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Justice and Solicitor General

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Standing Committee on Public Accounts

Participants

Ministry of Justice and Solicitor General

Frank Bosscha, QC, Deputy Minister

Dennis Cooley, Associate Deputy Minister, Solicitor General

Kim Goddard, Assistant Deputy Minister, Alberta Crown Prosecution Service

Kim Sanderson, Assistant Deputy Minister, Correctional Services

Bill Sweeney, Senior Assistant Deputy Minister, Public Security

8 a.m.

Tuesday, April 6, 2021

[Ms Phillips in the chair]

The Chair: Good morning, everyone. I would like to call this meeting of the Public Accounts Committee to order and welcome everyone in attendance.

My name is Shannon Phillips. I'm the MLA for Lethbridge-West. I'm the chair of this committee. Ordinarily I would suggest going around the committee table for all participants to introduce themselves, but we are attending here today in something of a hybrid format. With participants joining us through various methods of communication, I will note for the record that the following members are present either via videoconference or teleconference. I have a list here. Feel free, after I've read it out, to add yourself if you haven't been noted for the record here. We have Mr. Neudorf via videoconference, Mr. Turton via videoconference, Mr. Walker via videoconference, and Ms Armstrong-Homeniuk via videoconference as well. As for the Auditor General, we have Mr. Wylie via telephone and Mr. Leonty via videoconference.

We have a number of staff here in the room. We will go around, and then if there are any other officials present – not department officials; we'll let you introduce yourselves at the time – any other Auditor General staff or other MLAs who have joined, please feel free to introduce yourself once we've gone around the room. I'll start to my left, please.

Mr. Roth: Aaron Roth, committee clerk.

Mr. Kulicki: Good morning. Michael Kulicki, clerk of committees and research services.

Ms Pancholi: Good morning. Rakhi Pancholi, MLA, Edmonton-Whitemud.

Ms Renaud: Marie Renaud, St. Albert.

Mr. Schmidt: Marlin Schmidt, Edmonton-Gold Bar.

Mr. Singh: Good morning, everyone. Peter Singh, MLA, Calgary-East.

Ms Lovely: Jackie Lovely, Camrose constituency.

Mr. Rowswell: Garth Rowswell, Vermilion-Lloydminster-Wainwright.

Mr. Guthrie: Pete Guthrie, MLA, Airdrie-Cochrane.

The Chair: Very good.

If there are any additional Auditor General staff on the line, feel free to introduce yourself at this time. Very good.

Moving on, we have a number of officials here from the Ministry of Justice and Solicitor General, so what I will do, because there are a number of them on the line, is that I will ask them to introduce themselves when they speak and to provide their title as well. What we'll do is that we'll have the ministry officials introduce themselves when they speak. We won't do that now.

I'll go through a few housekeeping items first. Before we begin, I will note that in accordance with the recommendations from the chief medical officer attendees at today's meeting are advised to leave the appropriate distance between themselves and other meeting participants, and in addition, as indicated in the memo from Speaker Cooper, I would remind everyone of committee room protocols in line with health guidelines, which require members to wear masks in committee rooms and while seated, except while

speaking, at which time the mics seem to pick us up just fine if we would like to remain masked, but we do have the option of taking it off.

I will ask all members participating via videoconference or teleconference to ensure that your microphones are muted unless you are recognized to speak. For those members and guests present in the room, *Hansard* will operate your microphones for you. There is a slight exception to that in that if you do want to break in with a point of order or a clarification, that is fine. It is difficult for me to see if people are, you know, waving in a chat or those kinds of things, so in past practice we have simply had videoconference people not wait to be recognized, if you will, in particular on points of order, friends, of which I'm sure we won't have any today.

Committee proceedings are live streamed on the Internet and broadcast on Alberta Assembly TV, and all of the streams, transcripts of meetings can be accessed on the LAO website.

We will now move, friends, to the approval of the agenda. I will now look to the room for the agenda for the April 6, 2021, meeting of the Standing Committee on Public Accounts to be approved as distributed. Is there anyone who would like to move this motion? I see Mr. Singh. Is there any discussion on this motion?

Seeing none, I will ask, then, members to unmute their microphones. All in favour? Are there any opposed? Thank you. That motion is carried. Members, please remute your microphones.

Just for the committee's awareness as well as for new folks, the agendas and all manner of documents are contained on the committee's internal website. I know we have a number of new members here today.

We will now move on to the minutes from both the January 26 and February 16 meetings of this committee. Do members have any errors or omissions to note in regard to the January 26 meeting minutes?

Would a member like to move that the minutes of the January 26 meeting of the Standing Committee on Public Accounts be approved as distributed? I see Mr. Schmidt. Thank you. Is there any discussion on this motion? Seeing none, all in favour? Are there any opposed? Very good. That motion is carried.

Friends, we need to review also for errors or omissions the minutes of the February 16 meeting of the Standing Committee on Public Accounts. Is there a member that would like to move that the minutes of the February 16 meeting be approved as distributed?

Ms Lovely: So moved.

The Chair: I see Ms Lovely. Thank you.

Is there any discussion on this motion? Seeing none, all in favour? Thank you. That motion is carried.

I will now welcome our guests from the Ministry of Justice and Solicitor General, who are here to address the office of the Auditor General's outstanding recommendations and the ministry's annual reports. I will invite officials from the ministry to provide opening remarks not exceeding 10 minutes. I will now turn things over to ministry officials, who are joining us from a very fancy-looking, very lawyerly boardroom, from the Department of Justice. Please take it away, friends from the Ministry of Justice and Solicitor General.

Mr. Bosscha: Thank you, Chair. Yes, we are very pleased to be appearing before the committee from the Bowker Building. I do have with me in this boardroom – and we do have Plexiglas and are complying with the separation for the protocols. Joining me in the boardroom here is Dennis Cooley, associate deputy minister of Justice and Solicitor General. I myself am Frank Bosscha, Deputy Minister of Justice and Deputy Solicitor General. Also with me in

the boardroom are Bill Sweeney, senior assistant deputy minister, public security; Barb Martini, acting assistant deputy minister, justice services; and Brad Wells, senior financial officer. On Teams we also have Fiona Lavoy, acting assistant deputy minister, corporate services; Lisa Tchir, assistant deputy minister, legal services; Kim Sanderson, assistant deputy minister, correctional services; Mary MacDonald, assistant deputy minister, resolution and court administration services; and Dan Laville, director of communications.

Justice and Solicitor General works to make sure Albertans live in safe and secure communities with access to a fair and innovative justice system strengthened by effective policing and supports for victims of crime. Our seven divisions work alongside our partners in law enforcement, legal aid, the judiciary, and many others to ensure the complex functions of the justice system are effectively delivered. The department also provides legislative and legal services to the whole of government.

Justice spent more than \$1.44 billion to deliver its mandate in 2019-20. Expenses were \$9.9 million, or .7 per cent, lower than the previous year, mainly because of an \$18.9 million reduction in grants to Legal Aid Alberta and the Alberta law enforcement response teams, also known as ALERT. These reductions were offset by increased overtime and filling of critical vacancies in enforcement and other critical programs. The reduced grants to Legal Aid Alberta and ALERT did not impact their operational capacity as funding from the Alberta Law Foundation and ALERT's reserve covered the respective reductions.

In terms of revenue the ministry generated \$350 million in 2019-20, up almost \$8 million, or 2.3 per cent, versus 2018-2019. It is, however, \$19.5 million, or 5.6 per cent, lower than what was budgeted. The decreased revenues are mainly a result of a \$20.9 million decrease in the fine revenue due to lower than anticipated payments of Traffic Safety Act tickets and associated victims of crime surcharges.

Before speaking to the ministry's outstanding audit recommendations, I'll provide a brief overview of the ministry's divisions, starting with the Alberta Crown prosecution service. This division prosecutes offences under the Criminal Code of Canada, the Youth Criminal Justice Act, and provincial statutes in all of the courts in the province and in the Supreme Court of Canada. In 2019-20 the division spent \$104.3 million, which is \$725,000 higher than in 2018-19. This is \$566,000 under the division's expected costs. This underexpenditure is mainly due to vacancies and recruitment delays in criminal and youth prosecutions and special criminal and regulatory prosecutions.

8:10

The resolution and court administrative services division had costs in 2019-20 that were slightly above our estimates. The division spent \$198.6 million to support the operation of Alberta courts through administrative services and providing Albertans with enhanced access to information, dispute resolution, and court-assisted services. This was \$2 million less, or about a 1 per cent decrease, compared with 2018-19.

Moving to the public security division, this area is responsible for a wide range of vital programs that keep Albertans safe and secure, including the contract for provincial policing services, municipal policing grants, and police oversight. The division also includes sheriffs, fish and wildlife officers, and commercial vehicle enforcement officers. In 2019-20 the division expended \$524.1 million, just a fraction of a per cent higher than in 2018-19.

The public security division is also responsible for the victims of crime program. During 2019-20 the victims of crime program spent \$43.3 million. That is \$375,000, or about 1 per cent, higher than in

2018-19 due to the Integrated Threat and Risk Assessment Centre, also known as I-TRAC, being fully operational with the Alberta law enforcement response teams. The unit also provides financial benefits to victims of crime and supports 77 police-based and 40 community-based victims' programs. This ensures victims are treated with dignity, compassion, and respect.

The next division I'll discuss is justice services, which includes key areas like the maintenance enforcement program, the office of the Chief Medical Examiner, support to Legal Aid Alberta, and the office of the public guardian and trustee. In 2019-20 justice services spent \$161.6 million, which is \$14.4 million, or 8.2 per cent, lower than in 2018-19. This decrease was mainly due to a \$10 million reduction in grants for Legal Aid Alberta due to a corresponding investment from the Alberta Law Foundation. The foundation is providing \$34.4 million over three years over and above its statutory annual contributions to Legal Aid Alberta. We certainly appreciate the co-operation and support of our justice system partners to help fund legal aid services.

The legal services division consists of three program areas: civil law, which provides legal services to all the government ministries and represents them in courts and tribunals; the Legislative Counsel office, which drafts government public bills, regulations, and orders in council; and the provision of a law reform grant to the Alberta Law Reform Institute for legislative research and recommendations. In 2019-20 legal services spent \$56.2 million, which was \$303,000, or .5 per cent, higher than in 2018-19. The increase, which was \$1.9 million above our estimates for the year, is mainly due to an increase in working notice entitlements and payments, including severance and outstanding vacation.

Now I'll talk about correctional services. This division provides secure custody of sentenced and remanded adults and young persons. The division also provides court-ordered community supervision of individuals both pre- and post-sentence. In 2019-20 correctional services spent \$295.2 million, which is \$5.4 million, or 1.9 per cent, higher than in 2018-19. This increase, which put the division \$6.2 million higher than our estimates for the year, is primarily due to an increase in the Alberta Union of Public Employees bargaining unit pay, higher than expected overtime costs, and an increase in contractual obligations for food and chaplaincy.

On to ministry supports, which, true to its name, supports work right across the Ministry of Justice and Solicitor General. This includes corporate functions such as the minister's office, deputy ministers' offices, and corporate services. In 2019-20 this division spent \$24 million, which is \$945,000, or about 3.8 per cent, lower than in 2018-19. The decrease is due, in part, to the reduced salary costs as part of the ministry hiring restraint initiative.

Finally, I'll briefly talk about the ministry's response to recommendations made by the Auditor General in relation to the office of the public guardian and trustee and the victims of crime fund audits. The 2013 Auditor General audits into the office of the public guardian and trustee's control systems and management of client trusts resulted in five recommendations, which have been accepted and implemented. In response to these recommendations, actions included implementing a risk-based file review system, implementing new controls to enhance review and approval of client funds, completing a full review of existing policies to ensure they address clients' risks, and developing multiple new checklists to improve client file documentation. The two recommendations for the victims of crime fund led to the implementation of a new policy to guide the use of the fund's accumulated surplus and a business plan to support public reporting on the program. The latter recommendation remains open, pending results of the MLA review.

That concludes my opening remarks. I and my staff will be pleased to answer any questions you may have.

Thank you, Chair.

The Chair: Thank you.

We will now move on to the Auditor General for his comments. I will turn things over to officials from the office of the Auditor General, Mr. Wylie or Mr. Leonty, to provide comments for five minutes.

Mr. Wylie: Good morning, and thank you, Chair. I just wanted to highlight a couple of other things, the work that we've done related to the ministry. We do financial statement audit work as well, Chair and members, as you're aware, and I just thought I'd highlight that in addition to the work on the transactions within the ministry that form part of the consolidated financial statements, we audit three separate organizations. Those are the human rights education and multiculturalism fund, the victims of crime fund, and the office of the public guardian and trustee. Those financial statements have been audited by our office, and in all cases we issued a clean or unqualified audit opinion.

The deputy has already highlighted the outstanding recommendations from work that we've done related to the victims of crime fund and the work of the public guardian and trustee. I would note that we are in the process of doing follow-up work and dealing with COVID, where we're going to wait until after the financial statement audits are done this year at OPGT's request, and then we'll come back in and do the follow-up work there. We look forward to doing the follow-up work and seeking resolution of these recommendations.

I'll stop there, Chair. Thank you.

The Chair: Thank you, Mr. Wylie.

I did not explain to members at the very beginning that we have two different meeting formats, and because we are not in session this morning, we'll be going with the ordinary two-hour meeting. If we do have session, then each of our little time blocks are truncated a little bit. This morning we go in a 15-minute rotation for Official Opposition and government, and then it moves on to 10-minute rotations after that.

With that, I will begin. The Official Opposition has 15 minutes. Your time begins when you begin talking.

Ms Renaud: Thank you, Madam Chair, and thank you to all of the officials who are here today to answer questions, hopefully. Thinking back to 2019, the UCP government clearly announced a historic \$286 million investment in rural policing, so I would like to ask some questions around that. Let's be clear. I think the overwhelming thought at the time of that announcement was that this was really a bit of a tax grab and shell game, so let's dig down a little bit and get some details. We know the new funding model requires towns and villages with populations under 5,000 to essentially pay for policing. Justice and Municipal Affairs released the funding table in 2019-20, where we see a list of 291 municipalities that will now be paying under this new model. My question is – really, we would like to get an estimate of how much your department or ministry believes each municipality will pay in each of the four fiscal years that this new funding model covers and the related FTE increase of RCMP officers in each community. I think that's vitally important information for every community in this province.

Thank you.

8:20

Mr. Bosscha: Thank you for that question. That's fairly detailed information, and we're just seeing what we have available to us. We may have to come back to you with the breakdown by municipality for each in terms of the FTEs.

I think we can talk about the FTEs at this point, so I'll turn it over to Associate Deputy Minister Dennis Cooley.

Mr. Cooley: Thank you, Frank. There was the commitment in the 2019 election platform to consult with municipalities on the province's funding formula for police services. That resulted in some minor changes to the Police Act to enable the province to collect monies from municipalities for policing costs, and these changes gave municipalities approximately one year to prepare their budget. The revenue generated should be approximately \$22 million if all the municipalities pay their share. That's the revenue as of April 1, 2020. The amended . . .

Ms Renaud: Sorry to interject. Perhaps I wasn't really clear with my question. I understand there's a projection of how much these communities will be paying for their policing. My question really focuses on sort of the boots on the ground, that we hear government talking about all the time. I mean, previously even in the 2019-2020 business plan we saw a total list, which was an indicator of how many RCMP officers were on the ground working at the time each year, how much it had gone up. My question is: very specifically, what can these communities expect in terms of boots on the ground?

I just wanted to draw your attention really quickly to page 15 of the 2019-20 annual report. Under key objective 1.1 your ministry talks about:

Revenue [that will be] collected through the new model will be reinvested into policing, leading to an increase in the number of RCMP officers and civilian positions [et cetera]. This investment places priority on adding uniformed patrol officers in rural RCMP detachments.

It goes on to talk about where that investment will be. My question is very straightforward. What can these municipalities, these communities that will be paying more for policing expect in terms of the number of FTEs? I certainly understand that if you don't have those numbers here today, you could table those for the committee to look at at a future date.

Thank you.

Mr. Cooley: Thank you for that. We have the provincial breakdown of the additional regular members and civilian members. We don't have it by municipality, but we can get back to you on that. As of February 2021 there were 76 regular member positions that were committed; 66 of those regular member positions have been filled. There were 57 public service employee or civilian positions, and 28 of those positions have been filled.

Ms Renaud: Okay. Thank you for that answer.

I am going to move on a little bit to funding for larger municipalities, so city policing. Again, in 2019-20 the government decided to alter the share portion of the fine revenue with municipalities. We know that previously it was 26.7 per cent. In 2020-21 it will be increased to 40 per cent, resulting in \$37 million per year flowing to provincial coffers instead of municipal police budgets. Together we have heard that Calgary estimates that the changes will cost them approximately \$12 million per year, or enough for 130 full-time positions; Edmonton estimates that the changes will cost them \$5 million per year. My question: what is the total value of cuts per municipality resulting from the change, that your ministry projects?

Mr. Bosscha: Yeah. We'll have to take that question back and come back with information on that. We don't have that in front of us. I'm not sure that we have done that specific calculation, so we'll have to work on that one.

Ms Renaud: Okay. Thank you. You will table, then, that calculation for the committee, correct?

Mr. Bosscha: Yes.

Ms Renaud: Okay. Well, perfect.

Mr. Bosscha: To clearly understand, you're looking for the breakdown of the impact of the change in the fine revenue for each, Calgary and Edmonton?

Ms Renaud: Right. Total value of the cuts for both of those municipalities.

Mr. Bosscha: Certainly.

Ms Renaud: Okay. I just want to move to a letter that we received a copy of. We have a letter from Mayor Iveson to the Minister of Justice that expresses serious concerns with the costs of downloading from the government of Alberta and the resulting rise in property taxes that fund municipal police services. According to the letter – you know, it goes on to talk about just the regular increases. Of course, we know that that trickles down to individual property tax payers. My question: is the ministry tracking and reporting on the increase in property taxes to fund municipal police services?

Mr. Cooley: Thanks for the question. No, we don't track the relationship between – the increase in municipal taxing. That's not something that the ministry would track.

I do want to acknowledge, though, that the police grants, which are the major funding vehicle through which the ministry provides funds to municipalities to offset policing costs, have remained stable for the past several years, with slight increases, I think, for populations. In addition, we have two additional municipalities that now receive policing grants because they passed a population threshold.

Ms Renaud: My question is: does your ministry not engage in any activity sort of to address, I guess, the affordability of downloading these costs to municipalities? We've heard from organizations like AUMA, that have talked about the potential for unintended consequences. You are, you know, forcing these communities, municipalities to make these funding decisions to keep policing levels where they are or to meet growth, but there are unanticipated consequences as a result. So does your ministry not undertake any risk assessment work to determine perhaps the negative impacts of these cost pressures to these communities?

Mr. Cooley: On the police funding model we're certainly aware of municipalities' concerns regarding the cost pressures that they face. As we were developing the model, we looked at different configurations of how we can – what factors we could take into account when preparing the model. You know, the model adjusts for population, the model provides subsidies for crime severity and shadow populations, et cetera. And we will continue to monitor the model as we go forward. Having said that, what the police funding model does do is provide – all that money goes back into rural policing, so it is leading to increased services for those municipalities that now pay under the police funding model.

Ms Renaud: Thank you for that. Would your ministry be able to table those factors that you talked about, that you listed, when making these decisions or designing this new policing funding strategy?

Mr. Guthrie: Point of order.

Mr. Cooley: No. Absolutely we can.

The Chair: Sorry, sir. I'm just going to – we have a point of order called in the room.

Mr. Guthrie: Under 23(b)(i), "the question under discussion." This is the third time in a row that we haven't had any reference to any sort of line item in the Auditor General's report. We seem to be speaking here about policy, and we're getting outside of what the intended purpose is.

Mr. Schmidt: Thank you, Madam Chair. I mean, we have before us the annual report of the Justice ministry, which includes the budget. The annual report is quite clear that the Justice ministry has been engaged in consideration of funding model changes. It states that explicitly in the annual report. We've got in the budget – police grants are up for discussion. I think the member is way off course. And if you were to find in his favour, that would eliminate our ability to ask any questions related to the annual report whatsoever.

The Chair: Thank you. Having heard arguments on both sides, I do not find a point of order. The member referenced the annual report two or three times at the beginning of her round of questioning, including specific page numbers. So there is no point of order at this time. Members are always encouraged to refer back to specific page numbers and commitments made by ministries in the annual report, as in this instance was undertaken by the member.

Please, Official Opposition side, you have four minutes, 49 seconds remaining in your rotation.

8:30

Ms Renaud: Thank you, Madam Chair. Just going back, thank you for agreeing to table the list of factors that you discussed before the point of order.

Just building on that, I have a quick question. Did the ministry do any economic analysis on the affordability of policing, the costs of policing, before it chose to download these costs to communities? Was there a tool that was used, was there a process that was used other than the factors that you discussed? Before you undertook this wholesale change to create this historic investment in rural policing – I'm wondering if you could just walk us through what kind of analysis was done to determine feasibility.

The Chair: If I may, to the Justice officials, if you could just introduce yourself and just say your name before you speak just so that *Hansard* can keep up, please.

Mr. Bosscha: Thank you, Chair. I'll turn it over to Senior Assistant Deputy Minister Bill Sweeney from public security to answer this question.

Mr. Sweeney: It's Bill Sweeney from the public security division. I will try to answer the question, Chair. When we were developing the police funding model, we worked very closely with our colleagues in Municipal Affairs. They use a tool called equalized assessment to assess the relative capacity of municipalities to pay. It's a tool that they have developed and one which we adopted in the context of the police funding model. That factors about 50 per cent of the funding formula for the police funding, so it's the ability

to pay. It's actually factored into the legislation or the regulation for the police funding model.

The second element that was taken into consideration is what proportion of the front-line policing costs would be charged back to rural municipalities. We had a wide range of options. In some jurisdictions in Canada they actually collect 100 per cent of those front-line policing costs. We chose to start at 10 per cent so that it's relatively affordable and scale up to 30 per cent in the fifth year based on a very serious consideration on affordability for those rural municipalities. Also, the front-line policing costs do not include specialized units within the RCMP, so it's only those units that rural residents will likely see during the course of business. The specialized units that engage in major crimes, air services, forensic ident are excluded from those costs. All of those considerations were taken into account in developing the police funding model.

Ms Renaud: Okay. Thank you.

Just quickly, I have a question. I was looking at, you know, some of the discussion, obviously, from some of the stakeholders around the changes to the way policing is funded in Alberta, as described in the annual report, and one of the concerns is around resource deployment. Understanding that not all of the details are finalized, I suppose that municipalities and communities really want to know what they can expect in terms of additional provincially based specialized supports or funding. We've already asked for the number of FTEs, sort of boots on the ground by community, to be tabled, but I suppose – is it possible to get a more broad picture of what these rural communities that will be contributing where they didn't before, what else can they expect in terms of specialized policing supports such as whether it's auto theft, major crimes unit, crime reduction units, any of the things that augment local law enforcement? Is that possible, to get an estimate of what that increase of services will look like in those rural communities?

Mr. Sweeney: I'll try to answer the question, Chair. One of the considerations that we took into account when we were developing this model in terms of enhancing services in rural Alberta: we thought it was very important and the minister felt . . .

The Chair: Thank you, ADM Sweeney. I'm sure we'll have an opportunity to get back to it.

We now move on to a 15-minute rotation on the government side, and I'm seeing that Member Rowswell would like to lead off.

Mr. Rowswell: Thank you very much, Chair. Thank you for being here today. I'll start out with the Alberta law enforcement response team, ALERT. It's identified on page 17, and it's described as specializing in investigations, organized and serious crimes. On the same page it outlines that in addition to the \$29.1 million there's an additional \$50 million to be given to ALERT over a four-year period. Can you tell me how that amount was determined, that that was an appropriate amount that you needed?

Mr. Cooley: Thank you. It's Dennis Cooley, associate deputy minister. This amount: you're correct in the value. That amount was set out in the UCP platform. It's not something that the department had a hand in determining, so we're not able to speak about how it was arrived at and why those numbers were arrived at, why it was felt that that was adequate to address ALERT's needs.

The department can state that the minister has outlined a series of priorities that he provided to ALERT for their operations, and the funding levels provided are allowing ALERT, through its board of directors and the joint management team, to create capacity to address those priorities in a manner that law enforcement leadership

on the board, the joint management team, and within ALERT have all deemed to be effective.

Mr. Rowswell: So, then, what kind of oversight do you have on that money being spent?

Mr. Cooley: ALERT provides an annual business plan to the ministry that outlines in detail how it will utilize the resources that they have been provided in support of the minister's priorities and the ALERT mandate. The business plan provides quarterly updates, regular financial updates, and an annual final report, which speak to how we've performed against the plan. In addition, ALERT is required to undergo financial audits conducted by an outside auditor.

Mr. Rowswell: Okay. Thank you. On page 17 it also mentions that the ALERT board of directors developed a four-year plan to utilize this additional funding. Can you elaborate on the development of this plan and how funding will be allocated and the logic behind that?

Mr. Cooley: Thanks for the question. Yes. This business plan is a continually evolving one, which is updated each year. The minister provides direction to ALERT in terms of strategic priorities and the mandate for ALERT, which is discussed by the ALERT board. The ministry is represented at the board by the senior assistant deputy minister, who sits on the board with the chiefs of police and RCMP commanding officer. The business plan is refined each year to reflect current priorities and trends. Funding is allocated based upon identified operational needs and the strategic assessment of the same by ALERT's management team, the board, and the ministry and balanced against the department fiscal pressures and commitments of government.

Mr. Rowswell: Okay. I was just looking at the quick facts on the report, and I was looking at the Integrated Threat and Risk Assessment Centre. Can you expand on what that's about?

Mr. Cooley: Yeah. I'm going to pass the microphone to Senior Associate Deputy Minister Bill Sweeney.

Mr. Sweeney: The I-TRAC unit, the integrated threat assessment centre, is a team of very specialized and highly trained police officers and civilians and psychologists trained to conduct threat assessments in domestic violence cases. The I-TRAC unit has been an integral component of the government's current initiative with respect to Clare's law to do threat assessments and to give vulnerable women or partners additional information to keep them safe before violence occurs.

8:40

Mr. Rowswell: All right. Thank you very much.

My second question. On page 17 of the annual report it mentions that the ministry announced the creation of the rural Alberta provincial integrated defence force, or RAPID, in November 2019. This expanded the roles and authorities of 400 peace officers from various branches such as fish and wildlife to respond to crimes in rural areas. Can the ministry explain the rationale behind expanding the authorities of these peace officers and how it was determined this was the best way to achieve key objective 1.2, strengthen Alberta's rural crime response?

Mr. Cooley: Thank you. It's Dennis Cooley, associate deputy minister of Justice and Solicitor General. The rural Alberta provincial integrated defence response, or RAPID, was announced by the previous Minister of Justice, Minister Schweitzer, in 2019

after hearing public dissatisfaction with the current police response to crimes in rural Alberta. Along with other initiatives such as making investments in the provincial police force, RAPID was designed as an additional measure to provide timely law enforcement response to serious crimes in rural Alberta. Saskatchewan's government launched a similar program, the protection and response team, in 2018, which saw peace officers assisting the RCMP in responding to emergency occurrences.

Two phases of RAPID will be implemented in 2021. Phase 1 has been launched as of April 1, 2021, and consists of fish and wildlife officers providing an initial response or backing up RCMP officers at urgent and emergency occurrences. Phase 2 will launch in late spring of 2021 and will consist of sheriff highway patrol officers taking on a greater role in augmenting the RCMP in responding to complaints and occurrences related to traffic safety and enforcement so RCMP officers can focus on rural crime. Enhanced authorities, training, and equipment for fish and wildlife and sheriff highway patrol officers are essential for these officers to carry out their duties. That equipment and training has been secured. As I said, phase 1 was launched as of April 1.

Mr. Rowswell: Okay. Thank you. What metrics are being used to determine whether we're being successful with this project?

Mr. Cooley: An evaluation framework has been initiated, and data to support metrics utilized in the evaluation has been developed. Metrics to be used in the evaluation of the RAPID response program include short- and medium-term measures and the impact of RAPID on rural crime, which are sort of medium- and long-term measures. Those metrics are currently under development.

Mr. Rowswell: Okay. My last question. I'm just wondering about the peace officers. Like, this is additional responsibility for them, additional training. How do they feel about or what have been their comments relative to being asked to do these extra things, and has there been a request for more compensation?

Mr. Sweeney: Bill Sweeney from public security division. Two very important questions. First, we've had a number of engagement sessions with our officers, and they are excited, generally, about the prospect of contributing in a much more significant way to public safety in the province of Alberta. The second question, with respect to compensation: we did conduct an extensive job assessment, and at this stage there is no change in classification. That can be reviewed in six months. It's also a question of bargaining and the current bargaining session. It's fair to say that our officers feel that they are entitled to additional compensation.

Mr. Rowswell: Okay. Thank you.

I'll pass it on to MLA Lovely, then.

Ms Lovely: Thank you, Member. Madam Chair, thank you. I'll proceed. In 2019 the government of Alberta pledged to conduct a review of the current victims' service model, including service delivery, funding, and victim compensation, to ensure that the system is meeting the needs of victims in a way that is effective and financially stable. In the annual report key objective 3.1 on page 33 mentions that the engagement for the review of the current victims' services model began in late 2019 and that "approximately 885 surveys were completed as part of the engagement." This leads me to my question. Can the ministry explain what operational measures were put into place to ensure that the role of this engagement was successful?

Mr. Cooley: Thank you for the question. For the response, you're quite correct. There was an extensive review of victims' services that was commenced in late 2019. An extensive stakeholder list was compiled to ensure the most relevant stakeholders were invited to provide input into both phases of this review. Phase 1 looked at victim-serving organizations, organizations representing indigenous communities, relevant government contacts, and past recipients of the financial benefits program. Phase 2 involved victims' services organizations and organizations representing indigenous communities. Program staff sent multiple reminder e-mails to ensure high levels of participation, and attendance was tracked to guard against missing core stakeholder groups. For phase 2, in between rounds of meetings a summary of what we heard during the first round was shared with stakeholders to validate input that we gathered.

Throughout our engagement the program area welcomed feedback on the engagement approach and received validation from participants that they felt the mode of engagement was inclusive and that they felt they were heard.

Ms Lovely: Thank you.

What goal did the ministry have for engagement, and was the ministry able to meet the targeted goal?

Mr. Cooley: Thank you. All of the engagement was to gather input on a number of items. First off, we wanted to gather input on the model for the victims' assistance program specifically, which is a replacement for the financial benefits program. We also looked at what aspects of the current service delivery model worked well, which aspects are not working well – for example, are there any gaps in service? – and we looked for suggestions for solutions. We then needed to apply what was learned from the beginning of the engagement toward the permanent victims' assistance program, that will be launched very shortly. We also wanted to develop an updated service delivery model based on feedback that we received from our discussions.

A report of findings from this engagement was submitted to the minister in February of this year, 2021, and the program area will ultimately return with a new model sometime later in 2021 to enact the recommendations from this engagement.

Thank you.

Ms Lovely: Thank you for the answer.

What sort of information did the department gather from these surveys, and how was it used to inform the implementation of the victims' services model?

Mr. Cooley: During phase 1 the information to develop a replacement program for the financial benefits program was collected. This information informed the development of the interim victims' assistance program and is continuing to inform the development of the replacement program as we move forward. Phase 2 aimed to gather further information on the development of the permanent victims' assistance program, that will be launched later in 2021.

Thanks.

Ms Lovely: Thank you for the answer.

On page 33 of the annual report we see that a no-cost community impact statement program was established within the victims' services branch. It's my understanding that this program enables a representative of a community to submit a statement to the court for consideration at the sentencing of an accused person. How were the parameters of this program determined by the department?

8:50

Mr. Cooley: The parameters of the program were established as a result of the Canadian Victims Bill of Rights.

The Chair: Thank you, ADM. Thank you for that. That time has elapsed.

We're moving on to the Official Opposition for a 10-minute rotation, and I am seeing that Mr. Schmidt is going to lead off.

Mr. Schmidt: Thank you. I want to ask a few questions about ASIRT. It's referenced on page 16 of the 2019-2020 annual report. It says that 75 ASIRT files were opened, including a record-high 68 investigations. Can you give me a sense? Sixty-eight investigations is a record high. Was 75 files opened a record high as well? What are the trends that we are seeing up to the end of '19-20 in terms of the number of files and investigations that ASIRT is responsible for conducting?

Mr. Sweeney: It's Bill Sweeney from the public security division. Yes, we've been seeing an increasing number of files that are reported to us. It should probably be something to take note of that ASIRT is unique in that its mandate is broader than any civilian police oversight investigative unit in Canada. Serious and sensitive matters can be quite a broad and inclusive category of reports that can come to me as the director of law enforcement, and I can assign the files to ASIRT. So everything from corruption to shooting, police officer involved shooting incidents: those generally are the range of incidents where I'll assign the investigation to ASIRT.

We're seeing greater levels of compliance with reporting obligations from police agencies across the province, which, in part, explains the increase in numbers, but we are also seeing a number of very serious matters that in recent years have caused a lot of concern. The Calgary Police Service, of course, had a retired justice take a look at their training, their recruitment, their policy framework to ensure that there was nothing intrinsic to the police service that is causing increased levels of police interactions that result in notifications.

Mr. Schmidt: Sorry, Madam Chair. The ADM referenced increasing rates of compliance with reporting. What is the rate of compliance, and if it's less than 100 per cent, why would that be the case?

Mr. Sweeney: Initially I think it was in the early days of ASIRT that there were questions with respect to what a serious matter was in terms of section 46.1. The Police Act actually uses the term "serious" in two different parts of the act. One relates to public complaints, and there's a series of definitions that are different from the use of the term in section 46.1. In some police departments they adapted the public complaints definition for serious, and unless we actually became aware of it, we wouldn't be able to hold them to account to make that notification. Unfortunately, that was the case in the city of Calgary, which led to an inquiry called Arkininstall, which dealt with issues relating to the interpretation of "serious." Those issues are now resolved. Police departments across the province are fairly consistent in the application of the term as it's used in section 46.1.

Mr. Schmidt: Boy, Madam Chair, the ADM is not giving me a whole lot of confidence in the ability of ASIRT to oversee police reports of these natures for incidents when we say that they're being fairly consistent. Who is responsible for making sure that police departments comply with the requirements under the legislation to report these incidents to ASIRT, and what enforcement

mechanisms does that organization or person have to enforce compliance?

Mr. Sweeney: We do audits of police departments on a rotational basis to ensure that they're compliant with their requirements under the legislation and with the police standards. From time to time we have in the past encountered situations where police departments have exercised their discretion inappropriately, and I've held them to account as a consequence.

Mr. Schmidt: Are the results of those audits publicly available?

Mr. Sweeney: Yes. We release the audits to the police commissions and police.

Mr. Schmidt: So where would a member of the public go to understand if their local police force is complying with the requirements of ASIRT to file these reports?

Mr. Sweeney: You can make an inquiry with your local police commission.

Mr. Schmidt: Why wouldn't the Justice ministry make those reports available? Like, you are the people who are responsible for ensuring compliance. Why wouldn't Justice make those reports, those audits readily available to the people of Alberta?

Mr. Guthrie: Point of order.

The Chair: Pardon me, ADM Sweeney. We have a point of order called here.

Mr. Guthrie: Yeah, under 23(b). This is related to policy, the why of the policy. Our purpose to be here is about implementation of the policy and how effective it was in the past as it relates to the AG's report. I think that we're just kind of veering a bit off track here. I'll leave it at that.

The Chair: The Official Opposition?

Ms Pancholi: Yeah. Madam Chair, I'll just state that, obviously, the issue has arisen in the context of conversation and discussion and debate that's happening on the basis of the annual report, discussion of the role of ASIRT. We are talking about – the member's question was about accountability and transparency, which I believe is the fundamental purpose of this committee. I think that it's within order. It's obviously a matter that's addressed within the annual report, and it has arisen within the discussion with the ministry officials. I believe that it's wholly within order.

The Chair: Okay. Thank you.

Having heard representations about this, I will remind the Member for Edmonton-Gold Bar that we are referring back to the annual report and the commitment of the ministry to ensure reporting of serious and sensitive matters and the follow-up audits that have occurred of various police forces on compliance with the stated objective in the '19-20 annual report, that there be a more consistent reporting by police services into ASIRT for advice on 46.1, serious and sensitive matters, and cleaning up the definition of serious and sensitive matters. If the hon. member could bring his comments back to the audits on the compliance with that commitment that was made in the '19-20 annual report and to any communication with the public on the results of those audits and where the public might find the compliance with that commitment that was made in the annual report, that would be good. Having said

that, there is not a point of order. There is simply a request that the member bring it back to the annual report.

Thank you.

Mr. Schmidt: Thank you.

Can the ADM tell us if within the '19-20 fiscal year the department made any consideration as to whether or not the money spent on the investigations with respect to ASIRT, how ASIRT is functioning with respect to the legislation, if accountability and transparency could have been enhanced by changing the way in which reports on the audits of compliance of local police departments with the legislation – was there any consideration to changing the reporting mechanisms that are currently in place?

Mr. Sweeney: I think that the best answer I can give to your question is that there are a number of elements of the current Police Act which are considered to be not as helpful as possible with respect to holding police services accountable for notifications. Subject to the review of the Police Act we're hoping that we will be able to bring forward reforms that will actually close those loopholes so that we have the authorities and the appropriate mechanisms to do the things that you are actually asking us to do. The current act is not as helpful as it could be.

9:00

Mr. Schmidt: I'm wondering if the ADM could tell us what lessons he learned in fiscal '19-20 that will feed into the Police Act review. Could he be specific about what changes to the Police Act he would like to see as a result of '19-20 activities in the area of holding police forces to account? What specific changes would he recommend to the Police Act as a result of work that was done in this fiscal year?

Mr. Sweeney: I can't answer that question because we will be providing advice to the minister with respect to those issues, but I will say that there are many sectors of Alberta society, stakeholder groups, that have suggested that all matters that indicate that a police officer may have been involved in a criminal offence or a criminal matter ought to be mandatory reporting items, that there should be no discretion with respect to making any interpretation of what is a serious or sensitive matter.

Mr. Schmidt: Can the ADM tell us what the backlog of investigations was at the end of fiscal 2020?

Mr. Sweeney: I'd have to go to the annual report.

Mr. Schmidt: Can you commit to tabling that, then, ADM?

Mr. Sweeney: I can.

Mr. Schmidt: Yeah. Thank you very much.

Can the ADM also tell us: what are the measures of success for the work of ASIRT? How did Albertans know from 2019-2020 that police forces are being held to account well enough through the work of ASIRT, or how do we know that we're getting our value for our money for this organization?

Mr. Sweeney: I think the measure is that the investigations are conducted by an independent investigative agency, not a police service, so the perception of bias is addressed by virtue of the fact that the independent investigative agency is conducting the investigations. We have civilian oversight. We have two very senior Crown prosecutors that are always . . .

The Chair: Thank you to the ministry officials for that.

We will now move to the government side for the first 10-minute round.

Mr. Guthrie: We'll go to Mr. Neudorf.

The Chair: Okay. Over to Mr. Neudorf, who has joined us via videoconference.

Mr. Neudorf: Thank you very much, Chair, and thank you, ministry officials, for being here today. Just to follow up a little bit on the questions put forward by hon. member Mr. Schmidt about the Police Act review, can you just please indicate a little bit on what you're hoping to do with that review in light of increasing the effectiveness of audits and reporting by local and municipal police forces?

Mr. Sweeney: The Police Act review looked at a number of different dimensions of policing in the province and how the act can potentially influence elevating public confidence and trust in policing generally. Everything from commissions to standards to reporting to the role of ASIRT to recruiting: a whole range of activities were examined, and recommendations were received from the stakeholder community. We're in the process of assessing and synthesizing all of the information, and we will be presenting the minister with recommendations in the near future with respect to what the future may hold in terms of a new Police Act. It really is from start to finish. Every part of the act has been examined.

Mr. Neudorf: Thank you. I appreciate that.

Again, if you could just elaborate a little bit further. When you discuss the outcomes that you're looking for in terms of public trust and that part of the Police Act, obviously that's going to have efficiency measures built into that. Those recommendations, going forward, I assume will also be tabled in the Legislative Assembly and made public. Do you have a time frame for that reporting and that report being tabled as well as any other, again, details that you're able to provide at this point in time about elevating the public trust in and efficiency of those measures?

Mr. Sweeney: There were two phases of consultation on the Police Act. In the first phase there was a report that was provided to the minister and that has been shared with stakeholders, but it was a very high-level review of the Police Act. It didn't get into any specific recommendations. I can't speak to any potential timeline other than the timeline that we are scheduled to bring our report to our minister, and that is in the spring of this year.

Mr. Neudorf: Thank you very much.

Those are all the questions I have at this time. I will cede further time back to MLA Lovely.

Ms Lovely: Thank you, Member and to the ministry staff. Just to go back to page 33 of the annual report, we were speaking about the community impact statement program. I just wanted to touch base with you to see if there was any further information that you wanted to share regarding that question or if you had provided a full answer.

Mr. Bosscha: MLA Lovely, could you just repeat the question?

Ms Lovely: Absolutely. I'll just review the whole thing again because it was quite a few minutes ago. On page 33 of the annual report we see that a no-cost community impact statement program was established within the victims' services branch. It's my understanding that this program enables a representative of a community to submit a statement to the court for consideration at

the sentencing of an accused person. The question is: how were the parameters of this program determined by the department?

Mr. Bosscha: Thank you for that.

I'll turn it over to Associate Deputy Minister Dennis Cooley.

Mr. Cooley: The parameters for the program were actually established under the Canadian Victims Bill of Rights in 2015, and now our role is to implement the impact statements. What the program allows: it allows for a single representative of a community to submit a statement to the courts indicating how a crime emotionally, physically, or financially impacted that community. That community impact statement program became operational on June 1, 2020. In that short time it has been used, to the best of my knowledge, three times in Provincial Court. We had a victim impact statement program that's been running for a number of years, and the number of statements submitted by a victim and/or a family member as part of the court process, giving the victim a voice in the court – those numbers are, you know, close to 7,500 since that program was initiated.

Thanks.

Ms Lovely: Thank you for the answer.

With the purpose of this program being to take into consideration how a crime has affected the community as a whole, how was this program designed to achieve this target?

Mr. Bosscha: Thank you for that question. The community impact statement is a chance to let the judge know how your community has been hurt because of a crime. The judge will consider that statement if the accused is found guilty and when sentencing the offenders. The statement is voluntary. It is submitted by the community's representative and can be read out in court when the offender is sentenced.

Anything to add, Associate Deputy Minister Cooley?

9:10

Mr. Cooley: No.

Mr. Bosscha: Okay. Thank you.

Ms Lovely: Thank you for the answer.

What performance measures are in place to ensure that the no-cost community impact statement program is successful, particularly in supporting outcome 3, "Albertans are supported in their interactions with the justice system"?

Mr. Cooley: Thank you. The submission of the community impact statement is integrated into criminal justice processes as a matter of practice and is part of a suite of integrated processes enshrined in the Canadian Victims Bill of Rights, including the right to restitution, the right to submit a victim impact statement, a community impact statement, and the right to protection. These rights are voluntary and upon request of the individuals involved.

Thank you.

Ms Lovely: Thank you for the answer.

On page 14 of the annual report outcome 1 is identified as ensuring "Albertans are safe and protected." Key objective 1.1 is shown as: "examine police funding to ensure it is equitable." Something that has been highlighted throughout this report in both the letter from the former minister and under this objective is the development and implementation of a new funding model. My question is: can the ministry explain for the committee how this new funding model was developed with municipalities and what metrics were used to measure the success of the implementation?

Mr. Cooley: Thanks. You're correct that the police funding regulation came into force on April 1, 2020, and was created to implement two separate initiatives, both of which address police funding and resourcing matters. These are the implementation of the police funding model and the absorption of what we refer to as option 1, enhanced policing positions, or EPPs. Providing adequate and effective police services in the province of Alberta is the responsibility of the provincial government under the Police Act. The police funding model takes the total cost of front-line officers and redistributes a portion of those costs to municipalities who receive the services of the provincial police services or the RCMP.

The new police funding model requires those communities who had not previously paid for front-line policing to begin contributing a portion of the cost. The model includes five variables that are used in the calculations to distribute the province's cost. These are equalized assessment, population, crime severity, shadow population, and detachment location. Each January, starting in 2021, municipalities will receive an invoice stating the amount that the municipality will pay for that fiscal year. The invoice . . .

The Chair: Thank you.

We will now move on to a third rotation of 10 minutes with the Official Opposition side. I am looking to the Official Opposition. You may lead off. Your time begins when you start speaking.

Mr. Schmidt: Thank you. I want to go back to ASIRT if I can, Madam Chair. Is it fair to say that the goals of ASIRT are not only to hold individual police officers accountable but to reduce the number of serious incidents that are committed by police officers in Alberta?

Mr. Sweeney: ASIRT's mandate is to conduct investigations. The second component is not part of their mandate but is a part of the broader mandate of the ministry.

Mr. Schmidt: Can the ministry tell us what work was done in 2019-2020 to address the number of serious incidents that are committed by police officers and, you know, to aim to reduce the number of these incidents that are committed?

Mr. Sweeney: The ministry has worked with the police chiefs through their use-of-force committee and previous to 2019 made recommendations to our minister to support a Law Enforcement Review Board inquiry under section 17 of the act to review the practices of the Calgary Police Service with respect to notifications, recommendations from that inquiry that we took to the use-of-force committee and implemented.

Mr. Schmidt: I note on page 123 that the Law Enforcement Review Board lapsed \$31,000 of the, you know, \$625,000 that was allocated to that branch. Did the Law Enforcement Review Board in fiscal 2019-2020 have adequate resources to conduct this review that you mentioned?

Mr. Sweeney: It's Bill Sweeney from public security division. Yes, they had adequate funding to conduct the section 17 inquiry.

Mr. Schmidt: And were the results of that inquiry publicly available anywhere?

Mr. Sweeney: Yes, I believe.

Mr. Schmidt: Okay. Thank you for that.

In 2019-2020 did the department give any consideration or did ASIRT give any consideration to collecting and reporting any race-based data on who were involved with these incidents?

Mr. Sweeney: The collection of race-based data is a question that is under serious consideration by Canada and the provinces. There are various perspectives that need to be taken into account with respect to the collection of race-based data, but it's certainly a live conversation that we're currently engaged in.

Mr. Schmidt: Okay. Thank you very much for that.

I want to turn now to the issue of COVID. COVID is mentioned on a number of occasions in the 2019-2020 annual report. Of course, we knew very early in 2020 that Alberta was going to be facing, or potentially facing at least, a serious pandemic, and of course in December of 2020 we saw quite a serious outbreak at the Calgary Remand Centre. I'm focused on the 2019-2020 annual report. Can ministry officials comment on what planning was done in the early stages of the pandemic to deal with potential outbreaks at correctional facilities?

Mr. Cooley: Thanks. I can start off, and then I'd like to turn it over to Kim Sanderson, who is the assistant deputy minister of corrections. They can provide a more complete response. Certainly, during, you know, the first few months of the year in question we were aware of COVID, and we began to work with our partners at Alberta Health Services to develop protocols and practices for how to manage COVID if and when it entered our correctional facilities.

Kim, could you provide a more detailed response with respect to some of the protocols that were in place with AHS?

Ms Sanderson: Good morning. Kim Sanderson, ADM for the correctional services division. Planning for health incidents such as the pandemic is nothing new to corrections. We regularly face health issues, typically in flu season or other situations that develop in the community. It's not new. We have a standing protocol that we rely on in anticipation of these events. And then with the arrival of COVID we were working very carefully with Alberta Health Services to up our game, so to speak, and make sure that the enhanced protocols were in place. For example, when individuals are brought into custody in the first place, they are quarantined. They're not placed in the general population with other inmates. They're quarantined for 14 days or until their test results come back. Everybody is tested upon admission. Then if they are symptomatic or if their test results come back positive, they are moved to an isolation unit. That was some of the initial planning that went forward.

Then there was a strong educational component to this with inmates and staff on the things that we've all become accustomed to: masking, hand sanitizer, general cleanliness, and that sort of thing.

9:20

Mr. Schmidt: Can department officials comment on what staffing plans were made to deal with potential staffing shortages as a result of either becoming sick with COVID or coming into close contact with people who were infected with COVID? Certainly, we've later heard reports that staff had been asked to come in sick. The minister has denied that that was the case. What planning was done to make sure that adequate staff were on hand in the event that there were staffing shortages because of close contacts or infections?

Ms Sanderson: I can assure you that staff were not asked to come in when they were sick. One of our biggest concerns was, obviously, controlling the spread of the virus. We would not be asking staff to come in knowing that they were ill.

The staffing planning that took place is similar to what we do every year anticipating staff shortages, because of flu season or

whatever, and making sure that we have adequate staff available. We do have the opportunity to hire individuals on a wage basis if that's necessary; it wasn't necessary during this pandemic. We were able to manage with the staff that we had. And with the testing that was provided, people were able to return to work fairly quickly once their test results came back.

Mr. Schmidt: Who is responsible for contact tracing in correctional facilities?

Ms Sanderson: That would be Alberta Health Services.

Mr. Schmidt: Okay. Speaking about COVID and the interplay between Justice and Alberta Health Services, can the ministry comment on what plans were made for enforcing potential health measures?

Ms Sanderson: Enforcing health measures within the correctional centres?

Mr. Schmidt: No, no. Sorry. Just broadly speaking. I mean, before the end of fiscal '19-2020 we saw a number of public health measures implemented. Those were enforceable. What planning did the ministry have in place for providing resources for enforcement of those public health measures?

Mr. Sweeney: It's Bill Sweeney from the public security division. The enforcement of public health orders. The ministry has worked with the Alberta Association of Chiefs of Police and Health officials, including Dr. Deena Hinshaw herself, to ensure that information was distributed to the police agencies with respect to the public health orders and processes that are in place to charge violators. We have also worked with authorized employers of peace officers to extend extraordinary authorities to community peace officer level 1s to enforce the public health orders in place.

Mr. Schmidt: Who is responsible for enforcing public health measures with respect to COVID?

Mr. Sweeney: Public health inspectors that are appointed pursuant to the Public Health Act, police officers, and peace officers level 1.

Mr. Schmidt: Okay. Was there any consideration given to increasing the amount of money spent on public health measure enforcement in 2019-2020?

The Chair: Thank you, hon. member.

We'll now move on to a 10-minute time block for the third rotation on the government side. Member Lovely.

Ms Lovely: Thank you, Madam Chair. Just to go back, I was on page 14 of the annual report. Outcome 1 is identified as ensuring Albertans are safe and protected. My question is: what steps did the ministry take to ensure this was the most effective and cost-effective way to address objective 1.1?

Mr. Cooley: Well, thank you for the question. It's Dennis Cooley. Stakeholders have been interested in receiving more services from the RCMP in their communities as issues like rural crime affect them. They have been calling for more police officers, and having municipalities begin to pay a portion of policing costs will help increase RCMP numbers in Alberta. The new police funding model will generate revenue that will be reinvested into policing with a point of increasing core policing. Funds need to be collected in order for this to happen.

The RCMP and JSG have a plan to invest in RCMP officers and civilian support staff that will do a number of things. First off, support rural detachment enhancement, and this is a priority in the first few years of investment, so more regular members in rural detachments. We also want to expand our aerial observation capability. We also want to undertake a methamphetamine and opioid initiative. Next, we want to address auto theft, and there are a number of backhouse operations that we also want to address, including the advancement of a call-management initiative that will allow a more efficient call-management process. When a citizen calls 911, the call-management initiative will distribute officers more efficiently. With the money from municipalities reinvested in policing, as I mentioned earlier, a total of 55 regular members and 42 public service employees will have joined the RCMP by 2021-22.

Thank you.

Ms Lovely: Thank you to the ministry team. I appreciate your answers today.

I wanted to cede my time to Member Singh.

Mr. Singh: Thank you, Madam Chair, and thank you, MLA Lovely. I'd also like to thank the ministry officials for being with us to provide a report on recommendations for the office of the Auditor General. My question. Page 15 identifies that a new Alberta Police Advisory Board would be created as part of the next steps in the process. This board is to have representatives from both rural and urban municipalities as well as the Alberta Association of Police Governance. The purpose of this board is to give small and rural communities a place to discuss policing priorities with the RCMP. Can the ministry explain the process behind determining that this would be the most effective way to have rural voices heard to achieve objective 1.1?

Mr. Cooley: Thank you for the question. The Alberta Police Advisory Board was established as a result of the implementation of the police funding model, and the rationale was that if municipalities were going to be contributing to policing costs, then they ought to have a say in how those revenues would be utilized. Through consultations conducted during the police funding model, stakeholders such as the RMA and the AUMA recommended that a board be established to provide input into policing priorities and the buildup of the new resources being funded from the police funding model. The previous Minister of Justice and Solicitor General agreed to this idea, and an interim police advisory board was set up to provide this input to the minister along with developing the scope, terms of reference, and governance documents for the operational board and the recruitment and selection process for members of the permanent police advisory board.

Thank you.

Mr. Singh: Thanks for answering.

Page 39 of the annual report delves into Alberta legal assistance network, ALAN, which was designed to increase access to justice for Albertans. Can the department share with the committee what sort of indicators are in place to measure how effective this program is in assisting lower income indigenous Albertans in gaining access to the justice system?

Mr. Bosscha: Thank you for the question. That's right. ALAN is a joint initiative cosponsored by the justice services division and Resolution Court Administration Services. It's aimed at enhancing Albertans' access to legal information and improving referrals between existing legal services. It is important to note that this is not a formal Justice program. This initiative began in response to discussions by legal stakeholders expressing a desire to further

support Albertans with accessing legal services. ALAN advances its work through engagement sessions with key stakeholders to increase connectivity and examine ways to improve awareness, increasing access to justice for all partners. This initiative does not have the overall performance measures. However, each session establishes expected outcomes contingent on the engagement fee. For example, the last session focused on gaps, opportunities, and priorities in serving indigenous clients. The anticipated outcomes for this session were met.

9:30

Mr. Singh: Thanks for answering.

What system has been put in place to ensure these indicators will be used to improve the system?

Mr. Bosscha: Thank you for the question. The intended outcome of this initiative is to connect legal service providers, including indigenous service providers and legal clinics, and through these connections develop more informed referrals to help clients better navigate the justice system. Stakeholder feedback is extremely positive, and service providers appreciate the opportunity to connect with other service providers to learn about their programs and offer information from the services they provide.

Mr. Singh: Thanks again here.

This report also mentions that there was an engagement session held in October 2019 to share information on our own Alberta 211 legal services information database and begin to develop strategies to enhance access to justice for indigenous Albertans. Can the ministry share what feedback they received in this engagement session?

Mr. Bosscha: Certainly. Thank you for the question. Examples of the stakeholder feedback from that October session in 2019 included that further training is required for service providers on what services are available outside their own organization. There was that a common referral tool should be created for service providers in order to provide robust, accurate, and timely referrals and that successive referrals within indigenous communities would be enhanced with the support of elders. It was also noted that there was a lack of transportation, and that limits indigenous clients in their ability to access services meant to assist them. There is also a need for cultural awareness for training service providers that are offering these services to indigenous clients, and there was agreement that engagement creates greater opportunities to correct and build the networks that are necessary to help those they are meant to serve.

Thank you for the question.

Mr. Singh: Then how does the ministry use this information to ensure value in this program?

Mr. Bosscha: The shareholder feedback validates that the ALAN engagement creates opportunities to connect and build networks. Planned engagements in 2020 were delayed due to the pandemic. However, we are working to advance them in 2021 with the planning of summer and fall sessions that focus on indigenous access to justice.

Mr. Singh: Thank you for answering my questions that clarify the ministry's plan on the new Alberta Police Advisory Board and the effectiveness of the Alberta legal assistance network.

I will turn my time to MLA Walker.

Mr. Walker: Thank you, Member Singh.

Chair, how much time do I have in this block remaining?

The Chair: Approximately 20 seconds, hon. member.

Mr. Walker: Okay. Well, I really look forward to my questions coming up. I will be focusing initially on the office of the public guardian and trustee. I quite look forward to that. I will pass it back to the chair as I assume – yeah. Right. Thanks.

The Chair: Thank you, hon. member. I'm sure that now folks from the department will be ready for your questions. Thank you for that.

Fourth rotation now, moving over to the Official Opposition. I'm seeing Member Schmidt. You have 10 minutes.

Mr. Schmidt: I want to go back to COVID response. Was there any consideration given in 2019-2020 to increasing resources for enforcement or for addressing COVID outbreaks in correctional facilities?

Mr. Bosscha: Early in the pandemic the information was not sufficient for us to make those types of determinations. We did seriously look in the last two weeks, basically, of March, where the pandemic had been declared and we were reacting to it. The issue around enforcement and increasing resources became further discussions in the next fiscal year.

Mr. Schmidt: There's been considerable public uncertainty as to who is responsible for enforcing COVID-19 public health measures. Was there any consideration given to an education campaign to inform Albertans as to who to turn to for enforcement of COVID-19 public health measures?

Mr. Sweeney: We work with Alberta Health Services to distribute information with respect to how to make a complaint with respect to potential violations of public health orders, and Dr. Hinshaw has made several public statements with respect to this issue.

Mr. Schmidt: Did the ministry clearly communicate to police services in Alberta that it was their responsibility as well to enforce COVID-19 public health measures?

Mr. Sweeney: Yes. I worked with the chiefs of police on a regular basis at the start of the pandemic and during the course of the pandemic. Actually, later this week we're having further conversations with them with respect to public health order enforcement. We communicate protocols that differentiated who would be the lead agency with respect to different types of complaints. We have worked with authorized employers of peace officers and provided them with information, and we, in turn, received back enforcement-related reports from those entities.

Mr. Schmidt: Can the ADM table the communication that was done between the ministry by the end of fiscal 2020 and police forces as well as table the protocol for enforcement that he referenced?

Mr. Sweeney: Yes, we can provide that information. We worked with Alberta Health Services to develop the protocol, and it's a joint protocol. Yeah, we can provide.

Mr. Schmidt: Thank you.

In any of those discussions, ADM, was there a decision as to an approach to COVID-19 health measure enforcement discussed? Was it decided that police services were going to take a light touch? Was it decided that police services were going to crack down, you know, take a broken window policy, if you will, with respect to public health measure violations? What kind of approach to

enforcement was discussed at the beginning of the pandemic with police services?

Mr. Sweeney: Police agencies operate independent of government and government officials. The individual approaches that police agencies take are at the direction of their chief of police, but having said that, we've had many conversations with the chiefs and authorized employers where we were encouraging a measured approach to enforcement. Given that the pandemic is a rather unique situation for all of us, including police officers, the intent was to inform, to educate, to warn, and, only as a last resort, to charge. That was an approach that we encouraged and that police chiefs and authorized employers for the most part have adopted.

Mr. Schmidt: Thank you.

With respect to the response of the Crown prosecution service, they also have a responsibility to decide what kinds of penalties they'll prosecute. Was a similar decision made by the Alberta Crown prosecution service to take a measured response to prosecuting public health measure violations?

Mr. Bosscha: Thank you for the question. I'm going to ask Kim Goddard, who is the assistant deputy minister at the Alberta Crown prosecution service, to provide a response to that question. Kim.

Ms Goddard: Thank you, and good morning. In answer to your question, the Crown prosecution service applies its prosecution standard to any charge that is brought within our division. That test is applied on an individual basis. We assess public interest and reasonable likelihood of conviction. In the Public Health Act cases the same standard was applied.

Mr. Schmidt: Forgive me; I'm not a lawyer. Can you break that down in terms that I could take back to my constituents who are asking me about what they perceive as lacklustre enforcement of COVID-19 health restrictions? Can you tell me a simple way to communicate to them what the Crown prosecution service's plans for enforcement were?

9:40

Ms Goddard: Our plans for these tickets were to apply our standard that we apply to all of our prosecutions, whether it's a Criminal Code offence or a Public Health Act enforcement. We have to assess each case individually on its merits and look at whether there is sufficient evidence to proceed with the prosecution and whether it meets the criteria for prosecution. That is applied to Public Health Act orders, just as it is for any Criminal Code prosecution.

Mr. Schmidt: Okay. Were there any plans made at the outset of the pandemic for a periodic review of how enforcement and prosecution was going, or was the plan just to take that approach to enforcement and prosecution and stick with it regardless of what was going on?

Mr. Sweeney: As I mentioned earlier, I had regular and routine interactions with the chiefs of police with respect to enforcement, and the intent there was, first, to assess whether or not there were any concerns or issues from their perspective that arose and if, in fact, they did have concerns, to broker meetings with Alberta Health Services to have conversations to reconcile or to address those concerns. It wasn't on a cyclical, regular schedule, but there were regular check-ins. Usually every second month we would have a conversation with the chiefs with respect to public health order

enforcement, and our law enforcement oversight branch would have regular interactions with authorized employers.

Mr. Schmidt: Can the ADM tell us if he was under the perception that the chiefs of police understood that it was Alberta Health Services' role to enforce and that they weren't required to enforce public health measures? In his discussions with police chiefs was it clear to him that the chiefs had the responsibility to enforce these public health measures?

Mr. Sweeney: There was a very clear separation of duties and responsibilities as it relates to which agency is the lead and which agency supports for different types of violations. The public health inspectors, for example, were the lead with respect to enforcing provisions where businesses or gatherings – for example, the GraceLife Church situation, that we currently are all aware of: public health would be the lead agency with respect to those situations, with police providing support if required. Other violations with respect to outdoor gatherings or indoor gatherings, violations with masks: typically on those offences the police services jurisdiction was the lead. Quarantine requirements, check-ins under the federal Quarantine Act: police were the lead with respect to that.

Mr. Schmidt: I hope the ADM can table a detailed breakdown of under what circumstances AHS was designated the lead enforcement agency and under what circumstances police services were designated the lead enforcement agency. He's given a number of examples, but I think Albertans would be interested to know in excruciating detail what that breakdown was.

The Chair: That is the expiration of time for the Official Opposition on the fourth rotation, so I will now look to the government side for their final 10-minute block.

Mr. Walker.

Mr. Walker: Thank you, Chair, and thank you to all the officials from the Ministry of Justice for being here for PAC today. The Ministry of Justice, of course, is critical to the rule of law and the safety and security of Albertans, and I want to recognize and thank the ministry officials for their service. With my questions, Chair, I will be starting with the office of the public guardian and trustee. I have quite a few questions, so please bear with me.

To begin, key objective 2.2 on page 25 of the annual report mentions that there is a need to "streamline processes to increase sustainability and ensure effective use of resources." With that, on the same page you mention that

the Office of the Public Guardian and Trustee (OPGT) has been leading a review of the Adult Guardianship and Trusteeship (AGT) Regulations and the Adult Guardianship and Trusteeship (Ministerial) Regulations [with a goal] to standardize processes and reduce the amount of duplicate information and number of forms required to apply to become a guardian or trustee.

With that said, Chair, my first question on this topic is: how were the measures for this review established? My second question is: what revisions were needed, and how will they help streamline and expedite the process for obtaining a court order for guardianship or trusteeship? If you need me to repeat any of these, I can. My third question on this topic is: how will these revisions ensure maximization of program costs and value for money? Thank you.

Mr. Bosscha: Thank you for the question. In answer to the first question that you posed – how are the measures, I think, for this review established? – the OPGT initiated a proactive internal review of the AGT regulations and AGT ministerial regulations in

the fall of 2016. The review process started with internal working groups who reviewed the regulations with a particular focus on the regulated application forms. The working group focused on the usability of the forms with an emphasis on finding areas of improvement where the forms could be optimized for those applying to become a guardian or a trustee. It was determined that there were too many application forms, the forms themselves were too lengthy, and numerous suggestions were put forward to simplify and streamline the forms as well as reduce duplicate information. The OPGT also held community conversations with agencies who, at the time, were contracted to assist Albertans in navigating the guardianship and trusteeship application process, including the completion of the application forms. They provided information on a large number of private applications as well as information on common problems faced by the private applicants.

Your second question, I think, related to how to streamline and expedite the process. The majority of the recommended changes to the regulated court application forms are addressed by improving, streamlining, and combining the forms with an aim to make them more user friendly for private applicants. Service Alberta has converted the application forms into an XDP format, making it easier for Albertans to complete these forms with fewer errors and with more consistent information. By completing the application forms and by having them be simplified and less repetitive, it makes it easier for the applicant to sort of use the autopopulation throughout the forms. The forms have also been formatted to collapse any sections that are not applicable to the specific type of application being made. This will keep the applications more concise. It allows the applicant to focus only on those sections applicable to their application.

The OPGT is also piloting e-filing applications with support, thus further streamlining and expediting the application process. These changes will make it easier to review the application for the OPGT staff, the clerks of the court, and the justice system. This will help applicants during a court order in a quicker, more streamlined fashion.

The third question that you posed is: ensures maximization of costs and value for money. With all these revisions, it will allow the OPGT, the clerks of the court, and the justice system to do applications more quickly and easily. This maximizes the time and resources available to review the applications. In addition, the OPGT is currently piloting e-filing applications with the courts, and this also should result in both time and cost savings.

9:50

Mr. Walker: Thank you so much for thoroughly answering my questions. It's greatly appreciated.

I'll now be moving on to the pertinent, very important topic of indigenous policing, Chair. I'll turn the ministry officials' attention to page 15 of the annual report. The ministry mentions on that page that police services to indigenous communities are funded under a federal program called the First Nations policing program in partnership with the province. My question: what criteria is the ministry using to evaluate whether this partnership is effective, and what measures are in place to hold both governments accountable? My second question: how is the funding allocation decided under this program?

Thank you, Chair.

Mr. Cooley: Thanks. Yeah. You're correct. Both levels of government have utilized the partnership formed with the First Nations policing program, or the FNPP, since it was introduced in 1991. While this partnership has unique challenges involving both

levels of government's funding requirements, through negotiation a compromise can and is usually found. We have regular meetings. There are regular meetings such as the federal, provincial, and territorial meetings that are held, that help shape policy portions of the program going forward. Alberta has been an active participant in these meetings. A recent example of this participation is the increase in resource levels for community tripartite policing agreements, where we've added seven officers and the self-administered resource level is adding nine officers. Given that there were requests for over 500 new officers across Canada, Alberta was able to obtain 16 out of a total of 110 officers that the federal government was willing to fund, so that's very successful. As an added measure Alberta does participate in regular regional discussions with Public Safety Canada to ensure that we are able to obtain any additional funding opportunities that are presented. An example of such is the commencement of a new police facility at the Goodfish First Nation. Public Safety Canada will invest 52 per cent of the capital cost for this facility.

With respect to your second question, on how the funding allocation is decided under this program, the funding formula for all matters under the First Nations policing program, whether it's for infrastructure or costs for members: it's 52 per cent government of Canada and 48 per cent government of Alberta.

Thank you.

Mr. Walker: Thank you very much. I especially appreciated the granular data you included there on the policing.

I'll just quickly, in the last 90 seconds, get to the indigenous court work program. As mentioned on page 31 of the annual report, the indigenous court work program ensures that indigenous people receive fair, equitable, and culturally sensitive treatment in court by providing indigenous litigants, their families, and indigenous victims with services or assistance before, during, and after the court process. My question: what are the performance metrics put in place for this program to ensure that the program is delivering on its targets? My second question: were the program policies efficient in ensuring that the program was successful? Were there any new policies added to this program? My final question in regard to the indigenous court work program is: was there an increase in the need to deliver this program? If so, how did the department adjust to meet these increased needs?

Those are my questions. Thank you, Chair and to the officials.

Mr. Bosscha: Thank you for the question. The program's value for money is demonstrated by the cost of providing the elite level of services they provide to the clients and to support the courts and by the efficiencies created within the justice system. Support before, during, and after court costs the province about \$74 per client in criminal court while promoting the fair and . . .

The Chair: Thank you.

We will now move on. A couple of matters of business first. These three-minute rotations, hon. members, for those of you who are new, are to read questions into the record for which we are requesting a written response follow-up from department officials, but that may run us over 10 a.m. I just need unanimous consent to move over the 10 a.m. mark if we happen to bump into it. Looking at hon. members, do I have unanimous consent to move beyond 10 a.m.? Okay. Seeing that, very good. I'll just give a moment for anyone on the phone to register any objections, just so that we are following the right procedure here.

All right. Seeing none, we will now move on to the fifth rotation, which is three minutes for an hon. member to read questions into the record. I am seeing Ms Pancholi. Please begin.

Ms Pancholi: Thank you to the ministry officials. Here are the questions I'd like to read into the record. With respect to the Law Enforcement Review Board, would the minister be able to table information regarding caseload growth for the Law Enforcement Review Board going back two or three fiscal years prior to 2019-2020, so beginning in 2017-2018, if possible?

With respect to the annual report reference on page 26 and page 30 with respect to hiring 50 new Crown prosecutors, the ministry was allocated \$10 million in 2019-2020 to hire new Crown prosecutors, but at the end of that fiscal year it appears that the number of Crown prosecutors remains the same at least in terms of position. What was the \$10 million used in 2019-2020 for with respect to hiring new Crown prosecutors? What barriers are you facing to staffing up, and what new initiatives did you undertake in that fiscal year?

With respect to legal aid funding, pages 37 and 38 of the annual report, the ministry officials have indicated that \$34.4 million has been at least provided, funded by the Alberta Law Foundation. I just want to clarify whether or not that funding is actually committed above and beyond the 25 per cent that's part of the trust accounts that the Law Foundation pays. What was the planning in terms of 2018-19, the three-year fiscal outlook, in terms of funding for legal aid? Does the \$34.4 million make legal aid funding whole for 2019-20 going forward? What were the planned projections for legal aid funding, and what will the new funding arrangement mean?

Finally, with respect to comments that my colleague the Member for St. Albert, Marie Renaud, made earlier about the police funding model, I just want to clarify. Can the ministry please table estimates for all municipalities, not just Edmonton and Calgary, that saw a reduction in fine revenue as a result of changes to fine revenue collection? I think in the comments it was only about Edmonton and Calgary. We'd like it for all municipalities that were affected by fine changes.

Lastly, really quickly, on the issue of food in prisons, there was a recent issue about kosher food being provided in prisons. I'm wondering if the ministry can table what policy was in place in 2019-2020 around cultural and religious meals being served. How did this compare to other jurisdictions, and what are the spendings for meals versus kosher meals versus vegan meals? I understand a policy was in place. That's what the ministry, at least the minister's representative, had indicated. Tabling that policy would be appreciated very much.

Thank you to ministry officials for that.

The Chair: Okay. That concludes that reading into the record of a number of questions.

I'll now look to the government side for three minutes.

Ms Armstrong-Homeniuk: Thank you, Chair. This is regarding the indigenous justice program. On page 32 of the annual report the ministry mentions that

the indigenous justice program (IJP) supports the administration of indigenous community-based justice programs, which reflect indigenous values and offer alternatives to the mainstream justice process.

With the program currently funding 15 programs located on eight Métis settlements and seven First Nation communities in Alberta, how did the ministry apply the policies and regulations of this program to meet the desired outcomes of this funding while allowing this program to meet the varied and individual needs for these communities? Where were the performance measures for this program? Also, how did the ministry ensure that these funded programs incorporated community perspectives and capacity into mainstream justice processes?

My next questions are regarding drug treatment courts. Pages 18 and 24 of the annual report touched on the work of the drug treatment courts, DTCs, and how they combat cycles of crime and addiction. Page 24 states that there will be an additional \$20 million committed to expanding the use of DTCs over the next four years. What is the basis of the decision by the ministry to expand DTCs? On page 24 of the annual report it mentions that the ministry is developing consistent provincial standards to inform a future DTC indicator. I was wondering if the department could provide an update on the development of these indicators.

Thank you, Chair.

10:00

The Chair: Okay. Thank you very much, hon. members. That concludes the reading questions into the record portion of our agenda.

Ministry officials, we have concluded our business with you today. Thank you very much.

We now are moving on to other business. We have a couple of items on our agenda here this morning that I just want to advise you of. We have a committee annual report. That has been the practice of the Standing Committee on Public Accounts for some time. Examples of previous reports of the committee have been posted now to our committee's internal website for review. It includes a summary of the activities undertaken by our committee, a list of ministries and entities that the committee has met with, and also a brief summary of the conferences attended by committee members. A report for '19 and for '20 has been prepared and reviewed, and I will – oh, it needs to be prepared. Sorry. Yes, that was a key word in that sentence. It needs to be prepared.

I would now like to open the floor to a discussion on this matter and propose a possible motion that

our standing committee direct the committee clerk to draft annual reports of our activities for 2019 and 2020 and that the chair and deputy chair be authorized to approve those reports after they've been circulated to committee members for their review.

That is a proposed motion if a member would like to move it.

Mr. Guthrie: I move.

The Chair: Okay. It is moved by Deputy Chair Guthrie. Thank you, hon. member.

Oh, this is a motion that needs to be seconded, I think, right? No, it does not. Okay.

Any discussion on this motion? Okay.

Seeing none, all in favour? Any opposed? Thank you.

That motion is carried.

Now we'll move on to just a couple of other items of other business. The committee has received a written response from the Ministry of Energy pursuant to a motion passed at the January 26, 2021, meeting. If there is no objection, the response will be posted on the committee's public website. Seeing none, very good.

We also have, just for the benefit of the new members that have joined our committee, an overview and follow-up on implementation of outstanding Auditor General recommendations, and there's a bit of an interjurisdictional comparison there. It is contained on the internal website. Members were advised of it in the January 26 meeting minutes. I just wanted to make sure that you were aware of that as well as new members.

We will now move to the date of the next meeting, which has been set at April 13, 2021, with the Ministry of Advanced Education.

We will now move on to adjournment, friends. Is there a motion to adjourn?

Mr. Guthrie: Yeah. I'd like to make a motion to adjourn till the next scheduled meeting, on April 13.

The Chair: Yes. Thank you. The member has put a motion to adjourn. All in favour? Very good. Any opposed? Seeing none, that motion is carried.

Thank you very much, everyone. This meeting is concluded.

[The committee adjourned at 10:03 a.m.]

