

# JUSTICE

## OUTSTANDING QUESTIONS

### STANDING COMMITTEE ON PUBLIC ACCOUNTS

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#### 1. Question (PA-459):

**Mr. Schmidt:** (Federal Litigation) ... Can the deputy minister then commit to responding to the committee in writing with a summary of the number of internal hours that were spent on these challenges?

**Mr. Lavoie:** I'm not sure I can make that commitment. We do have certain parameters in terms of solicitor-client privilege in terms of what we can provide, so I'm not sure I can commit to providing hours on specific litigation files.

#### **Answer:**

Justice lawyers who are employees of the Alberta Public Service represent Alberta in the majority of proceedings at all levels of provincial and federal court, including the Supreme Court of Canada, and before a wide variety of administrative tribunals. Litigation protecting Alberta's interests is an important part of the work of the Legal Services Division. This work, along with other legal services provided to government, is covered by the Legal Services Division budget reported in the Annual Report.

Information on the number of legal hours associated with specific cases or classes of cases is privileged and confidential and is not disclosed by government.

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**2. Question (PA-460):**

**Mr. Schmidt:** (Zero-Emissions Vehicle Standards) ... Okay. It's my understanding that the lawyer of record is public information and so, like, Bennett Jones was the only external counsel that represented the government. Who was the Quebec counsel? Who represented the government on that case?

**Mr. Lavoie:** The specific firm that represented Alberta in Quebec: I don't have that information. If it's a matter of public record, we can provide it. Yes. We can follow up and provide that information.

**Answer:**

The firm representing Alberta in this matter is a Quebec firm, [IMK s.e.n.c.r.l./LLP](#).

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#### 3. Question (PA-460):

**Mr. Schmidt:** (Precharge Assessment Implementation) ...When was this precharge assessment work implemented? When did the department start that work?

**Mr. Lavoie:** Yeah. Precharge assessment has been a multiyear process, and it's been rolled out gradually across the province. The specific date on which it began, I'm not – I'll see if we have folks at the table who can provide that information, but it has been rolled out gradually over several years. It's now in place with respect to the RCMP across the province. Rollout with the Calgary Police Service is ongoing. Do we have a year? No. It has been a multiyear rollout, and it's not yet complete I think it's fair to say. I think we can commit to providing you the year at which we started rolling out precharge assessment.

#### **Answer:**

The Alberta Crown Prosecution Service (ACPS) and the Public Prosecution Service of Canada (PPSC) piloted a pre-charge assessment process with Hinton, Strathcona County, and Canmore RCMP detachments from October 7, 2019, to March 31, 2020. Due to the success of the pilot, the process was approved to roll out province wide. The work to complete this implementation is ongoing.

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#### 4. Question (PA-460):

**Mr. Schmidt:** (Precharge Assessment 2024-25 Timeline) .... So it's limited to certain jurisdictions at this point. What's the timeline or what was the timeline in this fiscal year for completing the rollout of that system?

**Mr. Lavoie:** It's anticipated. We've worked co-operatively with police services on this, you know, and that is partly respecting the institutional roles of police. I think it's fair to say that it's not entirely within our control. It's anticipated, though, that the rollout to Calgary Police Service will be completed in '26-27. Discussions with Edmonton Police Service on implementation are ongoing.

**Mr. Schmidt:** Thank you.

#### Answer:

The Alberta Crown Prosecution Service and the Public Prosecution Service of Canada completed roll out to all RCMP detachments in Alberta in May 2025.

Pre-charge assessment has been rolled out to all municipal law enforcement agencies and First Nations police services in the province except the Edmonton and Calgary Police Services. Three of eight Calgary Police Service districts are now using the process and discussions with the Edmonton Police Service continue. It is anticipated rollout in Calgary will be completed in 2026-27.

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#### 5. Question (PA-463):

**Mr. Schmidt:** (Indictable Offences Exceeding 30 Months) ... I'm wondering if the deputy minister can just clarify for the department whether or not they track the number of – because my next question is also about indictable offence charges over a 30-month time frame. The report seems to suggest that the department does, in fact, track the number of offences and how long they've been awaiting trial, but from the deputy minister's comments it sounds like maybe they don't track it or they don't report the number. Can the deputy minister clarify exactly what the status is of the tracking of these cases in the department?

**Mr. Lavoie:** Yeah. I think, as I mentioned, that sort of raw number would potentially be a little bit misleading, because it wouldn't account for, as I say, defence induced delay and it is a dynamic situation. So I don't have that number with me right now: how many would be above 30 months. Of course, some of those may be at risk of a *Jordan* application. Others wouldn't be because, for example, a significant chunk of that delay might be attributable to the defence. Sorry, I'm not able to provide more information on that.

**Mr. Schmidt:** Can the deputy minister respond to the committee in writing to report those? I guess, since we need a snapshot in time, March 31, 2025, would be the appropriate cut off given that that's the end of the fiscal year we're considering here today.

**Mr. Lavoie:** Our data on this issue is partly the Court's data, and so it's not entirely within our control what information we can publicly disclose. So I think, probably the best I can do is commit to take it under consideration.

#### **Answer:**

The Alberta Crown Prosecution Service (ACPS) tracks criminal cases in King's Bench to ensure matters proceed to trial within the time limits specified by the Supreme Court of Canada in *R v Jordan*.

There are many reasons why a file may experience delay including factors not attributable to the Crown such as defence witness or defence counsel availability.

Judicial permission is required to release this specific court data, however, it can be shared that a high percentage of serious and violent matters are within *Jordan* timelines.

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#### 6. Question (PA-465):

**Member Eremenko:** (MAID Consultation Process) ... Then on page 19 you talk about collaboration with the ministries of health and Mental Health and Addiction to initiate a review about the regulation for MAID. Can you tell me a bit about the consultation process? How many people, how many organizations have been consulted? Was it a public call or was it by invitation only? And do you have status on the response figures related to the survey that had been provided to Albertans for completion?

**Mr. Lavoie:** Okay. Yeah, I do have this information. There was initially an online public survey. It was conducted November 18 to December 20. It was comprised of multiple-choice and open-ended questions. There were almost 24,000 responses providing a broad spectrum of views and experiences. In addition, there was a series of six in-person and virtual facilitated engagement workshops. Select organizations were invited to provide written submissions in addition to this. I have a list here of the organizations that were invited. It is a long list. Perhaps rather than read it out, which wouldn't be well received I don't think, we can commit to provide that in writing.

**Member Eremenko:** Thank you, DM, that would be great.

#### Answer:

As a first step in reviewing MAID in Alberta, an online public survey was conducted from November 18 to December 20, 2024. The survey was comprised of multiple choice and open-ended questions.

- Responses were received from 23,619 respondents, providing a broad spectrum of views and experiences.

Additionally, a series of six in-person and virtual facilitated engagement workshops were held with select organizations.

- In addition to attending the workshops, the select organizations were invited to provide written submissions offering their insights and recommendations.

The select organizations included:

- Association for Reformed Political Action (ARPA)
- BC Aboriginal Network on Disability Society (BCANDS)
- Canadian Association of MAID Assessors and Providers (CAMAP)
- Canadian Association for Suicide Prevention (CASP)
- Canadian Constitution Foundation (CCF)
- Canadian Life and Health Insurance Association (CLHIA)
- Canadian Medical Protective Association (CMPA)
- Canadian Mental Health Association – Alberta (CMHA)
- Canadian Physicians for Life (CPL)
- Cardus
- Charter Advocates Canada

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- Christian Legal Fellowship (CLF)
- Christian Medical and Dental Association of Canada (CMDA)
- Disability Action Hall
- Dying With Dignity (DWD)
- Dying to Meet You
- Euthanasia Prevention Coalition (EPC)
- Evangelical Fellowship of Canada (EFC)
- Inclusion Canada/Inclusion Alberta
- Indigenous Disability Canada/B.C. Aboriginal Network on Disability Society
- Jensen Shawa Solomon Duguid Hawkes LLP
- MAID Family Support Society (MFSS)
- Physicians Together with Vulnerable Canadians (PTWVC)
- **Post-secondary Institutions**
  - Dalhousie University
  - Mount Royal University
  - Simon Fraser University
  - University of Alberta
  - University of British Columbia
  - University of Calgary
  - University of Ottawa
  - University of Toronto
  - University of York (United Kingdom)
- **Public Bodies**
  - Alberta Health Services (AHS)
  - Alberta Human Rights Commission (AHRC)
  - Centre of Recovery Excellence (CORE)
  - Covenant Health
  - Mental Health Review Panel (MHRP)
  - Nova Scotia Health and Wellness
  - Office of the Alberta Health Advocate (OAHA)
  - Office of the Chief Medical Examiner (OCME)
  - Office of the Information and Privacy Commissioner (OIPC)
- **Regulatory Bodies**
  - Alberta College of Occupational Therapists
  - Alberta College of Paramedics
  - Alberta College of Pharmacy (ACP)
  - College of Alberta Psychologists
  - College of Licensed Practical Nurses of Alberta
  - College of Physicians and Surgeons of Alberta (CPSA)
  - College of Registered Nurses of Alberta (CRNA)
  - College of Registered Psychiatric Nurses of Alberta (CRPNA)
  - College of Respiratory Therapists of Alberta (CRTA)
  - Law Society of Alberta

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In total, this engagement included subject matter experts from medical professions and academia, as well as civil society and non-profits, and involved those with personal experience with MAID who shared their stories with government.

- One-hundred-seventy participants attended the workshops, and 61 written submissions were received.

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#### 7. Question (PA-465):

**Member Eremenko:** (Drug Treatment Court) ... I'd like to move over to drug treatment courts, please. The ministry notes that between 2014 and 2019, approximately 55 per cent of participants completed the drug treatment court program, and an estimated 70 per cent will not reoffend. Can the ministry explain how they come to that 70 percent figure? And is it 70 per cent of the 55 who completed the program, or 70 per cent of people who started the program? Tell me a little bit more about where that figure can come from.

**Mr. Lavoie:** Yeah. Drug treatment court obviously is a diversion program that aims to provide appropriate treatment options where certain criteria are met. We don't necessarily have complete control over the volume of folks who would make their way into that program. In terms of the specific question, how the 70 per cent is calculated, I don't have that in front of me. I could perhaps defer to ADM Macve, if you're able to provide additional background on that point.

**Ms Macve:** Thank you, Deputy. It's of those that complete the program.

**Member Eremenko:** And how do you know who will or will not reoffend?

**Ms Macve:** There are studies.

**Member Eremenko:** There are studies specific to Alberta's drug treatment court system?

**Ms Macve:** We do have a study, yes.

**Member Eremenko:** Could you please table that for reference by the committee?

**Ms Macve:** Yes. It may be still under way, but yes.

**Answer:**

[Please see Attachment 2](#)

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#### 8. Question (PA-465):

**Member Eremenko:** (Drug Treatment Court) ... So you do speak to that minimum one-year sentence and that the ministry kind of points to the underutilization of the system in part because of the changes to minimum sentencing. Curious about how you think you're going to achieve future targets of 70 per cent utilization rates for the next fiscal year when you didn't hit the target for '24-25. And you are seeing, what I would expect, is a trend that will last over time related to the underutilization of the program.

**Mr. Lavoie:** I'm open to provide the most accurate information that I can here. It is the case that those are the policies, and, I mean, there are factors that are not within our control. The factors that are within our control are ensuring that the resources are available and appropriately funded. We can't necessarily direct the number of individuals that are going to go into the program or the number of individuals that are going to successfully navigate the program.

#### **Answer:**

The Drug Treatment Court has been operating below its utilization targets largely due to external factors that have reduced the eligible participant pool. Legislative changes by the federal government, updated prosecutorial practices, and adjustments to pretrial custody credit calculations have resulted in fewer individuals meeting the program's strict eligibility criteria seeking to enter the program. Alberta's Drug Treatment Courts focus on high-risk individuals whose offences are driven by substance use and who are facing specific custody ranges for non-violent offences, which further narrows eligibility. As enrollment decreases, program expenditures are correspondingly lower because funding is tied to the number of active participants, resulting in underspending when the program operates under capacity.

In 2024–25, the program achieved a utilization rate of 58 per cent, which was two points below the 60 per cent target. Staffing turnover within the community organizations that deliver Drug Treatment Court programming resulted in some programs temporarily pausing the intake of new participants, which contributed to lower utilization numbers for the 2024–25 fiscal year. With staffing levels stabilizing and increased awareness among justice system stakeholders about the benefits of Drug Treatment Courts, we are optimistic of higher usage.

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## Questions for the Record - NDP

### Member Eremenko:

#### 9. Question (PA-469):

Thank you, Mr. Chair. Just a couple of quick questions for me before I cede to my colleagues.

I have a question about legal aid. We see a \$23.4 million decrease in strategy support and integrated initiatives primarily due to reduced grant payment to Legal Aid Alberta, but some significant increases in granting from the federal government. Can we have an exact number, please, in terms of what the government is actually contributing to legal aid?

#### **Answer:**

The total provincial grant funding provided to Legal Aid Alberta (LAA) in 2024-25 was \$110 million which is inclusive of \$33.8 million of Federal funding. This does not include any funding provided by the Alberta Law Foundation (ALF) as that is provided directly to LAA from ALF.

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#### 10. Question (PA-469):

Also, is there any kind of objective definition around what we mean by access to justice generally, and how is it measured? What are the policies and procedures within the ministry to accommodate Albertans seeking access to justice, whether it be as a result of disability or low income? Is there an exact definition?

#### Answer:

The Ministry measures access to justice through Outcome 2 of the 2024-27 Business Plan: Alberta's justice system is fair and accessible. Key measures include:

- Measure 2.a. Alberta Court of Justice lead time to trial for serious and violent matters:
  - The target for 2024–25 was 24 weeks, which improved upon the 2022–23 target of 25 weeks and reflects the Ministry of Justice's goal of reducing delays and improving timely access to justice.
- Measure 2.b. Number of traffic ticket matters handled online through the Alberta Advanced Projects and Traffic Office:
  - The target for 2024–25 was a 10 per cent increase in online processing, improving access to justice by reducing the need for in person courthouse visits and freeing up court time for matters requiring judicial hearings.

While there is no exact definition of access to justice, the ministry views it as the ability of Albertans to resolve their legal matters in a fair, timely and accessible manner. Through a combination of physical accessibility, digital modernization, financial supports, prosecution service efficiencies, and targeted justice initiatives, the Ministry remains committed to reducing barriers and improving justice outcomes for all Albertans.

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#### 11. Question (PA-469):

Furthermore, the ministry's annual report includes the financial statements of entities making up the ministry, including the human rights, education, and multiculturalism fund. How much was spent, how many grants were issued, and to whom for the fiscal year '24-25?

#### Answer:

There was \$0 spent from the fund in fiscal year 2024-25 and no grants were issued.

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**Mr. Schmidt:**

**12. Question (PA-469):**

Yeah, just a couple again relating to *Jordan* applications. Can the department clarify whether or not they were tracking these cases, where the applications were filed, and can the department explain who was responsible for these delays and what measures were taken to ensure that these future *Jordan* applications do not get filed in these cases?

**Answer:**

The Alberta Crown Prosecution Service (ACPS) tracks criminal cases in the Alberta Court of Justice and the Court of King's Bench of Alberta to ensure matters proceed to trial within the time limits specified by the Supreme Court of Canada in *R v Jordan*.

There have been very few successful *Jordan* applications in Alberta since the Supreme Court ruling was made when compared to the total number of charges entering the court system.

It is important to note that there are many reasons why a file may experience delay including factors not attributable to the Crown such as defence witness or defence counsel availability. In the rare circumstance when a *Jordan* application is made, the Court will assess the file and determine what portion of the delay is attributable to the Crown, if any, and whether it was reasonable.

While a small portion of active cases exceed *Jordan* time limits, that does not mean those will result in *Jordan* applications, a *Jordan* ruling by the court, or a proactive stay by the Crown.

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## Questions for the Record – UCP

**Ms de Jonge:**

**13. Question (PA-469):**

Thank you so much, Chair. I have some questions about restorative justice and ensuring a responsive justice system. Referring to page 36 of the annual report, I know that there is \$720,000 that was provided through the Alberta restorative justice grant program to 22 different organizations, and so my first question is just for the purpose of understanding the value-for-money for these grants. How many cases were diverted through restorative justice programs in the '24-25 year, and what were the completion rates of these?

**Answer:**

Grant funded restorative justice programs reported 477 case referrals in the 2024-25 fiscal year. Of these, 383 were accepted and moved forward to restorative justice programming. These figures reflect only cases reported through grant recipients and do not include all court-based referrals. As court data and grant reported data overlap, the Ministry cannot produce a fully consolidated, non duplicated count for the fiscal year; therefore, additional referrals may have occurred but were not captured.

The successful completion rate for restorative justice cases accepted by restorative justice grant recipients during the 2024-25 fiscal year reporting period is 89 per cent. Completion rates are based on grant recipient reporting and reflect the proportion of accepted cases reported as completed within that period. Restorative justice cases may take up to 24 months to conclude; as a result, cases initiated in earlier fiscal years may be completed during the reporting period, while cases initiated in 2024-25 may not be finalized until subsequent years.

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#### 14. Question (PA-469):

Secondly, has any evaluation been undertaken by the ministry on the outcomes for participants under these programs compared to similar processes through traditional court streams?

#### Answer:

During the 2024-25 fiscal year, the Ministry of Justice did not complete any evaluations comparing restorative justice outcomes with outcomes from the traditional court process. Work to evaluate restorative justice programming, including an examination of outcomes, began in the 2025-26 fiscal year. This work was not completed during the reporting period and is not yet finalized for release.

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#### 15. Question (PA-469):

In addition to that, is there a cost-per-case or cost-avoidance analysis to assess the fiscal impact of diversion relative to formal prosecution in those cases?

#### Answer:

During 2024-25 fiscal year, the Ministry of Justice did not complete any analysis assessing cost per case or cost avoidance associated with restorative justice programming. Work to examine costs related to restorative justice delivery, including cost per case considerations, began in the 2025-26 fiscal year as part of broader evaluation activities; however, this analysis was not completed within the reporting period and continues to be underway.

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**16. Question (PA-469):**

On the same stream, I am interested to learn how the ministry ensures that these types of restorative justice programs maintain appropriate accountability measures for offenders while also meaningfully engaging with victims and with communities.

**Answer:**

The Ministry of Justice supported accountability in restorative justice programming through the Alberta Restorative Justice Program Roster, which requires programs to demonstrate core practices such as informed consent, established policies and procedures, qualified practitioners, and opportunities for victim participation. Justice conducted eligibility reviews and maintained regular engagement with rostered programs to ensure continued alignment with these requirements. Through the Alberta Restorative Justice Grant Guidelines, programs seeking funding must also demonstrate benefits to victims, offenders, and the community.

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**Ms Lovely:**

**17. Question (PA-469):**

Page 38 of the annual report notes a 40 per cent decline in new family court applications in 2024 compared to 2023. This follows the government's \$11.2 million investment since 2023 to expand family justice services and promote outside of traditional courtroom processes. Reducing court filings while supporting families through less adversarial processes is a significant outcome. However, the committee would appreciate additional clarity on how this impact is being measured and sustained.

First question. What methodology does the ministry use to attribute the decline in new family court applications specifically to expanded precourt services as opposed to other external factors such as post-pandemic normalization or filing pattern changes?

**Answer:**

As the Family Justice Strategy has been implemented incrementally across the province, it allows for comparison between locations where enhanced pre-court services were available and those where they were not during the same period.

The number of Albertans accessing pre-court services in Edmonton and Calgary increased from 35,000 in 2023 to over 55,000 in 2024 after the introduction of the Family Justice Strategy. Through education, assessment, dispute resolution, and effective referrals many of these families did not proceed to the courts. This increase in service utilization combined with a decrease in court filings speaks to the direct effectiveness of those services. As a result, locations where the Family Justice Strategy was implemented experienced approximately a 40 per cent reduction in new family court applications. Due to the phased implementation of the Family Justice Strategy, we also have comparator data from locations where it was not implemented. Filing data for all locations where FJS was not implemented shows a 3.5 per cent increase in family filings from 2023 to 2024. This makes the 40 per cent reduction achieved through the strategy all the more remarkable, as general filing patterns indicate increasing demand. Taken together, these indicators support the conclusion that expanded pre-court services are influencing how families resolve disputes and reducing reliance on traditional court processes.

While no single data point can fully isolate causation, the combination of phased implementation, regional comparisons, and consistent trends across multiple Family Justice Strategy sites provides a reasonable and evidence-informed basis to attribute a substantial portion of the decline in new family court applications to the expansion of pre-court services. Ongoing monitoring will continue to support the sustainability of these outcomes over time.

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#### 18. Question (PA-469):

Next, what metrics are tracked to assess the durability of resolutions achieved outside court, for example, the percentage of matters that re-enter the court system within 12 to 24 months?

#### Answer:

The Ministry recognizes that family arrangements are not static. As children age and circumstances change, families may need to revisit parenting, support, or living arrangements. This is both expected and appropriate, whether arrangements were reached through court or outside of it. For that reason, durability in the family justice context is assessed not by the absence of future interaction with the justice system, but by whether families are able to manage changes without initiating new court proceedings.

Under the Family Justice Strategy, durability is primarily measured through system-level indicators, including sustained reductions in new family court applications and continued uptake of pre-court resolution services. The consistent decline in new filings across Family Justice Strategy locations—and the replication of that trend as the strategy expands to new sites—indicates that families are resolving disputes and making subsequent adjustments through supported, out-of-court processes rather than re-entering the formal court system.

While the Ministry does not currently track re-entry rates on an individual case basis at fixed intervals such as 12 or 24 months, the combination of sustained filing reductions, service-uptake trends, and consistent outcomes across multiple regions provides a reasonable and evidence-informed assessment of durability. Ongoing monitoring will continue to support refinement of performance measures as the Family Justice Strategy matures.

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#### 19. Question (PA-469):

Next, what clients experience indicators are monitored, such as time to first contact resolution timeline, accessibility for rural or underserved populations, and participant satisfaction?

#### Answer:

Wait times are monitored, with a particular focus on urgent matters. Any Albertan indicating that their issue is urgent or time sensitive, including anyone reporting violence or abuse, is seen the same day, or the next business day at the latest, by a family court counsellor to help them address immediate concerns and access the court on an urgent basis if required. In 2024, there were 1,558 such requests and only 35 per cent (535) proceeded to court. This means that family court counsellors supported 65 per cent of clients that identify as urgent to effectively manage their emotions, create a plan to address core non-legal challenges, and proceed to court only when all other options have been explored.

All services are provided in person and remotely through video or telephone to ensure the widest possible access. Support is also provided for translation so that language barriers do not prevent people from accessing services.

Participant surveys are used to gather feedback, measure satisfaction, and gauge impact. These surveys are provided to all participants and tailored to the specific program or service accessed. They allow for rating responses as well as narrative feedback. Satisfaction indicators are generally high, with 90 per cent of respondents reporting that they would recommend family court counsellor services to others, and 79 per cent of respondents indicating overall satisfaction the Parenting After Separation course and family mediation program.

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#### 20. Question (PA-469):

Last, beyond volume reductions, how does the ministry evaluate whether the family justice strategy is meeting its broader objectives of reducing stress on families, protecting children's interests, and delivering fair and sustainable outcomes?

#### Answer:

Beyond reductions in court volumes, the Ministry evaluates the success of the Family Justice Strategy through a combination of client-reported outcomes, service-use patterns, and system-level changes that reflect its broader objectives of reducing stress on families, protecting children's interests, and supporting fair and sustainable resolutions.

Client experience and well-being outcomes are assessed directly through participant surveys administered across Family Justice Strategy services. These provide insight into whether families feel supported, better equipped to manage conflict, and able to prioritize children's needs. Results to date are strong and consistent:

- 85 per cent reported that the support they received from family court counsellors contributed positively to the overall well-being of their family.
- 90 per cent indicated they intend to take action to reduce conflict after completing the Parenting After Separation course.
- 91 per cent reported learning strategies to support children's coping and ease transitions between homes, directly aligning with the strategy's child-centred objectives.

In addition to self-reported outcomes, the Ministry looks at behavioural indicators — such as sustained reductions in new family court applications and increased use of mediation, counselling, and pre-court supports — as evidence that families are resolving disputes in less adversarial ways and maintaining agreements outside of court.

The Ministry also evaluates impact through system-level change and alignment. The Family Justice Strategy has influenced broader reform across the family justice system, including significant procedural changes introduced by the Court of King's Bench through the Family Focused Protocol. This alignment reinforces early resolution, reduces adversarial escalation, and supports more predictable and proportionate court involvement when litigation is necessary.

Taken together, these qualitative and quantitative indicators provide a balanced and evidence-informed assessment of whether the strategy is achieving its broader goals. By combining client-reported well-being, observable system behaviour, and institutional reform, the Ministry is able to evaluate not just whether families are avoiding court, but whether they are achieving healthier, more sustainable outcomes over time.

Released July 2020

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# Real Help for Addicted Offenders: Further Evidence from the Calgary Drug Treatment Court



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## Calgary Drug Treatment Court Crime Reduction Outcomes Fact Sheet

The Calgary Drug Treatment Court (CDTC) opened in 2007, providing the only community alternative to incarceration for non-violent drug-addicted offenders whose crimes are driven by addiction. Calgary Drug Treatment Court provides an evidence-informed program that integrates court intervention and treatment services to assist participants to end the cycle of active addiction, crime, and incarceration in their lives, and return to family, work, and community.

The cohort of interest in this study consists of 87 participants who graduated from the Calgary Drug Treatment Court Program during the 9+ year period between April 1, 2010 and June 30, 2019.

### ***CDTC Crime-related Outcomes***

The analysis includes post-program convictions during an average period of 3.84 years. The time that elapsed between graduation and June 30th, 2019 (the study end date) for this cohort ranges from 3 months to 9 years and averages 3.84 years.

### ***76% had no new substantive convictions after graduation***

Data on criminal convictions for these graduates showed:

- 66.7% had no convictions for any new offences since graduation. When those with only administration of justice offence convictions<sup>1</sup> and those with a single conviction for simple drug possession are excluded, 75.9% had no new criminal convictions since graduation.
- Graduates had a total of 2,803 convictions prior to program admission and 279 convictions following graduation.
- When comparing only those convictions incurred during the equivalent period of time prior to admission as the time elapsed following graduation, these graduates had a total of 1163 pre-program convictions compared to 279 post-program convictions. This equivalent pre/post comparison shows a decrease of 76.1% in convictions at an average 3.84 years post-graduation.<sup>2</sup>
- When graduates are grouped by the number of years since they graduated to understand the length of time free from convictions, nearly 70% who graduated between 3 and 4 years before the study end date (n=50) had no new convictions.
- The program's graduation rate is 51.6% (2016-2019).

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<sup>1</sup> Administration of justice convictions include failing to comply with a term of probation and failing to comply with a term of a Judicial Interim Release (Bail) Order.

<sup>2</sup> The percentage decrease in convictions is calculated by determining the period of time between graduation and the end of the data collection period (June 30, 2019) for each graduate, and comparing any convictions during that period with convictions incurred during the same period of time prior to program admission.

**Calgary Police  
Service Contacts  
with Program  
Graduates**

*Police had 67.3%  
fewer contacts with  
graduates after  
graduation*

**Graduates Free  
from Substantive  
Convictions and  
Charges**

*70% were free from  
substantive  
convictions and  
charges after  
graduation*

**CDTC Target  
Population Aligns  
with Greatest Need  
& Community  
Impact**

*89% were assessed  
as high-risk to  
reoffend*

Although there are a number of limitations associated with using police contact data to understand recidivism, the results are positive, showing that:

- 77 graduates (88.5%) had a total of 947 reports created documenting contact with the Calgary Police Service prior to program admission, and 32 graduates (36.8%) had a total of 226 reports created following graduation.
- When comparing only those contacts documented during the equivalent period of time prior to admission as the time period following graduation, there were 67.3% fewer police contacts with graduates following graduation.<sup>3</sup>
- 5 graduates (5.7%) who did not have post-program convictions were charged with offences following graduation that may reflect involvement in criminal activity (theft-related, drug trafficking related, and/or fraud-related charges).
- If these 5 are assumed to have had post-program criminal activity, the combined data on post-graduation convictions and charges shows that 61 graduates (70.1%) were free from substantive criminal convictions and charges during the average 3.84 years following graduation.<sup>4</sup>

Calgary Drug Treatment Court primarily serves offenders who are at high risk to reoffend and have high needs. Prior to program admission:

- 42% were living in a homeless shelter or on the street - 35% were temporarily housed with friends or family or in transitional housing
- 82% were unemployed
- 89% were earning less than \$15,000 per year
- 100% were committing crime to obtain money for drugs – primarily theft (62%) and drug-trafficking (54%)
- 72% were exposed to one or more types of childhood abuse/trauma
- 89% were assessed at high risk to reoffend and 73% were assessed as having high needs (i.e. homelessness, unemployment, and lack of pro-social supports)

<sup>3</sup> Calculated using the same process as described in footnote 2 above.

<sup>4</sup> Graduates post-program charges are included in this data if their charges included theft-related, drug-related, or fraud-related charges, but not if they incurred only administration of justice charges, or single charges for offences that do not indicate a return to substantive criminal activity (driving while disqualified and mischief).

- Graduates were age 14 on average at the onset of drug use
- 71% were youth (age 13-24) at the time of their first conviction
- 84% identified a physical health issue
- 73% reported having an existing mental health issue/diagnosis<sup>5</sup>

The majority of pre-admission offences committed by program graduates (primarily theft-related and drug-trafficking) are labour-intensive for police and legal systems to investigate and prosecute. CPS statistical reports (2018) show that 56% of all contacts with Calgary Police Service Officers were related to drugs (15.72%), property crime (13.89%), and vulnerable people (27.25%) including those with substance use, homelessness and mental health concerns.<sup>6</sup>

Almost 70% of incarcerated federal offenders are assessed as having a substance abuse problem that requires intervention.<sup>7</sup>

### ***Cost Avoidance and Cost Savings***

***CDTC saves society \$15 – \$20 million per year in the cost of stolen goods alone***

The annual cost to serve a participant in the Calgary Drug Treatment Court program is \$27,000/year.<sup>8</sup>

Analysis of the cost avoidance and savings related to recidivism for graduates of the Calgary Drug Treatment Court (See details on pages 16-17 of this report) shows:

- Savings of \$76 million in the estimated cost of stolen goods over a period of 4 years
- Avoidance of \$7.4 million in the cost of incarceration for the average 1 year in custody graduates did not serve as a result of successfully completing the program
- Avoidance of over \$300,000 in police response costs for 45 program graduates, at an average 2.3 years following graduation
- Avoidance of over \$300,000 in the cost of services involved in delivering the warrant/incarceration cycle (including police response and laying a charge, through to warrant for failure to appear, arrest, incarceration and court appearance – for 45 graduates, at an average 2.3 years following graduation.

<sup>5</sup> Hoffart, Irene. (July 2020). Calgary Drug Treatment Court 2019 Evaluation Report.

<sup>6</sup> Calgary Police Service – Info Post. (2018). Officer Contact Statistical Report.

[file:///C:/Users/Arla/Downloads/officer-contact-2018-annual-report%20\(2\).pdf](file:///C:/Users/Arla/Downloads/officer-contact-2018-annual-report%20(2).pdf)

<sup>7</sup> McVie, Fraser. Drugs in federal corrections: The issues and challenges. FORUM on Corrections Research. Correctional Service of Canada. (March 5, 2015). <https://www.csc-scc.gc.ca/research/forum/e133/e133c-eng.shtml>

<sup>8</sup> This includes program delivery costs, including the actual cost of dedicated treatment services and an estimate of in-kind contributions (including Judges and Court Services, Crown Prosecution, Legal Aid, Calgary Police Service, and Probation). It does not include the cost of other community services accessed by participants during the program (2019).

## 9-Year Review of Recidivism Calgary Drug Treatment Court 2010-2019

### INTRODUCTION

This report provides information regarding criminal offence activity for 87 graduates of the Calgary Drug Treatment Court who graduated during the 9+-year period from April 1, 2010 to June 30, 2019. Information is presented regarding graduates' age and gender, pre-program and post-graduation convictions, contact with the Calgary Police Service, and time free from criminal convictions and charges following graduation.

The data shows that 66.7% of graduates had no new convictions since graduation. When those with administration of justice convictions<sup>9</sup> (n=5) only and those with a single conviction for simple drug possession (n=3) are excluded, 75.9% of graduates had no new convictions, and 70.1% had no new substantive convictions or police charges<sup>10</sup> since graduation.

The time since graduation varies significantly for those included in the study, ranging from 3 months to over 9 years and averaging 3.84 years. To provide a pre/post comparison of the volume and extent of criminal activity prior to and following program involvement, the number of convictions incurred during the same period of time prior to admission and following program graduation is provided. When considering only convictions incurred during the same pre and post period for each individual, graduates had a total of 1163 convictions prior to entering the program compared with the 279 following the program. This shows a 76.1% decrease in convictions at an average 3.84 years' following graduation.<sup>11</sup>

The greatest proportion of pre-program convictions (38.0%) are theft-related (theft, break and enter, and possession of stolen goods), while the greatest proportion of post-graduation convictions (44.4%) are administration of justice convictions reflecting a decrease in severity and risk to the community from offences committed following the program.

The program impact over time is also analysed through a review of the timing of post-graduation convictions, showing a significant impact on crime reduction over several years. This analysis shows that 96% of graduates had no new convictions at the end of 1 year following graduation and of those who graduated between 3 and 4 years prior to the study end date (n=50), nearly 70% had no new convictions.

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<sup>9</sup> Administration of justice convictions include failing to comply with a term of probation and failing to comply with a term of a Judicial Interim Release (Bail) Order.

<sup>10</sup> Graduates post-program charges are included in this data if they incurred theft-related, drug-related, or fraud-related charges, but not if they incurred only administration of justice charges, or other single charges that do not reflect a significant return to criminal activity (driving while disqualified and mischief).

<sup>11</sup> The percentage decrease in convictions is calculated by determining the period of time between graduation and the end of the data collection period (June 30, 2019) for each graduate, and comparing any convictions during that period with convictions incurred during the same period of time prior to program admission.

A review of Calgary Police Service contact during equivalent time periods prior to and following graduation shows that there were 358 pre-program police reports and 117 reports following graduation. This comparison of equivalent pre-post periods shows a 67.3% decrease in police reports created by the Calgary Police Service for study graduates following graduation. Comparison of the charges laid as a result of these police contacts during the equivalent pre-post period, shows a decrease of 69.8% in charges laid following graduation for study graduates.

Of those with charges laid by the Calgary Police Service following graduation, 5 graduates (5.7%) who did not have post-program convictions were charged with substantive offences that may reflect post-program involvement in criminal activity. All graduates in the study (100%) had pre-program convictions for offences committed prior to admission. Of this total group, 26 (29.9%) had new substantive convictions or charges<sup>12</sup> after graduation, which represents a substantial decrease (70.1%) from 100% at program admission.

This study is the second of two recidivism studies completed on graduates of the Calgary Drug Treatment Court. The first study (2015) included analysis of pre and post convictions on 36 program graduates. Post-graduation data was available for this group during an average 19 months/1.59 years following graduation (there was an average 1.59 years between graduation and the end of the data collection period - April 1, 2015). The second study (2020) provides a review of criminal convictions and contacts with the Calgary Police Service for 87 graduates (the 36 graduates included in the first study and an additional 51 who graduated since 2015). Post-graduation data for this group was available for an average 3.84 years following graduation (there was an average 3.84 years between graduation and the end of the study period - June 30, 2019).

Completion of this second study allows for analysis of the program's impact on recidivism with a larger number of graduates and over a longer period of time (2.25 years longer on average than in the 2015 study) – a substantially greater time period for post-program recidivism to occur.

- Analysis of the percentage of graduates who did not have new convictions following graduation from the program in the 2015 and 2020 studies showed a difference of only about 2% (about 69% and 67% respectively), and that is at a substantially longer period of study – 2.25 years longer, on average, with the 2020 cohort.
- Analysis of the change in the number of post-graduation convictions compared with pre-program convictions (during equivalent pre and post time periods) showed an 81.7% decrease in convictions in the 2015 study, compared with a 76.1% decrease in the 2020 study. As above, comparison of this data across the 2 studies shows only a slight difference in outcome in the 2020 study with just 5.6% less reduction in convictions, at more than 2 years longer following graduation than those in the 2015 study.

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<sup>12</sup> Graduates post-graduation charges are included in this data if they included theft-related, drug-related, or fraud-related charges, but not if they included only administration of justice charges, or single charges for offences that do not indicate a return to significant criminal activity (i.e. driving while disqualified, mischief).

Data for this report was obtained from the JOIN database, and the Calgary Police Service Sentry database. Special thanks to our partners, Alberta Justice, Public Prosecution Service of Canada, and the Calgary Police Service for providing the information required to complete this study.

## 1.0 Age and Gender

### 1.1 Gender

Of the total sample (n=87), 79.3% are male and 20.7% are female.

**Table 1: Gender**

| Gender | Number | Percentage |
|--------|--------|------------|
| Male   | 69     | 79.3%      |
| Female | 18     | 20.7%      |
| Total  | 87     | 100.0%     |

### 1.2 Age at Admission

The majority of graduates were in the 30-39 age range at the time of their admission to the program, followed by the 20-29 age range. Females and males were similar in age, with females averaging age 33.1 and males averaging age 34.7. Overall, the average age at the time of program admission was 34.3.

**Table 2: Age at Program Admission**

| Age Range | # (%) Males | # (%) Females | # (%) of Total Sample |
|-----------|-------------|---------------|-----------------------|
| 20-29     | 20 (23.0%)  | 7 (8.0%)      | 27 (31.0%)            |
| 30-39     | 29 (33.3%)  | 6 (6.9%)      | 35 (40.2%)            |
| 40-49     | 15 (17.2%)  | 4 (4.6%)      | 19 (21.8%)            |
| 50-59     | 5 (5.7%)    | 1 (1.1%)      | 6 (6.9%)              |
| Total     | 69 (79.3%)  | 18 (20.7%)    | 87 (100.0%)           |

### 1.3 Age at First Conviction

The majority of graduates in the study (71.2%) were youth aged 13 to 24 at the time of their first conviction. On average, these graduates were convicted on their first criminal charges at the age of 21. The age at first conviction is very similar for males and females in the study, with 71.0% of males and 72.2% of females incurring their first conviction as youth.

Age at first conviction assists in understanding the extent of needs of the population served. Outcomes are generally expected to be poorer for those who struggle with crime and addiction as youth.

**Table 3: Age at first conviction by gender**

| Age Range | # (%) Males | # (%) Females | # (%) of Total Sample |
|-----------|-------------|---------------|-----------------------|
| 13 - 15   | 9 (13.05%)  | 3 (16.70)     | 12 (13.80%)           |
| 16 - 18   | 11 (15.95%) | 2 (11.10%)    | 13 (14.90%)           |
| 19 - < 24 | 29 (42.00%) | 8 (44.40%)    | 37 (42.50%)           |
| 25 - < 30 | 11 (15.95%) | 2 (11.10%)    | 13 (15.00%)           |
| 31 - < 42 | 9 (13.05%)  | 3 (16.70%)    | 12 (13.80%)           |
|           | 69 (100.0%) | 18 (100.0%)   | 87 100.0%             |

## 2.0 Convictions

### 2.1 Pre-program Convictions

Information was gathered regarding graduates' convictions prior to participating in the program. Charges at entry to the Calgary Drug Treatment Court are included in the section on pre-program convictions, as participants plead guilty to these charges at admission and are sentenced for them at discharge.

Program graduates included in the study (n=87<sup>13</sup>) had a total of 2803 convictions that were incurred prior to program involvement. All graduates had at least one conviction for offences committed prior to program admission. The number of convictions of each graduate range from 1 to 102 and average 32.2. On average these convictions occurred within a period of 12.8 years prior to program admission. The majority of offences committed by graduates prior to entering the program were:

- a) theft-related (n=1066 or 38.0%<sup>14</sup>),
- b) administration of justice (n=837 or 29.9%),
- c) drug-related (n=310 or 11.1%<sup>15</sup>), and
- d) fraud-related (n=176 or 6.3%).

### 2.2 Post-Program Convictions

In total, 29 graduates (33.3%) incurred 279 convictions following graduation. The number of post-program convictions range from 0 to 27 and average 3.2. On average these convictions occurred within a period of 3.84 years following graduation. The majority of these post-program convictions were: administrative (n=124 or 44.4%); or theft-related (n=96 or 34.4%<sup>16</sup>); followed by drug-related (n=25 or 9.0%<sup>17</sup>) and fraud-related convictions (n=21 or 7.5%).

Six graduates (6.9%) had a total of 10 administration of justice convictions during their time in the program. These convictions likely reflect graduates' failure to meet the conditions of their bail order during periods of relapse while in the program.

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<sup>13</sup> Two graduates who died within a short period of time following graduation were not included in the study in order to avoid distorting the results. These 2 graduates had no new convictions or police charges following graduation, at the time of their death.

<sup>14</sup> For the purpose of determining theft-related offences, 'possession of the proceeds of crime' offences are included with other theft and break-and-enter property offences.

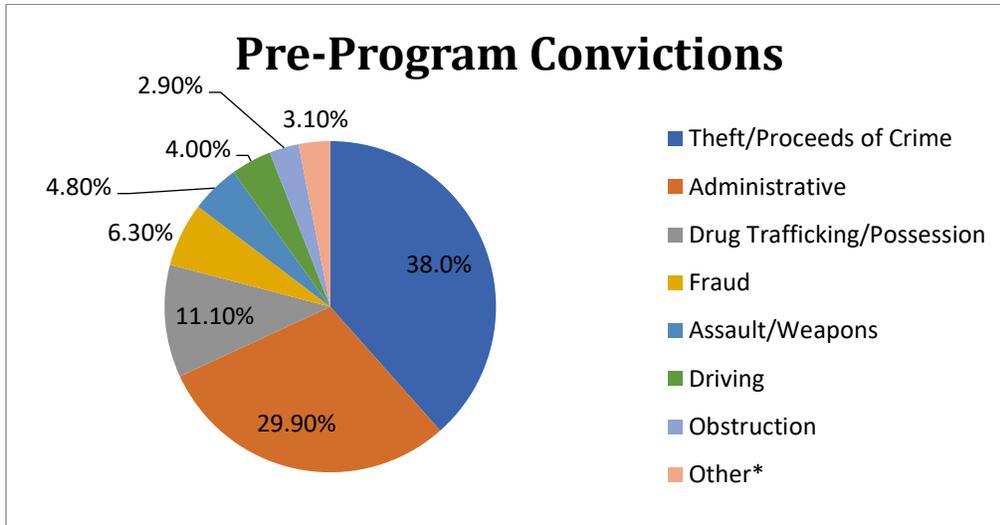
<sup>15</sup> Drug-related offences include both drug trafficking related offences (144/5.1%) and drug possession offences (166/5.9%).

<sup>16</sup> See footnote 14 above.

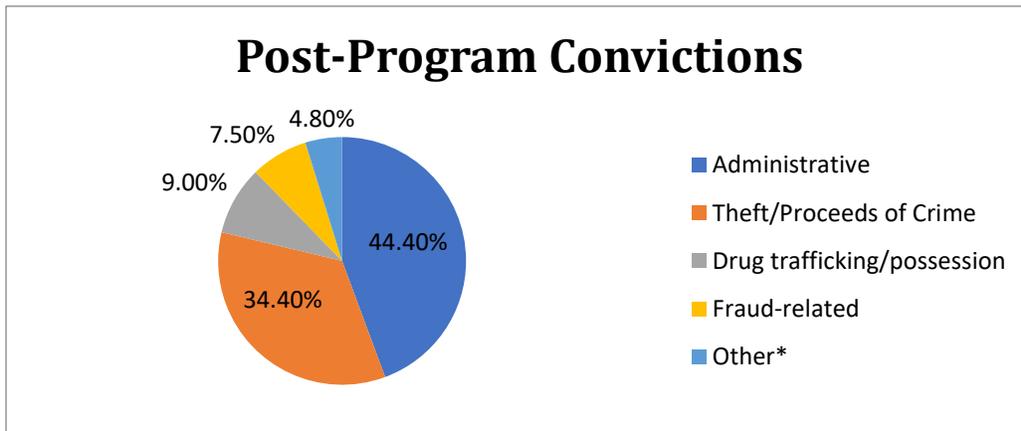
<sup>17</sup> See footnote 15 above.

### 2.3 Comparison of Pre and Post Program Convictions

On average, program graduates (n=87) completed the program 3.84 years prior to June 30, 2019 (the study end date). When only those convictions incurred during the equivalent time period prior to admission as the time period elapsed following graduation are considered for each graduate, there are a total of 1163 pre-program and 279 post-program convictions. The number of pre-program convictions during this period range from 1 to 47 and average 13 while post-graduation convictions range from 0 to 27 and average 3.2. This equivalent pre-post time period comparison shows a decrease of 76.1% in convictions.<sup>18</sup>



\*Other includes Mischief and Prostitution related offences.



\*Other includes: Assault, Driving, Weapons, Obstruction and Prostitution related offences.

<sup>18</sup> The percentage decrease in convictions is calculated by determining the period of time between graduation and the end of the data collection period (June 30, 2019) for each graduate, and comparing any convictions during that period with convictions incurred during the same period of time prior to program admission.

### 3.0 Time Free from Convictions

Information regarding post program convictions were analysed to assist in understanding the time free from criminal activity for program graduates.

Anecdotal evidence suggests that prior to entering the program participants typically commit crime on a daily to weekly basis, driven by their drug addiction. Program participants<sup>19</sup> self-report a typical cost to purchase drugs prior to program admission at an average \$1,940 per week.<sup>20</sup> The program's most recent evaluation (2020) shows that the vast majority of participants are unemployed at the time of admission (82%), and all obtain money for drugs mostly or entirely through crime (primarily theft – 62% and drug trafficking – 54%) on an ongoing basis.<sup>21</sup>

All graduates in the study (100%) had convictions for offences committed prior to admission. Of these 87 graduates, 29 (33.3%) had convictions at an average 3.84 years after graduation. Of the 29 who had convictions following graduation:

- 4 incurred a single administrative breach of their probation order (CC 733.1) during the one-year period of probation they were sentenced to at the time of graduation, and otherwise had no post-graduation convictions;
- 1 graduate incurred several administration of justice convictions but no other convictions,
- 2 had a single conviction for simple drug possession; and
- 1 had a single conviction for simple drug possession along with administration of justice convictions on one set of charges.

As of June 30, 2019, the period of time these 8 graduates were free from convictions ranges from .76 to 8.76 years, and averages 5.4 years. As these types and patterns of convictions are more reflective of a period of relapse rather than a return to criminal activity or a criminal lifestyle, these 8 participants are not included in the analysis of time free from convictions below, as having engaged in criminal activity post graduation. The remaining 21 graduates (25.3%) incurred a total of 259 criminal convictions following graduation.

#### 3.1 Time Free from Convictions by Years following Graduation

Of the 87 graduates in the study, 66 (75.9%) were free from post-graduation convictions at the end of the reporting period (June 30<sup>th</sup>, 2019). To better understand the longer-term impact of the CDTC program intervention and change in recidivism outcomes over time, graduates included in the study were grouped by the length of time since their graduation from the program. This analysis shows the rate of reduction in post-graduation convictions among groups of graduates with similar periods of time since their graduation.

While a certain rate of drop-off (decline in outcomes) is expected over time with a high-risk drug-driven criminally involved population, the outcomes in this area remain positive over a period of several years.

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<sup>19</sup> Based on information from all CDTC participants from whom the information was gathered (n=140)

<sup>20</sup> Hoffart, Irene. (July 2020) Calgary Drug Treatment Court 2019 Evaluation Report.

<sup>21</sup> Ibid.

Analysis of the number of graduates who incurred convictions within each year following graduation shows that 96% had no convictions at the end of 1 year. Although, and as would be expected, the percentage of graduates without convictions decreases over time, the proportion with no post-graduation convictions is nearly 70% even for those who graduated between 3 and 4 years prior to the study end date.<sup>22</sup>

**Table 4: Time free from convictions by year following graduation**

| Years following graduation | Number in Sample by Year | Number with no new convictions | Percentage without post-grad convictions |
|----------------------------|--------------------------|--------------------------------|--|
| 1.0                        | 87                       | 84                             | 96.6%                                    |
| 2.0                        | 78                       | 67                             | 85.9%                                    |
| 3.0                        | 61                       | 45                             | 73.8%                                    |
| 4.0                        | 50                       | 34                             | 68.0%                                    |

#### 4.0 Contact with the Calgary Police Service

Information was gathered for this study from the Calgary Police Service (CPS) Sentry database, which documents police reports of contact with individuals for policing purposes. The information describes police reports including report dates and whether the subject of the report was a suspect, accused, charged, not charged, and/or arrested but not if they were a witness, victim or property owner. This information was provided for the period starting January 1/09 through June 30/19.

Information on Calgary Police Service contacts is used to understand the volume and types of police interaction with program graduates and supports understanding of their pre-program and post-graduation contact with the Calgary Police Service. There are significant limitations in this study with respect to using this data to understand recidivism rates:

- This information is available only for contacts with the Calgary Police Service and not police contacts in other municipalities. A significant number of program participants come to Calgary from other jurisdictions to attend the program and any contacts with police that occurred outside of Calgary are not reflected in this data. A total of 53 graduates (60.9%) were convicted on charges laid in jurisdictions outside of Calgary prior to program admission. Police interactions related to these convictions are not reflected in this data.
- CPS contacts prior to 2009 are not included in the data. The majority of graduates included in the study (62/71.3%) have criminal records which started prior to 2009, and a significant number have extensive criminal records dating back to the 1970's-1980's (n=15/17.2%) and 1990's (n=23/26.4%).
- This data shows whether a charge was laid by the Calgary Police Service, but not whether it was withdrawn, stayed, or resulted in a conviction.

<sup>22</sup> For those graduates who died during the period of the study (n=3), the date of their death is used to determine their inclusion in the sample for each year post-graduation.

Nevertheless, this data provides useful information for understanding the volume and types of Calgary Police Service contact with program graduates during a period of time prior to and following graduation and contributes importantly to understanding the program's impact on police resources.

#### **4.1 Summary of Police Reports by Program Status**

The CPS Sentry database shows that a total of 1203 police reports were created on the graduates in this study between January 1<sup>st</sup>, 2009 and June 30<sup>th</sup>, 2019. Of these 1203 reports:

- 947 reports were created on 77 graduates prior to program admission, resulting in a total of 1271 charges. Ten graduates had no CPS reports created prior to admission.
- 31 reports were created on 14 graduates during their time in the program resulting in a total of 30 charges.
- 226 reports were created on 32 graduates after graduation, resulting in a total of 367 charges.

In total, 1203 police reports were created resulting in 1668 charges being laid.

#### **4.2 Police Charges Prior to Program Admission**

In total, 77 (88.5%) of the 87 graduates in the study had a total of 1271 charges laid by the Calgary Police Service prior to program admission. For these graduates, the number of reports ranges from 1 to 65 and averages 12.3. The majority of pre-program charges were theft-related (n=534 or 42.0%<sup>23</sup>), drug-related (n=228 or 18.9%<sup>24</sup>), and administration of justice (n=193 or 15.2%).

#### **4.3 Police Charges During Participation in the Program**

A total of 14 graduates in this study (16.1%) had police charges laid during their time in the program. Of these, 13 graduates incurred a total of 20 administration of justice charges; 3 had theft-related charges (n=9); and 1 had a driving related charge (n=1). These charges likely reflect graduates' behaviour during a period of relapse while in the program.

#### **4.4 Police Charges Following Graduation**

In total, 32 (36.8%) of the 87 graduates in the study had 367 charges laid against them by the Calgary Police Service following graduation. The majority of post-program charges were theft-related (n=129 or 35.1%<sup>25</sup>), administrative (n=92 or 25.1%) and drug-related (n=52 or 14.2%<sup>26</sup>). Of these graduates, 9 (n=10.3%) were charged with only administration of justice offences, or a single offence for mischief or driving while disqualified.

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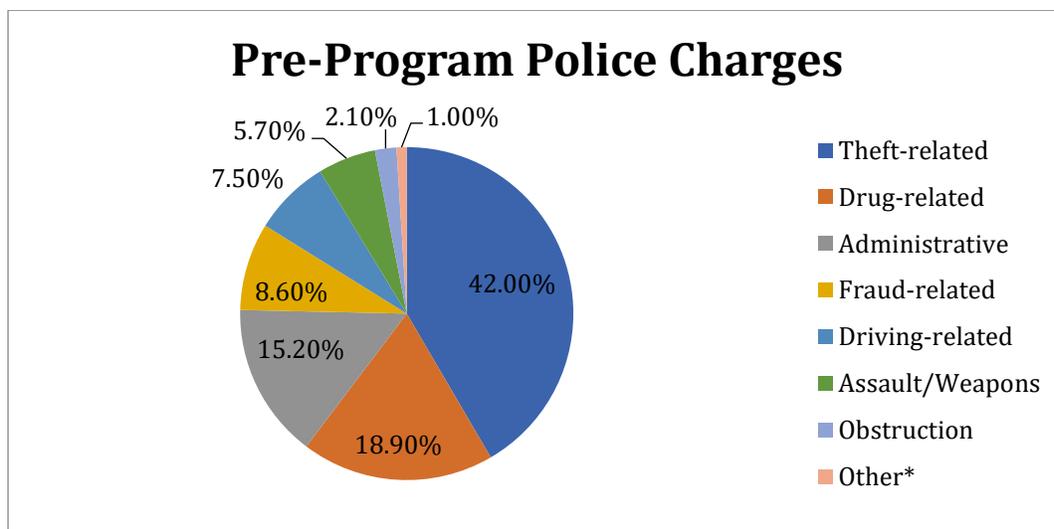
<sup>23</sup> For the purpose of determining theft-related charges, 'possession of the proceeds of crime' charges are included with theft, break-and-enter and other property-related charges.

<sup>24</sup> Drug-related offences include both drug trafficking related charges and drug possession charges.

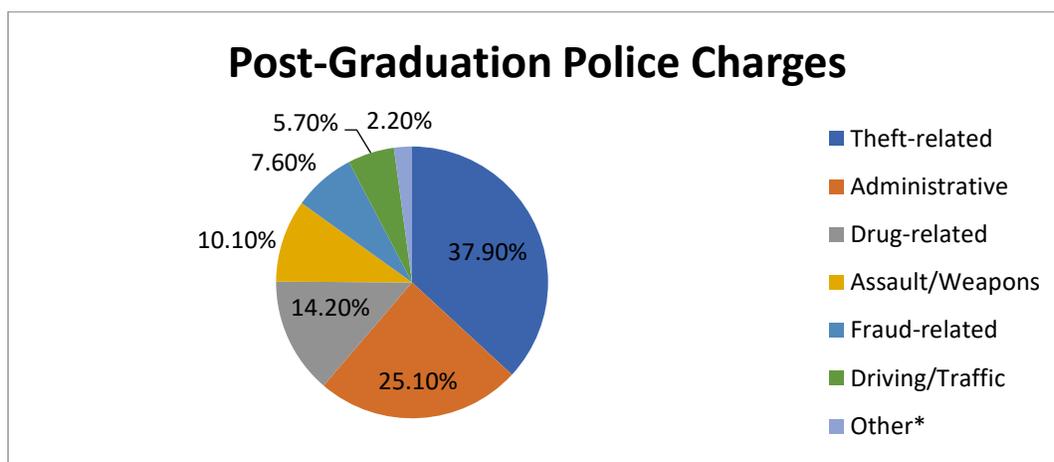
<sup>25</sup> See Footnote 12 above.

<sup>26</sup> See Footnote 13 above.

Theft-related charges made up the majority of charges laid both prior to admission (42.0%) and following graduation (37.9%). Administration of justice charges made up a greater proportion of post-program charges (25.1%) than pre-program charges (18.9%).



\*Other includes Mischief and Prostitution charges.



\*Other includes Mischief, Obstruction, and Prostitution related charges.

#### 4.5 Comparison of Pre-Program and Post-Graduation Police Contact

Of those for whom data on police reports is available for an equivalent period of time prior to and following the program (n=45 or 51.7%):

- 358 reports were created on 45 graduates prior to program involvement, resulting in 580 charges.
- 117 reports were created on 18 graduates following graduation, resulting in 175 charges.

Of those who had a police report created following graduation:

- 10 (22.2%) had 1 or 2 reports.
- The majority of the 175 charges (n=128) were laid against 4 graduates.

This data shows a 67.3% decrease in reports created by the Calgary Police Service and a 69.8% decrease in charges laid, during an average 2.3 years prior to and following participation in the program<sup>27</sup>.

#### 4.6 Time free from Convictions and Calgary Police Service Charges

A review of post-graduation police charges shows that 5 graduates (5.7%) who did not have post-graduation convictions were charged with offences that may reflect post-graduation involvement in criminal activity. These 5 graduates incurred theft-related (n=9), drug trafficking related (n=4), fraud-related (n=1), and weapons-related charges (n=2). In total 26 graduates (29.9%) had substantive charges<sup>28</sup> after graduation, which represents a substantial decrease from 100% of graduates at admission.

Combined, the data on criminal convictions and charges following graduation demonstrates that 61 graduates (70.1%) were free from both substantive convictions and substantive charges laid by Calgary Police Service, during the average 3.84 years following graduation. Almost all of these graduates had an extensive criminal history prior to entering CDTC.

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<sup>27</sup> The percentage decrease in Calgary Police Service reports and charges laid, is calculated by determining the period of time between graduation and the end of the data collection period (June 30, 2019) for each graduate, and comparing any reports and charges during that period with those incurred during the same period of time prior to program admission.

<sup>28</sup> Graduates post-program charges are included in this data if their charges included theft-related, drug-related, or fraud-related charges, but not if they included only administration of justice charges, or single charges for offences that do not indicate a return to substantive criminal activity (i.e. driving while disqualified, mischief).

## 5.0 Limitations to the Study

There are some limitations to this study:

- Comparison of convictions and charges prior to admission and following graduation are complicated by factors including changes in policing practices over time, changes in sentencing practices over time, and gaps in criminal activity resulting from periods of time incarcerated. This study does not include data analysis of periods of time graduates were incarcerated either prior to admission or following graduation.
- Data on charges includes only charges laid by the Calgary Police Service. A number of graduates in the study incurred charges in other municipalities prior to program admission, and some may have incurred charges in other municipalities following graduation. These charges are not included in this study.
- This study does not include a control group or comparative data on outcomes for offenders who did not participate in the Calgary Drug Treatment Court and received incarceration alone. The program hopes to benefit from access to such comparative data in the future.

## 6.0 Summary

Overall, this study shows a substantial decrease in convictions for graduates of the Calgary Drug Treatment Court as well as a substantial decrease in graduates' contact with the Calgary Police Service following graduation.

Comparison of convictions during equivalent time periods prior to program admission and following graduation shows a decrease of 76.1% at an average 3.84 years following graduation. A similar pre-post comparison of contact with the Calgary Police Service during equivalent time periods (average 2.3 years) prior to admission and following graduation shows a 67.3% decrease in police reports. Police charges laid as a result of the police contacts during the same pre and post time period shows a 69.8% decrease in charges laid for this graduate group.

A review of the timing of post-program convictions shows that 96% of graduates had no convictions at the end of 1 year following graduation, and nearly 70% of those who graduated between 3 and 4 years prior to the study end date (n=50) had no new convictions.

## Appendix A

### Cost Savings and Cost Avoidance Analysis

#### Savings in the Cost of Stolen Goods

Data and Assumptions:

- Average cost to purchase drugs prior to admission = \$1,940 per week.<sup>29</sup>
- Applying the estimated 1/5<sup>th</sup> street value of stolen goods, the value of stolen goods required to purchase \$1,940 in drugs per week is \$9,700.
- Of current program graduates, 60 committed property crimes as a primary means of obtaining money for drugs.<sup>30</sup>

$$60 \text{ graduates} \times \$9,700/\text{week} = \$582,000 \times 52 \text{ weeks/year} = \$30,264,000/\text{year}$$

Applying a reduction of 30% to account for other factors (i.e. income from other sources being used to purchase drugs, factors other than the Calgary Drug Treatment Court Program impacting graduates' success) the cost savings per year are estimated at \$21,184,800. Applying a further reduction in subsequent years (Year 2 = 4%; Year 3 = 10%; Year 4 = 12%) to account for the drop off rate (rate at which graduates incurred new convictions following graduation, as shown in this study) the estimated cost savings resulting from the reduction in stolen goods for 60 graduates of the Calgary Drug Treatment Court is as follows:

| Year 1 Savings | Year 2 Savings | Year 3 Savings | Year 4 Savings | Total Savings over 4 Years |
|----------------|----------------|----------------|----------------|----------------------------|
| \$21,184,800   | \$20,337,408   | \$18,303,667   | \$16,107,227   | \$75,933,102               |

#### Avoidance of Incarceration Costs

Data and Assumptions:

- On average, participants are facing just over 2 years' in custody on the charges they plead guilty to at admission to Calgary Drug Treatment Court.
- Half of the custodial sentence would have been served had they not graduated from CDTC.
- Once credit is applied for pre-trial custody, 50% would have served their custodial sentence in provincial jail.
- The average cost of incarceration in provincial jail in Alberta is \$51,830/year.<sup>31</sup>
- The average cost of incarceration in federal prison is \$120,571/year.<sup>32</sup>

$$44 \text{ graduates (facing provincial custody)} \times \$51,830/\text{year} \times 1 \text{ year} = \$2,280,520$$

$$43 \text{ graduates (facing federal custody)} \times \$120,571/\text{year} \times 1 \text{ year} = \$5,184,553$$

$$\text{Total Costs Avoided} = \$7,465,073$$

To date, CDTC has avoided \$7,465,073 in the cost of incarceration alone for the 1 year of time in custody (average) that graduates did not serve because of successfully completing the program.

<sup>29</sup> Calgary Drug Treatment Court Society. Program Evaluation. (2020).

<sup>30</sup> Calgary Drug Treatment Court Society. SPSS Program Data. (2010-2019).

<sup>31</sup> Frechette, Jean-Denis. (2018). Update on Costs of Incarceration. Office of the Parliamentary Budget Officer.

<sup>32</sup> Statistics Canada. (2017-18). As cited in the Office of the Correctional Investigator, 2018-2019 Annual Report. <https://www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20182019-eng.pdf>

## Avoidance of the Cost of Police Contacts

Data and Assumptions:

- 241 (67.3%) fewer police reports<sup>33</sup> were created on 45 graduates included in the study following graduation, as compared with the number of reports created during the same period prior to admission.<sup>3435</sup>
- On average 3 police contacts are assumed to have occurred for each police report created.
- The average cost per police call out/contact is \$430.<sup>36</sup>

*241 reports x 3 police contacts = 723 x \$430 = \$310,890 (at an average 2.3 years post-graduation)<sup>37</sup>*

A reduction of 241 (67.3%) police reports following graduation results in over \$300,000 in cost avoidance of police services, over an average period of 2.3 years.

## Avoidance of Costs associated with the Warrant/Incarceration Cycle

Data and Assumptions:

- 241 (67.3%) fewer police reports were created by the Calgary Police Service on 45 graduates included in the study following graduation, as compared with the number of reports created during the same period prior to admission.<sup>3839</sup>
- The cost associated with the Warrant/Incarceration Cycle including police response, laying a charge, failure to appear, warrant, arrest, incarceration, and court appearance is \$1,668.15.<sup>40</sup>
- In 3/4 cases where police make an arrest, the full Warrant/Incarceration Cycle occurs.<sup>41</sup>

*Reduction of 181 warrant/incarceration cycles (241 CPS reports x .75) = 181 x \$1,668.15 = \$301,935.*

Assuming one failure-to-appear occurs in 75% of cases, analysis of the cost of the full warrant/incarceration cycle, suggests cost avoidance in justice and law enforcement services of over \$300,000 for 45 graduates over an average period of 2.3 years.

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<sup>33</sup> Police reports include report dates and whether the subject of the report was a suspect, accused, offender, charged, not charged, and/or arrested, but not if they were a witness, victim, or property owner.

<sup>34</sup> Calgary Police Service Sentry database. CDTC Graduate List Offending Data. January 1/09 to June 30/19.

<sup>35</sup> The decrease in police reports is calculated by determining the period of time between graduation and the end of the data collection period (June 30, 2019) for each graduate, and comparing any police reports during that period with police reports created during the same period of time prior to program admission. Information on police reports is included for the period starting January 1<sup>st</sup>, 2009, which allows for comparative pre and post data on 45 of the graduates in the study.

<sup>36</sup> Weikart, Kalagnanum and Findley. (2013). Financial Proxies for Social Return on Investment Analyses in Saskatchewan. University of Saskatchewan.

<sup>37</sup> This calculation shows the cost avoidance associated with fewer police contacts for 45 of the graduates in the study. For these graduates, the average period of time within which the police contacts occurred was 2.3 years prior to admission and 2.3 years following graduation.

<sup>38</sup> See footnote 25 above.

<sup>39</sup> See footnote 26 above.

<sup>40</sup> Cost analysis of the Warrant-Incarceration Cycle (Calgary Police Service, 2020), shows a total cost of \$1,688.15 for the services required to implement the Warrant-Incarceration Cycle.

<sup>41</sup> This assumption is based on criminal record data which shows that graduates had a combined total of 825 fail to appear convictions and were convicted on a combined total of 1,004 sets of charges, suggesting that the warrant-incarceration cycle applied in approximately 75% of these cases.

## APPENDIX B

### List of Criminal Code Convictions of CDTC Participants by Category

All criminal code convictions incurred by graduates in the sample are included in the chart below. Criminal code offences are grouped into 10 categories.

| Category of Offense              | Criminal Code and Offense  |
|----------------------------------|--|
| Drug-related                     | <ul style="list-style-type: none"> <li>• *FD Act 41(1) - Possession of a restricted drug</li> <li>• *FD Act 48(2) - Possession of drugs for the purpose of trafficking</li> <li>• *NC Act Sec 3(1) - Possession of a narcotic</li> <li>• *NC Act Sec 4(1) - Trafficking in a narcotic</li> <li>• * NC Act 19.1(1)(A) – Possession of the Proceeds of Crime</li> <li>• *NC Act 423(1)(D) - Conspiracy to Traffic in Restricted Drug</li> <li>• CDSA Sec 4(1) - Possession of a schedule II substance</li> <li>• CDSA Sec 4(2) - Possession of a schedule II substance for the purpose of trafficking</li> <li>• CDSA Sec 5(1) - Trafficking in a Schedule 1 Substance</li> <li>• CDSA Sec 5(2) - Possession of a schedule I substance for the purpose of trafficking</li> </ul>   |
| Theft-related:                   | <ul style="list-style-type: none"> <li>• *294(a) CC - Theft over \$200/\$1,000</li> <li>• *294(b) CC - Theft under \$200/\$1,000</li> <li>• *306 - Break, Enter and Theft</li> <li>• *313(A) - Possession of property obtained by crime over \$200</li> <li>• 326.1 (B) – Theft of telecommunication service</li> <li>• 333.1 - Motor vehicle theft</li> <li>• 334(A) CC - Theft over \$5,000</li> <li>• 334(B) CC - Theft under \$5,000</li> <li>• 344(b) CC - Robbery</li> <li>• 348. (1) CC - Break and Enter with intent [Also 306(1)(a)]</li> <li>• 348. (1)(b) CC - Break, Enter and Theft [Also 306(1)(b)]</li> <li>• 348. (1)(b) - 430 CC - Break, Enter and Commit Mischief</li> <li>• 348. (1)(e) – Break and Enter – other than a dwelling house</li> <li>• 349(1) CC - Unlawfully in a dwelling house</li> <li>• 351(1) CC - Possession of Break and Enter Instruments</li> <li>• 352. CC - Possession of Instruments for Breaking into Coin Devices</li> <li>• 355.2 CC – Trafficking in property obtained by crime</li> <li>• 463(A) CC – Attempt to commit indictable offence</li> <li>• 463-334(A) - Attempted robbery over \$5000</li> <li>• 463-344(B) - Attempted robbery under \$5000</li> </ul> |
| Possession of Proceeds of Crime: | <ul style="list-style-type: none"> <li>• 354.(1) CC - Possession of property obtained by crime</li> <li>• 355(A) CC - Possessions of property obtained by crime over \$5,000</li> <li>• 355(B) CC - Possession of property obtained by crime under \$5,000</li> </ul>  |

|   |  |
|---|--|
| <p>Fraud related:<br/>(Includes Forgery, Counterfeit)</p> | <ul style="list-style-type: none"> <li>• 56.1 - Illegally possessing/making stolen identification documents</li> <li>• 130. (1)(a) – Personating Peace Officer</li> <li>• 209 – Cheating at Play</li> <li>• 326(1)(A) - Uttering Forged Document</li> <li>• 335(1) Take motor vehicle without consent</li> <li>• 342. (1) – Theft/Fraudulent Use of credit card</li> <li>• 342.1 (1) – Unauthorized use of computer</li> <li>• 342.3 – Unauthorized use of credit card data</li> <li>• 356. (1)(a) – Theft from mail</li> <li>• 362(1)(A) – False Pretences</li> <li>• 362(2) – False Pretences</li> <li>• 364(1) – Fraudulently obtaining food, beverage, or accommodation</li> <li>• 368 - Uttering forged document</li> <li>• 368. (1)(a) – Use of forged document</li> <li>• 369(b) - Possession of instruments to be used to commit forgery</li> <li>• 380(1)(a) - Fraud over \$5,000</li> <li>• 380(1)(b) - Fraud under \$5,000</li> <li>• 380(1)(B) - Attempted Fraud under \$5000</li> <li>• 393. (3) - Fraudulently obtaining transportation</li> <li>• 402.2 (1) - Identity theft</li> <li>• 403. (1)(a) - Personation with intent</li> <li>• 450(b) – possession of counterfeit money</li> <li>• 452 - Uttering Counterfeit Money</li> <li>• 458 (d) – possession of counterfeiting instruments</li> <li>• 463-380 - Attempted fraud</li> </ul> |
| <p>Administrative:</p>                                    | <ul style="list-style-type: none"> <li>• *26 Youth Offenders Act - Fail to comply with disposition</li> <li>• *133(1) - Escape lawful custody</li> <li>• *133 (2) CC - Failure to Comply with Probation Order</li> <li>• *133(3)(B) - Failure to comply with recognizance</li> <li>• *133(5) – Failure to appear</li> <li>• *137 - Youth Justice Act - Fail to comply with sentence or disposition</li> <li>• 145(1) - Unlawfully at Large</li> <li>• 145(1)(A) - Escape lawful custody</li> <li>• 145(5.1) - Failure to comply with conditions of undertaking given by officer</li> <li>• 145(2) - Failure to attend court</li> <li>• 145(3) - Failure to comply with recognizance</li> <li>• 145(4) and (5) - Failure to appear</li> <li>• 156(3) Failure to comply with recognizance</li> <li>• 666(1) Failure to comply with Probation Order</li> <li>• 733.1 (1) - Failure to comply with probation order</li> <li>• 742.6 – Breach of conditional sentence order</li> <li>• 811 - Breach of recognizance</li> </ul>  |
| <p>Prostitution-related:</p>                              | <ul style="list-style-type: none"> <li>• 213. (1) – Engaging in Prostitution</li> <li>• 213. (1)(c) - Communication for the purpose of prostitution</li> </ul>   |

|  |   |
|--|---|
| Weapons/<br>Firearms<br>related:         | <ul style="list-style-type: none"> <li>• 85/87 - Possession of a weapon</li> <li>• 86(2) - Deal with firearm or restricted weapon contrary to regulations</li> <li>• 87. (1) – Pointing a firearm</li> <li>• 88. (1) - Possession of weapon for a dangerous purpose</li> <li>• 89(1) – Carrying a prohibited weapon</li> <li>• 90. (1) - Carrying a concealed weapon</li> <li>• 91. (1) - Unauthorized possession of a firearm</li> <li>• 91. (2) – Unauthorized possession of prohibited weapon or restricted weapon</li> <li>• 92. (1) - Possession of a firearm knowing possession is unauthorized</li> <li>• 92. (2) – Possession of prohibited weapon, device, or ammunition</li> <li>• 95. (1) - Possession of prohibited restricted firearm with ammunition</li> <li>• 98.1 – Robbery to Steal a Firearm</li> <li>• 117.01(1) Possession of Firearm or Ammunition contrary to Prohibition order</li> </ul> |
| Assault<br>related:                      | <ul style="list-style-type: none"> <li>• 245 - Administering a noxious thing</li> <li>• 264.1 (1)(A) Uttering threats</li> <li>• 266 - Assault</li> <li>• 267(a) – Assault with a weapon</li> <li>• 267(1)(b) - Assault causing bodily harm</li> <li>• 270(1)(A) - Assault a Peace Officer</li> <li>• 270(1)(B) - Assault a Peace Officer with intent to prevent or resist arrest</li> <li>• 279. (2) – Forcible Confinement</li> <li>• 465.1 – Conspiracy</li> </ul>   |
| Driving-<br>related:                     | <ul style="list-style-type: none"> <li>• *233 (1) CC – Criminal negligence is the operation of a motor vehicle</li> <li>• *236 – Driving with more than 80 mgs of alcohol in blood</li> <li>• 242(4) and 259(4) Driving while disqualified</li> <li>• 249 - Dangerous operation of a motor vehicle</li> <li>• 249.1 - Flight from Police</li> <li>• 252(1)(B)CC - Fail to stop at scene of accident</li> <li>• 252(1.1) - Failure to stop at scene of accident</li> <li>• 253(1)(A) - Operate a motor vehicle while impaired</li> <li>• 253 (1)(B) - Driving with more than 80 mgs of alcohol in blood</li> <li>• 254(3)/254(5) – Fail//Refuse to provide a sample</li> <li>• 259(4) CC - Driving while disqualified</li> </ul>   |
| Mischief and<br>Disturbance-<br>related: | <ul style="list-style-type: none"> <li>• 72(1) – Forcible entry</li> <li>• 173(1)(A) - Indecent Act</li> <li>• 175(1)(A)(I) - Causing a disturbance (by fighting, screaming, shouting, swearing, singing, or using insulting or obscene language)</li> <li>• *387 (4) (B) - Mischief to private property</li> <li>• 430(1)(a) - Mischief</li> <li>• 430 (3) - Mischief over \$5,000</li> <li>• 430(4) - Mischief</li> <li>• 437 – False alarm of fire</li> </ul>  |
| Obstruction-<br>related:                 | <ul style="list-style-type: none"> <li>• *118(A) - Obstruction of a Peace Officer</li> <li>• 129(A) – Obstruction of a Peace Officer</li> <li>• 139. (1) – Attempted obstruction of justice</li> </ul>  |