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2019 Annual Report, Auditor General:

Ministry of the Attorney General

1st Session
43rd Parliament

Monday 20 March 2023

Chair: Tom Rakocevic
Clerk: Tanzima Khan

Journal des débats (Hansard)

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CONTENTS

Monday 20 March 2023

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON PUBLIC ACCOUNTS

COMITÉ PERMANENT DES COMPTES PUBLICS

Monday 20 March 2023

Lundi 20 mars 2023

The committee met at 1346 in room 151, following a closed session.

2019 ANNUAL REPORT, AUDITOR GENERAL

MINISTRY OF THE ATTORNEY GENERAL

Consideration of volume 3, chapter 3, criminal court system.

The Chair (Mr. Tom Rakocevic): I would like to call this meeting of the Standing Committee on Public Accounts to order. We are here to begin consideration of chapter 3, "Criminal Court System," from volume 3 of the 2019 Annual Report of the Office of the Auditor General.

Joining us today are officials from the Ministry of the Attorney General. You will have 20 minutes, collectively, for an opening presentation to the committee. We will then move into the question-and-answer portion of the meeting, where we will rotate back and forth between the government and official opposition caucuses in 20-minute intervals, with some time for questioning allocated for the independent member.

Before you begin, the Clerk will administer the oath of witness or affirmation.

The Clerk of the Committee (Ms. Tanzima Khan): I will read out the affirmation—and then if you could each just individually agree.

Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Mr. David Corbett: I so affirm.

Mr. Randy Schwartz: I do so affirm.

Ms. Nancy Krigas: I do so affirm.

The Clerk of the Committee (Ms. Tanzima Khan): Thank you.

The Chair (Mr. Tom Rakocevic): I would invite each of you to introduce yourselves for Hansard before you begin speaking. You may begin when you're ready. Thank you so much for being here today.

Mr. David Corbett: My name is David Corbett, and I'm the Deputy Attorney General.

Mr. Randy Schwartz: I am Randy Schwartz, the assistant Deputy Attorney General for the criminal law division.

Ms. Nancy Krigas: I am Nancy Krigas, the director for the ADAG.

Mr. David Corbett: Good afternoon, Chair and members. It's my pleasure to be before you again, this time to answer questions with respect to the criminal justice system and the report of the Auditor General. Joining me as fellow speaker will be Randy Schwartz, and we're very ably assisted by Nancy Krigas.

I'm pleased that the ministry has a second opportunity to discuss what we do that ensures justice systems function efficiently and effectively in this province, especially in the prosecution of criminal offences. Last month, as you'll recall, we spoke about court operations and everything that we have done and we are doing, essentially, about our modernization and, of course, specifically about the concerns that have been raised by the Auditor General in her report.

Today, we would like to share with you an important update about the initiatives put in place to deal with the criminal cases in Ontario, especially as it touches upon areas highlighted by the auditor.

Before I continue, let me thank the Auditor General, as I did the last time I appeared, and her staff for their work on the 2019 value-for-money audit. Her recommendations were astute, carefully considered, and they touched on many of the most critical parts of the criminal justice system, including delays, disclosure, resourcing, and bail. My ministry values the Auditor General's role in ensuring accountability and transparency in our democratic institutions and takes her recommendations seriously. I know that recommendations such as these coming from the Auditor General help us to be better at what we do, so they're very much appreciated. We have and continue to be committed to addressing these recommendations, and you will hear about the work we have started, the progress we have made, and the work that we have completed on each.

As I mentioned when we spoke about the modernization of court operations, the COVID-19 pandemic put tremendous pressure on the justice system. In early 2020, the Superior Court and the Ontario Court of Justice made the difficult but necessary decision to close courts to in-person matters for a number of months. When the court did restart, there were necessary limitations on who and how many people could attend and what types of proceedings could be heard. These unavoidable reductions in court operations caused unprecedented challenges to the criminal justice system and resulted in a substantial backlog of criminal cases.

To help address the growing backlog of criminal cases and prevent cases from being stayed, or in common language, dismissed, we worked diligently with justice participants, including the Ministry of the Solicitor General, the courts, the judiciary and the defence bar, to speed up justice and drive Ontario's justice system forward through virtual and digital solutions which were not in use prior to that point in time. We also acted quickly to take steps to reduce the number of cases in the system and ensure that priority is given to the prosecution of the most serious offences.

On August 14, 2020, the Attorney General issued the temporary COVID recovery directive, requiring prosecutors to review all existing and new prosecutions and to consider all available and appropriate sanctions to resolve cases as early as possible. Unfortunately, the COVID public health protocols continued well into 2021, further than people had originally anticipated, and unavoidably compounded the pressures on the system.

To prioritize public safety and ensure access to justice for those involved in the criminal justice system, including victims and their families, the government invested $72 million over two years in the criminal case backlog reduction strategy. Measures to support this work included an updated COVID-19 recovery directive for prosecutors, giving them guidance on how they would conduct themselves: expanding the ability of crowns to assess bail positions quicker across Ontario; and ensuring victims and vulnerable individuals and communities have access to supports and services by increasing the capacity of Ontario's Victim/Witness Assistance Program.

This also happened when we were investing millions of dollars to modernize court operations through initiatives that you heard about a couple of weeks ago, which included $65 million for video technology and other initiatives, including—which you will hear about today—the Criminal Justice Digital Design initiative, which brings criminal justice into the digital age, and there's a whole bunch of factors which we will go through in that regard.

As they say, every challenge is an opportunity in disguise. Well, we sure had a lot of opportunities as a result of COVID. And as you will see, many of the recommendations from the auditor can be checked off as completed because of the many initiatives we implemented to tackle the backlog and modernize the justice system.

I know you want to hear more detail about what we have done, and for that I will turn it over to Assistant Deputy Attorney General Schwartz, who is also Ontario's chief prosecutor, to provide more details.

Over to you, Randy.

Mr. Randy Schwartz: Thank you, Deputy.

Greetings to the Chair and the committee. I'd like to start my remarks by thanking the committee for inviting us here today to address you, and I'd like to echo the comments made by Deputy Corbett and to acknowledge the important work of the Auditor General and her staff in making the thorough recommendations that she advanced in 2019. Despite the many pressures of the pandemic, some of which the deputy has already referred to, we have made significant strides in addressing many of those recommendations. We have fully implemented many of them as written, and with respect to others, we have taken many steps to address them in a meaningful and effective way, taking into account the pressures of the pandemic and the many ways that it has changed our business.

As the deputy stated, the courts necessarily shut down in March 2020. When that happened, we responded quickly to learn new and innovative ways to deliver justice remotely and online. We pivoted from a brick-and-mortar justice system that was literally as old as Canada itself to a virtual and digital one.

I'd like to take this opportunity now to give you a few specifics about one technological innovation that we developed in this transformation that is directly responsible to the Auditor General's recommendations respecting disclosure, and that is the Criminal Justice Digital Design, or CJDD, initiative that the deputy has already alluded to. Once fully implemented, CJDD will modernize the criminal justice sector from beginning to end. At its simplest, it is a comprehensive digital sharing plan. The ministry collaborated with the Ministry of the Solicitor General and other justice partners to ensure that information, documentation and evidence in criminal cases could be shared digitally and online where appropriate. We now have technology that makes it possible for police services to manage, store and share investigative and evidentiary digital files with the crown using a consistent set of tools and standards. It has become a one-stop shop for all types of disclosure, and this of course will create efficiencies with disclosure. It will improve timely flow of disclosure from police to crown and from crown to defence counsel and crown to self-represented accused persons. This is an enormously important innovation given the volume of criminal cases we process in Ontario, the related volume of digital disclosure in those cases, and the tight time frames within which disclosure must be delivered to the defence in order to ensure that cases can be prosecuted quickly and effectively. This innovation was critical to our success in continuing to process criminal cases despite court closures and despite the many public health restrictions that were necessarily in place.

Despite our quick response, working diligently with justice partners to drive Ontario's justice system forward through the pandemic, the backlog of criminal cases during the pandemic grew. This was unavoidable due to the court's reduced processing capacity necessitated by the pandemic. By the end of 2020—nine months into the pandemic—the number of active pending cases in the Ontario Court of Justice had increased 46%, from 121,000 cases pre-pandemic to 176,000 cases in December 2020.

The Chair (Mr. Tom Rakocevic): Please be advised that we're at the halfway mark—10 minutes.

Mr. Randy Schwartz: Thank you.

That accumulation of 55,000 active pending cases and the resulting unavoidable delays in having matters heard quickly became our focus because of the Jordan timelines that govern how we conduct prosecutions. In 2016, the

Supreme Court of Canada released the Queen and Jordan, which is a case which mandates that criminal trials must presumptively be completed within 18 months in the Ontario Court of Justice and 30 months in the Superior Court of Justice. Trials that are not completed within those Jordan timelines are presumed to have violated the accused person's right to trial within a reasonable time. Currently, as the law presently stands, the only remedy for a violation of section 11(b) of the charter, which is the right at issue, is a judicial stay of proceedings, where the accused person walks free without a trial on the merits.

Judicial stays for delay can obviously be devastating to victims, to communities, to families, which is why Ontario's prosecution service has done and continues to do everything we can to bring cases to trial within Jordan-compliant time frames.

To address the risk of Jordan stays during the pandemic, the ministry acted quickly by launching the criminal case backlog strategy. I want to provide you with a few details about some of the initiatives implemented with that strategy. That was a $72-million investment in the criminal justice system to address the backlog. That strategy has succeeded in reducing the backlog of criminal cases in the courts. As of the end of December 2022, the number of active pending cases in the Ontario Court of Justice had decreased by 21,000 cases; we had 21,000 fewer cases before the Ontario Court of Justice in December 2022 than we had before the court at the height of the pandemic, in December 2020.

So we have made progress. That was accomplished through many initiatives, a few of which I'll highlight in my opening remarks.

1400

First, we created a system of regional virtual resolution teams, or VRTs. In each region in Ontario, we created dedicated teams of experienced crowns and non-legal staff to tackle the backlog of cases by resolving our less serious cases, including administration of justice offences such as failing to comply with a court order or not attending court. This work reduced trial demand and created much-needed court capacity to address the risk of other cases being stayed for delay. That team operated between November 2021 and June 2022, and during that short period of time, they reviewed over 25,000 criminal cases, resolved over 15,000 criminal cases, and saved or repurposed over 13,000 days of trial capacity.

We also used the additional resources made available through the backlog strategy to increase our capacity to staff additional courts based on increased post-pandemic judicial scheduling and to provide additional assistance to crowns' offices to tackle the increased number of cases involving serious violent offences.

These are only a few of the many initiatives that comprise the backlog strategy. Together, they tie into several of the Auditor General's recommendations, so I expect I may address them in more detail later during the question period.

Another way to address delay is to decrease the number of new cases entering the criminal justice system in the first place, which is why we are conducting a comprehensive assessment of mandatory pre-charge crown-police consultation as a means of addressing Jordan delays. I'd like to take a few minutes now to explain what that means, because it's a bit of a mouthful.

In a pre-charge consultation model, which is the model in place in several other provinces, but not in Ontario, prior to the laying of charges, the police are required to consult with the crown, who reviews the proposed charge on the basis of the crown's charge screening threshold, which is a higher evidentiary threshold than the test that the police apply when they decide whether to lay a charge. If the charge does not meet the crown's threshold, the crown recommends that the police not lay the charge. The crown may also request that disclosure be completed or substantially completed prior to the laying of the charge, so that the police can review it and properly screen the charge.

In Ontario's current system, which is a post-charge screening model, the crown generally reviews the charge only after it is laid, and we apply the higher charge screening threshold at that point. If the charge doesn't meet the crown's screening threshold, the crown withdraws the charge. If disclosure is not complete, the crown waits while the case goes through the court process and waits for the disclosure to be provided.

A pre-charge screening model ensures that court time is not spent waiting for disclosure to be compiled. Moreover, because delay under Jordan doesn't include time before a charge is laid, the production of disclosure prior to charge rather than after charge reduces the risk of delay that could contribute to a section 11(b) breach and a stay of proceedings.

For all these reasons, a pre-charge screening model could reduce the rate of cases being withdrawn, could reduce the risk of cases being stayed for delay, and could reduce the number of administration of justice offences in the court system.

We are currently awaiting a report from a national committee known as the Steering Committee on Justice Efficiencies and Access to the Justice System that is examining these processes. That report will be based on thorough consultations with prosecutors, police, community agencies and academics from across Canada, and I expect it will be the most comprehensive analysis of crown screening practices ever conducted in Canada. It will, of course, inform our next steps on this important initiative.

Our next steps will also be informed by ongoing discussions with Ontario's police services and the Solicitor General, because pre-charge consultation will necessarily be a co-operative initiative with the police, and it would be critical, of course, for police to weigh in on the practical implications of pre-charge consultation on their operations.

Another initiative of significance to the auditor's recommendations is the expansion of the crown's bail vettor positions. Before I expand on this, I'd like to explain a little bit about bail principles and policies, given that this is a focus of a number of the recommendations from the

Auditor General and, of course, is something that is currently on people's minds.

As you're all aware, the Criminal Code and the Supreme Court of Canada are both clear that accused persons are presumed innocent and everybody has a charter-protected right not to be denied reasonable bail without just cause, and of course, the courts ultimately make the decision to grant or deny bail based on legal factors and factual circumstances unique to individual cases. But that said, there is much that we can do as prosecutors and much we have done to improve how bail is handled in Ontario to reduce the number of accused persons in custody awaiting a bail decision and to ensure timely bail hearings. The bail vettor initiative is one initiative of many that helps us to meet these objectives. A bail vettor is an experienced prosecutor who takes an active role in the operation of bail court by facilitating faster bail decisions and, in appropriate cases, earlier resolutions, and they do this by acting outside of court in collaboration with defence counsel, the police, community partners, and other justice participants to prepare the crown's position on bail.

We have increased our bail vettor program from 11 prosecutors to 33 prosecutors across the province.

The Chair (Mr. Tom Rakocevic): One minute.

Mr. Randy Schwartz: The bail vettor program is one of many programs that we have initiated over the last few years to address the issue of bail, create efficiencies in the bail system, and address the recommendations made by the Auditor General.

So as you've heard, we've done a lot in the last four years, and I am happy to elaborate in the question period on any of these initiatives and many others that we have undertaken since the release of the Auditor General's audit in 2019.

Thank you once again to the auditor for her thoughtful recommendations, and thank you once again for the opportunity to present to you today. We value your attention, we're grateful for it, and at this point we are happy to answer any of your questions.

The Chair (Mr. Tom Rakocevic): Thanks again for your important work and for being here today and your excellent presentation.

This week, we'll be proceeding in the following rotation: 20 minutes to the government members, 20 minutes to the official opposition members, three minutes to the independent member. We will follow this rotation for five rounds or until there are no further questions.

As this committee is now authorized to meet until midnight if necessary, at 3:30 I will check in with the members to see if additional rounds of questions will be necessary and also to offer an opportunity for a short break at that time.

At around 5:35 p.m., if the committee has no further questions—okay. I think that's good. That's what happens when you read the bolded part.

So, 20 minutes to the government—please proceed, MPP Smith.

Ms. Laura Smith: I want to thank all of you for coming back and providing so much information about these important initiatives.

Mr. Corbett—or actually, it might be Mr. Schwartz. You can divvy this up as you feel you need to. I think the last time I was here we talked about paper and how we lived in literally the 19th century. It was a very strange and bizarre world that we lived in in my previous life in law. Even in criminal—I recall criminal being one area where there was the least amount of paper, but there was still paper. You talked about how everything kind of changed—well, things dropped for all of us in March 2020. You talked about disclosure sharing through the CJDD. You talked about criminal justice digital design. Can you talk about how that changes things for people in the legal world?

Mr. David Corbett: Just to put it in context, we do about 200,000 to 220,000 criminal prosecutions a year. Year in, year out, it's over 200,000. So you can imagine, with paper, how much paper that might generate.

Ms. Laura Smith: It's in the back of my car right now, yes.

Mr. David Corbett: And I should say, to give context, about 97% to 98% of the cases are done in the Ontario Court of Justice, 3% done in the Superior Court of Justice. Almost all the work is done in the Ontario Court of Justice on this.

1410

There was a backlog before the pandemic; it was just exacerbated by the pandemic.

In terms of CJDD, the intent of that—and it has been in development by our own tech people, so it's not an off-the-shelf bought solution. It's being developed in-house to meet the requirements of the police, of the crown prosecutors and, at some point, the defence counsel. That system will be, from the opening information that's laid, done electronically, over to the justice of the peace who will approve it or not approve it, and then through the system, including through the system as it gets amended.

We have, as I mentioned the last time, the new Toronto courthouse, a 17-storey building—I think it's 17 storeys. The worry was, with courts on various floors, how you would get information from one courtroom to another courtroom if it was traversed to another court. Well, it's all done electronically. We've got a system in place in Toronto and in that courthouse that allows the transfer of that information and a digital signing of that information, to allow it to continue to process.

CJDD doesn't just stop there. The whole idea of it is to also have digital disclosure. One of the most significant Jordan problems is the delay in disclosure. It eats up a whole bunch of time. As you know, I think, from the last time, in the Ontario Court, where, say, 97% or 98% of these cases are dealt with, we have 18 months to lay the charge and then have it dealt with by the court. If you've got disclosure taking up nine, 10, 11 or 12 months, you have very little time to actually get the case done.

Ms. Laura Smith: Because you can bring in 11(b), and then you'd lose your—

Mr. David Corbett: At the end of the 18 months—well, it's not a definite number, because there can be exclusions that allow for further time. You're faced with a presumptive 18-month ceiling. So we've got to get the stuff done more quickly and through the courts more quickly. CJDD will allow us to do that through both the information being laid and being able to handle the information right through the courts, right to digital disclosure, which will go to the crown—big chunks of disclosure, including body-worn camera videos, cellphone videos, in-car camera videos. All of that material has to be reviewed by the crown before it goes to the defence, so we need to get it from the police to the crown, and then we need to get it from the crown to the defence. This system, which has taken four years—it's a very complicated system, with many participants in it—requires, as I say, this very sophisticated design.

So CJDD is really an end-to-end digital solution to get rid of paper, and it has a whole bunch of components to it—D2H2; I won't get into that. Randy, maybe you want to talk about that.

Ms. Laura Smith: It's also sharing.

Mr. David Corbett: It's sharing the information, sharing it from the police to the crown, and then sharing it from the crown to the defence counsel.

Do you want to expand on that, Randy?

Mr. Randy Schwartz: I might add a couple of points. First, as Deputy Corbett has indicated, when it is complete, CJDD will create a coherent digital ecosystem that will follow a case from cradle to grave, from the initial charging document right through the disclosure process and right through the court process. That is an incredibly important innovation, because it will accelerate our ability to try cases.

But focusing on the disclosure element of CJDD, this is absolutely critical to our prosecution service, because what we are seeing is—over the last several years, we have seen increasing complexity of our cases and increasing volume of disclosure. One important part of that was already touched on by the deputy; it's the proliferation of body-worn cameras. These are cameras worn by police. We all know they are critically important technology. They increase transparency and accountability in police interactions with members of the public, but they also generate a huge amount of data. All of that data has to be retained by police; stored in a secure way; reviewed by police; redacted; sent to the crown, where it is reviewed and redacted again; and then ultimately disclosed to the defence. That is a lot of data, and it takes a lot of resources to process all that disclosure. CJDD will give us technical capacity to do that more efficiently, and we are already seeing those gains. Before we developed CJDD, there was no coherent, consistent way that we in the prosecution service were receiving those digital files from police services across the province. There was a lot of variation in the approach, and there was not consistency. So we are developing consistency through the use of these tools, and it's critical to ensure that we meet those Jordan timelines that the deputy has already referred to.

Mr. David Corbett: You might wonder why we have to redact. Some people might wonder why we redact. We redact because we have confidential witnesses. We've got vulnerable witnesses, and we need to make sure that we don't transmit information.

What other information, Randy, would you—

Mr. Randy Schwartz: The crown is required to review for purpose of redaction all disclosure we provide to the defence, including body-worn camera footage. One of the reasons is the reason the deputy has indicated: Sometimes information about confidential informers will appear in the disclosure packages that we review. But in many other cases, there will just be personal, sensitive information that's conveyed in that disclosure which the law makes clear cannot and will not be made available to the police, so depending on the nature of the case, that could be everything from a witness's address, their date of birth, familial relationships, prior dealings with an accused person, or others that might be sensitive or personal in nature. So there is a lot of work that goes into reviewing disclosure and processing it before it can go to the defence.

Mr. David Corbett: If we've got a six-hour video or a three-hour video, we have to go through it and make sure that we're not disclosing information that we have an obligation not to disclose. You can imagine with the number of videos we're now getting the amount of work that's involved in that. CJDD is helpful because it allows the transmittal to us, to be able to do it efficiently, but it's still a matter of, can we develop an artificial intelligence tool to do that, or how do we do it in the most effective way that we can do it?

Ms. Laura Smith: So it's a strong tool.

I'm going to circle back to something we talked about earlier, 11(b)s, which are an issue. You talked about priorities given to serious offences and vetting. Could you talk about more of that initiative so that we can protect the vulnerable?

The Chair (Mr. Tom Rakocevic): Just over 10 minutes.

Mr. David Corbett: The Attorney General is allowed to provide direction on how the prosecutors prosecute. So there's a direction that was issued in 2021 or—

Mr. Randy Schwartz: August 2020.

Mr. David Corbett: —August 2020, and then updated—

Mr. Randy Schwartz: In October 2021.

Mr. David Corbett: Right. And that helps prosecutors know where we're looking to pay our attention—the obvious things: murder, attempted murder, sexual assaults, serious crimes. We focus on those, but we also are very aware that any crime that affects anybody has a really personal connection. If your car is taken from you or if somebody breaks into your house—these are all offences that matter to the victims of these crimes.

Randy can speak to scope and how we monitor, and it was pursuant—following up on the Auditor General's recommendation, as well, with respect to tagging things that have got eight months into the system. We've got a very sophisticated system through our digital tool,

SCOPE, that allows us to flag where cases are in a particular stage and when they become a Jordan risk. So if we have to make a choice, we're going to make a choice on putting resources to deal with the most serious crimes. That doesn't mean we discounted every crime that occurs in the province, but we sometimes do have to make choices in how we prioritize.

Randy, do you want to expand on that?

Mr. Randy Schwartz: I can expand on that. Thank you.

I spoke in my opening remarks about the many initiatives that we developed as part of the COVID backlog reduction strategy. There are literally dozens of initiatives, but they generally fall into buckets of initiatives. One of the buckets relates to our efforts to resolve as quickly and efficiently as we can cases that should be resolved. These are cases that are generally lower severity, that don't involve or impact victims as directly as some of our more serious cases, including cases of violence. The minister's directives to prosecutors were very clear and gave clear authority and direction to crowns to target cases for resolution where that's consistent with public safety.

1420

That's one bucket of initiatives, and we could break that down under many subheadings, but there's another bucket of initiatives that was an important element of our backlog reduction strategy, and that was dedicating resources to the prosecution of serious cases, including serious offences of violence, which require prosecution resources to prosecute effectively. We devoted crowns, in particular, to critical homicide support because we recognized that when the Superior Courts reopened for jury trials in 2021 and 2022, we would have a backlog of homicide cases that needed to be prosecuted quickly, and there was no way that we were going to permit those cases to be stayed for delay. We knew that we needed to prioritize our ability to prosecute those cases, and we did that by allocating some of our COVID backlog resources to specialized teams of crowns to support that growing number of homicide cases. Similarly, we knew that there were other serious and major cases in the system that needed to be prioritized for prosecution, so we devoted both non-legal staff and legal staff—that's business professionals who assist crowns in the preparation of their cases and crowns—to enhanced major-case preparation and prosecution and enhanced litigation support for those serious cases.

Those are two of the buckets of initiatives that we developed: first, process cases and resolve them as quickly as we can where public interest supported that—so that would be initiatives designed for the less-serious offences—and simultaneously devote resources to that other category of cases which are very serious and need to be prosecuted to the full extent.

Ms. Laura Smith: And that provides data on both counts, on both buckets, so to speak.

Mr. Randy Schwartz: Absolutely. And at the same time that we were using those initiatives, we made sure to leverage all of the resources available to us to track Jordan vulnerability.

The deputy has already spoken about our use of SCOPE. SCOPE is the crown's electronic case management tool. It has various capabilities to help us track delay in our cases so that cases do not fall through the cracks and become Jordan-vulnerable. One of the recommendations in the Auditor General's report related to adding certain flags to the SCOPE file so that a case that's over eight months old is automatically flagged, so the crown will see that flag and know that there's a need to prioritize work on the file.

Interjection.

Mr. Randy Schwartz: Correct. And we have implemented that recommendation and more. We now have several colour-coded flags in SCOPE that make it very transparent to crowns who are assigned files where their Jordan vulnerability is so that they can take steps to address that.

Those reports can also be pulled by crown managers to assess Jordan vulnerability on an office level, regional level and a provincial level, so that we know where we stand and can reallocate resources as necessary to address those risks.

Mr. David Corbett: If I could just add one comment: When we spoke about the AG's directive—there's full transparency; that's public. It's not some hidden directive. It's public record.

We haven't talked about it, and we'll come to this during the course of the day, but we also have taken other actions with respect to how we deal with less serious crimes, which is really diversion—trying to get it right from the police stage and working with the police to know what charges should be laid given the amount of resources that we have. The police are entirely co-operative in this; we have a very good working relationship with the police in all areas. The other thing is justice centres, which we hope to talk about as well. It's another really excellent way of diverting cases that are not as serious and where we think the public's safety is being protected. So I hope to get to those.

And a third comment: We've talked a little bit about pre-charge consultation. We're looking at a bunch of ways to make sure that we keep the cases out of the system that should be out of the system, so you lower the number coming in, in conjunction with speeding up the processes to get the cases that are in out, or you do one of the two. I think using a combination of lowering the cases coming in with process changes—basically, based on technology and other procedural things that we're doing—will meet the needs that we have.

Ms. Laura Smith: How would a justice centre be different from a conventional—

Mr. David Corbett: I don't know how long we have in this session, but we would really like to spend some time talking about justice centres, so I can—

Ms. Laura Smith: Time?

The Chair (Mr. Tom Rakocevic): Three minutes.

Mr. David Corbett: The way a justice centre is different from a normal court is that you're taking the less serious cases, making an assessment, and having an all-

around process. We've got mental health people, we've got employment people, we've got drug addiction people, and you place them all in the same building with the court. This is where Ontario is different. There are other provinces that have justice centres, but they don't do that. They call it a justice centre, but they don't have the court actually part of that centre. What we try to do is that we see what the solution is for the particular individual. We've got four centres now. We've got one in Kenora, which is focused on Indigenous. We've got one in London, which is focused on youth. We've got one in northwest Toronto, which is focused on people of visible minorities—again, youth we're trying to deal with. And we've got one in the northeast of Toronto which is focused on people who have serious mental health issues—they're adults and just continue to come into the court. So the premise is, if we can get these people, get them the right treatments, they won't be back into the court on the same charge. We've got four that are now running.

The Kenora one was opened—I think February 6 was the opening date for that. It was done in conjunction with real consultation with the Indigenous communities in that area. In fact, they own the building that we're in; we've rented it out from them. That building is designed to have all of these supports and hopefully help the people who have committed these crimes, who we don't feel are a threat to the public by putting them back out into the public, so they don't come back. That's the theory.

While they have justice centres across the world, I think that we're really going to be a leading jurisdiction in this if we can continue to do it. It's largely funded right now by the feds as opposed to the province. We fund some of it, but it's principally funded by the federal government. That's a summary of it.

Ms. Laura Smith: That's interesting.

In my previous life, I dealt with matters under the child protection act, and we would commonly work very closely with the different bands. Would I be making an assumption—if these justice centres would also be incorporating different Indigenous bands in their work?

Mr. David Corbett: That would be a correct assumption, particularly in Kenora. That centre was developed exclusively, basically, for the Indigenous communities there. I don't remember the percent of the people who are in jail in Kenora who are Indigenous.

Interjection.

Mr. David Corbett: Yes, it's almost everybody. At one point during the pandemic, 100% of the people in the correctional institution were Indigenous, but it's generally only 90% or 95%. So it's critical in that area, but it's also critical across the province.

We've established these four as an experiment. We hope to evaluate, with KPIs, what we're accomplishing. We've seen, from London, great results already and—

The Chair (Mr. Tom Rakocevic): Thank you. We're at time.

We're now moving to the official opposition side. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you very much for the presentation. That was extremely helpful. It's good to see everybody again.

I want to start off with a foundational statement that came out of the Auditor General's report. The office is drawing conclusions that, "Overall, the ministry does not have effective systems and procedures in place to know if its resources are being used or allocated efficiently and in a cost-effective way and to support the timely disposition of criminal cases." Do you agree with that statement?

Mr. David Corbett: These are all time-based. At that time, we didn't have in place our CIMS system, which is a really sophisticated system that allows us to measure workflow in the various offices across the province, allows us to make a conclusion. Do we have the right resources in a particular area? Where are we deficient in those areas? And then we work to supplement them. That system is fully implemented. In conjunction with the SCOPE system, which is working incredibly well, I think we have the resources now.

MPP Kristyn Wong-Tam: Because you now have the resources, or at least some of the additional tools to be able to administer justice more quickly, I'm very curious to know, will you be able to also do what was recommended? One of the recommendations in the report is to actually monitor and collect the data. One of the things that comes out in the Auditor General's report is that there isn't a lot of data for her to go through, especially disaggregated data. Looking at the court system and its delays, an aggregated model means that you can't really drill down deeper to find out where the problems, the blockages are, so you can address them in a surgical manner.

1430

Mr. David Corbett: I think you may recall from the last session, which dealt with the operation of the courts, that we're putting in place a case management system that is the same system for both the Ontario Court and the Superior Court. That system will give us better data in terms of scheduling and how those courts operate. You put that in conjunction with SCOPE and CIMS, and we should have a good suite of devices to be able to generate the data that we want.

You also may recall that we have said that the data is owned by the courts, so we have some limitations in terms of how we use that data, but my experience since I became the deputy has been that the courts are entirely co-operative, and more so because they see the need for that co-operation. I said earlier that it is critical that we work with the police in developing new projects to increase efficiency; it's also critical that we work with the courts, and what I can see from the courts and their feeling about the necessity to do that is a desire to work with us. So assuming that that continues, which I believe it will, we will have both the systems and the co-operation from our justice partners to get the data that we need.

MPP Kristyn Wong-Tam: Will that be formalized in a way that would avoid any type of staff changeovers, political disruptions or change of government? Are you on

course to making sure that that gets done, barring any type of interference?

Mr. David Corbett: I'm not quite sure what you're directing the question at, but the money that we needed to have the systems in place has been provided by this government, and it had been long overdue. We have the resources, and the government has been, I think, frankly, generous in saying, "You need this money? You're going to get it." I think the answer is, it won't matter—a change in people. We have the systems that we will have in place. If we have the co-operation of the police, which we do, and we have the co-operation of the courts, which we do, then I think we're in good shape.

MPP Kristyn Wong-Tam: Just out of curiosity, you mentioned that the data is owned and managed by the court system itself—

Mr. David Corbett: Owned. I didn't say managed. It's owned by the courts.

MPP Kristyn Wong-Tam: Owned. And is the information that is owned anonymized and able to be posted in a disaggregated fashion, so therefore we know, for example, what is the production level of each individual court and how they perform in the region versus the specific location and if there are any interesting trends? Will that information be made public? Can this committee see it?

Mr. David Corbett: In terms of the data itself, there's a fair amount of sensitivity in the courts in releasing the data. The Ontario Court publishes annually mass amounts of data that we actually aggregate for them. We say "manage"; the new system that we're putting in place will generate that data, and the question is—when we have asked the courts to release the data, I don't know of an instance where they haven't agreed to it. But there is sensitivity. Will it be available for this committee? My expectation is that there will be data that will meet the needs of the committee. There are certain data points—you've said that it's anonymized. There are certain restrictions on releasing data that are pursuant to statute, particularly with respect to youths and other data. That will not be released. We did not release that data to the auditor when she did her report because we had legal restrictions on what we can release. It's not just that the court doesn't want to release it; there are statutory requirements that prohibit us, as a matter of law, from releasing it. So, subject to the constraints of the law, I think we're in good shape.

MPP Kristyn Wong-Tam: What is the latest status on the criminal case backlog? And how long does it take, on average, to dispose of a criminal case?

Mr. David Corbett: I don't know how long it takes to dispose of a particular case; if you did just a blunt average, it wouldn't be terribly useful. Randy can speak to why that would be so, or he might have another thought on how to do that.

In terms of where the status is, Randy has given you the number as to how it has gone down. It has levelled off, and so we have to have other ways—levelled off in the decrease. So we're looking for other ways to make sure we can get the line going in the right direction. We anticipated that it was going to be a several-year project to get the numbers down to pre-COVID levels, but I said that with the numbers pre-COVID, there was a backlog. While we were able to meet the 11(b) obligations, there was still a backlog. So we have to make the system more efficient in some of the ways that we've talked about. If we adopted the pre-charge consultation, we could get rid of 20,000 or 30,000 cases of the 220,000. So there are big steps that we can take, but we have to work with the police to make sure they're in agreement with this and it makes sense.

We have a chart—I think if we get into pre-charge consultation, I can go over it in more detail, but I don't think you want to go there.

So I'll just give it to Randy to supplement what I said.

Mr. Randy Schwartz: I will just highlight that when we speak about the impact of the pandemic on court delays, I don't want to leave the committee with the impression that those impacts have passed and that we are simply in recovery mode now. Those impacts persist. We continue to see ripple effects from the pandemic affecting court operations and affecting our ability to clear the backlog. So this is still something that we are struggling to address. But I will say that we have made many strides in addressing that.

And in making this point, it may assist you if I read from a recent decision. It's a case from Peel, called the Queen and S. I'm initializing the case because a publication ban was issued in the case. This is a decision in an 11(b) application from just a few weeks ago, authored by Justice Blacklock, a very experienced judge of the Ontario Court of Justice, who sits in Peel. As you may know, Peel is one of the busiest court locations in Canada, if not the busiest. So the pressures that the pandemic put on that court were extraordinary. In this recent 11(b) decision, which ultimately led to the 11(b) application being dismissed, Justice Blacklock identified first the fact that the pandemic continues to have ripple effects on the operation of the court in Peel, but also commented on the many steps that the ministry has taken to address that.

Justice Blacklock stated: "I have no doubt having presided here throughout this period"—the period of the pandemic—"that these events had a very significant effect on the backlog in this court. I also have no doubt that that impact will take real time to work itself through the system.

"I am also satisfied that the crown qua litigant has done a number of things to mitigate these matters. It participated in a regular triage court. It has been aggressive in pretrial settings in working towards resolutions. It has run special programs aimed at resolution such as the one reviewing the outstanding impaired files and offered generous positions. At a broader level the system stood on its head to stay as open as possible. Public resources were poured into refitting court rooms, providing supplies for staff, providing enhanced cleaning and establishing and/or vastly increasing the courts' ability to function remotely. These steps certainly were designed to limit the growth of the backlog and its future ripple effect. I also have no doubt that they did so to some degree."

The point I'm trying to make is that the pandemic continues to impact the courts and continues to impact the crown's ability to clear the backlog, but we are taking strides to do so.

In terms of assessing the extent of our section 11(b) vulnerability at this particular point in time, that varies considerably from jurisdiction to jurisdiction, so I can't give you a one-size-fits-all solution. Some jurisdictions do not have a considerable backlog. Some have been very effective in clearing their backlog given the specific ways those courts operate. In other jurisdictions, we have had more challenges. Nevertheless, the rate of 11(b) stays has remained relatively constant, and we have not lost any homicides to 11(b) stays to date, which is something that, of course, as chief prosecutor, I'm very proud of.

1440

MPP Kristyn Wong-Tam: Have you lost any violent criminals? Even though it's not homicide, there is violence—we've seen violence increase in public transit, in public spaces. The police would probably say that they've got increased stats. Have violent repeat offenders been released back on the street because of the unnecessary delay in the courts?

The Chair (Mr. Tom Rakocevic): We have eight and a half minutes left in this round.

MPP Kristyn Wong-Tam: Thank you.

Mr. Randy Schwartz: I can't comment on the issue of repeat violent offenders and stays, but I will say that, given that, as Deputy Corbett has indicated, in Ontario we process over 200,000 criminal cases annually and many of those cases involve offences of violence, it has always been the case, unfortunately, and will always be the case that there are some cases involving violence that end in 11(b) stays. That is not unique to the pandemic. Of course, we do everything we can to address that and mitigate that risk, but those stays will happen, and they have happened during the pandemic.

MPP Kristyn Wong-Tam: When you say that you cannot comment, is it because you don't have the data that's available right now to provide some comment, or are you choosing not to comment?

Mr. Randy Schwartz: I am not saying that I will not comment. I am saying that I just can't confirm today whether any stays in cases involving violence involved repeat offenders; I cannot say.

MPP Kristyn Wong-Tam: Would it be possible to get that information at another date, if you have access to that information? Given the general public's interest in community safety, it would probably be very good to know what exactly that revolving door is looking like. The police have described on many occasions that we don't necessarily have a full on, functional justice system. They describe a bit of a revolving door: People are captured, and they get released almost the same day. The detention centres are full, the court backlog, crowns not necessarily wanting to pursue—maybe there's not enough evidence, for a whole host of reasons—and then they're back on the street. So if you can provide that information, I would be very keen to know it.

Mr. Randy Schwartz: In terms of the rate of cases stayed for 11(b), I believe that the rate has been fairly constant between 2016 and the present. We're looking at 0.03% of criminal cases stayed for violations of 11(b). That was the rate pre-pandemic, and it is the rate throughout the pandemic years.

MPP Kristyn Wong-Tam: I would be interested in knowing the number of individuals who have been discharged who have committed violent crimes and who weren't able to get through the court process quickly enough. I recognize that you may not have that information available, but I am very curious to know what that rate is. Perhaps another day.

Mr. Randy Schwartz: I will say two things to answer your question, MPP. The first is that decisions on 11(b) stays are published by the court, and they are publicly available. So that information is available, and from time to time, we hear these cases reported in the media. That information is available to the public. In addition, when stays occur, particularly in serious cases, the prosecution does not sit idle; we respond.

Earlier in the deputy's remarks, I think he referred to the fact that disclosure delays can sometimes compromise our ability to prosecute cases in a timely way. We've developed a system in the criminal law division that ensures that if a case—whether a case of violence or otherwise—is stayed due to a disclosure problem, that case is not only brought to the attention of the crown attorney and the regional director, but it's also brought to the attention of my office. We take steps to then work with the senior command of the police service at issue to address that disclosure problem. So we're proactive in that sense.

You referred in your comments to this phenomenon of a revolving door—I take that to mean a few things. You might be referring to decisions to release someone on bail when they should not be released on bail, or you may be referring to releasing someone on bail without appropriate supports made available to them to ensure that they stay on the right path. I will say that if either of those is what you're capturing in your question, we have taken steps to address them, and perhaps I'll focus on the latter.

MPP Kristyn Wong-Tam: Before you do, I do have a couple of other questions.

I'm hoping to get the response to my question in writing at another date, so we don't have to unpack all that here.

The revolving-door comment—sometimes also known as "catch and release"—is oftentimes what I'm hearing in the community when I'm with the police officers at community safety meetings. They specifically point to the courts as part of the challenge that they are experiencing where they can't do their job effectively.

I'm just curious to know, what is the expected timeline to reduce the backlog to what would be an acceptable level on when we can expect timely access to justice, and how would you define "acceptable level"?

Mr. David Corbett: Well, the courts have set the acceptable level at 18 months in the Ontario Court and 30 months in the Superior Court.

MPP Kristyn Wong-Tam: Yes, I know, but I think we're talking about internal—sorry; I don't mean to be a contrarian. I'm just trying to understand.

You're working really hard to clear the backlog, which I certainly recognize has been "exacerbated" by the pandemic. I'm curious to know the estimated timeline that you have, your plan to clear the backlog, and where you would find it to be acceptable. At what point in time will you take your foot off the gas and say, "We've done everything we can. We've squeezed every dime out of that, every dollar has been put to use, and we can see the light at the end of the tunnel"?

Mr. David Corbett: Let me say that we're never going to take our foot off the gas, because one of the things that's happening is, the cases are becoming increasingly complex, so there's more time required to process these cases. A good example would be, an impaired driving offence used to take a day or two days; now it can take up to four days. We had, at one point, about 16,000 impaired driving cases in our books.

The Chair (Mr. Tom Rakocevic): You have two minutes left.

Mr. David Corbett: Ontario has the safest roads in the country—but we also prosecute them in a way that other provinces don't. We prosecute them on the Criminal Code. Some provinces process them as administrative offences. It takes more time to process them in the courts. So you've got cases that take a long time—increasingly complex cases—you've got a lot more disclosure obligations as a result of the media, whether it be a camera or a phone or a body camera.

So I don't know if we're ever going to get to the point where we can say, "We're good. Let's take our foot off the gas." I think we've got a continued challenge to meet the timelines of the cases, and the 18 months is a tough timeline to meet in the Ontario Court.

So would you say our service standard should be 15 months? That's not the way we're thinking right now. What I am thinking is, we've got to meet the timelines that have been set by the courts, and we've got to do that in evolving circumstances which are more problematic than they have been historically.

MPP Kristyn Wong-Tam: I appreciate that. Definitely, the energy to address the problem is there. I can sense your passion to get the job done. But I'm a bit perplexed by the answer. If we know there's a problem—and recognizing that there is definitely a situation here that requires a very significant response—I'm just perplexed that there isn't a timeline to operationalize all the recommendations here so you can get to an outcome where you're able to address the delays in a way that you can clear the backlog. Is it a matter of five years, six years? What do you need to do? I'm trying to get to that answer, and I don't have that.

Mr. David Corbett: So I—

The Chair (Mr. Tom Rakocevic): We're out of time.

We're proceeding to the government side. MPP Skelly.

Ms. Donna Skelly: Thank you, gentlemen, for your presentation this afternoon.

My first question is, what does CJDD stand for?

Mr. David Corbett: Court Justice Digital Design.

Mr. Randy Schwartz: Criminal—

Ms. Donna Skelly: Criminal Justice Digital Design?

Mr. David Corbett: Yes.

Ms. Donna Skelly: Okay.

I want to pick up on something that MPP Wong-Tam just mentioned and the revolving door of violent offenders. I want you to clarify—the revolving door of violent offenders getting bail. Are we seeing an increase in that? Are we seeing more and more violent offenders getting bail or are we not? I'm raising it because we've seen high-profile cases involving, for example, the murder of police officers involving suspects with lengthy criminal records.

1450

Mr. David Corbett: The statistics that we have available I don't think are conclusive in terms of whether we're seeing more or we're not. Certainly, if you watch the TV programs—and the very serious shooting of that police officer obviously brings it to the public's attention, but we don't have the statistics.

We know that we have a number of recommendations, and you'll know that all the Premiers wrote to the Prime Minister. Randy and I were in Ottawa with the Attorney General and the other Attorneys General from across the country a week ago to discuss potential initiatives. There was a news release that came out of that. Ontario made very good recommendations to that group, which included a technical recommendation about reverse onus. If a repeat violent offender commits an offence with a gun, they would have the onus of proving they should be released. Right now, the crown has the onus of proving that the person should be retained for public safety. So we want to reverse that onus to put the burden on the person who has used a gun or is a repeat violent offender or has committed an intimate partner violence offence. We'll see what the federal government does about that. They have indicated publicly that they will be looking at it and considering legislation to amend the Criminal Code. Until we see that legislation and we see how quickly it's brought forward, we won't know whether we succeeded and whether all the Premiers succeeded in writing to the federal government, whether we succeeded in the meeting that we had a week last Friday.

Ms. Donna Skelly: We talked about the Jordan vulnerability and the 18-month timeline. I was a journalist. I was just googling and I can't find it, but I recall a case that exceeded over a year at trial, and it was a high-profile case—I think it was in BC, actually. If you happen to have a case before an Ontario court that, for some reason, requires a year to prosecute, the actual trial time—I can't recall what the other—it was a case involving multiple murders. Does that have to still fit in that 18—

Mr. David Corbett: No, there are extenuating circumstances that can add to the presumptive ceiling. The presumptive ceiling is 18 months or, in the Superior Court, 30 months. COVID is a factor that can be an extenuating circumstance. We won't know until the cases develop how much longer the courts will give for that. But in a very complex case, that can very well be an extenuating circumstance. You also have to look, in calculating the time, what proportion of the time or what number of months are

due to defence delays. The defence can delay things, so that extends the 18 months or the 30 months.

Ms. Donna Skelly: Is that a tactic to perhaps have the case stayed?

Mr. David Corbett: If the defence engages in behaviour that delays the prosecution of the crime, it doesn't help them. If it's a really complex case and we can show why it required more time, we get credit for that. What we don't get credit for is if we don't disclose and—the information was with the police or with us and we don't give proper disclosure. If that takes up nine or 10 months, we're in trouble.

Ms. Donna Skelly: That brings me to my next question about disclosure of evidence. You said it's actually lengthier now—it takes more time to disclose.

Mr. David Corbett: Yes.

Ms. Donna Skelly: Why is that? What's the difference?

Mr. David Corbett: Randy can speak to this, but the difference is, we've got all this media, like cellphone videos, and we've got to go through it all, redact information that we cannot disclose. It takes human time to go through all of this material.

Ms. Donna Skelly: But the new system, this new technology, is allowing you to expedite the process, or at least ensure that all of the relevant evidence is disclosed?

Mr. David Corbett: Randy may want to speak more directly to this.

Even with the new systems, it allows for the transmittal over to us, but somebody still has to go through it all, and the police have got to gather it.

Part of why we've talked about a pre-charge consultation is, the time limit for Jordan doesn't start until the charge is laid. If you do the disclosure ahead of time and all the work on getting the disclosure ready, you can buy yourself months and months that otherwise are lost to the Jordan calculation.

Ms. Donna Skelly: And disclosure is unidirectional? The defence doesn't have to disclose?

Mr. David Corbett: That's correct.

Randy, do you want to correct anything I just said?

Mr. Randy Schwartz: I do not want to correct anything you've said, but I will echo some of those comments.

Developing technology to process large volumes of digital disclosure is clearly critical to our success in making timely disclosure, but it's not a complete answer to the issue of disclosure, because, as the deputy indicated, we on the prosecution side and the police, on their side, have to review their disclosure. When it comes to multimedia—audio, video, CCTV footage, body-worn camera footage, in-car camera footage—that review has to take place in real time, so that takes a lot of time, particularly when you're dealing with body-worn camera footage and in-car camera footage in tens, if not hundreds, of thousands of cases annually. This is a lot of work for all the parties involved. The digital processes that we've developed through CJDD do not address that human investment of time that disclosure will take, but CJDD definitely gives us the technical capacity to move those digital media from the police to the crown and the crown to the defence in an efficient way.

Ms. Donna Skelly: And of course, storing that data is a huge issue. I know the police in Hamilton are struggling with—I think we talked about this the last time you were here. They can afford the cameras. They can't afford the storage fees.

Mr. David Corbett: Or the people who actually go through the material and redact. Of course, that's an issue between police and the crown. Whose responsibility is that? Who has got the resources? So it's not just the storage; it's actually the time it takes to go through all of this material.

Ms. Donna Skelly: Another point that was raised through the pandemic: We heard from many, many stakeholders and community organizations that domestic violence had increased. Have you seen that? Has that been evident in the statistics you've gathered?

Mr. David Corbett: We do have statistics that would indicate that is so.

Ms. Donna Skelly: Yes. Has that put pressure on backlogs in the court, as well, because of, obviously, an increase in that particular type of crime?

Mr. David Corbett: They're serious crimes. They take a lot of work to investigate and to prosecute properly.

Mr. Randy Schwartz: That phenomenon ties into the importance of the CIMS model which the deputy referred to in earlier remarks. CIMS is the system that is now available to the prosecution service to track our resources and determine where the crown should allocate its resources. The thing that makes CIMS so powerful is that it is really the most sophisticated prosecution resource allocation tool in Canada; it may the most sophisticated in the world, and I say that because when we developed CIMS some years ago, we canvassed other systems that were available internationally, and nothing compared. The thing that makes it so valuable is that it allows us to do weighted assessments of the workload implications of case volume for crowns. For example, it is too simplistic to say that an individual office has X number of cases and therefore requires X number of crown resources to prosecute those cases, because cases come in all different shapes and sizes. Serious cases of violence, including some intimate partner violence cases, require tremendous crown resources to prosecute. CIMS allows us to weigh our need for resources based on the particular kind of cases that we see in crown offices. If we have a specific jurisdiction that has a number of homicides in its caseload, we are going to need to reallocate crowns to that region to address that issue, because those homicide cases take a disproportionately high number of resources to prosecute.

The value of CIMS ties precisely into the question you have raised. Yes, intimate partner violence cases are, unfortunately, on the rise during the pandemic. Yes, those cases put strain on the prosecution service. But because we have developed CIMS, we have the ability to reallocate our resources to those offices, where we need them most, including offices that might be struggling to meet the needs of these complex cases.

Mr. David Corbett: I think it's right. A murder case takes 190 hours—but it's not just that you assign one person to a murder case; we may have two or three people assigned to a murder case. If you've got, as Randy said, a number of murder cases in a smaller jurisdiction, we know that they are under-resourced because they can't do everything else. So CIMS allows us to figure that out.

1500

Ms. Donna Skelly: I'll ask two final questions, and then I know that my colleague is interested in asking a couple of questions.

This is out of left field, but has the fact that we've legalized cannabis had any impact on the number of cases or the pressure on the system?

Mr. Randy Schwartz: That is very difficult to track. I can't say that the legalization of cannabis has had a direct impact on our workload. We did anticipate, when legalization occurred, that we would require resources to respond to litigation challenges that would inevitably arise through the prosecution of those cases, and we devoted resources to meet that. But in terms of crime trends arising from the legalization of cannabis, I cannot say that I have that data.

Ms. Donna Skelly: I was fascinated by the justice centre you were talking about, and you mentioned Kenora. What makes it different from the traditional judicial court? What is it that separates it?

Mr. David Corbett: What we would do if we had an offence to prosecute in Kenora—in the traditional system, you go through the steps, and there's a multiple number of steps until you get to the fact that somebody's actually before the judge and the trial is taking place. What makes a real difference is, we isolate those cases where we think, "We don't need to go through that process. There's no risk to the public's safety in putting the person in a system where they get mental health or drug addiction assistance." If it works—the judge still retains jurisdiction—then that's it. They go through the program, and it could be in a more traditional drug treatment court, where it could be a year and a half before they come back and the judge says, "Okay, good to go."

Ms. Donna Skelly: Okay, I think I understand it.

I was lucky enough to be up in Kenora, and they took us on a tour of the exterior, so it's interesting to hear how it's working.

Mr. Randy Schwartz: I might address that issue, as well, by focusing on one of our other justice centres, which ties into this issue of bail.

Focusing on the justice centre in the downtown east part of Toronto: That justice centre is focused on addressing the needs of people in the downtown core who may be suffering from mental health issues, addiction issues, poverty, and housing insecurity. This is a population of at-risk people who are involved in the criminal justice system, who have a disproportionately high rate of reoffending while on release—so, charged with a minor property crime in the downtown core that's no doubt connected to the issue of addiction or mental health, released on bail, reoffends. So we see a pattern of repeat property crime, repeat nuisance crime, and even some offences of violence. The Toronto Downtown East Justice Centre is purpose-built to address that phenomenon, and it does that by bringing all kinds of community supports together with the court to provide immediate community programming to those at-risk individuals.

The reason this ties into the issue of bail is, through that justice centre, we can support the continued stability of people while on release, by regular judicial intervention in their cases, regular intervention through community programming to address issues around their mental wellness and addiction, so that that reduces their risk of re-offence while on release.

Our preliminary data flowing from the Toronto Downtown East Justice Centre shows that it is successful. It has been in operation—

The Chair (Mr. Tom Rakocevic): Five minutes left.

Mr. Randy Schwartz: —since 2021, and so far our data show that in the 12 months after an accused person's first appearance at the Toronto Downtown East Justice Centre, they incur on average 2.8 fewer criminal cases than they did in the preceding 12 months. And we see that over 90% of individuals who come through the justice centre demonstrate some level of desistance—in other words, some reduction in recidivism. This is exactly what we're trying to achieve through that justice centre, and we achieve that for people both on bail and not.

The Chair (Mr. Tom Rakocevic): MPP Kanapathi.

Mr. Logan Kanapathi: Thank you for coming and making a wonderful presentation.

I have to thank the Auditor General for her leadership. Thank you.

In your presentation, you mentioned pre-charge consultation and the pre-charge screening model. That would be the wonderful model—I'd like to hear more about that. Could you please elaborate on that model? I think that is the first time you are bringing it to Ontario, from other provinces, as you mentioned. The reason I'm asking that question—I know so many petty crimes are increasing, and they're getting charged. Your vision is to reduce the charges and try to keep the cases out of the system. I'm not a legal guy. We are elected people. We are hearing from the communities, and especially racialized youth—for petty crime, first-time crime. Clean people, first time—parents are worried. They come from good families, and they get charged. I'm handling a couple of cases. They were charged, for one year. You mentioned that you are working with the police, working with crown attorneys. You are getting good co-operation. This is promising work. I'd like to hear more about this initiative—it still is on the ground. The situation is, we're not hearing the good-news story.

Mr. David Corbett: I know I'm going to sound a bit like a broken record with this next comment, but it's critical that the police and MAG agree on whether this goes forward and how it goes forward. It's critical, because without that co-operation—we're really tied together in this justice system, so that's critical.

When we were looking at this a couple of years ago, we knew Alberta was experimenting with it. The RCMP police

in Alberta, except for the major metropolitan areas—for example, Calgary and Edmonton have local police forces. We had heard that the RCMP had gotten into a pre-charge—they use "approval"; we're using "consultation." Ours isn't as strong as what they do, but they use "approval." So I spoke with the commissioner for the RCMP and said, "What do you think about this? We're thinking about it, but we don't know, and we want to understand why you went that way." What he said to me was, "I was against it. I thought it wouldn't work. I had heard a lot from BC, and there are a lot of police officers who had come from BC to Alberta who are against it. But then when we got into it and we consulted with the crown, I came to believe that it was the best thing we could do." The RCMP expanded right across the province with their pre-charge "approval"—as they use it, rather than "consultation." And we know that the justice minister for Alberta has announced that they're doing it right across the province, so in the municipal areas as well, because they see the advantages.

If you work with the police in the right way, we think we can convince the police that it would be better for them, better for the crown, better for the justice system. It has a whole variety of impacts, including on the category of people you were talking about.

If you get charged with something, it has a devastating effect. If there is a view that we don't really need to charge that person, and we can put them in a program and deal with it, that's a benefit to the individual—because you never recover your reputation. Once you've been charged—even if it's dismissed, you were charged.

So there's a benefit, we think, to very vulnerable people, whether it be racialized people—

Mr. Logan Kanapathi: Especially young people.

Mr. David Corbett: Particularly for young people. We think there's a huge advantage on that side. We know there's a huge advantage in terms of us running the system, because if we look at the statistics—

The Chair (Mr. Tom Rakocevic): Sorry; we're over time now, so I have to move to the official opposition side.

MPP Lise Vaugeois: I have two questions, actually. One is a continuation from what we've—I'd love to hear you continue. I imagine myself—I've just stolen a loaf of bread; you think that I should be diverted to something else rather than charged. But where is this person sitting while these deliberations are taking place? What does the actual process look like?

1510

Mr. David Corbett: There's a first opportunity for the police to divert, as well—the police don't have to charge. The police can come to a conclusion that some young person took a loaf of bread or something, and they have the ability to divert to a justice centre. We also have community justice coordinators, which isn't a full justice centre, but it's people who have the experience to be able to help with finding the supports that the person needs. First, police—what do they do? If the police are uncertain, then they go through the pre-charge approval process and they go to the crown. They'll have a second opportunity, another set of eyes to look at, is this the right way to proceed? Is it in the public interest that a young person, for example, who has committed a minor theft and has not got a repeat record—is that the right way to deal with them? Generally, I think the police are hopefully going to divert them, but if they have the second set of eyes look at it, we believe that we will have less cases in the system.

Just from a purely efficiency standpoint, selfish standpoint, from the ministry's perspective—if these charges are going nowhere anyway, why are we spending the court's time? I think you were passed around a sheet that showed the numbers. We can decrease the number of cases maybe 20%, maybe 30%, maybe 50% in the system. If we're dealing with 150,000 cases a year versus 200,000-plus cases a year—that's going to make the system faster, and the faster we make the system, the better access to justice, and we certainly get away from these 11(b) obstacles and problems that we have.

There are other advantages. Randy, do you want to expand?

Mr. Randy Schwartz: Thank you.

Just following up on the deputy's comments around pre-charge consultation, the slide that's up here on the screen shows one of the benefits, and that relates to the number of cases that tend to be withdrawn post-charge in pre- versus post-charge-consultation jurisdictions. On this slide, on the right side, you'll see a few jurisdictions in orange—British Columbia, New Brunswick and Quebec; these are pre-charge-screening or pre-charge-consultation jurisdictions. As you'll see from the bar graphs here, the rate of withdrawal of charges after they are laid varies from between 31% in British Columbia to just over 9% in Quebec. On the left side of the slide, you'll see some jurisdictions depicted in blue. Those are post-charge-screening jurisdictions, so jurisdictions that don't have a pre-charge consultation model, including Ontario, Nova Scotia and Saskatchewan, and of course the rate of withdrawal is higher. That points to a potential inefficiency that could be addressed through pre-charge consultation.

To provide a complete answer to your question around the theft of the loaf of bread: Historically, in Ontario, the police might charge a count of theft in relation to that kind of case, and then the crown would decide whether to proceed with it or not and may choose to terminate the prosecution by diverting the offender to some sort of community program that would address the offence at issue. That's post-charge diversion.

In the last couple of years, we have worked with several police services to develop a program of pre-charge police diversion. There are now, I think, 15 police services across the province that have signed on to a version of a pre-charge police diversion—so the police will make the decision not to charge and rather to send the accused person to some sort of diversion program without a charge. That program, in consultation with pre-charge consultation, will address the kind of case that you've highlighted.

Mr. David Corbett: We do have some experience in Waterloo and Windsor with respect to bail, where people are being charged with bail offences and they consult with crowns. We've had really excellent success with that

program in both of those cities. I think the people who are running the bail system probationary office are very content with that. So we've got something to work with—albeit it's not exactly the same, but it is an area where we've experimented and had some success.

I'm sorry to—

Ms. Lise Vaugeois: No, it's good. Thank you.

I have one more question. I want to make sure my colleague still has time.

I noticed, when I was looking at the mental health courts, one of the recommendations or comments from the Auditor General is that there needs to be more data collected in this context. I just see, for northwestern Ontario, there's Kenora—I'm in Thunder Bay–Superior North; that's a minimum of six hours from where we are. Kiiwetinoong is very far from there. I just wonder, what's the process? I've got somebody in Thunder Bay who should be going to the mental health court. What's the process? How do they get a fair hearing?

Mr. David Corbett: Why don't you speak to that? I'll add a couple of comments.

Mr. Randy Schwartz: We operate mental health courts and drug treatment courts and combined mental health and drug treatment courts in many jurisdictions across the province. I think, by my last count, we have over 40 drug treatment and mental health courts operating. They operate in various jurisdictions, including throughout the north. They do not all operate the same way. Sometimes they will operate one day a week; sometimes a half day a week, depending on the need. But the fact is, we try to build capacity to address the mental health needs of accused people in as many jurisdictions as we can, and we've succeeded in doing that.

On the issue of data: That is an emerging issue. You may recall from the Auditor General's report that one of the challenges in tracking data relating to—there were really two challenges relating to tracking outcomes of the mental health and drug treatment courts. The first challenge is that that data is owned by the court, as the deputy has referred to, so there are issues around—if we're going to develop outcomes for these courts, then that would have to be led by the judiciary and not by the ministry. But the on-the-ground issue is that the existing court systems do not permit us to track the number of offenders who travel through the mental health and drug treatment courts, so that is a data gap. But we are hopeful that as we migrate away from our existing case management systems to the new case management systems that the deputy has referred to, that may provide an opportunity to enhance our tracking of cases through the mental health and drug treatment courts. So that is perhaps one way that we can achieve the outcome that the auditor has flagged.

Mr. David Corbett: We're operating, both in the Ontario Court and the Superior Court, with outdated, barely surviving systems. When we get the new system in place, which would be a common system to both courts, we'll have better ability to track data which would be useful to us.

Mr. Randy Schwartz: I just want to highlight that the mental health courts and drug treatment courts do not operate in isolation. We also have developed the justice centres that we've referred to. One of those justice centres, in particular, focuses on the mental health needs of accused people who appear in that court. I've already referred to the justice centre in the downtown east part of Toronto, but the justice centre in London, which was our first justice centre, is designed to meet the needs of young adults aged 18 to 24, many of whom suffer from mental health issues and lack of educational opportunities, employment opportunities and training opportunities. These factors all conspire to bring the accused person before the criminal court. What we've seen through the London Justice Centre are very promising outcomes in terms of addressing the mental health challenges that these young people are facing. Since September 2020, when we launched that justice centre, we have found that 90% of the accused people who have gone through the justice centre have accessed mental health, addiction, education or employment counseling services, and 60% of them leave the justice system reporting an improvement in their mental health status. That, of course, will, we hope, translate to a reduction in recidivism.

Mr. David Corbett: There has been a fair amount of work on mental health. One of the issues that was raised by the auditor was—take a look what's happening in Nova Scotia. We convened a conference where we had the chief justice from Nova Scotia come and speak about what they were doing. We've also had, with the justice efficiencies committee—basically, we led a report in terms of how to make them more efficient. They're not easily identifiable for the public or transparent in how they work, so it's a work in progress and driven out of Ontario in terms of that.

1520

The Chair (Mr. Tom Rakocevic): MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you for the answers you provided to my colleague.

I'm curious to know, with respect to recommendation number 3 from the Auditor General, where she notes that the criminal law division needs to collect certain data, and that it should include the breakdown of all reasons for withdrawal of a case before trial, the average number of days from charge to withdrawal for each reason, the average number of appearances required by the accused in court for each reason, covering all the court locations, and all of this is to reduce the cost of resulting delays—is that being done? Is it being implemented?

Mr. David Corbett: I'm going to turn that over to my colleague.

Mr. Randy Schwartz: We are taking steps to record and analyze the reasons for withdrawal in our cases. We are taking steps to reduce the number of cases that unnecessarily end in withdrawals, and we've already spoken about some of those steps earlier. The work we're doing towards pre-charge consultation is obviously a very important step which will reduce the number of withdrawals.

We're also taking steps to ensure that when cases are withdrawn for legitimate reasons—that is, when the crown properly engages its screening function and decides that a case cannot proceed because there's no longer a reasonable prospect of conviction and it's no longer in the public

interest to proceed—that that screening takes place as quickly as possible. So we are taking those steps.

I will say on the issue of data, one important step that we take is to monitor what we call trial collapse. Let me explain what that is and how that ties into the issue of withdrawals. Sometimes a matter that is set for trial or set for preliminary hearing will not proceed on the date set, because on that date the crown chooses to withdraw the charges. We call that trial collapse—when a case that's set for trial cannot proceed on that day and does not proceed. The reason that trial collapse is important for us is that it has the potential to create real inefficiencies in the justice system, because it may be that if a trial collapses, the court that otherwise would have heard that matter does not have other work on its docket to fill the court day, and that means that a court day may not be utilized to its full potential. So for the crown and for the court, we do everything we can to reduce the likelihood and the risk of trial collapse. One way we do that in the prosecution service is to track trial collapse rates. Every time a trial collapses, the assigned crown is required to fill out a form that explains that it collapsed and why it collapsed. We can track trial collapse rates in individual offices and regions, and if we see the trial collapse rates are high, that points to a potential problem that we have to address, so we do that.

MPP Kristyn Wong-Tam: Where do I get that information?

Mr. Randy Schwartz: That information is internal to the criminal law division.

MPP Kristyn Wong-Tam: Does the Auditor General have access to that information—when a trial collapses, including the reasons why it collapsed, whether or not there is additional work on the docket that can backfill that, so we don't have an empty courtroom, we have prosecutors and lawyers all waiting to get to court?

Mr. Randy Schwartz: My colleague Ms. Krigas tells me that the Auditor General could have access to trial collapse reports, yes.

MPP Kristyn Wong-Tam: With respect to decisions made on when a trial actually collapses—is there consistency or trends on why a trial would collapse?

Mr. Randy Schwartz: There are many reasons that a trial may collapse. A witness may not show up to court on the assigned date for trial. The witness may recant, and that might make the case unprosecutable. The accused person or their counsel may show up on the trial date and reveal new evidence to the crown which satisfies the crown that it's no longer in the public interest to proceed. The accused person or their counsel might present evidence to the crown, prior to court, showing that there's a viable defence, and that might persuade the crown not to proceed. So there are many reasons that trials may collapse.

If I can just say one additional point on this relating to the timing of withdrawals—to the extent that we focus specifically on the timing of withdrawals as a measure of performance, I want to be clear that that is not an approach that the criminal law division will be implementing, and I say that because tracking the timing of withdrawals does not tell the whole story. If a case is withdrawn late in the day, that does not necessarily point to a problem that needs to be fixed, because crowns, as you know, are under a continuing duty to screen and rescreen cases as the case proceeds through the system, and there may be very legitimate reasons why, very late in the day, the crown has to rescreen the case and decide not to proceed.

MPP Kristyn Wong-Tam: So when it comes to the back end—meaning that courtrooms are booked, staff are scheduled to appear—do you build in dynamism in the scheduling of the court system, so when you do have a collapse, you could probably bring in someone else quickly so that you may have a hearing? Obviously, we know the courtrooms are not all full all the time. So wouldn't it be beneficial to perhaps book more, as opposed to letting the courtrooms sit empty?

Mr. Randy Schwartz: The answer is yes, and the answer is that that happens. That's referred to as trial stacking.

Trial scheduling is not up to the prosecution service; it's not up to the defence. That is exclusively the purview of the judiciary. Deciding what courts should be stacked, how much they should be stacked and what cases should be assigned to what courts on what dates is exclusively up to the judiciary. But what we have seen, particularly over the pandemic, is a great co-operation between the Office of the Chief Justice of the Ontario Court of Justice, the prosecution service, and the defence bar to strategize around the best way to case-manage our cases and schedule cases. That includes what I would call "smart stacking": taking what we know about the likelihood that certain kinds of cases will collapse—because some categories of case collapse more than others—and factoring that into the analysis of how many cases should be stacked and what kinds of cases should be stacked on court lists.

MPP Kristyn Wong-Tam: Is that a formal arrangement—meaning, formalized in the memorandum of understanding—or is that something that just dynamically happened during COVID, that we would work it out?

Mr. Randy Schwartz: That has been an iterative process and a dynamic process.

I want to highlight that issues around scheduling will never be the subject, I'd suggest, of a formal, transparent memorandum of understanding, because that work is properly done by the court and exclusively by the court.

MPP Kristyn Wong-Tam: But if the memorandum of understanding exists to determine what each party does, what each group of individuals and systems does, wouldn't it benefit everyone to know that it's formalized—"Here is the agreement that we can refer to"?

The Chair (Mr. Tom Rakocevic): Two minutes left for the round.

Mr. Randy Schwartz: I'd respectfully suggest that that level of formality is neither necessary nor would it be productive.

The fact is that, particularly during the course of the pandemic, the Office of the Chief Justice has been very open about consulting with other justice stakeholders, including crowns and defence, and seeking input where

appropriate to improve our case management processes, and has done so in very effective ways, including stacking.

But as to whether there is a need for a formal memorandum of understanding outlining responsibilities in that process, I suggest respectfully that there is not that need.

MPP Kristyn Wong-Tam: I find that answer somewhat perplexing, considering that in the field of law we have so many words on so many papers, there are all sorts of rules and regulations, and everybody is guided by those rules, regulations and policies, and then there is this understanding that we allow certain things to be dynamic, especially when we're trying to address the backlog. Is there any way forward where you could formalize that, and so therefore you can set proper benchmarks on how to determine it in a fashion that doesn't leave it to the discretion of who's sitting in the chair on that day, who makes that decision?

Mr. David Corbett: It's much like our relationship with the police—

MPP Kristyn Wong-Tam: Which we're also trying to formalize with some type of memorandum of understanding.

Mr. David Corbett: —which we attempted to formalize with, for example, disclosure.

As Randy has said, the relationship between the court and the ministry is excellent right now, and we're being able to do things that we haven't been able to do before. Certainly, my approach is, I'm not inclined to try to formalize something when it's now working, because it will be—we'll have to continue to re-evaluate how we deal with them. The Chief Justice of the Ontario Court has been extraordinary in pushing to speed this up—

MPP Kristyn Wong-Tam: It's not—

The Chair (Mr. Tom Rakocevic): We're out of time.

As discussed, it is now 3:30, and so I ask the members of the committee if they would like to have further rounds. We have just completed the second round of questions with the official opposition.

Are the sides seeking further rounds of questions?

Mr. Will Bouma: I'm okay.

MPP Kristyn Wong-Tam: I would be interested in another round.

The Chair (Mr. Tom Rakocevic): An additional round?

MPP Kristyn Wong-Tam: Yes.

The Chair (Mr. Tom Rakocevic): Is the government seeking an additional round?

Ms. Donna Skelly: No.

Mr. Will Bouma: We don't need to, but if the opposition insists on it, we can do another round.

The Chair (Mr. Tom Rakocevic): That means there would be a government and an opposition round—

Mr. Will Bouma: Unless the opposition asks the questions they need to now.

MPP Kristyn Wong-Tam: My questions are related to—

The Chair (Mr. Tom Rakocevic): We haven't restarted.

As discussed earlier, we're going to pause for a 10-minute break to allow people a moment if they need to leave the room or whatnot. We will proceed with a 10-minute recess, and we'll be returning in 10 minutes.

The committee recessed from 1531 to 1543.

The Chair (Mr. Tom Rakocevic): The recess is over, and now we're resuming committee business.

MPP Skelly.

Ms. Donna Skelly: I move that the committee do now adjourn the current proceedings and move into closed session for committee business.

The Chair (Mr. Tom Rakocevic): Any debate? MPP Wong-Tam.

MPP Kristyn Wong-Tam: I'm just curious to know, if we moved it into closed session, does that mean that the opportunity to ask questions is coming to a close, or is the intention to come back out and then to go back into open session for questions?

The Chair (Mr. Tom Rakocevic): As per the motion on the screen, it would adjourn the current proceedings, and then we would be moving into closed session for business within closed session. It would adjourn the questions.

MPP Kristyn Wong-Tam: Yes, so no more questions; you're done for the day. I would like to vote against that.

The Chair (Mr. Tom Rakocevic): Further debate?

MPP Kristyn Wong-Tam: I feel like I need to respond to it. I simply said earlier, before we broke into the break, that I had one more round of questions. I went over and tried to ask some of those questions just because I wasn't sure if we were going to get that opportunity. I didn't get through all my questions. It is only 3:45—not even. We have, obviously, the ministry staff, who are here to specifically speak to this. We have the Auditor General and her team, who are sitting here, probably very keenly interested in the answers as well. I just don't see why, if this committee can meet into midnight—and not that I'm suggesting it, but certainly another 20 minutes wouldn't hurt, considering this is a very sizable report. There are all sorts of questions that I suspect, based on the number of pages that we've seen and the recommendations being moved forward, including the fact that the Auditor General had provided a 72-page slide deck—and that's a summary. It just seems rather premature that we would shut this down and have no more questions.

The Chair (Mr. Tom Rakocevic): Further debate? MPP Skelly.

Ms. Donna Skelly: I think we've had a fulsome afternoon. We've had how many hours of debate now—and an hour, obviously, in closed session, with the Auditor General. I think we've had an opportunity to ask—at least, I feel comfortable that we've had enough time to debate the issues in front of us. It has been two hours of asking our panel questions, and I think that's enough time. That's why I've raised this, and I think it's time to move into closed session.

MPP Kristyn Wong-Tam: Mr. Chair, if the MPP across has concluded her questions and she's no longer interested in sitting through the rest of the session, perhaps

she can excuse herself and allow the rest of us to continue and carry on the business so we can bring it to a conclusion.

Ms. Donna Skelly: Quite frankly, I find that offensive, and I would like you to withdraw your comments.

The Chair (Mr. Tom Rakocevic): I'm asking you—

MPP Kristyn Wong-Tam: I apologize—

Ms. Donna Skelly: And I'd like to call the vote.

The Chair (Mr. Tom Rakocevic): You've been asked to withdraw.

MPP Kristyn Wong-Tam: Perhaps I didn't choose my words as well as I could have, so I withdraw.

I simply recognize that there are times where, if someone is done with their portion of the meeting, they can excuse themselves and go. But if you want to collapse the entire committee because one individual is satisfied—

The Chair (Mr. Tom Rakocevic): Okay, so—

Ms. Donna Skelly: Mr. Chair, this is completely out of line. The question is—we are adjourning to go into closed session, and she's being defamatory at this point. I do not appreciate it, and I feel that it's time to call the question—unless you can keep your comments professional.

MPP Kristyn Wong-Tam: I'm doing the best I can to—

Ms. Donna Skelly: No, you're not, and not surprisingly.

The Chair (Mr. Tom Rakocevic): Please—if everyone could just speak through me and wait to be recognized so that we could proceed.

I think that we've heard from both sides. If there's any further debate on the matter—then we can move to a vote. MPP Wong-Tam.

MPP Kristyn Wong-Tam: I would ask for a recorded vote.

The Chair (Mr. Tom Rakocevic): Okay. So the motion before us is to adjourn and move into closed session for committee business.

Ayes

Bailey, Bouma, Byers, Coe, Crawford, Kanapathi, Skelly, Laura Smith.

Nays

Vaugeois, Wong-Tam.

The Chair (Mr. Tom Rakocevic): The motion has carried.

Thank you very much for being here.

The committee continued in closed session at 1548.

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