

AR 54924

March 16, 2023

Mr. Warren Huffman
Committee Clerk
Legislative Assembly of Alberta
3rd Floor, 9820-107 Street
Edmonton AB T5K 1E7

Dear Mr. Huffman:

Attached are the written responses to outstanding questions from the February 14, 2023 Standing Committee on Public Accounts. This pertains to Justice and Solicitor General's outstanding Auditor General recommendations and the ministry's 2021/22 Annual Report.

Yours truly,



Tracy Wyrstluk
Acting Deputy Minister of Justice

Attachment

JUSTICE AND SOLICITOR GENERAL OUTSTANDING QUESTIONS STANDING COMMITTEE ON PUBLIC ACCOUNTS

1. Question (PA-840):

Mr. Sabir: (Coutts Blockade) ... what went wrong, and what worked well but could have been done differently? Like, in broad terms, can that not be shared? Albertans deserve to know what went wrong.

Mr. Bosscha: At this point I would have to say that the intention is not there, but it is something we can take back as a question as to what we should do. It would be a matter that – because this is sharing out information that is fairly sensitive, we'd want to seriously investigate that.

Answer:

In terms of any operational debrief conducted by the police, we at the department have not been privy to that and would not be able to provide that information.

In terms of the internal review of the timeline of events that was referenced at Public Accounts, we have made that public at the recent Federal Emergencies Act Inquiry and a link to the same is below.

<https://publicorderemergencycommission.ca/files/exhibits/ALB00001669.0001.pdf?t=1676396633>

**JUSTICE AND SOLICITOR GENERAL
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STANDING COMMITTEE ON PUBLIC ACCOUNTS**

2. Question (PA-845):

Mr. Sabir: Thank you, Chair. A couple of just follow-up question with respect to the independence of prosecution services. The report that was done by Justice Adèle Kent: do you have any estimate? How much was the cost of that report?

Mr. Bosscha: I won't go from my recollection, but I will ask ADM Sue Stushnoff to see if she can answer that as it would have been her office that would have overseen the retainer.

Ms. Stushnoff: Thank you for the question. Unfortunately, I do not have that information, and we would be pleased to provide it.

Answer:

The department has reviewed its records. The agreement between A. Kent and the Government of Alberta was not paid by JSG; rather executive council was responsible for the invoice.

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3. Question (PA-845):

Mr. Thompson: ... Once the new victims' assistance program came in, it was retroactive for the period of the interim program. So all victims who applied or made contact with the victims of crime program were retroactively contacted to see what benefits could be available under the new system.

Ms. Renaud: Okay. How many people are we talking about that retroactively contacted, people that had applied?

Mr. Thompson: That is a number I don't have off the top of my head, but I can find that and get back to you.

Answer:

The Victim Service program area proactively contacted a total of 1769 interim program applicants to inform them of the new program and that they could request a reassessment of their interim program decision on what services and supports were available to them. Within this correspondence the program also informed them what new options were available so that they could better understand the new program.

Also of note, since the new program was implemented the number of applications received since September 1, 2022 which is 958 (up to date as of February 28, 2023).

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4. Question (PA-848):

Mr. Bosscha: Internally the Integrated Threat and Risk Assessment Centre is currently completing disclosure documents within a week of receiving the application and required information. While there have been instances of delays in this area in the past, none are currently being experienced. Historically, when delays have been identified, the centre has reassigned staff to help meet disclosure timelines. There are instances where disclosures are delayed as the consequence of a variety of factors outside the centre's direct control. We are attempting to identify and address those factors on an ongoing basis.

You'd asked about the goal for these wait times. Right now, once we have the training of the certified assessors, it has no impact on the disclosures. I'm not sure I'm answering your question. I may have heard that wrong, so my apologies.

Mr. Panda: ... I was just wondering how much improvement we can see in the wait times.

Mr. Degrand: ...I can state that the document, of course, is a look back at 2021 . . .

Answer:

Currently, the wait times for responses on Clare's law disclosures is on average very short and will be very difficult to improve upon. There are individual occasions where there may be a sudden influx of greater numbers of requests in a short period of time that may see slight delays for some of those, but overall, the workload and capacity within that element of ITRAC would appear to now be well balanced. Any training we are conducting to maintain our current capacity will serve to do that, as we continue to anticipate this aspect of ITRAC operations to run effectively.

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5. Question (PA-848):

Mr. Sabir: ...PWC report, page 8, it says that the overall cost that Alberta is paying right now is \$318 million for the RCMP. Then they also provided costing for the new Alberta provincial police force. That's also listed on many pages: page 78, page 100. That's between \$734 million and \$758 million in two different scenarios. That's an increase of \$352 million from what Alberta is currently paying... All I'm asking: is \$318 million way less than \$734 million? Can anyone confirm that?

Mr. Degrand: Thank you, Deputy. Thank you, Chair, and thank you for the question. I don't have the PricewaterhouseCoopers report in front of me, sir, so I may have to return with an answer.

From the numbers that you're articulating and based on a report that's before you, I can confirm that we estimate the cost of an Alberta police service, a total operating cost – that's without any subsidies from Canada, which we currently enjoy both on our provincial police service and on municipal contracts for 48 or 49 municipalities – would be \$758 million on estimate, depending on which of the models there. That's accurate from the reports.

Answer:

The numbers referenced are for two different items. The first reference was in relation to the Province's share of provincial policing costs only. The second is a reference to the estimated total cost of all policing that would be conducted by an Alberta Police Service, including the municipal policing contracts in the province.

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6. Question (PA-850):

Mr. Stephan: In terms of our say to gain freed-up access to the courts to deal with other matters, how much time has that initiative freed up for our justice system?

Ms Wyrstiuk: Tracy Wyrstiuk, assistant deputy minister of court and justice services. I will have to take that back and look into the kind of reduction that it's allowed us for percentages. We will look into that and get back to you.

Answer:

Time estimates are extremely difficult to state precisely, but this initiative has been successful in diverting 89 per cent of all impaired driving-type matters that were previously in the courts. The total volume in the courts for impaired matters has decreased from 6 per cent to 1.2 per cent. It equates to a substantial reduction in court time which previously was occupied by impaired driving matters.

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7. Question (PA-850):

Mr. Stephan: A follow-up related question: how much have individuals paid as a result of using the justice transformation initiative?

Mr. Bosscha: Thank you very much for the question. We will have to take that one back and get that information for you.

Answer:

The total fines and penalties owed because of the Immediate Roadside Sanctions program (under the justice transformation initiative) is \$23.5 million, which includes \$3.8 million allocated to the Victims of Crime surcharge. The total collected so far has been \$10.6 million.

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8. Question (PA-850):

Mr. Stephan: Do you see—in terms of freeing of not only court resources but police resources related to impaired driving charges, do you have an estimate of how much police resources have been freed up from not being in court in respect of some of these impaired driving charges?

Mr. Bosscha: Thank you very much for that question. I think we'll have to take that one back. I know, when this was originally put into place, that we were seeing a reduction in terms of an officer's time in court by about six or seven hours. So it went from, you know, basically eight hours per impaired charge down to about one or two, but we can certainly find out. It's been an area of interest for us as to sort of the collateral benefits to the system by implementing this new change.

Answer:

Removing impaired driving matters from the court system is saving significant police and court time per year, which has made issuing impaired charges faster for law enforcement agencies. This initiative has been successful in diverting 89 per cent of all impaired matters from the courts (target 80 per cent), has led to a 47 per cent increase in police enforcement (target 20 per cent), and has resolved more than 1700 files within 30 days (target 30 days). This allows Alberta's prosecutors and courts to focus on the most serious justice matters, while allowing police to patrol our streets and provide Albertans with a faster resolution process.

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9. Question (PA-851):

Ms Phillips: Minister Madu called a public inquiry into misuse of police databases in May 2021 in response to search of personal records of the Member for Lethbridge-West while a minister. A search was performed with no lawful purpose or investigation, so

- please table the list of those who were sent correspondence providing the details of this inquiry in December 2021.

The Law Enforcement Review Board (LERB) is an arms-length public agency. It is important to maintain separation between LERB activities and the department to respect the board's independence and mandate. The Lethbridge inquiry falls within the mandate of the LERB and was tasked to the board by the Minister. The Minister and department corresponded with the LERB, who in turn determined those who would be participants and corresponded with them.

The letter was initially sent by the LERB to potential parties, which included the Lethbridge Police Service, Lethbridge Police Commission, the Director of Law Enforcement, and Shannon Phillips. The LERB also received requests from other individuals for a copy of the materials, and the LERB forwarded the materials to those that made requests.

- please confirm with the committee what date the information about the inquiry was available on the GOA website,

The documents became available on the LERB website on January 5, 2022.

- provide a confirmation of how long it was between interested parties being advised of the inquiry by physical mail in December '21 and the posting of the public information in January '22 and be specific about the dates.

The documents became available on the LERB website on January 5, 2022, shortly after the initial letter was sent out by the LERB to potential parties.

- please confirm with the committee the date the so-called addendum to the terms of reference for the inquiry was actually signed by the minister and forward an explanation to this committee why an unsigned addendum was sent to the parties in December '21.

The addendum from the Minister shows a signature date of December 16, 2021. The LERB sent a draft copy of the unsigned addendum to the potential parties to support planning for the Inquiry.

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- provide the rationale underpinning the addendum to the inquiry terms,

The change in scope recognized that there are other processes already in place within the system (policing and appeal) to address individual and specific actions and so including those in the scope of the review would be duplicative.

- table the '18-19 correspondence between Marlin Degrand and law enforcement officials across the province, including but not limited to the Camrose RCMP detachment and the Lethbridge Police Service, related to the irregular searches of records for the MLA for Lethbridge-West, which were the actions that led to the public inquiry in 2021.

This would not appear to be related to the public accounts of spending for the 2021/22 fiscal year.

- please provide the rationale for why the minister who was the victim of these searches was not advised.

This would not appear to be related to the public accounts of spending for the 2021/22 fiscal year.

- please provide the committee the cost of the public inquiry during the '21-22 fiscal year, including the cost of in-house counsel, out-of- house counsel, LERB costs, and inquiry counsel costs

Total costs were \$19,003.72 in 2021/22.

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10. Question (PA-851):

Ms Phillips: ...on legal aid, page 11 states that the ministry was party to a tripartite agreement. The question is that after the signing of that tripartite agreement, which included an increase to the Legal Aid budget in four instalments, the Legal Aid budget went up to \$104 million. In '20-21 the Legal Aid budget should have been \$110 million, and in '21-22, the time period under consideration, the Legal Aid budget should have been \$114 million, but the government only delivered \$82.3 million.

- Can the department provide a rationale as to the discrepancy between those two figures?
- Can you provide an explanation as to why the government did not honour the tripartite agreement?
- And are there plans to honour that agreement and pay up any arrears?

Answer:

The approved budget for legal aid in 2020/21 and 2021/22 was \$94.292 million. The 2021/22 grant was reduced by \$19.146 million as the funds were not required to provide the scope of services outlined in the agreement. As per the principle of sustained funding, which is embedded in the agreement, the actual level and amount of services is based on the schedule of services in Appendix ii and the approved budget. Section 16.4 of the governance agreement indicates that if Legal Aid Alberta does not use the full amount as required under this agreement, that Legal Aid Alberta shall repay all or part of the money to the Minister of Finance. Demand for legal aid decreased significantly in 2021/22, due to court closures resulting from COVID-19. Alberta's government has always ensured that Legal Aid Alberta had sufficient funding to meet demands for services. Alberta has and continues to honour the tripartite agreement.

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11. Question (PA-851):

Ms Phillips: On the Human Rights Commission, the reduction of grants to zero: can the department provide a rationale as to how that fulfills the mandate indicated on page 11, which is to work “to eliminate discrimination and barriers to full participation in society”?

Answer:

The Alberta Human Rights Commission (AHRC) is an independent commission of the Government of Alberta. The mandate is to foster equality and reduce discrimination. The AHRC provides public information and education programs and helps Albertans resolve human rights complaints.

It fulfills this mandate through:

- public education and community initiatives;
- the resolution and settlement of complaints of discrimination; and
- the human rights tribunal.

In 2020/2021, the AHRC provided ongoing support to municipalities and organizations to complete their projects funded through the Human Rights Education and Multiculturalism Fund (the Fund). The Fund provided financial support for the AHRC’s education and community initiatives. Through its grant program, the Fund also provided financial support to community organizations for projects that fostered equality and reduced discrimination.

AHRC initiatives can be supported by the remaining fund balance of \$4.2 million (as of March 31, 2022).