

External Review of Accidental Releases - Manitoba
Executive Summary



**Prepared for Honourable Andrew Swan, Minister of
Justice, Manitoba**

By

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EXECUTIVE SUMMARY – EXTERNAL REVIEW OF ACCIDENTAL RELEASES

For the period between January 1, 2011 and April 30, 2011 there were five accidental releases in Manitoba. It appears there is no single cause for the accidental releases and that the errors made in each accidental release are unique.

Accidental releases are relatively rare occurrences and when it does occur it is treated very seriously by Manitoba Justice officials. Following each accidental release, a comprehensive review of the circumstances surrounding the release is undertaken and information learned from the review is incorporated into departmental processes.

Every jurisdiction in Canada has experienced accidental releases at some point in time. As in Manitoba, a number of steps have been implemented in those jurisdictions to reduce the number of accidental releases.

In Saskatchewan, steps were taken to improve the clarity in documents that accompany an accused to court, whether from a police agency or a correctional facility. Revisions were made to the documents through consultation with staff from court services and corrections and the police agencies. The municipal police agencies' data systems were modified to include additional information regarding the status of the accused in relation to other charges or convictions.

Improvements were made to the verification process that occurs prior to the release of a prisoner from Detention or a correctional facility following a court appearance; and the internal tracking processes within the correctional facilities to verify the outcome of court appearances were improved. Saskatchewan recognized it was imperative to develop and implement an integrated criminal justice system that will provide a quick, easy access to an accused person's file and allow courts and corrections to exchange information in near real time. The Ministries of Justice and Attorney General (JU) and Corrections, Public Safety and Policing (CPSP) received funding in 2009-2010 to proceed with an initiative to transform business processes to improve the effectiveness and efficiency of their operations. The Information Technology Office (ITO) has undertaken the task to fulfill that business need with a phased legacy transformation project. The

expected outcomes and objectives identified for this project include: (a) an information repository of high quality accused/offender data that provides stakeholders with a single source of truth; (b) effective and efficient processes supported by technology; (c) automated digital exchange of data and notifications with external justice partners; (d) replacement of legacy IT systems in JU and CPSP; (e) improved analysis and reporting guidelines. This integrated system is currently being developed with implementation targeted for mid-2013. When completed, the initiative will deliver a suite of system modules that together will comprise the Criminal Justice Information Management System (CJIMS). One of the primary reasons funding was approved in Saskatchewan was as a result of accidental releases and the potential impact on the public, both in terms of safety and confidence in the criminal justice system. The legacy systems that are presently in place are not able to meet those requirements.

In Quebec, officials from the Justice Ministry and the Public Security Ministry meet regularly to address the issue of accidental releases and have implemented a number of improvements to address the problem including a review of the work processes; training of personnel; provision of additional staff resources to verify all court documents after court proceedings for accuracy; and improved communications between the two Departments at the local level to discuss and facilitate operational changes that are required to reduce the risk of accidental releases.

Nova Scotia has developed a *'Disclosure of Information on Major Incidents Involving Persons in Custody'* policy for use when there is an accidental release and other major incidents involving persons in custody. Information is released by designated spokespersons for the Department of Justice in accordance with the parameters laid out in the policy. When deemed appropriate to do so according to the parameters of information disclosure, the incident reports including the findings of the investigation into the wrongful releases and the recommended solutions, are posted on the Department of Justice Publications page of the Government of Nova Scotia website.

Alberta has addressed the problem through systems enhancements, improved work processes, and timely sharing of information between the agencies involved in the criminal justice system. Like Saskatchewan, Alberta received funding in 2009-10 to commence work on replacing their legacy systems. This initiative is referred to as Justice Innovation and Modernization of Services (JIMS). To date, a Court Case Management initiative has been implemented in each of Calgary and Edmonton, and work is underway on phase 2 of the initiative.

In addition to the JIMS initiative sponsored by Alberta Justice and Attorney General, the Alberta Police Integrated Information Initiative (API3) is Alberta's response to the identified need to increase access to information and communication among the various police agencies engaged in law enforcement throughout the province. The stakeholders in this project include Alberta Justice and Attorney General and Public Prosecution Service of Canada. The proposed service delivery is to automate the exchange of information between stakeholder groups and API3. This exchange of information will include, but not be limited to disclosure, subpoenas, warrants, court orders, exhibits, trial scheduling, hearings and trial dispositions.

In May, 2011 Manitoba Justice engaged the services of a consultant from Alberta to conduct an external review on accidental releases. The focus of the review is to examine and analyze the circumstances leading to the accidental releases of accused persons from custody, and to make recommendations that will assist in reducing and eliminating the number of accidental releases.

Manitoba Justice officials have taken a number of steps to put procedures in place to eliminate accidental releases. The following are the findings and recommendations of the review consultant to further reduce and eliminate accidental releases.

FINDING #1 – MANITOBA JUSTICE SYSTEMS DEVELOPMENT

During the course of the external review at the Winnipeg Law Courts, the review consultant discovered there are ten different systems/applications being used to

process documents in the Justice Department (Criminal Courts Automated Network (CCAIN); Jetform; Queen's Bench Registry; Provincial Court Rota (PC Rota); Common Offence Notice (CON); Corrections Offender Management System (COMS); Timeline Monitoring System (TMS); Prosecution Information and Scheduling Management (PRISM); Vehicle Impoundment Registry (VIR); and Financial Records (includes fines and restitution). Each system runs independently, and the data is not shared. This means that each division has staff entering information on a case into their specific system. The same information may be entered into each major system, and within some divisions, also entered into other subsystems. For example, CCAIN does not communicate with the systems used by the Police Forces in Manitoba. The Winnipeg Police Services enter the charges on their Records Management System (RMS), the RCMP enter their charges on Police Record Operating System (PROS) and the charges are entered again by the Court Services data entry staff on CCAIN. The number of times the same information is input into the various systems increases the possibility of error. Manitoba Justice officials have put a very significant amount of time and effort into the development of a Cooperative Justice Initiative (CJI) which will allow for the exchange of relevant information between the 3 core systems within Justice – CCAIN (Courts), PRISM (Prosecutions) and COMS (Corrections). The intended goal of this initiative is to improve public safety, and reduce the liability risks the Department potentially faces as a result of current business practices. The Department has placed itself in a very good position to start addressing required business transformation through the establishment of its new Justice Innovations Division which is a mechanism to frame and implement reform flowing from the CJI.

RECOMMENDATION:

To continue the development of the CJI, Manitoba Justice requires a commitment for funding. The Department should put forward its business case for this funding as soon as possible.

FINDING #2: TRAINING AND DEVELOPMENT FOR STAFF

Steps are being taken to hire a Director responsible for training within the Courts Division to develop and implement a curriculum for both new and experienced court staff in regard to the criminal court process, and to provide training to other justice system participants. The Department is to be commended for recognizing the need to establish a culture of ongoing learning and development in the organization.

RECOMMENDATIONS:

- (a) The position of Director responsible for training be filled quickly with an individual who has extensive experience in Adult Education and the development of training programs.
- (b) A systems and team approach be taken to capacity development and program delivery in the Justice Department.
- (c) Search out opportunities for cross-jurisdictional cooperation and learning through the Association of Canadian Court Administrators (ACCA).

FINDING #3: COMMUNICATION NEEDS ACROSS COURT SERVICES AND WITH OTHER STAKEHOLDERS

Communication links and relationships between Court Services staff, Corrections staff, Prosecutions staff, Sheriff staff, and the private bar need to be strengthened, particularly in regard to those staff members who are dealing with in-custody accused. Departmental staff agree there should be regular discussions and opportunities in the various work units to meet and resolve issues, however the volume and complexity of the work in the criminal justice system limits the amount of time for communication and meetings.

RECOMMENDATIONS:

- (a) The development of a formal communication plan that promotes a culture of openness and communication among the various work units in Justice.

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- (b) The coordination of regular meetings of the Managers responsible for Court Administration, Staff Justices of the Peace, Pre-Trial Coordinators, Court Clerks, Central Custody Control Centre (C4), Sheriffs, Winnipeg Remand Centre, Correctional facilities and Prosecutions.

FINDING #4: Central Custody Control Centre (C4) Program Review

A special unit known as C4 (Central Custody Control Centre) was created in 2005 . C4 centralizes the management and processing of all custody documents and paperwork relating to dispositions affecting persons in custody for the Criminal Courts. A review of C4 was completed in September, 2009 however not all the recommendations contained in the report have been implemented.

The number of staff in C4 has recently increased to four in response to accidental releases, however there were only two staff members working in the Unit at the time of the external review. The team lead of the Unit is at the same classification level as the other staff justices of the peace. This creates confusion about who in the Unit has the authority to establish procedures for the Unit staff.

RECOMMENDATIONS:

- (a) Carry out a review of the outstanding recommendations in the September, 2009 report, and develop a plan for the implementation of those recommendations.
- (b) Conduct a review of the work in the Unit to determine if the assignment of four staff resources to the Unit is appropriate based on the volume and complexity of the work handled by the Unit. Reassign staff resources from other areas of Court Services, if necessary, to maintain appropriate staffing levels in the Unit.
- (c) Review the classifications of the staff working in C4, and formally assign a Supervisor position to the Unit. A back up supervisor to be designated for those occasions when the Supervisor is away.

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- (d) Review procedure manual developed by C4 staff. Address inconsistencies in regard to the way in-custody on other matters (ICOM's) are handled and document procedures in manual.

FINDING #5: Development of Procedure Manuals

The procedure manual used by court clerks is outdated and there are very few procedure manuals throughout Court Services. A number of benefits can be derived from the development of procedure manuals including: (a) increased knowledge and ability of staff to efficiently serve the public; (b) standardization of current court administrative procedures; and (c) uniformity and equality in staffs' roles and responsibilities. Procedure manuals are used to train new staff and keep experienced staff informed of new policies and procedures.

RECOMMENDATIONS:

- (a) The development of procedure manuals to become a priority for Court Services.
- (b) Integrate the development of procedure manuals with systems development.
- (c) Define the role of the Director responsible for training, the Provincial Court Policy Committee, and the Court Services Governance and Policy Unit in regard to the development of procedure manuals.
- (d) Search out opportunities for cross-jurisdictional sharing of procedure manuals through the Association of Canadian Court Administrators (ACCA).

FINDING #6: SPACE ISSUES IN THE WINNIPEG LAW COURTS

The staff who handle most of the paperwork associated with in-custody matters are located on the Main floor of the Winnipeg Law Courts. This includes Court Administration (data entry, document processing, custody control clerk), staff justices of the peace, and the Central Custody Control Centre (C4). These are the staff who process all the court orders, update the remand warrants, and experience time pressures every day to do so. The space is overcrowded, with little working room for the staff members. C4 is located in the middle of the other work units - the limited space and constant distractions from noise and traffic creates a very difficult working environment for staff who must pay very close attention to detail at all times.

RECOMMENDATIONS:

- (a) The development of a long term space plan for the staff located on the Main floor of the Winnipeg Law Courts.
- (b) The development of an interim solution for moving the C4 staff to a location that provides a working environment that fits the needs of the Unit in regard to the complexity and volume of work that is processed through that Unit on a daily basis.

OTHER FINDINGS AND RECOMMENDATIONS:

- (a) Review Court Services organizational structure to determine if the existing structure provides the most efficient and effective way of carrying out the core business of the Division. This recommendation to be drawn to the attention of the recently appointed Assistant Deputy Minister of Courts for immediate attention.
- (b) Development of a succession plan for senior staff in court services.
- (c) Process documents for the appointment of Staff Justices of the Peace a minimum of four times per year.

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- (d) Review all vacancies in Court Services and reallocate positions to those areas where the volumes are the heaviest and where there is the greatest need for additional resources. Once positions are filled, and new staff are trained, consideration should be given to reassigning senior staff to assist with the development of training plans, preparation of procedure manuals, and knowledge transfer.
 - (e) Closely examine "*Disclosure of Information on Major Incidents Involving Persons in Custody*" policies used in other jurisdictions when there is an accidental release.
 - (f) Development of a protocol for the notification and circumstances of an accidental release to all Justice staff who are involved in processing in-custody individuals.
 - (g) Establish a committee to review all in-custody forms (Order of Discharge, Warrant Remanding a Person in Custody, etc). Changes/enhancements that are already being considered by court services staff may have the effect of eliminating accidental releases.