

# Business Plan 2018–21

## Justice and Solicitor General

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### Accountability Statement

This business plan was prepared under my direction, taking into consideration our government's policy decisions as of March 7, 2018.

*original signed by*

Kathleen Ganley, Minister

### Ministry Overview

The ministry consists of the Department of Justice and Solicitor General, the Victims of Crime Fund and the Human Rights Education and Multiculturalism Fund. Within the department's budget, funding is provided for the following agencies, boards and commissions: Alberta Human Rights Commission, Alberta Review Board, Criminal Injuries Review Board, Fatality Review Board, Judicial Council, Law Enforcement Review Board, Notaries Public Review Committee, Provincial Court Nominating Committee, Rules of Court Committee and Victims of Crime Programs Committee. The Property Rights Advocate Office, Office of the Public Guardian and Trustee, and the Office of the Chief Medical Examiner have specific legislated functions to carry out independently from the department, but operate through the department in other areas.

Justice and Solicitor General helps ensure that all Albertans can live in safe and resilient communities while having access to a fair and innovative justice system. It ensures that public affairs are administered according to law. Working alongside its partners in law enforcement, family justice, health, the judiciary, the criminal justice system, and other stakeholders, the ministry has a direct or shared responsibility in all elements of the justice system in Alberta. Its programs and services help ensure Albertans' security and access to justice through efficient functioning of courts, corrections, and law enforcement. The ministry provides the Alberta Crown Prosecution Service, the administration of the courts in Alberta, information and dispute resolution options for people accessing the court system, legal and related strategic services to government, and effective custody and community supervision services. The ministry also provides provincial policing services through an agreement between the province and the federal government that establishes the Royal Canadian Mounted Police as the provincial police. The ministry supports, educates and trains police commissions and policing committees who oversee municipal policing. The ministry has a role to play in delivering legal aid to Albertans through an agreement with the Law Society of Alberta and Legal Aid Alberta. The ministry works together with Community and Social Services and Children Services to help families adjust their changing legal relationship and their lasting obligations that go along with those changes.

A more detailed description of Justice and Solicitor General and its programs and initiatives can be found at [www.justicesolgen.alberta.ca](http://www.justicesolgen.alberta.ca).

## Strategic Context

The outcomes and key strategies identified in this business plan are aligned with the strategic direction of the Government of Alberta. Gender equality is intrinsically linked to social and economic growth and is vital to the realization of human rights for all. Across government, this commitment has been operationalized through the adoption of Gender-based Analysis Plus (GBA+) and establishment of Centres of Responsibility in each ministry to assess the gender and diversity implications of engagement processes, policies, programs and initiatives.

Justice and Solicitor General helps ensure that all Albertans have safe communities and access to a fair and innovative justice system, while making the best possible use of available resources in order to ensure the system remains sustainable over the long-term. This includes offering less expensive and better suited options, creating an array of innovative tools, and helping Albertans navigate and transition through the system effectively.

Alberta's justice system is sitting at a critical moment. The timeframes imposed by the Supreme Court of Canada in the *R v Jordan* decision and the rise in dangerous opioids, along with population growth and other factors, have created enormous pressures on the justice system. While the strain on Alberta's systems have increased, this presents an opportunity to make important changes.

Change means investing in the justice system, addressing root causes of crime such as poverty and addiction, and recognizing that many issues are best handled in new and different ways. Perpetuating cycles of incarceration and poverty work against the goals of creating safer communities. The justice system works with partners to provide a spectrum of services to address social issues that have a legal aspect. It is necessary to have formal justice processes available, but justice system professionals must be selective about when they use them; the formal justice system is a good tool, but it is not the right tool for every situation. Diversion approaches out of the formal justice system can often create better results for all Albertans.

To achieve sustainability, the justice system needs to be updated so that Albertans receive timely and appropriate services wherever possible, across the continuum of the system, for generations to come. Provinces across the country are working hard to address chronic and unacceptable delays in the criminal justice system. In Alberta, all justice system partners are focusing efforts on how to address this significant challenge. The Alberta Crown Prosecution Service (ACPS) developed a 'triage approach'—where Crown and court resources are being used in line (proportionately) with the significance of the case; serious and violent offences are prioritized; and cases are assessed early so that resources can be aligned, ensuring that those matters that can be resolved are resolved early, and that those that can be diverted away from the criminal justice system are diverted.

This means shifting to a focus on preventative efforts, proportionate and appropriate responses in terms of court utilization and custodial and community supervision. The ministry has focused on diverting appropriate matters from court to ensure Albertans have access to services that are affordable and understandable, and that court resources are available for those matters that require court resolution. The ministry is also focused on undertaking a proportionate response to custodial remand to ensure that individuals accused of a crime are remanded appropriately and public safety is maintained.

This plan will guide Justice and Solicitor General as the ministry looks to understand the opportunities and challenges that lie ahead. It will help identify new ways to grow and collaborate with partners as the ministry moves towards a more sustainable tomorrow.

## Outcomes, Key Strategies and Performance Measures

### **Outcome One: Albertans are safe and protected through focused work on a preventative and sustainable model of community safety**

The justice system is complex and multifaceted and must strive to strike the right balance between complex and competing priorities. To promote sustainability, the ministry aims to shift over time from a reactive model to a

preventative model. The preventative model promotes community safety by addressing the underlying drivers of crime and emphasizing rehabilitation which reduces recidivism.

### Key Strategies:

- 1.1 Together with our partners, explore opportunities to engage in a more preventative approach to criminal justice that ensures drivers of crime, including addiction and mental health issues, are addressed.
- 1.2 Enhance collaborative relationships between government, law enforcement partners and the communities they serve, in order to modernize enforcement and promote effective crime reduction.
- 1.3 Alberta has legislation, regulations, policies and programs in place to implement the federal government's decision to legalize cannabis in 2018.

Performance Measures	Last Actual 2016-17	Target 2018-19	Target 2019-20	Target 2020-21
1.a Percentage of Albertans who feel safe walking alone in their area after dark <sup>1</sup>	80%	85%	n/a	85%
1.b Percentage of Albertans satisfied with policing in Alberta over the past 12 months <sup>1</sup>	82%	82%	n/a	82%

### Note:

<sup>1</sup> Beginning in 2015-16, this measure is based on a biennial survey with targets and results available every other year.

### Linking Performance Measures to Outcomes:

- 1.a Demonstrates the ministry's commitment to promoting safe, secure and resilient communities and enables the ministry to better utilize resources in delivering prevention focused services to Albertans.
- 1.b Indicates the public's perception of policing. As policing partners play a critical role in crime prevention and intervention, this measure supports the ministry's policing funding and oversight role.

Performance Indicators	Actual 2012 <sup>1</sup>	Actual 2013	Actual 2014	Actual 2015	Actual 2016
1.a Crime Rate <sup>2</sup>					
• Violent Crime Rate:					
» Alberta	1,388	1,285	1,259	1,305	1,244
» Canada	1,198	1,093	1,041	1,066	1,052
• Property Crime Rate:					
» Alberta	4,301	4,298	4,350	5,203	5,206
» Canada	3,435	3,147	3,090	3,218	3,207
1.b Crime Severity Index <sup>3</sup>					
• Violent Crime Severity Index:					
• Alberta	89	85	87	98	90
• Canada	82	74	71	75	75
• Non-violent Crime Severity Index:					
» Alberta	85	85	87	105	107
» Canada	73	67	65	68	69

### Notes:

<sup>1</sup> Calendar years are presented, for example, as 2014; fiscal years are presented, for example, as 2014-15.

<sup>2</sup> Crime Rate per 100,000 population. Violent crime includes homicide, attempted murder, various forms of sexual assault, robbery and abduction. This does not include traffic incidents that result in death or bodily harm. Property crime includes theft, break and enter, fraud and possession of stolen goods. This does not include the use of threat of violence against an individual.

<sup>3</sup> The Police Reported Crime Severity Index (PRCSI) measures changes in the level of severity of crime in Canada from year to year. In the index, all crimes are assigned a weight based on their seriousness. The level of seriousness is based on actual sentences handed down by the courts in all provinces and territories. More serious crimes are assigned higher weights, less serious offences lower weights. As a result, more serious offences have a greater impact on changes in the index. The PRCSI is standardized to 100 in base year 2006.

**Outcome Two: Vulnerable Albertans are safe and supported during interactions with the justice system**

It is a priority for the ministry and the Government of Alberta to ensure the safety and well-being of vulnerable Albertans including newly arriving immigrants, Indigenous peoples, victims of crime, self represented litigants, and low-income Albertans. The ministry works closely with First Nations and Métis communities through probation, court services, and crime prevention programming and is committed to continuing to work with Indigenous communities and service providers to address root causes of crime, taking into consideration Indigenous cultural experiences and approaches. As all Albertans need access to the justice system, regardless of their location and ability to pay, the ministry is committed to improving legal aid. In collaboration with our federal counterparts, the ministry is working to ensure victims’ rights are protected and they are supported so they can recover and move forward with their lives. A continuum of services that spans the spectrum of prevention through to intervention is required to ensure vulnerable people receive the support they need, and also supports the transformation of the justice system to one that is more person centred and sustainable.

**Key Strategies:**

- 2.1 Implement a longer-term legal aid plan with stakeholders in Alberta.
- 2.2 Work collaboratively with partners to explore gaps and identify creative solutions to provide service to victims of crime as they transition through the criminal justice process. This will be accomplished through the examination of performance measures, policies and practices to build strategic accountabilities in support of a sustainable continuum of services for victims of crime in Alberta.

Performance Measures	Last Actual 2016-17	Target 2018-19	Target 2019-20	Target 2020-21
2.a Percentage of victims satisfied with services provided by employees and volunteers within the criminal justice system	83%	84%	85%	85%

**Linking Performance Measures to Outcomes:**

- 2.a Indicates the ministry’s success in supporting victims in their interactions with the justice system. Satisfaction with the services provided by employees and volunteers within the criminal justice system is relevant to the goal of providing information, support and referral to victims. This is an outcome measure of quality of services provided to victims.

**Outcome Three: Albertans have access to information and services to help resolve their civil, criminal, and/or family legal issues, and when required, have appropriate and timely access to the courts**

To promote overall justice system sustainability, the ministry is committed to delivering alternative dispute resolution pathways to enable Albertans to resolve their legal issues outside of the courts, where appropriate. Not all legal issues require court intervention to achieve resolution. Albertans will benefit from affordable and less adversarial options, including administrative alternatives to court processes for less serious matters. These services provide applicants with options and alternatives to the court process, including information, referrals and mediation. At the same time, this allows justice and court resources to be focused on the timely resolution of serious or complex criminal, family and civil matters. Albertans will be educated and informed about resolution options that are faster and more efficient. This will increase the value Albertans receive for their justice system spending, and will also enable the ministry to address Albertans’ needs while promoting a fair and innovative justice system.

**Key Strategies:**

- 3.1 Support the collaborative efforts of Alberta Criminal Justice Summit participants to improve the province’s criminal justice system in light of *R v Jordan*.

- 3.2 Continue to build on citizen-centred approaches to service delivery to provide Albertans the information and resources they need to confidently navigate the justice system.
- 3.3 Continue to work on reform in the family justice system to make it more responsive by providing families with coordinated services to resolve disputes where possible without having to go to court, and when court processes are required, making them less adversarial.
- 3.4 Explore, and where possible, implement reforms and electronic processes for driving offences (including traffic tickets), increasing the justice system's capacity to handle more serious civil, criminal and family matters in a timely way.
- 3.5 Continue to develop, implement and evaluate a case management model of program delivery to enhance Family Support Order Services' client services.

Performance Measures	Last Actual (Year)	Target 2018-19	Target 2019-20	Target 2020-21
3.a Percentage of Albertans who agree that fair and impartial service is provided to prosecute people charged with a crime <sup>1</sup>	83% (2016-17)	84%	n/a	85%
3.b Median elapsed time from first to last appearance for a criminal case in Provincial Court and Court of Queen's Bench of Alberta <sup>2</sup>	124 days (2015-16)	122 days	121 days	121 days
3.c Provincial Court lead time to trial for serious and violent matters	24.1 weeks (2016-17)	22 weeks	21 weeks	21 weeks
3.d Effectiveness of alternative dispute resolution pathways:				
• Family Mediation Program Resolution Rate	88%	90%	91%	91%
• Provincial Court Civil Mediation Program Resolution Rate	49%	56%	58%	58%
	(2016-17)			
3.e Percentage of Gladue reports produced within six weeks of request from Courts <sup>3</sup>	91% (2016-17)	91%	91%	91%

**Notes:**

- <sup>1</sup> Beginning in 2015-16, this measure is based on a biennial survey with targets and results available every other year.
- <sup>2</sup> On September 25, 2017, the Canadian Centre for Justice Statistics restated Alberta's 2014-15 median elapsed time from 107 days (as was reported in the Justice and Solicitor General 2016-17 Annual Report) to 120 days and released Alberta's 2015-16 result as 124 days. The originally reported result did not include all of the cases in Alberta that were completed in 2014-15.
- <sup>3</sup> The 1999 Supreme Court of Canada decision, R v Gladue, requires sentencing to consider the unique factors of the Indigenous offender. Gladue reports contain specific information about the offender's circumstances. The number of Gladue reports produced within the six week timeframe is dependent on the number of reports ordered by the court and the willingness of the clients to participate in the process.

**Linking Performance Measures to Outcomes:**

- 3.a Indicates the public perception of Alberta's prosecution service. When criminal legal issues are resolved quickly and appropriately, Albertans are more likely to agree that fair and impartial service is provided to prosecute people charged with a crime.
- 3.b Indicates how quickly criminal cases proceed through the Provincial Court and Court of Queen's Bench of Alberta. Persons charged with an offence have the right to be tried within a reasonable time, and resolving cases in a way that is both efficient and fair is in the interest of all stakeholders in the criminal justice system.
- 3.c Indicates the availability of Provincial Court for all criminal cases. The ministry and Provincial Court are working together to reduce lead times for serious and violent cases proceeding to trial.
- 3.d Indicates the effectiveness of alternative dispute resolution pathways. Mediation programs allow Albertans to resolve their civil and family disputes without having to go through more formal court processes.
- 3.e Demonstrates the ministry's ability to facilitate the consideration of the unique circumstances of Indigenous peoples when sentencing an Indigenous person convicted of an offence.

Performance Indicator	Actual 2012-13	Actual 2013-14	Actual 2014-15	Actual 2015-16	Actual 2016-17
3.a Sustainable justice system					
• Diversion rate from Provincial Court Civil to the Civil Mediation program	n/a <sup>1</sup>	53%	67% <sup>2</sup>	58%	56%
• Percentage of criminal cases concluded before a trial date is set	71%	69%	70%	71%	71%

**Notes:**

<sup>1</sup> Data collection began in 2013-14. Results are not available for previous years.

<sup>2</sup> In August 2014, the Provincial Court Civil claim limit increased from \$25,000 to \$50,000.

**Outcome Four: Alberta’s custodial and community supervision is sustainable, appropriate and proportionate**

To help Justice and Solicitor General move to a more sustainable tomorrow, the ministry ensures individuals under correctional authority are held accountable through custodial and community supervision. The ministry works closely with stakeholders to deliver programs that support individuals involved in the justice system and address the risk factors associated with their offending. While incarceration is appropriate in some circumstances, sometimes there is a different, more appropriate response for other individuals. Examining innovative policies, processes and practices ensures efforts are strategically focused and individuals are given appropriate supports to succeed in the community or appropriately held in custody. This contributes to reducing risk and, in turn, enhances the safety of Albertans and sustainability of the justice system.

**Key Strategies:**

- 4.1 Work with partners in the evolution of rehabilitative policies and programs for individuals involved in the justice system by ensuring the services and supervision provided are responsive and coordinated, given varying needs and risks.
- 4.2 Explore new technology to enhance correctional operations and further develop the supervision and support to individuals under correctional jurisdiction, including the consideration of alternate methods for the delivery of programs and services.
- 4.3 Advance policies, processes and practices regarding alternatives to incarceration and effective community transition to ensure ministry efforts are focused on individuals with the highest needs, enhancing the safety of Albertans.
- 4.4 Through ongoing consultations with stakeholders, improve the Crown bail model across the province.

Performance Measures	Last Actual 2016-17	Target 2018-19	Target 2019-20	Target 2020-21
4.a Percentage of offenders successfully completing their sentence while on temporary absence without incurring new criminal charges	99.8%	100%	100%	100%
4.b Percentage of probation officers trained in the use of effective intervention techniques derived from evidence-based principles <sup>1</sup>	18%	65%	95%	100%

**Note:**

<sup>1</sup> This measure is included as the first step in a staged introduction of a new performance measure. The new measure will ultimately assess the effectiveness of evidence-based community supervision practices on client risk.

**Linking Performance Measures to Outcomes:**

- 4.a The Temporary Absence Program is a conditional release program targeting low-risk offenders and provides these individuals with an opportunity to pursue employment or rehabilitative programming in the community, when they would have otherwise been incarcerated.



4.b Indicates the percentage of probation officers trained in Effective Practices in Community Supervision (EPICS), an evidence-based model for supervising clients using Risk, Need, Responsivity (RNR) principles and core correctional practices. Unlike traditional models of supervision, EPICS teaches officers to focus on moderate and high risk offenders, target criminogenic needs, and use cognitive behavioural interventions during their contact sessions. Research supports that sustained adherence to EPICS can play a more significant role in reducing recidivism than traditional models.

Performance Indicator	Actual 2014-15	Actual 2015-16	Actual 2016-17
4.a Sustainable justice system			
• Edmonton Remand Centre daily average population count of inmates on remand status (not sentenced)	1,066	1,223	1,392
• Number of releases from Edmonton Remand Centre where individual was on remand status and was incarcerated for five days or less	2,981	2,902	2,481

## Risks to Achieving Outcomes

The following key risks to achieving ministry outcomes have been identified:

**Proportionality.** In order to ensure that serious and violent crimes are resolved within the timeframe imposed by the Supreme Court of Canada in the *R v Jordan* decision the ministry must modify its approach. The system response must be proportionate to the severity of the crime committed while balancing the cumulative impact that low-level prolific crimes have on victims and communities. If the current disproportional response to crime and social disorder is not addressed it will result in further strains on the justice system including delays in court, dismissal of cases, and ultimately the erosion of community safety.

- There is a robust system response underway to manage this risk and mitigate its potential impacts including delays in court, dismissal of cases, and erosion of safety in our communities. These efforts include the implementation of prosecutorial protocols designed to determine likelihood of conviction earlier in the process, explore opportunities for early case resolution and diversion of cases to non court based resolution options, as well as the reallocation of court resources to facilitate timely resolution of criminal matters.

**Sustainability and integration.** A sustainable justice system must focus on crime prevention, and operate in a cohesive and integrated manner to coordinate, align and prioritize work effectively. There are many different competing mandates, priorities and pressures within the justice system so a balanced response is required. Without balance, complex issues are addressed in a disjointed and siloed manner, staff struggle to deliver services that meet client expectations, and the system is difficult for Albertans to access and navigate.

- Strides to move toward a more integrated systems approach are actively being pursued – including strengthening of cross-divisional forums, and enhanced emphasis on the use of restorative justice and integrated offender management strategies.

**Evidence based decision making.** In order to provide modern services efficiently and effectively, decision makers require timely access to accurate, reliable and appropriate information. Without this information, decisions could be delayed and uninformed undermining the ministry’s credibility and ability to achieve its strategic outcomes.

- In response to this risk the ministry will work to enhance data collection and analysis approaches, including determining the people, process and technical requirements to develop the ministry’s business intelligence capabilities.

## STATEMENT OF OPERATIONS

(thousands of dollars)

	Comparable			2018-19 Estimate	2019-20 Target	2020-21 Target
	2016-17 Actual	2017-18 Budget	2017-18 Forecast			
<b>REVENUE</b>						
Internal Government Transfers	-	1,400	10,492	800	-	-
Transfers from Government of Canada	34,876	36,286	36,859	37,382	37,614	39,556
Investment Income	968	995	995	1,043	1,043	1,043
Motor Vehicle Accident Claim Fees	22,448	23,700	23,700	24,000	24,300	24,600
Other Premiums, Fees and Licences	30,548	31,335	31,335	31,555	31,775	31,995
Fines and Penalties	213,040	225,007	225,007	224,900	228,850	232,138
Maintenance Enforcement	13,996	17,377	17,377	16,177	16,270	16,377
Other Revenue	28,453	26,528	26,806	26,450	26,545	27,278
Ministry Total	344,329	362,628	372,571	362,307	366,397	372,987
Inter-Ministry Consolidations	(542)	(1,925)	(11,017)	(1,325)	(525)	(525)
Consolidated Total	343,787	360,703	361,554	360,982	365,872	372,462
<b>EXPENSE</b>						
Ministry Support Services	54,978	57,246	57,246	54,836	57,554	58,090
Resolution and Court Administration Services	196,592	200,984	204,140	207,900	209,353	212,054
Legal Services	53,999	53,701	53,701	58,224	59,242	60,303
Alberta Crown Prosecution Service	97,266	101,906	101,906	104,081	104,500	106,454
Justice Services	149,633	160,501	168,701	165,143	165,821	168,144
Public Security	487,039	484,917	508,729	519,838	527,860	536,237
Correctional Services	285,143	280,537	282,659	288,006	293,150	298,533
Alberta Human Rights	8,403	8,412	8,412	8,953	9,054	9,123
Motor Vehicle Accident Claims	28,798	23,641	23,641	26,809	27,740	28,352
Victims of Crime Fund	40,260	35,659	36,232	40,045	40,129	40,486
Ministry Total	1,402,111	1,407,504	1,445,367	1,473,835	1,494,403	1,517,776
Inter-Ministry Consolidations	(1,905)	(605)	(605)	(525)	(525)	(525)
Consolidated Total	1,400,206	1,406,899	1,444,762	1,473,310	1,493,878	1,517,251
Net Operating Result	(1,056,419)	(1,046,196)	(1,083,208)	(1,112,328)	(1,128,006)	(1,144,789)
<b>CAPITAL INVESTMENT</b>						
Ministry Support Services	534	3,549	12,970	2,949	2,149	2,149
Resolution and Court Administration Services	1,142	1,000	1,000	1,000	1,000	1,000
Alberta Crown Prosecution Service	29	-	-	2,100	-	-
Justice Services	939	620	620	4,000	620	620
Public Security	153	533	533	533	533	533
Correctional Services	374	150	150	150	150	150
Victims of Crime Fund	-	25	25	25	25	25
Ministry Total	3,171	5,877	15,298	10,757	4,477	4,477
Inter-Ministry Consolidations	-	(1,400)	(10,492)	(800)	-	-
Consolidated Total	3,171	4,477	4,806	9,957	4,477	4,477