

**HANSARD**

**NOVA SCOTIA HOUSE OF ASSEMBLY**

**COMMITTEE**

**ON**

**PUBLIC ACCOUNTS**

**Wednesday, May 25, 2022**

**LEGISLATIVE CHAMBER**

**2022 Report of the Auditor General - Oversight and Management of  
Individuals Serving Community-Based Sentences: Department of Justice**

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## **Public Accounts Committee**

Hon. Kelly Regan (Chair)  
Nolan Young (Vice-Chair)  
Dave Ritcey  
John A. MacDonald  
Melissa Sheehy-Richard  
Trevor Boudreau  
Hon. Brendan Maguire  
Claudia Chender  
Susan Leblanc

[Hon. Kelly Regan was replaced by Fred Tilley.]

### In Attendance:

Kim Langille  
Legislative Committee Clerk

Gordon Hebb  
Chief Legislative Counsel

Kim Adair  
Auditor General

### WITNESSES

#### Department Of Justice

Candace Thomas,  
Deputy Minister

Chris Collett,  
Executive Director - Correctional Services

Michael McAloney,  
Director - Correctional Services

Erik Nielson,  
Manager, Policy and Programs



**HALIFAX, WEDNESDAY, MAY 25, 2022**

**STANDING COMMITTEE ON PUBLIC ACCOUNTS**

**9:00 A.M.**

CHAIR

Hon. Kelly Regan

VICE-CHAIR

Nolan Young

THE CHAIR: Order. I call the meeting to order. This is the Standing Committee on Public Accounts. My name is Nolan Young. I'm the Vice Chair.

I'd just like to remind everyone, if they have their phones on, if they could put them on vibrate or put them on silent. I will ask our committee members to introduce themselves, beginning with Ms. Chender.

[The committee members introduced themselves.]

THE CHAIR: I'll just note that we have officials from the Auditor General's Office, Legislative Counsel Office, and Legislative Committees Office who are in attendance as well. On today's agenda, we have officials from the Department of Justice regarding the 2022 report of the Auditor General: "Oversight and Management of Individuals Serving Community-Based Sentences." I will ask the witnesses to introduce themselves, starting with Deputy Minister Thomas.

[The witnesses introduced themselves.]

THE CHAIR: Deputy Minister Thomas, I invite you to open with your opening remarks, please.

CANDACE THOMAS: I am pleased to be here this morning to speak to the recent report of the Auditor General regarding Community Corrections. I'm joined by three members of my senior team who have just been introduced. They collectively have more than 85 years of public service in Correctional Services.

Before making my brief formal remarks, I want to thank the Auditor General and her team for their work in carrying out the performance audit of the department's oversight and management of individuals serving community-based sentences. The report makes 10 recommendations focused on four areas: the use and monitoring of electronic supervision; adherence to policies for monitoring individuals serving community-based sentences; management oversight; and staff training.

As indicated in our responses included in the report, and publicly acknowledged by Minister Brad Johns, the department agrees with the recommendations, and we are taking action to address them.

The Department of Justice is dedicated to supporting public safety, including the rehabilitation and reintegration of individuals convicted of crimes. Community Corrections plays an important role. A judge determines whether an individual is eligible to serve all or part of their sentence in the community. The role of Community Corrections is to supervise the individual in a manner consistent with their court-ordered sentencing conditions and to intervene as appropriate while providing guidance and opportunities for change, rehabilitation, and reintegration.

I will take a minute or two to speak about a couple of the report's focus areas. Nova Scotia has been using electronic monitoring in Community Corrections since 2006. Where court orders include a condition to participate in electronic supervision as directed by the supervisor, our probation officers carry out assessments to determine if suitable, and if so, what level of electronic supervision is appropriate.

The report helped us identify a gap in how probation officers were completing assessments and documenting decisions. The gap has been partially addressed through the updated file review process we implemented in November 2021.

The report also recommends better oversight of the electronic supervision service provider. We have taken additional steps to ensure contract compliance, including assigning responsibility for auditing the Electronic Supervision Program to the inspector for Correctional Services.

I will also quickly touch on training. Under the leadership of the executive director, Correctional Services has a well-established extensive suite of mandatory training that

covers core competencies. This includes equity, diversity, and inclusion for probation officers, senior probation officers and other staff in community corrections.

It is actually not possible to overstate the importance of equity, diversity, and inclusion training. It has been one year since the tragic discovery of more than 200 unmarked graves of Indigenous children who attended a residential school in Kamloops, B.C. and today marks exactly two years since the murder of George Floyd. The overrepresentation of Black and Indigenous peoples in the criminal justice system in Nova Scotia is an indicator of the systemic anti-Indigenous and anti-Black racism that exists in the Nova Scotia justice system and other institutions throughout our society.

Employing the equity, diversity, and inclusion awareness training required by the Public Service Commission and additional meaningful training to address systemic racism and other forms of discrimination for every employee is essential. For example, Correctional Services provides mandatory L'nu-way training and African Nova Scotian Umoja training to enable culturally sensitive supervision and programming in community corrections and to address systemic discrimination.

In closing, I want to recognize all Correctional Services staff and management for the challenging work they do every day and thank them for their dedication and ongoing contributions. The Auditor General has made recommendations for improvement. Again, we accept them, and I am accountable for the deficiencies noted in the report. Improvements must be made in our processes for documenting case management decisions and management's oversight. I want to assure the members of this committee that the work is being done and at a very high standard.

Mr. Chair, thank you for the opportunity to be here today. We look forward to sharing more information with the committee on the important work of our Community Corrections team as we answer your questions today.

THE CHAIR: The way this committee operates is we'll have 20, 20, 20 starting with the Liberals, the NDP and then the PC Party. After the 20 minutes, if someone's in the middle of answering a question, I'll interrupt. I'll cut off and we'll move on to the next Party. That's the way things are laid out here. With that said, it is 9:08 and thirty seconds, starting with the Liberals. Mr. Maguire.

HON. BRENDAN MAGUIRE: Thank you, Mr. Vice Chair. You're doing a great job today.

I want to thank you for that opening statement. I'm glad that you touched on something we've all known for a long time, which is the overrepresentation of African Nova Scotian and Indigenous individuals in our justice system.

To the deputy minister: Do you know what the percentage of African Nova Scotians and Indigenous individuals incarcerated now in provincial jails is compared to the general population percentage?

CANDACE THOMAS: I'm going to ask my ED, Mr. Collett, if he has that information. I don't have that information at hand.

THE CHAIR: Mr. Collett.

CHRIS COLLETT: I don't know that I specifically have the data of today's numbers but traditionally we've seen about 12 per cent African Nova Scotian in custody and somewhere around 4 to 6 per cent Indigenous population held in custody in Nova Scotia. I'm not sure exactly what the numbers are today. We certainly could acquire those for you.

BRENDAN MAGUIRE: So representation within the justice system is extremely important and one of the complaints that we've heard from Indigenous individuals and African Nova Scotians is that they don't feel properly represented when they're in our court system. How many African Nova Scotian and Indigenous provincial judges do we have?

CANDACE THOMAS: I'm going through them in my mind right now. We probably have at least four African Nova Scotian and Indigenous. There's one Mi'kmaw judge in the provincial court system - you're talking at the provincial court level?

BRENDAN MAGUIRE: Out of how many judges?

CANDACE THOMAS: I would have to come back to you with that information as well. It's a little bit beyond the scope of what we are here to speak about today, but I can certainly get that information for you.

BRENDAN MAGUIRE: I would assume it's safe to say that three African Nova Scotian judges and one Indigenous Mi'kmaw judge is a lot lower than the percentage that we see incarcerated. We have 12-per-cent incarceration. We probably have 1 per cent, maybe around there, when it comes to representation within the justice system.

I'm just trying to figure out, when it comes to the hiring of new judges - and when I say judges, just assume it's provincial. I'm not talking about - obviously I know how the federal appointments go. When it comes to provincial appointments, is there - I don't want to say a mandate, but is there a will to have larger representation within the justice system of the different communities within Nova Scotia?

CANDACE THOMAS: Thank you for that question. Diversity on the bench is critically important and it is a priority of government to ensure that there is representation of our community on the provincial court bench.

I've been in my position now for two years, so I haven't been around that long. However, I do know that there is an independent committee that is appointed that does all of the screening and then provides a list of qualified individuals for appointment to the bench to the minister, and the minister makes recommendations to Cabinet for those appointments.

[9:15 a.m.]

When we look at the demographics across the bench, we do have gender parity in most instances. I don't know now, based on certain - there have been recent retirements, of course, from the bench. There is racial diversity, there is language diversity, and there is a requirement, of course, to have geographical diversity on the bench. That is top of mind when new appointments are being made, that diversity components are considered.

BRENDAN MAGUIRE: I'm glad you brought up the process of screening and picking judges. We know there have been some recent changes to that with the current provincial government. Correct me if I'm wrong, but my understanding is that it's taken out of the hands of the bureaucrats to some degree, we'll say, and it's more of a decision made by the minister now. It's less how it was in the past, which was a decision made by a group of individuals who did not have any political association.

Is that correct? How much power does the minister have, ultimately, under the new system, and how much does the government have under the new system to appoint these judges?

CANDACE THOMAS: Thank you for that question as well. It is important to clarify the process. The new process actually still has direct recommendations being made to the committee, but through the minister. The main changes are that the Chief Judge, in the past, appointed two members directly to the committee. The Chief Judge now presents six names of individuals, all of whom would be appropriate to the Chief Judge, to the minister. Then the minister selects two from that list, or one from that list, I believe.

The Nova Scotia Barristers' Society was the other organization that had direct appointments to the committee in the past. The Barristers' Society now as well canvasses its members and presents to the minister a list of qualified names of individuals who are willing to serve, and the minister selects from those names. It really isn't fair to say that the minister is controlling, because the direct names that he's appointing are obviously people who are acceptable to the organizations who participate in appointments to that committee.

It truly is still quite independent in how that committee is struck. The other members are appointed by the minister, two of whom must be members of the public and therefore non-lawyers.

BRENDAN MAGUIRE: I would respectfully disagree. The Barristers' Society can bring forward six people that they approve and the minister can say, I don't approve of any of them - come back with another six. That was not how it was in the past. The minister now has full control over the system. They are picking from a list. If they don't like the list, they can send it back until they have a list that they approve of. Let's be honest, they're probably looking for - I don't want to say party-favoured, but they're going to look for people who they approve of. In the past, they didn't have that type of authority.

The committee that's now choosing our justices is fully vetted and picked by the minister of the day. I know you've only been here for two years, but surely justices have been appointed in the two years that you've been in this position. Was the system broken? I mean, the system seemed to work for a long time.

We did have respectful partners like the Barristers' Society, who I would say know a lot more about justice than - no offence to the current minister, and many of the former Ministers of Justice, but they are political appointees being made by the Premier of Nova Scotia. So the Barristers' Society knows a lot more about the law than the Justice Ministers.

Was the system broken? Was there something wrong that needed to be changed?

CANDACE THOMAS: I don't believe that the system was broken, nor do I believe that the minister thought the system was broken. But they saw room for improvement, so a policy decision was made to enhance and improve the process.

There has only been one round of this selection process. The names were presented to the minister with background information on each of the members presented by the Barristers' Society. All of them could have been appointed. They are amazing individuals who contribute to our society, and this is volunteer work that they're willing to do. Two of the names were selected. The list was not sent back. I can say that.

BRENDAN MAGUIRE: I appreciate that. The reason I'm concerned is, I think back to a former federal Justice Minister who appointed pretty much his whole side of his wedding into the federal justice system. That's what concerns me. Now we have a political party that's in charge of the whole process, not hands-off non-partisan individuals. I know this is not on you, but "room for improvement" really means room for ideology and room for moving a government's mandate forward. That concerns me, because when people lose faith in our justice system, we have a huge problem.

We're a little different from the United States. I think most people here realize that the justice system is independent, and if you compare federal Supreme Courts, we could talk about how that's a massive difference. I think that's one of the things that makes Canada and Nova Scotia so special: even after being elected, most if not all are independent. Now there is a perceived - especially people within the legal system are



saying, why now? Why does a government need so much control over choosing, other than putting people they want on the bench?

That, to me, is a big concern. I know there's nothing that can be done. I just wanted to get it out there that I've heard a lot of people bring this forward and people who are very well respected within the justice system.

Just to change topics quickly, do we know how many inmates are currently in the Central Nova Scotia Correctional Facility in Burnside right now?

CANDACE THOMAS: That information I believe we will have. I'm going to turn to Mr. Collett.

CHRIS COLLETT: As we speak today - I can look on my phone, as the count comes in every morning. I haven't looked at the count this morning. It's probably somewhere in the area of 205, around 200.

BRENDAN MAGUIRE: Of course, that increases over the weekend, when we have people coming in doing weekends. How much does that increase on a Friday to Sunday?

CHRIS COLLETT: Interestingly enough, we were talking about this earlier in the week at a meeting with the deputy minister. What we've seen over a period of time, particularly around the pandemic, is a reduction in that number. Pre-pandemic, it would have been nothing to see 45 to 60 people come in on the weekend at the Burnside or Central facility as we call it. Now typically we'll see anywhere from - it was eight, nine, 10 and we're probably up to about 20, 22 who come in. Generally, that population that comes in on the weekend - a high percentage of them are released by Wednesday.

BRENDAN MAGUIRE: So pre-pandemic, we're looking at a 20 to 30 per cent increase in the population at the Burnside correctional facility for the weekends. During the pandemic - because let's be honest, we're still in the middle of COVID-19 - we're looking at a 10 per cent to potentially 15 to 20, somewhere around there. Does the staff increase 20 to 30 per cent on the weekend when we have that influx of inmates coming in to the correctional facility?

CHRIS COLLETT: Our facilities don't operate at 100 per cent capacity, so the units are open and are staffed. They have vacant beds, vacant cells, vacant areas. Those areas just typically fill up during weekends. During the pandemic, we're still bound by Public Health rules in our facilities, so anyone who comes in on the weekend isn't generally going over to a living unit, because they have to be tested and isolated until they've cleared protocol for COVID-19. But generally speaking, when people come in on the weekend, we would use the vacant space, so it doesn't necessarily increase our staffing in our facility.

The staff are already there. There's already vacant space. We probably operate anywhere from 70 to 80 per cent capacity at any given time, so that's really the area you want to be in a correctional facility in terms of being able to respond to things like that. If there was a large arrest on the weekend and a number of people came in, you want to be able to respond to those issues, so we do have that capacity all across the province.

BRENDAN MAGUIRE: Just quickly as I have another follow-up to this, how many staff on average are working at the correctional facility on any given day? So today.

CHRIS COLLETT: At Central facility?

BRENDAN MAGUIRE: Yes.

CHRIS COLLETT: I'm not sure I could give you the exact number. We would have probably in the area of 40 but I'd have to get that number for you to be exact. So 40 positions stationed - whether they're all filled is another issue.

BRENDAN MAGUIRE: I'm glad you said, "Whether they're all filled is another issue." The reason that I bring this up is I've had some conversations with corrections officers. We do know that short-term, long-term, there's a lot of them out on stress and when that happens, we see incidents like the one where an individual was assaulted.

We know which one we're talking about. Do you know which one I'm talking about? It just went to court recently and what happened there was the guards were essentially outnumbered and there was not a lot they could do. They were blocked off from entering a cell and they basically became - they were just there to observe until they could actually do something.

What I'm trying to get at here is that we do know that a lot of correctional officers are out. They're out sick. We don't have an infinite pool of corrections officers, so what happens in those facilities when we have lots out on long-term and short-term? Can you give us a number now on how many correctional officers are currently out on short- and long-term disability?

CHRIS COLLETT: Not to speak about specifics and specific incidents, but if you're operating a correctional facility, you're always outnumbered. There are always more inmates than there are staff. That characterization is always going to be the case. It's about the mechanisms that you have in place to maintain dynamic security and static security within your facility.

I don't want to get into all those types of conversations, but what I can tell you around attendance to work is that we have a significantly robust program for our staff in terms of addressing their wellness, as it has been addressed over the last several years, including a social worker for staff wellness - a clinical social worker who works for us and

manages employee wellness. Actually, we're posting for an additional one, because we've seen a significant increase in the need for that service to make sure people are work hardened.

Part of the issue around trauma and the issues that occur in custody is that we have to - growing up in the system, we never really address those things as young officers and young individuals. Now we realize the impacts that has on people's personal lives and how it affects them coming in to work and staying work hardened. We have created services to provide for improving that.

How many people are off on - I don't really have that number. It's probably a number that we can determine. There are several different levels. There's workers' compensation and then there's actual sick time or short-term illness.

BRENDAN MAGUIRE: I would ask the department get back to the committee with the number of individuals who are off on short-term and long-term disability and the percentage of the workforce. I think it's extremely important. We've heard from the union, but we've also heard from individuals on the ground who are saying that the number one issue for them is the staff-to-inmate ratio.

I know you were saying that they're always outnumbered, but there's a difference between being outnumbered and really being outnumbered when you can't take time off. When you're under a tremendous amount of stress and you need that time off, and you can't take it off.

I would just ask that we get those short-term and long-term disability numbers, and also the numbers I asked for from the deputy minister, the percentage of individuals who are represented in the justice system. I think that is it for me.

THE CHAIR: Moving on to the NDP. Ms. Chender, it's 9:28 and 10 seconds.

CLAUDIA CHENDER: Thank you for being here this morning. Thank you to the Auditor General for this important report, which I'm actually going to ask questions about, but I do think this last line of questioning highlighted that we want our correctional system to be the very last resort. Some would say it shouldn't exist at all. I think what we do want to say is that it's not a place anyone wants to be, and that's why we have Community Corrections. I think this report really demonstrated that there are some serious flaws in the way that Community Corrections has been administered to date.

My first question, I'll put to the deputy minister, but also anybody else who wants to answer it. Is there a sort of cultural problem with the management of the department, or is it related to high turnover or staffing issues? The lack of oversight and the things that were revealed in this report were, I would say, shocking. I'm just wondering if there is something to which you think this is attributable, in terms of the management culture or

that there weren't enough people overseeing? Why did we end up with this report? How did we get here?

CANDACE THOMAS: I would say there is not a problem with culture or with management oversight. I'm really pleased that I do have the individuals responsible for management of Community Corrections here with me this morning. There is regular interaction with probation officers and their senior probation officers - regular meetings. They may be weekly - I am going to ask Mr. McAloney to speak to it in more detail - and there's regular reporting and interaction as well with managers and directors and the executive director.

I think there are some nuances that perhaps may not have come through in the report with respect to management oversight. I think it will be beneficial for you to hear directly this morning exactly how the process works within the department and in Community Corrections. I am going to ask Mr. McAloney if he would like to speak to this.

THE CHAIR: Mr. McAloney.

MICHAEL MCALONEY: I'll just highlight our structure in Community Corrections a little bit. It starts with me. We have two managers at Correctional Services who are responsible for the overall oversight of the Community Corrections offices. We also have 22 offices in the province with 17 senior probation officers on the ground. They are responsible for the direct oversight of the offices.

I think it's important to recognize that there are regular file reviews. There are regular staff meetings. Our managers - Correctional Services have regular senior meetings with them. There's constant contact. There are daily check-ins. There are all of those things. I think we have extensive oversight of our Community Corrections offices and we're well aware of what's going on out there. I think some of that might have been missed in the report.

CLAUDIA CHENDER: I appreciate that, but it doesn't answer the question of how we got here. I think some of the facts that came out here - I think it was in 20 out of 30 cases, the service provider didn't follow the response protocol. I think there was something else: that in 10 out of 10 cases, the requirement to report to a probation officer for some individuals was removed without proper approval. I appreciate that the meetings are happening, but there's an issue. That's what I'm trying to get to.

I guess to make that more specific, the May 2018 audit identified also significant shortcomings with the training of staff at correctional facilities. That audit included a recommendation for the Department of Justice to complete a review of all staff who had not met training requirements and ensure that that training was completed. However in 2022, in this follow-up of 2017, 2018 and 2019 performance audit recommendations, DOJ has not implemented this recommendation. So five years of not implementing this training

recommendation and so we see, of course, that staff training then is also an issue in this audit.

I'm going to ask the Auditor General this question. The Auditor General gives us lots of coaching as a committee. My question to you, Ms. Adair, is: When we as a committee are faced with a situation where successive recommendations are not followed by a department - they're accepted but they're not followed - do we continue to ask for follow-up reports? What are the tools available? Because this committee provides important oversight but I think this is an example where that seems to have fallen short somehow. I wonder if you have a comment on that.

KIM ADAIR: In regard to follow-up to recommendations, as we have explained to the committee, our typical practice is to follow them four years out after the original recommendation. However, there's nothing to say, at the direction of the committee - if there's a particular area that you're interested and concerned about, we can continue to do that follow-up. The training one that you're referring to will be followed up in the 2022 report recommendation as a matter of routine, but at the same time we could pick up on the 2018 one as well if that's the committee's preference.

CLAUDIA CHENDER: That's helpful. Again I have no doubt that when the department accepts a recommendation that they intend to honour that, but we have situations where that doesn't happen - and this isn't the only department. Obviously as legislators, it's in our interest to make sure that they happen.

I want to switch here to community-based sentences. That's the meat of this report and as I said, it's certainly my view that where possible, that's preferable. It's certainly cheaper. We know it's more efficient and effective for taxpayers. Ideally, it would be better for the folks serving those sentences. We know that we're paying just under \$14 million to support - I think the numbers in the report were 4,700 people serving community-based sentences. We're paying \$80 million for the 456 people serving sentences in jails, so that's a stark difference in numbers.

We know that properly managing and supporting individuals in our communities is cheaper for taxpayers, frankly, but the question is whether government - in this case the Department of Justice - is properly monitoring, and crucially from my perspective, supporting these individuals. If these are lesser offences, if it's deemed appropriate that people have community-based sentences, from my perspective, we want to prevent recidivism. We don't want them back into Correctional Services, we don't want them engaging further with the justice system. We want them to be offered a pathway away from the justice system.

We know that right now Community Corrections does not provide wraparound supports and programming. I know because organizations like the Elizabeth Fry Society and the Coverdale Courtwork Society - folks who do a lot of work in my own community

and in some cases are in my community - are the ones who offer those supports. Those supports are often ordered, in fact, by the Department of Justice, but they're not delivered.

They're delivered by these community partners, and yet, in my five years as Justice critic and as MLA, I have repeatedly had to use all of the tools in my toolbox to approach successive ministers to ensure that these organizations can keep the lights on and can have the core funding that they need to do the work that they need to do, that we need them to do.

Is the department looking at ways to provide more sustainable funding to these organizations so that they can continue with and expand their service delivery, and support community corrections to move people out of their relationship with the justice system?

CANDACE THOMAS: We agree with you 100 per cent, and our partnerships with organizations like the Elizabeth Fry Society and the John Howard Society of Nova Scotia are critically important to provide those supports to individuals who do have to be reintegrated into our communities, hopefully without reoffending. That is the ideal, the goal of Justice and Community Corrections.

We have been funding and have increased funding, for example, to Elizabeth Fry within the last 12 months to allow them to offer services at Holly House 24/7 up until the end of - it's not permanent funding - but up until the end I believe of this fiscal year.

We have introduced a new supportive housing model with the John Howard Society recently established in Pictou County, which services men who are in Correctional Services to help them come out successfully with wraparound supports into community. We are very mindful and work with our partners as well in the Wellness Courts to ensure that individuals who have come into conflict with the law have a chance to have a life afterwards successfully within communities and with their families.

I will turn to my colleagues here, though, to speak a little bit to more the specifics, so perhaps Chris, you can add to what I've shared.

CHRIS COLLETT: That's true, we have funded those arrangements with the Elizabeth Fry Society Holly House. I believe we have to return to the Treasury Board during that two-year period to provide some evidence, so we're doing some evidence gathering around the services that are being provided so we can substantiate that funding. We see it as a hugely valuable asset for us, particularly in the service to women in Correctional Services.

We're making a shift with services to women in Correctional Services. We've always treated women the same as men, and we know - the research tells us that they don't experience things like men and they have different challenges than men have. We've actually separated the women's services component. I've assigned it to a different director

outside of our male adult custody director, and we've assigned a new superintendent at the Burnside facility just for women, so they have their own management system.

Plus we have our initiatives with the Elizabeth Fry Society, both mainland and Cape Breton, so we also fund bed space for women on the Island to go to E. Fry Cape Breton. A lot of the women we see coming into custody, particularly around the pandemic, they're going to be transferred to Halifax or to Dartmouth, taken away from their home community. We try to keep them in their home communities.

There is a huge increase in Indigenous women coming into custody, so we're addressing that through a number of different initiatives through this women's service project. There are going to be some announcements made around that, hopefully soon, around some of the changes we're going to make.

I know it's easy to say the pandemic impacted that, but the pandemic quite honestly did impact a lot of our ideas and decisions we're going to make around the women's services model. All of those changes are going to start to roll out effectively during this fiscal year.

As for men, with our supportive housing in Pictou County, we're using the former detox site in Pictou County in a partnership with the John Howard Society, plus we have a stakeholder agreement throughout government with the Municipal Affairs and Housing Department, the Department of Health and Wellness, the Office of Addictions and Mental Health, and employment support through Community Services to put on programs and services in that facility, plus we're providing in-kind supports out of our Northeast Nova Scotia Correctional Facility, including maintenance to keep the building operational.

John Howard provides the staff, and we have a stakeholder committee that oversees people coming into the program, either through facilities or through courts or through referrals through social workers. The stats came out today. I think we have eight men there. We just opened in January. So we're looking to expand that program and get some more folks into that site.

CLAUDIA CHENDER: My colleague Ms. Leblanc and I were saying it feels like a lifetime ago that we toured the Central facility with you when we were newly elected and saw some of that.

I want to just press on this question. We know from this report that we have probation officers who are paid full-time - Treasury Board is okay with that - and we have a contract that has apparently not been appropriately overseen or implemented for monitoring devices, and Treasury Board's okay with that. But we have these organizations that have to come back over and over and over again and beg for funding when their value, I would argue, is just as great. I don't know how we solve that problem.

What I guess I'm looking for is a commitment that the department would like them to be permanently funded and will go to bat for that. Without that, we aren't going to crack this code of recidivism. I'm glad to hear of the initiative that you're talking about, in terms of dealing with gender-based issues at Central and other facilities. I think it's important.

To bring us back to the focus of this report, our community corrections are not being appropriately implemented, and the experts on how to work with criminalized folks in community are Elizabeth Fry, Coverdale, John Howard, and others who on are the ground working with these folks all the time. I lived a block from Holly House for years and years and years; I know the ED well. They do incredible work there. They save lives. There's no question.

How are we going to get to a place where these organizations don't have to spend their precious resources - human and financial - begging for money all the time?

CANDACE THOMAS: That is the million-dollar question. Thank you for it. Those organizations also work across different departments, so my colleagues and I are in contact when we are dealing with budget submissions. We did so, for example, when we had the Safe Restart money during COVID. We worked collectively together to ensure that we could have the highest and best use of funds and how we could allocate that to these organizations, who are, in fact - you're right - doing amazing work on the ground. No one can question that.

There are finite dollars, and certainly outside of my area to determine how government monies are spent, but we support the work that they're doing. We present opportunities to improve and enhance proposals and supports, and it's an ongoing challenge, for sure, that we're all working towards together.

CLAUDIA CHENDER: We'll keep pushing. The role of this committee is in fact to oversee how government money is spent, and I think for our little corner, we would say that this is exceptional value for money.

The hoops that people have to jump through to get it just don't make any sense, frankly, especially in the context of the report that we're talking about, where all the other money being spent is really problematic and not delivering what is promised. I'm glad that there is that follow-up and that you're evaluating those services, but I suspect that what you'll find is that these programs are delivering exceptional value for money. Let's remember that value for money is human beings - their livelihoods and lives and well-being.

Just with the short time remaining in this round, I'll just ask this question. Between 2016-17 and 2020-21, the Department of Justice spent on average over \$250,000 a year on electronic monitoring services. The initial contract awarded in 2016 was a three-year term, and the Province has exercised its option for two additional two-year extensions. My



question is: Was the original contract awarded through an open tender process? How was that contract awarded?

[9:45 a.m.]

CANDACE THOMAS: Yes, the government's procurement process was utilized for that contract before it was put in place.

CLAUDIA CHENDER: Then the more complicated question is: Given the clearly poor performance on that contract, what was the rationale for the two two-year extensions?

CANDACE THOMAS: I am going to ask Mr. Nielson to help me out here, because he does have direct contact with the service provider, but what I can say is that the report spoke to one aspect of that contract. There are multiple performance standards that have to be met as part of the electronic monitoring contract and services that are provided. When and how, when there are challenges with the services and performance, they are addressed immediately.

I will just ask Mr. Nielson if he would just add to that, because he has more intimate knowledge of the contract and how it functions.

ERIK NIELSON: Yes, there are multiple aspects to that contract. The quality assurance process was just one aspect of that . . .

THE CHAIR: Order. The time for the NDP elapsed. It's now 9:48:20 a.m. MLA MacDonald.

JOHN A. MACDONALD: Just a question to Mr. Nielson about how much time do you need to finish that question.

ERIK NIELSON: Approximately five minutes. (Laughter)

JOHN A. MACDONALD: I'll start off, Mr. Chair. One comment I just want to make to the deputy minister concerns her comment that she's responsible for deficiencies for the report - and I just realized that you came in a month before the deadline of the report. I totally love that your view is that you're responsible even though the report is before your time. Many times I've dealt with people where they'll go, that was before my time, I'm not going to talk about it. I do appreciate that.

The Auditor General report states that in their testing, 25 per cent of the files did not satisfy for rehabilitation program activities included probation or conditional sentences. Most of this is for mental health and for addictions. The response was that they had problems getting spaces. Considering that a judge ordered this, why was more not done at

the time to address the issue? I will let the deputy minister let me know who's better for answering that.

CANDACE THOMAS: I'm going to suggest that it be Mr. McAloney.

MICHAEL MCALONEY: When the court makes an order for probation or conditional sentence, they'll often include a number of conditions on these orders: mental health, addictions, a variety of treatment programs that may be options for the individual serving a community-based sentence. We then as probation officers in Correctional Services will do a variety of assessments to determine what is appropriate in the case. Most of these conditions are as directed by the probation officer. We take that seriously. We have some risk assessment tools, which have been tested and are authenticated, that will identify the risk, to build those case plans.

When we're looking at making referrals to various programs, we also have to bear in mind where that individual is, if they're ready to deal with those things when we're building the case plans and we're trying to look at their stages of change. There isn't a whole lot of good to come out of referring someone to addictions services or mental health - those services are highly taxed - if the individual is not ready to make those changes. Our probation officers will look at all of that information that's available to them and make referrals based on the case. There might be something else that they choose to work on at that time.

Not all of the conditions on the probation order are appropriate to help reduce the recidivism that our goal is to do. That's typically how we would make that decision on what to refer to and what not to.

JOHN A. MACDONALD: In almost two-thirds of the probation or conditional sentences tested in the Auditor General's report, it was found the individual serving the community-based sentence failed to meet the conditions of the order, and in five cases, the individuals serving community-based sentences faced no consequences, even though the Office of the Auditor General felt action was warranted in these cases.

What improvements are being made to ensure that policies are followed and supported documentation is clear in cases where a probation or conditional sentence order is violated, and more broadly within the Community Corrections? Again, that's to the deputy minister.

CANDACE THOMAS: I will hand that over to Mr. McAloney as well. I would say, though, that each individual probation officer is responsible for managing their case load and the individuals whom they are supervising in community. It's a judgement call, when we are addressing and dealing with the needs of individuals, as to whether or not you would actually have an opportunity to provide someone with a second chance before automatically going to breach them. The ultimate goal is to allow them and to help them

become stronger so that they can stay in community. Mr. McAloney, would you add to that?

MICHAEL MCALONEY: What I will speak to first is the decision-making process that a probation officer employs when they're deciding whether to formally violate an individual in the court process or pursue other means.

We all know that in Correctional Services and corrections in general, punishment is not an effective tool for reducing recidivism. If an individual violates a condition of an order for failure to report or failure to attend a program, there may be an opportunity to work with that individual to build some commitment to working on some of their criminogenic needs. We'll take that opportunity to do that.

Our probation officers have a variety of options when a violation occurs. It can be a verbal warning, written warning, a breach process, or referral to restorative justice. We want our probation officers to look at that formal breach proceeding as a last option and take those opportunities when a violation occurs to work with the individual to address the needs that have brought them to our door in the first place.

We all know that once we violate an individual, that may further criminalize them and get them deeper into the criminal justice system and end up in those more expensive options that were referenced earlier in some of the questions.

JOHN A. MACDONALD: This will be my last question. In response to Recommendation No. 1.5, the department indicated - and in your opening statements, deputy minister - that the process was implemented in the Fall of 2021. Can you speak how specifically the updated process serves to address some of the findings on the recommendations of the Auditor General, and what overall improvements were made?

CANDACE THOMAS: I will turn to Mr. McAloney to answer that question.

MICHAEL MCALONEY: The file review process that the deputy minister mentioned in her opening remarks is a process that we've been working on for a number of years prior to the Auditor General beginning their assessment. We realized that Correctional Services has evolved, Community Corrections especially, over the past number of years, from a focus of that old-school probation where you went down the order and looked at all the conditions on there and that's what you build your case plan from. That's not what we do anymore. We do it from a core correctional practices standpoint, from a risk assessment point, to help reduce recidivism.

We had a committee established. We have provincial program officers and some senior probation officers. They've been working on this file review process for a long time. Out of that file review process is a more robust assessment of what our probation officers are actually doing with their clients. It allows our senior probation officers to proactively

work with our probation officers and ensure that all of the requirements of their job are met, but also that there are opportunities for coaching and to look at those file review processes and determine whether new training or new programs that we offer ourselves might be appropriate.

We implemented that in the Fall. We're currently doing our second round of that. We do it every six months, and then our committee will get back together and assess which things are stronger and which things need some follow-up.

THE CHAIR: MLA Ritcey.

DAVE RITCEY: I have a list of short questions. Correctional Services will implement an audit process for electronic supervision to ensure policy is followed. This leads me into my first question: What considerations are given when deciding to place or remove an individual on electronic supervision? I direct that to the deputy minister.

CANDACE THOMAS: I will ask Mr. Nielson to speak to that. He has overall responsibility for our electronic supervision program.

ERIK NIELSON: I think it's important to go through the steps of the process. If an individual is being sentenced out of the court on a community-based sentence, such as a probation order or conditional sentence order, and they have a condition to participate in electronic supervision as directed by their supervisor or by a probation officer, then that triggers a sequence of events.

The probation officer is responsible to complete assessments to determine if the individual is suitable for electronic supervision, and if so, what type. The department needs to be consistent with their core correctional practices and ensuring that we use the least restrictive measures possible when using electronic supervision.

For example, if you have an individual who is sentenced to a community-based sentence and it's for a non-violent offence, they don't need to be tracked 24/7. It doesn't make sense to put them on an ankle monitor and be tracked all day. There are considerations when we decide what type of electronic supervision to use. We use court considerations first, of course. I like to use the terms "court-enabled" and "corrections-driven" for the electronic supervision program.

We cannot place anybody on an electronic monitoring device without it being a condition of the court. We use court considerations. Other factors to consider in that are other conditions on the court order for the individual to remain away from victims or geographic locations. We also use case management considerations - for example, how they scored in their risk assessment, or what stage of change they are at in their development plan. What is the least-restrictive measure possible that will achieve the case

management objectives of this individual while at the same time balancing having a reasonable expectation of public safety as well?

[10:00 a.m.]

Then the last one we have is technical considerations. We offer a suite of electronic supervision options. We don't only offer GPS monitors. We have systems of voice verification, which is an automated system that goes to land line phones where individuals are required to repeat a series of numbers to authenticate their identity. We have a smartphone biometric facial recognition technology. We have that suite of options in order to meet the needs of the individual's case management objectives while at the same time increasing compliance.

DAVE RITCEY: Thank you, Mr. Nielson, for that information. I'll direct my second question back to you. The report found that the electronic supervision service provider was not fulfilling the terms of their contract. Could you provide some insight into how that happened and lessons we have learned, and offer any words of reassurance to all Nova Scotians?

ERIK NIELSON: We have been in contracts with our current provider since 2007. We've been offering electronic monitoring since 2006. In fact, our first contract we terminated after one year. Then we entered into our new contract.

There are many factors to consider regarding whether our vendor is serving the terms of their contract. The quality assurance process was just one factor. We have to consider as well, the availability of our contract provider to provide equipment in a timely manner, availability of training, accessibility, and responsiveness.

Prior to the AG Report, there were instances where communication was given to the field offices that if there were any issues with relation to the alert response protocols, our contract providers would provide a 24-hour, seven-day-a-week offender monitoring operations centre where they receive these alerts and they would use an established set of alert response protocols to respond to these alerts.

We have had occasions prior to the AG Report where we have had to address some deficiencies, and they were addressed in a very timely manner. They were responsive. The project manager for our vendor addressed the issue with his staff and made appropriate changes. In some cases, the monitoring centre staff were reassigned to a different division.

We also have to factor in the monitoring operations centre itself. Corrections staff and myself have been to the monitoring operations centre on two occasions - it's based out of Toronto - to ensure that they are meeting the requirements of the contract and to develop and foster that partnership between our department and our contract provider. That continues to this day.

DAVE RITCEY: Another question back to Mr. Nielson. I saw in this report that the contract with the electronic supervision provider is extended for two more years. Could you share a bit about the criteria used to support the decision around the service providers?

ERIK NIELSON: I think I highlighted that in my previous response. There are other factors to consider than just alert response or quality assurance processes. For example, the availability of equipment. We don't keep an inventory in Nova Scotia, so it does take a little bit of time to ship in. Also, accessibility of training. We have it in our contract that our vendor will provide training to our staff on an as-needed basis.

We also have several staff as electronic supervision trainers across the province. In addition to that, they have to be responsive. As I stated previously, our contract provider has been very responsive whenever any deficiencies were noted and they took appropriate action. We've adjusted our alert response protocols on three occasions - once after the AG Report findings were released. As electronic supervision continues to evolve and technology continues to evolve, we're going to make a commitment to review the alert response protocols on a regular basis.

There was also an electronic supervision report commissioned in 2015, an internal review - this was prior to our new contract being signed in 2016. The conclusions were in line with the department's objectives of the electronic supervision initiative.

THE CHAIR: MLA Ritcey, you have approximately three minutes.

DAVE RITCEY: Thank you, Mr. Chair and Mr. Nielson. Can you elaborate a bit more on the types of audits that will be implemented to ensure that the contract providers are performing according to their contract and their standard?

ERIK NIELSON: Thank you for the question. As I stated before, we did have occasions where I've communicated to staff with regard to any issues regarding quality assurance or alert response protocols. Those were dealt with in a very timely manner. Our contract provider was very responsive.

In addition to that, after the AG Report's initial findings were released, the department collaborated with our contract provider. They revamped the quality assurance process. We have designated electronic-supervision oversight. We've removed it from a field office and placed it in head office. The quality assurance process being completely revamped, which will be more consistent with the alert response protocols, ensuring that they are not only meeting the timelines but that the contract provider is also including relevant documentation and communication to probation officers.

In addition to that, we will be assigning an inspector in the department to provide random electronic supervision audits of quality assurance. We've also implemented a process where a department staff person will select random alerts on a monthly basis to

ensure and ask that they provide email confirmation and voice recording confirmation that they followed the proper protocols, and the quality assurance was maintained.

THE CHAIR: Mr. Ritcey, you have about 30 seconds.

DAVE RITCEY: I'm good. Thank you, Mr. Chair, and thank you, Mr. Nielson.

THE CHAIR: We'll move on to the next round of questions. We'll break it down - it's approximately 11 minutes each. We'll start with the Liberal caucus. MLA Tilley.

FRED TILLEY: Thank you, Mr. Chair, and thank you to the witnesses for coming here today to answer our questions. It's very much appreciated.

I'm the MLA for Northside-Westmount, which is in Cape Breton. I've had the opportunity to tour the facility in Cape Breton in a former capacity, when I was with the community college. We had some great partnerships with the correctional centre in Sydney. I just wanted to compliment the staff and the facility itself. It's an old facility, but they do a great job there. I just wanted to pass that on.

Some of the questions I have are kind of Cape Breton specific. With regard to the electronic monitoring process, how many individuals would we have on that system in Cape Breton?

CANDACE THOMAS: Thank you very much for expressing your compliments of the dedicated service being provided in the Cape Breton facility, which is a very old facility. I will turn to Mr. Nielson again for this one. I don't know if we have the breakdown for Cape Breton specifically. I know the number is 51 at present who are on electronic monitoring.

ERIK NIELSON: Thank you for the question. I do not have the numbers on specific breakdowns of individuals on electronic monitoring in Cape Breton. I can certainly get those.

I do know that the last time I checked, there were 22 individuals on GPS monitors, and I think 23 individuals on the facial recognition software, the smartphone technology. Not everybody is on an ankle monitor. The vast majority are actually on the facial recognition technology, but I can get those numbers on individuals who are on electronic monitoring in Cape Breton.

FRED TILLEY: My question would be around budget, but with regard to staffing levels, so staffing levels in Cape Breton versus the remainder of the province. Do we feel that there's an adequate number of staff, both in Cape Breton and in the province, and is it a budgeting issue, or how are things in that particular area?

CANDACE THOMAS: We do not see an issue with resourcing, generally speaking within Community Corrections. With respect to the specific numbers in Cape Breton, I will turn to Mr. McAloney to provide that information.

MICHAEL MCALONEY: Most of our probation officers average a case load of 50 to 60 per probation officer. We feel that's an adequate number of cases so that they can properly manage the cases. We don't have any offices in Cape Breton that are understaffed. Actually, I don't think we have any vacancies currently on the Island.

One of the initiatives that we're looking at in our Community Corrections offices is building those wraparound services that we have in the youth side of the world. It works very well. We're trying to do that on the adult side as well, but we've recently expanded Integrated Youth Services to Sydney, and we're also piloting some projects to get some social workers into our Community Corrections offices who work for us to help probation officers get those services that they need. I think we're quite adequately staffed.

FRED TILLEY: I'm happy to hear that staffing levels are good in Cape Breton. I know as well I spoke about the correctional facility, but also I know quite a few folks who are probation officers and correctional officers. It's a difficult job, and I commend them for the work they're doing.

A question I have is around the cost. Looking at about \$7 a day to have someone participate in the in-community program versus \$300 a day in a facility. I certainly see the benefits of having as many folks as possible work in the community area. With regard to the contract that we have with our monitoring company, do we feel that due to this low cost, is that part of the issue around quality assurance, or do we think that it's just some systemic things that are going to be fixed up as we move forward?

CANDACE THOMAS: I don't foresee an issue there with respect to the cost. In fact, the cost of the electronic monitoring service is roughly just over \$200,000 a year, which is not exorbitant for the services that are provided. Mr. Nielson, did you want to add anything to that?

ERIK NIELSON: The deputy minister is correct - we'll be spending approximately \$250,000 per year. I agree, I don't feel that the cost is exorbitant. For example, our highest and most restrictive level of electronic monitoring is \$11.89 per day to monitor an individual on that GPS monitor, and that also includes 24/7 monitoring alert response protocols. The costs then cascade down.

If we're talking about the least restrictive radio frequency ankle monitor that doesn't track, that's \$9 per day. The facial recognition biometric technology is \$2.50 per day, and then the least restrictive, the voice verification system, is approximately 89 cents per day.



I don't feel that in order to provide that increased compliance and also be consistent with our case management priorities - I don't feel that it's cost prohibitive.

[10:15 a.m.]

FRED TILLEY: I agree, I don't think it's too much as well. My question would be: Given the fact that we've had some breaches, would it make more sense, because of the low cost, to escalate to the different levels of electronic supervision and just go with the \$11 a day? It seems like the most comprehensive.

CANDACE THOMAS: I will let Mr. Nielson speak to this one as well, but I would just emphasize that there is a case-by-case assessment done on each individual before determining whether it is appropriate to have electronic supervision, and then if so, what level of electronic supervision would be appropriate for that individual. Mr. Nielson, I'll let you explain. I know you have more information than I do.

ERIK NIELSON: Yes, you're correct. I believe one of the committee members has spoken about violations before. One of the tools that Correctional Services will use, if somebody is violating but doesn't meet the litmus test of being brought back to court, but they need a little bit more increased compliance - they can up them to a GPS ankle monitor for example if they are violating their house arrest.

The reverse is also true. Probation offices are regularly monitoring case management plans. If an individual is progressing well through their case management plan, they're addressing the risk need responsivity and they're reducing their risk in the community by completing anger management, obtaining employment, then you could also lower the electronic monitoring intervention as well.

FRED TILLEY: I think that's a wonderful idea. I think you spoke earlier about punishment not always being the best method, so risk and reward as well is a great way to do things.

My next question is around the AG Report itself. The fear, I think, that may be based on this report is that the community may start to lose a little bit of confidence in our correctional system. Hearing the answers today, I don't think that's actually the case. As a department, how will you get the message out to the community members that indeed, things are good, things are improving, and there's no risk to the public?

CANDACE THOMAS: We don't proactively have any plans for that, but we do certainly respond to the media inquiries that we receive, and most often it is by coverage of the media or obviously discussions in the House when it's sitting that this type of information would be made public.

I think the best evidence is that people are actually safe in their communities, and we know that we don't have people breaching their conditions on a regular basis, and that appropriate processes are in place, and that we work extremely closely with all of our Justice partners to ensure that the public is safe. That is our number one goal.

THE CHAIR: Mr. Tilley with 35 seconds left.

FRED TILLEY: I'll finish up with again thanking you for being here today to answer all of our questions, and thank you to all of your staff for the great work they do every day.

THE CHAIR: Ms. Leblanc.

SUSAN LEBLANC: With the 11 minutes I have, I just have a couple of short snappers. I did want to go back to the conversation we were having earlier when my colleague was asking about the value for money. I hate to use that term, but as my colleague pointed out, we're talking about human life value, and the value for money in terms of people serving sentences in the community or people being wrapped around by services.

When we talk about these numbers, I just want to point it out again: \$14 million to support 4,700 people in the community, and \$80 million to support 456 people serving in jails. I know sometimes we obviously need to have people in jails. When we hear the deputy minister, when you said there's a finite amount of money, we hear this. I get that. I understand budgets, but I understand that budgets are choices.

What if we took some of that \$80 million or some of that \$14 million and actually funded these community organizations? Not just so they can survive, but so they can thrive, build and expand their services, or there could be more services like that.

Has there been any analysis done on how budgets could be reallocated so that organizations - I'm just going to use Elizabeth Fry as the example, but you know what I mean - wraparound organizations, that are also providing housing in many cases - has there been an analysis done on how money could be reallocated and what that would mean for the justice system and what that would mean for the recidivism rate? Is that the right word?

CANDACE THOMAS: Thank you for the question. I'm not aware of any analysis of that nature being done. I could certainly have a conversation with my deputy minister colleague in the Department of Finance and Treasury Board, and find out if there have been any discussions there within that department.

As I did indicate, the organizations that are funded through the Department of Justice also receive funding from other departments. For example, Elizabeth Fry receives substantial funding from the Nova Scotia Advisory Council on the Status of Women, which is obviously part of the Department of Community Services. So there are different

departments that come together to provide funding. I know your question is around core funding, permanent funding. They would probably have to be attached to a department, I would think, to receive that type of funding.

Again, it is outside of my area, so I can't really speak to it with any high level of intelligence. I will undertake, though, to have a conversation with my deputy minister colleague.

SUSAN LEBLANC: Thank you, I really appreciate that. I remember when I visited E. Fry, the former Deputy Minister of Justice and the Deputy Minister of Community Services were there and they talked about how they have this social services deputy ministers' table or whatever it's called. This, to me, seems to me like a great place to hash it out and make sure that people are getting the services they need.

Speaking of women, I understand that in many cases, women who go into Burnside or Central, whether it's on remand or to serve sentences - do women actually serve sentences at Burnside? (Interruption) Yes. Okay. A big part of their recidivism, or contributing to that, is that when they leave, they have lost their housing. Someone goes in on a drug charge or something like that and they have an apartment, but they're not there for three months, they don't pay their rent, and they lose that apartment. They come out and they have nowhere to go, so they go back into a situation that is not ideal for them, and end up reoffending and go back in. This is like a revolving door type of thing.

I'm wondering if you can speak to any work that's being done at the department level to make sure that there is housing for people who are leaving the system and re-entering the community - stable housing.

CANDACE THOMAS: Thank you for that question as well. Working across departments is very important. The housing aspect of how individuals sometimes end up back in custody is problematic and something that we're obviously working on.

With respect to those who are - for women in particular, and the assistance in transitioning from in custody to Holly House to their own housing, I am going to call on Mr. Collett to ask if he has any information he could share that could help answer this question.

CHRIS COLLETT: We do see that type of situation happening and occurring, and it has happened for a long time. We have been successful, and actually, when Burnside was built, before my time - well, I was working in Correctional Services, but I wasn't involved in building the site. The recommendation was that we shouldn't have as many beds as we have for women in custody. If you build them, they will come, so to speak. So 48 beds for women - when I took over as executive director, I think we had 44 women in custody. As I speak today, I believe we have under 30. During the pandemic, we got down as low as eight or six. So we have demonstrated that we can manage that population elsewhere.

As the deputy minister said, working across departments to create synergies that allow us to address those criminogenic factors that are bringing people back into custody - because it is, quite honestly, a revolving door. That's exactly what you're referring to. It's not for the entire population, but there is certainly a population that that is an issue, and that's why in particular we have created a women's services model so that we can start to address those things.

We've increased their social worker component, so we have an assigned social worker for women's services. We have an assigned teacher for women's services. Last year we graduated, I don't know how many women graduated, but we graduated six. I think it was two women and four men from Nova Scotia Community College with trades, and they're out actually working.

There are a number of different components that we're trying to address, not just addictions and mental health, but there's vocational, educational, to allow people to be able to sustain themselves in the community.

Housing is a significant issue for us, particularly in Cape Breton. We are actively looking at opportunities to do things differently so that we don't have to rely on a facility to hold people, particularly women, who have to be removed from Cape Breton to Halifax, which I think is a significant impediment. We have a very strong relationship with the Elizabeth Fry Society, actually, and meet with them quite regularly. It's not that we don't understand the issue; the issue is when you're bound to hard-and-fast budgets. I have a building out there that has 48 beds that has 125 staff, so we have to get to a place where we don't have a 48-bed facility and 125 staff.

We're looking across the spectrum of what Correctional Services has in its utility belt to address that issue, so that's where we're going with it, particularly with the women's services model. It's certainly a larger issue in men, because we see many more men coming into custody. We're working in a number of different committees with stakeholders in the justice system to try to reduce - Nova Scotia has a high user remand across the country. We use remand very highly. It's a highly dangerous setting, because people are coming into custody in different states of trauma and untreated mental health and addictions.

We really need to reduce the over-reliance on remand. We're seeing a huge reliance on remand for people who are experiencing homelessness, and homelessness is not a crime in the Criminal Code. It's something that we're really pressuring the system to change. We hear a lot in the system that, he had nowhere to go, so we had to put him in Burnside. He still has nowhere to go when he gets out of Burnside.

That's part of our goal, to look at things outside of our institutions to create opportunities in the community. That's why we've grown our educational program, that's why we've grown our social work program, that's why we have these partnerships with the Elizabeth Fry Society, Coverdale, and the John Howard Society.

THE CHAIR: MLA Leblanc, you have a minute and 20 seconds.

SUSAN LEBLANC: Really quickly, speaking of remand, I have heard complaints from my community, Dartmouth North. When people are released on remand with conditions into the community, that there are a lot of breaches happening. What I'm hearing is that the police are called because they see someone breaching their conditions and the police don't pick them up because they know that when they bring them back in front of the judge, the judge is just going to re-release them with the same conditions. This is what I hear. Can you speak to that?

CANDACE THOMAS: I'm going to let Chris speak to that. Bail conditions are slightly different, but still.

CHRIS COLLETT: We don't manage bail conditions per se, so I can't really speak to what the police may or may not do when they hear about a breach of an undertaking or a bail order. We do see people returned to custody under Section 145 of the Criminal Code, which is breach of an undertaking, quite regularly, oftentimes with another offence usually. It's not something that we're actively involved in, other than some of the bail monitoring that we did during the pandemic. We're still in the pandemic. I have to catch myself with that. We still offer some bail monitoring services.

THE CHAIR: Order. The time for questioning has elapsed for the NDP. Moving on to the PCs - Ms. Sheehy-Richard.

MELISSA SHEEHY-RICHARD: We haven't talked about the section on training yet. The AG Report found that 22 of the staff hired between January 1, 2018, and December 31, 2020, none of them completed all of their required training courses. Management indicated that courses were cancelled over the pandemic, but I'm happy to hear options are being explored to deliver training in a virtual environment.

Can you speak a little bit how about training delivered in a virtual environment will support staff learning and orientation needs, and what is being done to ensure that learning needs are being met?

CANDACE THOMAS: Thank you for that question and allowing us to speak a little bit about the training and enhanced training that we have. Since the executive director is responsible for training, I'm going to ask Mr. Collett to answer your question.

CHRIS COLLETT: We were challenged through the pandemic, particularly around training. Oftentimes when we hire probation officers, we don't hire in large quantities. We'll hire correctional officers four times a year - 30 to 40 people in each class. We run an actual class, and we have an assigned training team that trains that staff. When we hire probation officers, we may hire somebody in June, someone in October, someone in December.

[10:30 a.m.]

We gather that group and do training at a targeted time when we can get - you have to have enough people in the program to have that program fidelity for people to learn. So we were challenged around the pandemic because we aren't allowed to mix our groups with correctional officers, so oftentimes in correctional services we have probation officers and correctional officers training together, so that we have larger groups to allow the training to occur. Due to Public Health restrictions, correctional officers could not mix with probation officers and then go back into the facility.

It was just a rule around COVID-19, and it still exists today. We're still not allowed to mix our groups. Our facilities are still under the Public Health mandate, because we're included with long-term care and health care facilities.

Our probation officers are training. Some of it, we've moved online. We've moved our case management system, which is known as JEIN - Justice Enterprise Information Network. That's how a probation officer gets on and sees an order, communicates with the court, sends pre-sentence reports to the court. We've moved that online. We've moved our refresher for our core correctional practices, which is our foundational program for probation officers to perform their duties, online. We've moved several others - we're not doing them online, but we're doing them virtually, like with somebody in the classroom and people attending by video.

We do find that with a lot of the hands-on courses, we really need to be in person to gain that program fidelity. However, we can provide the information - because some of it is kind of textbook related and some of it is hands-on - so we provide that textbook-related information in a virtual setting and then bring people together as we're able to. We're able to now, so we have a number of courses scheduled for probation officers to address some of the lags with our training.

In particular, if you talk about training, one of the items that was identified was diversity and inclusion. Diversity and inclusion training is offered by the Public Service Commission. It was a one-day in-person training course that had about a nine-month waiting list to get into. Then when the pandemic hit, they weren't able to offer it, so they moved that online. That moved online in April 2021. Since that time, over 83 of our staff have taken that program. We have 82, so I think there's a number count - someone took the in-person and the video both at the same time.

We do have capacity to complete some of the programs, some of the training, by video. Some of it is within our scope of work and some of it is outside of our authority, because it's offered by the Public Service Commission. But most of the Public Service Commission training that's mandatory for staff is available by video now. I have the number sitting in front of me and we have really high compliance with that video training on today's date.

MELISSA SHEEHY-RICHARD: Well, it makes me really happy to hear that. Sometimes you think that the pandemic has been shining some silver lining on a few situations where we can improve and modernize the way we're implementing our training.

The department mentions in its response to Recommendation 1.9 that the current orientation program has been in use since 2008. What changes can we expect to see in the updates and the revamped orientation?

CANDACE THOMAS: We are creating a workbook of sorts for orientation, so I'm going to turn that over to Mr. McAloney to respond.

MICHAEL MCALONEY: Yes, the process that we had in place was old. It was from 2008. We have a committee struck. They're working as we speak to develop a new onboarding process, one that's a little bit more robust for the various positions that we have in Community Corrections. There will be an onboarding process for administrative staff, an onboarding process for probation officers, and an onboarding process for senior probation officers to make sure that they have all of the tools that they need to do their jobs effectively. That's what we're working on.

That's what we have. We expect to have that in place and operational in the Fall, and we'll pilot that and see where it goes. Part of the process, my colleague reminded in my ear - it's a good thing it works - we have in that process a mentoring process, so we'll partner a new senior with a veteran senior or a new probation officer with a veteran probation officer. They might sit in on some pre-sentence report interviews and some risk assessments to learn those processes. Taking the training is part of the work, and watching it in action is another part of the work that will be embedded into our onboarding process.

MELISSA SHEEHY-RICHARD: I agree. The hands-on and the mentorship - in any apprentice-type relationship, hands-on learning is always the best. Being able to apply and see what you've learned in the classroom or virtually to the actual on-the-ground work seems to be a big improvement in that area as well.

Just one last one is how the pandemic impacted the ability to facilitate the training. I know we talked about it a little bit. Just elaborate a little bit on what steps have already been taken, if we missed any in those answers to date to address that.

CANDACE THOMAS: I'm going to ask Mr. Collett to answer that.

CHRIS COLLETT: Some of that answer was caught up in some of the previous information that I gave. The pandemic, like I said, did impact our ability to provide training, but it also allowed us an opportunity to look at how we provide training, and maybe we can provide it differently.

We've also had a strong look at our training matrix for probation officers to see if we need to reassess what actually makes up a core training foundation for probation officers. Is this course still necessary? We've added so many courses over the years that we're going back now and saying, I was a probation officer for 18 years and some of the courses that are being taught today, I took them back in 1989 and 1990. I'm starting to date myself.

It gave us that time to go back and look and say, what is needed for a probation officer to do their function? But it also allowed us to say, maybe we can move this online. That's why we moved our JEIN training online and we moved our core correctional practice training online. Being able to impact people quickly, not having to pull them together, take them away from their offices - there is a bit of a silver lining in the pandemic for us around that. The fact that we don't train together with our correctional officers, I think we lose a little bit of our synergy around custody and communities, so we're missing that.

We're looking forward to getting to a point where we can have those courses trained together with our staff so that we're seen as an organization, not just community over here and custody here. We want to work together for the betterment of Nova Scotians who are coming through the system and provide for public safety.

MELISSA SHEEY-RICHARD: How much time is there left?

THE CHAIR: You have two minutes.

MELISSA SHEEHY-RICHARD: I'll just ask a general question. Can you discuss more broadly how the Province is working to ensure that we have a well-functioning Community Corrections system, just in general?

CANDACE THOMAS: I would start by saying, of course, that employing the core correctional practices across the board and consistently, by all of our Correctional Services personnel, is very important, and maintaining the high standards that we have, as far as core training and supplementing that with additional enhancements with respect to training.

I would also offer always being mindful of the "why." Why are we doing this work and who are we doing this work for? We know that we are working with the most marginalized in our community, and there are circumstances that have happened as to why some people have ended up in conflict with the law. Being restorative in our approaches and how we deal with those who are in conflict with the law is very important and one that has been embraced by Correctional Services, by the Department of Justice more broadly, and by government more broadly.

I think that we have leadership that is very aware of the challenges and the issues in our system. We are here . . .



THE CHAIR: Order - my apologies. I want to thank everyone for the information provided today. It was quite informative. I'll offer time for some closing remarks. Ms. Thomas.

CANDACE THOMAS: I want to thank you, Mr. Chair, and everyone for the very thoughtful discussion and questions. I know that you are in the positions that you are in because you care and you understand how important the work is to be of service to Nova Scotians.

I want to assure you that that's the same for those of us who are working within the Public Service. We are doing this work because we care about Nova Scotians, about people, and about human beings, and we have decided that we will get inside the ring instead of outside of the ring to try to make a difference.

I just want to thank you for being engaged, for asking very thoughtful questions, and for listening. We can tell that you have heard what we've shared with you today. We know that we can do better, and we will always strive to do better. We will do that together, and we will do it also with community. Thank you very much for allowing us the time to be here.

THE CHAIR: Thank you so much. We do have a little bit of committee business, so you're free to leave, if you want to gather your things there.

MLA Maguire.

BRENDAN MAGUIRE: Are we going into committee business right now?

THE CHAIR: I believe so.

BRENDAN MAGUIRE: I'd like to put a motion on the floor. Today, gas sits at 203.4 cents per litre . . .

THE CHAIR: With respect, MLA Maguire, perhaps after we get through the committee business, if you'd like to put a motion - okay.

The first item I have for committee business is correspondence that we would have received from the Department of Communities, Culture, Tourism and Heritage. Is there any discussion on that item?

Hearing none, we have also decisions made from the May 18<sup>th</sup> in camera briefing with the Auditor General. The committee agreed to make public the decisions on the 18<sup>th</sup> in camera, and that was that we add one hour to the June 22<sup>nd</sup> meeting to deal with the training session follow-up. It was moved by MLA MacDonald, and that motion was carried.

We also have an endorsement of AG recommendations. The committee has adopted a practice of formally endorsing the Auditor General recommendations that have been accepted by departments. The Auditor General tabled the report, Oversight and Management of Individuals Serving Community-Based Sentences, on May 17<sup>th</sup>.

I will ask if there are any motions endorsing the recommendation. Ms. Chender.

SUSAN LEBLANC: You want a motion to endorse the recommendations?

THE CHAIR: Sorry, I thought you had a comment on - did you want to comment on . . .

CLAUDIA CHENDER: I have another motion related to the recommendations.

THE CHAIR: We have one motion on the floor right now, which we'll address. MLA Ritcey.

DAVE RITCEY: Thank you, Mr. Chair. I move that the Public Accounts Committee formally accept and endorse recommendations contained in the 2022 Report of the Auditor General, Oversight and Management of Individuals Serving Community-Based Sentences: Department of Justice, that have been accepted by the departments or agencies, and ask that those departments and agencies commit to and take responsibility for full and timely implementation of the recommendations accepted by those departments and agencies.

THE CHAIR: MLA Maguire.

BRENDAN MAGUIRE: I would just like to say that we're going to be squeezed for time. We have a multitude of motions to be put on the floor today, so I was wondering if we could extend the Public Accounts Committee meeting potentially for another half hour to deal with them. Can we put that motion on the floor?

THE CHAIR: We have a motion on the floor right now pertaining to the recommendations of the Auditor General, so I ask that we vote on that particular motion.

Is there any discussion on Mr. Ritcey's motion? Would you like Mr. Ritcey to read the motion again?

All those in favour? Contrary minded? Thank you.

The motion is carried.

Prior to the committee agreeing to the practice of formally endorsing the AG's recommendations, there were two audits that were tabled in November 2021 relating to the

value for money of early COVID-19 relief programs for individuals and small businesses, and internet for Nova Scotia. Does the committee wish to endorse these recommendations? MLA Maguire.

[10:45 a.m.]

BRENDAN MAGUIRE: There's no motion on the floor right now, so I'd like to put a motion on the floor extending the Public Accounts Committee meeting for another half hour to deal with these motions and other motions that will be coming forward. There is now a motion on the floor to vote.

THE CHAIR: Is there any discussion on MLA Maguire's motion to extend the meeting?

All those in favour? Contrary minded? Thank you.

The motion is defeated.

MLA Leblanc.

SUSAN LEBLANC: I'll make a motion to accept those recommendations or to endorse those reports. I can't remember how they're worded. Is there someone who has it?

THE CHAIR: MLA Maguire.

BRENDAN MAGUIRE: I'd just like to put a motion on the floor to endorse those recommendations.

THE CHAIR: All those in favour? Contrary minded? Thank you.

The motion is carried.

MLA Maguire.

BRENDAN MAGUIRE: Now we can put motions on the floor. I would like to put a motion on the floor that today, the price of gas sits at \$2.03.4 a litre, which we can admit now that is a cost-of-living crisis and a fuel crisis. This is the Public Accounts Committee, and as the price of gas increases, the Houston government is pulling in more and more revenue into the Public Accounts, and this revenue is being made on the back of Nova Scotians.

During the election, the now-Premier made some big promises about a better paycheque guarantee. It looks like that's not happening anytime soon. The Minister of

Finance and Treasury Board said just recently that the working class and middle class individuals, including our seniors, can now weather the huge price increases.

Government is making more money off fuel. Since this is the Public Accounts Committee, and there is a cost-of-living crisis, I ask that we bring in the Department of Finance and Treasury Board, and someone from the Premier's staff to discuss this newfound revenue windfall, which only happened over the last couple of weeks so it's not something that we could have predicted, what they plan to do for that money, how it's going to impact working-class and middle-class Nova Scotians, and what they plan to do to decrease the burden on Nova Scotians as they make more money. I ask that we bring that in the next sitting.

THE CHAIR: Are you asking to bring that to the agenda-setting meeting?

BRENDAN MAGUIRE: No, I'm asking to bring in someone from the Department of Finance and Treasury Board and the Premier's Office to discuss this newfound windfall that they're making off the back of Nova Scotians - to bring them in now because people are being impacted now - to discuss what that money is being used for and how they plan on putting that back into the pockets of Nova Scotians.

THE CHAIR: Just for clarity, was it a motion that you're making? You're moving?

BRENDAN MAGUIRE: Yes, I'm moving that we bring them in at the next Public Accounts Committee meeting.

THE CHAIR: Is there any discussion on this motion?

We have asked for a recorded vote.

[The clerk calls the roll.]

[10:50 a.m.]

**YEAS**

Claudia Chender  
Susan Leblanc  
Brendan Maguire  
Fred Tilley

**NAYS**

Dave Ritcey  
John A. MacDonald  
Melissa Sheehy-Richard  
Trevor Boudreau  
Nolan Young

THE CLERK: For, 4. Against, 5.

THE CHAIR: The motion is defeated.

Ms. Chender.

CLAUDIA CHENDER: I'd also like to move a motion, again connected to the topic that we were just discussing in this session of the Public Accounts Committee. I have sent it to Ms. Langille.

Our motion is that our committee request the Office of the Auditor General to include recommendations from the May 2018 Report on Correctional Facilities in their follow-up report on the 2022 Report on Community Corrections.

I think what we always hear, pretty much, in this Chamber is that the department accepts all of the recommendations. Then sometimes they fulfill them, and sometimes they don't. I think today was a great example of recommendations being accepted over and over and over again and action not being taken. The only real tool we have as a committee overseeing the public accounts of the Province is to continue to bring these folks forward and ask them questions. For that reason, I move my motion.

THE CHAIR: Could you read your motion one more time, please?

CLAUDIA CHENDER: Sure. It's just basically to look at it again. So, that the committee request the Office of the Auditor General to include recommendations from the May 2018 Report on Correctional Facilities in their follow-up report on the 2022 Report on Community Corrections.

THE CHAIR: Is there any further discussion on this motion? MLA MacDonald.

JOHN A. MACDONALD: Can we just take a two-minute break?

THE CHAIR: Sure. There's a request for a recess. We'll take a two-minute recess.

We are now in recess.

[10:52 a.m. The committee recessed.]

[10:54 a.m. The committee reconvened.]

THE CHAIR: Order. The committee is now in session.

MLA Boudreau.

TREVOR BOUDREAU: Thank you, Mr. Chair. I just had a question for the Auditor General. Would you be comfortable continuing on with doing a review in this coming year for 2018?

KIM ADAIR: Yes, we were just discussing how we would incorporate the work on both following up on the 2018 report, as well as the 2022 report, so yes, we're comfortable.

THE CHAIR: Is there further discussion on the motion?

All those in favour? Contrary minded? Thank you.

The motion is carried.

MLA Maguire.

BRENDAN MAGUIRE: I'll be quick on this one. I request that the Department of Natural Resources and Renewables and Nova Scotia Power come back to the Public Accounts Committee. We're looking at the second week of October, this time to discuss power outages and the frequencies of the power going in and out. So the second week of October is what we're looking at, to bring Nova Scotia Power back to talk about the power outages and power bills.

THE CHAIR: MLA Leblanc.

SUSAN LEBLANC: Will we be having an agenda-setting session before that date?

THE CHAIR: We don't have a date yet, but it's probably going to be around the first week of September.

SUSAN LEBLANC: I would just say that we can discuss it at that time.

THE CHAIR: At the agenda setting?

BRENDAN MAGUIRE: There's a motion on the floor.

SUSAN LEBLANC: The discussion on your motion is that we do not support the motion because we feel we can deal with that at the agenda-setting meeting.

BRENDAN MAGUIRE: What I would say to my NDP comrades would be that people will get power bills between now and October, so while it's great to wait a few months to discuss it, people will still have to pay power bills. I'm putting the question on the floor and I ask for a vote.

THE CHAIR: The question has been called. All those in favour? A recorded vote has been called.

[The clerk calls the roll.]

[10:57 a.m.]

**YEAS**

Hon. Brendan Maguire  
Fred Tilley

**NAYS**

Claudia Chender  
Susan Leblanc  
Dave Ritcey  
John A. MacDonald  
Melissa Sheehy-Richard  
Trevor Boudreau  
Nolan Young

THE CLERK: For, 2. Against, 7.

THE CHAIR: The motion is defeated.

MLA Chender.

CLAUDIA CHENDER: I'm just looking at the correspondence that we received from Deputy Minister Huston dated May 13th in response to questions that came forward at committee. It should be on all of our desks, I think. The first question, who is the production company that produced the video, is not in fact answered in the response. The second part of that question is answered, were there union actors hired, but the first part, who is the production company, isn't answered.

I just wonder if the clerk could write back to the deputy minister with that question again, and ask if they could share with us who the production company is that produced the video on the liveinnovascotia.com website.

THE CHAIR: I know we passed this initially in the agenda, but is there any discussion on Ms. Chender's request here? Are we good?

Our next meeting is going to be on the 1<sup>st</sup> of June 2022. The Department of Community Services, Department of Agriculture, Dr. Sylvain Charlebois, Feed Nova Scotia, Nova Scotia Federation of Agriculture, Nourish Nova Scotia, regarding the rising food costs and food inflation in Nova Scotia.

With that and a few seconds left, the meeting is adjourned.

[The committee adjourned at 10:59 a.m.]