



CORRECTIONAL SERVICE CANADA

CHANGING LIVES. PROTECTING CANADIANS.



Audit of Sentence Management

INTERNAL AUDIT AND EVALUATION SECTOR

MARCH 7, 2023

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EXECUTIVE SUMMARY

What Did We Examine?

The Audit of Sentence Management was conducted as part of the Correctional Service Canada (CSC) 2020-2022 Evergreen Risk-Based Audit Plan.

The overall objectives of this audit were to provide assurance that:

- A management framework is in place to support effective sentence management; and
- Sentence structures are accurately calculated and reviewed in accordance with current and historical legislative provisions.

The audit, which was national in scope, assessed sentence structures calculated between April 2020 and March 2021, sentence structures of offenders released during that same period, and offenders scheduled for release in 2021-2022.

Why Is It Important?

The purpose of sentencing is to protect society and to contribute to the maintenance of a just, peaceful, and safe society by imposing fair sanctions to reach several objectives, including separating offenders from society, where necessary; assisting in rehabilitating offenders; promoting a sense of responsibility and acknowledgment of the harm done to victims in offenders.¹ In February 2017, a high-profile offender was erroneously granted statutory release prior to that offender's statutory eligibility date.

CSC is responsible for reviewing and analyzing court-imposed sentences in order to prepare a timeline for each offender that includes all sentences. This timeline takes into account any additional impact resulting from decisions made by the courts or the Parole Board of Canada (PBC) throughout the offender's sentence.

The interpretation and application of the legal provisions are less complex when the offender is serving a single sentence. However, many offenders receive multiple sentences, which may be imposed at different times, as a result of multiple convictions. Offenders convicted of multiple offences may be required by the court to serve consecutive sentences, concurrent sentences, or a combination of the two, making the sentence timeline more complex to calculate. It is therefore important for CSC to have an effective management framework and a system of controls in place to ensure that each admission or release of an offender is in compliance with current and historical legislation.

What We Found

Overall, the audit team found that elements of a management framework were in place but required some improvements. In terms of sentence structure calculations, the majority of cases

¹ [Criminal Code of Canada, R.S.C., 1985, c. C-46, s. 718](#)

examined were conducted accurately and in accordance with current and historical legislative provisions; however, minor areas of development were noted.

The areas of the management framework that can be further improved include the review and update of the national policy suite and sentence management tools, the review and clarification of roles and responsibilities, the review of training timelines and completion of training in a timely manner, the enhancement of short- and long-term human resource and succession planning, and formalization and strengthening of the monitoring and reporting mechanisms. The main area of improvement for the calculation of sentence management is in the enhancement of its tracking and monitoring system.

Management Response

Management agrees with the audit findings and recommendations as presented in the audit report. Management has prepared a detailed Management Action Plan to address the issues raised in the audit and associated recommendations. The Management Action Plan is scheduled for full implementation by June 30, 2024.

ACRONYMS AND ABBREVIATIONS

CCC:	Criminal Code of Canada
CCRA:	Corrections and Conditional Release Act
CD:	Commissioner's Directive
CSC:	Correctional Service Canada
CSM:	Chief, Sentence Management
DPED:	Day Parole Eligibility Date
ERD:	Expected Release Date
FPED:	Full Parole Eligibility Date
LTSO:	Long Term Supervision Order
NHQ:	National Headquarters
NMSM:	National Manager, Sentence Management
OMS:	Offender Management System
PBC:	Parole Board of Canada
RHQ:	Regional Headquarters
RADAR:	Reports of Automated Data Applied to Reintegration
RMSM:	Regional Manager, Sentence Management
SMCD:	Sentence Management Continuous Development
SMIT:	Sentence Management Induction Training
SMO:	Sentence Management Officer
SRD:	Statutory Release Date
SSOE:	Sentence Summary of Events
UTA:	Unescorted Temporary Absence
WED:	Warrant Expiry Date

1.0 INTRODUCTION

1.1 Background

The Audit of Sentence Management was conducted as part of the Correctional Service Canada (CSC) 2020-2022 Evergreen Risk-Based Audit Plan. The audit links to CSC's priority of "safe management of eligible offenders during their transition from the institution to the community, and while on supervision." It also links to CSC's corporate risk that "CSC will not be able to implement its mandate and ensure the financial sustainability and modernization of the organization."

The Internal Audit and Evaluation Sector completed a review of sentence management in May 2019, following the statutory release, erroneously granted, in February 2017 to a high-profile offender prior to that offender's statutory release eligibility date. In response to that case, specific areas of concern, such as the files of high-profile offenders and offenders challenging their sentence calculation, were reviewed. The review found that sentence management staff generally complied with the requirements of Commissioner's Directive (CD) 703 to ensure that offender sentences are well constructed and that ongoing reviews and audits are performed to effectively manage an offender's sentence up to their release. The review also drew management's attention to several areas detailed in section 6.2.

As part of the criminal justice system, CSC aims to contribute to the maintenance of a just, peaceful, and safe society by: carrying out sentences through the safe and humane custody and supervision of offenders; and providing assistance in the rehabilitation and reintegration of offenders into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.²

The sentence management process includes collecting, analyzing, and researching information to structure, amend, and maintain an offender's sentence timeline. The interpretation and calculation of the sentence timeline are less complex when the offender is serving only one sentence. However, as many offenders receive multiple sentences, the court may require these offenders to serve consecutive sentences, concurrent sentences, or a combination of the two, making the aggregate sentence timeline more complex to calculate.

A Warrant of Committal (WOC) upon conviction, is the sole official document source for the detention and conveyance to a correctional facility. This document is issued by the court of competent jurisdiction that tried, convicted, and sentenced the offender. It is one of the main documents used by sentence management staff to create a sentence timeline that determines key conditional release dates up to the expiry of the WOC. The information on the WOC, in conjunction with sentencing transcripts and other related information, are used to ensure that court orders comply with legislation, including the Criminal Code of Canada (CCC), and that the sentence being served by an offender is equal to the sentence that was imposed.³

² [Corrections and Conditional Release Act, 1992, c. 20, s. 3.](#)

³ [CSC Intranet \("The Hub"\): Sentence management process](#)

1.2 Legislative and Policy Framework

The following CSC legislation and policies provide the overall framework in place for sentence management.

Legislation

Criminal Code of Canada

Although several sections apply to sentence management, sections 716 to 756 outline the definitions, purpose, and principles of sentencing, including details about date calculations.

Corrections and Conditional Release Act

The Corrections and Conditional Release Act (CCRA) governs the detention and conditional release of offenders. The following sections apply to sentence management: 2, 12, 93, 94, 99, 115, 116, and 119 to 139.

Corrections and Conditional Release Regulations

The following regulations affect sentences and provide details guiding the interpretation or application of the CCRA: sections 2, 120, 145, and 160 to 163.

International Transfer of Offenders Act

The International Transfer of Offenders Act sets out the process for Canadians convicted of a crime in another country to apply to serve their sentence, or a portion of it, in Canada. It also allows foreigners to apply to serve their sentence in their country of citizenship. Sections 21 to 27, and 29 apply to sentence management.

Youth Criminal Justice Act

Part 4 of this act applies to sentence management and covers youth sentencing in sections 38, 40, 41, 61, and 82.

Prisons and Reformatories Act

Sections 3 to 6 of this act deal with interprovincial transfers, transfers from a penitentiary to a prison, and the earned remission by offenders.

CSC Policy Instruments

CSC's policy, specifically on sentence management, is the CD 703. It establishes the framework for the management of court-ordered sentences and long-term supervision orders for offenders under federal jurisdiction, ensuring the lawful admission, detention, and release of such individuals. Requirements applicable to sentence management are also found in other CDs (see CD 703, Annex A for complete list).

1.3 CSC Organization

National Headquarters (NHQ)

The National Manager, Sentence Management (NMSM) is responsible for ensuring that sentences and court orders are administered in accordance with the law and in a consistent manner by applying professional judgment and calculation tools to justify, support, and explain decisions or recommendations. The NMSM also manages extradition proceedings for federal offenders.

Regional Headquarters (RHQ)

The Regional Manager, Sentence Management (RMSM) provides operational guidance and support to regional staff, determines methods and procedures for the delivery of sentence management services, and assesses service delivery annually to ensure effectiveness.

Institutions

The Chief, Sentence Management (CSM) monitors the sentence structure throughout the offender's sentence, from admission to warrant expiry and/or the end date of long-term supervision. The CSM also determines jurisdictional authority and authorizes the admission and release of offenders at appropriate times in their sentence, including offenders subject to provincial/territorial exchange of service agreements.

The Sentence Management Officer (SMO) structures offenders' sentences and determines parole eligibility and long-term supervision end dates for each offender on their caseload. The SMO identifies and resolves inconsistencies between warrants of committal, transcripts, and other court-issued documents.

1.4 Risk Assessment

The Audit of Sentence Management was identified as a high priority audit for CSC in the 2020-2022 Evergreen Risk-Based Audit Plan.

A risk assessment and a fraud risk assessment were conducted by the audit team using the results of interviews, documentation (legislation, manuals, previous audits and reviews, CDs, etc.), and analyses. Based on the preliminary assessment, the main risks identified at the beginning of the audit were: the erroneous release of dangerous, violent, or high-profile offenders due to inaccurate sentence structures; the lack of sufficient human resources results in an increasing workload; and the sentence management staff's lack of sufficient knowledge to perform the necessary tasks.

The audit team considered these risks in the development of the audit criteria and testing tools to assess whether mitigation strategies in place are sufficient.

2.0 OBJECTIVES AND SCOPE

2.1 Audit Objectives

The objectives of this audit were to provide assurance that:

- A management framework is in place to support effective sentence management; and
- Sentence structures are accurately calculated and reviewed in accordance with current and historical legislative provisions.

The audit criteria are included in Annex A.

2.2 Audit Scope

The audit was national in scope and interviews were conducted with senior management and sentence management staff at NHQ, RHQ, and institutions. The audit team reviewed the sentence structures calculated between April 2020 and March 2021, the sentence structure of offenders released during that same period, and the sentences of offenders scheduled for release in 2021-2022.

The audit focused on assessing the accuracy of sentence calculation to determine whether the verification processes allow for accurate offender sentence calculations, as well as sentence structures update throughout an offender's sentence.

3.0 AUDIT FINDINGS AND RECOMMENDATIONS

3.1 Management Framework

The first objective of this audit was to determine whether a management framework was in place to support effective sentence management.

The following sections highlight areas where expectations were met and those where management attention is required.

The overall assessment of all audit criteria is presented in Annex A.

3.1.1 Policy Framework

The audit team expected to find that CSC guidance is complete, understood, and aligned with legislation.

The audit team assessed this criterion as being partially met. The related findings are presented below.

The CSC's policy suite is aligned with current legislation, but is incomplete.

CD 703 is the primary directive that applies to the management of sentences. There is also a collection of procedural guides, processes, and checklists available and accessible online (Hub) or on CSC's official repository (GCDocs). The guidance provided by CSC complies with current legislation.

CD 703 requires an audit of an offender's file to be conducted within six months of the offender's initial admission. For aggregate sentences of four years or more, a second audit is to be conducted within 12 months prior to release. However, sentence management staff indicated that, aside from the initial required audit, the directive does not include intermediate audits for offenders serving either indeterminate or life sentences. This could result in inconsistencies or errors in these files that may go undetected.

Sentence management staff interviewed, particularly new officers, expressed the need for a referral manual. There was a referral manual in place, used by all those involved in sentence management, to ensure that sentences are managed in a consistent manner across the regions. However, this guide was archived in June 2012. Some staff continue to use it as is; however, this could lead to misinterpretation or unintentional errors if outdated elements of the guide are used.

Following the review of sentence management conducted by the Internal Audit and Evaluation Sector in 2019, the NMSM at NHQ had indicated that the collection of guidance documents that currently exists is used as the referral manual for sentence management. This set of documents is updated as legislation, policies, and work requirements change. Further, only two regions have a step-by-step procedure, outlining the various activities to be performed and taking into account regional specifics to better guide both SMOs and CSMs in the performance of their duties.

Having an up-to-date national policy suite that speaks to all types of sentences, including indeterminate and life sentences, will help reduce the risk of errors going undetected. It also ensures that definitions, guidelines, instructions, specifically for complex sentence structures, are centralized. This can facilitate the work, especially for new officers, while ensuring continued compliance with policies. By also developing an individualized step-by-step procedure, this will allow the regions to define certain activities specific to them and their sentence management staff.

Roles and responsibilities are generally defined and communicated, but need to be reviewed and clarified.

The audit team found that key roles and responsibilities are defined in CD 703. Employees indicated that they have a good understanding of these roles and responsibilities, but expressed concern that there is a gap between what is defined in the work descriptions and what the actual operational requirements are for their position. The level of proficiency in applicable legislation required of SMOs, with an AS-02 classification, to accurately interpret and determine sentence structures is higher than the knowledge of the legislation required in their recruitment process.

Furthermore, as per CD 703, the RMSM is responsible for assessing service delivery on an annual basis to ensure its effectiveness. However, as there are no clear directives on how to do so, the actions taken vary from region to region. Certain regional managers indicated that they conduct regional audits, some provide support on complex files, while others meet with their CSMs regularly to be informed of program activities in the region. This requirement remains vague and the latitude given to the regions does not allow for consistency.

Reviewing and clarifying roles and responsibilities in the CD 703 will allow for greater clarity and consistent performance of these responsibilities.

Recommendation 1

The Assistant Commissioner, Correctional Operations and Programs Sector, should strengthen the policy framework by:

- Developing an updated national policy suite to enable sentence management staff to perform their duties consistently across the regions;
- Reviewing work descriptions to ensure that roles and responsibilities defined for positions are in line with its actual operational requirements; and
- Clarifying the requirements of Commissioner's Directive 703 for regional managers to evaluate the program's service delivery to ensure consistency and effectiveness of actions undertaken across regions.

Management Response

We agree with this recommendation. CD 703 will be reviewed in concert with other Commissioner's Directives to identify areas for enhancement, including the evaluation of the program's service delivery component, in order to ensure that staff perform their duties as consistently as possible, acknowledging the various provincial and other external partners variabilities. The PA classification conversion exercise will require the review of job descriptions prior to December 2023 to meet June 2024 implementation date by Treasury Board of Canada Secretariat.

3.1.2 Training and Tools

The audit team expected to find that CSC provides sufficient training and tools to support the discharge of responsibilities.

The audit team assessed this criterion as being partially met. The related findings are presented below.

Sentence management training is provided to staff, but initial training for new SMOs is not completed in a timely manner.

In accordance with CSC's National Training Standards, there are two main training courses offered in the area of sentence management: the Sentence Management Induction Training (SMIT) and the Sentence Management Continuous Development (SMCD).

The Internal Audit and Evaluation Sector had conducted a review of sentence management in 2019. Following recommendations from the review, an improvement of the content and delivery of training was initiated, specifically that of the SMIT, which should be finalized by December 31, 2023. That said, the current content of these courses remains available online for all staff pending the implementation of the new version.

The SMIT is a one-time, 37.5-hour in-person training course required for new SMOs within 12 months of their permanent appointment. The SMCD is an annual 15-hour continuous training course required for indeterminate staff, unless the SMIT is completed the previous fiscal year. These trainings are also offered to employees in long-term acting positions within Sentence Management; however, the training standards do not define what is considered a long-term acting position. Most CSMs (83%) and SMOs (78%) who were surveyed stated that they received sufficient training to carry out their activities despite raising the following concerns:

- The time allocated to the training process is insufficient, leading new SMOs to rely more on their CSMs and other colleagues due to the long and steep learning curve required;
- SMOs indicated that they were not consulted extensively in the selection of training topics covered in the SMCD. Only 13% (1 in 8) of SMOs surveyed indicated that they were consulted; and
- The preparation and delivery of training is an ongoing challenge due to the lack of resources. There is no dedicated trainer for this activity, which means that this position is

often filled temporarily by CSMs or SMOs who do not always have the required training and subject experience.

The situation created by the COVID-19 pandemic significantly impacted training delivery. A review of the data received from Human Resources for the last two fiscal years showed that the SMCD is being taken by RMSMs, CSMs, and SMOs. 67% of permanent or temporary employees have attended at least one SMCD session from April 1, 2019 to March 31, 2021.

Based on NMSM monitoring, five of 11 permanent SMOs, who completed the SMIT in the last two fiscal years, had received the training within 12 months of being hired, while six had received it more than 12 months after the date they were hired. In addition, three other permanent SMOs have yet to receive the initial training more than two years after being hired.

Reviewing the amount of time given to complete the SMIT may reduce the SMOs' reliance on CSMs and colleagues for generic and common case file questions, as well as reduce the amount of errors made.

Tools are provided to support the discharge of responsibilities.

One of the sentence management staff's main responsibilities is to create a schedule outlining the sentence timeline for each offender based on court or Parole Board of Canada (PBC) decisions. Due to the complex nature of multiple sentences, the tools that are used to produce these schedules, a calculator and a calendar chart, are mainly manual. Part of the initial training given to SMOs include the use of these tools.

There is also a tool developed with Excel software that is used by some CSMs, primarily to check the accuracy of simple sentences and not to calculate them. Most SMOs indicated that these tools continue to be effective in accurately determining the sentence structure.

The verification tool for initial sentence calculation is useful, but not widely used.

To promote the development of automated tools that support the calculation of sentences, a tool was developed using the Reports of Automated Data Applied to Reintegration (RADAR) application. The tool helps identify potential discrepancies using basic algorithms and can only be used for a portion of the offender population (i.e. newly convicted offenders who received a federal determinate sentence, who were admitted to an institution under a WOC, and who have not been granted parole) due to the complexity of many sentence types. The verification tool compares the eligibility dates, automatically calculated in the Offender Management System (OMS), with the dates manually entered by SMOs. This identifies potential date discrepancies and trigger further review by CSMs.

Only 33% (two out of six) of CSMs indicated that the tool is useful and helps identify gaps or errors. Some SMOs indicated that they did not use the tool, did not have time to use it, or found it cumbersome and requires additional knowledge to use.

The audit team reviewed sentence management files using the verification tool and noted that, to some extent, the tool helped identify errors in the accuracy of sentence structures. See the results presented in Section 3.2.1.

As the tool is not widely used but was able, to some extent, to help identify errors in the sentence structures, CSC should consider updating the tool to increase usability or updating the training material for this specific tool to allow for better understanding and use of the tool.

Recommendation 2

The Assistant Commissioner, Correctional Operations and Programs Sector, should strengthen staff training and tools by reviewing the timeframe required to complete the updated Sentence Management Induction Training, as well as verifying the timely completion of this training, to ensure that new SMOs receive sufficient training prior to being assigned a full caseload.

Management Response

We agree with this recommendation. The new online training identified as a MAP commitment from the 2018 Sentence Management Review was implemented March 31, 2022 and strengthens the training suite for new staff. The last outstanding MAP commitments from the 2018 Sentence Management Review (revised SM induction training program) are in progress and respond to this recommendation. A revised SM training model will be presented to Governance Board for approval in the Fall 2022 with the in-class component to be finalised by March 31, 2023.

3.1.3 Recruitment and Resourcing

The audit team expected to find that recruitment, hiring, and promotion take into account the current and future needs of the Sentence Management program.

The audit team assessed this criterion as being not met. The related findings are presented below.

Current and future resource requirements have not been determined.

The audit team noted that, based on staff surveyed, it was difficult to determine the ideal caseload number in terms of files per SMO and per CSM, at the regional or national level. 6 of the 10 SMOs interviewed, with all levels of experience, specifically mentioned the overwhelming workload that is difficult to manage. The distribution of resources and the average number of files per region are outlined in the following tables.

Table 1: Distribution of RMSMs, CSMs, and SMOs per Region

	Atlantic	Quebec	Ontario	Prairie	Pacific
RMSMs	1	1	1	1	1
CSMs	4	8	8	8	5
SMOs	7	17	19	17	12

Source: Human Resource Management System (RMSMs & CSMs) and RADAR (SMOs with caseload assigned) as at May 2021.

Table 2: Average Number of Files per Region

	Atlantic	Quebec	Ontario	Prairies	Pacific
Number of Files per RMSM	1,988	4,757	6,821	6,146	3,220
Average Number of Files per CSM	497	595	853	768	644
Average Number of Files per SMO	284	280	359	362	268

Source: RADAR (SMOs with caseload assigned) as at May 2021.

The composition of each caseload determines the workload that the SMO manages and cannot be predicted when a file is assigned. Certain categories of offenders generate additional workloads due to their complexity, such as multiple court appearances, long-term offenders, or parole revocations. The risk of errors in determining sentence structures increases when, for example, an entry-level SMO is faced with a caseload similar to that of a more experienced SMO, requiring a high level of legal knowledge. As a result, not all SMOs have the same workload and may not have the required knowledge and experience to manage certain caseloads. The same is true for CSMs: on average, nine CSMs supervise three SMOs each, while 24 CSMs supervise two each, which also creates an additional imbalance in caseloads and supervision.

Further, the implementation of a new organizational structure for sentence management had created some challenges for sentence management staff including, but not limited to, the culture, caseload management, certain aspects of reporting, and the communication with internal and external partners. It was mentioned that this new structure may have been better in theory; however, did not have the expected results in practice.

A reconciliation between human resource requirements (i.e. SMOs, CSMs, project officers, and administrative support) and caseload is not conducted. Workload ratios differ from region to region, and offender attrition rates are not taken into consideration in the allocation of files. The timing and level of complexity assigned to each type of file have not been determined, which does not allow for workload comparisons and better allocation of files. The NMSM does prepare a resource allocation plan to better understand resourcing requirements, anticipate resourcing needs, and begin to think about long-term resourcing needs and succession planning. However, without the reconciliation of human resource requirements and caseloads, this plan will not be able to identify or allow assessment of the required resources in order to manage the current workload.

Determining the appropriateness of the current organizational structure is crucial in order to develop an effective human resource or succession plan. As well, by ensuring that caseload is taken into consideration when designing this plan, it will allow for better workload management. As workload ratios vary between regions and caseload complexity cannot be determined when a file is initially assigned, it will be important for the NMSM to consult RMSMs when reconciling and monitoring human resource requirements with the workload of each region.

Recruiting, hiring, and promotion are initiated to fill the gaps, but finding qualified candidates remains a challenge.

Indeterminate employees are hired through formal advertised processes. However, attracting and retaining qualified candidates for the SMO position, classified at an AS-02 level, has been difficult as it requires a level of skill and aptitude that is not generally required from other entry level positions that these individuals have worked or would apply for. The same applies to priority employees transferred to the Sentence Management program who are not always comfortable with the calculations involved in determining sentence structures. The NMSM indicated that no formal corrective actions are taken when there is insufficient resources to manage caseloads. Further, those that are new and acting in SMO positions are expected to manage 300 to 400 offender files. In addition, very few remain in this type of position as the classification gap between the SMO and the next position above is significant, as CSMs are classified at an AS-05 level.

CSM hiring is done through promotion and thus, having a pool of qualified SMOs to select from makes it a less challenging process. However, finding candidates for promotion to the RMSM position (classified at an AS-06 level) is more difficult as the level of responsibility is much greater while the difference in salary is not significant. Currently, three out of the five regions are led by acting regional managers, and the NMSM is close to retirement; therefore, it is essential that a short-term succession plan is in place to ensure that these positions are to be filled as soon as they become vacant.

Along with the significant amount of complex caseloads that is required to be completed, the audit team noted during the staff interviews that the current culture may be negatively impacting retention. Regions have noted that the changes in structure implemented have affected the relationship between sentence management and the institutions. While sentence management no longer reports to the wardens, sentence management staff continue to work at these Institutions. This has led to disconnects and miscommunications between sentence management and the Institutions.

As it is a challenge to find qualified candidates for the SMO position, training will be even more crucial in the hiring and onboarding process. Once these individuals have gained the right level of knowledge and skills to execute their responsibilities properly, this could result in new staff feeling more comfortable and confident completing the work. Therefore, having a long-term human resource and succession plan will be advantageous in ensuring that key training is included in the recruitment and hiring timelines.

Recommendation 3

The Assistant Commissioner, Correctional Operations and Programs Sector, should:

- Determine its human resource needs based on its current workload by implementing a monitoring system that allows the NMSM to take into consideration the overall complexity and amount of regional caseload to enable reconciliation and monitoring of human resource requirements per region;
- Ensure that its organizational structure aligns with its human resource needs per region; and
- Implement a human resource strategy that includes a human resources and succession plan in order to determine resources required for sentence management program's short- and long-term operational needs.

Management Response

We agree with this recommendation. In line with the HR review report submitted in 2020 by an independent HR consultant, COP will develop options for changes to the organizational structure in order to better reconcile workload and resourcing levels. These options will be presented to senior management for consideration and decision. COP will also explore the feasibility of developing resourcing indicators and caseload assignment tools that include case complexity, in order to better align program requirements and HR needs.

3.1.4 Monitoring and Reporting

The audit team expected to find that regular monitoring of sentence management activities is performed and the results documented and communicated to the appropriate level of management.

The audit team assessed this criterion as being partially met. The following aspects met the audit expectations:

- The RMSMs provide an annual report to NHQ on the results of all file audits conducted in the region. From April 1, 2019 to March 31, 2021, all regions provided said reports with the exception of the Ontario region. Due to the COVID-19 situation, the learning period for the Ontario Region's acting RMSM, and the high turnover of staff, priority was given to managing emergencies and day-to-day operations.
- Meetings are held on a fairly regular basis, at least once a month, between the NMSM and the RMSMs to discuss incidents, errors, or various problems affecting the program.
- The RMSMs prepare and regularly communicate any significant situations or incidents to the NMSM at NHQ that could endanger public safety or lead to the unlawful release or

imprisonment of an offender as a result of an unclear court decision, a court's amended warrant, or an error in the sentence structure calculation.

There are monitoring and reporting requirements for managers, but not for CSMs.

Monitoring and reporting requirements for RMSMs have been clearly defined and documented. Conversely, although each CSM does monitor sentence management activities individually, five out of six (83%) chiefs indicated that no such requirements have been defined at their level.

Formalizing these requirements for CSMs, including reporting content and frequency, will allow for consistent monitoring and reporting throughout the regions and in turn, increase the level of effectiveness to which management oversees the program.

Key performance indicators have not been clearly defined.

CD 703 includes several operational deadlines and audits to be conducted at various stages of the sentence management process. However, performance indicators have not been clearly defined and the various deadlines set are not systematically and regularly monitored to determine whether the objectives are being met. In addition, several sentence management reports have been developed in RADAR that provide information on sentence management, but no analysis or review of trends is conducted based on the statistical data available in the OMS.

Clearly defining key performance indicators and including regular monitoring will ensure that the sentence management activities are completed appropriately and that the Sentence Management program has achieved its objectives.

Not all legal or administrative errors in court documents are being tracked.

The NMSM and sentence management staff interviewed in the regions all indicated that there is a high number of legal and administrative errors in legal documents related to sentences, primarily in WOC and court conviction transcripts, that require frequent follow-up with the court for correction or clarification requests. These follow-ups reduces the amount of caseloads that staff are able to complete as their time is spent on these administrative tasks. The NMSM has stated that approximately 75-80% of WOCs contain errors. These errors or clarification items are reported to NHQ when critical. Otherwise, they are not tracked.

In order to assess the extent to which sentence management staff's workload is affected, it is important that all errors in court documents are being tracked, monitored, and reported regularly to management. Frequent reporting will allow management to accurately measure the average amount of time staff spends correcting these errors and in turn, have informed discussions with criminal justice partners to remedy the issue.

Recommendation 4

The Assistant Commissioner, Correctional Operations and Programs Sector, should strengthen monitoring and reporting by:

- Ensuring there is a performance measurement strategy in place with robust key performance indicators to systematically assess the Sentence Management program in terms of its effectiveness, efficiency and performance; and
- Considering options for a system to track, monitor, and regularly report all administrative and legal errors related to sentence management, particularly errors within court documents, in order for management to accurately assess current workloads and discuss with partners, if deemed required.

Management Response

We agree with this recommendation. SM business requirements, which will enhance capacity for tracking and monitoring SM program performance using key indicators have been developed as part of the offender Management System Modernization (OMS-M) project and will be incorporated when CSC transitions to the new OMS solution. In the interim, the Fall 2022 CORR review and implementation of RADAR reports will provide evidence based results which will allow program performance to be measured and key areas for improvement to be identified.

Additionally, COP will explore changes to OMS designed to identify court based errors that require CSC to obtain amended Warrants of Committal.

CCM is the formal corporate tracking mechanism used to report sentence management errors to senior management at NHQ.

3.2 Compliance with Current Legislation and Policy

The second objective of the audit was to provide assurance that the sentence structures are accurately calculated and reviewed in accordance with current and historical legislative provisions.

The following sections highlight areas where expectations were met and those where management should focus its attention.

The overall assessment of all audit criteria is presented in Annex A.

3.2.1 Accuracy and Compliance of Sentence Structures

The audit team expected to find a sentence structure calculated in accordance with current and previous legislation and accurately recorded in the offender's sentence management file.

The audit team assessed this criterion as being met with a few exceptions. The related findings are presented below.

3.2.1.1 Files Reviewed for Sentence Structure Accuracy

The audit team selected 120 files to determine whether the eligibility dates were calculated accurately. The selected files focused on dangerous, violent, high-profile, or cognitively impaired offenders from different backgrounds (see Annex B for the detailed breakdown). The sentence verification tool, developed in RADAR, was also used to identify deficiencies. Table 3 presents the results for the files reviewed.

Table 3: File Review Results

Eligibility Dates	Correct Calculation	Incorrect Calculation	Not Applicable*	Error Rate
Warrant Expiry Date (WED)	102	0	18	0%
Statutory Release Date (SRD)	102	0	18	0%
Full Parole Eligibility Date (FPED)	116	1	3	0.86%
Day Parole Eligibility Date (DPED)	116	1	3	0.86%
Unescorted Temporary Absence (UTA)	115	2	3	1.74%
Expected Release Date (ERD)	102	0	18	0%
Long Term Supervision Order (LTSO)	26	1	93	3.85%

*Note that:

- WED, SRD, and ERD are not applicable for indeterminate and life sentences; thus, 18 of the offender files were deemed not applicable for these calculations.
- FPED, DPED, and UTA dates are no longer applicable for offenders who served a provincial sentence and then came under federal jurisdiction for the supervision associated with their LTSO. Therefore, three of the offender files were deemed not applicable for these calculations.
- LTSO dates are not applicable for all offenders; thus, 93 of the offender files were deemed not applicable for this calculation.

The five calculation errors found were in three offender files and mainly affected eligibility for conditional release dates:

- In the first offender file, the identical FPED, DPED, and UTA date were incorrectly calculated by 9 months. These dates should have been February 24, 2022 as opposed to May 11, 2021. This offender, who is subject to a deportation order, had an unsuccessful statutory release prior to the sentencing that led to the incorrect FPED. However, since the correct FPED comes before the unsuccessful SRD, the incorrect date did not affect the offender's release.
- In the second offender file, the UTA date was incorrectly calculated by 3 years, 2 weeks, 2 days. The correct date should have been August 6, 2014 as opposed to August 15, 2017. The incorrect date did not affect the offender's release.
- Finally, in the third offender file, the LTSD date was incorrectly calculated by eight days. The correct date should have been April 17, 2028 as opposed to April 9, 2028. The incorrect date did not affect the offender's release.

As CSMs are required to complete a full offender file audit 6 months following an offender's initial admission into an institution, the audit team also reviewed eligibility date calculation discrepancies identified by the Verification Tool for Initial Sentence for this type of audit. Tables 4 and 5 show the eligibility date discrepancies that were found to be errors in files that had not yet been subjected to the six-month audit and those that have.

Table 4: Verification Tool for Initial Sentence – Errors Identified Before Six-Month Audit Completion

Date Input Errors in OMS			
Items Affected	Incorrect Date	Correct Date	Difference Over (+) / Under (-)
WED	2025-06-10	2026-06-10	- 1 year
WED	2036-11-19	2035-11-05	+ 1 year, 2 weeks
WED	2025-04-05	2025-04-04	+ 1 day
WED	2026-10-11	2026-10-21	- 10 days
Number of Days Input Errors in OMS			
Items Affected	Incorrect # of Days	Correct # of Days	Variance Over (+) / Under (-)
Aggregate sentence	1098	1096	+ 2 day
Aggregate sentence	3347	3378	- 31 days
Aggregate sentence	1370	1372	- 2 days

Table 5: Verification Tool for Initial Sentence – Errors Identified After Six-Month Audit Completion

Date Input Errors in OMS			
Items Affected	Incorrect Date	Correct Date	Variance Over (+) / Under (-)
WED	2024-04-28	2024-04-27	+1 day
WED	2023-08-18	2023-08-17	+1 day
WED	2023-08-31	2023-08-29	+ 2 days
Number of Days Input Errors in OMS			
Items Affected	Incorrect # of Days	Correct # of Days	Variance Over (+) / Under (-)
Aggregate sentence	2935	2936	-1 day
Bail	473	474	-1 day
Bail	527	528	-1 day
Aggregate sentence	984	985	-1 day
Aggregate sentence	1871	1870	+1 day

Therefore, it is important that sentence management staff use the Verification Tool for Initial Sentence to help identify discrepancies. As previously mentioned in section 3.1.2, this tool is not widely used and thus, updating it or the training material for this tool can encourage and increase the usage of the tool.

3.2.1.2 Documentation of Sentence Structure in Offender Files

The offender's sentence management file consists of a paper file and a digital file. The paper file, kept at the institution, is the master file and contains all court documents related to the sentence. The digital file, created in OMS, primarily contains the Sentence Summary of Events (SSOE) which shows a summarized calculation of the existing sentence structure. The sentencing transcript and WOC are documents that are scanned by the case management team for their own needs; however, while the former is systematically scanned and integrated into the OMS, the latter was not for the majority of the files selected. Therefore, the audit team relied on the SSOEs and the sentencing transcripts to assess the accuracy of the sentencing structures. During the assessment, the audit team observed that the offenders' sentence structures are in fact recorded in the OMS.

As this audit was conducted remotely, paper records for the selected offender files were not all requested due to the significant workload that would have been generated by the scanning. The audit team selected and obtained scanned paper files for four of the selected offenders. A review of these files showed that the key documents (i.e. the WOC and the sentencing transcript) were kept on file. However, in two of the files, there was no evidence that the calculation or modification of the sentence was communicated to the offender.

Digitizing the entirety of the offenders' sentence management records would facilitate case management activities, particularly for region-to-region case transfers and file audits, while also allowing for enhanced compliance monitoring.

3.2.2 Updating the Sentence Structure Following New Court Directives

The audit team expected to find that new court instructions and additional information were obtained and used systematically to update the sentence structure throughout the sentence.

The audit team assessed this criterion as being met. The related findings are presented below.

New court directives or PBC decisions are usually obtained, but not always in time.

CSMs and SMOs indicated that information from the courts is generally received on time. PBC decisions are available directly in the OMS. However, court decisions that have an impact on an offender's sentence (i.e. appeals, new sentences, and bail) are not always received in a timely manner. As per the NMSM, the courts' operations do not always follow regular working hours and with the COVID-19 pandemic, court staff have been working weekends in order to reduce the current backlog. This, consequently, affects sentence management staff's ability to process these decisions, especially when received outside of business hours. This is further exacerbated by the fact that sentence management staff also manages all administrative activities related to court interactions, which takes up a significant portion of time that would otherwise be spent on core sentence management activities. Only the Pacific Region and the Atlantic Region (New Brunswick only) have access to the provincial courts' online system, which enables them to retrieve court decisions directly and save time.

The ability for all regions to have direct access to the provincial courts' online system will decrease the likelihood that impactful court decisions will not be processed on a timely basis. It will also reduce the reliance on the courts and allow for sentence management staff to include court decision retrieval in its processes to ensure systematic processing. Most importantly, by doing so, CSC will avoid exposure to civil liability for not complying immediately to late court orders.

Sentence structures are updated following new court directives.

While assessing the aforementioned 120 files selected for sentence accuracy testing, the audit team found that 17 of these included modifications resulting from additional sentences and 23 included modifications resulting from PBC suspension or revocation decisions. These additional sentences and new decisions were properly considered and accurately calculated to update the offenders' sentences.

It is to note that, although a new report was developed in RADAR to show offenders that had upcoming court dates, it does not have the ability to display historical information. As a result, the audit team was unable to review the overall volume of offenders that were affected by court or PBC decisions, or transferred from one region to another for court summonses within the last two years. This lack of data on the number, frequency, and regional distribution of court appearances makes it challenging to measure the expected workload and to ensure that all new court decisions are processed. Further, an offender's paper file is always transferred when the offender is being moved between regions. This applies for short- and long-term interregional movements. Sentence management staff indicated that case management for offenders who have pending court decisions and must travel within the same region or to other regions for court appearances is very time consuming.

As mentioned in section 3.2.1.2, digitizing offenders' sentence management records would facilitate case management activities and improve monitoring if all required data is included. It can also reduce the amount of work for staff as the transfer of paper files for short-term interregional movements may no longer be required. As well, as CSC continues to progress its electronic file management, it could look into including offenders' historical data to further enhance monitoring.

3.2.3 Conduct of Quality Assurance Activities

The audit team expected to find that quality assurance is performed to ensure the accuracy of sentence management calculations.

The audit team assessed this criterion as being partially met. The related findings are presented below.

CD 703 stipulates the following controls that are in place for the sentence management process: an audit of the offender's sentence management file six months following admission to the institution, an audit 12 months prior to the offender's release where the total aggregate is four years or more, and a quality control of the release certificate prior to release from the institution. The audit team examined whether these audits were performed using the same samples from section 3.2.1.1. In addition, a comparison of a 2019-2021 RADAR file extraction and audit information documented in OMS was completed to determine if these three types of audits were conducted. The RADAR extraction includes offenders admitted for a first conviction between April 1, 2019 and March 31, 2021, and whose six-month audit due date is before or equal to March 31, 2021. Any audits not appropriately documented in the OMS were considered not performed.

3.2.3.1 Six-Month Audits

A full audit of an offender file must be completed by the CSM six months following offender admission to ensure that all required documents are maintained in the file and that the sentence structure is accurate. This policy requirement was implemented in 2017 and; therefore, does not apply to offenders who had already begun serving their sentences prior to its implementation.

Table 6: Six-Month Audits

	Required	Completed	Not Completed	Not Applicable	Total
Sample	77	74	3 (4%)	43*	120
2019-2021 RADAR Extraction	3,860	3,602	258 (7%)	-	3,860

* 43 files were deemed not applicable as the offender had already begun serving the sentence prior to the implementation of CD 703 or the offender file had only been created less than six months prior.

3.2.3.2 12-Month Pre-Release Audits

In accordance with CD 703, for sentences where the total aggregate is four years or more, the CSM must also conduct an audit of the offender's file 12 months prior to release. This audit applies to all types of releases with a known expected release date, with the exception of unscheduled early releases where a verification is performed as part of the release authorization process.

Table 7: 12-Month Pre-Release Audits

	Required	Completed	Not Completed	Not Applicable	Total
Sample	27	21	6 (22%)	93*	120
2019-2021 RADAR Extraction	669	445	224 (33%)	-	669

* 93 files were deemed not applicable as the offender release date was over 12 months away or the offender was serving an indeterminate or life sentence.

3.2.3.3 Quality Control of the Release Certificates

A release certificate is proof that CSC has released an offender. Once a release is authorized by the CSM, the case management team at CSC prepares the release certificate and the SMO is required to quality control the certificate. This is done to confirm the accuracy of the release type, the conditions imposed by the PBC, and all start and end dates.

Table 8: Quality Control of the Release Certificates

	Required	Completed	Not Completed	Not Applicable	Total
Sample	23	21	2 (9%)	97*	120
2019-2021 RADAR Extraction	3,420	3,195	225 (7%)	-	3,420

* 97 files were deemed not applicable as the offender had not yet been released or was serving an indeterminate or life sentence.

In general, the required audits were completed, but some CSMs interviewed stated that they do have a backlog of files to catch up on. It was mentioned that the situation created by the COVID-19 pandemic, the processing of emergencies related to offender court appearances, and the ever-increasing administrative activities have significantly impacted the time normally spent on the required control activities over the last two fiscal years.

Therefore, it is important that all necessary control activities be carried out in accordance with CD 703 in order to ensure that sentence structure calculation errors are detected and corrected in a timely manner. Consequently, this will also reduce CSC's exposure to civil liability and the risk of jeopardizing public safety through unlawful release or detention of offenders. Consider the implementation of a mechanism that can systematically identify and flag unperformed control activities to ensure that it gets completed.

Recommendation 5

The Assistant Commissioner, Correctional Operations and Programs Sector, should enhance the functionality of its systems to better support file management and accuracy. This should include reviewing options to:

- Implement an electronic-based sentence management file system that incorporates historical data, facilitates monitoring and virtual auditing, and minimizes the cumbersome interregional transfers of physical files; and
- Develop a mechanism to allow for systematic identification of required, but unperformed, quality control activities to ensure its completion in order to minimize errors and ensure the accuracy of the sentence structure.

Management Response

We agree with this recommendation. Having an electronic based sentence management file system would improve monitoring and auditing by minimizing some of the more cumbersome administrative burden of having physical files. A feasibility study for an electronic sentence management file was completed in 2020 by the OMSM branch. The COP Sector will continue to review the options, and will determine the impacts and way forward based on the findings.

Completion of audits by sentence management staff are the quality control mechanisms which ensure accurate administration of offender sentences. Timeframes for audits are identified in CD 703 – Sentence Management. Crystal reports produced by OMS are used to identify the deadline dates for auditing activities and the new RADAR report identified in Recc 4, action item 2 as well as the action item below will ensure areas of quality control non-compliance are identified and addressed.

4.0 CONCLUSION

Overall, the audit team found that elements of a management framework were in place but with some areas requiring improvement. Available guidance, including the CD and a collection of available procedural guides, processes, and checklists, is in line with current legislation. Roles and responsibilities are, overall, clearly documented and understood by most stakeholders. In addition, sentence management training and tools are provided to support the discharge of responsibilities.

Some areas of the management framework can be further improved. The audit found that:

- A centralized referral manual, to better guide staff in performing their duties, should be developed and put in place.
- There is a lack of alignment between work descriptions and actual operational requirements for entry-level positions.
- There is a lack of clear and consistent direction across regions regarding the annual assessment of service delivery.
- New permanent or temporary sentence management officers are not receiving the initial required training prior to being assigned a full workload. Further, the amount of time given to complete the training is insufficient.
- The verification tool for initial sentence calculation, although useful to some extent, is not widely used.
- Human resource and succession planning need to better reflect and manage the current workload and its evolution.
- Reporting and monitoring mechanisms for sentence management activities need to be put in place or strengthened to better support the effective and efficient management of sentence management.

In terms of sentence management calculations, the audit team did not find any areas of significant concern. Some instances of non-compliance were found in the calculation of eligibility dates for a few offenders but did not result in their early release or unlawful detention. In the majority of cases examined, the sentence structure was accurately calculated in accordance with current and historical legislative provisions. Moreover, sentence structures were updated upon receipt of new court directives or PBC decisions. CSC conducted quality assurance activities through a system of controls consisting of verifications at various stages of the sentence management process to ensure the accuracy of sentence management calculations.

However, there were areas that could use some improvements. In particular, the audit found that:

- Moving towards a more electronic-based database would benefit file management, facilitate monitoring, and reduce the level of effort required for interregional transfers.
- Implementing a tool to systematically track and identify incomplete audits or quality control activities to ensure its completion, thereby confirming the accuracy of the sentence structure calculations, will reduce the risk of unlawful release or detention of offenders.

5.0 MANAGEMENT RESPONSE

Management agrees with the audit findings and recommendations as presented in the audit report. Management has prepared a detailed Management Action Plan to address the issues raised in the audit and associated recommendations. The Management Action Plan is scheduled for full implementation by June 30, 2024.

6.0 ABOUT THE AUDIT

6.1 Approach and Methodology

The audit evidence was collected using various methods:

Interviews

The audit team interviewed senior management and key staff at NHQ, RHQ, and institutions. The audit team interviewed the national manager at NHQ, the five regional managers, seven chiefs of sentence management, 10 sentence management officers, the Project Officer responsible for training, and the Staffing Advisor.

Review of Documentation

The audit team examined relevant documentation including legislation, guidelines, job descriptions, agreements, procedural documents (i.e. process maps, training manuals), and monitoring and reporting information.

File Review and Testing

The audit team reviewed files to ensure that court-imposed sentences were administered, calculated, and managed in accordance with legislation, policies, and directives. The review was based on information in the Sentence Management section of the OMS. The electronic copy of four files was obtained and reviewed.

Sampling

Judgmental sampling was used based on the areas being tested. Various factors were considered in the selection of the samples, including sentence complexity and offender categories (high profile offenders, violent offenders, offenders with cognitive disorders, offenders of various ethnicities, etc.).

6.2 Past Audits and External Assurance Work

The Internal Audit and Evaluation Sector conducted a review of sentence management in May 2019 after a statutory release was erroneously granted to an offender in February 2017 prior to the statutory eligibility date. The following areas required management attention:

- Reviewing existing file management practices to find efficiencies;
- Enhancing training materials provided to staff for added clarity;
- Making available a referral manual to SMOs and Chiefs;
- Reporting any calculation errors to NHQ for information and follow-up, to support quality assurance activity and learning, and to identify any systemic issues;
- Enhancing system functionality to better support data input, analysis, and monitoring;
and
- Promoting the development of automated tools to support sentence calculation.

As at January 2022, the following two management action plans remain to be implemented:

- Modification of the current Sentence Management Induction Training course, National Training Standard 002170, with a deadline for full implementation of deliverables extended to December 31, 2023;
- Collaboration with the OMS modernization team to ensure that sentence management requirements (functionalities that will better support data input, analysis, and monitoring; as well as the possibility of creating complex algorithms for sentence calculations) are considered in the business requirements and next steps of the project. The deadline for delivery of this action is March 31, 2023.

6.3 Statement of Conformance

This internal audit engagement was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing, the Treasury Board of Canada Policy on Internal Audit, and the Treasury Board of Canada Directive on Internal Audit, as supported by the results of the Quality Assurance and Improvement Program of Correctional Service Canada.

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Chief Audit and Evaluation Executive

ANNEX A: AUDIT CRITERIA

The following table outlines the audit criteria developed to meet the stated audit objective and audit scope.

Objective	Audit Criteria	Met / Met with Exceptions / Partially Met / Not Met
1. Provide assurance that a management framework is in place to support effective sentence management.	1.1 — CSC guidance is complete, understood, and aligned with legislation.	Partially Met
	1.2 — CSC provides training and tools to support the discharge of responsibilities.	Partially Met
	1.3 — Recruitment, hiring, and promotion consider the current and future needs of the Sentence Management program.	Not Met
	1.4 — Monitoring is conducted on a regular basis and results are documented and reported to the required management level.	Partially Met
2. Provide assurance that sentence structures are accurately calculated and reviewed in accordance with current and historical legislative provisions.	2.1.1 — Sentence structures are accurately calculated in accordance with current and historical legislative provisions.	Met with Exceptions
	2.1.2 — Sentences structures are appropriately documented in the offender's sentence management file.	
	2.2 — New court instructions and additional information are obtained and systematically used to update sentence structures throughout the offender's sentence.	Met
	2.3 — Quality assurance is performed to ensure sentence management calculations are accurate.	Partially Met

ANNEX B: SAMPLE

During assessments, the audit team ensured that the sample of offenders pulled were from a variety of high-risk categories (i.e. cognitively impaired, high-profile, and violent) as well as from different backgrounds (i.e. visible minority, Indigenous, and non-visible minority).

The following tables outline the number of offenders by category and by background, respectively:

Offender Category	Atlantic Region	Ontario Region	Pacific Region	Prairie Region	Québec Region	Total
Cognitively Impaired	4	4	2	3	2	15
Dangerous	0	6	2	4	3	15
High-Profile	2	6	10	2	7	27
Violent	7	16*	6	22	12*	63
Total	13	32	20	31	24	120

* The calculation errors noted in Table 3 were found in the Ontario and Québec regions and were associated with violent offenders.

Background	Atlantic Region	Ontario Region	Pacific Region	Prairie Region	Québec Region	Total (%)
Visible Minority	2	10**	4	5	3	20%
Indigenous	5	7	8	15	8**	36%
Non-Visible Minority	6	15**	8	11	13	44%
Total	13	32	20	31	24	

**At least one calculation error noted in Table 3 were related to one of these offenders.