

Chapter 15

Justice and Attorney General—Supporting Provincial Court of Saskatchewan to Manage Court Workloads

1.0 MAIN POINTS

The Ministry of Justice and Attorney General through its Court Operations and Services Branch is responsible for supporting the Provincial Court of Saskatchewan in managing court workloads.

By March 2024, the Ministry implemented one of two outstanding recommendations we first made in 2014. The Ministry has not fully implemented the other recommendation.

The Ministry implemented a new forecasting process in May 2023, which will help it determine resources needed to support Provincial Court workloads.

In 2020, the Ministry implemented a data analysis tool (dashboard) to aid in its collection, examination, and monitoring of information related to key measures for supporting the Provincial Court. However, the Ministry is not utilizing its dashboard to publicly report on its key performance measures (e.g., time to case resolution).

Public reporting can help legislators and the public understand operating pressures affecting Provincial Court workloads and the Ministry's actions to address them.

2.0 INTRODUCTION

2.1 Background

The Ministry of Justice and Attorney General, through its Court Operations and Services Branch, supports the Provincial Court of Saskatchewan (Provincial Court) in managing court workloads.

The Supreme Court of Canada identified key aspects of independence necessary to maintain a separation between the judiciary and other branches of government (e.g., executive); one of these aspects is the role of the Chief Judge.

A Chief Judge is responsible for the schedule of the Provincial Court and acts as the administrative liaison with the Ministry of Justice and Attorney General while preserving judicial independence. The Chief Judge assigns provincial judges to hear cases and sets court dates for Provincial Court facilities.

At March 2024, Saskatchewan had 47 Provincial Court judges; 12 permanent courthouses and 60 circuit points throughout the province.^{1,2}

¹ Provincial Court judges travel to more than 60 other communities for court matters known as circuit points. sasklawcourts.ca/provincial-court/about-the-court/ (13 March 2024).

² sasklawcourts.ca/provincial-court/judges/ (13 March 2024).



Lack of effective support to manage Provincial Court's workloads could affect timely scheduling of Court hearings. This could result in delayed delivery of justice. Such delays could also result in additional costs to hold the accused in detention centres and loss of public faith in our justice system.

2.2 Focus of Follow-Up Audit

This chapter describes our third follow-up audit of management's actions on the two remaining recommendations we first made in 2014.

In 2014, we assessed the Ministry of Justice and Attorney General's processes to support the Provincial Court of Saskatchewan in managing court workloads. We concluded that for the 12-month period ended December 31, 2013, the Ministry had effective processes to support the Provincial Court in managing court workloads except in the areas of our six recommendations.³ By June 2020, the Ministry implemented four of the six recommendations.⁴

To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Ministry's progress toward meeting our recommendations, we used the relevant criteria from the original audit. Ministry management agreed with the criteria in the original audit.

To carry out our follow-up audit, we interviewed key staff at the Ministry and reviewed relevant documents (e.g., forecasting training manual, dashboard).

3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at March 31, 2024, and the Ministry of Justice and Attorney General's actions up to that date.

3.1 Public Reporting on Key Measures Needed

We recommended the Ministry of Justice and Attorney General improve its collection, analysis, monitoring and public reporting of information related to supporting the management of Provincial Court of Saskatchewan workloads. (2014 Report – Volume 1, p. 75, Recommendation 5; Public Accounts Committee agreement February 13, 2015)

Status—Partially Implemented

In 2020, the Ministry of Justice and Attorney General started using a data analysis tool (dashboard) to aid its collection, analysis, and monitoring of information related to key performance measures for supporting the Provincial Court of Saskatchewan's workloads. However, the Ministry is not using the dashboard to publicly report on its key performance measures (e.g., time to case resolution).

³ 2014 Report – Volume 1, Chapter 10, pp. 67–77.

⁴ 2017 Report – Volume 2, Chapter 40, pp. 277–282 and 2020 Report – Volume 2, Chapter 33, pp. 249–255.

The dashboard appropriately captures key performance measures related to supporting the Provincial Court in managing court workloads. We observed staff can view data on time to case resolution, percentage of court appearances by video-conferencing, as well as average number of court adjournments.

In addition, we observed weekly automated emails from the dashboard sent to the Chief Judge, court managers, and Ministry senior management (e.g., Assistant Deputy Minister, Deputy Minister). These weekly emails appropriately provide for effective monitoring of key measures.

Our 2020 audit reported that the Ministry identified key performance measures related to supporting Provincial Court in managing workloads in its *Court Services Strategic Plan 2020–2024*. See **Figure 1** for these key performance measures.

Figure 1—Five Performance Measures Related to Supporting the Provincial Court in Managing Court Workloads

By March 31, 2024, the Ministry plans to:
<ul style="list-style-type: none"> • Work with the Chief Judge to: <ul style="list-style-type: none"> - Reduce time to case resolution in adult criminal court - Improve access to justice by increasing the percentage of appearances heard by video-conferencing - Improve access to justice by reducing the average number of court adjournments • Increase effective people management and employee responsiveness by increasing its employee engagement • Increase effective people management and responsiveness by maintaining an employee retention rate

Source: Ministry of Justice and Attorney General, *Court Services Strategic Plan 2020–2024*, pp. 68–70.

The Ministry's *2022–23 Annual Report* appropriately reports on percentage of appearances by video-conferencing. However, the Ministry is not publicly reporting on the other four performance measures including time to case resolution and average number of court adjournments. We found average time to case resolution from January 2021 to March 2024 has not improved and stayed at about 247 days (less than 18 months).⁵

The Ministry indicated it is in the process of re-evaluating its measures and targets to reduce Provincial Court wait times.

Publicly reporting on progress in achieving key performance measures can help legislators and the public understand operating pressures affecting Provincial Court workloads and the Ministry's actions to address them.

3.2 New Forecasting Process Implemented

We recommended the Ministry of Justice and Attorney General develop and implement a complete forecasting process that identifies administrative and financial resources (e.g., staff, facilities, and equipment) needed to support the management of court workloads. (2014 Report – Volume 1, p. 74, Recommendation 2; Public Accounts Committee agreement February 13, 2015)

Status—Implemented

⁵ The Supreme Court of Canada set a new framework (i.e., Jordan decision) as of July 2016 in which the ceiling for cases to be tried in the provincial court is 18 months. If this ceiling is exceeded, the timeframe for trial is unreasonable.



The Ministry of Justice and Attorney General implemented a new forecasting process for court services in May 2023.

The Ministry provided training to staff (e.g., Sherriff's office, court management) beginning in June 2023 for its new forecasting process, which focuses on salaries and operational costs (e.g., cost related to the number of court houses, court rooms, circuit points).

In our initial audit, we reported that the Ministry's actual cost of providing resources to courts exceeded its budget for several years (2009–13).⁶

In 2022–23, we found the Ministry did not exceed its budget for Court Services Branch (spending \$38 million compared to its budget of \$39 million).⁷ We also found the number of full-time positions at Court Services Branch increased from 359 to 375 in 2022–23.

Implementing a new forecasting process to support the management of court workloads should help the Ministry better determine resources needed and reduce delays at the Provincial Court.

⁶ *2014 Report – Volume 1, Chapter 10, p. 73.*

⁷ Ministry management indicated it exceeded its previous two years' budgets because of the COVID-19 pandemic.