

Working Safely for Public Safety *Risk Management: A Discipline for Dealing with Uncertainty* May 29 2008

Dalhousie University, Halifax NS

Conference Proceedings

The President of St. Leonard's Society of Canada **Don Boudreau** welcomed participants to the conference, along with **Alan Farquhar**, President of Saint Leonard's Society of Nova Scotia (SLSNS), **Elizabeth White**, Executive Director of the St. Leonard's Society of Canada (SLSC) and **Jerry Smyth**, Executive Director, SLSNS and President, Atlantic Halfway House Association (AHHA).

Opening Plenary Panel with Mary E. Campbell, Charles J. Ford and Donald G. Evans

Mary E. Campbell opened the day by discussing common perceptions and connotations surrounding the concept of risk in her presentation entitled *Risky Business: What does it mean for Non-Governmental Organizations?* She began by noting author and journalist Dan Gardner's article "Guess What?" and book "Risk: The Science and Politics of Fear"¹, which examine and challenge the notion of risk. Rather than viewing risk in a negative light, she proposed that the focus of client-centered work be to positively manage risks.

Risks of offenders, risk assessments and the use of actuarial tools over time were discussed, owing to the evolution of risk prevention science. The LSI-R (Level of Service Inventory), SARA (Spousal Assault Risk Assessment), PCL-R (Psychopathy Checklist Revised (PCL-R) and VRAG (Violent Risk Appraisal Guide) have all been improved over the years and are now able to more accurately target the needs and criminogenic factors presenting in offenders. In her view, these tools in combination with the right interventions at the proper time with the appropriate approach can result in more positive outcomes, thereby lowering risk through increased assessment and management. Despite ongoing refinements, two considerations around risk assessment remain:

1. *Skill and understanding of the individual applying the tool is of great concern.*

The general public's understanding of offenders and their offences is often biased by the media, which presents very little information. All too often, those with little or no understanding apply these tools as finite, stand-alone measures. Ms. Campbell reminded participants that the principles set out in the *Corrections and Conditional Release Act*² are a starting point from which to consider all of the variables that will ensure a just, peaceful and safe society.

Ms. Campbell explained how her students and colleagues are often surprised to hear that in fact, sex offenders rarely re-offend. "Stunned disbelief" also results when speaking of Lifers, a stable,

¹ **Publisher:** McClelland & Stewart, ISBN: 978-0-7710-3299-8 (0-7710-3299-4).

² Available on line at: http://laws.justice.gc.ca/en/showdoc/cs/C-44.6/bo-ga:l_j-gb:s_4/en#anchorbo-ga:l_j-gb:s_4.

generally pro-social, easy to manage and low-risk group. Conversely, Ms. Campbell pointed out that young, male offenders are the most challenging, most likely to re-offend and therefore the greatest risk. The Correctional Service of Canada (CSC) study found that those most likely to reoffend, about 2% or 300 people, were young male robbers, contrary to common misperception. Limited knowledge, therefore, was emphasized as a significant danger.

Judges do not have access to the same assessment tools as the Correctional Service of Canada (CSC). An Ontario Superior Court Justice has expressed concern with the overall lack of knowledge regarding sentence administration. Understanding that, in some cases, the less we assess and intervene, the better is important. This is generally the case for low-risk situations, as discussed in the most recent issue of CSC's *Forum* publication. In fact, Campbell highlighted, longer periods of incarceration may lead to increased rates of recidivism.

Given all of this we must be cognizant of our intentions to intervene. Are we appropriately responding through evidenced-based practices that support risk management, or rather intervening for the sake of responding? If we are to successfully intervene, it was emphasized, appropriate risk assessment is crucial.

2. *Our "Vision Challenge"*

Ms. Campbell argued that in Canada, risk often trumps justice. The United Kingdom's Barbara Hudson argues that justice is more important than risk and if persons are not recognized as such, justice cannot be served. This belief, in conjunction with the media's desire to sensationalize events, causes our already hard-wired brains to react to potential harm.

The Good Life Model (GLM) provides a person-centred model that can be integrated with current practices for a more humane approach. By nature, humans are continually assessing the risk around us to sustain our well being. We are cautious of others and we are cautious of our own behaviour knowing we can be scrutinized and possibly, if we are not careful, we can find ourselves faced with negative attention; therefore, most of us "play it safe". This being said, risk taking is crucial to human behaviour and not taking risks also has consequences. To those who ask why, we ask why not?

Ms. Campbell's "vision challenge" is for us to view people as people – not as risky liabilities – and to push ourselves to change the system for the better by having the courage to respect the research.

☛ *N.B. Ms. Campbell spoke from a personal perspective and not on behalf of the government.*

Chuck Ford emphasized that "Good Governance Is Good Risk Management" and that we cannot be frozen by fear to avoid omnipresent risks. NGO staff have a duty to their organizations to work in good faith with loyalty and trust, using the highest standards of care in law and equity.

Board Members and Directors also have fiduciary duties of care, loyalty, skill, competence, diligence, prudence and process. Directors are liable for acting outside the scope of their authority as per the bylaws of the committee and can be held personally responsible. Organizations are expected to carry such liability insurance for all other liabilities. To avoid liability, Mr. Ford recommended recruiting skilled individuals who act diligently and delegate responsibility appropriately on behalf of the organization's best interests.

The following requisites for good governance were highlighted:

1. Follow the mission;
2. Be transparent;
3. Be accountable;
4. Develop appropriate organizational structures (reporting and communication);
5. Ensure the Board understands its roles and avoids conflicts of interest;
6. Maintain fiscal responsibility;
7. Engage an effective management team (employees and Board);
8. Implement assessment and control systems (evaluations);
9. Consider succession planning and Board diversity (*critical);
10. Conduct By-Law reviews; and
11. Fundraising.

Mr. Ford also identified six potential risks to be cognizant of:

- 1) Industry specifications;
- 2) Interest and Exchange rates;
- 3) Legal risks;
- 4) Volunteers and participants of fundraisers;
- 5) Third party fundraising; and
- 6) Social/Harm to reputation.

The following suggestions were made for NGOs to mitigate risk:

- Form a legal risk management committee;
- Develop a Governance Committee and/or Governing Task Force;
- Utilize committees to their greatest potential (standing, ad hoc, and advisory boards);
- Effectively orientate and train staff and Board members;
- Spend time with your insurer to address your risks and needs; and
- Maintain clear lines of communication among the Board, organization and staff.

He noted that directors are not experts and should make inquiries to their satisfaction as well as view information critically.

Mr. Ford concluded by recommending that NGOs examine their operational controls and accountabilities as well as seek professional advice. By retaining a variety of individuals to Boards of Directors such as lawyers and accountants, cost-efficient support and information may be obtained through this more realistic option for many community-based agencies.

Donald G. Evans discussed Human Resources issues that result from risk-based approaches and strategies, and brought to light risk management themes that are often overlooked within community corrections. He emphasized the importance of the right people in the right place at the right time through these considerations:

1. Changing Demographics

The offender population is described as:

- Violent
- Gang affiliated
- Mental health (identified and unidentified)
- Health (chronic and contagious)
- Dying while under supervision (natural and unnatural)

2. Governance

- Increased accountability
- Legal and moral responsibilities
- Recruitment and retention of staff
- Staff training and development
- Compassion fatigue
- Adequate compensation
- Communication relations

<p>3. Recruitment</p> <p>Who do we need?</p> <ul style="list-style-type: none"> · Capable of working in a “risk” environment · Nursing or other practical care background · Risk takers or “edge-workers³” <p>Edge-walkers are recruited with the expectation that they work within the parameters of certainty and uncertainty. Individuals who live on the edge often enjoy exploring their limits of cognitive capacity in search of new possibilities. Personal care workers and those with nursing backgrounds are desirable employees for this type of environment as they have the right assets and skill sets.</p>	<p>4. Risk Responsibility</p> <p>Who has responsibility?</p> <p>Mr. Evans highlighted that the growing interest in risk is dictated by a structural imperative governing most institutional sectors where uncertainties are increasing, and is displacing organizational responsibilities onto individual employees who encounter day-to-day risks.</p>
<p>5. Voluntary Risk Taking</p> <ul style="list-style-type: none"> · Desire to experience uncertainty · Explore limits of cognitive capacity · Skillful practice <p>These same individuals are often drawn to extreme sports or dangerous occupations.</p>	<p>6. Profile of Worker in Risky Business</p> <p>These same individuals are often drawn to extreme sports or dangerous occupations. This is generally true of those same people whose profiles match those who do edge-work. They are:</p> <ul style="list-style-type: none"> · Vigilant, · Self-reliant, · Refuse to panic, · Trust their intuition, and · Believe in their survival skills.

Mr. Evans concluded by encouraging organizations to push the borders of possibility by promoting innovative efforts.

Morning Break-Out Sessions

Managing Reintegration Safely

with Sylvie Blanchet and Hal Davidson, National Parole Board

Sylvie Blanchet and Hal Davidson first outlined the history of parole supervision in Canada. The first conditional releases under the *Ticket of Leave Act* (1899) made way for the *Parole Act* of 1959 and the establishment of the National Parole Board (NPB). It wasn't until 1992 when the *Corrections and Conditional Release Act* (CCRA) replaced the *Parole Act*.

The Parole Board's mandate is to contribute to the maintenance of a peaceful and safe society by making decisions on timing and conditions of release that will best create this type of environment; protection of society is paramount. NPB hearings are a right of the offender and act as a mechanism for the NPB.

The purpose of conditional release is to provide a gradual, support release to assist in reintegration, while providing structure to ensure accountability thereby contributing to a safe society. The NPB's role is to grant, deny, terminate or revoke conditional releases of all provincial and federal offenders.

The NPB makes decisions regarding Temporary Absences (escorted and unescorted), Day Parole, Full Parole, Accelerated Parole Release, and Detentions. Statutory Releases occur automatically at 2/3 of a sentence, unless the offender is deemed too dangerous, in which case a Detention Review occurs

³ Steven Lynn coined these types of risk-takers as “edge-walkers” and notes that “the growing interest on risk-taking is experience dictated by a structural imperative governing most institutional sectors where uncertainties are increasing over time and new demands for risk management are being placed upon those who occupy positions in these institutions.”

with Correctional Services' recommendations as to why he or she should remain incarcerated; the NPB ultimately makes this decision.

In order for the NPB to make a decision, an Assessment for Decision must be drafted and submitted by the Correctional Service of Canada.

The *Corrections and Conditional Release Act*⁴ (CCRA) requires the National Parole Board (NPB) to maintain a registry of decisions and corresponding rationale in order to contribute to public understanding of conditional release decision making and to promote openness and accountability.

The *Criminal Records Act* provides for individuals with past convictions who demonstrate, through law abiding behaviour, that they have successfully integrated into the community. Former offenders who were convicted of a criminal offence, who have satisfied their sentence and who have shown that they are responsible citizens can apply for a Pardon after a waiting period of 3 to 5 years.

Managing the Risk of Governing

with Janet M. Stevenson, Wickwire Holm

Ms. Stevenson presented legal considerations for governing Boards of Directors. She began by reassuring participants that it is uncommon for a Board to be sued due to its separate legal entity. She referenced one known case, an organization in Nova Scotia that did not submit remittance deductions. Ms. Stevenson then spoke to the following two points:

1. Vicarious Liability

An employer can be responsible for the actions of their employee if they are acting in a way to bring legal liability to the organization. A Board should be obligated to ensure that they are hiring appropriately and that the hiring practices are in the best interests of the organization.

The following recommendations were made:

- Create a Personnel Policy Manual that is up to date and upheld;
- Letters of agreement duly signed may help ensure critical confidentiality;
- Articulate roles and responsibilities of Board Members in writing;
- Question and rectify emerging concerns, such as Board engagement or attendance, and;
- Encourage Board Members to ask questions.

2. Employment Law

An employee can be terminated at any time with just cause and at any time without just cause with reasonable notice or payment in lieu of notice. Employee contracts should outline the organization's policy of termination. The Labour Standards code is the minimum requirement.

There is reluctance to "fire" volunteers. Ms. Stevenson encouraged organizations to review Bylaws and treat Boards of Directors and members like it is a business, i.e. by using letters of warning and following up.

Employees can be terminated at any time with just cause and at any time without just cause with reasonable notice or payment in lieu of notice. Employment contracts should outline what the organization's policy of termination is.

The Labour Standards code is the minimum requirement.

⁴ See s. 144 of the CCRA available at <http://laws.justice.gc.ca/en/ShowFullDoc/cs/C-44.6///en>

Dynamic Risk Strategies: An Exercise in the Operational Examination of Familiar Concepts in Corrections

with John T. Clinton, St. Leonard's Society of Hamilton

John T. Clinton began his workshop by exploring the faculties of dynamic and static systems and interacting with participants.

A dynamic system	A static system
i) Pertains to or is characterized by energy or effective action	i) Is characterized by a fixed or stationary condition
ii) Is a force that effects or motivates development	ii) Shows little or no change
	iii) Lacks movement, development or vitality.

Although opposites, Mr. Clinton argued that static and dynamic systems must co-exist in order to achieve balance. It is this balance between two realities – dynamic and static – that may cause conflict within our work. For example, static pressures that impact our work include:

- Natural responses to incidents
- What is generally understood and known
- Politically driven systems

These can often oversee our Corrections work as we are funded by government. Those systems can be impacted by popular culture or what the acting government thinks society wants because this is the path of “least resistance”. Community Corrections is dominated by a larger prison system (about 10% of Corrections is in the Community). The “Prison System” seeks to reduce risks by enforcing strong controls, while “Community Corrections” focuses largely on supportive reintegration. This allows community-based organizations to assist the client in managing his or her issues, finding employment or housing and empowering him or her to live crime-free. Mr. Clinton emphasized the challenge for community corrections to be creative (dynamic) due to the government’s strict governance structure (static).

He then posed a fundamental question to the group:

How do we promote emotional health and dynamic approaches in our work in Community Corrections?	
Provide access to meaningful activities	<ul style="list-style-type: none"> · Family visits, · Recreational activities, · Mentoring programs, and · Required programming.
Create Individualized Transition Plans	<ul style="list-style-type: none"> · Case plans are individualized, and · New approaches can be explored.
Relapse/Recidivism Prevention Based Strategies	<ul style="list-style-type: none"> · Decreasing risks, and · Encouraging self-management (teaching coping strategies and self-directive behaviour to deal with opportunities or challenges).
Therapeutic Oversight	<ul style="list-style-type: none"> · Bringing community members in to help meet clients’ needs (e.g. subcontractor, community health nurse, trainer advisors etc.) as well as to maintain focus on mandates, goals and achieving them.

In 2006-2007, Community Residential Facility (CRF) contracts with CSC included revised standards. Formerly known as “CRF Standards” in service provider contracts, the changes led to the formation of a sub-committee to discuss and negotiate contract language.

The proceeding sections of the *Standards Document* were considered as they applied to daily operations. By doing so, Clinton outlined that CRFs must operate dynamically within a static governance framework.

Standard	Considerations and Solutions
CRF shall periodically check resident activities and destinations while they are away from the centre and record the results of these checks in duty logs.	<ul style="list-style-type: none"> • Have residents/clients phone in from a land line, call them back occasionally • Employ reasonable precautions to ensure adherence • Supervision plans should be developed in consultation with Parole Officers • Case by case <p>But to what degree do we know that these efforts are proving our result?</p>
CRF shall conduct resident check immediately after curfew and/or activation of the alarm system. At a minimum, two such counts shall be conducted, the first which shall take place upon the commencement of the midnight shift. All counts shall ensure the presence of a living, breathing body. All such counts shall be recorded.	<ul style="list-style-type: none"> • CRFs are under-resourced, and have limited staff • Numerous curfews require repeated and intermittent checks (Reduced or grounded? No curfew on weekend passes?) • Some activities are difficult to monitor • Special Conditions? Associations, locations • Reasonable standards would ensure observance of contracts that are aligned with goals

These reactions and parameters are fundamentally punitive controls placed upon a person (like those of the prison system) despite the CRF goal of encouraging successful independent transitions into the community.

Mr. Clinton recommended the following better practices for community-based service providers:

- Sit down and have a talk with the client on how your agency can support him/her.
- Be **CREATIVE** and **CURIOS**, using these approaches with respectfulness helps keep goals in sight and helps foster a supportive approach to assisting the client in attaining them.

Afternoon Break-Out Sessions

What is Covered, What is Not and What to Get (in Your Insurance Policy) with Barb Szychta, Frank Cowan Insurance

Barb Szychta first defined risk as the “uncertainty surrounding potential losses” and risk management as the preventative process “of making and carrying out decisions that will minimize the adverse affects of accidental losses upon an organization”. Insurance, she maintained, is a means of financing our risk. When risks are identified, proper insurance policies are purchased and its exclusions are well understood, insurance serves as a useful risk financing method. Duty of care requires us to operate with care; this includes “sweating the small stuff” through careful inspection of potential hazards.

She recommended that we balance CONTROL (minimizing the chance of loss) with FINANCE (funds to pay for any loss) through a 5-step decision making process:

1. Identify and analyze exposures
2. Examine alternative techniques
3. Select best and most appropriate techniques
4. Implement
5. Monitor and adapt

Categories of risk include: Property; Loss of Income; Personnel; and Liability. In her view, there are five elements of an organizational risk-management plan that will help demonstrate accordance with policy:

- Facility maintenance
- Behaviour management
- Emergency management
- Activity supervision
- Documentation

Ms. Szychta distinguished between policy, procedure, warrants and exclusions:

Policy provides formal direction, based out of the company's mission and vision, which serves as a framework to exercise or delegate authority and guide staff. As such, policies address *what* will be done.

Procedures, on the other hand, detail *how* these policies will be implemented by operationalizing specific instructions and routines for any given situation.

Types of property losses include fire, theft and water escape. If front-line staff are most familiar with the facility, they may be well-placed to preemptively identify these risks.

Warrants list conditions that must be met in order to seek recovery. Liability due to negligence is often the most devastating concern.

Exclusions, in her view:

- Eliminate uninsurable risks (e.g. war, terror);
- Eliminate coverage for intentional acts and damage;
- Eliminate coverage duplications;
- Eliminate coverages not required by the average purchaser;
- Eliminate coverages requiring special considerations; and
- Keep premiums affordable.

Types of insurance include: Property; Commercial and General Liability; Directors and Officers; Crime; Errors and Omissions; Automobile, and Abuse.

Allegations may result from failing to: investigate incidents, screen staff, supervise staff or respond.

Losses can be financed through: current accounts, funded or non-funded reserves, loans, or contractual transfers (i.e. insurance or other third-party provider).

Insurance, as a contract at law, promises to pay for certain risks when certain conditions are met.

Terms and conditions, as well as valuations, are crucial points among any insurance policy.

Ms. Szychta concluded by emphasizing that "Insurance is a good first and last choice. But rarely, if ever, is it the best choice."

StreetWise: Working with People with Mental Disorders
with Susan Hare, Crisis Support Services, and
Mary Pyche, Capital Health Mental Health Program

Crisis associated with mental illness can increase the number of crises a person experiences as well as her or his sensitivity to it. Reciprocally, the stress of crises may precipitate episodes of mental illness in vulnerable people.

Crisis theory recognizes that individuals are adaptable as follows:



Figure 1 Crisis creates unique opportunities for growth as well as particular vulnerabilities to pathology. These events may stimulate new coping methods that enhance personal growth, or conversely, may result in impaired functioning.

There is a range of possible outcomes in relation to adaptiveness. An individual may learn new coping methods that enhance personal growth, or emerge from a crisis with impaired intra-psychic or interpersonal function.

The presenters explained that the distinction between “mental health crisis” and “psychiatric emergency” lay simply in their etymology. The term “psychiatric emergency” emerged out of hospital-based assessments and triage services provided by physicians and psychiatrists. “Mental health crisis” arose out of community-based crisis intervention services delivered by a team comprised of a range of service providers. They noted that mental health crises are often related to situational, psycho-social stressors.

Assessing each person’s strengths – even during crisis – increases the likelihood of a collaborative problem solving approach that recognizes individuals, agencies and enhances self-efficacies. Balancing this support of self-determination and personal agency against safety risks to self and others is key in order to assess, triage and intervene a community-based mental health crisis process.

Ms. Hare and Ms. Psyche concluded that communities must focus on making safety plans and modifying risk factors based on the most optimal health outcomes, both for individuals and communities.

Closing Remarks

Ross Toller, Assistant Commissioner of Correctional Operations and Programs for CSC, thanked participants for a productive day of presentations and discussions. He commended the staff and volunteers for their dedication and commitment to safe reintegration by working safely in such risky environments day in and day out.

Don Boudreau and Elizabeth White again thanked participants for attending and making the day a success, as well as the presenters for the knowledge they provided to stimulate rich conversations. They invited guests to continue professional and casual dialogue at an informal reception following the conference.

“Johnny Cash and June Carter”, Ray of Halifax Productions, provided closing entertainment. 