Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/50/2019]

On June 5, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

“The transition briefing binder drafted in anticipation of the potential for a new minister to be appointed after the provincial election.”

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to some of the requested information. However, access to the remainder of the information/records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

27. (2) The head of a public body shall refuse to disclose to an applicant
   (a) a cabinet record;
27. (1) In this section, “cabinet record” means
   (h) a record created during the process of developing or preparing a submission for
      the Cabinet;

29. (1) The head of a public body may refuse to disclose to an applicant information that
      would reveal
      (a) advice, proposals, recommendations, analyses or policy options developed by
          or for a public body or minister;

31. (1) The head of a public body may refuse to disclose information to an applicant
      where the disclosure could reasonably be expected to
      (a) interfere with or harm a law enforcement matter;

35. (1) The head of a public body may refuse to disclose to an applicant information
      which could reasonably be expected to disclose
      (c) plans that relate to the management of personnel of or the administration of a
          public body and that have not yet been implemented or made public;

40. (1) The head of a public body shall refuse to disclose personal information to an
      applicant where the disclosure would be an unreasonable invasion of a third party’s
      personal privacy.
As required by subsection 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please note that the following pages have been withheld in their entirety:

<table>
<thead>
<tr>
<th>Section(s) cited</th>
<th>Reason for withholding</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>s.29(1)(a); s.27(2)(a); s.27(1)(h)</td>
<td>Advice, proposals, recommendations, analysis or policy options developed by or for a public body; as well as record created during the process of developing or preparing a submission for the Cabinet.</td>
<td>7-14</td>
</tr>
<tr>
<td>s.40(1)</td>
<td>Personal information, the disclosure of which would be an unreasonable invasion of privacy. In this case, Executive resumes.</td>
<td>37-56</td>
</tr>
</tbody>
</table>

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request as set out in section 42 of the Act (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL A1B 3V8  

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any questions please contact me by telephone at 709-729-7128, or by email at sonjaelgohary@gov.nl.ca.

Sincerely,

Sonja El-Gohary  
ATIPP Coordinator
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
Departmental Overview
Department of Justice and Public Safety
Deputy Minister: Jennifer Mercer

Mandate:
The mandate of the Department of Justice and Public Safety reflects the dual responsibilities of the Minister of Justice and the Attorney General for Newfoundland and Labrador. The Department of Justice and Public Safety provides legal services to Government and is primarily responsible for the protection of residents of the Province in respect of their persons and property. This objective is met by providing legal advice to all departments of Government, providing for police protection, the prosecution of accused persons, the administration of the courts, including family justice services, and operation of the Province’s correctional systems, services to victims of crime, protection of human rights, and Legal Aid services. Drafting of legislation for the House of Assembly by the Office of the Legislative Counsel is also provided. In addition, the Department is responsible for the coordination of Access to Information and Protection of Privacy, the Support Enforcement Program, Fines Administration, the Office of the Chief Medical Examiner, and the administration of public inquiries.

Lines of business:
- **ATIPP Office** oversees the implementation and coordination of the *Access to Information and Protection of Privacy Act*, 2015 by providing guidance and assistance to public bodies that are subject to the Act.
- **Civil Division** is responsible for providing legal services to Provincial Government departments and agencies.
- **Corrections and Community Services** has responsibility for offenders, as well as for victims of crime.
- **Court Services** is responsible for providing infrastructure and administrative support to the Supreme Court of Newfoundland and Labrador, including Family Justice Services; and the Provincial Court of Newfoundland and Labrador.
- **Office of the Legislative Counsel** provides legislative drafting services to government. Additionally, in conjunction with the Office of the Queen’s Printer and the House of Assembly, it ensures the publication and dissemination of provincial legislation.
- **Policing Services** are delivered through the province’s two policing agencies: the RNC and the RCMP. Through a broad range of policing services, both police forces are responsible for fostering and maintaining peaceful and safe communities.
- **Enforcement Services** including the Office of the High Sheriff, which provides administrative, jury and security services to the Supreme and Provincial Courts; the Support Enforcement Program, which collects and distributes court-ordered funds for support; and Fines Administration.
- **Public Prosecutions** is responsible for prosecuting all offences pursuant to the *Criminal Code* of Canada and provincial statutes. Prosecutors appear in every level of court in the province and in the Supreme Court of Canada.
- **Public Inquiries** are overseen and administered by the Minister of Justice and Public Safety.
Public Inquiries are established by the government to investigate events or issues that are importance or of public concern.

- **Office of the Chief Medical Examiner** is established under the *Fatalities Investigation Act*. It is responsible for reporting, investigating, and recording all deaths reportable under the Act.

**Clients/Stakeholders:**
Please see Appendix A.

**Entities reporting to the Department:**
- Board of Commissioners of Public Utilities
- Child Death Review Committee
- Commissioner of Lobbyists
- Complaints Review Committee (Don’t provide Annual Reports)
- Consumer Advocate
- Criminal Code Mental Disorder Review Board
- Human Rights Commission
- Human Rights Commission Panel of Adjudicators
- Judicial Complaints Panel (Don’t provide Annual Reports)
- Judicial Council of the Provincial Court of NL (Don’t provide Annual Reports)
- Law Foundation of Newfoundland and Labrador (Don’t provide Annual Reports)
- Law Society Disciplinary Panel (Don’t provide Annual Reports)
- Legal Appointments Board (Don’t provide Annual Reports)
- Legal Aid NL (Don’t provide Annual Reports)
- Office of the Chief Medical Examiner
- RNC Public Complaints Commission
- RNC Public Complaints Commission Panel of Adjudicators

**Current staff complement:**
The Department is comprised of 4 branches and has a complement of **1,466 staff**, as follows
- 220 staff in Legal Services,
- 205 staff in Courts and Corporate Services,
- 65 staff in Public Prosecutions; and
- 976 staff in Public Safety and Enforcement.

**Locations/Regional Presence:**
Through its many branches and divisions, including the RNC, Victim Services, Court Services, Probations and Correctional Facilities, the Department of Justice and Public Safety has a presence throughout the province.

**Annual Budget:**
- Operating: $113,187,300.00
- Salaries: $123,891,600.00
Appendix A
Client/Stakeholders

- Anâna Katiget Tumingit Regional Inuit Women’s Association (ATRIWA)
- Baccalieu Trail Housing Support Program
- Canadian Bar Association – Newfoundland and Labrador Branch
- Canadian Mental Health Association
- Canadian Union of Public Employees (CUPE)
- Child Youth Advocate
- Choices for Youth
- Citizens’ Crime Prevention Association of Newfoundland and Labrador
- Coalition Against Violence
- College of the North Atlantic
- Community Centre Alliance
- Crime Stoppers
- End Homelessness, St. John’s Front Step Program
- First Light – St. John’s Friendship Centre
- Gathering Place
- Innu Nation
- Iris Kirby House
- John Howard Society
- Labrador Friendship Centre
- Labrador West Crime Community Policing Committee
- Law Society of Newfoundland and Labrador
- Legal Aid Commission of Newfoundland and Labrador
- Marguerite’s Place
- Memorial University
- Mi’kmaq First Nations Assembly of Newfoundland
- Miawpukek First Nation
- Mothers Against Drunk Driving (MADD)
- Mount Pearl Citizens’ Crime Prevention Committee
- Multicultural Women’s Organization of Newfoundland and Labrador
- Newfoundland and Labrador Association of Public and Private Employees (NAPE)
- Newfoundland and Labrador Crown Attorneys’ Association
- Newfoundland and Labrador Federation of Labour
- Newfoundland and Labrador Human Rights Commission
- Newfoundland and Labrador Teachers’ Association (NLTA)
- Newfoundland Native Women’s Association
- NL Sexual Assault Crisis and Prevention Centre (NLSACPC)
- Northeast Avalon Regional DARE Committee
- Nunatsiavut Government
- NunatuKavut Community Council
- People of the Dawn Indigenous Friendship Centre
• Pottle Centre
• Provincial Advisory Council on the Status of Women
• Public Legal Information Association of NL (PLIAN)
• Qalipu Mi’Kmaq
• Relationships First – Restorative Justice Education in Newfoundland and Labrador
• Royal Canadian Mounted Police
• Royal Newfoundland Constabulary Association
• Safe Harbour Outreach Program (SHOP)
• St. John’s Citizens’ Crime Prevention Committee
• St. John’s Neighbourhood Watch
• St. John’s Status of Women Council
• Stella’s Circle
• The Miles for Smiles Foundation
• The Newfoundland Aboriginal Women’s Network
• Thrive/Community Youth Network
• Transition House Association of Newfoundland and Labrador (THANL)
• Transition Houses
• Turnings
• Violence Prevention Avalon East
• Western Regional Coalition to End Violence
• Willow House
• Wiseman Centre
• Youth Diversion Coalition of Newfoundland and Labrador
• YWCA
# Emerging Issues (Minister)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Date Decision Required (if applicable)</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCMP duties</td>
<td>N/A s.29(1)(a)</td>
<td>No action required at this time - Negotiations will be held with Public Safety Canada regarding the duties performed by the RCMP and subsequent money provided to them in future years.</td>
</tr>
<tr>
<td>SIRT Director</td>
<td>s.29(1)(a)</td>
<td>Seeking approval to hire the SIRT Director, the civilian member responsible for investigating serious incidents involving the police. The Director will also be responsible for creating the office, recruitment of investigators and other staff, and making regulations.</td>
</tr>
<tr>
<td>Search and rescue Inquiry</td>
<td></td>
<td>Seeking approval to hold a Search and Rescue Inquiry, to be held as per s.35(1)(c)</td>
</tr>
<tr>
<td>Radio project</td>
<td>N/A s.35(1)(c)</td>
<td>No action required at this time - 16 new RNC vehicles are budgeted in 2019-20 Budget.</td>
</tr>
<tr>
<td>RNC cars</td>
<td>N/A s.29(1)(a) s.31(1)(a)</td>
<td>16 new RNC vehicles are budgeted in 2019-20 Budget.</td>
</tr>
<tr>
<td>Federal funding for sexual violence legal support</td>
<td>60 days s.29(1)(a)</td>
<td>Awaiting Federal funding to continue sexual violence legal support program run through PLIAN and NLSACPC.</td>
</tr>
<tr>
<td>Judge Salary and Benefits Tribunal</td>
<td>s.29(1)(a)</td>
<td>It is a legislative requirement to table the Tribunal report in the HOA within 15 days of receipt, if HOA sitting, and for the HOA to vote on the Province’s Resolution within 30 days after the Tribunal Report is tabled, if HOA sitting.</td>
</tr>
<tr>
<td>Corrections infrastructure</td>
<td>N/A s.29(1)(a)</td>
<td>New correctional center (Commitment by TW to issue RFP for external procurement, technical and fairness advisors hired for Summer 2019).</td>
</tr>
<tr>
<td>Corrections health transfer</td>
<td></td>
<td>Expansion to Labrador Correctional Centre (Commitment by TW for design work this year, construction to begin in 2020)</td>
</tr>
<tr>
<td>Electronic Monitoring/Bail Supervision</td>
<td>s.29(1)(a)</td>
<td>Transition of inmate health to HCS (Commitment by Minister of Health to have complete by July 2019).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Electronic monitoring s.35(1)(c); s.35(1)(d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bail supervision program (Implemented this Fall).</td>
</tr>
<tr>
<td>Organization</td>
<td>Rationale for Meeting</td>
<td>Proposed Agenda Topics</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| RCMP         | Meeting with head of police force who police approximately 80 per cent of the Province | • Brief minister  
               |                                                                                        | • RCMP Responsibilities  
               |                                                                                        | • Service areas |
| RNC          | Meeting with head of local policing agency                                            |                                                                   |
| John Howard Society | Meet with the head of JHS, who is responsible for housing offenders and providing programming inside several provincial correctional facilities, as well as family violence intervention court | • Programs offered  
               |                                                                                        | • Current Contracts  
               |                                                                                        | • Concerns/Objectives for 2019/20 |
| Legal Aid    | Meeting with the head of Legal Aid, who is responsible for providing legal support for individuals who meet the financial eligibility requirements. Under the oversight of the ADM of Legal Services | • Listed service areas  
               |                                                                                        | • Eligibility requirements  
               |                                                                                        | • Statistics on service delivery |
| PLIAN/NLSACPC| Meet with head of PLIAN and NLSACPC regarding sexual violence legal support program.   | • Overview of program  
               |                                                                                        | • Statistics on service delivery  
               |                                                                                        | • Future Federal funding Agreement |
| NAPE         | Union Responsible for Correctional Staff                                              | • Union Mandate  
               |                                                                                        | • Concerns |
| NL Search and Rescue Association | Non-profit organization responsible for ground and inland water searches | • Overview or responsibilities |
| Federal Minister of Justice and Attorney General | Responsible for the Department of Justice                                              | • Continue current relationship with Federal counterparts |
| Federal Minister of Public Safety | Responsible for the Department of Public Safety                                       | • Continue current relationship with Federal counterparts |
Stakeholder List – April 23, 2019

- Provincial Court
- Supreme Court
- Newfoundland and Labrador Crown Attorneys’ Association
- Private Practicing Lawyers
- Law Society of Newfoundland and Labrador
- Canadian Bar Association – Newfoundland and Labrador Branch
- Legal Aid Commission of Newfoundland and Labrador
- Public Legal Information Association of NL (PLIAN)
- Royal Canadian Mounted Police
- Royal Newfoundland Constabulary
- Royal Newfoundland Constabulary Association
- Newfoundland and Labrador Association of Public and Private Employees (NAPE)
- Canadian Union of Public Employees (CUPE)
- Newfoundland and Labrador Teachers’ Association (NLTA)
- Newfoundland and Labrador Federation of Labour
- Child Youth Advocate
- Government of Canada
- Municipalities
- Municipalities Newfoundland and Labrador
- Memorial University
- College of the North Atlantic
- Nunatsiavut Government
- NunatuKavut Community Council
- Miawpukek First Nation
- Innu Nation
- Qalipu
- Mi’kmaq First Nations Assembly of Newfoundland
- First Light – St. John’s Friendship Centre
- Labrador Friendship Centre
- People of the Dawn Indigenous Friendship Centre
- The Newfoundland Aboriginal Women’s Network
- AnánaKatiget Tuningit Regional Inuit Women’s Association (ATRIWA)
- Newfoundland Native Women’s Association
- General Public
- Current and past inmates of the province’s correctional facilities
- Families of inmates
- Canadian Mental Health Association
- John Howard Society
- Turnings
- Newfoundland and Labrador Human Rights Commission
- Provincial Advisory Council on the Status of Women
- St. John’s Status of Women Council
- NL Sexual Assault Crisis and Prevention Centre (NLSACPC)
- Violence Prevention Avalon East
- Coalition Against Violence
- Western Regional Coalition to End Violence
- The Miles for Smiles Foundation
- Safe Harbour Outreach Program (SHOP)
- YWCA
- Multicultural Women's Organization of Newfoundland and Labrador
- Mothers Against Drunk Driving (MADD)
- Northeast Avalon Regional DARE Committee
- Citizens’ Crime Prevention Association of Newfoundland and Labrador
- St. John’s Citizens’ Crime Prevention Committee
- Mount Pearl Citizens’ Crime Prevention Committee
- Crime Stoppers
- St. John’s Neighbourhood Watch
- Labrador West Crime Community Policing Committee
- Relationships First – Restorative Justice Education in Newfoundland and Labrador
- Transition Houses
- Stella’s Circle
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- Iris Kirby House
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- End Homelessness, St. John’s Front Step Program
- Pottle Centre
- Community Centre Alliance
- Youth Diversion Coalition of Newfoundland and Labrador
- Thrive/Community Youth Network
- Choices for Youth
Information Note
Department of Justice and Public Safety

Title: Search and Rescue Inquiry

Issue: To determine the scope of the Terms of Reference of the Search and Rescue Inquiry in the Province of Newfoundland and Labrador.

Background and Current Status:

- In his mandate letter the Minister of Justice and Public Safety is expected to initiate a public inquiry into search and rescue services in the Province. This public inquiry is partially in response to the tragic death of Burton Winters in 2012.
- Within Canada, Search and Rescue activities span a multitude of jurisdictions:
  - The Canadian Armed Forces ("CAF") are responsible for aeronautical incidents;
  - The Canadian Coast Guard ("CCG") is responsible for marine incidents;
  - Parks Canada is responsible within the national parks system;
  - Provincial and territorial governments are responsible for searches for missing and lost persons (lost on land or inland waters). This is commonly known as Ground Search and Rescue ("GSAR") and is often delegated to the police service of jurisdiction and involves volunteer organizations.
  - The federal government (CAF and CCG) is primarily responsible for aeronautical and marine search and rescue. However, provinces and territories can request humanitarian assistance from the federal government through their regional Joint Rescue Coordination Center ("JRCC") to assist with their GSAR operations. Humanitarian assistance is the secondary mandate of the JRCC and the commander of the JRCC makes the decision on how to respond and whether or not to deploy federal assets for the GSAR.
  - The National Search and Rescue Program ("NSRP") is a Canada-wide horizontal program that integrates organizations and resources involved in the provision of search and rescue ("SAR") services to Canadians, including SAR response and prevention. The responsibility for the NSRP resides within Public Safety and Emergency Preparedness Canada, through the National Search and Rescue Secretariat ("NSRS"). The NSRS' role is to serve as a central coordinator for the NSRP, working directly with federal, provincial/territorial as well as air, ground and marine volunteer SAR organizations involved in SAR activities.
  - The responsibility of coordinating and tasking GSAR operations in the Province has been delegated to the RNC and RCMP, depending on the region of the Province. The responsible police force will determine the resources required. A number of different organizations can be engaged, such as: Newfoundland and Labrador Search and Rescue Association ("NLSARA"); recently Civil Air Search and Rescue Association ("CASARA"); Fire and Emergency Services, Newfoundland and Labrador ("FES-NL"); Ground Air Services, Department of Transportation and Works ("GAS"); and, JRCC Halifax.
  - Typically, if a person is lost and missing in the Province the Officer in Charge ("Officer") of the responsible police force will request the assistance of NLSARA in the GSAR. Depending on how the facts evolve the Officer may determine that air support is required.
and make this request to FES-NL. FES-NL is responsible for facilitating the provision of an air asset from GAS. If GAS is unable to comply with the request, for example because of weather or maintenance issues, then FES-NL is the recognized provincial authority to request humanitarian assistance from JRCC Halifax.

- The Province has committed to holding an inquiry into SAR and it is part of Minister Parson's mandate. Minister Parsons advised that SAR is a huge issue in this Province but it just doesn't involve the Province it involves other jurisdictions as well. The Province advised it was going to wait for the Senate Report to be released before conducting its own inquiry.
Premier announced his government will proceed with the establishment of an inquiry into Search and Rescue Services in this Province. Premier further says its keeping with a commitment made to those working in marine environments and to the family and friends of Burton Winters. The inquiry will be established in 2029 and will not focus on any one single incident. Instead, it will examine how services as a whole are provided in this Province. Further, the Province stated it will follow closely whether the federal government will accept the findings. That decision will help form the basis of the provincial inquiry. Given the federal government's jurisdiction in Maritime Search and rescue, coordination would be required before government proceeds.

**Terms of Reference Options**

1. Inquiry into Search and Rescue in Newfoundland and Labrador (marine, air and ground)
2. Inquiry into Search and Rescue in Newfoundland and Labrador (marine, air and ground)
3. Inquiry into Search and Rescue in Newfoundland and Labrador (marine, air and ground)

- Senate Report, “When Every Minute Counts Maritime Search and Rescue”

- This focus of this Report is on maritime and aeronautical SAR which are federal responsibility. Ground and inland water SAR rests with the provinces/territories except when they occur on federal land and waterways. Federal government can assist with GSAR if a request for humanitarian assistance is made.
- The Report does not address protocol followed when a request for humanitarian assistance is made. However, the Report does identify two big challenges the federal government faces regarding staffing (personnel shortages and training problems) and assets (aging and limited).
KEY MESSAGES

Justice and Public Safety
Bail Supervision Program
March 11, 2019

Summary:
The Department of Justice and Public Safety is introducing a bail supervision program in the province.

Anticipated Questions:
• What is bail supervision?
• How will the program impact the justice system?

Key messages:
• Following a feasibility study in 2017, we are now moving forward with a bail supervision program.
• Bail supervision provides an alternative to pre-trial detention that reduces custodial costs by supervising accused in the community and providing referrals, monitoring and support.
• The program gives judges the option of supervising offenders instead of simply remanding them with the goal being to rehabilitate offenders while reducing the burden on provincial institutions while maintaining community safety.

Secondary messages:
• The department strongly believes in restorative justice and recognizes the need to find alternatives to incarceration by looking for innovative ways to reduce the number of people imprisoned, to reduce the risk of reoffending and to ensure that justice is restored for everyone involved.
• The intent of the program in St. John’s is to increase the number of individuals eligible for bail and support accused in securing housing and a surety.
• More than half of those in custody at Her Majesty’s Penitentiary are being held on remand.
• Provinces including Ontario, Manitoba, and British Columbia have used bail supervision programs to help alleviate the challenges of a high remand population.
• Budget 2019 allocates $100,000 for a bail supervision program.

FACT SHEET
• Bail supervision is only available to those persons who would have been released under their own recognizance or under a surety recognizance but for a lack of adequate surety, lack of financial resources or lack of fixed address. Persons released on bail are legally innocent.

Section 515 of the Criminal Code states that in cases where there is no reverse onus, an accused should be released on the least restrictive bail unless the Crown has shown cause otherwise. In cases of reverse onus, it falls on the accused to show why they should be released and, if released, on what form of release and with what, if any, conditions of that release.

• Though general crime rates are decreasing, the number of persons held on remand is increasing, suggesting a procedural cause not directly related to the commission of criminal offences.

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How it works:

1. The accused first meets with his/her lawyer.
During this meeting, an individual may disclose that he/she is not able to pay the cost of bail, does not know of an adequate surety, or does not have stable housing.

2. The lawyer puts a referral for his/her client in to the bail supervision offices. A simple form confirms the accused meets a number of basic requirements. This differs between provinces. For example, accused persons participating in bail supervision programs in both Ottawa and Manitoba need to be “non-violent”. Individuals with violence on their criminal records, or are currently charged with a violent offence, may be reviewed on a case-by-case basis. For newer bail supervision programming it is recommended that applicants be low-risk and non-violent while processes are still being ironed out.

3. Bail Supervision / Bail Verification Officers review the submission and interview accused. If there is no reason to question eligibility, the accused is then interviewed. If the accused states they would like to participate in the bail supervision program and are amenable to possible conditions put forth by the courts, the supervisor may state their conditional acceptance to the program.

4. Bail supervision recommendation documents are completed and given to the Crown and Defense prior to bail hearing.

5. Bail hearing takes place as usual. A recommendation for the release of an accused under the supervision of a bail program is presented as an option to the judge. Persons accused of non-violent offences such as fraud, property crimes, drug or alcohol offences etc. are often the best candidates for a newer program.

6. The court makes the final decision regarding release and conditions of a release.

7. The accused is accepted into the bail supervision program and is released from custody. When the accused is released from custody under the bail supervision program, they will be given a list of instructions and directions to the bail supervision office. In most programs, a client is responsible for getting to the bail supervision office the following business day post-release, first thing in the morning.

8. Supervision begins. The supervision plan is followed and the accused will meet with the bail supervisor regularly. The bail supervisor is afforded the appropriate discretion, however, the supervisor has reason to breach an accused, and a bench warrant is developed and provided to police.

9. Trial If convicted, the bail supervision office may submit a written letter of support before sentencing if appropriate.

The Case of Joe:

Joe is a middle-aged male who resides in the city-centre of St. John’s. Joe is currently employed part-time as a dishwasher at a restaurant close to the boarding home he shares with a group of other residents. He has a lengthy criminal record for offences of theft, possession of narcotics and public
intoxication. Unfortunately, Joe is severely addicted to fentanyl and struggles to maintain positive social contacts. Joe has just been arrested for stealing from Walmart (theft under $5,000) and is now awaiting his bail hearing.

1. Joe is seen by his legal aid lawyer as he is unable to afford a lawyer. Joe confirms that he would not be unable to pay bail and does not have a surety who would meet the standard requirements. A decision is made to conditionally refer Joe to the Bail Supervision Program.
2. Joe's lawyer confirms that no surety is available.
3. A referral is completed and sent to the bail supervision office and includes a current CPIC report (criminal history).
4. The bail supervision office receives the file and reviews Joe's case. Joe is found to be a good candidate for supervision.
5. Joe is interviewed by the bail supervision worker.
   a. Joe is interested in getting out on bail to ensure he keeps his job and room.
   b. Joe admits to having addictions issues which are the cause of his thefts.
   c. Joe has no dependents.
   d. Joe has a girlfriend who is also struggling with addictions.
6. After the interview is completed, it is determined that Joe is amenable to possible conditions, including behavioral conditions, and is therefore conditionally accepted.
7. Documentation is completed and a formal recommendation for release under the bail supervision program is submitted to both the Crown and Defense.
8. Joe participates in his bail hearing and confirms his amenability to the conditions set out.
   a. Joe will be released under the supervision of the bail program.
   b. Joe will remain at his address and if changes to the address are made both the court and bail program will be advised within 48 hrs.
   c. Joe will abstain from entering the Walmart on Main Street in St. John’s.
   d. Joe will keep the peace and be of good behavior.
   e. Joe will abstain from the use and/or possession of illicit drugs and substances.
   f. Joe will attend Narcotics Anonymous.
   g. Joe will attend Anger Management.
   h. Joe will attend addictions counselling.
9. Joe is released under the supervision of bail program at 3:30 p.m. on Wednesday. He is given a paper with instructions and a bus ticket.
10. Joe attends the bail supervision office on Thursday at 8:30 a.m. with a letter addressed to him at his residence for proof of address. He goes through a lengthy intake process with his supervisor and they develop a plan.
11. Joe meets with his supervisor once a week, in person for the first eight months of his pre-trial period. He regularly attends programming and brings proof (usually signed attendance sheets). He attends all meetings sober, however, he has admitted to using narcotics. The supervisor uses his/her discretion to not breach Joe given he has remained employed, is housed and has not committed any new offences.
12. After eight months Joe now sees his supervisor once every two weeks in order to accommodate his new work schedule as he is now a full-time employee.
13. Joe goes to trial!
KEY MESSAGES

Justice and Public Safety
Electronic Monitoring
March 11, 2019

Summary:
The Department of Justice and Public Safety is reintroducing electronic monitoring for some offenders.

Anticipated Questions:
• What will the electronic monitoring program look like?
• How much will it cost?

Key messages:
• Our government continues to work to develop initiatives that directly target violent behavior and fight the social normalization of violence in our communities.

• Through the work of the Justice Minister’s Committee on Violence Against Women and Girls, electronic monitoring was discussed as a way to protect those exiting violent relationships.

• The department is currently testing devices to determine what will work best in this province and over the next several months will determine what offenders will qualify.

• The technology has advanced such that exclusion zones can be programmed using GPS for things like no contact orders for example.

• Electronic monitoring will allow offenders to continue to work and support their families, and be contributing members of society.

Secondary messages:
• Electronic monitoring will enhance public and more importantly victim safety and increase the accountability of offenders in the community.

• Electronic monitoring enhances supervision of offenders meaning it will be easier to prove conditions were breached.

• Electronic monitoring was cut in 2013 because of the cost to replace outdated technology.

• Budget 2019-20 allocates $254,000 for an electronic monitoring program.

How it works:
Electronic Monitoring is a post-conviction tool that enhances monitoring of offenders serving community and custody based sentences.

- JPS is looking at offender target groups such as:
  - inmates eligible for Temporary Absence (TA) release from a correctional institution,
  - offenders serving intermittent sentences,
  - offenders serving Conditional Sentence Orders in the community, and
  - offenders serving probation sentences.

- JPS intends to procure approximately 50 EM devices and of the targeted EM groups, emphasis will be given to offenders convicted of domestic related crimes for enhanced supervision.

- JPS intends to align its EM practices with other jurisdictions in Atlantic Canada by focusing on post-conviction community and custody surveillance.

- A third-party monitoring centre specializing in emergency dispatch will perform monitoring for NL offenders.

- Adult Probation Officers (APO) will be responsible for offenders in the EM program. This includes bracelet installation, removal, maintenance and receiving alert notifications.

- APOs can use EM software to customize offender schedules, geo-fencing, and notification alert protocols.

- JPS staff, in consultation with law enforcement, will develop standard operation procedures (SOPs) and relay information to the monitoring centre. SOPs will classify alert types by priority and include the necessary steps to take once an alert is issued.
  - Example of a scheduling zone alert: An offender is released on a TA to avail of a drug treatment program. Their schedule, including when they are expected to be at programming, is entered into the software. The APO is alerted by the monitoring centre that the offender is still in their home. The APO would then call the offender to discuss the violation (i.e. did the offender sleep in, did the offender cut off the device, etc.). The APO will assess the situation and determine if it is necessary to dispatch the police.
  - Example of an exclusion zone alert: An offender convicted of assault against their partner is on probation with a no-contact condition. The monitoring centre is alerted that the offender has arrived at their partners’ home and has violated an exclusion zone. The monitoring centre first notifies the victim, followed by the police, and the APO receives a phone call and text message.

- JPS is also exploring the possibility of obtaining devices/services enabling victims of domestic violence to connect to an EM monitoring centre in the case of an emergency.

- EM will allow real-time GPS tracking of offenders in locations with strong cellular signal. In areas where cellular data is variable, EM improves curfew and house arrest conditions.

- In areas where GPS tracking is not reliable, APOs may use EM for offenders with curfew conditions or intermittent sentences. The EM device has hybrid technology that allows monitoring by a Radio-Frequency (RF) signal once a beacon is installed in the home. This mirrors the old EM program.
Alerts go to the monitoring centre if the signal from the ankle bracelet cannot be transmitted to the beacon.

- Over the next few months, JPS will focus on procurement, identifying appropriate target populations, developing SOPs, developing an evaluation plan, and training.
KEY MESSAGES

Justice and Public Safety
New Correctional Facility
April 8, 2019

Summary:
Budget 2019 includes $600,000 to proceed with the design, build, finance and maintain approach for a new correctional facility in the province. HMP’s original centre block dates back to 1859, numerous reports have concluded that the facility has outlived its useful life. Concerns are regularly raised about the impact the dated facility has on inmates and staff.

Anticipated Questions:
What will the new prison look like?
Where will it be located?

Key messages:

- A new correctional facility will more than double the capacity of the existing HMP allowing for more programming, recreation, and better mental health services.

- A new modern Penitentiary will support the development and implementation of additional policies and programs that will allow inmates an opportunity to become productive members of society and break the cycle of reoffending.

- A new facility will make better use of technology to increase safety and reflect best corrections practices in a functional medium/maximum-security environment, with a dedicated health services area and a specialized mental health unit to address the current and future capacity needs of inmates.

Secondary messages:

- A value for money assessment was completed by EY to determine the best financial model to move forward with a new penitentiary. The assessment concluded that it is more cost effective to use the design, build, finance and maintain approach compared to the traditional design-build approach.

- Between land owned by the Federal Government and the Provincial Government, the Department of Transportation and Works has identified land in the area of White Hills in St. John’s to accommodate the new Penitentiary.

- The Federal Government has been clear that they would not be providing financial assistance to assist with the building of a new prison. We will continue to have an open dialogue as we move forward as we believe there are other ways they can come to the table.
Key Messages

Health and Community Services
Release of Newfoundland and Labrador Corrections and Community Services: Deaths in Custody Review

Summary
The Minister of Justice and Public Safety is scheduled to release the final report on the independent external review of the circumstances surrounding four institutional deaths that occurred between August 31, 2017 and June 30, 2018. The report contains 17 recommendations for systemic changes in correctional settings. The Minister of Health and Community Services will join the Minister of Justice and Public Safety to provide an update on the transfer of health in correctional settings to the health care system.

Key Messages
- Our government is committed to the transfer of responsibility for all health services in correctional settings to the health care system, as outlined under our Towards Recovery Action Plan.

- Last June it was announced that we would expedite the transfer of responsibility for health services of inmates from our original timeline of 2-4 years to within a year. We are on target for that transfer.

- While this transfer is being planned, I felt we needed to proceed with enhancing services. Since last June, we have:
  - Expanded Walk-in Clinics, also known as DoorWays, to all correctional institutions throughout the province. This means each has a mental health counselor who provides sessions on a weekly basis for those who wish to avail of this service. No appointment is required.
  - Introduced Therapy Assistance Online (TAO) at Bishop’s Falls Correctional Centre. TAO provides cognitive behavioral therapy online, and with the assistance of a therapist. To our knowledge, we may be the first to offer this service in a correctional facility anywhere in Canada, and we will be exploring the possibility of expanding TAO to other correctional facilities; and,
  - Recruited a second addictions counsellor at HMP.

- We have reached out to our colleagues in Alberta and British Columbia who have already transferred this responsibility to the health care system. Our model, like theirs, will ensure that health services for inmates are equitable to what we all receive in community.

Secondary Messages
- In partnership with Eastern Health, we have established a Provincial Steering Committee to oversee the transfer of services to the health care system. As a result, we now have a dedicated group of senior officials from the healthcare system, the
justice system, and our community partners all at the table planning the transition of services.

- Part of this work includes reviewing the training needs of health care workers and correctional staff; space and program needs in our correctional facilities; and, reviewing the services themselves to ensure they are equitable to what is available in the community and meet current needs.

- A reported 80 per cent of inmates have substance use problems. For this reason, we are making access to addictions treatment a priority and we will continue to explore more programs and supports at all institutions, including rapid access to Suboxone.

Prepared by: Colleen Simms, Justin Garrett and Heather Yetman
Approved by:
KEY MESSAGES

Justice and Public Safety
Amendments to the Correctional Services Act
April 9, 2019

Summary:
The Correctional Services Act (CSA) received Royal Assent in the House of Assembly in May 2011. It has not yet been proclaimed.

Anticipated Questions:
- Why hasn't the Correctional Services Act been proclaimed?
- What amendments are being made?

Key Messages:

- After taking a critical look at the Correctional Services Act, we are pleased to proceed with amendments that address housekeeping issues and focus on the specific health needs of offenders.

- We are working on finalizing regulations that fall in line with best practice standards, and processes that are fair and delivered in a fiscally responsible manner.

- This legislation was not proclaimed after being passed in 2011, as it required the development of regulations, including ones to establish the full scope of an adjudication process for disciplinary hearings.

- In 2016, it was identified that a full review of the Correctional Services Act was needed to ensure that it was in keeping with best practices and recent reviews of the correctional system as five years had passed since it had received Royal Assent.

Secondary Messages:

- This legislation provides for the provision of safe, secure and humane conditions to inmates and staff, while being governed by fundamental principles of justice that ultimately provide a modern, effective and progressive correctional system.

- The Act outlines a grievance procedure for inmates, a new disciplinary process, and focuses on specific needs of offenders.

- The Correctional Services Act was drafted to align with recommendations made in the Decades of Darkness Report and best practices in other provinces and territories.

- From 2011 to 2015, JPS was working on developing the regulations for the Act.

- Proclaiming the Act was the number one recommendation of the Deaths in Custody Review.
KEY MESSAGES

Justice and Public Safety
Sexual Violence Legal Support Program
February 25, 2019

Summary:

The Government of Newfoundland and Labrador is collaborating with the Public Legal Information Association of NL (PLIAN) and the Newfoundland and Labrador Sexual Assault Crisis and Prevention Centre (NLSACPC) to offer up to four hours of free legal advice to survivors of sexual violence to help them make informed decisions.

Anticipated Questions:
• What has the uptake been like?
• How does the program work?

Key Messages:

• In its first six months of operation, the program has served 50 clients. It is available anywhere in Newfoundland and Labrador, or for those living outside the province, who experienced sexual violence here, by telephone and e-mail.
• Our goal is to increase access to justice and support anyone in this province who has gone through a traumatic experience of sexual violence and now may be feeling lost and unsure about their legal rights and options.
• The Government of Newfoundland and Labrador wants to ensure that survivors of sexual violence are well informed about the legal system and understand their rights. The program helps break down barriers victims face when encountering the justice system.

Secondary Messages:

• The Federal Government provided funding to the Department of Justice and Public Safety to support this program.
• As of June 19, 2018, anyone 16 years of age or older who has experienced sexual violence can contact trained staff who assess and work with the individual’s particular needs and experiences and provide supportive referrals to a trauma-informed trained lawyer.
• As part of this program, PLIAN and NLSACPC have recruited 20 lawyers to be part of a roster of lawyers available to provide legal advice to survivors referred by this program. The roster includes lawyers who provide service in the areas of criminal, civil, labour and employment, human rights, immigration and family law as it relates to sexual violence.
KEY MESSAGES

Justice and Public Safety
SAR Inquiry
February 27, 2019

Summary:
The Premier announced in December 2018 that a Search and Rescue (SAR) inquiry would be initiated in 2019.

Anticipated Questions:
• When will the SAR Inquiry take place?
• How much will the SAR Inquiry cost?

Key messages:
• We are developing the Terms of Reference for the Search and Rescue inquiry.

• There are a number of logistical considerations before an inquiry can commence; location, resources and a determination of the budget.

• Hearings for the Search and Rescue inquiry would likely run while the Commissioner of the Muskrat Falls Inquiry is in a reporting phase. We anticipate the Search and Rescue inquiry to be smaller, more focused and less expensive than the Muskrat Falls Inquiry.

Secondary Messages:
• SAR continues to be an issue of provincial and national importance and one we take quite seriously.

• While considerable strides have been made in the province with respect to search and rescue, there is always room for improvement.

• The Senate review and recommendations could help form the basis of the provincial inquiry. We don’t want to duplicate the work already complete.
Fact Sheet:

Significant improvements have taken place since the Burton Winters tragedy:

- In 2012 protocol was developed where the JRCC would open a file in response to any request for service. JRCC will call the incident commander to get a sense of what was happening on the ground and closely monitor the situation
- The province purchased thermal imaging equipment to assist with searches
- Access to federal resources has vastly improved
- The province entered into an MOU with CASARA (Civil Air Search and Rescue)
- The Maritime Rescue Sub-Centre in St. John’s has re-opened

The federal government has made improvements to CCG’s SAR capacity as part of the Oceans Protection Plan:

- the construction of two new SAR lifeboat stations in Twillingate and Bay de Verde and;
- the refurbishment of the lifeboat station in St. Anthony as well as the reopening of the MRSC in St. John’s.
KEY MESSAGES

Justice and Public Safety
RCMP Resources
February 26, 2019

Summary:
The RCMP in Newfoundland and Labrador is changing how resources are deployed in order to achieve policing priorities and fulfill its public safety mandate. Some rural Mayors have expressed concern over what they see as a decrease in service.

Anticipated Questions:
• What changes are happening with the RCMP in the province?
• Why are these changes happening?

Key messages:
• The Department of Justice and Public Safety remains committed to working with communities and our police agencies to ensure all Newfoundlanders and Labradorians feel safe and secure. We have full confidence in the RCMP and its ability to protect and serve the people of this province.

• The RCMP in Newfoundland and Labrador is implementing change to ensure it has the right resources in the right places to enhance public safety, and to protect our communities and residents. These decisions are based on analyses of factors such as patterns of crime, demographic information, data on highway collisions, call volumes and health and safety of employees.

• The RCMP have advised that there has been a realignment of RCMP resources to enhance service delivery and increase public safety which is a top priority.

Secondary Messages:
• The safety and wellbeing of Newfoundlanders and Labradorians in all regions is extremely important and the Department of Justice and Public Safety will continue to support the RCMP.

• The Government of Newfoundland and Labrador, including the Minister of Justice and Public Safety and Attorney General, does not give direction to police. Police have independent authority to determine "operations".

• The RCMP determines staffing and organizational requirements based on police operational needs. To remain effective and efficient in providing a quality police service there must be openness to change, ability to adapt to local circumstances and a willingness to explore different strategies and service delivery models.
KEY MESSAGES

Justice and Public Safety
RCMP Postville
February 26, 2019

Summary:
The RCMP in Newfoundland and Labrador is changing how resources are deployed in Labrador to achieve policing priorities and fulfill its public safety mandate. The Mayor of Postville is expressing concerns over police presence in the community.

Anticipated Questions:
- Why has the RCMP limited patrols to Postville?
- Why are these changes happening?

Key messages:
- The RCMP has advised the Department of Justice and Public Safety that they have realigned resources in Labrador in order to meet short term operational needs.

- The Government of Newfoundland and Labrador, including the Minister of Justice and Public Safety and Attorney General, does not give direction to police regarding the deployment of resources in order to meet operational needs. While the Province is responsible for the administration of justice, the RCMP has responsibility for internal management and maintains operational independence.

- The Department remains committed to working with communities and our police agencies to ensure all Newfoundlanders and Labradorians feel safe and secure. We have full confidence in the RCMP and its ability to protect and serve the people of this province.

Secondary Messages:
- The safety and wellbeing of Newfoundlanders and Labradorians in all regions is extremely important and the Department of Justice and Public Safety will continue to support the RCMP.

- The RCMP in Newfoundland and Labrador is implementing change to ensure it has the right resources in the right places to enhance public safety, and to protect our communities and residents. These decisions are based on analyses of factors such as patterns of crime, demographic information, data on highway collisions, call volumes and health and safety of employees.

- The RCMP determines staffing and organizational requirements based on police operational needs. To remain effective and efficient in providing a quality police service there must be openness to change, ability to adapt to local circumstances and a willingness to explore different strategies and service delivery models.
Minister of Justice and Public Safety and Attorney General

Hon. Andrew Parsons

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*Items in grey fall under the responsibility of the Minister of Justice and Public Safety.

*Items in red fall under the responsibility of the Attorney General.