

## Chapter 14

### Justice

#### 1.0 MAIN POINTS

This chapter reports the results of our audit of the Ministry of Justice (formerly Ministry of Justice and Attorney General) and its 10 agencies for the year ended March 31, 2013.

The Ministry of Justice (Justice) and its agencies complied with authorities governing their activities relating to financial reporting, safeguarding public resources, revenue raising, spending, borrowing, and investing.

The 2012-13 financial statements of its agencies are reliable.

Justice and its agencies had effective rules and procedures to safeguard public resources except that Justice needs to:

- › Adequately monitor the security of its information technology systems and data, and complete its business continuity plan
- › Follow its policies and procedures for paying amounts owed to employees

#### 2.0 INTRODUCTION

The mandate of Justice is to provide a fair justice system that upholds the law and protects the rights of all individuals in Saskatchewan, promotes safe and secure communities, and provides legal and justice policy advice to government.<sup>1</sup>

Effective May 25, 2012, the responsibilities of corrections and policing in Saskatchewan became part of the Ministry.

#### 2.1 Financial Overview

For the year ended March 31, 2013, Justice spent \$523.4 million on its programs. For 2012-13, Justice also had revenues totalling \$74.8 million comprised primarily of fines, fees and transfers from federal and municipal governments. Information about Justice's revenues and expenditures appears in its 2012-2013 annual report.<sup>2</sup>

<sup>1</sup> *Ministry of Justice, 2012-13 Annual Report*, p. 6.

<sup>2</sup> See [www.justice.gov.sk.ca/18-11AR](http://www.justice.gov.sk.ca/18-11AR) (30 October 2013).



**Figure 1 – Major Programs and Spending**

	Estimates 2012-13	Actual 2012-13
	(in millions)	
Central Management & Services	\$ 47.2	\$ 50.0
Courts and Civil Justice	52.8	55.4
Legal and Policy Services	30.3	30.7
Community Justice	19.9	19.2
Boards and Commissions	26.9	26.9
Adult Corrections	104.8	109.2
Young Offender Programs	52.1	51.8
Policing and Community Safety	178.3	176.2
Saskatchewan Police Commission	1.4	1.3
Major Capital Projects	<u>30.1</u>	<u>25.9</u>
<b>Total Appropriation</b>	<u>543.8*</u>	<u>546.6</u>
Capital Asset Acquisitions	(30.1)	(25.1)
Capital Asset Amortization	<u>1.3</u>	<u>1.9</u>
<b>Total Expense</b>	<u>\$ 515.0</u>	<u>\$ 523.4</u>

Source: Ministry of Justice, *2012-13 Annual Report*, p. 31

\* During the year, the Ministry obtained additional funds through a special warrant of \$7.1 million.

## **2.2 Related Special Purpose Funds and Crown Agencies**

At March 31, 2013, Justice was responsible for the following trust and special purpose funds, boards, and commissions (agencies):

### Year-ended March 31

- Correctional Facilities Industries Revolving Fund
- Criminal Property Forfeiture Fund
- Financial and Consumer Affairs Authority of Saskatchewan
- Law Reform Commission of Saskatchewan
- Office of Residential Tenancies – Director’s Trust Account
- Provincial Mediation Board Trust Accounts
- Public Guardian and Trustee of Saskatchewan
- Queen’s Printer Revolving Fund
- Saskatchewan Legal Aid Commission
- Victims’ Fund

## 3.0 AUDIT CONCLUSIONS AND SCOPE

In our opinion, for the year ended March 31, 2013:

- › **The Ministry of Justice and its agencies had effective rules and procedures to safeguard public resources except as described in this chapter**
- › **The Ministry of Justice and its agencies complied with the authorities, listed in Exhibit 5.2, governing their activities relating to financial reporting, safeguarding public resources, revenue raising, spending, borrowing, and investing**
- › **The agencies had reliable financial statements**

To do our work, we used the control framework developed by the Canadian Institute of Chartered Accountants (CICA) to make our judgments about the effectiveness of Justice's controls. The CICA defines control as comprising elements of an organization that, taken together, support people in the achievement of an organization's objectives. We examined the effectiveness of financial-related controls to administer the significant programs of Justice including courts and civil justice, adult corrections, young offender programs, and policing and community safety.

This chapter also provides the status of previous recommendations agreed to by the Standing Committee on Public Accounts (PAC).

## 4.0 KEY FINDINGS AND RECOMMENDATIONS

In this section, we outline key observations from our assessments and the resulting recommendations.

### 4.1 Better Monitoring of IT Needed

We recommended that the Ministry of Justice (formerly the Ministry of Justice and the Attorney General) adequately monitor the security of its information technology systems and data. (2008 Report – Volume 3; Public Accounts Committee agreement February 2, 2010)

**Status** – Not Implemented

During 2012-13, Justice continued to receive monthly reports from the Information Technology Office (ITO) that include limited information on the security or availability of its systems, the effectiveness of ITO's controls, or how weaknesses at ITO could impact Justice's systems and data. Consequently, Justice did not know if ITO was addressing Justice's security and disaster recovery needs.

Consistent with the prior year, Justice did not follow its processes for promptly removing user access from individuals who no longer work for Justice. For example, we found 5



out of 10 individuals that we tested did not have their network access removed promptly. In one instance, network access removal was not requested until 97 days after the individual's employment ended. Also, we found that Justice did not remove access to MIDAS<sup>3</sup> financial or payroll system in a timely manner for 7 out of 9 individuals, who were no longer Justice employees.

Delays in removing access for former employees in a timely manner increases the risk of inappropriate access to Justice's systems and data.

## 4.2 Business Continuity Plan Not Completely Tested

We recommended that the Ministry of Justice complete and implement its business continuity plan. (2005 Report – Volume 3; Public Accounts Committee agreement June 25, 2007)

**Status** – Partially Implemented

In April 2013, Justice updated its current business continuity plan (BCP)<sup>4</sup> for its critical business functions. In May 2013, Justice staff completed exercises to test different BCP scenarios.

Although Justice has identified its disaster recovery needs to ITO, ITO does not perform disaster recovery testing to ensure that Justice's critical systems can be recovered in a timely way in the event of a disaster. Without an adequate and tested disaster recovery plan, Justice cannot have a completely tested BCP.

## 4.3 Need to Follow Payroll Policies and Procedures

We recommended that the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) supervise its employees to ensure they follow the Ministry's policies and procedures for paying amounts owed to employees. (2010 Report – Volume 1; Public Accounts Committee agreement May 11, 2011)

**Status** – Not Implemented

Justice spent about \$100 million on correctional facility salaries and wages for the year ended March 31, 2013.

Justice paid correctional facility employees based on timecards that were not always properly approved and supported. During 2012-13, we found 6% (3 of 53) of the correctional facility timecards we tested were not properly approved. We also reported in our *2013 Report – Volume 1*, Chapter 27 and our *2010 Report – Volume 1*, Chapter 4

<sup>3</sup> Multi-Informational Database Application System.

<sup>4</sup> Business Continuity Plan (BCP) - Plan by an organization to respond to unforeseen incidents, accidents, and disasters that could affect the normal operations of the organization's critical operations or functions.

concerns regarding the administration of shift trades (see **Exhibit 5.1**). We found timecards at one correctional facility were not always properly supported (e.g., 4 of 10 timecards).

Therefore, Justice may be paying employees incorrect amounts. Due to the nature of the process, the amount of potential errors cannot be quantified.

Management indicated that Justice amended the collective agreement in August 2013 requiring management approval for all shift trades.

## 5.0 EXHIBITS

### 5.1 Status of Previous Recommendations of the Standing Committee on Public Accounts

The following exhibit provides an update on recommendations agreed to by PAC that are not yet implemented and are not discussed earlier in this chapter. Our intent is to follow up outstanding recommendations in the future.

PAC Report Year	Outstanding Recommendation	Status
<b>Labour Costs Related to Absenteeism (2010 Report – Volume 1)</b>		
2011	4-6 that the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) monitor and control changes to work schedules to minimize labour costs in correctional centres (e.g. approval of shift trades, pay out of overtime).	<b>Partially Implemented</b> (as of December 31, 2012)
2011	4-7 that the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) pay corrections workers for actual hours worked.	<b>Partially Implemented</b> (as of December 31, 2012)
<b>Security Awareness (2010 Report – Volume 1)</b>		
2011	8-1 that the Ministry of Justice and Attorney General assess its security awareness needs and ensure its security awareness program addresses those needs.	<b>Partially Implemented</b> (as of June 30, 2012)
2011	8-2 that the Ministry of Justice and Attorney General update its formal plan for its security awareness program and carry out the plan.	<b>Partially Implemented</b> (as of June 30, 2012)
2011	8-3 that the Ministry of Justice and Attorney General monitor the effectiveness of its security awareness program.	<b>Partially Implemented</b> (as of June 30, 2012)
<b>Monitoring provincial policing services delivered by the RCMP (2009 Report – Volume 1)</b>		
2011	3-11 that the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) verify that costs charged by the Royal Canadian Mounted Police for provincial policing are accurate.	<b>Not Implemented</b> (as of October 9, 2012)



PAC Report Year	Outstanding Recommendation	Status
<b>Rehabilitate Adult Inmates</b> (2008 Report – Volume 1)		
2009	2-3 That the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) consistently comply with its policies to assess inmates' needs (primary and secondary) and plan relevant programs.	<b>Not Implemented</b> (as of August 31, 2011)
2009	2-5 That the Ministry Justice (formerly Ministry of Corrections, Public Safety and Policing) monitor the proportion of inmates accessing planned rehabilitation programs before the inmates are released into the community and enhance access to rehabilitation if required.	<b>Partially Implemented</b> (as of August 31, 2011)
2009	2-6 That the Ministry of Justice (formerly Ministry of Corrections, Public Safety and Policing) monitor re-offending rates in relation to rehabilitation programs to better evaluate its rehabilitation of inmates.	<b>Partially Implemented</b> (as of August 31, 2011)

## 5.2 Legislation – Summary of Relevant Authorities

### Justice:

*The Administration of Estates Act*  
*The Administration of Estates Regulations*  
*The Correctional Services Act*  
*The Correctional Services Trust Account Regulations*  
*The Department of Justice Act*  
*The Community Justice Programs Regulations*  
*The Enforcement of Maintenance Orders Act, 1997*  
*The Enforcement of Maintenance Orders Regulations, 2009*  
*The Financial Administration Act, 1993*  
*The Government Organization Act*  
*The Police Act, 1990*  
*The Police Regulations*  
*The Provincial Court Act, 1998*  
*The Provincial Court Compensation Regulations*  
*The Public Service Act, 1998*  
*The Purchasing Act, 2004*  
*The Queen's Bench Act, 1998*  
*The Queen's Bench Regulations*  
*The Summary Offences Procedures Act, 1990*  
*The Fine Option Program Regulations, 1991*  
*The Summary Offences Procedure Regulations, 1991*  
*The Tabling of Documents Act*  
*The Victims of Crime Act, 1995*  
*The Victims of Crime Regulations, 1997*  
*The Youth Justice Administration Act*  
 Orders in Council issued pursuant to the above legislation

### Correctional Facilities Industries Revolving Fund:

*The Correctional Services Act*  
*The Financial Administration Act, 1993*  
 Orders in Council issued pursuant to the above legislation

### Criminal Property Forfeiture Fund:

*The Seizure of Criminal Property Act, 2009*  
*The Financial Administration Act, 1993*  
*The Tabling of Documents Act, 1991*  
 Orders in Council issued pursuant to the above legislation

### Financial and Consumer Affairs Authority of

#### Saskatchewan:

*The Cemeteries Act, 1999*  
*The Collection Agents Act*  
*The Consumer Protection Act*  
*The Credit Union Act, 1995*  
*The Credit Union Act, 1998*  
*The Direct Sellers Act*  
*The Financial and Consumer Affairs Authority of Saskatchewan Act*  
*The Motor Dealers Act*  
*The Mortgage Brokers and Mortgage Administrators Act*  
*The Payday Loans Act*  
*The Pension Benefits Act, 1992*  
*The Saskatchewan Insurance Act*  
*The Securities Act, 1988*  
*The Trust and Loan Corporations Act, 1997*  
*The Tabling of Documents Act, 1991*  
 Orders in Council issued pursuant to the above legislation

### Law Reform Commission of Saskatchewan:

*The Law Reform Commission Act*  
 Orders in Council issued pursuant to the above legislation

### Office of Residential Tenancies – Director's Trust Account:

*The Financial Administration Act, 1993*  
*The Residential Tenancies Act, 2006*  
 Orders in Council issued pursuant to the above legislation

### Provincial Mediation Board Trust Accounts:

*The Provincial Mediation Board Act*  
*Bankruptcy and Insolvency Act, Part X only (Canada)*  
*Orderly Payments of Debts Regulations (Canada)*  
*Bankruptcy and Insolvency General Rules (Canada)*  
*The Tax Enforcement Act*  
*The Financial Administration Act, 1993*  
 Orders in Council issued pursuant to the above legislation

### Public Guardian and Trustee of Saskatchewan:

*The Administration of Estates Act*  
*The Administration of Estates Regulations*  
*The Adult Guardianship and Co-decision-making Act*  
*The Adult Guardianship and Co-decision-making Regulations*  
*The Children's Law Act, 1997*  
*The Dependant's Relief Act, 1996*  
*The Missing Persons and Presumption of Death Act*  
*The Missing Persons and Presumption of Death Regulations*  
*The Pension Benefits Act, 1992*  
*The Pension Benefits Regulations, 1993*  
*Pension Benefits Standards Regulations, 1985 (Canada)*  
*The Public Guardian and Trustee Act*  
*The Public Guardian and Trustee Regulations*  
*The Trustee Act, 2009*  
*The Tabling of Documents Act, 1991*  
 Orders in Council issued pursuant to the above legislation

### Queen's Printer Revolving Fund:

*The Queen's Printer Act*  
*The Queen's Printer Fees Regulations, 2004*  
*The Financial Administration Act, 1993*  
 Orders in Council issued pursuant to the above legislation

### Saskatchewan Legal Aid Commission:

*The Legal Aid Act*  
*The Legal Aid Regulations, 1995*  
*The Financial Administration Act, 1993*  
 Orders in Council issued pursuant to the above legislation

### Victims' Fund:

*The Victims of Crime Act, 1995*  
*The Victims of Crime Regulations, 1997*  
*Criminal Code (S.737 Victims Surcharge) (Canada)*  
 Orders in Council issued pursuant to the above legislation

