



STANDING COMMITTEE ON HUMAN SERVICES

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**STANDING COMMITTEE ON HUMAN SERVICES
2005**

Ms. Judy Junor, Chair
Saskatoon Eastview

Mr. Michael Chisholm, Deputy Chair
Cut Knife-Turtleford

Mr. Lon Borgerson
Saskatchewan Rivers

Hon. Joanne Crofford
Regina Rosemont

Mr. Glenn Hagel
Moose Jaw North

Mr. Ted Merriman
Saskatoon Northwest

Mr. Don Toth
Moosomin

[The committee met at 15:00.]

The Chair: — I call the Standing Committee on Human Services to order. And welcome new committee members, Mr. Chisholm and Mr. Toth.

With the change in membership of the committee on March 18, 2005, the committee must now elect a Deputy Chair. And nominations are open for the position of Deputy Chair, which must be a member of the opposition.

Mr. Morgan: — We'd like to nominate Michael Chisholm.

The Chair: — Any further nominations? Any further nominations? No? Any further nominations? Seeing no further nominations, then I'll welcome that Mr. Michael Chisholm be elected to preside as Deputy Chair of the Standing Committee on Human Services.

The committee has received an order of the Assembly dated April 5, 2005, to consider and report back on the estimates and supplementary estimates of the following departments and agencies: vote 36, Community Resources and Employment; vote 73, Corrections and Public Safety; vote 27, Culture, Youth and Recreation; and vote 3, Justice.

As outlined in the agenda for today, the estimates before the committee are estimates for Corrections and Public Safety, vote 73 and Justice, vote 3.

**General Revenue Fund
Corrections and Public Safety
Vote 73**

Subvote (CP01)

The Chair: — The estimates for the committee to consider, the first estimates for the committee to consider is the Department of Corrections and Public Safety found on pages 39 to 42 of the Estimates, and the first subvote is central management and services (CP01).

I'll ask the minister to come forward. Good afternoon. I recognize the Hon. Mr. Peter Prebble and invite him to introduce his officials and if he wants, to make an opening statement.

Hon. Mr. Prebble: — Yes, well thank you very much. It's a privilege to be before you again. I'm joined to my left by Terry Lang, who is the deputy minister responsible for Corrections and Public Safety. To my right is Mae Boa, who is executive director responsible for management services. And also joining me, just behind me, are Maureen Lloyd, who is the assistant deputy minister of the department; Bob Kary, who is the executive director responsible for the young offenders program; Tom Young, who is the executive director responsible for protection and emergency services. And I'm also joined by Brian Krasiun, who is the new executive director for licensing and inspections in an acting capacity; and Duane McKay, who is the director responsible for public safety and the Saskatchewan 911 program. And finally, Karen Lautsch has joined me and she is executive assistant to Terry Lang.

So by way of an opening comment, Madam Chair, and members of the committee, I should just say that the Department of Corrections and Public Safety's budget increases by some \$9.3 million this year. This is an 8 per cent budget increase for a total budget spending by the department of \$128.3 million.

I should just note some of the key increases for you. The most important increase is the capital investment that's being made in the new Regina Correctional Centre, and in this budget you see an allocation of \$3.89 million to begin work on the correctional centre. And our plans there are for the correctional centre to be complete by April of . . . by the spring of 2008. Our target date is April, 2008, for completion of the Regina Correctional Centre. And of course what we're doing there is replacing the 1913 portion of the building, and we'll be building a 216-bed facility. And we are . . . basically 12 of those beds are medical beds. And the rest of those beds, there's 48 of them that are kind of focused on high security offenders. And the rest of the beds will be used for, the rest of those spaces will be used primarily for remand and for some other sentenced offenders as well who are medium security.

We also have in the budget as an important allocation . . . and this is a change from past practice. And this applies to all government departments now in terms of the way we'll account for maintenance and amortization of buildings that the Department of Corrections and Public Safety manages. But there's 2.869 million in the budget for maintenance and amortization of departmental buildings. And that's the most important reason why you see an increase in the central services part of the budget.

Basically what's happening there is that Saskatchewan Property Management Corporation has now become a part of executive government, and so the way in which we account for maintenance and amortization of buildings has changed, and it shows up in each department's estimates instead of being housed under Saskatchewan Property Management Corporation.

I should also point out by way of increases that there's an increase in the . . . there's \$1.2 million that covers the cost of the collective bargaining agreement that applies not just to Corrections and Public Safety employees but again right across executive government.

There's also in the budget \$300,000 for what's called the justice enterprise integrated network project. And this will give us a much better database in terms of both the young offenders and adult offenders system in terms of tracking offenders in our justice system and being able to identify when we have repeat offenders in custody. And I can get into that in a lot more detail, and I think our officials will be happy to brief you in more detail on the computer network if you are interested in it.

We also have in this budget a total of \$4.3 million that basically responds to the recommendations of the Commission on First Nations and Métis Peoples and Justice Reform. And of course the big item here is the Regina Correctional Centre which the commission, at the time that it toured the centre, was concerned, particularly concerned about facilities that were available in the

basement of the centre for maximum security offenders, but I think generally was very supportive of the notion that the old portion of the correctional facility should be replaced.

But there's also dollars in the budget, for instance, to respond to recommendations of the commission that pertain to violence reduction, recommendations of the commission that pertain to trying to reduce the number of persons who are in custody on remand and awaiting trial. And so we are taking some action on both those fronts at the recommendation of the commission.

Finally I would point out that there is an increase for community-based organizations in the budget, a 1 per cent increase for community-based organizations. And particularly on the young offenders side of our work, we have very important relationships with well over a dozen community-based organizations. Many of them are associated with our tribal councils. We have direct contractual relationships with a number of tribal councils in the province. And we also have important relationships with organizations like the John Howard Society. And basically we work with community-based organizations largely on the young offenders side in terms of delivering alternative measures programs, restitution programs. They do a lot of important work with youth in terms of important correctional practices that are not directly related to custody.

We also, on the adult offenders side we have an important relationship with the Prince Albert Grand Council. We contract with them to run the healing lodge in Prince Albert, and we have 20 offenders at any one time who are in that facility. We also have, in terms of important relationships with community-based organizations we have a relationship with Elizabeth Fry in terms of running one of the community training residences. And they do a very good job of that for us. So the relationships with CBOs [community-based organizations] are important, and there's more than \$4 million in this budget that is directed towards community-based organizations.

Madam Chair, with that I'd be very happy to answer any questions that the members of the committee may have for me and my officials. Thank you very much.

The Chair: — Thank you. For the ease of the Hansard people, could each official introduce themselves the first time they speak. Thank you. Any questions? Mr. Toth.

Mr. Toth: — Thank you, Madam Chair. Welcome, Mr. Minister, and your officials to this first meeting of this committee in '05. I look forward to our discussions and maybe getting some answers to some of the questions we have, maybe pursuing some avenues of where we can go in addressing a number of the major concerns that we have in the province of Saskatchewan when it comes to problems with . . . indeed regarding whether it's young offenders or anyone involved in criminal activity.

Mr. Minister, you're probably quite well aware of the most recent report from the . . . in Saskatchewan intelligence service and the concern regarding a gang violence and where a number of . . . where they are beginning or tend to see where young people may be coming or get involved in gangs.

And most recently, just coming in this morning, we hear of two young teenagers who are currently before the court system as a result of a vicious beating of a young person in a school yard. And I'm not sure, Mr. Minister, if it's just the fact that there's more awareness now that we're hearing of these circumstances. It seems however the types of circumstances we're hearing about — and I guess we could say that, maybe as related to whole question of bullying or whatever the circumstances — but it's a major concern in our communities, in our school system and how do we deal with individuals of this nature. I think there are times that individuals may act just very spontaneously and other circumstances where individuals may be goaded into maybe bullying another young person. Or not even just a young person — adults.

We happen to have a situation where we know a couple fairly well who came close to losing their son as a result of a circumstance of this nature where it was, it was a gang-related incident. It didn't happen in this province, but it just shows how the impact we can have . . . we have, where people show disrespect for other individuals. And indeed at the end of the day, and I think that's where even law enforcement agencies may find frustration or feel frustrated in how they endeavour to address an individual who may be perpetrating a crime, end up before the court system, and then unfortunately whether it's just they fail to cross the "t" or dot the "i," the individual's back on the streets.

And I know I've heard the comments from law enforcement officers about being called to a scene, finding out that there's a person was guilty of an offence, arresting that person. And they've gone through the process of doing all the paperwork and getting to court, and before they even get back to the detachment they get a call, and guess who they're picking up again. And there's issues of that nature that I think we need to certainly look at.

So I think when it comes to Corrections and Public Safety, there are a number of issues that we will have the opportunity of debating and looking at with greater depth as we move forward in this committee.

Mr. Minister, you mentioned, and I note on page 39 of the budget document, that we have an increase of, I think it's in the neighbourhood of \$4.5 million in total appropriation, and then of course there's another increase of about, I believe, 5.2 in capital asset acquisitions and amortization.

I think you made a quick comment to that. I wonder if you can just give us a little more in-depth and make a more further in-depth comment as to exactly what that is. And I understand it's somewhat of a transfer of costs that would fall in line with your department.

Hon. Mr. Prebble: — Right, well first of all thanks for those comments, Mr. Toth. I share your concern on youth gangs as I'm sure all committee members do. Specifically to answer your question about the budgetary allocations, first of all we've got \$2.8 million that is now showing up. This is not new spending. Just for clarification, it's just a different way of accounting for maintenance and amortization of existing capital. And I'll invite Mae Boa to comment on this area in more detail after I'm done my comments so that you'll have full information in this area.

Secondly, in addition to the Regina Correctional Centre spending which is a new investment, as you realize and as I mentioned, that investment is going to be for a total of \$3.893 million. So that's a significant part of the total amount that you were flagging as well.

But I also want to share with members of the committee that also in here is a proposal for additional spending in terms of building new remand beds in Prince Albert at the youth facility there. And I'll make sure that you get a precise figure for that, Don. But what we've done, for clarification here, is we currently have a youth correctional facility in Prince Albert for young offenders, and there's only a very small number of units that are actually available for remand.

And what we've been doing is we've ended up housing a number of young people from northern Saskatchewan who commit offences and are awaiting trial, we've ended up housing them in North Battleford and occasionally in Saskatoon. And there's been a lot of transportation from the North to North Battleford and Saskatoon.

And we felt it would be much more efficient and cost effective and also better for those young people in terms of them being closer to their home community if those young offenders were held in a remand facility in Prince Albert. So we're adding 12 beds there and I'm going to just ask Mrs. Boa to give you the exact amount that's been expended there.

I'm informed that it's almost exactly \$1 million dollars.

Now in addition to that, in terms of other increases, I made reference earlier to the fact that there's \$1.2 million of additional money for the collective bargaining agreement. There's also \$200,000 in this budget for utility costs, \$300,000 for the justice enterprise integrated network project. There's also a reclassification of community youth workers from level 8 to level 9 and in the budget there's \$300,000 for that. And there's \$200,000 of additional spending targeted for the violence reduction strategy, and that's in our adult facilities. There's also \$200,000 targeted at reducing the use of remand in our, primarily again in our adult custody facilities. And there's a 1 per cent budget increase for community-based organizations.

So I think that covers the scope of the monies that you were identifying, although I'd be very happy to answer supplementary questions on this that you might have.

Mr. Toth: — Thank you, Minister. Mr. Minister, a question I'd like to ask regarding the 1.2 million collective bargaining: exactly what does that mean in wage increases, in benefits to, and how many employees does that effect?

Hon. Mr. Prebble: — To the best of my knowledge that basically affects all employees in the department and we have a total of, in terms of full-time equivalents, of just over 1,600. But I'm going to ask Mae Boa to give you more precise information on that.

My deputy minister is going to respond to that question, Don.

Mr. Lang: — Terry Lang, thank you. Yes, the collective

agreement increase was 1 per cent and so that applies to all of our employees — all of our 1,600-plus full-time equivalents within the department. And it is simply, you know, a wage increase.

There's also some increases in terms of some of the shift differentials. So if they're working . . . not working 8 to 5, they're working evenings and weekends, there's something called shift differential. There was an increase in that. I can't remember the specific amount of it but it's again part of the overall collective agreement that applies to any shift worker.

But that would be basically the cost of the collective bargaining agreement.

Mr. Toth: — Mr. Minister, you made a comment about the fact that you've reclassified community workers from level 8 to level 9. I would take it then if there's a reclassification, there's a substantial increase in salaries.

Hon. Mr. Prebble: — There is an increase in salaries that's associated with that. And again I'll ask my officials to brief you on that in more detail.

Mr. Lang: — The normal process for a reclassification is, when they move up a level it's about a 4 per cent increase. That's sort of the standard level from one level to another.

The rationale for that — for the young offender community workers moving up — was some of it was formation of the new department, but a change in their jobs. They're now doing risk assessments based on a validated research tool. They are doing community safety plans with the young offenders and so their jobs have changed.

And so they . . . It's something that was initiated by the youth workers. They have that right to request a reclassification by . . . a review of their classification level by the Public Service Commission. The Public Service Commission reviewed it. They compared the duties that they're doing with their level. They also compared it with the adult probation officers which were already at a level 9. And so this brings the community probation officers in line with the adult probation officers.

Mr. Toth: — Thank you. I guess the reason for that question is, would this increase from level 8 to level 9 have taken place if we had not been in a 0, 1, and 1 situation? Or was this something where we actually moved forward with an increase? Is this the type of increase that when a person begins a job, and I know there's different jobs where as you have more time you actually move up in the levels of responsibility and the remuneration for that?

And I guess that's basically the question, because there's a lot of questions around the 0, 1, and 1 and we hear different levels of agreements. And it's not just the 0, 1, and 1. This is what the public sees up front. But then when you look at all the benefits that come with that and in some cases additional benefits that may have been offered rather than two or three, in reality the overall increase could potentially be much higher than 0, 1, and 1.

Hon. Mr. Prebble: — Well first of all, let me say that this

reclassification would have taken place whether or not 0, 1, and 1 was in place. In other words, it's . . . I think it's fair to say that it's independent of the overall wage mandate that was set down by government.

You're right to say, Mr. Toth, that when we're talking about the overall package that the public sector gets that it's more than just 0, 1, and 1. There are other enhancements that are built in when a collective agreement has been finalized.

But this reclassification that we're looking at now is based on the change in responsibilities that people working in the young offenders system had and specifically this group of workers were deemed to have taken on additional responsibilities.

And when the decision about reclassification was made, it was made with a view to comparing other people who were in a level 9 category who were doing similar work and in effect were in a higher class in terms of salary. So the adjustment was made based on looking at comparable work. And I think it's fair to say the adjustment would have taken place regardless of the wage mandate.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, how many individuals would this reclassification have affected and would there have been other areas where there'd have been reclassification that would have come into effect this year?

Hon. Mr. Prebble: — For that detailed information, I'm going to ask my officials to give you a response and just confer with them for a moment. It affects 120 youth workers in the . . . on the young offenders side of Corrections and Public Safety.

Mr. Toth: — So what you're saying, Mr. Minister, is basically that was the one group that really fell into a situation where reclassification would have taken effect and impacted a group of workers.

Hon. Mr. Prebble: — That's right. I'm not aware of there being any other reclassifications, but I just want to check to be certain.

Mr. Toth, I'm informed that the only group of employees that were reclassified is basically what I'd indicated to you just a moment ago, the youth workers are the only group.

But there have been a small number of individuals in the department who received reclassifications and if you like we can provide you with the details of that. But I'm informed that it's a very small number and some of these individuals are in a supervisory role.

Mr. Toth: — Thank you, Mr. Minister. I'd appreciate that. Mr. Minister, how would management levels have been affected by salary increases this year?

Hon. Mr. Prebble: — Well for the most part, first of all, the managers received the 1 per cent salary increase as employees did; in other words, they were subject . . . in the past year that we're talking about. We've just gone through the zero year now, so the zero applied across the board.

Now there will have been . . . Again, managers may have gotten

increases based on their years of experience, based on additional responsibilities that they took on, but the zero applied across the board.

Again I'm just going to confer with my deputy in case there's additional information here that we should be sharing with you.

I'm informed that the review in terms of out-of-scope personnel will take place in July of 2005 and so any adjustment beyond the zero for management who is in the out-of-scope positions will be reviewed at that time.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, a few questions regarding the facilities that we have in the province. And I'd like to know exactly how many facilities does the Department of Corrections and Public Safety manage and where would these facilities be located?

Hon. Mr. Prebble: — What I'd like to do in terms of answering that question is just first of all run through the . . . I'll do the adult correctional facilities first and then go to the youth correctional facilities. We've got the Regina Correctional Centre of course, the Saskatoon Correctional Centre, the Prince Albert Correctional Centre, and the Pine Grove Correctional Centre; and those are basically the four big facilities on the adult correction side. Then there's a number of smaller facilities. The Battlefords community corrections facility, the Buffalo Narrows community corrections facility, the Besnard Lake camp, the healing lodge that I referred to in Prince Albert, and there the facility is run by the Prince Albert Grand Council.

So those are our facilities and just to give you a sense of the full-time equivalent staff positions there . . . this will give you a sense for the size of the facilities. We've got 275 FTEs [full-time equivalent] working at the . . . full-time equivalents at the Regina Correctional Centre, 211 at the Saskatoon Correctional Centre, 214 at the Prince Albert Correctional Centre, and 81 at Pine Grove in Prince Albert. And then all the other facilities as you'll see are much smaller.

There's approximately 16 full-time equivalents at the Battlefords Community Correctional Centre. There's 11 at the Buffalo Narrows facility and there's 13 working at the Besnard Lake camp. And then as I say the relationship we have at the healing lodge is one of a contractual nature although I can quickly get for you the number of staff that are employed there as well if you like.

And I'm just going to give now a similar breakdown on the youth side. We've got the Yarrow Youth Farm and that's a 14-bed facility. We've got then a secure and open-custody units in Yorkton at what's called the Orcadia Youth Residence. And this, just by way of background, this is also where we have secure custody for female young offenders. So we have both open and secure custody at Orcadia. We also have the Prince Albert Youth Residence and we have the Drumming Hill Youth Centre. There's 14 beds there.

The large secure custody facility for youth in Regina is Paul Dojack Youth Centre and there's 84 beds there in secure custody and 14 potentially available for open custody. In addition, we've got a small facility in the Echo Valley Youth Centre in the Fort Qu'Appelle area and we've got Kilburn Hall

in Saskatoon with 45 beds. And then we've got the North Battleford Youth Centre, which will be funded for 52 beds this year.

Then in addition to that, Don, I should point out one other thing, and that is that we have community training residences, and there are three on the men's side and one on the women's side. And those community training residences are located in Regina and Saskatoon and Prince Albert on the men's side, and there's . . . the female community training residence is based in Saskatoon. Well that pretty well covers it in terms of the facilities that the department runs.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, when it comes to these training residences — and I notice you mention Echo Valley Youth — would that be somewhat similar to the . . . There was a small correctional camp at Kenosee Lake a number of years ago that was closed. Would Echo Valley, Kilburn, North Battleford, would any of these be somewhat similar to what Kenosee Lake used to offer? An opportunity . . . I don't know if you would call it an opportunity. Maybe it was because they weren't as, if you will, secure to the point that people w, actually gave them some employment because at that time they were out cleaning up some of the park. And I know there was some concerns, but as well, if I'm not mistaken that facility worked quite well.

And I remember running across some of the young offenders that were there and they were actually, in my mind, there was some individuals with some proper direction or education or training, had a good chance of never ever entering another facility had they . . . And I don't know what the, really don't know what the numbers were as far as people attending that centre and then going back to society and how well they fared. And I think that's one of the areas of concern when we look at young offenders facilities, and what are we doing to ensure that if a person commits an act, a criminal act, ends up in a young offenders facility, what efforts are being made to work with or to address the issues that may have caused that individual to make the choices or the decisions they made; that would get them to take a second look so that when they leave the centre they rethink their views on life? And as one person commented about, I'd never go back there.

Hon. Mr. Prebble: — Well let me say with respect to the Fort Qu'Appelle facility that the answer in part is yes, but not completely. There are some differences between Kenosee Lake and the Echo Valley facility. Kenosee Lake was an open-custody facility, and that meant that youth were attending school in the community during the day. It also meant that they were out and about in the community at many events during the day as well, of course under supervision.

So in contrast, the Echo Valley facility is a secure custody facility. But I would say it's a secure custody facility where there is flexibility given to youth. First of all, we screen youth who go into that facility. They often come from the Paul Dojack facility in Regina. If they move to the Echo Valley facility, it's certainly with the view that they are not viewed to be a risk to the community in terms of escape.

And they have an opportunity to do things outside the facility on quite a regular basis. So they are involved both in work

projects in the park; they're involved in recreational activities out of doors and not necessarily, you know, in an enclosed area all the time. They might attend a powwow or go to a culturally appropriate spiritual event.

And the workers who are working . . . I've had the opportunity to visit the facility and I'd be very happy, you know, to make arrangements for you to be able to do the same thing. But the staff there certainly have developed a close personal relationship with the youth. There's only 14 youth who are there. I think there's a very good connection between the youth and the staff. And so there's some very good preventive work that's able to be done with these young people.

But nevertheless, this is still . . . what is different from Kenosee, for instance, is that they are taking classes during the day, but they are taking their classes in the facility. They're not attending school in the community as would have been the case at Kenosee.

Mr. Toth: — Mr. Minister, when Kenosee was closed down was it . . . what was the rationale at that time? And you mention about it being basically an open facility and they would attend classes outside of the facility versus what we have today. As the department looks back, are there any pros and cons when they look back and say maybe we should have continued with a facility of that nature? And maybe look at in the future . . . not be as secure but somewhat more open and . . .

Hon. Mr. Prebble: — Well we've certainly retained our open-custody facilities in the province but the reality that we faced, and some of this has come about as the result of the changes in the federal young offenders legislation, but under the new federal legislation that we've been operating in across Canada — we've been operating under it now for well over . . . well close to two years — and what we're seeing generally speaking is a reduction in the number of young offenders who are sentenced.

Now this is occurring at two levels. First of all, the last third of the sentence is being served in the community and so that is . . . by virtue of that policy set down by federal legislation, you know, the length of time that young people spend in custody has declined. And secondly, under the federal legislation I think there's certainly been encouragement given to every provincial government by virtue of the federal statute to, where appropriate, look to alternative approaches other than custody in terms of holding youth accountable. So there's been more tendency on the less serious cases to use things like alternative measures or to use restitution as an alternative to a custody-based offence.

So I think those two changes have resulted in the number of young offenders in the system declining and that's the biggest reason why we've seen closures, not just at Kenosee, but we also saw a closure in Prince Albert. So we . . . Nisbet was closed, you know, just by way of example. We've ended up having to make closures in several young offenders facilities or reducing the space in those facilities in the province, the number of beds that were actually being staffed.

Mr. Toth: — Okay. Mr. Minister, you mention about a reduction in the number of youth being sentenced. Can you

elaborate a little bit at exactly what it means as far as numbers and why we've moved in that direction? What types of activity would mean that a young person wouldn't be given a sentence? Or what other . . . You talked about alternative measures. You talked about restitution. Can you give us a bit of a breakdown as to the results of this and exactly why we have moved from sentencing young people? Is there criteria as to the level of the seriousness of the crime in the way sentences are handed down? Or does . . . What reasons are used to not sentence a young person if they're brought before a court?

Hon. Mr. Prebble: — Right. Well the determination about this, of course, in each case, as you'll understand, is made by a judge. It's not for the Department of Corrections and Public Safety to decide whether or not, you know, ultimately somebody should be sentenced to custody or not. That decision, as it should be, is made by judges in our society.

But I think it's fair to say, first of all on . . . we're seeing less youth who are being sentenced to custody for fines, for instance, and non-payment of them, just by way of an example. And for offences that are non-violent in nature, we're seeing youth not necessarily go into custody the first time. So somebody may commit a break and enter or they may commit a theft of some kind — it may be auto theft without, without any indication of violence associated with it — and they may end up not being placed in custody on the first offence. If they reoffend they're very likely to be placed in custody. These are just by way of examples.

What we've seen overall in the system in the last few years is we used to have at any one time over 300 youth who were in custody in our facilities, say three years ago. Now we're looking at more like an average of about 240 youth in custody at any one time.

The new Act, the Youth Criminal Justice Act, which replaced the Young Offenders Act, emphasizes first of all greater use of non-court measures, more focus on rehabilitation and reintegration of offenders, primarily through part of their sentence being served in the community, and restricting use of custody sentences to serious offending youth.

So those principles are being used by judges when they're assessing individual circumstances, but it's the judge who makes the decision about whether custody is warranted or not.

I should just say that . . . I mean I'm very conscious as minister of the fact that this, we should not assume that because the number of youth in custody has gone down, that the amount of youth crime has gone down. That's not the case.

What is happening is that the response to some of the criminal acts of youth are being handled in what are deemed to be more appropriate ways and that means that youth are held accountable for their action. But it also means that it's deemed by the judge not to be in the best interest of the youth to actually be in a custody facility, but to take responsibility for the mistakes they've made in other ways that involve them taking responsibility, but outside a custody facility.

Many youth are also being subjected to intensive, what I call intensive supervision, curfew checks on a nightly basis for

instance, by way of an example. So somebody who's committed auto theft on three or four occasions, after they've been in a custody facility, when they come out, while they may still be serving the last third of their sentence outside the facility, that doesn't mean that they're not subjected to significant supervision. We're following the federal law in terms of the last third of the sentence being served in the community, but there may be a nightly curfew check for instance, on that youth if they're deemed to be at high risk of reoffending.

We're also working with those youth in terms of pre-employment training, reconnecting them to school where that's deemed to be appropriate, or to some kind of a different educational opportunity. We're obviously conscious of whether or not youth pose a risk at school but if the youth is deemed to not pose a risk in terms of safety of students at a school, they're encouraged to return to school and they're given support in terms of doing that.

I think one of the areas of good work in the department over the last two to three years has been in terms of doing a lot to try to reconnect youth who've been in custody and often out of school, back into school.

And as it pertains to youth who are under intensive supervision, we're trying to combine that with opportunities for where youth don't want to go back to school, or they're over 16 and choose not to is what I'm basically saying, we then try to connect them up to opportunities for training and employment.

Mr. Toth: — Thank you, Mr. Minister. So I take it, Mr. Minister, when a young person ends up in a court situation, is sentenced, or the sentence may be an alternative measure program or restitution, that it's your department is then left with the responsibility of administering those two programs.

And could you give us an idea of alternative measures — I think you did mention one just a moment ago — measures that are used. And secondly, when it comes to restitution, what measures are initiated to provide restitution to innocent victims of crime? For example, stolen vehicles — who's responsible? And is the victim of the crime given support and actually provided with the necessary tools that are needed to restore that vehicle if you will, if there's damage done to the vehicle?

Hon. Mr. Prebble: — I'm going to invite Bob Kary to respond after I respond. I'll invite him to come up and kind of provide more detail on this.

But just by way of an example, I recently had the opportunity to visit the restitution program that is being run by Prince Albert Métis women. And we've entered into a contractual arrangement with them in the last 13 months in which they do restitution work. It's an example of one of the community-based organizations that's doing this. And this work is largely being done by community-based organizations.

And they've been able to work with . . . I mean, first of all one of their major focuses is working with youth, helping them find employment opportunities, and then the youth repay their victims from the money that is earned. They are also given the opportunity to keep a small amount of the money for themselves. But the bulk of the money goes to repayment of the

victims. And if my memory serves me right, they had in the last year made a payment of fines in the range of about \$30,000.

Now I'm going to invite Mr. Kary to come forward and give you a more detailed overview of the scope of the restitution work and the scope of the alternative measures work.

Mr. Kary: — My name's Bob Kary. I'll start with alternate measures and speak about maybe some changes that have happened over the last two years with the implementation of the Youth Criminal Justice Act. Last year we had about 3,300 young people cases go through our alternate measures program.

What I need to say is that an alternate measures program means that a young person is identified and referred to that program by the Crown prosecutor, by the Crown. This young person doesn't necessarily go to court and is not sentenced in court.

Additionally, there have been a significant number of young people who have been dealt with by way of police actions and have . . . do not come to the formal alternative measures programs. And there's been an increase of about 36 per cent in that type of activity as well.

And when we talk about what happens in alternative measures, we have primarily three types of things that happen. One is something called a mediation, another one called family group conferencing, and another . . . and we have other educational programs that might address such criminal offences as shoplifting, where young people learn a good deal about what they're doing and the impact on society.

The mediation and family group conferencing programs have victims most often, and whenever the victim is agreeable — or a surrogate victim in the case that they're not — come face to face with their victims, and work out an agreement around what needs to happen to deal with the offending behaviour, that any number of things may occur as a result of the outcome.

It could be restitution, and they could be referred to the restitution programs that Minister Prebble referred to. Then they would be paid actual cash for perhaps a deductible, or damage that was done. There might be personal services to the victim themselves, if that's what they wish. It could be community services if that's what the victim wishes. Or it can involve, it often involves, you know, certainly the young person listening to what the victim has to say, how they . . . what kind of harm has been done and oftentimes it results in an apology, most frequently spontaneously, because of the sort of situation they've gone through.

And so for minor offences, first- and second-time offences, this shows to be a fairly successful way of operating. Eighty-three per cent of young people referred to this type of programming successfully complete it, which is a reasonably high success rate.

When we talk about other programs that we have in the community to deal with young offenders in lieu of custody, or instead of custody, the first thing that we need to talk about is that we have a risk assessment process that essentially identifies the factors in a young person's life that lead to their offending behaviours. So what are the causes of this individual's

offending behaviour?

What we try to do by way of community safety planning is to target responses to the individual risks that that young person has, the risks in their life. If it's got to do with family situations and supervision, if it's got to do with being out of school, if it's got to do with drugs and alcohol, if it's got to do with who they're associating with, mental health issues that they might have, just being out of school or . . . and, you know, hanging out — those are the pieces that are addressed in the community safety plan.

The community safety plan also goes, information when a pre-sentence report is ordered goes to the judge making recommendations for conditions of community orders, so that young people are asked or compelled, in that case, to carry out the kinds of interventions that are best related to their offending behaviour or related to their offending behaviour.

We also have supervision standards, if you like, that relate to the risk that the young person will offend. Our assessment speaks to if you're a low risk to offend, if you're a moderate risk to offend, high or very high. And the types of intervention, the types of supervision young people get relates to their risk to reoffend. And that is tied then to the types of time spent, the resources involved with young people in programs.

Mr. Toth: — Thank you very much. When you talk about alternative measures programs and as you look back over the bringing . . . coming forward with the alternative measures, how would you rate the program? Is it working very well, working excellently? And as a result of the program, are we seeing fewer youth reoffending? Is that something that you've been experiencing, I guess that would maybe be a measure of how well the program is working.

Hon. Mr. Prebble: — Well let me say first that I wouldn't say we're seeing a reduction in youth crime, just to be clear about that. What we are seeing though is that in the case of . . . we're seeing a large number of youth who after completing the alternative measures programs don't reoffend. But obviously some do, and I'm going to ask my officials to give you more details in terms of the reoffending patterns that we're seeing.

Mr. Kary: — As I mentioned, we are able to tell how many young people complete the programs. What we don't have good information on right now is just how many young people come back into the system and reoffend. And so that's some work that we're actually setting out to do.

One of the indicators though is the number of young people that are sentenced at any one time, I think, in the sense that that number too has been reducing. In part it's because of the number of young people going through the alternate measures versus coming to court. But also that there has been a reduction of the volume of young people being sentenced and on community orders, and in custody, which I think relates too to some of the success of those programs.

Mr. Toth: — I guess that's, at the end of the day we'd certainly want is . . . hope that as a result of some of these measures that we can really impact young people's lives so they really think seriously and actually have a real change of attitude as to the

direction they want their life to go. I'm disturbed by the fact though that the minister has on a couple of occasions mentioned the fact that we continue to see a high level of youth crime, and I think that's maybe the question down the road.

We may have . . . Okay we've got a young person ends up in a situation where they're dealt with in different manners for some of the activity they've been involved in, whether it's restorative justice or alternative measures. And we may be able to address some of the causes or the problems or the emotional . . . Maybe it's some of the emotional state of an individual that puts him in a state of committing a criminal activity against someone else and we may be able to correct that. But if we're still not really reducing the number of actual criminal activity in young people, something's wrong someplace.

And I guess the question is, what do we do to first of all attack that issue of youth crime and begin to reduce it up front versus having to always be dealing with the young offender in some form or other to try and have them look at why . . . and asking them, why did you commit this crime, and what can we do to address that issue; how can we help you move forward in life, showing respect to other people and their property?

Hon. Mr. Prebble: — Well that's a very important question, Don, and I think, you know, to fully answer that one needs to go beyond the scope of what Corrections and Public Safety does. I see our government having taken many positive steps to try to reduce the risk of youth becoming engaged in crime and more importantly to encourage youth to be productive members of our society.

And I mean this starts early on in life with initiatives like KidsFirst, which you're familiar with, where families who are seen to be at risk are given support in their home early on, when shortly after children are born, to try to get off to a good start in terms of parenting their children well, and also to be able to deal with some of the factors that put the family at risk in the first place.

We've expanded our Community Schools Program in neighbourhoods where I think youth are perhaps more at risk in some cases — I think of some of our inner-city neighbourhoods where there may be a significant number of youth who are very low-income. They have benefited in a significant way from the expansion of the Community Schools Program in their neighbourhoods. And so those kinds of initiatives are . . . I see them as being as important and perhaps even more important than work that my department might do once youth are actually in trouble with the law.

But many of the programs that we're talking about now in terms of restitution and alternative measures, I think have a lot of potential in terms of turning a youth's life around, as long as we do good follow-up after the restitution program is done or after a youth has spent time in alternative measures. So we are again making sure that we look at the linkages to school. And with our older teens who are 17 or 18 and may not want to stay in school, we obviously encourage them to do so, but where they don't, linking them up to employment. So we see this as being very, very key.

And as you'll know, one of the concerns of government — and

I know it's a concern that you share and that you voiced when we served together on the committee to stop the sexual exploitation of youth — both you and I were concerned at the time about children not in school. And this obviously puts children very much at, I would say, additional risk. If they're a child 14, 15 years of age and they're not attending school, that's obviously a very worrisome situation.

We've put in place now a tracking mechanism using health card numbers. We should in the next few months have a much better sense of youth who are not attending school and then work with those families to try to ensure that their young person remains in school because we see that again as being key to, first of all being a productive citizen, and secondly of course, staying out of criminal activity.

Mr. Toth: — Thank you, Mr. Minister. The reason I ask the question is because I'm sure, while your officials and your department is not necessarily involved with youth previous to some form of criminal activity, many of the personnel working in your department are probably asking the question as well, when you're dealing with young people, why; question, why did you? And there's obviously, there must be different reasons or different answers that come forward at times. And as you look at the responses that young people give as to why they committed this offence or why they say, we're involved in that vehicle theft or why, as we see recently the couple of individuals that were involved in the beating of the other individual — there's obvious reasons. And I know you're not, your department doesn't deal up front; you're unfortunately left to deal with individuals afterwards.

But is there a . . . The question is, just from the observations you've had, is your department coming forward with recommendations as to other steps we can take to address and to work with young people and families prior to so that individuals do not end up in these circumstances where they're dealing with the Department of Corrections?

Hon. Mr. Prebble: — Well yes. And I mean Minister Crofford and myself have been having these very discussions because I think we need to further enhance the working relationship between our two departments when it comes to youth at risk. So we've been exploring this very subject that you raise. It's obviously of great interest to both of us, as it is to you.

I mean essentially, shortly put, you know, we have to pay attention for instance to the housing conditions of our youth; we have to pay attention to the incomes of their families. In addition to the items, the criteria that I've already mentioned, those are two other very important preventive measures that we can take.

So for instance, I mean that's one of the reasons why we've expanded our social housing investment in the province. And as you know, and I know you're supportive of this, we've got 600 new social housing units being built this year, 2,000 over a four-year period. A lot of those social housing units are going to impact on youth who would be deemed to be at risk. And I think growing up in a . . . you know, having good quality housing is an important preventive measure. So you know, this is an example of another initiative that we're taking.

We've also introduced, as you know, now for several years — and I know you've also been supportive of this — but we've introduced the Building Independence program. We've provided significant supplementary money to families with . . . to low-income, working families with children. And this additional income is making a real difference in the lives of those children.

So I see all of that as being . . . I mean above all it's about helping support families and ensuring that they are fully engaged in society in a positive way. But it's also, these are also . . . while the public may not see them as crime prevention programs per se, they're actually very important crime prevention initiatives.

Mr. Toth: — Well thank you, Mr. Minister. I understand we have other officials waiting as well. And so to save the fact that they would be just waiting in vain, we'll say thank you for today. Appreciate the comments and we'll look forward to discussing some other issues on another day.

Hon. Mr. Prebble: — Good. Thank you very much for your questions.

The Chair: — Thank you. And now, seeing no more questions, I'll entertain a motion that this committee adjourn its considerations of the estimates for the Department of Corrections and Public Safety. Mr. Toth. Thank you.

Let's take a couple of minutes to change officials.

**General Revenue Fund
Justice
Vote 3**

Subvote (JU01)

The Chair: — The next estimates for the committee to consider are for the Department of Justice and they're found on pages 95 to 99 of the Estimates book, central management and services, (JU01). I recognize the Hon. Mr. Quennell and invite him to introduce his officials. And if you wish to make a statement, it would be the time to do it.

Hon. Mr. Quennell: — Thank you, Madam Chair. I have with me Doug Moen, Q.C. [Queen's Counsel], deputy minister of Justice and deputy attorney general; Murray Sawatsky, executive director of law enforcement services; Elizabeth Smith, executive assistant to the deputy minister of Justice. And behind me, seated behind me, Jan Turner, the executive director of community justice division; Rod Crook, assistant deputy minister of courts and civil justice; Murray Brown, executive director of public prosecutions; Gerald Tegart, executive director of civil law division; Susan Amrud, executive director of public law division; Gord Sisson, director of administrative services; Lionel McNabb, director of family justice services; Keith Laxdal, associate deputy minister of finance and administration division; Betty Ann Pottruff, executive director of policy, planning and evaluation; and Don McKillop, Crown solicitor, civil law.

And yes, Madam Chair, I would like to provide the committee with a brief overview of the Department of Justice and its

2005-2006 budget.

In the Department of Justice we provide a complex set of programs. How complex I think can be appreciated just by the description of the titles of the people that are here today. We administer the criminal justice system. This includes operating the court system, providing support for the judiciary, and prosecuting crimes.

We provide alternative measures and crime prevention programs and support the development and delivery of community-based justice initiatives. We support victims of crime through victims' services programs. We fund the RCMP [Royal Canadian Mounted Police], our provincial police service, the Saskatchewan Legal Aid Commission, the Human Rights Commission and numerous other independent boards and commissions.

We provide legal and policy services to government, including serving as the government's official legal advisor and representing the government before courts and tribunals. We play a key role in regulating the marketplace to safeguard consumer and public interests and support economic well-being. We provide mechanisms for resolving social conflict to ensure that people do not turn to socially destructive ways of dealing with their issues. We respond to the legal and social needs of people, particularly those in vulnerable circumstances and those involved in family disputes.

To deliver its mandate, Justice works with key partners. Some represent justice system components, some deliver community-based justice services, and some assist in policy and legislative developments and implementation. We work closely with Aboriginal organizations and along with the federal government provide support for innovative programs that respect Aboriginal values and traditions and provide employment opportunities for Aboriginal people.

The department's 2005-2006 budget appropriation is \$212.1 million. This reflects an increase of \$12.2 million or 6.1 per cent over 2004-2005. The budget provides funding to maintain the programs, services delivered by the Department of Justice, and support several new initiatives.

Over half of the budget is devoted to third party agencies. The RCMP and municipal police services will receive over \$100 million in funding in 2005-2006, the Legal Aid Commission \$16 million, and grants to community-based organizations total \$2.8 million.

Our first priority is to respond to the recommendations of the Stonechild inquiry and the Commission on First Nations and Métis Peoples and Justice Reform through initiatives that reduce offending and victimization in Aboriginal communities and promote confidence in the justice system.

The department has received \$2.6 million in incremental funding to improve the coroners program by expanding the training available to lay coroners and hiring a forensic pathologist; reform the municipal police complaints process by establishing an independent public complaints commission; support the hiring of Aboriginal police officers and the development of strategies to recruit Aboriginal people for

police services; expand the use of therapeutic approaches to justice; and expand victim services in northern Saskatchewan.

We expect to be in a position to release our response to the recommendations of the Justice Reform Commission in three or four weeks.

Over the next three years, funding will be provided for 49 new police positions for the RCMP and municipal police services with a focus on recruiting Aboriginal officers. Eighteen of these positions will be established in 2005-2006.

As well in 2005-2006 fiscal year, we will establish an access and privacy branch to provide leadership information access and privacy issues in executive government; develop over a two-year period a replacement for the 20-year-old JAIN [Justice Automated Information Network] system; point four million in the first year for court operations and adult corrections; increase the number of First Nations triparty policing agreements to involve Aboriginal people in decisions about policing activities in their communities; protect people in vulnerable circumstances by enabling the Public Guardian and Trustee to investigate financial abuse; and implement a passport system of securities regulation to enable issuers and registrants to deal with one primary regulator to gain access to financial markets.

We have, as I've said, set out an ambitious agenda. The Stonechild inquiry and the Aboriginal justice commission have given us direction on the actions we need to take to reduce offending, to reduce victimization, and to increase confidence in the justice system, and ultimately to make our communities safer. And I look forward to answering your questions about 2005-2006 budget.

The Chair: — Thank you to the minister. Questions. Mr. Morgan.

Mr. Morgan: — Minister, with respect to you and your officials we have been advised we have a time crunch from somewhere else. We'll probably be adjourning fairly shortly but we'll try and get through as much as we possibly can.

We have under way right now the Milgaard inquiry. I'm going to inquire as to what is the total amount that's currently budgeted for that inquiry, how long it's anticipated to go for? And I certainly don't want to be perceived as trying to in any way limit the scope of that inquiry, but I'm wondering whether it would be possible whether there's things that can be done by agreement between the parties that could somehow shorten or save costs on the process.

My understanding, Minister, is that there is now the expectation that this is going to take a year or more. We're at present dealing with the witnesses that were called to trial. We have not yet heard evidence from any of the police officers that were involved or any of the prosecutors that were involved.

Hon. Mr. Quennell: — The Government of Saskatchewan is a party in front of the inquiry. The Government of Saskatchewan is co-operating with the inquiry. The Government of Saskatchewan is certainly not directing the conduct of the inquiry, and issues of efficiency need to be directed to the commissioner and to counsel.

I feel as an outside observer that this commissioner has dedicated himself to being extremely efficient and effective in the conduct of this inquiry. And members of the committee may have noted the recent news story about the management of documents before the Milgaard inquiry and how that's being efficiently done, using up-to-date technology and compared favourably to the management of documents in an inquiry being conducted out East.

The budget for the Milgaard inquiry is projected to be \$4.7 million.

Mr. Morgan: — Is there a potential that it was originally forecast to be just over \$2 million, I'm wondering, so it's in effect doubled by now?

Hon. Mr. Quennell: — The current projection is \$4.7 million. That's correct.

Mr. Morgan: — But the initial projection was I understand, Minister, just over two.

Hon. Mr. Quennell: — The initial estimate based upon recent experience with commissions of inquiry was \$2 million, or approximately \$2 million.

Mr. Morgan: — At present we've doubled it, and it's likely that it will increase again?

Hon. Mr. Quennell: — Our projection now is \$4.7 million and of course that's based upon how long the inquiry is expected to sit.

Mr. Morgan: — Minister, we've had the opportunity to review the documentation that the federal government has put together to prevent the miscarriage of justice. I'm presuming that your officials have reviewed that as well. And I'm wondering what steps have been taken to implement any of that, or whether they are in a position to comment on any of the recommendations that have come from that?

Hon. Mr. Quennell: — I believe you're referring to the wrongful conviction document that was approved by ministers from across the country at the end of January. I can advise that we've had officials in our Department of Justice, particularly in prosecutions and including Mr. Brown who is here today, who were involved in the preparation of that report.

Mr. Morgan: — Has the report been circulated to prosecutors through the province? Has there been discussion? I note from reading it that a lot of the recommendations would not have any significant cost to implement, and I'm just wondering whether they, whether it was well received by prosecutors.

Hon. Mr. Quennell: — I understand it's been provided to all the prosecutors in the province. And as I said, officials from prosecutions in Saskatchewan were involved in the preparation of the report. We accept the report. And even while the report was being prepared, because of our involvement in the report, the recommendations would have been implemented within Saskatchewan.

Mr. Moen: — I just say that Manitoba is holding a major

conference on wrongful conviction in September. A number of our people will be in attendance, but this is a place where this will be an issue that's examined internationally and, you know, certainly in the terms of the Canadian context, but it'll be a major international conference as well.

Mr. Morgan: — Minister, my concern is we have a number of very senior Crown prosecutors whom I have the greatest respect for and regard as extremely competent individuals. And I think what this report says is, if I can summarize it in a few words, is we shouldn't be afraid to second-guess ourselves or to challenge our own opinions or the opinions of those that we work with or that are around us. And to try and work towards that will require a greater deal of collaboration and collegiality within the Crowns and some methodology to try and promote those practices.

I'm wondering whether there's been some positive steps taken to have files reviewed, files discussed, and also as part of that would be professional development. My concern is how much money is set aside for professional development of Crown prosecutors? What seminars are put on? I know that Legal Aid has at least one annual internal seminar for professional development and I'm wondering what is done with the Crowns.

Hon. Mr. Quennell: — Mr. Brown is available to provide detail but every major prosecution is a collaborative effort, not a solo effort. And on the issue of training my understanding is that there are training opportunities available so that prosecutors who want to have some training in any given year can do so.

Mr. Morgan: — My question specifically is how much is in the budget for professional development for Crowns?

Mr. Brown: — In total there would be around \$21,000 in prosecution in different areas that is used for training.

Mr. Morgan: — That's the total sum that would be available for all the Crowns? Or is that available for other individuals other than prosecution?

Mr. Brown: — No, that would be just for the Crowns.

Mr. Morgan: — And how many Crown prosecutors are there in the province?

Mr. Brown: — There's 88.

Mr. Morgan: — So we're dealing a few hundred dollars per year per prosecutor for professional development?

Mr. Brown: — Yes. I would also add though that when we bring people into the system, they go through a process of mentoring which is in effect on-the-job training. We don't — any longer, at any rate — simply throw files at them and send them off in the direction of a courthouse. So that does provide a certain amount of training.

A lot of our training is also delivered through a conference that we hold every spring. Approximately 70 to 75 prosecutors will attend that. We also have a website that is available only to prosecutors that contains a good deal of information that our people put in there with respect to new cases, new statutory

materials, commentary on cases, best practices, policy, things like that. Those don't show up as part of the budget.

Mr. Morgan: — Minister, I want to . . . And I apologize for adjourning early today. The Information Services Corporation is going to be implementing a new computer system to deal with the personal property registry. I'm wondering what impact that is going to have on our Justice budget by way of training or other things that are necessary for the department staff.

Mr. Moen: — We don't contemplate any impact on us.

Mr. Morgan: — None . . .

Mr. Moen: — Not that I'm aware of.

Mr. Morgan: — Okay. So no money's been set aside to deal with training inquiries or other . . . dealing with those changes at all?

Mr. Moen: — Yes. It's not presenting an issue for us at all.

Mr. Morgan: — An issue at this point. Okay.

Mr. Moen: — That's right.

Mr. Morgan: — Minister, we've had discussions on the number of police officers that were hired and the commitment made in 1999 for 200 new police officers. I would like to just sort of step back a little bit and ask how many police officers were there in the province in 1999 and how many police officers there are now in the province that are funded by the province.

Hon. Mr. Quennell: — We don't have a number for 1999 RCMP and municipal, but we can provide a written answer to the committee on that.

Mr. Morgan: — The issue that we're wrestling with, as you're aware, Minister, is the discrepancy between what the police association is saying is new positions and what is backfill for retirements or other things. And regardless of whose numbers we use, we still haven't met the commitment of 200, even if we include the 18. And I'm wondering whether it's your position today that we're increasing the commitment from 200 to 218, or whether the 18 is another step towards the commitment of 200?

Hon. Mr. Quennell: — Sorry, we were talking about providing detail to your previous question, Don. Could you give that to me again?

Mr. Morgan: — Sure. The commitment that was made in 1999 was 200 regardless of whether we accept the figures that your department is using or whether we use the figures the police association is using. We're still a long ways from the 200. In this budget you made a new commitment for 18. So I'm wondering whether that increases your commitment from 200 to 218, or whether the 18 is one more step towards fulfilling the 200?

Hon. Mr. Quennell: — Okay. I'm sorry I made you repeat the whole question including the preamble, which I did catch. The 18 officers are in addition to 151 new officers funded by the

provincial government since 1999-2000, the 1999-2000 year, which takes us to 169 towards the 200.

Mr. Morgan: — So then your position now is that's not in addition to the 200. That's part of the 200 that has not yet been . . .

Hon. Mr. Quennell: — That's my position previously and that's my position now.

Mr. Morgan: — Okay. Now the position the police association puts forward is of the 160 some odd that you say you . . . [inaudible] . . . approximately half of those, 70 or 80, were backfill positions. Is that incorrect or are they wrong?

Hon. Mr. Quennell: — I think you're paraphrasing the federation, not any particular local association. I could be wrong. I don't know who you're paraphrasing. But there is an association or union, if you like, of municipal police officers in the province. They quite rightly and properly I think advocate for more municipal police officers, more members of their union, but also more police officers serving the public. I believe that they count the municipal police officers that have been funded, and I believe that they count some of the RCMP officers.

The RCMP has the same count we do, and the federation's position is not entirely clear to me. And maybe I'm unfair on their motivation or speculating on their motivation. There has been, in my view, no issue of backfilling. When the RCMP say we need so many more police officers, and the province funds those officers or some proportion of them, that is not in my view filling vacancies. That is in my view acceding to the requested wishes of the RCMP. And that is what's happened over time.

I would like to, and I think it might be useful for the committee, to provide some detail on how we arrive at our number. Perhaps the member . . . I can see he's . . .

Mr. Morgan: — I think, Minister, it may be beneficial for everyone if we knew the total number of officers that were funded by the province in 1999. That's when the commitment was made. And I appreciate that that was before either your time or my time in the House. And if we knew how many were funded either through the funding agreements with municipalities, the funding agreements with the RCMP, so that we knew the total number of full-time equivalents that were funded as police officers in '99 and then in each of the successive years since then, the number of drop-offs, the number of . . .

Hon. Mr. Quennell: — I'll go through the successive years, and perhaps the member can explain or advise me which of these he doesn't accept. First of all, in respect to the RCMP, the RCMP positions filled in 2000-2001 were 15.

Mr. Morgan: — I don't think it does me a lot of . . . [inaudible] . . . to know how many were filled. I think I would like to know the total number of police officers . . .

Hon. Mr. Quennell: — I appreciate that and we'll provide detail on . . .

Mr. Morgan: — This gets down to the same type of issue we get when we debate in the House on whether we have debt or whether we've got a Fiscal Stabilization Fund. The bottom line is, how many there were on this day and how many there were on that day, and that's . . .

Hon. Mr. Quennell: — Well if the member wants to leave, maybe some other member of the committee would be interested in the details so I can save it for another question.

Mr. Toth: — Let me do some follow up on that. Thank you, Mr. Minister.

Hon. Mr. Quennell: — Okay, there we go.

Mr. Toth: — In coming back to what my colleague was talking about regarding the number of police officials, going back to 1999, as my colleague had indicated, the promise of the NDP Party in that election was 200 new officers. Now we can argue as to what we constitute new officers. New individuals hitting the beat, or new faces on the streets, yes, that could be new officers.

But on the other hand, does that mean we've added 200 more officers to what we had in 1999 because there's no doubt we've had officers who have retired from the force. So then there's a reduction of individuals. So I guess the question overall is, since 1999 how many police officers have retired in that time period? You're telling us during that time period we've added 161 new officers to the beat. What's the total net?

Hon. Mr. Quennell: — As I said in my opening statement, the RCMP and municipal police services will receive in 2005-2006 \$100 million from the province for policing. All these organizations, particularly the RCMP, are complex organizations, and how they spend their funding and allocate their funding is quite properly within their control and not within the direct control of the Department of Justice.

What I can advise is what our increase in funding is for police officers which is what the commitment was directed to. And again since 1999 we've increased our funding for the police in the amount of \$31 million which on approximately \$100 million is a fair significant increase over that period of time which includes funding for 169 additional policing positions. The funding for the additional policing positions approximates \$11 million. And \$11 million, because we don't pay police officers in six-figure salaries, buys you more officers than the police federation seems to want to accept. Although I don't know if they still hold that position, I know they've taken that position in the past.

In 2000-2001 we funded over the previous year 15 more RCMP officers. We provided grants to court services for sheriffs to replace officers — that is, remove officers from court security and put them into policing — taking the number of RCMP officers funded 2000-2001 to 16 at a cost and then of course an ongoing cost from that date forward till now, of \$1.28 million.

In 2001-2002 there were new positions of four for the RCMP plus grants to court services again for sheriffs to replace officers — five officers in that case — for a number of officers of nine, at a cost of \$720,000.

In 2002-2003 there was funding provided for First Nations policing in the respect of six officers, new RCMP, six officers, for a total of 12 officers at a cost of \$880,000 to the province.

Funding provided to the RCMP in 2002-2003 for positions filled the previous year, 61 officers at a cost to the province of \$3.680 million. New positions filled in the RCMP in 2003-2004, four officers at a cost of \$145,000. And in 2004-2005, that's last year, five officers for First Nations policing positions at a cost of \$375,000. And this year 11 new positions for the RCMP at a cost of \$620,000 for a total increase in the RCMP of 118 and a cost to the province of \$7.825 million.

Now in respect to municipal police officers, I'm not sure there's even any dispute on anybody's part about these. But grants to Regina, Saskatoon, and North Battleford in 2000-2001 for nine officers, \$720,000; 2001-2002 grants to Regina, Saskatoon, North Battleford, five officers; grants for serious habitual offender policing, Regina and Saskatoon, two officers; grants for serious crime policing in Prince Albert, Moose Jaw, Estevan, and Weyburn, four officers for a total of 11 officers at \$880,000; 2002-2003 grants for 14 municipal officers at a cost of \$1.120 million; 2003-2004 grants for six municipal officers at a cost of \$305,000; 2005-2006, that's this budget year, grants for municipal officers — and that's in addition to the 11 the RCMP that I already set out — two officers in Regina, two officers in Saskatoon, one officer in Prince Albert, and that's at five officers in total at a cost of \$115,000.

That's the total increase in municipal officers, I believe, at 45 at a cost of 3 million . . . annualized cost \$3.145 million to the province.

Then the members will be familiar with the safer communities neighbourhoods initiative. In the last fiscal year we hired four investigators, four officers to support that initiative at a cost that year — for that half of the year — of \$171,000. These are an annualized cost of another \$152,000, and we are adding two officers with this budget to the safer communities neighbourhoods initiative at a cost of \$125,000. Total increase in police officers since 1999-2000, of 169 at a cost of \$11.413 million as I previously set out.

Mr. Toth: — Mr. Minister, you still didn't answer the question. What was the total number of officers, RCMP and municipal, working in the province of Saskatchewan in 1999, and the total number of officers in the year '04 . . . well '03-04 because '04-05 would be . . .

Hon. Mr. Quennell: — As I said, we'll take notice of the question and provide a written answer.

Mr. Toth: — Okay. I appreciate that. Mr. Minister, a question I've got, and it's actually tied to a debate that's currently taking place in the House of Commons regarding same-sex marriage.

And we have a number of marriage commissioners in the province of Saskatchewan. And I'm not sure to date, but I believe to date we may have two or so marriage commissioners who've decided to retire as a result of what appears to be directives indicating that if someone came and asked for them to perform a same-sex marriage, they would not have the

alternative of suggesting that they in their conscience would not be able to, would not be willing to perform that ceremony but here's someone else that would.

And I just don't quite recall the comments that you made at the time, but it would seem to me that based on . . . even if you were just to look at just the Charter of Rights, these individuals, it would seem to me, would have that right. I don't know how many marriage commissioners, but there are a number of . . . well a good number of marriage commissioners in the province of Saskatchewan, a good number who would be more than prepared to perform any ceremony as any individual came to them.

My concern is if someone has a view that they just felt that they couldn't perform that ceremony, that it shouldn't, it shouldn't alleviate them from continuing to perform the services of a marriage commissioner. And I just have . . . I would like to know exactly where you are on this issue and if, if your strong feelings are that that person should, or every marriage commissioner must perform any service that's required of them. Why would we say that they should not have the choice?

Hon. Mr. Quennell: — Well frankly my feelings don't have very much to do with it. In November 2004 there was a court decision which expanded the definition of civil marriage to two persons to the exclusion of all others. That court decision explicitly required the marriage licence issuer to issue a marriage licence in that case, because the marriage licence issuer was a party to the application or the respondent to the application. Our interpretation of the law that is implicit in that decision, that the other part of the equation, that is the commissioner that performs the marriage, would be under the same legal duty as the marriage licence issuer who was explicitly told in that case, you have to issue a licence to this couple; that is now the law.

Now I have the greatest possible sympathy for marriage commissioners who find themselves truly troubled by this change to the law. This law was not changed by the legislature of Saskatchewan and it certainly was not changed by any directive from the Department of Justice. It was changed by the court in its interpretation of section 15 of the Charter of Rights and Freedoms.

Now my understanding is the same as the member's, that two marriage commissioners have gone to the Human Rights Commission and said that, if we profess certain religious beliefs we should be allowed to discriminate in a way that the marriage licence issuer in this case was prohibited from doing so. The marriage commissioners chose that forum to make that argument and I'm awaiting the ruling of the Human Rights Commission.

Mr. Toth: — Well thank you, Mr. Minister, and I realize that these commissioners have that option, much the same way that individuals had the option of going to the courts. And I guess unfortunately as of today, we still are somewhat sitting in limbo until parliament makes a final decision as to what they're going to define as the definition of marriage. And so until parliament makes a decision, I guess the courts are open to how they would like to determine or interpret the law.

And if parliament makes a fairly definitive decision as to how they are going to identify marriage — and I know there certainly is a Bill before the House of Commons right now which opens up the doors to just basically calling it two persons — and we'll see where that goes especially with all the information that's coming out of Ottawa right now and the situation of a minority House, whether or not that Bill moves forward or it's put on the back burner. Or I shouldn't say put on the back burner, I guess. If a House comes to an end, that legislation just dies and then it's resurrected down the road. But no doubt eventually there's going to have to be a decision made as to what we determine will be the actual definition of marriage.

Because, and this is a personal view, I think at times we as elected officials have almost in many ways given way to and allowed the courts to make rulings or decisions that maybe elected officials should be giving some leadership in, because the courts really are there to act and enforce the laws of the land that elected officials are asked to make. But I think over the past number of years we've backed away from that. We've asked the courts to ask us how we should make the laws.

And so we can get into a long philosophical debate on this issue, but I think it's an issue that certainly we need to address very carefully, and I have some strong views. But I guess what I was reiterating the fact . . . and I guess until we hear from the Human Rights Commission, I think the two commissioners certainly do have a valid argument in their presentation and we'll have to wait and see how the commission rules in their favour and then go from there, I guess.

Hon. Mr. Quennell: — And I'm in the committee's hands and if the Chair wants to rule my response out of order, I would make this comment. Since 1982 I believe it's . . . No, no, '85 I suppose is the Charter, 1985, yes, Canada has been in an interesting position in when you look at how countries deal with . . . in rights of their citizens and whether they're entrenched.

And the member raises the issue of judicial activism. And maybe it's a typical Canadian compromise that we have with the Charter of Rights and Freedoms, yes, where the legislature or the parliament has not passed specific legislation in respect to say the definition of marriage, which was certainly the case in this country — still is the case, as the member points out — we don't have legislation passed by federal parliament yet.

The courts may step in where provisions of the Charter of Rights and Freedoms provides for them to do that. But unlike, say the situation south of the border in the United States of America, parliament is still ultimately supreme. The definition of marriage falls within federal jurisdiction and if federal parliament wants to invoke the notwithstanding clause, then the federal parliament's definition of marriage will govern, not the definition of the courts.

But absent — to go back to the particular issue raised by the member — absent in my view and in the view, I think, of hundreds of legal scholars who wrote the Leader of the Opposition on this topic, absent the invocation of the notwithstanding clause, well then in most of the country where there have been court decisions, those court rulings are the law. And that's the law that I am charged to administer, as are other

officials charged to administer that law.

Mr. Toth: — Thank you, Mr. Minister. And I'm not going to belabour the issue because I know it's somewhat of a moot point at this time as a result of those concerns.

Mr. Minister, we've had, and my colleague raised a few questions regarding the Milgaard inquiry. We've had some work done on a Stonechild inquiry. And I think if I heard you correctly earlier on, you are waiting for reports from the . . . or the finalization and then a report, before your department moves forward as to how we address concerns that someone may end up having been charged or convicted and not really in a — I can't use the word fair, because probably the courts used the information to the best of their ability that was there — but certainly we want . . . my concern is innocent victims having to pay such a dear price for a wrongful conviction.

And how do we move forward? How do we correct the system to try and alleviate as much as possible, because even down the road, even with all the efforts we may make, we may still find ourselves — with all the due diligence — dealing with individuals who possibly are totally innocent. And I don't know where we stand today, or that we're just waiting for reports from current inquiries to see what avenues we've pursued, to ensure that justice is certainly meted out appropriately and fairly.

Hon. Mr. Quennell: — Well certainly we're not waiting to make changes and haven't been waiting to make changes to the report of either the Milgaard inquiry which is being conducted in Saskatchewan or any of the other inquiries that have been conducted across the country or may be conducted soon in the country.

And Mr. Brown referred to steps that are being taken in response to the report on wrongful convictions, a report in which prosecutors, including Saskatchewan prosecutors, had a role, and I guess to a certain extent, sent out what you'd call best practices. And those best practices are going to be implemented. And if there is or are useful recommendations coming out of either the Milgaard inquiry or any other investigation into any other conviction in the country, well of course we're going to look seriously at those. We're certainly not going to wait for them.

While we're on philosophical points, I think some recent events around not just David Milgaard but a group of individuals within the country sets out the tragedy of the death penalty and the wisdom of our parliament to move away from that many years ago.

Mr. Toth: — Thank you, Mr. Minister. Mr. Minister, I see we're getting close to the 5 o'clock adjournment. However, there's a question here I'd like to ask. I believe there's something like 250,000 in court facility renovations in the province and I'm wondering if you could fill us in as to what that expenditure means, where and what's being done and why.

Hon. Mr. Quennell: — The \$250,000 isn't the only money that's going to be invested in court renovations and I wanted to highlight that because Saskatchewan Property Management Corporation, as it's now called, will be making other

renovations to buildings that are owned and provided to the Justice department for court buildings. The \$250,000 this year and I believe next year is being used to renovate the Regina Court House to make sufficient room for the judges working out of that courthouse.

Mr. Toth: — So basically this expenditure is just in one facility. This amount that we have in the budgetary document is just for the . . .

Hon. Mr. Quennell: — This \$250,000 will be for that facility.

Mr. Toth: — And so are there any other renovations taking place in the province regarding courthouses or court facilities?

Hon. Mr. Quennell: — There are renovations, I believe, in Yorkton and at various circuit points where there aren't full-time courts but where court is held and for reasons of security, changes need to be made.

Mr. Moen: — I just want to say, Madam Chair, that we look for all kinds of opportunities to avoid changes in courthouses too. An example is video conferencing in Saskatoon, where we will be actually changing the facility at the provincial correctional centre to allow for a video conferencing system to be hooked up between the correctional centre and the jail, thus eliminating the need for an increase in the size of the detention centre at the courthouse. So, you know, we could have spent a lot of money changing that detention centre at the jail or the cells at the courthouse but we're doing it by putting in video conferencing. Thus we'll have a more, you know an innovative way of handling the problem.

Mr. Toth: — Mr. Minister, another area of expenditure's in the area of community justice. And could I ask you exactly what initiatives are going to be taken in that area with this \$7 million and what do you hope to accomplish through these initiatives?

Hon. Mr. Quennell: — The community justice increase is spent on investments and new initiatives and a number of those are responding to recommendations of the First Nations and Métis Peoples and Justice Reform Commission and the Stonechild commission or the inquiry into the death of Neil Stonechild.

They include establishing the new police complaints commission to review public complaints against municipal police services; expansion of victims services in northern Saskatchewan ; the establishment of an Aboriginal court party in Meadow Lake — and the members may be familiar with the Cree court that works in northeastern Saskatchewan; develop therapeutic courts to deal with domestic violence and addictions; expand the number of alternative measures referrals; work with northern communities in crime prevention; support to other parties on the Justice Reform Commission, the First Nations of Saskatchewan, and the Métis Family and Community Justice Services with implementing the commission's recommendations; and establish a police cautioning program at the RCMP and the Regina Police Service. So those are examples of community justice initiatives. Part of the 7 is increased budgeting for policing, \$5 million.

Mr. Toth: — Well thank you, Mr. Minister, and to your

officials. I see we have reached the time of adjournment so I would just like to express our appreciation and thanks. I know it's sometimes a long sit while you're waiting for an opportunity to appear before the committee and even though my colleague had to run off it just didn't feel it was appropriate to have to sit that long for 15 minutes, so we thank you for the extra time.

The Chair: — Thank you. Being that it's 5, this committee stands adjourned.

[The committee adjourned at 17:00.]