional manager
15 actually reporting to the Eastern Regional Director.

16 And the regional managers basically kept
17 closer tabs on the offices. They were responsible -- these
18 are the offices listed here that were within the Eastern
19 Region at that time; Brockville, two in Ottawa -- actually
20 three in Ottawa, Cornwall, Belleville, Peterborough and
21 Kingston.

22 **MR. DUMAIS:** Then if we're looking at the
23 Cornwall office also refers to L'Orignal and Plantagenet.
24 Do you know what that means, whether or not the area
25 manager in Cornwall was responsible for those two offices

1 as well? Or, what's the --?

2 **MS. HUGHES:** Those are called satellite
3 offices. And so a satellite office is responsible to the
4 area office. There just isn't an area manager located at
5 the satellite offices. They're usually not as large but
6 they will be part of the catchment area for Cornwall.

7 **MR. DUMAIS:** Now, in 1991, a further
8 probation officer was added. Is that correct?

9 **MS. HUGHES:** Yes.

10 **MR. DUMAIS:** And I don't see any significant
11 change for 1993.

12 **MS. HUGHES:** No, I don't either.

13 **MR. DUMAIS:** So then a further probation
14 officer was added in 1999.

15 **MS. HUGHES:** Yes, and additional support
16 staff.

17 **MR. DUMAIS:** And then was there any
18 significant change for the Eastern Region in 1999?

19 **MS. HUGHES:** Yes. You'll see the
20 introduction of deputy regional directors and the removal
21 of the earlier ones, the coordinators. One was assigned
22 deputy regional director responsibilities for Adult
23 Community Services; one was assigned responsibilities for
24 Young Offender Services.

25 **MR. DUMAIS:** And then in 2001, there is a

1 number of new probation officers affected to the office?

2 MS. HUGHES: Yes.

3 MR. DUMAIS: They were now up to 11?

4 MS. HUGHES: Yes.

5 THE COMMISSIONER: Any idea why the big
6 increase in 2001?

7 MS. HUGHES: The numbers just keep
8 increasing. Plus, also our standards, the consistency and
9 the accountability mechanisms that we were introducing it
10 does add more workload to them, so we were provided more.

11 You'll see that the three new positions were
12 added as part of the 165 probation officers that the
13 government allowed us to hire over a two year span
14 basically to deal with the issues of rising caseloads and
15 the increased accountability mechanisms.

16 THE COMMISSIONER: So is this across the
17 board, across the province, or specifically towards
18 Cornwall?

19 MS. HUGHES: Well, three were assigned to
20 Cornwall out of the 165 at that point.

21 MR. DUMAIS: And there no longer was in
22 1999, a probation officer that was specifically
23 effected to you and that was because Corrections
24 Services no longer dealt with youthful offenders
25 at that time?

1 **MS. HUGHES:** Sorry. In what year, Mr.
2 Chairman?

3 **THE COMMISSIONER:** In 1999.

4 **MS. HUGHES:** No they were still -- under the
5 *Young Offenders Act* we still had probation officers dealing
6 with the youthful offenders.

7 **MR. DUMAIS:** So it was simply the
8 designation?

9 **MS. HUGHES:** It could be they've changed the
10 structure and the assignment. Often, depending on the
11 expertise of probation officers and the number of cases,
12 you might have just one probation officer assigned to a
13 young offender caseload or you might have split caseloads
14 where you might have an officer carrying both adult and
15 young offender.

16 **MR. DUMAIS:** And that was the same for 2001
17 and 2002? No specific designation and a new probation
18 officer was added to the complement in 2002?

19 **MS. DUMAIS:** Correct.

20 **MR. DUMAIS:** And then removed in 2006,
21 correct?

22 **MS. HUGHES:** That's right. That's called
23 the disentanglement of young offenders once the youth
24 justice -- or the Ministry of Children and Youth Services
25 basically was initiated. The probation officers dealing

1 with youthful offenders were moved to that Ministry.

2 **MR. DUMAIS:** And then finally, the last
3 chart shows the East Region 2006. Was there any
4 significant changes in 2006?

5 **MS. HUGHES:** Well, you'll see with the
6 disentanglement of youth from the adult system.

7 The eastern region only has now one deputy
8 regional director responsible for adult community services,
9 adult community corrections. So that other deputy regional
10 position was moved.

11 **MR. DUMAIS:** All right. Thank you.

12 If I can take you back then to page 12 with
13 your next item, and you've provided for us different
14 historical adult statistics to illustrate different areas
15 that are worth noting. Perhaps we can go through the
16 different statistics and graphics that you provide for us.

17 **MS. HUGHES:** The chart on page 13 indicates
18 that 1971-72 when the Ministry of Correctional Services
19 assumed responsibility for probation supervision the
20 average month-end balance of cases were 10,943. In 1981-82
21 the percentage change you'll see 184 per cent, up to
22 31,000. Well, that's now we're amalgamating all of the
23 supervision cases. So it would have included young
24 offenders, 16, 17 year olds basically, and adults.

25 Then in 1991 and '92 the young offenders

1 were removed from those statistics, but there was still
2 that increase and this is -- speaks to the Askov decision
3 again where these cases were coming through fast and
4 furiously.

5 In 2001-02, the average month-end balance of
6 53,372 was an increase of 15.3 per cent. And then just
7 recently we've seen a drop in community supervision orders
8 of minus two (-2) down to 52,000 cases at month-end
9 balance.

10 The chart below also indicates the Askov
11 decision in October of 1990 where the stats raised, and
12 then the introduction of conditional sentences as well in
13 September of '96.

14 **MR. DUMAIS:** And that would account for the
15 increases in numbers?

16 **MS. HUGHES:** Yes.

17 **MR. DUMAIS:** Now, if I can take you then to
18 page 15, the delivery of community services. Can you
19 explain to us the different sentencing options that are
20 available that affect probation services.

21 **MS. HUGHES:** An offender can receive a
22 probation order with a sentence of a conditional discharge
23 or a suspended sentence, a conditional sentence, a fine, or
24 an intermittent sentence -- this is when they are ordered
25 incarcerated for a weekend and the time when they're not

1 incarcerated they're on a probation order -- or following
2 the term of imprisonment.

3 **MR. DUMAIS:** And now, all those different
4 types of sentences carry with it a probation order, or
5 could carry a probation order. When you look at
6 conditional discharges essentially the courts are not -- if
7 they're placed on probation, if probation is completed,
8 then they are discharged at the end of their terms?

9 **MS. HUGHES:** Correct.

10 **MR. DUMAIS:** Suspended sentence; the passing
11 of the sentence is simply suspended and sentencing can
12 occur at any time if there is a breach of a probation
13 order?

14 **MS. HUGHES:** M'hm.

15 **MR. DUMAIS:** And then a conditional
16 sentence; you spoke about that earlier, and that deals with
17 placing an offender on a supervision order rather than
18 incarcerating him; is that correct?

19 **MS. HUGHES:** Yes.

20 **MR. DUMAIS:** And that's very similar to a
21 probation order as well, but you'll talk about the
22 differences of those, the types of statutory conditions a
23 little later on?

24 **MS. HUGHES:** Correct.

25 **MR. DUMAIS:** The fine; does that carry a

1 probation order with that?

2 MS. HUGHES: Yes.

3 MR. DUMAIS: All right.

4 So a fine can accompany a probation order
5 but doesn't necessarily mean that every time a fine is
6 imposed a probation order is imposed?

7 MS. HUGHES: Correct.

8 MR. DUMAIS: Is that correct?

9 MS. HUGHES: I believe so, yes.

10 MR. DUMAIS: All right.

11 And then the intermittent sentence
12 essentially means that offenders are incarcerated and they
13 complete their time over the weekends more often than not,
14 and in order for them to be able to do so, they are placed
15 on probation during that period of time?

16 MS. HUGHES: Yes.

17 MR. DUMAIS: And with respect to
18 imprisonment, it does not necessarily mean that they are
19 placed on a probation order, but it does mean that if
20 they're sentenced to two years less a day that they could
21 be?

22 MS. HUGHES: They could be, yes, probation
23 following the imprisonment.

24 MR. DUMAIS: All right.

25 Now, the next item, 5.3 on page 17, can you

1 tell us about the different duties of a probation officer.
2 So what does a probation officer do from day to day?

3 **MS. HUGHES:** Well, I'll speak to the
4 legislative duties here.

5 **MR. DUMAIS:** Okay.

6 **MS. HUGHES:** And as I mentioned earlier,
7 report writing, preparation of court ordered reports, pre-
8 sentence report, the report of the supervisor for
9 conditional sentence, a post sentence report, a fresh
10 evidence report, and also reports for the Ontario Parole
11 and then Release Board. So a pre-parole report. They're
12 expected to do those reports, investigate and report on
13 them. They supervise and manage cases and then other
14 duties as assigned. Those pieces are in legislation.

15 **MR. DUMAIS:** Now, you've indicated that
16 these are the legislative duties. Do you know where these
17 legislative duties are found?

18 **MS. HUGHES:** I believe the *Ministry of*
19 *Correctional Services Act*.

20 **MR. DUMAIS:** Now, you refer to other duties
21 as assigned as the last item at the bottom of that page,
22 and you'll be touching on that at item 5.9; is that
23 correct?

24 **MS. HUGHES:** Correct.

25 **MR. DUMAIS:** Now, if we look then at 5.5

1 "Case and pre-sentence report assignments", how is that
2 done?

3 **MS. HUGHES:** When there's a finding of
4 guilt, a judge has the option of ordering a pre-sentence
5 report, and it may be assigned to the office that is within
6 the area of the offenders residence, and then within the
7 office it's either on a rotational basis or if it's a
8 specific type of case and there is a probation officer with
9 expertise in that area, it might be assigned that way.

10 **MR. DUMAIS:** All right.

11 And is there anything that's part of the
12 standards or part of the Act that says well, if you're not
13 trained or if you don't have expertise in one area you'll
14 not do those pre-sentence reports?

15 **MS. HUGHES:** It's preferred that probation
16 officers who have not been fully trained, have not reached
17 the two-year mark basically even, prepare reports on high-
18 profile cases or intensive supervision cases such as sex
19 offenders, domestic violence.

20 **MR. DUMAIS:** And is that simply a directive
21 or is that regulated?

22 **MS. HUGHES:** No, it's an operational policy.
23 It can't always be followed due to case loads and due to a
24 number of probation officers in the office. However, the
25 area manager often oversees or a senior officer will

1 oversee if that ever occurs.

2 **MR. DUMAIS:** And I had asked you earlier on
3 where you find the duties of a probation officer and I
4 think you make reference to it at the end of page 18,
5 section 44(1).

6 **THE COMMISSIONER:** I'm sorry, say that
7 again, page 18?

8 **MR. DUMAIS:** At the bottom of page 18 ---

9 **THE COMMISSIONER:** The duty of the probation
10 officer.

11 **MR. DUMAIS:** Section 44(1) of the *Ministry*
12 *of Correctional Services Act* sets out the duties with
13 respect to -- and does that deal specifically with the
14 writing of pre-sentence reports?

15 **MS. HUGHES:** That is the legislation for
16 that, yes, and to make recommendations in the report to the
17 disposition, specifically to community supervision only.
18 So what type of programming, if they would be suitable for
19 community supervision.

20 **MR. DUMAIS:** Now, you've looked at
21 historical documents as well, and what have they told you
22 about pre-sentence reports, or did you find anything?

23 **MS. HUGHES:** There is -- under Tab 21 there
24 is a 1981 pre-sentence report guide. It was developed for
25 training purposes and covered the histories of pre-sentence

1 reports and the content and the writing style, best
2 practices and legislation.

3 MR. DUMAIS: And that was enforced in 1981?

4 MS. HUGHES: That was 1981 that this was
5 produced.

6 MR. DUMAIS: And was that the first time
7 that a guide for pre-sentence report writing was
8 implemented?

9 MS. HUGHES: Well, again, I'll go back to
10 some of the historical documents where they were -- it was
11 almost like -- it was in memo form on guidelines and
12 directions as far as how to write a pre-sentence report,
13 but this was the first formal document directing probation
14 officers on the preparation of pre-sentence reports.

15 MR. DUMAIS: And are these guidelines still
16 in force today or have they been ---

17 MS. HUGHES: They are. They've been updated
18 and currently they are being updated and should be finished
19 by the end of May to reflect current policies and trends
20 and changes in legislation.

21 MR. DUMAIS: Now, your next item is found at
22 page 20, item 5.7, and it deals with a case assignment
23 being based on local practice.

24 MS. HUGHES: Well, case assignment and then
25 case supervision, again, it's a local decision basically on

1 who will be assigned cases or how cases will be assigned.

2 In some offices you'll have generalists
3 where the probation officers will supervise any type of
4 cases. Again, I come back to some of the less experienced
5 officers, it's preferred that they don't supervise some of
6 the high-profile or intensive supervision cases, sex
7 offenders, that type of thing.

8 Often you'll have an office where there are
9 specialists and you might have, you know, two or three
10 probation officers who have taken the specialized training
11 in dealing with sex offenders and they will be assigned on
12 the sex offender mental disorder offender type cases.

13 **MR. DUMAIS:** All right.

14 Can you just turn to Tab 21, which appears
15 to be a guideline for the record or the supervision plan.

16 **MS. HUGHES:** Twenty (20)?

17 **THE COMMISSIONER:** I'm sorry, 20?

18 **MR. DUMAIS:** Twenty (20). Sorry.

19 Just explain to us what that is and how that
20 applies?

21 **MS. HUGHES:** This was one of the first
22 guidelines on supervision, developing the supervision plan,
23 and recording it basically how probation officers were to
24 manage cases and to document the requirements. Its
25 operational policy; again, it's the beginning of

1 accountability and professionalism, and I think for
2 probation and parole officers, because it gives them ideas
3 on how to go forward and how to manage a case.

4 **MR. DUMAIS:** And now you've set out, going
5 back to our outline at page 20, the steps, if I can call
6 them that, in supervising offenders. Perhaps you can take
7 us through the different steps and explain to us what they
8 are.

9 **MS. HUGHES:** Okay. The first step is the
10 intake, and at intake a probation officer meets with an
11 offender and gathers personal basic information. They
12 review the supervision documents, so the probation order,
13 the conditional sentence order, parole certificate, and
14 consider other information such as splits on our OTIS
15 system -- that's the Offender Tracking Information System -
16 - where there might be a history or a summary of previous
17 supervision responses to supervision.

18 After that, the probation officer is to
19 assess the offender, and this includes the completion of
20 what we call the LSIOR, the level of service inventory --
21 actually it's level of supervision inventory. And that
22 assesses -- I can speak to that later -- but the offender's
23 risks and -- the risk of re-offending. There are dynamic
24 indicators there, education, alcohol, drug abuse, that kind
25 of thing, and there are static indicators there such as

1 family history. So the probation officer is expected to do
2 a thorough assessment. That's basically the cornerstone of
3 case management is the assessment.

4 **MR. DUMAIS:** If I can just take you back to
5 the previous item, which was intake and you've indicated
6 that -- or made reference to the OTIS system, which is the
7 Offender Tracking Information System.

8 **MS. HUGHES:** M'hm.

9 **MR. DUMAIS:** Can you just explain to us how
10 that works and what that is.

11 **MS. HUGHES:** Okay. It's a computerized
12 database basically. If an offender has been incarcerated
13 there will be a history of his incarceration. The case
14 notes are now done by probation officers on a computer that
15 are fed into the OTIS system. It's new technology for
16 probation and actually for institution supervision of
17 offenders.

18 So there's tombstone data. There are some
19 alerts on it. If there is a victim involved there might be
20 an alert to make sure that, you know, this person is not to
21 be making phone calls out of the institution to a victim or
22 that kind of information. It's very comprehensive and it's
23 really new technology. It's wonderful.

24 **MR. DUMAIS:** And the OTIS system links all
25 probation offices in the province?

1 **MS. HUGHES:** Yes.

2 **MR. DUMAIS:** And as well, does it link all
3 correctional institutes?

4 **MS. HUGHES:** Yes.

5 **MR. DUMAIS:** And who else is linked to that
6 or who else has access to OTIS?

7 **MS. HUGHES:** Some of the program advisors in
8 Adult Community Services certainly had them because the
9 staff who were working for me often had calls from the
10 field on what to do with some offenders if there were some
11 questions about letting an offender travel out of the
12 province, that kind of thing, and so some of my staff have
13 access to that.

14 You can only go in as a "read only"
15 participant in that. Only the person who has access to the
16 case notes can actually make the case note. Volunteers are
17 not allowed to access OTIS. So it's quite specific to the
18 case manager.

19 **MR. DUMAIS:** All right.

20 And what about probation officers -- sorry,
21 police officers? Do they have access to OTIS?

22 **MS. HUGHES:** No.

23 **MR. DUMAIS:** All right.

24 So it's strictly for your Ministry and your
25 employees?

1 **MS. HUGHES:** Yes.

2 **MR. DUMAIS:** Sorry, if then you can take us
3 to the Case Management Plan?

4 **MS. HUGHES:** Okay. This is basically
5 developing the Case Supervision Plan. And as I was
6 speaking earlier of the dynamic changes: What are the risk
7 factors that can be changed and improved to try and make
8 sure that this offender doesn't re-offend. Conditions of
9 the supervision document; what does the probation officer
10 need to remind the probationer to do such as community
11 service hours; referrals. Does this offender need to go to
12 some specialized programming that is offered outside of the
13 office? Any collateral contacts as far as speaking to
14 parents or speaking to victims, speaking to employers; you
15 know, what is necessary as far as developing a supervision
16 plan, what needs to be done. How often they need to
17 report, who should be contacted.

18 It's all -- basically it's a document or a
19 piece of the case record that says what needs to be done.

20 **MR. DUMAIS:** And how quickly does the Case
21 Management Plan have to be put in place?

22 **MS. HUGHES:** I beg your pardon?

23 **MR. DUMAIS:** How quickly is it put in place?
24 Does it have to be put in place? Is there a delay?

25 **MS. HUGHES:** I believe it's six weeks,

1 depending on the case as well. I know that that's been
2 under review. For higher profile offenders we have been
3 taking a look at a shorter timeline for getting that
4 assessment done due to the possibility of jeopardizing
5 public safety.

6 **MR. DUMAIS:** Now, the next item is
7 monitoring.

8 **MS. HUGHES:** M'hm. And so if the offender
9 is meeting with a probation officer twice a month or once a
10 week; however often the probation officer deems suitable or
11 required, the probation officer would be monitoring the
12 conditions of the probation order or supervisory order with
13 the offender at that point.

14 **MR. DUMAIS:** And then my understanding is
15 that all probation officers can make different enforcement
16 decisions whether or not to breach some of the people they
17 are supervising?

18 **MS. HUGHES:** Certainly, enforcement of
19 conditional sentence order conditions and probation order
20 conditions can be considered discretionary. If there is a
21 breach of a parole condition it's not discretionary but a
22 probation officer depending on if the curfew was 10 o'clock
23 and the person came in at five after 10:00 and it only
24 happened once, the probation officer has the discretion to
25 review the history and the background and to see if this is

1 an indication of anything bad going wrong here and to
2 determine whether a charge of breach should be laid.

3 **MR. DUMAIS:** All right.

4 And then you make reference to the different
5 documents that the probation officer must include in each
6 file.

7 **MS. HUGHES:** Exactly. Case notes are to be
8 kept. All documentation is to be done and we have been
9 quite specific on a number of issues about making sure that
10 documentation is up to date and completed accurately,
11 clearly; the language is not slang, that kind of thing, so
12 that anybody could read it if it was required.

13 **MR. DUMAIS:** And then you make reference
14 again to the OTIS system and forgive me if I've asked you
15 earlier. Do you know when the system was put in place,
16 what year?

17 **MS. HUGHES:** It originally started with --
18 it was called OMS and I would say the Offender Management
19 System started, I think, in about 1990 and it was updated
20 and included case notes. I'm not too sure. I would think
21 probably eight years ago maybe. I'm not 100 per cent sure.

22 **MR. DUMAIS:** Okay, thank you.

23 And now, we've looked at the -- earlier we
24 looked at the legislative duties of all probation officers
25 and you had mentioned at that time there were also other

1 duties and then you make reference to that at Item 5.9 at
2 page 21 of your outline and you're making reference to
3 section 44(3) of the *Ministry of Corrections and Services*
4 *Act*.

5 **MS. HUGHES:** Right. You'll see that
6 liaising with community agencies. We expect a probation
7 officer to be out in the community and be part of almost a
8 team of case management. I think if we can turn to Tab 19
9 it gives a full explanation of some of the duties that are
10 listed there as well as the attendance at court and the
11 administration duties.

12 **MR. DUMAIS:** Perhaps you'll just go through
13 and point out the most important duties.

14 **MS. HUGHES:** You'll see developing
15 supervision plans; monitoring and enforcement; conducting
16 facility and community home office interviews and
17 consultations; implementing offender rehabilitation plans.
18 I mean, the purpose of probation is not to be you know 100
19 per cent punitive. We have to have some rehabilitative
20 programming in there, and so that would be a large one.

21 Liaising with the courts and facilities and
22 community agencies is another large one. The probation
23 officers will work with the crown attorneys as far as
24 consulting around breach charges or clarifying or varying
25 probation order or conditional sentence conditions on those

1 orders.

2 Implementing and documenting case work,
3 that's a huge part on a probation officer's other assigned
4 duties. These duties that are listed in Tab 19 are not
5 particularly legislated. They are operational
6 requirements.

7 **MR. DUMAIS:** And you've also indicated that
8 some of these duties are found at Tab 25 and perhaps you
9 can just explain to us what Tab 25 is?

10 **MS. HUGHES:** Tab 25 is a document completed
11 in cooperation with OPSU, the Ontario Public Service
12 Employees Union which probation officers belong to. This
13 was called a bargaining unit overhaul and there had to be
14 collaboration consultation and agreement on what the duties
15 of a probation and parole officer are. This was the
16 document that was completed in January '02. So again, it
17 gives additional information on what those other duties as
18 assigned include.

19 **MR. DUMAIS:** And I note that at page 1 of
20 these class standards you make reference to three different
21 levels, or it makes reference to three different levels of
22 a probation officer.

23 **MS. HUGHES:** Yes.

24 **MR. DUMAIS:** Can you explain to us the
25 difference between them?

1 **MS. HUGHES:** Currently, Probation Officer 1s
2 and 2s are all we have. Probation Officer 3s we have taken
3 a look at initiating those positions and have not decided
4 to do it at this time. Probation Officers 3s become more
5 of a supervisory position but 1 and 2 that's the entry
6 training levels and the Probation Officer 2 we expect the
7 Probation Officer 2 level to be trained and really ready to
8 go, and that would be after the two-year term.

9 **MR. DUMAIS:** All right.

10 Now, the next item that you deal with in
11 your presentation is the adult probation and the different
12 community programs.

13 **MS. HUGHES:** Yes.

14 **MR. DUMAIS:** And firstly, you deal with
15 adult probation orders and the mandatory conditions which
16 attach to every order.

17 **THE COMMISSIONER:** On page 22, bottom of
18 page 22?

19 **MS. HUGHES:** Twenty-two (22).

20 **MR. DUMAIS:** That's correct, Commissioner.

21 **MS. HUGHES:** Yes.

22 **MR. DUMAIS:** What are these mandatory
23 statutory conditions?

24 **MS. HUGHES:** Okay. There are three
25 mandatory conditions; keep the peace and be of good

1 behaviour; appear before the court when required to do so;
2 and notify the court or probation officer in advance of any
3 change of name or address and promptly notify the court or
4 the probation officer of any change of employment or
5 occupation.

6 **MR. DUMAIS:** And I understand that as well
7 the court may impose optional conditions and those are
8 found at section 732.1(3) of the *Criminal Code of Canada*.
9 Perhaps you can just give us an idea of what those types of
10 conditions could be?

11 **MS. HUGHES:** The court -- based on the
12 circumstances of the offence or the offenders background or
13 current situation, the court has the option of adding
14 options such as completing community service order, even
15 reporting to a probation officer -- that is an optional
16 condition -- pay restitution, participate and attend
17 treatment, rehabilitation program, and often have no
18 association with victims or known criminals as well. Those
19 are some of the options.

20 **MR. DUMAIS:** And then you make reference to
21 the term or the period of time that the probation order is
22 in force, and that's anywhere between zero and three years.

23 **MS. HUGHES:** Three years, correct.

24 **MR. DUMAIS:** And that's something that's
25 court ordered as well?

1 **MS. HUGHES:** Correct.

2 **MR. DUMAIS:** Now, your next item 6.2 deals
3 with the enforcement of probation orders. Can you tell us
4 what the different mechanisms are to deal with breaches?

5 **MS. HUGHES:** Okay. Under enforcement a
6 probation officer has the opportunity to either revoke or
7 charge, put forward to the court to look at revocation or
8 enforcement of these orders. With the revocation, both
9 conditional discharges and suspended sentence, if a person
10 who is placed on probation has been convicted of a
11 subsequent offence, including a conviction for failure to
12 comply with the probation order, the Crown may apply to the
13 judge to have the probation order revoked, and that means
14 that any sentence that would have been imposed at the time
15 of sentencing, the offender not being placed on probation,
16 can be imposed at that time.

17 As I was saying earlier, enforcement, charge
18 of breach of willful failure or non-compliance can be laid
19 by a probation officer when there is failure to comply with
20 conditions of a probation order or a conditional sentence,
21 an allegation of breach.

22 **MR. DUMAIS:** And you make reference to the
23 charge of failure to comply with a probation order at Tab
24 38. That's part of your policy and procedures manual, and
25 I take it, it sets out requirements or guidelines as to

1 when you should proceed with laying that type of a charge?

2 **MS. HUGHES:** Exactly. Probation officers
3 can also consult with their area managers around or consult
4 with the Crown. Sometimes its not a unilateral decision.

5 **THE COMMISSIONER:** Now, it's almost break
6 time.

7 **MR. DUMAIS:** Yes.

8 **THE COMMISSIONER:** Is this the time for
9 break?

10 **MR. DUMAIS:** It's a good time. I was just
11 about to start the next item.

12 **THE COMMISSIONER:** Terrific. And I should
13 let you know that I will be concluding at 4:15 this
14 afternoon.

15 Thank you. Let's take the break.

16 **THE REGISTRAR:** Order. All rise. Veuillez
17 vous lever. The hearing will reconvene at 3:25 p.m.

18 --- Upon recessing at 3:14 p.m./

19 L'audience est suspendue à 15h14

20 --- Upon resuming at 3:29 p.m./

21 L'audience est reprise à 15h29

22 **THE REGISTRAR:** This hearing on the court on
23 public inquiry is now in session. Please be seated.
24 Veuillez vous asseoir.

25 **MR. DUMAIS:** If I can take you back then to

1 page 23 where we're just about to deal with section 6.3
2 which are the conditional sentences which came about by the
3 adoption of Bill C-41 in 1996. Can you tell us about that?

4 **MS. HUGHES:** Yes, correct.

5 As I referenced it earlier, conditional
6 sentences were introduced as an alternative to
7 incarceration. When the offence is not punishable by a
8 minimum term of imprisonment the court imposes a sentence
9 of imprisonment of less than two years and the court is
10 satisfied that serving the sentence in the community would
11 not endanger the community and it would be consistent with
12 the fundamental purpose and principles of sentencing.

13 **MR. DUMAIS:** Now, as I understand it,
14 conditional sentences contain mandatory statutory
15 conditions and how do they differ from the statutory
16 conditions of the probation orders?

17 **MS. HUGHES:** There are five mandatory
18 conditions under a conditional sentence order. Keep the
19 peace and be of good behaviour; appear before the court
20 when required to do so; report to a supervisor -- that's a
21 probation officer -- within two working days or as the
22 court directs and thereafter when required by the
23 supervisor; remain within the province of Ontario unless
24 written permission to go outside the province is obtained
25 from the court or the supervisor; and notify the court or

1 the supervisor in advance of any changes of name or address
2 and promptly notify the court or the supervisor of any
3 change in employment or occupation.

4 **MR. DUMAIS:** And you had indicated that the
5 adoption of this new Act and this new sentence
6 significantly impacted on the workload of probation
7 officers and you noted that -- and I'm looking at top of
8 page 24 -- that in 1996-'97, there was during that year 703
9 adult offenders on conditional sentences and that had
10 increased to 3,696 for the year 2004-2005. Is that
11 correct?

12 **MS. HUGHES:** That's correct.

13 **MR. DUMAIS:** Now, I also understand that
14 there are -- other than the mandatory conditions, there are
15 optional conditions that are also available as part of the
16 conditional sentence?

17 **MS. HUGHES:** Correct.

18 One in particular is the home -- house
19 arrest or home curfew.

20 **MR. DUMAIS:** Now, you've enclosed as part of
21 your Book of Documents at Tab 29, the Probation Parole and
22 Conditional Sentence Manual.

23 **MS. HUGHES:** Correct.

24 **MR. DUMAIS:** And that was adopted or put in
25 place at -- what period of time was that in when the Act

1 was adopted?

2 **MS. HUGHES:** Well, certainly this is the
3 entire manual for probation and parole officers and it is
4 actually an electronic document so as legislation or
5 conditions or requirements or standards change, it will be
6 updated. So you'll see that at the top of some of the
7 pages, there might be a 2000 date. Some of the other
8 pages, there might be a 2005 date. In the last year, my
9 section, in particular, was responsible for updating the
10 manual to respond to any changes in legislation and
11 philosophy, any changes in philosophy around supervising
12 these offenders. So within this manual, there is a section
13 specifically that speaks to conditional sentences and the
14 requirements for supervising a conditional sentence order.

15 **MR. DUMAIS:** So if I understand the manual
16 correctly, as changes occur in the legislation, policies
17 are placed in the manual?

18 **MS. HUGHES:** Correct. Usually, a notice
19 goes out to the area managers to share with the probation
20 and parole officers in their office indicating that there's
21 been an update and what the update is briefly in the memo
22 that goes to the area managers and then advising probation
23 and parole officers to reference the manual.

24 **MR. DUMAIS:** Now, I'm looking at the
25 specific policy and procedure regarding conditional

1 sentences, and I don't know, the pages aren't numbered, but
2 I think it's around page 25, and it's a document that's
3 entitled "Probation, Parole and Conditional Sentence Policy
4 and Procedures Manual", pages 1 through 3, and that's dated
5 October 2005.

6 Do we have October 2005?

7 (SHORT PAUSE/COURTE PAUSE)

8 MR. DUMAIS: Now, that policy and procedure
9 makes reference to the optional conditions on conditional
10 sentences, and I'm asking you to look at mid-page where it
11 lists some of the different conditions that may be
12 attached. The fourth bullet reads:

13 "Attended a treatment program approved
14 by the province".

15 MS. HUGHES: Correct.

16 MR. DUMAIS: And that bullet is further
17 described at page 3(d) "Treatment".

18 I don't know if you know the answer to this
19 question, but do you know whether or not there are any
20 approved treatment programs in the provinces?

21 MS. HUGHES: Yes.

22 MR. DUMAIS: All right.

23 So treatment programs have been approved?

24 MS. HUGHES: Yes.

25 THE COMMISSIONER: Such as?

1 **MS. HUGHES:** CAMH, The Canadian Association
2 of Mental Health in Toronto, that's an approved program for
3 mental health offenders used often.

4 **THE COMMISSIONER:** Right. How about sex
5 offenders?

6 **MS. HUGHES:** I believe that there are some.
7 I'm just not certain. I know one in Kingston that has been
8 approved.

9 **MR. DUMAIS:** All right.

10 **THE COMMISSIONER:** That's good to know. Do
11 you know when they were introduced?

12 **MS. HUGHES:** This one in Kingston for quite
13 a while, and I'm trying to think of the doctor's name and I
14 can't.

15 **MR. DUMAIS:** Okay.

16 **THE COMMISSIONER:** Because one of the
17 concerns, of course, was when it first came in, the
18 province had not -- through regulation or otherwise --
19 established any treatment centres.

20 **MS. HUGHES:** Right now we are undergoing an
21 accreditation for a lot of our own programs and I think
22 that that's an important point. In any of the programs
23 that we're providing right now is that there is an
24 accreditation process to say that this does meet the
25 requirements of the Ministry and if it doesn't, what has to

1 be done or updated in the program to make sure that it
2 meets that requirement or that accreditation or not to
3 allow the program to be used.

4 **MR. DUMAIS:** All right.

5 And the significance of these treatment
6 orders is that they do not require the consent of the
7 offender. Is that correct?

8 **MS. HUGHES:** Correct.

9 **MR. DUMAIS:** Now, the next item dealing with
10 conditional sentences is the Electronic Supervision
11 Program, and I believe that's set out at Tab 41, and that
12 again is a section of the policy and procedure taken out of
13 your manual.

14 My reference may be incorrect. Or perhaps
15 you can just speak to the Electronic Supervision Program.

16 **MS. HUGHES:** Well, the Ministry had an
17 electronic surveillance program for inmates who were
18 released and at the time, when conditional sentences were
19 introduced, a number of judges were concerned that
20 probation officers did not work 24/7 and who was monitoring
21 conditional sentence orders that had a curfew or a house
22 arrest condition. So that's fine, the probation officer
23 might know that the offender was at home between, you know,
24 eight o'clock in the morning and five o'clock at night or
25 office hours, but there was concern amongst the judges that

1 no one was monitoring after hours attendance at home.

2 And so the province or the Ministry actually
3 moved to turn the Electronic Surveillance Program into a
4 community program. Electronic supervision where the
5 offender is -- as an optional condition, placed by the
6 judge -- is assessed to either wear an electronic bracelet
7 or have a voice verification process. This is a contracted
8 service and what it is, is that the offender is phoned on
9 an irregular basis at night to ensure that the offender is
10 there. There are guidelines around what the offender
11 cannot have on their phone, like call display or an
12 answering machine. That kind of thing.

13 The same thing with the bracelet. It's a
14 radio frequency bracelet and that will indicate if the
15 offender stays within the perimeter that is set out. If
16 the offender leaves or goes over that perimeter outside the
17 time, an alert goes off and if it's a high profile case,
18 the police can be notified and if not, certainly the
19 probation officer is notified the next day to take
20 enforcement action to find out what happened.

21 **MR. DUMAIS:** Now, do the different probation
22 officers have the responsibility of monitoring that program
23 or is that done ---

24 **MS. HUGHES:** No.

25 **MR. DUMAIS:** --- otherwise?

1 **MS. HUGHES:** No. No, we have electronic
2 supervision resource officers who are actually involved in
3 the program. The probation and parole officers basically
4 receive the reports on any alerts that are generated.

5 **THE COMMISSIONER:** But the electronic relay
6 bracelet isn't available throughout the province is it?

7 **MS. HUGHES:** It has been. The latest was
8 January in Thunder Bay and Sudbury right now. The problem
9 is that perhaps North Bay doesn't have access to it, but it
10 is expanding. So basically, the implementation has rolled
11 out to address the provincial requirement, but centres
12 right now are Thunder Bay and Sudbury in the north. Those
13 were the last two areas that were covered.

14 **THE COMMISSIONER:** So a place like Blind
15 River, which is 100 miles away wouldn't be able to be
16 covered from Sudbury?

17 **MS. HUGHES:** Exactly.

18 **THE COMMISSIONER:** Is there a place in
19 Cornwall?

20 **MS. HUGHES:** No. Oh! Cornwall is covered,
21 I'm sorry, out of Brockville, I believe, yes.

22 Ottawa has an office as well, but that was
23 only within the last year, I would say, that it was
24 introduced.

25 **MR. DUMAIS:** Now, the next item is 6.4 of

1 your outline. Again at page 24 where you speak to the
2 different programs and you speak to the evolution whereas
3 traditionally, the method of delivery was traditional and
4 it's evolved since 1999-2000 to a new innovative community
5 corrections.

6 Perhaps you can explain the difference
7 between the two types of deliveries.

8 **MS. HUGHES:** In the traditional method, it
9 was basically an offender was assessed and based on the
10 assessment or this number given by this LSIOR tool, it
11 would determine the frequency of reporting. If there was a
12 high number, they appear to be high risk so therefore they
13 were to report twice monthly or once a week, that kind of
14 thing, as directed by the probation officer.

15 It was also one-on-one counselling or face-
16 to-face interviews and programming. A lot of research went
17 into developing a new model and this is called the
18 Provision Pro Service delivery model. It's based on
19 assessment. Really, the assessment is the cornerstone of
20 everything that is in the case management plan or the
21 supervision plan. And it might determine that this person
22 is only required sort of a basic introduction to substance
23 abuse. They're on the verge of it. They don't need to
24 have one-to-one counselling. They can be included in group
25 counselling that a lot of probation parole officers are

1 trained to provide in a group setting in the office.

2 So they're streamed. Basically, there are
3 four delivery streams. You'll see basic; rehabilitative;
4 individual service; and intensive service streams. That
5 intensive supervision stream is for the higher risk
6 offenders.

7 **MR. DUMAIS:** And perhaps can give us some
8 explanation or an example for each different service
9 stream?

10 **MS. HUGHES:** Well, in the basic stream
11 perhaps it's a less risky -- if I can call it that --
12 offence. The offender is ordered to perform community
13 service work. The level of risk does not appear to be
14 high. He might be working, employed, have good stable
15 family background. It appears that it's a basic service
16 level of supervision.

17 When we're getting into more the
18 rehabilitative group service, let's say the offender is
19 developing -- there is a substance abuse program, and we
20 might have a contracted program, a treatment program out
21 there but there's a waiting list to get in. And so we'll
22 ask the offender or order the offender basically to
23 participate in rehabilitative group services sort of just
24 to hold that offender until we are able to get him into a
25 real formal program.

1 Individual service; this is where again
2 we're moving towards a higher risk and a higher need. So
3 there is more one-to-one. The probation officer can get
4 through to the offender that way. As I say, they're moving
5 towards more of a higher risk.

6 Then intensive supervision service,
7 basically, as I was saying earlier, they're higher risk,
8 higher needs. We are trying to reduce the recidivism rate
9 and jeopardizing public safety basically. So what -- there
10 is a whole consultation, collaboration perhaps with program
11 providers, collateral context.

12 It is much more intense as far as
13 supervising an intensive supervision case.

14 **MR. DUMAIS:** And I understand that the
15 probation officers are guided by standards to make the
16 determination. Is that correct?

17 **MS. HUGHES:** Correct.

18 **MR. DUMAIS:** And that determines the type of
19 contact as well as frequency of contact?

20 **MS. HUGHES:** Very much so.

21 **MR. DUMAIS:** One of the keys to those
22 programs is the core programs and the core program
23 overviews. Is that correct?

24 **MS. HUGHES:** Correct.

25 **MR. DUMAIS:** And I understand that one of

1 your colleagues, Jim Bunton, will be speaking to that item.

2 **MS. HUGHES:** Correct.

3 **MR. DUMAIS:** If I can then turn your
4 attention to page 26, item 7, which is "Developments In
5 Probation Policy". If we can start with "Adult Probation
6 Policies". Can you tell us about the developments that
7 have occurred over the years starting with '84 and '85?

8 **MS. HUGHES:** Well, you see, in '84 and '85 a
9 formal policy unit was established. This was at
10 a corporate level basically to address
11 philosophical, political, legislative changes. I
12 called them the large "P" policy group. And they
13 consulted with the operational staff to make sure
14 that policies were coming down that addressed
15 operational needs.

16 That was when the policy under policy
17 planning and evaluation was developed. Eighty-seven ('87),
18 we're moving again into community programs offender-focused
19 rehabilitative progressive services that way.

20 **MR. DUMAIS:** And the next item under 7 that
21 you're dealing with is "Risk Assessment". You've spoken to
22 us about the level of supervision inventory?

23 **MS. HUGHES:** I've briefly spoken about that.
24 Because the fundamental goals of the Ministry are to
25 maximize community safety and provide the least restrictive

1 intervention to offenders consistent with public safety,
2 there was a realization that it was dependent on the
3 accuracy of assessing every offender's risks and needs.
4 And these are characteristics known to predict criminal
5 behaviour. There's a lot of research and investigation
6 that's gone on into the development of these types of
7 tools, and actually Ontario was one of the leaders in it.

8 **MR. DUMAIS:** And the first tool that was
9 developed to make those types of assessment was in 1982,
10 1983 and you've enclosed that as part of your documents at
11 Tab 71?

12 **MS. HUGHES:** Yes.

13 **MR. DUMAIS:** Perhaps you can just take us
14 through the tool and perhaps compare it to or indicate to
15 us the changes that have occurred over the years with the
16 first change being in 1996.

17 **MS. HUGHES:** Okay. Well, the document at
18 Tab 70 -- what was it? -- 71, basically explains the
19 objective of risk assessment in corrections to predict
20 whether an offender is likely to re-offend at some point in
21 the future. And as I was saying earlier, I mean a lot of
22 work has been done to develop a tool that specifically
23 addresses criminogenic factors. Originally they were
24 looking at dynamic factors and these are the things that
25 can be changed; educational level, substance abuse and the

1 static factors which are historical or family history, that
2 kind of thing.

3 And when you completed -- when probation
4 officers completed this tool, as I was saying, they would
5 come up -- the tool would determine a number that
6 referenced back, whether it was a high, medium, or --
7 sorry, a low, medium or maximum case. And it would sort of
8 set the standard for supervision requirements.

9 Now in 1996, a revised version came out with
10 the level of supervision inventory, Ontario revision. And
11 it evaluates more the sociological and criminogenic
12 factors; demographics as well. And again, this is to be
13 the cornerstone of all case management plans.

14 **MR. DUMAIS:** And that followed directive 49-
15 95 effective January 2nd, 1996 which -- that directive has
16 been enclosed as Tab 48 of your Book of Documents?

17 **MS. HUGHES:** Correct. That's the directive
18 that went to the field indicating the change to the LSI.

19 **MR. DUMAIS:** And that whole risk assessment
20 tool then determines the relationship that the offender has
21 with the probation officer, the type of programs, the type
22 of contacts?

23 **MS. HUGHES:** Correct.

24 **MR. DUMAIS:** It's the core of the
25 relationship, if you can put it that way.

1 **MS. HUGHES:** Correct. It's also used in the
2 institutions for classification.

3 **MR. DUMAIS:** If you can just turn to Tab 72,
4 which follows your original risk assessment tool. And this
5 appears to be an explanatory document on the LSIOR. Is
6 that correct?

7 **MS. HUGHES:** Correct.

8 **MR. DUMAIS:** Can you identify that document
9 for us? Do you know where it originated?

10 **MS. HUGHES:** This is basically some text
11 around the LSIOR, why it was used, how it's to be used. I
12 haven't included, unfortunately, a copy of the tool which
13 might have been helpful. Sorry.

14 **MR. DUMAIS:** All right. And when the 1996
15 version of the LSI was implemented there's training that
16 accompanied it as well.

17 **MS. HUGHES:** Correct.

18 **MR. DUMAIS:** And the LSI risk assessment
19 tool is not to be administered without that training.

20 **MS. HUGHES:** Correct.

21 **MR. DUMAIS:** And I know that your colleague
22 will speak to us of training. Can you just give us an idea
23 of what's involved with that particular training?

24 **MS. HUGHES:** I'm really not comfortable
25 speaking to that. I just understand that certainly new

1 probation officers are not to be doing this. They can
2 practice on it but particularly, they do need to have the
3 training to be able to say that this is the result. This
4 is what needs to be looked at in the case supervision plan.
5 So I will let my colleague speak more freely to that.

6 **MR. DUMAIS:** All right. We'll look, then,
7 at item 7.5 which deals with caseload. And perhaps you can
8 start by explaining to us the difference between caseload
9 and workload.

10 **MS. HUGHES:** Caseload is the actual number
11 of cases assigned to a probation officer. It's quite easy
12 to do, particularly now, with the OTIS system. You can run
13 a case report and you have a number right off the bat as to
14 how many cases have been assigned to one officer whereas a
15 workload takes into consideration collateral contacts,
16 report preparation, liaising, court work. We have
17 institutional liaison officers who work out of the
18 institutions and who do specific work.

19 So caseload is a number. However, workload
20 encompasses all of the duties that we've looked at in the
21 duties of probation and parole officers, the other assigned
22 duties. So it's quite different between caseload and
23 workload and more difficult to determine or wait as far as
24 workload goes.

25 **MR. DUMAIS:** Right, and I understand that

1 you went as far back as you could to try and give us an
2 idea of how caseload has varied over the years or over
3 time. The furthest you could go back was 1996-97?

4 **MS. HUGHES:** M'hm.

5 **MR. DUMAIS:** And how has the average
6 caseload changed over the years, if at all?

7 **MS. HUGHES:** Well, you'll see in the chart
8 that at '96-'97 it was 113. It's really -- that's too high
9 and particularly as we move through the years you'll see
10 that it is dropping. We were still one of the higher
11 caseloads in the country compared to some of the other
12 provinces.

13 So in 2004-05, you'll see we were at 80 and
14 we're getting closer to the mark. At some point we have
15 said 70 or 75 would be ideal. However, as the caseloads,
16 the number of supervision orders come through the court and
17 are received -- I mean probation or parole officers have to
18 accept them. We can't say to the courts "Sorry, you know,
19 we're busy right now," or "We're closed".

20 So over the past -- well, in 2000 we
21 received approval for the 165 new probation officers. And
22 over the last few years, we've received approval for 45, I
23 believe, and 20. So we're trying to bring that probation
24 caseload inline where it's manageable, where probation
25 officers can hit the standards. Our professionals have

1 time -- I mean our mandate is, you know, to provide
2 rehabilitative services and yet protect community safety.

3 Sometimes when caseloads are high, probation
4 officers do not have the time to spend that they would like
5 to spend with offenders.

6 **MR. DUMAIS:** And is the caseload number that
7 you're aiming for part of your standard or your manual
8 standards?

9 **MS. HUGHES:** No, it's not. We haven't -- I
10 know with the youth system there is also a different number
11 that believe that cases with young offenders supervision --
12 I mean I think that they were counted at twice the
13 requirement to an adult caseload. But there isn't any
14 firmly established number that says, no, we cannot take any
15 more cases.

16 So, as I say, probation services is open for
17 business at the discretion of the court.

18 **MR. DUMAIS:** Is there an instrument that's
19 put in place to assess the workload of the different
20 probation officers?

21 **MS. HUGHES:** If we're talking about audits
22 as far as how they do their work? Or you mean -- right now
23 we're trying to measure our wait. How long does a
24 probation officer take to do a pre-sentence report. Well
25 that can vary if it's a simple case, if the collaterals are

1 available. Or if it's a difficult case, it will take more
2 time and be more difficult to put together.

3 So it's very, very difficult. There's a
4 committee that's been established for over a year now. And
5 we're piloting a tool, but it's not ready for full
6 implementation yet because things change, the waitings
7 change.

8 **MR. DUMAIS:** And you see that there's a
9 tendency to move from determining what the workload is
10 rather than what the caseload is?

11 **MS. HUGHES:** Well certainly we've tried to
12 measure those up and it's really impossible to do. We're
13 measuring apples and oranges because, again I come back to
14 -- we're looking at numbers with a caseload whereas the
15 workload, it just encompasses a myriad of things that are
16 very, very difficult to weigh.

17 **MR. DUMAIS:** Now your next item is at page
18 30, title 7.7 Contract Agency Responsibility. And I
19 understand that one of the responsibilities of probation
20 services is also the administration of community service
21 orders. Can you tell us what's involved with that?

22 **MS. HUGHES:** Well, the Ministry has
23 contracted -- we call it a transfer payment agency,
24 basically; it's a type of financial designation -- to
25 provide services that we feel are either better provided in

1 the community or at treatment programs. I mean that's,
2 obviously, we can't provide that, a formal treatment
3 program. We've had residential services under contract for
4 community resource centers, which we used to have similar
5 to a halfway house. Those are the sort of programs. Now
6 there are compliance rules. Usually an area manager is
7 responsible for initiating the contract and there are
8 compliance rules around negotiating and payment and program
9 requirements as well, what the standard for the contract or
10 the program is to provide.

11 **MR. DUMAIS:** Initially or during the first
12 decade of partnership the government preferred dealing with
13 non-governmental agencies and are you seeing that you're
14 now moving to commercial partnerships or commercial
15 agencies?

16 **MS. HUGHES:** It's not necessarily that they
17 are moving towards it. I guess it just depends on the
18 service that the contract can provide. Salvation Army has
19 a justice section and I know that we contract in a lot of
20 different locations with Salvation Army to provide
21 different programs; Elizabeth Fry, John Howard Society,
22 Operation Springboard.

23 Those are some of the larger agencies that
24 the Ministry contracts across the province to provide a lot
25 of different services.

1 **MR. DUMAIS:** All right.

2 The next area deals with range in sharing,
3 confidentiality. I was going to start with what statutes
4 histories of disclosure are governed by. I take it the
5 first one would be the *Ministry of Correctional Services*
6 *Act*?

7 **MS. HUGHES:** M'hm. The *Ministry of*
8 *Correctional Services Act* and the *Public Service Act*.

9 **MR. DUMAIS:** Yes, sorry.

10 **MS. HUGHES:** There are rules of
11 confidentiality for all Ministry staff and we are all
12 required to swear an oath of secrecy. Under the *Ministry*
13 *of Correctional Services Act* it lists who we can provide
14 information to basically in the course of our duties, but
15 it's very specific about not releasing information all over
16 the place.

17 **MR. DUMAIS:** All right.

18 And that's provided in both section 10s of
19 the Acts you just mentioned?

20 **MS. HUGHES:** Yes.

21 **MR. DUMAIS:** And what are the exceptions for
22 the lifting of that rule?

23 **MS. HUGHES:** The first order here is that
24 anyone, every person employed in the administration of the
25 *Ministry of Correctional Services Act* shall preserve

1 secrecy in respect of all matters that come to their
2 knowledge in the course of their duties, inspection,
3 investigation or inquiry, and are not to communicate any
4 matters to any other person except -- and it lays out here,
5 as may be required in connection with the administration of
6 the Act, the *Parole Act*, the *Prisons and Reformatories Act*,
7 *Young Offenders Act*, *Provincial Offences Act*, or the
8 *Criminal Code*, or regulations thereunder.

9 It also allows release of some information
10 to the Ombudsman of Ontario or the Correctional
11 Investigator of Canada in statistical form. That
12 information is allowed as long as the person's identity is
13 not revealed or with the approval of the Minister.

14 **MR. DUMAIS:** All right.

15 Now, regulation 778 of the *Ministry of*
16 *Correctional Services Act*, and that's located at Tab 13 of
17 your Book of Documents, deals with exceptions for the
18 release of information as well; is that correct?

19 **MS. HUGHES:** Correct.

20 **MR. DUMAIS:** And in what instances can the
21 information be released according to that regulation?

22 **MS. HUGHES:** That section lays out basically
23 who is permitted to release information. You'll see that
24 it's a superintendent of a correctional institution, an
25 area manager, a member of the Correctional Services

1 Division Operations Directorate or Correctional Services
2 Division Manager, the Chair of the Ontario Parole and
3 Earned Release Board.

4 **MR. DUMAIS:** So the regulation deals
5 essentially with who can release the information and what
6 you've discussed about deals with in what circumstances can
7 be released. Is that fair?

8 **MS. HUGHES:** Correct.

9 **MR. DUMAIS:** Now, the *Community Safety Act*
10 also deals with disclosure of information or
11 confidentiality. At one point in 1987 amended the Act by
12 adding changes to section 10, and that dealt with
13 disclosure of personal information?

14 **MS. HUGHES:** Yes.

15 **MR. DUMAIS:** All right.

16 **MS. HUGHES:** Specifically with high-risk
17 offenders. Again, to address community safety.

18 **MR. DUMAIS:** And what did that entail, or
19 what did those changes entail?

20 **MS. HUGHES:** The policy is in the manual
21 actually as well, and it allowed specific persons to
22 release information if there was any risk to public safety.

23 **MR. DUMAIS:** And that directive forms part
24 of your standards manual?

25 **MS. HUGHES:** Yes.

1 **MR. DUMAIS:** And you've enclosed a copy at
2 Tab 43 of your Book of Documents; is that correct?

3 **MS. HUGHES:** Correct.

4 **MR. DUMAIS:** All right.

5 Now, section 10.4 of the *Ministry of*
6 *Correctional Services Act* deals as well with *Freedom of*
7 *Information and Protection of Privacy Act*. What does that
8 provide?

9 **MS. HUGHES:** Again, that allows for
10 instances where the protection of society or community
11 safety -- it takes priority over the client's right to
12 privacy.

13 **MR. DUMAIS:** And I understand that at the
14 beginning of the probation or the supervision that
15 offenders are advised of their rights?

16 **MS. HUGHES:** Correct. That's part of the
17 introduction basically to probation or conditional sentence
18 community supervision. Probation officers are directed to
19 advise offenders of their rights under freedom of
20 information.

21 **MR. DUMAIS:** So the different Act dealing
22 with either disclosure of information or confidentiality
23 that affect your Ministry have been listed at the middle of
24 page 32 and that the *Ministry of Correctional Services Act*,
25 the *Freedom of Information and Protection of Privacy Act*,

1 the *Mental Health Act*, the *Criminal Code*, the *Provincial*
2 *Offences Act*, the *Personal Health and Information and*
3 *Protection Act*, and the *Child and Family Services Act*?

4 **MS. HUGHES:** Correct.

5 **MR. DUMAIS:** And you've enclosed as part of
6 your Book of Documents at Tab 42, which is part of your
7 Policy and Procedures Manual, directives as to the issue in
8 question?

9 **MS. HUGHES:** That basically lays out how
10 information can be shared, whether release of information
11 is required with various agencies that probation officers
12 might have regular contact with. You'll see the
13 contracting agencies, Children's Aid, financial
14 institutions, that kind of thing.

15 **MR. DUMAIS:** So then that policy and
16 procedure deals with the release of that information to
17 those agencies listed at the bottom of page 32?

18 **MS. HUGHES:** Yes.

19 **MR. DUMAIS:** Now, the next section on
20 training and recruitment will be dealt with by Mr. Bunton;
21 is that correct?

22 **MS. HUGHES:** Correct.

23 **MR. DUMAIS:** All right.

24 So then the next section deals with the
25 Ministry's accountability mechanism. And if we can deal --

1 I just realized that we have not been updating our chart as
2 the changes ---

3 MS. HUGHES: No.

4 MR. DUMAIS: Perhaps what we can do is at
5 the conclusion we can look back at the chart and then you
6 can simply point the changes out.

7 If you can look then at the accountability
8 mechanisms and the adult community corrections probation
9 case audit process and can you explain to us the history of
10 that process?

11 MS. HUGHES: Well, this basically follows on
12 the heels of the standards. So if we're looking at the
13 standards as focusing on mandated expectations for offender
14 supervision, area managers had to determine how to make
15 sure that probation officers were meeting the standards.

16 So originally in 1985 there was a memo to
17 the field that introduced the first formal request, and
18 some of the historical documents that are provided -- I
19 know that you'll find memoranda to probation officers and
20 to supervising probation officers very, very loosely saying
21 just remember to do this and remember to do that. But in
22 1985 you'll see a memorandum to the field introduced the
23 first formal direction regarding case audits. And over the
24 following 10 years the Provincial Auditor reviewed
25 Community Services and saw that the case audits were being

1 completed very, very inconsistently and made a
2 recommendation to the Ministry that the case audit process
3 be tightened up.

4 So case standards were introduced -- would
5 you like me to go on, Mr. Dumais?

6 **MR. DUMAIS:** Yes. Were introduced in 1986.

7 **MS. HUGHES:** Okay.

8 Certainly the case standards were introduced
9 and the case audit process went under thorough review until
10 1995. And the case audit process of 1995 directed that the
11 case load audits will show accountability in compliance
12 with the policies and will show quality assurance; are the
13 probation officer's activities consistent with correctional
14 practices and public safety. And then there's an
15 opportunity for a performance review. This is where a
16 structured review between the area manager and the
17 probation officer is done to provide feedback and perhaps
18 fix things that need to be fixed or advise the probation
19 officer to attend for training to perhaps refreshen some
20 areas.

21 **MR. DUMAIS:** And the 1995 review was
22 released with the directive that the correspondence and
23 directive that has been enclosed at Tab 63 ---

24 **MS. HUGHES:** That's correct.

25 **MR. DUMAIS:** --- of your Book of Documents,

1 if I can just ask to look -- or I'll just read out the
2 first sentence:

3 "Over the past year probation and
4 parole case load audits have been
5 identified as a cause for concern in
6 the division."

7 Then that is what led to the different
8 changes to the audit system?

9 **MS. HUGHES:** That, but also the increased
10 accountability, the increased expectation to meet the
11 standards, increasing case loads and increasing
12 responsibility by area managers. They couldn't be sort of
13 sitting, you know, at the shoulder of a probation officer,
14 every probation officer in their office. So the case audit
15 was a tool used to make sure that probation officers were
16 meeting the standards, and as I say, quality was being
17 done, and then to correct any errors that might have been
18 happening.

19 **MR. DUMAIS:** And now, if you can just turn
20 to Tab 64, and that's a memorandum that was dated November
21 1st, 2000 from the Assistant Deputy Minister to all regional
22 directors and area managers. That required the completion
23 of a community case management review for each case; is
24 that correct?

25 **MS. HUGHES:** Correct.

1 **MR. DUMAIS:** Okay.

2 **MS. HUGHES:** And specifically around the new
3 service delivery model the audit process had to be changed
4 to reflect more around the service delivery model than in
5 the old system where it was one-to-one, you know you'd come
6 in because you're a medium case you must come in twice a
7 month. Well, now with the introduction of the new model or
8 framework of providing supervision, case audits were to be
9 done a little differently because they didn't hit the same
10 prescriptive requirements of what the old traditional
11 method of supervision had.

12 **MR. DUMAIS:** And then what are the
13 responsibilities of the area manager with respect to this
14 new ---

15 **MS. HUGHES:** The area manager has to review
16 all parole cases and additional sample. Usually a minimum
17 of five cases representative of a probation officer's
18 workload. The area manager will select the cases and has
19 the discretion of reviewing additional cases. Cases can
20 also be reviewed over the year when a probation officer
21 wants to consult with an area manager. There's a good
22 opportunity for area managers then to review the case and
23 the case plan there.

24 **MR. DUMAIS:** And once this review has been
25 completed there is a meeting with a probation officer to

1 some type of evaluation or provide him with feedback; is
2 that correct?

3 **MS. HUGHES:** Correct.

4 **MR. DUMAIS:** All right.

5 And then following this review there is a
6 report that's prepared?

7 **MS. HUGHES:** Yes. The area manager is
8 responsible for rolling up the case audits within his area.
9 So that's the area and satellite offices. That report is
10 submitted to the Regional Director and the Regional
11 Director at that office is responsible for rolling up all
12 of the audits for all of the area manager's submissions and
13 then it's subsequently submitted to the Assistant Deputy
14 Minister for Community Corrections.

15 **MR. DUMAIS:** All right.

16 And the probation officer is allowed the
17 opportunity to add his comments to the evaluation process
18 as well?

19 **MS. HUGHES:** Yes.

20 **MR. DUMAIS:** All right.

21 And the document that's submitted to the
22 Minister is called the "Area Communiqué's Management Review
23 Report"; is that correct?

24 **MS. HUGHES:** Correct.

25 **THE COMMISSIONER:** Might that be a good

1 place to stop, Maître Dumais?

2 **MR. DUMAIS:** The end of the first item of
3 that section.

4 **THE COMMISSIONER:** Leave it for tomorrow.

5 **MS. HUGHES:** Thank you.

6 **THE COMMISSIONER:** Always have to leave some
7 work for tomorrow.

8 All right. Here ends another day. So we'll
9 come back at 10 o'clock tomorrow morning.

10 Thank you.

11 **THE REGISTRAR:** Order. All rise. À
12 l'ordre; veuillez vous lever.

13 The hearing is now adjourned.

14 --- Upon adjourning at 4:16 p.m./

15 L'audience est ajournée à 16h16

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C E R T I F I C A T I O N

I, Sean Prouse a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sean Prouse, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Sean Prouse, CVR-CM